

Authorised Version No. 002
Water (Lake Eildon Recreational Area)
(Houseboats) Regulations 2013

S.R. No. 60/2013

Authorised Version incorporating amendments as at
18 October 2017

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Part 1—Preliminary

1 Objective

The objective of these Regulations is to provide for the control and management of houseboat operations in the Lake Eildon Recreational Area.

2 Authorising provisions

These Regulations are made under sections 122ZF and 324 of the **Water Act 1989**.

3 Definitions

In these Regulations—

blackwater means human excreta or wastewater discharged from toilets;

deck means any horizontal platform covering the whole or part of the pontoons or hull of a houseboat;

greywater means wastewater that has been used for or produced as a result of laundering, bathing, washing and showering activities;

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Reg. 3 def. of
*greywater
discharge
standard*
revoked by
S.R. No.
102/2017
reg. 5(d).

Reg. 3 def. of
holding tank
amended by
S.R. No.
102/2017
reg. 5(a).

holding tank means any permanent container or receptacle on a houseboat that is designed and constructed to collect and store blackwater, greywater and kitchen wastewater for disposal at a waste collection facility;

houseboat licence means a licence issued under regulation 5;

kitchen sink means a sink or container on a houseboat used for utensil cleaning and includes a dishwasher;

kitchen wastewater means wastewater containing dissolved or suspended solids such as fats, oils, food scraps, nutrients, household chemicals, soap and detergent that may contain phosphate and nitrate and microbiological pathogens (such as bacteria or viruses) discharged from a kitchen sink;

Lake means the waters of Lake Eildon;

length means the distance between the most extreme fore and aft points of a houseboat, including all motors and structural appendages (such as bumper bars, duckboards, handrails and ski platforms) measured in a direct line which bisects the houseboat medially;

licensed plumber has the same meaning as in section 221B(1) of the **Building Act 1993**;

multi-deck houseboat means a houseboat having 2 or more separate levels above the deck;

mooring means a berth in a marina or other anchorage to which a houseboat can be attached;

on-board blackwater system means a system where blackwater is isolated and stored in a holding tank, pending discharge of it to a waste collection facility, and which complies with the specifications in Schedule 1;

Reg. 3 def. of *on-board blackwater system* amended by S.R. No. 102/2017 reg. 5(b).

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Reg. 3 def. of *on-board greywater treatment system* revoked by S.R. No. 102/2017 reg. 5(d).

owner in relation to a houseboat means—

Reg. 3 def. of *owner* substituted by S.R. No. 102/2017 reg. 5(c).

- (a) a person in whose name the houseboat is registered under the **Marine Safety Act 2010**; or
- (b) if paragraph (a) does not apply, a person who has legal ownership of the houseboat;

recreational area means the area of land and water under the management and control of the Water Corporation that was declared by Order in Council dated 27 July 1966 and published in the Government Gazette on 2 August 1966, as amended by Order in Council dated 15 December 1970 and published in the Government Gazette on 16 December 1970, as amended by Order in Council dated 20 February 1973 and published in the Government Gazette on 21 February 1973, and as amended by Order in Council dated 18 February 1975, to be the Lake Eildon Recreational Area, together with any other land determined to be a part of the Lake Eildon Recreational Area under section 122ZA of the **Water Act 1989** after the commencement of these regulations;

restricted term licence means a licence issued under regulation 10;

school holiday period means the period beginning on the day after the last day of a Victorian school term, as declared by the Government of Victoria, and ending on the day before the first day of the next declared school term;

single deck houseboat means a houseboat containing one level above the deck;

toilet includes a urinal;

trailable houseboat means a houseboat capable of being towed to and from the Lake without the need for a class 1 vehicle permit from VicRoads under the Road Safety (Vehicles) Regulations 2009¹;

waste collection facility means a facility or unit that is designed and constructed to receive the contents of a holding tank or portable toilet and which is managed and controlled by the Water Corporation;

Water Corporation means the Goulburn-Murray Rural Water Corporation;

width means the distance between the most extreme points of the starboard and port sides of a houseboat including all structural appendages (such as bumper bars, eaves, walkways, handrails and ski platforms) measured in a direct line perpendicular to the line measuring the length of the houseboat.

Part 2—Licence requirements

4 Licence requirements

A person must not leave or operate a houseboat within the recreational area unless it is licensed under Part 3.

Penalty: 20 penalty units.

Part 3—Application, issue, transfer and revocation of licences

5 Application for and issue of a houseboat licence

(1) The owner of a houseboat may apply to the Water Corporation for a houseboat licence to leave and operate a houseboat in the recreational area.

(2) An application for a houseboat licence must—

(a) be made in a form and manner approved by the Water Corporation; and

(b) be accompanied by payment of the appropriate fee specified in Schedule 2; and

(c) be accompanied by evidence of the ownership of the houseboat.

(3) The Water Corporation may issue a houseboat licence if it is satisfied that—

(a) the houseboat is not more than 20 metres in length and not more than 8 metres in width; and

(b) there is installed on the houseboat the following installation which is in good working order—

(i) a toilet and an on-board blackwater system; or

(ii) if the design of the houseboat precludes a toilet and an on-board blackwater system, a portable toilet; and

(ba) the applicant for the licence is the owner of the houseboat; and

Reg. 5(2)(b)
amended by
S.R. No.
102/2017
reg. 6(1).

Reg. 5(2)(c)
inserted by
S.R. No.
102/2017
reg. 6(2).

Reg. 5(3)(b)
substituted by
S.R. No.
102/2017
reg. 6(3).

Reg. 5(3)(ba)
inserted by
S.R. No.
102/2017
reg. 6(4).

- (c) the owner has obtained a permanent mooring for the houseboat; and
- (d) all fees that the applicant is liable to pay to the Water Corporation in relation to a houseboat licence have been paid; and
- (e) a compliance certificate has been issued by a licensed plumber for all plumbing work in respect of the on-board blackwater system and water supply installations, in accordance with Part 12A of the **Building Act 1993**.

Reg. 5(3)(e)
amended by
S.R. No.
102/2017
reg. 6(5).

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Reg. 5(4)
revoked by
S.R. No.
102/2017
reg. 6(6).

- (5) A houseboat licence may be issued by the Water Corporation upon such terms and conditions as the Water Corporation may determine.
- (6) A houseboat licence expires on 30 June next following the date of issue.
- (7) If a houseboat licence is issued after 31 July in any year, the amount payable for the houseboat licence must be reduced by one twelfth for each completed month which has passed since 1 July.
- (8) The Water Corporation may refuse to issue a houseboat licence if, by issuing it, the total number of houseboat licences issued would exceed the maximum number determined by the Water Corporation under regulation 8.

6 Inspections

- (1) For the purposes of ensuring compliance with regulation 5(3)(b), an inspection of the installation referred to in that regulation may be undertaken by an officer of the Water Corporation.

Reg. 6(1)
amended by
S.R. No.
102/2017
reg. 7.

- (2) An inspection under subregulation (1) may only be undertaken with the consent of the owner and of any occupier of the houseboat.

Reg. 7
revoked by
S.R. No.
102/2017
reg. 8.

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8 Maximum number of houseboat licences

- (1) The Water Corporation may determine a maximum number of houseboat licences it will issue under these regulations having regard to—
- (a) the safety of the houseboat licence holders and the amenity of the Lake;
 - (b) the possibility of an unacceptable risk to public health as a result of an increase in the number of houseboat licences issued; and
 - (c) the possibility of an unacceptable risk to the environment as a result of an increase in the number of houseboat licences issued.
- (2) The maximum number of houseboat licences is the amount fixed by the Water Corporation by 31 May each year for the following 12 month period beginning 1 July by notice published in the Government Gazette and in a newspaper circulating generally in the area.
- (3) If the Water Corporation does not fix a maximum number of houseboat licences for a particular 12 month period beginning 1 July, then the maximum for that period shall be the number most recently fixed for a given 12 month period under subregulation (2).

9 Revocation of a houseboat licence

- (1) The Water Corporation may revoke a houseboat licence issued under regulation 5 if it reasonably believes that the holder of the houseboat licence
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has failed to comply with a term or condition to which the houseboat licence is subject.

- (2) Before revoking a houseboat licence under this regulation, the Water Corporation must give written notice to the holder of the houseboat licence—
 - (a) setting out the term or condition of the houseboat licence that the Water Corporation considers has not been complied with; and
 - (b) setting out the reasons why the Water Corporation considers that the term or condition has not been complied with; and
 - (c) specifying the date (which must not be less than 14 days) by which and the manner in which the holder of the houseboat licence must comply with the term or condition; and
 - (d) specifying that the houseboat licence may be revoked if the holder of the houseboat licence does not comply with the requirements of the notice; and
 - (e) allowing the holder of the houseboat licence an opportunity to make written submissions.
- (3) Submissions must be made by the holder of the houseboat licence to the Water Corporation within 28 days of receipt of the notice given under subregulation (2).
- (4) In deciding whether or not to revoke a houseboat licence under this regulation, the Water Corporation must have regard to any submissions made, if any, under subregulation (3), and to whether the notice has been complied with under subregulation (2)(c).

- (5) On making a decision as to whether or not to revoke a houseboat licence under this regulation, the Water Corporation must notify the holder of the houseboat licence in writing of that decision.

10 Restricted term licence

- (1) The owner of a trailable houseboat may apply for a restricted term licence.
- (2) An application for a restricted term licence must—
- (a) be made in a form and manner approved by the Water Corporation; and
 - (b) be accompanied by payment of the appropriate fee specified in Schedule 2.
- (3) The Water Corporation may issue a restricted term licence if it is satisfied that—
- (a) the trailable houseboat is less than 9·1 metres in length; and
 - (b) there is installed on the trailable houseboat a toilet and an on-board blackwater system or, if the design of the houseboat precludes such installation, a portable toilet; and
 - (c) all fees that the applicant is liable to pay to the Water Corporation in relation to the restricted term licence have been paid.
- (4) The Water Corporation must only issue a restricted term licence for—
- (a) a period of up to 14 days; or
 - (b) the duration of a school holiday period—
- whichever is the longer.
- (5) The Water Corporation must not issue a restricted term licence to a person in respect of a trailable houseboat more than 4 times in any calendar year.

- (6) The holder of a houseboat licence for a trailable houseboat must ensure that a copy of the restricted term licence is kept on the houseboat at all times.

Reg. 10(6)
amended by
S.R. No.
102/2017
reg. 9.

Penalty: 3 penalty units.

11 Transfer of a houseboat licence

If the holder of a houseboat licence wishes to transfer the licence to another houseboat, that licence must be relinquished and an application for a new houseboat licence must be made under regulation 5 in respect of the second houseboat.

12 Transfer of ownership of a houseboat

Reg. 12
substituted by
S.R. No.
102/2017
reg. 10.

- (1) The new owner of a houseboat may apply for the transfer of a houseboat licence in respect of that houseboat.
- (2) An application for the transfer of a houseboat licence must—
- (a) be made in a form and manner approved by the Water Corporation; and
 - (b) be accompanied by payment of the appropriate fee specified in Schedule 2; and
 - (c) be accompanied by evidence of the ownership of that houseboat.
- (3) The Water Corporation may transfer a houseboat licence if it is satisfied that the applicant for the transfer of the licence is the new owner of the houseboat.

Part 4—Control of sanitary waste on Lake

Reg. 13
amended by
S.R. No.
102/2017
reg. 11.

13 Depositing of foreign matter in on-board blackwater system

A person must not deposit or discharge into any on-board blackwater system on a houseboat within the recreational area any substance other than blackwater, greywater or kitchen wastewater.

Penalty: 20 penalty units.

14 Disposal of blackwater in recreational area

A person must not dispose, release or discharge blackwater from a houseboat into the Lake or onto land within the recreational area other than to a waste collection facility.

Penalty: 20 penalty units.

Reg. 15
revoked by
S.R. No.
102/2017
reg. 12.

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Part 5—Miscellaneous

16 Structural alteration to a houseboat

The holder of a houseboat licence for a houseboat that is within the recreational area must not cause to be carried out any alterations to the on-board blackwater system on the houseboat that result in the installation failing to comply with the specifications set out in Schedule 1.

Penalty: 20 penalty units.

Reg. 16
substituted by
S.R. No.
102/2017
reg. 13.

17 Change of address

The holder of a houseboat licence licensed under these Regulations must advise the Water Corporation in writing within 30 days after a change of his or her primary residential address.

Penalty: 10 penalty units.

Reg. 17
amended by
S.R. No.
102/2017
reg. 14.

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Reg. 18
revoked by
S.R. No.
102/2017
reg. 15.

Schedules

Schedule 1

Regulations 3 and 16

Sch. 1
(Heading)
amended by
S.R. No.
102/2017
reg. 16(1).

Specification for on-board blackwater systems on houseboats

Materials

- 1.1 Materials in contact with blackwater must be resistant to—
 - (a) toilet water; and
 - (b) a marine environment; and
 - (c) disinfectants and deodorants; and
 - (d) cleaning agents; and
 - (e) chemical compounds in solid, liquid or gaseous form of a toxic or explosive nature, likely to be generated in the operation of the toilet and on-board blackwater system.
- 1.2 Materials in the toilet and on-board blackwater system must be chemically and galvanically compatible.

Design and Construction

- 2.1 All holding tanks when filled with water must be capable of withstanding impact (to drop test standard) of 3 kilograms from a height of 0.60 metre on the top surface of the tank while under 0.45 metre head of water when tested at 0° Celsius and 20° Celsius.

- 2.2 The shape of the holding tank may conform to the hull of the houseboat but the lower sections must be sloped to be self-cleansing and draining to a sump.
- 2.3 A method must be incorporated to indicate when the holding tank is more than 75 per cent full by volume.

Capacity

- 3.1 The toilet and on-board blackwater system consisting of the toilet unit plus the holding tank must have a capacity for storing wastes not less than that set out in the following table:

Up to and including 4 berth accommodation	60 litres
5 and 6 berth accommodation	80 litres
Over 6 berth accommodation	130 litres

Seal

- 4.1 The toilet bowl must have a mechanical or water seal.

Inlet to Tank

- 5.1 The toilet bowl must be located as close to the top of the holding tank as is practicable and the holding tank must have a minimum 75 millimetre diameter inlet.

Outlet from Tank

- 6.1 The diameter of the outlet pipe from the holding tank must be not less than 75 millimetres at the tank end. The outlet pipe must be tapered and must lead, by means of a non-corrodible pipe or non-collapsible suction hose of not less than 38 millimetres diameter to a fitting attached to the outside wall at least 300 millimetres above the top

of the toilet bowl and accessible from the deck of the houseboat.

- 6.2 If an outlet of the suction pipe type is used, the lower end of the suction pipe must terminate not more than 38 millimetres above the bottom of the sump of the holding tank.
- 6.3 The wall fitting must consist of a 38 millimetres NATO standard kamlock adaptor compatible with pump-out fittings used on the Water Corporation sanitation service stations.
- 6.4 A fitting must be provided as a gas-tight cover over the wall fitting.

Venting

- 7.1 A vent pipe of 38 millimetres diameter non-corrodible material must be fitted to the top of the holding tank and extended to an accessible and exposed point at atmosphere.
- 7.2 The venting system must be capable of withstanding the vacuum of the pumping system.

Flushing Inlet

- 8.1 Provision must be made for flushing the holding tank with fresh water at times when it is being pumped out.

Inspection

- 9.1 Provision must be made for access to the holding tank to allow inspection of the tank, pipe work and fittings.

Protection

- 10.1 The holding tank and any parts of the outlet, inlet and vent pipes located below deck level of the houseboat must be encased in strong material to provide protection against the possibility of the holding tank and pipes being damaged by obstructions in the water or protruding from the water.
- 10.2 The protection material must be capable of being removed to enable an inspection of the on-board blackwater system to be made.

Installation, Operation and Maintenance

- 11.1 **Gas Emission**—The toilet and on-board blackwater system must be installed to minimise the emission of malodorous gases and prevent the emission of poisonous gases (such as hydrogen sulphide) within the houseboat.
- 11.2 **Piping and Hoses**—The interior of the piping or hoses between the toilet and the holding tank and between the holding tank and the pump out fittings must be as smooth as is practicable to permit the free flow of blackwater and must have an internal diameter of not less than 38 millimetres. The hose and piping must be as short and direct as practicable.

Tests

- 12.1 **Pressure Test**—The holding tank and the connecting piping or tubing, including all fittings, must be pressure tested with water. The pressure must represent a column of water 1.5 times the distance from the top of the holding tank to the top of the venting pipe. The minimum height must be 2 metres of water column. The toilet and on-board blackwater system must hold the water

pressure for a period of 30 minutes without any leakage.

12.2 **Suction Test**—The holding tank and the connecting piping or tubing, including all fittings must withstand the following pump-out test.

12.3 The holding tank must be emptied with a 170 litres per minute positive displacement pump that remains operating 30 seconds after emptying the holding tank.

Operating Instructions and Safety Precautions

13.1 A placard giving operating instructions, safety precautions and warnings pertinent to the toilet and on-board blackwater system must be permanently attached in each toilet compartment.

13.2 The lettering on the placard must not be less than 3 millimetres high. The placard must be legible and capable of withstanding the combined effects of normal wear and tear and the environmental conditions on the houseboat.

Identification

14.1 The toilet and on-board blackwater system must be legibly marked with the following information on a plate attached to the system, or in lettering on the system—

- (a) the name of the manufacturer;
- (b) the name and model number of the system;
- (c) the month and year of completion; and
- (d) the volume of the holding tank.

Sch. 1 Pts 2, 3
revoked by
S.R. No.
102/2017
reg. 16(2).

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Schedule 2—Fees for administration of licences

Sch. 2
amended by
S.R. No.
102/2017
reg. 17.

Regulations 5(2)(b),
10(2)(b) and 12(2)(b)

Application, Inspection and Transfer Fees in Respect of Houseboats

Application fee for initial houseboat licence:	19·83 fee units
Inspection fee for both single and multi-deck houseboats at Eildon:	32·15 fee units
Inspection fee for both single and multi-deck houseboats at other locations:	45·31 fee units
Fee for transfer of houseboat licence to another person under regulation 12:	19·83 fee units
Application fee for restricted term licence:	9·71 fee units

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013, S.R. No. 60/2013 were made on 12 June 2013 by the Governor in Council under sections 122ZF and 324 of the **Water Act 1989**, No. 80/1989 and came into operation on 12 June 2013.

The Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013 will sunset 10 years after the day of making on 12 June 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013
S.R. No. 60/2013
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013 by statutory rules, subordinate instruments and Acts.

Water (Lake Eildon Recreational Area) (Houseboats) Amendment Regulations 2017,
S.R. No. 102/2017

Date of Making: 10.10.17

Date of Commencement: 18.10.17: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 3 def. *trailable houseboat*: S.R. No. 118/2009 as amended by S.R. Nos 26/2010, 33/2010, 35/2010, 80/2010, 116/2010, 136/2010, 51/2011, 10/2012, 25/2012, 37/2102, 71/2012, 156/2012 and 26/2013.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 60/2013 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
clauses 1.1, 3.1 and 8.1(a) of Part 2 and clause 2.1 of Part 3 of Schedule 1.	AS 4995-2009 Australian Standard for greywater treatment systems for vessels operated on inland waters, published on 9 September 2009.	The whole

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2017 is \$14.22. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2017 is \$158.57.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.