

Fines what can be done about them?

If a person with intellectual disability has fines they can't pay, or they are accumulating fines for behaviour attributable to their disability (e.g. forgetting to take their monthly train pass), or there are grounds to appeal a fine (e.g. a good explanation), there are practical things that they can do.

Is it a Court fine or a Penalty Notice?

There are two types of fines:

1. court fines
2. penalty notices

The type of fine a person receives will determine what they can do about the fine.

What can a person do about a court fine?

A Court fine is a fine given to you by the Court as a penalty or sentence.

If a person receives a Court fine they can:

1. pay the total court fine amount (within the time permitted-28 days), or
2. go to the Local Court Registry to request more time to pay, or
3. go to the Local Court Registry to apply to pay the fine by instalments, or
4. appeal to the District Court if they think they are not guilty of the offence, or if the penalty (fine) is too severe, or
5. if they were convicted or sentenced in the Local Court in their absence less than 2 years ago, apply to the Local Court for an annulment and, if successful, the offence comes before the court again, or
6. ignore it - and it will be referred to Revenue NSW for enforcement. Revenue NSW will send you an overdue fine notice to recover the money from you. They will also add a further fee to the fine.

What can a person do about a Penalty Notice?

Penalty Notices are where a person gets a 'ticket', an 'on-the-spot fine' or an 'infringement notice.' If a person gets a penalty notice they can:

1. pay the total fine amount on the Penalty Notice (within the time permitted – 21 days); or
2. if they fail to pay, expect Revenue NSW will send them a reminder notice – this gives a further 28 days to pay the fine, then if they still do not pay Revenue NSW proceeds with enforcement action, or
3. apply to pay the fine by instalments (by filling out a Time to Pay form), or
4. write to Revenue NSW notifying it that there has been an error OR special or extenuating circumstances and asking them for an internal review of the fine (This must be done by the due date on the penalty reminder notice. If the person paid the fine before receiving a reminder notice, the deadline is 60 days from when the person received the penalty notice) , or
5. elect to contest the fine in the Local Court (time limits apply), or
6. apply for a Work and Development Order (WDO).

Applying to postpone enforcement action

Revenue NSW can postpone the enforcement of an overdue fine if a person is facing serious financial, medical or domestic problems. In some circumstances the fine may be written off. You can apply to postpone the enforcement of a fine if you:

- are unable to pay the fine now or in the future
- do not own any goods that can be seized
- do not have any income that Revenue NSW can put a garnishee order on
- are not suitable to enter into a WDO
- cannot do community service.

Revenue NSW may decide to postpone enforcement for 5 years. A person must not receive any more overdue fines for 5 years. If at the end of that time your circumstances have not changed the write-off of your overdue fine will be considered. A write-off means you won't have to pay the fine.

Further Information

IDRS (Intellectual Disability Rights Service) www.idrs.org.au | Phone: (02) 9265 6300

Revenue NSW www.revenue.nsw.gov.au | Phone: 1300 138 118

Roads and Maritime Services www.rms.nsw.gov.au | Phone: 132 213

Railcorp www.transport.nsw.gov.au | Phone: (02) 8202 2200

(IDRS: © 17 July 2018)

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