

Homeless Persons' Legal Service

Legal help for the homeless and those at risk of homelessness
A joint initiative of the Public Interest Advocacy Centre Ltd
and the Public Interest Law Clearing House Inc



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PENALTY NOTICES: STILL NOT SUCH A FINE THING FOR VULNERABLE PEOPLE

SUBMISSION TO THE NSW LAW REFORM COMMISSION INQUIRY INTO PENALTY NOTICES

17 December 2010

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Introduction

Homeless Persons' Legal Service

In 2004, following an extensive consultation process, the Homeless Persons' Legal Service (**HPLS**) was established by the Public Interest Advocacy Centre (**PIAC**) and the Public Interest Law Clearing House (**PILCH**) NSW.¹ HPLS is funded by the NSW Public Purpose Fund, with the support of the NSW Attorney General.

HPLS² provides free legal advice and ongoing representation to people who are homeless or at risk of homelessness. It operates ten clinics on a roster basis at welfare agencies in the greater Sydney area.³ These agencies provide direct services, such as food and accommodation to people in housing crisis. The clinics are co-ordinated by HPLS and staffed by lawyers from PILCH members.⁴ Since its launch in May 2004, HPLS has provided advice to over 4200 clients.

PIAC and HPLS's work on penalty notices

In April 2006, the Homeless Persons' Legal Service published its report on NSW's on-the-spot fines system, *Not Such a Fine Thing! Options for Reform of the Management of Fines Matters in NSW*.⁵ This report was the result of collaborative research with a number of community-based legal centres and related organisations. That research drew on the day-to-day experience of those

1 Further information about the Public Interest Advocacy Centre and the Public Interest Law Clearing House is provided as Appendix A to this document.

2 The Homeless Persons' Legal Service (HPLS) is a joint initiative of PIAC and the Public Interest Law Clearing House (PILCH). It involves direct legal service delivery and public policy research and development work, as well as capacity building for homeless people and the homelessness sector. HPLS is managed by PIAC and the direct legal services are delivered by PILCH members on a *pro bono* basis. PIAC receives core funding for HPLS from the NSW Attorney General, through the NSW Public Purpose Fund.

3 The clinics are hosted by the following welfare agencies: Edward Eagar Lodge (Wesley Mission), Matthew Talbot Hostel (St Vincent de Paul Society), Newtown Mission in Partnership with Newtown Neighbourhood Centre, Norman Andrews House (Uniting Care), Parramatta Mission (Uniting Church), Streetlevel Mission (Salvation Army), The Station, Vincentian House (St Vincent de Paul Society), Wayside Chapel (Uniting Church) and Women's and Girls' Emergency Centre.

4 The following PILCH NSW members provide lawyers on a *pro bono* basis to HPLS to provide legal services through the clinics: Allens Arthur Robinson, Baker & McKenzie, Corrs Chambers Westgarth, Dibbs Barker, HWL Ebsworth, Gilbert + Tobin, Henry Davis York, Legal Aid NSW, Minter Ellison, Norton Rose and Thomsons Lawyers.

5 Ellena Galtos and Emma Gollidge, *Not Such a Fine Thing Options for Reform of the Management of Fines in NSW* (2006) Homeless Person's Legal Service and Public Interest Advocacy Centre, <<http://www.piac.asn.au/publication/2009/02/090130-cin-submission>> accessed 17 November 2010.

organisations working with homeless people and other people facing disadvantage, including the advice and casework of HPLS.

Since the launch of that report, PIAC has been working with the NSW Attorney General's Department and other key NSW government agencies to identify appropriate reforms. Many of the reforms sought were legislated in November 2008 in the *Fines (Further Amendment) Act 2008* (NSW). PIAC, through HPLS, continues to work with the Government to fully implement these reforms.

On 24 October 2007, PIAC and HPLS issued a media statement expressing concern about the introduction of the Criminal Infringement Notices (CIN) system. In January 2009, PIAC responded to the NSW Ombudsman's review of the impact of the CIN system on Aboriginal and Torres Strait Islander Communities.⁶ This submission again highlighted the disproportionately negative effect of CIN on vulnerable groups within our community including people from an Indigenous background, people experiencing homelessness, people with an intellectual disability, people with a mental illness, and people from non-English speaking backgrounds.

General comments

This submission has been formulated with reference to HPLS's experience in providing advice and legal services to people experiencing homelessness in NSW. For those and other groups of vulnerable people, the penalty notices system generates, reinforces and exacerbates disadvantage. Accumulating massive debt adds to the problems of finding food and shelter, dealing with a mental illness or navigating the world with a cognitive impairment. It is all but impossible for those surviving on a Centrelink benefit (and sometimes on no benefit at all), to pay off their debts to the State Debt Recovery Office (SDRO).

Increased recognition of how vulnerable people have become ensnared in the penalty notice system has led to some improvements, notably the requirement for an enforcement officer to consider a caution as an alternative to issuing a penalty notice, the right of penalty notice recipients to request a review of the decision to issue a penalty notice, and the introduction of Work and Development Orders (WDOs). However, these reforms do not go far enough.

Of the 4,200 clients seen by HPLS since 2004, 489 clients approached HPLS with issues relating to fines.⁷ This represents 11.3 percent of all advices provided since HPLS commenced. This proportion has not changed significantly over time. So far in 2010, 12.2 percent of clients seen by HPLS have approached with fines related matters.

⁶ Julie Hourigan Ruse, *Considering the impact of CIN more broadly: Response to the NSW Ombudsman's review of the impact of Criminal Infringement Notices in Aboriginal and Torres Strait Islander Communities* (2009) Homeless Person's Legal Service and Public Interest Advocacy Centre. <<http://www.piac.asn.au/publication/2009/02/090130-cin-submission>> accessed 17 November 2010.

⁷ Note that the HPLS database does not distinguish between penalty notices and court imposed fines. However, it is reasonable to assume, given the types of legal problems homeless people generally experience, that in the majority of cases the source of the legal problem will be a penalty notice, not a court imposed fine.

It continues to be a challenge for people experiencing social and economic disadvantage to decide on the most appropriate course of action in dealing with their fine. It is often difficult to know which option is likely to produce the most successful outcome for a particular individual. The bewildering number of issues to consider includes:

- Should the penalty notice recipient have been issued with a caution in accordance with the *Caution Guidelines* instead of with a penalty notice?
- Should the recipient elect to go to court?
- Should an application be made for time-to-pay under section 100?
- Should an application for review be made under Division 2A of the *Fines Act 1996* (NSW)?
- Should an application be made to have the penalty notice written-off under section 101?
- Should an application be made to have the penalty notice waived?
- Should an application be made for a WDO under section 99B?
- If an enforcement order has been made, should an application under section 48 for annulment of the enforcement order be made?

At nearly every stage of the penalty notice process, people who are homeless, have a mental illness, intellectual disability or a cognitive impairment are at a disadvantage. Due to their financial and housing circumstances, homeless people are more likely to commit certain offences, such as fare evasion and consuming alcohol in a public place, which attract hefty penalties. Because homeless people tend to congregate in public places, they are more visible to enforcement officers and this leads to a greater likelihood of detection.

Poor recruitment practices, a lack of appropriate and regular training for enforcement officers and sometimes outright prejudice against homeless and other vulnerable people may lead enforcement officers to decide against issuing a caution in favour of a penalty notice. Interactions between an untrained or poorly trained enforcement officer and the homeless person may escalate the situation leading to the commission of further penalty notice, and even criminal, offences.

People with limited English literacy skills, a mental illness or a cognitive impairment may find it difficult to understand the content of the penalty notice due to the paucity of information about the various options for review and mitigation in the penalty notice itself. As a consequence, they may never know the extent of their rights and obligations. Given that these options have been designed specifically with this group of people in mind, it is of some concern that these options are not spelt out clearly and that information about where to go for independent legal advice is not provided in the penalty notice.

In the experience of HPLS, people who are experiencing a complex set of problems in their life are also more likely not to respond quickly to address the matter and even to ignore the penalty notice. Homeless people often lead chaotic lives. It is a constant battle to find safe accommodation or a meal. They may need to attend multiple appointments to get treatment and medication for various health conditions. Mental health or drug dependence problems may intervene. In these circumstances, remembering to do something about, or even to hold on to, a penalty notice is not seen as a high priority.

Summary of recommendations

1. Recommendation

A stand-alone statute dealing solely with penalty notices should be introduced following consultation with community-based legal services and other organisations working in the field. The statute needs to be written in plain English and structured so that the rights of, and options available to, penalty notice recipients may be easily identified and understood.

2. Recommendation

A set of principles should be established to provide guidance on how to assess whether regulation of undesirable behaviour or the enforcement of an offence would be best achieved by way of a penalty notice. These principles should address the potential impact of the creation of a new penalty notice offence on vulnerable people.

3. Recommendation

A central body should be established to oversee and monitor the penalty notice regime and it should be given powers to force the compliance of issuing agencies and the State Debt Recovery Office with the system's established laws, principles and guidelines.

4. Recommendation

The NSW Government, in consultation with community-based legal services and other organisations working in the field, should review the comparative fairness of the amount paid for penalty notices and consideration should be given to developing a points system reflective of the comparative seriousness of penalty notice offences.

5. Recommendation

The NSW Government should investigate the feasibility of basing the penalty amount payable on a proportion of the penalty notice recipient's income. Alternatively, the NSW government should investigate the feasibility of introducing a concession rate for recipients who receive Centrelink payments or who are low-income earners.

6. Recommendation

The NSW Government should investigate mechanisms for enabling greater access to Community Service Orders for fine defaulters in financial hardship without having first to accrue enforcement costs or attend court.

7. Recommendation

The State Debt Recovery Office should automatically waive enforcement and annulment fees for penalty notice recipients who can produce a Centrelink pension card or health care card.

8. Recommendation

The NSW Government should legislate for the mandatory issuing of cautions in a limited set of circumstances. The State Debt Recovery Office should amend the Caution Guidelines to include a statement of principle regarding the need to limit the entanglement of vulnerable people in the penalty notice system.

9. Recommendation

The NSW Government should introduce legislation that limits the number and value of penalty notices that may be issued in respect of a single incident.

10. Recommendation

The State Debt Recovery Office should revise all penalty notices, reminder notices and enforcement orders with a view to standardising the content across the different types of penalty notices and to including clearer and more detailed information about the recipient's rights, including who to contact for legal advice, options for review, the process of applying for review, Work and Development Orders, time-to-pay, payment by instalments, and court election.

11. Recommendation

The length of time allowed for responding to a penalty notice and a reminder notice should be increased from 21 days to 28 days. The State Debt Recovery Office should have the discretion to extend the time limit without enforcement costs where the penalty notice recipient is homeless, has a mental illness, intellectual disability or cognitive impairment, a special infirmity or is in poor physical health.

12. Recommendation

Centrelink's "work for income support" programme should be included in the Work and Development Order scheme, so that any work performed in satisfaction of a person's obligations to Centrelink will also satisfy that person's obligations under the WDO.

13. Recommendation

The NSW Government should introduce legislation that expressly prohibits the prosecution from supplying information to the court about a defendant's penalty notice history.

14. Recommendation

The NSW Government should increase access to justice in penalty notice matters by reviewing processes affecting people seeking court election for more than one penalty notice. This includes allowing all penalty notice matters to be heard at one court and limiting fees to a single fee per hearing, rather than one fee per offence.

15. Recommendation

The NSW Government should investigate the option of introducing a Special Circumstances Court to deal with penalty notice matters (and possibly other legal matters) affecting disadvantaged people. The court should have the power to hear all matters affecting a defendant, which would otherwise be dealt with by separate court hearings. It should also have the discretion to order alternative penalties and rehabilitation plans that may assist defendants in changing behaviour that caused them to be issued with a penalty notice.

16. Recommendation

The Department of Corrective Services should provide prisoners with outstanding penalty notice debts with the option of applying for a Work and Development Order while serving their sentence.

17. Recommendation

The NSW Government should amend the Fines Act 1996 (NSW) so as to require the Minister to make public guidelines on the write-off of penalty notices. These guidelines should be available in plain English and community languages, printed as leaflets and published on the State Debt Recovery Office website.

18. Recommendation

Training for enforcement officers should be reviewed to include positive strategies for dealing with marginalised, disadvantaged and vulnerable people, including appropriate use of discretion and anti-discrimination principles. Organisations experienced in working with vulnerable people should be involved in delivering the training and reviewing its quality.

19. Recommendation

The penalty notice should explain how to make a complaint about the conduct of an enforcement officer.

20. Recommendation

The State Debt Recovery Office should introduce a new set of Review Guidelines that more accurately and accessibly set out the various circumstances that the reviewing agency will have regard to when considering whether a penalty notice should have been issued. The Review Guidelines should include reference to the rights to review for people with a mental illness, intellectual disability, or cognitive impairment and for people experiencing homelessness.

21. Recommendation

The State Debt Recovery Office should introduce a community education campaign to ensure that people better understand their rights and obligations under the penalty notice system. The campaign should include an outreach program providing information to penalty notice recipients and to advocates in community-based organisations that work with people affected by the penalty notice system.

22. Recommendation

The Fines Act 1996 (NSW) should be amended to include the category of “special circumstances” as a ground for withdrawal of a penalty notice.

Response to Consultation Paper questions

1. Introduction

1.1 Should there be a stand-alone statute dealing with penalty notices?

HPLS would support the introduction of a stand-alone statute dealing solely with penalty notices if this would improve the over-all consistency and coherence of the penalty notice system. However, any legislation that streamlines processes must also improve access to justice. As far as possible, the text and layout of the statute must be user-friendly and in plain English, so that it is clear to the average person what are their rights under the penalty notice regime.

1. Recommendation

A stand-alone statute dealing solely with penalty notices should be introduced following consultation with community-based legal services and other organisations working in the field. The statute needs to be written in plain English and structured so that the rights of, and options available to, penalty notice recipients may be easily identified and understood.

2. Guiding and overseeing the penalty notice system

2.1 Should principles be formally adopted for the purpose of assessing which offences may be enforced by penalty notice?

HPLS is concerned by the rate of increase in the creation of penalty notice offences, and the extension of the penalty notice system to offences that were once traditionally dealt with by the courts. The net-widening effects of increased penalty notice offences creates a bias towards capturing already vulnerable groups of people. Stemming this rapid expansion will reduce the number of vulnerable people caught up in the penalty notice system and will arguably have a greater impact on reducing disadvantage than other measures designed to mitigate the harsh financial impact of penalty notices *after* the penalty notice has been issued – for example, application for review and time-to-pay.

As a way of limiting the proliferation of penalty notice offences, a set of principles providing clear guidance on how to assess which offences may be a candidate for enforcement by way of penalty notice should be developed and given statutory backing. Where an agency is considering creating a new penalty notice offence, it should be required to take into consideration:

- the seriousness of the offence relative to other offences, and whether regulation of the behaviour in question may be adequately dealt with other than by the creation of an offence enforceable by penalty notice (for example, by way of an information campaign);
- whether vulnerable people are more likely to be apprehended for the proposed offence and subsequently issued with a penalty notice; and
- if an offence is to be created and enforced by way of penalty notice, strategies for minimising the negative impact of the penalty notice on vulnerable groups (for example, not targeting

areas that are likely to ‘net’ a disproportionate number of vulnerable people, and providing regular and appropriate training to enforcement officers).

The Consultation Paper referred to the substantial revenue raised from penalty notices, and to the view that the penalty notice system exists mainly as a revenue-raising exercise,⁸ In addition to these principles, and as part of the process of creating or extending penalty notice offences, agencies should be required to abstain from establishing any kind of quota system for the issuing of penalty notices. Where the revenue is returned to the agency, it should be required to demonstrate that the revenue raised does not form a part of the agency’s annual budget, and is surplus to the agency’s budgetary requirements.

It is envisaged that directing the attention of government and other agencies to the above considerations may curb the proliferation of new offences. A more considered and targeted approach to the regulation of unacceptable behaviour will go some way to *preventing at the outset* the disproportionate “netting” of vulnerable people by the penalty notice system.

2. Recommendation

A set of principles should be established to provide guidance on how to assess whether regulation of undesirable behaviour or the enforcement of an offence would be best achieved by way of a penalty notice. These principles should address the potential impact of the creation of a new penalty notice offence on vulnerable people.

2.2 Should there be a central body in NSW to oversee and monitor the penalty notice regime as a whole?

The creation of a central body to oversee and monitor the penalty notice regime as a whole is highly desirable. HPLS does not have an opinion as to which agency should undertake this function and wherever it is located, it should have the power to enforce the compliance of government and other agencies as well as the SDRO with the regime’s established laws and principles. Without power to monitor compliance and enforce consequences, HPLS fears any change will simply be ‘re-badging’ with the same failures a likely outcome.

3. Recommendation

A central body should be established to oversee and monitor the penalty notice regime and it should be given powers to force the compliance of issuing agencies and the State Debt Recovery Office with the system’s established laws, principles and guidelines.

2.3 What resourcing is required to effectively oversee the operation of the penalty notice regime?

The level of resourcing should be adequate to ensure that:

⁸ R Fox, *Criminal Justice on the Spot: Infringement Penalties in Victoria*, Australian Institute of Criminology (1995), 299-289.

- government and other agencies are provided with adequate training in how the penalty notice regime works, and in particular on how to apply the principles underpinning the creation of new offences by way of penalty notice;
- enforcement officers are provided with adequate training, particularly in working with people who have an intellectual disability, cognitive impairment, mental illness, are homeless or experiencing a serious illness or acute economic hardship; and
- the SDRO has the capacity to speedily conduct reviews.

3. Determining penalty notice offences

HPLS does not seek to comment on many of the points under discussion in this section of the Consultation Paper. The overarching concern for HPLS is that the particular circumstances of the person receiving the penalty notice be a primary consideration in determining when to issue, enforce, withdraw or mitigate a penalty notice. While not in favour of penalty notices being used for offences that contain a fault element or which require a judgment about community standards such as ‘offensiveness’, HPLS is of the view that whether penalty notices are applied to either an expanded or limited number of offences is not the key issue. Emphasis needs to be placed on the implementation of the penalty notice regime and how this can re-enforce and entrench the disadvantage experienced by vulnerable people.

4. Determining penalty notice amounts

4.1 Should principles be established to guide the setting of penalty notice amounts and their adjustment over time?

HPLS continues to be concerned by the disparity between the size of the penalties imposed for different offences, and reiterates its recommendation from *Not Such a Fine Thing*⁹ that the NSW Government, in consultation with community-based legal services and other organisations working in the field, review the comparative fairness of penalty notice amounts.

Since its release, there have been some changes to the penalty amounts payable for the road safety offences referred to in *Not Such a Fine Thing*. For most of the offences there have been increases in the amount payable, arguably reducing the comparative inequity in the amounts payable for relatively minor public transport offences as compared to offences affecting public safety. However, in the case of speeding offences, changes in the span of the “brackets” for speeding offences have resulted in a *decrease* in the penalty amount for those caught speeding more than 15 km/h but less than 20 km/h.¹⁰ At the time of the change, the Minister for Roads conceded that “the system could be fairer for motorists who inadvertently speed by just a few

⁹ Galtos & Golledge, above n 5, 16.

¹⁰ *Road Transport (General) Regulation 2005* (NSW), reg 170, introduced 1 July 2009

kilometres over the limit”.¹¹ HPLS submits that a similar approach stressing the need for fairness should be extended to people who have received penalty notices for fare evasion.

Below is a table based on the one used in *Not Such a Fine Thing*. It has been updated to include the recent changes in the penalty notice amounts for speeding offences. The absurdity of treating rail offences as being more serious than many road safety offences, as reflected in the penalty amounts, is compounded by the fact that homeless and other vulnerable people are more likely to receive penalty notices for rail offences, but have less capacity to pay.

Rail Offences	Road safety ¹²
Travelling without a valid ticket \$200 (\$550) ¹³ NB: Until 2003, the amount payable was \$100. ¹⁴	Speeding more than 10 km/h but less than 20 km/h \$197 and 3 demerit points Speeding more than 20 km/h but less than 30 km/h \$338 and 4 demerit points NB: Prior to 2009, the range was 15-30 km/h, which carried a penalty of \$225 and 3 demerit points.
Smoking under covered station area or on a train \$300 (\$1100)	Drive using hand held mobile phone \$258 and 3 demerit points
Offensive language, offensive behaviour or spitting \$400 (\$1100)	Not stopping at a red light and driving behind another vehicle too closely (tailgating) \$344 and 3 demerit points

Penalty notice amounts should be based on an assessment of the seriousness of the offence, and this assessment should be made on the basis of a single set of principles. A questionnaire based on these principles could be developed, with the answers generating “points”. These points could then form the basis for determining the penalty notice amount for a particular offence. Indeed, these points could be multiplied by the “day fine” (see response to Question 4.2 below) to produce an individually-tailored penalty.

¹¹ NSW Minister for Roads, “New Demerit Point Scheme to be Introduced 1 July”, *News Release*, 12 June 2009.

¹² *Road Transport (General) Regulation 2005* (NSW), Sch 3.

¹³ Amounts in brackets reflect the maximum a court may impose.

¹⁴ *Rail Safety (Offences) Regulation 1997* (NSW), Sch 1 (now repealed), under *Rail Safety Act 1993* (NSW) (now repealed).

4. Recommendation

The NSW Government, in consultation with community-based legal services and other organisations working in the field, should review the comparative fairness of the amount paid for penalty notices and consideration should be given to developing a points system reflective of the comparative seriousness of penalty notice offences.

4.2 Should a maximum be set for penalty notice amounts?

Because penalty amounts are fixed without regard to the recipient's income or circumstances, penalty notices effectively mete out greater punishment to people on low incomes. There needs to be parity not just between the penalty amounts payable for different types of penalty notice offences in terms of the gravity of the offence, but also between the penalty amount and the penalty notice recipient's income. In other words, the amount payable needs to be pegged to the penalty notice recipient's income.

In Finland, minor infractions give rise to "summary penal fees", which must not exceed 200 Euros (approximately AUS\$276¹⁵) and must be less than the court fine payable for the offence.¹⁶ Finland operates a "day fine" system, which entails pegging the amount payable to the average income earned by a person over one day. The amount for a day fine is set "so that it is reasonable in view of the solvency of the person fined". A reasonable amount is deemed to be:

one sixtieth of the average monthly income of the person fined, less taxes and fees [...] and a fixed deduction for basic consumption [...] The maintenance liability of the person fined may decrease the day fine.¹⁷

For illustrative purposes only, the "day fine" amounts have been calculated with reference to the income received by a person on New Start Allowance and the Disability Support Pension (DSP) and a person employed as a mid-level public servant. In Finland, the amounts shown in the fourth column are multiplied by the number of "day fines" as ordered by the court. This latter variant reflects the seriousness of the offence. For example, if the penalty for travelling without a ticket was three "day fines", the person on New Start would pay \$51, the person on the DSP would pay \$71.52, and the public servant would pay \$295.53.

¹⁵ Yahoo!7 Finance, Currencies Centre, <<http://au.finance.yahoo.com/currencies/converter/#from=EUR;to=AUD;amt=200>> accessed 18 November 2010.

¹⁶ Criminal Code (Finland) ch 2a s 8(1) and (2). Unofficial translation. <http://www.finlex.fi/en/laki/kaannokset/1889/en18890039> accessed 29 October 2010.

¹⁷ Criminal Code (Finland) ch 2a s 2(2).

Benefit/Wage	Rate	Monthly benefit/wage	One-sixtieth of wage
New Start Allowance (single, no children) ¹⁸	\$469.70/fortnight	\$1020.42	\$17.00
Disability Support Pension (single) ¹⁹	\$658.40/fortnight	\$1,430.37	\$23.84
Public Servant, Level 1 ²⁰	\$70,929/annum	\$5910.75 ²¹	\$98.51

5. Recommendation

The NSW Government should investigate the feasibility of basing the penalty amount payable on a proportion of the penalty notice recipient's income. Alternatively, the NSW government should investigate the feasibility of introducing a concession rate for recipients who receive Centrelink payments or who are low-income earners.

5. Issuing and enforcing penalty notices – practice and procedure

Community Service Orders

HPLS notes that the NSW Government has not adopted its recommendation in *Not Such a Fine Thing* regarding access to Community Service Orders (CSOs) for fine defaulters in financial hardship. As noted in the Consultation Paper, CSOs are only available at the very end of the penalty notice process, after enforcement costs have been accumulated and often after a number of years have passed.²² While the introduction of WDOs has to an extent replaced the need to make CSOs more accessible, it should be borne in mind that only certain groups of people are eligible for WDOs and that even if the recipient is eligible, the making of a WDO is dependent on there being available an eligible organisation to support the application or an appropriate course of treatment.

6. Recommendation

The NSW Government should investigate mechanisms for enabling greater access to Community Service Orders for fine defaulters in financial hardship without having first to accrue enforcement costs or attend court.

¹⁸ Centrelink, *Payment Rates*, <http://www.centrelink.gov.au/internet/internet.nsf/payments/newstart_rates.htm> accessed 18 November 2010.

¹⁹ Ibid.

²⁰ *Crown Employees (Public Sector – Salaries 2008) Award*, <http://www.psa.labor.net.au/publications/1224208052_23968.html> accessed 18 November 2010.

²¹ Note that no reduction has been made to take account for income or other taxes.

²² NSW Law Reform Commission, *Penalty Notices*, Consultation Paper 10 (2010), 94.

Enforcement costs and annulment fees

HPLS has also raised the issue of the impact of escalating enforcement and annulment fees of \$50 for each enforcement order²³ and annulment application.²⁴ HPLS has observed that due to the barriers to dealing with penalty notices within the time limits imposed, homeless and other vulnerable people are more likely to accumulate enforcement costs followed by the imposition of annulment fees. The *Fines Regulation 2010* (NSW) empowers the SDRO to waive, postpone or refund all or part of any enforcement costs or application fees payable,²⁵ and certainly community legal centres have reported that some advocates have successfully applied for these fees to be waived.²⁶ However, no guidance is given as to the circumstances in which a waiver will be considered, for example, where a recipient produces a Centrelink pension card or health care card.

7. Recommendation

The State Debt Recovery Office should automatically waive enforcement and annulment fees for penalty notice recipients who can produce a Centrelink pension card or health care card.

5.1 Is there sufficient guidance on when to issue a penalty notice and the alternatives available?

HPLS is a strong advocate for the use by enforcement officers of informal warnings and formal cautions in appropriate circumstances as opposed to the issue of a penalty notice or a criminal infringement notice.

As part of the ongoing penalty notice reform process in NSW, HPLS was invited by the NSW Department of Justice and Attorney General to participate in a working group of government agencies and non-government organisations to draft *Cautions Guidelines* under the *Fines Act 1996* (NSW) (the Guidelines). These Guidelines, which commence on 31 March 2010, provide assistance to enforcement agencies (except NSW Police) when dealing with people who are homeless, or have a mental illness, intellectual disability or cognitive impairment. The Guidelines recognise that, for certain categories of people who are highly visible and particularly vulnerable, a caution is a more appropriate mechanism for dealing with a minor offence rather than issuing a penalty notice and, almost inevitably, introducing the person to the criminal justice system.

The Guidelines place strong emphasis on cautions only being used where enforcement officers could otherwise have taken action for an alleged offence, such as by way of arrest, fine, or issuing a court attendance notice. A caution should not be used where the enforcement officer would previously have dealt with the matter informally. The Guidelines do not interfere with this discretion and deliberately do not broaden the net of the criminal justice system. If it is later determined that a caution was not the most appropriate outcome, further action can be taken.

²³ *Fines Regulation 2010* (NSW) reg 4.

²⁴ *Fines Regulation 2010* (NSW) reg 5.

²⁵ *Fines Regulation 2010* (NSW) reg 6.

²⁶ Galtos & Gollidge, above n 5, 15.

Overall, the Guidelines adequately address those circumstances in which enforcement officers should consider giving a caution rather than issuing a penalty notice. It should be noted that the Guidelines do not apply to agencies that have existing guidelines and principles in place with regard to issuing cautions to homeless and other groups of vulnerable people. There is no requirement that these existing guidelines use the *Caution Guidelines* as a minimum standard.

Despite the intent behind the introduction of the Guidelines, there remains the distinct possibility that enforcement officers will fail to utilise the Guidelines and will continue to issue penalty notices as before. The new caution provisions in the *Fines Act 1996* (NSW) and the associated Guidelines fail to *require* the issuing of a caution even in limited and extreme circumstances. Indeed, officers may have an incentive to be conservative when issuing a caution, confident in the knowledge that the penalty notice must be withdrawn if the reviewing agency later finds that:

- a penalty notice should not have been issued having regard to the exceptional circumstances relating to the offence;²⁷ or
- the recipient has an intellectual disability, mental illness, a cognitive impairment or is homeless, and as a consequence was unable understand that the person's conduct constituted an offence or to control such conduct;²⁸ or
- an official caution should have been issued instead of a penalty notice.²⁹

HPLS can see no good reason for requiring the reviewing agency to withdraw a penalty notice on the above grounds, but not place a similar requirement on officers issuing penalty notices. It is important to note that a person who has an intellectual disability, mental illness, cognitive impairment or who is homeless is far less likely to apply for a review than another person, yet it is exactly this group of people who should be issued with an official caution and would have a strong case for withdrawal of the penalty notice.

The purpose of the Guidelines would be strengthened and enforcement officers would be given firmer guidance as to this purpose, by the inclusion of a statement of principle in relation to minimising the unfairly detrimental impact of the penalty notice regime on people experiencing severe social and economic disadvantage. Such a statement is found in the Victorian Attorney-General Guidelines to the *Infringement Act 2006* (Vic):

The recognition of "Special Circumstances" in the *Infringements Act 2006* is to ensure that certain members of the community are not unfairly caught up in the infringement system, through providing flexibility in the system so that the special circumstances of individuals can be considered.³⁰

Of course, the Guidelines are only as good as their application in day-to-day situations. To a large extent, the ability of the officer to 'exercise good judgement' when deciding whether to issue a

²⁷ *Fines Act 1996* (NSW) s 24E(2)(c).

²⁸ *Fines Act 1996* (NSW) s 24E(2)(d).

²⁹ *Fines Act 1996* (NSW) s 24E(2)(e).

³⁰ Attorney General's Guidelines to the *Infringements Act 2006*, Victoria, 7.

caution will depend on the quality and regularity of the training provided, and the commitment of the officer to implementing the guidelines in good faith.

8. Recommendation

The NSW Government should legislate for the mandatory issuing of cautions in a limited set of circumstances. The State Debt Recovery Office should amend the Caution Guidelines to include a statement of principle regarding the need to limit the entanglement of vulnerable people in the penalty notice system.

5.3 Should a limit be placed on the number or value of penalty notices that may be issued in respect of one incident?

There should be a limit placed on the number of penalty notices that may be issued in respect of a single incident, and in addition there should be a limit placed on the total value of the penalty notices issued. These limits need to be prescribed in legislation, although guidance regarding the choice of penalty notice offence could be left to the relevant regulation.

9. Recommendation

The NSW Government should introduce legislation that limits the number and value of penalty notices that may be issued in respect of a single incident.

5.9 What details should a penalty notice contain and should they be legislatively required?

The content of the penalty notice itself – the “bit of paper” a person receives either directly from an enforcement officer or in the mail – will often be the only opportunity for recipients to find out about their rights. The format and readability of the penalty notice (its layout, font size, the language employed, the use of translations) will determine whether the information supplied is accessible to people who may have limited English literacy skills, have a cognitive impairment or who are affected by drugs or alcohol. If the penalty notice does not contain sufficient information about a recipient’s rights and it is not accessible, recipients of penalty notices are effectively prevented from asserting their rights.

HPLS has conducted some limited research into the content and format of penalty notices in NSW, Victoria, South Australia and Queensland. Examples of penalty notices from these jurisdictions may be found at Appendix B.

In NSW, three basic types of penalty notices are used:

- the SDRO penalty notice typically issued for speeding offences (the SDRO also issues a standard penalty reminder notice and enforcement order following the issuance of these various types of penalty notices);

- “Part C” penalty notices used by NSW Police, Rail Corp, and some local councils and completed by hand (there currently appear to be several types of “Part C” penalty notices); and
- penalty notices produced electronically by a hand-held device, generally used by local councils for parking offences, but also used for other penalty notices offences such as camping in a park.

Although not an issue of critical importance, the existence of such an array of penalty notice types, all with some variation in the information supplied on both sides of the notice, has the potential to create further confusion among vulnerable people as to the nature of the document they have received and their available options. Further, providing legal or other assistance over the phone to people with multiple penalty notices is made more challenging by the lack of consistency between penalty notices. This creates an unnecessary barrier to guiding a client through the content of a penalty notice when talking to them over the phone, especially if the legal representative or other support person is not already familiar with the format of that particular penalty notice. Locating on the Internet examples of the various different penalty notices is difficult, and those that were located do not display the back of the penalty notice.³¹

In the course of advising clients on penalty notices, HPLS has identified five essential pieces of information that it believes all penalty notices should contain. These are:

1. an easy court election option;
2. contact details for independent information and advice, including legal advice, for example LawAccess;
3. options and grounds for review, withdrawal or mitigation of the penalty notice;
4. payment options that include option to pay in cash, time-to-pay, and payment in instalments and via a WDO (if permitted under the relevant legislation);
5. consequences of not taking action on the penalty notice.

All the penalty notices issued in the jurisdictions examined refer to the court election option. The notice issued by the SDRO includes a Court Election Form as a tear-off slip on the bottom of the reverse side and one version of the “Part C” notice is solely devoted to the court election option. The electronically-produced penalty notice refers the recipient to the SDRO website to download the court election form. It is unrealistic to expect that people experiencing homelessness will have regular access to the Internet and that they would be able to download the relevant form in time to elect to go to court.

None of the penalty notices issued in NSW contains the contact details for independent information and advice regarding the recipient’s rights. Given that many vulnerable people are unaware that they can obtain legal advice about their penalty notice, this constitutes a significant gap.

The review option is referred to only cursorily in the penalty notices issued by the SDRO and in the “Part C” penalty notices. It is not referred to at all in the electronically-produced penalty notices. No information is supplied regarding the grounds for review or withdrawal of the penalty notice, or

³¹ The Google search resulted in www.sdرو.nsw.gov.au/lib/docs/misc/new_pn.pdf. This page cannot be located directly via the SDRO website.

the mitigation options. Again, many vulnerable people do not realise they have rights under the *Fines Act 1996* (NSW), and often the only way they will ever learn is from the penalty notice itself, especially if they are not provided with any contact details for independent legal advice.

Although all penalty notices contain information about the range of payment options, it is not immediately obvious that a recipient can pay in cash. It is easy to form the mistaken impression that payment may only be made by credit card or via the Internet, and this may lead to the penalty notice being ignored. No information is supplied about the option of time-to-pay or payment in instalments, or the process for applying for these options.

All the penalty notices spell out to some extent the consequences of not taking some kind of action on the penalty notice. Although close reading reveals that taking action includes making an application for review, no reference is made to the grounds for review or the other mitigation options, such as an application for a WDO. Again it is easy for the recipient to form the impression that they must either pay now or they will be later pursued for payment.

By contrast, the infringement notices issued in Victoria contain a significant amount of information about the recipient's rights. The court election option is clearly identified and the form included. The contact details for Victoria Legal Aid are supplied on the back page in twelve languages. The right to request a review is also clearly identified, and is the first piece of information supplied on the reverse side of the first page of the penalty notices (the penalty notices runs to four pages). Most significantly, the grounds for review are spelt out, including the definition of "special circumstances" in relation to a person:

- (a) a mental or intellectual disability, disorder, disease or illness, results in a person being unable (i) to understand that conduct constitutes an offence; or (ii) to control conduct that constitutes an offence; or
- (b) serious addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the *Drugs, Poisons and Controlled Substances Act 1981* where the serious condition results in the person being unable (i) to understand that conduct constitutes an offence; or (ii) to control conduct which constitutes an offence; or
- (c) homelessness, where the homelessness results in a person being unable to control conduct which constitutes an offence.

Overall, the infringement notices issued in Victoria clearly spell out the rights of recipients and are highly accessible. There is explicit reference to people in "special circumstances" being able to seek review of their penalty notice. Yet, as observed by the NSW Sentencing Council "none of the penalty notices examined by it in the course of its Inquiry inform an offender [that] he or she may appeal against a penalty notice on the grounds of special circumstances".³²

10. Recommendation

The State Debt Recovery Office should revise all penalty notices, reminder notices and enforcement orders with a view to standardising the content across the different types of penalty notices and to including clearer and more detailed information about the recipient's rights, including

³² NSW Sentencing Council, *The Effectiveness of Fines as a Sentencing Option: Court-imposed fines and penalty notices*, Interim Report (2006), 91.

who to contact for legal advice, options for review, the process of applying for review, Work and Development Orders, time-to-pay, payment by instalments, and court election.

5.10 Are the recent amendments to the *Fines Act 1996* (NSW) relating to internal review of penalty notices working effectively?

Please see response to Question 7.13.

5.11 Should a period longer than 21 days from the time the penalty notice is first issued be allowed to pay the penalty amount? Can the time-to-pay system be improved?

The *Fines Act 1996* (NSW) does not stipulate a maximum or minimum time period by which a penalty must be paid, but simply states that “the full amount payable under a penalty notice is to be paid within the time required by the notice”.³³ Nonetheless, it appears recipients are in practice given 21 days before a penalty reminder notice is issued. A penalty reminder notice may be sent if it appears that the full amount payable under the penalty notice has not been paid by the date stipulated in the penalty notice,³⁴ and the due date for payment must be at least 21 days after it is served on the person or at least 28 days after it is sent.³⁵

Given the number of clients who approach HPLS with SDRO debts which include enforcement costs, the length of time to respond to a penalty notice and a penalty reminder notice may not be sufficient given the lack of information supplied in the penalty notice regarding options for review and where to seek independent advice. For people experiencing homelessness or a mental illness, three weeks is simply not long enough to address the consequences of having been issued with a penalty notice. In addition, any set time period must be flexible to ensure that recipients are not unfairly disadvantaged by having responded only a few days late. The SDRO should have the discretion to extend the time limit without enforcement costs for people in the same circumstances as those targeted by the *Caution Guidelines*, that is people who are homeless or who have a mental illness, intellectual disability or cognitive impairment or who suffer from a special infirmity or are in poor physical health.

11. Recommendation

The length of time allowed for responding to a penalty notice and a reminder notice should be increased from 21 days to 28 days. The State Debt Recovery Office should have the discretion to extend the time limit without enforcement costs where the penalty notice recipient is homeless, has a mental illness, intellectual disability or cognitive impairment, a special infirmity or is in poor physical health.

³³ *Fines Act 1996* (NSW) s 23(1A).

³⁴ *Fines Act 1996* (NSW) s 26.

³⁵ *Fines Act 1996* (NSW) s 30.

5.12 Could the operation of fines mitigation mechanisms, including the WDO reforms, be improved?

As one of the original proponents of the WDO reforms, HPLS strongly supports the roll out of the pilot, and anticipates that the review will find the scheme has been successful in assisting eligible people to both “work off” their debts and to gain benefit from their work experience, training or support program. Nevertheless, HPLS is concerned that the WDO scheme lacks a “champion” for the reforms, that is, a person who, or organisation that, actively promotes the scheme to suitable organisations and health professionals. Low take-up of WDOs is a possible result. A pilot for a similar scheme in some court areas of the United Kingdom concluded that the scheme was less successful in those areas that lacked a “champion”.³⁶ Although HPLS does not have any firm views on who or what organisation should adopt the role of “champion” of the WDO scheme, appropriate figures might be the Police Commissioner or Chief Magistrate or other senior figure within the criminal justice system.

PIAC was successful in obtaining the status of an approved organisation under the *WDO Guidelines*.³⁷ Although it did not take long for the SDRO to approve PIAC’s application, the application process was cumbersome. Following the approval, PIAC supported the application of a young woman for a WDO, which also involved a considerable amount of paperwork, and took approximately six months to be finalised and approved. The SDRO sought feedback from various organisations on the WDO application process and has since made changes to the system.

A more specific area of concern is the exclusion of the “work for income support” program³⁸ administered by Centrelink from the WDO scheme. As a consequence, people in receipt of Centrelink benefits and with no ability to pay the mounting debts to the SDRO, may be forced to work between 24 and 50 hours per fortnight in order to satisfy their mutual obligation requirements to Centrelink and anywhere between 10 and 35 hours per month to satisfy their fine debt under a WDO.³⁹ In addition to these obligations, the recipient will need to satisfy Centrelink’s job search requirements, attend Centrelink interviews, and of course meet other family obligations.

12. Recommendation

Centrelink’s “work for income support” program should be included in the Work and Development Order scheme, so that any work performed in satisfaction of a person’s obligations to Centrelink will also satisfy that person’s obligations under the WDO.

³⁶ A Rix K Skidmore, M Maquire, and H Pierpoint, “Fine Payment Work Process Study” in *Research Summary 8/10*, United Kingdom Ministry of Justice, September 2010.

³⁷ The *Work and Development Order Guidelines* were issued by the Attorney General under the Fines Act 1996, and took effect on 10 July 2009.

³⁸ *Social Security Act 1991* (Cth) s 28.

³⁹ Attorney General of NSW, *Work and Development Order (WDO) Guidelines*, at [6.1].

5.13 Should information about penalty notice history be provided to courts for the purpose of determining sentence for any offenders?

HPLS is strongly opposed to the courts being provided with any kind of information or evidence about a defendant's penalty notice history. Further no information, reference or suggestion about a person's penalty notice history should be raised in the police facts. This is regardless of whether the debts have been paid.

At the heart of the penalty notice system is a 'trade off' between the principle that the prosecution must prove all elements of the offence before a person can be found guilty of an offence and the need to cheaply and efficiently dispose of matters involving very minor offences. From the perspective of the penalty notice recipient, the 'trade off' is between the right to have their case heard in court in exchange for a (generally) lower penalty, no conviction being recorded, and no admission of liability for the offence.⁴⁰

Allowing the prosecution to place before the court evidence of a person's penalty notice history for the purpose of sentencing amounts to a breach of this 'trade off'. It is not fair to expect a defendant to respond to evidence about their penalty notice history when they have in good faith paid their penalty notices in the expectation that the matter had been disposed of once and for all. It is also unfair to ask the court to draw any conclusions regarding a defendant's non-payment of penalty notices, as the reasons for non-payment are so varied.

Placing before the court evidence of a defendant's penalty notice history also has the potential to severely disadvantage defendants experiencing homelessness and other vulnerable people. As noted above, people who are homeless are more likely to commit certain types of penalty notice offences, such as fare evasion or consuming alcohol in public. Their visibility also makes them more likely to come to the attention of enforcement officers. They are also less likely to pay-off their debt to the SDRO. As a consequence, people experiencing homelessness who have been charged with a criminal offence, are more likely than other defendants to go before the courts with a 'chequered' penalty notice history, and this may lead the court to impose more severe penalties for unrelated offences.

Although it is theoretically possible for the defence to make submissions regarding the underlying causes of a defendant's penalty notice history, given that the services of the Legal Aid Commission are already over-stretched, there is a real risk that this information will not be routinely placed before the court.

13. Recommendation

The NSW Government should introduce legislation that expressly prohibits the prosecution from supplying information to the court about a defendant's penalty notice history.

⁴⁰ Fines Act 1996 (NSW) s 45.

7. Impact on vulnerable groups

In addition to the comments and recommendations provided below, HPLS reiterates its observations and recommendations in *Not Such a Fine Thing* in relation to how to best mitigate the impact of the penalty notice system on vulnerable people.

Court election process

One area not covered in any detail in the Consultation Paper is how the court election process impacts on vulnerable people who have accumulated multiple penalty notices. Currently, when a recipient elects to go to court, the matter will be listed at the court closest to where the alleged penalty notice offence occurred, leading to a recipient potentially attending multiple courts for multiple hearings, each attracting a separate court costs fee. If the recipient has limited transport and limited money, this may result in fare evasion, and further penalty notices.⁴¹

14. Recommendation

The NSW Government should increase access to justice in penalty notice matters by reviewing processes affecting people seeking court election for more than one penalty notice. This includes allowing all penalty notice matters to be heard at one court and limiting fees to a single fee per hearing, rather than one fee per offence.

Special circumstances court

In *Not Such a Fine Thing*, the option of establishing a dedicated Special Circumstances Court was explored. It was envisaged that this court would be equipped with the skills and the flexibility to deal with penalty notices and other legal problems for vulnerable people.⁴² This type of court, in combination with the pegging of penalty notice amounts to a recipient's income, has the potential greatly to reduce the unfair impact of the penalty notice regime on vulnerable people. However, it should be emphasised that the establishment of a Special Circumstances Court may have a net-widening effect if appropriate procedures to divert people away from the courts are not also put in place.

15. Recommendation

The NSW Government should investigate the option of introducing a Special Circumstances Court to deal with penalty notice matters (and possibly other legal matters) affecting disadvantaged people. The court should have the power to hear all matters affecting a defendant, which would otherwise be dealt with by separate court hearings. It should also have the discretion to order alternative penalties and rehabilitation plans that may assist defendants in changing behaviour that caused them to be issued with a penalty notice.

7.1 Should penalty notices be issued at all to people with mental illness or cognitive impairment? If not, how should such people be identified?

⁴¹ Galtos & Golledge, above n 5, 25.

⁴² Galtos & Golledge, above n 5, 26-27.

A blanket policy that all people with a mental illness or cognitive impairment should not be issued with penalty notices would be impossible to implement, particularly in relation to people with a mental illness. While some people are permanently and chronically mentally ill, others experience mental illness intermittently and of varying severity. Moreover, such a policy could only be implemented if some kind of register was maintained, and for the reasons given in response to Question 7.3, this is not appropriate.

7.2 Do the official caution provisions of the *Fines Act 1996* (NSW) provide a suitable and sufficient alternative?

If enforcement officers are sufficiently trained in recognising when an individual may have a mental illness or a cognitive impairment or is homeless, the caution provisions in the *Fines Act 1996* (NSW), and the associated Guidelines, should provide a sufficient alternative to the issuing of a penalty notice.

7.3 Should a list be maintained of people who are eligible for automatic annulment of penalty notices on the basis of mental health or cognitive impairment?

HPLS is opposed to the creation of any kind of central list or register of people who are eligible for annulment of penalty notices on the basis of mental illness or cognitive impairment. In the first instance, it would be very difficult to define mental illness or cognitive impairment in such a way so as to capture all people who, because of their mental illness or cognitive impairment, have become inappropriately caught up in the penalty notice system. Further, many individuals deny to others and to themselves that they have a mental illness or a cognitive impairment and would strenuously oppose having their name on a list, yet they would obviously otherwise qualify for an annulment. There are also issues surrounding how to have a person's name added to or removed from this list and ensuring the list is up to date. The potential for harm should the list fall into the wrong hands is great.

Decisions as to whether to annul a penalty notice should be made on a case-by-case basis, although the SDRO should of course make use of information already supplied to it regarding an individual's mental illness or cognitive impairment so as to avoid the requirement to "reprove" these conditions on every occasion.

7.4 Inmates with penalty notice debts

HPLS does not support the automatic writing off of penalty notices for inmates with a cognitive impairment or mental illness. Although acknowledging that individual inmates exiting prison would benefit from having their debt expunged or reduced pro-rata through partial payment, HPLS would be very concerned about any move that might re-introduce prison as a means of satisfying a

penalty notice debt. It would be more appropriate to provide inmates with access to the same mitigation mechanism as other members of the public, in particular the ability to access the WDO scheme while in prison.

16. Recommendation

The Department of Corrective Services should provide prisoners with outstanding penalty notice debts with the option of applying for a Work and Development Order while serving their sentence.

7.8 Concession rates and penalty notices

As discussed in the response to Question 4.2, HPLS proposes that the penalty amount be set by reference to a recipient's income. Where a person is in receipt of Centrelink benefits, an automatic concession rate should apply.⁴³

7.11 The write-off provisions of the *Fines Act 1996* (NSW)

The write-off procedures in the *Fines Act 1996* (NSW) remain problematic. Section 101 empowers the SDRO to write-off fines of its own motion or where an application for write-off has been made following an enforcement order but before a community service order has been issued. A write-off may be considered:

- where the SDRO is satisfied that, due to all of the financial, medical or personal circumstances of the fine defaulter, they do not have, or are unlikely to have, sufficient means to pay the penalty, enforcement action is unlikely to be successful, and the fine defaulter is not suitable to be subject to a community service order; or
- in accordance with the guidelines under section 120.⁴⁴

Under section 120, the Minister may issue guidelines with respect to the exercise by the SDRO of its functions, including writing off unpaid fines. Yet while the Minister is required to make the guidelines public, an exception is made for guidelines addressing the write-off of fines.⁴⁵ HPLS can see no good reason why these guidelines should not be in the public domain.

At any time within five years after a fine has been written-off, it may be re-instated and enforcement action taken if the fine defaulter receives a further enforcement order in respect of another penalty notice or if the SDRO is satisfied that the person has sufficient means to pay.⁴⁶

The *Fines Act 1996* (NSW) does not contain any provisions regarding waiver of penalty notices, although reference is made in the Regulations to the power of the SDRO to waive all or part of any

⁴³ Examples of Centrelink benefits include: Newstart or Youth Allowance, Austudy or ABSTUDY, Partner Allowance, Carer Allowance, Aged Pension, and Disability Support Pension.

⁴⁴ *Fines Act 1996* (NSW) s 101(1A).

⁴⁵ *Fines Act 1996* (NSW) s 120(2).

⁴⁶ *Fines Act 1996* (NSW) s 101(4).

enforcement costs or application fees.⁴⁷ Community legal centres have certainly made applications to the SDRO to have penalty notices waived, and have on occasion been successful in these applications.⁴⁸

In *Not Such a Fine Thing*, HPLS reported that it was extremely difficult to get the SDRO to write-off or waive a fine and that the criteria for write-off or waiver were unclear. HPLS called for the SDRO to make “publicly available clear, written guidelines to assist potential applicants and their advocates in seeking write-off or waiver of fines”.⁴⁹

17. Recommendation

The NSW Government should amend the Fines Act 1996 (NSW) so as to require the Minister to make public guidelines on the write-off of penalty notices. These guidelines should be available in plain English and community languages, printed as leaflets and published on the State Debt Recovery Office website.

7.12 Participation in discrimination awareness and disability awareness training for all law enforcement officers

Not Such a Fine Thing drew attention to a high number of homeless people who experience mental health issues and substance abuse problems, which can lead to interaction with enforcement officers becoming more volatile than for other people.⁵⁰ With the introduction of the *Caution Guidelines*, it is imperative that staff of the relevant issuing agencies receive high quality training, both at induction and regularly thereafter, in how to recognise and interact with various groups of vulnerable people.

The training should include modules delivered by organisations that are experienced in working with people who have a mental illness, intellectual disability, cognitive impairment, who are homeless, or who have special infirmity or are in very poor physical health. Training should not be limited to application of the law and use of the guidelines. It should include comprehensive training that develops skills in interacting with vulnerable people so as to minimise the possibility of escalation and the issuance of further penalty notices, or even the laying of charges.

The involvement of organisations experienced in working with vulnerable people should extend to the conduct of reviews of the quality of the training provided to enforcement officers.

While HPLS is confident that most enforcement officers will carry out their duties professionally and with sensitivity to the circumstances of vulnerable people, there will be circumstances where the conduct of the enforcement officer will be questionable and be deserving of further investigation. In Victoria, the penalty notice includes the contact details for making a complaint about the conduct of

⁴⁷ *Fines Regulation 2010* (NSW) reg 6(1).

⁴⁸ Galtos & Golledge, above n 5, 18.

⁴⁹ Ibid.

⁵⁰ Galtos & Golledge, above n 5, 11.

the relevant enforcement officer. In NSW, it is unclear where the recipient should go to complain about an enforcement officer's conduct.

18. Recommendation

Training for enforcement officers should be reviewed to include positive strategies for dealing with marginalised, disadvantaged and vulnerable people, including appropriate use of discretion and anti-discrimination principles. Organisations experienced in working with vulnerable people should be involved in delivering the training and reviewing its quality.

19. Recommendation

The penalty notice should explain how to make a complaint about the conduct of an enforcement officer.

7.13 How effective are the review provisions for people with a mental health or cognitive impairment?

The insertion into the *Fines Act 1996* (NSW) of provisions relating to internal review are welcomed, especially the inclusion of mandatory withdrawal of penalty notices where any of the following circumstances are found to exist:

- the penalty notice was issued contrary to law;
- the issue of the penalty notice involved a mistake of identity;
- the penalty notice should not have been issued, having regard to the exceptional circumstances relating to the offence;
- the person to whom the penalty notice was issued is unable, because the person has an intellectual disability, a mental illness, a cognitive impairment or is homeless, to understand that his or her conduct constituted an offence or to control such conduct;
- an official caution should have been given instead of a penalty notice, having regard to the relevant guidelines; or
- any other ground prescribed by the regulations.⁵¹

While the reviewing agency *must* withdraw the penalty notice if any of the above circumstances are established, the reviewing agency may cite some other ground for withdrawing a penalty notice,⁵² thus introducing an element of flexibility.

HPLS also welcomes the introduction of the Attorney General's *Internal Review Guidelines under the Fines Act 1996*,⁵³ which it was involved in developing. It is noted that these Guidelines do not apply if the issuing agency has created its own internal review guidelines, or has adopted the *SDRO Review Guidelines*, but that an agency's guidelines must not be inconsistent with the Attorney General's Guidelines.⁵⁴

⁵¹ *Fines Act 1996* (NSW) s 24E(2).

⁵² *Fines Act 1996* (NSW) s 24E(3).

⁵³ Attorney General's *Internal Review Guidelines under the Fines Act 1996*, <<http://www.sdرو.nsw.gov.au/publications.html>> accessed 3 December 2010.

⁵⁴ *Internal Review Guidelines under the Fines Act 1996*, above n 53.

The *SDRO Review Guidelines*⁵⁵ have been publicly available on the Internet since 2007,⁵⁶ prior to the amendments to the *Fines Act 1996* (NSW) and the creation of the Attorney General's Guidelines. The *SDRO Review Guidelines* are reasonably detailed and provide some useful information to the applicant regarding the circumstances the SDRO will take into consideration when reviewing an application. Although the most recent version available on the SDRO website indicates that its guidelines were updated in September 2010, it is not clear that they have been updated to reflect the legislative amendments or the Attorney General's Guidelines. There are some serious discrepancies between the *SDRO Review Guidelines* and the *Fines Act 2006* (NSW).

Firstly, the *SDRO Review Guidelines* use the title "What are the circumstances that [sic] I can ask for a review?", which implies that the various situations outlined in this column are a *pre-requisite* to applying for a review. The *Fines Act 2006* (NSW) does not stipulate any pre-requisites for review, other than that the application must be in writing.⁵⁷

Secondly, and most importantly, the *SDRO Review Guidelines* fail to address all the circumstances in which a penalty notice *must* be withdrawn. The only reference is to "Vulnerable Persons – mental incapacity", and a corresponding description of "the circumstances that [sic] I can ask for a review":

The person issued the penalty notice has a diagnosed mental health condition and this condition was a contributing factor or lessens the responsibility of the person for the penalty notice.⁵⁸

The following advice is provided under the column titled "What evidence do I need?":

Report from a medical practitioner, health institution, and support agency or government department setting out history of mental health issues and how they resulted in or contributed to the offence.⁵⁹

There is no reference anywhere in the Guidelines to circumstances where the recipient of the penalty notice has an intellectual disability, a cognitive impairment or is homeless. This is a significant and unfortunate gap in the Guidelines, given that the *Fines Act 1996* (NSW) explicitly states that a penalty notice must be withdrawn if the reviewing agency finds that the recipient was unable, because he or she had a mental illness, intellectual disability, cognitive impairment or is homeless to understand that the person's conduct constituted an offence or to control such conduct.⁶⁰

⁵⁵ Officer of State Revenue, *SDRO Review Guidelines*, <http://www.sdرو.nsw.gov.au/lib/docs/misc/br_001.pdf> accessed 3 December 2010.

⁵⁶ Office of State Revenue, *Annual Report 2007-08*, 5.

⁵⁷ *Fines Act 2006* (NSW) s 24A(2)(a).

⁵⁸ Office of State Revenue, above n 55, 3.

⁵⁹ *Ibid.*

⁶⁰ *Fines Act 2006* (NSW) s 24E(2)(d).

The Guidelines may only be accessed via the SDRO website and are not available in any language other than English. It is also not easy to find the section relevant to a recipient's particular circumstances.

20. Recommendation

The State Debt Recovery Office should introduce a new set of Review Guidelines that more accurately and accessibly set out the various circumstances that the reviewing agency will have regard to when considering whether a penalty notice should have been issued. The Review Guidelines should include reference to the rights to review for people with a mental illness, intellectual disability, or cognitive impairment and for people experiencing homelessness.

7.14 Practical alternatives for diverting vulnerable people from the system or for supporting review

High quality and regular training of officers who issue penalty notices will go a long way to diverting many vulnerable people away from the penalty notice system. Consideration should be given to limiting enforcement actions in areas where vulnerable people are known to congregate.

Another practical measure is to streamline and simplify the circumstances in which and the processes whereby people can mitigate their fines. Currently, it is not readily apparent from the *Fines Act 1996* (NSW) all the various options available to vulnerable people, and as discussed in the response to Question 5.9 above, the information contained on the back of penalty notices provides scant information on the option and grounds for review.

Improved community awareness of how the penalty notice system works and recipients' rights and obligations will also assist in diverting many vulnerable people from the penalty notice system.

21. Recommendation

The State Debt Recovery Office should introduce a community education campaign to ensure that people better understand their rights and obligations under the penalty notice system. The campaign should include an outreach program providing information to penalty notice recipients and to advocates in community-based organisations that work with people affected by the penalty notice system.

7.15 Withdrawal of penalty notices

HPLS is in favour of the category of "exceptional circumstances" being a ground for withdrawal of a penalty notice. It is important that the review system be flexible enough to take into account all the surrounding circumstances, and not rigidly adhere to a pre-defined set of criteria.

22. Recommendation

The Fines Act 1996 (NSW) should be amended to include the category of "special circumstances" as a ground for withdrawal of a penalty notice.

Appendix A

The Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit law and policy organisation that works for a fair, just and democratic society, empowering citizens, consumers and communities by taking strategic action on public interest issues.

PIAC identifies public interest issues and, where possible and appropriate, works co-operatively with other organisations to advocate for individuals and groups affected. PIAC seeks to:

- expose and redress unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent and responsive government;
- encourage, influence and inform public debate on issues affecting legal and democratic rights;
- promote the development of law that reflects the public interest;
- develop and assist community organisations with a public interest focus to pursue the interests of the communities they represent;
- develop models to respond to unmet legal need; and
- maintain an effective and sustainable organisation.

Established in July 1982 as an initiative of the (then) Law Foundation of New South Wales, with support from the NSW Legal Aid Commission, PIAC was the first, and remains the only broadly based public interest legal centre in Australia. Financial support for PIAC comes primarily from the NSW Public Purpose Fund and the Commonwealth and State Community Legal Services Program. PIAC also receives funding from the Industry and Investment NSW for its work on energy and water, and from Allens Arthur Robinson for its Indigenous Justice Program. PIAC also generates income from project and case grants, seminars, consultancy fees, donations and recovery of costs in legal actions.

The Public Interest Law Clearing House

The Public Interest Law Clearing House (PILCH) NSW was established in 1992 by the Law Society of New South Wales, the Public Interest Advocacy Centre and the private legal profession to respond to the growing incidence of unmet legal needs within the community. Underlying the establishment of PILCH is the commitment from lawyers that the provision of legal services on a *pro bono publico* ('for the public good') basis is intrinsic to legal professional responsibility.

The aims of PILCH are:

- to identify matters of public interest that warrant legal assistance *pro bono publico*;
- to identify the legal needs of non-profit organisations;
- to match disadvantaged and under-represented individuals, groups and non-profit organisations with a need for otherwise unavailable legal assistance with PILCH member firms and barristers;
- to utilise the diverse skills and resources of lawyers in a broad range of public interest matters;
- to expand the participation of private practitioners in the law reform process;
- to seek the integration of *pro bono* work with legal practice; and

- to encourage co-operation between private practitioners and public interest lawyers.

PILCH provides services to community organisations and individuals for free. It is a membership-based organisation with members including small, medium and large private law firms, individual barristers, barristers' chambers, law schools, accounting firms, Legal Aid NSW, the Law Society of NSW, the NSW Bar Association and PIAC.



Office of State Revenue
NSW TREASURY
ISO 9001-Quality Certified

State Debt Recovery Office

The Fines Division of OSR

Penalty Notice



JOHN CITIZEN
18 HOLT STREET
MCMAHONS POINT NSW 2060

Enquiries 1300 138 118

See over the page for full State Debt Recovery Office contact details.

Issue date:	18 SEP 2009
Penalty Notice No:	6038408779
Penalty amount:	\$197.00
Amount due:	\$197.00
Date due:	16 OCT 2009

Speeding: the facts

Around 200 people die on NSW roads each year as a result of a speeding-related crash.

Why have you been sent this penalty notice?

You have been sent this penalty notice because the vehicle involved in the offence detailed below is registered in your name.

Details of the offence:

The offence was detected by an approved speed measuring device and recorded by an approved camera recording device (within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*).

Offence: Exceeding the speed limit of 40 kilometres per hour (KM/H) and under (camera recorded)

Location: The Entrance Road (DP)(Z), Bateau Bay between Smith St and Steele St

Offence date: 27 August 2009

Offence time: 01:03 AM

Vehicle registration: AAA 111

Speed travelled: 105 kph

Speed limit: 60 kph

Direction of travel: Northerly

The offence carries 6 demerit points. Provisional licence holders may incur additional demerit points. Speeding offences more than 30 kph over the speed limit incur a licence suspension. For more information visit www.rta.nsw.gov.au

How to pay



Online: www.sdoro.nsw.gov.au to pay by Mastercard or Visa.



Phone: Call 1300 130 112 to pay by Mastercard or Visa.



Via BPAY: Quote **Biller Code 36848** and your **Reference No. 894603840879709** to pay using your cheque or savings account or credit card. Access BPAY via your financial institution's website or phone banking service. For more information visit www.bpay.com.au.



Via mail: Post a cheque or money order made payable to the State Debt Recovery Office, PO Box 4444, PARRAMATTA NSW 2124. Please write the Penalty Notice Number on the reverse of the cheque or money order.



Via POSTbillpay: Take this to Australia Post and pay by cash, cheque or EFTPOS.



Important: See over the page for more information.

Payment Reference No:	6038408779
Offence code:	17129
Amount due:	\$197.00
Amount paid:	
Date due:	16 OCT 2009

NOTE: If making a part payment, retain this remittance slip.

31032006+7634528092+0007500+2033+88

IMPORTANT INFORMATION

What will happen if you do not act on this penalty notice by the due date?

You will receive a penalty reminder notice and ultimately action will be taken against you by the State Debt Recovery Office. This will involve additional costs to you and may include driver licence or vehicle registration sanctions in Australia as well as restrictions on doing business with Australian traffic authorities.

How should you respond to this penalty notice?

You have five options. You must select one option and respond before 16 October 2009. Failure to do so will result in an enforcement order being issued against you.

Option 1

Pay the fine using one of the payment methods detailed over the page under 'How to pay'. If mailing your payment, the payment slip must be attached.

Option 2

If you were not the driver of the vehicle at the time of the offence, provide full details of the driver by completing the statutory declaration provided. Do not send payment as a new penalty notice will be issued to the person named in the statutory declaration. False nomination is a serious offence.

Option 3

If the vehicle was sold prior to the offence date, supply the new registered owner/operator's full details on the statutory declaration provided. If you have not already done so, you should notify the RTA or equivalent authority in your State or Territory of the date and to whom the vehicle was sold.

Option 4

Seek leniency based on certain circumstances or if you believe an error has been made. Information on requesting a review of your penalty notice is available at www.sdرو.nsw.gov.au

Option 5

Have the matter determined by a court. To do this complete and return the court election form provided on this notice. Please provide an Australian residential address. The law does not permit SDRO to send a court attendance notice to a PO Box. Note: The court may apply additional costs.

PRIVACY STATEMENT Personal information may be disclosed to third parties with the consent of the person to whom it relates or as permitted by legislation.

State Debt Recovery Office contact details

Phone: 1300 138 118
(8.00 am to 5.30 pm Monday to Friday)

Overseas callers: +612 4937 9207

Hearing or speech impaired
callers please use the telephone type-
writer **TTY:** (02) 6354 7255

Postal correspondence only: State
Debt Recovery Office
PO Box 786
STRAWBERRY HILLS NSW 2012

Email correspondence:
fines@osr.nsw.gov.au

Mail payments only:
State Debt Recovery Office
PO Box 4444
PARRAMATTA NSW 2124

Website:
www.sdرو.nsw.gov.au

Court Election Form

Only complete and return this form if you wish to have this matter determined by a court. Note: The court may apply additional costs.

Once you have completed this form, detach and post it to: State Debt Recovery Office, PO Box 786, STRAWBERRY HILLS NSW 2012

Your personal details. Complete all fields.

Surname Given name(s)

Address for service of documents

State Post code Day time phone

I hereby elect to have **Penalty Notice No. 0000000000** determined by a court. I understand I will receive a court attendance notice.

Signature _____

Date / /

SDR 026



Office of State Revenue
NSW TREASURY
ISO 9001-Quality Certified

State Debt Recovery Office

The Fines Division of OSR

Penalty Reminder Notice



JOHN CITIZEN
18 HOLT STREET
MCPMAHONS POINT NSW 2060

Enquiries 1300 138 118

See over the page for full State Debt Recovery Office contact details.

Issue date: **18 SEP 2009**

Penalty Notice No: **3000951086**

Penalty amount: **\$81.00**

Amount due:

Date due: **16 OCT 2009**

Why have you been sent this penalty reminder notice?

You have been sent this penalty reminder notice because you did not respond as required to the original penalty notice.

Details of the offence:

Vehicle AAA 111 was reported by an authorised officer of Waverley Council as the vehicle involved in the offence.

Offence: Park continuously for longer then permitted

Vehicle registration: AAA 111

Location: Bronte Road, Waverley

There are no demerit points associated with this offence.

Offence date: 01 May 2009

Offence time: 02:44 PM

How to pay



Online: www.sdro.nsw.gov.au to pay by Mastercard or Visa.



Phone: Call 1300 130 112 to pay by Mastercard or Visa.



Via BPAY: Quote **Biller Code 36848** and your **Reference No. 895300095108608** to pay using your cheque or savings account or credit card. Access BPAY via your financial institution's website or phone banking service. For more information visit www.bpay.com.au.



Via mail: Post a cheque or money order made payable to the State Debt Recovery Office, PO Box 4444, PARRAMATTA NSW 2124. Please write the Penalty Notice Number on the reverse of the cheque or money order.



Via POSTbillpay: Take this to Australia Post and pay by cash, cheque or EFTPOS.



Important: See over the page for more information.

Payment Reference No.:	3000951086
Offence code:	9585
Amount due:	\$81.00
Amount paid:	
Date due:	16 OCT 2009

NOTE: If making a part payment, retain this remittance slip.

31032006+7634528092+0007500+2033+88

IMPORTANT INFORMATION

Registered vehicle owners/operators are required by law to provide details of the driver of the vehicle at the time of the offence.

What will happen if you do not act on this penalty reminder notice by the due date?

You will receive an enforcement order and ultimately action will be taken against you by the State Debt Recovery Office. This will involve additional costs to you and may include driver licence or vehicle registration sanctions in Australia as well as restrictions on doing business with Australian traffic authorities.

How should you respond to this penalty reminder notice?

You have five options. You must select one option and respond before 16 October 2009.

Option 1

Pay the fine using one of the payment methods detailed over the page under 'How to pay'. If mailing your payment, the payment slip must be attached.

Option 2

If you were not the driver of the vehicle at the time of the offence, provide full details of the driver by completing the statutory declaration provided. Do not send payment as a new penalty notice will be issued to the person named in the statutory declaration. False nomination is a serious offence.

Option 3

If the vehicle was sold prior to the offence date, supply the new registered owner/operator's full details on the statutory declaration provided. If you have not already done so, you should notify the RTA or equivalent authority in your State or Territory of the date and to whom the vehicle was sold.

Option 4

Seek leniency based on certain circumstances or if you believe an error has been made. Information on requesting a review of your penalty notice is available at www.sdرو.nsw.gov.au

Option 5

Have the matter determined by a court. To do this complete and return the court election form provided on this notice. Please provide an Australian residential address. The law does not permit SDRO to send a court attendance notice to a PO Box. Note: The court may apply additional costs.

PRIVACY STATEMENT Personal information may be disclosed to third parties with the consent of the person to whom it relates or as permitted by legislation.

State Debt Recovery Office contact details

Phone: 1300 138 118
(8.00 am to 5.30 pm Monday to Friday)

Hearing or speech impaired callers please use the telephone type-writer **TTY:** (02) 6354 7255

Postal correspondence only: State Debt Recovery Office
PO Box 786
STRAWBERRY HILLS NSW 2012

Email correspondence:
fines@osr.nsw.gov.au

Mail payments only: State Debt Recovery Office
PO Box 4444
PARRAMATTA NSW 2124

Website:
www.sdرو.nsw.gov.au

Court Election Form

Only complete and return this form if you wish to have this matter determined by a court. Note: The court may apply additional costs.

Once you have completed this form, detach and post it to: State Debt Recovery Office, PO Box 786, STRAWBERRY HILLS NSW 2012

Your personal details. Complete all fields.

Surname Given name(s)

Address for service of documents

State Post code Day time phone

I hereby elect to have **Penalty Notice No. 0000000000** determined by a court. I understand I will receive a court attendance notice.

Signature _____

Date / /

SDR 026



State Debt Recovery Office

The Fines Division of OSR

Office of State Revenue
NSW TREASURY
ISO 9001-Quality Certified
ABN: 77 456 2711 638

ENFORCEMENT ORDER

Date of this notice:

We are sending you this Enforcement Order because you have failed to pay a fine set by a Court or a Penalty Infringement Notice.

Enforcement Order:

Total due:

Payment due date:

DO NOT IGNORE THIS ENFORCEMENT ORDER. IF YOU DO NOT PAY IT OR TAKE UP ONE OF THE AVAILABLE OPTIONS BY THE PAYMENT DUE DATE, IT WILL COST YOU MORE.


Read the information on this Enforcement Order carefully concerning your options.


Fine Details:

Payment Options

GST does not apply to fines enforced under the Fines Act 1996

 **Pay by phone:** Call 1300 130 112 to make payment by *credit card*. Use the Customer Reference number below.

 **Internet:** Visit www.sdro.nsw.gov.au to make payment by *credit card*. Use the Customer Reference number below.


 **BPAY:** Quote Biller Code 364174 and the Customer Reference number located below to make payment from your *credit card*, savings or cheque account. Please call your financial institution, or access BPAY via your financial institution's internet/electronic banking site. For more information www.bpay.com.au.

Credit Card payments can be made using Visa or MasterCard to a maximum of \$4,000.

Ref

POST billpay*

Take this notice to any Post Office, where payment may be made by *cash* or *cheque*. EFTPOS facilities may also be available.

 **Mailing your payment:** Complete the slip overleaf and send it with your payment in the reusable addressed envelope to: **State Debt Recovery Office, Locked Bag 2128, NORTH SYDNEY 2059.** Payment may be made by *cheque* or *money order* (payable to the State Debt Recovery Office).

What happens if I don't pay?

If you do not pay this Enforcement Order by the payment due date the following actions will be taken without further notice:

- your driver's licence or your vehicle registration will be suspended or cancelled with additional costs (minimum \$40)
- you will be restricted from doing business with the Roads and Traffic Authority (RTA) (minimum \$40)
- SDRO will authorise the seizure of your goods or property, garnishment of your wages or assets, or the placement of a charge on any land fully or partly owned by you with additional costs (minimum \$50)

If you were under 18 at the time the offence occurred, please contact the State Debt Recovery Office (SDRO) as some of these costs and sanctions may not apply to you.

IF YOU CANNOT PAY this Enforcement Order by the payment due date, **DO NOT IGNORE IT.** You can apply for **time to pay.** Applications can be obtained by:

- visiting SDRO website or phoning SDRO (see below)
- visiting a local Court House

Important Notes: To avoid further enforcement action, a time to pay application must be received prior to the payment due date. You will be advised as to the outcome of your application within 14 days of receipt.

Do I have options for review?

SDRO can review your fine. Please contact SDRO to find out the grounds for a review as specific criteria, including time limits and application fees, may apply. The result of a review could include:

- the fine is listed before a court for a Magistrate to determine
- enforcement action being ceased
- SDRO writing off the fine or allowing more time to pay
- that the fine stands

How do I obtain more information?

If you need further information, you may:

- e-mail to: info@sdro.nsw.gov.au
- visit our website at: <http://www.sdro.nsw.gov.au>
- telephone the State Debt Recovery Office on: **1300 655 805** (Mon-Fri 8am to 5.30pm)
- post correspondence (**NOT PAYMENT**) to: **State Debt Recovery Office, PO Box A2571, SYDNEY SOUTH 1235**
- use the TTY service (for hearing and speech impaired callers only) on (02) 6354 7255

PAYMENT SLIP

Please detach and return this section with your payment.
Do not use staples, pins or fold your payment.

Name:

Enforcement
Order:

Total due:

Payment
Due Date:



DEPOSIT TO

STATE DEBT RECOVERY OFFICE

Details of bank cheque or money order:

Please write the Enforcement Order number on the reverse of the cheque or money order.

Bank cheque or money order number	Issuing bank	Branch	Amount

What will happen if you do not act on this penalty notice by the due date?

You will receive a penalty reminder notice. If not actioned by the due date on the reminder notice, further action will be taken by the State Debt Recovery Office (SDRO). This will involve additional costs and may include driver licence or vehicle registration restrictions in Australia as well as restrictions on doing business with Australian traffic authorities.

How should you respond to this penalty notice?

You must choose one of the following options and respond within 21 days of the date of offence.

- Option 1** Pay the fine using one of the payment methods detailed over the page under payment options. If making your payment, the penalty notice number must be recorded.
- Option 2** If you wish to seek leniency based on certain circumstances, or if you believe an error has been made, information on requesting a review of your penalty notice is available at www.sdrc.nsw.gov.au
- Option 3** Have the matter determined by a court. To do this, complete and submit the court election form at www.sdrc.nsw.gov.au. Please provide an Australian residential address. The law does not permit SDRO to send a court attendance notice to a PO Box. No further review will be conducted after the court election form has been received.
- Option 4** If this offence carries demerit points and you were not the driver of the vehicle at the time of the offence, provide full details of the driver by completing the statutory declaration which can be downloaded from www.sdrc.nsw.gov.au. Do not send any payment as a new penalty notice will be issued to the person named in the statutory declaration. False nomination is a serious offence which carries additional penalties.

Note: The court may apply additional costs. Courts cannot rule on demerit points.

State Debt Recovery Office contact details



www.sdrc.nsw.gov.au



1300 138 116
(8.00 am to 5.30 pm)
Monday to Friday

Overseas callers:
+612 4837 8207

Hearing or speech
impaired callers
TTY: (02) 6354 7255



**Postal correspondence
only:**
State Debt Recovery Office
PO Box 766
Strawberry Hills NSW 2012

Privacy statement

Personal information may be disclosed to third parties with the consent of the person to whom it relates or as permitted by legislation.

NSW
Police
"Part C"
back

TEAR HERE

COURT ELECTION

COMPLETE BELOW AND RETURN TO:

THE DIRECTOR
STATE DEBT RECOVERY OFFICE
PO BOX 786
STRAWBERRY HILLS NSW 2012

I elect to have this matter heard before a local court.

(tick appropriate box)

I am the person responsible or registered operator of the vehicle nominated in this notice.

I am the authorised representative of the corporation in whose name the vehicle nominated in this notice is registered.

Surname.....Full Given Names.....

Full Residential Address.....

Signed..... Date...../...../.....

NOTE: Once a court attendance notice has been issued for court appearance, payment cannot be accepted by SDRO.

1 2 3 4 5 6 7 8 9 10

1 2 3 4 5 6 7 8 9 10

NSW
Rail Corp
"Part C"
back

What will happen if you do not act on this penalty notice by the due date?

You will receive a penalty reminder notice. If not achieved by the due date on the reminder notice, further action will be taken by the State Debt Recovery Office (SDRO). This will involve additional costs and may include driver licence or vehicle registration suspensions in Australia as well as restrictions on doing business with Australian traffic authorities.

How should you respond to this penalty notice?

You must choose one of the following options and respond within 21 days of the date of offence.

Option 1
Pay the fine using one of the payment methods detailed over the page under payment options. If making your payment, the penalty notice number must be recorded.






Option 2
If you wish to seek leniency based on certain circumstances, or if you believe an error has been made, information on requesting a review of your penalty notice is available at www.sdro.nsw.gov.au.

Option 3
Have the matter determined by a court. To do this, complete and submit the court election form at www.sdro.nsw.gov.au. Please provide an Australian residential address. The law does not permit SDRO to send a court attendance notice to a PO Box. No other review will be conducted after the court election form has been received.

Option 4
If this offence carries demerit points and you were not the driver of the vehicle at the time of the offence, provide full details of the driver by completing the statutory declaration which can be downloaded from www.sdrc.nsw.gov.au. Do not send any payment as a new penalty notice will be issued to the person named in the statutory declaration. False nomination is a serious offence which carries additional penalties.

Note: The court may apply additional costs. Courts cannot rule on demerit points.

State Debt Recovery Office contact details

 www.sdrc.nsw.gov.au	 1300 133 118 18.00 am to 5.59 pm Monday to Friday	 Postal correspondence only: State Debt Recovery Office PO Box 786 Strawberry Hills NSW 2012
	 Overseas callers: +612 4937 9207	
	 Hearing or speech impaired callers: TTY: (62) 6354 7255	

Privacy statement
Personal information may be disclosed to third parties with the consent of the person to whom it relates or as permitted by legislation.

NSW
City of Sydney
Council
Front & back


**METHODS OF DISPOSAL TO
FINALISE THIS MATTER:**
(Further action will be taken if this notice is not
finalised within 21 days of the date of service.)

- A. Choose from the payment options
below.

OR

- B. By the person responsible having
this matter heard at Court. To do so,
the operator must complete a Court
Election form which is available from
the Internet www.sdrc.nsw.gov.au or
by contacting an operator on
1300 138 118.

PAYMENT OPTIONS

1. **INTERNEY:**
www.sdrc.nsw.gov.au
(MasterCard and VISA Card accepted)
2. **PHONE: 1300 130 112**
(MasterCard and VISA Card accepted)
3. **POST:**
Attach a cheque or money order (with
penalty notice number written clearly on
the back) to the State Debt Recovery
Office, PO Box 4444 Parramatta
NSW 2124.
4.  Pay in person at
any Post office

WARNING NOTICE

ISSUING AUTHORITY:
City of Sydney

INFRINGEMENT NUMBER:
3436007

Date of Offence: 03/11/2010
Time of Offence: 09:30 AM
Between Times: 09:30 AM to 09:30 AM

Reg. Number: TESTING
Reg. Plate Type: OTHER
State of Reg: NSW

Make: HONDA
Body Type: Sedan
Colour: GREEN
Location: 8
Between: A V Henry Reserve and
A V Henry Reserve
Suburb: FOREST LODGE

Offence: 10661
Abandon a motor vehicle in a
public place

Penalty: \$0.00

Warning Only Do NOT Pay...



Infringements Act 2006
Transport (Infringements) Regulations 2010

Transport Infringement Notice

Do not ignore this notice

334810-000001

Mr TEMPLATE 6 TRANSPORT INP
TEST STREET
MELBOURNE VIC 3000

Infringement No. 2325151

Offence Details				
Offence Date	Approximate Time of Offence	Notice Date		
29 Jul 2010	12:01 AM	30 Jul 2010		
Brief Description of Offence				
3124 - FAILING OR REFUSING TO GIVE NAME AND ADDRESS - Infringement Offence created by the Transport (Compliance and Miscellaneous) Act 1983				
Offence Location				
TEST,TEST				
Date of Birth	Sex	Infringement No.	Due Date for Payment	Penalty
	M	2325151	25 Jul 2010	\$172.00

Action Required by Due Date

- If you wish to settle this Infringement Notice ▶ Pay \$172.00 by 25 Jul 2010. *If the amount of the infringement penalty is paid before the due date, the matter will not be brought before the court unless the notice is withdrawn before the due date. Failure to pay before the due date may result in further enforcement action being taken and the incurring of further costs.*
- If you wish to have this Infringement Notice reviewed ▶ See options over page
- If you wish to take this Matter to Court ▶ See options over page

Identifying reference of the issuing officer: 34
Department of Transport

Payment Options



*2399 2325151 250710 172.00 5

Payment Slip



Billpay Code: 2399
Ref: 0002 3251 5125 0710 1720 05

By phone 13 18 16, or go to
postbillpay.com.au

Mr Template 6 Transport Inp

Amount Due

Due Date

Infringement No.



By Mail

Detach this section and send with non-negotiable cheque
or money order (do not send cash) made payable to:
Department of Transport
GPO Box 2797
MELBOURNE VIC 3001



In Person

Payments can be made in person at any Australia Post Office.

Action Required by Due Date if payment is not being made

Request to have this Infringement Notice reviewed.

If you wish to have this Infringement Notice reviewed, please read below carefully.

A Request for Review cannot be submitted via telephone, it must be via correspondence.

A person who has been served with an infringement notice or a person acting on that person's behalf with the person's consent, may apply to the Department of Transport for a review of the decision to serve the infringement notice if the person believes -

- (a) the decision -
 - (i) was contrary to law; or (ii) involved a mistake of identity; or
- (b) that special circumstances (see definition on Page 4 *) apply to the person. (Please note that Special Circumstances requests will need to be accompanied by appropriate supporting evidence eg. current medical documentation from a medical practitioner or psychiatrist); or
- (c) the conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the infringement offence.

The request for review must state on which ground, being (ai), (aii), (b) or (c) it is being made and include all relevant detail, including supporting documentation.

The Infringement Notice will be suspended while the request for review is considered. Applicants will be advised in writing of the outcome.

Requests for review must be in writing and addressed to Case Review Area, Transport Infringement Administration, GPO Box 2797, Melbourne, VIC, 3001.

Applicants are also advised that under the provisions of the Infringements Act 2006, an application for a review may only be made once in respect of this infringement.

If a claim made in correspondence is proven to be false, the matter may be referred for further action.

Service Feedback

Your request for review should relate only to matters relevant to the Infringement Notice under consideration. Feedback regarding public transport service levels or staff, including the Authorised Officers (Ticket Inspectors) who initially dealt with this matter, should be directed as follows;

Train - tel: 1800 69 63876

Tram - tel: 1800 800 166

Bus - tel: 131 638

Further information

121 Exhibition Street Melbourne (by appointment only - call (03) 9655 9772)

Telephone - 1300 135 066

<http://www.transport.vic.gov.au/doi/internet/transport.nsf>

Extensions

The Department of Transport provides extensions in certain circumstances. Instalment plans are not available. If you would like to apply for an extension, the easiest way is to visit <http://www.transport.vic.gov.au/doi/internet/transport.nsf> Select Public Transport Fines and then click on Payment Extensions. Alternatively, you may choose to call 1300 135 066.

If you wish to take this matter to Court.

Complete the "Request to have the matter heard and determined in Court" on page 3 and post to Prosecutions Team Leader, Prosecutions and Investigations, GPO Box 2797, Melbourne, VIC, 3001. You will receive a summons to attend Court (Children's Court if you are aged 17 or under) in due course.

What happens if you do not take any action

There are 3 steps to collect overdue penalties:

Step 1 If you do not pay the penalty by the due date, you will be sent a Penalty Reminder Notice. A fee of at least \$21.50 will be added to the penalty at this stage.

Example Only:

Penalty	\$176.00
Reminder Notice Costs	\$21.50
TOTAL	\$197.50

Step 2 If you fail to respond to the Penalty Reminder Notice within the permitted timeframe, this Infringement Notice may be sent to the Infringements Court, which will issue an Enforcement Order requiring you to pay the penalty. A Lodgement Fee of at least \$46.60 will be added and Enforcement Order Costs of at least \$25.10 will be added to the penalty and costs. The Enforcement Order is a **Court Order**.

Example Only:

Penalty	\$176.00
Reminder Notice Costs	\$21.50
Lodgement Fee	\$46.60
Enforcement Order Costs	\$25.10
TOTAL	\$269.20

The Infringements Court process does not apply to any Infringement Notice issued to a child (a person who was under the age of 18 at the time of committing the offence). Please note that failure by a child to respond to a Penalty Reminder Notice may result in that child receiving a summons to attend the Children's Court or being dealt with under Schedule 3 to the Children, Youth and Families Act 2005. For further information call Transport Infringement Administration on 1300 135 066.

Step 3 If you do not respond to the Enforcement Order within 28 days, the Infringements Court will issue a warrant. A Warrant Issue Fee of at least \$52.60 will be added to the penalty and costs. The warrant authorises the Sheriff to demand payment of the penalty plus costs or to seize your goods as security. If you have not paid within 7 days:

- Your property can be sold, or
- If you have no goods to seize, you can be imprisoned.

REQUEST TO HAVE THE MATTER HEARD AND DETERMINED IN COURT

YOU ARE ENTITLED TO ELECT TO HAVE THE MATTER OF THIS INFRINGEMENT OFFENCE HEARD AND DETERMINED IN COURT.

I, _____, being the person to whom this infringement notice was issued:
(Full Name)

- a) refuse to pay the penalty; and
 - b) request the matter to be dealt with by a court; and
 - c) *intend/do not intend to defend any charge arising out of the facts specified in the infringement notice.
- * Strike out that which is not applicable.

Name (please print)

Infringement No.

My address for the service of the Summons is:

Postcode

Signature

Date

Send to Prosecutions Team Leader, Prosecutions and Investigations, GPO Box 2797 MELBOURNE VIC 3001

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand this document, you should immediately have it interpreted and explained to you. You may then get advice from:

- The Registrar of the Court or Children's Court
- A Lawyer, or
- Victoria Legal Aid, 350 Queen Street, Melbourne VIC 3000 Tel: 9269 0234

Arabic
إنا لم نتمكن من فهم هذا الوثيقة
على النص من:
• كاتب المحاكم المحلي في منطقتكم
• محاميكم المحلي
• معقضية المساعدة القانونية للتكثريا
Victoria Legal Aid, 350 Queen Street, Melbourne 3000. Tel. 9269 0234.

Chinese

重要事項請特別留意：切勿忽視此文件
如果你有不明白之處，閣下應立刻找人向你翻譯及解釋。你可向以下人仕或地方聽取意見
• 你所居住地區的地方法院秘書(Local Court Registrar)
• 你所居住地區的律師(Local Solicitor)
• 維州法律援助署 Victoria Legal Aid, 350 Queen Street, Melbourne 3000. 電話 9269 0234

Greek

ΠΡΟΣΟΧΗ: ΜΗΝ ΠΑΡΑΒΛΕΨΕΤΕ ΤΟ
ΕΠΙΣΥΝΑΠΤΟΜΕΝΟ ΕΓΓΡΑΦΟ
Αν δεν το καταλαβαίνετε, θα πρέπει να ζητήσετε αμέσως να σας το εξηγήσει ή να σας το μεταφράσει κάποιος προφορικά. Μετά μπορείτε να πάρετε συμβουλές από:
• Τον Γραμματέα του Δικαστηρίου της περιοχής σας (Court Register)
• Δικηγόρο της περιοχής σας
• Την Υπηρεσία Νομικής Βοήθειας Βικτώριας -Victoria Legal Aid, 350 Queen Street, Melbourne 3000. Τηλ: 9269 0234

Macedonian

ВАЖНО: ОБРНЕТЕ ВНИМАНИЕ НА ОВОЈ ДОКУМЕНТ
Ако не го разбирате овој документ, треба веднаш да ви се преведе и објасни. Тогаш може да добиете совети од:
• Вашиот локален службеник на судот
• Вашиот локален адвокат
• Victoria Legal Aid (Служба за правна помош во Викторија)
350 Queen Street, Melbourne 3000. Телефон: 9269 0234

Serbian

ОВО ЈЕ ВАЖАН ДОКУМЕНТ
Ако нисте разумели садржај овог документа, одмах замолите некога да вам га преведе и објасни. После тога можете да добијете савет од:
• Чиновника у локалном суду
• Локалног адвоката
• Victoria Legal Aid, 350 Queen Street, Melbourne 3000.
Тел. 9269 0234

Turkish

DIKKAT: BU BELGEYİ İHMAL ETMEYİNİZ
Eğer bu belgeyi anlayamazsanız, hemen tercüme ediliş size açıklanmasını sağlamanız gerekmektedir. Daha sonra tavsiye alabileceğiniz yerler:
• Bölgenizdeki Mahkeme Katibiniz
• Bölgenizdeki Avukatınız
• Victoria Legal Aid (Yasal Yardım Victoria),
350 Queen Street, Melbourne 3000. Tel: 9269 0234

Cambodian

សារៈសំខាន់៖ សូមលោកអ្នកយកចិត្តទុកដាក់ចំពោះឯកសារនេះ
ប្រសិនបើលោកអ្នកមិនយល់ឯកសារនេះទេ លោកអ្នកគួររកឲ្យគេបកប្រែ
ហើយពន្យល់ ឯកសារនេះជូនលោកអ្នកឲ្យបានភ្លាមៗ។
ថ្នាក់មកលោកអ្នកអាចស្នើសុំនិក្ខខណ្ឌដំបូង៖
• ក្រុមបញ្ជីគណៈប្រចាំតំបន់របស់លោកអ្នក
• មេធាវីប្រចាំតំបន់របស់លោកអ្នក
• ជំនួយនាគម្ភៈច្បាប់វិទ្យុស៊ីម៉ា
Victoria Legal Aid, 350 Queen Street Melbourne 3000, Tel. 9269 0234

Croatian

VAŽNO: NE ZANEMARUJTE OVAJ DOKUMENT
Ako ne razumijete sadržaj, netko bi vam to odmah morao prevesti ili objasniti. Potom savjet možete dobiti od:
• službenika u vašemu mjesnom sudu
• vašega mjesnoga odvjetnika
• Victorijskoga ureda za pravnu pomoć
(Victoria Legal Aid), 350 Queen Street, Melbourne 3000. Tel: 9269 0234.

Italian

IMPORTANTE: NON IGNORATE QUESTO DOCUMENTO
Se non capite il documento, fatevelo immediatamente tradurre e spiegare. Per aver consigli, rivolgetevi a uno dei seguenti:
• Cancelliere del Tribunale locale
• Il vostro avvocato
• Presso la Victoria Legal Aid, 350 Queen Street, Melbourne 3000.
Tel: 9269 0234.

Polish

UWAGA! PROSIMY NIE IGNOROWAĆ TEGO DOKUMENTU
W przypadku trudności w zrozumieniu powyższego dokumentu, proszę się natychmiast postarać o uzyskanie tłumaczenia i objaśnienia. Dalszych porad udzielają:
• Lokalny kancelista sądu
• Lokalny doradca prawny (Solicitor)
• Victoria Legal Aid, pod adresem: 350 Queen Street, Melbourne 3000.
Numer telefonu: 9269 0234

Spanish

IMPORTANTE: ¡NO IGNORE ESTE DOCUMENTO!
Si Ud. no lo comprende, pida inmediatamente que se lo traduzcan y expliquen. Luego podrá obtener asesoramiento de:
• El Secretario del Juzgado de su zona
• Un abogado de su zona
• Victoria Legal Aid, 350 Queen Street Melbourne 3000 – Tel: 9269 0234

Vietnamese

QUAN TRỌNG: ĐỪNG LẮM NGO THÔNG-BẢO NÀY
Nếu quý-vị không hiểu thông báo này, quý-vị lập tức nhờ người dịch và giải thích cho quý-vị hiểu. Sau đó quý-vị có thể đến các nơi sau đây để nhờ chỉ dẫn:
• Thư Ký Tòa tại địa phương của quý-vị
• Luật sư tại địa phương của quý-vị
• Ủy Ban Trợ Giúp Luật Pháp (Victoria Legal Aid), 350 Queen Street, Melbourne 3000. Điện thoại: 9269 0234

* "Special Circumstances", in relation to a person means-

- a mental or intellectual disability, disorder, disease or illness where the disability, disorder, disease or illness results in the person being unable-
 - to understand that conduct constitutes an offence; or
 - to control conduct that constitutes an offence; or
- a serious addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the **Drugs, Poisons and Controlled Substances Act 1981** where the serious addiction results in the person being unable-
 - to understand that conduct constitutes an offence; or
 - to control conduct which constitutes an offence; or
- homelessness where the homelessness results in the person being unable to control conduct which constitutes an offence.

Please note that any review conducted under the Special Circumstances category where the infringement notice is not withdrawn is automatically referred to Court (in accordance with the provisions of the Infringements Act 2006).

It is alleged that:

EXPIATION NOTICE

CROSS REFERENCE
IF APPLICABLE

EXPIATION NOTICE NUMBER:



SURNAME:
 GIVEN NAMES:
 ADDRESS:
 SUBURB / TOWN: POST CODE: PHONE:
 OCCUPATION: DATE OF BIRTH: [][][][][][] SEX: M / F
 EMPLOYER:
 ADDRESS: PHONE:
 at (locality) at am / pm
 on [][][][][][] committed the following offence(s) expiable by payment to S.A. Police

Offence Code	OFFENCE	Expiation Fee + Levy	TOTAL	No
				1
				2
				3
TOTAL AMOUNT PAYABLE			\$	

Time notice issued am / pm **Date of issue** [][][][][][] **Due date for payment** [][][][][][]

Issuing Officer Rank: ID [0][][][][] Location Code [][][][]

Corroborating Officer Rank: ID [0][][][][] Location Code [][][][]

METHODS OF PAYMENT

MUST BE MADE WITHIN 28 DAYS OF DATE OF ISSUE

 <p>You can pay your notice online using a Visa or MasterCard. Visit: www.epay.police.sa.gov.au.</p>  <p>Payments are accepted at most Australia Post Office and selected Agencies between 9:00am and 5:00pm, Monday to Friday and Saturday at some locations.</p>  <p>Visit a Service SA Customer Service Centre or Registration and Licensing Centre to pay by cash, cheque, money order, credit card or EFTPOS between 9:00am and 5:00pm, Monday to Friday.</p>	 <p>Phone 1300 361 335 to make a payment with a Visa or MasterCard. Payments can be made Monday to Friday, 8:30am to 5:00pm.</p>  <p>Postal payments can be made via Cheque or Money Order and will be accepted when attached to the Postal Payment Advice slip (found on the back of this notice).</p> <p>Please make payments payable to S.A. POLICE and post to: Fines Collection Centre, GPO BOX 2029 Adelaide SA 5001. Note: Cash payments are NOT accepted and all payments sent via post must be made in full.</p>
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OVERDUE PAYMENT PENALTIES

FAILURE TO PAY BY DUE DATE FOR PAYMENT

Reminder Notice Issued. Additional fees apply.

FAILURE TO PAY REMINDER NOTICE WITHIN 14 DAYS OF ISSUE

Sent to Court. Additional fees apply.

FOR FURTHER NOTICE RELATED ENQUIRIES

Please read all information on the reverse side of this form, if you have further questions you may visit our website at www.police.sa.gov.au. Telephone Enquiries can be made by calling (08) 8463 4388 - Monday to Friday, 8:30am to 5:00pm.

ELECTING TO BE PROSECUTED

To elect to be prosecuted for any of the offence(s), fill in the appropriate portion on the back of this notice and post it and payment for the offence(s) not disputed (if any) before the due date for payment to: Manager, Expiation Notice Branch, GPO Box 2029 Adelaide SA 5001. If you elect to be prosecuted, you may get a summons to attend court. **DO NOT PAY THE FINE FOR ANY MATTER YOU WISH TO DISPUTE.**

YOUR CHOICES

For each alleged offence, you may on or before the due date for payment:

(You may make a different choice for each offence)

- Pay the total amount payable for undisputed offences as stated overleaf; OR
- Apply to the Court to pay the fee in instalments; OR
- Apply to the Court for an extension of time in which to pay; OR
- Dispute the allegation that you committed the offence(s) and elect to be prosecuted; OR
- Apply for a review of the Expiation Notice.

IF NO CHOICE IS MADE

If no choice is made for an offence, one reminder notice will be sent (a reminder fee will apply). After that, you will (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.

Demerit Points

Demerit points may apply. For more information contact The Department for Transport Energy and Infrastructure Call Centre on 13 10 84.

Levy

To pay this notice you must pay the expiation fee, and a contribution to the Victims of Crime fund called a levy.

Extension of time / Instalments / Hardship

If you require an extension of time in which to pay or wish to pay by instalments, you may apply to the Court for an Application for Relief at www.courts.sa.gov.au - fines or by contacting the Easy Pay Fines Contact Centre on **(08 8207 6288)**. A statutory declaration must be signed before a justice of the peace before you fax or post your application to your closest Court House. The Court must be satisfied that payment of the fee would cause you or your dependant(s) hardship and you must provide evidence of all income and expenses with the application

Applying for Review

If you think the offence(s) (or any of them) was trifling apply in writing to The Manager, Expiation Notice Branch for a review of the expiation (for special meaning of trifling see section 4(2) Expiation of Offences Act 1996).

Electing for Prosecution

If you wish to dispute the allegation that you committed the offence(s) and elect to be prosecuted, complete and post the tear-off portion to the address below.
DO NOT PAY THE NOTICE.

Enquiries

For general telephone enquiries call: **(08) 8463 4388** - 8:30 am to 5:00 pm, Monday to Friday

Send all written enquiries including submission for review and Statutory Declarations to:

The Manager,
Expiation Notice Branch
GPO BOX 2029
Adelaide SA 5001

Fax: (08) 8463 4361
Online: www.police.sa.gov.au

ELECTION FOR PROSECUTION

Complete this section if you wish to take this matter to Court.

Post to: Manager, Expiation Notice Branch, GPO BOX 2029 Adelaide SA 5001.

I of
(name)

.....
(address)

Notice Number

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elect to be prosecuted for offence(s) No. 1. 2. 3.

and I wish to pay the amount of \$..... for any remaining offences(s).

Signed:..... Date:/...../.....

CREDIT CARD POSTAL PAYMENT ADVICE

Payment by credit card will only be accepted with this completed form. Post to: Expiation Notice Fines Collection Centre, GPO BOX 2029 Adelaide SA 5001.

MasterCard Notice Number

Visa

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Credit Card Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name appearing on credit card:

Signature:

Expiry Date:/...../..... Amount Payable: \$

Old
back

*Payment must be received within 28 days from the date of service of this notice. For payment information contact 132288.
A reminder notice will not be sent.*

If payment is not received within 28 days, enforcement action may be taken against the amount (including a 10% penalty with SP10), and additional fees may be payable.

Payment options (Send the actual Notice with payment by the due date).
Do not mail cash. Payment can be accepted by mail cheque or your personal payable to Queensland Transport PO Box 673 Fortitude Valley 4006 or in person at any Queensland Transport Customer Service Centre.

- Full Payment
- Voluntary Involvement Plan

If this notice has a fine of \$150 or more, you may apply for a deferral to Queensland Transport for the above debt (not to pay by instalments) if it is on your credit file. Your application must include your first payment of \$60, your full name, current address and contact phone number. If you apply now, and first payment of \$60 is received within 28 days of the date of this notice, an instalment plan will be set up for you by the State Penalties Enforcement Agency (SPEA). All instalment payments must then be paid to SPEA in any way acceptable to SPEA. Failure to comply with the SPEA voluntary involvement plan will result in the issue of an enforcement order by SPEA and you will be required to pay additional fees.

Current Address: Contact Phone No:

Signature: Date:

- Election for Court Hearing

You have the right to elect to have this matter dealt with by a court. This Election for Court Hearing must be completed and the complete notice forwarded to Queensland Transport within the 28 day period from the date of service of this Enforcement Notice.

To be completed by the alleged offender

Given Names: Family Name:

I elect to have this matter dealt with by a Court of Law and understand a summons will be issued to me.

Signature: Date:

Send complete notice to: Queensland Transport
PO Box 673
Fortitude Valley 4006

This notice may be withdrawn at any time before or after the fine is paid. If the notice is withdrawn, Queensland Transport may determine that proceedings for the offence may be taken.

Inquiries relating to the form of this notice or use of your personal information should be directed to: fines, legal compliance and investigations on (07) 3335 3600 Monday to Friday 9 am to 4 pm. For more payment information contact 132288.

Queensland Transport is collecting the information on this form through its authorised persons for the purposes of protecting public revenue and ensuring compliance with relevant legislation. This information is recorded in accordance with the *Crimes of the Transport Operations (Penalties) Transport Act 1991* and *State Penalties Enforcement Act 2000*. Queensland Transport usually gives some or all of this information to the State Penalties Enforcement Registry, Queensland Police (referred to as a 'disclosed body'). Authorised department officers will have access to this information and will not disclose your personal information to any other third party without your explicit consent, unless required to do so by law or for purposes mentioned in Information Standard 11.