

FINES

I've been fined! What do I do now?

If you have been given a fine by a penalty notice or infringement notice you can either pay it by the due date (usually about 28 days) or you can choose to take it to court. If you have been given a fine by the court, you have 28 days to pay it. You can apply for extra time to pay the fine at any local court. The worst thing you can do is ignore it because it won't go away. In fact, if you don't deal with your fines the problem will get much worse!

What if I don't pay the fine?

If you don't pay your fine on time or choose to have the matter heard at court, the Infringement Processing Bureau will send you a penalty reminder notice. If you still don't pay your fine, they will refer your fine to State Debt Recovery Office (SDRO). When this happens, \$50 will automatically be added to your fine as an 'enforcement fee'.

What does the SDRO do with my fine?

There are five stages the SDRO goes through with unpaid fines. They firstly send you a fine enforcement order and a new due date for payment. You will have 28 days to pay the fine or arrange for an extension of time to pay.

If the fine is still not paid, the SDRO notifies the RTA telling them to suspend your licence and/or car registration. When this happens, another \$40 gets added to your fine. The RTA will tell you they are suspending your licence and, if the fine is still not paid in 6 months, they will cancel your licence until the fine is paid.

WARNING It is an offence to drive while your licence is suspended or cancelled. If you drive an unregistered vehicle you are committing another offence and you may be fined again, and not allowed to drive for months or even years!

If you don't have a car or drivers licence, or if you still haven't paid the fine the third stage is civil enforcement. This means that the SDRO can take and sell your possessions (cars, computers, phones etc), take money out of your wages or bank account or put a mortgage over any land you own. The only way you can avoid this happening at this stage is to pay the fine in full! If the SDRO does any of these things it adds another \$50 to your fines.

If you don't have enough property to fully pay off the fine, the next stage is a community service order. This means you do community work which pays off your fine at \$15 an hour.

What if I can't do community service?

If you **can't** do the community service for some reason (eg you have a disability), you have to convince the SDRO you are not suitable for a community service order and you **do not** go to stage 5. If you don't have a good reason why you can't do community service and you simply don't do the work you are meant to, you move on to the final stage.

Stage 5 is being locked up in prison. This is the absolute last resort! Every day spent in prison pays off \$120 of the fines you owe.

Will I get locked up for unpaid fines if I'm under 18?

No. While you are under 18, you don't go to prison for unpaid fines.

Ok, so what if I take the fine to court?

If you are under 18 and take a fine to court, a Legal Aid solicitor will help you try to reduce the fine or have it dismissed (unless the fine was for a driving matter and you were over 16 at the time). This can be a good way to deal with fines if you haven't got into a lot of trouble in the past and have a good record. If you are over 18, you should try to get legal assistance for your problem BEFORE it goes to court.

Is there anything else I can do?

You can apply to the SDRO for your fine to be waived (dismissed). This means your fine disappears forever but this can be difficult to achieve. If you have a mental illness, terminal illness or disability, you may be able to get a waiver. You can also ask the SDRO to put a stay on the fine (this means you won't have to start paying your fine for a period of time). This can help give you extra time to get some money together to pay the fine.

For more information contact the State Debt Recovery Office
1300 138 118 (for penalty notices)
1300 655 805 (for enforcement orders)
www.sdرو.nsw.gov.au

What can I do if I don't think I deserve a fine?

You may be able to get the fine annulled if you don't think you were guilty of the offence you were fined for. For court fines, you have to apply to a court within 2 years of being fined. For infringement/penalty notices, you have to make an annulment application to the SDRO (within 1 year of the enforcement orders). It would be helpful to have legal assistance to do this.

How do I get my licence back?

If your licence has been suspended or cancelled, you usually can't get it back until your fines are paid in full. The SDRO will sometimes allow you to get your licence back if you have made six or more regular instalment payments, if you need to sell your car or if you really need a licence to get a job or for family/personal reasons. This means that you get your licence back if it had been suspended. If your licence or rego had been cancelled, you may have to re-apply for it and this may mean doing the driving test again.

Where can I go for help with my fines?

A Community Legal Centre may be able to help you to deal with your fines.

Macquarie Legal Centre
9760 0111
www.macquarielegal.org.au

Marrickville Legal Centre
9559 2899
www.mlc.asn.au

The Shopfront
9360 1847
www.theshopfront.org