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# **Guidelines for modernising statewide newspaper public notices**

**For Victorian Government  
departments and public statutory  
authorities**



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and Finance

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# Using the Guidelines

## Why should I read the Guidelines?

Under section 38O of the *Interpretation of Legislation Act 1984* (the Act), departments and public statutory authorities are required to have regard to these Guidelines when publishing certain public notices electronically under section 38M of the Act.

The Guidelines assist departments and statutory bodies to understand and implement changes to the Act regarding the requirement to publish public notices in statewide print newspapers

## When should I use the Guidelines?

Departments and public statutory authorities must consider the principles outlined in these Guidelines when publishing notices electronically that are otherwise required to be published in statewide print newspapers. These Guidelines are not intended for non-government audiences.

The Guidelines apply to public notices required to be published in statewide print newspapers under Victorian legislation and regulations, regardless of whether they are accompanied by additional mandatory or voluntary means of communication.

The Guidelines outline principles to help departments and statutory bodies decide how to publish or require public notices, as well as implementation considerations and a process checklist.

## Guiding principles



**1. Publication minimises regulatory and cost burdens**

Considerations: time and cost.



**2. Public notices are accessible by the general public**

Considerations: technology friendly and publication frequency.



**3. Public notices are targeted to any cohorts specifically or disproportionately impacted**

Considerations: older, culturally and linguistically diverse communities and special interest groups.



**4. Publication is proportionate or appropriate to the subject matter**

Considerations: privacy, national schemes and urgency of information dissemination.

# 1. Introduction

## 1.1 Purpose

The purpose of these Guidelines is to support the modernisation of legislative requirements to publish public notices in print newspaper circulating generally in Victoria (that is, statewide newspapers) through digital mediums and provide a consistent set of principles to support publication.

The Guidelines support government departments and public statutory authorities in applying changes to the Act that commenced on 31 July 2022. Section 38M of the Act deems electronic publication on the centralised Victorian government website [www.publicnotices.vic.gov.au](http://www.publicnotices.vic.gov.au) to have met any requirements to publish public notices in statewide newspapers across any Victorian legislation and subordinate instruments. The changes do not affect requirements to publish notices in print newspapers in a particular locality. This means requirements to publish [notices](#) in regional and local newspapers will remain unaffected. Section 65 provides for regulations to make exemptions to section 38M. Departments and statutory bodies are required to have regard to these Guidelines when publishing any notice by electronic means under section 38P of the Act.

[www.publicnotices.vic.gov.au](http://www.publicnotices.vic.gov.au) has been designed as a 'one-stop shop' for Victorian public notices with the purpose of:

- making information more accessible
- reducing ambiguity about where information is located
- digitising data for easy consumption.

Where possible, a digital approach should be taken when publishing in-scope public notices (see section 1.2). Publication on the website should be considered in the first instance. While case-by-case consideration will be needed according to these Guidelines, a digital approach will often meet the objectives of a public notice.

The changes give Victorians greater access to public information and offer departments and statutory bodies increased flexibility when meeting legislative requirements for print newspaper public notice publications. This includes flexibility to continue publishing public notices in newspapers where needed and does not affect requirements to specifically publish notices in regional and local newspapers.

Supporting communication, such as social media campaigns and department or statutory body website notifications, can help reach intended audiences and should be used to help modernise the public notice process where appropriate.

Departments and statutory bodies providing advice and guidance to non-government stakeholders about using the centralised website should take into account the principles outlined in these Guidelines. These Guidelines are not specifically intended for nongovernment audiences.

The Guidelines outline the scope of applicable public notices, guiding principles to help departments and statutory bodies decide how best to publish or require public notices, implementation considerations and a process checklist.

## **1.2 Scope of the Guidelines**

The Guidelines apply to all public notices required to be published in print newspapers circulating generally in Victoria (statewide newspapers) under all Victorian Government legislation and subordinate instruments, regardless of whether they are accompanied by additional mandatory, alternative or voluntary means of communication, including:

- Online (in addition to newspaper notifications)
- Victorian Government Gazettes
- 'Other' mediums, including signs affixed to property, land or business premises, or notices/ letters posted to individuals or organisations.

The Guidelines do not relate to publication of public notices in print newspapers in a particular locality, region or place within Victoria.

The Guidelines relate only to public notices required to be published in print newspapers, whether or not they are described in legislation, regulations or other statutory instruments as 'public notices'.

The Guidelines do not impact or change any existing legislative requirements for the content or audience of public notices.

### **1.2.1 When the Guidelines apply**

These Guidelines, in conjunction with section 38M of the Act, can assist you in determining if you can publish a public notice on the central website rather than in a statewide newspaper.

Requirements to publish in local and regional newspapers are not affected by this change. Public notices required to be published in a regional or local newspaper cannot be published on the central website.

Some examples are provided in Table 1 to highlight the difference between statewide and local/regional legal provisions. If unsure, please obtain advice.

**Table 1: Examples of legal provisions that may permit publication on the central website**

Can consider publication on the central website, subject to the Guidelines	Cannot consider publication on the central website
Circulating generally in the state of Victoria	Areas affected/specified by the order
Circulating generally throughout Victoria	Areas affected by the plan
Circulating generally throughout the state	The area in which an ongoing protection relates
In Victoria	Locally
Circulating generally in the area (where both statewide newspaper or a local/regional newspaper are implicitly permitted)	Part of the state to which the objectives apply
	In a particular locality

## 1.2.2 Some examples where the Guidelines apply

### Example 1



***“The Commission must issue guidelines with respect to the display, advertisement and notification of applications under this section”:***

***Example Act 2000, section 30.***

In this example, there is no explicit reference in the legislative provision to a ‘public notice’ or a ‘newspaper’ requirement.

However, if the guidelines made under this provision require businesses, government, or citizens to publish notice of their application in a print newspaper, then the newspaper print requirement would be subject to the *Interpretation of Legislation*

### Example 2



***An Act containing an obligation to publish information in a newspaper generally circulating in the relevant municipality is combined with a definition of 'publish', which in the Act means 'to publish by any means including by publication on the Internet'.***

In this example, publication in a newspaper by electronic form is already permitted but not required. The *Interpretation of Legislation Act 1984* operates alongside that provision, meaning departments have the option of complying through publication on the central website or digital version of a newspaper (assuming that there is a local newspaper available in electronic form).

### Example 3



***A set of regulations contains a requirement to publish certain information in both a print newspaper circulating generally in Victoria, the Government Gazette, and electronic publication on a specified departmental website.***

In this example, the *Interpretation of Legislation Act 1984* will deem the requirement to publish in a print newspaper to be met if the notice is published electronically on the central website in accordance with these Guidelines.

## 2. Rationale and objectives

This section outlines the impact that changing technology trends are having on public notice consumption and the benefits of transitioning to an online 'one-stop shop' for public notices.

### 2.1 Modernising public notice requirements

Public notices are an important regulatory tool for communicating information about everyday matters affecting Victorians. They need to be accessible and contain relevant and up to date information.

The central website, [www.publicnotices.vic.gov.au](http://www.publicnotices.vic.gov.au), was developed by the Victorian Government following a review in early 2021 by the Department of Treasury and Finance (DTF). The review found many requirements across Victorian legislation and regulation to publish public notices in newspapers. Most of these require government to publish a notice while some require non-government organisations (businesses, individuals, trusts and boards) to publish a notice. These newspaper requirements impose a time and monetary burden that can be managed more effectively if given an option to publish on a centralised government website.

Changing readership and technology trends are giving way to new forms of communication and connection. Newspapers are no longer the only available and most efficient form of communication for conveying public notices to a mass audience and more and more people are using online mediums for news and information. There will continue to be circumstances where newspaper publication will be the most appropriate form of communication for a public notice, such as when trying to reach communities reliant on print information, but given its ability to meet changing contemporary needs, publication on the central website should be considered in the first instance for newspaper notices circulating generally in Victoria.

This approach to print newspaper requirements also supports Victoria's commitment to the intergovernmental Council of Financial Federal Relations to support technology neutral legislation that does not impede or restrict the use of digital technology by government, businesses or citizens.

## **2.2 Objectives**

The objectives of the Guidelines are to:

- (a) encourage public notices to be published in a modern way through a consolidated user-friendly digital location
- (b) support the reduction in regulatory costs associated with print publication in newspapers for government and businesses
- (c) facilitate flexibility in the publication of public notices where other forms of publication are warranted to support a digital approach
- (d) provide consistency across government on how decisions about publication of public notices are made.

## **2.3 Educating stakeholders about the central Victorian website**

The central Victorian government website, [www.publicnotices.vic.gov.au](http://www.publicnotices.vic.gov.au), has been designed and communicated as the 'one-stop shop' for public notices in Victoria. To support the transition, departments and statutory bodies are encouraged to educate internal and external stakeholders about the website to maximise its benefits.

Departments and statutory bodies that deal with regulated entities or stakeholders should provide support about the move to online publication, such as specific guidance material.

## 3. Guiding principles

This chapter outlines principles and considerations to ensure the process of publishing a public notice is simple and consistent and poses minimal burden. This is a whole of Victorian Government framework.

Departments and statutory bodies should equally and holistically apply the four principles and relevant considerations (green icons) when publishing public notices. The examples show how the principles and considerations may be applied. The questions (a non-exhaustive list) should be used as prompters during publication and communication processes. Departments and statutory bodies should also be aware of and adhere to other relevant policy, regulatory and legislative requirements.

### 3.1 The principles



#### ***Principle 1: Publication minimises regulatory and cost burden***

The publication of a public notice should impose minimal regulatory and cost burden. That is, the chosen method of publication should minimise the regulatory and administrative burden to businesses and be cost effective for government and taxpayers.



#### **Time efficient**

The publication of a public notice should not delay government and business activity by creating excessive administrative and time burden. Public notices should be easy to understand, not onerous and time consuming, and easy to find and follow.



#### **Cost effective**

Publication should be cost effective for all involved. This includes publication costs (such as advertising costs) and costs to access the public notice (such as cost of buying a newspaper containing the public notice). Where multiple forms of communication are planned, the cost should be weighed against potential diminishing benefits i.e. the likely success of an additional medium of communication generating additional public responses. It does not necessarily mean publishing public notices at the lowest possible cost.

**Example:** An agency opts for online publication on the central government website because the upload process is quick and the website provides access over an extended period. There are no strong policy reasons for newspaper publication. The notice is also published on the department website as the agency is aware the intended audience often visits the department’s website for other business needs. The cost of using any further additional mediums of communication does not increase benefit to the intended audience, so is not considered.

**Questions:**

- What method would minimise time-related costs?
- What notification method will be most cost effective to government, taxpayers and the intended audience?



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**Principle 2: Public notices are accessible by the general public**

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Public notices should be easily accessible by the general public, so that a minimum level of effort is required for users to remain informed. Accessibility includes ease of locating the notice and ease of navigating information in the form in which it is presented.

Typically, publication on the central website is considered accessible to a general audience, due to people being able to locate and return to many notices in the same location, and use automated search functions. However, there may be reasons why other forms of publication, or supporting communications, are needed to enhance or support accessibility for specific cohorts (outlined under Principle 3 below).



**Technology friendly**

Departments and statutory bodies are encouraged to consider publication on the centralised website in the first instance to meet changing technology and readership trends.

Consolidated information will maximise the benefits of a centralised location for public notices and will be the most accessible to most Victorians.



**Publication frequency**

Frequency of publication may dictate where the intended audience *expects* to find a public notice relevant to them and should be a point of consideration.

While efforts should be made to promote the central website as the central location for Victorian public notices, supporting communication mediums could be used to reach audiences not commonly communicated with.

**Example:** There is a need to communicate a public notice to all Victorians. Publication on the central website is preferred due to ease in which the information can be uploaded and the fact that it is a medium accessible to the general public. Additional communication through a social media drive, radio, and print newspaper is also used to direct public attention to the electronic public notice.

**Questions:**

- Does the public notice meet Victoria’s accessibility standards?
- Is the public notice accessible to the general public?
- If communication with the intended audience is infrequent, does the intended audience expect to receive information via a particular medium?
- Do multiple publication and communication mediums need to be used to ensure the public notice is reaching the intended audience?



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***Principle 3: Public notices are targeted to any cohorts specifically or disproportionately impacted***

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Where there are cohorts that are specifically or disproportionately impacted, reasonable additional efforts should be made to direct their attention to the relevant public notice. Cohorts may be based on demographic factors or people with a common interest or occupation. The vulnerability or need of affected cohorts should also be considered when choosing how to publish and communicate.

Departments and statutory bodies should consider specific cohorts that make up the intended audience, as well as the likely audience. For example, the content of a public notice may be relevant to all local residents of a town generally and not necessarily of greater relevance to an older demographic, but the locality may be one where there is a significantly higher proportion of older people than other Victorian municipalities.

Electronic publication on the centralised website should still be considered when dealing with specific cohorts. Additional communications about the notice and/or additional publication mediums can help with reaching specific cohorts.



**Age**

The age of the intended or likely audience should be considered when deciding how to reach them.

Though a decreasing trend, print newspapers remain the most popular source of information among people aged 75 or older and should therefore be considered as a publication medium when dealing with an older cohort. Where the intended audience is younger and potentially more digitally literate, online mediums may be most effective in relaying information.



### **Culturally and linguistically diverse (CALD) communities**

Victorians who speak a language other than English at home or have limited English language skills often are only able to consume information that is targeted to their cultural and linguistic needs. Supporting forms of communication should be considered, such as translated text online or publication in a dedicated newspaper printed in other languages.



### **Special interest groups**

Those with specific interests or occupations often form special interest groups and may need information through specific mediums they are familiar with. This may include communication of a public notice through a community news bulletin or a club newsletter.

**Example:** A notice relating to a state board appointment where the board's role relates mainly to non-English speaking people is published on the centralised website. It is also supported by a notice in a community newsletter.

Those who read the community newsletter but are not affected by the board appointment (the likely audience) may also be able to relay the details to someone who might be impacted by the notice, helping with wide communication about the public notice.

#### **Questions:**

- Does the target audience speak English?
- What is the digital literacy of the intended audience?
- Is the information provided online translatable?
- Does the impacted cohort rely on/expect to receive information via a specific medium?
- Do multiple publication and communication channels need to be used to ensure the public notice is reaching the intended audience?



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#### ***Principle 4: Publication is proportionate and appropriate to the subject matter***

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While online publication on the central website is encouraged, the nature and subject of the public notice should be taken into consideration. Sometimes online publication, or online publication alone, may not be appropriate.



#### **Privacy**

There may be instances where a public notice, i.e. a notice that includes private or sensitive information, may cause harm to the intended audience or public if published more widely than originally envisaged by the primary legislation. In such cases, departments and statutory bodies should continue to accommodate the original policy rationales behind the publication requirements.



#### **National schemes**

Participation in a national regulatory scheme may require consistency with other jurisdictions. This is of particular importance for detailed schemes or schemes that have specific rules. Departments and statutory bodies should consider where the intended audience expects to find such notices and whether the intended audience is likely to view or would need to view similar kinds of public notices relating to other jurisdictions.

For those schemes that only provide general requirements operating at a high level or principle-focused level, discretion should be used in deciding how to meet the schemes' requirements along with the principles set out in these Guidelines.



#### **Urgency in information dissemination**

In instances where information needs to be relayed urgently to the public, departments and statutory bodies may choose to use multiple forms of publication and communication to ensure the intended audience is informed. However, care should be taken to keep messaging consistent across all mediums to avoid misinformation.

**Example:** A public notice about an imminent and serious risk to public health requires targeted publication and communication to inform the affected community. However, disseminating the information too broadly, for example to communities that are not affected, may cause panic and sunk costs. The agency therefore chooses to publish the public notice on the central website and support the publication by communicating the information about the notice via local radio channels and flyers at local GP offices.

**Questions:**

- Is the chosen publication channel appropriate for the public notice subject matter?
- Is the intended audience likely to be negatively impacted if information about the public notice is widely made available?
- Is the notice part of a national regulatory scheme? If so, is there a nationally consistent approach to publishing notices that needs to be complied with?

## 4. Implementation

This chapter provides practical information about publishing and communication public notices.

### 4.1 Mediums and content

It is encouraged that the central website be used as the preferred publication medium to facilitate modernisation and the consolidation of Victorian public notices online.

However, departments and statutory bodies should continue to use their discretion in choosing the most appropriate mix of publication and communication of a public notice that will best meet the needs of the intended audience and align with the necessary legislative and/or regulatory requirements.

#### 4.1.1 Publication of a public notice

Any form of public notice publication should contain full information about the public notice and meet all relevant legislative and regulatory requirements and the principles set out in these Guidelines.

#### 4.1.2 Communication of a public notice

Supporting communication about the notice publication can help meet the principles and help the community transition to a modern way of accessing public information over time. Communication does not have to fully replicate the contents of public notices but can be used to raise awareness of a notice and where to find it. Supporting communication mediums may include:

- social media platforms e.g. Twitter, Facebook
- websites
- on the ground notices
- radio
- flyers
- newsletters/news bulletins/news boards

Supporting communication should appropriately link to the primary publication of the public notice.

## 4.2 Using the central government website

Instructions for how to publish on the website are available on [www.publicnotices.vic.gov.au](http://www.publicnotices.vic.gov.au).

## 5. Checklist

A checklist is provided in Table 2 to help departments and statutory bodies decide how to publish public notices. Entities may wish to use some but not all aspects of the methodology, focusing on the areas of greatest importance relevant to the entity and public notice.

In addition, departments and statutory bodies may wish to develop their own checklists to support and educate their stakeholders and/or regulated entities as part of other supporting material.

**Table 2: Checklist for departments and statutory bodies when publishing notices**

Step	To do	Detail
1	Prepare	Identify if the Guidelines apply to the public notice type
2	Assess	Identify intended/likely audience Undertake complementary analysis to identify if the cohort has any special needs that need to be taken into consideration before publishing and communicating the public notice
3	Decide	Shortlist ways in which the relevant legislative/regulatory requirements, Guideline principles and needs of the intended audience might be met Decide on the best mixture of publication and communication channels for the relevant public notice
4	Implement	Outline the required tasks to publish the public notice based on the publication and communication mediums chosen Apply the implementation strategy and commence delivery of the public notice
5	Monitor and evaluate	Monitor engagement from the intended audience Modify publication and communication mediums being used if they are not meeting the objectives of the public notice, such as appropriately reaching the intended audience





