

The Shopfront

YOUTH LEGAL CENTRE

Traffic Fact Sheet 6 - Speeding

1 What are the penalties for speeding?

If a police officer or a speed camera catches you speeding you will usually get a penalty notice (also called a traffic infringement notice or an on-the-spot fine).

Sometimes (e.g. 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 get demerit points. Some speeding offences also result in an automatic licence suspension (if you are given a penalty notice) or disqualification (if you are convicted by a court).

The following table shows penalties and demerit points for speeding in a car or on a motorbike. The penalties are higher for speeding in heavy vehicles.

On declared public holiday and long weekend periods all demerit points are doubled.

Exceed speed limit by	Fine: (penalty notice)	Maximum fine (if dealt with in court)	Demerit points: full licence	Demerit points: L, P1 or P2 licence	Licence disqualification or suspension
Up to 10km/h	\$116	\$2,200	1	4	No automatic suspension or disqualification, but if you are a L or P1 driver, the demerit points will result in a suspension
Up to 10km/h (school zone)	\$192	\$2,200	2	5	
10km/h - 20km/h	\$269	\$2,200	3	4	
10km/h - 20km/h (school zone)	\$346	\$2,200	4	5	
20km/h - 30km/h	\$462	\$2,200	4	5	
20km/h - 30km/h (school zone)	\$576	\$2,200	5	5	
30km/h - 45km/h	\$884	\$2,200	5	5	At least 3 months
30km/h - 45km/h (school zone)	\$1,115	\$2,200	6	6	
More than 45km/h	\$2,384	\$2,530	6	6	At least 6 months
More than 45km/h (school zone)	\$2,530	\$2,530	7	7	

2 What if I think I'm not guilty of a speeding offence?

2.1 Speed cameras

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 RMS before the due date on the penalty reminder notice. The form will be sent to you with the penalty notice, or can be downloaded from http://www.sdro.nsw.gov.au/lib/docs/forms/sdr_pn_031.pdf.

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 licence suspension.

2.2 Other situations

In other situations (e.g. if you are booked for speeding by the police), if you think you are not guilty, or the fine is too much, you can challenge it in court by sending in the "court election" form.

Sometimes you get this form with the penalty notice, or you can find it at http://www.sdro.nsw.gov.au/lib/docs/forms/sdr_pn_020.pdf, or you can submit it online on the Revenue NSW (formerly State Debt Recovery) website.

3 Licence suspension and disqualification for speeding offences

If you are given a penalty notice for speeding more than 30 km/h (but less than 45km/h) over the limit, your licence will be suspended by the RMS for 3 months. If you are dealt with by a court for this offence, the court must disqualify you for at least 3 months. *Also, if you are on your Ls or Ps and the police catch you doing more than 30km/h over the speed limit, they may suspend your licence on the spot.*

If you have been fined or charged for 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 suspend your licence on the spot.*

As well as these suspension and disqualification periods, speeding offences carry demerit points, which may mean an extra suspension period if you exceed your demerit points limit (see *Traffic Fact Sheet 5 – Demerit points* for more information).

Your licence may also be suspended if you don't pay your fines on time (see our fact sheet on *Fines and their enforcement* for more information).

4 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 (see *Traffic Fact Sheet 4 – Licence suspension and appeals*).

Suspension appeals proceed on the basis that you are guilty of the traffic offence. 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 send in a statutory declaration (if it was a speed camera offence) or court election (for other situations). If it is too late to do this, or you are not sure what to do, get legal advice.

Updated May 2018

The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. If you need legal advice, you should speak to a lawyer.

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