

Infringement notices

An infringement notice is similar to an on-the-spot fine. It can be issued by a Fair Work Inspector (FWI) to an employer who doesn't follow its record-keeping and pay slip obligations under Australian workplace laws including:

- not making or keeping time and wage records
- not including the right information on a pay slip or employee record
- not issuing pay slips within 1 working day of paying employees.

It's important for employers to keep accurate records to avoid fines and so employees and FWIs can check that employees are getting the correct entitlements.

Infringement notice fines

- Up to \$1 260 per breach for an individual
- Up to \$6 300 per breach for a corporation.

When an infringement notice can be issued

An infringement notice can be issued any time an employer doesn't follow a workplace law relating to record-keeping or pay slips. This includes the first time a problem occurs. An infringement notice can be issued for 1 or more breaches. When deciding whether to issue an infringement notice an FWI may consider factors such as:

- if it's the first time the employer hasn't followed a workplace law
- how serious the breach of the workplace law is
- if the employer intentionally didn't follow the workplace law
- if the employer didn't keep the right records to avoid paying employees what they're owed.

If an FWI decides not to issue an infringement notice, the FWI might find another way to help the employer fix the problem. The FWI may check that the problem has been fixed at a later date.

An FWI who decides to issue an infringement notice has to do so within 12 months after the day the breach happened.

Paying an infringement notice

An infringement notice has to be paid within 28 days of getting the fine.

How to pay

You can pay an infringement notice online or over the phone using:

- [Government EasyPay](https://www.optusmartpay.com/govteasypay)  (<https://www.optusmartpay.com/govteasypay>) on 1300 453 579 for credit card payments
- BPay for cheque or savings accounts or credit card payments.

Contact us (www.fairwork.gov.au/Contact-us/default) for other payment options.

Getting a payment extension

An employer can apply in writing to extend the due date of the infringement notice. This has to be done within 28 days of the FWI issuing the notice.

Write to:

Attention: (Relevant FWI)
Fair Work Ombudsman
GPO Box 9887
In your capital city

The maximum extension an employer can get is an extra 28 days.

If we refuse to give an extension, you have 7 days (after the date of refusal) to pay the penalty.

Apply to withdraw an infringement notice

If an employer thinks a mistake has been made and they have not breached an Australian workplace law it can apply to have the infringement notice withdrawn.

Write to:

Attention: (Nominated Person)

Fair Work Ombudsman

GPO Box 9887

In your capital city

This must be done within 28 days of the FWI issuing the notice. If we refuse to withdraw the infringement notice, the employer has to pay the penalty specified in the notice.

- Source reference:
 - [Fair Work Act 2009 s.535 and 536](https://www.legislation.gov.au/Series/C2009A00028) [☞] (<https://www.legislation.gov.au/Series/C2009A00028>)
 - [Fair Work Regulations 2009 regulation 3.31-3.44 and 4.04 - 4.10](https://www.legislation.gov.au/Series/F2009L02356) [☞] (<https://www.legislation.gov.au/Series/F2009L02356>)

Result of paying or not paying the fine in an infringement notice

If an employer pays the fine in an infringement notice on time, it doesn't mean:

- they've admitted to any breaches of the law, or
- it's been found they haven't followed the law.

We also can't take them to court for the specific breaches in the notice.

However, if an employer doesn't pay the fine within the required time, we may take them to court for the breaches in the notice. If it goes to court, higher penalties could apply.

What to do next

- Learn about [Pay slip and record-keeping](http://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default) (www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default) obligations
- Use the [Pay slip template](http://www.fairwork.gov.au/ArticleDocuments/766/Pay-slip-template.doc.aspx) (DOC 48KB) (www.fairwork.gov.au/ArticleDocuments/766/Pay-slip-template.doc.aspx) to create pay slips
- Download the [Weekly time and wage records template](http://www.fairwork.gov.au/ArticleDocuments/766/Weekly-time-and-wages-record-template.doc.aspx) (DOC 102.5KB) (www.fairwork.gov.au/ArticleDocuments/766/Weekly-time-and-wages-record-template.doc.aspx) to record hours of work and wages

You might also be interested in

- Other ways we [Enforce the legislation](http://www.fairwork.gov.au/About-us/Our-role/enforcing-the-legislation/default) (www.fairwork.gov.au/About-us/Our-role/enforcing-the-legislation/default)
- Our [Infringement notice fact sheet](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/about-us/infringement-notice) (www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/about-us/infringement-notice) for more detailed information on infringement notices

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.