

Can I go to Prison for not Paying a Fine?

Fines are a huge source of revenue for the government – hundreds of millions of dollars come from motorists alone each year.

But not everyone issued with a fine has paid up – and the enforcement of debt collection has presented a problem to enforcement agencies.

Back in ye olde England, being sent off to ‘debtors prison’ for being unable to pay fines (or any debt) was common.

Nowadays, bankruptcy laws have ensured that being in debt no longer means you will end up in prison.

And in Australia today, you cannot end up in prison simply for not paying a fine.

Up until 1987, sending people to prison for unpaid fines was perfectly legal in NSW.

And while the NSW [State Debt Recovery Office](#) currently has a range of enforcement options against those who refuse to pay, prison is not one of them.

You may not have heard of Jamie Partlic before, but his tragic assault led to a drastic change in the way that fines are dealt with in NSW.

The teenager was sentenced to four days in prison for not paying his parking fine, but ended up spending six months in a coma after he was attacked by another prisoner in Long Bay Prison.

After this, measures were put in place to make sure that people wouldn’t end up prison for defaulting on a fine

payment.

But what penalties can you get for refusing to pay a fine?

Although going to prison is not the go-to penalty anymore, if you don't pay fines the NSW State Debt Recovery Office can still make your life pretty difficult.

You will usually first get a reminder notice, which comes with an extra 28 days to pay.

After that, the penalties increase incrementally.

The next step will normally be an enforcement order fee (currently \$65) attached to your fine, and further costs may be added to that.

Your driver licence may then be suspended, your vehicle registration can be cancelled and your ability to do business with the RMS may be terminated.

Further refusal to pay can result in the seizure of your property – SDR0 can actually take your property, hold an auction and use the money to pay off your fine.

They may even prevent you from selling your home and garnish your wages or your bank accounts.

You can also be summoned to court where your circumstances will be scrutinised by SDR0 representatives to see how else they could squeeze the money out of you.

Community service can also be ordered.

So while the government can stop you driving, take your property, help themselves to your paycheque or bank account and summon you to court, at least you can't be put in prison anymore – well, almost.

Despite the fact that prison is technically not a penalty for defaulting on a fine, according to [section 125 of the Fines](#)

[Act 1996](#), a very small amount of people do still end up in prison because of their failure to pay up.

This piece of legislation states that while a person cannot be imprisoned for failure to pay a fine, they can be sent to prison if they fail to perform a community service order that has been instituted because they defaulted on their fine.

There is another way that fine absconders may find themselves incarcerated: of all the sanctions that can be placed on a non-compliant fine recipient, the suspension of their driving licence is the most likely to get an offender in trouble.

Some people decide to continue [driving despite being suspended](#), and risk getting caught, despite it being a criminal offence.

Driving without a licence carries heavy penalties including a criminal conviction, a fine, a further period without a licence, and even time behind bars for repeat offenders.