

# Fines and Infringements

It is important to know the difference between a fine and an infringement. Although fines and infringements can be given to you when you break a law, they are not the same thing.

Knowing the difference between the two is important because it will impact -

- How you deal with the fine or infringement;
- How to dispute the amount you owe; and
- What can happen if you don't pay.

## What is an INFRINGEMENT?

Infringements (also known as infringement notices, or 'tickets') are given by the Police, government, council, or other authorities (such as the Public Transport Authority). If you are given an infringement it means you have been accused of breaking (breaching) a law.

Examples of things that you may get an infringement for include: speeding, parking incorrectly or for too long, littering, and not paying for a train ticket.

If you do not think you were guilty of what the infringement says you did, or you believe you may have a good excuse for it, you should seek legal advice as soon as possible. You may be able to have the infringement withdrawn or challenged in Court.

However, if you have done what the infringement says you have done, you will need to deal with the infringement.

You cannot do Community Work or spend time in prison because of unpaid infringements.

## What do I do if I get an infringement?

If you can afford to, the easiest thing to do is pay the infringement within 28 days of getting it. You can do this over the phone or at a post office.

If you cannot afford to pay the whole amount up front, there are other options available.

### ***Time to Pay***

Time to Pay (TPP) is a plan you can apply for which allows you flexibility with paying your infringement by allowing you to pay a small amount each fortnight.

When you apply you will need to show your regular expenses and that you are not in a financial position to pay the infringement in one payment. You may also need to provide bank statements, pay slips, or Centrelink statements to support the application.

You can apply for a Time to Pay arrangement at <https://courts.justice.wa.gov.au/F/fines-pay-arrangement.aspx>

If you have had a Time to Pay arrangement in the past but did not keep up with the regular payments, then that may be taken into consideration when you apply again. Please contact Street Law if you need help with a Time to Pay application.

## **Centrepay**

Centrepay is an option if you are receiving a Centrelink benefit. It is done alongside your Time to Pay arrangement and means that you can have your repayments automatically taken from your benefit each fortnight. You can set up Centrepay on the Human Services website: <https://www.humanservices.gov.au/individuals/services/centrelink/centrepay>.

## **What happens if I don't pay my infringement?**

If you haven't paid your infringement within 28 days of receiving the notice, a final demand notice will be sent to you. This will give you a further 28 days to pay. If you have still not paid after this time (56 days after the infringement was issued), the infringement will be registered at the Fines Enforcement Registry. You will then have fees added to what you owe.

If you still don't pay, the FER can ask the Sheriff for permission to do certain things. This can include:

- o Clamping the wheels of your car
- o Removing your number plates
- o Suspending or cancelling your driver's licence (after 56 days)
- o Seizing and selling your property

The amount you owe may also be referred to a debt collection agency.

## **What is a FINE?**

A fine is a certain amount of money that a Court orders you to pay if you are found guilty of an offence.

## **What do I do if I get a fine?**

If you can afford to, the easiest thing to do is pay the fine within 28 days of getting it. You can do this over the phone or at a post office.

If you cannot afford to pay the whole amount up front, there are other options available.

### ***Time to Pay***

Time to Pay (TPP) is a plan you can apply for which allows you flexibility with paying for your fine by allowing you to pay a small amount each fortnight.

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## **Community Work**

Community Work (also known as a Work Development Order) is only an option for fines. It allows you to conduct unpaid work to 'work off' your fines.

You must work a minimum of 6 hours on a Work Development Order. Six hours of work will take off \$300 from what you owe.

The Court can order that you complete Community Work instead of paying off the fine. Alternatively, you can apply yourself to have your fines paid off in Community Work.

To apply, you need to complete a 'Request to convert court fine' form.

The form can be found here:

[https://courts.justice.wa.gov.au/\\_files/Convert\\_court\\_fines\\_Community\\_Work.pdf](https://courts.justice.wa.gov.au/_files/Convert_court_fines_Community_Work.pdf)

You will need to show that you are not in a financial position to pay the fine, and that you have no money or belongings you could sell to pay the fine. Once you have applied, the Fines Enforcement Registry will decide whether you can have your fines paid off in this way, and they will refer your matter to a Community Corrections Officer at Corrective Services.

It is important to know that if you do not attend your community work arrangements, you could be imprisoned.

## **Can I pay off my fines while in prison?**

If you are on remand or you are a sentenced prisoner, you can apply to have your fines 'paid off' while in prison. You will have to speak to the Transitional Manager at the prison to arrange this.

## **What happens if I don't pay my fines?**

If you haven't paid your fine within 28 days of receiving the notice, a final demand notice will be sent to you. This will give you a further 28 days to pay. If you have still not paid after this time (56 days after the fine was issued), the fine will be registered at the Fines Enforcement Registry. You will then have fees added to what you owe.

If you still don't pay, the FER can ask the Sheriff for permission to do certain things. This can include:

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- o Seizing and selling your property

The amount you owe may also be referred to a debt collection agency.

## **Imprisonment**

If you do not pay your fines, there is a risk a 'Warrant of Commitment' will be issued. This means that the Police can arrest and imprison you.

Warrant of Commitment's are given as a last resort.



**The information provided within this fact sheet is to be used as a general guide only. It is not legal advice. Unless we speak to you, we cannot guarantee the information provided on this website will apply to your situation. Please call 1800 752 992 if you require further assistance. Information is correct as at February 2020.**