



FINES IMPOSED IN THE MAGISTRATES' COURT

A fine imposed in the Magistrates' Court may be with or without a conviction and may be imposed by itself or in addition to another penalty. In addition to a fine, a magistrate can make a number of other monetary orders, including orders that one party pay the costs of the other or the cost of attending court to a witness in the proceeding, that one pay restitution or compensation to a victim of a crime, or that an offender pay money into the Court Fund to be used for charitable purposes.

When do I pay the fine?

At the time that the fine is imposed, a magistrate will usually grant a period of time during which the fine can be paid which is referred to as a 'stay'. The magistrate may also order that the fine be paid by instalments over time.

How do I pay my fine?

Fines can be paid:

1. In person: Present your Statement to any Magistrates' Court of Victoria, or, where you have received a notice that includes and Australia Post barcode, at any Australia Post outlet..
2. BPAY: Where you have received a notice that include BPAY details, contact your participating bank, credit union or building society to make this payment from your cheque, savings or credit card account.
3. By mail: Send a cheque or money order (do not send cash) made payable to Registrar of the Magistrates' Court with a payment slip together with your case details including court reference number, to:

Magistrates' Court of Victoria GPO Box 882G Melbourne VIC 3001

If you are paying several fines by instalments, with each payment you will need to specify which fines are being paid and how much is being paid on each fine. You can also apply to the registrar to have several fines grouped together. This is known as a 'group stay' and enables one regular payment to be made rather than multiple payments each time.

What do you do if you can't pay the fine?

If you are unable to pay the fine by the date due you may apply to a registrar of the Magistrates' Court for:

1. Further time to pay or to pay the fine by instalments or vary your current instalment order.
2. The fine to be converted to community work (see below).



What happens if the fine is not paid by the due date?

If a fine remains unpaid by the due date, a warning notice will be sent to you, at the address that the Court has listed as your address, stating that the fine must be paid within 28 days. If the fine is not paid after that date, a warrant will be issued for your arrest, which will be forwarded to the Sheriff's Office (under Section 62 of the Sentencing Act 1991). This warrant authorises the Sheriff to arrest the person named in the warrant and to bring him/her before the Court.

What happens when a person is arrested for not paying the fine and is brought before the Court?

A magistrate has several options available to deal with an unpaid fine. The magistrate may decide to:

- Convert the fine to community work (Only for sums below \$10,000)
- Order that the person be imprisoned for a fixed term (1 day of imprisonment equates to approximately \$100.00 of the penalty)
- Vary the order that the fine be paid by instalments
- Adjourn the hearing for up to 6 months on any terms the Court sees fit
- Order that the unpaid portion of the fine be levied under a warrant to seize property.

If you move interstate, the fine may be registered in the State where you live and enforced according to the rules of that State.

How do I convert my fine to Community Work?

If you wish to convert a fine to community work, you must attend a Magistrates' Court and submit an application with the registrar. There is no fee payable to submit this application. The registrar will usually only grant an application if you are unemployed or if there is some exceptional reason why the fine cannot be paid off by instalments. Generally, if you are working the registrar will allow you to pay off the fine by instalments but this will be assessed on a case by case basis.

The registrar is allowed to ask you questions about your financial situation and request to see your financial records or documentation to support your application. In some cases, you may be required to swear an affidavit as to your financial situation.

If your application to convert a fine to community work is granted, you will be asked to sign a form and be required to report to community corrections by 4pm, usually on that day or the next day. It will be up to community corrections as to when and where you work and the type of work you perform. You will be required to do a minimum 8 hrs of work and the conversion is one hour for approximately every \$20 owing.

If your fine has resulted originally from an infringement and has come to court via the Infringements Court (for example, a parking fine), application for conversion of your fine can only be made to a magistrate and not to a registrar.



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Source: Magistrates' Court of Victoria, www.magistratescourt.vic.gov.au