



## **Can't pay your fines or don't think you should have to??**

An increasing number of young people are accumulating thousands of dollars worth of fines for public transport, parking and a myriad of other minor infringements. Most can't afford to pay them and many believe they did nothing wrong and should not have to pay. Most try to hide the fines under the bed and pretend they didn't arrive – ***this is what you shouldn't do – read on to work out what you should do...***

### **The Fines Process**

If you take no action, the issuing authority (eg: Victoria Police, Hillside, Bayside, Connex, etc) will contact the Infringement Court. The Infringement Court is a computer court that operates as an arm of the Magistrates' Court. The Infringement Court will send letters requesting you pay the fine, adding agency costs each time. If you continue to ignore letters from the Infringement Court, a warrant may be issued for your arrest by a Sherriff.

Instead of doing nothing, here are some suggestions.

### **Challenging fines**

If you believe that you were in the right, but still have received a fine, you should challenge the fine. The first step is to write a letter to the issuing agency explaining the situation and why you think the fine is wrong. For example, many young people who are eligible to travel on concession rates receive fines for failing to have their health care card on them. Writing a letter explaining this, including a copy of your valid health care card may be enough to get the fine cancelled.

If this doesn't work, seek legal advice about taking the matter to open Court for hearing.

If you are already receiving letters from the Infringement Court about your fines, it is a bit more complicated and you should seek advice from your local financial counsellor or community legal centre. You will need to make a statutory declaration explaining your situation, and ask the Infringement Court to send the fine back to the issuing agency.

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## **Can't afford to pay?**

The legislation in Victoria has now changed to include a definition of special circumstance and applications can be made to the court to determine if these special circumstances contributed to a person getting the infringement notice. Special circumstances are:

- Mental or intellectual disability or:
- Serious drug or alcohol addition or:
- Homelessness.

Not defined in the legislation, however special circumstances may also cover clients from a non-English speaking background, if this is the reason that resulted in the fine. For example if you did not understand the system because of a limited English language capacity. If you think you might have a chance of fitting the criteria you should make it – get help from your local financial counsellor or community legal centre to do so.

If your application is successful the issuing agency looks at the fines again and decides whether or not to cancel them. If they do not, your case is sent to the "Special Circumstances" list for a Magistrate's Court hearing.

## **If you are unsure about what fines you owe.....**

The first step is to get a copy of all outstanding fines from The Infringement Court located on Ground Floor, 120 Spencer Street, Melbourne. Or call them on 9611 7600 or 1800 150 410 and have one sent to you.

## **More info...**

For more information contact your local community legal service through the Federation of Community Legal Centres on 9654 2204, or contact Youthlaw on 9611 2412 or pop in and see us.

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