



DEMERIT POINTS

In Victoria, a **demerit point** system is used as a way of punishing driving offences. This means that if you break a road rule as a driver, you may also be given demerit points as well as a fine. If you get too many demerit points, you may lose your licence or permit to drive.

More serious offences will give you more demerit points.

How many is too many?

Licence Type	Maximum Demerit Points
Full Licence	12 points over 3 years
Learner Permit, Probationary P1 & Probationary P2	5 points over 12 months

What happens if I reach the maximum?

If you reach the limit of your demerit points, you will receive a letter from VicRoads called an **Option Notice**. The Notice will give you a choice of two options:

1 Suspension of your licence or permit for a period of 3 months, plus 1 extra month for each additional 4 points you receive.

OR

2 Keep the licence or permit. However, if you receive **any** demerit points over the next 12 months, you will be suspended for **double** the time in the first option.

If your licence or permit is suspended then you cannot drive.

There are serious fines and penalties for people who drive while their licence is suspended.

ABOUT US



Sort it! Deakin Legal Service for Students provides free and confidential legal advice and information for all current Deakin University students.

Even if you are not sure if your problem is a legal one please visit our website. If we are unable to help, we can refer you to someone who can. Book your appointment at:

eclc.org.au/deakin



Eastern Community Legal Centre
ph: (03) 9285 4822

Burwood Campus



Barwon Community Legal Service
ph: 1300 430 599

Waurm Ponds Waterfront & Warrnambool Campuses

MORE PLACES FOR HELP & INFORMATION

VicRoads
131 171
vicroads.vic.gov.au

Civic Compliance Victoria
Metro: (03) 9200 8111
Regional: 1300 369 819
fines.vic.gov.au

Sort it! Deakin Legal Service for Students is a partnership between Deakin University Student Association (DUSA), Eastern Community Legal Centre (ECLC) and Barwon Community Legal Service (BCLS).

DISCLAIMER: This information is intended as a guide only. It is not a substitute for legal advice.



**SORT IT!
DEAKIN LEGAL
SERVICE FOR
STUDENTS**

**DRIVING
ROAD RULES
SPEEDING
TICKETS
RED LIGHT
CAMERAS**

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eclc.org.au/deakin

DRIVING, ROAD RULES & FINES

What is a Road Rule?

You must follow road rules when you are traveling on a public road. Road rules apply to car drivers, passengers, bicycle riders as well as pedestrians who are walking on the street. You can find the full list of road rules in the *Road Safety Road Rules Act 2009* (Vic).

I got a fine!

Breaking a road rule means you have committed an offence, and you may be given a fine called an **Infringement Notice**. An infringement is a type of fine used to punish people who break the law.

An infringement notice can be given to you:

- ◆ Face-to-face by a member of the Police
- ◆ By putting it on the windscreen of your car
- ◆ In the mail

You will need to pay the fine within the due date listed on the Infringement Notice. For most fines you have 28 days to pay.

What if I disagree with the fine?

If you disagree with the fine there are different ways to ask for the infringement to be reviewed. Your options will depend on which stage the infringement has reached. If you want to challenge the infringement or go to Court, you should always get legal advice first.



I don't have the money to pay!

If you receive the infringement notice and you are unable to pay the fine, you may be able to apply for a **payment plan**. A payment plan gives you extra time to pay, or allows you to pay the fine off in smaller payments over time instead of all at once.

You can call **Civic Compliance Victoria** to apply for a payment plan over the phone. Information about how to do this will be written on your infringement. You can also ask for further legal advice if they refuse to give you a payment plan.

What if I don't pay?

Do not hold on to your fine. You will be charged extra costs if you do not pay your fine on time. If you continue to do nothing, a **warrant** may be issued against you. A warrant allows the Sheriff to cancel your car registration, suspend your license, and in serious cases, you can be arrested. The next page has more information about the infringement process if you do not pay.

Should I go to Court?

You have a right to dispute your fine in open court. However, going to court takes time and effort, and the Magistrate can give you harsher penalties if they find you guilty. In many cases it will be simpler to pay off the fine. You should always get advice from a lawyer before you choose to go to court.

INFRINGEMENT PROCESS

1 Infringement Notice

If you receive an Infringement Notice you will need to pay the fine by the due date as listed in the notice.

You can apply for a payment plan, or write a letter to have the infringement reviewed internally.

2 Penalty Reminder Notice

If you don't pay the fine by the first due date, the Penalty Reminder Notice gives you another 28 days to pay, but it will include extra costs.

You can still apply for a payment plan, or a review of the infringement at this stage.

3 Enforcement Order

Ignoring a Penalty Reminder Notice leads to an order by the Infringements Court. They will give you a final 28 days to pay the fine, and add even more costs.

At this stage you can apply for a Payment Order from the Court. You can also apply to revoke the infringement, however, this may lead to an open court hearing. Seek legal advice first.

4 Infringement Warrant

Ignoring a the Enforcement Order will result in a warrant being issued against you. When the warrant is issued you will receive a 7 Day Notice from the Sheriff demanding payment.

If you don't pay, the Sheriff has powers to:

- ◆ Seize and sell your assets
- ◆ Suspend your driver's license
- ◆ Cancel your car registration
- ◆ In serious cases, arrest you and bail you in front of Magistrate.