

Complete Guide on Fines

Received a fine? This is a guide for all university students on the law on fines in NSW. It answers relevant questions on fines and is aimed at helping you understand your options after getting a fine, and simplifies how to navigate the fine / penalty notice process.

This has been produced in collaboration between the WSU Student Legal Service and **Criminal Defence Lawyers Australia (CDLA)**, [criminal lawyers Parramatta](#) based.

For further guidance or help, please get in touch with the Student Legal Service on (02) 9685 4788 or email a [request for help form](#) to studentlegalservices@westernsydney.edu.au.

FINES

What is a fine?

A fine is also called a penalty notice, on-the-spot fine, infringement notice, ticket or a CIN ('Criminal Infringement Notice'). It requires you to pay a sum of money as a result of breaching a law.

A fine can be issued for breaking laws about parking or public transport, council breaches, traffic infringements on the road, or trivial criminal breaches.

Who can issue a fine?

A fine can be issued by a local council, a transport NSW transit officer, police officer, a court or a government agency including Revenue NSW.

Some fines may refer to penalty units. One penalty unit in NSW is \$110.

How to [check fines in NSW](#)

Want to check your fine? To do this, you need to go to the [Revenue NSW website](#).

Once you land on the Revenue NSW webpage you can check your fine or overdue fine via the [myEnforcement Order portal](#).

To enquire about your fine online, you must know and enter your penalty reference number. This number can be found at the top of your penalty notice.

Want to know the balance of your fine or how much is due? To do this, you may wish to download the [Service NSW app](#), which lets you view and pay your fine(s).

For overdue fines, you can make an enquiry by lodging an online [overdue fine enquiry form](#).

How to check if you have been caught by a speed camera

Want to check the photo taken from a speed camera? You can check this for free if you have been served with a penalty notice for a speed camera offence. Simply go to the [Service NSW website](#) and go to '[view camera photos online](#)'.

You should then enter your penalty notice number and the offence date. The webpage will then issue you with a security check code on the screen, which you will be required to enter when prompted before pressing the 'submit' button. You will then be given access to view your speed or red light camera photo.

How to pay if you have lost your fine

It is your responsibility to update Revenue NSW about to any changes to your residential address.

If you have lost your fine or did not receive it in the mail due to moving residence, you can ascertain this by:

1. contacting Revenue NSW on 1300 138 118 or 1300 655 805; or
2. visiting the Revenue NSW website and submitting their [online fine enquiry form](#).

You will be required to provide essential details, including your residential address, licence and registration number and date of birth.

After confirming such details, you will then be able to pay your fine by:

1. credit card online;
2. BPay;
3. phone on 1300 130 112;
4. in person at a Service NSW service centre or post office; or
5. mail by sending a cheque or money order.

How to check your fine using car registration numbers

Your fine can be checked using your car registration number by contacting Revenue NSW on 1300 130 112. You will also be required to provide other essential details.

Fines are not linked to vehicle registration numbers: fines are linked to people.

This is important because it is very difficult to check a fine based solely on a vehicle registration number plate. A car registration number plate can only be used to help find and issue the fine to the person who has registered with the vehicle. That person's residential address will be linked to the registered number plate.

What if you have received a fine but it wasn't you? You would have received the fine because the vehicle is registered in your name. You must elect the details of the person who drove your car so that the fine can be re-issued to the right person. This is done by executing a statutory declaration.

How long does it take for a fine to arrive?

There is no fixed timeframe for a fine to arrive in the mail. Generally, if you have not received the fine within 2 weeks, you should contact [Revenue NSW](#).

You should take all reasonable steps to avoid a late payment penalty or enforcement order.

What if I am struggling to pay my fine?

Struggling to pay a fine? You may pay by instalments if you:

1. are able to pay the full fine in a three month period; or
2. require more than three months to pay the fine; or
3. are paying other fines off.

You can apply to pay in instalments by contacting [Revenue NSW](#) or submitting a payment plan application form with Revenue NSW.

If you are struggling to pay the fine due to serious financial, medical or personal circumstances, Revenue NSW may also provide:

- a 50% discount (but only for certain fines and situations you can check [here](#));
- a Work and Development Order (WDO); or
- for you to have your debt written off.

The WDO allows you to pay off your fine through unpaid work, treatment or completing a course. You may be eligible for a WDO if any one or more of the following apply to you:

- ✓ Suffering from a mental health disorder, intellectual disability or cognitive impairment
- ✓ Drug or alcohol addiction
- ✓ Homeless
- ✓ Extreme financial hardship

For further information on WDOs and alternative payment options, please see [Revenue NSW website here](#).

PAYING FINES

A fine / penalty notice must be paid by the due date noted on it. Not paying the fine can have serious consequences.

What happens if you fail to pay?

A failure to pay the fine by the initial due date will result in Revenue NSW taking over to collect the debt on behalf of the Government.

Revenue NSW will then serve you with a “penalty reminder notice”. This reminder notice will allow you a further 28-days to pay the outstanding fine.

You should be aware of the following important points:

1. The law assumes you have received the enforcement order notice 7-days after it is posted unless you can prove that you did not get it.
2. You are not required to pay a reminder notice if you nominate a person other than you who was driving or Revenue NSW is satisfied that you have no knowledge and cannot with reasonable diligence ascertain who the driver was.

If you do nominate another person, Revenue NSW will issue you with a statutory declaration you must complete and lodge within 7-days of receiving it.

What happens if you fail to pay the reminder notice?

Revenue NSW will serve you with an overdue fine notice if you fail to pay the reminder notice by the due date. The overdue fine notice will require you to pay another \$65. If you are under the age of 18, it will require you to pay a further \$25.

What happens if you fail to pay the overdue fine notice?

Failing to pay the overdue fine notice on time can result in serious consequences, including an enforcement order by Revenue NSW to collect the debt.

If you do not pay the enforcement order within the 21-day period, it may result in:

- your driver licence being suspended or cancelled;
- your car registration being cancelled;
- your assets being re-possessed through a property seizure order;
- money being deducted from your wages or bank account, including Centrelink payments;
- a charge being put on any land that you own; or
- being taken to court.

If you fail to comply with a court order, you can be ordered to perform community service or imprisoned.

What happens if you fail to comply with a court order

You may be summoned to attend court for an examination as to your assets and income. At this time, the court will decide what enforcement action to take next if the fine remains unpaid.

If the court order is not complied with, you may be ordered to conduct community service (a community service order (CSO)).

What happens if you fail to comply with a Community Service Order?

Failure to comply with a community service order (CSO) can result in you serving a period of imprisonment if the fine remains unpaid. The fine will be considered as paid after serving the imprisonment term, which will be based on the value of the outstanding fine.

For example, each day of imprisonment amounts to \$120 or part thereof. The minimum gaol term is one day, and the maximum gaol term is three months.

The imprisonment term may be spent outside full-time custody in some cases, such as through an intensive correction order.

REVIEW AND APPEAL

How to request a review

If you believe there has been a mistake or you have an explanation or reason for being issued the fine, you can [request a review of your fine](#) with Revenue NSW.

To apply for a review, you must do so within the due date of the fine.

You can still ask for a review of your fine after having paid for the fine. You can do this within sixty days from the date you were issued with the fine.

In response to your review application, Revenue NSW may take any one of the following actions:

1. require you to fully pay the fine (which you may appeal in court);
2. issue a caution with no fine (and you will not lose demerit points, if relevant); or
3. cancel the fine.

Lodging a review

You can [seek a review](#) of your fine with Revenue NSW online via their [myPenalty portal](#) or the [ServiceNSW app](#). You will need your penalty notice number and offence date. You will be asked to attach any supporting documents to make a strong case.

Reviews can also be sought by posting the relevant forms and documents to Revenue NSW, PO Box 786, Strawberry Hills NSW 2012.

Your review application may be accepted if any of the following apply:

- ✓ You were issued the fine in error;
- ✓ There were extenuating circumstances, including medical emergency or crisis; mental health disorder or extreme financial struggle;
- ✓ Your exceptional driving record.

How do I dispute or contest the fine e.g. in court?

You may dispute or contest the fine by lodging a 'court election'. This will require you to appear in the Local Court where you will be required to plead 'guilty' or 'not guilty'.

If the court finds you 'not guilty', the fine will be dismissed, concluding the case with no fine and no demerit points and no suspension of your driver licence.

If you plead 'guilty' or are found guilty by the court, the Magistrate or Judge in court will be required to impose a penalty during sentencing. Unless the court imposes a section 10 non-conviction sentence, you will be required to pay the fine, incur the demerit points, be suspended and any other action the court orders.

By court-electing, you risk facing heavier penalties that only the court can impose depending on the particular offence. Such penalties include imprisonment, maximum fines, licence disqualification and criminal conviction.

One of the main advantages of court electing a fine is that it gives the possibility of walking away without incurring any demerit points, fine or licence suspension. However, you need to be aware that you may face a heavier penalty if the court finds you guilty, and you will need to be prepared to show substantial evidence as to why you are not guilty.

Types of red light camera fines

Red light camera fines vary from \$191 - \$457 plus three demerit points.

The table below outlines some common red light camera fines.

Road Rules 2014 (NSW)	Red Light Offences	Demerit Points NSW	Fine
Rule 56(1)(a)	Not stop at stop line at red light	3	\$457
Rule 56(1)(b)	Not stop before stop sign at red light	3	\$457
Rule 56(1)(c)	Not stop before lights at red light	3	\$457
Rule 56(2)(a)	Not stop at stop line at red arrow	3	\$457
Rule 56(2)(b)	Not stop before stop sign at red arrow	3	\$457
Rule 56(2)(c)	Not stop before lights at red arrow	3	\$457
Rule 59(1)	Proceed through red traffic light	3	\$457
Rule 59(1)	Proceed through red traffic light (camera detected)	3	\$457
Rule 60	Proceed through red traffic arrow	3	\$457

Types of speed camera fines and speeding offences

The table below outlines the penalties for some common speeding offences.

Penalties for Speeding Offences		Light Motor Vehicles	Larger Vehicles (4.5 – 12 Tonnes)	Heavy Vehicles
Exceed Speed Offences	Demerit Points	Fine	Fine	Fine
Over 45km/h	6	\$2,482	\$2,482	\$3,762
Over 30km/h but less than 45km/h	5	\$920	\$920	\$1,441
Over 20km/h but less than 30km/h	4	\$481	\$599	\$599
Over 10km/h but less than 20km/h	3	\$280	\$481	\$481
Over 10km/h but less than 20km/h for L or P Plater	4	\$280	\$481	\$481
Not more than 10km/h	1	\$121	\$360	\$360
Not more than 10km/h for L or P Plater	4	\$121	\$360	\$360

The table below outlines the maximum fines and/or licence disqualification periods for some common speeding offences.

Exceed Speed Offences	Max Court Fine	Licence Disqualifies
> 45Km/h	\$3,300	6 months
> 30Km/h	\$2,200	3 months
> 20Km/h but < 30Km/h	\$2,200	-
> 10Km/h but < 20Km/h	\$2,200	-
Not more than 10Km/h	\$2,200	-
13 Demerit Points in 3 years	-	3 months
16-19 Demerit Points in 3 years	-	4 months
20 Demerit Points in 3 years	-	5 months

Police-issued fines

The table below outlines the penalties for some of the common offences for which police issue fines.

Penalty Notice Offences	Penalty
Small & less than traffickable quantity drug possession offences (Except for Cannabis leaf)	\$400
First-time drink driving offences for low-range, novice-range or special-range	\$572 + 3-month suspension of driver licence
Exceeding speed by over 45km/h	\$2,482 + 6 demerit points + 6 months immediate licence suspension

Exceeding speed by over 30 but less than 45km/h if driver is 'L' or 'P' plater	\$920 + 5 demerit points + 3 months immediate licence suspension
Larceny offences if the value is \$300 or less (section 117 Crimes Act 1900 (NSW))	\$300
Goods in Custody offences (section 527C(1) Crimes Act 1900 (NSW))	\$350
Offensive conduct or language offences (section 4 or 4A Summary Offences Act 1988 (NSW))	\$500
Obstructing traffic offence (section 6 Summary Offences Act 1988 (NSW))	\$200
Continuation of intoxicated and disorderly behaviour following move on direction (section 9 Summary Offences Act 1988 (NSW))	\$1,100