



Victoria Government Gazette

By Authority of Victorian Government Printer

No. G 43 Thursday 27 October 2022

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GENERAL

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The last Special Gazette was No. 600 dated 26 October 2022.

The last Periodical Gazette was No. 1 dated 30 May 2022.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (General)
MELBOURNE CUP HOLIDAY WEEK 2022**

Please Note New Deadlines for General Gazette G44/22:

The Victoria Government Gazette (General) for Melbourne Cup week (G44/22) will be published on **Thursday 3 November 2022**.

Copy Deadlines:

Private Advertisements	9.30 am on Friday 28 October 2022
Government and Outer Budget Sector Agencies Notices	9.30 am on Friday 28 October 2022

Office Hours:

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

Where urgent gazettal is required after hours, arrangements should be made with the Government Gazette Officer on 0419 327 321.

KIM BURNESSE
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Creditors, next-of-kin and others having claims in respect of the estate of STEFAN PETRYSHYN, also known as Stefan Pietryszyn, deceased, late of 5 Owen Close, Frankston, Victoria, manager, who died on 26 January 2022, are requested to send particulars of their claims to the executors, Adam Victor Petryshyn, in the Will called Adam Petryshyn, and Eva Anne Lysenko, in the Will called Eva Petryshyn, care of the undersigned solicitors, by 30 December 2022, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

AITKEN PARTNERS, solicitors,
Level 28, 140 William Street, Melbourne 3000.

MICHAEL THOMAS AGIUS, late of Unit 107, 13 Highmoor Avenue, Bayswater, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 21 November 2021, are required by the personal representative, Bernard David Agius, to send particulars of their claim to him, care of the undermentioned solicitors, by 21 December 2022, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

ASHBY LEGAL,
PO Box 1258, Blackburn North, Victoria 3130.

ILONA HELEN SALAMON, also known as Helen Salamon, in the Will called Ilona Salamon, late of 7 Elberta Avenue, Templestowe Lower, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 29 April 2022, are required by the personal representative, Stephen Attila Salamon, to send particulars of their claim to him, care of the undermentioned solicitors, by 21 December 2022, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

ASHBY LEGAL,
PO Box 1258, Blackburn North, Victoria 3130.

Re: RUPERT EDWARD HOSKING, deceased, late of 8 Graemar Court, Kangaroo Flat, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 May 2022, are required by the trustees, Charles Hosking and Jennifer Robyn Byrne, care of Beck Legal, 177 View Street, Victoria, to send particulars to the trustees by 17 December 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

BECK LEGAL, solicitors,
177 View Street, Bendigo, Victoria 3585.

ROBERT THOMAS BRETT, late of 2 Boulevard de Tenao, Residence Auteuil, Monaco, tennis coach, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 5 January 2021, are required to send particulars thereof to the administrator, care of the undermentioned solicitors, by 28 December 2022, after which date the administrator may convey or distribute the assets, having regard only to the claims of which the administrator then has notice.

BECKWITH CLEVERDON REES, solicitors,
294 Collins Street, Melbourne 3000.

MARCELLO POMPEI, late of Unit 4, 6 Bedford Street, Reservoir, Victoria, painter, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 13 May 2022, are required by the executor, Frank Costanzo, care of Suite 2, 261–265 Blackburn Road, Doncaster East, Victoria 3109, to send particulars of their claims to him within 60 days of the date of this notice, after which date the executor may convey or distribute the assets of the estate, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 3 July 2022.

COSTANZO LAWYERS,
Suite 2, 261–265 Blackburn Road,
Doncaster East, Victoria 3109.
Ph: 03 9894 5888.

Re: Estate of MARIA LOTOCKYJ, late of TLC Warralily Gardens Aged Care, 2–28 Freda Road, Armstrong Creek, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 July 2022, are required by the trustees, Karin Angela Bauer, Debra Elzahbi, Thomas Edward White and Anne Patricia O’Loughlin, to send particulars of their claims to the trustees, care of the undermentioned legal practitioner, by 27 December 2022, being 60 days from advertisement, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

COULTER LEGAL,
Level 1, 235 Ryrie Street, Geelong 3220.

Re: Estate of MARJORIE JOYCE READ, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of MARJORIE JOYCE READ, late of 15 Kerferd Road, Glen Iris, Victoria, secretary, deceased, who died on 26 May 2022, are to send particulars of their claim to the executor, care of the undermentioned legal practitioners, by 28 December 2022, after which the executor will distribute the assets, having regard only to the claims of which she then has notice.

DMAC LEGAL,
62–64 Main Street, Upwey, Victoria 3158.

Re: MARGARET ROSE LUXON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 22 April 2022, are required by the trustee of the estate, Julieanne Margaret Glenister, to send particulars to her, care of the undermentioned solicitors, by 26 December 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she has notice.

DANAHER MOULTON,
Level 1, 276 High Street, Kew, Victoria 3101.

Re: GORDON GEOFFREY NEWMAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased,

who died 28 May 2022, are required by the trustees of the estate, Sheryl Joy Beard, Judy Ellison Newman and Leigh Meredith Kusuma, to send particulars to them, care of the undermentioned solicitors, by 26 December 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they have notice.

DANAHER MOULTON,
Level 1, 276 High Street, Kew, Victoria 3101.

JOHN ANTHONY BEMROSE, late of 35 Goold Street, Burwood, Victoria, labourer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 2022, are required by the executors, Equity Trustees Wealth Services Limited, ACN 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria, and Cyrene Margaret Hansen, to send particulars to them by 27 December 2022, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

DAVID DAVIS & ASSOCIATES,
Suite 2, 733 High Street, Thornbury,
Victoria 3071.

JOHN ANTHONY DONOHUE, late of 27 Larne Avenue, Donvale, Victoria, mechanic, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 May 2022, are required by the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria, to send particulars to it by 27 December 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

DAVID DAVIS & ASSOCIATES,
Suite 2, 733 High Street, Thornbury,
Victoria 3071.

WINIFRED ELIZABETH DUNN, late of Estia Health, 806 Plenty Road, South Morang, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 February 2022, are required by the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria, to send particulars to it by 27 December 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

DAVID DAVIS & ASSOCIATES,
Suite 2, 733 High Street, Thornbury,
Victoria 3071.

YVONNE MARY YORATH, late of Aveo Freedom Aged Care, 12 Lisson Grove, Hawthorn, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 June 2022, are required by the executor, Andrew John Ray, to send particulars to him, care of the undermentioned lawyers, by 27 December 2022, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

DAVID DAVIS & ASSOCIATES,
Suite 2, 733 High Street, Thornbury,
Victoria 3071.

Re: LAURETTE EDITH MATHER, late of 17 Spring Drive, Hoppers Crossing, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 May 2021, are required by the trustee, Leslie George Mather, to send particulars to the trustee, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: BERNARD THOMAS TOBIN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 August 2022, are required by

the trustees, Melissa Jane Galland and Timothy Bernard Tobin, care of Featherbys Lawyers of 14 Ninth Avenue, Rosebud, Victoria, to send particulars to the trustees by 29 December 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

FEATHERBYS LAWYERS, solicitors,
14 Ninth Avenue, Rosebud 3939.

EDWARD JAMES PARKER, late of Unit 8, 7 Bebs Court, Templestowe, Victoria 3106, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 August 2022, are required by the executor, Geoffrey Lawrence Day, to send particulars to him, care of the undermentioned solicitors, by 27 December 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

GOLDSMITHS LAWYERS,
52–54 Rosslyn Street, West Melbourne 3003.

Trustee Act 1958

SECTION 33 NOTICE

Notice to Claimants

GRAEME SIDNEY HILSON, late of Unit 3, 275 Springvale Road, Nunawading, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 May 2020, are required by Kenneth George Carland, care of Hartwell Legal of 8/1 Milton Parade, Malvern, Victoria 3144, the executor of the estate of the deceased, to send particulars of their claims by 27 December 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

HARTWELL LEGAL,
8/1 Milton Parade, Malvern, Victoria 3144.

Re: Estate of SOFIA KOKELIDIS.

Creditors, next-of-kin and others having claims against the estate of SOFIA KOKELIDIS, late of 231 Wickham Road, Moorabbin, Victoria,

retired, deceased, who died on 14 March 2020, are requested to send particulars of their claims to the administrator, care of the undermentioned lawyers, by 26 December 2022, after which date the administrator will distribute the assets, having regard only to the claims of which the administrator then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,
PO Box 16067, Collins Street West,
Victoria 8007.

Re: THOMAS ADOLF MARIA
VOESTEN.

Creditors, next-of-kin and others having claims against the estate of THOMAS ADOLF MARIA VOESTEN, late of Unit 4, 443 Napier Street, Fitzroy, Victoria, retired, deceased, who died on 1 September 2019, are requested to send particulars of their claims to the administrator, care of the undermentioned lawyers, by 26 December 2022, after which date the administrator will distribute the assets, having regard only to the claims of which the administrator then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,
PO Box 16067, Collins Street West,
Victoria 8007.

SUZANNE MARIE MITCHEM, late of Unit 2, 176 Bellevue Avenue, Rosanna, Victoria 3084, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 May 2022, are required by the trustee, Belinda Margaret Robins, to send particulars to her, care of the undersigned, by 31 January 2023, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

IRONGROUP LAWYERS,
Level 8, 533 Little Lonsdale Street,
Melbourne 3000.
Email: info@irongrouplawyers.com

Re: Estate of DOREEN LORRAINE
BENNETT, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of DOREEN LORRAINE BENNETT, late of Boort District

Health, 31 Kiniry Street, Boort, in the State of Victoria, home duties, deceased, who died on 19 July 2022, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 26 December 2022, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

JOLIMAN LAWYERS,
42 McCallum Street, Swan Hill, Victoria 3585.

Re: FRANCIS ALOYSIUS COSTA, late of 601, 6–8 Eastern Beach Road, Geelong, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 May 2021, are required to send particulars of their claims to the executors, care of Level 4, 555 Lonsdale Street, Melbourne, Victoria 3000, by 26 December 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

KCL LAW,
Level 4, 555 Lonsdale Street, Melbourne 3000.

Estate of SANDRA CRAWFORD-FISH.

Creditors, next-of-kin and others having claims in respect of the estate of SANDRA CRAWFORD-FISH, late of 4, 669 Toorak Road, Toorak, Victoria, deceased, who died on 1 August 2022, are required by the executors, Michael John Crawford-Fish, Jodie Louise Crawford-Fish and David Ian Gibbs, to send particulars of their claims to the executors, care of their undersigned lawyers, by 29 December 2022, after which date the executors will convey or distribute the assets, having regard only to the claims of which the executors then have notice.

LAWSON HUGHES PETER WALSH, lawyers,
Level 2, 533 Little Lonsdale Street,
Melbourne 3000.
susan@lhpw.com.au

ELLA TUDBALL, late of 24 Sutherland Street, Coburg, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 April 2022, are required by the executor, Stephen John Morton, to send

particulars to him, care of the undermentioned solicitors, by 26 December 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

McCRACKEN & McCRACKEN, lawyers,
Suite 4, 60 Railway Road, Blackburn,
Victoria 3130.

MARJORIE WILAMINA TWIGG, also known as Marjorie Willemina Twigg and Marjorie Wilhelmina Twigg, late of 6 Kennedy Street, Glenroy, Victoria 3046, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 20 January 2022, are required by the executor, Kerry Anne Collinson, care of Level 1, 638–640 Mt Alexander Road, Moonee Ponds, Victoria 3039, to send particulars of their claims to her by 30 December 2022, after which date the executor may convey or distribute the assets and distribute the estate, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 30 June 2022.

Dated 27 October 2022

MNG LAWYERS PTY LTD,
Level 1, 638–640 Mt Alexander Road,
Moonee Ponds, Victoria 3039.
PO Box 121, Essendon North, Victoria 3041.
Ph: 03 8371 1600.

Estate of GEORGE EDWARD WARREN TAYLOR, late of Unit 51, 264–272 Springvale Road, Nunawading, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 August 2022, are required by the executor, Gary Charles Taylor, to send particulars to him, care of the undermentioned solicitors, by 29 December 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

MAHONS with Yuncken & Yuncken, solicitors,
177 Surrey Road, Blackburn 3130.
SWM:2221644.

Re: FREDERICK ROBERT BARHAM, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 January 2022, are required by the personal representatives, David William Barham, Elizabeth Anne Apps and Andrea Margaret Gall, to send particulars to the personal representatives, care of Moores, Level 1, 5 Burwood Road, Hawthorn, Victoria, by 27 December 2022, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which the personal representatives have notice.

MOORES,
Level 1, 5 Burwood Road, Hawthorn,
Victoria 3122.

Re: CLIFFORD ROY LILES, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 June 2022, are required by the personal representative, David Jason Thyer, to send particulars to the personal representative, care of Moores, Level 1, 5 Burwood Road, Hawthorn, Victoria, by 27 December 2022, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which the personal representative has notice.

MOORES,
Level 1, 5 Burwood Road, Hawthorn,
Victoria 3122.

FAY PING CHAO, late of Malvern, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 July 2022, are required to send particulars of their claims to the executors, care of Nathan Yii Lawyers Pty Ltd, Level 1, 34 Queen Street, Melbourne, Victoria 3000, by 31 December 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

MARGARET BETTY WILLIAMSON, late of Sunbury, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 July 2022, are required to send particulars of their claims to the executors, care of Nathan Yii Lawyers Pty Ltd, Level 1, 34 Queen Street, Melbourne, Victoria 3000, by 31 December 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice

JAMES CARROLL LONG, late of 17 Laura Street, Caulfield South, Victoria, superannuation clerk, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 February 2022, are required by Perpetual Trustee Company Limited, ACN 000 001 007, of Level 29, 525 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 28 December 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

PERPETUAL TRUSTEE COMPANY LIMITED,
Level 29, 525 Collins Street, Melbourne,
Victoria 3000.

LEONTINA KATINAS, late of Oaklea Hall, 4 Earlstown Road, Hughesdale, Victoria 3166, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 January 2022, are required by the executors, Carolyn Joy Katinas and Amber Chloe Amethyst Scanlon, to send particulars of their claims to them, care of the undermentioned firm, by 28 December 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

PETER R. PURCELL & ASSOCIATES,
Suite 3, 81 Beach Road, Sandringham,
Victoria 3191.

ERWIN BRENNER, late of Bella Chara, 100 Weddell Road, North Geelong, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed

deceased, who died on 26 April 2022, are required by the trustee, Hilde Brenner, to send particulars of their claims to the trustee, in the care of the undermentioned legal practitioner, within 60 days from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

RALPH JAMES SMITH, solicitor,
6 The Centreway, Lara, Victoria 3212.

Re: KATHLEEN FRANCES WHEELER, late of Unit 2, 32 Railway Parade, Murrumbena, Victoria 3163, carer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 10 May 2022, are required by the administrator, Barry Francis Wheeler, to send particulars of their claims to him, care of the undermentioned solicitors, by 30 December 2022, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East,
Victoria 3123.
Ref: NMN: 223105.

Re: VALERIE MARGARET CRIMP, late of Kelaston Aged Care, 2-4 Park Street, Wendouree, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 July 2021, are required by the trustee, Rodney Malcolm Jacobs, of 903 Macarthur Street, Ballarat, Victoria, to send particulars to him, care of the undermentioned solicitors, by 3 January 2023, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

RODNEY JACOBS LAWYER,
903 Macarthur Street, Ballarat, Victoria 3350.

Re: SYLVIA GLADYS MORRISON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 January 2022, are required by the trustees, Michael William Gorton and

Sidney Peter Catlin, to send particulars to the trustees, care of the solicitors named below, by 26 December 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

RUSSELL KENNEDY, solicitors,
Level 12, 469 La Trobe Street, Melbourne,
Victoria 3000.

Re: MARK GEORGE HERGET, late of 50 Apex Avenue, Hampton East, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 June 2022, are required by Elaine Louise Overs, the trustee of the estate of the deceased, to send particulars of their claims to her, care of the undermentioned lawyers, by 4 January 2023, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

RUSSO PELLICANO CARLEI LAWYERS,
43 Atherton Road, Oakleigh, Victoria 3166.

EDITH ELIZABETH SZILADY, also known as Edith Elizabeth Vozar, also known as Suzan Bayer, late of Unit 6, 28 Whitby Street, Brunswick West, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 November 2017, are required by the personal representative, Eduard Feher, to send particulars to him, care of the undersigned solicitors, by 4 January 2023, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

SHARROCK PITMAN LEGAL,
Suite 2, 40 Montclair Avenue,
Glen Waverley, Victoria 3150.
PO Box 265, Glen Waverley, Victoria 3150.
binay@sharrocpitman.com.au

ERIC JOHN HODGENS, late of 100 Harbour Esplanade, Docklands, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 25 May 2022, are required to send particulars of their claims

to the executor, John Bernard Hannon, care of the undermentioned solicitors, by 27 December 2022, after which date the said executor will distribute assets, having regard only to the claims of which he then has notice.

T. J. MULVANY & CO., lawyers,
Suite 10, 214–216 Bay Street, Brighton 3186.

Re: JOHN ALAN CAMPBELL, also known as John Campbell, late of 107–111 Andersons Creek Road, Doncaster East 3109.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 5 July 2022, are required by the personal representatives, Debbie Nepean and Dale Evan Nepean, care of the undermentioned solicitors, to send particulars to them by 3 January 2023, after which date the said personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

TUCKER PARTNERS,
Level 34, 360 Collins Street, Melbourne 3000.

Estate of JEAN RUTH GILLETT, late of 35A Lakeview Drive, Lakes Entrance, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 May 2021, are required by the executor, Rohan Michael Hubbard, to send particulars to him, care of Warren, Graham & Murphy Pty Ltd, 119 Main Street, Bairnsdale, Victoria, by 9 January 2023, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

WARREN, GRAHAM & MURPHY PTY LTD,
119 Main Street, Bairnsdale, Victoria 3875.

Estate of JULIE ANN MACKIE, late of 70 Gatehouse Drive, Eastwood, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 April 2022, are required by the executor, Jennifer June Mackie, to send particulars to her, care of Warren, Graham & Murphy Pty Ltd, 119 Main Street, Bairnsdale, Victoria, by 8 March 2023, after which date the

executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

WARREN, GRAHAM & MURPHY PTY LTD,
119 Main Street, Bairnsdale, Victoria 3875.

Re: PAULINE ANN MARTUCCIO, of Unit 2, 40 Chifley Avenue, Altona, Victoria 3018, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 21 July 2022, are required by the executor, Laszlo Kohegyi, to send particulars of their claims to Wilckens Roche Lawyers, legal representatives for the estate, 43 Ferguson Street, Williamstown, Victoria 3016, by 27 December 2022, after which date the executor may convey or distribute the assets and distribute the estate, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 18 October 2022.

WILCKENS ROCHE LAWYERS,
43 Ferguson Street, Williamstown,
Victoria 3016.
PO Box 18, Williamstown, Victoria 3016.
Ph: 03 8383 5999.
Email: lawyers@wrl.com.au
LK:AF:220112.
Contact: Les Kohegyi.

MAURICE OSCAR VALK, late of 16 Kristina Court, Pakenham, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 27 April 2022, are required by the executor, Maria Doralba Gallego, care of Wollerman Shacklock Lawyers of Unit 2, 43 Rainier Crescent, Clyde North, Victoria, to send particulars of their claims to her by 25 January 2023, after which date the executor may convey or distribute the assets and distribute the estate, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 25 July 2022.

WOLLERMAN SHACKLOCK LAWYERS,
Unit 2, 43 Rainier Crescent, Clyde North,
Victoria 3978.

ADVERTISEMENT OF ONLINE AUCTION BY THE SHERIFF

On Thursday 1 December 2022 at 11.00 am, unless process is stayed or satisfied, all the estate and interest, if any, of the person(s) named below, in the land described below, will be auctioned online by the Sheriff.

Juan Pablo Rosales and Shuo Zhang both of 21 Eccles Way, Botanic Ridge, Victoria 3977, joint proprietors of an estate in fee simple in the land described on Certificate of Title Volume 11239 Folio 319 upon which is erected a house and known as 21 Eccles Way, Botanic Ridge, Victoria 3977.

The following recordings in the Register affect or may affect the land as at 14 October 2022:

- Registered Mortgage Dealing Number AH665397A;
- Registered caveat Dealing Number AV346039M;
- Agreement section 173 **Planning and Environment Act 1987** AC755801N;
- Agreement section 173 **Planning and Environment Act 1987** AC755822E;
- Agreement section 173 **Planning and Environment Act 1987** AD986828S;
- Notice section 45 **Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020** AT390559B;
- Covenant Number PS539502U;
- Owners Corporation 1 Plan No. PS539502U.

The Sheriff is unable to provide access to these properties. Refer to the advertisement on realestate.com.au for further information.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by EFT only, using OSKO.

Note: This is an online auction only. Online registration is required. A copy of the registration form can be obtained from the website listed below. All registration forms must be emailed to realestatesection@justice.vic.gov.au prior to the auction, to participate.

Please visit the Sheriff's Office Victoria Real Estate Section website at www.justice.vic.gov.au/sheriffrealestate for an information

sheet on Sheriff's Auctions, a contract of sale and further information. Alternately, you can contact the Sheriff's Office Victoria Real Estate Section at realestatesection@justice.vic.gov.au

SHERIFF OF VICTORIA

ADVERTISEMENT OF ONLINE AUCTION
BY THE SHERIFF

On Tuesday 29 November 2022 at 11.00 am, unless process is stayed or satisfied, all the estate and interest, if any, of the person(s) named below, in the land described below, will be auctioned online by the Sheriff.

Shan Han of 16A Gibson Street, Box Hill South, Victoria 3128, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 12264 Folio 684 upon which is erected a townhouse and known as 16A Gibson Street, Box Hill South, Victoria 3128.

The following recordings in the Register affect or may affect the land as at 19 October 2022:

- Registered Mortgage AM460606S;
- Registered Caveat AQ692697F;
- Registered Caveat AT680452E;
- Registered Caveat AV125175M.

The Sheriff is unable to provide access to these properties. Refer to the advertisement on realestate.com.au for further information.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by EFT only, using OSKO.

Note: This is an online auction only. Online registration is required. A copy of the registration form can be obtained from the website listed below. All registration forms must be emailed to realestatesection@justice.vic.gov.au prior to the auction, to participate.

Please visit the Sheriff's Office Victoria Real Estate Section website at www.justice.vic.gov.au/sheriffrealestate for an information sheet on Sheriff's Auctions, a contract of sale and further information. Alternately, you can contact the Sheriff's Office Victoria Real Estate Section at realestatesection@justice.vic.gov.au

SHERIFF OF VICTORIA

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

CITY OF MELBOURNE

NOTICE OF AMENDMENT OF AN INCORPORATED DOCUMENT

Notice is given pursuant to section 328 of the **Local Government Act 2020** that on 2 August 2022, the Future Melbourne Committee of the Melbourne City Council resolved to adopt the City of Melbourne Design and Construction Standards.

The Design and Construction Standards is incorporated by reference into the Council's Activities Local Law 2019 made under the **Local Government Act 1989**.

A copy of the updated standards is available online at <https://www.melbourne.vic.gov.au/building-and-development/standards-specifications/Pages/design-standards.aspx>

Alternatively, you can view the standards at the Customer Service Centre at Melbourne Town Hall, 120 Swanston Street, Melbourne, from 8.30 am to 5.00 pm, Monday to Friday (public holidays excluded).

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

Notice of the Preparation of an Amendment

Amendment C137latr

The Latrobe City Council has prepared Amendment C137latr to the Latrobe Planning Scheme.

The Amendment affects land within the Morwell Activity Centre (MAC) Study Area which is generally bounded by Fleming Street to the north, McDonald Street and White Street to the east and south east, Elgin Street to the south and Jane Street and Maryvale Crescent to the west and south west. The Amendment also affects residential land to the north west of the transit city boundary along Princes Drive, Morwell and to the south east of the transit city boundary along Commercial Road, Morwell.

The Amendment proposes to implement the land use and development directions from the Morwell Activity Centre Plan background reports and Morwell Activity Centre Plan (Latrobe City Council, 2022). The Morwell Activity Centre Plan (MACP) forms the basis of the Amendment which will guide future decision making as it relates to planning and design matters in the MAC. Generally, the Amendment introduces new zones, overlays and local planning policy into the Latrobe Planning Scheme to improve clarity and certainty for stakeholders about the role of the MAC in delivering increased housing, retail and employment opportunities.

Specifically, the Amendment proposes to:

- introduce Schedule 2 to Clause 37.08 (Activity Centre Zone) (Morwell Activity Centre) (ACZ2) to include the MACP, define four precincts within the centre and prescribe the form of development in each precinct and sub-precinct to meet the objectives of the MAC;
- amend Clause 11.01-1L (Latrobe settlement patterns – Morwell), Clause 11.03-1L (Activity centres) and Clause 17.03-1L (Sustainable industry) of the Planning Policy Framework;
- rezone Commercial 1 Zone (C1Z) land within the MAC to the ACZ2;
- rezone the majority of Mixed Use Zone (Schedule 1) (MUZ1) land within the MAC to ACZ2;
- rezone the remaining MUZ1 land within the MAC to Residential Growth Zone (Schedule 3) (RGZ3);
- rezone 1–19 Maryvale Crescent, Morwell from Neighbourhood Residential Zone (Schedule 4) (NRZ4) to ACZ2;

- rezone 141 Princes Drive, Morwell from MUZ1 and RGZ3 to ACZ2;
- rezone RGZ1 and RGZ3 land outside the Morwell Transit City boundary to General Residential Zone (Schedule 1) (GRZ1);
- rezone GRZ1 land within the Morwell Transit City boundary to RGZ3;
- amend Schedule 2 to Clause 45.09 (Parking Overlay) (Morwell Activity Centre) (PO2);
- apply the PO2 to all land proposed to be rezoned to ACZ2 within the MAC;
- delete the PO2 from residentially zoned land within and surrounding the MAC;
- apply the Environmental Audit Overlay (EAO) to identify potentially contaminated land;
- amend Latrobe Planning Scheme Zoning Maps 75, 76, 80 and 81;
- amend Latrobe Planning Scheme Parking Overlay Maps 75PO, 76PO and 81PO;
- delete Latrobe Planning Scheme Parking Overlay Map 80PO;
- amend Latrobe Planning Scheme Environmental Audit Overlay Maps 75EAO and 76EAO.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at: the Latrobe City Council website at www.latrobe.vic.gov.au/C137; during office hours (inspection of documents may be subject to COVID-19 restrictions and requirements), at the office of the planning authority, Latrobe City Council, Corporate Headquarters, 141 Commercial Road, Morwell, Victoria 3840; Morwell Library, 63–65 Elgin Street, Morwell, Victoria 3840; Traralgon Service Centre, 34–38 Kay Street, Traralgon, Victoria 3844; Churchill Service Hub, 9–11 Philip Parade, Churchill, Victoria 3842; Moe Service Centre, 1–29 George Street, Moe, Victoria 3825; and at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what

changes, if any, the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is 28 November 2022.

A submission must be sent to the Strategic Planning Department by mail: Latrobe City Council, PO Box 264, Morwell, Victoria 3840; or email: Latrobe@latrobe.vic.gov.au – Attention: Strategic Planning Department.

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

STEVEN PIASENTE
Chief Executive Officer

Planning and Environment Act 1987 **MOORABOOL PLANNING SCHEME**

Notice of the Preparation of an Amendment Amendment C101moor

The Moorabool Shire Council has prepared Amendment C101moor to the Moorabool Planning Scheme.

The land affected by the Amendment is two individual lots of land at 75 Browns Land, Parwan and 81 Browns Land, Parwan.

The Amendment proposes to remove the Heritage Overlay (HO194) which is incorrectly applied to 75 Browns Lane, Parwan and apply the Heritage Overlay (HO194) to 81 Browns Lane, Parwan.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at: the Moorabool Shire website at <https://www.moorabool.vic.gov.au/Building-and-planning>; during office hours, at the office of the planning authority: Darley Civic and Community Hub, 182 Halletts Way, Darley, Victoria 3340, open: Mon–Fri: 8.30 am–5.00 pm; Ballan Office: 15 Stead Street, Ballan, Victoria 3342, open: Mon–Fri: 8.30 am–5.00 pm; Lerderderg Library: 215 Main Street, Bacchus Marsh, open: Mon–Fri 8.30 am–5.00 pm; Sat 9.00 am–2.00 pm; or at the Department of Environment, Land, Water and Planning (DELWP) website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes, if any, the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is 27 November 2022. A submission must be sent to the Moorabool Shire Council, PO Box 18, Ballan, Victoria 3342.

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

CLIFF BOSTOCK
Coordinator Strategic Planning

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 28 December 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

CASTILLO, Maria, late of Unit 7, 1230 Centre Road, Clayton, Victoria 3168, deceased, who died on 31 August 2021.

CRUMP, Anthony Wayne, late of Unit 12, 63 Dight Street, Collingwood, Victoria 3066, deceased, who died on 10 February 2022.

EWIN, Kenneth William, late of Unit 2, 29 Brighton Street, Sandringham, Victoria 3191, deceased, who died on 2 May 2022. Date of Grant 18 October 2022.

MEISTER, Wilfred William, late of Mercy Place Abbotsford, 2 Clarke Street, Abbotsford, Victoria 3067, deceased, who died on 26 May 2022.

SPILSBURY, William Norman, late of Arcare Keysborough, 85 Stanley Road,

Keysborough, Victoria 3173, deceased, who died on 28 August 2022.

WILKIE, Leslie Raymond, late of Life Without Barriers – Ref: 33579, 6 Henderson Court, Bundoora, Victoria 3083, deceased, who died on 16 May 2022.

Dated 19 October 2022

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 30 December 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

ARGENT, Stella, late of Heathcote Health Aged Care, 39 Hospital Street, Heathcote, Victoria 3523, deceased, who died on 27 September 2020.

BARTSCH, Lynette, late of Illoura Residential Aged Care, 32–50 College Street, Wangaratta, Victoria 3677, deceased, who died on 16 May 2022.

BELL, Beverley Ann, late of Warramunda Village Hostel, Warramunda Drive, Kyabram, Victoria 3620, deceased, who died on 27 June 2022.

McMAHON, Raymond Michael, late of 69 Shorts Road, Coburg North, Victoria 3058, retired, deceased, who died on 16 May 2022.

SULLIVAN, Anthony William, late of Unit 13, 231 Tenth Street, Mildura, Victoria 3500, deceased, who died on 11 February 2022.

THORNE, James Donald, also known as James Thorne, late of Unit 25, 11 Bates Road, Warrnambool, Victoria 3280, deceased, who died on 22 September 2021.

WATSON, Elaine Coral, also known as Coral Watson, late of 475 Swansea Road, Lilydale, Victoria 3140, retired, deceased, who died on 9 July 2022.

WHITE, Kenneth John Francis, also known as Kenneth John White, late of 47 Templeton Street, Maldon, Victoria 3463, retired, deceased, who died on 6 June 2022.

Dated 21 October 2022



Building Act 1993

Building Regulations 2018

STATE BUILDING SURVEYOR

Notice of Building Product Revocation

In accordance with Regulation 248(1) of the Building Regulations 2018, the Victorian Building Authority (VBA) hereby provides information regarding the revocation of one Certificate of Accreditation by the Building Regulations Advisory Committee.

Dated 27 October 2022

ANDREW CIALINI

State Building Surveyor

A duly authorised delegate of the VBA

Building Act 1993

Schedule 14(2)

Building Regulations 2018

Regulation 246(1)

NOTICE OF REVOCATION OF CERTIFICATE OF ACCREDITATION

Name of product: Multipanel Balcony Waterproof Substrate System

Product description: External waterproof substrate system

Description of the purpose and use of the building product: Suitable for use for all classes of buildings.

Number of the certificate of accreditation: V15/02

Statement of revocation: Pursuant to regulation 246(1) of the Building Regulations 2018, this accreditation has been revoked by the Building Regulations Advisory Committee.

Date of revocation: 19 October 2022

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Bryan Crampton as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scale of fees and charges fixed by the following cemetery trusts.

The approved scales of fees and charges will take effect from the date of publication of this notice in the Victoria Government Gazette and will be published on the internet.

The fees will be published on the internet at <http://www.health.vic.gov.au/cemeteries>

The Avenel Cemetery Trust

The Bowman's Forest Cemetery Trust

The Chiltern Cemetery Trust

The Linton Cemetery Trust

Dated 19 October 2022

BRYAN CRAMPTON

Manager

Cemetery Sector Governance Support

Geographic Place Names Act 1998**NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES**

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Road Naming:

Change Request Number	Road Name	Locality	Authority and Location
152099	Sea Star Lane	Aspendale	Kingston City Council Previously part of Watkins Lane, the road is located southeast off Watkins Street.

Geographic Names Victoria

Land Use Victoria

2 Lonsdale Street

Melbourne 3000

CRAIG L. SANDY
Registrar of Geographic Names

Health Services Act 1988**NOTICE OF STAFF TRANSFER**

I, Mary-Anne Thomas, Minister for Health, under section 262 of the **Health Services Act 1988** ('the Act') determine that 7 November 2022 is to be the staff transfer date for the purposes of the list dated 30 September 2022 (being a list prepared under section 263 of the Act), of Melbourne Health employees to be transferred to Northern Health.

Dated 9 October 2022

HON. MARY-ANNE THOMAS MP
Minister for Health

Magistrates' Court Act 1989**NOTICE SPECIFYING MAGISTRATE TO THE
SPECIALIST FAMILY VIOLENCE COURT DIVISION**

Pursuant to section 41A(3) of the **Magistrates' Court Act 1989**, I assign the following magistrates to the Specialist Family Violence Court Division of the Magistrates' Court of Victoria:

Magistrate Natalie Heynes

Magistrate Heather Lambrick

Dated 24 October 2022

JUSTICE LISA HANNAN
Chief Magistrate

Health Services Act 1988
VICTORIAN DUTY OF CANDOUR GUIDELINES
 October 2022

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1. Victorian Duty of Candour Guidelines
1.1 Introduction

These guidelines are the Victorian Duty of Candour Guidelines (Guidelines) made by the Minister for Health as permitted by section 128ZF of the **Health Services Act 1988** to set out the steps a health service entity must take to discharge the Statutory Duty of Candour (SDC) under:

- (a) section 128ZC of the **Health Services Act 1988**;
- (b) section 22I of the **Ambulance Services Act 1986**; and
- (c) section 345B of the **Mental Health Act 2014**.

The Guidelines are a legislative instrument for the purposes of the **Subordinate Legislation Act 1994** and will take effect on 30 November 2022.

1.2 Health service entities that must comply with these Guidelines

The following health service entities must comply with these Guidelines in discharging the SDC:

- (a) a public health service;
- (b) a public hospital;
- (c) a multi-purpose service;
- (d) a denominational hospital;
- (e) a private hospital;

- (f) a day procedure centre;
- (g) an ambulance service within the meaning of the **Ambulance Services Act 1986**;
- (h) a non-emergency patient transport service within the meaning of the **Non-Emergency Patient Transport and First Aid Services Act 2003** that is licensed under that Act;
- (i) the Victorian Institute of Forensic Mental Health established by section 328 of the **Mental Health Act 2014**; and
- (j) a prescribed entity that provides health services.¹

1.3 Consequences for non-compliance with these Guidelines

The potential consequences for failing to comply with the SDC and these Guidelines include:

- (a) the Minister or the Secretary may take into account the failure of a health service entity to comply with the SDC when assessing:
 - i. whether the entity provides safe, patient-centred and appropriate services;
 - ii. the quality and safety of health services provided by the entity;²
- (b) the Minister may publish a statement on the Department's internet site setting out the name of a relevant health service entity if, in the Minister's opinion:
 - i. the relevant health service entity has failed to comply with the SDC on two or more occasions; and
 - ii. the failure to comply is of a serious nature.³

In the context of publication, this applies only to a relevant health service entity being:

- (a) a public hospital;
- (b) a public health service;
- (c) a multi-purpose service;
- (d) a denominational hospital;
- (e) a private hospital; or
- (f) a day procedure centre.⁴

Before publishing a statement, the Minister must give the relevant health service entity a reasonable opportunity to make oral or written submissions on the proposed publication of the statement.⁵

2. Definitions

In these Guidelines:

Apology means an expression of compassion, regret or sympathy in connection with any matter, whether or not the apology admits or implies an admission of fault in connection with the matter.⁶

Civil proceeding includes:

- (a) a proceeding before a tribunal;
- (b) a proceeding under an Act regulating the practice or conduct of a profession or occupation;

¹ See definition of 'health service entity' in section 4 of the **Health Services Act 1988**.

² section 128ZE of the **Health Services Act 1988**; section 22K of the **Ambulance Services Act 1986**; section 345D of the **Mental Health Act 2014**.

³ section 128ZH of the **Health Services Act 1988**.

⁴ section 128ZG of the **Health Services Act 1988**.

⁵ section 128ZI of the **Health Services Act 1988**.

⁶ section 128ZB(1) of the **Health Services Act 1988**.

- (c) a proceeding of a Royal Commission, whether established under the **Inquiries Act 2014** or under the prerogative of the Crown; and
- (d) a proceeding of a Board of Inquiry or Formal Review established under the **Inquiries Act 2014**.⁷

Harm includes moderate harm, severe harm and prolonged psychological harm.⁸

Moderate harm means harm that requires a moderate increase in treatment to a patient, such as an unplanned or unexpected return to surgery, but does not include harm that causes permanent damage or injury to an individual.⁹

Next of kin (NOK) is the patient's next of kin which may be any partner, parent, legal guardian, child or sibling of 18 years or older, or executor when a harm event causes death.

Patient refers to any patient including inpatients, consumers, clients or residents that have suffered a SAPSE in the course of receiving health services.

In circumstances where the patient lacks capacity or dies, the term patient also includes others who may be involved in the SDC process including the patient's immediate family, carer, NOK, or any person nominated by the patient.¹⁰

Prolonged psychological harm means psychological harm which a patient has experienced, or is likely to experience, for a continuous period of at least 28 days.¹¹

Protections refer to the protections that apply to the serious adverse patient safety event (SAPSE) review process, that are set out in sections 128R, 128S, 128U and 128W of the **Health Services Act 1988**. When a SAPSE review is conducted in accordance with Division 8 of Part 5A of the **Health Services Act 1988**, relevant protections apply.

Registered health practitioner means an individual who:

- (a) is registered under the Health Practitioner Regulation National Law to practise a health profession, other than as a student; or
- (b) holds non-practising registration under this Law in a health profession.¹²

SAPSE is defined as a serious adverse patient safety event in section 3(1) of the **Health Services Act 1988**, being an event of a prescribed class or category that results in harm to one or more individuals. A prescribed class or category is an event that:

- (a) occurred while the patient was receiving health services from a health service entity; and
- (b) in the reasonable opinion of a registered health practitioner, has resulted in, or is likely to result in, unintended or unexpected harm being suffered by the patient.

To avoid doubt, this includes an event that is identified following discharge from the health service entity.¹³

Note: Please also see definitions of moderate harm, severe harm, and prolonged psychological harm for context.

SAPSE review means a review of a SAPSE conducted in accordance with Division 8 of Part 5A of the **Health Services Act 1988**.

⁷ section 128ZB of the **Health Services Act 1988**; section 14 of the **Ambulance Services Act 1986**; section 345A of the **Mental Health Act 2014**.

⁸ Regulation 3A of the Health Services (Quality and Safety) Regulations 2020.

⁹ Regulation 3A of the Health Services (Quality and Safety) Regulations 2020.

¹⁰ section 128ZB of the **Health Services Act 1988**.

¹¹ Regulation 3A of the Health Services (Quality and Safety) Regulations 2020.

¹² section 5 of the **Health Practitioner Regulation National Law Act 2009** (Qld).

¹³ Regulation 3B of the Health Services (Quality and Safety) Regulations 2020.

SDC means the statutory duty of candour set out in section 128ZC of the **Health Services Act 1988**, section 22I of the **Ambulance Services Act 1986** and section 345B of the **Mental Health Act 2014**.

Secretary means the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department of Health.¹⁴

Sentinel event means an unexpected and adverse event that occurs infrequently in a health service entity and results in the death of, or serious physical or psychological injury to, a patient as a result of system and process deficiencies at the health service entity.¹⁵

Severe harm means harm that causes a permanent lessening in the functioning of an individual that is unrelated to the natural course of a person's illness or underlying condition including harm that can lead to a person experiencing a permanent impairment or disability, or death.¹⁶

3. SDC Requirements

SDC is a legal obligation for Victorian health service entities to ensure that patients and their families or carers are apologised to and communicated with openly and honestly when a SAPSE has occurred. It builds on the Australian Open Disclosure Framework currently utilised for all cases of harm and near miss.

3.1 SDC

If a patient suffers a SAPSE in the course of receiving health services, the health service entity responsible for providing those services owes a SDC to the patient and must do the following unless the patient has opted out:

- (a) provide the patient with:
 - i. a written account of the facts regarding the SAPSE;
 - ii. an apology for the harm suffered by the patient;
 - iii. a description of the health service entity's response to the event;
 - iv. the steps that the health service entity has taken to prevent re-occurrence of the event;
 - v. any prescribed information; and
- (b) comply with any steps set out in these Guidelines.¹⁷

3.2 Requirements

The steps set out in these Guidelines that must be followed are the Requirements below. The remainder of the Guidelines include recommendations that the health service entities may consider when discharging the SDC.

Stage 1: Apologise and provide initial information

- **Requirement 1:** The health service entity must provide a genuine apology for the harm suffered by the patient and initial information, as early as practicable (and no longer than 24 hours) after the SAPSE has been identified by the health service entity.
- **Requirement 2:** The health service entity must take steps to organise an SDC meeting within 3 business days of the SAPSE being identified by the health service entity.

¹⁴ section 3 of the **Health Services Act 1988**.

¹⁵ Regulation 3A of the Health Services (Quality and Safety) Regulations 2020.

¹⁶ Regulation 3A of the Health Services (Quality and Safety) Regulations 2020.

¹⁷ section 128ZC of the **Health Services Act 1988**; section 22I of the **Ambulance Services Act 1986**; and section 345B of the **Mental Health Act 2014**.

Stage 2: Hold the SDC meeting

- **Requirement 3:** The SDC meeting must be held within 10 business days of the SAPSE being identified by the health service entity.
- **Requirement 4:** The health service entity must ensure that it provides the following in the SDC meeting:
 - o an honest, factual explanation of what occurred in a language that is understandable to the patient;
 - o an apology for the harm suffered by the patient;
 - o an opportunity for the patient to relate their experience and ask questions;
 - o an explanation of the steps that will be taken to review the SAPSE and outline any immediate improvements already made; and
 - o any implications as a result of the SAPSE (if known) and any follow up for the patient.
- **Requirement 5:** The health service entity must document the SDC meeting and provide a copy of the meeting report to the patient within 10 business days of the SDC meeting.

Stage 3: Complete a review of the SAPSE and produce report

- **Requirement 6:** The health service entity must complete a review for the SAPSE and produce a report outlining what happened and any areas identified for improvement. If the SAPSE is classified as a sentinel event, the health service entity must also outline in the report clear recommendations from the review findings.
- **Requirement 7:** The report created from Requirement 6 must then be offered to the patient within 50 business days of the SAPSE being identified by the health service entity. If the SAPSE involves more than one health service entity, this may be extended to 75 business days of the SAPSE being identified by the initial health service entity.

Documentation and reporting

- **Requirement 8:** The health service entity must ensure that there is a record of the SDC being completed, including clear dates of when the SAPSE occurred and when each stage of the SDC was completed.
- **Requirement 9:** The health service entity must report its compliance with the SDC as legally required.

3.3 Where patients do not want to be involved in the SDC process

Patients may opt out from participating in the SDC process or from receiving information from a health service entity. If a patient confirms that they wish to opt out of the SDC process, the health service entity must:

- ask them to sign a statement to this effect and store this in an appropriate location;¹⁸ and
- provide a point of contact, such as a consumer liaison officer, if the patient wishes to re-initiate the SDC process at any time.

When a patient has opted out, the relevant health service entity does not have to comply with the Requirements in these Guidelines, or the SDC process within the relevant Acts. However, it is recommended that the health service entity conduct an adverse event review to ensure relevant information is recorded when relevant staff are available. This is recommended as the patient may later re-initiate their participation in the SDC process and elect to receive information required under the SDC.¹⁹ If this occurs, the commencement date must be clearly documented in an appropriate location, and the requirements within these Guidelines must then be followed.

¹⁸ section 128ZC of the **Health Services Act 1988**.

¹⁹ section 128ZC of the **Health Services Act 1988**.

3.4 Circumstances requiring a delay

There may be circumstances where the SDC process needs to be delayed, including:

- if the patient lacks or has lost their capacity (either temporarily or permanently) through the harm; or
- the patient is medically unable to participate (either temporarily or permanently through the progression of their medical condition).

If the above applies and has been assessed and documented by an appropriate medical professional, the health service entity must undertake SDC with:

- the patient's immediate family, carer or NOK; or
- a person nominated by the patient.

This must occur, unless the relevant person is not available, or they have opted out.

When the patient recovers capacity, regardless of whether the SDC has occurred with a person outlined in the list above or not, the health service entity must commence the SDC process again with the patient (unless the patient has opted out). The agreed commencement date must be clearly documented in the appropriate location, and the requirements within these Guidelines must then be followed.

Important note:

If the patient requests a delay within the SDC process, or the patient is not yet ready to participate, the health service entity must:

- negotiate a preferred date for the health service entity to contact the patient; or
- provide the details of a point of contact, such as a consumer liaison officer at the health service entity, if the patient prefers to re-initiate the next interaction.

Once the patient and the health service entity have an agreed commencement date for the SDC, it must be clearly documented in the appropriate location, and the requirements within these Guidelines must then be followed.

If there is a delay in conducting the SDC meeting, the health service entity must continue with Requirements 6 to 9 regardless.

For further patient considerations, refer to the '*Victorian Duty of Candour Framework*'.

4. SDC process

When responding to a SAPSE, the immediate priority is the safety and care of the patients and staff involved, and then identifying if there is a risk to other patients, members of the public or other staff members.

The SDC process must commence as soon as a health service entity becomes aware of the SAPSE, either through the clinical incident management system or when identified by a clinician, patient, NOK, family or carer.

4.1 Stage 1: Apologise and provide initial information

4.1.1 Apologise

Requirement 1: The health service entity must provide a genuine apology for the harm suffered by the patient and initial information, as early as practicable (and no longer than 24 hours) after the SAPSE has been identified by the health service entity.

The apology must be provided to the patient, or if the patient lacks capacity or has died, the patient's immediate family, carer, NOK or a person nominated by the patient, as early as practicable and clinically appropriate with regards to the needs of the patient. The health service entity may decide on the appropriate person to provide the apology, such as a suitably qualified health professional.

The health service entity should consider the following in providing the apology:

- express compassion, regret or sympathy;
- say the words ‘I am/We are sorry’; and
- avoid jargon or legalistic wording.

Apology not an admission of liability

In a civil proceeding where the death or injury of a person is in issue or is relevant to an issue, an apology:

- (a) does not constitute an express or implied admission of liability for the death or injury; and
- (b) is not relevant to the determination of fault or liability in connection with that proceeding.

This is relevant whether the apology is made orally or in writing or is made before or after the civil proceeding was in contemplation or commenced.

Evidence of an apology made by or on behalf of a person or a health service entity in connection with any matter alleged to have been caused by the person or health service entity is not admissible in any civil or disciplinary proceedings as evidence of the fault or liability of the person or health service entity in connection with that matter.²⁰

Note: Nothing in this section affects the admissibility of a statement with respect to a fact in issue or tending to establish a fact in issue.

4.1.2 Provide initial information

The initial information may be provided with the initial apology, however, should ideally be performed by a suitably qualified health professional.

When providing initial information, the health service entity must:

- provide factual information that is known at the time about the event;
- offer written patient information on the adverse event review process (e.g. information flyer); and
- provide the details of key contacts the patient can liaise with, including where relevant, an Aboriginal Hospital Liaison Officer (AHLO).

When providing initial information, the health service entity should:

- be sensitive and empathetic;
- acknowledge that these events can be confronting matters for patients to deal with; and
- avoid inferring blame, admitting fault or offering opinion.

The health service entity may also consider providing further information including:

- confirming the patient knows how to access their health records if necessary;
- confirming any specific needs of the patient, including cultural or linguistic requirements;
- confirming how the patient would like to be communicated with;
- attempting to answer any questions the patient has since providing the initial information. If the questions cannot be answered immediately, the health service entity should record these questions and inform the patient they will be addressed as part of the SDC process;

²⁰ section 128ZD of the **Health Services Act 1988**; section 22J of the **Ambulance Services Act 1986**; section 345C of the **Mental Health Act 2014**.

- outlining how the patient can raise concerns outside of the SDC process, including the health service entity's internal complaints process, or the Health Complaints Commissioner (HCC) or Mental Health Complaints Commissioner (MHCC); and
- informing the patient they can still seek legal redress outside of this process.

Where the harm has resulted in the patient's death, the health service entity should consider:

- advising the NOK that there may be additional processes involving third parties, such as the Coroner, and that coronial investigations or inquests may incur lengthy timelines; and
- providing psychological support for the NOK and any staff affected by the death.

4.1.3 Organise the SDC meeting

Requirement 2: The health service entity must take steps to organise an SDC meeting within three business days of the SAPSE being identified by the health service entity.

At a minimum, the health service entity must confirm with the patient:

- when and where the SDC meeting will be held;
- who will be at the meeting, including staff and representatives the patient would like to invite;
- details of the meeting, including informing them that they will have the opportunity to relate their experience and ask any questions they may have. The health service entity may recommend that the patient write these down in preparation for the SDC meeting; and
- details of key contacts, such as a family liaison person, if the patient has any questions before the meeting.

Note: See section 3.4 'Circumstances requiring a delay' for guidance.

In preparing for the meeting, the health service entity may consider the following:

- designing the meeting with the attendee's needs in mind, such as having the meeting over video conference;
- the opportunity for further planning and discussions before the SDC meeting;
- offering the patient practical and emotional support at each stage of the process, such as paying for travel or parking costs to attend the SDC meeting;
- having an internal planning discussion before the SDC meeting, including who will lead the meeting;
- ensuring all relevant facts have been collected and understood, including seeking advice from relevant staff;
- seeking advice from an AHLO for any events involving Aboriginal and Torres Strait island patients; and
- patient preference in regard to relevant staff at the meeting, if the patient requests certain staff do not attend.

4.2 Stage 2: Hold the SDC meeting

Prior to the SDC meeting, a health service entity must ensure the patient understands the agenda of the meeting and highlights any questions they may want answered.

A health service entity may anticipate emotional reactions from the affected parties or staff involved. Although research has shown that patients may feel anxiety, depression or trauma in response to an incident, these issues can be lessened when a clinician explains the incident compassionately and honestly to them.²¹

²¹ O'Connor E, et al. (2010) Disclosure of patient safety incidents: a comprehensive review. *International Journal for Quality in Health Care*, 22(5), pp 371–379.

4.2.1 Hold the SDC meeting

Requirement 3: The SDC meeting must be held within 10 business days of the SAPSE being identified by the health service entity.

At a minimum there must be:

- one member from the health service entity who is experienced and suitably qualified in open disclosure or the SDC process; and
- a senior member of the clinical team that was involved (e.g. doctor or nurse).

There may also be:

- a member of the quality team; and
- a trainee or junior staff member from a development and organisational culture point of view.

The SDC meeting is an opportunity for the health service entity to provide all required information, and for the patient to ask questions and relate their experience about the event.

Note: See section 3.4 ‘Circumstances requiring a delay’ for guidance.

Requirement 4: The health service entity must ensure that it provides the following in the SDC meeting:

- an honest, factual explanation of what occurred in a language that is understandable to the patient;
- an apology for the harm suffered by the patient;
- an opportunity for the patient to relate their experience and ask questions;
- an explanation of the steps that will be taken to review the SAPSE and outline any immediate improvements already made; and
- any implications as a result of the SAPSE (if known) and any follow up for the patient.

In attending the SDC meeting, the health service entity must:

- take measures to make the attendees feel supported in the meeting. For example, provide materials for them to take notes, and offering a comfortable, quiet environment to conduct the meeting;
- present a full, frank and honest explanation of what is known to have occurred. Use terminology and phrases that are likely to be understood by the attendees. A professional interpreter should be considered in this meeting;
- apologise to the patient again for the harm suffered;
- allow the patient opportunity to relate their experience. Ask them to share their own thoughts on the event and the outcomes they are seeking from the SDC process;
- ensure there is sufficient time for the attendees to ask questions;
- explain the steps the health service entity is taking to review and manage the event, and any immediate improvements that have been made or will be made to prevent similar harm in the future (if applicable). This information may not be complete at the time of this meeting, however the patient should be informed that more details will be available in a subsequent review report; and
- inform those at the meeting about the implications of the SAPSE, especially any immediate or long-term health or other consequences (if known). Develop a plan to ensure the patient receives appropriate treatment, including notifying their local health service or general practitioner (if agreed).

Immediately after the meeting

The health service entity may consider compiling the initial details of the meeting and provide this to the patient immediately following, including:

- who was present;
- the time and date of the meeting;
- confirmation that all elements of the SDC were discussed;
- a point of contact for ongoing follow up;
- clear details of the future timelines and requirements of the SDC process; and
- any other comments or questions for noting.

A copy of this note should then be filed in the appropriate records.

4.2.2 Provide a copy of the SDC meeting report

Requirement 5: The health service entity must document the SDC meeting and provide a copy of the meeting report to the patient within 10 business days of the SDC meeting.

The meeting report must include a detailed account of all the different elements of SDC that were discussed. Documentation of the SDC meeting should follow usual clinical documentation conventions and expand on the initial note given after the meeting.

The health service entity may consider offering the meeting report in a language understandable to the patient. If the report requires translation, inform the patient that this may require more time and document any delay in the appropriate location.

A copy of the SDC meeting report must be stored in an appropriate location.

4.3 Stage 3: Complete a review of the SAPSE and produce report**4.3.1 Complete a review of the SAPSE**

Requirement 6: The health service entity must complete a review for the SAPSE and produce a report outlining what happened and any areas identified for improvement. If the SAPSE is classified as a sentinel event, the health service entity must also outline in the report clear recommendations from the review findings.

Requirement 7: The report created from Requirement 6 must then be offered to the patient within 50 business days of the SAPSE being identified by the health service entity. If the SAPSE involves more than one health service entity, this may be extended to 75 business days of the SAPSE being identified by the initial health service entity.

If the SAPSE involves more than one health service entity and the report is extended to 75 business days, this delay must be clearly communicated with the patient and documented in the appropriate location.

The report created as a result of the review must include the matters required by section 128ZC of the **Health Services Act 1988**, being:

- a written account of the facts regarding the SAPSE;
- an apology for the harm suffered by the patient;
- a description of the health service entity's response to the event; and
- the steps that the health service entity has taken to prevent re-occurrence of the event.²²

As part of the SDC process, the review report must then be offered to:

- the patient; or
- if the patient is deceased or lacks capacity, a person nominated by the patient, the immediate family, carer or NOK of a patient.

²² Also see section 221 of the **Ambulance Services Act 1986**; and section 345B of the **Mental Health Act 2014**.

The review is part of the ongoing information gathering process of the SDC. The resulting report forms part of the response to the patient. The health service entity must:

- avoid jargon or legalistic wording, and
- ensure the patient is aware of the timeline for review.

The health service entity may also consider offering the report in a language understandable to the patient. If the report requires translation, inform the patient that this may require more time and document any delay in the appropriate location.

Note: If the health service entity appoints a panel to conduct a review in accordance with Division 8 of Part 5A of the **Health Services Act 1988**, relevant protections apply to the review process, and it will be called a ‘SAPSE review’. If a ‘SAPSE review panel’ is not formed to produce a ‘SAPSE review report’ in accordance with the **Health Services Act 1988** and relevant regulations, it will not be a ‘SAPSE review’ or have relevant protections apply. It is important to note that a ‘SAPSE review’ is not mandatory and does not need to be completed for all SAPSE.

Following the review

When the relevant review or investigation is complete, the health service entity should consider providing the patient with feedback through face-to-face interview or equivalent (e.g. videoconference).

5. Documentation and reporting

Requirement 8: The health service entity must ensure that there is a record of the SDC being completed, including clear dates of when the SAPSE occurred and when each stage of the SDC was completed.

Requirement 9: The health service entity must report its compliance with the SDC as legally required.

Mandatory documentation and reporting requirements will demonstrate compliance with the SDC process. While governed at an organisational level, relevant staff must be trained to adhere to and understand the steps required to ensure correct records are prepared and maintained.

The health service entity must ensure it:

- has an appropriate reporting system to monitor compliance with the SDC such as a clinical incident management system; and
- report compliance with the SDC undertakings to the relevant bodies as legally required. These reports allow the health service entity’s board to monitor the SDC and must be made available for auditing by the relevant bodies.

The reporting requirements are detailed in:

- the Health Services (Health Service Establishments) Regulations 2013 for health services that are health service establishments under the Act; and
- the Policy and Funding Guidelines for health services that are funded agencies.

Note: If it is identified through the review process that a health professional has acted in a way that constitutes notifiable conduct under the **Health Practitioner Regulation National Law Act 2009**, a staff member must submit a concern to the Australian Health Practitioner Regulation Agency (Ahpra). It is recommended that this referral take place after a discussion has occurred with the relevant staff member.

6. Review

These Guidelines may be reviewed and updated periodically and following significant incidents if they occur. Feedback received from patients and NOK will be considered as part of the review process. Where possible, when the Guidelines are reviewed, collaboration will occur with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

7. Further information

Further information and resources about the Statutory duty of candour <<https://www.safercare.vic.gov.au/support-training/adverse-event-review-and-response/duty-of-candour>> can be found on the Safer Care Victoria (SCV) website.

This includes a link to additional information and resources that have been designed for health service entities in Victoria outlined within this document. Relevant contact information can also be found on the SCV website.

8. Related Acts and other resources**Ambulance Services Act 1986**

Expert Working Group report on statutory duty of candour

Health Legislation Amendment (Quality and Safety) Act 2022**Health Services Act 1988**

Health Services (Quality and Safety) Regulations 2020

Learning and education | Safer Care Victoria

Mental Health Act 2014

Policy: Adverse patient safety events

Protections for serious adverse patient safety event (SAPSE) reviews

Statutory Duty of Candour and protections for SAPSE reviews | Safer Care Victoria

Targeting zero report: Better, Safer Care, Delivering a world-leading healthcare system

The Australian Open Disclosure Framework

Victorian Duty of Candour Framework

Victorian sentinel events guide

Housing Act 1983**HOMES VICTORIA IS DEEMED TO HAVE AN INTEREST IN LAND
UNDER SECTION 107 OF THE HOUSING ACT 1983**

Launch Housing Ltd

Homes Victoria hereby issues the following declaration pursuant to section 107 of the **Housing Act 1983** (the Act).

1. Homes Victoria and Launch Housing Ltd have agreed in writing that the following land of which Launch Housing Ltd is registered as proprietor is land to which section 107 of the Act should apply and is therefore land in which Homes Victoria is deemed to have an interest under section 107.

Volume	Folio	Address
11840	955	201/1 Allan Street, Dandenong 3175, Victoria
11840	955	202/1 Allan Street, Dandenong 3175, Victoria
11840	955	203/1 Allan Street, Dandenong 3175, Victoria
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11840	955	710/1 Allan Street, Dandenong 3175, Victoria

Dated 12 October 2022

Signed at Melbourne in the State of Victoria
BEN RIMMER
CEO, Homes Victoria

Infringements Act 2006**ATTORNEY-GENERAL'S GUIDELINES TO THE INFRINGEMENTS ACT 2006
FOR ENFORCEMENT AGENCIES**

2022 Edition

Department of Justice and Community Safety

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1. INTRODUCTION

In this section

- The purpose of, and the legislative authority for, the Attorney General’s Guidelines to the **Infringements Act 2006** for Enforcement Agencies (these guidelines).
- An overview of the Victorian infringements system and its statutory framework
- Information about the Attorney-General’s annual report on the infringements system, and
- General information about Fines Victoria’s role in the collection, management, and enforcement of fines.

1.1 Purpose

The purpose of these guidelines is to provide guidance to enforcement agencies on their responsibilities in administering the **Infringements Act 2006** (Infringements Act).

These guidelines complement the Attorney-General’s Guidelines to the Infringements Act for legislating agencies (Attorney-General’s Guidelines for Legislating Agencies). The Attorney-General’s Guidelines for Legislating Agencies provide guidance on creating new infringement offences and penalty setting, including consulting with the Infringements System Oversight Unit (ISOU) within the Department of Justice and Community (DJCS).

These guidelines apply to all infringements¹ enforced by enforcement agencies and aim to ensure fairness and consistency across the Victorian infringements system.

They do not comprehensively cover the operation of internal reviews under the Infringements Act, or schemes administered by the Director, Fines Victoria (Director) under the **Fines Reform Act 2014** (Fines Reform Act). These matters are the subject of separate guidelines. These guidelines are available on the DJCS and Fines Victoria websites.

1.2 Authorising provision

These guidelines are made under section 5 of the Infringements Act and take effect on the day of their publication in the Government Gazette. The Attorney-General’s Guidelines to the **Infringements Act 2006** published in Gazette G 26 on 29 June 2006 are revoked on the day these guidelines take effect.

1.3 The Victorian infringements system

The Victorian infringements system operates as part of the wider Victorian criminal justice system. Enforcement agencies which issue infringement notices exercise criminal law enforcement powers. General information on the Victorian infringements system can be found at section 1.3 of the Attorney-General’s Guidelines for Legislating Agencies.

1.4 Statutory framework

In Victoria, the issuing, management, and enforcement of infringement notices is governed by the Infringements Act, the Fines Reform Act, the Infringements Regulations 2016 (Infringements Regulations) and the Fines Reform Regulations 2017 (Fines Reform Regulations) (in these guidelines collectively referred to as ‘fines legislation’).

Other relevant legislation that forms part of the broader infringements framework includes the **Road Safety Act 1986**, **Children, Youth and Families Act 2005** (CYF Act), **Sheriff Act 2009**, **Criminal Procedure Act 2009** and the **Magistrates’ Court Act 1989**.

Infringements can be issued under State and local laws. All infringement notices – whether issued by a State government, local government, or other enforcement agency – are governed by fines legislation.

¹ In these guidelines, except where the phrases ‘court imposed fine’ or ‘court fine’ appear, the word ‘infringement’ is used interchangeably with the words ‘fine’, ‘infringement fine’ and ‘infringement matter’. An infringement notice is a notice issued by an enforcement agency setting out the particulars of an infringement offence. References to an ‘infringement notice’ in context may refer to the specific notice or the fine.

The Infringements Act sets out:

- procedural requirements for the issuance and management of infringement notices, including the provision of payment plans and the conduct of internal reviews by enforcement agencies, and
- a process for matters originating by infringement notice to be referred to the Magistrates' Court (or, if the fine recipient is a child, the Children's Court) for hearing and determination.

The Infringements Regulations set out matters required to be prescribed under the Infringements Act, including:

- the statistical data required to be reported by enforcement agencies to the Attorney General, and
- the content that must be included on notices served under the Infringements Act, such as infringement notices, official warnings, penalty reminder notices and withdrawals of infringement notices or official warnings.

The Fines Reform Act provides for:

- the enforcement of infringement and court-imposed fines by the Director
- the registration of unpaid infringement penalties with the Director except where the fine recipient is a child, the offence is under a local law, or the offence is otherwise prescribed as nonregistrable
- the administration of payment arrangements by the Director
- enforcement review and other schemes administered by the Director (the Work and Development Permit scheme, the Time Served scheme and the Family Violence Scheme)
- unpaid fines to be enforced by the Director through criminal sanctions such as driver and vehicle sanctions (for example, suspension of a driver licence or vehicle registration), charges over land, sale of land, and attachment of debt and earnings, and
- enforcement warrants to be issued by the Magistrates' Court where fines remain unpaid, authorising other sanctions by the Sheriff of Victoria such as the clamping of vehicles, removal of number plates, seizure of property and arrest of fine defaulters.

Where the fine recipient is under the age of 18 at the time of offending, the CYF Act and the Infringements Act set out the procedure for enforcement of infringement notices. An outstanding infringement fine issued to a child may only be registered for enforcement with the Children's Court through the Children and Young Persons Infringement Notice System (CAYPINS). It cannot be registered or enforced by the Director.

1.5 General information about Fines Victoria's role

Fines Victoria provides administrative services on behalf of DJCS, supporting the administrative management of infringement fines by many Victorian Government agencies from the time that an infringement fine is issued. These services include sending out infringement-related notices on behalf of agencies, collecting payments, processing payment plans and undertaking administrative steps to support the internal review process under the Infringements Act.

These responsibilities are in addition to the legislative responsibilities of the Director under the Fines Reform Act which mainly relate to the registration of unpaid fines for enforcement by the Director.

If eligible to be covered by the Victorian Government's administrative services through Fines Victoria, an enforcement agency is encouraged to enter a memorandum of understanding with DJCS instead of administering the enforcement of an offence itself. Using Fines Victoria's administrative services promotes efficiency, consistency of practice, and simplicity for fine recipients.

Fines Victoria can:

- assist legislating and enforcement agencies with the operational steps required to onboard a new enforcement agency proposed to enforce infringement offences
- provide general information in relation to enforcement agency responsibilities under fines legislation
- provide updates to enforcement agencies about annual changes to the value of fee and penalty units under the **Monetary Units Act 2004**, and
- provide operational guidance and information on registering fines with the Director and processes following registration.

For more assistance, enforcement agencies can contact:

- For operational queries about working with Fines Victoria, the agency enquiries contact address at FinesVictoriaAgencyEnquiries@justice.vic.gov.au
- For general information about fines legislation and details of infringement offences, the ISOU at isou@justice.vic.gov.au

2. ENFORCEMENT AGENCIES' RESPONSIBILITIES UNDER THE INFRINGEMENTS ACT

This chapter outlines enforcement agencies' responsibilities under the Infringements Act for issuing, reviewing, administering payment plans for, and reporting on infringement matters. It also includes information about prosecuting matters as an alternative to enforcement by infringement.

2.1 Issuing infringement notices

In this section

This section sets out how issuing officers can meet their obligations to:

- be properly authorised to issue infringement notices
- properly exercise their discretionary powers
- deal appropriately with vulnerable persons, and
- comply with operational requirements for issuing infringement notices.

The legitimacy of an infringements scheme depends on a properly managed process for issuing notices.

2.1.1 Authority to issue

An infringement notice can only be issued by an officer authorised to exercise that power. Issuing or authorised officers belong to a specified class of persons.

If the power to issue a notice can be delegated, the delegation should be restricted to persons of suitable seniority and expertise.

Prior to issuing infringements the enforcement agency should review the authorising legislation and ensure issuing officers are appropriately authorised to exercise enforcement powers.

2.1.2 Exercising discretionary powers

A decision to issue an infringement notice requires the issuing officer to exercise their discretion. An issuing officer has the power to choose whether to issue an infringement notice or an official warning, consider that the enforcement agency prosecute the person, or take no action.

Enforcement agencies should ensure that issuing officers:

- use discretionary powers in good faith and for a proper, intended, and authorised purpose, and
- act within the limits of their powers.

When exercising discretion, issuing officers must comply with a range of legal principles, such as acting lawfully, impartially and reasonably. These principles are set out in the model code of conduct for issuing officers in *Appendix 2 – Model Code of Conduct* for issuing officers of these guidelines and more generally in section 3.1- *General matters to be covered in policies and guidelines*.

Enforcement agencies must ensure there is proper accountability for the exercise of powers by issuing officers, for example through internal disciplinary mechanisms.

2.1.3 Dealing with vulnerable persons

When a person from a vulnerable cohort may have committed an offence, enforcement agencies should ensure that issuing officers are trained to be respectful and sensitive to the person's needs and have regard to their circumstances before deciding to issue an infringement notice.

A person may be considered vulnerable if they are experiencing a range of circumstances that may affect their ability to comply with the law or shape their interactions with the law. This may include if they:

- are homeless
- have financial difficulties
- have a serious addiction to alcohol and other drugs
- are experiencing family violence
- have a disability, including cognitive disability
- are experiencing mental health issues
- are a child or young person, or
- are a member of a Culturally and Linguistically Diverse (CALD) or Aboriginal and/or Torres Strait Islander community group.

Enforcement agencies should develop guidance for issuing officers on how to identify signs of vulnerability, as well as how issuing officers conduct themselves when dealing with vulnerable people.

Enforcement agencies should ensure information supporting a fine recipient to understand the fine and their options is available in a range of accessible and culturally appropriate formats, for example using simple language, in languages other than English, and in large print.

2.1.4 Operational requirements

Enforcement agencies must ensure that issuing officers confirm all statutory and prescribed details required for an infringement notice under the Infringements Act and Infringements Regulations, which includes but is not limited to:

- the person's name
- (if a natural person) the person's date of birth
- (if a body corporate) the person's Australian Business Number (ABN) or Australian Company Number (ACN)
- the person's address, and
- the due date for payment.

Enforcement agencies should ensure that issuing officers record details of the offending clear enough to support the review of a fine or court challenge.

2.2 Issuing official warnings

In this section

This section provides guidance to enforcement agencies on the circumstances in which they may consider issuing an official warning to a person.

The guidance contained in this section is not intended to create an expectation that if one of the factors listed in these guidelines apply to a person, they will automatically be issued with an official warning.

The list of factors included in this section is also not exhaustive. Enforcement agencies should exercise their discretion in each case, having regard to the person's circumstances.

Section 8 of the Infringements Act authorises an issuing officer to serve an official warning if the officer:

- believes on reasonable grounds that the person has committed the infringement offence, and
- forms the opinion that, in all the circumstances, it is appropriate to serve an official warning.

In making such a decision, the officer (other than a police officer within the meaning of the **Victoria Police Act 2013**) must observe any policy and guidelines adopted by the enforcement agency.

An official warning may also be issued by an enforcement agency in place of an infringement notice, after internal review by the agency or enforcement review by the Director. More information about official warnings following internal review is available in the Internal Review Guidelines.

Enforcement agencies should develop enforcement policies that indicate the range of circumstances in which an official warning may be issued.

Factors to consider in determining whether an issuing officer should issue an official warning may include:

- whether the offender made a genuine mistake or took reasonable steps to comply with the law, although a defence may not apply
- whether the offender is likely to be successful on the review ground of special or exceptional circumstances
- if known by the issuing officer, the offender's lack of any prior criminal history, particularly where the offender is a child
- circumstances of the offence or offender that are not exceptional or unique but that nevertheless justify not issuing an infringement notice or prosecuting the person
- the severity of the harm caused by the offence (if the harm may vary), and
- whether the official warning is likely to be a sufficient deterrent to further offending.

2.3 Conducting internal reviews

The Director has published Internal Review Guidelines to assist agencies in meeting their obligations relating to internal review under Division 3 of Part 2 of the Infringements Act.

A copy of those guidelines can be found at <https://www.justice.vic.gov.au/internal-review-guidelines-fines-and-enforcement-services>

2.4 Administering payment plans

In this section

Enforcement agencies are encouraged to promote the option of payment arrangements with the Director or, where more appropriate, payment plans with the agency to potential applicants.

This section sets out:

- the circumstances in which an enforcement agency must offer a payment plan,
- how enforcement agencies can determine eligibility for payment plans in other cases, and
- the payment arrangement scheme under the Fines Reform Act.

A payment plan is an arrangement for an extension of time to pay, an agreement to pay by instalments or both when a person is otherwise unable to pay the amount outstanding before the due date.

The payment plan framework is set out in Division 2 of Part 3 of the Infringements Act and makes provision for:

- eligibility for payment plans
- varying a payment plan (including requesting an addition of a fine to a payment plan, requesting the removal of a fine from a payment plan or cancelling a payment plan)
- the allocation of money received under a payment plan, and
- enforcement action where payment plans are defaulted on or cancelled.

Under section 46 of the Infringements Act, any person (including a body corporate) with outstanding fines may make an application to an enforcement agency for a payment plan to pay the infringement penalty and the penalty reminder notice fee (if applicable).

The application may be made at any time before the infringement is registered for enforcement with the Director (or, in the case of a child, with the Children's Court). If an enforcement agency receives an application for a payment plan, it must cease any enforcement action until the payment plan application is determined.

Part 5 of the Fines Reform Act enables a person to apply to the Director to consolidate their unpaid court and infringement fines into a single payment arrangement. Referral to the Director is recommended because the person may have several outstanding fines at various stages of the fines lifecycle. Further information is set out at section 2.4.3 – *Payment arrangements under the Fines Reform Act*.

Enforcement agencies are encouraged to promote the option of payment arrangements with the Director or, where more appropriate, payment plans with the agency to potential applicants.

2.4.1 Mandatory payment plans

Section 46(3) of the Infringements Act provides that enforcement agencies must make a payment plan available to people who meet the eligibility criteria set out in these guidelines. For the purposes of that section, a natural person is entitled to a payment plan if that person holds one of the following concession cards:

- a Commonwealth Government (Centrelink) Pensioner Concession card
- a Department of Veterans' Affairs Pensioner Concession card or Gold card, or
- any Centrelink Health Care card (including those issued for non-means tested benefits).

As noted above, this obligation can be met by referring a fine to the Director for inclusion in a payment arrangement.

2.4.2 Discretionary payment plans

If a natural person or body corporate applies for a payment plan and is not automatically entitled to receive a plan, the enforcement agency has the discretion to decide whether to grant that person a plan. In exercising the discretion, the enforcement agency may consider:

- the financial circumstances of the person, including the impact that payment of the fine in full may have on their financial position

- the number and value of other infringement penalties incurred by that person, and
- the person's payment history for previous infringements issued by that enforcement agency.

If an enforcement agency offers a person a payment plan, it may:

- require a minimum level of payment to be made per instalment, and
- specify the number of instalments or timeframe within which the outstanding fine may be paid.

While other concession card holders (other than those described above) are not entitled to a payment plan as of right, agencies are encouraged to provide payment plans to people holding a Victorian Seniors card or a Commonwealth Government Seniors card.

If an enforcement agency refuses a payment plan, the natural person or body corporate has 21 days from the date of service of the notice of refusal, to pay their fines. If the person fails to pay their fine within that period, the fine may be registered for enforcement.

A natural person or body corporate may seek to have fines referred to the Director for management under a payment arrangement.

If an enforcement agency decides not to offer a payment plan for a fine to a person who is not automatically entitled, the enforcement agency may refer the fine to the Director if requested by the person, in accordance with section 43 of the Fines Reform Act. This option is recommended for the reasons in section 2.4.3 – *Payment arrangements under the Fines Reform Act*.

2.4.3 Payment arrangements under the Fines Reform Act

The payment arrangement scheme established under Part 5 of the Fines Reform Act enables a natural person or body corporate to apply to the Director to consolidate their unpaid court and infringement fines into a single payment arrangement.

The management of payment arrangements by the Director is the recommended option because a person may have several outstanding fines. For example, a person may apply to consolidate a court fine, a parking fine and a speeding fine into one payment arrangement rather than having separate payment plans with the local council and Victoria Police and making payment on orders of the Magistrates' Court. The Director can examine the person's financial circumstances and capacity to pay those fines before determining the most appropriate arrangements for the person to pay the fine, improving the likelihood of recovering the fines.

The payment arrangement scheme also makes the administration of payment plans simpler for enforcement agencies. An enforcement agency may comply with their obligation to offer a payment plan by referring the fine to the Director for management by a payment arrangement. Alternatively, a natural person or body corporate may request that an enforcement agency refer their infringement fines to the Director for inclusion in a payment arrangement.

As referred fines are subject to a payment arrangement rather than a payment plan, enforcement agencies are not required to meet reporting requirements for payment plans with respect to that fine.

Once referred to the Director, the provisions of the Fines Reform Act apply to that payment arrangement, including the order in which payments are allocated to a particular fine.

Enforcement agencies can obtain more information about how to refer fines to the Director from Fines Victoria.

2.5 Reporting on infringements

In this section

This section sets out enforcement agency reporting obligations under the Infringements Act and Infringement Regulations, including:

- six-monthly reports to the Attorney-General in relation to each category of infringement offence, and
- the publication of the Attorney-General's annual reports on the infringements system. The annual reports include data that is provided by enforcement agencies in their six-monthly reports.

Under the Infringements Act and Infringements Regulations, enforcement agencies are required to provide six-monthly reports to the Attorney-General with the following details in relation to each category of infringement offence.

- Official warnings: the number of official warnings served and withdrawn by the enforcement agency
- Infringement notices: the number of infringement notices served and withdrawn by the enforcement agency
- Elections to go to court: the number of persons served with an infringement notice who elect to have the matter of the infringement offence heard and determined in the Magistrates' Court or, in the case of a child, in the Children's Court
- Internal reviews: the number of applications for internal review received and decided by the enforcement agency under each of the grounds in section 22(1) of the Infringements Act and, in relation to decisions made under sections 25(1)(h) and 25(2A), the action taken, and
- Payment plans: the number of applications for payment plans received by the enforcement agency under section 46(1) of the Infringements Act², and, as far as practicable:
 - the total number of payment plans offered and commenced, and
 - the number of persons advised of a default.

Enforcement agencies are required to submit their reports every six months through the Infringements Information System (IIS) Portal managed by DJCS.

DJCS provides agencies with documents including counting rules and an infringement reporting template. DJCS also sends notifications to enforcement agencies to remind them of their obligations to submit their infringement data report prior to the reporting period.

2.5.1 Attorney-General's Annual Report on the Infringements System

The Attorney-General's Annual Report on the Infringements System contains information about the overall performance of the infringements system, key initiatives, and highlights in relation to fines, and infringements activity and outcomes segmented by offence category and agency type.

It includes statistical data on a range of matters relating to infringements that all enforcement agencies must provide to the Attorney-General every six months or when sent a written request by the Attorney-General under section 6 of the Infringements Act.

Previous annual reports are available on the DJCS website at <https://www.justice.vic.gov.au/justice-system/fines-and-penalties/annual-reports-on-the-infringements-system-2007-18>

² Fines referred to the Director for management under a payment arrangement should not be counted as payment plans.

2.6 Prosecuting matters as an alternative to issuing infringements

In this section

The infringements system exists as an alternative to criminal prosecution in court. If a potential criminal incident is detected, enforcement agencies have the choice to give an official warning, issue an infringement notice, or charge the person with the relevant offence.

Once an infringement notice is issued, an enforcement agency may withdraw the infringement notice and prosecute the person under section 17 of the Infringements Act. Alternatively, an infringement fine recipient may elect to go to court under section 16 of the Infringements Act. An enforcement agency may also decide to prosecute a person following internal review, under section 25 of the Infringements Act. These options are available at any time before the matter is registered for enforcement with the Director or the expiry of the prosecutable period under section 7 of the **Criminal Procedure Act 2009** (generally 12 months from the offence date).

The advantages of the infringements system, as an alternative to prosecution, include:

- cost and time efficiencies for enforcement agencies, courts, and defendants
- the avoidance of a conviction being recorded if the infringement is paid (except for some offences such as drink-driving, drug-driving and excessive speed)
- certainty of the penalty amount needed to finalise a matter
- lower maximum fine levels than may apply if the offence is prosecuted in court³
- convenience of payment, including through payment plans and payment arrangements for eligible fine recipients, and
- individual circumstances being recognised without the need to go to court, through review processes or other schemes to support people with specific circumstances.

Infringement notices depart from the standard practice of court hearings to enforce breaches of the law because of this infringement notices should only be issued where the benefits of the infringements system can be realised. It is more appropriate to prosecute the matter in court where:

- there is a reasonable doubt whether the person's guilt can be established, or
- the infringement offence captures a wide band of offending and the person has shown severe, wilful or blatant disregard for the law.

3. DEVELOPING ENFORCEMENT POLICIES AND OTHER GUIDANCE

In this section

Policies and guidelines should be developed and, where possible, published, in relation to:

- general matters, including how administrative law principles, efficiency requirements and human rights considerations apply to enforcement agency functions
- code of conduct for issuing officers
- training for issuing officers, and
- offence-specific guidelines for enforcing complex offences.

Enforcement agencies should develop policies and guidelines to support their statutory functions. As a matter of best practice, agencies are encouraged to publish these policies and guidelines where possible.

³ Infringement fines issued to children for some offences may attract a higher penalty than a court fine because the maximum penalty that the Children's Court can impose under the **Children, Youth and Families Act 2005** may be less than the infringement penalty.

3.1 General matters to be covered in policies and guidelines

3.1.1 Principles of administrative law

In addition to the requirements under fines legislation, the principles of administrative law apply to enforcement agency functions.

Enforcement agencies must not apply decision-making policies in an inflexible manner, because this precludes the proper, genuine, and realistic consideration of a particular case.

The inflexible exercise of discretion is also inconsistent with the principles of good decision making under administrative law.

The following principles of administrative law govern how enforcement agencies and issuing officers should make decisions, particularly as those decisions affect the rights and interests of members of the public:

- lawfulness
- procedural fairness
- independence and impartiality
- openness and transparency, and
- rationality.

Further detail about how these principles of administrative law specifically apply to issuing officers are contained in the model code of conduct for issuing officers, at *Appendix 2 – Model Code of Conduct for issuing officers*.

More information about how these principles apply to the internal review process is set out in the Internal Review Guidelines.

3.1.1.1. Lawfulness

Decisions made by enforcement agencies must be made within the boundaries of the law. All decisions are subject to review, or court challenge, to ensure the decision complies with the relevant legislation.

The aim of this principle is to ensure:

- fair, efficient, effective, and high-quality decision making
- accountability in decision making, and
- access for those affected by decisions to review mechanisms.

3.1.1.2. Procedural fairness

Procedural fairness is also known as natural justice or due process. It relates to the process of making a decision, rather than the outcome or merits of the decision.

There are two pillars of procedural fairness:

- the ‘fair hearing rule’, and
- the ‘rule against bias’.

The ‘fair hearing rule’ requires enforcement agencies to ensure that when a decision is made that adversely affects a person’s rights, interests or legitimate expectations, the decision-maker:

- provides the person with the information on which the adverse decision is based, and
- gives the person an opportunity to respond.

The rule against bias requires a decision-maker to be free of any reasonable suspicion or apprehension of bias or perception of bias, arising from circumstances such as the decision-maker’s financial or personal interest, personal views, prior expression of views or previous role in the decision to be made.

This rule also overlaps with the principles of independence and impartiality.

3.1.1.3. Independence and impartiality

Enforcement agencies must act independently. This means that the decision-maker must make their decision in an environment that is free from inappropriate influences. In practical terms, no outsider should interfere, or attempt to interfere, with the way in which an enforcement agency makes its decision.

Impartiality refers to the state of mind of the decision-maker in relation to the matter before them. This principle seeks to ensure that the decision-maker is not deciding in their own interest, or in a manner that favours one person over another.

3.1.1.4. Openness and transparency

As public officials, decision-makers within enforcement agencies are obliged to behave lawfully, accountably, and transparently.

Enforcement agencies should ensure that there is transparency and accountability in the way that their officers make decisions. Enforcement agencies should do this by ensuring that:

- all decisions made by the enforcement agency are properly documented, and
- all final decision records identify the decision-maker.

3.1.1.5. Rationality

Enforcement agencies should act rationally and consistently when making decisions, ensuring there is appropriate recognition of exceptional and special circumstances if they become aware that those circumstances exist.

When a person from a vulnerable group (as described above, in section 2.1.3) may have committed an offence, enforcement agency officers should be respectful and sensitive to the person's needs and have regard to their circumstances before making any decision that affects that person's rights or interests.

3.1.2 Efficiency

Enforcement agencies should aim to process and make decisions relating to infringements within a reasonable period of time. What constitutes a reasonable period of time may vary depending on the enforcement context of a particular offence.

There are statutory limits on certain decisions relating to infringements, including:

- deciding an internal review within 90 days of the date of the application (regulation 16 of the Infringements Regulations)
- registering an outstanding matter with the Director, within six months from the offence date unless extended registration applies (section 17 of the Fines Reform Act), and
- prosecuting a matter as an alternative to enforcement by infringement, generally within 12 months of the date of the offence (section 7 of the **Criminal Procedure Act 2009**).

3.1.3 Human rights considerations

Enforcement agencies are public authorities bound to comply with the **Charter of Human Rights and Responsibilities Act 2006** (Charter). The Charter sets out the basic rights and freedoms of all people in Victoria. The Charter is primarily about the relationship between government and the people it serves.

Section 38 of the Charter makes it unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.

Enforcement agencies must consider whether there are any potential impacts on a person's human rights set out under the Charter when enforcing infringement offences, including while issuing an infringement notice or determining an internal review application.

Further information about human rights considerations, as they specifically apply to issuing officers, can be found in the model code of conduct at *Appendix 2 – Model Code of Conduct for issuing officers*.

3.2 Code of conduct for issuing officers

Enforcement agencies should develop a code of conduct for issuing officers.

The code should include guidance on the following matters:

- standards of conduct required in the enforcement of infringement offences
- scope of, and limits to, officers' authorisation
- specific considerations relevant to any exercises of discretion, noting the importance of balancing the consistent treatment of cases with the exercise of discretion in individual cases where appropriate
- assistance in the identification and management of vulnerable people, and people who may have additional needs (for example homelessness), including referral to appropriate services as an alternative to criminal enforcement
- privacy obligations, and
- any other relevant matter.

A model code of conduct is set out at *Appendix 2 – Model Code of Conduct* for issuing officers. Under section 5(1)(c)(i) of the Infringements Act, the model code of conduct applies to issuing officers and enforcement agencies unless an agency has adopted its own code of conduct (which may be described differently or contain different information from the model code of conduct).

Enforcement agencies should review the model code of conduct and consider making any updates to their existing code of conduct or other policies for issuing officers.

3.3 Training for issuing officers

Enforcement agencies should ensure that issuing officers are trained in the exercise of their powers. This includes training in the exercise of any entry, inspection, search and seizure powers available under the relevant legislation.

Enforcement agencies are encouraged to consider other forms of training which may be useful for issuing officers, for example cultural awareness training.

Enforcement agencies should also ensure that issuing officers receive regular and ongoing training.

3.4 Offence-specific guidelines for enforcing complex offences

Complex offences involve judgement of the person's conduct against a certain standard of behaviour, or a mental element (for example, intention), an excuse or a defence. They are only suitable to be made infringement offences by exception.

Where a complex offence is made enforceable by infringement, the Attorney-General's Guidelines for Legislating Agencies provide that the legislating agency responsible should advise all relevant enforcement agencies that the offence is complex and that offence-specific enforcement guidelines may be appropriate. Further guidance on complex offences is available under the Attorney-General's Guidelines for Legislating Agencies.

Where a complex offence is enforceable by infringement notice, the enforcement agency should publish an enforcement policy and operational guidelines relating to the enforcement of that offence. This will provide additional instruction and safeguards in the enforcement of infringement notices issued for complex offences.

4. ADMINISTRATION OF INFRINGEMENTS AFFECTED BY FINES REFORM

In this section

The Fines Reform Act provides two key administrative schemes that affect an enforcement agency's administration of infringements under the Infringements Act:

- Work and Development Permit scheme, and
- Family Violence Scheme

Enforcement agencies are encouraged to promote the Work and Development Permit scheme and Family Violence Scheme to fine recipients. These schemes apply to all infringement fines, including fines prior to their registration for enforcement.

If a fine is registered with the Director for enforcement, it may be subject to enforcement review. If enforcement is cancelled, enforcement agencies must take certain actions in relation to the fine.

4.1.1 Work and Development Permits

The Work and Development Permit scheme is designed to help vulnerable people eligible for the scheme to deal with their fine debt.

A Work and Development Permit allows an eligible person to work off their fines by engaging in approved activities that address the underlying cause of their offending behaviour.

A person must be engaged with an accredited agency or accredited health practitioner to participate in the scheme. An accredited agency or accredited health practitioner must apply for a Work and Development Permit on behalf of an eligible person.

The framework for the Work and Development Permit scheme is set out in Part 2A of the Fines Reform Act.

The Work and Development Permit Guidelines are available on Fines Victoria's website at www.fines.vic.gov.au/wdp

4.1.2 Family Violence Scheme

The Family Violence Scheme enables people affected by family violence to apply to the Director to have their eligible infringement fines withdrawn.

If an application is made, the relevant enforcement agency is notified and must suspend enforcement action until the application is determined.

If the Director is satisfied that family violence substantially contributed to the offence or it is not safe for the person to name the responsible person for a driving-related offence, the Director can direct an enforcement agency to withdraw an infringement notice and take no further action.

The framework for the Family Violence Scheme including enforcement agency requirements is set out in Part 2B of the Fines Reform Act.

Guidance about the Family Violence Scheme is available on Fines Victoria's website: www.fines.vic.gov.au/Support/Family-Violence-Scheme

4.1.3 Enforcement review

Part 4 of the Fines Reform Act replaced the enforcement order revocation process in the Infringements Court with an administrative process in Fines Victoria called 'enforcement review'.

Enforcement review is available after an infringement fine has been registered with the Director and a notice of final demand has been served on the defaulter.

On receipt of an application for enforcement review, the Director is required to review the enforcement agency's decision to serve and enforce an infringement notice and determine whether enforcement of the fine should proceed or be cancelled.

The grounds for enforcement review are set out in the Fines Reform Act and are similar to the grounds for internal review under the Infringements Act.

If the Director cancels enforcement of an infringement fine on any ground except where the person was unaware of the infringement notice and refers the fine back to the enforcement agency, an enforcement agency must take one of three actions within 90 days:

- withdraw the infringement notice and take no further action
- withdraw the infringement notice and issue an official warning, or
- withdraw the infringement notice and (within six months) commence a proceeding for the offence by filing a charge-sheet.

Enforcement agencies must also notify the fine recipient of their decision within the 90-day period.

Once the Director has cancelled enforcement of the fine, liability for the offence can only be determined by the Magistrates' Court of Victoria, should the enforcement agency choose to prosecute the offence.

If an enforcement agency chooses to prosecute the offence, the notification to the fine recipient should clearly state the agency's decision to prosecute the infringement.

Enforcement agencies must not seek payment of an outstanding infringement fine amount (including any fees added to the penalty amount) after enforcement of a fine has been cancelled.

Enforcement agencies are required by the Fines Reform Act to notify the Director if they prosecute a person following enforcement cancellation. This requirement arises only after the enforcement agency decides to prosecute the offence, not where the enforcement agency is considering whether to do so. Enforcement agencies should notify the Director within a reasonable time of deciding to prosecute a person following enforcement review cancellation, typically within one month of deciding to prosecute the person.

APPENDIX 1 – GLOSSARY

Term	Definition
Child	A child is a person under eighteen years of age at the date of the alleged offence. A child under the age of ten cannot be issued with an infringement notice.
Director	Director means the person holding the position of Director, Fines Victoria under the Fines Reform Act 2014 . The Director may delegate their powers, functions and duties.
Enforcement agency	An enforcement agency is a body or person that is authorised under its principal Act to take proceedings in relation to an infringement offence, or a person or body employed or engaged to provide services that include taking proceedings. An enforcement agency can also be a prescribed person or body or an agency that is a member of a prescribed class.
Enforcement warrant	A warrant issued by a registrar of the Magistrates' Court. This warrant allows the sheriff's officer, police officer or other authorised person to whom it is directed to take a range of actions. Most enforcement warrants are directed to sheriff's officers. If a fine is not paid, sanctions may be applied, including the seizure of property up to the value of the infringement penalty plus any prescribed fees. If the property does not cover this value, the person named in the enforcement warrant can be arrested.
Issuing officer	An issuing officer is a person appointed by an enforcement agency to issue or serve an infringement notice in respect of an infringement offence.
Legislating agency	A legislating agency, for the purposes of these guidelines, is an agency that prepares the legislation creating or amending an infringement offence. Such legislation is then considered by the Parliament, Governor or other approving body.
Nomination	A person who receives an infringement notice for certain camera-detected driving-related offences and who was not the driver at the time of the alleged offence may make a statement nominating another person as the actual driver. Another driver cannot be nominated if the person was intercepted by a police officer and issued with an infringement notice for an offence by that officer.
Offence code	The code used to identify an infringement offence for the purposes of Fines Victoria's IT system.
Official warning	A formal warning issued by issuing officers instead of an infringement notice.
Payment plan	A plan arranged with the enforcement agency before the matter is registered with the Director. A payment plan can be an extension of time to pay or an agreement to pay by instalments. An enforcement agency may refer a fine to the Director for inclusion in a payment arrangement instead of offering a payment plan.
Penalty Reminder Notice	A notice served on a person who has not paid an infringement penalty on time. An enforcement agency must send a penalty reminder notice in respect of the unpaid fine and fees before the fine can be registered with the Director or the Children's Court.

Term	Definition
Special circumstances	‘Special circumstances’ is one of the grounds for seeking an internal review or an enforcement review of a decision to issue an infringement notice. Special circumstances are defined in the Infringements Act. The term refers to a person’s condition or circumstance of vulnerability or disadvantage (such as a relevant mental illness or homelessness) with a causal link to the offence. In limited circumstances, a person with a severe, long-term condition or circumstance making it impracticable to deal with the fine in any way may also be eligible under this ground.
Withdrawal of infringement notice	Under section 18 of the Infringements Act, an enforcement agency may withdraw an infringement notice at any time before an infringement fine is registered with the Director for enforcement.

APPENDIX 2 – MODEL CODE OF CONDUCT FOR ISSUING OFFICERS

Enforcement agencies should have policies in place to ensure issuing officers face disciplinary action for breaching the agency's policies or this Code of Conduct where appropriate.

1. Conduct generally

Issuing officers must act in accordance with the law and the lawful instructions of the enforcement agency which employs them (the enforcement agency). In addition to this Code of Conduct, issuing officers must comply with any applicable policies set in place by the enforcement agency.

Issuing officers should perform duties to the best of their ability and in a professional, conscientious, and ethical manner. They should promote the purpose of the legislation which they enforce and professional values.

When exercising discretion, issuing officers must act reasonably and impartially. They should not apply personal values in the exercise of their powers. They must not handle matters in which they have an actual or reasonably perceived conflict of interest. If there are any actual or perceived conflict of interests, issuing officers must notify the enforcement agency in accordance with internal policies.

Issuing officers must not accept any benefit (including any gift, gratuity, remuneration, allowance, fee, subsidy, consideration, free service, or entertainment) from a person which may give, or appear to give, rise to professional misconduct.

Issuing officers should not behave in a way that could reasonably be expected to call into disrepute the public perception of issuing officers. Issuing officers should:

- show respect for members of the public, their colleagues, and others' personal property
- refrain from language or behaviour which could be deemed offensive, improper, or inappropriate
- assess safety considerations in the execution of their duties to report compliance breaches and other offending behaviour.

Dealing with vulnerable people

While carrying out their duties, issuing officers may encounter a person or persons they believe to be vulnerable.

A person may be considered vulnerable if they are experiencing a range of circumstances that may affect their ability to comply with the law or shape their interactions with the law. This may include if they:

- are homeless
- have financial difficulties
- have a serious addiction to alcohol and other drugs
- are experiencing family violence
- have a disability, including cognitive disability
- are experiencing mental health issues
- are a child or young person, or
- are a member of a Culturally and Linguistically Diverse (CALD) or Aboriginal and/or Torres Strait Islander community group.

Issuing officers should communicate with vulnerable persons appropriately, for example by using simple language to ensure the person understands the issuance of an infringement.

Issuing officers should consider whether issuing an infringement notice to a vulnerable person, particularly a person likely to meet the 'special circumstances' test in the Infringements Act, would address the offending behaviour. Officers should consider whether alternatives, such as diversion from the criminal justice system or an official warning, may be more appropriate in the circumstances.

Issuing officers are encouraged to provide information on support services within their local area. This may include leaflets and handouts, or verbal advice, on the available homelessness, counselling, financial support, crisis accommodation, legal assistance, victim services and health services in the local area. Information about support services should be accessible, for example by using simple language, in languages other than English and in large print formats.

If a fine is issued to a person who may be a child, an issuing officer should confirm the person's date of birth. Enforcement agencies are obliged to ensure that children are dealt with through the appropriate enforcement pathway for children. Fines issued to children must not be registered with the Director and may only be registered with the Children's Court of Victoria.

2. Public law obligations

A. Victorian Charter of Human Rights and Responsibilities

Public authorities are required to act compatibly with the **Charter of Human Rights and Responsibilities Act 2006** (the Charter). The term 'public authority' is defined to include an entity whose functions are of a public nature when it is exercising those functions on behalf of the State. This means that enforcement agencies and issuing officers conducting enforcement duties under the relevant legislation are required to comply with the Charter.

Issuing officers are expected to be aware of the rights set out in the Charter. In particular, issuing officers should note a person's right to:

- protection from degrading treatment
- freedom of movement
- protection of privacy and reputation
- freedom of expression
- peaceful assembly and freedom of association
- the presumption of innocence
- liberty
- recognition and equality before the law, and
- treatment in a way appropriate to their age if a child.

B. Principles of administrative law apply to the issuing of infringements

The following principles govern how issuing officers should make decisions, particularly as those decisions can affect the rights and interests of members of the public:

- A. lawfulness
- B. procedural fairness
- C. independence and impartiality
- D. openness and transparency, and
- E. rationality.

Issuing officers should also exercise their discretion appropriately. Issuing officers must not apply policies inflexibly, because this precludes the proper, genuine, and realistic consideration of a particular case.

The inflexible exercise of discretion is also inconsistent with the principles of good decision making under administrative law. These principles include the requirements to act with lawfulness, fairness, openness, and rationality when making decisions that require officers to exercise their discretion.

A: Lawfulness

Decisions made by issuing officers must be made within the boundaries of the law. All decisions are subject to review on the ground that the infringement notice was issued contrary to law, or to court challenge, to ensure the decision complies with the relevant legislation.

The aim of this principle is to ensure:

- fair, efficient, effective, and high-quality decision making
- accountability in decision making, and
- access for those affected by decisions to review mechanisms.

B: Procedural fairness

Procedural fairness is also known as natural justice or due process. It relates to the process of making a decision, rather than the outcome or merits of the decision.

There are two pillars of procedural fairness:

- the ‘fair hearing rule’, and
- the ‘rule against bias’.

When considering whether to issue an infringement, issuing officers should give individuals the opportunity to explain their conduct. Appropriate consideration of an individual’s circumstances will enable issuing officers to determine whether an official warning, infringement notice, charge or no action may be more appropriate.

Issuing officers should also act without bias. The rule against bias requires a decision-maker to be free of any reasonable suspicion or apprehension of bias or perception of bias. Bias may arise from circumstances such as the decision-maker’s financial or personal interest, personal views, prior expression of views or previous role in the decision to be made.

This rule also overlaps with the principles of independence and impartiality.

C: Independence and impartiality

Issuing officers must act independently. This means that the issuing officer must make their decision in an environment that is free from inappropriate influences. In practical terms, no outsider should interfere, or attempt to interfere, with the way in which an issuing officer makes their decision.

Impartiality refers to the state of mind of the issuing officer in relation to the matter before them. This principle seeks to ensure that the issuing officer is not deciding in their own interest, or in a manner that favours one person over another.

D: Openness and transparency

As public officials, issuing officers are obliged to behave lawfully, accountably, and transparently.

Enforcement agencies should ensure that there is transparency and accountability in the way that their officers issue infringements. Enforcement agencies should do this by ensuring that:

- all decisions to issue infringements are properly documented, and
- all infringement notices identify the decision-maker.

E: Rationality

Issuing officers should act rationally and consistently when deciding whether to issue an infringement notice to a person, ensuring there is appropriate recognition of exceptional and special circumstances if they become aware that those circumstances exist.

When a person from a vulnerable or disadvantaged group (for example, a person experiencing mental health issues, homelessness, or family violence) may have committed an offence, issuing officers should be respectful and sensitive to the person's needs and have regard to their circumstances before issuing an infringement notice.

3. General employment obligations**A. Identifying officers**

Whenever an issuing officer is performing official duties, they are required to identify themselves if they are requested to do so.

If an issuing officer is required to carry an identity card or badge, they should produce their identity card or badge on request. Misuse of the badge or identity card may, depending on the circumstances, call into question an issuing officer's honesty and integrity, or may be considered a failure to properly exercise the functions of an issuing officer.

B. Request for name and address

Unless specific legislative requirements apply, issuing officers should introduce themselves as enforcement officers of the enforcement agency, state their name and produce proof that they are an issuing officer when requesting a person to state their name and address for the purpose of issuing them an infringement notice.

If the person being issued with an infringement notice asks an issuing officer to repeat their name, or to show their identity card again, the issuing officer should comply with that request.

Issuing officers should give their work address, if requested. This information may be given orally or in writing but should be given in writing if this is specifically requested.

4. Privacy obligations

Information privacy is concerned with the collection, use, disclosure, and management of individual's personal information. There are three types of information protected by privacy laws:

- **personal information** includes any information used to identify an individual such as name, address, sex, age, financial details, marital status, education, employment history or any other information that allows any person to work out the individual's identity
- **sensitive information** means any information or opinion about an individual's racial/ethnic origin, criminal record, political opinions or associations, religious beliefs, philosophical beliefs, professional or trade association, trade union or sexual preference, and
- **health information** includes any information or opinion regarding an individual's physical, mental, or psychological health, or disability.

Any information that allows anyone to easily work out an individual's identity is personal information subject to privacy constraints.

Enforcement agencies should develop their own procedures for common tasks requiring the agency and issuing officers to handle personal information, including in relation to:

- collecting and using personal information
- storing and disposing personal information
- accessing databases to obtain personal information, and
- disclosing personal information.

Any privacy procedures that are developed by enforcement agencies should be compliant with the provisions of the **Privacy and Data Protection Act 2014** and **Health Records Act 2001**.

5. **Notifiable incidents**

An incident is an unplanned event, which has the potential to negatively impact on issuing officers, enforcement agencies, or any member of the public. The impact of an incident may be physical, mental, reputational, financial, political, or another detrimental impact.

A **notifiable incident** is a significant incident where there is an immediate risk to health and safety, a serious injury or a death. The handling of notifiable incidents is governed by the **Occupational Health and Safety Act 2004** (OHS Act).

Enforcement agencies should ensure that all staff act in accordance with the OHS Act.

Further information about notifiable incidents can be found by contacting WorkSafe Victoria on 13 23 60, or by visiting their website at www.worksafe.vic.gov.au

Infringements Act 2006
ATTORNEY-GENERAL'S GUIDELINES TO THE INFRINGEMENTS ACT 2006
FOR LEGISLATING AGENCIES

2022 Edition

Department of Justice and Community Safety

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1. INTRODUCTION

In this section

- The purpose of, and the legislative authority for, the Attorney General’s Guidelines to the **Infringements Act 2006** for Legislating Agencies (these guidelines)
- An overview of the Victorian infringements system and its statutory framework
- Information about the Attorney-General’s annual report on the infringements system, and
- General information about Fines Victoria’s role in the collection, management and enforcement of fines.

1.1 Purpose

The purpose of these guidelines is to provide guidance to legislating agencies about the design and operation of infringement offences in Victoria, including:

- consulting with the Infringements System Oversight Unit (ISOU) within the Department of Justice and Community Safety (DJCS) about proposed infringement offences and their penalties
- assessing the suitability of an offence to be an infringement offence, and
- setting appropriate penalties for infringement offences.

These guidelines complement the Attorney-General’s Guidelines to the **Infringements Act 2006** (Infringements Act) for enforcement agencies, which provide guidance to enforcement agencies on administering their responsibilities under the Infringements Act and other fines legislation (Attorney-General’s Guidelines for Enforcement Agencies).

These guidelines apply to all new and amended infringements¹ and aim to ensure fairness and consistency across the Victorian infringements system.

They do not comprehensively cover the operation of internal reviews under the Infringements Act, or schemes administered by the Director, Fines Victoria (Director) under the **Fines Reform Act 2014** (Fines Reform Act). These matters are the subject of separate guidelines. These guidelines are available on the DJCS and Fines Victoria websites.

These guidelines contain four appendices:

- **Appendix 1** – Glossary of key terms used in these guidelines
- **Appendix 2** – Quick outline of the process to consult with DJCS on proposed infringement offences and penalties
- **Appendix 3** – Summary of key questions for legislating agencies when creating new infringement offences and setting penalties, and
- **Appendix 4** – Tiered table of infringement offences, indicating the penalties applicable to infringement offences ranging from minor to severe, as a guide to penalty-setting.

1.2 Authorising provision

These guidelines are made under section 5 of the Infringements Act and take effect on the day of their publication in the Government Gazette. The Attorney-General’s Guidelines to the **Infringements Act 2006** published in Gazette G26 on 29 June 2006 are revoked on the day these guidelines take effect.

These guidelines apply to infringement offences made on or after the commencement of these guidelines. Infringement offences made prior to this date are not affected by these guidelines.

¹ In these guidelines, except where the phrases ‘court imposed fine’ or ‘court fine’ appear, the word ‘infringement’ is used interchangeably with the words ‘fine’, ‘infringement fine’ and ‘infringement matter’. An infringement notice is a notice issued by an enforcement agency setting out the particulars of an infringement offence. References to an ‘infringement notice’ in context may refer to the specific notice or the fine.

1.3 The Victorian infringements system

The Victorian infringements system operates as part of the wider Victorian criminal justice system. Infringements are an alternative means of dealing with low-level criminal offences, enabling the offence to be dealt with by payment of a fixed infringement penalty, rather than prosecution in court.²

An infringement offence is an offence enforced by the issuance of an infringement notice. Infringement offences apply under a wide range of Victorian legislation, including laws relating to road safety, parking, and various regulatory schemes.

An infringement notice is a notice issued by an enforcement agency setting out the particulars of a particular infringement offence and requiring payment of a financial penalty. Infringement notices are more commonly known as ‘fines’ and include officer-issued ‘on the spot’ fines.

An infringement notice will give the person to whom the notice is issued the option to:

- pay the fine specified in the notice in full
- enter into a payment arrangement
- (if the offence is a certain driving-related offence) nominate another person who is responsible for committing the offence
- apply for a review of the fine, or
- elect to have the offence heard by a court.

Addressing a fine, either by paying the fine in full or through alternative means under fines legislation, expiates the offence (except for some offences such as drink-driving, drug-driving and excessive speed, which attract a deemed conviction. Other penalties may also continue to apply, for example demerit points).

If a person does not deal with their infringement fine within the time limits under the Infringements Act (generally 21 days), the matter can escalate. This can result in additional fees prescribed under the Infringement Regulations 2016 or the Fines Reform Regulations 2017 and criminal sanctions being imposed.

If the matter progresses, an enforcement warrant against the person may be issued. This may result in further sanctions, and the fine recipient (if a natural person) may be imprisoned. Imprisonment is always a sanction of last resort.

The infringements system also provides pathways, including review mechanisms and nonfinancial options to expiate fines, to assist vulnerable people.

Advantages of the infringements system include:

- the avoidance of a conviction being recorded if the infringement is paid (except for some offences such as drink-driving, drug-driving and excessive speed)
- certainty of the penalty amount needed to finalise a matter
- lower maximum fine levels than may apply if the offence is prosecuted in court³
- convenience of payment, including through payment plans and payment arrangements for eligible fine recipients
- individual circumstances being recognised without the need to go to court, including through:
 - review mechanisms enabling applicants to apply on grounds including special circumstances or exceptional circumstances⁴
 - the nominations process enabling applicants to nominate another person as the offender for certain driving-related offences where they were not responsible

² The relative seriousness of criminal offences is indicated by the penalty scale in section 109 of the **Sentencing Act 1991**.

³ Infringement fines issued to children for some offences may attract a higher penalty than a court fine because the maximum penalty that the Children’s Court can impose under the **Children, Youth and Families Act 2005** may be less than the infringement penalty.

⁴ These review processes may not apply to drink-driving, drug-driving and excessive speed offences (See, for example, section 31 of the **Fines Reform Act 2014**).

- special schemes for vulnerable fine recipients to address their fines such as the Work and Development Permit scheme, the Time Served scheme for prisoners, and the Family Violence scheme
- cost and time efficiencies for enforcement agencies, courts, and defendants.

1.4 Statutory framework

In Victoria, the issuing, management, and enforcement of infringement notices is governed by the Infringements Act, the Fines Reform Act, the Infringements Regulations 2016 (Infringements Regulations) and the Fines Reform Regulations 2017 (Fines Reform Regulations) (in these guidelines collectively referred to as ‘fines legislation’).

Other relevant legislation that forms part of the broader infringements framework includes the **Road Safety Act 1986**, **Children, Youth and Families Act 2005** (CYF Act), **Sheriff Act 2009**, **Criminal Procedure Act 2009**, and the **Magistrates’ Court Act 1989**.

Infringements can be issued under state and local laws. All infringement notices – whether issued by a state government, local government or other enforcement agency – are governed by fines legislation.

The Infringements Act sets out:

- procedural requirements for the issuance and management of infringement notices, including the provision of payment plans and the conduct of internal reviews by enforcement agencies, and
- a process for matters originating by infringement notice to be referred to the Magistrates’ Court (or, if the fine recipient is a child, the Children’s Court) for hearing and determination.

The Infringements Regulations set out matters required to be prescribed under the Infringements Act, including:

- the statistical data required to be reported by enforcement agencies to the AttorneyGeneral, and
- the content that must be included on notices served under the Infringements Act, such as infringement notices, official warnings, penalty reminder notices and withdrawals of infringement notices or official warnings.

The Fines Reform Act provides for:

- the enforcement of infringement and court-imposed fines by the Director
- the registration of unpaid infringement penalties with the Director except where the fine recipient is a child, the offence is under a local law, or the offence is otherwise prescribed as non-registrable
- the administration of payment arrangements by the Director
- enforcement review and other schemes administered by the Director (the Work and Development Permit scheme, the Time Served scheme and the Family Violence Scheme)
- unpaid fines to be enforced by the Director through criminal sanctions such as driver and vehicle sanctions (for example, suspension of a driver licence or vehicle registration), charges over land, sale of land, and attachment of debt and earnings, and
- enforcement warrants to be issued by the Magistrates’ Court where fines remain unpaid, authorising other sanctions by the Sheriff of Victoria such as the clamping of vehicles, removal of number plates, seizure of property and arrest of fine defaulters.

Where the fine recipient is under the age of 18 at the time of offending, the CYF Act and the Infringements Act set out the procedure for enforcement of infringement notices. An outstanding infringement fine issued to a child may only be registered for enforcement with the Children’s Court through the Children and Young Persons Infringement Notice System (CAYPINS). It cannot be registered or enforced by the Director.

1.5 Attorney-General's Annual Report on the Infringements System

The Attorney-General publishes an annual report on the infringements system.

The Annual Report contains information about the overall performance of the infringements system, key initiatives, and highlights in relation to fines, and infringements activity and outcomes segmented by offence category and agency type.

Further information about the content of the Annual Report is in the Attorney-General's Guidelines for Enforcement Agencies. Previous annual reports are available on the DJCS website.

1.6 General information about Fines Victoria's role

Fines Victoria provides administrative services on behalf of DJCS, supporting the administrative management of infringement fines by many Victorian Government agencies from the time that an infringement fine is issued. These services include sending out infringement-related notices on behalf of agencies, collecting payments, processing payment plans, and undertaking administrative steps to support the internal review process under the Infringements Act.

These responsibilities are in addition to the legislative responsibilities of the Director under the Fines Reform Act, which mainly relate to the registration of unpaid fines for enforcement by the Director.

If eligible to be covered by the Victorian Government's administrative services through Fines Victoria, an enforcement agency is encouraged to enter a memorandum of understanding with DJCS instead of administering the enforcement of an offence itself. Using Fines Victoria's administrative services promotes efficiency, consistency of practice, and simplicity for fine recipients. Fines Victoria can:

- assist legislating and enforcement agencies with the operational steps required to onboard a new enforcement agency proposed to enforce infringement offences
- provide general information in relation to enforcement agency responsibilities under fines legislation
- provide updates to enforcement agencies about annual changes to the value of fee and penalty units under the **Monetary Units Act 2004**, and
- provide operational guidance and information on registering fines with the Director and processes following registration.

For more assistance, enforcement agencies can contact:

- For operational queries about working with Fines Victoria, the agency enquiries contact address at FinesVictoriaAgencyEnquiries@justice.vic.gov.au
- For general information about fines legislation and details of infringement offences, the ISOU at isou@justice.vic.gov.au

CONSULTING WITH THE INFRINGEMENTS SYSTEM OVERSIGHT UNIT

In this section

- When creating or varying infringement offences, legislating agencies should consider the suitability of offences to be infringement offences, proposed infringement penalty levels, the enforcement agency that will enforce the proposed infringement offence, and how it will do so. Guidance on these matters is in section 2 – *Guidelines for the creation of infringement offences*.
- The ISOU should be consulted on new or varied offences. The consultation process with the ISOU is set out in this section, and at *Appendix 2 – Process Outline – Consulting with the ISOU, DJCS about proposed infringements*.
- Legislating agencies must also follow certain operational requirements to ensure infringement offences are enforceable.
- The commencement date of offences should provide adequate time for operational preparation and align with periodic updates to code books used by enforcement agencies.

The ISOU is responsible for providing advice and guidance on the operation of the infringements system. The ISOU:

- provides general information on the broader fines system
- provides guidance on the implementation of these guidelines, and
- consults with legislating agencies on the consistency of new or revised infringement offences with these guidelines.

The ISOU functions sit within the Policy and Legislation team in the Fines and Enforcement Services business unit of DJCS.

The ISOU can be contacted at isou@justice.vic.gov.au

The ISOU does not advise on the creation or operation of criminal offences which are not proposed to be enforced by infringement. The ISOU can refer legislating agencies to other areas of DJCS responsible for advising on criminal offences.

1.7 Infringement offences in legislation

Infringement offence provisions should generally be in an Act or statutory rule, rather than legislative instruments, and specify the conduct required to commit the offence. This is because provisions in an Act or a statutory rule are subject to existing requirements to consult DJCS, noted below.

The creation of an infringement offence requires clear statutory authority. This means a reference is required to the Infringements Act itself, either expressly in the relevant Act creating the offence, the regulation-making power and, therefore, in the regulations, or both.

1.7.1 Infringement offences in primary legislation

Legislating agencies seeking to create or vary infringement offence provisions in Victorian Acts should consider the application of these guidelines and consult with the ISOU through the process set out in section 2.2 on the consultation process.

In addition to these guidelines, the Guidelines made under the **Subordinate Legislation Act 1994** (SLA Guidelines) should be considered when developing any primary legislation that permits infringements offences and penalties to be prescribed in subordinate legislation. The SLA Guidelines state that if a prescribed penalty exceeds 20 penalty units, it should be in primary, not subordinate legislation.

1.7.2 Infringement offences in regulations

If infringement offences or penalties are to be prescribed in regulations, a legislating agency must first ensure that the regulation-making power under the enabling Act allows for infringement offences to be prescribed.

A legislating agency must consult with the ISOU, through the process set out in the section below, on the proposed statutory rule to meet the requirements of section 6A of the **Subordinate Legislation Act 1994** (SLA). Under that provision, the Minister responsible for a proposed statutory rule providing for an infringement offence must complete an infringement offence consultation certificate.

In developing any regulations that contain infringement offences, legislating agencies must also consider the SLA and the SLA Guidelines and the guidance provided by the Office of Chief Parliamentary Counsel on preparing statutory rules.

The SLA requires the infringement offence consultation certificate to be laid before each House of the Parliament with the statutory rule. In the certificate, the Minister must certify:

- that DJCS has been consulted about:
 - enforcing the offence by infringement notice, and
 - the suitability of the offence to be an infringement offence enforced under the Infringements Act
- that these guidelines have been considered in the preparation of the proposed statutory rule, and
- whether the proposed rule meets the requirements set out in these guidelines.

The ISOU must also be consulted in relation to any sunseting regulations even if they are being remade in substantively the same form.

It is generally appropriate for infringement penalties to be included in regulations as they are dealing with less severe penalties with a lower impact on natural persons (below 12 penalty units, noting the SLA Guidelines note an offence below 20 penalty units may be suitable to be made in regulations).

Generally, an infringement offence and penalty in statutory rules should conform to these guidelines. However, the SLA provides that a Minister may propose that a rule should be made, even if the requirements of the guidelines have not been met. It is expected that Ministers would rarely exercise this option. In these circumstances, the Minister must state the reasons in detail for this approach in the certificate.

1.8 The consultation process

When creating or varying infringement offences, legislating agencies are expected to consider, by reference to section 2 – *Guidelines for the creation of infringement offences*:

- the suitability of an offence to be infringement offence
- proposed infringement penalty level
- the enforcement agency that will enforce the proposed infringement offence, and
- how the enforcement agency will enforce the offence.

A legislating agency should proactively consult with the ISOU on proposed amendments or statutory rules in relation to new or amended infringement offences as early as practicable. This includes consultation on proposed amendments to infringement penalties and the use of demerit point schemes, such as the demerit point scheme under the **Road Safety Act 1986**.

If the proposed infringement offence has its elements set out in primary legislation:

- the legislating agency should consult the ISOU on the suitability of the infringement offence and penalty before the proposed amendment is submitted to Cabinet for consideration at the Approval-in-Principle stage, and
- consultation on proposed infringement offences will otherwise occur through the Cabinet coordination process and during drafting of the relevant bill.

If the proposed infringement offence has its elements, or penalties, prescribed in subordinate legislation:

- the legislating agency should consult the ISOU on the suitability of the infringement offence and penalty as soon as a draft of the proposed offences and penalties is available

- consultation on proposed infringement offences may otherwise occur when a proof copy of the regulations is available
- the ISOU will assess the suitability of offences against the criteria in these guidelines
- if there are concerns or further information is required, the ISOU will contact the legislating agency, and
- following the ISOU's assessment of the offences, the ISOU will confirm DJCS's agreement for the purpose of the certificate required by section 6A of the SLA.

When consulting the ISOU, legislating agencies should provide the ISOU with a draft of proposed offences and penalties, supported by evidence that the agency has considered the application of these guidelines.

If a legislating agency makes further amendments to its proposals, it must advise the ISOU to allow further consideration and, if necessary, re-assessment of suitability.

An outline of the typical consultation process is at *Appendix 2 – Process Outline – Consulting with the ISOU, DJCS about proposed infringements*.

1.9 Operational requirements for legislating agencies

In addition to an infringement offence being made in legislation, there are administrative steps that must be completed before an infringement offence can be operationalised. These steps include:

- the completion of a template form by the legislating agency containing details that satisfy the notice requirements in the Infringements Regulations and Fines Reform Regulations (for example, the Act and section number of the offence, penalty level and brief description of the offence). The ISOU provides the legislating agency with the appropriate template form after offences are found suitable to be made infringement offences,
- the generation of a unique offence code enabling registration of a fine with the Director for enforcement. The ISOU will provide the offence code details to the legislating agency. It is the legislating agency's responsibility to inform enforcement agencies of the offence and offence code, and
- if the offence may be enforced by Victoria Police, the ISOU will advise Victoria Police of any offence code updates for their Code Book, on behalf of legislating agencies.

Establishing a new enforcement agency

Operational steps are also required to establish a new enforcement agency proposed to enforce infringement offences.

If a new enforcement agency is proposed to be established, legislating agencies should ensure the new agency is aware of the AttorneyGeneral's Guidelines for Enforcement Agencies. The ISOU can refer legislating agencies to Fines Victoria for operational support to onboard a new enforcement agency.

1.10 Commencement of infringement offences

The legislation creating the offence should specify the commencement date for the offence provisions. It is preferable that infringement offence provisions do not commence on the day that an Act receives Royal Assent, or on the day that regulations are made by the Governor-in-Council. This will ensure Fines Victoria has sufficient time to ready offence codes for use as soon as the offence commences.

The legislating agency must complete the offence code template to create the new offences and provide it to the ISOU:

- at least two weeks before the proposed commencement of the offences if the number of offences being created is low (typically fewer than five offences), or
- a longer period for larger numbers of offences.

This notice period will also ensure that legislating agencies have enough time to notify their enforcement agencies of any changes before the offence codes become operational.

As the introduction of new or varied offences frequently results in changes to related offence codes, it is strongly recommended that new offences and amendments to offences come into operation on the first day of a quarter (on 1 April, 1 July, or 1 October). This is because operationally, many enforcement agencies rely on code books to determine the correct infringement offence codes when issuing infringement notices.

Limiting the frequency with which offences are introduced or amended (and consequently how often new offence codes and descriptions are issued) reduces the number of code books that need to be issued through the year and the likelihood that infringement notices will be issued incorrectly.

For this reason, commencement on 1 January should also be avoided because new code books would need to be issued on 31 December, which is operationally difficult.

2. GUIDELINES FOR THE CREATION OF INFRINGEMENT OFFENCES

In this section

This chapter sets out the guidelines applicable to creating a new infringement offence or amending elements of an existing infringement offence.

Legislating agencies should justify the creation of a new infringement offence by reference to the following questions:

1. **Appropriate enforcement tool** –
 - a. Should the behaviour be criminalised?
 - b. Would enforcement agencies gain the administrative benefits of the infringements system?
2. **Gravity** – is the offence of sufficiently low severity to be an infringement offence?
3. **Clarity** – is the offence sufficiently clear and simple to establish?
4. **Consequences** – are the consequences for the offence appropriate if enforced by infringement?

A short summary of key questions for legislating agencies in relation to the creation of a new infringement offence is at *Appendix 3 – Summary of guidelines for creating a new infringement offence and penalty setting*.

To **set a proportionate penalty** for an infringement offence, legislating agencies should consider whether the infringement penalty is:

- Below the maximum amount permitted by these guidelines (12 penalty units for individuals; 60 penalty units for bodies corporate)
- Proportionate to the offending behaviour and court-imposed maximum penalty
- Consistent with comparable offences or part of a national scheme, and
- Unlikely to have an undesirable financial impact on the fine recipient.

Examples of infringement offences tiered by seriousness are provided at *Appendix 4 – Tiered table of infringement offences*, as a reference to assist setting penalties for comparable new infringement offences.

2.1 Appropriate enforcement tool

2.1.1 Should the behaviour be criminalised?

Infringement offences are criminal offences. This means that an enforcement agency may choose to prosecute a person instead of issuing an infringement notice, or a person issued an infringement notice may elect to go to court.

If a person is found guilty of an offence, the maximum penalty that can be imposed by a court is generally higher than the corresponding infringement penalty, and the person may have a criminal conviction recorded against them.

Given these consequences, legislating agencies should first consider whether the relevant conduct should be criminalised. This question is relevant to the creation of new offences generally, not solely infringement offences.

Key questions to ask when determining whether the behaviour should be criminally enforced include:

- What is the nature of the public disorder or individual behaviour to be addressed and what is the consequence of that behaviour continuing unregulated or maintaining the regulation in its current form?
- What is the deterrent effect sought by criminal penalties?
- Have other enforcement tools or other means of addressing offending behaviour been considered (as detailed below)?
- Will the proposal adversely affect fairness and the rights of an individual (for example, at common law or under the **Charter of Human Rights and Responsibilities Act 2006**)?
- Is there a strategy for ensuring community awareness of the new offence, and of rights in relation to the offence? A community awareness strategy should provide information in culturally appropriate and accessible formats, for example by using simple language, in languages other than English, and in large print formats.

A legislating agency should consider whether the offending behaviour could be addressed by a service-based, public health or education response. Legislating agencies should also consider other methods available for enforcement of the proposed offences and formulate an enforcement policy that sets out the hierarchy of enforcement tools that will be used to enforce or respond to breaches of the law.

Other enforcement tools that may be more appropriate in the circumstances (particularly for regulated entities) include:

- imposing conditions or taking other measures under a licensing scheme
- accepting enforceable undertakings, public warning notices or adverse publicity orders
- issuing civil penalties
- issuing improvement notices or directions to comply, and
- implementing a demerit point scheme.

In the regulation of businesses, trades and industry, infringement notices may be more appropriate for a clear technical breach where the breach is not evidence of systemic non-compliance and would not warrant a more severe response, such as civil or criminal proceedings or an enforceable undertaking.

Similarly, civil penalties may also be a more appropriate enforcement tool for serious misconduct by bodies corporate, that may require a larger financial penalty than is available through the infringements system to deter commercial non-compliance. A civil penalty scheme would enable a lower evidentiary threshold to prove the relevant offence compared to a criminal proceeding ('on the balance of probabilities' rather than 'beyond a reasonable doubt').

2.1.2 Administrative efficiency for enforcement agencies

Where conduct should be criminalised, legislating agencies should also consider whether enforcement agencies would gain the administrative benefits of the infringements system.

An enforcement agency can expect to gain savings in time and resources from issuing infringement notices rather than commencing criminal proceedings. However, the infringements system is a trade-off, offering low-cost efficiency while modifying the operation of certain rights (for example, by departing from the general principle that courts are responsible for determining whether a person has committed an offence).

Key questions to ask when determining whether enforcement agencies would benefit from the administrative efficiency of the infringements system include:

- Would enforcement agencies be able to rely on standardised processes?
- Would alleged offenders be likely to pay the fine or challenge it in court? Would the sectors of the community that are obliged to comply with the proposed offence be reasonably expected to have the funds, or to be able to make arrangements, to pay the fine?
- Would enforcement agencies be generating a high enough volume of infringements to establish a range of operational procedures to support use of infringements, including:
 - raising community awareness of the infringement offence and rights in relation to the offence
 - authorising, and training officers to issue infringements
 - developing criteria for referral of matters to court
 - managing payment plans
 - undertaking internal review
 - recording the infringement details needed to provide six-monthly data reports to the Attorney-General, and
 - undertaking compliance monitoring so that those obliged to comply with the offence provisions will be identified and pursued.

2.2 Gravity

To determine whether an offence is appropriate to be an infringement offence, legislating agencies should consider the following questions:

- Is the offence punishable by a **term of imprisonment**?
- Does the offence involve a **victim**?

If the answer to any of the above questions is ‘yes’, the offence is likely to be unsuitable to be an infringement offence.

2.2.1 Offences punishable by a term of imprisonment

Generally, only summary offences will be considered appropriate to be infringement offences.

Imprisonment up to six months

Offences attracting a term of imprisonment of up to six months as a sentencing option are presumed to be too serious to be an infringement offence unless the legislating agency can demonstrate compelling reasons why the offence should be created.

Where a legislating agency proposes to make an offence punishable by a term of imprisonment of up to six months but also seeks enforcement by infringement notice, consideration should be given to creating two offences: a less serious, narrower form of the offence punishable by a fine only, and a more serious offence punishable by a term of imprisonment.

Imprisonment of more than six months

Offences attracting a maximum term of imprisonment of more than six months are not suitable to be infringement offences. This is because such conduct is too serious for the issuing of an infringement notice to be a proportionate response.

Offering a person who faces a potentially significant prison term the opportunity to expiate the offence by paying a fixed infringement fine undermines the public policy objective of the prison sentence. Further, the threat of a lengthy term of imprisonment may lead a person who did not commit the alleged offence, or who has mitigating circumstances, to paying a fine to avoid the risk of being sentenced to imprisonment.

Offences that are indictable or have a statutory minimum term of imprisonment are unsuitable to be made infringement offences. Indictable offences are more serious offences, which are triable before a judge and jury, and generally in a higher court. A more appropriate avenue for enforcing such offences is prosecution.

2.2.2 Offences involving victims

Generally, offences involving a victim should not be enforceable by infringement notice. This is because the administrative processes used to enforce infringement notices are less likely to provide a forum in which a victim's circumstances, views and interests can be adequately taken into account.

To ensure that a victim's interests are recognised, the victim(s) should have the opportunity to:

- express their views in relation to the commencement of proceedings for the alleged offence, and
- outline the impact the offence has had on them.

2.3 Clarity

For an offence to be enforceable by an infringement notice, the offence must be clear and accessible to ensure that people required to comply with it understand their obligations. The physical and fault elements of the offence should be simple for the enforcement agency to prove, and not require adjudication.

Infringement offence provisions should provide a complete statement of all relevant laws and requirements and avoid cross-referencing supplementary materials. Cross-referencing creates risk that the elements of the offence could change over time, without adequate scrutiny.

Generally, an offence provision will be sufficiently clear if:

- the judgment or **discretion exercised by the issuing officer is limited**, and
- the **offence does not provide for a mental element, excuse, or defence**.

Where the offence is complex for one of the reasons above, additional factors may apply to make it suitable.

2.3.1 The judgment or discretion exercised by the issuing officer is limited

Generally, offences considered suitable infringement offences require the breach to be readily identifiable by an issuing officer.

Offences requiring an officer to assess a person's behaviour against certain standards will be presumed unsuitable to be made infringement offences unless the standard is precise and capable of objective assessment. Where an assessment of a person's behaviour against certain standards is required, a court should decide whether the alleged conduct constitutes a criminal offence, rather than an offence of an enforcement agency.

Offences leaving elements of the offence to the determination of a person or body will also be presumed unsuitable, requiring additional safeguards to be enforceable by infringement. For example, licensing regimes often make it an offence for a person to fail to comply with a term or condition of the licence determined by that licensing body.

Where those terms and conditions are left to the determination of a decision-maker rather than being prescribed in regulations or incorporated in a published industry standard or code, such terms and conditions are not able to be scrutinised by the ISOU for compliance with these guidelines, or by Parliament.

2.3.2 The offence does not have a mental element, excuse, or defence

Generally strict and absolute liability offences are suitable to be infringement offences. ‘Strict liability’ and ‘absolute liability’ offences do not require proof of the state of mind (or presumed state of mind) of the accused as an element of the offence. An absolute liability offence does not provide for any excuse or defence, while a strict liability offence permits only a defence of honest and reasonable mistake of fact.

Offence provisions that are not strict or absolute liability offences require proof of the state of mind (or presumed state of mind) of the accused as an element of the offence.⁵ Offence provisions with a mental element will contain words that describe the extent of the person’s care, knowledge, or intention, such as ‘becomes aware’, ‘carelessly’, ‘negligently’, ‘recklessly’, ‘knowingly’, ‘intentionally’, or ‘wilfully’. Offences which contain fault elements may, in limited circumstances, be suitable to be made infringement offences.

2.3.3 Additional requirements applicable to ‘complex’ infringement offences

Complex offences involve:

- judgement of the person’s conduct against a certain standard of behaviour,
- certain elements of the offence being left to the determination of a person or body, or
- a mental element, excuse or defence (for example, the infringement offence of careless driving, in which the offender’s ‘carelessness’ is imputed from their driving behaviour).

When assessing proposals to enforce complex offences by infringement notice, the ISOU will require agencies to outline the expected benefits of enforcement by infringement notice and may require agencies to commit to additional safeguards to prevent infringements being issued in circumstances where the alleged offending is not clear-cut and merits adjudication.

Key factors to consider in relation to the suitability of complex offences include:

- whether the use of infringements could have a disproportionate impact on any sector of the community, including vulnerable members of the community
- the enforcement agency’s safeguards, including the enforcement agency’s operational guidelines to provide additional instruction and safeguards in the exercise of discretion by issuing officers, restrictions on the range or level of issuing officers, restrictions on the classes of persons to whom infringements may be issued, and monitoring or trialling enforcement for a fixed period
- the expected gains to the community arising from the use of infringements, for example the volume of matters that would, if prosecuted, impose a considerable burden on the justice system
- whether community understanding of the offence is likely to be improved by efforts to facilitate awareness of the offence, for example through information campaigns or signs, and
- the form of legislation in which the offence is made. A complex offence sought to be made enforceable by infringement should have its elements set out in primary legislation, not subordinate legislation (although an infringement penalty may be prescribed in regulations), to ensure adequate scrutiny by the Parliament.

If a legislating agency proposed to make a complex offence enforceable by infringement, the agency must advise the relevant enforcement agency so it may prepare offence-specific enforcement guidelines.

⁵ **Criminal Procedure Act 2009** section 72. In criminal matters, the burden of proving the offence rests with the prosecution. Where a statutory offence provides an exception or excuse, the accused bears the evidentiary burden of proof, although the prosecution still bears the legal or persuasive burden of proof.

2.4 Consequence

Key questions to ask in determining whether the consequences are appropriate for an infringement offence include:

- Is the offence of such a minor nature that it **should be excluded from a person's criminal record**?
- Would the **same fixed penalty** be **proportionate** to a range of offending?
- Can the offence be enforced without a **graduated penalty structure**?
- If **other consequences** apply, can they do so without a conviction?

2.4.1 The offence may be excluded from a person's a criminal record

Generally, offences will be suitable to be infringement offences when they are sufficiently minor that they do not need to appear on a criminal record.

A significant benefit of the infringements system is expiation. Expiation means that the matter of the offence is taken to be finalised if the infringement has been paid or otherwise dealt with under fines legislation (for example, worked off in non-financial ways through the Work and Development Permit scheme under the Fines Reform Act).

Expiation means that no further criminal proceedings can be taken against the person for that offence and no conviction can be taken to have been recorded for that offence. Further, payment of an infringement penalty is not taken to be:

- an admission of guilt in relation to the offence, or
- an admission of liability for any civil claim or proceeding (for example, a claim of compensation) arising out of the same occurrence.⁶

Legislating agencies should consider whether repeat offenders' culpability may be understated in criminal proceedings for future offences if the offence were to be made enforceable by infringement. This because the fact a person has paid an infringement fine cannot be referred to in any report provided to a court for sentencing purposes.

Certain offences pre-dating the commencement of the Infringements Act relating to road, transport and marine safety can result in convictions being deemed.⁷ However, new 'deemed conviction' offences will generally not be considered suitable to be infringement offences, as this is contrary to the principle of expiation.

2.4.2 A fixed penalty is proportionate to a range of offending

As an infringement fine is a fixed penalty, the range of circumstances in which the offence is committed must be narrow and sufficiently for the fixed fine to be a proportionate response in all cases. If not, there may be instances where the infringement fine results in a disproportionately lenient or severe penalty for the offence. This means that the infringement offence might not be an effective and/or appropriate deterrent or punishment.

If the behaviour captured by an offence includes a narrow band of minor offending that can be carved out of a broader parent offence, the infringement offence should be limited to those defined circumstances. This will likely require consultation with the Office of Chief Parliamentary Counsel about the structure of the proposed offence provisions.

⁶ While payment of the infringement penalty cannot be taken to be an admission of liability for any civil claim or proceeding, there is no restriction on civil proceedings being taken in relation to a matter for which an infringement has been issued. Civil (including disciplinary) proceedings may be taken in relation to an alleged offence even where an infringement has been issued and paid. Further, if an Act makes specific provision, an infringement notice that has been served on a person may be used in the conduct of an inquiry or the taking of disciplinary action in relation to that person.

⁷ Under the **Spent Convictions Act 2021**, infringement convictions may not be disclosed on a person's criminal record from the day on which the person is convicted. Exceptions may apply to enable disclosure of a 'spent' conviction in certain circumstances.

2.4.3 Graduated penalties are not required

Some Acts may set out graduated criminal penalties that increase in amount for subsequent offending. The higher fine is intended to deter repeat offending.

By contrast, generally infringement offences should not have a graduated penalty structure because:

- a person's infringement history is not relevant at the point of issue. Where a person's prior breaches are relevant for other purposes (such as licensing and accreditation), enforcement agencies have developed other systems (such as demerit points) to record the person's breach history
- if an earlier infringement notice were to be withdrawn following the different review processes available to fine recipients, an infringement notice with a higher penalty for a subsequent instance of non-compliance would be invalidly issued
- the operational requirements to administer graduated penalties are complex. Enforcement agencies would need to be able to determine a person's infringement history at the point of issuance. Graduated penalties would therefore be inappropriate for most on-the-spot fines
- the infringements system is intended to respond to minor forms of criminal conduct that are expiated by payment of a fixed penalty. The need for graduated penalties may indicate that subsequent offending is too serious to be dealt with by infringement, and
- repeat instances of non-compliance may indicate an offender has circumstances best considered by a court.

2.4.4 Application of other consequences

Offences may be suitable to be made infringement offences where certain other consequences apply. Examples of acceptable consequences include:

- the recording of demerit points, driver licence sanctions (for example in relation to traffic infringements under the **Road Safety Act 1986**) or both
- where an Act permits the fact that an infringement notice has been served to be considered as part of an inquiry or disciplinary action, or
- where additional steps are required to rectify a breach.

Other consequences, like seizure of property suspected to be involved in the commission of an alleged offence, will result in an offence being presumed unsuitable to be made an infringement offence. This is because an infringement is not a conviction, and a seizure of property associated with an infringeable offence would not be subject to the scrutiny of a court.

There are currently two exceptions to this approach where an offender is issued with an infringement notice. These deal with confiscation of graffiti implements under the **Graffiti Prevention Act 2007**, and the forfeiture of controlled weapons under the **Control of Weapons Act 1990**. Exceptions were made for these offences in recognition of the significance attached to these forms of offending within the community, the nature of the goods being seized and the need to address these high-volume offences.

2.5 Penalty setting

Criminal penalties, including infringement penalties, are generally expressed in penalty units. The value of a penalty unit is indexed and typically increases each year, at the amount set by the Victorian Treasurer under the **Monetary Units Act 2004**.

To ensure they retain their value, penalties should generally not be set at a specific monetary amount in legislation, unless the penalty is intended to only operate for a temporary period.

To set a proportionate penalty for an infringement offence, legislating agencies should consider whether the infringement penalty is:

- **below the maximum amount** permitted by these guidelines
- **proportionate** to the offending behaviour and court-imposed maximum penalty

- **consistent** with comparable offences or part of a national scheme, and
- **unlikely to have an undesirable financial impact** on the fine recipient.

Examples of infringement offences tiered by seriousness are provided at Appendix 4 – Tiered table of *infringement offences*, as a reference for setting penalties for comparable new infringement offences.

2.5.1 Maximum infringement penalty amounts

To ensure that infringements are used for the enforcement of appropriate offences having considered a range of matters including severity, these guidelines require that the infringement penalty for an individual must be no more than 12 penalty units.

Where the alleged offender is a body corporate and the relevant Act allows for different penalties for bodies corporate, the maximum penalty should be no more than 60 penalty units, being five times the maximum penalty for individuals. This reflects a similar approach to section 113D in the **Sentencing Act 1991** for bodies corporate which have been found guilty of an offence against the **Crimes Act 1958**.

Penalty amounts applicable to children

Lower infringement penalties may be appropriate for fines issued to children, in recognition of the importance of treating children differently from adults and the reduced capacity of children to pay fines.

An infringement penalty is likely to be inappropriate if it exceeds the maximum fine that may be imposed by the Children’s Court unless compelling reasons apply. The statutory caps set out in section 373 of the CYF Act are:

- if the child is under 15 years: one penalty unit per offence, with a maximum of two penalty units in aggregate for more than one offence, and
- if the child is aged between 15 years and 18 years: five penalty units per offence, with a maximum of 10 penalty units in aggregate for more than one offence.

or for either of the above, the maximum fine which may be imposed on an adult, whichever is the lower amount. An infringement penalty for a child should not be equivalent to an adult unless compelling reasons apply.

2.5.2 Proportionality with the offending behaviour and court-imposed maximum penalty

Infringement penalty amounts should be set:

- at the minimum level required to achieve deterrence of the specific offending behaviour.
- at a level that is proportionate to the gravity of offending behaviour and represents a fair punishment to the defendant, and
- at a level that is equal to or lower than the typical fine that the Magistrates’ Court would impose for that offence, to provide an incentive for the alleged offender to pay the fine instead of choosing to have the matter decided in court.

Infringement penalties should also be set by reference to the court-imposed maximum penalty. An infringement fine should be no more than 25 per cent of the statutory maximum penalty for the offence. A higher proportion of the maximum penalty up to 50 per cent may be justified if there are public interest grounds for exceeding the 25 per cent limit. However, legislating agencies should consider whether this outcome would lead to significantly more people electing to have the matter heard in court.

An infringement penalty should also not be too lenient. For that reason, generally it should not be less than 10 per cent of the maximum penalty that a court could impose if the person were prosecuted.

If the statutory maximum penalty for the proposed offence is more than 120 penalty units, legislating agencies should consider the following options (given the 12-penalty unit limit for natural persons in these guidelines):

- reducing the statutory maximum penalty for the offence to target a narrower range of conduct, or

- creating a separate infringement offence that captures the narrowly and clearly defined conduct at the minor end of the spectrum of seriousness.

If the offence is serious enough to warrant a higher penalty, the suitability of the offence to be an infringement offence should be reconsidered. Making an offence infringeable with higher penalties should only be proposed where there is either:

- a clear public interest ground for doing so, or
- a demonstrable deterrent arising from the level of penalties.

Consideration should also be given to the deterrent effect of higher fines. Research indicates that effective deterrence considers other factors such as the likelihood of detection of the offending behaviour and the perceived benefit of offending, in addition to the penalty value.⁸ A 2007 study by the NSW Bureau of Crime Statistics and Research examined the history and subsequent reoffending of 70,000 persons who received a court imposed fine for a driving offence between 1998 and 2000. The analysis failed to find any evidence for a significant relationship between the fine amount and the likelihood that an offender will return to court for a new driving offence, suggesting that higher level penalties may not result in effective deterrence.⁹

2.5.3 Consistency with other offences

Unless the offence is made under a national scheme, the level of the infringement penalty for the proposed offence should be consistent with penalties applicable for comparable offences in Victorian legislation. Consideration of comparable offences in other jurisdictions is permissible, however, greater weight should be given to comparable offences in Victorian legislation.

The infringement penalty for the proposed offence will need to reflect the seriousness of the offence compared with other infringement offences. The relatively high infringement fine penalty amounts for offences that pose serious risks to the safety of an individual or the public (for example, speeding and drink-driving offences) set a benchmark for the determination of penalties for infringement offences.

Examples of infringement offences tiered by seriousness, are provided at *Appendix 4 – Tiered table of infringement offences*, as a reference for setting penalties for a proposed infringement offence. The ISOU can provide further guidance on the penalty range appropriate for a proposed offence.

Agencies that are considering the introduction of an infringement offence under a national scheme need to weigh the value of uniformity at a national level against the principles for penalty-setting in these guidelines.

National laws are developed to provide a consistent framework for the regulation of industries that operate nationwide. In recent years, there is increasing regulatory effort devoted to the development of uniform legislation around Australia. Where such schemes have the effect of overriding Victorian policy, consideration will need to be given to the whole-of-government implications of the proposed enforcement regime.

2.5.4 Financial impact of a penalty on the fine recipient

When setting an infringement penalty, it is important to consider the financial implications of the fine to the cohort of persons or bodies corporate obliged to comply with the offence provision.

If the infringement fine represents only trivial expense to the recipient, imposition of the fine may have little punitive or deterrent value. Conversely, if a high fine is imposed, the fine may disproportionately affect those without the financial means to pay. This is particularly relevant when a fine may be issued to a child, as children are less able to pay fines than adults.

⁸ Arie Freiberg, *The Tools of Regulation* (Federation Press, 2010) 212.

⁹ Steve Moffatt and Suzanne Poynton, NSW Bureau of Crime Statistics and Research, *The Deterrent Effect of Higher Fines on Recidivism* (2007) <https://www.bocsar.nsw.gov.au/Publications/CJB/cjb106.pdf>

This requirement reflects that under section 52 of the **Sentencing Act 1991** (if the offender is a child, section 374 of the CYF Act), courts must take into account the financial circumstances of the offender and the burden imposed on the offender.

The fines system also responds to financial hardship which may be caused by a high fine amount. To address the risk that people facing financial hardship will be unable to receive the benefit of paying the fine at infringement stage, the Attorney-General's Guidelines for Enforcement Agencies requires payment plans to be made available to holders of a Centrelink Pension Concession cards, Veterans' Affairs Pensioner Concession cards or Gold cards, and Centrelink Health Care cards.

Fine recipients experiencing acute financial hardship may also be eligible to apply for a Work and Development Permit (WDP). The WDP program, which is administered by the Director, Fines Victoria, enables eligible fine recipients to work off their fines in non-financial ways.

Payment plans and the WDP program are discussed in greater detail in the Attorney-General's Guidelines for Enforcement Agencies.

2.6 Unsuitable offences made by exception

In exceptional cases, offences that are inconsistent with these guidelines may be made.

If the proposed offence is contained in a Cabinet submission, Cabinet may approve the making of an otherwise unsuitable offence. In the Cabinet submission, the legislating agency should note that the proposed offence is inconsistent with these guidelines and detail why the offence should nevertheless be made.

If the proposed offence is contained in statutory regulations, the Minister responsible must certify that they are satisfied the proposed statutory rule does not meet the requirements of the guidelines but should be made regardless because of the reasons specified in the certificate (section 6A(1)(c)(ii) of the SLA).

The certificate should note the specific public interest grounds to make the infringement offence, or the reasons for making the infringement penalty severe.

APPENDIX 1 – GLOSSARY

Term	Definition
Child	A child is a person under eighteen years of age at the date of the alleged offence. A child under the age of ten cannot be issued with an infringement notice.
Director	Director means the person holding the position of Director, Fines Victoria under the Fines Reform Act. The Director may delegate their powers, functions, and duties.
Enforcement agency	An enforcement agency is a body or person that is authorised under its principal Act to take proceedings in relation to an infringement offence, or a person or body employed or engaged to provide services that include taking proceedings. An enforcement agency can also be a prescribed person or body or an agency that is a member of a prescribed class.
Enforcement warrant	A warrant issued by a registrar of the Magistrates' Court. This warrant allows the sheriff's officer, police officer or other authorised person to whom it is directed to take a range of actions. Most enforcement warrants are directed to sheriff's officers. If a fine is not paid, sanctions may be applied, including the seizure of property up to the value of the infringement penalty plus any prescribed fees. If the property does not cover this value, the person named in the enforcement warrant can be arrested.
Expiation	Expiation means that the matter of the offence is taken to be finalised if the infringement and any applicable fees have been paid or satisfied by the completion of a Work and Development Permit, waiver by the Director of a fine under the Time Served scheme for prisoners in the Fines Reform Act and any additional steps required under law have been complied with.
Family Violence Scheme	A scheme through which a person whose experience of family violence has substantially contributed to the person being unable to understand or control an infringement offence, or it is not safe for them to nominate the person responsible for a driving-related offence, may apply to the Director to have the infringement notice withdrawn. If the Director is satisfied the person is eligible, the Director can direct the infringement notice to be withdrawn.
Graduated penalty	Penalties that increase with second and subsequent offences are known as graduated penalties.
Indictable offence	An offence of a more serious nature that is triable before a judge and jury. Some indictable offences are triable summarily, meaning that they are tried in the same way as a summary offence (triable in the Magistrates' Court).
Issuing officer	An issuing officer is a person appointed by an enforcement agency to issue or serve an infringement notice in respect of an infringement offence.
Legislating agency	A legislating agency, for the purposes of these guidelines, is an agency that prepares the legislation creating or amending an infringement offence. Such legislation is then considered by the Parliament, Governor-in-Council or other approving body.

Term	Definition
Nomination	A person who receives an infringement notice for certain camera-detected driving-related offences and who was not the driver at the time of the alleged offence may make a statement nominating another person as the actual driver. Another driver cannot be nominated if the person was intercepted by a police officer and issued with an infringement notice for an offence by that officer.
Offence code	The code used to identify an infringement offence for the purposes of Fines Victoria's IT system.
Official warning	A formal warning issued by issuing officers instead of an infringement notice.
Payment plan	A plan arranged with the enforcement agency before the matter is registered with the Director. A payment plan can be an extension of time to pay or an agreement to pay by instalments. An enforcement agency may refer a fine to the Director for inclusion in a payment arrangement instead of offering a payment plan.
Penalty Reminder Notice	A notice served on a person who has not paid an infringement penalty on time. An enforcement agency must send a penalty reminder notice in respect of the unpaid fine and fees before the fine can be registered with the Director or the Children's Court.
Special circumstances	'Special circumstances' is one of the grounds for seeking an internal review or an enforcement review of a decision to issue an infringement notice. Special circumstances are defined in the Infringements Act. The term refers to a person's condition or circumstance of vulnerability or disadvantage (such as a relevant mental illness or homelessness) with a causal link to the offence. In limited circumstances, a person with a severe, long-term condition or circumstance making it impracticable to deal with the fine in any way may also be eligible under this ground.
Statutory maximum penalty	The maximum penalty that may be imposed by a court for a particular offence.
Summary offence	An offence triable in the Magistrates' Court of Victoria.
Victim	Typically a natural person who has suffered injury as a direct result of a criminal offence or, in some cases, a family member of that person.
Withdrawal of infringement notice	Under section 18 of the Infringements Act, an enforcement agency may withdraw an infringement notice at any time before an infringement fine is registered with the Director for enforcement.

APPENDIX 2 – PROCESS OUTLINE – CONSULTING WITH THE ISOU, DJCS ABOUT PROPOSED INFRINGEMENTS

Legislating agency to consider section 2 - Guidelines for the creation of infringement offences

- Section 2 of these guidelines sets out the policy on suitable infringement offences and penalties. The legislating agency should also consider the enforcement agency that will enforce the proposed infringement offence, and how it will do so.

Legislating agency contacts the ISOU (isou@justice.vic.gov.au)

- **If offence is made in primary legislation** – the legislating agency should contact the ISOU with a table of proposed infringement offences and penalties and a copy of the drafting instructions for a bill before the Approval-in-Principle stage of a Cabinet submission. Consultation on the offence will otherwise occur as part of the Cabinet coordination process and during drafting of the bill.
- **If offence is made, or penalties prescribed**, in subordinate legislation - the legislating agency should provide the ISOU with a table of proposed infringement offences and penalties, and a proof copy of the regulations.

Note: The creation of a new infringement offence will also require separate consultation with the relevant criminal law policy area within DJCS.

The ISOU assesses suitability of the offence

- The ISOU will consider the consistency of the offence with these guidelines and advise the legislating agency if the offence is suitable, or provide suggestions if an offence is unsuitable, through the legislative development process of primary or subordinate legislation (depending on the offence).

If offence is suitable, the ISOU to advise legislating agency of operational steps to create or amend an offence

- The ISOU will request the legislating agency to complete an offence code template to enable a registrable fine to be registered for enforcement.

Legislating agency provides the ISOU with the completed offence code template

- The ISOU will review the template and propose any further changes necessary for consistency with the fines legislation and administrative requirements. The legislating agency should return the template once an effective date for commencement is confirmed no less than two weeks prior to the commencement date of the offence to enable the offences to be assigned offence codes. More time may be needed if several offences are proposed to be created or amended.

The ISOU advises legislating agency and, if relevant, Victoria Police of numerical offence code and offence details

- If an offence may be enforced by Victoria Police, the legislating agency is not required to advise Victoria Police as the ISOU will do this.

Legislating agency advises enforcement agency of the offence details, including the offence code

- The legislating agency is responsible for advising all relevant enforcement agencies (other than Victoria Police) of changes to legislation and their commencement.

**APPENDIX 3 – SUMMARY OF GUIDELINES FOR CREATING A NEW
INFRINGEMENT OFFENCE AND PENALTY-SETTING**

Consideration	Questions for legislating agencies
Appropriate enforcement tool	<p>Should the behaviour be criminalised?</p> <ul style="list-style-type: none"> ● What is the nature of the public disorder or individual behaviour to be addressed and what is the consequence of that behaviour continuing unregulated or maintaining the regulation in its current form? ● What is the deterrent effect sought by criminal penalties? ● Have other enforcement tools or other means of addressing offending behaviour been considered? ● Will the proposal not adversely affect fairness and the rights of an individual? ● Is there a strategy for ensuring community awareness of the new offence, and of rights in relation to the offence? <p>Would enforcement agencies gain the administrative benefits of the infringements system?</p> <ul style="list-style-type: none"> ● Would enforcement agencies be able to rely on standardised processes? ● Would alleged offenders be more likely to pay the fine than challenge it in court? ● Would enforcement agencies be generating a high enough volume of infringements to establish a range of operational procedures to support use of infringements?
Gravity of offence	<p>Is the offence sufficiently minor for an infringement offence?</p> <ul style="list-style-type: none"> ● Is the offence a summary offence? ● Is the offence not serious enough to be punishable by a term of imprisonment? ● Does the offence not involve a victim?
Clarity of offence	<p>Is the offence sufficiently clear and simple to prove?</p> <ul style="list-style-type: none"> ● Is the judgment or discretion exercised by the issuing officer limited? ● Does the offence exclude a mental element, excuse, or defence? ● Do any additional factors apply to make it suitable if it is a more complex offence (for example, additional safeguards, clear operational guidelines for issuing officers)?
Consequence of offence	<p>Are the consequences for the offence appropriate if enforced by infringement?</p> <ul style="list-style-type: none"> ● Is the offence of such a minor nature that it should be excluded from a person's criminal record? ● Would the same fixed penalty be proportionate to a range of offending? ● Can the offence be enforced without a graduated penalty structure? ● If other consequences apply, can they do so without a conviction?

Consideration	Questions for legislating agencies
Appropriate penalty	Is the infringement penalty: <ul style="list-style-type: none">● Expressed in penalty units (not a specific monetary amount)?● Below the maximum amount (12 penalty units for natural persons, 60 penalty units for corporations)?● Proportionate to the offending behaviour and court-imposed maximum penalty (between 10 and 25 per cent of the court-imposed maximum penalty)?● Consistent with comparable offences or part of a national scheme?● Unlikely to have an undesirable financial impact on the fine recipient?

APPENDIX 4 – TIERED TABLE OF INFRINGEMENT OFFENCES

This table sets out various examples of infringement offences **applicable to natural persons** ranging in seriousness from less to more severe. It provides a reference for setting the penalty for a proposed infringement offence.

This table is intended as a guide only. While the penalties for similar infringement offences should generally be equivalent to ensure consistency across the statute book, infringement penalties reflect a range of factors including the particular enforcement context of an offence. Similarity in the elements of two offences will not necessarily mean that the same infringement penalty is appropriate in both cases.

Seriousness of offence and examples of offences (for individuals)	Offence provision	Penalty units
Minor Level: Below 1 penalty unit		
<ul style="list-style-type: none"> ● Parked for period longer than indicated 	Road Safety Road Rules 2017 Rule 205	0.2 penalty unit
<ul style="list-style-type: none"> ● Fail to vote at council election without providing sufficient excuse for the failure to vote 	Local Government Act 2020 section 266	0.5 penalty units
<ul style="list-style-type: none"> ● Stopped in a bus zone 	Road Safety Road Rules 2017 rule 183(1)	0.6 penalty units
Low Level: At or above 1.0 and below 3.0 penalty units		
<ul style="list-style-type: none"> ● Fail to display L plate 	Road Safety (Drivers) Regulations 2019 r.48(2)	1 penalty unit
<ul style="list-style-type: none"> ● Smoking in an outdoor drinking area 	Tobacco Act 1987 section 5C(1)	1 penalty unit
<ul style="list-style-type: none"> ● Fail to provide name and address while in an event venue or area 	Major Events Act 2009 section 89(1)	1 penalty unit
<ul style="list-style-type: none"> ● Driving an unregistered vehicle in a toll zone 	Melbourne Citylink Act 1995 section 73(1)	1 penalty unit
<ul style="list-style-type: none"> ● Fail to produce valid transport ticket 	Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017 reg 8(2), 9(2)	1.5 penalty units
<ul style="list-style-type: none"> ● Fail to apply to register a dog or cat 	Domestic Animals Act 1994 section 10(1)	2 penalty units
<ul style="list-style-type: none"> ● Fail to comply with permit 	Firearms Act 1996 section 58AAA(7)	2 penalty units
<ul style="list-style-type: none"> ● Fail to obey traffic lights 	Road Safety Road Rules 2017 Rule 57(1)	2.5 penalty units
Medium Level: At or above 3.0 and below 5.0 penalty units and may include demerit points or deemed conviction		
<ul style="list-style-type: none"> ● Being out of sight of campfire or BBQ in a regulated forest area 	Forests Act 1958 section 66A(1)	3 penalty units
<ul style="list-style-type: none"> ● Display a tobacco advertisement at a retail outlet other than specialist retail outlet 	Tobacco Act 1987 section 6(2aa)	3 penalty units

Seriousness of offence and examples of offences (for individuals)	Offence provision	Penalty units
<ul style="list-style-type: none"> Exceed speed limit in a vehicle other than a heavy vehicle by 30 km/h or more but less than 35 km/h (offence code 1930) 	Road Safety Road Rules 2017 Rule 20	3.25 penalty units
<ul style="list-style-type: none"> Unlawful deposit of dangerous litter 	Environment Protection Act 2017 section 115(2)	4 penalty units
<ul style="list-style-type: none"> Disorderly conduct in a public place 	Summary Offence Act 1966 section 17A	4 penalty units
<ul style="list-style-type: none"> Alcohol level of 0.14% but less than 0.15% 	Road Safety Act 1986 section 49	4.25 penalty units
High Level: At or above 5.0 and below 10.0 penalty units and may include demerit points and deemed conviction		
<ul style="list-style-type: none"> Fail to ensure cleanliness at food premises 	Food Act 1984 section 16(1)	5 penalty units
<ul style="list-style-type: none"> Driving while disqualified or suspended 	Road Safety Act 1986 section 18	5 penalty units
<ul style="list-style-type: none"> Exceed speed limit by 25 km/h or more but less than 30 km/h 	Road Safety Road Rules 2017 rule 20	5.5 penalty units
<ul style="list-style-type: none"> Failure by a licensee to notify the authority of not meeting one or more renewal disqualification criteria 	Rooming House Operators Act 2016	6 penalty units
<ul style="list-style-type: none"> Supply unsafe electrical equipment 	Electricity Safety Act 1998 section 54B	6 penalty units
<ul style="list-style-type: none"> Fail to give 'amounts payable' statement by manager of retirement village to a former resident 	Retirement Villages Act 1986 section 38I(2)	7.5 penalty units
<ul style="list-style-type: none"> Exceed speed limit in a heavy vehicle by 40 km/h but less than 45 km/h 	Road Safety Act 1986 section 65B	10 penalty units
Severe Level: At or above 10.0 but below 12.0 penalty units and may include demerit points and deemed conviction		
<ul style="list-style-type: none"> Exceed speed limit in a heavy vehicle by 45 km/h or more 	Road Safety Act 1986 section 65B	11.5 penalty units
<ul style="list-style-type: none"> Supply liquor to an intoxicated person 	Liquor Control Reform Act 1998 section 108(4)(a)	12 penalty units

Major Transport Projects Facilitation Act 2009

NOTICE OF DECISION TO DISCONTINUE PARTS OF ROADS

Portions of Government Road, Kororoit Creek Road, Bacchus Marsh –
Werribee Road, Werribee Main Road, Werribee Street North, Old Geelong Road,
Champion Road and Cherry Street to be Discontinued

Pursuant to section 186A(1)(a) of the **Major Transport Projects Facilitation Act 2009** (Act), I, Tony Hedley, Program Director, Level Crossing Removal Project, as delegate of the project authority for the Ferguson Street, Williamstown Level Crossing Removal Project, Cherry Street, Werribee Level Crossing Removal Project, Werribee Street, Werribee Level Crossing Removal Project and Old Geelong Road, Hoppers Crossing Level Crossing Removal Project (Projects), hereby discontinue the parcels of the roads described in Schedule A and shown on the plans attached in Schedule B (Road Portions).

The decision to discontinue the Road Portions takes effect upon publication of this notice in the Victoria Government Gazette.

Schedule A

Arterial Road

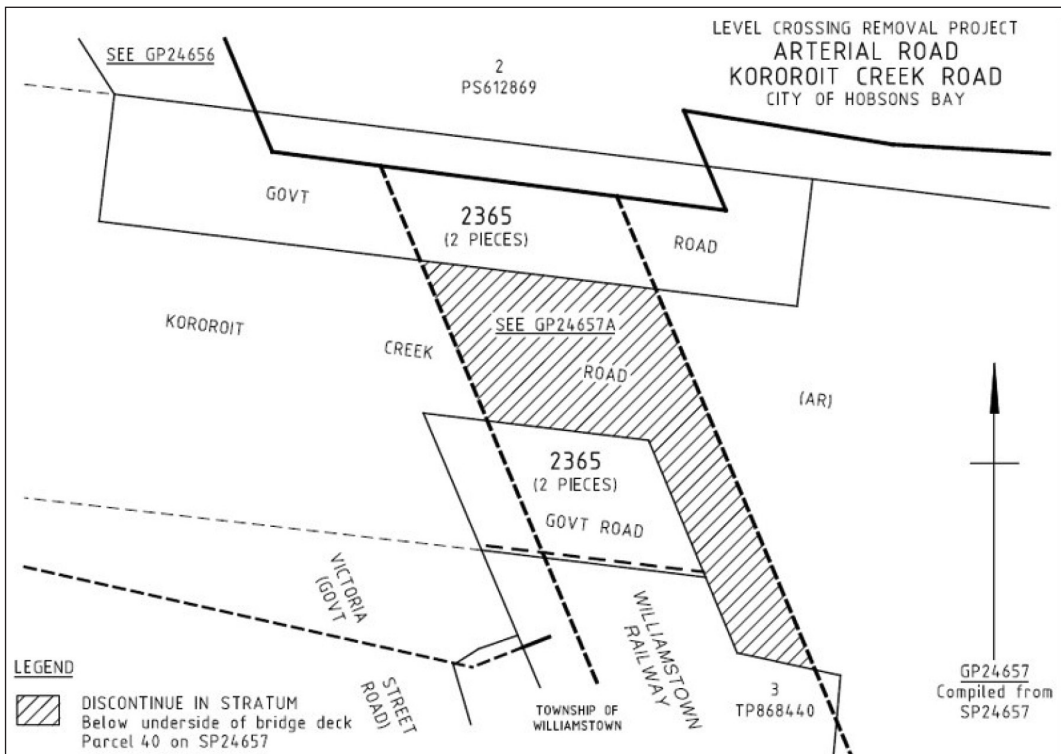
- 1) Parcel 40 on SP24657 of Kororoit Creek Road as identified by hatching on the plan numbered GP24657 is discontinued as described in the legend in the said plan.
- 2) Parcel 60 on SP24658 of Kororoit Creek Road as identified by hatching on the plan numbered GP24658B is discontinued as described in the legend in the said plan.
- 3) Parcel 1 on SP24521A of Bacchus Marsh - Werribee Road as identified by cross-hatching on the plan numbered GP24521 is discontinued as described in the legend in the said plan.
- 4) Parcel 20 on SP24522A of Bacchus Marsh - Werribee Road as identified by cross-hatching on the plan numbered GP24522 is discontinued as described in the legend in the said plan.
- 5) Parcel 25 on SP24522A of Werribee Main Road as identified by cross-hatching on the plan numbered GP24522C is discontinued as described in the legend in the said plan.

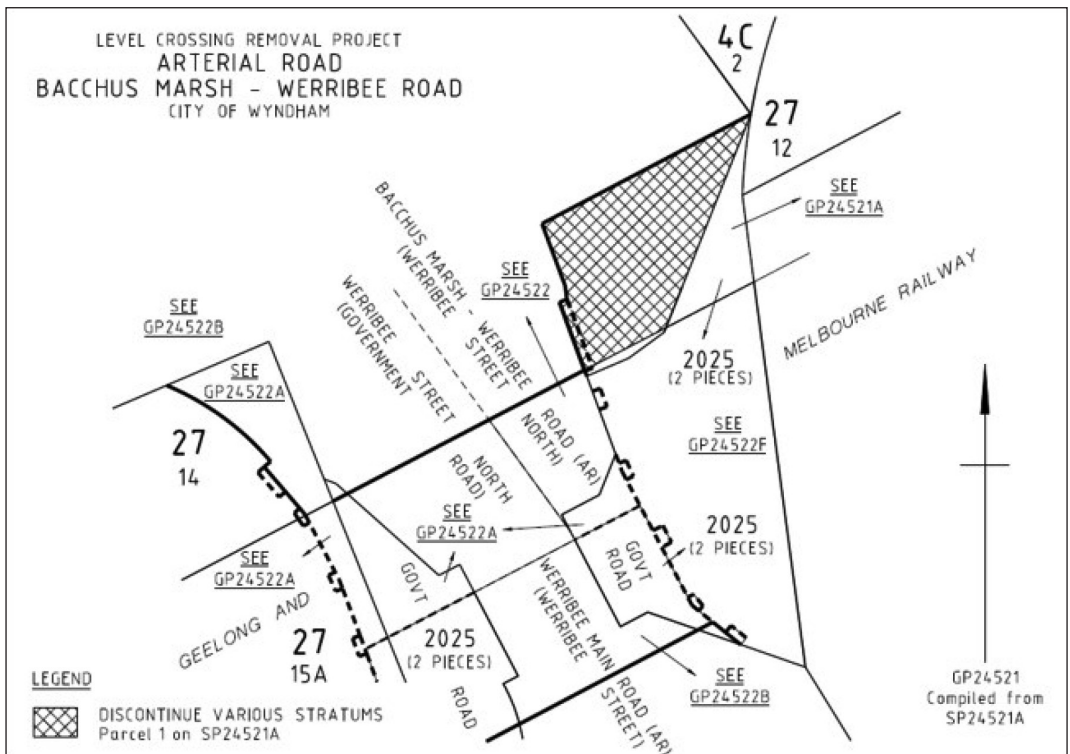
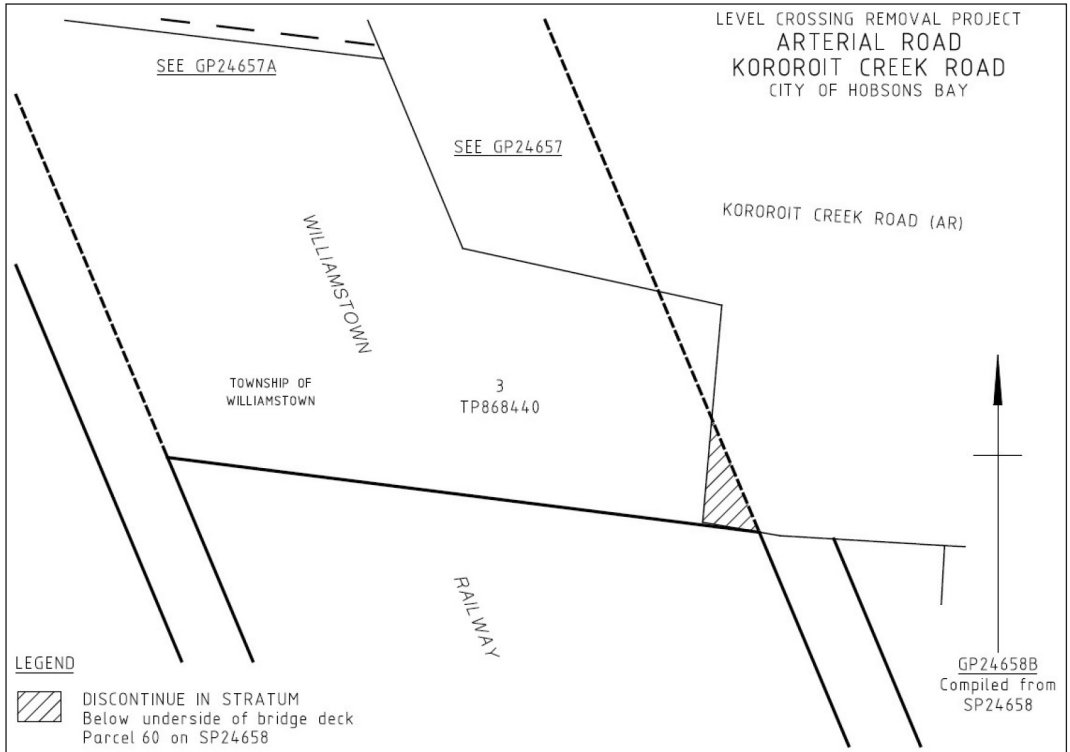
Municipal Road

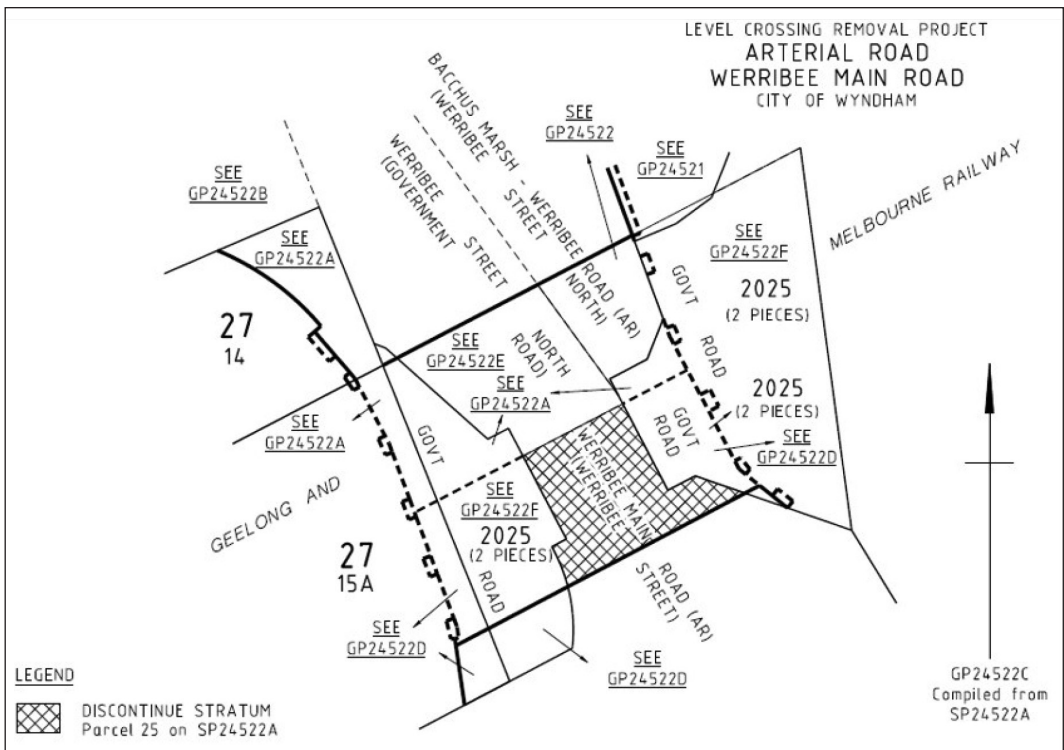
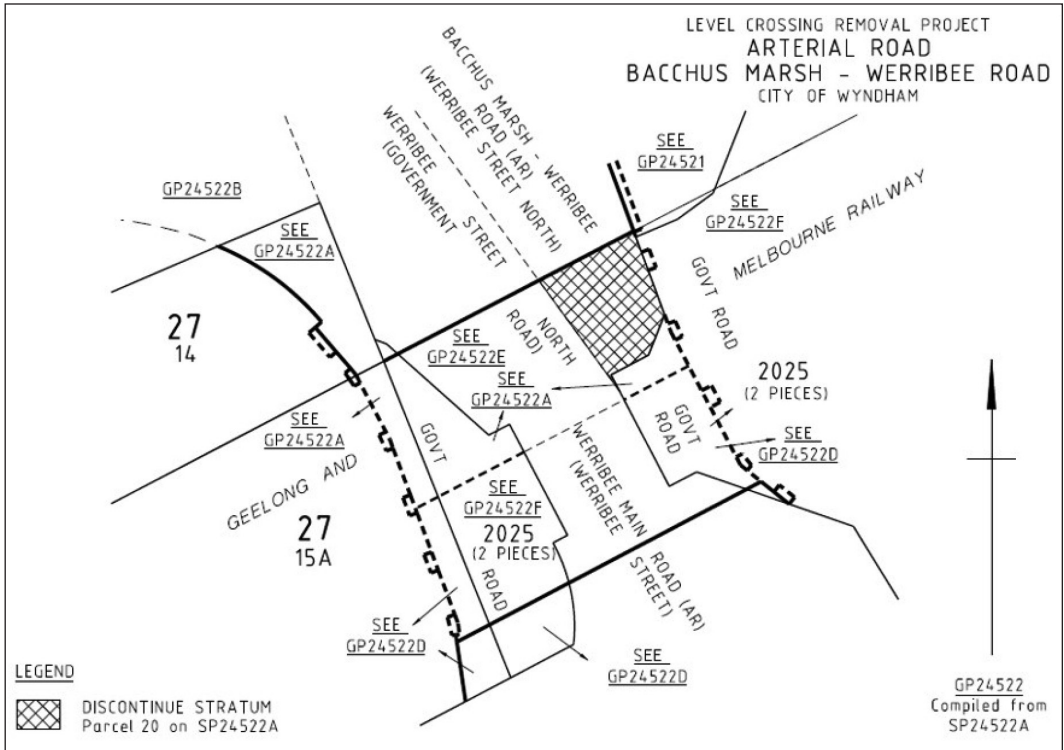
- 1) Parcel 20 on SP24656 of Champion Road as identified by hatching on the plan numbered GP24656 is discontinued as described in the legend in the said plan.
- 2) Parcels 43, 44 and 45 on SP24657 of Government Road abutting Kororoit Creek Road as identified by hatching and cross-hatching on the plan numbered GP24657A are discontinued as described in the legend in the said plan.
- 3) Parcel 40 on SP24520A of Cherry Street as identified by cross-hatching on the plan numbered GP24520A is discontinued as described in the legend in the said plan.
- 4) Parcels 41 & 42 on SP24520A of Government Road abutting Cherry Street as identified by cross-hatching on the plan numbered GP24520 are discontinued as described in the legend in the said plan.
- 5) Parcel 2 on SP24521A of Government Road as identified by cross-hatching on the plan numbered GP24521A is discontinued as described in the legend in the said plan.
- 6) Parcels 29, 30 and 31 on SP24522A of Government Road as identified by hatching and cross-hatching on the plan numbered GP24522F are discontinued as described in the legend in the said plan.
- 7) Parcel 35 on SP24522A of Werribee Street North as identified by cross-hatching on the plan numbered GP24522E is discontinued as described in the legend in the said plan.
- 8) Parcels 145 and 146 on SP24666 of Government Road abutting Old Geelong Road as identified by hatching on the plan numbered GP24666A are discontinued as described in the legend in the said plan.

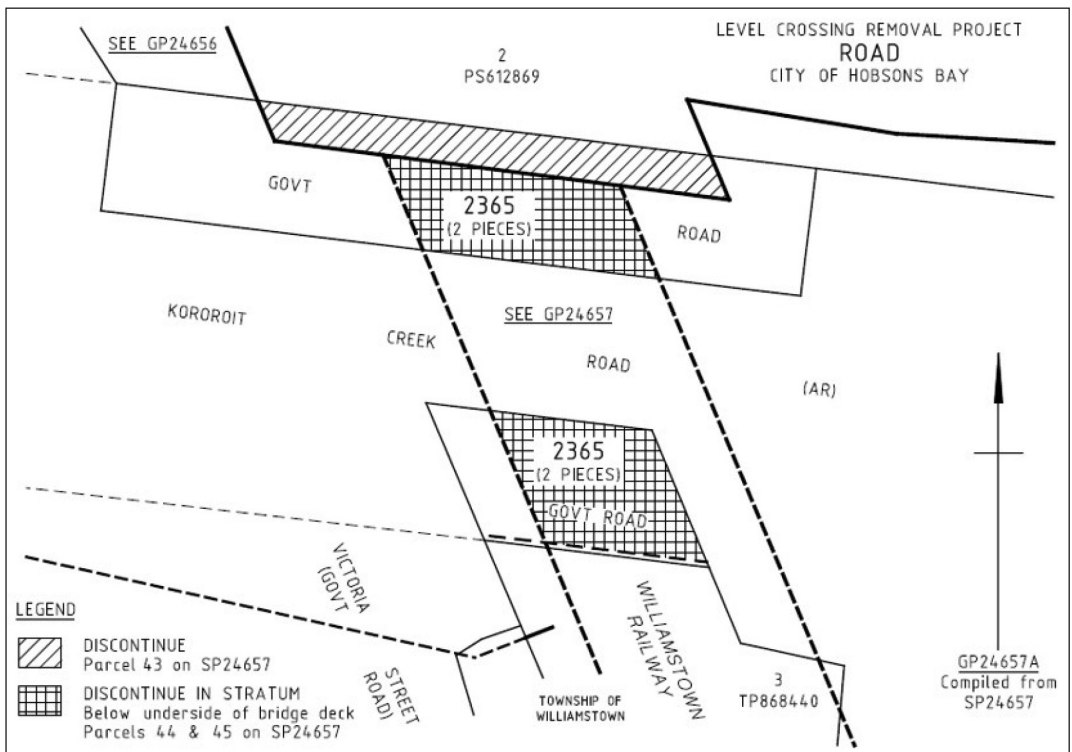
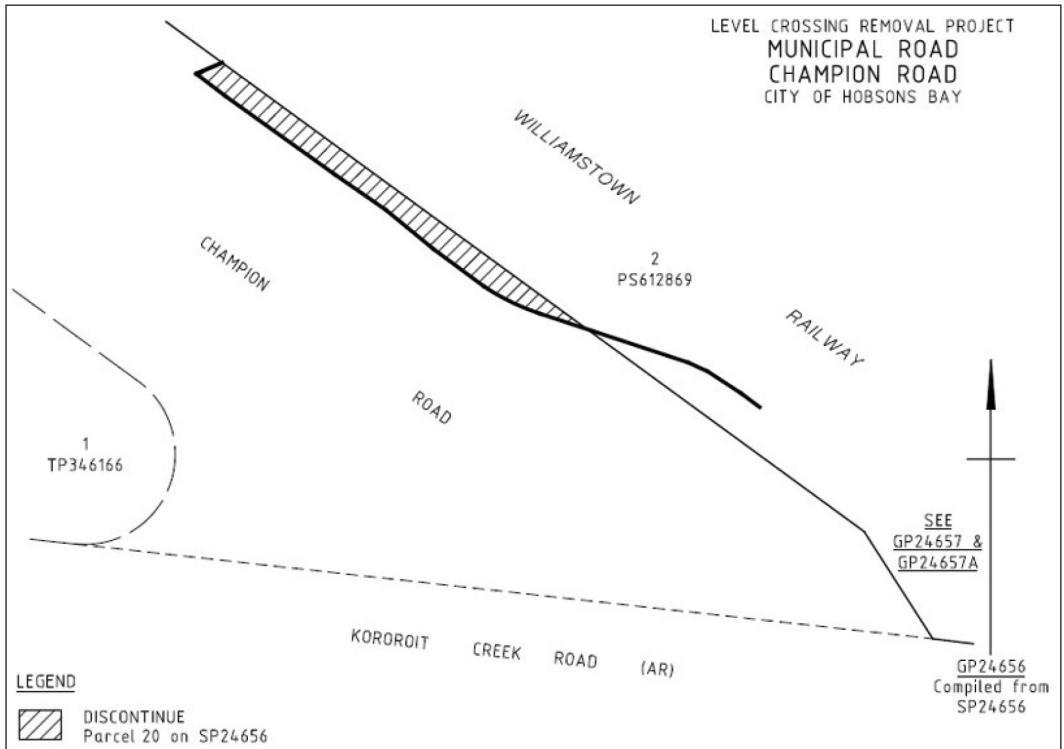
- 9) Parcels 140, 141 and 142 on SP24666 of Old Geelong Road as identified by hatching on the plan numbered GP24666 are discontinued as described in the legend in the said plan.
- 10) Parcels 122 and 123 on SP24665 of Government Road as identified by hatching on the plan numbered GP24665A are discontinued as described in the legend in the said plan.
- 11) Parcel 121 on SP24665 of Old Geelong Road as identified by hatching on the plan numbered GP24665 is discontinued as described in the legend in the said plan.

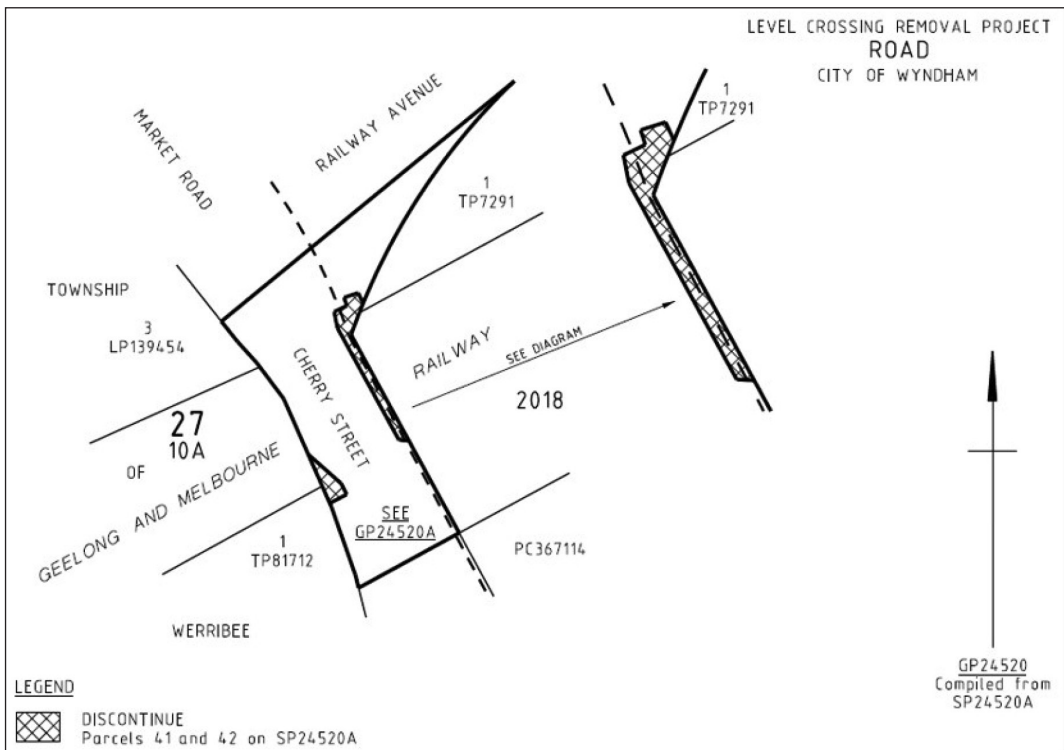
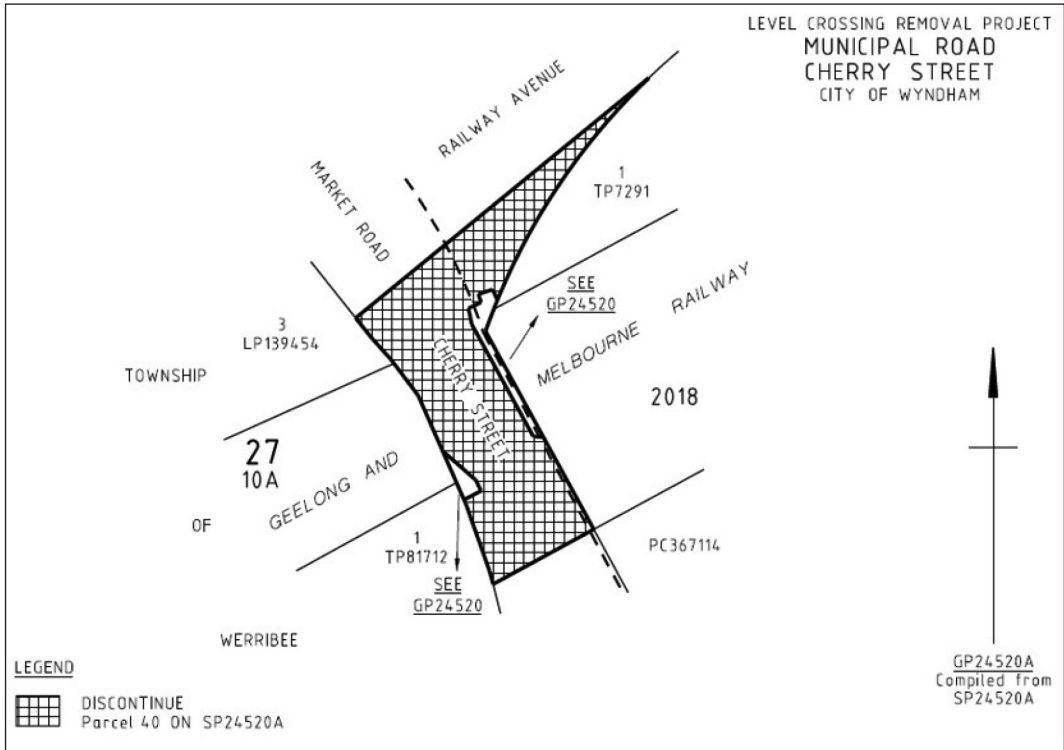
Schedule B - Gazette Plans

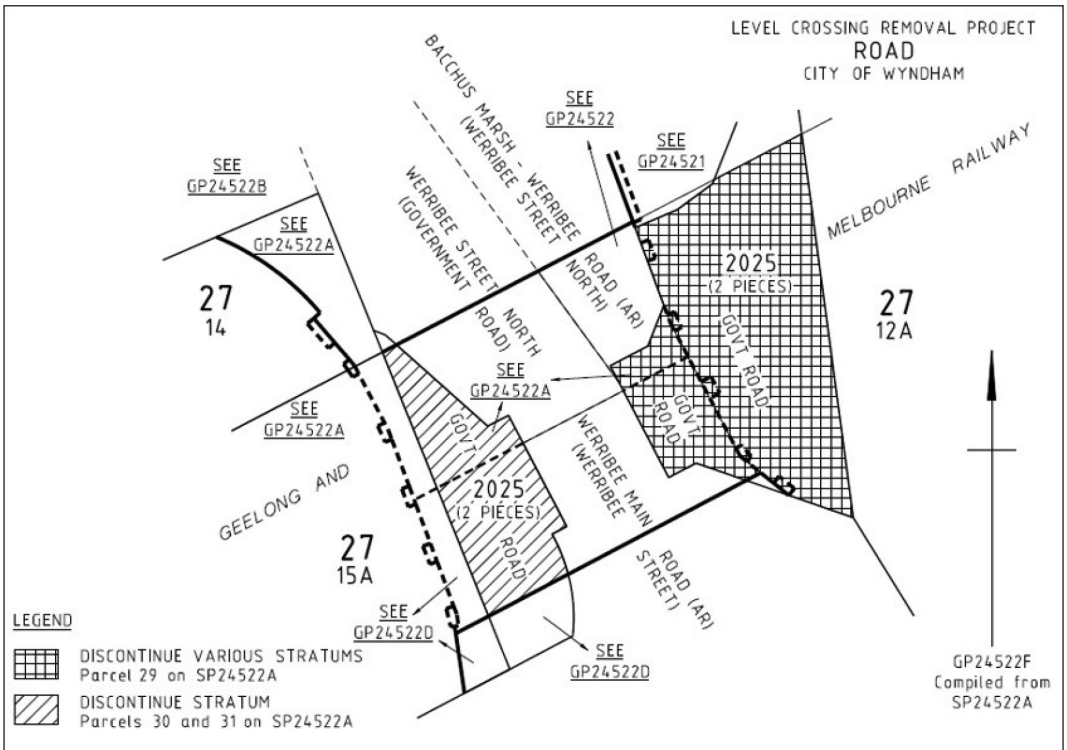
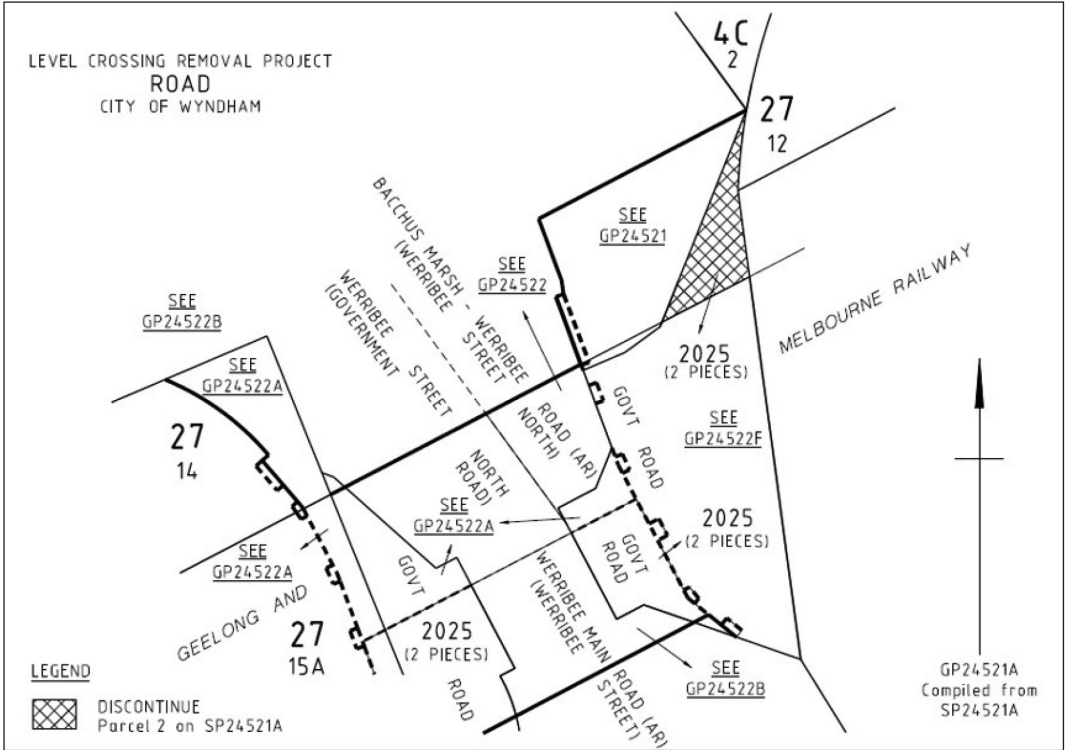


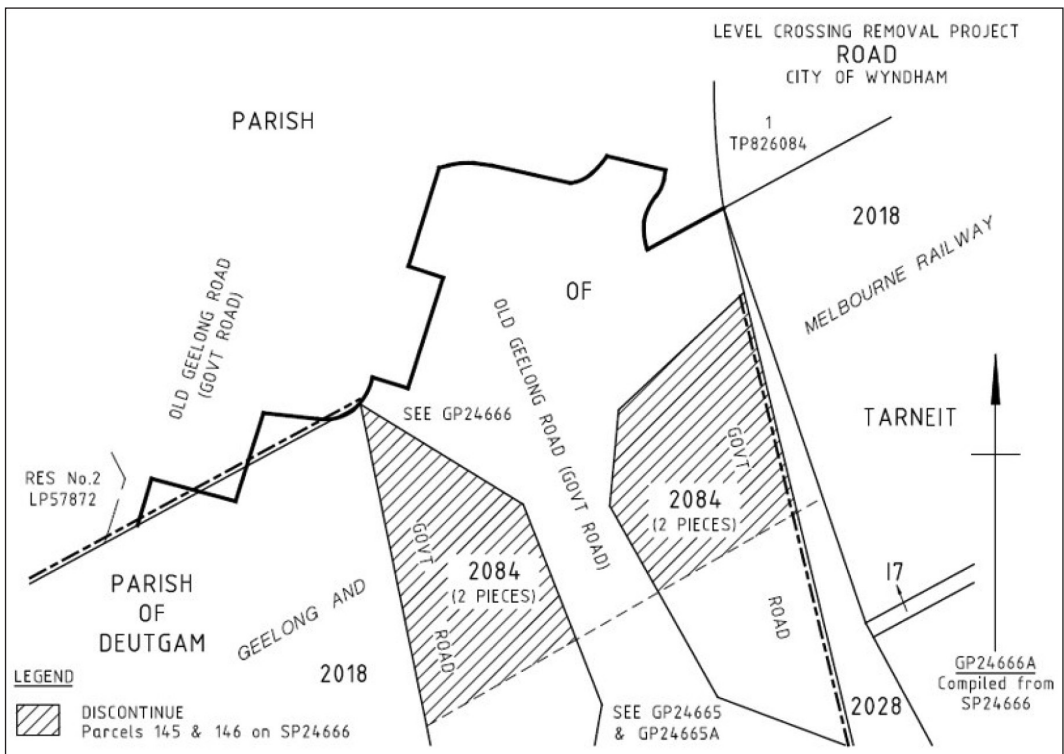
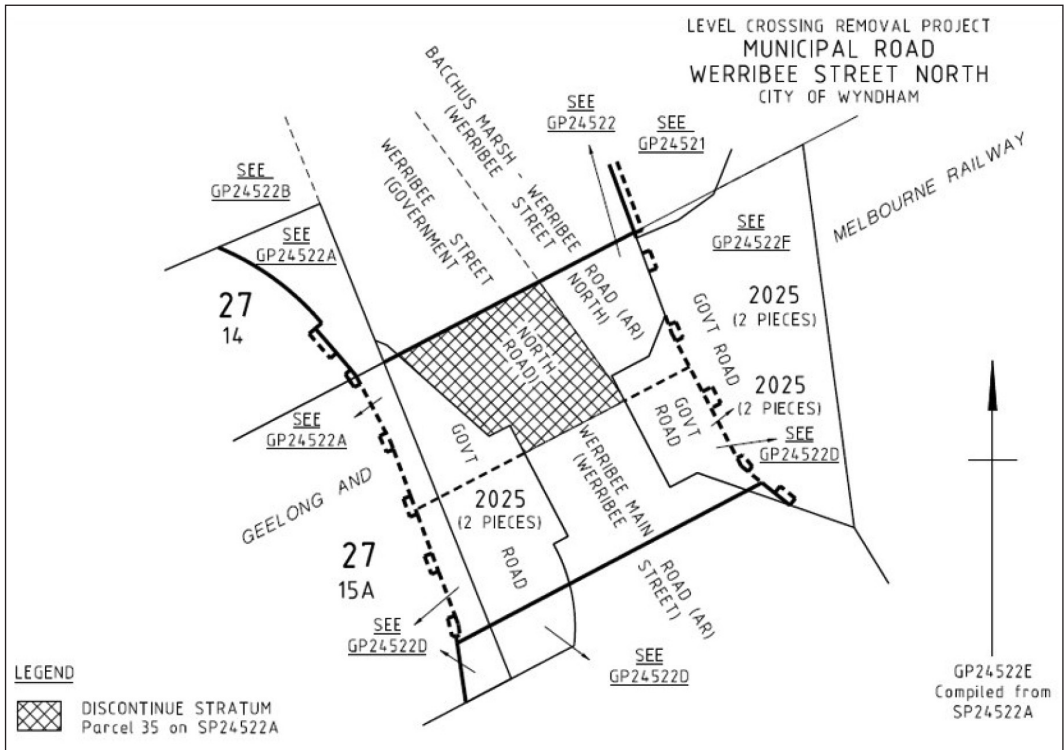


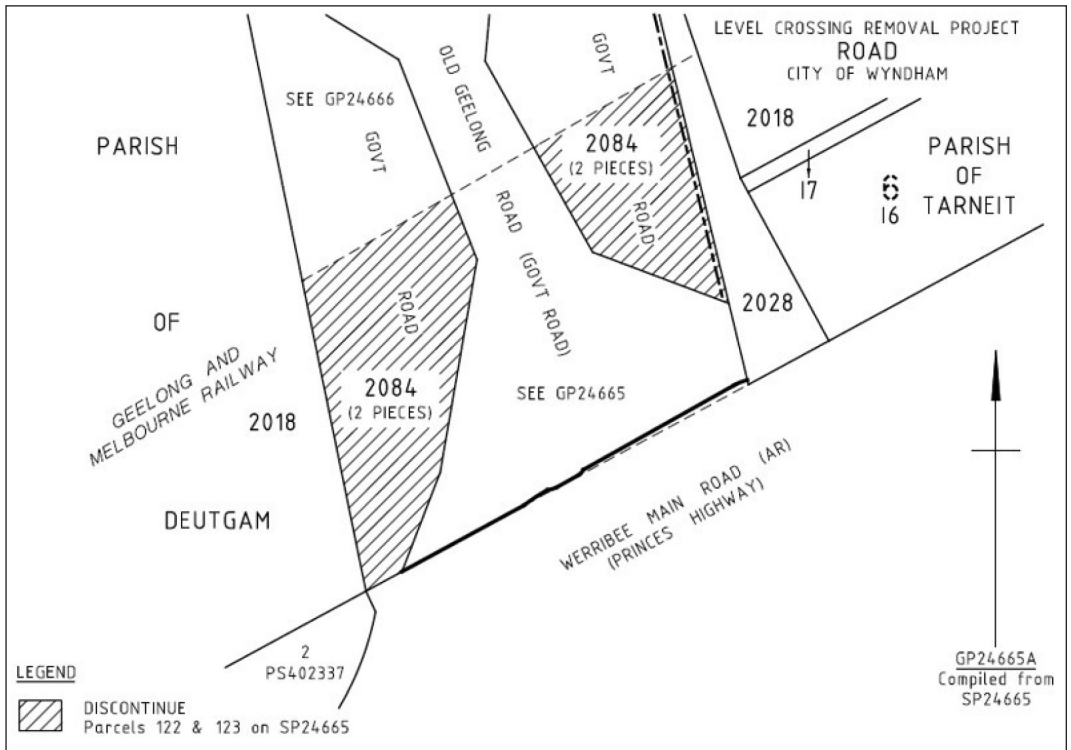
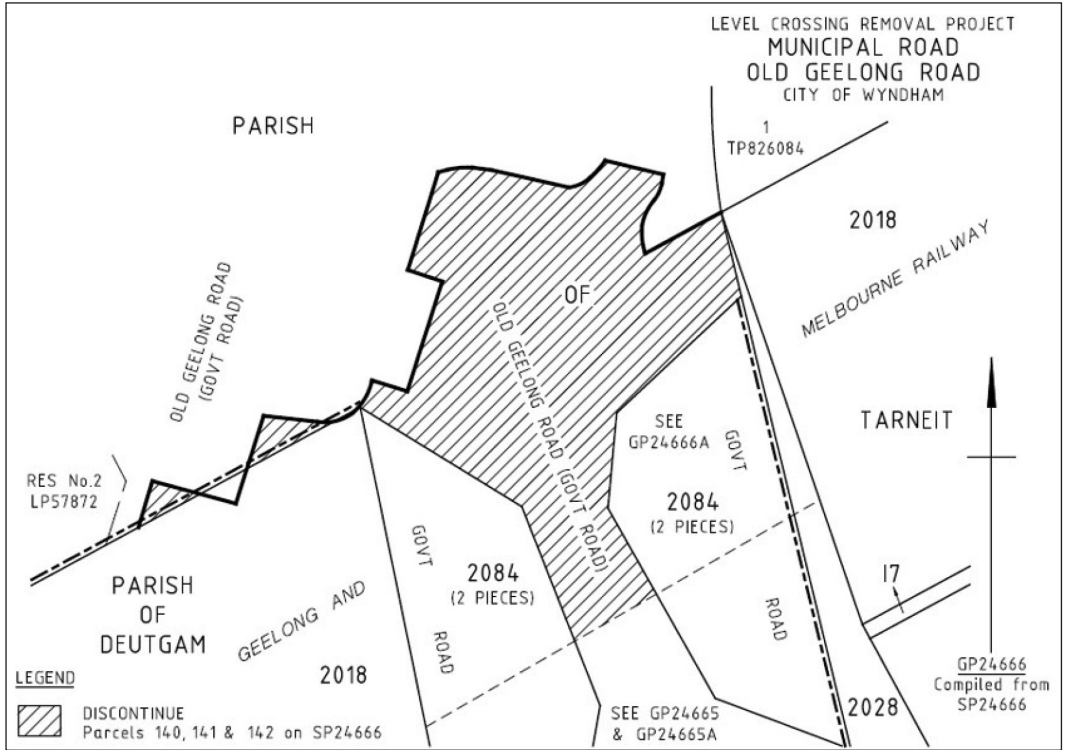


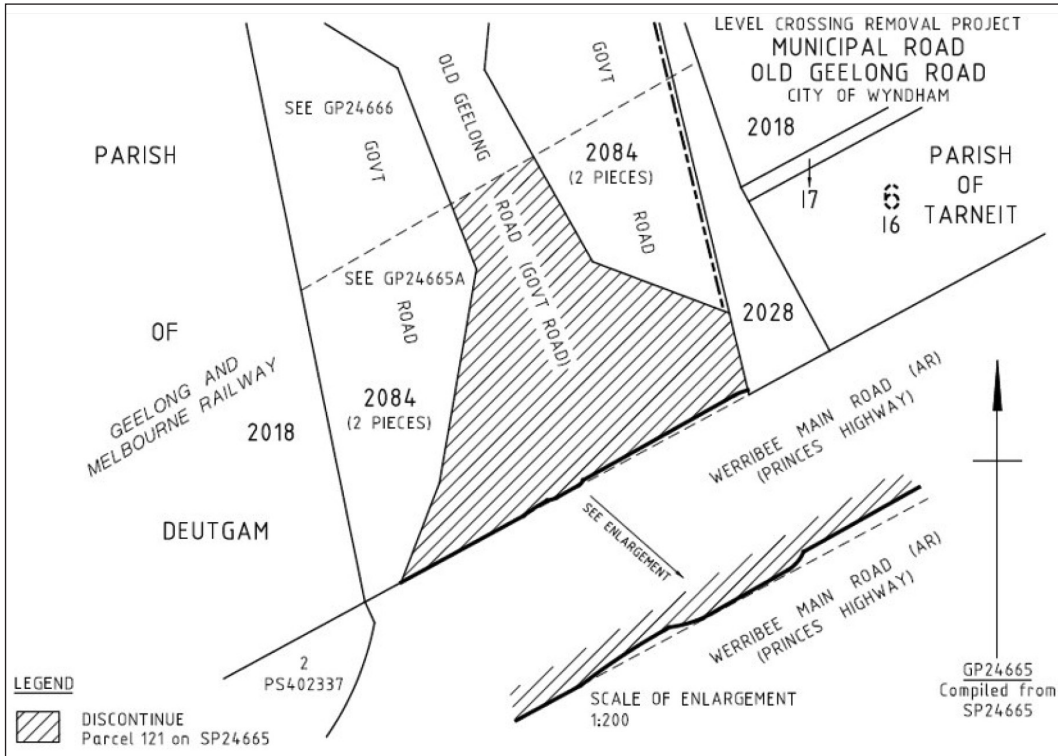












Dated 20 October 2022

Tony Hedley
 Program Director
 Level Crossing Removal Project

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Parks Victoria as the declared waterway manager for the Yarra River upstream of the port waters of the Port of Melbourne, hereby gives notice under section 208(2) of the **Marine Safety Act 2010** that all persons and vessels not registered to take part in the Victorian Festival of Diwali – Fireworks Display 2022 are prohibited from entering and remaining in the following waters.

Waters of the Yarra River – Between Princes Bridge and Swan Street Bridge.

The exclusion zone will be in effect from 8.30 pm to 11.30 pm on Saturday 29 October 2022.

Dated 19 October 2022

BY ORDER OF PARKS VICTORIA

Plant Biosecurity Act 2010**ORDER DECLARING A RESTRICTED AREA IN VICTORIA FOR THE CONTROL OF TOMATO YELLOW LEAF CURL VIRUS**

I, Gayle Tierney, Minister for Agriculture, being of the reasonable belief that the exotic disease tomato yellow leaf curl virus (TYLCV) is present in Victoria, make the following Order under section 32(1) of the **Plant Biosecurity Act 2010** –

1 Objectives

The objectives of this Order are –

- (a) to declare a restricted area for the control of TYLCV in Victoria; and
- (b) to specify the prohibitions, restrictions and requirements which are to operate in relation to the restricted area.

2 Authorising provision

This Order is made under section 32(1) of the **Plant Biosecurity Act 2010** (the Act).

3 Commencement

This Order comes into operation on the day that it is published in the Government Gazette.

4 Revocation

The Order entitled *Order declaring restricted areas in Victoria for the control of tomato yellow leaf curl virus* made under section 32(1) of the **Plant Biosecurity Act 2010** and published in Victoria Government Gazette G48 on 2 December 2021 at page 2492, is **revoked**.

5 Definitions

In this Order –

host material means any host plant or used package;

host plant means the plants and plant products specified in clause 7.

6 Declaration of a restricted area for the control of TYLCV

The area described in the Schedule is declared to be a restricted area for the control of TYLCV.

7 Affected plants and plant products

This Order affects any plant or plant product, excluding fruit and seeds, of tomatoes (*Lycopersicon esculentum*), beans (*Phaseolus vulgaris*), eggplant (*Solanum melongena*) lisianthus (*Eustoma grandiflorum*), lobed croton (*Croton lobatus*) and all species of *Capsicum*, *Euphorbia* and *Physalis*.

8 Prohibitions, restrictions and requirements

- (1) The removal of any host material from the restricted area described in clause 6 and the Schedule is prohibited.
- (2) Subclause (1) does not apply to –
 - (a) a person who moves any host material from the restricted area under and in accordance with a permit issued by an inspector under section 34 of the Act and complies with any conditions set out in the permit;
 - (b) tomatoes with calyx and stem attached, for sale as truss tomatoes;
 - (c) host plants sent as waste for deep burial; or
 - (d) used packages which have been cleaned free of host plants.

9 Expiry

This Order remains in force for a period of 12 months after the day that it is published in the Government Gazette.

Schedule

The area of land in Victoria within a radius of 20 kilometres of the point: 145.45574° East, 35.98476° South.

Dated 24 October 2022

GAYLE TIERNEY MP
Minister for Agriculture

Road Safety Act 1986

DECLARATION UNDER SECTION 68(4) OF THE **ROAD SAFETY ACT 1986**
THAT CERTAIN PROVISIONS OF THE **ROAD SAFETY ACT 1986** AND
REGULATIONS DO NOT APPLY WITH RESPECT TO EVENTS
CONDUCTED BY CASTERTON AND DISTRICT DRAG RACING CLUB INC.

1. Purpose

The purpose of this notice is to make a declaration under section 68(4) of the **Road Safety Act 1986** that sections 68(1) and 68(2) of the **Road Safety Act 1986** and the Regulations, including the Road Safety Road Rules 2017, do not apply to motoring events which are sanctioned, or organised and conducted by the motoring organisation Casterton and District Drag Racing Club Inc., other than the provisions specified in Table 1.

2. Authorising provision

This notice is made under section 68(4) of the **Road Safety Act 1986**. Section 68(4) provides that the Minister for Roads may, on the application of a motoring organisation and by notice published in the Government Gazette, declare that sections 68(1) and 68(2) of the **Road Safety Act 1986** and of any regulations (except as specified in the notice) do not apply with respect to any function or event that is sanctioned, or organised and conducted, by that motoring organisation.

Section 68(1) provides that it is an offence for a person to drive or be in charge of a motor vehicle which is being used in a race or speed trial on a highway. Section 68(2) makes it an offence for a person, alone or with any other person, to organise or manage a race or speed trial or to carry out or cause to be carried out any preparations for the conduct of a race or speed trial that is held or to be held on a highway.

3. Commencement

This notice takes effect at 8.00 am on Saturday 19 November 2022.

4. Expiry

This notice expires at 7.00 pm on Saturday 19 November 2022.

5. Declaration

In accordance with section 68(4) of the **Road Safety Act 1986** I, Paul Northey, as delegate for the Minister for Roads and on the application of Casterton and District Drag Racing Club Inc., declare that sections 68(1) and 68(2) of the **Road Safety Act 1986** and the Regulations and Road Safety Road Rules 2017 (other than the provisions specified in Table 1) do not apply with respect to motoring events which are sanctioned, or organised and conducted by the motoring organisation Casterton and District Drag Racing Club Inc., provided that the event is conducted in full compliance with any permit issued by the Department of Transport.

Dated 19 October 2022

PAUL NORTHEY
Chief Regional Transport
Department of Transport
Delegate of the Minister for Roads

TABLE 1: Provisions that do apply to the relevant events**Road Safety Road Rules 2017**

Part 1	Introductory
Part 2	Interpretative provisions
Rule 78	Keeping clear of police vehicles, emergency vehicles, enforcement vehicles and escort vehicles
Rule 79	Giving way to police vehicles, emergency vehicles, enforcement vehicles and escort vehicles
Rule 300	Driver must not use a hand-held mobile
Rule 304	Obeying a direction by a police officer or authorised officer
Part 19	Exemptions
Part 20	Meaning and application of traffic control devices and traffic-related items
Part 21	General interpretative provisions
Schedules 1–4	Abbreviations, symbols and signs
Dictionary	Meaning of terms

Road Safety (Vehicles) Regulations 2009

ALL

Road Safety (Drivers) Regulations 2019

ALL

Road Safety (Traffic Management) Regulations 2019

ALL

Road Safety (General) Regulations 2019

ALL

Victorian Managed Insurance Authority Act 1996**MEDICAL INDEMNITY COVER FOR PUBLIC PATIENTS IN COVERED FACILITIES**

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I, Danny Pearson MP, direct the Victorian Managed Insurance Authority (VMIA) to provide VMIA Insurance to each eligible Operator, as that term is defined in one or more Emergency Department Support Indemnity Agreements to be entered into between an Operator and the Minister for Health and Minister for Ambulance Services on behalf of the Crown in right of the State of Victoria (Agreements) on terms agreed by the Department of Health, the Department of Treasury and Finance and VMIA.

The VMIA Insurance will cover the Operator, the Operator's employees, the employees of Related Entities (Facility), CMOs and VMOs in respect of the Covered Services provided during the Covered Period to Public Patients at a Covered Facility pursuant to a Covered Agreement. This direction is effective from 17 October 2022 until 30 June 2023 (dates inclusive).

Notwithstanding the expiry or revocation of this direction, VMIA will continue to provide VMIA Insurance for Covered Services provided to a Public Patient admitted to a Covered Facility during a Covered Period prior to that expiry or revocation until such Public Patient has been discharged from that Covered Facility.

VMIA is to determine the premium payable for the insurance, as well as any policy terms and conditions as VMIA sees fit.

Capitalised terms in this Direction shall have the same meanings given to them in the Agreements.

Dated 18 October 2022

THE HON. DANNY PEARSON MP
Assistant Treasurer



Water Act 1989

NOTICE OF DECLARATION OF SERVICED PROPERTIES DECLARATION NO. 842

Central Highlands Water declares the properties as described below to be serviced properties for the purpose of the **Water Act 1989** on and from Thursday 22 December 2022.

Property	Towns	Type
C/A 1 Sec A2	Adelaide Lead	water
PS824358K Lot M	Alfredton	water/sewer
PS846042Q Lot 1 and 2	Brown Hill	water/sewer
C/A 5 Sec 20	Carisbrook	water
C/A 6 Sec 20	Carisbrook	water
C/A 7 Sec 20	Carisbrook	water
C/A 8 Sec 20	Carisbrook	water
C/A 10 Sec 20	Carisbrook	water
PS905148W Lot 1 and 2	Carisbrook	water/sewer
PS841003D Lot 1–4 incl.	Gordon	water/sewer
PS846182X Lot 1 and 2	Gordon	water/sewer
PS846148X Lot 153–162 incl.	Lucas	water/sewer
PS846149V Lot 162–164 and 191–212 incl.	Lucas	water/sewer
PS846874R Lot 1908–1948 incl.	Lucas	water/sewer
PS846443V Lot 1 and 2	Mount Clear	water/sewer
LP98685 Lot 44	Scarsdale	water
PS837937U Lot 1–20 incl.	Sebastopol	water/sewer
PS805104T Lot 1 and 2	Wendouree	water/sewer
PS908091J Lot 701–717 incl.	Winter Valley	water/sewer

For more information contact Central Highlands Water on 1800 061 514.

Water Act 1989

DECLARATION OF SERVICED PROPERTIES

For the purposes of section 144 of the **Water Act 1989** Goulburn Valley Region Water Corporation (trading as Goulburn Valley Water), declares it has made provision for water and/or sewerage services to the following lots commencing 30 November 2022:

Potable Water and Sewerage

Lots 1–21, PS846921K; 7615 Goulburn Valley Highway, Kialla
Lots 1 and BL2, PS842701W; 7713 Goulburn Valley Highway, Kialla
Lots 1–2, PS847041M; 61 Fahey Street, Shepparton
Lots 1–9, PS906256N; 13 Hunter Street, Tatura
Lots 1–2, PS909017R; 27 Sobraon Street, Shepparton
Lots 1–3, PS909014X; 118 Swallow Street, Shepparton
Lots 1–3, PS844839E; 178 High Street, Broadford
Lots 1–3, PS830904Y; 83 Hamilton Street, Kilmore
Lots 31, 46–59, PS814532C; 56 Mitchell Street, Kilmore
Lots 1–9, PS904005B; 1 Theodore Court, Wandong
Lots 1–2, PS848754R; 94 Binney Street, Euroa

Potable Water only

Lots 1–2, PS845968M; Bendigo-Murchison Road, Colbinabbin
Lots 1–2, PS910022R; 22 Jean Street, Longwood

Sewerage only

Lot 1, PS833953T; 135 Old Dookie Road, Shepparton

For more information, telephone Goulburn Valley Water on 1800 45 45 00.

Water Act 1989

DECLARATION OF SERVICED PROPERTIES

For the purposes of section 144 of the **Water Act 1989** North East Water declares it has made provision for water and/or sewerage services to the following lots commencing 30 November 2022:

Potable Water and Sewerage

Lots 1–7, 14–22, 87, 88, 121, 122, 126–136, 200, 201, 237 PS844058K Christensen Lane, Wangaratta, Baltimore Park Estate Stages 12 and 13

For more information, telephone North East Water on 1300 361 622.



LOWER MURRAY WATER

Water Act 1989

NOTICE OF DECLARED SERVICED PROPERTIES – 1/1/2023

The above mentioned Corporation hereby declares that on and from 1 January 2023, the properties described below shall be deemed to be serviced under the provisions of section 144 of the **Water Act 1989**.

District	Town	Property Identification	Lot and Plan No.	Urban Water District (W)	Sewerage District (S)
Sunraysia	Birdwoodton	64 McEdward Street	Lot 1 PS 812771	W	–
	Mildura	712 Benetook Avenue	Lot 1 PS 608786	W	S
	Mildura	902–908 Benetook Avenue	Lot 1 LP 147435	W	–
	Nichols Point	3246 Eleventh Street	Lot 1 PS 842883	W	S
Swan Hill	Swan Hill	42 Monash Drive	CA 22 Township Swan Hill	–	S
	Swan Hill	Boree Drive/ Stringybark Drive/ Cassia Way/ Tallerack Drive	Lots 408–432 PS 510325	W	S

PAUL O'DONOHUE
Interim Managing Director

Water Act 1989

NOTICE OF DECLARATION OF SERVICED PROPERTIES

Notice is hereby given that Westernport Water has made provision for water and/or recycled water and/or sewer services for the properties listed below. In accordance with section 144 of the **Water Act 1989**, these properties are now liable to be rated as serviced properties from 31 October 2022.

Lot / Plan Numbers	Property Address
Water and Sewer Services	
Lots 1 and 2 / PS909983N	3 Furlong Crescent, Dalyston
Lots 1 and 2 / PS836404N	27 McRae Avenue, Cowes

A copy of the notice and plans for the above are available for inspection at Westernport Water's Office, 2 Boys Home Road, Newhaven.

www.westernportwater.com.au

Water Act 1989**YARRA VALLEY WATER – DECLARATION OF SERVICED PROPERTIES**

Pursuant to section 144 of the **Water Act 1989**, Yarra Valley Water declares the following land to be serviced property for the listed services from 27 October 2022.

Development Address/ Estate Name	Stage/s	Plan of Subdivision Number	Suburb	Drinking Water	Recycled Water	Sewerage Services
Merrifield Living – Section D	Stage 42	PS845596Y	Mickleham	Y	Y	Y
Ooranya Estate	Stage 8	PS831552Y	Beveridge	Y	Y	Y
Kinbrook Estate	Stage 11	PS847492B	Donnybrook	Y	Y	Y
Kinbrook Estate	Stage 12	PS847496S	Donnybrook	Y	Y	Y
True North	Stage 23	PS837857S	Greenvale	Y	N	Y

ORDERS IN COUNCIL

Crown Land (Reserves) Act 1978

TEMPORARY RESERVATION OF CROWN LANDS

Order in Council

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands which are required for the purposes mentioned:–

MUNICIPAL DISTRICT OF THE MORNINGTON PENINSULA SHIRE COUNCIL

BITTERN – Public Recreation; area 13.99 hectares being Crown Allotment 2072, Parish of Bittern as shown on Original Plan No. OP123987 lodged in the Central Plan Office.

File ref: 1201902

MUNICIPAL DISTRICT OF THE CAMPASPE SHIRE COUNCIL

ECHUCA NORTH – Drainage purposes; being Crown Allotment 2049, Parish of Echuca North [area 7538 square metres] as shown on Original Plan No. OP125546 lodged in the Central Plan Office.

File ref: 0606958

MUNICIPAL DISTRICT OF THE MORNINGTON PENINSULA SHIRE COUNCIL

KANGERONG – Public Recreation; being Crown Allotment 2030, Parish of Kangerong [area 28.69 hectares] as shown on Original Plan No. OP125545 lodged in the Central Plan Office.

File ref: 2016418

MUNICIPAL DISTRICT OF THE MELBOURNE CITY COUNCIL

MELBOURNE – Public Park; being Crown Allotment 2081, City of Melbourne, Parish of Melbourne South [area 1163 square metres] as shown on Original Plan No. OP124676 and Crown Allotment 2100, City of Melbourne, Parish of Melbourne South [area 472 square metres] as shown on Original Plan No. OP125858, both plans lodged in the Central Plan Office.

File ref: 1205021

MUNICIPAL DISTRICT OF THE KNOX CITY COUNCIL

SCORESBY – Public purposes [Emergency Services]; area 4566 square metres being Crown Allotment 2302, Parish of Scoresby as shown on Original Plan No. OP125299 lodged in the Central Plan Office.

File ref: 1204602

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 25 October 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Environment and Climate Action

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

AMENDMENT OF TEMPORARY RESERVATION PURPOSE
MARONG TOURIST CAMPING RESERVE

Order in Council

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** amends the following Order in Council:–

MARONG – The Order in Council made on 13 April, 1957 and published in the Government Gazette on 8 May, 1957 page – 1497 of the temporary reservation of Crown Allotment 3G, Township of Marong, Parish of Marong (area 1012 square metres, more or less) as a site for Tourist Camping purposes

...by deletion of the words ‘Site for Tourist Camping purposes’ from the reservation purpose and substitution therefor of the words ‘Public Recreation’.

File Ref: 0607223

This Order is effective from the date it is published in the Government Gazette.

Dated: 25 October 2022

Responsible Minister:

HON LILY D’AMBROSIO MP

Minister for Environment and Climate Action

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

REVOCATION OF TEMPORARY RESERVATIONS

Order in Council

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations:

ECHUCA NORTH – The temporary reservation by Order in Council of 20 March, 2018 of an area of 2.418 hectares of land described in the Order as Crown Allotment 2045, Parish of Echuca North as a site for public recreation, **so far only as** the portion containing 7538 square metres being Crown Allotment 2049, Parish of Echuca North as shown on Original Plan No. OP125546 lodged in the Central Plan Office.

File ref: 0606958

NOORINBEE – The temporary reservation by Order in Council of 22 October, 1900 of an area of 8094 square metres of land (now described as Crown Allotment 7F, Section A, Parish of Noorinbee as a site for a State School.

File ref: 1604201

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 25 October 2022

Responsible Minister:

HON LILY D’AMBROSIO MP

Minister for Environment and Climate Action

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

NOTICE OF INTENTION TO REVOKE TEMPORARY RESERVATIONS

Order in Council

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

LONGWARRY – The temporary reservation by Order in Council of 3 July, 1973 of an area of 3800 square metres, more or less, of land in the Parish of Longwarry as a site for State School purposes, (now described as Crown Allotment 77D, Parish of Longwarry).

File ref: 1506077 (Rs 9751)

WYCHEPROOF – The temporary reservation by Order in Council of 27 April, 1880 of an area of 20.23 hectares, more or less, of land in the Parish of Bunguluke [now Township Wycheproof] as a site for Water Supply purposes, (now described as Crown Allotment 10, Section 2, Township of Wycheproof, Parish of Bunguluke) revoked as to part by various Orders in Council **so far only as** the portion containing 6.986 hectares being Crown Allotment 2003, Township of Wycheproof, Parish of Bunguluke as shown on Original Plan No. OP125934 lodged in the Central Plan Office.

BUNGULUKE – The temporary reservation by Order in Council of 28 March, 1950 of an area of 3.24 hectares of land in the Parish of Bunguluke as a site for Water Supply purposes, (now described as Crown Allotment 52B, Section A, Parish of Bunguluke) **so far only as** the portion containing 2.991 hectares being Crown Allotment 2020, Parish of Bunguluke as shown on Original Plan No. OP125934 lodged in the Central Plan Office.

File ref: 0102936

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 25 October 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Environment and Climate Action

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

DISSOLUTION OF INCORPORATED COMMITTEES OF MANAGEMENT

Order in Council

The Governor in Council, under section 14A(7) of the **Crown Land (Reserves) Act 1978**, dissolves the:–

COWANGIE Tennis Club Recreation Reserve Committee Incorporated [constituted by Order in Council of 11 April, 2006 and published in the Government Gazette on 13 April, 2006 page – 757] File Ref: 0102719;

CLUNES Former Free Lending Library Committee of Management Incorporated [constituted by Order in Council of 6 March, 2007 and published in the Government Gazette on 8 March, 2007 page – 408], File Ref: 6961 [Rs 8830];

BAKER Golf Club Incorporated [constituted by Order in Council of 15 May, 2001 and published in the Government Gazette on 17 May, 2001 page – 958], File Ref: 0203085; and the

WOMBELANO Recreation Reserve Incorporated [constituted by Order in Council of 6 February, 2001 and published in the Government Gazette on 8 February, 2001 page – 193], File Ref: 0201023.

This Order is effective from the date it is published in the Government Gazette.

Dated: 25 October 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Environment and Climate Action

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Land Act 1958

CLOSURE OF UNUSED ROAD

Order in Council

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipality in which the road is situated and the owners of the land adjoining the road closes the following unused road:

MUNICIPAL DISTRICT OF THE BASS COAST SHIRE COUNCIL

CORINELLA – The road in the Parish of Corinella being Crown Allotments 2035 and 2036 as shown on Original Plan No. OP124279 lodged in the Central Plan Office.

File ref: 1200559

This Order is effective from the date it is published in the Government Gazette.

Dated: 25 October 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Environment and Climate Action

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Kardinia Park Stadium Act 2016**EVENT MANAGEMENT DECLARATION FOR KARDINIA PARK EVENTS**

Order in Council

The Governor in Council, under section 34 of the **Kardinia Park Stadium Act 2016** makes the event management declaration in the attached Schedule.

Dated: 25 October 2022

Responsible Minister:

STEVE DIMOPOULOS MP

Minister for Tourism, Sport and Major Events

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

Kardinia Park Stadium Act 2016**EVENT MANAGEMENT DECLARATION FOR KARDINIA PARK EVENTS****SCHEDULE TO THE ORDER IN COUNCIL**

The events specified in Table 1 are declared to be Kardinia Park events.

Table 1: 2022 Australian Football League Women's (AFLW) season and final series matches

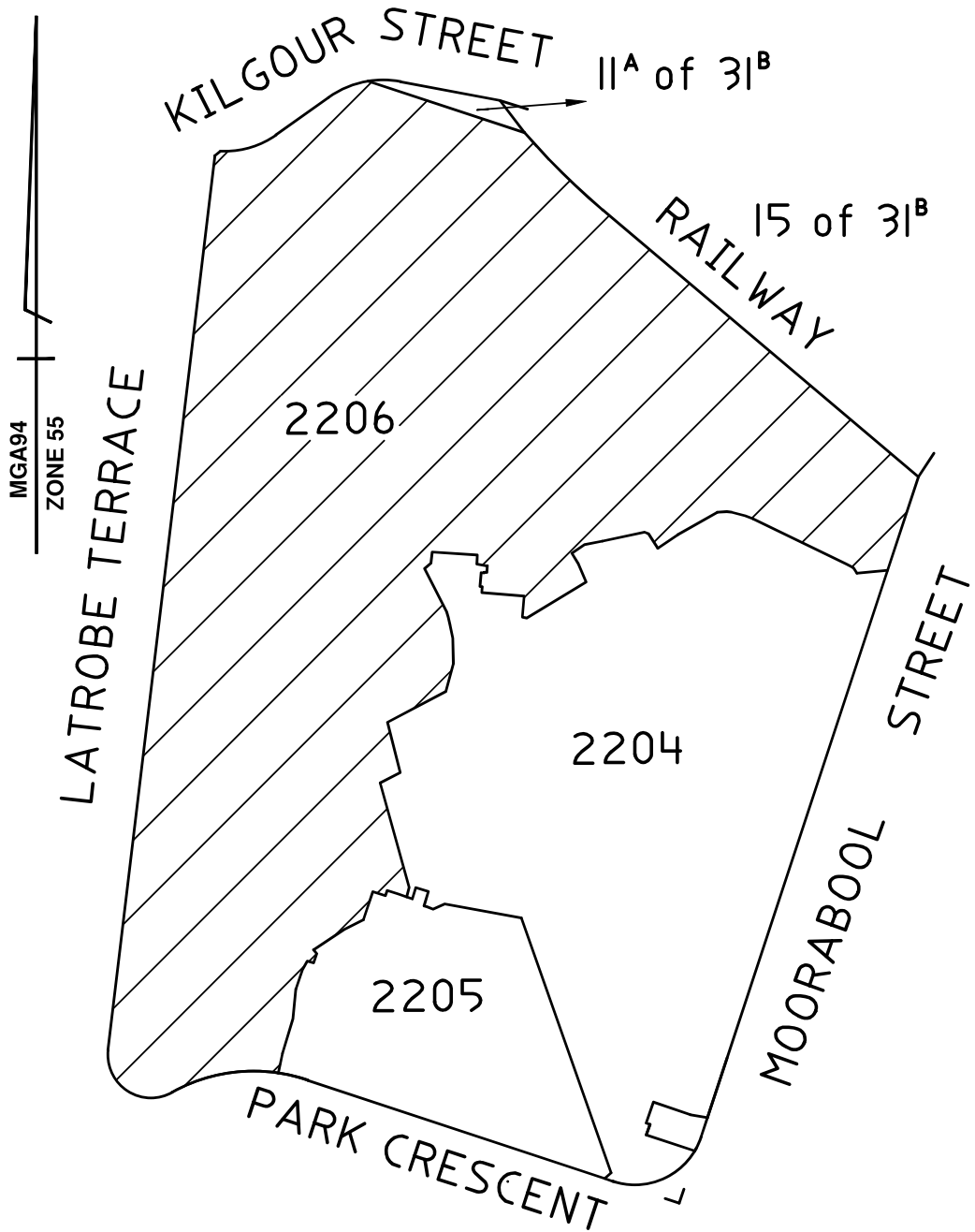
Section and Description	Matter Specified
35(1)(c) Title of the Kardinia Park event and a short description of it:	Geelong Football Club (FC) and Sydney Swans FC, a 2022 AFLW season match. A 2022 AFLW Finals Series match. A 2022 AFLW Finals Series match. A 2022 AFLW Finals Series match. A 2022 AFLW Finals Series match.
35(1)(d) The times and dates during which the Kardinia Park event is to take place:	Geelong FC and Sydney Swans FC – 12.01 am on 28 October 2022 to 11.59 pm on 30 October 2022. A 2022 AFLW Finals Series match – 12.01 am on 4 November 2022 to 11.59 pm on 6 November 2022. A 2022 AFLW Finals Series match – 12.01 am on 11 November 2022 to 11.59 pm on 13 November 2022. A 2022 AFLW Finals Series match – 12.01 am on 18 November 2022 to 11.59 pm on 20 November 2022. A 2022 AFLW Finals Series match – 12.01 am on 26 November 2022 to 11.59 pm on 28 November 2022.
35(1)(g) Any functions, duties and powers conferred on the Trust during the Kardinia Park event in accordance with section 36:	The Trust may enter into agreements and arrangements with the event organiser. The Trust may organise, facilitate or undertake an event. The Trust may fix opening and closing times for public access to any area to which the declaration applies. The Trust may impose, collect and retain fees for parking of motor vehicles in Kardinia Park. The maximum fee will be \$20 per vehicle.

35(1)(h)	The provision of any car parking on land at Kardinia Park during a Kardinia Park event in accordance with section 36:	<p>The Trust may provide car parking on land at Kardinia Park on the following dates:</p> <p>Geelong FC and Sydney Swans FC match on 29 October 2022.</p> <p>A 2022 AFLW Finals Series match on 5 November 2022.</p> <p>A 2022 AFLW Finals Series match on 12 November 2022.</p> <p>A 2022 AFLW Finals Series match on 19 November 2022.</p> <p>A 2022 AFLW Finals Series match on 27 November 2022.</p>
35(1)(i)	Any functions, duties and powers of the Council suspended during the Kardinia Park event in accordance with section 37:	The functions, duties and powers of the Council to hold or allow any events, or take bookings for any space or events, within Kardinia Park (including venues within Kardinia Park) are suspended during the specified times and dates.
35(1)(j)	Any powers conferred on the Trust to enter into agreements or arrangements with an event organiser in accordance with section 36 and 38:	The functions, duties and powers to book any space or hold events or bookings in Kardinia Park and its venues during the specified times and dates are conferred on the Trust.

The Kardinia Park Stadium Trust takes control of the area of Kardinia Park to which this declaration applies for the times and dates during which an event takes place as specified in Table 1.

This legislative instrument takes effect on the date it is published in the Government Gazette and applies until 28 November 2022.

The area of Kardinia Park to which this declaration applies is Crown Allotment 2206, City of Geelong, Parish of Corio as indicated by hatching on the plan hereunder.



Project Development and Construction Management Act 1994

GRANT OF UNRESERVED CROWN LAND FOR THE
PURPOSES OF A NOMINATED PROJECT

Order in Council

The Governor in Council, on the recommendation of the Assistant Treasurer under 17(2)(b) of the **Project Development and Construction Management Act 1994** ('the Act'), pursuant to section 17(1)(b) of the Act by Order on behalf of the Crown grants to the Director of Housing an estate in fee simple in unreserved Crown land described as Lot A and Lot B on TP242273Y, for the purposes of the Nominated Project.

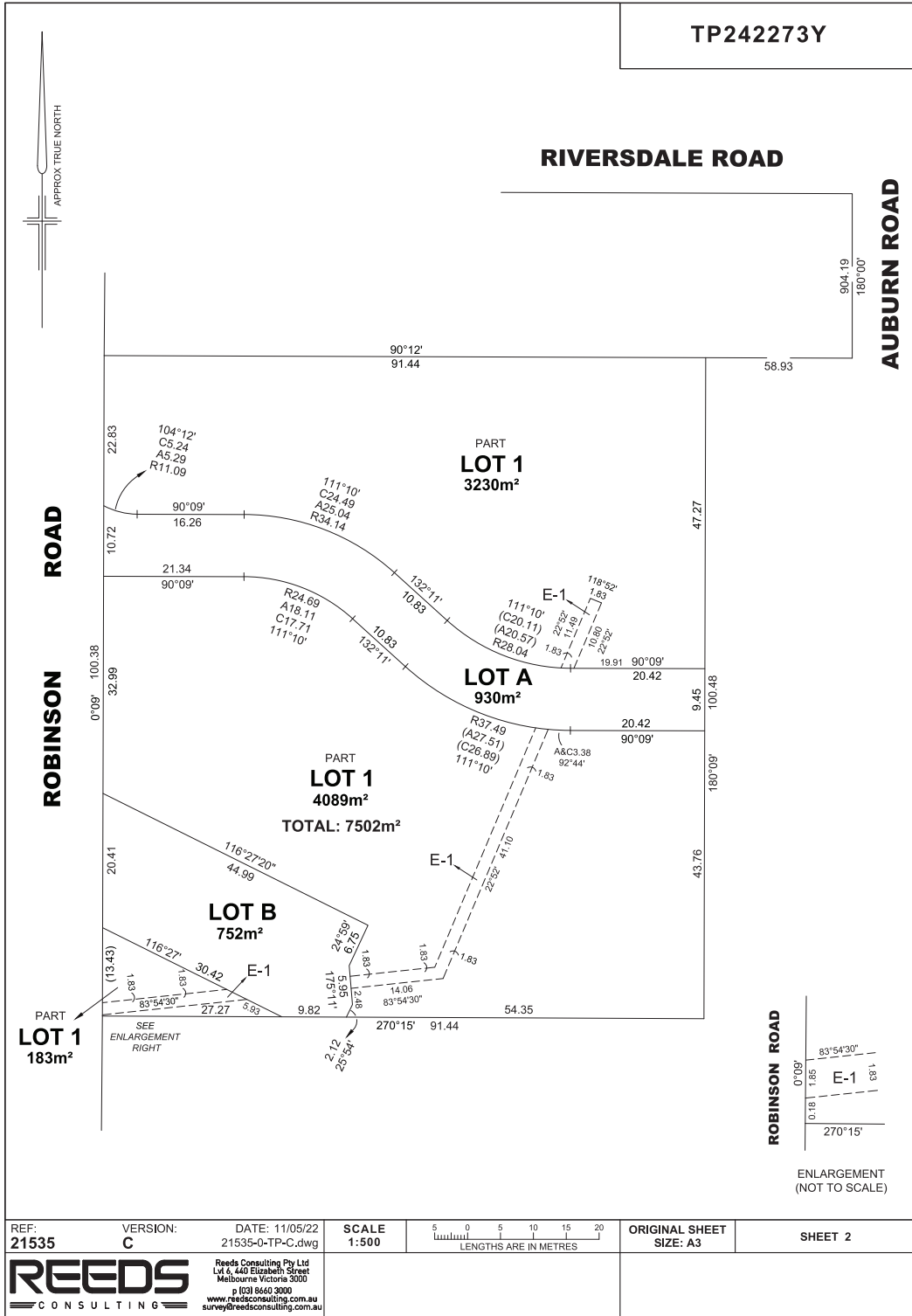
Dated: 25 October 2022

Responsible Minister:

DANNY PEARSON MP

Assistant Treasurer

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council



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**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from TIMG Bookshop, Level 10, 575 Bourke Street, Melbourne 3000, on the date specified:

- | | | | |
|-------------------------------|---|-------------------------------|---|
| 124. <i>Statutory Rule:</i> | Liquor Control Reform Amendment Regulations 2022 | 128. <i>Statutory Rule:</i> | Accident Towing Services Amendment Regulations 2022 |
| <i>Authorising Act:</i> | Liquor Control Reform Act 1998 | <i>Authorising Act:</i> | Accident Towing Services Act 2007 |
| <i>Date first obtainable:</i> | 25 October 2022 | <i>Date first obtainable:</i> | 25 October 2022 |
| <i>Code A</i> | | <i>Code A</i> | |
| 125. <i>Statutory Rule:</i> | Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Amendment Regulations 2022 | 129. <i>Statutory Rule:</i> | Road Safety (Drivers) and (Vehicles) Further Amendment Regulations 2022 |
| <i>Authorising Act:</i> | Residential Tenancies Act 1997 | <i>Authorising Act:</i> | Road Safety Act 1986 |
| <i>Date first obtainable:</i> | 25 October 2022 | <i>Date first obtainable:</i> | 25 October 2022 |
| <i>Code A</i> | | <i>Code A</i> | |
| 126. <i>Statutory Rule:</i> | Local Government (Planning and Reporting) Amendment Regulations 2022 | 130. <i>Statutory Rule:</i> | Road Safety (Vehicles) Amendment (Apprentice) Regulations 2022 |
| <i>Authorising Act:</i> | Local Government Act 2020 | <i>Authorising Act:</i> | Road Safety Act 1986 |
| <i>Date first obtainable:</i> | 25 October 2022 | <i>Date first obtainable:</i> | 25 October 2022 |
| <i>Code A</i> | | <i>Code A</i> | |
| 127. <i>Statutory Rule:</i> | Electoral Amendment Regulations 2022 | | |
| <i>Authorising Act:</i> | Electoral Act 2002 | | |
| <i>Date first obtainable:</i> | 25 October 2022 | | |
| <i>Code A</i> | | | |
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Printed as two volumes

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