



Having Your Penalty Notice Decided in Court

From 31 March 2010, the *Fines Act 1996* requires the State Debt Recovery Office (SDRO) to cease considering a request for review upon receipt of a court election. If you wish to have SDRO review your penalty notice, do not send a court election with your request for review.

Applying to go to court

You can apply online or download a form from www.sdرو.nsw.gov.au, or by writing to us at:

State Debt Recovery Office
PO Box 786
Strawberry Hills NSW 2012

SDRO must receive your request to have the matter decided in court by the due date on the original penalty reminder notice. The deadline is not extended by any further reminder notice issued following a request for review.

If you have paid the penalty and the payment was received by the due date on the penalty notice or original penalty reminder notice, we must receive your request to go to court within 90 days of the date the original Penalty Notice was served. If you are unsure about the deadline, contact us.

If you apply to court by the deadline, **you should not pay the penalty amount.**

SDRO does not apply a fee to have a penalty notice decided in court, providing enforcement action has not begun.

Note: The court may apply additional costs and/or change the amount owing when a matter is determined.

What happens at court?

SDRO will send you a Court Attendance Notice (CAN), listing the court and attendance date of the first mention. The matter will usually be listed at the local court nearest to where the offence happened. If you wish to have the matter transferred to another court, you should apply to the court listed on the CAN when you receive it.

You will need to notify the court of your plea either in writing before or on the day of court. The information received with the CAN explains this in more detail. If you are unsure how to plead, or intend to plead not guilty, you should seek legal assistance.

If pleading not guilty, a further date will be set for you to attend court to present your case and witnesses. Evidence may also be presented by the issuing authority. Depending on the number and complexity of matters to be decided on the day, your matter may be heard at any time during the day.

What are the possible outcomes at court?

The court may determine you:

- guilty – which means you will be required to pay the fine and applicable demerit points will apply. The court will also inform you of any additional costs they may impose.
- guilty – but due to the circumstances, not proceed to a conviction under Section 10 of the Crimes Sentencing (Procedure) Act – which means the court has decided to waive payment of the fine and any demerit points.

Note: Legislation prevented the waiving of demerit points when a Section 10 was applied for penalties decided in court prior to February 2011.

- not guilty – which means the fine and any demerit points will no longer apply.

If you do not attend Court on the initial date or adjourned date of hearing and have not sent a written notice of pleading to the court, the matter may be determined in your absence or a warrant may be issued. If the penalty is to stand, the court will send a notice telling you how to pay and the amount. If you are unable to pay the full amount by the due date and are on government benefits, you can make arrangements to pay by instalments from your Centrelink benefit. This can be arranged using the form provided by the court, contacting us by phone or use the form available from www.sdro.nsw.gov.au

If you accidentally missed your court date, you can speak with the court where it was listed or seek legal assistance about your options.

I was not the person in charge of the vehicle at the time of the offence. Is court the best option for me?

No. If you were not in charge of the vehicle at the time of the offence you should send SDRO a statutory declaration telling us the name and address of the person responsible, by the due date on the penalty reminder notice. This form is sent with the penalty or penalty reminder notice or you can download it from the SDRO website. We will transfer liability for the fine to the person responsible and issue a replacement penalty notice.

What if I no longer want to have the offence decided in court?

If you have yet to receive the CAN, please give us a call. If the penalty notice is yet to be replaced by a CAN, you can retract your court election. If the CAN has been issued, it is generally too late to ask SDRO to withdraw the matter from court determination. Further enquiries should be directed to the court listed on the CAN.

MORE INFORMATION



www.sdro.nsw.gov.au

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



1300 138 118
8:00 am – 5:30 pm, Mon. to Fri.
Hearing or speech impaired users:
TTY 133 677
Speak and Listen 1300 555 727



(02) 4937 9111



Email us via:
[www.sdro.nsw.gov.au/
contactus.html](http://www.sdro.nsw.gov.au/contactus.html)



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.

Office of State Revenue: ISO 9001 – Quality Certified
Department of Finance & Services

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If you decide to submit a guilty plea and make payment of the penalty to the court, you should plead guilty on the written notice of pleading received with your CAN. You will not have to attend court providing it is received by the court at least seven days prior to the court date.

How do I request an enforced fine be decided in court?

Please read the 'Having an Enforced Fine Decided in Court' factsheet.

Note: Court fine enforcement orders cannot generally be reheard in court. If you missed the court date, you should contact the court.

Obtaining assistance

You can get **help**:

- about court procedures – from staff at the local court
- with legal information or referral to legal advice – from Law Access, a free service on 1300 888 529 or at www.lawaccess.nsw.gov.au
- if you are under 18 and seeking legal aid – on 1800 101 810 (freecall)
- if you are Aboriginal or Torres Strait Islander – on 1800 686 587 (freecall) or Indigenous Women's Legal Contact Line on 1800 639 784.

If you need an **interpreter**, contact the staff at the local court before your scheduled court date. If you do not understand the CAN, you should have it interpreted and explained to you. You may then seek assistance from your local court or you can phone the Telephone Interpreter Service (TIS) on 131 450 and ask for Lawaccess.

Useful websites include:

- www.legalaid.nsw.gov.au – for 'Going to court: A Handy Guide to the Local Court for Defendants'
- www.lawlink.nsw.gov.au – for information about local courts, 'going to court' and the Traffic Offenders Intervention program
- www.lawaccess.nsw.gov.au – for information about 'traffic offences'.