

MISCELLANEOUS - FEES AND PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2020-21** is:
Fee unit \$14.81
Penalty unit \$165.22

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3))
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties		Infringement Penalty from 1 July 2020		Maximum Court Penalty From 1 July 2020	
		(\$)	Units	(\$)	Units
Major Transport Projects Facilitation Act 2009					
203	Entering or remaining in any part of a restricted access area unless authorised: by a certificate issued under section 199; by a declaration issued under section 199; under this Act or the person entering or remaining in any part of a restricted access area is a police officer, public service employee, public sector officer or employee acting in the performance of their duties; or the owner of the land or a person authorised in writing by the owner of the land.	n/a	n/a	\$1,652.00	10.00
204	Failure to produce a certificate of authorisation issued under section 1999 or other evidence of that person's authority to be in a restricted access area or failure to give his or her name and address to a police officer or an authorised officer when a person is in a restricted access area and is asked to do so by a police officer or an authorised officer.	n/a	n/a	\$826.00	5.00
205	Without reasonable excuse, hindering or obstructing an authorised officer exercise a power under Division 9 of Part 5 of this Act.	n/a	n/a	\$1,652.00	10.00
252	A person is guilty of an offence if they— (a) insult, assault or obstruct a member of an assessment committee while the member is performing functions or exercising powers as a member; or (b) insult, assault or obstruct any person attending a hearing before an assessment committee; or (c) misbehave at a hearing before an assessment committee; or (d) repeatedly interrupt a hearing before an assessment committee; or (e) without lawful excuse disobey a direction of an assessment committee—	n/a	n/a	\$1,652.00	10.00
Rail Management Act 1996					
38ZZB	Without lawful excuse, failure to comply with any information requirement given to a person. A lawful excuse for the purpose of this offence is that compliance with any information requirement may tend to incriminate a person or make the person liable to a penalty of any other offence.	n/a	n/a	\$19,826.00	120.00
38ZZC	Knowingly give a regulatory entity information that is false or misleading in purported compliance with any information requirement.	n/a	n/a	\$19,826.00	120.00 or imprisonment for 6 months
38ZZD	Threaten, intimidate or coerce another person, or take, threaten to take, incite or be involved in any action that causes another person to suffer any loss, injury or disadvantage because that other person complied, or intends to comply with an information requirement.	n/a	n/a	\$19,826.00	120.00
38ZZF	If information or a document is given to a regulatory entity under an information requirement and at the time the information or document is given, the person giving it states that it is of a confidential or commercially sensitive nature then the regulatory entity that received the information or document must not disclose the information or the contents of the document to any person unless: (a) the regulatory entity is of the opinion— (i) that the disclosure of the information or document would not cause detriment to the person giving it; or (ii) that although the disclosure of the information or document would cause detriment to the person giving it, the public benefit in disclosing it outweighs that detriment; and (b) the regulatory entity is of the opinion, in relation to any other person who is aware of the information or the contents of the document and who might be detrimentally affected by the disclosure— (i) that the disclosure of the information or document would not cause detriment to that person; or (ii) that although the disclosure of the information or document would cause detriment to that person, the public benefit in disclosing it outweighs that detriment; and (c) the regulatory entity gives the person who gave the information or document a written notice— (i) stating that the entity wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure and setting out detailed reasons why the entity wishes to make the disclosure; and (ii) stating that the entity is of the opinion required by paragraph (a) and setting out detailed reasons why it is of that opinion; and (iii) setting out a copy of this section; and (d) if the regulatory entity is aware that the person who gave the information or document in turn received the information or document from another person and is aware of that other person's identity and address, the entity gives that other person a written notice— (i) containing the details required by paragraph (c); and (ii) stating that the entity is of the opinion required by paragraph (b) in relation to the other person and setting out detailed reasons why it is of that opinion.	n/a	n/a	\$19,826.00	120.00
Rail Safety National Law Application Act 2013					
48H	A rail safety worker is guilty of an offence if the worker— (a) carries out rail safety work while more than the prescribed concentration of alcohol is present in the worker's breath; or (b) carries out rail safety work while impaired by a drug; or (c) refuses or fails to comply with a requirement under section 48M(10); or (d) refuses to undergo an assessment of drug impairment in accordance with sections 48O and 48P when required under those sections to do so or refuses to comply with a direction under section 48O(4); or (e) refuses to immediately comply with a requirement under section 48Q(2) or a direction under section 48Q(4) or fails to comply with the obligation in section 48Q(5); or (f) refuses to provide a sample of oral fluid in accordance with section 48R when required under that section to do so or refuses to immediately comply with any other requirement made under that section; or (g) refuses to comply with a requirement made under section 48X(2) or (3); or (h) refuses to comply with a requirement made under section 48V(2) or (3); or (i) within 3 hours after having carried out rail safety work furnishes a sample of breath for analysis by a breath analysing instrument under a requirement under section 48M and— (i) the result of the analysis as recorded or shown by the breath analysing instrument indicates that more than the prescribed concentration of alcohol is present in the worker's breath; and (ii) the concentration of alcohol indicated by the analysis to be present in the worker's breath was not due solely to the consumption of alcohol after having carried out the rail safety work; or (j) has had a sample of blood taken from the worker in accordance with section 48ZA within 3 hours after having carried out rail safety work and— (i) the sample has been analysed within 12 months after it was taken by a properly qualified analyst within the meaning of section 48ZB and the analyst has found that at the time of analysis more than the prescribed concentration of alcohol was present in that sample; and (ii) the concentration of alcohol found by the analyst to be present in that sample was not due solely to the consumption of alcohol after having carried out the rail safety work.	n/a	n/a	\$10,000.00	n/a
48M(12)	Hindering or obstructing a registered medical practitioner or an approved health professional who is attempting to take a sample of blood from any other person in accordance with section 48M(10).	n/a	n/a	\$10,000.00	n/a
48V(5)	A rail safety worker must not hinder or obstruct a registered medical practitioner or an approved health professional who is attempting to take a sample of blood from any other rail safety worker in accordance with section 48V.	n/a	n/a	\$10,000.00	n/a
48X(5)	A rail safety worker must not hinder or obstruct a registered medical practitioner or an approved health professional who is attempting to take a sample of blood or be furnished with a sample of urine from any other person in accordance with section 48X.	n/a	n/a	\$10,000.00	n/a
48Z(7)	Knowingly fails to destroy or knowingly uses, or causes or permits usage of a video-recording or related material and information required by this section to be destroyed.	n/a	n/a	\$19,826.00	120.00 or not more than 12 months imprisonment
48Z(8)	At any time, use of or causing the use of or permitting the use of or otherwise disseminating information derived from any video-recording or related material and information required by this section to be destroyed, except in good faith for the purposes of a relevant offence. NOTE: relevant offence means— (a) an offence under section 127(3) of the Rail Safety National Law (Victoria) or section 48H(1)(b) or (g); or (b) any other offence arising out of the same circumstances; or (c) any other offence in respect of which the evidence obtained as a result of the assessment of drug impairment has probative value.	n/a	n/a	\$19,826.00	120.00 or not more than 12 months imprisonment
48ZA(2)	A rail safety worker failing to allow a doctor or approved health professional to take from them, at a place for examination or treatment, a sample of their blood for analysis when the rail safety worker enters or is brought to a place for examination or treatment in consequence of a notifiable occurrence (whether within Victoria or not).	n/a	n/a	\$10,000.00	n/a
48ZA(6)	A rail safety worker must not hinder or obstruct a doctor or approved health professional attempting to take a sample of blood of any person in accordance with this section.	n/a	n/a	\$10,000.00	n/a
Very Fast Train (Route Investigation) Act 1989					
16	The holder of a permit is guilty of an offence if— (a) a person authorised by the holder to enter land to which the permit relates contravenes a condition of the permit; and (b) the holder directed or permitted the person to contravene the condition.	n/a	n/a	\$66,088.00	400.00
17	(1) A person must not, without reasonable excuse— (a) prevent another person from doing something the other person is authorised to do by a permit; or (b) hinder or obstruct another person who is attempting to do something the other person is authorised to do by a permit.	n/a	n/a	\$8,261.00	50.00