

NORTHERN TERRITORY OF AUSTRALIA

FINES AND PENALTIES (RECOVERY) REGULATIONS

As in force at 1 May 2014

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 2014

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*

- (1) 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.
- (2) For section 6(1)(e) of the Act, a fine includes:
 - (a) an amount payable to the Territory under Part 5 of the *Victims of Crime Assistance Act*, and
 - (b) an amount payable to the Territory under Part IV of the *Crimes (Victims Assistance) Act* (repealed) as continued in force by section 73 of the *Victims of Crime Assistance Act*.

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 29 revenue units.

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.

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.

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 0.25 of the monetary value of a penalty unit 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 the monetary value of 2 penalty units 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.
- (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.

Schedule 1

regulation 3

Agents Licensing Act
Agricultural and Veterinary Chemicals (Control of Use) Act
Animal Welfare Act
Bushfires Act
Caravan Parks Act
Commercial Passenger (Road Transport) Act
Constitutional Convention (Election) Act
Consumer Affairs and Fair Trading Act
Dangerous Goods Act
Electricity Reform Act
Environment Protection (Beverage Containers and Plastic Bags) Act
Firearms Act
Fisheries Act
Housing Act
Liquor Act
Litter Act
Livestock Act
Local Government Act
Marine Pollution Act
Misuse of Drugs Act
Radiation Protection Act
Residential Tenancies Act
Territory Parks and Wildlife Conservation Act
Tobacco Control Act
Traffic Act
*Transport of Dangerous Goods by Road and Rail (National Uniform
Legislation) Act*
Weeds Management Act
Work Health and Safety (National Uniform Legislation) Act

Agents Licensing Regulations
Agricultural and Veterinary Chemicals (Control of Use) Regulations
Bushfires Regulations
Control of Roads (Infringement Notice) Regulations
Education (Infringement Notice) Regulations
Electricity Reform (Safety and Technical) Regulations
Environment Protection (Beverage Containers and Plastic Bags) Regulations
Fire and Emergency Regulations
Liquor Regulations
Livestock Regulations
Meat Industries Regulations
Medicines, Poisons and Therapeutic Goods Regulations
Mining Management Regulations

Plant Health Regulations
Prostitution Regulations
Radiation Protection Regulations
Summary Offences Regulations
Territory Parks and Wildlife Conservation Regulations
Tobacco Control Regulations
Traffic Regulations
Waste Management and Pollution Control (Administration) Regulations
Weeds Management Regulations
Work Health and Safety (National Uniform Legislation) Regulations

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

Schedule 2 Fines Recovery Unit - payment guidelines

regulation 9 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)
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
10 001 – 11 000	\$110	\$88	\$220	\$176	100 wks / 125 wks
11 001 – 12 000	\$120	\$96	\$240	\$192	100 wks / 125 wks

Schedule 2 Fines Recovery Unit - payment guideline

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

Schedule 3

regulation 10

Enforcement Action	Amount (revenue units)
Making of a penalty enforcement order	67
Making of a fine enforcement order	67
Action taken by the Registrar of Motor Vehicles under Division 7 of the Act	67
Making of a property seizure order	67
Making of a garnishee order	67
Action taken by a bailiff under Division 8 of the Act	67
Registration of a statutory charge on land	124
Making and serving a community work order	148
Issue of a warrant of commitment	67

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

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.**

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:

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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.

Attach original or certified copies of documents in support of your income and expenditure.

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 TOTAL INCOME RECEIVED: | |

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, building society, credit union 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, building society, credit union etc. 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: | |
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- 2.19 **Total Value of household goods:**
- 2.20 Amount owing for household goods to finance company etc.:
- 2.21 Life Insurance Policies:
- 2.22 Policy details:
- 2.23 **TOTAL PROPERTY & ASSETS**

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 **TOTAL DEBTS & LIABILITIES**

OTHER CIRCUMSTANCES

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

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

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

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

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.

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:

_____.

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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.

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

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)

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.

AFFIDAVIT OF SERVICE

Fines Recovery Unit Reference Number: _____

Fine Defaulter: _____

Type of process served: Garnishee Order (Debt due)

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 garnishee order by delivering a true copy of the order
personally to the fine defaulter at _____

I identified the fine defaulter as follows:

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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:

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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.

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 _____

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.

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 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 garnishee order by delivering a true copy of the
order personally to the fine defaulter at

I identified the fine defaulter as follows:

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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:

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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.

AFFIDAVIT OF SERVICE

Fines Recovery Unit Reference Number: _____

Fine Defaulter: _____

Type of Process Served: Community work order

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 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.

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by
Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

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.

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:

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 <i>Gaz</i> G50, 19 December 2001, p 3)

Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)

Assent date	13 September 2002
Commenced	30 October 2002 (<i>Gaz</i> G43, 30 October 2002, p 3)

Fines and Penalties (Recovery) Amendment Regulations 2005 (SL No. 18, 2005)

Notified	31 May 2005
Commenced	31 May 2005

Fines and Penalties (Recovery) Amendment (Agvet Chemicals Act) Regulations 2005 (SL No. 19, 2005)

Notified	31 May 2005
Commenced	31 May 2005

Fines and Penalties (Recovery) Amendment Regulations (No. 2) 2005 (SL No. 46, 2005)

Notified	9 November 2005
Commenced	9 November 2005

Fines and Penalties (Recovery) Amendment (Liquor Act) Regulations 2006 (SL No. 20, 2006)

Notified	14 June 2006
Commenced	14 June 2006

Courts Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 36, 2006)

Notified	8 November 2006
Commenced	8 November 2006

Fines and Penalties (Recovery) Amendment (Weeds Management) Regulations 2006 (SL No. 42, 2006)

Notified 20 December 2006
Commenced 20 December 2006

Fines and Penalties (Recovery) Amendment (Territory Parks and Wildlife Conservation) Regulations 2006 (SL No. 43, 2006)

Notified 20 December 2006
Commenced 20 December 2006

Fines and Penalties (Recovery) Amendment (Radiation Protection) Regulations 2007 (SL No. 18, 2007)

Notified 1 August 2007
Commenced 1 August 2007

Fines and Penalties (Recovery) Amendment (Business Names) Regulations 2007 (SL No. 26, 2007)

Notified 22 August 2007
Commenced 22 August 2007

Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)

Assent date 12 December 2007
Commenced 1 July 2008 (*Gaz* S29, 25 June 2008)

Justice Legislation Amendment Act (No. 2) 2008 (Act No. 27, 2008)

Assent date 17 October 2008
Commenced pt 2, div 3: 1 January 2006; rem: 17 October 2008 (s 2)

Livestock Act 2008 (Act No. 36, 2008)

Assent date 8 December 2008
Commenced 1 September 2009 (*Gaz* G34, 26 August 2009, p 3)

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

Notified 14 December 2009
Commenced 1 January 2010 (r 2)

Fines and Penalties (Recovery) Amendment (Darwin Waterfront Corporation) Regulations 2010 (SL No. 16, 2010)

Notified 28 July 2010
Commenced 28 July 2010

Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010 (Act No. 32, 2010)

Assent date 9 September 2010
Commenced 31 March 2011 (*Gaz* G13, 30 March 2011, p 14)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date 18 November 2010
Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

Fines and Penalties (Recovery) Amendment (Environment Protection) Regulations 2011 (SL No. 8, 2011)

Notified 13 April 2011
Commenced 13 April 2011

Fines and Penalties (Recovery) Amendment (Plant Health) Regulations 2011 (SL No. 16, 2011)

Notified	18 May 2011
Commenced	18 May 2011

Fines and Penalties (Recovery) Amendment (Control of Roads) Regulations 2011 (SL No. 17, 2011)

Notified	18 May 2011
Commenced	18 May 2011

Fines and Penalties (Recovery) Amendment (Education) Regulations 2011 (SL No. 18, 2011)

Notified	18 May 2011
Commenced	18 May 2011

Work Health and Safety (National Uniform Legislation) Implementation Act 2011 (Act No. 38, 2011)

Assent date	14 December 2011
Commenced	1 January 2012 (<i>Gaz</i> S78, 30 December 2011)

Constitutional Convention (Election) Act 2011 (Act No. 41, 2011)

Assent date	21 December 2011
Commenced	21 December 2011

Fines and Penalties (Recovery) and Other Legislation Amendment Act 2011 (Act No. 43, 2011)

Assent date	21 December 2011
Commenced	1 March 2012 (<i>Gaz</i> S9, 21 February 2011)

Fines and Penalties (Recovery) Amendment (Housing) Regulations 2012 (SL No. 9, 2012)

Notified	28 March 2012
Commenced	28 March 2012

Business Names (National Uniform Legislation) Implementation Act 2012 (Act No. 8, 2012)

Assent date	27 April 2012
Commenced	pts 3 and 4: 28 May 2012 (Cth proclamation F2012L00891: 19 April 2012); rem: 27 April 2012 (s 2)

Fines and Penalties (Recovery) Amendment (Mining Management) Regulations 2012 (SL No. 23, 2012)

Notified	28 June 2012
Commenced	28 June 2012

Fines and Penalties (Recovery) Amendment (Caravan Parks) Regulations 2012 (SL No. 29, 2012)

Notified	3 August 2012
Commenced	3 August 2012

Fines and Penalties (Recovery) Amendment (Firearms) Regulations 2013 (SL No. 2, 2013)

Notified	20 March 2013
Commenced	20 March 2013

Fees and Charges (Attorney-General and Justice Portfolio) Amendment Regulations 2013 (SL No. 27, 2013)

Notified 28 June 2013
 Commenced 1 July 2013 (r 2)

Fines and Penalties (Recovery) Amendment (Charles Darwin University Site and Traffic By-laws) Regulations 2013 (No. 43, 2013)

Notified 19 December 2013
 Commenced 19 December 2013

Fines and Penalties (Recovery) Amendment Regulations 2014 (No. 9, 2014)

Notified 16 April 2014
 Commenced r 4(1):1 May 2014 (r 2(1), r 2 *Medicines, Poisons and Therapeutic Goods Regulations* (SL No. 10, 2014), s 2 *Medicines, Poisons and Therapeutic Goods Act 2012* (Act No. 13, 2012) and *Gaz S22*, 30 April 2014, p 12);
 r 4(2): 1 July 2014 (r 2(2) and r 2 *Public and environmental Health Regulations*)

3 LIST OF AMENDMENTS

r 4 amd Act No. 27, 2008, s 26
 r 5 amd No. 36, 2006, r 3; No. 27, 2013, r 11
 r 14 amd Act No. 43, 2011, s 30
 r 15 amd Act No. 43, 2011, s 31
 sch 1 amd No. 18, 2005, r 3; No. 19, 2005, r 3; No. 46, 2005, r 3; No. 20, 2006, r 3; No. 42, 2006, r 3; No. 43, 2006, r 3; No. 18, 2007, r 3; No. 26, 2007, r 3; Act No. 30, 2007, s 59; Act No. 36, 2008, s 151; No. 16, 2010, r 3; Act No. 32, 2010, s 155; No. 8, 2011, r 3; No. 16, 2011, r 3; No. 17, 2011, r 3; No. 18, 2011, r 3; Act No. 38, 2011, s 31; Act No. 41, 2011, s 201; No. 9, 2012, r 3; Act No. 8, 2012, s 30; No. 23, 2012, r 3; No. 29, 2012, r 3; No. 2, 2013, r 3; No. 43, 2013, r 3; No. 9, 2014, r 4(1)
 sch 3 amd No. 36, 2006, r 4; No. 34, 2009, r 10; No. 27, 2013, r 11
 sch 5 amd Act No. 38, 2002, s 7; No. 36, 2006, r 5; Act No. 40, 2010, s 128