# Running a red light

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Running a red light is an offence and you may be charged

We explain what the words in **bold** mean on this web page: www.legalaid.vic.gov.au/legal-words.

Being charged with running a red light means the police think that you did not stop:

* at a red traffic light
* before the stop line at a red light
* at a ‘stop here on red signal’ sign.

Whether you are guilty depends on the exact facts and circumstances of your case. Look at the ‘Details of the charge’ in your charge sheet to see what the police officer wrote about your offence. The magistrate refers to this in the courtroom.

Even though this offence is considered a minor traffic matter, you may still have to appear in court if police also charged you with other offences or if you choose to take the matter to court instead of paying the fine.

## Going to court

If you have a future court date, you may be eligible to get help to prepare before you go to court www.legalaid.vic.gov.au/help-court-criminal-charges. You can request help online https://hb4c.vla.vic.gov.au.

The prosecutor is the police or other authorised officer who argues the case against you in the courtroom. The prosecutor must prove two things:

* you were driving a car
* you did not stop at a red traffic light, before the stop line at a red light, or at a ‘stop here on red signal’ sign.

If you were caught by a red-light camera, the police will often give you the red-light camera photos. This is part of their **evidence** to show that you committed the offence.

If the police have not given you the photos, you can view them at the Fines Victoria website www.fines.vic.gov.au.

You will need your infringement or obligation number to view the photos. These numbers are on your fine or reminder notice. Visit the Fines Victoria website www.fines.vic.gov.au.

If you were not caught by a red light camera, the police will rely on eyewitness evidence that you ran a red light. For example, that a police officer saw you.

For information about pleading guilty or not guilty and how to prepare for the court hearing see Going to court for traffic offences www.legalaid.vic.gov.au/going-court-traffic-offences.

## What are my options if I have to go to court?

### Plead guilty

If you agree that you broke the law, you should tell the court that you are pleading guilty. During the court hearing, the prosecutor will read out the statement of alleged facts. The magistrate will find you guilty and give you a penalty.

If you plead guilty the magistrate treats this as a sign that you are co-operating and may give you a less severe penalty.

For more information visit our page Going to court – pleading guilty www.legalaid.vic.gov.au/going-court-pleading-guilty.

### Plead not guilty

If you believe that you did not break the law, or you disagree with what is in the statement of alleged facts, you must tell the prosecutor before your court date that you plan to plead not guilty. They will hold a summary case conference with you before your case is heard in court. If you still want to plead not guilty after the conference, tell the magistrate. The magistrate will adjourn (put off) your case for another day.

You will come back to court for a contested hearing. When you come back the magistrate listens to evidence from you and the police before making a decision. You should have a defence. Saying that you did not know you were breaking the law is not a good enough defence.

If you are pleading not guilty, get legal advice before the contested hearing.

For more information visit our page Going to court – pleading not guilty www.legalaid.vic.gov.au/going-court-pleading-not-guilty.

## Possible defences

You might have a defence if you had to run a red light because of an urgent reason. For example, someone was critically ill in the car. The magistrate will decide if your reason is good enough.

The law assumes that red light cameras are accurate. If you want to argue that the camera was wrong, you would have to show that it was broken or not used properly. You would need an expert to explain this in court.

If you were not the driver of the car, you need to provide the name and address of the person who was driving.

### Can I adjourn my hearing?

You can ask the magistrate to adjourn (put off) your case if you have a good reason. For example, to get a lawyer.

If you have not adjourned your case before and you are on summons, you may be able to get an adjournment without going into the courtroom. When you arrive at court, go to the counter and tell the staff you want an adjournment.

## What are the penalties if I am found guilty?

### Demerit points

VicRoads adds three **demerit points** to your licence from the date the offence happened, not the date you went to court. The magistrate cannot change this.

### Losing your licence

The magistrate may cancel or suspend your licence for a certain amount of time. You should not drive at all during this time. There are no exceptions. For example, you cannot drive to work or to pick up your children. There are no special licences that allow you to drive some of the time. There are very serious penalties if you drive when your licence is cancelled or suspended.

Usually a magistrate would only suspend your licence if you committed other offences at the same time or if you have a bad driving record.

### Fines

The magistrate may give you a fine. You can get up to 10**penalty units** for running a red light.

You should tell the magistrate about your income and things you have to pay for, and whether you support a family.

If you get a fine you can pay it straight away at court. If you do not pay the fine straight away, Fines Victoria [www.fines.vic.gov.au](http://www.fines.vic.gov.au) will send you a court fine collection statement. This will tell you how much you owe and when the fine is due.

You can ask Fines Victoria for a payment plan if you cannot afford to pay the fine in one payment.

If you do not pay the fine when it is due, Fines Victoria may increase the fine. The court can issue a warrant for your arrest.

### Other penalties

The magistrate may also place you on an undertaking to behave well for a certain amount of time. An undertaking is a promise to the court not to do certain things.

### Criminal record

If you are found guilty what happens in court goes on your criminal record.
This includes:

* the finding of guilt
* a conviction if there is one
* penalties.

For more information visit our page on Criminal records.

### Can I appeal the magistrate’s decision?

Yes. If you do not agree with the decision you can appeal to the County Court. You have 28 days to do this. Get legal advice before you decide. You could get a higher penalty.

## Where to get help

### Fines Victoria

Fines Victoria has information about your options for paying the fine or asking for a payment plan.

Phone: (03) 9200 8111 or 1300 369 819 (country callers)

Website: www.fines.vic.gov.au

### Law Institute of Victoria

Referral to private lawyers.

Phone: (03) 9607 9550

Website: www.liv.asn.au/find-a-lawyer

### Victoria Legal Aid

For free information about the law and how we can help you:

* visit our website www.legalaid.vic.gov.au
* use our Legal Help Chat on the website, Monday to Friday, 8 am to 5 pm, excluding public holidays
* phone Legal Help on 1300 792 387, Monday to Friday 8 am to 5 pm, excluding public holidays.

Disclaimer: The material in this publication is a general guide only. It is not legal advice. If you need to, please get legal advice about your own situation.

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