



Having Your Penalty Notice Decided in Court

Applying to go to court

You can apply online or by returning the form included with your penalty or penalty reminder notice or downloaded from www.sdرو.nsw.gov.au, or by simply writing to us at:

State Debt Recovery Office
PO Box 786
STRAWBERRY HILLS NSW 2012

The law requires SDRO to send a Court Attendance Notice (CAN) to a residential address or by facsimile or email. We are unable to send it to a post box or overseas residential address. We will send the CAN to the Australian residential address you supply, unless you ask us to send it to a facsimile or email address and provide the details.

SDRO must receive your request to have the matter determined in court by the due date on the penalty reminder notice or, if the penalty has been paid, within 90 days of the date the original penalty notice was served. SDRO does not apply a fee to have a penalty notice heard in court, providing enforcement action has not begun.

You should **not** pay the penalty amount if you wish to go to court.

What happens at court?

SDRO will send you a 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.

At court, you will need to enter a plea. 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 heard on the day of hearing, 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 may be required to pay a fine and any demerit points will apply. The Court will also inform you of any additional costs they 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 may waive payment of the fine but any demerit points will still apply
- 'not guilty' – which means both 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 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.

After a CAN is issued, SDRO can only accept your advice that another person was responsible and withdraw the matter from court if a correctly completed statutory declaration, naming the person, is received within 21 days of the date on the CAN.

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

If you have yet to receive the CAN, call us. If the CAN has yet to be processed, you can retract your court election. If the CAN has been issued, it is too late to ask SDRO to withdraw the matter from court determination. The only exception is if you were not responsible for the offence and you submit a statutory declaration to the prosecutor naming the person responsible within 21 days of the date the CAN was served.

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.

MORE INFORMATION



www.sdro.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, Garnishee 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@sdro.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.

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 **legal help** about your penalty notice or court election from:

- the chamber registrar at your local court
- LawAccess NSW on 1300 888 529 – Monday-Friday 9am to 5pm (local call)
- a legal practitioner – Law Society of NSW on 1300 888 529 (local call)
- Legal Aid Youth Hotline – if you are under 18, on 1800 101 810 (free call)
- Aboriginal Legal Services or Women's Legal Centre on 1800 686 587 (free call) or Indigenous Women's Legal Contact Line on 1800 639 784 (free call) if you are Aboriginal or Torres Strait Islander.

If you need an **interpreter**, contact the Registrar 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'.

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