

## **IMPORTANT INFORMATION FOR COURT TRAFFIC MATTERS**

The following information is important to read before your upcoming court date.

You have been sent this important information because you have submitted a plea of not guilty to the court.

### **I have entered a plea of not guilty.**

When pleading not guilty, a person is:

- **denying** the **facts** as alleged by the prosecuting authority, or
- considers the **evidence** to be presented by the prosecuting authority is **insufficient** to prove the case against them.

### **I am disputing the accuracy of a detection instrument (camera, Lidar, radar)**

It is presumed at law that detection devices are an accurate and properly functioning device (if appropriately maintained and calibrated). If you want to challenge the accuracy of a device, it may be necessary for you to have an expert give evidence about that fact. It may be worthwhile seeking legal advice in the first instance.

### **I am disputing that I was the driver of the vehicle**

If the identity of the driver is known, you only have 21 days after the service of the penalty notice or Court Attendance Notice, to nominate to the relevant authority, the name and address of the person who was driving the vehicle at the time of the offence. If this has not been done, this information cannot be raised as a defence at court. Instead, a plea of guilty with an explanation can be given to the court which can be taken into account by the magistrate at the time of sentencing.

### **I do not want to receive demerit points**

Transport for NSW is the authority for demerit points, not the court. Demerit points are recorded on conviction and are linked to the offence date, not the conviction date.

It is important to know that the court has discretion to impose a penalty that involves not recording a conviction, even where a person pleads guilty.

### **The court may impose a more severe penalty**

When sentencing a person found guilty, the court is not limited to imposing the penalty that the person initially received. The court, taking into account the circumstances of the case, may impose a more severe penalty. In addition, in some instances, if a conviction is entered, the matter will be recorded on the person's criminal record.

### **Legal Advice**

It is recommended that you speak to a lawyer before your court date. If you wish to seek legal advice in regards to your matter, LawAccess NSW can be contacted on 1300 888 529.

**Your options to respond to the court. Please complete one of the following options.**

**1. You wish to maintain your plea of not guilty:**

You have previously advised the court you plead not guilty. If you wish to maintain your plea of not guilty you will need to send an email or letter to the court where your matter is listed to confirm your plea.

**Your attendance will only be required on the day the matter will be heard and determined by the court.**

**2. You want to change your plea of not guilty to a plea of guilty with an explanation and you do NOT want to come to court:**

Complete the online Notice of Pleading form at <https://digitalforms.justice.nsw.gov.au/NoticeofPleading/>. Otherwise, complete the attached Notice of Pleading form and return it to the court where your matter is listed within 14 days from the date of this letter. **Your case can then be finalised without your attendance at court.**

**3. You want to change your plea of not guilty to a plea of guilty with an explanation and you DO want to come to court:**

Within 14 days of this letter, send a letter or email to the court where your matter is listed advising the court that you now wish to plead guilty but want to appear before the court for sentence. A further date before the court will be set and you will be advised of the court date. You will need to attend the court on that date so your matter can be finalised before a Magistrate.

**The court may finalise your matter in your absence if they are satisfied you are aware of your court date and you do not appear at court or contact the court in writing or via telephone.**