

Fines and Infringements

Supporting your clients with fines and infringements

Brett Hogan
Senior Lawyer

Sarah Eid
Lawyer

Alexandria Jones
Community Development Manager

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BARWON

ACKNOWLEDGING COUNTRY

Barwon Community Legal Service acknowledges the Wadawurrung people of the Kulin Nation, the Traditional Custodians of the land on which we learn and work, and all Aboriginal and Torres Strait Islander People who are part of our Barwon region.

Artwork sourced from:

www.bellarinebayside.com.au/about-us/acknowledging-traditional-owners/

Billy-Jay O'Toole website:

www.facebook.com/papulaborginalart



Artwork: *Bellawiyn* – original Wadawurrung name for the Bellarine which means place of resting by the fire.

Artist: *Billy-Jay O'Toole, Wadawurrung artist.*

TRAINING OVERVIEW

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fines in
Victoria

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your clients to
free legal
assistance

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Free legal assistance



- Provide free legal information, advice and casework
- FV Intervention Order Applicant duty lawyer service - at Geelong and Colac Magistrates' Courts
- Community legal education, awareness initiatives and systemic advocacy
- We offer free training and secondary consultations for community workers

We co-locate our lawyers across a wide range of community organisations including:

- The Orange Door
- SAFVC
- Barwon Health
- Colac Area Health
- MeLI
- Western Heights College
- Cultura
- Deakin Student Legal Service
- fOrT Youth Centre
- Colac and Geelong Magistrates' Courts

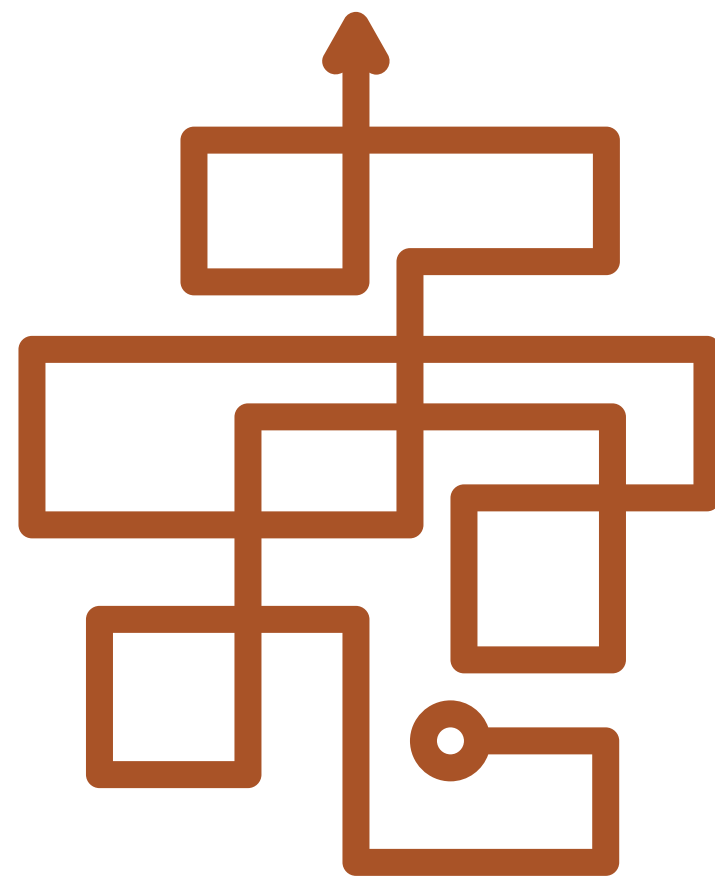
Areas of law

Family	Safety	Money	Housing and neighbours	Senior years	Other legal issues	Criminal law
Family law - Parenting/ property arrangements	Family Violence Intervention Orders (Duty lawyer representation and pre-court advice)	Consumer law, credit and debt	Neighbourhood disputes*	Elder abuse	Motor vehicle accidents*	Summary Criminal offences**
Separation and divorce*	Personal Safety Intervention Orders*	Fines and Infringements	Tenancy (for FV clients only)	Powers of Attorney, Guardianship and Administration	Employment law*	**Advice only (run by volunteer solicitors)
Child support	Victims of Crime Applications	Centrelink and social security		Wills*		Referrals to Victoria Legal Aid

* Indicates where we provide advice only or only as part of a specific outreach or program.

For an overview of our areas of law please see our website: <https://www.barwoncommunitylegal.org.au/areas-of-law/>

SPOTTING LEGAL ISSUES

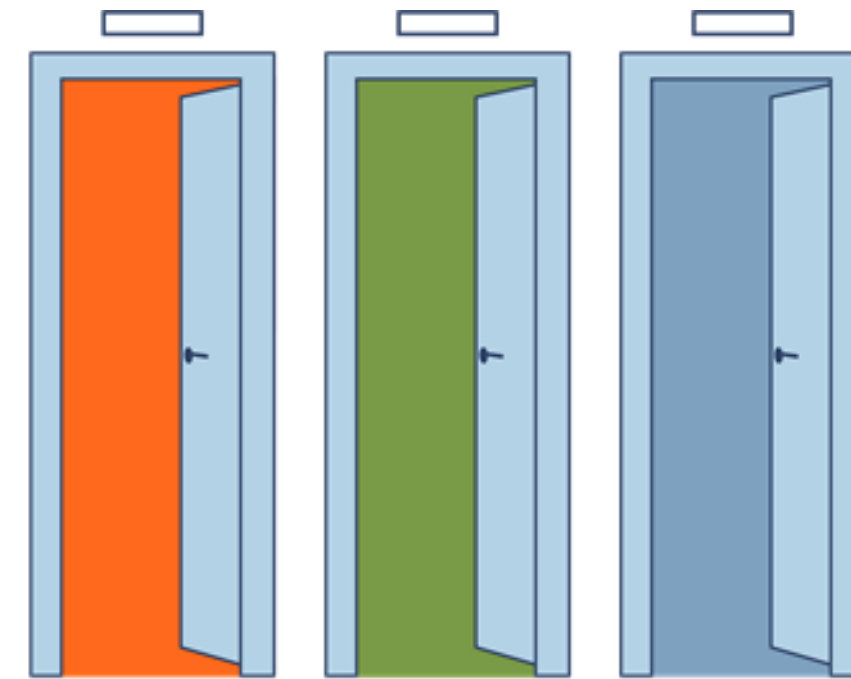


Legal Issues:

- feel complex and stressful
- arise in clusters
- escalate if not addressed
- disproportionately impact communities experiencing disadvantage, social and health issues
- are easily ignored by clients who are unlikely to access a lawyer for help.

Community workers as trusted intermediary

- You play a vital role in spotting legal issues and connecting clients to legal help earlier
- Best legal outcomes when client is supported to engage with the legal process
- Not asking you to solve legal issues



Spot legal issues

Definitions

Who enforces fines in
Victoria

A **fine** is the financial penalty for breaking the law.

An **infringement** is the offence you have committed. Often people use these two words interchangeably.

An **infringement notice** is the notice you receive that says:

- what law you have broken
- how much you have to pay
- the due date of the infringement
- your options

The **purpose behind a fine** is to create a penalty to discourage people from breaking the law again, while keeping the offence out of court



What types of offences can I be fined for?

Who enforces fines in
Victoria

- Some examples of the types of circumstances you might be issued with a fine include:

- parking offences
- traffic offences - ie. speeding or driving through a red light
- public space offences (littering or drinking in a public place)
- public transport offences
- failing to vote

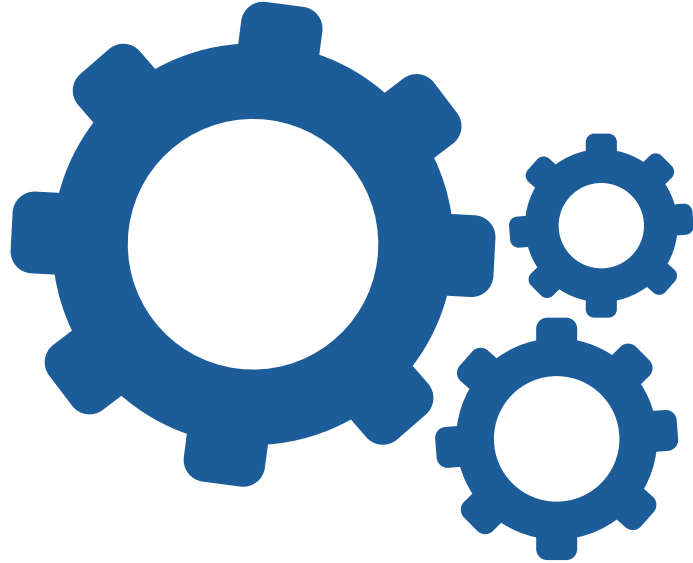


- Victoria Police, local councils, Department of Transport, Victoria Electoral Commission are just some of the bodies that have the power to give out fines.

- You might receive a fine on the spot, have one left on your vehicle or receive it in the post

Who enforces fines in Victoria?

Who enforces fines in Victoria



Send out fines on behalf of agencies

Collect fine payments

Help resolve fines by providing info to people

Review fines

Take enforcement action for unpaid fines

Stages of a fine

The Life Cycle of a
Fine



Infringement stage (Fines do not expire)

+ \$26.60* | 49 days¹



Enforcement stage

+ \$137.80* | 28 days¹



If the Director serves you with a notice of final demand and you do not act within the required time, the Director can take enforcement against you. This may include suspending your licence and/or registration.

Warrant stage (Warrants do not expire and can be enforced at any time)

+ \$60.20*



If an enforcement warrant is issued, the Sheriff can:

- remove your number plates
- immobilise and detain your vehicle
- seize and sell your vehicle.

Your options | You should act early to avoid added fees and possible enforcement action.

Pay		
Payment arrangement You may be able to apply for more time to pay or to pay by instalments.		
Nominate You can apply to the enforcement agency ² to nominate the responsible driver.	You can no longer nominate the person responsible once your fine reaches the Enforcement or Warrant stage ³ .	<p>If a 7 Day Notice expires, your only option is to pay.</p> <p>If you can't pay, the Sheriff can:</p> <ul style="list-style-type: none"> Seize your goods Sell your goods at a public auction Arrest you <p>If you are arrested, you may be able to undertake community work, or you will be bailed to appear in court.</p>
Go to court You can apply to the enforcement agency to request for your matter to be referred to court. Director, Fines Victoria has no role.	You can no longer request to take the matter to Court once your fine reaches the Enforcement or Warrant stage ³ .	
Request a review If your fine is at Infringement stage, you can apply to the enforcement agency for an internal review . Director, Fines Victoria has no role.	If your fine is at Enforcement or Warrant stage, you can apply to Fines Victoria for an enforcement review .	
Work and development permit		
Family violence scheme		

For more information visit fines.vic.gov.au/infringement-fines

¹ These are minimum statutory requirements. In practice, these timeframes may be longer, depending on if/when an enforcement agency registers a fine, and if /when the Director, Fines Victoria applies for an enforcement warrant.

² Enforcement agency includes government agencies, councils, education and health organisations.

³ There may be exceptions to this such as if you just became aware of the fine or you could not nominate due to family violence. Please visit fines.vic.gov.au for more information

Options available when you get a fine?

Depending upon your circumstances your options could be:

- Pay the fine
- Nominate the responsible person (if you were not responsible) to pay the fine
- Apply for a payment extension
- Apply to pay by installments
- Request a review
- request a court hearing
- Apply for Work Development Scheme



How to review a fine:

All requests for a review at any stage of the fines life cycle is done via the Fines Victoria Website

The screenshot shows the Fines Victoria website interface. At the top left is the logo 'FINES VICTORIA'. The navigation menu includes 'INFRINGEMENT FINES', 'COURT FINES', 'YOUR OPTIONS', 'ONLINE FORMS', 'SUPPORT', and 'CONTACT US'. On the right, there is a search icon and a user profile icon labeled 'YOUR FINES'. The main heading is 'Request a review' in large white text. Below it, a sub-heading reads: 'If you believe you have been unfairly issued with a fine or that there is a valid reason why your fine should be withdrawn, you may be able to request a review.' There are two buttons: 'Get Started' (orange) and 'Learn more →' (white). At the bottom, a dark grey bar contains seven icons with labels: 'Pay your fine', 'View image', 'Pay by instalments', 'Payment extension', 'Nominate a driver', 'Request a review' (highlighted with an orange underline), and 'Go to court'.

FINES VICTORIA

INFRINGEMENT FINES COURT FINES YOUR OPTIONS ONLINE FORMS SUPPORT CONTACT US

YOUR FINES

Request a review

If you believe you have been unfairly issued with a fine or that there is a valid reason why your fine should be withdrawn, you may be able to request a review.

[Get Started](#) [Learn more →](#)

Pay your fine View image Pay by instalments Payment extension Nominate a driver **Request a review** Go to court

When you can request an internal review of a fine:

Ways of getting a fine reviewed

exceptional circumstances

- out of the ordinary
- unavoidable
- unexpected.

finest were a result of family violence

- Family Violence scheme

special circumstances

- mental health, homelessness, drug and alcohol issues, family violence, or severe disabling long term circumstances

decision was against the law

- officer issued your fine was not authorised to do so, made a mistake, or acted unfairly or improperly
- the infringement notice is not valid (for instance, it is incomplete, or it does not otherwise comply with the formal legal requirements for an infringement notice).

unaware and did not receive notice of fine

- You can only request a review under this ground if all of the following apply:
- you found out about the fine within the last 14 days, and
- the fine was not personally given to you by an officer, and
- the fine was for an eligible fine

mistaken identity

- For example, someone provided your licence or gave your details to police, or you have the same name as another person or family member and the wrong person received the fine. This does not apply if someone else was driving your car. This would need to be a nomination of a driver.

Cannot request a review for:

- excessive speeding
- drink/drug driving offences
- alcohol related boating offences
- when the fine was issued by a court

When you cannot request an internal review by Fines Victoria

Ways of getting a fine reviewed

Cannot request a review for:

- excessive speeding
- drink/drug driving offences
- alcohol related boating offences
- when the fine was issued by a court

Requesting an official warning from Victoria Police

- if Vic Pol issued you a fine - you can request an official warning if
 - the offence was under 10kms and
 - you have not had a fine within the past 2 years

Jerry's story

Ways of getting a fine reviewed

Special circumstances

- speeding and parking fines in final demand stage
- mental health issues making organisation and responding to deadlines hard
- evidence from doctor to demonstrate mental health challenges
- all fines waived by Fines Victoria



Iryna's story

Ways of getting a fine reviewed

Family Violence Scheme

- family violence clients often present with a cluster of issues - including fines
- limited experience of the Australian legal system
- traffic fines incurred by abusive partner
- applied to Fines Victoria as part of their family violence scheme to have fines withdrawn.



Handy tips for community workers supporting clients with unpaid fines

- Vital to **act early** with fines! The earlier you take action the more legal options are available
- You can play an important role in helping your client **gather evidence** - ie. letter from doctor etc or provide a **support letter**
- If you are not sure where to start with a client with unpaid fines - call us for a **secondary consultation**- we can provide legal information about the process and find the best referral pathway
- **The Fines Victoria website** can be used to get the Debtor Summary report. They have other great resources available.
- **Connect your client to legal assistance early** - we can provide free legal advice on fines to help clients identify whether they have a ground for review

Useful resources

- Fine Fixer - <https://finefixer.org.au/>
- Template for special circumstances - <https://vic.finefixer.org.au/fine-option/what-to-do-when-you-have-more-fines-than-you-can-manage/>

FineFixer.org.au

Getting a fine really sucks, so we've created a better way to understand what to do when you get a fine in Victoria.

FineFixer Victoria

If your fine was issued in Victoria, you can fix it at FineFixer Victoria. You don't have to be a VIC resident.



I want to fix a fine →

We'll need to ask you a few questions, and will give you personalised options

I need help understanding all my options →

Find out all the things you can do when you get a fine

Useful resources

- Fines Victoria Website - <https://online.fines.vic.gov.au/>
- Guide to Special Circumstances - <https://online.fines.vic.gov.au/Support/Special-circumstances>

The screenshot shows the Fines Victoria website. The top navigation bar is blue with the Fines Victoria logo on the left and links for INFRINGEMENT FINES, COURT FINES, YOUR OPTIONS, ONLINE FORMS, SUPPORT, CONTACT US, and YOUR FINES on the right. Below the navigation bar, the breadcrumb trail reads HOME / SUPPORT / SPECIAL CIRCUMSTANCES. The main heading is 'Special circumstances'. The content area explains that if you have serious personal issues, it may be possible to apply for a review of your fines under Special Circumstances. It lists specific conditions for applying, such as having a mental or intellectual disability, serious addiction, or being affected by family violence. A sidebar on the right titled 'Special circumstances: what the legislation says' provides a legal definition of special circumstances.

FINES VICTORIA

INFRINGEMENT FINES COURT FINES YOUR OPTIONS ONLINE FORMS SUPPORT CONTACT US YOUR FINES

HOME / SUPPORT / SPECIAL CIRCUMSTANCES

Special circumstances

If you have serious personal issues, conditions or difficulties, it may be possible to apply for a review of your fines under **Special Circumstances**.

These circumstances are very specific. You can apply only if you committed the offence and can show that:

- at the time of the offence you:
 - had a mental or intellectual disability, disorder, disease or illness
 - had a serious addiction to drugs, alcohol or a volatile substance
 - were homeless
 - were affected by family violence, OR
- you cannot deal with your fines because of severe disabling long-term circumstances.

Special circumstances linked to your offending behaviour

You must show a link between your special circumstances and your offending behaviour.

Special circumstances: what the legislation says

special circumstances, in relation to a person means—

(a) a mental or intellectual disability, disorder, disease or illness where the disability, disorder, disease or illness contributes to the person having a significantly reduced capacity to—

(i) understand that conduct constitutes an offence; or

Referrals to Barwon Community Legal

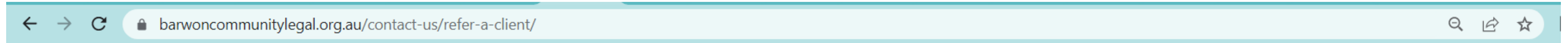


Connect young
people to legal help

- Secondary consultations via phone
- conflict checks
- in person or phone appointments with clients
- We can be contacted:
 - via phone: 1300 430 599 or
 - email: bcls@barwoncls.org.au

How to contact us:

Make a referral via our *Refer A Client* form on our website



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English

Quick exit



Getting started ▾

I need help ▾

My client needs help ▾

Our Work ▾

About Us ▾

Contact us ▾

Connecting to Legal Help

What We Can Help With

Refer a Client

Supporting your clients legal needs

Law for Community Workers Training

Partnering with Us

Refer a Client



Home > Contact us > Refer a Client

You can refer a client to us by completing the form below.

Appointments can also be requested by [contacting](#) our office by phone or email.

** is a required field*

Referrer Details

Name *

My client needs help

Connecting to Legal Help ▾

What We Can Help With

[Refer a Client](#)

Supporting your clients legal needs ▾

Questions!

