

This fact sheet provides general information on the declared director powers of the Director, Fines Victoria. The information provided is not specific to individual circumstances. You may wish to seek legal advice if you have been served with a declared director notice.

What are the declared director powers?

Under section 29(2) of the *Fines Reform Act 2014*, the Director, Fines Victoria has the power to serve a declared director notice on the director(s) of a company with outstanding fines.

A declared director notice can be served on a person who has been identified by ASIC records as a director of the company at the time of commission of the offence or offences for which the outstanding fines were issued.

What can happen if I don't take action to resolve the fines?

If you don't act within 28 days of being personally served with the notice, enforcement action may be taken against you.

Enforcement action can include suspension of your driver licence or vehicle registration, or you could be prevented from renewing your driver licence.

What are my options if I have been served with a declared director notice?

You must act within 28 days of being personally served with the notice. Your options are:

- Pay the outstanding fine(s) in full.
- Apply to pay by instalments.
- Request an extension of time to pay.
- Apply for the Work and Development Permit scheme, if eligible.

Can I challenge being made a declared director?

Yes, you have 28 days from the date you were served the notice to apply to the Magistrates' Court, for an order under section 30 of the *Fines Reform Act 2014* that you are not a declared director.

If you apply to the Magistrates' Court for an order, you **must** provide a copy of the application to Fines Victoria by:

Email



ESS.DS.info@justice.vic.gov.au

An online enquiry on the Fines Victoria website at



fines.vic.gov.au/Contact-Us/Online-enquiry.

Select 'Submit an enquiry about...' and choose the option 'Going to court'.

Post

You can also submit the application by **post** to



PO Box 14487 Melbourne VIC 8001

To ensure the copy of the application is received as soon as possible, please **submit it online** or **via email**.

Why do I have to provide a copy of my court application to Fines Victoria?

Section 30 of the *Fines Reform Act 2014* **requires** you to provide a copy of the application to Fines Victoria. This ensures enforcement action on the outstanding fines is suspended until the court determines your application.

What can happen at the hearing?

The Magistrates' Court can decide **not to make an order**. If the court does not make an order, you will remain liable for paying the fines listed in the notice and enforcement action may be taken against you.

If the court **makes an order** that you are not a declared director, you will not be personally liable to pay the fines listed in the notice.

Where can I get more information?

If you have received a declared director notice and would like more information on the options available to you:



fines.vic.gov.au



1300 396 851



For legal assistance or to contact your local community centre, visit

fclc.org.au

legalaid.vic.gov.au



For assistance with managing your finances visit.

fcvic.org.au/get-help