

# Factsheet 1.1

## Overview of NSW Fines System



There are thousands of different ways people can be fined in NSW. Some common fines include parking for longer than allowed, failing to vote or not having the correct ticket on public transport.

### 1. Types of Fines

In NSW, penalty notices and court fines are issued, enforced and collected under the *Fines Act 1996* (Fines Act). The payment, enforcement and management of unpaid fines are subject to time limits and rules as summarised below. There are three categories of fines which are eligible for a Work and Development Order (WDO), they include fine notices, court fines and orders for restitution.

#### 1.1 Fine Notices

Fine notices are issued by a range of government agencies such as NSW Police, local councils and Transport for NSW (TfNSW). In most cases, after a fine notice is issued, Revenue NSW is engaged to administer the fine. Fine notices have a due date of 21 days after a notice is issued directly to a person or attached to a vehicle, or 28 days if they are posted. If a fine notice remains outstanding after its due date, a fine reminder is issued, allowing a further 28 days to pay.

There are several penalty notice management options available under the Fines Act:

- Pay in full
- Set up a payment plan
- Request the fine notice be added to an existing payment plan
- Seek a review of the decision to issue the fine notice. (If a review is successful the fine will be withdrawn or replaced with a caution).
- Elect to have the matter be heard in court (a person could be at risk of conviction and more severe penalties so should seek legal advice before they court elect)
- Nominate the responsible driver, if the penalty notice was issued to the person as the registered owner of the vehicle, who was not the person responsible for the vehicle at the time of the offending.
- Apply for a WDO
- Apply for a 50% reduction of the fine (if eligible, in limited circumstances, and for certain types of fines).

## 1.2 Court fines

Court fines are imposed when a person is found guilty of an offence at court. They are the most common penalty imposed in NSW courts. Court fine options under the Fines Act include:

- Pay in full, or set up a payment plan with the court
- Transfer the fine to Revenue NSW to add to a payment plan or apply for a WDO (early enforcement)

Once court fines become overdue they are sent to Revenue NSW for recovery and management.

## 1.3 Order for Restitution Debts

The *Victims Rights and Support Act 2013* provides that an unpaid order for restitution (OR), also known as a Victim's Restitution Order, is classed as an overdue court fine. Once an OR is referred to Revenue NSW, it is subject to the same management options and recovery action as other fines.

# 2. Recovery Action

Under the Fines Act, unpaid fines are enforced by the Commissioner of Fines Administration (Revenue NSW). An overdue fine notice is issued after a fine or court fine becomes overdue and remains unpaid. Enforcement costs of \$65 (\$25 for under 18s) are added to the fine and the person has 28 days to resolve or manage the overdue fine. Revenue NSW can commence recovery action including:

- ask Transport for NSW to suspend your driver licence or cancel your car registration
- take money from your bank account or wages
- refer your debt to a private debt collector
- register an interest on any land or property you own, and
- order the sheriff to take your goods or property and sell them.

Each action taken may add more to the fine debt.

# 3. Managing fines

Recovery action will generally cease once a person begins managing their fines, including by entering a WDO. Other management options include:

- Entering into, and complying with, a payment plan;
- Applying for a write off or partial write off of fines (if the client's circumstances permit and a WDO is not suitable); or
- A combination of the above options.

One or more of these options may be undertaken at the same time and/or at different times during the life cycle of a fine.

**Contact the WDO hotline 1300 478 879 or Legal Aid NSW WDO service [wdo@legalaid.nsw.gov.au](mailto:wdo@legalaid.nsw.gov.au) for more advice and assistance on options to manage fines.**