

HEALTHY, WEALTHY AND WISE

# FINE PROCESSING

The state debt recovery office issues and processes penalty notices on behalf of nsw agencies such as police, local councils, government departments and other agencies.

Across the State there are more than 12,000 offences for which an on the spot fine can be issued – these include traffic, parking, speed cameras and failure to vote. Fines can also be issued for minor criminal offences such as offensive behaviour, shoplifting and stolen goods.

It also manages a fine enforcement system to collect unpaid fines including those imposed by the courts.

Its authority to do this is provided by the Fines Act 1996.

## WHY A FINES SYSTEM IS NEEDED

The fines system is designed to influence behaviour by ensuring that individuals take responsibility when they break the law.

In addition, money from fines helps to fund hospitals, schools, roads and other services for the benefit of the community of NSW.

## OPTIONS IF YOU RECEIVE A PENALTY NOTICE

Do not ignore a penalty notice. You might end up in more trouble than it is worth.

When you receive a penalty notice you have 21 days to pay the fine - your options are:

1. Pay the penalty amount in full.
2. Pay the penalty amount in part over a period of up to two months, provided full payment is made by the due date on the penalty reminder notice.
3. Nominate the person driving your car at the time of the offence (for parking and camera detected offences only).
4. Elect to have the offence heard in court by completing the court election section of the notice.
5. Request a review of the circumstances by explaining the situation and attaching documentary evidence to support your case.

If you do not pay within 21 days, the State Debt Recovery Office will send you a reminder notice giving you a further 28 days to pay.

## WHAT HAPPENS IF YOU DON'T PAY A FINE BY THE DUE DATE OR 28 DAYS AFTER THE REMINDER NOTICE?

The State Debt Recovery Office will issue an enforcement order giving you 28 days to pay the fine plus a \$50 enforcement cost. You could also be charged \$40 for licence suspension/cancellation or registration cancellation, or \$50 for a property seizure order.

If you do not pay the enforcement order by the due date, your driver licence may be suspended, your car registration cancelled or customer business restrictions introduced. Note that you cannot drive a taxi if your licence or DA have been suspended. A further \$40 enforcement cost will apply.

If you still don't pay, then:

- The State Debt Recovery Office will authorise seizure of your goods or property, if you have any wages they may be garnished, or a charge might be placed on any land either fully or partially owned by you.
- If the State Debt Recovery Office determines that you don't have enough assets to meet the fine and enforcement cost, you will be issued with a community service order to work off the amount. If you fail to comply with the community service order, you can be imprisoned.

## WHAT CAN YOU DO IF YOU CANNOT PAY?

If you are having problems paying an enforcement order, contact the State Debt Recovery office BEFORE the payment due date to find out what options are available.

You can apply for a Time To Pay order by downloading the form at [www.sdro.nsw.gov.au](http://www.sdro.nsw.gov.au) or by telephoning 1300 655 805 or from a Local Court.

If your Time To Pay request is granted, it allows you to:

- Pay via direct debit using Centrepay.
- Pay by instalments.
- Stop the State Debt Recovery Office from taking further action.
- Lift your RMS restriction if you make six consecutive payments in accordance with your current instalment plan, if you have not previously defaulted on a Time To Pay order.

You will need to make regular payments to the State Debt Recovery Office until the fine and all enforcement costs are fully paid.

A Time To Pay order will not:

- Allow you to drive if your licence has already been suspended or cancelled until you pay the debt.
- Allow the Sheriff to return any of your property that has already been seized, until you pay the debt.

If you cannot pay because you are experiencing genuine hardship, you may be able to apply to the State Debt Recovery Office to write off your enforcement order due to serious medical, domestic or financial problems. The Office will explain what

information you need to provide to show the nature and extent of your problem.

If the State Debt Recovery Office refuses your application for Time To Pay or refuses to write off an enforcement order, you may apply to the Fines Hardship Review Board. This is an independent body which is able to review either of these decisions, but it cannot consider liability for a fine.

*Information provided by the State Debt Recovery Office of NSW.*

“ THE FINES SYSTEM IS DESIGNED TO INFLUENCE BEHAVIOUR BY ENSURING THAT INDIVIDUALS TAKE RESPONSIBILITY WHEN THEY BREAK THE LAW. ”

## WHAT HAPPENS IF I DON'T DO ANYTHING ABOUT THE ENFORCEMENT ORDER?

The State Debt Recovery Office will take one of the following actions to collect the fine:

- Suspend or cancel your driver licence until you pay the fine.
- Cancel the registration of your vehicle until you pay the fine.
- Take assets you own – this would be carried out by a Sheriff's Officer.
- Take money out of your wages or bank account (garnishee order).
- Order you to undertake a Community Service Order for a set number of hours, which if breached would land you in jail.

