



Factsheet

Driving Offences – Speeding

Speeding Offences which carry a penalty of a fine and demerit points

| Exceed speed limit by: | Demerit Points | Fine |
|--|----------------|---------|
| Not more than 10km/h | 1 | \$106 |
| Not more than 10km/h (Learner, P1 or P2 licence) | 4 | \$106 |
| More than 10km/h but less than 20km | 3 | \$248 |
| More than 10km/h but less than 20km (Learner, P1 or P2 licence) | 4 | \$248 |
| More than 20km/h but less than 30km/h | 4 | \$425 |
| More than 30km/h but less than 45km/h | 5 | \$815 |
| More than 45 km/h | 6 | \$2,197 |

You can apply for a review of your penalty notice up to the due date written on your penalty reminder notice. The SDRO will consider:

- The offence
- Past offence history
- The circumstances outlined by the client and supporting evidence
- Notes recorded by the issuing officer
- Any photographic evidence
- Verification of licence and/or registration details
- Any additional reports from the issuing agency
- Driving history

You cannot request a review in the following circumstances:

- Where you do not have a 10-year clear driving record (for any offence which attracts demerit points)
- For a serious speeding offence of more than 30 km/h over the speed limit
- P1 motorists licence suspension from speeding
- Demerit point offences in school zones

If you receive a Penalty Notice for speeding there are a number of things you can do:

1. Elect to pay the fine
2. Nominate another driver
3. Request a review from SDRO
4. Elect to go to Court

Request a review from SDRO

If you feel that you are not guilty, or that due to the circumstances at the time you seek leniency then you can request a review.

- 'point to point' speeding offences, where the average recorded speed is 20 km/h over the speed limit

Please note that NSW law requires that NSW RMS be advised of your change of address within 14 days. Therefore, a request of leniency based on not receiving notices on time due to wrong address will not be considered.

When applying for a review what do I need to provide to the SDRO?

Fill out the form online at www.sdرو.nsw.gov.au/fines/pn/review and include the following:

- Send in details of your claim and information regarding your licence. You can request a copy of your driving record from RMS for a fee.
- If you own the vehicle and were not the driver at the time of the offence send in a statutory declaration with the name of the driver responsible for the vehicle at the time of the offence.

For further guidelines in other circumstances see the SDRO Review Guidelines available from their website.

What are the possible outcomes?

The fine will be placed on hold until the claim is reviewed.

Penalty to stand – the offence was proven and you must pay the fine or elect to have the matter decided in court

Caution – due to the circumstances of the offence and the evidence provided you are issued with a caution and you do not lose demerit points nor are required to pay the fine. For demerit point offences the caution will be recorded on your driving history.

Cancellation – the penalty notice was issued in error and you are not required to pay the fine and demerit points will not be recorded.

Elect to go to Court

Legal Aid will not be available for most driving offences. Either you will be required to represent yourself or engage a private solicitor.

You may also have to pay further court and legal costs.

Fill out the court election form and send to SDRO

The SDRO will send out a Court Attendance Notice (CAN) that will list the court and date for you to attend

At Court you will be required to enter a plea of either Guilty or Not Guilty. For detailed information on representing yourself see our Factsheet on Representing Yourself.

Pleading Guilty

You may be pleading guilty and requesting leniency due to the circumstances of the offence from the court.

You may be seeking a section 10 dismissal which is asking to be discharged without recording a conviction or attracting demerit points. The Court has discretion whether to sentence you with a section 10 dismissal. It may consider various factors including:

- The person's character, antecedents, age, health and mental condition – include character references and your RMS driving record
- The trivial nature of the offence
- The extenuating circumstances in which the offence was committed
- Any other matter the court thinks proper to consider – why you need

your licence and the possible access to public transport

Court costs may be imposed

TIPS

- Write down what happened and explain why – you can read this out in court
- Get two character references from an employer, neighbour, work colleague or a club you belong to (avoid family)
- Your referees should state that they are aware of the charge you are facing, how long they have known you and their opinion of your character
- Make at least two copies of each document – the original for the Magistrate, a copy for the police prosecutor and a copy for yourself
- Attend a list day before your Court date and observe how the court functions and how other people present their pleas

Pleading Not Guilty

If you are pleading not guilty the Court will set a date for a hearing. The police prosecution will provide evidence and you can present evidence and your defence. Please seek legal advice before electing to plead not guilty.

Notice of Suspension

Speeding Offences which carry an automatic penalty of licence suspension

| Exceed speed limit by: | Licence disqualification/suspension (minimum) |
|--|--|
| Any speeding offence on a Learner, P1 or P2 licence | 3 months |
| More than 30km/h but less than 45km/h | 3 months |

| | |
|--------------------------|-----------------|
| More than 45 km/h | 6 months |
|--------------------------|-----------------|

You may be issued a suspension notice by the RMS or the police.

You possess the right to appeal the suspension at a local court within 28 days of receiving the suspension notice.

Please see our Factsheet on Representing Yourself for further information.

Useful Contacts

Northern Rivers Community Legal Centre:
16 Carrington St
Lismore 2480
Ph: 02 6621 1000
www.nrclc.org.au

Law Access: 1300 888 529

