

Covid-19 Fines: What are my options?

Information for people aged 18+ who have been fined under Covid-19 Restrictions in Victoria. This information is accurate as at 28 August 2020.

This is general information.

If you have received a fine, get free legal advice.

Call Fitzroy Legal Service on 0434 136 501,
your local community legal centre, or Victoria Legal Aid on 1300 792 387.

Your options:

1. Pay the fine
2. Apply to work off the fine,
3. Apply to the police to review because:
 - The police made a mistake,
 - You had special circumstances,
 - You had exceptional circumstances, or
 - You had a reasonable excuse for not following the directions,
4. Apply for review on the basis of family violence, or
5. Challenge the fine at court.

1. Pay the fine

- You can pay the fine as a lump sum (one full payment) before the due date, or you can request an extension or to pay by installments.
- An extension of time means you will have more time to pay - but you must still pay the whole amount as a lump sum.
- Paying by installments means you pay parts of the fine fortnightly or monthly until the whole amount has been paid off.
- You can contact Fines Victoria on 9200 8111 to request either of these options or apply on their website - www.fines.vic.gov.au.

2. Apply to work off the fine

The Work and Development Permit Scheme helps those experiencing hardship to pay off their fines by doing activities like:

- Unpaid community work,
- Financial counselling,
- Drug and alcohol treatment,
- Education, vocational or life-skills courses,
- Medical or mental health treatment, or
- Mentoring (only for people aged under 25 years).

This option is only available if you are a person:

- With a mental or intellectual disability, disease or illness; or
- With an addiction to drugs, alcohol or volatile substances; or
- Who is experiencing homelessness; or
- Who is the victim of family violence; or
- Who is experiencing acute financial hardship.

How you work off your fine

You work off your fine by doing certain hours of an unpaid activity through a sponsor. The work off rate depends on the activity performed. Most activities are worked off at around \$48 per hour. Treatment by a health practitioner and drug and alcohol counselling are worked off at around \$1,090 per month.

3. Apply for a review

You can apply for police to review your fine.

The police have 90 days to review your fine. During this time, you do not need to pay the fine.

The police may agree or refuse to withdraw your fine. If they withdraw your fine, they may choose to bring the offence to court as a charge. For more information about court, see 'Challenge a Fine at Court' below.

You can apply for the following reasons:

1. If the police made a mistake

You can ask the police to review your fine if you think they made a mistake in issuing it. This includes if the police officer acted unlawfully, unfairly or improperly when they fined you. It can also include situations where what you did was not against the law or if the police mistook you for somebody else, and you have evidence to prove it.

Example:

The police find you in public and fined you because they said you didn't have a legal reason to leave your home. However, you have evidence to prove that you were in public to buy groceries.

If you were experiencing homelessness

We can only leave our homes if we have a legal reason, **BUT** some of these rules **do not** apply to people experiencing homelessness. If you were experiencing homelessness when you were fined, get free legal advice.

If you had a reasonable excuse

Even if you refused or failed to comply with the Directions, you are not doing anything wrong if you have a 'reasonable excuse'. It is unclear what is meant by a 'reasonable excuse'. Get free legal advice to find out more about this reason for review.

2. If you had special circumstances

You may have special circumstances if you:

- had a mental or intellectual disability, disorder, disease or illness, including anxiety and depression; or
- had a serious addiction to drugs, alcohol or other substance – this includes marijuana and other drugs like heroin, ice, speed or ecstasy; or
- are a victim of family violence; or
- were homeless – you were living on the streets, you did not have a stable place to live for a long time or you were couch surfing.

Documentation is needed to confirm that special circumstances exist, such as a report from a worker, or a family violence intervention order.

You may not have to pay your fines in full if you were experiencing a special circumstance when you got the fine and you found it difficult to avoid breaking the law. This means you: could not control your behaviour or did not understand that you had broken the law.

3. If you had exceptional circumstances

Exceptional circumstances are circumstances you couldn't predict or control, such as medical emergencies and vehicle breakdown.

They may include broader circumstances like:

- Personal circumstances (including poverty, age, family violence, financial hardship, chronic illness, language or literacy difficulties and cultural differences that may excuse a person's conduct); and
- Whether it is a first offence.

4. Review Because of Family Violence

There is a different review process if you have experienced family violence and this:

- caused you to receive the fine; or
- meant that you could not nominate the person who should have received the fine.

You can apply for review of the fine. This type of review is called the Family Violence Scheme.

If your application is successful, the fine will be withdrawn.

You can find out more about this option here - www.fines.vic.gov.au/About-Fines/Family-Violence-Scheme.

5. Challenge the Fine at Court

If you want to challenge your fine at the court, you must do this before the new due date for your fine.

You can apply to go to court by visiting www.fines.vic.gov.au/en/Go-to--court or by contacting Fines Victoria on 9200 8111.

Get legal advice before deciding to take the matter to court. A finding of guilt at court can result in a criminal record - which may affect areas of your personal life like employment opportunities or visa status.



Do Not Ignore Your Fine



If you ignore your fine, there may be more serious consequences like having to pay more money, having your property taken or serious criminal penalties like imprisonment.

If you have received a fine, get free legal advice. Call Fitzroy Legal Service on 0434 136 501, your local community legal centre, or Victoria Legal Aid on 1300 792 387.



Find your local legal centre here:
www.fclc.org.au/find_a_community_legal_centre