

# 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 the police might decide to send you to court instead of giving you a penalty notice.

As well as a fine, you may also incur demerit points. Some speeding offences will also result in an automatic licence suspension (or a 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.

All demerit points are *doubled* on declared public holidays and long weekend periods.

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 disqualification or suspension
Up to 10km/h	\$128	\$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)	\$211	\$2,200	2	5	
10km/h - 20km/h	\$295	\$2,200	3	4	
10km/h - 20km/h (school zone)	\$379	\$2,200	4	5	
20km/h - 30km/h	\$507	\$2,200	4	4	
20km/h - 30km/h (school zone)	\$632	\$2,200	5	5	
30km/h - 45km/h	\$970	\$2,200	5	5	At least 3 months
30km/h - 45km/h (school zone)	\$1,224	\$2,200	6	6	
More than 45km/h	\$2,616	\$3,300	6	6	At least 6 months
More than 45km/h (school zone)	\$2,778	\$3,300	7	7	

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

---

### 2.1 Camera-detected offences – if you were not driving

If you get a penalty notice for a speed camera offence and you were not driving the car at the time, you must nominate the driver or person responsible within 21 days of receiving the penalty notice.

You can nominate online by following the prompts on the Service NSW website at <https://www.service.nsw.gov.au/transaction/name-driver-or-person-responsible-penalty-notice>.

If you can't (or prefer not to) nominate online, you can download a statutory declaration form here: <https://www.nsw.gov.au/sites/default/files/2022-08/revenue-nsw-statutory-declaration-form-individuals.pdf>. Either upload the completed form to [www.revenue.nsw.gov.au](http://www.revenue.nsw.gov.au) or post it to Revenue NSW at the address on the form.

You will need to provide details of the person who was driving or in charge of the vehicle, including their name, address, date of birth and licence number. If you don't know all this information, you must supply as much information as possible.

If the nomination is successful, a new fine will be sent to the nominated person. If the person you nominated does not agree that they are the responsible person, Revenue NSW may contact you and ask you for more evidence to support your nomination.

There are penalties for making a false nomination.

If you think you have been falsely nominated by someone else, you should provide Revenue NSW with evidence that shows you couldn't be responsible for the offence.

***If you don't nominate online or 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 were booked for speeding by the police, or it was a camera-detected offence and you were driving), you can challenge the fine in court.

You might want to go to court if you think you are not guilty, or the fine is too high, or there are special reasons why you should get no penalty.

Make sure you understand the difference between a *court election* and a *licence suspension appeal*. See *Traffic Fact Sheet 4 – Licence suspension and appeals*.

You can submit a 'court election' online on the Revenue NSW website <https://www.nsw.gov.au/money-and-taxes/finances-and-fees/finances/apply-to-go-to-court-for-a-fine>.

Alternatively, you can send in a form. Sometimes you get this form with the penalty notice, or you can find it at <https://www.nsw.gov.au/sites/default/files/2022-09/request-to-have-penalty-decided-in-court-individual.pdf>

### 3 Licence suspension and disqualification for speeding offences

---

If you are given a penalty notice for speeding more than 30km/h (but less than 45km/h) over the limit, your licence will be suspended by TfNSW for 3 months. If you are dealt with by a court for this offence, the court must disqualify you for at least 3 months.

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.

If you don't currently have a licence to suspend, TfNSW may instead refuse to give you a licence when you apply for one.

Also, *the police may suspend your licence on the spot if:*

- they catch you doing more than 45km/h over the speed limit (suspension for 6 months or until the case is finalised in court); or
- you are on your Ls or Ps and they catch you doing more than 30km/h over the speed limit (suspension for 3 months or until the case is finalised in court).

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 (for more information see *Traffic Fact Sheet 4 – Licence suspension and appeals* and *Traffic Fact Sheet 5 – Demerit points*).

Your licence may also be suspended if you don't pay your fines on time (see *Fined Out* at <https://www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources/fined-out>, and *Traffic Fact Sheet 4 – Licence suspension and appeals*).

### 4 Appealing against a licence suspension or refusal

---

If your licence has been suspended or refused for a speeding offence, you may appeal against the suspension or refusal 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 believe you are not guilty of the speeding offence, and you don't want it on your record, you will need to send in a nomination (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 August 2023**

*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.*

The Shopfront Youth Legal Centre  
356 Victoria Street, Darlinghurst, NSW 2010  
Tel: (02) 9322 4808  
Email: [shopfront@theshopfront.org](mailto:shopfront@theshopfront.org)  
Web: [www.theshopfront.org](http://www.theshopfront.org)