

2019-20 FEES AND PENALTIES - SMALL BUSINESS VICTORIA

In accordance with the *Monetary Units Act 2004*, the value for **2019-20** 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))

Shop Trading Reform Act 1996					
Act/Regulation	Description of fee or charge	Infringement Penalty from 1 July 2019		Maximum Court Penalty from 1 July 2019	
		(\$)	Units	(\$)	Units
5(2)	The occupier of a shop, other than an exempt shop, must not fail to close the shop and keep it closed during ordinary shop closing times.	n/a	n/a	\$16,522	100
5(3)	The occupier of a shop, other than an exempt shop, or an employee of the occupier, must not publish a statement or indication that during ordinary shop closing times the shop will be open for sale of goods, a person will be in the shop and will sale goods, or the shop will be open for sale of goods.	n/a	n/a	\$16,522	100
6C	An inspector must produce his or her identity card for inspection—(a) before exercising a power under a Court order made under section 6D other than a requirement made by post; and (b) at any time during the exercise of a power under a Court order made under section 6D, if asked to do so.	n/a	n/a	\$1,652	10
6G(1)	An inspector must not, except to the extent necessary to carry out the inspector's functions under this Part, give to any other person, whether directly or indirectly, any information acquired by the inspector in carrying out those functions.	n/a	n/a	\$9,913	60

ANZAC Day Act 1958					
Act/Regulation	Description of fee or charge	Infringement Penalty from 1 July 2019		Maximum Court Penalty from 1 July 2019	
		(\$)	Units	(\$)	Units
5(1)	Despite anything in any other Act or a statutory rule (within the meaning of the Subordinate Legislation Act 1994), a person must not, without a written permit from the Minister, show any film or allow any film to be shown before 1.00 pm on ANZAC Day at a cinema or other place (whether indoors or outdoors) to which persons are admitted—(a) on payment of a fee or charge; or (b) after a donation is sought from them— for the showing of the film or to enter or remain at the cinema or place.	n/a	n/a	\$16,522	100
5(3)	A person who holds a permit under subsection (1) that is subject to specified conditions must comply with each of those conditions.	n/a	n/a	\$16,522	100
5A(1)	Despite anything in any other Act or a statutory rule (within the meaning of the Subordinate Legislation Act 1994), a person must not, without a written permit from the Minister, provide any entertainment or allow any entertainment to be provided before 1.00 pm on ANZAC Day at a place (whether indoors or outdoors)—(a) to which persons are admitted— (i) on payment of a fee or charge; or (ii) after a donation is sought from them— for the provision of the entertainment or to enter or remain at the place; or (b) at which a commercial business is carried on for the supply of goods or services or both.	n/a	n/a	\$16,522	100
5A(5)	A person who holds a permit under subsection (1) that is subject to specified conditions must comply with each of those conditions.	n/a	n/a	\$16,522	100
5C(1)	An occupier of a factory or warehouse must ensure—(a) that the factory or warehouse is closed and kept closed on ANZAC Day; and (b) that each employee in that factory or warehouse is given a whole holiday on ANZAC day.	n/a	n/a	\$16,522	100

Retail Leases Act 2003					
Act/Regulation	Description of fee or charge	Infringement Penalty from 1 July 2019		Maximum Court Penalty from 1 July 2019	
		(\$)	Units	(\$)	Units
15(1)	A landlord who—(a) offers to enter into a retail premises lease; or (b) advertises by any means that retail premises are for lease— must, as soon as the landlord enters into negotiations with a person about the lease, give to that person a copy of the proposed lease in writing (but the copy need not include particulars of the tenant, the rent or the term of the proposed lease) and a copy of the information brochure (if any) about retail leases published by the Small Business Commission.	n/a	n/a	\$8,261	50
16(1)	A landlord or tenant must not enter into a retail premises lease that is not in writing and signed by all of the parties to it.	n/a	n/a	\$1,652	10
23(1)	A landlord must not seek or accept the payment of—(a) key-money; or (b) any consideration for the goodwill of any business carried on at the retail premises.	n/a	n/a	\$8,261	50
37(4)	The landlord must, within 14 days after a request by the specialist retail valuer, supply the valuer with relevant information about leases for retail premises located in the same building or retail shopping centre to assist the valuer to determine the current market rent.	n/a	n/a	\$8,261	50
38(1)	A specialist retail valuer who is supplied with information by a landlord or tenant for the purpose of determining under section 37 the current market rent for a retail premises lease must not—(a) use or permit the use of the information for any purpose other than to determine the current market rent for the lease concerned; or (b) communicate or divulge that information to any other person or permit that information to be communicated or divulged to any other person.	n/a	n/a	\$8,261	50
61(3)	Before requesting the landlord's consent, the tenant must give the proposed assignee—(a) a copy of any disclosure statement given to the tenant concerning the lease; and (b) details of any changes of which the tenant is aware, or could reasonably be expected to be aware, that have affected the information in the disclosure statement since it was given to the tenant.	n/a	n/a	\$1,652	10
61(5)	For the purpose of complying with subsection (3), the tenant may ask the landlord to give the tenant a disclosure statement that is current from a specified date that is within 3 months before the statement is given and, if the landlord does not give the tenant such a statement within 14 days—(a) the tenant is not required to comply with that subsection; and (b) the landlord is guilty of an offence and liable to a fine not exceeding 10 penalty units.	n/a	n/a	\$1,652	10
67(1)	A landlord under a retail premises lease must not divulge or communicate to any person any information about the turnover of the tenant's business provided by the tenant in accordance with the lease.	n/a	n/a	\$3,304	20
96(1)&(2)	This section applies if a person proposes to grant a licence to another person to use all or part of any retail premises wholly or predominantly for the carrying on of a business under a name or mark identifying, commonly associated with or controlled by the tenant or a person or corporation (as defined in section 57A of the Corporations Act) connected with the tenant. (2) The proposed licensor must give the proposed licensee, within 7 days before the grant of the licence—(a) a copy of any disclosure statement given to the tenant concerning the lease; and (b) details of any changes of which the proposed licensor is aware, or could reasonably be expected to be aware, that have affected the information in the disclosure statement since it was given to the tenant.	n/a	n/a	\$1,652	10
121(2)	If - (a) section 50 of this Act does not apply to a retail premises lease or an assignment of a retail premises lease; and (b) the tenant is liable under the retail premises lease to pay an amount in respect of tax under the Land Tax Act 2005 for which the landlord or head landlord is liable; and (c) the landlord or head landlord receives an assessment of that tax on or after the commencement of this section— within 21 days of receiving the assessment, the landlord or head landlord must give written notice to the tenant of the amount of the assessment.	n/a	n/a	\$1,652	10