



# STREET LAW

## Traffic and Parking Infringements Fact Sheet

### Factsheet 8: On-the-spot fines

You can be issued with an on-the-spot fine or “infringement notice” if an Australian Federal Police (“AFP”) officer or other authorized officer believes, on reasonable grounds, that you have committed an infringement notice offence. Infringement notice offences include:

- defacing public property (eg using paint, chalk or anything else);
- defacing private property without the consent of the owner/occupier;
- urinating in a public place (other than a toilet);
- not following a direction to stop noise coming from your premises;
- not following a direction to leave licensed premises (eg a bar, club or a place that sells alcohol under a licence or permit);
- drinking alcohol at certain public places (eg a bus interchange, licenced premises or a place declared to be an alcohol-free place);
- littering; and
- smoking in an enclosed public place, outdoor eating or drinking place, or declared smoke-free public place or event.

If you receive an infringement notice for an offence listed above, you can:

**a) Pay the notice in full within 28 days.**

For payment options, see the ACT Policing section of the AFP website: <https://www.police.act.gov.au/crime/criminal-infringement-notices>. If you choose this option, pay within 28 days or you may be sent a reminder notice and charged an additional \$34.

**b) Dispute liability for the notice.** You can dispute liability by completing the form on the AFP website or putting your request in writing. If you dispute liability, the infringement can be referred to the Magistrates Court. If the Court finds against you, you may be convicted of the offence and ordered to pay a penalty as well as costs.

**c) Apply for more time to either pay the notice or dispute liability.** You can request more time to pay an infringement notice by completing the form on the AFP website or putting your request in writing (<https://www.police.act.gov.au/crime/criminal-infringement-notices>). If you are successful, you can be granted up to 6 months to pay.

**d) Apply for the notice to be withdrawn.** If the notice has mistakes about the offence or the person who committed the offence then you can apply for the notice to be withdrawn. You can also apply for withdrawal where there is a sudden or extraordinary emergency where you believe that committing the offence is the only reasonable way to deal with this emergency. However, even if you apply for a ‘withdrawal’ the police may refer the matter to the Magistrates Court where, in the application you:

- Do not agree with/object to the fine being imposed;
- Deny that you committed the offence;
- Question the operation/accuracy of the speed/red light camera;
- Question the evidence; or
- Appeal/contest/dispute the fine.

You can apply for withdrawal of a notice by completing the form on the [AFP website](#) or putting your request in writing.

When you receive an infringement notice you must take action within 28 days. If, after this time, you have not done anything about the notice you will be sent a reminder notice and you will be charged a \$34 reminder notice penalty. You will then have another 28 days to take action.

If, after the additional 28 days is complete, you have not done anything about the notice, your matter can be referred to the Magistrates Court for prosecution.



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### Timeline for dealing with fines

<b>Day 1</b>	You received an 'on the spot fine'
<b>Days 1 – 28</b>	Within 28 days, you must: a) Pay the fine; b) Dispute liability for the fine in writing; c) Ask for more time to pay the fine or dispute liability; or d) Apply for the fine to be withdrawn.
<b>Days 29 - 56</b>	If you have not yet done anything about the fine a reminder notice will be sent to you and you will be charged a \$34 penalty on top of the original amount. The reminder notice gives you another 28 days to take action on the fine.
<b>Day 57 onwards</b>	If you do not take any action to deal with the infringement notice you will owe the original amount as well as the \$34 penalty. You will also be liable to have the infringement referred to the Magistrates Court for prosecution.

The material in this fact sheet is intended as a general guide only. Readers should not act on the basis of any material in this publication without first getting legal advice about their particular situations.

If you would like more information, please contact Street Law on 1800 787 529 or [info@streetlaw.org.au](mailto:info@streetlaw.org.au).

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