



Dogs, cats, neighbours and you

Your guide to
the laws about
owning a dog
or cat in Victoria

Your guide to the laws about owning a dog or cat in Victoria

This guide has been designed for owners of dogs and cats, and their neighbours.

It outlines the responsibilities of pet owners in Victoria and the rights of their neighbours. Anyone who owns a dog or cat, looks after one from time to time, or lives next to one, should read this guide.

Most laws about dogs and cats are the same throughout Victoria, but they can vary from council to council.

Find out more at...

www.victorialawfoundation.org.au

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For dog and cat owners

If you own a dog or cat, it is important that you know your legal responsibilities and understand what you need to do to meet them.

Owning a dog or cat

By law you are considered the owner of a dog or cat even if you are only looking after it for a short time.

If you are under 18, your parent or guardian is considered the owner of your dog or cat.

So, whatever type of owner you are, you should read this guide.

Getting it right from the start

Responsible pet ownership starts before you take your new dog or cat home. When choosing a dog or cat, think carefully about the type that will best suit your circumstances and your ability to properly care for it. Getting these things right will put you on the right track to meeting your legal obligations as a pet owner.

A dog or cat that is properly trained, exercised and cared for will be happier, healthier and less likely to cause problems. To find out more about responsible pet ownership, see *More information* on page 28.

→ How many dogs or cats am I allowed to keep?

Some councils place restrictions on the number of dogs or cats that you can have. If you want to keep more than one or two dogs or cats, it is a good idea to check with your council—you may need a permit.



Check with your council for laws about dogs and cats in your area

The basics

There are some basic requirements that all dog and cat owners need to consider.

Registration

You must register your dog or cat with your council once it is three months old, and you must renew the registration every year.

Once your dog or cat is registered, the council will send you an identification tag that your pet must wear when it is away from your property. If your dog or cat does not wear its tag when it is off your property, you may be fined.

Generally councils will not register a dog or cat if it is not microchipped, and some councils also require dogs and cats to be desexed.

Specific requirements apply to the registration of dogs declared menacing or dangerous or classed as restricted-breed dogs. See pages 15–17 for more information.

All councils offer pensioner concessions of 50% to register a dog or cat. Other fee reductions may also be available if your animal is desexed or if it is a dog that works with livestock. Ask your council for details of concessions available in your area.

Registering your pet helps the council return your dog or cat if it gets lost. It also helps the council pay for collecting stray animals, operating pound services and investigating complaints about animals. On top of registration, councils collect a levy for state government that funds responsible pet-ownership education programs in schools and for the community.

For more information on pet registration in your area, contact your council.

Why should I register my dog or cat with the council?

Not registering your dog or cat makes it difficult to identify your pet if it goes missing and someone finds it. If your lost dog or cat is found and the council can't contact you within eight days, your dog or cat may be rehoused or put down.



If you move, remember to update your contact details with the organisation where you registered your pet's microchip. If you are unsure who this is, contact the vet or organisation that inserted the microchip.

Microchipping

Generally a dog or cat must be microchipped in order to be registered.

This painless, one-off procedure involves having a microchip (about the size of a grain of rice) injected into the loose skin at the back of your dog or cat's neck. It can be performed by a vet or qualified implanter. The microchip is permanent and can be scanned to find your pet's identification number and locate your registered contact details.

Operators of pounds and animal welfare shelters will scan dogs and cats with microchips and use this information to contact you if your pet is found off your property.

Microchipping is not a replacement for registration.

Desexing

If you do not plan to breed from your pet, desexing is a good idea to prevent behavioural issues, such as male cats marking their territory, and unwanted puppies and kittens. Desexing your cat helps to address Australia's serious feral cat problem. Overbreeding results in unwanted cats or dogs, which can place other wildlife at risk.

Some councils require your dog or cat to be desexed before it can be registered.

Cat specifics

Understanding your legal responsibilities as a cat owner is important—the laws protect your cat, other animals, your neighbours and their pets.

Wandering cats and cat curfews

You may not realise that there are restrictions on your cat wandering, and some councils impose curfews which means that your cat must not leave your property during certain times.

Other people's property

Legally your cat cannot persistently wander onto your neighbours' or other people's property without permission.

If your cat strays onto someone else's property without permission more than once, it can be seized by the owner of the property or a council authorised officer. You will then be sent a "notice of objection" by the council, which starts a formal legal process. If your cat strays again after this notice is sent, you can be fined.

Cat curfews

Councils may also set a curfew requiring your cat to be on your property at a set time, usually at night. Some councils have a permanent cat curfew, which means your cat must stay on your property at all times. Other councils may set a curfew for a limited time to round up stray cats. Check with your council to find out about cat curfews in your area.

You can be fined if you fail to confine your cat during a curfew.

Cat curfews help to keep your cat safe at night. They also help to protect wildlife. Check with your council to find out about cat curfews in your area.



Nuisance

If your cat causes a nuisance by being noisy and unreasonably disturbs your neighbours, or if your cat injures someone, a formal complaint can be made to the council.

The council will investigate the matter by speaking to you and your neighbour to establish if there is an issue. The council can make suggestions to you on how to stop your cat causing a nuisance.

What if I can't care for my cat?

If you find that you can no longer care for your cat and you cannot find someone else to, you should contact your local animal shelter or pound. Animal shelters and pounds must accept unwanted cats.

It is against the law to abandon your cat.



→ Ideas for keeping your cat safe

It can be dangerous to let your cat wander at night. Cats can roam a long way at night and do most of their hunting between dusk and dawn. If they are kept inside at night, they are less likely to injure birds and other wildlife.

Cats are also safer if kept indoors at night. Most cat fights and almost 94% of car accidents involving cats take place at night.

With persistence, any cat can be trained to stay in after dark. One of the best methods is to teach your cat that it won't be fed unless it's home by dusk. Once inside, give it food and water and keep the doors and windows closed so it can't get out.

There are several ways to keep your cat at home, including adapting your boundary fences to make them harder for your cat to climb. Creating an inward-facing barrier on the top of the fence (using aluminium flashing or chicken wire) is one of the best ways. An example is shown above.

You can also buy or make a cat house or enclosure for your cat using clear netting. The Department of Environment and Primary Industries website (www.depi.vic.gov.au/pets/cats/cat-confinement-enclosures-and-fencing) has information about building cat-proof fencing and cat enclosures, or contact the RSPCA or Cat Protection Society—see *More information* on page 28.

Dog specifics

Understanding your legal responsibilities as a dog owner is important. Many of the laws about dogs protect them as well as the people who live with them and their neighbours. There are heavy penalties for not meeting your legal responsibilities.

Wandering dogs

It is against the law to let your dog wander on its own outside your property.

Allowing your dog to wander can place it at risk of being lost, attacked or involved in an accident. It can also create problems for your neighbours who are entitled to enjoy their private space without your dog entering their property and possibly causing damage, creating a nuisance or chasing their animals.

Wandering dogs are more likely to be involved in a dog attack. Dog attacks are often caused by dogs wandering in the street or rushing out from poorly fenced properties.

The best way to keep your dog secure is with a fence that it cannot dig under, push through or jump over. Keep your gates closed and locked to make sure visitors cannot accidentally let your dog out.

If your dog enters someone else's property and they ask you to stop your dog from doing so, you must take action. If your dog enters someone else's property without permission more than once, it can be seized by the owner or occupier of the property or a council authorised officer. You will then be sent a "notice of objection" by the council, which starts a formal legal process. If your dog strays again onto the property after this notice is sent, you can be fined.

Remember, even if you only look after a dog or cat for a short period, you may be considered its owner.



Dog off-leash areas

To balance the needs of people who own dogs with those who don't, councils often require dogs to be on a leash when they are away from home. In this case, the council will generally provide special areas for you to walk your dog off-leash. There may be time restrictions placed on off-leash areas—for example, in some beachside areas, the on-leash and off-leash hours vary from summer to winter.

Contact your council to find out about these restrictions in your local area—they can tell you where the dog off-leash areas are in your neighbourhood and their hours of operation.

Time restrictions

Councils can make an order that dogs are only allowed in certain public areas at certain times. For example, they may order that dogs are not allowed in a local park between the hours of 10 am and 3 pm. Check with your local council about these restrictions, and look out for signs.

Barking

If your dog barks a lot or is too noisy and unreasonably disturbs your neighbours, they can make a complaint to the council.

The council will investigate the matter by speaking to you and your neighbour to establish if there is an issue. The council can make suggestions to you about how to stop the barking and assist the welfare of the dog.

Dogs tend to bark a lot if they are lonely, bored or not getting enough exercise. Making some changes to your dog's routine or environment may help fix the problem, or you might want to get some professional help from a vet or dog trainer. Contact your council for more information.

Dog droppings

Many councils have laws that you must pick up your dog's droppings in public places. When you go for a walk with your dog, make sure you have a plastic bag or "pooper scooper" with you to pick up any waste your dog leaves behind.

Dog droppings carry disease and pollute our footpaths and waterways—cleaning up after your dog helps to keep our streets clean.

What if I can't care for my dog?

If you find that you can no longer care for your dog and are unable to find someone else to, you should contact your local animal shelter or pound. Animal shelters and pounds must accept unwanted dogs.

It is against the law to abandon your dog.



Look out for signs that tell you about laws in your area.

Dog attacks

Specific laws apply to dogs that are considered dangerous or menacing and dogs of restricted breeds. There are serious consequences for dogs that act aggressively.

Dog attacks

Dog attacks include dogs biting, rushing at or chasing a person or animal.

The reasons why dogs attack people are complex—some breeds are more likely to be aggressive than others. Some dogs attack due to either a lack of training or because they have not been socialised with people and other dogs from a young age.

Did you know that most dog bites that result in hospital admission occur in the home (57%), and that more children than adults are bitten by dogs? Most injuries to children are to the child's head or face—these injuries can be serious and, in extreme cases, fatal. They are often triggered by the child's behaviour, which can be unintentionally threatening to the dog.

Who is responsible for a dog attack?

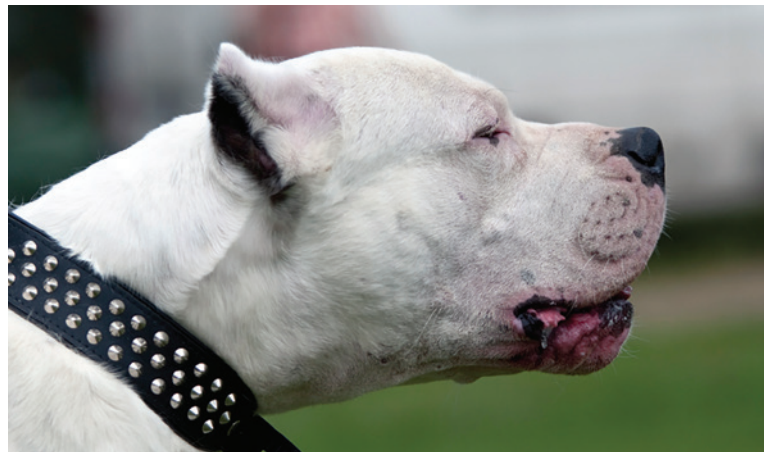
The owner (or, in certain circumstances, the person in apparent control of the dog at the time of the attack) will be held responsible for a dog attack. Penalties for dog attacks can include significant fines, criminal convictions, imprisonment, payment of council and victim's costs, and, in some cases, the dog being ordered to be destroyed.

It is against the law to train your dog to attack, bite or chase another person or animal. Penalties include fines and even jail.

What happens if my dog is aggressive or injures someone?

If your dog is aggressive or injures someone:

- you could be imprisoned
- you could receive a criminal conviction
- you may be ordered to pay a fine or damages
- your dog could be declared menacing or dangerous by the council
- your dog could be held by the council while legal action is taken against you
- your dog may be ordered to be destroyed.



If you are charged with an offence because of your dog's behaviour, you should seek legal advice—see page 30 for more information. The case will be heard in the Magistrates' Court. You may be able to defend the charges if you can show that:

- your dog was being teased or abused; or
- another person or animal was trespassing on the property where the dog was being kept; or
- another person known to the dog was being attacked in front of the dog.

If the council takes your dog away because it has been aggressive, they must hold it until the magistrate makes a final decision.

If you are found not guilty, the dog will be returned and the court may order the council to pay your legal costs.

If you are found guilty, penalties may include jail, fines, payment of court and council costs and any damages, or being banned from owning a dog for up to 10 years. You may be required to attend a training course on responsible pet ownership or dog obedience training. In some cases, your dog may be destroyed.

Menacing and dangerous dogs

If a dog rushes at, chases, injures or causes the death of a person or an animal, it can be declared a menacing or dangerous dog by the council. A dog that is declared menacing or dangerous will have certain restrictions placed upon it.

Menacing dogs

Councils can declare a dog menacing if it:

- has rushed at or chased a person; or
- has bitten a person or animal, causing minor injuries; or
- has been declared a menacing dog by another state or territory.

If you own a dog that has been declared menacing, you have a number of obligations. These include having your dog microchipped and notifying the council within 24 hours in certain circumstances, such as if your dog has rushed at or chased someone, or if it goes missing. The council may also require you to muzzle and control your dog when it is off your property.

Dangerous dogs

Councils can declare a dog dangerous if it:

- has caused death or serious injury to a person or animal; or
- is a menacing dog and the owner has been fined twice before for failing to muzzle the dog and keep it on a leash; or
- has been declared a dangerous dog by another state or territory; or
- has been served with two infringement notices for rushing, chasing or non-serious bites.

A dog is automatically considered a dangerous dog if it is kept as a guard dog for commercial purposes or if it is trained to attack or bite. If you become the owner of a dangerous dog, you must notify the council immediately.

If your dog is declared dangerous, you are legislatively bound by the requirements set out in the *Domestic Animals Act 1994*. These relate to having your dog microchipped and desexed, the ownership of your dog and its control both outside and inside your premises. You also have to notify the council within 24 hours if your address or where the dog is kept changes, or if the dog goes missing.

You will also need to identify your dog with a special collar and prescribed warning signs at all entrances to your property.

Declaring your dog menacing or dangerous

The council can only declare your dog menacing or dangerous in certain circumstances (see opposite). If the council declares your dog menacing or dangerous, they must send you a notice in writing giving reasons for the decision.

If you do not agree with the council's decision, you can appeal to VCAT (Victorian Civil and Administrative Tribunal).

Restricted-breed dogs

Restricted-breed dogs are breeds of dogs that are considered dangerous. Restricted breeds in Victoria include the fila Brasileiro, dogo Argentino, Japanese Tosa, Perro de Presa Canario (or Presa Canario), American Pit Bull Terrier (or Pit Bull Terrier) or a dog that fits the standard for restricted-breed dogs in Victoria.

You are not allowed to own a restricted-breed dog in Victoria, and your council cannot register it, unless you can show you owned the dog before 1 September 2010 and registered it before 30 September 2011.

If you have a restricted-breed dog and it is not registered correctly, you may be fined.

If you own a restricted-breed dog, you will be required to take specific precautions. These relate to having your dog microchipped and desexed, notifying council of your dog's movements in certain circumstances, and controlling your dog both inside and outside your property with a purpose-built prescribed enclosure and, where necessary, enhancements to pre-existing property boundary fencing.

You will also need to identify your dog with a special collar and prescribed warning signs at all entrances to your property.

If you own a restricted-breed dog, you cannot just give it away or sell it. Contact your council for more information.

If you fail to meet your obligations as the owner of a restricted-breed dog, you could receive a substantial fine.

For neighbours

From time to time you may come into contact with dogs and cats that live near you. This section outlines your rights as a neighbour.

Resolving problems

Sometimes living next door to or near a dog or cat can be problematic. Generally, in order to make a complaint about a dog or cat's behaviour, the problem must be persistent and unreasonable. This section outlines what your rights are as a neighbour living near dogs and cats.

If a neighbour's dog or cat is causing you problems, the best thing to do is talk to your neighbour about it. They may not realise what is happening and may be able to take steps to fix the problem easily.

It is important to have reasonable expectations of normal animal behaviour. Don't be too quick to react to isolated incidents—wait and see if the problem persists.

Problems with your neighbours' pets

Dogs and cats on your property

If a dog or cat goes onto your property without your permission on more than one occasion, you can take action. But you should talk to the owner of the dog or cat first and discuss your concerns with them to give the owner a chance to fix the problem. There are also steps that you can take to deal with the problem:

- Make sure your gates, doors and windows are secure.
- Do not leave pet food or other food outside that may attract other people's pets.
- Use products that are designed to keep animals away—talk to your local pet shop or nursery.



Speak to the owner of the dog or cat if you are having a problem

If a dog or cat has been on your property on more than one occasion without permission, you may be entitled to seize the dog or cat while it is on your property. If you do seize an animal on your property, you must immediately notify the council that you have done so, and you must take the animal to the council or to a pound. If the owner can be identified, the council will send them a notice within five business days, advising them that their pet should not be on your property.

If the owner has received the notice but their pet continues to enter your property, they can be fined.

You can also contact your council to discuss ongoing issues you have with a neighbour's pet.

Barking and other forms of nuisance

If a neighbour's dog or cat causes a nuisance, you may be able to complain. Nuisance can include noise or a dog or cat that injures or endangers the health of a person.

Noise, such as barking, will only be considered a nuisance if it is persistent and continues to such an extent that it disrupts your peace, comfort or convenience.

If your neighbour's dog or cat is making a lot of noise or causing another form of nuisance, speak to your neighbour first. Let them know what the problem is and give them a chance to fix it. If this doesn't work, contact your council. The council will then give the dog or cat's owner advice on how to fix the problem.

If the noise or other nuisance continues, let the council know so that they can take further action. They may ask you to keep records to show how often and how long the nuisance goes on for.

Although councils can act on one person's complaint, it helps your case if other neighbours also report the problem.

If your neighbour's pet continues to be a nuisance, your neighbour may be fined or taken to court.

Wandering dogs and cats

If you see a dog wandering alone, always try to find its owner. If you can't do this, contact the council—wandering dogs can be a danger to themselves and others.



Remember to speak to your neighbour first if their dog is causing a nuisance by barking—they may not be aware of the problem.

Making a complaint to council

If you can't fix the problem by speaking to your neighbour, then your council will deal with all legitimate complaints.

When you make a complaint to council you will need to:

- be prepared to give your name and address
- put your concerns in writing to your neighbour
- keep a record of all incidents, such as how often a dog barks and for how long.

You may also be required to sign a statutory declaration or be available to provide evidence in court.

Ideas for talking to your neighbour

It is always best to try to resolve an issue about a dog or cat with the owner before making a complaint to your council. Below are some ideas on how to get the best results when talking to your neighbour about problems with their pets.

Dealing with your neighbour

Councils have limited resources. For this reason, it is better to resolve minor disagreements about dogs and cats by yourself.

The following tips may be useful when talking to your neighbour:

- Be reasonable about animal behaviour—all cats like to wander and all dogs bark sometimes.
- Don't be too quick to react—wait and see if there is really a problem before taking action.
- Discuss your concerns with your neighbour in a friendly way. Many people don't know their animal is being a nuisance.
- Try to find a solution that is acceptable to both of you.
- There may not be an instant solution. Be patient—it takes time to train an animal.



Keeping children safe around dogs and cats

Always supervise children when they are near your own or other people's pets. For their own safety, teach children:

- not to pat a dog without asking the owner for permission
- not to put their face close to a dog or cat's mouth or face
- not to hug a dog too tightly or tease it
- not to pat a dog that is tied up, left in a car, or eating
- not to approach or pat a dog that is not with its owner.

Councils' role

Local councils play an important role in making laws about pet ownership and controlling dogs and cats in their area.

Councils' powers

Councils have wide powers under the *Domestic Animals Act 1994* to make laws and to ensure they are followed.

Councils can make local laws on how many dogs and cats you can keep, where dogs and cats are allowed to go and the management of droppings.

If a council authorised officer has good reason to think the law has been broken, they can:

- enter and search land, vehicles or buildings (but not private houses) without a search warrant
- scan or inspect animals and enclosures
- ask questions
- look at or take away documents.

Councils can apply to the Magistrates' Court for a search warrant to enter a private house if they have good reason to think the law has been broken. They can also ask the police for assistance in executing the search warrant.

Council authorised officers must carry an identity card.

A woman with blonde hair, wearing a blue council uniform, is kneeling on the grass. She is smiling and looking down at a dog. The dog is a black and tan breed, possibly a Border Collie, and is looking towards the camera. The woman is holding a green leash. In the background, there are trees and a clear sky.

Councils have many powers to control dogs and cats

Power to take a dog or cat away

There are many circumstances where a council authorised officer can take away a dog or cat. These include where a dog is considered a restricted-breed dog or a dangerous dog, where a dog has attacked or is suspected of attacking a person, or where a dog has been urged to attack by its owner. Dogs and cats can also be seized if they are found wandering in locations or at times where they are prohibited—see *For dog and cat owners* on page 4.

What happens after a dog or cat is taken away by the council?

All dogs and cats taken away by a council authorised officer are placed in a pound.

If a dog or cat is seized by someone else, it must be handed over to a council authorised officer or to an organisation approved by the council as soon as possible.

If the animal's owner can be identified, they must be formally notified within four days that their dog or cat has been seized. The owner can recover their dog or cat by:

- proving they are the owner
- paying any relevant registration and release fees.

Power to put down a dog or cat

If a dog or cat is not picked up by its owner within eight days of entering a pound, the council has authority to put it down or to sell it to someone else.

If a dog or cat in the pound is unwell or considered dangerous, upon advice and the recommendation of a vet the council may authorise that it be put down before eight days have passed.

A council authorised officer can also destroy a dog or cat if it is found at large in a conservation zone (as classified in the *Planning and Environment Act 1987*) or control zone (as classified under the *Conservation, Forests and Lands Act 1987*).

A council officer can destroy a dog or cat found at large where livestock or birds are kept for farming purposes.



If your dog is found wandering or is seized by council, its microchip will help identify it. Remember to update your contact details with the organisation that registered the microchip.

More information

There are many organisations that can help you to choose and look after your pet or to resolve any problems you may have with your neighbours and their pets.

Responsible pet ownership

Department of Environment and Primary Industries

Information about pets.

🔗 www.depi.vic.gov.au/pets

RSPCA Australia Knowledgebase

Information about choosing and caring for your dog or cat.

🔗 kb.rspca.org.au

The Pet Industry Association of Australia (PIAA)

Information about breeders and pet care.

🔗 paaa.net.au

Feline Control Council of Victoria

Information about breeds and choosing the right cat for you.

🔗 www.hotkey.net.au/~fccvic

Cat Protection Society of Victoria

Information about cats available for adoption.

🔗 www.catprotection.com.au

Who's for cats?

Information on the stray cat problem.

🔗 www.whosforcats.com.au

The Lost Dogs' Home

Information about finding your dog if it's lost, animal welfare and dogs available for adoption.

🔗 dogshome.com

Dogs Victoria

Information about purebred dogs and responsible dog ownership.

🔗 www.dogsvictoria.org.au



Vets

Veterinary Practitioners Registration Board of Victoria

Information on finding a registered vet in your area.

🔗 www.vetboard.vic.gov.au

Australian Veterinary Association

Information on keeping your pets healthy.

🔗 www.ava.com.au/public

Local councils

Local Government Victoria

To find out which local council you should speak to.

📞 03 9208 3631

🔗 www.dpcd.vic.gov.au/localgovernment/find-your-local-council

Resolving disputes with your neighbours

Dispute Settlement Centre of Victoria

The Dispute Settlement Centre has 15 offices throughout Victoria. Dispute assessment officers can give you ideas about how to raise issues with neighbours and settle disputes about pets.

📞 1300 372 888

🔗 www.disputes.vic.gov.au

Getting legal help

Everyday-Law

Everyday-Law is a free, legal information website produced by Victoria Law Foundation. It has easy-to-understand resources on common legal topics and an online directory of free or low-cost legal services. Go to Everyday-Law to get the legal information and help you need.

 www.everyday-law.org.au

Victoria Legal Aid


Victoria Legal Aid provides free information over the phone or in person at their offices throughout Victoria.

 1300 792 387

 www.legalaid.vic.gov.au

Community legal centres

Community legal centres provide legal information, initial advice and, in some cases, ongoing help. The Federation of Community Legal Centres can direct you to your local community legal centre or one that specialises in your type of problem.

 03 9652 1500

 www.communitylaw.org.au


Private lawyers


Hiring a private lawyer can be the best option in some circumstances. The Law Institute of Victoria can help you find a private lawyer. Use their Find Your Lawyer Referral Service to help find a lawyer that best suits your needs. All lawyers on this service give a free, 30-minute inquiry interview.

 03 9607 9550 (referral service)

 www.findyourlawyer.com.au

Translating and Interpreting Service (TIS)

 131 450

 www.tisnational.gov.au/
Non-English-speakers



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“Victoria Law Foundation produces a number of excellent publications that have become valuable tools for our volunteers. They are regularly distributed to our clients, helping them to better understand the law and access targeted legal services.”

Joanna Fletcher

Chief Executive Officer
Women’s Legal Service Victoria



Accurate at August 2014

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ISBN 978 1 876 04522 7

PUB14-01

First published 1997

Ninth edition 2014

Photographs: Cover, Einstein/Shutterstock; p5, Petr Jilek/Shutterstock; p7, Cas Beaty; p9, Celsodiniz/Dreamstime; p10, Department of Primary Industries; p12, Moodboard/Corbis; p13, Luke Hemer/Newsphotos; p15, Smok Bazyli; p19, John Anthony Rizzo/Getty Images; p21, Dutchinny/Dreamstime; p23, iStockphoto; p25, Robert Mckechnie/Newsphotos; p27, Marc McCormack/Newsphotos; p29, iStockphoto

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Victoria Law Foundation helps Victorians understand the law and their legal system. We are a not-for-profit organisation funded by the Legal Services Board Public Purpose Fund.

Victoria Law Foundation

Level 5, 43 Hardware Lane
Melbourne Vic 3000 Australia
T 03 9604 8100 F 03 9602 2449
contact@victorialawfoundation.org.au

 facebook.com/VicLawFoundn

 @VicLawFoundn

See our website at

www.victorialawfoundation.org.au

