

Internal review oversight: Outcome letters for internal review

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.

Notice of outcome

Section 24(3)(b) of the *Infringements Act 2006* (the Act) requires an enforcement agency to serve the applicant with written notice of the review outcome within 21 days of deciding the review.



The notice of outcome should refer to the power the decision maker is exercising. It should clearly explain the outcome of the review. The outcome letter should also provide the applicant with reasons for the decision as well as the identity or an identifying reference of the enforcement agency's decision maker and the options available to the applicant.

Internal review outcomes

The decisions that can be made by an enforcement agency on review vary depending on the grounds that the application was made under. Section 25 of the Act provides further detail but in general the possible outcomes include:

- confirming the decision to serve an infringement notice
- withdrawing the infringement notice and serving an official warning
- withdrawing the infringement notice
- withdrawing the infringement notice and referring the matter to the Court
- waiving the penalty reminder notice fee
- approving a payment plan
- a combination of the above.



Providing reasons for the decision

Reasons are important to show that the application was determined fairly, to promote transparency and to improve the applicant's understanding of the decision. Providing reasons is also good administrative law practice.

For the review officer, writing reasons for each decision helps to ensure that the decision is rational and based on the specific facts of the application.

Reasons should explain the:

- evidence considered
- findings of fact and how these were reached, including why facts were or were not accepted
- application of law to the specific facts
- reasoning that led to the decision, linking the facts to the decision.

Reasons do not need to be extensive or overly detailed, however the agency is encouraged to provide sufficient detail so that the applicant is able to understand how the decision was reached.

Identifying the decision maker

The *'Investigation into three councils' outsourcing of parking fine internal reviews'* report by the Victorian Ombudsman recommended that the identity of the decision maker be made known to the applicant. Each outcome letter should include the name or an anonymised but identifying reference of the decision maker. This helps to verify the decision is authorised and valid, and it builds public confidence.

If an anonymised identifying reference is preferred, it should identify the individual who exercised the power, as opposed to only identifying the position title. For example, it may include the decision maker's initials, staff number and title.

Options available to applicants

Section 25(3) of the Act provides detail about the options available to the applicant depending on the grounds that the application was made under and the outcome.

The options available to the applicant if a matter is confirmed include:

- paying the fine in full
- applying for a payment plan or payment arrangement
- electing to have the matter heard in court
- making a Family Violence Scheme application
- becoming the subject of an application for a work and development permit.

Further information can be obtained via:



Email
Fines Victoria
internal-review-oversight@justice.vic.gov.au



By post:
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