

Infringements Amendment Regulations 2017

S.R. No.

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STATUTORY RULES 2017

Second Draft 14/3/2017

S.R. No.

Infringements Act 2006

Infringements Amendment Regulations 2017

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

MARTIN PAKULA
Attorney-General

Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Infringements Regulations 2016 as a consequence of the amendments made by the **Fines Reform Act 2014**.

2 Authorising provision

These Regulations are made under section 168 of the **Infringements Act 2006**.

3 Commencement

These Regulations come into operation on 31 December 2017.

4 Principal Regulations

In these Regulations, the Infringements Regulations 2016¹ are called the Principal Regulations.

5 Regulation 1 substituted

In regulation 1 of the Principal Regulations—

- (a) for paragraphs (a), (b), (c) and (d)
substitute—

“(a) fees, costs and charges payable under
the **Infringements Act 2006**;

(b) details that must be included in a range
of documents relating to the pre-
enforcement stage of the infringement
system under that Act;

(c) the information that enforcement
agencies need to provide to the
Attorney-General under that Act;

(d) other matters required to be prescribed
under that Act.”.

- (b) paragraphs (e), (f), (g), (h) and (i) are
revoked.

6 Definitions

In regulation 5 of the Principal Regulations,
the definitions of *drug of dependence*,
Infringements Court, *parking infringement*
and *Regional Manager* are **revoked.**

7 Reports to Attorney-General

After regulation 8(f)(iii) of the Principal
Regulations **insert—**

- “(iv) as far as practicable, in relation to decisions
made under section 25(2A) of the Act,
whether the decision was to grant or refuse
the application;”.

8 Regulation 9 substituted

For regulation 9 of the Principal Regulations
substitute—

"9 Penalty reminder notice fee

For the purposes of the definition of *penalty reminder notice fee*, if a penalty reminder notice is served in respect of an infringement penalty, the prescribed fee is 1.74 fee units."

9 Revocation of regulation 10

Regulation 10 of the Principal Regulations is
revoked.

10 Official warning

In regulation 12(g) of the Principal Regulations, for "date and approximate time" **substitute** "date, time".

11 Withdrawal of official warning

In regulation 13(2)(f) of the Principal Regulations, for "date and approximate time" **substitute** "date, time".

12 Infringement notice

- (1) In regulation 14(1)(h) of the Principal Regulations, for "date and approximate time" **substitute** "date, time".
- (2) In regulation 14(1)(o) of the Principal Regulations, for "Act, unless that person is a body corporate;" **substitute** "Act or a payment arrangement under Part 5 of the **Fines Reform Act 2014;**".

13 Withdrawal notice

- (1) In regulation 15(g) of the Principal Regulations, for "date and approximate time" **substitute** "date, time".

- (2) For regulation 15(j) of the Principal Regulations **substitute**—
- “(j) that if the infringement penalty and any penalty reminder notice fee have been paid, the infringement penalty and penalty reminder notice fee will be refunded, unless the person has—
- (i) an ongoing payment plan with the enforcement agency, in which case Part 3 of the Act applies; or
 - (ii) an ongoing payment arrangement with the Director, in which case Part 5 of the **Fines Reform Act 2014** applies.”.

14 Penalty reminder notice

In regulation 17 of the Principal Regulations—

- (a) in paragraph (h), for “date and approximate time” **substitute** “date, time”;
- (b) in paragraph (i), for “prescribed costs” **substitute** “penalty reminder notice fee”;
- (c) in paragraph (j), for “prescribed costs” **substitute** “penalty reminder notice fee”;
- (d) in paragraph (k), for “prescribed costs” **substitute** “penalty reminder notice fee”;
- (e) in paragraph (m), **substitute**—
 - (i) for “prescribed costs” **substitute** “a penalty reminder notice fee”;
 - (ii) in subparagraph (i), after “the Act” **insert** “and the **Fines Reform Act 2014**”;
- (f) in paragraph (o), for “section 46 of the Act, unless that person is a body corporate”, **substitute** “section 46 of the Act or a

payment arrangement under Part 5 of the
Fines Reform Act 2014”;

(g) for paragraph (q) **substitute**—

"(q) a statement that if the person served with the penalty reminder notice does not understand the document, the person may obtain information from, as the case requires—

(i) the Director; or

(ii) the Registrar of the Children's Court;

(r) a statement that if the person served with the penalty reminder notice does not understand the document, the person should seek advice from—

(i) a lawyer; or

(ii) Victoria Legal Aid."

15 Information to be lodged with the Court

In regulation 19(b)(i) of the Principal Regulations, **omit** “approximate” (where twice occurring).

16 Revocation of Parts 8 to 14

Parts 8, 9, 10, 11, 12, 13 and 14 of the Principal Regulations are **revoked**.

17 Revocation of regulation 50

Regulation 50 of the Principal Regulations is **revoked**.

18 Revocation of Schedule 17

Schedule 17 to the Principal Regulations is **revoked**.

19 Revocation of Form 1

Form 1 to the Principal Regulations is **revoked**.

20 Revocation of Form 2

Form 2 to the Principal Regulations is **revoked**.

21 Enforcement agencies

- (1) Item 14 of Schedule 2 to the Principal Regulations is **revoked**.
- (2) For item 16 of Schedule 2 to the Principal Regulations, **substitute** “Development Victoria within the meaning of the **Development Victoria Act 2003**.”.

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Endnotes

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¹ Reg. 4: S.R. No 56/2016.