

Fines are penalties issued to people who break the law by committing driving, parking, littering or public transport offences. They fall into two general categories:

- infringement notices (also known as on-the-spot fines), issued by police, parking inspectors, council rangers or transit officers. These only end up in court if they are unpaid or challenged; and
- fines issued in the Magistrates' Court.

When an infringement notice is issued

People who receive an infringement notice will usually have 28 days to take action. Their options include:

- pay the fine in full (following the instructions on the infringement notice)
- ask the issuing agency for a review if they do not agree with the details of the fine
- ask the issuing agency for a payment plan or more time to pay
- notify the issuing agency that they wish to go to the Magistrates' Court
- ignore the fine and do nothing. The longer you wait, the fewer options you have and the more you have to pay.

Fines issued to people under 18 will be dealt with under the Children and Young Persons Infringement Notice System (CAYPINS).

What is a payment plan?

When somebody cannot pay a fine on time, they can ask the issuing agency for a payment plan under which they get more time to pay or pay by instalments or a combination of these. If the agency agrees to a payment plan, any failure to stick to the plan may incur extra penalties.

If you ignore the fine and do nothing

If a fine isn't paid within the 28 days allowed, a penalty reminder notice will be issued and extra costs added to the fine. A further 28 days will be allowed for payment of the fine, though it's still possible to arrange a payment plan or elect to go to the Magistrates' Court for a hearing.

If the fine remains unpaid on the penalty reminder notice due date, the fine will be sent to the Infringements Court (a venue of the Magistrates' Court that processes unpaid fines) and an enforcement order (which includes extra costs) will be issued for payment within 28 days.

Need more information?

Visit www.moneyhelp.org.au

Or call 1800 149 689

If the fine remains unpaid extra costs will again be added.

The Infringements Court registrar may then:

- revoke (or cancel) the enforcement order for review by the issuing agency
- summons the person to attend court for questioning about payment arrangements
- issue a warrant for the person's arrest if they fail to attend according to the summons
- issue an infringement warrant under which the sheriff can settle the fine by way of payment or seizure and sale of the person's property.

When an infringement warrant is issued

The sheriff's office is responsible for delivering enforcement orders issued by the Infringements Court to people who haven't paid their fines. An enforcement order must be paid in seven days or an application submitted to the court for its cancellation. If neither of these actions are taken, the sheriff can:

- seize and sell personal goods (excluding basic household items like a fridge and computer) to cover the cost of the fine
- clamp the wheel of a car or motorcycle registered in the person's name until payment is made
- suspend the person's driver's licence or motor vehicle registration until payment is made
- apply for an attachment of earnings order to the person's wages or bank account
- sell the person's house, but only as a last resort.

The sheriff can arrest somebody with insufficient property to cover the fine and:

- release them on a community work permit, if appropriate; or
- release them on bail to go to the Magistrates' Court.

When will your fine go to the Magistrates' Court?

There are a number of points at which a person can elect to have a hearing about the fine in the Magistrates' Court.

When you attend the Magistrates' Court for unpaid fines and enforcement orders, the magistrate may discharge the fine (if you have mental illness, an intellectual disability or special circumstances).

The magistrate may also cancel or reduce the fine, and remove extra costs or increase the fine, add court fees, cancel or suspend the offender's driver's licence, and record a conviction against their name.

If the fine is upheld, the magistrate may:

- place you on a community based order to work off the fine (one hour work for each \$20 of the unpaid fine)
- send you to prison if they believe it is an appropriate action (one day's prison for each \$100 unpaid fine).

A person cannot be sent to prison for unpaid fines unless they have been before a magistrate.

Any conviction for a non-traffic related offence will appear on a Victorian Police criminal record check.

The information on this fact sheet is general and does not constitute legal advice.

MoneyHelp's products and services have been prepared for the information of Victorians who have experienced or are facing job loss or reduced working hours because of the economic downturn. These people can phone 1800 149 689 to speak to a MoneyHelp financial counsellor. A financial counsellor will discuss a range of debt payment options based on an individual's circumstances.

Key messages

- People in financial hardship can pay fines by instalments or get more time to pay
- A person may go to prison or lose their house (in extreme cases) for non-payment of fines
- A person cannot be sent to prison for unpaid fines unless they have been before a magistrate

Further information

MoneyHelp
1800 149 689

Consumer Action Law Centre
1300 881 020

Department of Justice
www.fines.vic.gov.au

Victorian Legal Aid
www.legalaid.vic.gov.au