



Maddocks

Prosecutions Update

June 2014

Hearing Date	Name of Accused	Nature of Offence	Solicitor/ Counsel	Plea	Court	Informant	Outcome
<i>Building Act 1993</i>							
26 June 2014	Name withheld – contact solicitor acting if you wish to discuss the case	s118(1) <i>Building Act 1993</i>	Kylie Weston-Scheuber (Counsel) Kylie Lightman (Instructing Solicitor)	Not Guilty	Castlemaine Magistrates' Court	Mount Alexander Shire Council	Matter proven. Without conviction, fined \$250 and ordered to pay costs of \$7867. Stay until 27 October 2014. An order was made under s253 requiring the Accused to repair/replace the retaining wall of cellar/outbuilding to provide adequate support to adjoining property within 8 months.
<i>Planning and Environment Act 1987</i>							
4 June 2014	Name withheld – contact solicitor acting if you wish to discuss the case	s126(2) <i>Planning & Environment Act 1987</i>	Elisabeth Brett	Guilty	Melbourne Magistrates' Court	Boroondara City Council	Matters proven. With conviction, fined \$3,000 as part of an aggregate order and ordered to pay costs of \$4409. Stay until 2 October 2014.
16 June 2014	Name withheld – contact solicitor acting if you wish to discuss the case	s126(2) <i>Planning & Environment Act 1987</i>	Elisabeth Brett	Not Guilty	Wodonga Magistrates' Court	Wodonga City Council	Matter proven. Without conviction, Accused released on undertaking to be of good behaviour for a period of 12 months. As a condition of the undertaking, the Accused was ordered to comply with the terms of any Order from VCAT in which he is named a Respondent, comply with the Wodonga Planning Scheme, and make a \$1000 donation to the Court Fund. Stay until 14 July 2014.



Hearing Date	Name of Accused	Nature of Offence	Solicitor/ Counsel	Plea	Court	Informant	Outcome
Appeal Proceedings							
17 June 2014	Name withheld – contact solicitor acting if you wish to discuss the case	Application for review of Council's decision to destroy a dog pursuant to s84P of the <i>Domestic Animals Act</i> 1994.	Richard Knowles (Counsel)	N/A	Supreme Court of Victoria	Knox City Council	The proceeding was dismissed. The Plaintiff was ordered to pay the Defendant's costs of the proceeding. Stay until 15 July 2014. This decision has been appealed to the Court of Appeal.
11 June 2014	Name withheld – contact solicitor acting if you wish to discuss the case	Council made an application for costs against the Appellant pursuant to s406(4) of the <i>Criminal Procedure Act</i> 2009.	Elisabeth Brett	Application opposed	County Court of Victoria – Melbourne	Whitehorse City Council	The Application was granted. The Appellant was ordered to pay Council's costs in the amount of \$1813.50
Victorian Civil and Administrative Tribunal Act 1998							
16 June 2014	Name withheld – contact solicitor acting if you wish to discuss the case	s133(1) the <i>Victorian Civil and Administrative Tribunal Act</i> 1998	Elisabeth Brett	Not Guilty	Wodonga Magistrates' Court	Wodonga City Council	Matter proven. Without conviction, Accused released on undertaking to be of good behaviour for a period of 12 months. As a condition of the undertaking, the Accused was ordered to comply with the terms of any Order from VCAT in which he is named a Respondent, comply with the Wodonga Planning Scheme, and make a \$1000 donation to the Court Fund. Stay until 14 July 2014.

