

The Shopfront

YOUTH LEGAL CENTRE

Driving – Information for Young People

Fact Sheet 4 - Speeding

What are the penalties for speeding?

If a police officer or a speed camera detects you speeding, you will receive a penalty notice (also called a traffic infringement notice), which means you have to pay a fine.

If you are caught speeding more than 45 km/h over the speed limit, you will have to go to court instead of being given a penalty notice.

As well as a penalty, you will also get demerit points. Some speeding offences also result in an automatic suspension (by the RTA) or disqualification (by a court).

Exceed speed limit by:	Demerit Points	Demerit Points: P1 and P2 drivers	Fine: (penalty notice)	Court max fine	Licence disqualification or suspension
Up to 10km/h	1*	4*	\$84	\$2,200	No automatic suspension or disqualification, but if you are a P1 driver, the demerit points will result in a suspension
More than 10km/h but not more than 20km/h	3*	4*	\$197	\$2,200	
More than 20km/h but not more than 30km/h	4*	4*	\$338	\$2,200	
More than 30km/h but not more than 45km/h	5*	5*	\$647	\$2,200	At least 3 months
More than 45km/h	6*	6*	\$1,744	\$2,200	At least 6 months

* Speeding in a school zone will incur one extra demerit point. On declared public holiday and long weekend periods all demerit points are doubled.

What if I think I am not guilty of a speeding offence?

If you get a penalty notice for a speed camera offence and you were not driving the car at the time, you must send a statutory declaration to the RTA before the due date on the penalty reminder notice. In your statutory declaration you must give the name and address of the person who was driving or in charge of the vehicle. If you do not know this information, you must supply as much information as possible.

If you don't provide a statutory declaration within the time limit, you will be held responsible for the offence. This means you will have to cop the fine, the demerit points and possibly a suspension.

In other situations (eg if you are booked for speeding by the police) if you think you are not guilty, or if the fine is too much, you can send in the “court election” form on the penalty notice.

Licence suspension and disqualification for speeding offences

If you are given a penalty notice for speeding more than 30 km/h over the limit but not more than 45km/h, your licence will be suspended by the RTA for 3 months (or, if you are dealt with by a court for the offence, the court must disqualify you for at least 3 months).

If you are doing more than 45km/h over the limit, the suspension (or disqualification) period increases to 6 months. Also, if the police catch you doing more than 45km/h over the speed limit, they may immediately suspend and confiscate your licence at the roadside.

In addition to the suspension and disqualification periods, speeding offences also carry demerit points which are added to your traffic record. If you reach or exceed your demerit points limit, these points may contribute to an additional suspension period. See Fact Sheet 3 for more information on the demerit points system.

Your licence may also be suspended if you don't pay your fines on time.

Appealing against licence suspension

If your licence has been suspended for a speeding offence, you may appeal against the licence suspension to a Local Court. The appeal must be lodged within 28 days of being issued the suspension notice.

The Local Court may confirm the suspension or overturn it. The court also has power to vary the period of the suspension (this usually means the suspension period is reduced, but in theory the court actually has power to increase the suspension period).

When dealing with a licence suspension appeal, the court will *not* listen to any arguments about you being innocent of the offence that led to the suspension. If you think you are not guilty of the speeding offence, you will need to plead not guilty to the offence at court. This means that, if you were given a penalty notice for the offence, you will need to send in the “court election” form. If it is too late to do this or you are not sure what to do, you should get legal advice.

If your licence has been suspended because of demerit points, your appeal rights are different. See Fact Sheet 3 for more details.

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The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. This means that if you need legal advice, you should see a lawyer – do not rely on this information as a substitute for legal advice.

For more information, visit us at www.theshopfront.org or contact us at:

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