

NORTHERN TERRITORY OF AUSTRALIA

JUVENILE JUSTICE (JUVENILES' INFRINGEMENT NOTICE ENFORCEMENT SCHEME) REGULATIONS

As in force at 22 December 1999

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 22 December 1999. Any amendments that commence after that date are not included.

JUVENILE JUSTICE (JUVENILES' INFRINGEMENT NOTICE ENFORCEMENT SCHEME) REGULATIONS

Regulations under the *Juvenile Justice Act*

1 Citation

These Regulations may be cited as the *Juvenile Justice (Juveniles' Infringement Notice Enforcement Scheme) Regulations*.

2 Commencement

These Regulations come into operation on the commencement of the *Juvenile Justice Amendment Act 1999*.

3 Provisions under which infringement notices may be issued

For the purposes of paragraph (d) of the definition of ***infringement notice*** in section 58A 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) regulation 3 of the *Summary Offences Regulations*;
- (f) regulation 168D of the *Work Health (Occupational Health and Safety) Regulations*;
- (g) section 58B of the *Brands Act*;
- (h) section 23A of the *Stock (Control of Hormonal Growth Promotants) Act*;
- (j) section 43C of the *Stock Diseases Act*;

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- (k) section 65B of the *Stock Routes and Travelling Stock Act*;
 - (m) by-law 54 of the *Alice Springs (Animal Control) By-laws*;
 - (n) by-law 9 of the *Alice Springs (Todd Mall) By-laws*;
 - (p) regulation 49 of the *Meat Industries Regulations*;
 - (q) regulation 6 of the *Waste Management and Pollution Control (Administration) Regulations*;
 - (r) regulation 13 of the *Fire and Emergency Regulations*;
 - (s) by-law 21 of the *Katherine Town Council By-laws*;
 - (t) by-law 17 of the *Nhulunbuy (Animal Control) By-laws*.

4 Prescribed forms

- (1) In this regulation, a reference to a form by number is a reference to a form of that number in the Schedule.
- (2) A warning letter served under section 58C of the Act is to be in accordance with Form 1.
- (3) A certificate lodged under section 58E of the Act is to be in accordance with Form 2.
- (4) An order made under section 58H of the Act is to be in accordance with Form 3.
- (5) An enforcement order notice served under section 58J of the Act is to be in accordance with Form 4.
- (6) A warrant of commitment issued under section 58N of the Act is to be in accordance with Form 5.
- (7) An application under section 58G of the Act by an enforcement agency for the withdrawal of a certificate is to be in accordance with Form 6.
- (8) An application under section 58P of the Act by an enforcement agency for the revocation of an enforcement order is to be in accordance with Form 6.
- (9) An application under section 58P of the Act by:
 - (a) a juvenile; or
 - (b) a parent, guardian or person having custody of a juvenile,

for the revocation of an enforcement order is to be in accordance with Form 7.

5 Prescribed costs

For the purposes of:

- (a) section 58A of the Act – the warrant costs are \$40.00;
- (b) section 58C(1)(a)(ii) of the Act – the infringement notice costs are \$5.00;
- (c) section 58F(e) of the Act – the certificate costs are \$10.00; and
- (d) section 58H(2)(c) of the Act – the enforcement order costs are \$65.00.

6 Ratio of imprisonment

For the purposes of sections 58H(3), 58N(3)(b), 58U(3), 58ZF(3) and 58ZG(5) of the Act, the prescribed ratio is imprisonment for one day in respect of each \$50.00, or amount less than \$50.00, of the amount remaining unpaid.

Schedule

regulation 4

FORM 1 (Part 1)

WARNING LETTER

TO:

(Juvenile's name and address)

FROM:

(Enforcement agency's name and address)

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on

at

Penalty:

\$

Infringement notice 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, you will have to pay a higher amount later and a warrant may be issued for your imprisonment.

If you wish to have this matter dealt with by the Juvenile 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

Infringement 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 WARNING LETTER

TO:

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on _____ at _____

Penalty: \$ _____

Infringement notice 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 the bank specified in the cheque will not pay the amount specified in the cheque because there is not enough money in the cheque account to cover the amount or for any other reason, 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 JUVENILE COURT DEAL WITH MATTER

TO: (enforcement agency)

Take notice that I do not want to have this offence dealt with under Division 2 of Part VIA of the *Juvenile Justice Act*.

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 Juvenile Court at:

FROM:

(Enforcement agency's name and address)

Juvenile:

(Name and address: residential and postal)

Date of Birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on

at

Penalty: \$

Costs: \$

Victims' levy: \$

TOTAL: \$ due on:

I, _____, an infringement officer
of _____

(name of enforcement agency),

state that in relation to the above-mentioned offence:

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

-
- (e) a written statement from the juvenile stating that he or she does not want to have the offence to which the warning letter relates dealt with under Division 2 of Part VIA of the *Juvenile Justice Act* has not been received;
- (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 juvenile:
- (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*.

Infringement officer:

(Print name)

(Signature)

*Delete where inapplicable.

FORM 3

ENFORCEMENT ORDER

Enforcement agency:

File no:

Juvenile's name and address:

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on _____ at _____

Infringement penalty: \$ _____

Costs: \$ _____

Victims' levy: \$ _____

TOTAL: \$ _____ due on: _____

THE CLERK OF THE JUVENILE COURT ORDERS THAT:

1. The juvenile, _____, pay to the Juvenile Court within 28 days after the date of this order the following amounts:

Infringement penalty: \$ _____

Infringement notice costs: \$ _____

Costs: \$ _____

Victims' levy: \$ _____

TOTAL \$ _____

2. If the amount is not paid in full and a community service order is not made under Part VIA of the *Juvenile Justice Act* in relation to this order, the juvenile is to be detained for a period of one day in respect of each \$50.00, or amount less than \$50.00, of the amount that is not unpaid.

3. (If any other order).

Clerk of the Juvenile Court

Date: / /

FORM 4
(Part 1)

NOTICE OF ENFORCEMENT ORDER

TO:
(Juvenile)
of
(Address)

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on at

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

for

Infringement 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 Juvenile 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.

OR

Apply to the Director of Correctional Services for a community service order in relation to this enforcement order.

If you do not do one of the above a warrant will be issued against you to detain you at a detention centre or prison for days.

In either case, if a warrant is issued, the \$40.00 warrant costs 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 Juvenile Court at (Postal address) File No:

I enclose payment for the sum of \$

Infringement No.:

Issued to

(juvenile):

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

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 the bank specified in the cheque will not pay the amount specified in the cheque because there is not enough money in the cheque account to cover the amount or for any other reason, payment will not be considered made.

By post – send a cheque or money order made payable to the Clerk of the Juvenile 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

Juvenile's File No:

(name, sex, date of birth, address)

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

Enforcement agency:

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on _____ at _____

Infringement penalty: \$

Costs: \$

Execution	\$
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*Victims' levy: \$

TOTAL: \$ due on:

Default: days

TO ALL MEMBERS OF THE NORTHERN TERRITORY POLICE FORCE

The juvenile was ordered to pay the amounts set out above and was sent an enforcement order notice under section 58J of the *Juvenile Justices Act*. The juvenile has failed to pay the amounts due.

You are directed:

(a) to demand payment from the juvenile of the total due; and

-
- (b) unless payment in full is received immediately, to take the juvenile to the most accessible or convenient detention centre/prison and deliver the juvenile to the Superintendent at that detention centre/Officer-in-Charge of that prison together with this warrant.

TO THE SUPERINTENDENT OF DETENTION CENTRE/OFFICER-IN-CHARGE OF PRISON

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

Clerk of the Juvenile Court

Date: / /

RETURN ON PAYMENT – \$ paid on

EXECUTION

– Juvenile/person arrested on at a.m./p.m. at

Member
Date:

DETENTION/IMPRISONMENT

– Juvenile/person received on at a.m./p.m. at

Superintendent/Officer-in-Charge
Date:

– Juvenile/person released on at a.m./p.m.

Superintendent/Officer-in-Charge
Date:

NB: 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 detention/imprisonment.

FORM 6

* APPLICATION BY ENFORCEMENT AGENCY FOR REVOCATION OF
ENFORCEMENT ORDER

and/or

* NOTICE REQUESTING WITHDRAWAL OF CERTIFICATE

TO: Clerk of the Juvenile Court at –

File No:

FROM:

(Enforcement agency's name and address)

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on at

Juvenile'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)

Infringement penalty: \$

Costs: \$

*Victims' levy: \$

TOTAL: \$ due on:

I, _____, an infringement officer of _____
(name of enforcement agency)

apply under *section 58G(1)/*section 58P(1) of the *Juvenile Justice 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 7

APPLICATION FOR REVOCATION OF ENFORCEMENT ORDER BY
JUVENILE OR BY PARENT, GUARDIAN OR PERSON HAVING CUSTODY
OF JUVENILE

TO: Clerk of the Juvenile Court at – File No:

FROM:

Infringement No.:

Issued for (all relevant details and particulars of offence, and reference to the provision creating the offence, are to be included):

Committed on _____ at _____

Name and address of juvenile:

Date of birth:

Licence No. and State/Territory:

Vehicle reg. No. and State/Territory:

DETAILS OF ENFORCEMENT ORDER MADE ON _____

(date)

Infringement penalty:

\$

Costs:

\$

*Victims' levy:

\$

TOTAL:

\$

due on: _____

I, _____, a juvenile* / the parent, guardian or person having custody of the juvenile named in this application* apply under section 58P(1) of the *Juvenile Justice Act* to have the above enforcement order revoked.

The grounds of this application are:

Applicant's signature

Print name

Date: / /

* Delete where inapplicable.

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

Juvenile Justice (Juveniles' Infringement Notice Enforcement Scheme) Regulations (SL No. 41, 1999)

Notified	22 December 1999
Commenced	22 December 1999 (r 2, s 2 <i>Juvenile Justice Amendment Act 1999</i> (Act No. 12, 1999) and Gaz G50, 22 December 1999, p 3

Juvenile Justice Amendment Act 2000 (Act No. 6, 2000)

Notified	21 March 2000
Commenced	ss 3 and 5: 22 December 1999 (s 2); rem: 21 March 2000

3 LIST OF AMENDMENTS

r 3	amd Act No. 6, 2000, s 5
sch	amd Act No. 6, 2000, s 5