



## 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.

### 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 or 12 points in any 3 year period

### 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:

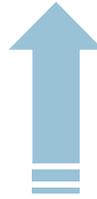
**1** Suspension of your licence or permit for a period of 3 months, plus 1 extra month for each additional 4 points you receive.

**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



**Deakin Student Legal Service** 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](http://eclc.org.au/deakin)



Eastern Community Legal Centre  
Ph: 1300 325 200  
Burwood Campus



Barwon Community Legal Service  
Ph: 1300 430 599  
Warrnambool, Waterfront & Warrnambool Campuses

### MORE PLACES FOR HELP & INFORMATION

#### VicRoads

Australia: 131 171

International: + 61 3 8391 3216  
[vicroads.vic.gov.au](http://vicroads.vic.gov.au)

#### Fines Victoria

Metro: (03) 9200 8111  
Regional: 1300 369 819

Deakin Student Legal Service is a partnership between Deakin University Student Association (DUSA), Eastern Community Legal Centre and Barwon Community Legal Service.



Deakin Student Legal Service

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



Deakin Student Legal Service

**FINES  
DRIVING  
SPEEDING  
PARKING  
TICKETS  
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## KNOW YOUR RIGHTS!

For free information, referrals and appointments visit:

[eclc.org.au/deakin](http://eclc.org.au/deakin)

Updated: April 2021

# FINES & INFRINGEMENTS

## I got a fine!

An **Infringement Notice** is a fine given to people who have broken minor laws, such as road rules (e.g. speeding), local council rules (e.g. parking for longer than allowed), or public transport rules (e.g. not having a valid ticket).

An infringement notice can be given to you:

- ◆ Face-to-face by Police or an authorised person
- ◆ By putting it on the windscreen of your car
- ◆ In the mail

## I don't have the money to pay!

If you don't have the money to pay the fine(s), you may be able to apply for an **extension of time to pay** or **payment plan**. A payment plan allows you to pay the fine(s) off in smaller payments over time instead of all at once.

You can usually call **Fines Victoria** to apply for a payment plan over the phone, or via the Fines Victoria website.

## What if I don't pay?

Do not hold on to your fine(s) because you will be charged extra costs if you do not pay them on time, and they will progress in the fines life cycle. If you continue to do nothing, a **warrant** may be issued against you. This allows the Sheriff to cancel your car registration, suspend your license, and in serious cases, you can be arrested.



## 7 Day Notice

If you get a "7 Day Notice" from the Sheriff, **seek legal advice immediately!** After the end of the 7 days your options to deal with your fines become very limited!

## It wasn't me!

If you were not the driver at the time, you can **nominate** the real driver to receive the fine instead. There are strict timelines to make a nomination and if you don't do it quickly then the law can hold you responsible for the fine. In limited cases you can also argue there was **mistaken identity**, i.e.: someone used your ID and held out to be you.

## Should I go to Court?

You have a right to dispute your fines in open court. However, going to court

turns your fine into a criminal matter, and the Magistrate can give you harsher penalties if they find you guilty and this will go onto your criminal record. In many cases it will be simpler to pay off the fine. You should always get advice from a lawyer before you go to court.



## OTHER OPTIONS

### Work & Development Permits (WDPs)

If you have **special circumstances** or are experiencing serious financial difficulties, a sponsor agency can help you "work off" your fine(s) by participating in activities like seeing a counselor or doing a short course. Please contact the Deakin Student Legal Service or DUSA if you are interested in a WDP.

### Family Violence Scheme (FVS)

If you were a victim of family violence at the time of the fine(s) and this substantially contributed to you committing the offence or meant you could not nominate the real driver, then you can apply under the FVS to have these fines waived.

You will need to provide evidence to support your application with a statutory declaration, an intervention order and/or letters of support from workers and professionals.

## I DON'T AGREE WITH THE FINE!

If you disagree with the fine(s) there are different ways to ask for a review. Depending on the stage of the fine, you may want to ask for an **internal review** or an **enforcement review**. Here are some reasons you can ask for a review. You may want to speak to a lawyer to check which ones apply to you:

### Not aware

If you were not aware of the original fine(s), you can use this reason to ask for the late fees to be removed. You can't use this reason if you forgot to update your drivers' licence address with VicRoads.

### Contrary to law

You can use this reason if you think the fine was incorrectly given to you, and was contrary to what the law says. We recommend speaking to a lawyer first.

### Exceptional circumstances

There is no legal definition about what makes your circumstances "exceptional", but common reasons include incurring the fine during an emergency or making a honest and reasonable mistake.

### Special circumstances

You must prove that you had special circumstances at the time of the fine(s), and that your special circumstances meant you could not control or understand your behaviour. You will need to provide supporting letter from a medical practitioner or a support worker.

Special circumstances include:

- ◆ Mental illness or intellectual disability
- ◆ Serious addiction to drugs or alcohol
- ◆ Being a victim of family violence
- ◆ Being homeless