

Internal review: Complaints and new information

This information sheet is general in nature and provided for information purposes only. It is not intended to be a substitute for legal advice. You should seek your own legal advice as required.

Receiving internal review complaints or new information

Your agency may receive complaints about internal review decisions or may receive new information about a matter subject to internal review via:

- a second attempt at an internal review,
- your complaints and feedback mechanism
- general correspondence, or
- contact with senior members of your agency (for example, a councillor).

If your agency receives a complaint about an internal review decision, it should be referred to your internal review area and managed in line with your complaints management process.

Managing complaints

The Victorian Ombudsman [provides good practice guides](#) on managing complaints, of note:

- if the complaint is about a specific review officer's decision, you should ensure the complaint is handled by someone else (ideally a peer or manager of the review officer with the same delegated powers),
- you are encouraged, if possible, to put the fine on hold until the complaint is resolved,
- you should use learnings from complaints to continuously improve your internal review practice.

Possible outcomes for complaints and receiving new information

A person can only apply for an internal review for a specific fine once, see section 22(3)(e) of the *Infringements Act 2006* (Act).

Once an internal review decision is made, you do not have an express power under the Act to remake it.

It is possible that a complaint, or new information received after an internal review, may show, for example, that an error has been made or a different outcome would be fairer or more appropriate.

In these instances, you may consider using your broad power to withdraw the infringement notice under section 18 of the Act, including if you believe:

- the matter should be abandoned,
- an official warning should be served instead, or
- the fine should be withdrawn under general administrative law principles.

You should seek legal advice on a case-by-case basis to determine whether a fine should be withdrawn once new information is received.

Withdrawing a fine

You can withdraw a fine any time before:

- you register a fine with the Director, Fines Victoria for enforcement, or
- a Children's Court registrar makes an enforcement order for a child's fine.

You can withdraw a fine even if the person has paid in full (including any fees), see section 18(3) of the Act. If you withdraw a fine that has been paid or partially paid, you must refund the person, see section 18(5) of the Act.

Directing decision makers to change or reconsider a decision

A person cannot direct you to exercise your delegated powers in a certain way. If they do, the decision could be unlawful.

Depending on the nature of your agency, a person may also commit an offence if they direct internal review officers to exercise their powers and functions in a certain way. For example, section 124 of the Local Government Act 2020 applies to councillors directing council staff inappropriately.

Further information can be obtained via:



Email

Fines Victoria

internal-review-oversight@justice.vic.gov.au



By post:

Fines Victoria

PO Box 14487
Melbourne Victoria 8001