

Traffic Offences: Paying and Challenging Fines

Quick Facts

1 What is a fine?

A fine is a monetary penalty that you may be required to pay for a driving offence. The amount changes depending on the offence.

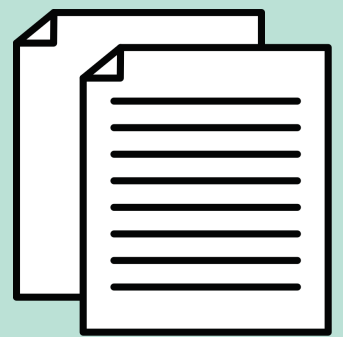
2 How do you pay a fine?

You may pay a fine online via the Revenue NSW website, over the phone or through the Service NSW application. You may also elect to pay the fine in-person, at a post office or at a Service NSW Centre, or via instalments through Centrepay. Centrepay is available when you cannot afford to pay fines in full, or in one transaction.

3 Why should you pay a fine on time?

It is important that you pay your fine on time so that you do not end up with overdue fines or further penalties. Failing to pay a fine on time (or at all) can result in:

- Additional administrative and overdue payments;
- Enforcement action (such as interaction with debt collection agencies, garnishee orders, seizure and sale of personal property). You will usually be liable to pay any additional costs of enforcement.
- Suspension of your drivers licence until the fine has been paid.



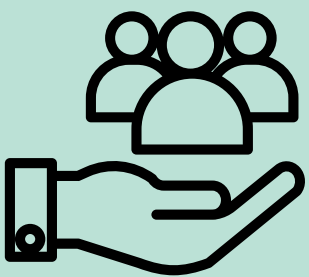
4 What if you cannot afford to pay a fine?

If you cannot afford to pay a fine in one transaction, you can make a request to Revenue NSW to pay your fines in instalments through a payment plan. You will need to contact Revenue NSW to arrange a payment plan.

If the fine is already overdue, you need to contact Revenue NSW and apply for a long-term payment plan. A long-term payment plan may be made available if you cannot afford to pay the instalments at regular intervals, to avoid late payment. If you are experiencing financial hardship or receiving Centrelink benefits, you may be able to negotiate the amount you can afford to pay and/or request for part of the fine(s) to be waived. You can also apply to pay off your fine(s) through a Work Development Order if you meet certain criteria. However, if you fail to adhere to your payment plan, additional penalties and costs may be imposed.

5 What are Work & Development Orders?

A Work & Development Order (WDO) is a scheme that allows you to clear fines through engagement in activities or treatment programs, rather than through money. These services could include participating in medical or psychological or drug and alcohol treatment, financial counselling, community service, or vocational or educational courses. You may be eligible for a WDO if you are experiencing financial hardship, have a mental illness, intellectual disability or are cognitively impaired, have a serious addiction to drugs or alcohol, or if you are homeless. To apply, you need to request a WDO on the Service NSW website. If you meet the eligibility criteria, you then need to find a sponsor within your region, who is willing to provide you with the required services.



How do I appeal a fine?

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You can challenge fines that you receive through the myPenalty portal on the Service NSW website. For example, if you believe you are not guilty of the conduct that resulted in the fine, there has been a mistake, or there are other relevant factors contributing to the offence, you may wish to challenge the fine.

This will result in your penalty being cancelled, being issued with a caution, or the penalty still standing. Where the penalty remains after the review process, you must either pay the fine, or you can elect to go to court.

7 How do I challenge a fine in Court?

Due to the time-consuming and costly nature of court processes, challenging a fine in court should be a last resort. If you wish to challenge a fine, you should do so before the due date of the fine as challenging a fine after the due date may lead to greater costs and may require you to prove that you were hindered from requesting to go to court before the due date.

You can plead guilty or not guilty in court. If you choose to plead not guilty, you will need to present your case at the hearing. Remember, once you elect to challenge a fine in court, you cannot change your mind and must go through the court process.

8 What are the risks of challenging a fine in Court?

The obvious risks that a person may encounter when challenging a decision in court include:

- The costs associated with court proceedings;
- Paying the prosecutor's professional costs if you are unsuccessful;
- The court has the power to impose an even larger fine if you are unsuccessful;
- If you are found guilty or plead guilty in court, the offence may appear on your criminal record;
- Some offences may carry automatic periods of disqualification of your licence.

Challenging a fine in court is usually not advisable unless there is strong evidence against the issuing of the fine. You should seek legal advice before choosing to challenge a fine in court.

Where can I get more information and help?

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You can seek further free legal assistance by contacting organisations including:

- LawAccess NSW, T. 1300 888 529
- Youth Law Australia, T. 1800 950 570)
- Your local community legal centre
- National Debt Helpline, T. 1800 007 007

Western Sydney University Justice Clinic

For further details on the WSU Justice Clinic, please visit the website.

If you are a WSU student, contact the WSU Student Legal Service at studentlegalservices@westernsydney.edu.au for more guidance.