

NORTHERN TERRITORY OF AUSTRALIA

JUSTICES (TERRITORY INFRINGEMENT NOTICES ENFORCEMENT SCHEME) REGULATIONS

As in force at 13 March 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 March 1996

JUSTICES (TERRITORY INFRINGEMENT NOTICES ENFORCEMENT SCHEME) REGULATIONS

Regulations under the *Justices Act*

1 Citation

These Regulations may be cited as the *Justices (Territory Infringement Notices Enforcement Scheme) Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Justices Amendment Act (No. 3) 1988*.

2A Prescribed provisions for purposes of definition of *infringement notice*

For the purposes of paragraph (d) of the definition of ***infringement notice*** in section 60A of the Act, the following are prescribed provisions:

- (a) by-law 52A of the *Territory Parks and Wildlife Conservation By-laws*;
- (b) by-law 11 of the *Northern Territory University (Site and Traffic) By-laws*;
- (c) by-law 21 of the *Darwin City Council By-laws*;
- (d) section 9A of the *Litter Act*;
- (e) section 20B of the *Misuse of Drugs Act*;
- (f) regulation 3 of the *Firearms Regulations*;
- (g) regulation 6 of the *Prostitution Regulations*;
- (h) regulation 3 of the *Summary Offences Regulations*;
- (j) regulation 168D of the *Work Health (Occupational Health and Safety) Regulations*.

3 Prescribed forms

- (1) In this regulation, a reference to a form by number is a reference to a form so numbered in the Schedule to these Regulations.
- (2) A courtesy letter served under section 60C of the Act shall be in accordance with Form 1.
- (3) A certificate lodged under section 60D of the Act shall be in accordance with Form 2.
- (4) An order made under section 60E of the Act shall be in accordance with Form 3.
- (5) A notice served under section 60F of the Act shall be in accordance with Form 4.
- (6) A warrant of commitment issued under section 60H of the Act shall be in accordance with Form 5.
- (7) A warrant of distress issued under section 60H of the Act shall be in accordance with Form 6.
- (8) An application for the revocation of an enforcement order made under section 60K(1) of the Act by an enforcement agency, and a notice requesting the withdrawal of a certificate given under section 60M(1) by an enforcement agency, shall be in accordance with Form 7.
- (9) An application for the revocation of an enforcement order made under section 60K(1) of the Act by the person against whom the order was made shall be in accordance with Form 8.

4 Prescribed costs

The costs to be paid in matters or proceedings under Division 2A of Part IV of the Act are as follows:

Item	Fee
• Issue of a courtesy letter	\$5.00
• Preparation of certificate for enforcement	\$10.00
• Issue of enforcement order	\$25.00
• Preparation of notice of enforcement order	\$25.00
• Execution of warrant	\$40.00

5 Ratio of imprisonment

For the purposes of section 60E(1)(a)(i) of the Act, the prescribed ratio is imprisonment for one day in respect of each \$50, or part thereof, of the amount remaining unpaid.

Schedule

FORM 1

(Part 1)

COURTESY LETTER

TO:

(offender's name and address)

FROM:

(Enforcement agency's name and address)

Infringement No.:

Issued for:

Committed on

at

Penalty: \$

Costs: \$

*Victims' levy: \$

TOTAL: \$ due on

AN INFRINGEMENT NOTICE HAS BEEN ISSUED TO YOU, BUT THE AMOUNT SHOWN ON IT HAS NOT BEEN PAID.

You now have 28 days from the date of this letter in which to pay the penalty and the costs shown above. If you do not pay these amounts additional costs will be incurred and a warrant may be issued for your arrest or for seizure and sale of your goods to recover the amount due.

If you wish to have this matter dealt with by a court you should complete Part 2 of this form and return it to

(Name and address of enforcement agency).

* The victims' levy is a contribution to the Victims' Assistance Fund required under the *Crimes (Victims Assistance) Act*.

SEE ATTACHED REPLY – IT EXPLAINS HOW TO PAY

Appropriate Officer

Date: / /

IMPORTANT

DO NOT IGNORE THIS DOCUMENT

If you do not understand what you should do, have it explained to you immediately. The court staff, a solicitor, a legal aid officer or a friend may be able to help.

PLEASE DISREGARD THIS LETTER IF YOU HAVE ALREADY PAID

FORM 1

(Part 2)

REPLY TO COURTESY LETTER

TO:

Infringement No.:

Issued for:

Committed on at

Penalty: \$

Costs: \$

Victims' levy \$

TOTAL: \$ due on:

IF YOU ARE PAYING THE AMOUNT SHOWN ABOVE DO NOT SIGN THIS FORM – JUST ATTACH PAYMENT AND POST OR TAKE IT IN TO BE PAID.

YOU MAY PAY

In person – at

office hours are

Credit cards are acceptable if payment is made in person. Cheques and money orders should be crossed and marked "Not Negotiable". If a cheque is not honoured, payment will not be considered made.

By post – send a cheque or money order to the address shown above.

Do not post cash. Part payment cannot be accepted. If part payment is sent, it will be returned. This will not delay any order to enforce payment.

This reply must accompany your payment.

If full payment accompanies this document no further action will be taken.

REQUEST TO HAVE COURT DEAL WITH MATTER

TO:

(Enforcement agency)

Take notice that I decline to be dealt with under Division 2A of Part IV of the *Justices Act* and elect to have the matter dealt with by a court.

I understand that I may receive a summons for this offence.

My address for service of a summons is:

.....

.....

(This address must be completed if the court is to deal with the matter)

Signature

Print name

Date signed: / /

FORM 2

CERTIFICATE FOR ENFORCEMENT OF INFRINGEMENT NOTICE

TO: Clerk of the Court at:

FROM:

(Enforcement agency's name and address)

Defendant

(Name and address: residential and postal)

Date of Birth:

Licence No. and State/
Territory:

Vehicle reg. No. and State/Territory:

Infringement No.:

Issued for:

Committed on

at

Penalty:

\$

Costs:

\$

Victims' levy:

\$

TOTAL:

\$

due on:

I,, an appropriate officer of
(name of enforcement agency),

state that in relation to the above-mentioned offence:

- *(a) an infringement notice has been served on the defendant;
- *(a) an infringement notice has been served otherwise than on the defendant, as permitted by law;
- (b) a courtesy letter has been served on the defendant after the expiration of the time specified in the infringement notice for payment of the infringement penalty;
- (c) not less than 28 days from the date of the courtesy letter have elapsed;
- (d) the full amount of the infringement penalty and prescribed costs have not been paid;

- (e) the defendant has not declined to be dealt with under Division 2A of Part IV of the *Justices Act*;
- (f) a complaint in relation to the offence has not been laid;
- (g) the time within which a complaint in relation to the offence may be laid has not expired; and
- *(h) (in the case of an infringement notice served under the *Local Government Act* in relation to a traffic or parking infringement, or served under regulation 65 of the *Traffic Regulations*) the defendant:
 - (i) is the person on whom the infringement notice was served; and
 - *(ii) was, at the time of the alleged offence, the owner of the motor vehicle within the meaning of the *Motor Vehicles Act*;
 - *(iii) was, at the time of the alleged offence, the person in control of the motor vehicle as shown in a statutory declaration furnished pursuant to *regulation 64(3)(b) of the *Traffic Regulations* *a by-law made in pursuance of section 212(c) of the *Local Government Act*.

Appropriate officer:

(Signature)

(Print name)

*Delete where inapplicable.

FORM 3
ENFORCEMENT ORDER

Enforcement agency:

File no:

Defendant's name and address:

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Infringement No.:

Issued for:

Committed on _____ at _____

Penalty: \$ _____

Costs: \$ _____

Victims' levy: \$ _____

TOTAL: \$ _____ due on: _____

THE CLERK OF THE COURT ORDERS THAT:

1. The defendant pay to the Court within 28 days after the date of this order the following amounts:

Infringement penalty \$ _____

Costs \$ _____

Victims' levy \$ _____

TOTAL \$ _____

2. In default of payment or payment in full:

- (a) the defendant be imprisoned for a period of one day in respect of each \$50, or part thereof, of the amount that remains unpaid; or

(b) the amount unpaid be recovered by a warrant of distress.

3. (If any other order).

Clerk of the Court

Date: / /

FORM 4

(Part 1)

NOTICE OF ENFORCEMENT ORDER

TO:

(Defendant)

of

(Address)

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Infringement No.:

Issued for:

Committed on at

AN ENFORCEMENT ORDER WAS MADE AGAINST YOU ON: (date)

for

Penalty: \$

Costs: \$

*Victims' levy: \$

TOTAL: \$ due on:

YOU MAY NOW:

1. Pay the total amount shown above by the due date, or
2. Apply to the clerk of the court at: (address)

(a) for more time to pay

(b) to pay by instalments

-
- (c) to revoke the order and refer the matter to the court for hearing. The court may convict you if the charge is proved.

If you do not do one of the above a warrant will be issued against you to:

- a. imprison you for days, or
- b. take and sell your goods to recover the amount due.

In either case a \$20 warrant fee will be added to the amount due.

*The Victims' Levy is a contribution to the Victims' Assistance Fund required under the *Crimes (Victims Assistance) Act*.

SEE ATTACHED DOCUMENT – IT EXPLAINS HOW TO PAY

IMPORTANT
DO NOT IGNORE THIS DOCUMENT

If you do not understand what you should do, have it explained to you immediately. The court staff, a solicitor, a legal aid officer or a friend may be able to help.

PLEASE DISREGARD THIS DOCUMENT
IF YOU HAVE ALREADY PAID

FORM 4

(Part 2)

LETTER TO ACCOMPANY PAYMENT

TO: Clerk of court at

(Postal address)

File No:

I enclose payment for the sum of \$

Infringement No.:

Issued to

(defendant):

Issued for:

Committed on

at

Date of birth:

Licence No. and State/Territory:

Vehicle Reg. No. and State/Territory:

ENFORCEMENT ORDER MADE ON

(date)

For:

\$

Due on:

IF YOU ARE PAYING THE AMOUNT SHOWN ABOVE JUST ATTACH
PAYMENT TO THIS FORM AND POST OR TAKE IT IN TO BE PAID.

YOU MAY PAY

In Person: at

or at any court house in the Northern Territory. Office
hours are: 8.45 a.m. – 4.00 p.m.

Credit cards are acceptable if payment is made in person. Cheques and money orders should be crossed and marked "Not Negotiable". If a cheque is not honoured, payment will not be considered made.

By Post: send a cheque or money order made payable to the clerk
 of the court and send it to

Do not post cash. Part payment cannot be accepted.

This form must accompany your payment.

If you require a receipt please indicate – yes/no

FORM 5

WARRANT OF COMMITMENT

Defendant

(name, sex, date of birth, address)

File No:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Enforcement agency:

Infringement No.:

Issued for:

Committed on at

Penalty: \$

Costs: \$

Execution: \$

Victims' levy: \$

TOTAL: \$ due on:

Default: days

TO ALL MEMBERS OF THE NORTHERN TERRITORY POLICE FORCE

The defendant was ordered to pay the amounts set out above and was sent a notice of enforcement under section 60F of the *Justices Act*. The defendant has failed to pay the amounts due.

You are directed:

- (a) to demand payment from the defendant of the total due; and
- (b) unless payment in full is received immediately, to take the defendant to the most accessible or convenient gaol and deliver the defendant to the keeper thereof together with this warrant.

TO THE KEEPER OF THE GAOL

You are directed to take the defendant into custody for a period of days
unless the amount due is paid sooner.

Clerk of the Court

Date: / /

RETURN ON PAYMENT – \$ paid on

EXECUTION

– Defendant arrested on at a.m./p.m. at

Member
Date:

IMPRISONMENT

– Defendant received on at a.m./p.m. at

Member
Date:

– Defendant released on at a.m./p.m. at

Member
Date:

NB: 1. If a payment is made, the warrant fee must be satisfied first.
The balance of payment can then be used to reduce the period of
imprisonment.

2. Pursuant to section 94(1) of the *Justices Act*, the first day of
imprisonment cannot be taken into account if the prisoner wants to
secure his or her release by payment of the balance.

FORM 6

WARRANT OF DISTRESS

Defendant
(name, sex, date of birth, address)

File No.:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Enforcement agency:

Infringement No.:

Issued for:

Committed on at

Penalty: \$

Costs: \$

Execution: \$

Victims' levy: \$

TOTAL: \$ due on:
Default: days

TO ALL BAILIFFS AND MEMBERS OF THE NORTHERN TERRITORY
POLICE FORCE

The defendant was ordered to pay the amounts set out above and was sent a notice of enforcement under section 60F of the *Justices Act*. The defendant has failed to pay the amounts due.

YOU ARE DIRECTED:

- (a) to immediately seize such goods and chattels of the defendant as are necessary to satisfy the amount due;
- (b) to sell those goods and chattels if the amounts set out above, together with the costs of the execution of this warrant, are not paid;
- (c) to pay to the Clerk of the Court of Summary Jurisdiction at (location) the proceeds of any such sale and, if necessary, any proceeds of the defendant;

- (d) to hold and realize and, if necessary, sue on, any cheque, bill of exchange, promissory note or security of the defendant; and
- (e) to pay any sum realized or received to the Clerk for the purpose of satisfying the defendant's debt.

If the debt due cannot be satisfied by distress you must certify this in the Return of Warrant so that further action may be taken.

Clerk of the Court

Date: / /

RETURN OF WARRANT OF DISTRESS

Warrant returned executed on

Amount of \$ paid on demand.

Member of the Police Force/
Bailiff

I, _____, bailiff/member of the
(name)

Police Force, certify that by virtue of this warrant I caused a diligent search to be made for the goods and chattels of the defendant and that I found no goods or chattels of the defendant sufficient to satisfy the amount due.

Member of the Police Force/
Bailiff

Date: / /

FORM 7

* APPLICATION BY ENFORCEMENT AGENCY FOR REVOCATION OF
ENFORCEMENT ORDER

and/or

* NOTICE REQUESTING WITHDRAWAL OF CERTIFICATE

TO: Clerk of the Court at:

File No:

FROM:

(Enforcement agency's name and address)

Infringement No.:

Issued for:

Committed on _____ at _____

Defendant's name and address:

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

DETAILS OF ENFORCEMENT ORDER MADE ON

(date)

Penalty: \$

Costs: \$

Victims' levy: \$

TOTAL: \$ due on:

I, _____, an appropriate
officer of

(name of enforcement agency)

apply under *section 60K(1)/*section 60M(1) of the *Justices Act*:

*(a) to have the above enforcement order revoked;

*(b) to have the certificate produced before the Clerk withdrawn.

The grounds of this application are:

.....

.....

.....

Applicant's signature

Print Name

Date: / /

* Delete where inapplicable.

FORM 8

APPLICATION FOR REVOCATION OF ENFORCEMENT ORDER BY
PERSON AGAINST WHOM ORDER MADE

TO: Clerk of the Court at:

File No:

FROM:

Infringement No.:

Issued for:

Committed on at

Defendant's name and address:

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

DETAILS OF ENFORCEMENT ORDER MADE ON

(date)

Penalty: \$

Costs: \$

Victims' levy: \$

TOTAL: \$ due on:

I,, apply under section 60K(1) of
Justices Act to have the above enforcement order revoked.

The grounds of this application are:

.....
.....
.....

Applicant's signature

Print name

Date: / /

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Justices (Territory Infringement Notices Enforcement Scheme) Regulations (SL No. 25, 1990)

Notified	1 August 1990
Commenced	1 August 1990 (r 2, s 2 <i>Justices Amendment Act (No. 3) 1998</i> (Act No. 55, 1988) and Gaz S47, 1 August 1990)

Amendment of the Justices (Territory Infringement Enforcement Scheme) Regulations (SL No. 9, 1991)

Notified	10 April 1991
Commenced	10 April 1991

Statute Law Revision Act 1991 (Act No. 31, 1991)

Assent date	25 June 1991
Commenced	25 June 1991

Amendment of Justice (Territory Infringement Notices Enforcement Scheme) Regulations (SL No. 63, 1992)

Notified	11 November 1992
Commenced	11 November 1992

Amendment of Justices (Territory Infringement Notices Enforcement Scheme) Regulations (SL No. 2, 1995)

Notified	31 January 1995
Commenced	31 January 1995

Amendment of Justices (Territory Infringement Notices Enforcement Scheme) Regulations (SL No. 36, 1995)

Notified	8 November 1995
Commenced	8 November 1995

Amendment of Justices (Territory Infringement Notices Enforcement Scheme) Regulations (SL No. 9, 1996)

Notified	13 March 1996
Commenced	13 March 1996

3 LIST OF AMENDMENTS

r 2A	ins No. 9, 1991 amd No. 2, 1995; No. 36, 1995
r 4	amd No. 9, 1996
sch	amd Act No. 31, 1991, s 15; No. 63, 1992