

NORTHERN TERRITORY OF AUSTRALIA

EDUCATION (INFRINGEMENT NOTICE) REGULATIONS

As in force at 1 June 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 1 June 2011. Any amendments that commence after that date are not included.

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## EDUCATION (INFRINGEMENT NOTICE) REGULATIONS

### Regulations under the *Education Act*

#### 1 Citation

These Regulations may be cited as the *Education (Infringement Notice) Regulations*.

#### 2 Commencement

These Regulations commence on 1 January 2011.

#### 3 Definitions

In these Regulations:

*infringement notice*, see regulation 5.

*infringement notice offence*, see regulation 4(1).

*prescribed amount*, see regulation 4(2).

#### 4 Infringement notice offence and prescribed amount payable

- (1) An *infringement notice offence* is an offence against a provision specified in the Schedule.
- (2) The *prescribed amount* payable for an infringement notice offence is the amount specified opposite the offence in the Schedule.

#### 5 When infringement notice may be given

If an authorised person reasonably believes a person has committed an infringement notice offence, the authorised person may give a notice (an *infringement notice*) to the person.

#### 6 Contents of infringement notice

- (1) The infringement notice must specify the following:
  - (a) the name and address of the person, if known;

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- (b) the date the infringement notice is given to the person;
  - (c) the date, time and place of the infringement notice offence;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
    - (i) suspending the person's licence to drive;
    - (ii) seizing personal property of the person;
    - (iii) deducting an amount from the person's wages or salary;
    - (iv) registering a statutory charge on land owned by the person;
    - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

## **7 Payment by cheque**

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

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## **8 Withdrawal of infringement notice**

- (1) The CEO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
  - (a) within 28 days after the infringement notice is given to the person; and
  - (b) before payment of the prescribed amount.

## **9 Application of Regulations**

- (1) These Regulations do not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, these Regulations do not:
  - (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

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**Schedule      Infringement notice offences and prescribed amounts**

regulation 4

| <b>Provision of Act</b> | <b>Prescribed amount<br/>(penalty units)</b> |
|-------------------------|--|
| section 20A(1)          | 2  |
| section 20A(2)          | 0.2  |
| section 20C(2)          | 2  |
| section 20C(6)          | 0.2  |
| section 20D(2)          | 2  |
| section 20D(6)          | 0.2  |
| section 21B(2)          | 2  |
| section 21B(6)          | 0.2  |
| section 22(2)           | 2  |
| section 22(6)           | 0.2  |
| section 22A(4)          | 2  |
| section 22A(8)          | 0.2  |
| section 23(5)           | 2  |
| section 23(6)           | 0.2  |
| section 23A(7)          | 2  |
| section 23A(8)          | 0.2  |
| section 23B(11)         | 2  |
| section 23B(12)         | 0.2  |
| section 23C(3)          | 0.2  |
| section 23D(2)          | 2  |
| section 23D(3)          | 0.2  |

|                |     |
|----------------|-----|
| section 23E(2) | 2   |
| section 23E(3) | 0.2 |
| section 25A(5) | 2   |

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**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                  |
| <i>Gaz</i> = <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*****Education (Infringement Notice) Regulations (SL No. 28, 2010)***

|           |                      |
|-----------|----------------------|
| Notified  | 9 December 2010      |
| Commenced | 1 January 2011 (r 2) |

***Education Legislation Amendment Act 2011 (Act No. 14, 2011)***

|             |   |
|-------------|---|
| Assent date | 19 May 2011                                     |
| Commenced   | 1 June 2011 ( <i>Gaz</i> G22, 1 June 2011, p 8) |

**3 LIST OF AMENDMENTS**

|     |                            |
|-----|----------------------------|
| r 3 | amd Act No. 14, 2011, s 9  |
| r 8 | amd Act No. 14, 2011, s 10 |
| sch | sub Act No. 14, 2011, s 11 |