



DEALING WITH FINES

Many of you will be aware of the huge problem young people face in relation to fines. 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. Recent amendments have been made to the law to assist people who have no capacity to pay the fines

The Fines Process

If a person has been fined for committing an offence and they have not paid the fine, the issuing authority (eg: Victoria Police, Hillside, Bayside, Connex, etc) may register the matter with the Infringements Court. The Infringements Court is a computer court that operates as an arm of the Magistrates' Court. The Infringements Court then sends out an Enforcement Order for the amount of the fine plus additional agency costs. If a Infringements Court Notice is ignored, a warrant for a persons arrest may be issued.

Getting Fines Revoked

There are narrow circumstances under which a fine may be "revoked" or withdrawn. Under the *Magistrates' Court Act 1989* these are referred to as "*special circumstances*". If the Infringements Court decides to revoke the Enforcement Order it is then referred back to the issuing agency who may either decide to cancel or refer it to the "Special Circumstances" list for a Magistrate's Court hearing.

What constitutes "special circumstances"?

Special circumstances are now defined in legislation and they are:

- A mental or intellectual disability , disorder, disease or illness or;
- A serious addiction to drugs or alcohol or other volatile substance or;
- Homelessness.

What can workers do?

Workers can assist by encouraging young people to challenge and deal with their fines before they escalate in cost and number.

Challenging fines

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230

www.youthlaw.asn.au

Tel 9611 2412 Fax 9620 3622 Email info@youthlaw.asn.au
At Frontyard, 19 King Street, Melbourne VIC 3000



Workers should encourage young people to contest fines that they believe have been wrongly issued. 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 to the issuing agency to explain the situation and enclosing a copy of the valid health care card may be enough to get the fine cancelled.

Obtain a copy of outstanding fines

Where a young person knows they have a lot of fines the first thing they should do is obtain a copy of all outstanding fines. A print out copy can be obtained from Civic Compliance Victoria located on Level 1, 277 William Street Melbourne 3000.

Applications for withdrawing fines

Where a young person is making an application for fines to be revoked or withdrawn they will need to make a statutory declaration explaining the circumstances that led to them incurring the fines and any special circumstances. Workers can assist by preparing reports that support the young person's application. Such reports should cover things such as:

- Presence of mental health issues and treatment received;
- History of substance abuse;
- Homelessness;
- Incapacity to pay fines
- Details on any other aggravating factors

More info...

For more information contact your local community legal service through the Federation of Community Legal Services on 9602 4949, or contact Youthlaw on 9611 2412. Youthlaw runs drop in legal clinics from 2pm – 5pm, Mon to Fri at 19 King Street, Melbourne.

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