

# Attorney-General's annual report on the infringements system

2008–09

DEPARTMENT  
OF JUSTICE

State Government  
**Victoria**

# INTRODUCTION

This is the third annual report on Victoria's infringements system, which was reformed in July 2006 with the commencement of the *Infringements Act 2006* (the Act) Regulations and Guidelines.

The report provides an overview of the infringement system for the 2008–09 financial year, including data, process and policy developments.

This report also provides an indication of trends over the first three years of operation of the infringements system.

## Principles underpinning the system

The principles underpinning the infringements system are:

1. Recognition of the **authority of the state** to set minimum standards of civic behaviour
2. **Public awareness** of rights and responsibilities
3. **Rapid and certain response** – deterrence is dependent on people being aware that they are likely to be detected offending and then penalised swiftly
4. **Regular review** of the system
5. **Responsibilities on participating agencies** to observe the policies and principles of the system
6. **Fairness** as an aid to compliance, justice and system efficiency
7. **Interchangeable procedure** – the choice to have the matter dealt with in open court rather than through the infringement system
8. **Individualisation** – taking account of individual circumstances
9. Recognition of genuine **special circumstances**.

The Department of Justice continues to work with infringements system stakeholders to promote these principles throughout the infringements system. One key means of engagement with a diverse range of stakeholders is the Infringements Standing Advisory Committee (ISAC)<sup>1</sup>, which enables representatives from the Department of Justice, community advocacy services, the courts and enforcement agencies to meet regularly to consider a range of issues with different perspectives present. ISAC provides a valuable opportunity to hear views from representatives of various aspects of the infringements system, ensuring a range of viewpoints are included in policy formulation.

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<sup>1</sup> ISAC was established in 2006–07. Its members comprise agencies, community groups and other stakeholders of the infringements system. Committee members act as representatives for their respective organisations.

## INFRINGEMENTS ADMINISTRATION

**Infringement notices** are an administrative method for dealing with minor criminal offences, where a person alleged to have committed an offence has the option of paying a fixed penalty rather than going to court.

The infringement process benefits offenders as it is a more convenient and less costly process than going to court. Importantly, it also offers the offender an opportunity to ‘expiate’ the offence by paying the penalty, which means that no conviction is recorded for the offence.

For the State, an infringements system streamlines the resolution of minor offences, and frees court time for more serious criminal matters.

### Infringements Issued by Agency Type

In Victoria, infringement notices are issued by over 120 enforcement agencies, ranging from state government and local government to some non-government bodies, like universities and hospitals.

Approximately **4.66 million** infringements were issued in Victoria between 1 July 2008 and 30 June 2009. This represents an increase of around 500,000 or 13 per cent from 2007–08 and 2006–07 when just over 4.1 million infringement notices were issued.

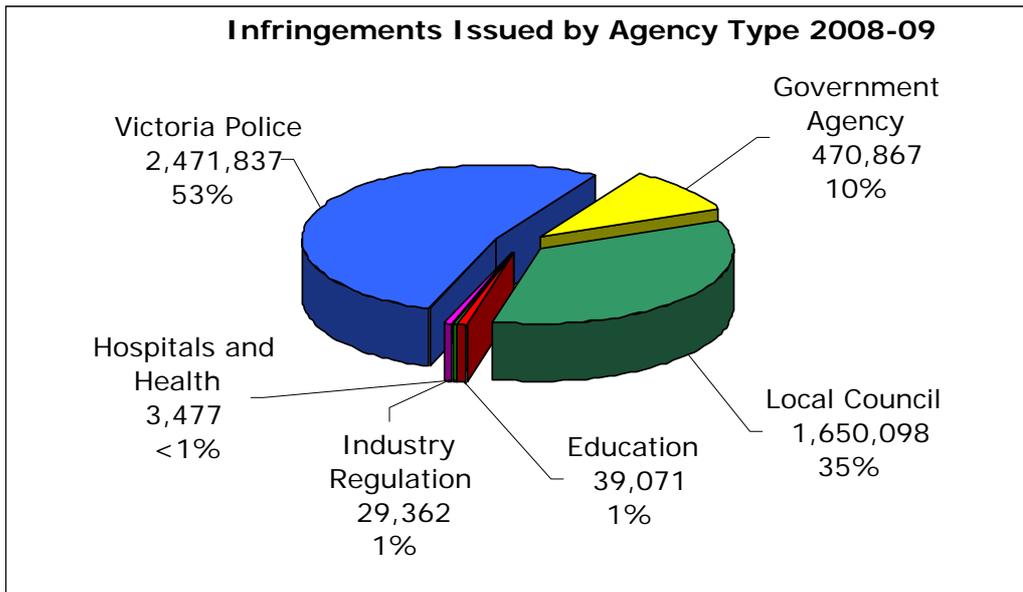
This increase is largely attributable to a spike in fines issued by the Victorian Electoral Commission. In 2008, 79 local council elections were held across Victoria and over 250,000 fines were issued for failure to vote. This is in comparison to much lower numbers of these types of fines in the previous two financial years. Because local council elections occur every four years, 2008 was the first year that the elections occurred since the introduction of the new infringements system in 2006.

The remainder of the increase is accounted for by increases across Victoria Police, which is the result of a number of road safety blitz operations, including the additional resources dedicated to identifying dangerous behaviour on the roads during the 2008–2009 holiday period.

In particular, in November 2008, government announced a number of initiatives to tackle the road toll. This included an upgrade of road safety camera technology and increased hours of operation of mobile road safety cameras. This has led to an increase in infringements for road safety offences such as speeding and running red lights.

Further to this, the Infringements Trial commenced in July 2008 and Victoria Police issued over 8,000 infringements during the 2008–09 financial year for offences that are part of the Trial.

Figure 1

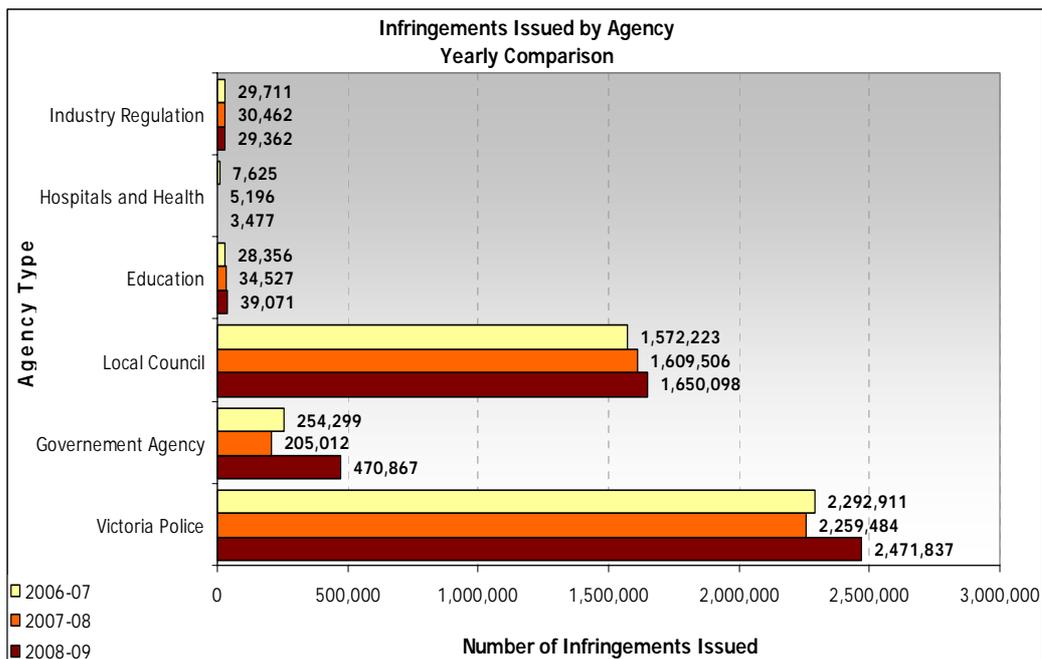


As shown in Figure 1, the largest proportion of infringement notices was issued by Victoria Police. This is consistent with the previous two years, and reflects the fact that Victoria Police has the power to issue more types of infringements than other enforcement agencies.

Local councils represented a substantial percentage of the total infringements issued in Victoria (over 35 percent) in each of the last three financial years.

Comparative data indicates that most agency types show small fluctuations in the number of infringements issued from year to year (see Figure 2, below).

Figure 2



## Infringements Issued by Type of Offence

As shown in Figure 3, in 2008–09, traffic offences represented the greatest number of offences for which infringements were issued, as they did in 2007–08 and 2006–07. All together, traffic-related offences (transport, parking, excessive speed / drink and drug driving) add up to 88 per cent of all infringements issued during this financial year.

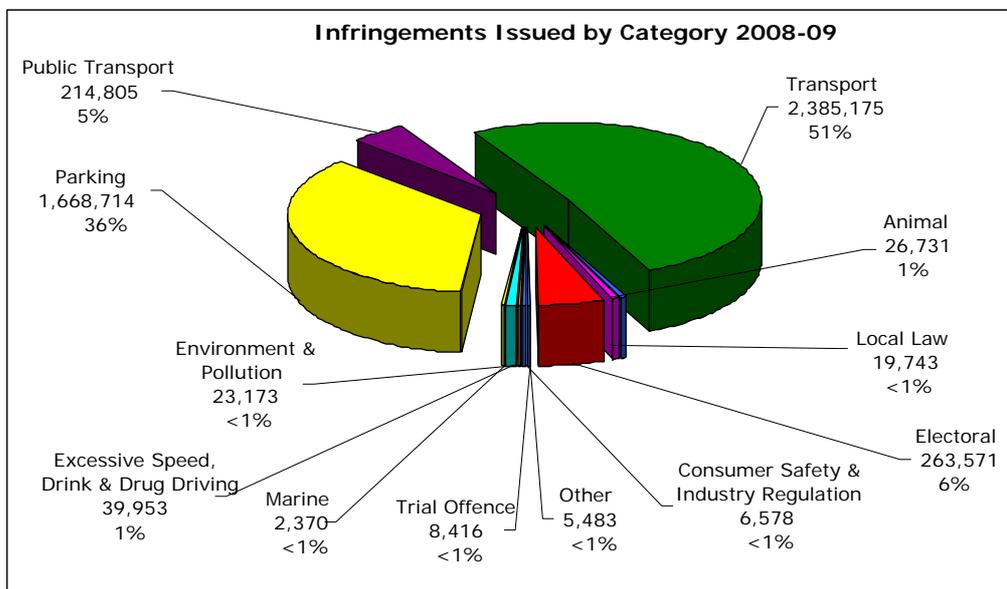
This is broadly consistent with the proportion of notices issued for traffic offences in the first two financial years of the new infringements system.

Arrive Alive is the Victorian Government’s ten year road safety strategy. It is designed to improve road safety for all Victorian road users and aims to improve the road transport system and reduce road trauma.

To do this, Arrive Alive addresses three critical elements: safer roads and roadsides; safer vehicles; and safer road users. More information can be found on the Arrive Alive website ([www.arrivealive.vic.gov.au](http://www.arrivealive.vic.gov.au)).

The proportion of notices issued for traffic offences reflects government’s commitment to improving road safety in Victoria. In order to support the target in Arrive Alive of reducing road fatalities by 30 per cent by 2017, the government provided Victoria Police with additional resources to target road safety offences in 2008–2009. Those measures included funding for additional roadside drug testing, new moving mode radar devices to capture speeding offences, additional mobile road safety camera hours and an upgrade to the fixed road safety camera network.

Figure 3



## **INFRINGEMENTS SYSTEM OVERSIGHT UNIT**

The Infringements System Oversight Unit (ISOU) is a unit within the Department of Justice. The ISOU is responsible for:

- monitoring the operation of the infringements system and new infringements policy initiatives
- providing advice to the Attorney-General and government on infringements policy
- effecting necessary legislative instruments
- undertaking key system improvement projects
- promoting the objectives of the Act through community information and education, including regular 'regional roadshows' aimed at improving communication with regional infringements system stakeholders
- providing advice, as requested, to infringements system stakeholders on their rights and responsibilities.

## **Auditor-General's report on withdrawal of infringements**

In October 2008, the Auditor-General commenced a limited scope performance audit on the withdrawal of infringement notices over the two years of operation of the new infringements framework from 1 July 2006 to mid-2008.

The audit examined withdrawal of notices and focussed on the following agencies and criteria:

- the ISOU - level and quality of assistance to agencies, advice to Government and management of infringements reporting, and
- Victoria Police (including the Traffic Camera and Toll Enforcement Offices), and
- the Councils of Stonnington, Port Phillip, Ballarat and Geelong - compliance with the Act with a focus on quality of internal processes, policies and decisions and exercise of discretion in relation to withdrawal of infringement notices.

Under the *Infringements Act 2006*, there are two ways for an agency to withdraw an infringement notice. First, withdrawal is one of the actions the agency may take following an application for internal review. Second, it is open to an enforcement agency to withdraw a fine where it considers this is the best approach in the circumstances.

The Auditor-General's report was tabled in Parliament on 3 June 2009, and noted that while progress has been made to implement the changes to the system introduced in 2006, more work remains to be done. The Department of Justice supported this finding and in relation to the ISOU, committed to ongoing improvement in data quality assurance and increasing support and assistance to enforcement agencies in fulfilling their obligations under the infringements regime.

A number of initiatives have met these commitments both during and since the completion of the audit, including:

- improved quality assurance processes for infringements reports from agencies
- the establishment of an enforcement agency working group to give officers involved in infringements operations the opportunity to communicate more directly with ISOU and other agencies about operational issues
- publication of a new ISOU newsletter for enforcement agencies
- conducting a series of information sessions around Victoria for enforcement agencies on reporting and internal review
- maintaining a schedule of individual meetings with enforcement agencies

## **AWARENESS AND INFORMATION**

Two key principles underpinning the infringements system are public awareness of rights and responsibilities, and the responsibilities of participating agencies to observe the policies and principles of the system.

The Department of Justice undertook a range of activities and initiatives during the 2008–09 financial year to enhance the infringements system and increase awareness of rights and responsibilities amongst members of the public and enforcement agencies. Some of these activities include:

### **Fines website**

During 2008–2009, the Victorian Government fines website was completely re-designed and now includes expanded public information and online payment facilities. There is now comprehensive information about the infringements system and a Frequently Asked Questions about the various stages of the infringements process. All application forms on the website also have explanation guides and samples showing how to complete the form. This information, combined with the ability to make payments using the website, means that Victorians can navigate the infringements system more easily. The site can be found at [www.fines.vic.gov.au](http://www.fines.vic.gov.au).

### **New Legislation**

The *Sheriff Act 2009* was passed by Parliament on 12 March 2009. Prior to the *Sheriff Act 2009*, the Sheriff's functions, powers and duties were detailed in over 30 pieces of legislation and in case law dating from the 1600s. The new Act simplifies and modernises the law by consolidating most of these powers into the one Act in clear terms.

The legislation also provides the Sheriff with new powers such as the power of forced entry into premises to enforce civil warrants. Before this power was introduced, the Sheriff was unable to execute civil warrants where the owner of the premises refused them entry. Under criminal warrants, however, the Sheriff has always had the power to use force to enter premises to execute the warrant. The new power is limited by appropriate safeguards. The legislation also removes the principle of 'Crown priority' so that Crown warrants no longer take priority over earlier warrants issued on behalf of local councils.

Under the new Act, there is a power for the Sheriff to request up to date address information from government agencies, including local government, for the purpose of executing warrants. The Department of Justice is working with selected local councils to develop protocols under which the requests will be made, to ensure that any burden on councils in complying with a request is minimised.

## Education

During the 2008–09 financial year, the Department of Justice began its annual “roadshow” of training sessions for enforcement agencies throughout Victoria. These sessions are conducted with the aim of providing agencies that issue infringements with up-to-date information on infringements issues and to engage directly with the department about any questions or concerns about the infringements system.

The 2009 “roadshow” of training sessions for enforcement agencies consisted of 13 sessions around the state. The focus of the roadshows was information about processing and assessing internal review applications, dealing with financial hardship and payment plan issues and improving infringement data reporting.

## Infringements Trial

The ‘Infringements Trial’ is a three-year pilot project to enforce seven common criminal offences by infringement notice. The authorising legislation, the *Infringements and Other Acts Amendment Act 2008*, commenced on 1 July 2008 and is to sunset on 30 June 2011. The seven offences selected for the trial represent a range of offending behaviour: two offences against property, two public order offences, one road safety offence and two offences involving alcohol-related misconduct.

The purpose of the trial is to assess whether it is feasible and desirable to use infringement notices to enforce offence provisions that involve greater complexity, such as:

- a mental element (shop theft involves an intention to steal, while wilful damage requires the intention to cause damage),
- the exercise of some judgement by the enforcement officer as to the ‘criminality’ of the conduct (offensive behaviour, indecent language, careless driving), or
- the set of circumstances in which the offending behaviour occurs, including where the defendant may have a temporarily reduced capacity to control his/her behaviour (the alcohol-related offences).

During the first twelve months of the Trial, infringements issued for three offences – careless driving, offensive behaviour and shop theft – comprised approximately 89 per cent of all infringements issued for Trial offences.

The trial will be subject to ongoing review and evaluation. The evaluation will examine the fairness, effectiveness and appropriateness of the enforcement of these issues by infringement notice, taking into account the impact on Victoria Police, the court system and the Department of Justice, as well as the impact on vulnerable members of the community.

Experience in other Australian and international jurisdictions has indicated that the infringements system can provide an efficient and effective alternative to criminal prosecutions for this type of offending. The Trial provides an opportunity for the Victorian Government to make an informed assessment of the benefits of expanding the use of infringements to provide a prompt and consistent response to minor breaches of the law.

## FAIRER INFRINGEMENTS SYSTEM

Fairness is one of the key principles of the new infringements system. Even though the infringements system is highly automated, it incorporates a degree of flexibility and the capacity to consider individual circumstances or review the legitimacy of a decision to issue an infringement notice.

### Electing to go to court

Most infringement offences are strict liability offences but the right to have the matter considered in court if the defendant does not accept liability for the alleged offence is a crucial part of the infringements system. This enables a person to bring evidence before the court rather than have the offence dealt with as an infringement notice. For example, someone might elect to go to court where there are extenuating circumstances, new evidence or disagreements about evidence or any instance where the person prefers to raise matters before a magistrate or judicial registrar.

During the 2008–09 financial year, 27,954 people elected to go to court. This is approximately 0.6 per cent of all infringements issued during that period. The number of people who have elected to have their offence determined in open court has not varied by a statistically significant amount in the three years that the new infringements system has been in operation. In 2006–07, 0.5 per cent of people who received an infringement notice elected to go to court (0.6 per cent in both 2007–08 and 2008–09).

### Internal review

The right to internal review is an essential part of the infringements system. While some enforcement agencies had always offered the option to review or ‘appeal’ the decision to issue an infringement notice, the *Infringements Act 2006* made it a statutory right. The internal review process enables individual circumstances to be considered, and imports a degree of flexibility into a largely automated system.

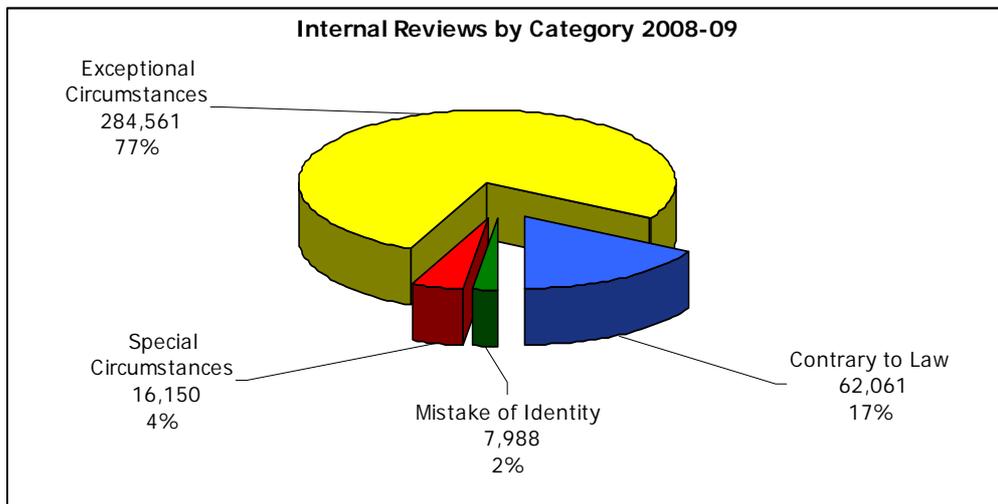
#### **Internal Review**

A person or someone acting on their behalf is entitled to apply for review of an infringement notice on one of the following grounds:

1. There was a defect or mistake made in the decision to serve the notice (contrary to law or mistake of identity)
2. There are special circumstances. That is, where the person suffers from:
  - a. a mental or intellectual disability, disorder, disease or illness resulting in the person being unable to understand or control the conduct that constitutes the offence;
  - b. a serious addiction to drugs, alcohol or a volatile substance (eg: chomping) resulting in the person being unable to understand or control the conduct that constitutes the offence; or
  - c. homelessness, where this results in the person being unable to control the conduct that constitutes the offence.
3. There are exceptional circumstances that justify withdrawing the infringement notice.

When a person, or someone acting on that person’s behalf, writes to an enforcement agency to request a review of the decision to issue the infringement notice, the enforcement agency is required to classify it by ground of review. Figure 4 indicates the composition of internal review applications by each ground or ‘category’, for the 2008–09 financial year.

Figure 4



During 2008–09, enforcement agencies reviewed 370,760 infringement notices. This represents around 8 per cent of all infringement notices issued during this period. Applications for internal review have consistently been around 6-8 per cent of the total number of infringements issued during the last three financial years.

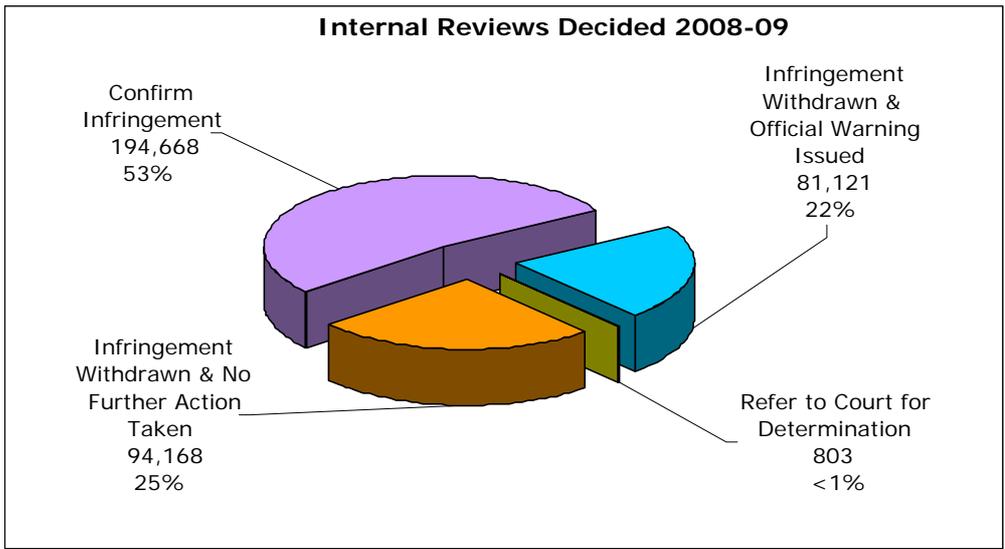
When someone makes an internal review application there are a range of possible decisions that an enforcement agency may make.

**Available internal review decisions:**

- **Confirm** – confirm the decision to issue the infringement notice
- **Official warning** – withdraw the infringement notice and serve an official warning in its place
- **Withdraw** – withdraw the infringement notice and take no further action
- **Refer to Court** – refer the matter to Court under s17 of the Act

As shown in Figure 5, more than half of all internal review outcomes during 2008–2009 were to confirm the decision to issue the infringement notice. That is, to reject the excuse or reason provided in the application for internal review. The majority of other decisions were to withdraw the notice and take no further action. These internal review outcomes have been consistent across all three years of the new infringements system, indicating a consistent approach by enforcement agencies.

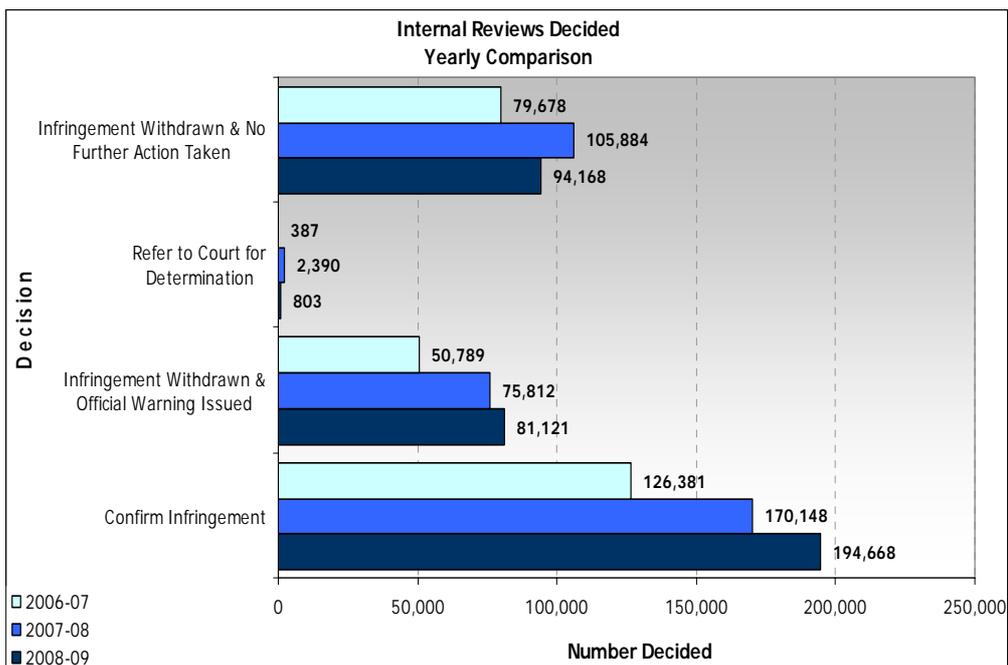
Figure 5



Over the three financial years that the new infringements system has been in operation, the number of people requesting a review of their infringement notice has increased. However, this increase is a function of the overall increase in infringements issued: the percentage of internal review applications to total infringements has remained roughly 6-8 per cent in each financial year.

Overall, all decision types have increased over the total of the three financial years in-line with the increase in overall reviews conducted (although the number of infringements withdrawn and the number referred to court has decreased in the current financial year).

Figure 6



## Revocation of enforcement orders

An enforcement agency may lodge an infringement penalty with the Infringements Court when a person has not paid their fine and has failed to take action in response to a penalty reminder notice. The Infringements Court will make an enforcement order requiring the person to pay the penalty and any associated costs.

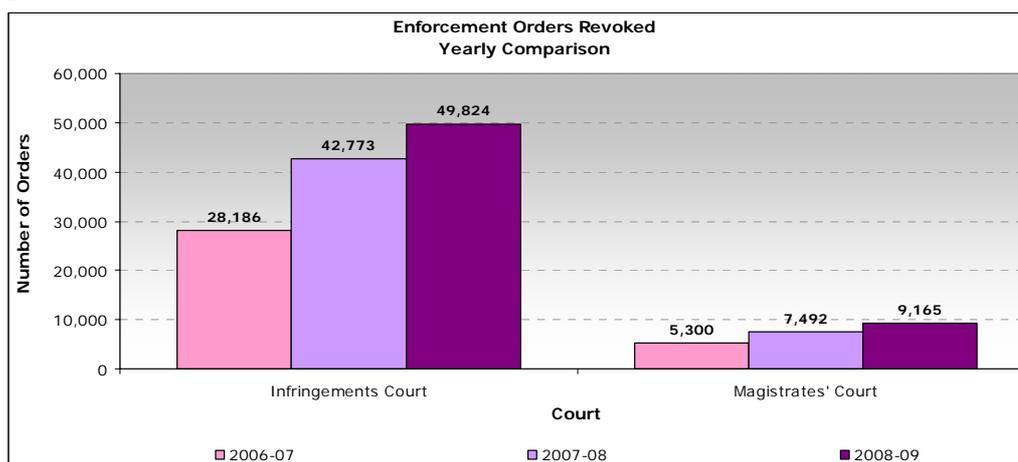
A person who has an enforcement order made against them may apply to the Infringements Court for the order to be revoked. The enforcement order can be revoked by the Infringements Court any time prior to the Sheriff seizing goods or arresting the person under a warrant. If there are sufficient grounds the court must revoke the order, which then ceases to apply. The infringement matter is then referred to open court for hearing, unless the enforcement agency elects, at that stage, not to prosecute.

The right to seek revocation is set out on enforcement order notices sent to a person's address and on 'seven day notices' which are served on the person seven days before a warrant is executed by the Sheriff.

If the Infringements Court decides not to revoke an enforcement order, the applicant may lodge an objection within the timeframes under the *Infringements Act* and have their matter referred to open court for hearing as to whether revocation should be granted.

During this financial year, approximately 1,129,000 enforcement orders were made. Around 5 per cent of enforcement orders (58,989) were revoked in 2008–09. The Infringements Court revoked 49,824 and the Magistrates' Court subsequently revoked a further 9,165 that initially were not revoked by the Infringements Court.

Figure 7



As shown in Figure 7, the number of enforcement orders revoked by the Infringements Court and the Magistrates' Court has increased over the past three financial years. In 2006–07 and 2007–08, enforcement orders revoked were approximately 4 per cent of enforcement orders made. This has increased slightly to just over 5 per cent in 2008–09.

## Financial Hardship

### *Payment plans*

Making it easier for people to pay their fines is a key objective of the infringements system. The *Infringements Act 2006* provides for a range of payment plan options at infringement stage to accommodate people experiencing difficulty paying their fines. Under the Act, a payment plan can be an instalment payment plan, an extension of time, or a payment arrangement that incorporates both an extension of time and instalments.

The Attorney-General's Guidelines to the *Infringements Act 2006* require that any individual who has a Centrelink Health Care Card, Pensioner Concession Card or Department of Veterans' Affairs Pensioner Concession Card must be offered a payment plan upon application. In addition, an agency may offer a payment plan to any individual, taking into account a range of factors, including financial hardship.

Most agencies have had consistent numbers of payment plans commence across each of the financial years since the new infringements system started. In all three years, Victoria Police has had the largest number of payment plans commenced. This is consistent with Victoria Police issuing the largest number of infringement notices in Victoria in each of the three financial years.

Extension of time payment plans continue to be the most frequently used payment plans. This may be because they take less time and cost less to administer for agencies, and are sought after by many applicants.

### *Payment orders*

A person who has an enforcement order made against them may apply to the Infringements Court for a payment order. A payment order is an order of the court allowing additional time for payment or payment by instalments. A payment order can be made by the Infringements Court any time prior to the Sheriff seizing goods or arresting a person under a warrant.

In 2008–09, the Infringements Court made just over 199,000 payment orders. Thirty-seven per cent of these orders were for payment by instalments. This compares to almost 160,000 and 45 per cent in 2007–08 and over 135,000 and 50 per cent in 2006–07. This data indicates that while the number of payment orders offered has risen in line with the overall increase in enforcement orders, the proportion of orders including payment by instalment has declined.

## **Community Work Permits**

The new infringements system provides that when the Sheriff arrests a fine defaulter under an infringement warrant, the Sheriff may sign that person up to a Community Work Permit if the person does not have any goods that can be seized to satisfy the outstanding fine/s. This arrangement is similar to a Community Based Order in that it allows a person to undertake community work in lieu of payment of the fine at the rate of one hour per 0.2 penalty units owing.

The Community Work Permit allows the person to undertake the work at intervals, better enabling people to complete the permit requirements. In the 2008-09 financial year, 1,239 people commenced Community Work Permits compared with 1,050 people in 2007-08 and 579 people in the 2006-07 financial year.

## **Special Circumstances**

The infringements system expressly includes recognition of special circumstances. The Act defines 'special circumstances' as mental or intellectual disabilities, disorders, diseases or illnesses, or serious addictions that result in a person being unable to understand or control their offending behaviour, or homelessness that results in the person being unable to control the conduct.

To ensure that individual circumstances are considered and vulnerable people who are unable to control offending behaviour are diverted out of the infringements system, the Act provides a range of options where special circumstances may be taken into account:

- the issuing officer may apply discretion at the time the offence occurs
- the enforcement agency may consider special circumstances at internal review
- the Infringements Court may grant a revocation of an enforcement order on the grounds of special circumstances
- the matter may be referred to open court for determination and consideration of individual circumstances.

**Enforcement agency reviews based on special circumstances**

Special circumstances internal reviews continue to increase in number each year. This is consistent with applicants and advocates becoming more informed about and experienced with the internal review provisions, as well as enforcement agencies becoming more familiar with the categorisation of internal reviews.

There is a clear increase in the number of infringement notices reviewed on the grounds of special circumstances (from 6,060 in 2006–07, to 9,456 in 2007–08 and then to 16,150 in 2008–09). However, special circumstances internal review applications are made in respect of a very small number of infringement notices overall (0.14 per cent in 2006–07, 0.23 per cent in 2007–08 and 0.35 per cent in 2008–09).

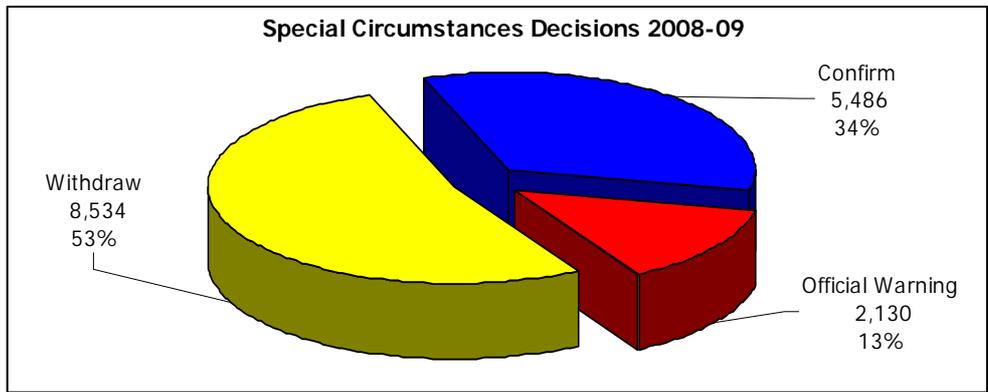
The outcome of a review on the basis of special circumstances may be that the infringement notice is withdrawn with no further action taken, the infringement notice is withdrawn and an official warning issued in its place, or the infringement notice is confirmed.

Unlike other internal reviews, if the enforcement agency confirms the infringement notice (that is, rejects the excuse or reason provided in the application for internal review), the agency must refer the matter to open court for determination. This allows individual assessment of the person’s often complex needs by a Magistrate.

Special circumstances internal review outcomes in 2008–09 are shown in Figure 8, below. The number of matters withdrawn on internal review is consistent with 2006–2007 and 2007–2008 figures, but the number of matters confirmed rose by 7 per cent in the last year. The number of matters where an official warning was issued in place of an infringement fell 8 per cent in the last year.

It should be noted that there is no ‘refer to court’ figure because an agency who confirms a notice, where an application for review has been made on the grounds of special circumstances, **must** refer the matter to court.

Figure 8

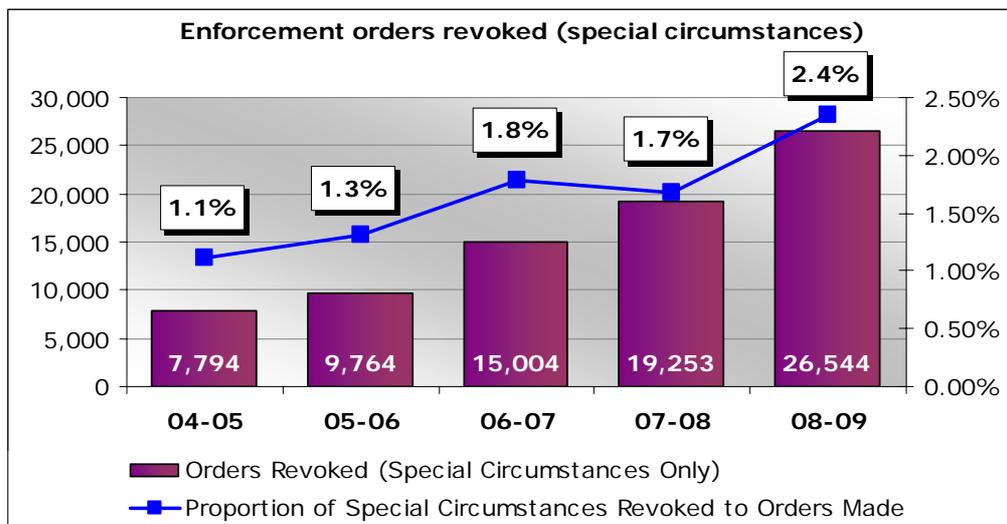


### *Revocation on the grounds of special circumstances*

Although the Infringements Court's discretion to entertain any revocation application is not limited by the Act's definition of special circumstances, the formalisation of 'special circumstances' by the 2006 Act appears to have increased awareness of the right to seek revocation on this basis.

In the 2008–09 financial year 26,544 enforcement orders were revoked on the grounds of special circumstances. This represents notably increased activity over previous years, as shown in Figure 9.

Figure 9



## FIRMER INFRINGEMENTS SYSTEM

The majority of Victorians pay their infringement penalties on time or upon receiving a penalty reminder notice. For those who ignore reminders and court enforcement orders, the *Infringements Act 2006* provides a uniform process for enforcement through strong sanctions.

### **Enforcement Orders and Infringement Warrants**

If an infringement notice remains unpaid, the relevant enforcement agency can lodge the infringement notice with the Infringements Court. The Infringements Court can then make an enforcement order requiring the person who received the infringement notice to pay to the Court the outstanding amount of the infringement penalty, as well as additional costs associated with the making of the order.

If the enforcement order remains unpaid, the Infringements Court may issue an infringement warrant, authorising the Sheriff to use enforcement sanctions to recover the outstanding amount.

The *Infringements Act* provides for a range of enforcement sanctions, including wheel clamping, suspension of driver licences and vehicle registrations and Community Work Permits. These sanctions, which have been gradually rolled out over the last three years have proved effective in prompting people to take action to resolve their outstanding fines.

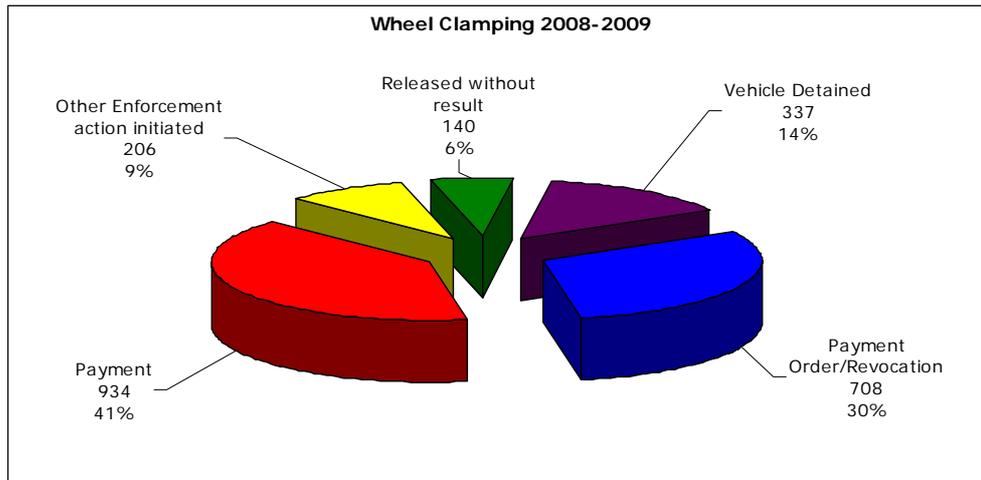
### **Wheel Clamping**

Wheel clamping is an effective sanction for bringing people into contact with Sheriff's officers, who can then discuss options for clearing outstanding fines. Someone whose vehicle has been immobilised by a wheel clamp has a number of options to deal with their infringement warrant. For example, payment in full, arranging a payment order, or seeking revocation.

During the 2008–09 financial year, 2,325 motor vehicles were wheel clamped. The infringement warrants issued against the registered operators of these vehicles totalled 16.66 million dollars. This amount is similar to 2007–08 when infringement warrants of those wheel clamped was just under 17 million dollars.

As Figure 9 demonstrates, 80 per cent of people who had their vehicle clamped took action to address their outstanding warrants in 2008–09. The type of action taken remains consistent with 2007–2008 figures, suggesting the sanction continues to be effective.

Figure 9



### Suspension powers

Where a warrant has been issued against a fine defaulter, the *Infringements Act 2006* provides that the Sheriff may direct VicRoads to suspend the person's driver licence or vehicle registration unless or until the warrant is finalised. Suspensions can be made seven days after a notice of intention to activate the suspension has been personally served on the defaulter by the Sheriff.

In the 2008–09 financial year, 4,638 people received a Notice of Intention to Suspend their driver licence. In 97 per cent of cases the sanction has resulted in the person taking action to clear associated infringement warrants. Notably, in 74 per cent of cases, the mere notification of an intention to apply the sanction resulted in the person taking action to clear associated infringement warrants (making actual suspension unnecessary).

### REGISTRATION NON-RENEWAL TRIAL

In the second half of the 2008–09 financial year, the government undertook a six-month trial of the registration non-renewal sanction. The registration non-renewal sanction is currently applied only to infringement warrants for vehicle-related offences, including parking offences. This sanction enables the Sheriff to direct VicRoads to prevent the renewal of a person's vehicle registration if that person has an outstanding infringement warrant. It also prevents the owner from selling the vehicle with its current registration.

The trial scheme implemented in early 2009 proved so effective that it was approved to be ongoing at the end of July 2009. During the advertising campaign in January 2009 at the commencement of the trial, the number of people accessing the fines website increased considerably. This sanction has had consistently high response rates throughout the trial and since the sanction was made ongoing.

As at 24 July 2009, the Department of Justice had sent around 20,500 registration non-renewal warning letters. Of the approximately 4,500 people whose registration renewal date had passed, around four out of five people settled their warrants upon notification and were able to renew their registration. Action taken to clear a warrant includes payment in full (around 61 per cent), entering into a payment plan (approximately 17 per cent) and gaining revocation of the warrant (around two per cent).

## CONCLUSION

The *Infringements Act 2006* has resulted in significant changes being implemented throughout the infringements system. There were three main objectives of introducing this comprehensive legislative and operational infringements framework in 2006:

- setting out a common set of processes for dealing with infringements across Victoria
- providing flexibility for vulnerable infringement recipients via internal review, special circumstances, revocation and payment plans and orders
- providing for firm enforcement sanctions for people who refuse to pay their fines.

New reporting requirements have meant that for the first time, it has been possible to monitor infringements activity across Victoria's enforcement agencies. Taken together, the data from the first three years of operation of the new infringements system suggests that it is working as intended and achieving its objectives.

This is reflected in the improved quality of agency reports, increased knowledge about the system amongst members of the public, enforcement agencies and community sector advocates. It is also reflected in the uptake of internal review and revocation applications, and utilisation of payment plans and orders.

Key highlights in the 2008–09 financial year include:

- the redevelopment of the fines website continued and the new look website went 'live' in 2009 making it easier for members of the public to access information about the infringements system and to pay and settle matters online
- the registration non-renewal sanction trial proved an effective impetus for people to settle their outstanding warrants and the sanction was approved ongoing in 2009.

ISOU and enforcement agencies continue to implement improvements and initiatives following feedback in the Auditor-General's report on withdrawal of infringements. Given the complexity of the system and other developments in law enforcement, infringements system refinement and improvement is ongoing. For more information about the system, please visit [www.fines.vic.gov.au](http://www.fines.vic.gov.au).