



Having Your Enforced Fine Decided in Court

You can only apply for a court hearing if your fine has not previously been heard by a magistrate. If your fine is a court fine, contact the court where the fine was issued. The court will advise you of any avenues of appeal still available.

In what circumstances can I have an enforced fine decided in court?

From 1 July 2009, you can only apply to have an enforced fine decided in court if:

- you can prove you were not aware that a penalty notice had been issued until an enforcement order was received and you are applying as soon as possible
- you were otherwise hindered by accident, illness, misadventure or other cause from taking action in relation to the penalty notice and you are applying as soon as possible after the hindrance ceased. Documentary evidence will be needed to support your claim
- a question or doubt has arisen as to your liability for the penalty **and** you had no other opportunity to obtain a review of that liability prior to enforcement
- having regard to the circumstances of the case you can satisfy SDRO that there is other just cause to consider your application.

You will need to submit your application, explaining which of the above you are claiming, within a reasonable time frame.

How do I apply and how much does it cost?

You need a separate annulment application for each penalty notice that you want to take to court, however, only one fee is required for each penalty notice enforcement order.

The fee is \$50 for each enforcement order. A bank cheque or money order must be made payable to the State Debt Recovery Office (SDRO) and attached to the original annulment application. Faxed applications cannot be accepted.

You may seek legal advice before lodging an application. Please note, lodging an application may result in you having to attend court. If you do not have a solicitor, a chamber magistrate at a local court may be able to assist you free of charge.



MORE INFORMATION



www.sdرو.nsw.gov.au

For Penalty Notice, Penalty Reminder Notice or Warning Notice enquiries:



1300 138 118
TTY(02) 6354 7255
(Hearing and speech impaired)
8:00 am – 5:30 pm, Mon. to Fri.



(02) 4937 9111



fines@osr.nsw.gov.au



PO Box 786
Strawberry Hills NSW 2012



Payments by post:
PO Box 4444
Parramatta NSW 2124

Payments by phone:
1300 130 112 (Local and interstate)
612 9087 7917 (Overseas)

See your penalty notice
for other payment options

Overseas clients, call 612 4937 9207.

For Enforcement order, Roads and Traffic Authority Sanction, Property Seizure order, Gamishee order or Time to Pay order enquiries:



1300 655 805
TTY (02) 6354 7255
(Hearing and speech impaired)
8:00 am – 5:30 pm, Mon. to Fri.



(02) 6354 7302



info@sdرو.nsw.gov.au



PO Box A2571
Sydney South NSW 1235



Payments by post:
Locked Bag 2128
North Sydney NSW 2059

Payments by phone:
1300 130 112 (Local and interstate)
612 9087 7917 (Overseas)

See your enforcement order
for other payment options

Overseas clients, call 612 6354 7000.

What happens after I send my application to SDRO?

SDRO will assess your application and advise the outcome. This may include contact with the issuing authority and may take up to six weeks.

If the enforcement order is to be withdrawn, you will be advised if further action is required to resolve it. If the enforced fine is to proceed to court, you will be advised of the date and court to attend. SDRO will list the fine at the nearest local court to where the offence was alleged to have occurred.

If your circumstances do not fall within the reasons contained in this factsheet, you will be advised in writing that your application is refused. Please ensure you explain your reasons for applying in full and provide evidence in support. Note: If you do not qualify for annulment to court, the application fee is retained unless an error has been made.

What if my application is unsuccessful?

If your application is unsuccessful, you may appeal the decision at a Local Court within 28 days. An additional fee may be applied by the court.

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State Debt Recovery Office

The Fines Division of OSR

Office of State Revenue
NSW TREASURY
ISO 9001-Quality Certified
ABN: 77 456 270 638

Enquiries 1300 655 805 TTY: (02) 6354 7255

Email info@sdro.nsw.gov.au

Website www.sdرو.nsw.gov.au

Annulment Application (Section 48 of the *Fines Act 1996*)

To have your enforced fine decided in court

- NOTE:**
- Providing a false or deliberately misleading statement may lead to a prosecution under Section 307A of the *Crimes Act 1900*
 - Restriction imposed by the NSW Roads and Traffic Authority or any other actions taken against you by the State Debt Recovery Office may remain in force until all outstanding fines and enforcement costs have been paid
 - If you do not provide supporting documents or complete all questions, your application may not proceed
 - Print clearly in the white boxed spaces and tick the appropriate boxes
 - If approved, this application means your fine will be listed at court
 - **Please sign and post this application with \$50 annulment fee to:** State Debt Recovery Office, PO Box 786, Strawberry Hills 2012. Unless an error has been made this fee is non refundable.

Enforcement Order No. Date of enforcement order / / 20

Name

Offence

Date of birth (dd mm yyyy) Licence no.

Date of offence / / 20 Penalty Notice No.

Penalty \$ Enforcement costs \$

Name of applicant

Phone no. () Mobile no.

Residential address Street no. Street name

Suburb State Postcode

Postal address

Suburb State Postcode

I am applying for annulment of this enforcement order for the following reason (tick one):

- I can prove that I was not aware that the penalty notice had been issued until I received the enforcement order and the enforcement order was sent to a different address to the penalty and penalty reminder notice
- I was hindered by accident, illness, misadventure or other cause from taking action in relation to the penalty notice
- I did not commit the offence **and** I have had no opportunity to obtain a review of the penalty notice prior to the enforcement order being issued

Note:

- Documentary evidence **must** be provided for a claim to be considered.
- Under Section 49(1) of the *Fines Act 1996*, SDRO is not required to grant an annulment for any reason other than the above. If you believe that there are other circumstances that would warrant your application, please contact us or provide an explanation below and supporting documentation.

Please provide full details on the following page and attach documentary evidence.

