



Victorian
Aboriginal
Legal Service



South Eastern Australian
Aboriginal Justice Services
Limited

ABN: 45 926 675 900

11 December 2025

Project Team
Department of Justice and Community Safety
By email: FinesVictoriaEngagement@justice.vic.gov.au

Dear Project Team,

Re: VALS submission to the *Remaking of Infringements Regulations 2026 and Fines Reform Regulations 2026* consultation

The Victorian Aboriginal Legal Service (VALS) welcomes the opportunity to provide feedback on the remaking of relevant fines regulations. Our submission is informed by VALS service experience in assisting our clients with infringements. We know that the infringements system is complex and difficult to navigate for many people, and that this complexity is compounded where a person is experiencing other factors that increase their vulnerability, such as disability, literacy-limitations, family violence, poverty and cost-of-living related stressors, and housing instability. We do not support any reform that increases financial and emotional stress.

VALS is a member of the CLC Infringements Working Group (IWG). We endorse and support the contents and recommendations of the IWG submission to this consultation.

Our concerns with the proposed changes to the regulations are outlined in detail below.

Increasing fees to support cost recovery will punish people in poverty

The Regulatory Impact Statement (RIS) proposes options of increasing the collections fee and the Penalty Reminder Notice (PRN) fee, with the proposed preferred option resulting in a 25 per cent increase in the amount paid by fine recipients if all stages apply. VALS asserts that no fees should be increased at all. Further, we recommend

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that fees for eligible concession card holders are substantially reduced to reflect the persons financial capacity to pay such a fee.

By nature, the current fines and infringements framework has a discriminatory impact on those who cannot afford to pay. People who can afford to deal with their infringements by payment can easily exit the system whereas people experiencing poverty or those who have special circumstances are unable to do so in the same way. This results in vulnerable people having to endure the stress of going to court and the possibility receiving a criminal record. Further, a person's ability to navigate the fines system is impacted by their literacy ability. It is important to note that 44% of Australian adults have low level literacy abilities, and 38% of adults having VCE literacy skills.¹

As noted in the final report of the *[Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#)*, Aboriginal and Torres Strait Islander people are more likely to be a fine recipient than non-Indigenous people, and are also less likely to pay a fine within the initial notice period for various reasons.² Therefore, increasing the late-payment fees is likely to disproportionately impact Aboriginal and Torres Strait Islander people. Noting this, we formally request that the Department undertake an assessment of how many Aboriginal people would have been impacted by the proposed fee increases in the 2025 calendar year, as compared to the non-Indigenous population. We ask that this data be shared with VALS alongside details of how any over-representation or disproportionate impact will be addressed if fee increase reform is pursued.

The RIS justifies the increase in fees as cost recovery, and as 'addressing unfairness to taxpayers'. However, increased fees will disproportionately affect those who are least able to afford it – this is the opposite effect of addressing unfairness. It is not the responsibility of society's most vulnerable and those living in poverty to recoup government's operating expenses. Rather, it is government's role to collect and distribute its revenue in a way that reduces the burden on our most vulnerable. Increasing the costs associated with fines will only mean that a vulnerable person is less able to pay the fine and more likely to increase financial and emotional stress. In

¹ Per the [Australian Government Style Manual](#).

² Australian Law Reform Commission, *[Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#)* (2018), p 387.

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a time where many Victorians are bearing the brunt of a cost-of-living crisis it is imperative that the government seriously consider the impact of any reforms that would compound financial stress.

Although the Work and Development Permit scheme addresses this problem to an extent, it remains important that the infringements system imposes proportionate and fair penalties. The regulations remake should consider implementing a 100% discount on the PRN fee and collection fee for concession card holders, who have very little disposable income and could easily be pushed into financial stress. Discounts for concession card holders is consistent with the approach adopted in Finland for traffic infringements, where fines are adjusted based on the persons income to ensure they have an equal impact on people whose incomes differ.³ This reduces disproportionate financial impacts which perpetuate and entrench poverty.

Fine debts are associated with vulnerabilities and stressors which are not alleviated by contact with the legal system

In addition to perpetuating and entrenching financial stress and harm for people experiencing poverty, fines have a disproportionate impact on people experiencing housing instability, family violence, poor health including poor mental health and cognitive impairment, involvement with child protection and problematic substance use. These factors can also make non- or late-payment more likely, which is concerning in light of the exacerbated harm and stress that will occur if late fees are increased. It is well documented that these factors are disproportionately experienced by Aboriginal people, therefore underscoring our concerns that this change will disproportionately impact Aboriginal people.

The infringements system can be overwhelming and difficult to navigate, and fine recipients may not be aware of their options. Fine debts can quickly overwhelm people when a number of fines are received. The compounding stress of late fees and enforcement action can cumulate, particularly so for those who are experiencing

³ The Australia Institute, Income based traffic fines (30 January 2016), <http://www.tai.org.au/content/incomebased-traffic-fines>.

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stressors such as increased cost-of-living or other vulnerabilities that limit or impact their ability to pay a fine on time.

Any deterrent effect of infringements is unlikely to be effective when the non-compliance conduct is compelled by a person's circumstances – such mental illness, substance dependence, family violence or homelessness. The issuing of an infringement and related fees does not alleviate these circumstances. Rather, placing financial pressure on vulnerable people results in further costs to the state down the track when those caught in a cycle are unable to pay their fines or use their limited resources to improve their circumstances. There is a very real risk that people impacted will be unable to afford further legal costs and will be at risk of criminalisation and possible incarceration. It is VALS' experience that any contact with the criminal legal system, however minor, increases the likelihood that a person remains caught in that system, and therefore increases their risk of imprisonment – most probably for an initial incident that didn't harm anybody. Raising fees will further criminalise Aboriginal people and vulnerable people.

VALS regularly assists clients who have multiple separate infringements, whose costs quickly balloon with the addition of administrative and enforcement costs. VALS' infringement clinic is staffed by student legal volunteers and is supervised by lawyers. The clinic provides support to people who have fines and vulnerabilities or special circumstances. In the 2024-2025 financial year the clinic was successful in having over \$594,000 fines waived for vulnerable clients. This is a significant sum and is only representative of those community members who were able to seek assistance from VALS – there are many people who would be unable to seek this support or benefit from the clinic.

Improved information available in fines notices

VALS supports the amendments that relate to the information that must be provided in a notice to fine recipients. Provision of information does not mitigate the burden this places on the fine recipient to navigate the system, apply for a review, the work and development permit, family violence scheme or time served scheme. We also recommend that information regarding available legal and financial support should

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form part of all notices to ensure that people are accessing services at the earliest possible point.

To complement information in notices, strengthened frontline decision-making and better exercise of discretion is critical in preventing the unnecessary issuing of infringements to vulnerable people. This requires appropriate training for frontline decision-makers about unconscious bias and systemic racism, alongside development and/or review of policies that guide the exercise of discretion. This includes ensuring that people who have made inadvertent mistakes and those identified as experiencing disadvantage are not penalised. If special circumstances are not definitively identified by the frontline decision maker, the person should be given an opportunity to provide evidence of their special circumstances to avoid the issuing of a fine.

We understand government is looking at reforming the fines system – this must occur before any remaking of regulations. The system must be fit for purpose and not punish people who do not have the resources or ability to navigate it.

Thank you for accepting our submission. I look forward to hearing from the Department about the manner in which our feedback has been considered and reflected in the final regulations.

Yours sincerely,

Nerita Waight

Nerita Waight
Chief Executive Officer

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