



# Understanding Infringements

## What is an infringement?

Infringements are issued by the Western Australia Police Force, local government authorities and various other Prosecuting Authorities, either in person or through the post.

You might receive an infringement for offences such as speeding, illegal parking, not registering your motor vehicle or littering.

If you do not pay your infringement by the due date it will be registered with the Fines Enforcement Registry.

## What do I have to do after I receive an infringement?

You have 28 days from the date on the notice to either pay the infringement in full or choose to have the matter heard before a magistrate in the Magistrates Court.

To avoid additional fees, pay your infringement before the due date by following the instructions on the infringement.

After 28 days, the Prosecuting Authority will issue you with a final demand notice, giving you a further 28 days to pay your infringement.

## How can I dispute an infringement?

If you want to dispute an infringement prior to registration with the Fines Enforcement Registry, contact the Prosecuting Authority that issued the infringement to try to resolve the matter.

Once your infringement is registered with the Fines Enforcement Registry and you are unable to resolve the matter with the Prosecuting Authority, you can apply to the Fines Enforcement Registry Registrar to have the matter heard before a magistrate.

To do this, complete an **Application for a Court Hearing Form** available from [www.justice.wa.gov.au/fer](http://www.justice.wa.gov.au/fer). Alternatively, this form is available from any Magistrates Court location.

If your driver's and/or vehicle licence has already been suspended and you choose to dispute the infringement by completing an Application for a Court Hearing Form, the Licence Suspension Order will be cancelled once the application is lodged and processed by the Fines Enforcement Registry.

**If you want to dispute the infringement, do not pay the infringement or apply for a Time to Pay Order as it may be seen as an admission of liability.**

If you want to apply for a Time to Pay Order, see the **Fact Sheet – Applying for a Time to Pay Order** for more details.

## What if I change my mind about disputing my infringement?

Once an application for a court hearing has been lodged with a magistrates court, the matter is managed by the Magistrates Court.

If you change your mind, you can:

- a) contact the Magistrates Court where the matter is being dealt with to advise that you are not proceeding with the court hearing or
- b) attend the hearing on the day it has been listed for and advise the magistrate that you don't want to proceed with your court hearing.

**Note: Once the infringement has been listed for a court hearing it is no longer a Fines Enforcement Registry matter and will be determined by the Magistrates Court.**

## **What happens if I have not paid or disputed the infringement and the final demand period has expired?**

Once the final demand period has expired the infringement will be registered with the Fines Enforcement Registry.

Further fees will be added to the outstanding amount.

You will then receive a Court Order to Pay or Elect (to go to Court) from the Fines Enforcement Registry. This may be issued within weeks but it is dependent on the registration timeframes of the applicable Prosecuting Authority.

When you receive the Court Order to Pay or Elect (to go to Court) you can:

- a) pay the outstanding amount
- b) apply for a Time to Pay Order by following the instructions on the Court Order to Pay or Elect (to go to Court) or
- c) elect (choose) to have the matters heard in the Magistrates Court.

## **Can any other action be taken against me if I ignore the Court Order to Pay or Elect (to go to Court)?**

Yes. If you still do not pay the infringement, a Notice of Intention to Enforce will be issued and you have a further 28 days to pay.

If no payment is received your driver's and/or vehicle licence may be suspended and/or an Enforcement Warrant may be issued to recover the outstanding debt.

See the **Fact Sheet – Enforcement Warrants and Stay of Execution** for more information.

## **Can I apply for community work?**

No, infringements cannot be converted into community work. Any outstanding infringements must be paid in full, or you can apply for a Time to Pay Order.

## **Can I apply for a Work and Development Permit?**

No, infringements cannot be converted into a Work and Development Permit. Any outstanding infringements must be paid in full, or you can apply for a Time to Pay Order.

## **Can I apply for a Fine Expiation Order?**

No, infringements cannot be converted into a Fine Expiation Order. Any outstanding infringements must be paid in full, or you can apply for a Time to Pay Order.

## **I also have a court fine - what do I do?**

See the **Fact Sheet – Understanding Court Fines** for more details.

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