



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

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:

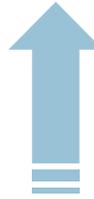
1 Suspension of your licence or permit for a period of 3 months, plus 1 extra month for each additional 4 points you receive.

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.

Request an 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

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

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



Deakin Student Legal Service

**FINES
DRIVING
SPEEDING
PARKING
TICKETS
MYKI**

KNOW YOUR RIGHTS!

For free information, referrals and appointments visit:

eclc.org.au/deakin

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

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FINES & INFRINGEMENTS

I got a fine!

An **Infringement Notice** is a fine given to people who have broken minor laws. Infringements are commonly given to people for breaking laws like road rules (eg. speeding), local council rules (eg. parking for longer than allowed), or public transport rules (eg. 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 or 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.

What if I don't pay?

Do not hold on to your fine(s). You will be charged extra costs if you do not pay your fine(s) on time. 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.



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**.



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!

Should I go to Court?

You have a right to dispute your fines 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.



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 Family Violence Scheme 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 infringement, 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 usually 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