



FINES – UNDER 18 YEARS OLD

The CAYPIN System

What happens when I get a fine?

If you are aged 17 and under at the time of your offence, your fine will be dealt with by the **CAYPIN SYSTEM**. CAYPIN stands for Children and Young Persons Infringement Notice.

This new enforcement procedure was introduced on 1 July 2005 to deal with fines for children aged 17 and under at the time of their offence in the Children's Court.

It is important to be aware that at each successive stage of the CAYPIN process, your fine increases because of the addition of costs. Therefore, it is critical that you deal with the matter as soon as possible after receiving the fine.

Do not hesitate to call the CAYPINS Helpline on 1800 113 432 or seek legal advice if you have any queries about the process.

Stage 1. What are my options when I get an infringement notice?

- You receive a letter notifying you that you have been fined.
- You have 28 days to pay the fine. If you pay the fine, no further action is taken.
- If you do not pay the fine or exercise the other options open to you, you will be issued with a courtesy letter (Stage Two).

Other Options:

1. Negotiate with the agency to withdraw the fine

If you feel that the notice has been unfairly issued (e.g. you weren't driving the car) or there are circumstances that mean you should not have to pay the penalty, contact the authority as soon as possible after receiving the infringement notice, presenting your case and any evidence.

2. Negotiate with agency for an extension of time

If you don't have enough money to pay the fine immediately, you can contact the authority and request that you be given an extension of time or be allowed to pay the fine in instalments.

3. Request the matter be referred to the Children's Court

If you believe that you should not have to pay the penalty, or the full amount, but are unable to persuade the authority issuing the fine of this, you can instruct the authority that you wish to have the matter heard in the Magistrates' Court.

If you are not successful in having the fine withdrawn, an extension granted or the matter sent to court, you must pay the fine before the allotted time, or the matter will proceed to Stage Two.

Stage 2. What happens if I get a courtesy letter?

- If you reach the stage of receiving a courtesy letter your fine will increase because of additional costs.
- You have 28 days to pay the new amount. If you pay the fine, no further action is taken.
- If you fail to pay or exercise the other options open to you, your fine will be registered with the PERIN Court (Stage Three).

Other Options:

Your options at this stage are the same as the 'other options' listed in Stage One above.

If you are not successful in having the fine withdrawn, an extension granted or the matter sent to court, you must pay the fine before the allotted time, or the matter will proceed to the Stage Three.

Stage 3. What happens if I ignore the infringement notice and courtesy letter?

If the fine remains unpaid for a further 28 days, the issuing agency registers the infringement notice for the unpaid amount with the Children's Court.

The Court then sends a letter to the young person and outlines the options at this point which include:

- Payment of the fine. If the fine is paid, no further action will be taken.
- An application to the Children's Court Registry for an extension of time in which to pay the fine or payment of the fine by instalments.
- Elect to appear before a Children's Court Registrar. The Registrar is **not** a judge, and all his decisions can be appealed to a judge in the Children's Court. However, he does have a number of powers, as outlined below.
- Instead of appearing before the Registrar, written information can be provided for their consideration, detailing things such as employment, education and financial circumstance.
- Elect to appear before the open court.
- Do nothing, in which case the Registrar will consider the matter on a date specified in the letter. However, if this is the case, the Registrar will not have access to potentially important information about you.

What are the options open to the Registrar?

The Registrar, taking into consideration all the information known, has the following options available:

- Order you to pay the entire amount shown in the notice.
- Order you to pay some, but not all, of the amount shown in the notice.
- Decide that you do not have to pay any of the amount shown in the notice.

Stage 4. What if I don't like the decision of the Registrar?

You have 28 days to request review of the Registrar's decision by a judge/magistrate of the Children's Court.

If the Registrar makes an order that the infringement penalty should not be enforced, the enforcement agency may, within 14 days, have the decision reviewed by a judge of the Children's Court.

Stage 5. What happens if I don't comply with the Registrar's orders?

If you do not comply with the Registrar's orders, the court issues a notice for you to appear at an enforcement hearing. An enforcement hearing is heard before a judge or magistrate.

At the hearing, the Court will consider the matter and make one of the following orders:

- Adjourn the further hearing of the matter
- Vary any instalment order
- Issue a warrant to seize property to satisfy the fine
- Release you on a supervisory order

Who can I go to for help?

Youthlaw (03) 9611 2412

- 19 King Street, Melbourne
- www.youthlaw.asn.au

Any Community Legal Service (CLC)

- Call The Federation of Community Legal Centres for your closest *CLC* (03) 9654 5204
- www.communitylaw.org.au

Victorian Legal Aid (VLA) 9269 0234

- 350 Queen St, Melbourne
- www.legalaid.vic.gov.au/

CAYPIN Registrar 1800 113 432

Local Financial Councillor (LFC)

- Call Financial and Consumer Rights Council 9663 2000 or 1800 134 139
- www.fcrc.org.au