

# SO, YOU COPPED A FINE. WHAT DO YOU DO NEXT?



IMAGE: Ross Carnsew and thank you PIAC

*Student Legal Services provides legal advice to students. Solicitor Nina Lau explains why ignoring a fine is the worst thing to do. If you can't pay, there are other avenues of redress.*

## FIRST STEPS

Do not to ignore the fine. In most circumstances you have 28 days to respond. Often if a fine is ignored it can get complicated and expensive!

The first step can be simply to pay the fine. If the fine is through the State Debt Recovery Office (SDRO) and you are struggling, you are able to seek part payments, requiring a minimum of \$20. Full payment is to be made before the due date of the penalty reminder notice.

## WRONG PERSON

If it is a traffic offence and you were not the driver when the offence was committed, you need to nominate another driver. This requires you to complete a Statutory Declaration before the due date of the penalty reminder notice, otherwise you may also be issued with a penalty notice for failing to nominate within the specific timeframe.

Once you have nominated another driver, a new penalty notice will be issued to them in their name.

## INTERNAL REVIEW

If there are extenuating or special circumstances, then you may ask for an internal review of the fine. You will need to fill out the "Request Review of Penalty Notice" form and send it to SDRO with supporting documentation asking for the penalty notice to be with-

drawn before the due date. If the Request is lodged after the due date of the penalty notice the SDRO WILL NOT CONSIDER your review request.

SDRO has guidelines as to what circumstances it will take into consideration for a review.

## TAKE IT TO COURT

You may wish to take the matter to court by filling out a Court Election form. This must be done by the due date on the penalty reminder notice. However, if you have paid the fine (whether this be part or full payment), you can still elect to take the matter to court up to 90 days after you received the penalty notice.

Once the SDRO receives your Court Election form, a notice will be sent to you, informing you of the time and date on which you need to attend court.

It is important for you to obtain legal advice prior to this as the court can impose an amount that is higher than your penalty notice as well as court costs.

## WHAT HAPPENS IF YOU DO NOTHING?

A Penalty Reminder Notice will be issued by the SDRO allowing you another 28 days. Should you ignore this penalty reminder notice, an enforcement order will be issued.

## ENFORCEMENT ORDER

An enforcement order will include an additional \$65 fee on top of the fine. You will have 28 days to finalise the fine. Should you ignore this, the SDRO can take enforcement action.

## ENFORCEMENT ACTION

This may include suspending your licence or registration.

The SDRO is able to take civil enforcement for payment of the fine. Such actions may include a garnishee order, property seizure order, examination summons or a charge on land. If the fine still remains unpaid after civil action, you may be ordered to undertake community service. If the community service order is breached there is a possibility of gaol time. Gaol time is a last resort and dependent on your circumstances.

The most important thing is not to ignore the fine or leave it until there are no options. It is a good idea to obtain legal advice.

**NINA LAU** - Solicitor, Student Legal Services

Disclaimer: The information is general and should not be relied on as legal advice.

**SHOULD YOU REQUIRE ADVICE, CONTACT STUDENT LEGAL SERVICES ON 8688 7875 OR EMAIL [STUDENTLEGALSERVICES@UWS.EDU.AU](mailto:STUDENTLEGALSERVICES@UWS.EDU.AU)**

UWS Student Legal Service is a joint venture between Macquarie Legal Centre and UWS. The service is co-located at the UWS Parramatta Community Justice Clinic at Parramatta Local Court. Student Legal Services provides legal advice to currently enrolled UWS students through SSAF funds.