

Authorised Version No. 050

Infringements Act 2006

No. 12 of 2006

Authorised Version incorporating amendments as at
31 December 2017

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Infringements Act 2006

No. 12 of 2006

Authorised Version incorporating amendments as at
31 December 2017

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

- | | |
|---|---|
| (a) to provide a framework for the issuing and serving of infringement notices; and | S. 1(a)
substituted by
No. 47/2014
s. 203. |
| (ab) to provide a framework for internal review of a decision by an enforcement agency to serve an infringement notice; and | S. 1(ab)
inserted by
No. 47/2014
s. 203. |
| (ac) to provide for the payment of an infringement penalty by payment plan; and | S. 1(ac)
inserted by
No. 47/2014
s. 203. |
| (ad) to provide for the work and development permit scheme; and | S. 1(ad)
inserted by
No. 47/2014
s. 203. |
| (b) to amend the Magistrates' Court Act 1989 , the Road Safety Act 1986 and the Subordinate Legislation Act 1994 . | |

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 July 2007, it comes into operation on that day.

3 Definitions

(1) In this Act—

S. 3(1) def. of <i>accredited agency</i> inserted by No. 29/2016 s. 61(1), repealed by No. 29/2016 s. 90(3).	*	*	*	*	*
S. 3(1) def. of <i>accredited health practitioner</i> inserted by No. 29/2016 s. 61(1), repealed by No. 29/2016 s. 90(3).	*	*	*	*	*
S. 3(1) def. of <i>additional steps</i> amended by No. 32/2006 s. 4(1)(a).		<i>additional steps</i> , in relation to an infringement offence, means any additional steps which have to be taken under the Act or other instrument creating the offence to expiate the offence to which an infringement notice relates;			
S. 3(1) def. of <i>attachment of earnings order</i> repealed by No. 47/2014 s. 204(a).	*	*	*	*	*
S. 3(1) def. of <i>attachment of debts order</i> repealed by No. 47/2014 s. 204(a).	*	*	*	*	*

child means a person who at the time of the alleged commission of an infringement offence was under the age of 18 years but of or above the age of 10 years but does not include any person who is of or above the age of 19 years when an infringement penalty is lodged under section 54 or an application is made under clause 3 of Schedule 3 to the **Children, Youth and Families Act 2005** for the registration of an infringement penalty in respect of the person;

S. 3(1) def. of *child* inserted by No. 32/2006 s. 4(1)(d), amended by No. 48/2006 ss 40(1), 42(Sch. item 18.1).

* * * * *

S. 3(1) def. of *community corrections centre* repealed by No. 47/2014 s. 204(a).

* * * * *

S. 3(1) def. of *community corrections officer* repealed by No. 47/2014 s. 204(a).

* * * * *

S. 3(1) def. of *community work permit* repealed by No. 47/2014 s. 204(a).

Court means Magistrates' Court;

court fine has the same meaning as it has in the **Fines Reform Act 2014**;

S. 3(1) def. of *court fine* inserted by No. 29/2016 s. 90(1).

Director has the same meaning as it has in the **Fines Reform Act 2014**;

S. 3(1) def. of *Director* inserted by No. 29/2016 s. 90(1).

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S. 3(1) def. of <i>director</i> repealed by No. 47/2014 s. 204(a).	*	*	*	*	*
S. 3(1) def. of <i>driver licence</i> repealed by No. 47/2014 s. 204(a).	*	*	*	*	*
S. 3(1) def. of <i>eligible person</i> inserted by No. 29/2016 s. 61(1), repealed by No. 29/2016 s. 90(3).	*	*	*	*	*

enforcement agency, in relation to an infringement offence, means—

- (a) a person or body authorised by or under an Act to take proceedings for the infringement offence in respect of which the infringement notice or official warning was issued or served; or
- (b) a person by whom, or body by which, a person or body referred to in paragraph (a) is employed or engaged to provide services if the taking of the proceedings referred to in that paragraph would occur in the course of that employment or in the course of providing those services; or
- (c) a prescribed person or body or person or body which is a member of a prescribed class of person or body;

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*	*	*	*	*	S. 3(1) def. of <i>enforcement order</i> repealed by No. 47/2014 s. 204(a).
*	*	*	*	*	S. 3(1) def. of <i>enforcement order notice</i> repealed by No. 47/2014 s. 204(a).
<i>enforcement warrant</i> has the same meaning as it has in the Fines Reform Act 2014 ;					S. 3(1) def. of <i>enforcement warrant</i> inserted by No. 29/2016 s. 90(1).
*	*	*	*	*	S. 3(1) def. of <i>execution copy</i> repealed by No. 47/2014 s. 204(a).
*	*	*	*	*	S. 3(1) def. of <i>fine</i> repealed by No. 47/2014 s. 204(a).
*	*	*	*	*	S. 3(1) def. of <i>fine related sentence</i> inserted by No. 29/2016 s. 84(2), repealed by No. 29/2016 s. 90(3).
*	*	*	*	*	S. 3(1) def. of <i>fine units</i> repealed by No. 32/2006 s. 4(3)(a).

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S. 3(1) def. of
garnishee
repealed by
No. 47/2014
s. 204(a).

* * * * *

guidelines means the guidelines in force from
time to time under section 5;

S. 3(1) def. of
*health
practitioner*
inserted by
No. 29/2016
s. 61(1),
repealed by
No. 29/2016
s. 90(3).

* * * * *

S. 3(1) def. of
*infringement
fine*
inserted by
No. 29/2016
s. 90(1).

infringement fine has the same meaning as it has
in the **Fines Reform Act 2014**;

S. 3(1) def. of
*infringement
notice*
amended by
No. 32/2006
s. 4(1)(b).

infringement notice means a notice in respect of
an infringement offence served or to be
served in accordance with Part 2;

S. 3(1) def. of
*infringement
offence*
substituted by
No. 32/2006
s. 4(1)(c),
amended by
No. 29/2007
s. 25.

infringement offence means an offence which
may be the subject of an infringement notice
under—

- (a) any Act or statutory rule; or
- (b) any local law; or
- (ba) a by-law made under section 171 of the
Water Act 1989 or a by-law made
under a prescribed Act; or
- (c) any Commonwealth Act or any Act of
another State or Territory or any
subordinate instrument under such an
Act that applies as a law of Victoria;

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* * * * *

S. 3(1) def. of *infringement offender* amended by No. 32/2006 s. 4(3)(b), repealed by No. 47/2014 s. 204(a).

infringement penalty means the amount stated in an infringement notice as payable in respect of the infringement offence to which the notice relates;

* * * * *

S. 3(1) def. of *infringements registrar* repealed by No. 47/2014 s. 204(a).

* * * * *

S. 3(1) def. of *infringement warrant* repealed by No. 47/2014 s. 204(a).

* * * * *

S. 3(1) def. of *instalment order* inserted by No. 29/2016 s. 84(1), repealed by No. 29/2016 s. 90(3).

issuing officer means—

- (a) a person appointed by an enforcement agency to issue or serve an infringement notice in respect of an infringement offence; or
- (b) a prescribed person or person who is a member of a prescribed class of person;

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S. 3(1) def. of
local law
inserted by
No. 32/2006
s. 4(1)(d).

local law means a local law made under Part 5 of
the **Local Government Act 1989**;

S. 3(1) def. of
*lodgeable
infringement
offence*
substituted by
No. 29/2016
s. 59(1),
repealed by
No. 47/2014
s. 204(a).

* * * * *

motor vehicle has the same meaning as it has in
the **Road Safety Act 1986**;

S. 3(1) def. of
*non-fine
related
sentence*
inserted by
No. 29/2016
s. 84(2),
repealed by
No. 29/2016
s. 90(3).

* * * * *

S. 3(1) def. of
*non-lodgeable
infringement
offence*
inserted by
No. 29/2016
s. 59(2),
repealed by
No. 29/2016
s. 90(3).

* * * * *

S. 3(1) def. of
*non-
registrable
infringement
offence*
inserted by
No. 29/2016
s. 90(1).

non-registrable infringement offence has the
same meaning as it has in the **Fines Reform
Act 2014**;

notice of final demand has the same meaning as it has in the **Fines Reform Act 2014**;

S. 3(1) def. of *notice of final demand* inserted by No. 29/2016 s. 90(1).

* * * * *

S. 3(1) def. of *nurse* inserted by No. 29/2016 s. 61(1), repealed by No. 29/2016 s. 90(3).

official warning means a warning in respect of an infringement offence served in accordance with Part 2;

* * * * *

S. 3(1) def. of *outstanding fines* repealed by No. 47/2014 s. 204(a).

payment arrangement has the same meaning as it has in the **Fines Reform Act 2014**;

S. 3(1) def. of *payment arrangement* inserted by No. 29/2016 s. 90(1).

* * * * *

S. 3(1) def. of *payment order* repealed by No. 47/2014 s. 204(a).

payment plan means a payment plan under Part 3;

penalty reminder notice means a notice served under section 29;

penalty reminder notice fee means the prescribed fee that applies on the serving of a penalty reminder notice;

S. 3(1) def. of *penalty reminder notice fee* inserted by No. 59/2017 s. 110(2).

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S. 3(1) def. of
*police
member*
repealed by
No. 37/2014
s. 10(Sch.
item 87.1(b)).

* * * * *

S. 3(1) def. of
police officer
inserted by
No. 37/2014
s. 10(Sch.
item 87.1(a)).

police officer has the same meaning as in the
Victoria Police Act 2013;

S. 3(1) def. of
*prescribed
costs*
amended by
No. 32/2006
s. 4(2),
repealed by
No. 59/2017
s. 110(1).

* * * * *

S. 3(1) def. of
*prescribed
warrant fee*
inserted by
No. 29/2016
s. 61(1),
repealed by
No. 29/2016
s. 90(3).

* * * * *

S. 3(1) def. of
public place
repealed by
No. 47/2014
s. 204(a).

* * * * *

S. 3(1) def. of
*registered
operator*
repealed by
No. 47/2014
s. 204(a).

* * * * *

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* * * * *

* * * * *

S. 3(1) def. of *registered psychologist* inserted by No. 29/2016 s. 61(1), repealed by No. 29/2016 s. 90(3).

S. 3(1) def. of *Secretary* repealed by No. 47/2014 s. 204(a).

seven-day notice means a notice served under section 88;

special circumstances, in relation to a person means—

S. 3(1) def. of *special circumstances* amended by No. 29/2016 s. 61(2).

- (a) a mental or intellectual disability, disorder, disease or illness where the disability, disorder, disease or illness results in the person being unable—
 - (i) to understand that conduct constitutes an offence; or
 - (ii) to control conduct that constitutes an offence; or
- (b) a serious addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the **Drugs, Poisons and Controlled Substances Act 1981** where the serious addiction results in the person being unable—
 - (i) to understand that conduct constitutes an offence; or
 - (ii) to control conduct which constitutes an offence; or

-
- (c) homelessness determined in accordance with the prescribed criteria (if any) where the homelessness results in the person being unable to control conduct which constitutes an offence; or
 - (d) family violence within the meaning of section 5 of the **Family Violence Protection Act 2008** where the person is a victim of family violence and the family violence results in the person being unable to control conduct which constitutes an offence;

S. 3(1) def. of *time served order* inserted by No. 29/2016 s. 84(2), repealed by No. 29/2016 s. 90(3).

* * * * *

S. 3(1) def. of *time to pay order* inserted by No. 29/2016 s. 84(1), repealed by No. 29/2016 s. 90(3).

* * * * *

vehicle has the same meaning as it has in the **Road Safety Act 1986;**

S. 3(1) def. of *VicRoads* amended by Nos 6/2010 s. 203(1) (Sch. 6 item 26.1) (as amended by No. 45/2010 s. 22), 29/2016 s. 61(3), repealed by No. 47/2014 s. 204(a).

* * * * *

work and development permit has the same meaning as it has in the **Fines Reform Act 2014**.

S. 3(1) def. of *work and development permit* inserted by No. 29/2016 s. 61(1), substituted by No. 29/2016 s. 90(2).

* * * * *

S. 3(1) def. of *work and development permit guidelines* inserted by No. 29/2016 s. 61(1), repealed by No. 29/2016 s. 90(3).

(2) If under the **Public Administration Act 2004** the name of the Department of Justice is changed, a reference in the definition of *Secretary* in subsection (1) to that Department must, from the date when the name is changed, be treated as a reference to the Department by its new name.

(3) Nothing in the definition of *special circumstances* is to be taken as limiting any power of the Court to consider the circumstances of any person in a proceeding before the Court under this Act or any other Act.

S. 3(3) inserted by No. 32/2006 s. 4(4).

4 Act to be read as one with Magistrates' Court Act 1989, Fines Reform Act 2014 and Criminal Procedure Act 2009

S. 4 (Heading) amended by Nos 68/2009 s. 97(Sch. item 70.1), 47/2014 s. 206(1).

(1) This Act is to be read and construed as one with the **Magistrates' Court Act 1989, Fines Reform Act 2014** and the **Criminal Procedure Act 2009**.

S. 4(1) amended by Nos 68/2009 s. 97(Sch. item 70.2), 47/2014 s. 206(2).

S. 4(3)
inserted by
No. 68/2009
s. 97(Sch.
item 70.3).

(2) Expressions used in this Act and in the **Magistrates' Court Act 1989** that are not defined in section 3 or elsewhere in this Act have the same meanings as in the **Magistrates' Court Act 1989**.

(3) Expressions used in this Act and in the **Criminal Procedure Act 2009** that are not defined in section 3 or elsewhere in this Act have the same meanings as in the **Criminal Procedure Act 2009**.

S. 4(4)
inserted by
No. 47/2014
s. 206(3).

(4) Expressions used in this Act and in the **Fines Reform Act 2014** that are not defined in section 3 or elsewhere in this Act have the same meanings as in the **Fines Reform Act 2014**.

5 Guidelines

S. 5(1)(a)
amended by
No. 32/2006
s. 5(a).

(1) The Attorney-General, after consultation with any other Minister whose area of responsibility may be affected by the guidelines, may make guidelines for or with respect to—

- (a) the offences suitable for being subject to infringement notices under this Act or any other Act or other instrument;
- (b) the level of penalty suitable for being subject to infringement notices;
- (c) the administration of this Act including—
 - (i) a model code of conduct to apply to issuing officers and enforcement agencies unless an enforcement agency has adopted its own code of conduct;
 - (ii) the criteria to be considered in determining whether a person is entitled to a payment plan and the management of a payment plan, including eligibility criteria;

* * * * *

S. 5(1)(c)(iii)
repealed by
No. 29/2016
s. 62.

- (iv) the use of any records kept by enforcement agencies of any infringement notices or official warnings issued or served;
- (v) the provision of information, including statistical data, relating to infringement offences to the Attorney-General;
- (vi) any other matter relating to the administration of this Act.

S. 5(1)(c)(iv)
amended by
No. 32/2006
s. 5(b).

- (2) The Attorney-General—
 - (a) must cause the guidelines to be published in the Government Gazette; and
 - (b) may publish the guidelines on the Internet.
- (3) The guidelines take effect on the date of publication in the Government Gazette or such later date as is specified in the guidelines.

6 Reports to Attorney-General

For the purposes of ensuring the effective administration of this Act, an enforcement agency must provide to the Attorney-General the prescribed information, including statistical data—

- (a) at the prescribed intervals; or
- (b) at such other periods as the Attorney-General by written notice to the agency may require.

7 Infringement offences to which this Act applies

S. 7(1)
amended by
Nos 32/2006
s. 6(1),
47/2014
s. 207(1).

- (1) This Act applies to infringement offences,
including a local law which is a parking
infringement within the meaning of the **Road
Safety Act 1986**.

S. 7(2)
repealed by
No. 47/2014
s. 207(2).

* * * * *

S. 7(3)
substituted by
No. 32/2006
s. 6(2),
amended by
No. 48/2006
s. 42(Sch.
item 18.2),
substituted by
No. 47/2014
s. 207(3).

- (3) Subject to anything to the contrary in the
Children, Youth and Families Act 2005 or this
Act, this Act applies to infringement notices
issued to or served on a child for an infringement
offence.

S. 7(4)
substituted by
No. 32/2006
s. 6(3),
repealed by
No. 29/2016
s. 60.

* * * * *

S. 7(5)
repealed by
No. 32/2006
s. 6(4).

* * * * *

Part 2—Infringement notices— pre-enforcement stage

Division 1—Official warnings

8 Issuing officer may serve an official warning

- (1) An issuing officer may serve a person with an official warning rather than serve an infringement notice if—
 - (a) the issuing officer believes on reasonable grounds that a person has committed an infringement offence; and
 - (b) the issuing officer is of the opinion that in all the circumstances it is appropriate to serve an official warning.
- (2) An official warning must be in writing and contain the prescribed details.
- (3) In making a decision under subsection (1), an issuing officer, other than a police officer, must—
 - (a) observe any policy of the relevant enforcement agency in relation to the application of official warnings in respect of any infringement offence; and
 - (b) have regard to enforcement agency guidelines made by the relevant enforcement agency in relation to the application of official warnings in respect of any infringement offence.
- (4) Nothing in this section limits an issuing officer's power to exercise his or her discretion as to whether to serve an infringement notice.

**S. 8(3)
amended by
No. 37/2014
s. 10(Sch.
item 87.2).**

S. 9
amended by
No. 59/2017
s. 111.

9 Enforcement agency guidelines and policies

An enforcement agency, unless the enforcement agency is a prescribed agency, may make and publish enforcement agency guidelines and policies in respect of the use of official warnings for infringement offences.

10 Official warning does not affect other powers

An official warning does not affect the power of an issuing officer or enforcement agency—

- (a) to commence proceedings against a person to whom an official warning was given; or
- (b) to serve an infringement notice; or
- (c) to take no further action; or
- (d) to take any other specified action permitted under this Act or the Act or other instrument which establishes the infringement offence.

S. 10(d)
amended by
No. 32/2006
s. 7.

11 Withdrawal of official warning

- (1) An issuing officer or enforcement agency must withdraw an official warning if—
 - (a) proceedings are to be commenced against the person on whom an official warning was served in respect of the infringement offence; or
 - (b) an infringement notice in respect of the infringement offence is to be served on the person on whom an official warning was served.
- (2) An official warning may be withdrawn at any time before the expiry of the prescribed period.
- (3) An official warning must be withdrawn by serving a withdrawal of an official warning on the person on whom the official warning was served.

- (4) A withdrawal of an official warning must—
- (a) be in writing; and
 - (b) contain the prescribed details.

Division 2—Infringement notices

12 Service of infringement notice

- (1) An infringement notice for an infringement offence may be served on a person—
- (a) by delivering it personally to the person; or
 - (b) by sending it by post addressed to the person at the person's last known place of residence or business; or
 - (c) if a vehicle is involved in the alleged commission of the offence, by affixing or placing the notice on that vehicle in a conspicuous manner; or
 - (d) in any other manner not specified in paragraphs (a) to (c) if the Act or other instrument which establishes the infringement offence or any other Act or other instrument provides for any other manner of service.
- (2) Subject to any evidence to the contrary and despite anything to the contrary in section 49 of the **Interpretation of Legislation Act 1984**, an infringement notice served by post in accordance with subsection (1)(b) is deemed to be served 7 days after the date of the infringement notice.
- (3) An infringement notice served on a person less than 21 days before the date specified in the infringement notice as the due date for payment of the infringement penalty is invalid.

S. 12
amended by
No. 32/2006
s. 8(2) (ILA
s. 39B(1)).

S. 12(d)
amended by
No. 32/2006
s. 8(1).

S. 12(2)
inserted by
No. 32/2006
s. 8(2),
amended by
No. 47/2014
s. 208(1).

S. 12(3)
inserted by
No. 32/2006
s. 8(2),
amended by
No. 47/2014
s. 208(2).

Note

See section 163A.

S. 13
substituted by
No. 32/2006
s. 9.

13 Forms of infringement notice

An infringement notice must—

- (a) be in writing and contain the prescribed details;
- (b) state that—
 - (i) the person is entitled to elect to have the matter of the infringement offence heard and determined in the Court; or
 - (ii) in the case of an infringement notice served on a child, is entitled to have the matter of the infringement offence dealt with by the Children's Court in accordance with the **Children, Youth and Families Act 2005**.

S. 13(b)(ii)
amended by
No. 48/2006
s. 42(Sch.
item 18.2).

S. 14
amended by
No. 47/2014
s. 209.

14 Payment to be within time specified

An infringement penalty must be paid within the period specified in the infringement notice, being a period not less than 21 days after an infringement notice has been served.

15 Late payment

An enforcement agency may accept payment of an infringement penalty after the expiry of the time for payment stated in the infringement notice if—

- (a) the infringement notice has not been withdrawn; and
- (b) in the case of—

S. 15(b)
substituted by
No. 32/2006
s. 10.

S. 15(b)(i)
substituted by
No. 47/2014
s. 210.

- (i) an infringement offence for which an infringement notice was served on a person other than a child, the outstanding amount of the infringement penalty has not been registered with the

Director under the **Fines Reform Act 2014**; or

- (ii) an infringement offence for which an infringement notice was served on a child, the details of the infringement penalty in respect of that offence have not been registered with the Children's Court under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**.

S. 15(b)(ii) amended by No. 48/2006 ss 40(2), 42(Sch. item 18.3).

16 Person may elect to have matter heard in Court or Children's Court

S. 16 (Heading) amended by No. 32/2006 s. 11(1).

- (1) Unless subsection (1A) applies, a person served with an infringement notice may elect to have the matter of the infringement offence heard and determined in the Court at any time before the outstanding amount of the infringement penalty, together with any penalty reminder notice fee are registered with the Director under the **Fines Reform Act 2014**.

S. 16(1) amended by No. 32/2006 s. 11(2)(a), substituted by No. 47/2014 s. 211(1) (as amended by No. 59/2017 s. 94).

- (1A) A person served with an infringement notice in respect of a non-registrable infringement offence may elect to have the matter of the infringement offence heard and determined in the Court at any time before the expiry of the period for commencing a proceeding in relation to the offence to which the infringement notice relates.

S. 16(1A) inserted by No. 47/2014 s. 211(1) (as amended by No. 59/2017 s. 94).

- (2) This section does not apply to infringement offences to which the following provisions apply—

- (a) sections 89A to 89D of the **Road Safety Act 1986**;

S. 16(2)(a) amended by No. 32/2006 s. 11(2)(b).

S. 16(2)(b)
amended by
No. 6/2010
s. 203(1)
(Sch. 6
item 26.2) (as
amended by
No. 45/2010
s. 22),
substituted by
No. 29/2016
s. 96.

(b) section 95 of the **Transport
(Safety Schemes Compliance and
Enforcement) Act 2014**;

S. 16(2)(c)
amended by
No. 65/2010
s. 420(Sch. 3
item 8).

(c) sections 61A and 61BA of the **Marine
(Drug, Alcohol and Pollution Control)
Act 1988**.

S. 16(3)
inserted by
No. 32/2006
s. 11(3),
amended by
No. 47/2014
s. 211(2)(a).

(3) Despite subsections (1) and (1A), if a person served with an infringement notice is a child, that person may elect to have the matter of the infringement offence heard and determined in the Children's Court—

S. 16(3)(a)
amended by
No. 48/2006
ss 40(2),
42(Sch.
item 18.3).

(a) in the case of an infringement offence for which an infringement penalty may be registered under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**, at any time before an enforcement order under that Schedule is made;

S. 16(3)(b)
amended by
No. 47/2014
s. 211(2)(b).

(b) in the case of any other infringement offence, at any time before the expiry of the period for commencing a proceeding in relation to the offence to which the infringement notice relates.

17 Enforcement agency can refer matter to Court or Children's Court

S. 17
(Heading)
amended by
No. 32/2006
s. 12(1).

(1) Subject to subsection (3), an enforcement agency may refer a matter for which an infringement notice has been served to the Court—

S. 17(1)
amended by
No. 32/2006
s. 12(2),
substituted by
No. 47/2014
s. 212(1) (as
amended by
No. 59/2017
s. 95).

(a) at any time before the outstanding amount of the infringement penalty together with any penalty reminder notice fee are registered with the Director under the **Fines Reform Act 2014**; or

(b) if the infringement notice is in respect of a non-registrable infringement offence, at any time before the expiry of the period for commencing a proceeding in relation to the offence to which the infringement notice relates.

(2) This section does not apply to infringement offences to which the following provisions apply—

(a) sections 89A to 89D of the **Road Safety Act 1986**;

S. 17(2)(a)
amended by
No. 32/2006
s. 12(3).

(b) section 95 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

S. 17(2)(b)
amended by
No. 6/2010
s. 203(1)
(Sch. 6
item 26.3) (as
amended by
No. 45/2010
s. 22),
substituted by
No. 29/2016
s. 97.

S. 17(2)(c)
amended by
No. 65/2010
s. 420(Sch. 3
item 8).

(c) sections 61A and 61BA of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

S. 17(3)
inserted by
No. 32/2006
s. 12(4),
amended by
No. 68/2009
s. 97(Sch.
item 70.4).

(3) In the case of an infringement notice served on a child, an enforcement agency may withdraw the infringement notice and file a charge-sheet and summons in the Children's Court for the matter to be dealt with at any time—

S. 17(3)(a)
amended by
No. 48/2006
ss 40(2),
42(Sch.
item 18.3).

(a) in the case of an infringement offence for which an infringement penalty may be registered under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**, before an enforcement order under that Schedule is made;

S. 17(3)(b)
amended by
No. 47/2014
s. 212(2).

(b) in the case of any other infringement offence, before the expiry of the period for commencing a proceeding in relation to the offence to which the infringement notice relates.

18 Withdrawal of infringement notice

S. 18(1)
amended by
Nos 32/2006
s. 13(1),
48/2006
ss 40(2),
42(Sch.
item 18.3),
substituted by
No. 47/2014
s. 213 (as
amended by
No. 59/2017
s. 96).

(1) An enforcement agency may withdraw an infringement notice by serving a withdrawal notice on the person served with the infringement notice—

(a) unless the infringement offence is of a kind specified in paragraph (b) or (c), at any time before the outstanding amount of the infringement penalty together with any penalty reminder notice fee are registered with the Director under the **Fines Reform Act 2014**;

- (b) in the case of an infringement offence for which an infringement penalty may be registered under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**, at any time before an enforcement order under that Schedule is made;
 - (c) in the case of a non-registrable infringement offence, at any time before the expiry of the period for commencing a proceeding in relation to the offence to which the infringement notice relates.
- (2) Subject to subsection (4), without limiting subsection (1), an enforcement agency may withdraw an infringement notice if the enforcement agency determines that—
- (a) an official warning should be served on the person rather than an infringement notice; or
 - (b) proceedings are to be commenced against the person in respect of the infringement offence for which the infringement notice had been served; or
 - (c) the matter should be abandoned.
- (3) Subject to subsection (4), an infringement notice may be withdrawn even if the infringement penalty and penalty reminder notice fee (if any) have been paid.
- (4) In the case of an infringement notice in respect of an infringement offence requiring additional steps to be taken, the infringement notice cannot be withdrawn for the purposes of commencing proceedings against the person in respect of the offence for which the infringement notice had been served if the person on whom the infringement notice was served—

**S. 18(3)
amended by
No. 59/2017
s. 112(1).**

Infringements Act 2006

No. 12 of 2006

Part 2—Infringement notices—pre-enforcement stage

S. 18(4)(a)
amended by
No. 59/2017
s. 112(2).

(a) has paid the infringement penalty and penalty reminder notice fee (if any); and

(b) has taken all the required additional steps.

S. 18(5)
amended by
No. 59/2017
s. 112(3)(a).

(5) If an infringement notice is withdrawn, the amount of any infringement penalty and any penalty reminder notice fee paid must be refunded and—

S. 18(5)(a)
amended by
No. 59/2017
s. 112(3)(b).

(a) if the penalty and fee (if any) have been paid into the Consolidated Fund, the Consolidated Fund is, to the necessary extent, appropriated accordingly; or

S. 18(5)(b)
amended by
No. 59/2017
s. 112(3)(c).

(b) if the penalty and fee (if any) have been paid into another fund or account, the penalty and costs (if any) are to be refunded from that fund or account.

(6) This section does not apply to infringement offences to which the following provisions apply—

S. 18(6)(a)
amended by
No. 32/2006
s. 13(2).

(a) sections 89A to 89D of the **Road Safety Act 1986**;

S. 18(6)(b)
amended by
No. 6/2010
s. 203(1)
(Sch. 6
item 26.4) (as
amended by
No. 45/2010
s. 22),
substituted by
No. 29/2016
s. 98.

(b) section 95 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

S. 18(6)(c)
amended by
No. 65/2010
s. 420(Sch. 3
item 8).

(c) sections 61A and 61BA of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

19 Form of withdrawal notice

A withdrawal notice must—

- (a) be in writing and contain the prescribed details; and
- (b) state that the enforcement agency intends to proceed in respect of the infringement offence by—
 - (i) continuing proceedings and issuing a summons; or
 - (ii) issuing an official warning; or
 - (iii) taking no further action; or
 - (iv) taking any other specified action permitted under this Act or the Act or other instrument which establishes the infringement offence.

S. 19(b)(iv)
amended by
No. 32/2006
s. 14(1).

20 Effect of withdrawal

- (1) Subject to this Act, the withdrawal of an infringement notice does not affect any other procedure or action that can be taken under this Act or any other Act.
- (2) This section applies to an infringement notice—
 - (a) withdrawn by withdrawal notice; or
 - (b) deemed to be withdrawn by a provision of this Act or any other Act.

S. 20(1)
amended by
No. 32/2006
s. 14(2)(a).

S. 20(2)(b)
amended by
No. 32/2006
s. 14(2)(b).

Division 3—Internal reviews

21 Application of Division

S. 21
amended by
No. 29/2016
s. 63 (LA
s. 39B(1)).

(1) This Division does not apply to an infringement notice or an infringement offence of a kind to which any of the following provisions apply—

(a) sections 89A to 89D of the **Road Safety Act 1986**;

(b) section 95 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

S. 21(1)(b)
amended by
No. 6/2010
s. 203(1)
(Sch. 6
item 26.5) (as
amended by
No. 45/2010
s. 22),
substituted by
No. 29/2016
s. 99.

(c) sections 61A and 61BA of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

S. 21(1)(c)
amended by
No. 65/2010
s. 420(Sch. 3
item 8).

(2) This Division does not apply to an infringement notice to which any of the following provisions apply if the person was unaware of the notice having been served and that service of the infringement notice was not by personal service—

(a) section 67 or 89B of the **Road Safety Act 1986**;

(b) section 87A of the **Melbourne City Link Act 1995**;

(c) section 96 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

(d) section 61B of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**;

S. 21(2)
inserted by
No. 29/2016
s. 63.

(e) section 219A of the **EastLink Project Act 2004**.

22 Application for internal review

(1) A person who has been served with an infringement notice or a person acting on that person's behalf with the first-mentioned person's consent, may apply to the relevant enforcement agency for review of the decision to serve the infringement notice if the person believes—

(a) the decision—

(i) was contrary to law; or

(ii) involved a mistake of identity; or

(b) that special circumstances apply to the person, unless—

(i) the special circumstance referred to in the application is family violence; and

(ii) the person has made an FVS application; or

(c) the conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the infringement offence; or

(d) that the person was unaware of the notice having been served and that service of the infringement notice was not by personal service.

S. 22(1)(b)
substituted by
No. 59/2017
s. 113.

S. 22(1)(c)
amended by
No. 29/2016
s. 64(1)(a).

S. 22(1)(d)
inserted by
No. 29/2016
s. 64(1)(b).

Infringements Act 2006
No. 12 of 2006
Part 2—Infringement notices—pre-enforcement stage

S. 22(2)
amended by
No. 29/2016
s. 64(2).

(2) An application under subsection (1)(a), (b)
or (c)—

(a) may be made—

S. 22(2)(a)(i)
substituted by
No. 32/2006
s. 15(1).

(i) in the case of—

S. 22
(2)(a)(i)(A)
substituted by
No. 47/2014
s. 215(2)(b) (as
amended by
No. 59/2017
s. 97).

(A) an infringement offence for which
an infringement notice was served
on a person, other than a child, at
any time before the outstanding
amount of an infringement penalty
together with any penalty
reminder notice fee are registered
with the Director under the **Fines
Reform Act 2014**; or

S. 22
(2)(a)(i)(B)
amended by
No. 48/2006
ss 40(2),
42(Sch.
item 18.3).

(B) an infringement offence for which
an infringement notice was served
on a child, at any time before the
infringement penalty in respect of
that offence is registered with the
Children's Court under clause 4 of
Schedule 3 to the **Children,
Youth and Families Act 2005**;
and

S. 22
(2)(a)(ii)
amended by
No. 47/2014
s. 215(3).

(ii) in the case of a non-registrable
infringement offence, at any time
before the expiry of the period for
commencing a proceeding in relation to
the offence to which the infringement
notice relates; and

(b) must be in writing; and

(c) must state the grounds on which the decision
should be reviewed; and

- (d) must provide the applicant's current address for service of the notice under section 24(3) of the outcome of the decision; and
 - (e) may only be made once in relation to any one infringement offence in respect of the applicant.
- (3) An application under subsection (1)(d)—
- (a) must be made within 14 days of the applicant becoming aware of the infringement notice; and
 - (b) must be in writing; and
 - (c) must state the grounds on which the decision should be reviewed; and
 - (d) must provide the applicant's current address for service of the notice of the outcome of the decision under section 24(3); and
 - (e) may only be made once in relation to any one infringement offence in respect of the applicant.
- (4) An enforcement agency must not consider an application under subsection (1)(d) if the applicant has not updated the person's authorised address (within the meaning of section 163A(3)) within 14 days of changing address.

S. 22(3)
inserted by
No. 29/2016
s. 64(3).

S. 22(4)
inserted by
No. 29/2016
s. 64(3).

23 Request for additional information

- (1) An enforcement agency may request in writing any additional information which it requires to conduct a review under section 24 from the applicant.
- (2) If an enforcement agency makes a request under subsection (1), it must suspend the review until the earlier of—

S. 23(1)
amended by
No. 32/2006
s. 15(2)(a).

S. 23(2)
amended by
No. 32/2006
s. 15(2)(b),
substituted by
No. 9/2008
s. 12.

**S. 23(3)
substituted by
No. 9/2008
s. 12.**

- (a) 35 days from the date specified in the document making the request as the date of the document; or
 - (b) the date when the additional information is provided.
- (3) Within 14 days of service of the request for additional information by the enforcement agency, the applicant—
- (a) must provide the additional information; or
 - (b) if additional time is required, may request in writing an extension of time to provide the additional information.

**S. 23(4)
substituted by
No. 9/2008
s. 12.**

- (4) If the applicant requests additional time in accordance with subsection (3)(b), the enforcement agency may—
- (a) refuse to extend the time for the provision of the additional information; or
 - (b) grant an extension of time for that information to be provided.

**S. 23(5)
inserted by
No. 9/2008
s. 12.**

- (5) If an enforcement agency grants an extension of time under subsection (4)(b), the agency must inform the applicant in writing of the period of the extension.

**S. 23(6)
inserted by
No. 9/2008
s. 12.**

- (6) If an applicant fails to provide the information requested under subsection (1) to the enforcement agency within the period specified in subsection (3) or, if an extension is granted under subsection (4)(b), within the period of that extension, the enforcement agency—
- (a) may review the decision under section 24 without the additional information; or

- (b) despite subsections (3) and (4)—
 - (i) if the applicant provides the additional information to the enforcement agency out of time, may accept that late information; and
 - (ii) may review the decision under section 24 with that late information.

24 Review by enforcement agency

- (1) If an enforcement agency receives an application for review on a ground specified in section 22(1)(a), (b) or (c), the enforcement agency must—

S. 24(1)
amended by
No. 29/2016
s. 65(1).

- (a) review the decision to serve an infringement notice on the person; and
- (b) suspend any procedures that are being used for the enforcement of the infringement penalty in respect of the infringement offence until—
 - (i) the review is complete; and
 - (ii) the applicant is sent advice of the outcome.

- (1A) If an enforcement agency receives an application for review on the ground specified in section 22(1)(d), the enforcement agency must—

S. 24(1A)
inserted by
No. 29/2016
s. 65(2).

- (a) review whether it is likely that, more than 14 days before applying under section 22(1)(d), the person was not in fact aware that the infringement notice had been served; and
- (b) suspend any procedures that are being used for the enforcement of the infringement penalty in respect of the infringement offence until—
 - (i) the review is complete; and

(ii) the applicant is sent advice of the outcome of the review under subsection (3)(b).

(2) An enforcement agency must ensure that a review under this section is conducted by a person who was not involved in making the decision to serve the infringement notice which is the subject of the review.

S. 24(3)
substituted by
No. 32/2006
s. 16(1).

(3) An enforcement agency must—

(a) review a decision—

(i) within the prescribed time; or

(ii) if an enforcement agency requests additional information under section 23, within the prescribed period referred to in subparagraph (i) plus 35 days, whether or not the additional information was received by the agency; and

(b) within 21 days of deciding the review, serve on the applicant a written notice advising of the outcome of the review.

(4) If an enforcement agency fails to comply with subsection (3), the infringement notice is deemed to be withdrawn.

(5) Nothing in this section limits the power of an enforcement agency to review a decision to serve an infringement notice on any other basis.

25 What can an enforcement agency decide on review?

S. 25(1)
amended by
No. 29/2016
s. 66(1).

(1) Subject to subsections (2) and (2A), after reviewing a decision under section 24, an enforcement agency may—

(a) confirm the decision to serve an infringement notice;

- (b) withdraw the infringement notice and serve an official warning in place of the infringement notice;
 - (c) withdraw the infringement notice;
 - (d) withdraw the infringement notice and refer the matter to the Court in accordance with this Part or, in the case of an infringement notice served on a child, withdraw the infringement notice and file a charge-sheet and summons in the Children's Court for the matter to be dealt with in that Court;
S. 25(1)(d) amended by Nos 32/2006 s. 16(2), 68/2009 s. 97(Sch. item 70.5).
 - (e) in the case of an infringement offence involving additional steps, alter or vary those steps provided the alteration or variation is consistent with the Act or other instrument establishing the offence;
S. 25(1)(e) amended by No. 32/2006 s. 16(3).
 - (f) waive all or any penalty reminder notice fees;
S. 25(1)(f) amended by No. 59/2017 s. 114.
 - (g) approve a payment plan;
 - (h) do any combination of any of the actions referred to in paragraphs (a) to (g).
- (2) In the case of an application made under section 22(1)(b) on the grounds that special circumstances apply to the person served with the infringement notice, after reviewing a decision under section 24, an enforcement agency may—
- (a) confirm the decision to serve an infringement notice;
 - (b) withdraw the infringement notice and serve an official warning in place of the infringement notice;
 - (c) withdraw the infringement notice.

S. 25(2A)
inserted by
No. 29/2016
s. 66(2).

- (2A) In the case of an application made under section 22(1)(d) on the grounds that the person was unaware of the infringement notice having been served, after reviewing a decision under section 24, an enforcement agency may—
- (a) grant the application if satisfied that, more than 14 days before applying under section 22(1)(d), the applicant was not in fact aware that the infringement notice had been served; or
 - (b) refuse the application if not satisfied that, more than 14 days before applying under section 22(1)(d), the applicant was not in fact aware that the infringement notice had been served.

S. 25(3)
amended by
Nos 32/2006
s. 16(4),
68/2009
s. 97(Sch.
item 70.6),
substituted by
Nos 29/2016
s. 66(2),
47/2014
s. 217(3) (as
amended by
Nos 29/2016
s. 50(2),
59/2017
s. 98(1)(2)).

- (3) If an enforcement agency makes a decision under subsection (2)(a) confirming the decision to serve the infringement notice, the person served with the infringement notice must—
- (a) pay the infringement penalty in accordance with section 26; or
 - (b) apply to the enforcement agency for a payment plan; or
 - (c) apply to the Director for a payment arrangement; or
 - (d) elect to have the matter of the infringement offence heard and determined in the Court; or
 - (e) be the subject of an application to the Director for a work and development permit.

- (4) If an enforcement agency makes a decision under subsection (2A)(a) granting the application, the enforcement agency must serve the applicant with written notice of that decision.
- (5) A person served with a notice under subsection (4) must, within 21 days of receiving the notice—
- (a) pay the infringement penalty; or
 - (b) enter into a payment plan or payment arrangement; or
 - (c) nominate another person as being the person responsible for committing the offence in respect of which an infringement notice was issued; or
 - (d) apply for a review of the decision to serve an infringement notice under section 22(1)(a), (b) or (c); or
 - (e) elect to have the matter of an infringement offence heard and determined in the Court or the Children's Court (as the case requires); or
 - (f) be the subject of an application to the Director for a work and development permit.
- (6) If an enforcement agency makes a decision under subsection (2A)(b) refusing the application, the enforcement agency must—
- (a) serve the applicant written notice of the outcome of the review; and
 - (b) advise the applicant that the infringement penalty must be paid within 14 days of the written notice.
- S. 25(4)**
inserted by
No. 29/2016
s. 66(2),
substituted by
No. 47/2014
s. 217(3) (as
amended by
Nos 29/2016
s. 50(2),
59/2017
s. 98(1)(2)).
- S. 25(5)**
inserted by
No. 29/2016
s. 66(2),
amended by
No. 59/2017
s. 9(b),
substituted by
No. 47/2014
s. 217(3) (as
amended by
Nos 29/2016
s. 50(2),
59/2017
s. 98(1)(2)).
- S. 25(6)**
inserted by
No. 29/2016
s. 66(2),
substituted by
No. 47/2014
s. 217(3) (as
amended by
Nos 29/2016
s. 50(2),
59/2017
s. 98(1)(2)).

S. 25(7)
inserted by
No. 47/2014
s. 217(4) (as
amended by
No. 59/2017
s. 98(3)).

- (7) A person served with a notice under subsection (6) must, within 14 days of receiving the notice—
- (a) pay the infringement penalty; or
 - (b) apply to the enforcement agency for a payment plan; or
 - (c) apply to the Director for a payment arrangement; or
 - (d) elect to have the matter of the infringement offence heard and determined in the Court; or
 - (e) be the subject of an application to the Director for a work and development permit.

26 Time to pay if decision confirmed

S. 26(1)
amended by
No. 59/2017
s. 115(1).

- (1) Subject to subsection (2), if an enforcement agency confirms a decision to serve an infringement notice under section 25(1)(a), the person must pay the infringement penalty and any penalty reminder notice fee by whichever of the following dates occurs latest in time—
- (a) the due date specified in the infringement notice; or
 - (b) the due date specified in the penalty reminder notice; or
 - (c) within 14 days after the person has been served with written notice advising of the outcome of the review.
- (2) In the case of an infringement offence involving additional steps, if an enforcement agency confirms a decision to serve an infringement notice under section 25(1)(a), the person must—

S. 26(1)(b)
substituted by
No. 32/2006
s. 16(5).

S. 26(1)(c)
inserted by
No. 32/2006
s. 16(5).

- | | |
|--|---|
| <p>(a) pay the infringement penalty and any penalty reminder notice fee by whichever of the following dates occurs latest in time—</p> <ul style="list-style-type: none">(i) the due date specified in the infringement notice; or(ii) the due date specified in the penalty reminder notice; or(iii) within 14 days after the person has been served with written notice advising of the outcome of the review; and | <p>S. 26(2)(a) amended by No. 59/2017 s. 115(2).</p> |
| <p>(b) perform the additional steps by whichever of the following dates occurs latest in time—</p> <ul style="list-style-type: none">(i) the end of the remedy period specified in the infringement notice; or(ii) within 14 days after the person has been sent advice of the outcome of the review. | <p>S. 26(2)(a)(ii) substituted by No. 32/2006 s. 16(6).</p> <p>S. 26(2)(a)(iii) inserted by No. 32/2006 s. 16(6).</p> |

27 Review terminated if matter goes to Court or Children's Court

If a person elects to have a matter heard and determined in the Court under this Part or, in the case of an infringement notice served on a child, heard and determined in the Children's Court while a review under this Division is in progress, the review is terminated on the person making that election.

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S. 27 (Heading) amended by No. 32/2006 s. 17(1).
S. 27 amended by No. 32/2006 s. 17(2).

Pt 2 Div. 3A (Heading and ss 27A–27L) inserted by No. 29/2016 s. 67, repealed by No. 29/2016 s. 91.

Division 4—Penalty reminder notices

28 Application of Division

S. 28
amended by
No. 32/2006
s. 18(1).

This Division, except section 29, does not apply to an infringement notice or an infringement offence of a kind to which any of the following provisions apply—

S. 28(b)
amended by
No. 6/2010
s. 203(1)
(Sch. 6
item 26.6) (as
amended by
No. 45/2010
s. 22),
substituted by
No. 29/2016
s. 100.

(a) sections 89A to 89D of the **Road Safety Act 1986**;

(b) section 95 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

S. 28(c)
amended by
No. 65/2010
s. 420(Sch. 3
item 8).

(c) sections 61A and 61BA of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

29 Penalty reminder notices

(1) An enforcement agency may serve a penalty reminder notice on a person on whom an infringement notice was served if it appears to the enforcement agency that an infringement penalty has not been paid—

(a) within the period for payment specified in the infringement notice; or

(b) if an application for internal review under Division 3 has been made and no previous penalty reminder notice has been served in respect of the infringement notice, within the time specified in section 26.

(2) If a payment plan applies to a person, an enforcement agency may serve a penalty reminder notice on that person if it appears to the enforcement agency that no previous penalty reminder notice has been served in respect of the infringement notice and the person has—

(a) cancelled the payment plan; or

(b) removed an infringement penalty and penalty reminder notice fee in respect of an infringement offence from a payment plan; or

(c) is in default of a payment of the payment plan.

S. 29(2)(b)
amended by
No. 59/2017
s. 116(1).

(3) If a person is served with a penalty reminder notice in relation to an infringement notice, the time for payment of the infringement penalty is extended for a period specified in the penalty reminder notice, being a period not less than 14 days after the penalty reminder notice has been served.

S. 29(3)
amended by
Nos 32/2006
s. 18(2),
47/2014 s. 219.

(4) The infringement penalty together with any penalty reminder notice fee may be paid within the extended period as if the infringement notice or law under which the notice was served also required the payment of those costs.

S. 29(4)
amended by
No. 59/2017
s. 116(2).

(5) A penalty reminder notice must be in writing and contain the prescribed details.

30 Person may elect to have matter heard and determined in Court or Children's Court

S. 30
(Heading)
amended by
No. 32/2006
s. 19(1).

(1) A person who has been served with a penalty reminder notice may elect to have the matter of the infringement offence heard and determined in the Court or, in the case of an infringement notice

S. 30(1)
amended by
No. 32/2006
s. 19(2).

served on a child, heard and determined in the Children's Court.

S. 30(2)
amended by
No. 32/2006
s. 19(3).

- (2) If a person elects to have the matter of the infringement offence heard and determined in the Court or the Children's Court, as the case requires, the person must—

S. 30(2)(a)
amended by
No. 32/2006
s. 19(3).

- (a) make a written statement to the effect that the person has elected to have the matter of the infringement offence heard and determined in the Court or the Children's Court, as the case requires; and
- (b) serve that written statement on the enforcement agency specified in the penalty reminder notice within 28 days after the penalty reminder notice was served on the person.

Division 5—Expiation and demerit schemes

31 Exceptions to expiation

Nothing in this Division affects the operation of—

S. 31(b)
amended by
No. 6/2010
s. 203(1)
(Sch. 6
item 26.7) (as
amended by
No. 45/2010
s. 22),
substituted by
No. 29/2016
s. 101.

- (a) sections 66, 89 and 89A to 89D of the **Road Safety Act 1986**;
- (b) section 95 of the **Transport (Safety Schemes Compliance and Enforcement) Act 2014**;

S. 31(c)
amended by
No. 65/2010
s. 420(Sch. 3
item 8).

- (c) sections 61A and 61BA of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

32 Expiating the offence

- (1) This section applies if an infringement notice is not withdrawn and the infringement penalty and any penalty reminder notice fee are—
- (a) paid within the period specified in the notice or late payment is accepted in accordance with section 15; or
 - (b) satisfied by the completion of a work and development permit.

S. 32(1) substituted by No. 29/2016 s. 68(1), amended by No. 59/2017 s. 117(1).

- (1A) Subject to subsection (2) and any other Act, the person on whom the notice was served has (as appropriate)—

S. 32(1A) inserted by No. 29/2016 s. 68(1).

- (a) expiated the offence by payment of the infringement penalty and any penalty reminder notice fee; or
- (b) expiated the offence by completion of the work and development permit.

S. 32(1A)(a) amended by No. 59/2017 s. 117(2).

- (2) In the case of an infringement notice involving additional steps, a person has expiated the offence when—

- (a) the infringement penalty and any penalty reminder notice fee are—
 - (i) paid within the period specified in the notice or late payment is accepted in accordance with section 15; or
 - (ii) satisfied by completion of a work and development permit; and
- (b) the additional steps are complied with as required by the Act or other instrument that creates the offence.

S. 32(2)(a) substituted by No. 29/2016 s. 68(2), amended by No. 59/2017 s. 117(3).

S. 32(2)(b) amended by No. 32/2006 s. 20(a).

- (3) An infringement penalty paid under this Part must be applied in the same way as a fine paid under an order of a court made on an offender

being convicted or found guilty of the offence to which the infringement penalty relates.

33 Effect of expiation

- (1) Subject to this Act and any other Act, if a person has expiated an offence under section 32—
 - (a) no further proceedings may be taken against the person on whom the notice was served in respect of the offence; and
 - (b) no conviction is to be taken to have been recorded against that person for the offence.
- (2) The payment of an infringement penalty by a person, or the completion of a work and development permit by a person where the infringement fine is satisfied by that completion, is not and must not be taken to be—
 - (a) an admission of guilt in relation to the offence; or
 - (b) an admission of liability for the purpose of any civil claim or proceeding arising out of the same occurrence, and the payment of the infringement penalty or completion of the work and development permit does not in any way affect or prejudice any such claim or proceeding.
- (3) The payment of an infringement penalty or completion of the work and development permit must not be referred to in any report provided to a court for the purpose of determining sentence for any offence.

S. 33(2)
amended by
No. 29/2016
ss 69(1)(a), 92.

S. 33(2)(b)
amended by
No. 29/2016
s. 69(1)(b).

S. 33(3)
amended by
No. 29/2016
s. 69(2).

Note

The fact that an infringement notice has been served on a person for an act or omission under an Act may be used in the conduct of an inquiry or the taking of disciplinary action under that Act, if the Act so permits.

34 Demerit point schemes

Despite anything to the contrary in this Division, the expiation of an infringement offence under this Division in relation to an offence which is—

- (a) a traffic infringement within the meaning of the **Road Safety Act 1986** does not prevent the incurring of demerit points under Part 4 of that Act in relation to the infringement offence; and
- (b) an offence under the **Accident Towing Services Act 2007** does not prevent the incurring of accident towing demerit points under that Act in relation to that offence; and
- (c) an offence under section 108(4), 119 or 120 of the **Liquor Control Reform Act 1998** does not prevent the incurring of demerit points under that Act in relation to that offence.

S. 34(a)
amended by
No. 74/2013
s. 9.

S. 34(b)
substituted by
No. 30/2007
s. 236(1),
amended by
No. 71/2011
s. 32(a).

S. 34(c)
inserted by
No. 71/2011
s. 32(b).

35 Effect of paying by instalments or agreeing to be subject to work and development permit for demerit point purposes

- (1) This section applies in respect of an infringement offence that would result in a person incurring demerit points under the **Road Safety Act 1986** or any other Act or other instrument in respect of which a demerit system applies if the person were convicted of the offence.
- (2) For the purposes of the **Road Safety Act 1986** or any other Act or other instrument in respect of which a demerit system applies, a person is to be taken as paying or satisfying the infringement penalty in respect of the offence—

S. 35
(Heading)
substituted by
No. 29/2016
s. 70(1).

S. 35(1)
amended by
No. 32/2006
s. 20(b).

S. 35(2)
amended by
Nos 32/2006
s. 20(b),
29/2016
s. 70(2)(a).

Infringements Act 2006

No. 12 of 2006

Part 2—Infringement notices—pre-enforcement stage

S. 35(2)(a)
amended by
No. 29/2016
s. 70(2)(b).

(a) on making a part payment; or

S. 35(2)(b)
amended by
No. 29/2016
s. 70(2)(c).

(b) in the case of a person to whom a payment plan applies, on making the first payment in accordance with the payment plan, or where a subsequent infringement penalty is added to a payment plan, on the making of the next payment following that addition, irrespective, in either case, of whether the payment related to that penalty; or

S. 35(2)(c)
inserted by
No. 29/2016
s. 70(2)(d),
amended by
No. 29/2016
s. 93.

(c) on the approval of a work and development permit by the Director.

Pt 2 Div. 6
(Heading and
ss 36–38)
amended by
Nos 32/2006
s. 21(1),
87/2009 s. 40,
6/2010
s. 203(1)
(Sch. 6
item 26.8) (as
amended by
No. 45/2010
s. 22), 65/2010
s. 420(Sch. 3
item 8),
29/2016 s. 102,
repealed by
No. 29/2016
s. 71.

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**Division 7—Going to Court—prior to registration
under the Fines Reform Act 2014**

Pt 2 Div. 7
(Heading)
amended by
No. 47/2014
s. 225.

39 Penalty to be refunded if election to go to Court is made

S. 39
amended by
No. 32/2006
s. 21(2).

If a person elects under this Part to have the matter of an infringement offence heard and determined in the Court or the Children's Court, as the case requires or an enforcement agency refers a matter to the Court under this Part or to the Children's Court, as the case requires, the amount of any infringement penalty paid by the person must be refunded and—

- (a) if the penalty had been paid into the Consolidated Fund, the Consolidated Fund is, to the necessary extent, appropriated accordingly; or
- (b) if the penalty had been paid into another fund or account, the penalty is to be refunded from that fund or account.

40 Decision to go to Court

S. 40
(Heading)
amended by
No. 47/2014
s. 226(1).

- (1) If a person elects under this Part to have the matter of an infringement offence heard and determined in the Court or an enforcement agency refers a matter in respect of an infringement offence to the Court under this Part—

S. 40(1)
amended by
Nos 32/2006
s. 22(1),
47/2014
s. 226(2).

- (a) the enforcement agency must lodge with the Court the prescribed information in respect of—
 - (i) the offender; and

S. 40(1)(b)
amended by
No. 68/2009
s. 97(Sch.
item 70.7).

- (ii) the infringement offence; and
- (iii) the enforcement agency; and
- (b) the prescribed information lodged under paragraph (a) is deemed to be a charge-sheet, filed with the Court, charging the offence in respect of which the infringement notice was served; and

S. 40(1)(c)(i)
amended by
No. 68/2009
s. 97(Sch.
item 70.8).

- (c) the Court must—
 - (i) allocate a time and place of the hearing of the charge; and
 - (ii) return the hearing details referred to in subparagraph (i) to the enforcement agency for service on the person who was served with the infringement notice; and
- (d) at least 14 days prior to the hearing date, the enforcement agency must serve the details referred to in paragraphs (a) and (c)(i) on the person who was served with the infringement notice.

- (2) Service under subsection (1)(d) may be by post to the person who was served with the infringement notice at the address—
 - (a) provided by the person on whom the infringement notice was served; or
 - (b) on the infringement notice; or
 - (c) on the penalty reminder notice.

Note to
s. 40(2)
amended by
Nos 32/2006
s. 22(2),
47/2014
s. 226(3).

Note

The **Magistrates' Court Act 1989** applies to the enforcement of non-registrable infringement offences.

- (3) Subject to section 40A, without limiting any other powers of the Court, the Court may proceed to hear and determine the matter of an infringement offence even though a charge-sheet has not been served on the person who was served with the infringement notice.

S. 40(3) amended by Nos 9/2008 s. 14, 68/2009 s. 97(Sch. item 70.9), 47/2014 s. 226(4).

Note

See also sections 80 and 85 of the **Criminal Procedure Act 2009**.

Note to s. 40(3) amended by No. 68/2009 s. 97(Sch. item 70.10).

- (4) This section does not apply to an infringement offence alleged to have been committed by a child and the **Children, Youth and Families Act 2005** applies in respect of such an infringement offence.

S. 40(4) inserted by No. 32/2006 s. 22(3), amended by Nos 48/2006 s. 42(Sch. item 18.4), 18/2010 s. 41, 64/2010 s. 58(1).

Note

See section 344A of the **Children, Youth and Families Act 2005** and clause 17 of Schedule 3 to that Act for time limits applying to infringement offences in relation to children.

Note to s. 40(4) inserted by No. 64/2010 s. 58(2).

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S. 40AA inserted by No. 18/2010 s. 42, repealed by No. 64/2010 s. 59.

40A Going to Court—indictable offences

If a person has been served with an infringement notice in respect of an infringement offence which is an indictable offence and the person elects under this Part to have the matter heard and determined in the Court or an enforcement agency refers the matter to the Court under this Part, section 28 of the **Criminal Procedure Act 2009**

S. 40A inserted by No. 9/2008 s. 15, amended by Nos 68/2009 s. 97(Sch. item 70.11), 47/2014 s. 227.

applies as if the person had been charged before the Court with that indictable offence.

S. 41
amended by
Nos 68/2009
s. 97(Sch.
item 70.12),
47/2014 s. 228.

41 Avoiding service

If, but for this section, the hearing of an infringement offence by the Court may not proceed only because—

S. 41(a)
amended by
No. 68/2009
s. 97(Sch.
item 70.12).

(a) the accused was not served with a notice of the time and place of the hearing; and

S. 41(b)
substituted by
No. 32/2006
s. 23.

(b) the Court—

S. 41(b)(i)
amended by
No. 68/2009
s. 97(Sch.
item 70.12).

(i) is not satisfied that the accused had knowledge of the time and place of the hearing; or

S. 41(b)(ii)
amended by
No. 68/2009
s. 97(Sch.
item 70.12).

(ii) is satisfied that the accused had that knowledge, but is not satisfied that the accused would not be prejudiced by the non-service—

the hearing of the offence may proceed if the Court is satisfied that the accused—

(c) is avoiding service of the notice; or

(d) cannot be found after reasonable search and inquiry.

S. 41A
inserted by
No. 29/2016
s. 72.

41A Extension of time for commencement of proceedings if work and development permit cancelled

(1) This section applies to the following—

S. 41A(1)(a)
substituted by
No. 29/2016
s. 94(1).

(a) an infringement offence that has not been registered with the Director for enforcement under the **Fines Reform Act 2014**;

- (b) a non-registrable infringement offence; **S. 41A(1)(b)**
substituted by
No. 29/2016
s. 94(1).
- (c) an infringement offence for which an
infringement notice was served on a child in
respect of which the infringement penalty
and any penalty reminder notice fee have not
been registered with the Children's Court
under clause 4 of Schedule 3 to the
Children, Youth and Families Act 2005. **S. 41A(1)(c)**
amended by
No. 59/2017
s. 118.
- (2) If a work and development permit has been
cancelled under section 10E of the **Fines Reform**
Act 2014 in respect of an offence to which this
section applies, the period during which a
proceeding for the alleged offence may be
commenced by an enforcement agency is
extended by 6 months after the date of
cancellation of the work and development permit. **S. 41A(2)**
amended by
No. 29/2016
s. 94(2).
- (3) Subsection (2) has effect despite section 7(1) of
the **Criminal Procedure Act 2009** or any other
provision of any Act or other instrument providing
for the period during which any proceeding must
be commenced for an offence alleged to have
been committed.

Part 3—Payment plans

Pt 3 Div. 1
(Heading and
ss 42–45)
repealed by
No. 47/2014
s. 229.

* * * * *

Division 2—Payment plans

46 Payment plans available in certain circumstances

S. 46(1)
amended by
Nos 32/2006
s. 24(1),
59/2017
s. 119(1).

- (1) A natural person, including a child, served with an infringement notice may apply to an enforcement agency for a payment plan to pay the infringement penalty and any penalty reminder notice fee in respect of the infringement offence to which the infringement notice relates.

S. 46(1A)
inserted by
No. 47/2014
s. 230(1) (as
amended by
No. 59/2017
s. 99(1)).

- (1A) A body corporate served with an infringement notice may apply to an enforcement agency for a payment plan to pay the infringement penalty and any penalty reminder notice fee in respect of the infringement offence to which the infringement notice relates.

S. 46(2)
amended by
No. 47/2014
s. 230(2).

- (2) An application under subsection (1) or (1A) may be made—

S. 46(2)(a)
substituted by
No. 32/2006
s. 24(2).

- (a) in the case of—

S. 46(2)(a)(i)
substituted by
No. 47/2014
s. 230(3).

- (i) an infringement offence for which an infringement notice was served on a person other than a child, at any time before the registration for enforcement of the infringement penalty in respect of that offence with the Director under the **Fines Reform Act 2014**; or

- (ii) an infringement offence for which an infringement notice was served on a child, at any time before the infringement penalty in respect of that offence is registered with the Children's Court under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**; and
- (b) in the case of a non-registrable infringement offence, at any time before the expiry of the period for commencing a proceeding in relation to the offence to which the infringement notice relates, whether in the Court or the Children's Court, as the case requires.
- (3) An enforcement agency must offer a payment plan to a person who applies under subsection (1) or (1A) if the person meets the eligibility criteria set out in the guidelines.
- (4) An enforcement agency may offer a payment plan to a person who applies under subsection (1) or (1A) if the enforcement agency decides, in its discretion, that the person should be offered a payment plan.
- (5) An enforcement agency may offer a payment plan—
- (a) by arrangement and management of a payment plan for the person to whom it applies by that agency; or
- (b) by referring the infringement penalty and penalty reminder notice fee in respect of any infringement offence to the Director for management by a payment arrangement under the **Fines Reform Act 2014**.
- S. 46(2)(a)(ii) amended by No. 48/2006 ss 40(2), 42(Sch. item 18.4).
- S. 46(2)(b) amended by Nos 32/2006 s. 24(3), 47/2014 s. 230(4).
- S. 46(3) amended by No. 47/2014 s. 230(5).
- S. 46(4) amended by No. 47/2014 s. 230(6).
- S. 46(5)(b) amended by Nos 59/2017 s. 119(3), 47/2014 s. 230(7).

S. 46(6)
inserted by
No. 47/2014
s. 230(8) (as
amended by
No. 59/2017
s. 99(2)).

- (6) If an enforcement agency decides not to offer a payment plan to a person who applies under subsection (1) or (1A), the agency must serve on the person written notice of that decision specifying that—
- (a) a payment plan will not be offered to the person; and
 - (b) the person has 21 days from the date the notice is served to pay the infringement penalty; and
 - (c) failure to pay within 21 days from the date the notice is served may result in any infringement penalty being registered for enforcement with the Director under the **Fines Reform Act 2014**.

S. 46(7)
inserted by
No. 47/2014
s. 230(8) (as
amended by
No. 59/2017
s. 99(2)).

- (7) An enforcement agency must cease any action taken to collect an infringement penalty and any penalty reminder notice fee from a person served with an infringement notice on receipt of an application made under subsection (1) or (1A) by the person until the application is determined.

47 Payment plans

S. 47(1)
amended by
No. 47/2014
s. 231(1).

- (1) A payment plan may be arranged for a person by an enforcement agency for the payment of—

S. 47(1)(a)
amended by
No. 59/2017
s. 120(1).

- (a) one infringement penalty and penalty reminder notice fee in respect of an infringement offence; or

S. 47(1)(b)
amended by
No. 59/2017
s. 120(2).

- (b) 2 or more infringement penalties and penalty reminder notice fees in respect of a number of infringement offences.

S. 47(2)
amended by
No. 59/2017
s. 120(3).

- (2) A payment plan may provide for the payment of an infringement penalty and penalty reminder notice fee—

- (a) by instalments; or
- (b) by an extension of time to pay; or
- (c) by both instalments and an extension of time to pay.

* * * * *

S. 47(3)
repealed by
No. 47/2014
s. 231(2).

48 Commencement of payment plans

A payment plan commences when the enforcement agency receives the first payment by its due date in accordance with the proposed payment plan from the person to whom that plan was offered.

S. 48
substituted by
No. 47/2014
s. 232.

49 Payment plans—additions, removals and cancellations

- (1) A person to whom a payment plan applies may request the addition of any infringement penalty and penalty reminder notice fee in respect of an infringement offence to that person's payment plan.
- (2) A person to whom a payment plan applies may request—
 - (a) the removal of an infringement penalty and penalty reminder notice fee in respect of an infringement offence from that person's payment plan; or
 - (b) the cancellation of the payment plan.

S. 49(1)
amended by
No. 59/2017
s. 121(1).

S. 49(2)(a)
amended by
No. 59/2017
s. 121(2).

S. 49(3)
substituted by
No. 32/2006
s. 24(4),
amended by
No. 59/2017
s. 121(3),
substituted by
No. 47/2014
s. 233 (as
amended by
No. 59/2017
s. 100).

- (3) If an enforcement agency withdraws an infringement notice under this Act or the Act or other instrument which establishes the infringement offence for which the infringement notice was served, the enforcement agency must remove the infringement penalty and any penalty reminder notice fee for the infringement offence in relation to the withdrawn infringement notice from a person's payment plan.

Note

See also section 48(3) of the **Fines Reform Act 2014**.

S. 49(4)
amended by
No. 59/2017
s. 121(4).

- (4) If an infringement penalty and penalty reminder notice fee are removed from a payment plan in accordance with a request of a person under subsection (2)(a) or an enforcement agency under subsection (3), or a payment plan is cancelled in accordance with subsection (2)(b), any money paid in respect of that infringement penalty and penalty reminder notice fee is—

S. 49(4)(a)
amended by
No. 59/2017
s. 121(4).

- (a) to be allocated to the payment of the oldest infringement notice to which the infringement penalty and penalty reminder notice fee relate then remaining in the payment plan; or
- (b) subject to subsection (5), if the removal or cancellation results in the completion of the payment plan and there is an overpayment, the person is entitled to a refund of any overpayment of money paid and—
- (i) if the amount has been paid into the Consolidated Fund, the Consolidated Fund is, to the necessary extent, appropriated accordingly; or

(ii) if the amount has been paid into another fund or account, the amount is to be refunded from that fund or account.

(5) A person is not entitled to a refund under subsection (4)(b) if at the time the infringement penalty and penalty reminder notice fee are removed from the payment plan or the payment plan is cancelled—

S. 49(5)
amended by
No. 59/2017
s. 121(5).

(a) that person has already paid in full the amount due for the infringement penalty and penalty reminder notice fee; and

S. 49(5)(a)
amended by
No. 59/2017
s. 121(5).

(b) the infringement offence to which the infringement notice related has been expiated by that payment.

49A Variation of payment plan

S. 49A
inserted by
No. 47/2014
s. 234.

- (1) A person to whom a payment plan applies may apply to the enforcement agency for a variation of the terms of the payment plan.
- (2) The enforcement agency, in its discretion, may vary the terms of a payment arrangement.
- (3) A person who applies for a variation under subsection (1) must continue to comply with the current terms of a payment plan pending a decision by the enforcement agency to vary those terms or refuse the application.
- (4) The enforcement agency must give written notification to the applicant of the enforcement agency's decision to vary the payment plan or to refuse the application for variation as soon as practicable after the decision is made.
- (5) If a variation is refused by the enforcement agency, the terms of the payment plan continue as they applied before the application for variation.

S. 49B
inserted by
No. 47/2014
s. 234.

49B Addition of infringement penalties requires a new payment plan to be made

A person who has made a payment plan with an enforcement agency and who wishes to add an infringement penalty to that payment plan must apply for a new payment plan under section 46 in respect of the relevant infringement penalty.

50 Allocation of money received under payment plan

S. 50(1)
amended by
Nos 59/2017
s. 122(1),
47/2014
s. 235(1).

(1) An enforcement agency must allocate money received under a payment plan in order of priority based on the date each infringement notice was issued in respect of the infringement penalty and any penalty reminder notice fee under the payment plan, with the infringement penalty and any penalty reminder notice fee under the oldest notice being paid out first.

S. 50(2)
substituted by
No. 47/2014
s. 235(2).

(2) The order of priority to be applied when payments under a payment plan are allocated applies to all payment plans managed by an enforcement agency.

S. 50(3)
amended by
No. 47/2014
s. 235(3).

(3) If a person to whom a payment plan applies makes an overpayment by continuing payments after the payment plan is completed, the enforcement agency must advise the person to whom the plan applies of the overpayment and may—

S. 50(3)(a)
amended by
No. 59/2017
s. 122(2),
substituted by
No. 47/2014
s. 235(4) (as
amended by
No. 59/2017
s. 101).

(a) if the person has other outstanding infringement penalties and any penalty reminder notice fee in respect of an infringement offence or outstanding notices of final demand, offer to apply the amount of the overpayment to those outstanding infringement penalties and that outstanding penalty reminder notice fee or any outstanding notices of final demand (as the case requires) if the person—

- (i) consents to the amount being so applied; and
 - (ii) directs the agency to do so; or
- (b) refund the amount of the overpayment to the person and—
- (i) if the amount had been paid into the Consolidated Fund, the Consolidated Fund is, to the necessary extent, appropriated accordingly; or
 - (ii) if the amount had been paid into another fund or account, the amount is to be refunded from that fund or account.

* * * * *

S. 51
amended by
No. 32/2006
s. 24(5),
repealed by
No. 47/2014
s. 236.

52 Default on a payment plan results in other enforcement action

S. 52
substituted by
No. 47/2014
s. 237.

- (1) A person defaults in the payment of a payment plan if the enforcement agency does not receive a payment in accordance with that plan within 14 days after the due date of the payment.
- (2) If the enforcement agency does not receive a payment within the time specified in subsection (1), the enforcement agency must send a written notice to the person to whom the payment plan applies advising the person—
 - (a) that the person is in default; and
 - (b) that within 14 days of the notice, the payment plan is cancelled, unless the overdue payment is received before the expiry of that 14 day period; and

- (c) on cancellation of the payment plan, the outstanding infringement penalty will be dealt with under this Act or enforced by other enforcement action available under the **Fines Reform Act 2014**.

S. 52A
inserted by
No. 47/2014
s. 237.

52A Enforcement action on default, cancellation or removal if payment is not complete

- (1) Any remaining outstanding infringement penalty may be enforced by other enforcement action available under this Act or the **Fines Reform Act 2014**—
- (a) on the removal of an infringement penalty from payment plan under section 49(2)(a) by the person to whom the payment plan applies; or
 - (b) on the cancellation of a payment plan under section 49(2)(b) by the person to whom the payment plan applies; or
 - (c) on cancellation of the payment plan under section 52 for default; or
 - (d) if a person does not make the first payment arrangement in accordance with section 48.
- (2) For the purposes of subsection (1), any enforcement action available is to be taken from the point which the infringement penalty to which the removal or cancellation relates had reached in the enforcement lifecycle at the time the payment plan was made for that infringement penalty.

Note

Depending on the stage that enforcement had reached before the payment plan was made, a penalty reminder notice may be served, or the infringement penalty may be registered as an infringement fine and a notice of final demand served or any sanction available under the **Fines Reform Act 2014** following default may be applied.

53 Payment plans may extend period for commencing proceedings for offence

(1) If a payment plan applies to a person, the period during which proceedings must be commenced for an infringement offence is extended as follows—

(a) if the person to whom the payment plan applies defaults on a payment in respect of an infringement offence, by 6 months after the date on which a person has defaulted under the payment plan;

(b) if a person to whom a payment plan applies removes an infringement penalty and penalty reminder notice fee in respect of an infringement offence from the plan, by 6 months after the date on which the person has removed that infringement penalty and penalty reminder notice fee from the payment plan;

(c) if a person to whom a payment plan applies cancels the payment plan in respect of an infringement offence, by 6 months after the date on which the person cancels the payment plan;

(d) if a person does not make the first payment in respect of a proposed payment plan in accordance with section 48, by 6 months from the due date of the first payment under that proposed payment plan.

S. 53
(Heading)
amended by
No. 47/2014
s. 238(1).

S. 53(1)(a)
amended by
No. 9/2008
s. 16(1).

S. 53(1)(b)
amended by
Nos 9/2008
s. 16(1),
59/2017 s. 123.

S. 53(1)(c)
amended by
Nos 9/2008
s. 16(1),
47/2014
s. 238(2).

S. 53(1)(d)
inserted by
No. 47/2014
s. 238(3).

* * * * *

Note to
S. 53(1)
repealed by
No. 9/2008
s. 16(2).

Infringements Act 2006
No. 12 of 2006
Part 3—Payment plans

S. 53(2)
amended by
Nos 32/2006
s. 25(1),
68/2009
s. 97(Sch.
item 70.13),
18/2010 s. 43.

- (2) Subsection (1) has effect despite section 7(1) of the **Criminal Procedure Act 2009**, section 344A of the **Children, Youth and Families Act 2005** or any other provision of any Act or other instrument providing for the period during which proceedings must be commenced for an offence alleged to have been committed.

Part 3A—Internal review oversight

Pt 3A
(Heading and
s. 53A)
inserted by
No. 29/2016
s. 73.

53A Guidelines

S. 53A
inserted by
No. 29/2016
s. 73.

- (1) The Director may make guidelines for enforcement agencies setting out—
 - (a) the purposes of internal review; and
 - (b) the obligations of enforcement agencies in performing the internal review function; and
 - (c) any other matter the Director considers appropriate for the purposes of internal review conducted by enforcement agencies.
- (2) The Director may consult enforcement agencies for the purposes of making guidelines under this section.
- (3) Guidelines made under this section—
 - (a) must be published in the Government Gazette; and
 - (b) may be published on the Internet.

S. 53A(1)
amended by
No. 47/2014
s. 239(1) (as
amended by
No. 29/2016
s. 51).

S. 53A(1)(c)
amended by
No. 47/2014
s. 239(1) (as
amended by
No. 29/2016
s. 51).

S. 53A(2)
amended by
No. 47/2014
s. 239(2) (as
amended by
No. 29/2016
s. 51).

53B Oversight and monitoring by Director

S. 53B
(Heading)
amended by
No. 47/2014
s. 239A(1) (as
amended by
No. 29/2016
s. 51).

S. 53B
inserted by
No. 29/2016
s. 74.

S. 53B(1)
amended by
No. 47/2014
s. 239A(2) (as
amended by
No. 29/2016
s. 51).

- (1) The Director may request an enforcement agency to give the Director any of the following—
 - (a) information relating to any internal review applications made to the enforcement agency including—
 - (i) the number of internal review applications received; and
 - (ii) the grounds on which applications for internal review were made; and
 - (iii) the outcomes of internal review;
 - (b) the policies, processes and guidelines used by the enforcement agency to determine internal review applications;
 - (c) any complaints received by the enforcement agency relating to internal review;
 - (d) any other prescribed internal review matter.
- (2) An enforcement agency must comply with a request for information made by the Director under subsection (1).

S. 53B(2)
amended by
No. 47/2014
s. 239A(3) (as
amended by
No. 29/2016
s. 51).

53C Recommendations to enforcement agencies

S. 53C
inserted by
No. 29/2016
s. 74.

(1) The Director may make recommendations to an enforcement agency at any time in relation to its internal review processes and compliance with this Act generally.

S. 53C(1)
amended by
No. 47/2014
s. 239B (as
amended by
No. 29/2016
s. 51).

(2) After receiving any recommendations under subsection (1), an enforcement agency must within a reasonable time give a report to the Director specifying—

S. 53C(2)
amended by
No. 47/2014
s. 239B (as
amended by
No. 29/2016
s. 51).

(a) any action taken by, or planned to be taken by, the enforcement agency to implement the recommendations; and

(b) if no action will be taken by the enforcement agency to implement the recommendations, the reasons for that decision.

53D Reports and recommendations to Attorney-General

S. 53D
inserted by
No. 29/2016
s. 74.

(1) The Director must submit to the Attorney-General an annual report of the outcomes in respect of the functions carried out by the Director under this Part.

S. 53D(1)
amended by
No. 47/2014
s. 239C(1) (as
amended by
No. 29/2016
s. 51).

(2) The Attorney-General may publish the report received from the Director under subsection (1).

S. 53D(2)
amended by
No. 47/2014
s. 239C(2) (as
amended by
No. 29/2016
s. 51).

Infringements Act 2006
No. 12 of 2006
Part 3A—Internal review oversight

S. 53D(3)
amended by
No. 47/2014
s. 239C
(3)(a) (as
amended by
No. 29/2016
s. 51).

(3) The Director may submit a report to the Attorney-General at any time in relation to any of the following—

(a) compliance with this Act by an enforcement agency;

S. 53D(3)(b)
amended by
No. 47/2014
s. 239C
(3)(a) (as
amended by
No. 29/2016
s. 51).

(b) failure by an enforcement agency to comply with a request made by the Director under section 53B;

S. 53D(3)(c)
amended by
No. 47/2014
s. 239C
(3)(a) (as
amended by
No. 29/2016
s. 51).

(c) an enforcement agency's response to any recommendations made to it by the Director;

S. 53D(3)(d)
amended by
No. 47/2014
s. 239C(3) (as
amended by
No. 29/2016
s. 51).

(d) any issues identified by the Director as part of the Director's functions under this Part.

S. 53D(4)
amended by
No. 47/2014
s. 239C(4) (as
amended by
No. 29/2016
s. 51).

(4) The Director may make recommendations to the Attorney-General at any time for any of the following purposes—

(a) improving the operation of internal review;

(b) addressing problems or issues encountered by enforcement agencies;

(c) dealing with non-compliance with this Act, proper processes and the guidelines by enforcement agencies.

Infringements Act 2006
No. 12 of 2006

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**Pt 4
(Headings
and ss 54–75)
amended by
Nos 32/2006
ss 25(2), 26–
31, 39(1),
79/2006 s. 24,
81/2006
s. 32(1)(2),
9/2008 ss 17–
22, 68/2009
s. 97(Sch.
items 70.14–
70.21),
87/2009 ss 41,
42, 6/2010
s. 203(1)
(Sch. 6
items 26.9 (as
amended by
No. 45/2010
ss 22,
23(4)(c)),
26.10 (as
amended by
No. 45/2010
s. 22), 65/2010
s. 420(Sch. 3
item 8),
30/2013
s. 60(Sch.
item 4),
74/2013 s. 9,
29/2016
ss 75–78,
103, 104,
repealed by
No. 47/2014
s. 240(1).**

* * * * *

**Pt 5 (Heading
and ss 76–79)
amended by
No. 87/2009
ss 43–45,
repealed by
No. 47/2014
s. 240(1).**

Infringements Act 2006
No. 12 of 2006

Pt 6 (Heading and ss 80–94) amended by Nos 32/2006 ss 32, 33, 87/2009 ss 46–48, 37/2014 s. 10(Sch. item 87.3), 29/2016 ss 79–81, repealed by No. 47/2014 s. 240(1).	*	*	*	*	*
Pt 7 (Heading and ss 95–107) amended by Nos 30/2007 s. 236(2), 9/2008 ss 23–27, 44/2008 s. 112, 74/2010 s. 33, 37/2014 s. 10(Sch. item 87.4), repealed by No. 47/2014 s. 240(1).	*	*	*	*	*
Pt 8 (Heading and ss 108–119) amended by Nos 32/2006 ss 34–38, 9/2008 ss 28–37, 87/2009 s. 49, 74/2010 s. 37(Sch. item 2), 65/2011 s. 96, 30/2013 s. 60(Sch items 13.2–13.12), repealed by No. 47/2014 s. 240(1).	*	*	*	*	*

Infringements Act 2006
No. 12 of 2006

*	*	*	*	*	Pt 9 (Heading and ss 120, 121) amended by Nos 32/2006 s. 39(2), 37/2014 s. 10(Sch. item 87.4), repealed by No. 47/2014 s. 240(1).
*	*	*	*	*	Pt 10 (Headings and ss 122–133) amended by Nos 32/2006 s. 39(3), 9/2008 s. 38, 87/2009 ss 50–54, repealed by No. 47/2014 s. 240(1).
*	*	*	*	*	Pt 11 (Heading and ss 134–146) amended by Nos 9/2008 s. 39, 87/2009 s. 55, repealed by No. 47/2014 s. 240(1).

Infringements Act 2006
No. 12 of 2006

Pt 12
(Headings
and ss 147–
161)
amended by
Nos 32/2006
ss 40–49,
9/2008 s. 40,
68/2009
s. 97(Sch.
items 70.22–
70.24),
87/2009
s. 56 (as
amended by
No. 30/2010
s. 84(2)),
65/2011 ss 97,
98, 26/2012
s. 75, 32/2013
ss 51, 54,
29/2016
ss 85–89,
repealed by
No. 47/2014
s. 240(3).

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Part 13—General

162 Service of documents

(1) Subject to this Act, documents required or permitted by this Act to be given or served, may be served—

(a) personally; or

(b) by post; or

(ba) by registered post; or

S. 162(1)(ba)
inserted by
No. 87/2009
s. 57(1).

(c) by any prescribed manner.

Note

The **Electronic Transactions (Victoria) Act 2000** applies to enable a document to be served electronically, including facsimile transmission and email, in accordance with that Act.

Note to
s. 162(1)
inserted by
No. 47/2014
s. 241(1).

* * * * *

S. 162(2)
amended by
Nos 32/2006
s. 50(1)(a),
87/2009
s. 57(2),
repealed by
No. 47/2014
s. 241(2).

* * * * *

S. 162(2A)
inserted by
No. 87/2009
s. 57(3),
repealed by
No. 47/2014
s. 241(2).

* * * * *

S. 162(3)
repealed by
No. 47/2014
s. 241(2).

- (4) If a penalty reminder notice is served by post it must be addressed—
- (a) to the last known place of residence or business of the person alleged to have committed the offence; or
 - (b) if the infringement notice was served under section 87 of the **Road Safety Act 1986**, to the last address of the person who is the responsible person (within the meaning of Part 6AA of the **Road Safety Act 1986**) in relation to the vehicle involved in the offence at the time of the offence; or
 - (c) if the infringement notice was issued in respect of an offence to which section 66 of the **Road Safety Act 1986** applies, to the last address of the person who is the responsible person (within the meaning of Part 6AA of the **Road Safety Act 1986**) in relation to the motor vehicle or trailer involved in the offence at the time of the offence; or
 - (d) if the infringement notice was issued in respect of an offence against section 73(1) of the **Melbourne City Link Act 1995**—
 - (i) to the last address of the person who is the responsible person (within the meaning of Part 6AA of the **Road Safety Act 1986**) in relation to the vehicle involved in the offence at the time of the offence; or
 - (ii) to the last address of the driver of that vehicle as shown in a statement or declaration supplied in accordance with section 72(3) of the **Melbourne City Link Act 1995**; or

S. 162(4)(b)
substituted by
No. 81/2006
s. 32(3).

S. 162(4)(c)
substituted by
No. 81/2006
s. 32(3).

S. 162(4)(d)
substituted by
No. 81/2006
s. 32(3).

- (e) if the infringement notice was issued in respect of an offence against section 204 of the **EastLink Project Act 2004**—
- (i) to the last address of the owner of the vehicle within the meaning of that Act; or
 - (ii) if a statement or declaration has been supplied under section 199 or 219 of that Act, to the last address of the person alleged in that statement or declaration to have been the driver of the vehicle.
- (5) Any other document served by post under this Act may be addressed to the address for service given by the person on whom the document is to be served.
- (6) Subject to any evidence to the contrary and despite anything to the contrary in section 49 of the **Interpretation of Legislation Act 1984**, any document that is served by post in accordance with this section is deemed to be served 7 days after the date specified in the document as the date of that document.
- (7) A document served on a person less than the period required by this Act for service of that kind of document is invalidly served.

S. 162(4)(e)
amended by
No. 32/2006
s. 50(1)(b).

S. 162(6)
inserted by
No. 32/2006
s. 50(2),
amended by
No. 47/2014
s. 241(3).

S. 162(7)
inserted by
No. 32/2006
s. 50(2).

163 Substituted service

- (1) If for any reason it is impracticable to serve a document in the manner required by section 162, a magistrate may order that such steps be taken as specified in the order for the purposes of bringing the document to the notice of the person to be served.

- (2) If a magistrate makes an order under subsection (1), he or she may order that the document be taken to have been served on the happening of any specified event, or on the expiry of any specified time.
- (3) A magistrate may make an order under subsection (1) notwithstanding that the person to be served is out of Victoria or was out of Victoria when the proceeding commenced.

163A Service deemed despite document being returned to sender

S. 163A
inserted by
No. 32/2006
s. 51.

S. 163A(1)
amended by
No. 47/2014
s. 242(1).

- (1) Subject to subsection (2) and despite anything to the contrary in section 162(6), a document, other than an infringement notice, served by post to a person at an authorised address and returned undelivered to its sender, is deemed to be served 7 days after the date specified in the document as the date of that document, despite it being returned to its sender as undelivered.

S. 163A(2)
amended by
Nos 59/2017
s. 124, 47/2014
s. 242(1).

- (2) Despite anything to the contrary in section 12(2), an infringement notice in respect of an infringement offence served by post to a person at an authorised address and returned undelivered to its sender, is deemed to be served 7 days after the date of that infringement notice, despite it being returned to its sender as undelivered.

- (3) For the purposes of this section, *authorised address* means—
 - (a) an address recorded in relation to a person in a register kept by a public statutory body (including, in relation to a director, alternate director or secretary of a company within the meaning of the Corporations Act, the Australian Securities and Investments Commission) if by law that person or another

person is required to notify that public statutory body of any change in that address;

- (b) in relation to any document in respect of a transport infringement within the meaning of Part VII of the **Transport (Compliance and Miscellaneous) Act 1983** or a ticket infringement within the meaning of that Part, an address provided by a person to an authorised officer or police officer under section 218B of that Act after that officer has requested the person to state his or her name and address because the authorised officer or police officer believes on reasonable grounds that the person has committed a transport infringement or a ticket infringement, as the case requires.

S. 163A(3)(b) amended by Nos 6/2010 s. 203(1) (Sch 6 item 26.11) (as amended by No. 45/2010 s. 22), 37/2014 s. 10(Sch. item 87.5), 21/2015 s. 3(Sch. 1 item 28), 29/2016 s. 105.

- (4) This section has effect despite anything to the contrary in section 49(1) of the **Interpretation of Legislation Act 1984**.

* * * * *

Note to s. 163A(4) repealed by No. 47/2014 s. 242(2).

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S. 164 amended by No. 32/2006 s. 39(5), repealed by No. 47/2014 s. 243.

* * * * *

S. 165 amended by No. 37/2014 s. 10(Sch. item 87.6), repealed by No. 47/2014 s. 243.

S. 166
amended by
No. 37/2014
s. 10(Sch.
item 87.7),
repealed by
No. 47/2014
s. 243.

* * * * *

167 Offence to give false information

A person must not intentionally provide false or misleading information in any written statement required by or under this Act.

Penalty: 10 penalty units.

168 Regulations

(1) The Governor in Council may make regulations for or with respect to—

S. 168(1)(a)
repealed by
No. 47/2014
s. 244.

* * * * *

- (b) prescribing forms of infringement notices, including short forms of infringement notices and the circumstances in which various forms of infringement notice may be used; and
- (c) prescribing processes, systems, the conduct of and other matters relating to, the internal review by enforcement agencies of the issuing and enforcement of infringement notices; and
- (d) prescribing forms, including composite forms; and
- (e) prescribing information required under this Act; and

Infringements Act 2006
No. 12 of 2006
Part 13—General

*	*	*	*	*	<p>S. 168 (1)(ea)–(ec) inserted by No. 29/2016 s. 82, repealed by No. 29/2016 s. 95.</p>
*	*	*	*	*	<p>S. 168(1)(f)–(i) repealed by No. 47/2014 s. 244.</p>
*	*	*	*	*	<p>S. 168(1)(j) amended by No. 32/2006 s. 52, repealed by No. 47/2014 s. 244.</p>
*	*	*	*	*	<p>S. 168(1)(k)(l) repealed by No. 47/2014 s. 244.</p>
(m) other fees, costs and charges under this Act; and					
*	*	*	*	*	<p>S. 168(1)(n)(o) repealed by No. 47/2014 s. 244.</p>
(p) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.					
(2) A power conferred by subsection (1) to make regulations providing for the imposition of fees may be exercised by providing for all or any of the following matters—					
(a) specific fees;					
(b) maximum fees;					
(c) minimum fees;					

- (d) fees that vary according to value or time;
 - (e) the manner of payment of fees;
 - (f) the time or times at which fees are to be paid.
- (3) Regulations made under this Act may—

S. 168(3)(a)
repealed by
No. 47/2014
s. 244.

* * * * *

- (b) be of limited or general application; and
 - (c) leave any matter or thing to be decided by a specified person or class of person; and
 - (d) provide for the exemption of persons or proceedings or a class of persons or proceedings from any of the regulations providing for the imposition of fees; and
 - (e) provide for the reduction, waiver or refund, in whole or in part, of the fees, costs and charges fixed by regulation under this section; and
 - (f) provide, in specified circumstances, for the reinstatement or payment, in whole or in part, of any fee, cost or charge reduced, waived or refunded by the regulations.
- (4) Without limiting subsection (3), if the regulations provide for a reduction, waiver or refund, in whole or in part, of a fee, cost or charge pursuant to subsection (3), the reduction, waiver or refund—
- (a) may be expressed to apply either generally or specifically—
 - (i) in respect of certain matters or classes of matters;

(ii) in respect of certain persons or classes of persons;

* * * * *

**S. 168
(4)(a)(iii)(iv)
repealed by
No. 47/2014
s. 244.**

(v) in respect of a specified enforcement agency or class of enforcement agency;

(vi) for a specified period or periods or from a specified commencement date to a specified expiry date;

(vii) in respect of any combination of the matters referred to in paragraphs (i) to (vi);

(b) may be subject to specified conditions.

* * * * *

**Pt 14
(Heading and
ss 169–185)
amended by
No. 32/2006
s. 53,
repealed by
No. 29/2011
s. 3(Sch. 1
item 45).**

Pt 15
(Heading and
ss 186–210)
inserted by
No. 32/2006
s. 54.

Part 15—Transitional and savings provisions

S. 186
inserted by
No. 32/2006
s. 54.

186 Definition

In this Part, *former scheme* means Schedule 7 to the **Magistrates' Court Act 1989** as in force immediately before its repeal.

S. 187
inserted by
No. 32/2006
s. 54.

187 General transitional provision

- (1) This Part does not affect or take away from the operation of the **Interpretation of Legislation Act 1984**.
- (2) Except as specifically provided, this Part does not affect or take away from any other transitional provision.

S. 188
inserted by
No. 32/2006
s. 54.

188 Infringement offences

Subject to this Part and anything to the contrary in this Act, this Act applies to any infringement offence irrespective of whether the infringement offence was committed before, on or after the commencement of section 176(2).

S. 189
inserted by
No. 32/2006
s. 54.

189 Infringement notices

- (1) Subject to this Part and anything to the contrary in this Act, this Act applies to any infringement notice irrespective of whether the infringement notice was issued or served before, on or after the commencement of section 176(2).
- (2) Despite subsection (1) and anything to the contrary in this Act, if an infringement notice was issued to or served on a person before the commencement of section 176(2)—

- (a) the date or period of time specified in the infringement notice as the time by which the person issued or served with the notice must pay the penalty specified in the infringement notice is the date or period of time by which that person must pay that penalty, irrespective of whether that date or period of time specified is less than 28 days after the infringement notice was issued or served; and
- (b) if any matter specified in the infringement notice conflicts with the requirements of this Act, the matter specified in the infringement notice prevails.

* * * * *

Ss 190, 191
inserted by
No. 32/2006
s. 54,
repealed by
No. 47/2014
s. 246.

192 Decision to go to Court

If a person has made a decision under clause 3(6) of the former scheme to decline to be dealt with under Part 2 of that scheme and on the commencement of section 176(2) that matter has not been referred to the Court, on and from that commencement, this Act applies as if that decision under clause 3(6) were an election made under Part 2 of this Act.

S. 192
inserted by
No. 32/2006
s. 54.

193 Payment plans

A payment plan arranged and managed by an enforcement agency or managed by the Secretary under the former scheme, on and from the commencement of section 176(2)—

S. 193
inserted by
No. 32/2006
s. 54.

- (a) is deemed to be a payment plan arranged and managed by an enforcement agency or managed by the Secretary (as the case requires) under this Act; and
- (b) may be managed and dealt with in accordance with Part 3 of this Act.

S. 194
inserted by
No. 32/2006
s. 54.

194 Infringement penalties registered under former scheme

- (1) If an enforcement agency has sought to have an infringement penalty with any prescribed costs registered under the former scheme for enforcement under the former scheme but the infringement penalty and any prescribed costs were not registered before the commencement of section 176(2), the infringement penalty and any prescribed costs, on and from that commencement—
 - (a) are deemed to be lodged under section 54 of this Act; and
 - (b) may be enforced in accordance with this Act.
- (2) If a registrar under the former scheme registered an infringement penalty or part of an infringement penalty and any prescribed costs under the former scheme before the commencement of section 176(2) but an enforcement order was not made before that commencement, an infringements registrar may make an enforcement order in respect of the infringement penalty or part of an infringement penalty and any prescribed costs under section 59 of this Act as if the details of that infringement penalty or part of an infringement penalty and any prescribed costs had been lodged under section 54 of this Act.

195 Enforcement orders made and notices of enforcement order sent under former scheme

S. 195
inserted by
No. 32/2006
s. 54.

- (1) An enforcement order made under the former scheme is, on and from the commencement of section 59—
 - (a) deemed to be an enforcement order made under section 59 of this Act; and
 - (b) all rights, duties and enforcement mechanisms that apply in respect of an enforcement order made under this Act apply to the deemed enforcement order; and
 - (c) if the registrar under the former scheme has not already caused notice of the enforcement order to be sent, an infringements registrar must cause an enforcement order notice to be sent to the person under section 60 of this Act.
- (2) A notice under clause 6 of the former scheme sent before the commencement of section 60 to a person against whom an enforcement order has been made is deemed, on and from that commencement, to be an enforcement order notice under section 60 of this Act.

196 Applications for an order to pay fine by instalments and extensions of time to pay under former scheme

S. 196
inserted by
No. 32/2006
s. 54.

- (1) If a natural person (other than a director to whom a declaration under clause 8A of the former scheme applies) has applied to the registrar under the former scheme before the commencement of section 176(2) for an order to pay a fine by instalments or an order to pay a fine within an extended period in accordance with clause 7 of the former scheme and that application is pending on that commencement, an infringements registrar may consider that application under section 77 of

this Act as if that application were an application for a payment order under this Act.

- (2) If a body corporate has applied to the registrar before the commencement of section 176(2) for an order to pay a fine by instalments or an order to pay a fine within an extended period in accordance with clause 7 of the former scheme and that application is pending on that commencement, an infringements registrar must consider the application, and if necessary, make an order under clause 7 of the former scheme as if the former scheme had not been repealed.
- (3) If a person defaults under an order made pursuant to subsection (2), an infringements registrar may issue an infringement warrant against the person under this Act despite the default being made in respect of an order made under the former scheme.

S. 197
inserted by
No. 32/2006
s. 54.

197 Orders to pay fine by instalments and extension of time to pay under former scheme

- (1) Subject to subsection (2), an order to pay a fine by instalments or an order to pay a fine within an extended period made by the registrar under the former scheme before the commencement of section 176(2) continues in force, on and from that commencement, as if the former scheme had not been repealed until the fine is paid in accordance with the order.
- (2) On and from the commencement of section 176(2), if a person defaults under an order referred to in subsection (1) for a period of more than 28 days, an infringements registrar may issue an infringement warrant against the person under this Act as if the default had been made under a payment order under this Act.

198 Pending revocation applications under former scheme

S. 198
inserted by
No. 32/2006
s. 54.

- (1) If a revocation application made to the registrar under clause 10(1) of the former scheme is pending on the commencement of section 176(2), an infringements registrar may deal with that application under section 66 of this Act as if that application were a revocation application made under section 65 of this Act.
- (2) If a revocation application made under clause 10(6) of the former scheme that has been referred to the Court under the former scheme is pending on the commencement of section 176(2), that application may be heard by the Court under section 72 of this Act as if the application were a revocation application made under section 68(1) of this Act.

199 Enforcement orders revoked under former scheme

S. 199
inserted by
No. 32/2006
s. 54.

On and from the commencement of section 176(2), an enforcement order revoked under the former scheme before that commencement must be taken to be an enforcement order revoked under this Act.

200 Pending hearings under the former scheme

S. 200
inserted by
No. 32/2006
s. 54.

- (1) If, immediately before the commencement of section 176(2), any matter in respect of an alleged infringement offence, including any application to the Court under the former scheme, was pending before the Court under the former scheme but the Court had not begun to hear the matter, on and from that commencement, the matter must be heard and determined by the Court in accordance with this Act.
- (2) If, immediately before the commencement of section 176(2), a matter in respect of an alleged infringement offence, including any application to

the Court under the former scheme, had begun to be heard but had not been determined, the matter, on and from that commencement, must be heard and determined by the Court in accordance with the former scheme as if the former scheme had not been repealed.

- (3) The repeal of clause 10(8) of the former scheme does not affect any application made under that clause that has not been determined before that repeal.

S. 201
inserted by
No. 32/2006
s. 54.

201 Seven-day notice

A statement in writing required to be delivered to a person under clause 8(2) of the former scheme before the commencement of section 176(2), on and from that commencement—

- (a) is deemed, to be a seven-day notice under this Act; and
(b) may be relied on and enforced as a seven-day notice under this Act accordingly.

S. 202
inserted by
No. 32/2006
s. 54.

202 Unexecuted warrants issued under former scheme

- (1) A penalty enforcement warrant that is issued against a person under the former scheme before the commencement of Part 6, that has not commenced to be executed before that commencement, on and from that commencement—
- (a) is deemed to be an infringement warrant issued under this Act; and
(b) may be enforced accordingly.
- (2) A warrant to seize property that is issued against a corporation under the former scheme before the commencement of Part 6, that has not commenced to be executed before that commencement, on and from that commencement—

- (a) is deemed to be an infringement warrant issued under this Act; and
 - (b) may be enforced accordingly.
- (3) The sums named in a warrant issued under clause 8 of the former scheme that has been deemed to be an infringement warrant by force of this section, remain recoverable under this Act in respect of the deemed infringement warrant on and from the commencement of section 176(2).

203 Former scheme warrants where execution has commenced

S. 203
inserted by
No. 32/2006
s. 54.

If a penalty enforcement warrant or a warrant of seizure and sale had been issued against a person under the former scheme and execution of the warrant had commenced but was not completed before the commencement of section 176(2), the execution of that warrant continues and must be completed, on and from that commencement, in accordance with the former scheme as if the former scheme had not been repealed by this Act.

204 Registrars in PERIN Court

S. 204
inserted by
No. 32/2006
s. 54.

- (1) A registrar employed pursuant to section 17 of the **Magistrates' Court Act 1989** on whom functions have been conferred under that Act in respect of any proceeding or class of proceeding under Schedule 7 to that Act before the commencement of section 176(2) is deemed, on and from that commencement, to be an infringements registrar within the meaning of this Act.
- (2) A deputy registrar employed pursuant to section 17 of the **Magistrates' Court Act 1989** to whom duties, powers and functions under that Act were delegated in respect of the PERIN Court under that Act before the commencement of section 176(2) is deemed, on and from that

commencement, to be an infringements registrar within the meaning of this Act.

- (3) Nothing in this section prevents the amendment, variation or revocation of a conferral referred to in subsection (1) or a delegation referred to in subsection (2) under this Act or any other Act.

Ss 205, 206
inserted by
No. 32/2006
s. 54,
repealed by
No. 47/2014
s. 246.

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S. 207
inserted by
No. 32/2006
s. 54.

207 PERIN offences

- (1) An offence under a prescribed provision specified in regulation 1203 of the Magistrates' Court General Regulations 2000 as in force immediately before the commencement of section 176(2), on and from that commencement—
- (a) is deemed to be a lodgeable infringement offence as if it had been prescribed as a lodgeable infringement offence by regulations made under this Act;
- (b) may be dealt with as a lodgeable infringement offence under this Act.
- (2) Nothing in this section prevents regulations made under this Act from amending or revoking any thing deemed to have been prescribed as a lodgeable infringement offence under subsection (1).

S. 208
inserted by
No. 32/2006
s. 54.

208 Deemed service

Despite anything to the contrary in the **Interpretation of Legislation Act 1984**, section 163A applies to a document of a kind referred to in that section served on a person by post and returned undelivered to its sender irrespective of whether that document was served

before, on or after the commencement of section 176(2).

209 Clauses 28 and 29 of Schedule 7 continue to have effect

S. 209
inserted by
No. 32/2006
s. 54.

Despite the repeal of clauses 28 and 29 of Schedule 7 to the **Magistrates' Court Act 1989** by section 176(2), those clauses continue to have effect as if they had not been repealed.

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S. 209A
inserted by
No. 79/2006
s. 25,
repealed by
No. 47/2014
s. 246.

210 Regulations dealing with transitional matters

S. 210
inserted by
No. 32/2006
s. 54.

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act (including the repeals and amendments made by this Act) or the **Infringements (Consequential and Other Amendments) Act 2006**.
- (2) Regulations made under this section may—
 - (a) have a retrospective effect to a day on or from 11 April 2006; and
 - (b) be of limited or general application; and
 - (c) leave any matter or thing to be decided by a specified person or class of person; and
 - (d) provide for the exemption of persons or proceedings or a class of persons or proceedings from any of the regulations made under this section.
- (3) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act) or in any subordinate instrument.

S. 211
inserted by
No. 18/2010
s. 44.

211 Transitional provision—Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010

This Act as amended by Division 1 of Part 4 of the **Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010** applies to an infringement offence alleged to have been committed—

- (a) on or after the commencement of Division 1 of Part 4 of that Act; or
- (b) on or after 1 January 2010 and not more than 6 months before the commencement of Division 1 of Part 4 of that Act.

S. 211A
inserted by
No. 29/2016
s. 106.

211A Regulations dealing with transitional matters—Fines Reform and Infringements Acts Amendment Act 2016

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Fines Reform and Infringements Acts Amendment Act 2016**, including the repeals and amendments made by that Act.
- (2) Regulations made under this section may—
 - (a) have a retrospective effect to a day on or from the date that the **Fines Reform and Infringements Acts Amendment Act 2016** receives the Royal Assent;
 - (b) be of limited or general application;
 - (c) leave any matter or thing to be decided by a specified person or class of person;
 - (d) provide for the exemption of persons or proceedings or a class of persons or proceedings from any of the regulations made under this section.

- (3) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (4) This section is repealed on the second anniversary of the day on which section 106 of the **Fines Reform and Infringements Acts Amendment Act 2016** comes into operation.

Pt 16
(Headings
and ss 211B–
211G)
inserted by
No. 29/2016
s. 83.

Part 16—Further savings and transitional provisions

Division 1—General

S. 211B
inserted by
No. 29/2016
s. 83.

211B General transitional provision

- (1) This Part does not affect or take away from the operation of the **Interpretation of Legislation Act 1984**.
- (2) Except as specifically provided, this Part does not affect or take away from any other transitional provision.

Division 2—Fines Reform and Infringements Acts Amendment Act 2016

S. 211C
inserted by
No. 29/2016
s. 83.

211C Definitions

In this Division—

commencement day means the day on which section 83 of the **Fines Reform and Infringements Acts Amendment Act 2016** comes into operation.

S. 211D
inserted by
No. 29/2016
s. 83.

211D Internal review applications

- (1) This section applies to an application—
 - (a) made before the commencement day, by a person served with an infringement notice or a person acting on that person's behalf, to an enforcement agency for review of the decision to serve an infringement notice under section 22; and
 - (b) that immediately before the commencement day, has not been reviewed or has not been completely reviewed and a decision made.

- (2) On and from the commencement day—
- (a) Division 3 of Part 2 as in force on and after the commencement day applies to the application; and
 - (b) the enforcement agency must review and decide the application as if the application had been made on or after the commencement day.

211E Person unaware

Despite the repeal of Division 6 of Part 2, if a person unaware that an infringement notice has been issued applies to an infringements registrar and the matter is referred to court but not heard and determined before the commencement day, on and from the commencement day, the matter must be determined under that Division as if it had not been repealed.

S. 211E
inserted by
No. 29/2016
s. 83.

211F Imprisonment

Part 12, as amended by Division 3 of Part 3 of the **Fines Reform and Infringements Acts Amendment Act 2016**, applies to an infringement offender arrested under an infringement warrant before the amendment of Part 12 if the person failed to appear in the Court before that amendment.

S. 211F
inserted by
No. 29/2016
s. 83.

211G Applications made under section 161A

- (1) Section 161A as in force on and after the commencement of Division 3 of Part 3 of the **Fines Reform and Infringements Acts Amendment Act 2016** applies to an application that has been made under section 161A before that commencement but in respect of which the hearing of that application has not commenced before that commencement.

S. 211G
inserted by
No. 29/2016
s. 83.

- (2) Section 161A as in force immediately before the commencement of Division 3 of Part 3 of the **Fines Reform and Infringements Acts Amendment Act 2016** continues to apply to an application made under section 161A in respect of which the hearing of the application is part heard but not completed before that commencement as if section 161A had not been substituted.

Pt 16 Div. 3
(Heading and
ss 212, 214,
216, 217)
inserted by
No. 47/2014
s. 247 (as
amended by
Nos 29/2016
s. 54, 59/2017
s. 102).

Division 3—Fines Reform Act 2014

S. 212
inserted by
No. 47/2014
s. 247 (as
amended by
Nos 29/2016
s. 54, 59/2017
s. 102).

212 Definitions

In this Division—

commencement day means the day on which section 247 of the **Fines Reform Act 2014** comes into operation.

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S. 214
inserted by
No. 47/2014
s. 247 (as
amended by
Nos 29/2016
s. 54, 59/2017
s. 102).

214 Infringement notices and penalty reminder notices

- (1) Subject to this Part and anything to the contrary in this Act or the **Fines Reform Act 2014**, on and from the commencement day, this Act and the **Fines Reform Act 2014** apply to any infringement notice irrespective of whether the infringement notice was issued before, on or after the commencement day.
- (2) Despite subsection (1) and anything to the contrary in this Act, if an infringement notice was served on a person before the commencement day—

- (a) the date specified in the infringement notice as the time by which the person served with the notice must pay the infringement penalty specified in the infringement notice is the date by which that person must pay that penalty, if that date is a day on or after the commencement day, irrespective of whether that date specified is more than 21 days after the infringement notice was served; and
 - (b) if any matter specified in the infringement notice conflicts with the requirements of this Act, the matter specified in the infringement notice prevails.
- (3) Despite subsection (1) and anything to the contrary in this Act, if a penalty reminder notice was served on a person before the commencement day—
- (a) the date specified in the penalty reminder notice as the time by which the person served with the notice must pay the infringement penalty specified and any penalty reminder notice fee is the date by which that person must pay that penalty, if that date is a day on or after the commencement day, irrespective of whether that date specified is more than 14 days after the penalty reminder notice was served; and
 - (b) if any matter specified in the penalty reminder notice conflicts with the requirements of this Act, the matter specified in the penalty reminder notice prevails.

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S. 216
inserted by
No. 47/2014
s. 247 (as
amended by
Nos 29/2016
s. 54, 59/2017
s. 102).

216 Payment plans

- (1) If, immediately before the commencement day, a payment plan was arranged and managed by an enforcement agency, on and from the commencement day, the payment plan—
 - (a) continues to be managed by the enforcement agency; and
 - (b) continues on the same terms and conditions to which it was subject immediately before that day.
- (2) If, immediately before the commencement day, a payment plan was arranged and managed by the Secretary under the central payment plan facility, on and from the commencement day, the payment plan—
 - (a) is to be managed by the Director as if the payment plan were a payment arrangement under the **Fines Reform Act 2014**; and
 - (b) despite paragraph (a), continues to be subject to the same terms and conditions to which it was subject immediately before the commencement day.

S. 217
inserted by
No. 47/2014
s. 247 (as
amended by
Nos 29/2016
s. 54, 59/2017
s. 102).

217 Guidelines, oversight and recommendations

- (1) Despite the commencement of section 239 of the **Fines Reform Act 2014**, any guidelines issued under section 53A by the Secretary before that commencement are taken to have been issued by the Director on and from that commencement.
- (2) Despite the commencement of section 239A of the **Fines Reform Act 2014**, any request made by the Secretary under section 53B(1) but not complied with under section 53B(2) before that commencement is taken on and from that commencement to have been made by the Director and must be complied with accordingly.

- (3) Despite the commencement of section 239B of the **Fines Reform Act 2014**, any recommendation made by the Secretary under section 53C(1) but not reported on by the enforcement agency under section 53C(2) before that commencement—
- (a) is taken on and from that commencement to have been made by the Director; and
 - (b) must be reported on to the Director accordingly under section 53C(2) as in force after that commencement.

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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.

Minister's second reading speech—

Legislative Assembly: 16 November 2005

Legislative Council: 28 March 2006

The long title for the Bill for this Act was "to provide for a new framework for the issuing and serving of infringement notices for offences and the enforcement of infringement notices, to amend the **Magistrates' Court Act 1989**, the **Road Safety Act 1986** and the **Subordinate Legislation Act 1994** and for other purposes."

The **Infringements Act 2006** was assented to on 11 April 2006 and came into operation on 1 July 2006: Government Gazette 29 June 2006 page 1315.

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 section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

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

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

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

- **Punctuation**

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

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection 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 an Act 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 an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Infringements Act 2006** by Acts and subordinate instruments.

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 53 on 11.4.06: s. 2(2); ss 4–52, 54 on 1.7.06:
Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Children, Youth and Families (Consequential and Other Amendments) Act 2006, No. 48/2006

Assent Date: 15.8.06
Commencement Date: S. 40 on 1.9.06: s. 2(2); s. 42(Sch. item 18) on 23.4.07:
s. 2(3)
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Justice Legislation (Further Amendment) Act 2006, No. 79/2006

Assent Date: 10.10.06
Commencement Date: Ss 24, 25 on 1.7.06: s. 2(4)
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Road Legislation (Projects and Road Safety) Act 2006, No. 81/2006

Assent Date: 10.10.06
Commencement Date: S. 32 on 1.7.07: s. 2(4)
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Water Acts Amendment (Enforcement and Other Matters) Act 2007, No. 29/2007

Assent Date: 26.6.07
Commencement Date: S. 25 on 27.6.07: s. 2
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Accident Towing Services Act 2007, No. 30/2007

Assent Date: 24.7.07
Commencement Date: S. 236 on 1.1.09: s. 2(3)
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Infringements and Other Acts Amendment Act 2008, No. 9/2008

Assent Date: 18.3.08
Commencement Date: Ss 12–40 on 1.7.08: Special Gazette (No. 172) 27.6.08
p. 1
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Infringements Act 2006
No. 12 of 2006
Endnotes

Unclaimed Money Act 2008, No. 44/2008

Assent Date: 26.8.08
Commencement Date: S. 112 on 1.1.09: s. 2(2)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 70) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Justice Legislation Miscellaneous Amendments Act 2009, No. 87/2009
(as amended by No. 30/2010)

Assent Date: 15.12.09
Commencement Date: Ss 40, 43–57 on 17.12.09: Government Gazette 17.12.09 p. 3338; ss 41, 42 on 1.11.10: s. 2(5)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Transport Integration Act 2010, No. 6/2010 (as amended by No. 45/2010)

Assent Date: 2.3.10
Commencement Date: S. 203(1)(Sch. 6 item 26) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010, No. 18/2010

Assent Date: 18.5.10
Commencement Date: Ss 41–44 on 19.5.10: s. 2(1)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Justice Legislation Further Amendment Act 2010, No. 64/2010

Assent Date: 28.9.10
Commencement Date: Ss 58, 59 on 29.9.10: s. 2(1)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Marine Safety Act 2010, No. 65/2010

Assent Date: 28.9.10
Commencement Date: S. 420(Sch. 3 item 8) on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Infringements Act 2006
No. 12 of 2006
Endnotes

**Personal Property Securities (Statute Law Revision and Implementation)
Act 2010, No. 74/2010**

Assent Date: 19.10.10
Commencement Date: Ss 33, 37(Sch. item 2) on 30.1.12: Special Gazette
(No. 423) 21.12.11 p. 3
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 45) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Sentencing Amendment (Community Correction Reform) Act 2011, No. 65/2011

Assent Date: 22.11.11
Commencement Date: Ss 97, 98 on 16.1.12: Special Gazette (No. 423)
21.12.11 p. 3; s. 96 on 30.9.13: s. 2(4)
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Liquor Control Reform Further Amendment Act 2011, No. 71/2011

Assent Date: 6.12.11
Commencement Date: S. 32 on 20.2.12: Special Gazette (No. 26) 7.2.12
p. 1
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Courts and Sentencing Legislation Amendment Act 2012, No. 26/2012

Assent Date: 29.5.12
Commencement Date: S. 75 on 16.7.12: Special Gazette (No. 237) 3.7.12 p. 1
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Heavy Vehicle National Law Application Act 2013, No. 30/2013

Assent Date: 4.6.13
Commencement Date: S. 60(Sch. item 4) on 10.2.14: Special Gazette
(No. 28) 4.2.14 p. 1
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

**Sentencing Amendment (Abolition of Suspended Sentences and Other Matters)
Act 2013, No. 32/2013**

Assent Date: 4.6.13
Commencement Date: S. 51 on 17.2.14: Special Gazette (No. 449) 17.12.13
p. 1; s. 54 on 19.4.14: Special Gazette (No. 122)
15.4.14 p. 2
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Infringements Act 2006
No. 12 of 2006
Endnotes

Road Legislation Amendment Act 2013, No. 74/2013

Assent Date: 3.12.13
Commencement Date: S. 9 on 1.7.15: s. 2(3)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 87) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Fines Reform Act 2014, No. 47/2014 (as amended by Nos 29/2016, 59/2017)

Assent Date: 1.7.14
Commencement Date: Ss 203, 204(a), 206, 207(1)–(3), 208–213, 215(2)(b)(3), 217(3)(4), 219, 225–239C, 240(1)(3), 241–244, 246, 247 on 31.12.17: Special Gazette (No. 443) 19.12.17 p. 1; ss 205, 207(4), 214, 215(1)(2)(a)(4), 216, 217(1)(2), 218, 220–224 were never proclaimed, repealed by No. 29/2016 s. 50(1); s. 240(2) was never proclaimed, repealed by No. 29/2016 s. 52; s. 245 was never proclaimed, repealed by No. 29/2016 s. 53; s. 204(b) was never proclaimed, repealed by No. 59/2017 s. 93
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Statute Law Revision Act 2015, No. 21/2015

Assent Date: 16.6.15
Commencement Date: S. 3(Sch. 1 item 28) on 1.8.15: s. 2(1)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Fines Reform and Infringements Acts Amendment Act 2016, No. 29/2016

Assent Date: 31.5.16
Commencement Date: Ss 96–106 on 1.6.16: s. 2(1); ss 59, 60 on 1.9.16: Special Gazette (No. 261) 23.8.16 p. 1; ss 61–89 on 1.7.17: s. 2(4); ss 90–95 on 31.12.17: s. 2(2)
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

Fines Reform Amendment Act 2017, No. 59/2017^{1, 2}

Assent Date: 5.12.17
Commencement Date: Ss 110–112, 114–124 on 6.12.17: s. 2(1); ss 9, 113 on 21.12.17: Special Gazette (No. 443) 19.12.17 p. 1
Current State: This information relates only to the provision/s amending the **Infringements Act 2006**

3 Amendments Not in Operation

This publication does not include amendments made to the **Infringements Act 2006** by the following Act/s.

Infringements Act 2006, No. 12/2006

Assent Date: 11.4.06
Commencement Date: S. 211A(4) inserted on 1.6.16 by No. 29/2016 s. 106:
s. 2(1)
Note: S. 211A(4) repeals s. 211A on 1.6.18
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Heavy Vehicle National Law Application Act 2013, No. 30/2013

Assent Date: 4.6.13
Commencement Date: S. 60(Sch. item 13) not yet proclaimed
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

Family Violence Protection Amendment (Information Sharing) Act 2017, No. 23/2017

Assent Date: 14.6.17
Commencement Date: S. 41 not yet proclaimed
Current State: This information relates only to the provision/s
amending the **Infringements Act 2006**

At the date of this publication, the following provisions amending the **Infringements Act 2006** were Not in Operation:

Amending Act/s:

Infringements Act 2006, No. 12/2006

211A Regulations dealing with transitional matters— Fines Reform and Infringements Acts Amendment Act 2016

- (4) This section is repealed on the second anniversary of the day on which section 106 of the **Fines Reform and Infringements Acts Amendment Act 2016** comes into operation.
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**Heavy Vehicle National Law Application Act 2013,
No. 30/2013**

SCHEDULE

13 Infringements Act 2006

13.1 In section 3(1) **insert** the following definitions—

"heavy vehicle has the same meaning as in the
Heavy Vehicle National Law (Victoria);

Regulator has the same meaning as in the Heavy
Vehicle National Law (Victoria);".

13.2 In the heading to section 112 after "**VicRoads**"
insert "or the Regulator".

13.3 After section 112(1) **insert**—

"(1A) The sheriff may direct the Regulator to
suspend the registration of a heavy vehicle
under the Heavy Vehicle National Law
(Victoria) if the person who is the registered
operator of a heavy vehicle is a person in
default, until the sheriff notifies the
Regulator that the suspension has ceased in
accordance with section 113."

13.4 In section 112—

(a) in subsection (2)—

(i) after "subsection (1)" **insert "or (1A)";**

(ii) after "VicRoads" **insert "or the
Regulator";**

(b) in subsection (2)(b) after "subsection (1)"
insert "or (1A)";

(c) in subsection (2)(c) after "subsection (1)"
insert "or (1A)";

(d) in subsection (3) after "subsection (1)" **insert
"or (1A)";**

- (e) in subsection (3A) after "subsection (1)"
insert "or (1A)";
- (f) in subsection (3B) after "subsection (1)"
insert "or (1A)".

13.5 In section 113—

- (a) after "VicRoads" **insert** "or the Regulator (as the case requires)";
- (b) for "or trailer" **substitute** ", trailer or heavy vehicle";
- (c) in paragraph (j) for "or trailer" **substitute** ", trailer or heavy vehicle".

13.6 In the heading to section 114 **omit** "motor".

13.7 In section 114—

- (a) in subsection (2)—
 - (i) after "VicRoads" (wherever occurring)
insert "or the Regulator (as the case requires)";
 - (ii) for "motor vehicle or trailer" **substitute** "motor vehicle, heavy vehicle or trailer";
- (b) in subsection (4) after "VicRoads" **insert** "or the Regulator";
- (c) in subsection (4)(a) for "motor vehicle or trailer" (wherever occurring) **substitute** "motor vehicle, heavy vehicle or trailer";
- (d) in subsection (5) for "or trailer" **substitute** "or heavy vehicle or trailer".

13.8 In section 115—

- (a) after "VicRoads" **insert** "or the Regulator";
- (b) for "motor vehicle" **substitute** "motor vehicle, heavy vehicle";

- (c) in paragraph (j) for "motor vehicle"
substitute "motor vehicle, heavy vehicle".

13.9 In section 116—

- (a) in subsection (1) for "motor vehicle"
(wherever occurring) **substitute** "motor
vehicle, heavy vehicle";
- (b) in subsection (1) after "VicRoads"(wherever
occurring) **insert** "or the Regulator";
- (c) in subsection (3)(a) for "motor vehicle"
(wherever occurring) **substitute** "motor
vehicle, heavy vehicle";
- (d) in subsection (3)(a) after "VicRoads" **insert**
"or the Regulator".

13.10 In section 117—

- (a) after "VicRoads" **insert** "or the Regulator";
- (b) in paragraph (b) for "motor vehicle"
substitute "motor vehicle, heavy vehicle";
- (c) in paragraph (j) for "motor vehicle"
substitute "motor vehicle, heavy vehicle".

13.11 In section 118—

- (a) in subsection (1) for "motor vehicle"
substitute "motor vehicle, heavy vehicle";
- (b) in subsection (1) after "this Act" **insert** "or
the Heavy Vehicle National Law (Victoria)";
- (c) in subsection (2) for "motor vehicle"
substitute "motor vehicle, heavy vehicle".

13.12 In section 119(1) after "VicRoads" **insert** "or the
Regulator".

Family Violence Protection Amendment (Information Sharing) Act 2017, No. 23/2017

41 Infringements Act 2006

At the foot of section 164 of the **Infringements Act 2006** insert—

"Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act."

4 Explanatory details

¹ Table of Amendments (**Fines Reform Amendment Act 2017**): The amendment proposed by section 9(a) of the **Fines Reform Amendment Act 2017**, No. 59/2017 is not included in this publication because section 25(3)(e) is not part of this Act.

Section 9(a) reads as follows:

9 What can an enforcement agency decide on review?

In section 25 of the **Infringements Act 2006**—

(a) in subsection (3), for paragraph (e)
substitute—

"(e) be the subject of an application to the Director for a work and development permit; or

(f) make an FVS application (within the meaning of the **Fines Reform Act 2014**) under section 10M of that Act, unless the person has already made an FVS application with respect to the infringement notice."

² Table of Amendments (**Fines Reform Amendment Act 2017**): The amendments proposed by section 119(2) and (4) of the **Fines Reform Amendment Act 2017**, No. 59/2017 are not included in this publication because section 46(1A) and (7) are not part of this Act.

Section 119(2) and (4) reads as follows:

119 Payment plans available in certain circumstances

(2) In section 46(1A) of the **Infringements Act 2006**, for "prescribed costs" **substitute** "penalty reminder notice fee".

(4) In section 46(7) of the **Infringements Act 2006**, for "prescribed costs" **substitute** "penalty reminder notice fee".