

## Infringement notices

### What is an infringement notice?

An infringement notice is similar to an on-the-spot fine and can be issued to an employer who hasn't followed commonwealth workplace laws about:

- record-keeping and pay slips, and
- advertising pay rates in job ads.

Fair Work Inspectors (Inspectors) from the Fair Work Ombudsman (FWO) may issue infringement notices where they reasonably believe an employer has contravened these workplace rules in the Fair Work Act (FW Act) and the Fair Work Regulations (FW Regulations).

### What are the maximum infringement notice fines?

The infringement amount (fine) is up to:

- \$1,980 per breach for an individual
- \$9,900 per breach for a company.

### Who can issue infringement notices?

A person appointed as an Inspector can issue infringement notices.

An infringement notice must be given within 12 months after the day on which the contravention(s) is alleged to have occurred.

### Which employer obligations can attract an infringement notice?

Inspectors can issue infringement notices to an employer for:

- not making and keeping employee records for 7 years
- not issuing pay slips within one working day of paying employees
- not including the required information on a pay slip and/or in an employee record
- advertising a job with pay rates that are less than an employee's minimum entitlements, where there is no reasonable excuse for not complying.

Employee record-keeping and pay slip obligations ensure that accurate records are kept so Inspectors and employees can check that the correct pay, leave and conditions are being received.

For further information on employee record-keeping and pay slip obligations visit [fairwork.gov.au/recordkeeping](https://fairwork.gov.au/recordkeeping).

An employer is expected to consider their obligations under the FW Act or a Fair Work instrument (such as an award, enterprise agreement, workplace determination or Fair Work Commission Order) in relation to advertising correct pay rates. For more information on job ads, visit [fairwork.gov.au/job-ads](https://fairwork.gov.au/job-ads).

The FWO has also created various templates to help employers meet their employee record-keeping, pay slip and job advertisement obligations, available at [fairwork.gov.au/templates](https://fairwork.gov.au/templates).

### When is an infringement notice likely to be issued?

In general, the Inspector may decide not to issue an infringement notice if it is the first time the employer has contravened employee record-keeping, pay slip and/or advertising pay rates obligations, or if the issue is minor in nature.

Instead, they may seek to resolve the matter with the employer and/or give the employer a contravention letter (a formal warning). An example of a minor matter is an employer's failure to record the full name of an employee when the identity of the employee is not in dispute. Seeking to resolve the matter with the employer provides a chance to fix any problems, and the Inspector will often revisit the employer to ensure the issue has been resolved.

However, if the Inspector finds the contravention is wilful, repetitive, or a way to avoid paying employees what they are owed, an infringement notice may be issued or they may recommend the matter be taken to court. This is regardless of whether it is a first time contravention.

## Paying an infringement notice

If an Inspector issues an employer with an infringement notice, the employer must pay the specified penalty amount within 28 days of being served the notice. Within this time period, employers may apply for an extension of time to pay the penalty.

The maximum extension that may be granted is 28 days. All applications for an extension should be made in writing and sent to:

Attention: Nominated Person  
Fair Work Ombudsman  
GPO Box 9887  
In your capital city

The Nominated Person must provide a response within 14 days of receiving the application. If the request for an extension is refused, the employer will then have 7 days from the date of being notified of the refusal in which to pay the penalty.

## Can an infringement notice be withdrawn?

Employers may apply to have the infringement notice withdrawn. Applications must be made within 28 days of being served the infringement notice. They must be made in writing to the Nominated Person of the FWO.

While the Nominated Person must provide a response within 14 days of receiving the application, if there is no response within 14 days, the application for withdrawal has been refused. If the application to have the infringement notice withdrawn is refused, the employer must pay the specified penalty within the 28 days (or any approved extension period).

## Payment options

Employers have multiple payment options available to them, including BPAY and Government EasyPay (phone on 1300 130 379), as indicated on the back of the infringement notice. If you have received an infringement notice and are unable to pay by these means, please contact the Fair Work Infoline on 13 13 94.

Once the infringement notice has been paid, no further proceedings can be brought against the employer for the alleged contravention for which the infringement notice was issued.

## Find out more

For more information on the issuing of infringement notices, please see our Compliance and enforcement policy at [fairwork.gov.au/compliancepolicy](https://fairwork.gov.au/compliancepolicy).

Infringement notices are provided for by sections 558 & 799 of the FW Act. Find the current version of the FW Act at [fairwork.gov.au/legislation](https://fairwork.gov.au/legislation).

### CONTACT US

Fair Work online: [fairwork.gov.au](https://fairwork.gov.au)

Fair Work Infoline: **13 13 94**

#### Need language help?

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

#### Help for people who are deaf or have hearing or speech difficulties

You can contact us through the National Relay Service (NRS).

Select your [preferred access option](#) and give our phone number: **13 13 94**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet 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 a workplace relations professional.

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