

Penalty Notices: Your Review Rights and Payment Options

This factsheet explains your options if you receive a penalty notice in NSW, including how to seek review or apply for hardship assistance.

INTRODUCTION

Types of fines in NSW

This factsheet is designed to help you understand what to do if you have received a Penalty Notice. If you receive a court fine, please see our factsheet titled “Court Fines: Your Review Rights and Payment Options.”

There are two types of fines: penalty notices and court fines.

Penalty Notices are fines issued by an authorised officer such as a parking inspector, ranger, transit officer, or police officer.

Court fines are imposed by a judge or magistrate. There are different rules for each type of fine.

The terms “Penalty Notice” and “fine” are used interchangeably in this factsheet.

Tips for dealing with Penalty Notices

Tip 1: Deal with fines promptly.

Tip 2: If you ignore a fine, the fine amount will increase and your licence could be suspended.

Tip 3: Your options for appealing decrease as the fine becomes more overdue.

How to respond to a Penalty Notice

If you receive a Penalty Notice, you may have the following options depending on your circumstances:

- Pay the fine in full or make arrangements with Revenue NSW to pay by instalments
- Seek an internal review with Revenue NSW
- Appeal the fine to the Local Court
- Apply for a Work and Development Order (WDO)
- Apply for a 50% reduction of the fine
- Seek a write-off of the full amount

PAYING A FINE

How long do I have to pay my fine?

You have 21 days from the time you receive the Penalty Notice.

If you do not pay within that time, you will be sent a Penalty Reminder Notice giving you a further 28 days to pay. If you still haven't paid the fine or made other arrangements with Revenue NSW after

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the 28 days, you will receive an overdue fine notice and a \$65 enforcement fee.

If you still don't pay, you may receive an enforcement order.

Can I request an extension of time to pay my fine?

Yes, you can request an extension of time to pay by contacting Revenue NSW. You can call 1300 138 118.

Can I request to pay my fine by instalments?

Yes. If you contact Revenue NSW you can arrange to pay fines by instalments.

You can call 1300 138 118.

Can I arrange to pay by instalments through Centrepay?

Yes. If you receive a Centrelink payment you can apply to have instalment payments deducted from your Centrelink payments.

SEEKING INTERNAL REVIEW

What are the grounds for seeking an internal review?

An internal review allows you to put your case to Revenue NSW in writing without having to go to court.

You can seek internal review by Revenue NSW if:

- You think the fine was wrongly issued (e.g. if you don't believe you committed the offence)
- There are exceptional circumstances relating to the offence

- You have a mental illness, disability or are homeless
- You are under 18 years of age
- You are fined for a traffic offence, have a clear driving record and have had your licence for at least 10 years.

You can find more guidance [here](#).

Should I attach any evidence to my internal review application?

Yes. You should include supporting documents including any evidence that supports your case such as photographs, medical documents or proof of being in receipt of social security benefits.

How do I seek an internal review?

You can seek an internal review:

- Online - <https://www.revenue.nsw.gov.au/fines-and-fees/request-a-review>
- By mail - complete and send the Request for Review of a Fine form which can be accessed on the Revenue NSW Website together with your supporting documents to Revenue NSW, PO Box 786, Strawberry Hills NSW 2012.

Can I seek an internal review even if I have paid the fine?

Yes. If you are successful, the amount paid will be refunded.

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What if I was fined for a traffic offence when I was not the driver?

If another person committed the offence while driving your car, you can nominate the actual driver and have the fine transferred to them.

You can nominate the responsible driver:

- Online - <https://www.nsw.gov.au/money-and-taxes/fines-and-fees/fines/nominate-someone-else-for-a-fine>
- By mail - complete and send the Statutory Declaration to nominate a driver form to Revenue NSW, PO Box 786, Strawberry Hills NSW 2012.

Are there time limits for seeking an internal review?

If you have not paid the fine, no time limit applies.

If you have already paid the fine and no penalty reminder notice was issued, you must seek review within 60 days from the date that the original penalty notice was issued.

What happens after I request a review?

Revenue NSW will consider your application and will advise you of the outcome usually within 21 days (but more complex matters may take longer).

Your fine will be placed on hold while Revenue NSW considers your application.

TAKING YOUR MATTER TO COURT

Can I challenge my fine in court?

You should seek legal advice before challenging a fine in court.

You can appeal the fine to court if you:

- Did not commit the offence for which you have been fined, or
- Accept that you committed the offence but would like the court to consider giving you leniency due to special circumstances.

It is a good idea to first seek an internal review of the fine with Revenue NSW before going to court.

Some offences are strict liability offences. This means your intention is not relevant. Even if you did not mean to break the law, you may still have committed the offence. For example, speeding offences.

What are the risks?

If you go to court and are found guilty, the court can give you a higher fine and you may have to pay a court costs levy, a victim's support levy and the legal costs of the prosecutor.

You may be convicted of an offence and that conviction may be recorded on your criminal record.

It is very important to seek legal advice before taking your matter to court.

Can I still take a matter to court if I am under 18?

Yes. You can elect to take your matter to court if you are under 18 years old.

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Your matter will be heard in the Children's Court, unless the penalty notice is a traffic offence and you are of 'licensable age' (16 and 17).

What will happen at court?

The prosecutor will give you a Fact Sheet that outlines the alleged offence. You need to read this Fact Sheet carefully.

If you did not commit the offence, you can enter a plea of 'not guilty' on the first day of court.

Your matter will not be finalised on the first day. You will need to tell the court how many witnesses you will be calling, if any.

The court will give you a date to come back for the hearing of your case.

If you agree that you committed the offence but you would like to ask for leniency (for example, because of special factors that contributed to the offending such as a medical or psychological condition), you can enter a plea of 'guilty', and ask the court to consider imposing a sentence of no conviction and no other penalty.

If you enter a plea of guilty your case may be dealt with on the first day, so you should take any supporting documents with you such as character references or medical certificates.

If you do not have supporting documents, you can ask the court to adjourn the matter to give you time to obtain supporting documents.

If you are appealing a driving offence and you are at risk of losing your licence, you should explain to the court why you need your licence (e.g. carer responsibilities, employment).

You will need to provide supporting evidence. Your traffic record will also be relevant. The court won't necessarily offer you leniency just because you need your licence for work.

If you are not ready to enter a plea (i.e. you feel you need legal representation or are confused about your plea) you can ask the court for more time to consider your options and have your matter adjourned to be re-listed on another date and time.

Are there time limits for electing to go to court?

Yes, the following time limits apply:

- If you have not paid the fine, you must elect to go to court by the due date on the Penalty Reminder Notice. If you do not elect to go to court within this time frame, you might still be able to have the matter dealt with by a court but must be able to prove that you were prevented from managing your fine within the time frame (e.g. you were in hospital).
- If you have not paid the fine, you must elect to go to court by the due date on the Penalty Reminder Notice. If you do not elect to go to court within this time frame, you might still be able to have the matter dealt with by a court but must be able to prove that you were

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prevented from managing your fine within the time frame (e.g. you were in hospital).

- If you paid the fine before receiving a Penalty Reminder Notice, you must elect to go to court within 90 days from the date that the penalty notice was issued.
- If you asked Revenue NSW for an internal review and paid the fine before there was a Penalty Reminder Notice, you must elect to go to court within 28 days from receiving the review decision.

How do I commence the court process?

There are two ways to appeal to court:

- Online - <https://www.revenue.nsw.gov.au/fines-and-fees/go-to-court>
- By mail – complete Request to have a Fine Decided in Court form and post it to Revenue NSW, PO Box 786, Strawberry Hills NSW 2012.

Revenue NSW will then send you a Court Attendance Notice (CAN) with details of when, and where you must attend court.

Can I change my mind after electing to have my fine decided in court?

No. Once you choose to have your fine decided in court, you cannot withdraw that election and return to the fine process. Your matter becomes a court case and will be dealt with by the court.

Because this decision cannot be undone, it is important to get legal advice before electing to have your fine decided in court.

New laws have been passed that will allow people to change their mind after electing to have their fine decided in court. Under these laws, a person will have 21 days to withdraw their court election. However, the new laws are not expected to start until 2027.

APPLYING FOR A WORK AND DEVELOPMENT ORDER (WDO)

What is a WDO?

WDOs let you clear fines with activities like:

- Voluntary unpaid work
- Financial or other counselling
- Education, vocational, or life skills courses
- Medical, mental health, drug, or alcohol treatment programmes
- Mentoring programmes.

Who can apply for a WDO?

You may be eligible if you:

- Are in serious financial hardship (eg. if you receive a Centrelink payment)
- Are homeless
- Have a drug or alcohol dependence
- Have a mental health condition, intellectual disability or cognitive impairment
- Are under the age of 18.

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How do I obtain a WDO?

Your application must be supported by an approved organisation (known as a “WDO sponsor”). You can find a list of approved organisations on the Revenue NSW website. Most approved organisations will help you with the application process.

How do I find out more?

You can contact the Revenue NSW Work and Development Order Hotline on 1300 478 879.

APPLYING FOR A 50% REDUCTION

Revenue NSW may allow a 50% reduction in fine amounts for some offences.

Who can apply for a reduction?

You may be eligible if you meet the below criteria:

- Have not yet paid your fine
- Were receiving a government assistance payment (such as a Centrelink payment or Veterans Affairs benefit) at the time of the offence
- Are unable to pay the fine because of financial hardship
- Are not suitable for a payment plan
- Cannot take part in a Work and Development Order (WDO)
- Have not had four or more similar fines within 12 months of the offence date
- Have not committed a serious offence in the previous 12 months.

What kind of offences may be eligible for a reduction?

The kinds of offences which may be eligible include:

- Minor public transport offences
- Some parking offences
- Some animal offences
- Fishing offences
- Some littering offences
- Some bicycle offences
- Pedestrian offences like jaywalking.

You may still ask for a reduction if you have received a penalty notice for another offence as Revenue NSW may still consider a reduction.

How do I apply for a reduction?

You can apply for a reduction by calling Revenue NSW on 1300 138 118. You will need to ask for the 50% reduction, as it will not automatically be offered to you.

What should I say?

You will need to explain why you are not able to pay the fine in full (for example, you have other existing debt with Revenue NSW, are on a Centrelink payment, or have other significant debts).

You will need to provide your Centrelink Customer Reference Number, and you may need to provide a copy of your Health Care Card. You may also be asked to provide other supporting documents such as copies of payslips, Centrelink statements and/or bank statements.

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What happens after I apply for a reduction?

If your application is approved, the fine will be reduced by 50%. You will receive a written notice which will explain your options to deal with the rest of your fine (such as through a payment plan).

If your application is refused, you will receive a written notice of the decision. The notice will explain your options for dealing with the fine (such as through a WDO or a payment plan).

If your application is refused, you can still seek a review of your fine through Revenue NSW or court.

If my fine is reduced, will I still receive demerit points or other penalties?

Yes. A reduction in the amount of the fine will not change other penalties such as demerit points, driver licence sanctions, suspensions, cancellations or disqualifications.

Can someone apply for a reduction for me?

Yes. Anyone applying on your behalf will need to have written authority from you or be a registered advocate with Revenue NSW.

SEEKING A WRITE-OFF

Can I have my fine written-off?

Revenue NSW may write off your fine if it is overdue and you are experiencing serious financial or other hardship and are unable to pay your fine.

You will need to demonstrate that you:

- Are experiencing serious financial hardship and unable to pay, or
- Have a medical condition preventing you from paying, or
- Are experiencing a situation such as domestic and family violence that is preventing you from paying, and
- Are unable to deal with your fine another way such as a payment plan or WDO.

How do I apply for a write-off?

You can apply online via the Revenue NSW website. Your application must include the following information:

- Your full name and any alias, date of birth, address, contact details and driver licence number (if you have one)
- The overdue fine reference number
- Income details including any Centrelink payments
- Information about your current financial situation, including
- Details about expenses and assets

You will also need to supply documentary evidence to support your application.

If your application is successful, your fine will be postponed for 5 years. This means Revenue NSW will not take any recovery action for 5 years. After 5 years, if your personal circumstances have not improved, Revenue NSW may decide to write off the fines permanently.

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However, Revenue may not do this if you have received more fines during the 5 year period.

If your application is unsuccessful, you can apply to the Hardship Review Board for a review of the decision.

OVERDUE FINES

What happens once my fine becomes overdue?

Your fine becomes overdue if you have not paid by the due date on the Fine Reminder Notice.

Once your fine becomes overdue Revenue NSW will apply an enforcement fee of \$65 (or \$25 if you are under 18).

You will then receive an Overdue Fine Notice which will have a payment due date.

What happens if I don't pay the fine at all?

If you do not pay the full amount by the due date on the Overdue Fine Notice, or make other arrangements with Revenue NSW to pay by instalments or to do a WDO, Revenue NSW can commence enforcement action.

This can include:

- Suspending your driver licence
- Cancelling your car registration

- Charging you extra fees on your outstanding fine
- Taking money from your wages or bank account
- Directing the Sheriff to seize and sell property you own

Can I be arrested and taken into custody for not paying my fines?

No. Driving while suspended is, however, a criminal offence.

GETTING ADVICE

- **Redfern Legal Centre** (if you live in the inner city of Sydney or are an international student): webform: <https://rlc.org.au/contact>, or call 9698 7277.
- **Your local community legal centre:** <https://www.clcnsw.org.au/community-legal-centres-nsw>
- **Shopfront Youth Legal Centre** (25 years and under): 02 9322 4808
- **Law Access/Legal Aid NSW:** 1300 888 529
- **Aboriginal Legal Service:** 1800 765 767

This factsheet is for information only and is not legal advice.