

Traffic Offences

Here is an outline on the law and the options if faced with a traffic offence in NSW.

This information is a practical guide to provide insight into the law on traffic offences in NSW. It has been produced in collaboration between WSU Justice Clinic law students and Criminal Defence Lawyers Australia, comprising of experienced [criminal lawyers in Sydney](#).

If you need to talk to someone, please get in touch with the Student Legal Service on (02) 9685 4788 or email a completed SLS [request for help form](#) to studentlegalservices@westernsydney.edu.au.

Parking Offences

A parking fine is one type of fine or penalty notice, which may be issued to you if you breach the conditions of parking in a particular location.

Parking illegally in a university parking lot can result in a parking fine being issued. This may include any of the following circumstances:

- Failure to display a valid parking permit whilst parked on campus
- Parking in a spot in breach of the displayed parking sign conditions
- Parking in a spot in such a way that the vehicle or part of the vehicle crosses over the marked parking line
- Parking in an area that is not a valid parking spot or parking in an area or in such a manner that exposes danger to the safety of people around
- Parking in a manner that caused damage to the university property.

How to Avoid a Parking Fine?

You can avoid getting a parking fine either in university or outside university by simply being aware of the parking signs located usually at every parking lot or area.

Accordingly, always ensure:

- You look for and read the rules noted on a parking sign located in the vicinity of a parking area and ensure to comply with it.
- If a permit or ticket is required to be displayed, ensure to display a valid one on the dashboard of the front windscreen that is clearly visible from outside the vehicle.
- If you are using an annual, monthly or weekly parking permit, ensure that it has not expired, and if it has, ensure to purchase and display a valid one.
- Ensure to park only in parking bays you are permitted to park according to your type of permit.

Parking fines received at University are not processed by the Western Sydney University. These fines are processed by [Revenue NSW](#) on behalf of the University.

Revenue NSW end up managing the process of collecting unpaid fines. They are responsible for enforcing the infringements under the power of the Fines Act 1996 (NSW).

The parking fine will have the due date for you to pay the fine by.

Speeding Offences

The following is a list of some of the common speeding fines and penalties you could face if dealt with in court:

Speeding + Demerit Point Offences	Maximum Court Imposed Fine	Licence Disqualification/Suspension
Exceed speed > 45km/h	\$3,300	6months
Exceed speed >30km/h	\$2,200	3months
Exceed speed >20km/h but < 30km/h	\$2,200	Nil
Exceed speed > 10km/h but < 20km/h	Nil	\$2,200
Exceed speed not more than 10km/h	\$2,200	Nil
13 demerit points in 3yrs	NIL	3months
16-19 demerit points in 3yrs	NIL	4months
20 demerit points in 3yrs	NIL	5months

Note: The above noted suspension periods apply for the above speeding offences in the event the matter is not dealt with in court in addition to demerit points.

The below outlines some of the common speeding fines and their penalties without the matter being dealt with in court, also known as on-the-spot fines:

Speeding Offences		Light Motor Vehicles	Larger Vehicles (4.5 – 12 Tonnes)	Heavy Vehicles
Speed Offences	Demerit Points	Fine	Fine	Fine
Over 45km/h	6	\$2,482	\$2,482	\$3,762
Over 45km/h in School Zone	7	\$2,635	\$2,635	\$3,895
Over 30km/h but less than 45km/h	5	\$920	\$920	\$1,441
Over 30km/h but less than 45km/h in School Zone	6	\$1,161	\$1,161	\$1,522
Over 20km/h but less than 30km/h	4	\$481	\$599	\$599
Over 20km/h but less than 30km/h in School Zone	5	\$599	\$721	\$721
Over 10km/h but less than 20km/h	3	\$280	\$481	\$481

Over 10km/h but less than 20km/h in School Zone	4	\$360	\$599	\$599
Not more than 10km/h	1	\$121	\$360	\$360
Not more than 10km/h in School Zone	2	\$200	\$481	\$481
Not more than 10km/h for L or P Plater	4	\$121	\$360	\$360

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

Driving Through Red Light Offences

The below table outlines some of the common red light camera offences and penalties in NSW.

Road Rules 2014 (NSW)	Driving Through Red Light Offences	Demerit Points	Fine
Rule 56(1)(a)	Not stop at stop line at red light	3	\$457
Rule 56(1)(a)	Not stop at stop line at red light-toll booth	0	\$191
Rule 56(1)(b)	Not stop before stop sign at red light	3	\$457
Rule 56(1)(b)	Not stop before stop sign at red light-toll booth	0	\$191
Rule 56(1)(c)	Not stop before lights at red light	3	\$457
Rule 56(1)(c)	Not stop before lights at red light-toll booth	0	\$191
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 59(1)	Proceed through red traffic light-toll booth	0	\$191
Rule 60	Proceed through red traffic arrow	3	\$457
Rule 61(5)	Not leave intersection after light/arrow goes red/yellow	3	\$457
Rule 62(1)(a)	Not give way at lights to pedestrian on road	3	\$344
Rule 62(1)(b)(i)	Not give way at lights to other vehicle (left turn)	3	\$344
Rule 62(1)(b)(ii)	Not give way at lights to other pedestrian (left turn)	3	\$344

Rule 62(1)(c)	Not give way at lights to oncoming vehicle (right turn)	3	\$344
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Drink Driving and Drug Driving Offences

The [drink driving laws in NSW](#) can appear complex.

First offenders of low-range, novice-range or special-range drink driving can now be issued with on-the-spot \$561 fines and immediate police suspension of your driver licence for 3 months, pursuant to section 224 of the Road Transport Act 2013 (NSW).

Issued with a fine, will not require a court appearance, and it won't subject you to a criminal record, but you will incur the licence suspension and fine. Further below we outline your options after receiving a fine, including court-election.

A first offender is someone who has not been convicted of a drink driving offence (or 'major offence') within the last 5-years from the date the court convicts you for your current one. A second or subsequent offender is someone who has been convicted within that period.

Below are some of the common drink driving and drug driving offences and penalties in NSW, outlined by experienced [Sydney criminal lawyers](#).

Driving Under the Influence of Alcohol or Drugs (DUI)

Penalties for driving under the influence of alcohol or drugs: section 112 Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	18 months	24 months
Fine	\$3,300	\$5,500
Criminal record	Yes	Yes
Compulsory disqualification	Min 6 months or max 9 months	Min 9 months or max 12 months
Minimum interlock period	2 years	4 years
Disqualification if exemption to interlock program applies or if interlock doesn't apply	Automatic 3 years or min 1 year	Automatic 5 years or min 2 years

Driving with Illicit Substance in Your Oral Fluid, Blood or Urine

Penalties for driving with the presence of certain drugs in your oral fluid, blood or urine: section 111 Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	Nil	Nil

Fine	\$2,200	\$3,300
Criminal record	Yes	Yes
Disqualification	Automatic 6 months, or minimum 3 months	Automatic 12 months, or minimum 6 months

Low-range, Novice-range, Special-range Drink Driving

Penalties for low, novice and special-range drink driving offences: section 110(1),(2),(3) Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	Nil	Nil
Fine	\$2,200	\$3,300
Criminal record	Yes	Yes
Compulsory disqualification	Nil	Min 1 month or max 3 months
Minimum interlock period	Nil	1 year
Disqualification if exemption to interlock program applies or interlock doesn't apply	Automatic 6 months, or minimum 3 months	Automatic 1 year, or minimum 6 months

Mid-range Drink Driving

Penalties for mid-range drink driving: section 110(4) Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	9 months	1 year
Fine	\$2,200	\$3,300
Criminal record	Yes	Yes
Compulsory disqualification	Min 3 months or max 6 months	
Minimum interlock period	1 year	2 years
Disqualification if exemption to interlock program applies or interlock doesn't apply	Automatic 1 year, or minimum 6 months	Automatic 3 years, or minimum 1 year

High-range Drink Driving (H3)

Penalties for high-range drink driving: section 110(5) Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	18 months	2 years

Fine	\$3,300	\$5,500
Criminal record	Yes	Yes
Compulsory disqualification	Min 6 months or max 9 months	Min 9 months or max 1 year
Minimum interlock period	2 years	4 years
Disqualification if exemption to interlock program applies or interlock doesn't apply	Automatic 3 years or minimum 1 year	Automatic 5 years or minimum 2 years

Failing to Give Breath Analysis to Police

Penalties for failing or refusing to submit to a test or analysis by police: Clause 17 of Schedule 3 Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	18 months	2 years
Fine	\$3,300	
Criminal record	Yes	Yes
Compulsory disqualification	Minimum 6 months, or maximum 9 months	Minimum 9 months, or maximum 1 year
Minimum interlock period	2 years	4 years
Disqualification if exemption to interlock program applies or interlock doesn't apply	Automatic 3 years, or minimum 1 year	Automatic 5 years, or minimum 2 years

Driving with a Disqualified, Suspended or Cancelled Licence

Penalties for driving while suspended, disqualified or cancelled licence: section 54 Road Transport Act 2013 (NSW)

	First Offence	Second Offence
Imprisonment	6 months	12 months
Fine	\$3,300	\$5,500
Criminal record	Yes	Yes
Disqualification of driver licence	Automatic 6 months, or minimum 3 months	Automatic 1 year, or minimum 6 months

Consequences if I Don't Pay a Fine

There are significant consequences that you should be aware of for failing to pay [fines in NSW](#).

If you fail to pay the full amount the fine by the due date, Revenue NSW will step in and issue you with a 'Penalty Reminder Notice' (the first reminder) providing you with a further 28-days to pay the outstanding fine.

If you fail to pay the Penalty Reminder Notice by the due date, Revenue NSW will issue you with an 'Overdue Fine Notice' (the second reminder) with an additional overdue fee applied (usually \$65 for those at least the age of 18, and \$25 to those under the age of 18). You will then have a further 21-days to pay this.

If you fail to pay the second reminder notice by the due date, Revenue NSW can take further more serious actions, including an enforcement order to collect the overdue debt. The enforcement order will provide a further 21-days to pay the fine/debt.

Failure to pay the fine by the due date noted on the enforcement order may result in any one or more of the following:

- Cancellation or suspension of your driver licence
- Cancellation of your vehicle registration
- Prohibition from being able to obtain or renew your driver licence, vehicle registration, or transferring vehicle registration

If after the above action has been taken, and the fine remains unpaid, Revenue NSW may take court action against you, which may include any of the following:

- Property seizure order against your assets, allowing the sheriff to repossess them.
- Garnishee order permitted money to be transferred from your bank account or from your work pay.
- Being summoned to appear in court for examination as to your income and assets.

If you fail to comply with any such court order or the fine is still not paid, you may be required to perform community service work through a community service order. Upon completing the community service work hours counted at \$15 for every one hour, the fine will be considered paid. You can be required to undertake up to a maximum of 300 hours (for adults), and up to 100 hours (for children).

If you fail to comply with the community service order, a warrant can be issued against you to be arrested and placed in prison if the fine is still outstanding.

If imprisoned, by this stage, the fine will be considered as paid if you end up completing or serving the imprisonment period of time, based on the amount of the fine that remains outstanding. Per day in prison is calculated at \$120 or part thereof. The maximum term of imprisonment that can be imposed in such circumstances is up to three months, and the minimum is one day. The imprisonment term can instead of full-time, be served in the community by way of an intensive correction order, which is also considered an alternative to full time imprisonment.

Options After Receiving a Fine

After receiving a fine, the options available to you include, paying the fine, asking for a review, apply to pay by instalments, or court-elect it for it to be heard in court. Below is an outline of each option.

Pay the Fine

The first and obvious one is to pay the fine within the due date. Upon paying the fine issued, the matter concludes, with no further consequences other than the amount of money paid and if the offence carries demerit points. A parking fine generally does not carry demerit points.

Further, paying a fine is not considered admission of guilt or otherwise.

Fine Review Process

You may apply with Revenue NSW to request a review of your fine if:

- You think there has been a mistake; or
- You have an extenuating explanation for the fine offence i.e. medical emergency; or
- You seek leniency because of your exceptional driving record

The application for review must be made within the fine due date. It is recommended to attach any supporting documentation or evidence you wish to rely on in your application.

A review can still be made after paying the fine, if you have applied for the review within sixty days from the date the fine was issued to you.

You may [apply for a review online here](#).

After Revenue NSW receive a fine, they may either require you to pay it all, provide you with a caution with no fine to pay, or cancel the fine.

For more information on reviewing a fine, call Revenue NSW on 1300 138 118.

Pay in Instalments

If you're unable to pay the fine in one go, you may apply with Revenue NSW to pay the fine in instalments if:

- You are struggling financially; and
- You are otherwise able to pay it in a three month time frame; or
- You need more than three months to pay it off; or

- You're paying other fines simultaneously

Revenue NSW also provide other options available to assist people in financial or other types of struggle. You may apply to have your fine discounted by 50%, or offer a work development order (WDO), or to write off your debt completely if you are:

- Homeless, or
- In extreme financial difficulty, or
- Suffer from drug and/or alcohol issues, or
- Suffer from mental health issues

Note: a WDO is either unpaid work, completing a course or treatment as a way to repay the fine debt.

Court-Electing a Fine

You may choose to elect to have the fine matter dealt with in court, by court electing the fine- being an option outlined usually on the back of the fine notice.

After court electing a fine, you will be required to appear in court and either enter a plea of 'guilty' or 'not guilty'.

The court can dismiss the fine, in which case there will be no fine to pay, no demerit points, and no suspension or disqualification in most cases, if you are either:

- Found to be 'not guilty' in court, or
- After pleading 'guilty' to it or being found guilty to it, the Magistrate is convinced to impose a non-conviction penalty under section 10.

On the other hand, depending on the type of offence it is, a court may have the discretion to impose heavier penalties than the initial fine when imposing a penalty on sentence found guilty.