

**Authorised Version No. 001**  
**Heritage (Infringement Notice) Regulations**  
**2012**

**S.R. No. 34/2012**

Authorised Version as at  
15 May 2012

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Revocation	1
4 Definitions	1
5 Infringement offences	1
6 Infringement penalties	2
<hr/>	
<b>SCHEDULE—Heritage Infringements</b>	<b>3</b>
<hr/> <hr/>	
<b>ENDNOTES</b>	<b>5</b>
1. General Information	5
2. Table of Amendments	6
3. Explanatory Details	7

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**1 Objective**

The objective of these Regulations is to prescribe infringement offences and infringement penalties for the purposes of the **Heritage Act 1995**.

**2 Authorising provision**

These Regulations are made under section 185 of the **Heritage Act 1995**.

**3 Revocation**

The following regulations are **revoked**—

- (a) the Heritage (Infringement Notice) (Amendment) Regulations 2006<sup>1</sup>;
- (b) the Heritage (Infringement Notice) Amendment Regulations 2010<sup>2</sup>.

**4 Definitions**

In these Regulations—

*the Act* means the **Heritage Act 1995**;

*the Shipwrecks Regulations* means the Heritage (Historic Shipwrecks) Regulations 2007<sup>3</sup>.

**5 Infringement offences**

For the purposes of Division 4 of Part 8 of the Act, an offence specified in Column 2 of the Schedule is prescribed as an infringement offence.

## **6 Infringement penalties**

For the purposes of Division 4 of Part 8 of the Act, the prescribed infringement penalty for an infringement offence is the amount specified in Column 3 of the Schedule in respect of that infringement offence.

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**SCHEDULE**

Regulations 5 and 6

**HERITAGE INFRINGEMENTS**

<i>Column 1</i> <i>Code</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
1.	An offence against section 36(13) of the Act constituted by a failure to comply with section 36(3)(a) or 36(3)(b) of the Act within the time limits set out in section 36(4) of the Act and in accordance with section 36(12) of the Act.	In the case of a natural person 4 penalty units. In the case of a body corporate 8 penalty units.
2.	An offence against section 36(13) of the Act constituted by a failure to comply with section 36(9) of the Act within the time limits set out in section 36(10) of the Act and in accordance with section 36(12) of the Act.	In the case of a natural person 4 penalty units. In the case of a body corporate 8 penalty units.
3.	An offence against section 36(13) of the Act constituted by a failure to comply with section 36(11) of the Act.	In the case of a natural person 4 penalty units. In the case of a body corporate 8 penalty units.
4.	An offence against regulation 6(a) of the Shipwrecks Regulations.	2 penalty units.

Heritage (Infringement Notice) Regulations 2012

Sch.

S.R. No. 34/2012

<i>Column 1</i> <i>Code</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
5.	An offence against regulation 6(b) of the Shipwrecks Regulations.	2 penalty units.
6.	An offence against regulation 6(c) of the Shipwrecks Regulations.	2 penalty units.
7.	An offence against section 74A of the Act.	In the case of a natural person 4 penalty units. In the case of a body corporate 10 penalty units.

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**ENDNOTES**

**1. General Information**

The Heritage (Infringement Notice) Regulations 2012, S.R. No. 34/2012 were made on 15 May 2012 by the Governor in Council under section 185 of the **Heritage Act 1995**, No. 93/1995 and came into operation on 15 May 2012.

The Heritage (Infringement Notice) Regulations 2012 will sunset 10 years after the day of making on 15 May 2022 (see section 5 of the **Subordinate Legislation Act 1994**).

Heritage (Infringement Notice) Regulations 2012

Endnotes

S.R. No. 34/2012

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**2. Table of Amendments**

There are no amendments made to the Heritage (Infringement Notice) Regulations 2012 by statutory rules, subordinate instruments and Acts.

### 3. Explanatory Details

<sup>1</sup> Reg. 3(a): S.R. No. 137/2006.

<sup>2</sup> Reg. 3(b): S.R. No. 65/2010.

<sup>3</sup> Reg. 4: S.R. No. 80/2007.

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#### Penalty Units

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

The value of a penalty unit for the financial year commencing 1 July 2011 is \$122.14 and for 1 July 2012 is \$125.19.

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

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