

# NORTHERN TERRITORY OF AUSTRALIA

## FINES AND PENALTIES (RECOVERY) REGULATIONS

As in force at 1 January 2002

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 January 2002

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## FINES AND PENALTIES (RECOVERY) REGULATIONS

### Regulations under the *Fines and Penalties (Recovery) Act*

#### **1 Citation**

These Regulations may be cited as the *Fines and Penalties (Recovery) Regulations*.

#### **2 Commencement**

These Regulations come into operation on the commencement of the *Fines and Penalties (Recovery) Act 2001*.

#### **3 Infringement notices**

The laws of the Territory in respect of which the Act applies are specified in Schedule 1.

#### **4 Amounts included in *fine or penalty***

For the purposes of section 6(1)(e) and (2)(b) of the Act, the reasonable costs of searching a government register to trace a person are amounts that are included in a fine or penalty payable by the person concerned.

#### **5 Courtesy letter**

For the purposes of section 16(1)(a) of the Act, the prescribed amount that may be charged in relation to the service of a courtesy letter is \$20.

#### **6 Service of courtesy letter**

If the electronic mail (**e-mail**) address of a person is known to an appropriate officer, a courtesy letter may be served on the person by e-mail, but service is not taken to be effected until receipt of the e-mail is confirmed, whether automatically or by acknowledgement by the person served.

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## **7 Election to have matter dealt with by a court**

- (1) If a person elects under section 21 of the Act to have a matter dealt with by a court, the statement to that effect must provide the person's full name, address and date of birth and contain the following information in respect of each alleged offence to which the election relates:
  - (a) a description of the alleged offence;
  - (b) the date the offence was alleged to have been committed.
- (2) The statement of election may be served on the body that issued the infringement notice or courtesy letter, as the case may be, by electronic mail (**e-mail**) but service is not taken to be effected until receipt of the e-mail is confirmed by the body.

## **8 Notification of fine**

If the electronic mail (**e-mail**) address of a person on whom a court has imposed a fine is known to the Registrar or other officer of the court, a notice for the purposes of section 24 of the Act may be served on the person by e-mail, but service is not taken to be effected until receipt of the e-mail is confirmed, whether automatically or by acknowledgement by the person served.

## **9 Further time to pay fine**

- (1) When dealing with an application for further time to pay a fine, the Fines Recovery Unit must have regard to the guidelines for payment by instalments set out in Schedule 2.
- (2) The Director or Deputy Director may approve arrangements for repayment that are outside of the guidelines in special circumstances.

## **10 Enforcement costs**

The costs payable in respect of enforcement action taken by the Fines Recovery Unit are as specified in Schedule 3.

## **11 Service of notices**

If the electronic mail (**e-mail**) address of a person in relation to whom the Fines Recovery Unit has made an order is known to the Unit, a notice specified in Schedule 4 may be served on the person by e-mail, but service is not taken to be effected until receipt of the e-mail is confirmed, whether automatically or by acknowledgement by the person served.

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**12           Registration of statutory charge on land**

For the purposes of section 73 of the Act, a statutory charge on land may be registered if the total amount payable exceeds \$1 000.

**13           Community work order**

A bailiff who serves a community work order issued under Division 9 of Part 5 of the Act on a fine defaulter must:

- (a) confirm that the person to be served is the fine defaulter by establishing the person's name and date of birth (or approximate age if date of birth is not known);
- (b) explain or cause to be explained, in a language that is likely to be understood by the fine defaulter:
  - (i) where and when the fine defaulter must attend for assessment; and
  - (ii) that if the fine defaulter fails to attend as required a warrant of commitment may be issued and the fine defaulter could be imprisoned; and
- (c) depose in the affidavit of service to the fact that he or she has complied with the requirements and is satisfied that the fine defaulter understood the explanations given.

**14           Rate for community work order**

A person who performs work under a community work order issued under Division 9 of Part 5 of the Act satisfies the amount payable at the rate of \$12.50 for each hour of work performed.

**15           Rate for imprisonment**

A person who serves a term of imprisonment pursuant to a warrant issued under Division 10 of Part 5 of the Act satisfies the amount payable at the rate of \$100 per day.

**16           Ancillary money orders**

For the purposes of section 105 of the Act, any order by a court for the payment to the Territory of money (other than by way of a fine or penalty) is an amount to which Part 7 of the Act applies.

**17           Forms**

- (1) In this regulation, a reference to a form by number is a reference to the form so numbered in Schedule 5.

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- (2) Strict compliance with the form specified in Schedule 5 is not necessary and substantial compliance is sufficient.
  - (3) An examination summons issued under section 68 of the Act is to be:
    - (a) in the case of a fine defaulter who is a natural person – in the form of Form 1; and
    - (b) in any other case – in the form of Form 2.
  - (4) A warrant of apprehension issued under section 68(10) of the Act is to be in the form of Form 3.
  - (5) A property seizure order made under section 70 of the Act is to be in the form of Form 4.
  - (6) A garnishee order made under section 72 of the Act is to be:
    - (a) if the order is for the attachment of a debt – in the form of Form 5; and
    - (b) if the order is for the continuous attachment of wages or salary – in the form of Form 6.
  - (7) A community work order made under section 77 of the Act is to be in the form of Form 7.
  - (8) A notice of revocation of a community work order referred to in section 85 of the Act is to be in the form of Form 8.
  - (9) A warrant of commitment for the purposes of section 86 of the Act is to be in the form of Form 9.

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## Schedule 1

regulation 3

*Animal Welfare Act*  
*Brands Act*  
*Commercial Passenger (Road Transport) Act*  
*Consumer Affairs and Fair Trading Act*  
*Dangerous Goods Act*  
*Fisheries Act*  
*Litter Act*  
*Local Government Act*  
*Marine Pollution Act*  
*Misuse of Drugs Act*  
*Residential Tenancies Act*  
*Stock (Control of Hormonal Growth Promotants) Act*  
*Stock Diseases Act*  
*Stock Routes and Travelling Stock Act*  
*Traffic Act*

*Fire and Emergency Regulations*  
*Meat Industries Regulations*  
*Prostitution Regulations*  
*Residential Tenancy Regulations*  
*Summary Offences Regulations*  
*Traffic Regulations*  
*Waste Management and Pollution Control (Administration) Regulations*  
*Work Health (Occupational Health and Safety) Regulations*

*Alice Springs (Animal Control) By-laws*  
*Alice Springs (Todd Mall) By-laws*  
*Darwin City Council By-laws*  
*Katherine Town Council By-laws*  
*Nhulunbuy (Animal Control) By-laws*  
*Northern Territory University (Site and Traffic) By-laws*  
*Territory Parks and Wildlife Conservation By-laws*

## Schedule 2

regulation 9

### FINES RECOVERY UNIT – PAYMENT GUIDELINES

Amount Owning (\$)	Base Weekly Payment	Minimum Weekly Payment (limit of discretion)	Base Fortnightly Payment	Minimum f/n Payment (limit of discretion)	Time For Payment (on base payment / and on minimum payment)
1 – 100	\$12.50	\$10	\$25	\$20	8 wks / 10 wks
101 – 180	\$15	\$12	\$30	\$24	12 wks / 15 wks
181 – 280	\$17.50	\$14	\$35	\$28	16 wks / 20 wks
281 – 400	\$20	\$16	\$40	\$32	20 wks / 25 wks
401 – 540	\$22.50	\$18	\$45	\$36	24 wks / 30 wks
541 – 700	\$25	\$20	\$50	\$40	28 wks / 35 wks
701 – 880	\$27.50	\$22	\$55	\$44	32 wks / 40 wks
881 – 1 080	\$30	\$24	\$60	\$48	36 wks / 45 wks
1 081 – 1 300	\$32.50	\$26	\$65	\$52	40 wks / 50 wks
1 301 – 1 540	\$35	\$28	\$70	\$56	44 wks / 55 wks
1 541 – 1 800	\$37.50	\$30	\$75	\$60	48 wks / 60 wks
1 801 – 2 080	\$40	\$32	\$80	\$64	52 wks / 65 wks
2 081 – 2 380	\$42.50	\$34	\$85	\$68	56 wks / 70 wks
2 381 – 2 700	\$45	\$36	\$90	\$72	60 wks / 75 wks
2 701 – 3 040	\$47.50	\$38	\$95	\$76	64 wks / 80 wks
3 041 – 3 400	\$50	\$40	\$100	\$80	68 wks / 85 wks
3 401 – 3 780	\$52.50	\$42	\$105	\$84	72 wks / 90 wks
3 781 – 4 180	\$55	\$44	\$110	\$88	76 wks / 95 wks
4 181 – 4 600	\$57.50	\$46	\$115	\$92	80 wks / 100 wks
4 601 – 5 040	\$60	\$48	\$120	\$96	84 wks / 105 wks
5 041 – 5 500	\$62.50	\$50	\$125	\$100	88 wks / 110 wks
5 501 – 5 980	\$65	\$52	\$130	\$104	92 wks / 115 wks
5 981 – 6 480	\$67.50	\$54	\$135	\$108	96 wks / 120 wks
6 481 – 7 000	\$70	\$56	\$140	\$112	100 wks/125 wks max
7 001 – 8 000	\$80	\$64	\$160	\$128	100 wks / 125 wks
8 001 – 9 000	\$90	\$72	\$180	\$144	100 wks / 125 wks
9 001 – 10 000	\$100	\$80	\$200	\$160	100 wks / 125 wks



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Amount Owing (\$)	Base Weekly Payment	Minimum Weekly Payment (limit of discretion)	Base Fortnightly Payment	Minimum f/n Payment (limit of discretion)	Time For Payment (on base payment / and on minimum payment)
10 001 – 11 000	\$110	\$88	\$220	\$176	100 wks / 125 wks
11 001 – 12 000	\$120	\$96	\$240	\$192	100 wks / 125 wks
12 001 – 13 000	\$130	\$104	\$260	\$208	100 wks / 125 wks
13 001 – 14 000	\$140	\$112	\$280	\$224	100 wks / 125 wks
14 001 – 15 000	\$150	\$120	\$300	\$240	100 wks / 125 wks
15 001 – 16 000	\$160	\$128	\$320	\$256	100 wks / 125 wks
16 001 – 17 000	\$170	\$136	\$340	\$272	100 wks / 125 wks
17 001 – 18 000	\$180	\$144	\$360	\$288	100 wks / 125 wks
18 001 – 19 000	\$190	\$152	\$380	\$304	100 wks / 125 wks
19 001 – 20 000	\$200	\$160	\$400	\$320	100 wks / 125 wks

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**Schedule 3**

regulation 10

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Enforcement Action	Amount (inc GST)
Making of a penalty enforcement order	\$50
Making of a fine enforcement order	\$50
Action taken by the Registrar of Motor Vehicles under Division 7 of the Act	\$50
Making of a property seizure order	\$50
Making of a garnishee order	\$50
Action taken by a bailiff under Division 8 of the Act	\$50
Registration of a statutory charge on land	\$100
Making and serving a community work order	\$125
Issue of a warrant of commitment	\$50

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## **Schedule 4**

regulation 11

Courtesy letter

Election by alleged offender to have matter dealt with by a court

Notice of determination of an application for annulment of an enforcement order

Notice of a fine imposed by a court

Notice of the making of an enforcement order

Notice of withdrawal of an enforcement order

Notice of revocation of a community work order

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## Schedule 5

regulation 17

### FORM 1

#### NORTHERN TERRITORY OF AUSTRALIA

#### FINES RECOVERY UNIT

#### Examination Summons – Individual

*Fines and Penalties (Recovery) Act*

section 68(2)  
regulation 17(3)(a)

**Name:**  
**Address:**  
**Reference Number:**  
**Date of Order:**

Amount Owing:  
Enforcement Order:  
Enforcement Costs:  
Costs of this Order:  
**TOTAL OWING:**

**You are required** to attend before the Fines Recovery Unit to be orally examined as to your financial circumstances generally and your means and ability to satisfy the enforcement order(s) made against you on \_\_\_\_\_.

You are required to produce the following documents to the Fines Recovery Unit at the examination:

You **must attend** at the Fines Recovery Unit at RCG Building 83 – 85 Smith Street, Darwin for the hearing of the examination on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. or as soon afterwards as the business of the Unit allows.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

**NOTE:** If you do not attend at the Unit as directed by this summons, the Director may issue a **warrant for your arrest**.

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**Do not ignore this summons.** If you do not understand it or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.

**AFFIDAVIT OF SERVICE**

Fines Recovery Unit

Reference Number: \_\_\_\_\_

**Fine Defaulter:** \_\_\_\_\_

**Type of Process Served:** Examination Summons (Individual)

**Name of Deponent:** \_\_\_\_\_

**Date affidavit made:** \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_

serve \_\_\_\_\_,  
the fine defaulter, with this examination summons by delivering a true copy of  
the examination summons personally to the fine defaulter at \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I identified the fine defaulter as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Date Sworn/Affirmed:** \_\_\_\_\_

I,  
(full name)

of  
(address)

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say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_

serve \_\_\_\_\_,  
the fine defaulter, with this examination summons by delivering a true copy of  
the examination summons personally to the fine defaulter at

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I identified the fine defaulter as follows:

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Sworn/Affirmed at \_\_\_\_\_ on: \_\_\_\_\_

\_\_\_\_\_  
(Deponent)

Before me,

\_\_\_\_\_  
Justice of the Peace  
or Commissioner for Oaths

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**FINANCIAL STATEMENT – INDIVIDUAL**

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Date of Birth:** \_\_\_\_\_  
**Drivers Licence No.** \_\_\_\_\_  
**Reference No.** \_\_\_\_\_  
**Marital Status:** \_\_\_\_\_

**DEPENDANTS**

Name	Age	Name	Age

**DECLARATION**

I do solemnly and sincerely declare that the following information and annexures (if any) are true and correct.

Declared at (place):

on (date):

Signed: \_\_\_\_\_

**NOTE:** A person knowingly making a false or misleading statement to the Fines Recovery Unit is liable to a penalty of \$20 000 or imprisonment for 12 months, or both.

This document does not have to be witnessed.

**FINANCIAL INFORMATION****1. AMOUNT AND SOURCE OF INCOME (Indicate weekly/fortnightly etc.)**

1.1 Occupation:	
1.2 If employed – name of employer:	
1.3 Address of employer:	
1.4 Wage before tax:	
1.5 If not employed – type of benefit received:	
1.6 Amount of benefit received:	
1.7 Other income received: (eg. royalties, airfares)	
1.8 <b>TOTAL INCOME RECEIVED:</b>	

## 2. PROPERTY AND ASSETS

2.1	House and / or land – location:	
2.2	Market value:	
2.3	Amount of mortgage (if any):	
2.4	Where mortgage held (bank etc.):	
2.5	Mortgage Account No.:	
2.6	Motor Vehicle (model, make and year):	
2.7	Value:	
2.8	Amount owing under finance:	
2.9	Finance Company:	
2.10	Bank Accounts (who with):	
2.11	Account Number(s):	
2.12	Branch:	
2.13	Account Balance:	
2.14	Shares or bonds held – value:	
2.15	Type of shares (eg. Telstra):	
2.16	Money owed to you – amount:	
2.17	Who owes you money:	
2.18	Furniture and household goods: List and value items:	
2.19	<b>Total Value of household goods:</b>	
2.20	Amount owing for household goods to finance company etc.:	
2.21	Life Insurance Policies:	
2.22	Policy details:	
2.23	<b>TOTAL PROPERTY &amp; ASSETS</b>	

## DEBTS AND LIABILITIES (Indicate weekly/fortnightly etc.)

3.1	Income Tax:	
3.2	Superannuation:	
3.3	Rent / Mortgage / Board payment:	
3.4	Local Government Rates:	
3.5	Water Rates:	
3.6	Child Care:	
3.7	Child Support Payments:	
3.8	Electricity / Gas:	



3.9	Food:	
3.10	Motor vehicle expenses:	
3.11	Fares – Bus / Taxi:	
3.12	Telephone:	
3.13	School fees and expenses:	
3.14	Clothing and shoes:	
3.15	Medical / Chemist expenses:	
3.16	Credit card repayments:	
3.17	Personal loan repayments:	
3.18	Other:	
3.19	<b>TOTAL DEBTS &amp; LIABILITIES</b>	

### OTHER CIRCUMSTANCES

Identify each asset referred to in paragraph 2 that is owned jointly, and give the name of the other owner or owners:

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Identify each debt referred to in paragraph 3 that is due jointly, and give the name of the other debtor or debtors:

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Give particulars of any other circumstances that affect your financial situation:

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**Do not ignore this notice.** If you do not understand this notice or need help contact the Fines Recovery Unit on (08) 8924 3600.

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FORM 2

**NORTHERN TERRITORY OF AUSTRALIA**

**FINES RECOVERY UNIT**

**Examination Summons – Body Corporate**

*Fines and Penalties (Recovery) Act*

section 68(2)  
regulation 17(3)(b)

**Name:**  
**Address:**  
**Fine Defaulter Name:**  
**Fine Defaulter**  
**Address:**  
**Reference Number:**  
**Date of Order:**

Amount Owing:  
Enforcement Order:  
Enforcement Costs:  
Costs of this Order:  
**TOTAL OWING:**

**As \*an officer/a former officer\* of the fine defaulter corporation you are required** to attend before the Fines Recovery Unit to be orally examined as to the corporation's financial circumstances, means and ability to satisfy the enforcement order(s) made against the corporation on \_\_\_\_\_.

You are required to produce the following documents to the Fines Recovery Unit at the examination:

You **must attend** at the Fines Recovery Unit at RCG Building 83 – 85 Smith Street, Darwin for the hearing of the examination on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. or as soon afterwards as the business of the Unit allows.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

**NOTE:** If you do not attend at the Unit as directed by this summons, the Director may issue a **warrant for your arrest**.

**Do not ignore this summons.** If you do not understand it or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.

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AFFIDAVIT OF SERVICE

Fines Recovery Unit

Reference Number: \_\_\_\_\_

**Fine Defaulter:** \_\_\_\_\_

**Type of Process Served:** Examination Summons (Body Corporate)

**Name of Deponent:** \_\_\_\_\_

**Date affidavit made:** \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_\_\_ : \_\_\_\_ a.m./p.m. on the \_\_\_\_ / \_\_\_\_ / \_\_\_\_

serve \_\_\_\_\_,  
\*an officer/a former officer\* of the fine defaulter corporation, with this  
examination summons by delivering a true copy of the examination summons  
personally to the \*officer/former officer\* at \_\_\_\_\_

I identified the person served as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Date Sworn/Affirmed: \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_\_\_ : \_\_\_\_ a.m./p.m. on the \_\_\_\_ / \_\_\_\_ / \_\_\_\_

serve \_\_\_\_\_,  
\*an officer/a former officer\* of the fine defaulter corporation, with this  
examination summons by delivering a true copy of the examination summons  
personally to the \*officer/former officer\* at \_\_\_\_\_

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I identified the person served as follows:

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Sworn/Affirmed at \_\_\_\_\_ on: \_\_\_\_\_

\_\_\_\_\_  
(Deponent)

Before me,

\_\_\_\_\_  
Justice of the Peace  
or Commissioner for Oaths

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FORM 3

**NORTHERN TERRITORY OF AUSTRALIA**  
**FINES RECOVERY UNIT**

**Warrant of Apprehension**  
*Fines and Penalties (Recovery) Act*

section 68(10)  
regulation 17(4)

**TO THE BAILIFF:**

**Name:**  
**Address:**  
**Date of Birth:**  
**Enforcement Order:**  
**Date of Order:**

Amount Owing:  
Enforcement Order:  
Enforcement Costs:  
Costs of this Order:  
**TOTAL OWING:**

The fine defaulter identified above has failed to attend before the Fines Recovery Unit at the time and place appointed by the summons issued on \_\_\_\_\_ to be examined in relation to the fine defaulter's financial circumstances.

**I authorise you** to apprehend the fine defaulter and to bring him or her before the Director of the Fines Recovery Unit or a Registrar of the Local Court.

Issued at Darwin in the Northern Territory

on the \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

**BAILIFF RECORD**

Fine defaulter apprehended on \_\_\_\_\_ and taken to the Fines Recovery Unit.  
Warrant returned on \_\_\_\_\_ Fine defaulter not located/Paid In Full/Other:  
Signed:

**BAILIFF.**

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FORM 4

**NORTHERN TERRITORY OF AUSTRALIA**  
**FINES RECOVERY UNIT**

**Property Seizure Order**  
*Fines and Penalties (Recovery) Act*

section 70  
regulation 17(5)

**TO THE BAILIFF:**

**YOU ARE AUTHORISED** to enforce this order by seizing and selling personal property of the fine defaulter sufficient to pay the money owing to the Fines Recovery Unit in respect of the order.

**Fine Defaulter Name:**

**Address:**

**Date of Birth**

**Reference Number:**

**Date of Order:**

Amount Owing:

Enforcement Order:

Enforcement Costs:

Costs of this Order:

**TOTAL OWING:**

From the proceeds raised by the sale of the fine defaulter's property you must pay into the Fines Recovery Unit the money owing in respect of the order except the amount for your fees and expenses for executing this order.

If you attempt to execute under this order but are unable to do so, you must endorse on the order a statement of the dates, times, places and results of those attempts.

Immediately after you have performed all your obligations under this order you must endorse on the order a statement of the date, time and place you executed the order and the results of the execution, including how the proceeds of the sale are to be distributed.

Issued at Darwin in the Northern Territory

Date: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

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THIS ORDER IS VALID FOR A PERIOD OF 12 MONTHS FROM DATE OF  
ISSUE

**BAILIFF FIELD REPORT**

Bailiff: \_\_\_\_\_ Date received by Bailiff: \_\_\_\_\_

**Order not executed – details of attempt(s).**

Date	Time	Place	Result

**Order executed**

Date	Time	Place	Result	How Proceeds distributed

I certify that this is a true and accurate record of action taken on this order.

\_\_\_\_\_  
(Bailiff)

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FORM 5

**NORTHERN TERRITORY OF AUSTRALIA**

**FINES RECOVERY UNIT**

**Garnishee Order – Attachment of Debt**

*Fines and Penalties (Recovery) Act*

section 72(1)(a)  
regulation 17(6)(a)

**Name:**  
**Address:**  
**Reference Number:**  
**Date of Order:**

Amount Owing:  
Enforcement Order:  
Enforcement Costs:  
Costs of this Order:  
**TOTAL OWING:**

**TO THE GARNISHEE:**

**At:**

The Fines Recovery Unit has issued the above enforcement order(s) against the above fine defaulter. The fine defaulter has failed to comply with the order(s) and \$\_\_\_\_\_ remains outstanding.

**THE FINES RECOVERY UNIT ORDERS THAT:**

1. The Garnishee immediately pays to the Fines Recovery Unit –
  - (a) the sum of \$\_\_\_\_\_ from the debt(s) due from the garnishee to the fine defaulter; or
  - (b) if the amount of the debt(s) due from the garnishee to the fine defaulter is not sufficient to satisfy the order in full – the whole amount that is due to the fine defaulter.
2. In default of payment action may be taken against the garnishee.

**Details of debt(s) due:**

Issued at Darwin in the Northern Territory

On the \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

**Do not ignore this notice.** If you do not understand this notice or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.



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AFFIDAVIT OF SERVICE

**Fines Recovery Unit**

Reference Number: \_\_\_\_\_

**Fine Defaulter:** \_\_\_\_\_

**Type of process served:** Garnishee Order (Debt due)

**Name of Deponent:** \_\_\_\_\_

Date Sworn/Affirmed: \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_

serve

\_\_\_\_\_, the  
fine defaulter, with this garnishee order by delivering a true copy of the order  
personally to the fine defaulter at \_\_\_\_\_

I identified the fine defaulter as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn/Affirmed at \_\_\_\_\_ on: \_\_\_\_\_

\_\_\_\_\_  
(Deponent)

Before me,

\_\_\_\_\_  
Justice of the Peace  
or Commissioner for Oaths

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AFFIDAVIT OF SERVICE

**Fines Recovery Unit**

Reference Number: \_\_\_\_\_

**Garnishee:** \_\_\_\_\_

**Type of process served:** Garnishee Order (Debt due)

**Name of Deponent:** \_\_\_\_\_

**Date Sworn/Affirmed:** \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_

serve \_\_\_\_\_,  
the garnishee, with this garnishee order by delivering a true copy of the order  
\*personally to the garnishee/to a person in the employ of the garnishee\*/to the  
registered office of the garnishee\* at \_\_\_\_\_

I identified the \*garnishee/person in the employ of the garnishee\* as  
follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn/Affirmed at \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
(Deponent)

Before me,

\_\_\_\_\_  
Justice of the Peace  
or Commissioner for Oaths

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FORM 6

**NORTHERN TERRITORY OF AUSTRALIA**  
**FINES RECOVERY UNIT**

**Garnishee Order – Continuous Attachment of Wages or Salary**  
*Fines and Penalties (Recovery) Act*

section 72(1)(b)  
regulation 17(6)(b)

**Name:**  
**Address:**  
**Reference Number:**  
**Date of Order:**

Amount Owing:  
Enforcement Order:  
Enforcement Costs:  
Costs of this Order:  
**TOTAL OWING:**

**To the EMPLOYER:**  
**At:**

The Fines Recovery Unit has issued the above enforcement order(s) against the above fine defaulter. The fine defaulter has failed to comply with the order(s) and \$\_\_\_\_\_ remains outstanding.

The fine defaulter is employed by you/your organisation and is a person to whom earnings are payable or are likely to become payable by you/your organisation.

**THE FINES RECOVERY UNIT ORDERS THAT:**

1. The employer must, for the purpose of securing payment of the outstanding enforcement orders, while the fine defaulter is employed by that employer, or until this order ceases to have effect, make deductions out of the net earnings of the fine defaulter.
2. \* The protected earnings are 80% of the net earnings in respect of each payday.
3. \* The appropriate deduction is \$\_\_\_\_\_/\_\_\_\_\_% of the net earnings in respect of each payday.
4. Subject to paragraph 6, on each pay-day that the net earnings are in excess of the protected earnings specified in paragraph 2, the employer may first pay to himself or herself, out of that excess, \$2 for the administrative costs of complying with this order.

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5. Subject to paragraph 6, following payment of the administrative costs in accordance with paragraph 4, the employer must pay to the Fines Recovery Unit, out of the remaining excess, the appropriate deduction specified in paragraph 3.

6. If on a pay-day the amount of net earnings in excess of the protected earnings is insufficient to allow for payment in full of the administrative costs or appropriate deduction, on that pay-day the employer may first pay as much as the excess allows towards the administrative costs, must then pay as much as the excess allows towards the appropriate deduction, and must pay the deficit in accordance with paragraph 7.

7. If on a pay-day, after payment of the administrative costs and appropriate deduction in full, the net earnings remain in excess of the protected earnings, the employer must pay from that excess as much of the total deficit from previous pay-days as the excess allows, first towards the outstanding administrative costs and then towards the outstanding appropriate deductions.

Issued at Darwin in the Northern Territory

On the \_\_\_\_\_

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DIRECTOR  
FINES RECOVERY UNIT

\* Delete if inapplicable

**NOTE:** A Garnishee order comes into force at the end of 7 days after the day on which the order is served on the employer.

**NOTE:** If the employer wilfully fails to comply with the garnishee order, the Fines Recovery Unit may apply to the Local Court to have the order enforced against the employer.

**Do not ignore this notice.** If you do not understand this notice or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.

### **NOTICE TO EMPLOYER**

The garnishee order served with this notice requires you to deduct from the net earnings payable to the fine defaulter as your employee, on each pay-day until the order is discharged or suspended, the amount referred to in the order as the appropriate deduction, and to pay that amount to the Fines Recovery Unit.

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## EARNINGS AND DEDUCTIONS

**earnings** means money payable to a fine defaulter by way of:

- (a) wages or salary, including fees, bonuses, commission, pay in lieu of leave or retirement benefit, overtime pay or other profits arising from the fine defaulter's office or employment; or
- (b) a pension, including:
  - (i) an annuity for past services whether or not the services were rendered to the person paying the annuity; and
  - (ii) periodic payments of compensation for the loss, abolition or relinquishment of, or a reduction in profits arising from, an office or employment, but does not include a pension under the *Social Security Act 1991* of the Commonwealth or the *Veterans' Entitlements Act 1986* of the Commonwealth;

**net earnings** means the earnings payable to a fine defaulter on a pay-day after the deduction of:

- (a) tax instalments under the *Income Tax Assessment Act 1936* of the Commonwealth; and
- (b) superannuation contributions under the *Superannuation Act 1986* of the Commonwealth;

**appropriate deduction** means the amount that the Fines Recovery Unit considers to be:

- (a) a reasonable deduction from the net earnings; and
- (b) not more than is necessary to pay the amount owing within a reasonable time after an attachment of earnings order is made.

**protected earnings** means the amount of the net earnings below which the Fines Recovery Unit considers it unreasonable for the earnings to be reduced by a payment to the Fines Recovery Unit, having regard to the resources and needs of the fine defaulter and of any other person for whom the fine defaulter provides or reasonably may provide.

## NOTICE TO EMPLOYER

You are required to give the fine defaulter a notice specifying particulars of the payments made by you under the garnishee order, including the payment for your administrative costs in respect of the order.

## NOTICE IF YOU ARE NOT THE EMPLOYER

You must promptly advise the Director of the Fines Recovery Unit:

- (a) if you are not the employer of the fine defaulter; or

- 
- (b) if you are now the employer of the fine defaulter but later cease to employ the fine defaulter – after you cease to be the employer.

### **EMPLOYEE NOT TO BE DISMISSED OR PREJUDICED**

A person who dismisses an employee, injures an employee in his or her employment or alters an employee's position to his or her prejudice because a garnishee order has been made, or because the person is required to make payments under the order in relation to the employee, may be dealt with as for contempt of court.

Dated:

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

**Do not ignore this notice.** If you do not understand this notice or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.

### **AFFIDAVIT OF SERVICE**

**Fines Recovery Unit** Reference Number: \_\_\_\_\_

**Fine Defaulter:** \_\_\_\_\_

**Type of process served:** Garnishee Order (Attachment of wages or salary)

**Name of Deponent:** \_\_\_\_\_

Date Sworn/Affirmed: \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_

serve \_\_\_\_\_,  
the fine defaulter, with this garnishee order by delivering a true copy of the order personally to the fine defaulter at \_\_\_\_\_

I identified the fine defaulter as follows:

\_\_\_\_\_  
\_\_\_\_\_

Sworn/Affirmed at \_\_\_\_\_ on: \_\_\_\_\_

---

(Deponent)

Before me,

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Justice of the Peace  
or Commissioner for Oaths

**AFFIDAVIT OF SERVICE**

**Fines Recovery Unit**

Reference Number: \_\_\_\_\_

**Employer:** \_\_\_\_\_

**Type of process served:** Garnishee Order (Attachment of wages or salary)

**Name of Deponent:** \_\_\_\_\_

**Date Sworn/Affirmed:** \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_

serve \_\_\_\_\_,  
the employer, with this garnishee order by delivering a true copy of the order  
\*personally to the employer/to a person in the employ of the employer\*/to the  
registered office of the employer\* at \_\_\_\_\_

I identified the \*employer/person in the employ of the employer\* as follows:

Sworn/Affirmed at \_\_\_\_\_ on: \_\_\_\_\_

---

(Deponent)

Before me,

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Justice of the Peace  
or Commissioner for Oaths

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FORM 7

**NORTHERN TERRITORY OF AUSTRALIA**

**FINES RECOVERY UNIT**

**Community Work Order**

*Fines and Penalties (Recovery) Act*

section 77  
regulation 17(7)

**Name:**

**Address:**

**Date of Birth:**

**Reference Number:**

**Date of Order:**

Amount Owing:

Enforcement Order:

Enforcement Costs:

Costs of this Order:

**TOTAL OWING:**

**HOURS OF WORK TO**

**BE PERFORMED:**

The enforcement order referred to above, made in relation to you, has not been satisfied and I believe that enforcement action under Division 8 of the Act will not be effective in satisfying the order.

**I now order you** to attend at \_\_\_\_\_, within 7 days of being served with this order to be assessed by the Director of Correctional Services as to your suitability to participate in an approved project to work off the outstanding amount. If you are assessed as suitable to participate, you will be provided with details of the work you are to perform and your obligations under this order.

Community work reduces the amount owing by \$100 for each 8 hours of work performed. You may choose to pay part of the amount owing at any stage and your work hours will be reduced accordingly. If you pay the outstanding amount in full, you will not be required to perform any community work.

**If you fail** to attend at the specified place, or fail to comply with your obligations under this order, the order will be revoked and **a warrant may issue for your arrest**. If you cannot pay the full amount outstanding, you will serve a day in custody for every \$100 (or part thereof).

Date issued: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR, FINES RECOVERY UNIT

**Do not ignore this order.** If you do not understand it or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.



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AFFIDAVIT OF SERVICE

Fines Recovery Unit

Reference Number: \_\_\_\_\_

**Fine Defaulter:** \_\_\_\_\_

**Type of Process Served:** Community work order

**Name of Deponent:** \_\_\_\_\_

**Date Sworn/Affirmed:** \_\_\_\_\_

I,  
(full name)

of  
(address)

say on oath that I did at \_\_ : \_\_ a.m./p.m. on the \_\_ / \_\_ / \_\_  
serve the fine defaulter \_\_\_\_\_  
with this community work order by delivering a true copy of the community  
work order personally to the fine defaulter at \_\_\_\_\_

I identified the fine defaulter as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I:

- (a) confirmed the fine defaulter's name and date of birth/approximate age;  
and
- (b) explained/caused to be explained to the fine defaulter in \_\_\_\_\_ language  
where and when he/she must attend for assessment, and that if he/she  
fails to attend he/she may be arrested and taken to prison,

and I am satisfied that he/she understood the explanations given.

Sworn/Affirmed at \_\_\_\_\_ on: \_\_\_\_\_

\_\_\_\_\_  
(Deponent)

Before me,

\_\_\_\_\_  
Justice of the Peace  
or Commissioner for Oaths

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FORM 8

**NORTHERN TERRITORY OF AUSTRALIA**

**FINES RECOVERY UNIT**

**Revocation of Community Work Order**

*Fines and Penalties (Recovery) Act*

section 85  
regulation 17(8)

**Name:**  
**Address:**  
**Date of Birth:**  
**Reference**  
**Number:**  
**Date of**  
**Community Work**  
**Order:**

**You are advised** that the community work order made in relation to you on \_\_\_\_\_ has been revoked. You must contact the Fines Recovery Unit within 14 days of the date of this notice or **a warrant may be issued for your arrest.**

If you cannot pay the full amount outstanding, upon arrest you will serve a day in custody for every \$100 (or part thereof).

Date issued: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR  
FINES RECOVERY UNIT

**NOTE:** If you do not contact the Fines Recovery Unit within 14 days of the date of issue of this notice, the Director may issue a **warrant for your arrest.**

**Do not ignore this order.** If you do not understand it or need help contact the Fines Recovery Unit, a legal practitioner or your local legal aid office.

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FORM 9

**NORTHERN TERRITORY OF AUSTRALIA**

**FINES RECOVERY UNIT**

**Warrant of Commitment**

*Fines and Penalties (Recovery) Act*

section 86  
regulation 17(9)

**TO: ALL MEMBERS OF THE NORTHERN TERRITORY POLICE FORCE;  
and  
THE OFFICER IN CHARGE OF EACH PRISON**

**Name:**

**Address:**

**Date of Birth:**

**Enforcement Order:**

**Date of Order:**

Amount Owing:

Enforcement Order:

Enforcement Costs:

Costs of this Warrant:

**TOTAL OWING:**

**PERIOD OF  
IMPRISONMENT:**

The above fine defaulter having had a community work order revoked under Part 5 of Division 9 of the *Fines and Penalties (Recovery) Act* and the amount of \$ \_\_\_\_\_ being still outstanding –

**YOU the said members** are ordered to convey the fine defaulter to the nearest prison and deliver the fine defaulter to the Officer in Charge there; and

**YOU the said Officer in Charge** are to receive the fine defaulter into your custody and keep the fine defaulter for the period of \_\_\_\_\_ **days** unless the relevant outstanding amount is sooner paid.

Issued at Darwin in the Northern Territory

On the: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR, FINES RECOVERY UNIT

**PAYMENT ENDORSEMENT**

Date of Payment:      Amount:

Receipt No.:

Signature:

Money to Fines Recovery Unit on:

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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Fines and Penalties (Recovery) Regulations (SL No. 54, 2001)***

Notified	19 December 2001
Commenced	1 January 2002 (r 2, s 2 <i>Fines and Penalties (Recovery) Act 2001</i> (Act No. 59, 2001) and Gaz G50, 19 December 2001, p 3)