

## LEGISLATIVE COUNCIL

JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER  
MATTERS) BILL 2022

(Amendments and New Clauses to be proposed in Committee by Dr RATNAM)

1. Clause 2, after line 32 insert—

"(1A) Sections 27A and 27B come into operation on 1 July 2022."

2. Clause 2, line 33, after "Part 2" insert "(other than sections 27A and 27B)".

## NEW CLAUSES

3. Insert the following New Clauses to follow clause 27—

**'27A New Division 1 of Part 2 heading inserted**

Before section 4 of the **Fines Reform Act 2014** insert the following heading—

**"Division 1—Director, Fines Victoria".**

**27B New Division 2 of Part 2 inserted**

After section 10 of the **Fines Reform Act 2014** insert—

**"Division 2—Power of Director to reduce infringement penalty,  
infringement fine or registered infringement fine**

**10AAA Definitions**

In this Division—

***benefit*** means—

- (a) any prescribed benefit or allowance under the Social Security Act 1991 of the Commonwealth; or
- (b) any other government benefit or allowance specified by the Attorney-General by notice published on the Internet;

***relevant person*** means a person—

- (a) in receipt of a benefit; or
- (b) experiencing financial hardship equivalent, or comparable, to a person in receipt of a benefit.

**10AAB Power of Director to reduce infringement penalty or  
infringement fine on application**

- (1) A relevant person served with an infringement notice may apply to the Director for a reduction of up to 80% of (as the case requires)—

- (a) the outstanding amount of the infringement penalty, if a penalty reminder notice has not been served on the person under section 29 of the **Infringements Act 2006**; or
  - (b) the outstanding amount of the infringement fine, if the infringement fine has not been registered; or
  - (c) the outstanding amount of the registered infringement fine.
- (2) An application under subsection (1) must be made in the prescribed form and specify—
  - (a) the benefit the relevant person receives; or
  - (b) the nature of the financial hardship the relevant person is experiencing that is equivalent, or comparable, to a person in receipt of a benefit.
- (3) The Director may reduce by up to 80% the outstanding amount of the infringement penalty, infringement fine or registered infringement fine (as the case requires) on the application of a relevant person under subsection (1) if—
  - (a) the Director is satisfied—
    - (i) the person is a relevant person; and
    - (ii) it is appropriate to make the reduction having regard to any circumstances of, or requirements to be met by, the person as specified in the guidelines issued under section 10AAC; and
  - (b) any of the following has not occurred—
    - (i) a seven-day notice has been served and has expired;
    - (ii) the person becomes a declared director;
    - (iii) an attachment of earnings direction or an attachment of debts direction has been made;
    - (iv) a land charge has been recorded.

**10AAC Reduction of infringement penalty or infringement fine guidelines**

- (1) For the purposes of this Division, the Attorney-General must make guidelines specifying—
  - (a) the circumstances of, or requirements to be met by, a relevant person, who has been served with an infringement notice to satisfy the Director that it is appropriate to reduce the outstanding amount of infringement penalty, infringement fine or registered infringement fine (as the case requires) owed by the person; and
  - (b) the reduction rate to be applied to an infringement penalty, infringement fine or registered infringement fine based on the benefit received; and

- (c) any other matter the Attorney-General considers appropriate for inclusion in the guidelines.
- (2) The Attorney-General—
  - (a) must cause guidelines made under this section to be published in the Government Gazette;
  - (b) may publish guidelines made under this section on the Internet."