

Disputing a fine or SPER fees

The State Penalties Enforcement Registry (SPER) collects and enforces unpaid infringement notices and court ordered fines.

A dispute over a fine

SPER does not have the power to withdraw a disputed fine, but it can advise you what to do. Depending on the nature of the dispute, you may be:

- referred to the agency that issued the fine
- able to apply to SPER for a court hearing
- able to apply to the court where the matter was originally heard for a re-hearing.

If you receive an enforcement order from SPER regarding an infringement notice or a court ordered fine that you wish to dispute, contact SPER.

A dispute over SPER fees

If you have an overdue fine registered with SPER, and believe you never received the original infringement notice, you may be eligible to apply to have the SPER registration fee (not the fine) waived. You need to:

- Contact SPER and ask if you are eligible to apply to have the fee waived. If you are eligible, you will be sent an *Application to Cancel Enforcement Order* form (also called an S56 application form)
- Pay the amount of the fine only to SPER straight away and send the completed S56 application form back to SPER within 14 days.

If your application is approved by SPER and you have paid the fine, you will be notified in writing and you will not be required to do anything further.

What happens if I don't submit the application form within the time limit?

If you do not submit your S56 application form within the time limit, your application will be refused. Unless you can prove that exceptional circumstances exist, you can not reapply. Only the registrar of SPER can decide if another application can be made.

What happens if SPER approves the application but I have not paid the fine?

The fine is referred back to the agency that issued you the infringement notice (also called the 'issuing agency'). The issuing agency may decide to send you a document called a *Complaint and Summons* for a court hearing where the matter will be heard before a magistrate.

What happens if my application is refused?

You will have to pay the outstanding fine and fees to SPER.

Can I appeal the decision if my application is refused?

Yes, but you must do this within 14 days of the decision being made. To appeal, you need to take the letter you received from SPER regarding the decision to the Magistrates Court in the district where the alleged offence occurred. The court will complete the application, set a date for a hearing and provide a copy of the appeal to you.

If your appeal is not successful, you must pay the outstanding fine and all fees to SPER.

What happens if I was in hospital or overseas when the fine and the SPER enforcement order were sent to me?

You can apply to have the SPER registration fee (not the fine) waived by calling SPER and requesting a S56 form be sent to you.

What is a 'mistake of fact'?

A 'mistake of fact' occurs when someone who receives a fine falsely gives your name, address and date of birth instead of their own details. As a result, your details are recorded on the infringement notice and you are fined.

What can I do if someone falsely gives my details and I am fined?

You may be eligible to have the infringement notice cancelled. Follow these steps:

- Contact SPER for advice about the options available to you.
- If you are eligible to apply to have the infringement notice cancelled, SPER will send you an application form and refer you to the issuing agency.
- Contact the issuing agency straight away and provide as much proof as possible to show that it was not you who committed the offence. For example, your employer may provide a statutory declaration stating you were in another town at the time the infringement notice was issued, or your passport may show you were overseas at the time.
- Complete the application form and return it within 14 days of the date you first contacted SPER about the matter. If you receive a letter from the issuing agency regarding your matter, enclose this with the application form.

If the issuing agency agrees that your dispute is valid, the agency will advise you of the outcome.

If the issuing agency does not agree that your dispute is valid, SPER will refer the matter to a Magistrates Court for a decision. The court that hears your matter is generally near to the issuing agency.

What if I don't receive a letter from the issuing agency within the 14 days?

Even if you don't have a letter from the issuing agency, you must return the application form to SPER within 14 days. If you receive a letter from the issuing agency once you have submitted your application, you should forward a copy of the letter to SPER.

Can I appeal the court decision?

No.

How do I dispute an infringement notice

People who want to dispute an infringement notice fine or the way it was issued are eligible to apply to SPER for a court hearing to deal with the matter.

How do I apply to go to court?

- Contact SPER to find out if you are eligible to apply for a court hearing.
- If you are eligible, you must apply to SPER in writing to have your matter dealt with by a court. Your application must be lodged within 28 days from the date on the SPER enforcement order.
- The agency that issued the fine will send you a document called a *Complaint and Summons* advising you of the court date.

Will my local Magistrates Court hear the matter?

Generally, the court hearing the matter is the closest one to where the offence occurred.

Can I plead 'not guilty' at a court hearing?

Yes, but only if you are the person named on the application.

Does it cost me extra if the court decides that I must pay the fine?

Yes, you may have to pay court costs and further fees. The amount of extra costs is decided by the magistrate at the hearing.

For more information

Visit www.sper.qld.gov.au or call us on 1300 365 635, Monday to Friday, 8am to 5.45pm.