NORTHERN TERRITORY OF AUSTRALIA

FINES AND PENALTIES (RECOVERY) REGULATIONS 2001

As in force at 21 September 2023

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 21 September 2023

FINES AND PENALTIES (RECOVERY) REGULATIONS 2001

Regulations under the *Fines and Penalties (Recovery) Act 2001*

1 Citation

These Regulations may be cited as the *Fines and Penalties (Recovery) Regulations 2001*.

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 2006*; and

(b) an amount payable to the Territory under Part IV of the *Crimes (Victims Assistance) Act 1982* (repealed) as continued in force by section 73 of the *Victims of Crime Assistance Act 2006*.

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 a 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.

11A Amounts for sections 66A and 66L of the Act

For sections 66A(b) and 66L(b) of the Act, the amount is $10 000.

11B Property seizure orders

(1) For section 70 of the Act, the prescribed provisions are Part 44 (except rules 44.02 and 44.05(5)) of the *Local Court (Civil Jurisdiction) Rules 1998*.

(2) Those rules apply (with the necessary changes) as if:

(a) the property seizure order were a warrant of seizure and sale; and

(b) the Territory were the judgement creditor.

11C Garnishee orders

(1) For section 72 of the Act, the prescribed provisions are Parts 48 (except rules 48.02 to 48.05) and 49 (except rules 49.03 and 49.07) of the *Local Court (Civil Jurisdiction) Rules 1998*.

(2) Those rules apply (with the necessary changes) as if:

(a) the garnishee order were an attachment of earnings order or an attachment of debts order, as the case may be; and

(b) a reference to a court or Registrar were a reference to the Fines Recovery Unit; and

(c) a reference to the judgment debtor were a reference to the fine defaulter; and

(d) the Territory were the judgement creditor; and

(e) a reference to a particular form were a reference to the appropriate approved form; and

(f) the Fines Recovery Unit were required to serve the appropriate notices on an employer or a garnishee.

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

An authorised person 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

(1) 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.

(2) The person ordered to perform community work for a specified number of hours must perform the work within the period specified in Schedule 4A opposite the relevant range of hours to be worked.

(3) The period within which the work is to be performed begins on the day the Commissioner of Correctional Services assesses the person to be suitable to participate in an approved program.

(4) The Director may approve an extension of the period mentioned in subsection (2) in special circumstances.

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 1979
Agricultural and Veterinary Chemicals (Control of Use) Act 2004
Animal Protection Act 2018
Bushfires Management Act 2016
Caravan Parks Act 2012
Charles Darwin University Act 2003
Commercial Passenger (Road Transport) Act 1991
Constitutional Convention (Election) Act 2011
Consumer Affairs and Fair Trading Act 1990
Control of Roads Act 1953
Dangerous Goods Act 1998
Darwin Waterfront Corporation Act 2006
Education Act 2015
Education and Care Services (National Uniform Legislation) Act 2011
Electricity Reform Act 2000
Environment Protection Act 2019
Environment Protection (Beverage Containers and Plastic Bags) Act 2011
Fire and Emergency Act 1996
Firearms Act 1997
Fisheries Act 1988
Food Act 2004
Hemp Industry Act 2019
Housing Act 1982
Liquor Act 2019
Litter Act 1972
Livestock Act 2008
Local Government Act 2019
Marine Act 1981
Marine Pollution Act 1999
Meat Industries Act 1996
Medical Services Act 1982
Medicines, Poisons and Therapeutic Goods Act 2012
Mining Management Act 2001
Misuse of Drugs Act 1990
Petroleum Act 1984
Planning Act 1999
Plant Health Act 2008
Police Administration Act 1978
Ports Management Act 2015
Public and Environmental Health Act 2011
Radiation Protection Act 2004
Residential Tenancies Act 1999
Sex Industry Act 2019
Summary Offences Act 1923

Territory Parks and Wildlife Conservation Act 1976
Tobacco Control Act 2002
Traffic Act 1987
Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010
Waste Management and Pollution Control Act 1998
Water Act 1992
Weeds Management Act 2001
Work Health and Safety (National Uniform Legislation) Act 2011

Schedule 2 Fines Recovery Unit – payment guidelines

regulation 9

Amount of fine or penalty ($)	Base Payment (weekly)
1 – 100	10% of penalty unit
101 – 180	12% of penalty unit
181 – 280	14% of penalty unit
281 – 400	16% of penalty unit
401 – 540	18% of penalty unit
541 – 700	20% of penalty unit
701 – 880	22% of penalty unit
881 – 1 080	24% of penalty unit
1 081 – 1 300	26% of penalty unit
1 301 – 1 540	28% of penalty unit
1 541 – 1 800	30% of penalty unit
1 801 – 2 080	32% of penalty unit
2 081 – 2 380	34% of penalty unit
2 381 – 2 700	36% of penalty unit
2 701 – 3 040	38% of penalty unit
3 041 – 3 400	40% of penalty unit
3 401 – 3 780	42% of penalty unit
3 781 – 4 180	44% of penalty unit
4 181 – 4 600	46% of penalty unit
4 601 – 5 040	48% of penalty unit
5 041 – 5 500	50% of penalty unit
5 501 – 5 980	52% of penalty unit

Amount of fine or penalty ($)	Base Payment (weekly)
5 981 – 6 480	54% of penalty unit
6 481 – 7 000	56% of penalty unit
7 001 – 8 000	64% of penalty unit
8 001 – 9 000	72% of penalty unit
9 001 – 10 000	80% of penalty unit
10 001 – 11 000	88% of penalty unit
11 001 – 12 000	96% of penalty unit
12 001 – 13 000	104% of penalty unit
13 001 – 14 000	112% of penalty unit
14 001 – 15 000	120% of penalty unit
15 001 – 16 000	128% of penalty unit
16 001 – 17 000	136% of penalty unit
17 001 – 18 000	144% of penalty unit
18 001 – 19 000	152% of penalty unit
19 001 – 20 000	160% of penalty unit
20 001 and over	168% of penalty unit

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 Part 5, Division 7 of the Act	67
Immobilisation of a motor vehicle under Part 5, Division 7A of the Act	148
Publication of details under Part 5, Division 7B of the Act	67
Making of a property seizure order	67
Making of a garnishee order	67
Action taken by a bailiff under Part 5, Division 8 of the Act	67
Registration of a statutory charge on land	124
Making and service of a community work order (other than by a bailiff)	148
Making of a community work order to be served by a bailiff	148
Service of a community work order by a bailiff	67
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 4A Community work hours

regulation 14

Community Work Hours Ordered	Months to Complete
50 or less	3
51 – 125	6
126 – 300	12
301 – 375	18
376 – 480	24

Schedule 5

regulation 17

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

FINES RECOVERY UNIT

Examination Summons – Individual
Fines and Penalties (Recovery) Act 2001

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

Name:
Address:
Reference Number:
Date of Order:

Amount Owing:

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.

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 [*place*] 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 200 penalty units, being the equivalent of $(*monetary amount*) or imprisonment for 12 months. See section 109A of the Act.

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:	
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 2001

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

Name:
Address:

Reference Number:
Date of Order:

Amount Owing:

Costs of this Order:
TOTAL OWING:

You or an authorised representative of the fine defaulter corporation 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.

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

You or the authorised representative **must attend** at the Fines [*place*] 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 authorised representative of the fine defaulter corporation with this examination summons by delivering a true copy of the examination summons personally to the authorised representative 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 2001

section 68(10)
regulation 17(4)

TO THE BAILIFF:

Name:
Address:
Date of Birth:

Amount Owing:

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 2001

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:

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 2001

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

Name:
Address:
Reference Number:
Date of Order:

Amount Owing:

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.

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 2001

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

Name:
Address:
Reference Number:
Date of Order:

Amount Owing:

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 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, $(*monetary amount*) 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 2001

section 77
regulation 17(7)

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

Amount Owing:

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 Commissioner 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 at the rate of the monetary value of 2 penalty units, being the equivalent of $(*monetary value*), 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 $(*monetary amount*), being the equivalent of 2 penalty units, owed (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 into the custody of the Commissioner of Correctional Services,

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 2001

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 $(*monetary amount*), being the equivalent of 2 penalty units, owed (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 2001

section 86
regulation 17(9)

TO: ALL NORTHERN TERRITORY POLICE OFFICERS and THE COMMISSIONER OF CORRECTIONAL SERVICES

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

Amount Owing:

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 –

Northern Territory Police Officers are ordered to convey the fine defaulter to the nearest custodial correctional facility and deliver the fine defaulter to the General Manager of the facility; and

The Commissioner of Correctional Services must receive the fine defaulter into the Commissioner's 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 *Fines and Penalties (Recovery) Act 2001* (Act No. 59, 2001) and *Gaz* 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 (*Gaz* 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 (*Gaz* 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 (*Gaz* 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*)

***Correctional Services (Related and Consequential Amendments) Act 2014* (Act No. 27, 2014)**

Assent date	4 September 2014
Commenced	9 September 2014 (*Gaz* S80, 9 September 2014, p 2)

***Marine (General) Amendment Regulations 2015* (No. 5, 2015)**

Notified	1 May 2015
Commenced	1 May 2015

***Fines and Penalties (Recovery) Amendment Act 2015* (Act No. 24, 2015)**

Assent date	18 September 2015
Commenced	6 October 2015 (*Gaz* S100, 6 October 2015)

***Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (*Gaz* S, 29 April 2016)

***Fines and Penalties (Recovery) Amendment Regulations 2016* (No. 25, 2016)**

Notified	20 May 2016
Commenced	20 May 2016

***Bushfires Management Act 2016* (Act No. 14, 2016)**

Assent date	7 June 2016
Commenced	1 November 2016 (*Gaz* S111, 27 October 2016, p 1)

***Statute Law Revision Act 2017* (Act No. 4, 2017)**

Assent date	10 March 2017
Commenced	12 April 2017 (*Gaz* G15, 12 April 2017, p 3)

Animal Protection Act 2018 **(Act No. 25, 2018)**

Assent date 22 November 2018
Commenced 2021 (*Gaz* , 2020, p)

Amending Legislation

Animal Protection Amendment Act 2022 **(Act No. 19, 2022)**

Assent date 12 September 2022
Commenced 13 September 2022 (s 2)

Water Legislation Amendment Act 2018 **(Act No. 29, 2018)**

Assent date 4 December 2018
Commenced 31 December 2018 (*Gaz* S107, 17 December 2018)

Fines and Penalties (Recovery) Amendment Regulations 2019 **(No. 1, 2019)**

Notified 6 March 2019
Commenced 6 March 2019

Liquor Act 2019 **(Act No. 29, 2019)**

Assent date 3 September 2019
Commenced 1 October 2019 (*Gaz* G39, 25 September 2019, p 2)

Environment Protection Act 2019 **(Act No. 31, 2019)**

Assent date 9 October 2019
Commenced 28 June 2020 (*Gaz* G17, 29 April 2020, p 2)

Amending Legislation

Statute Law Revision and Repeals Act 2019 **(Act No. 33, 2019)**

Assent date 6 November 2019
Commenced pts 2 and 3: 11 December 2019 (*Gaz* G50, 11 December 2019, p 2); rem: 7 November 2019 (s 2)

Local Government Act 2019 **(Act No. 39, 2019)**

Assent date 13 December 2019
Commenced pt 8.6: 1 July 2022; rem: 1 July 2021 (*Gaz* S27, 30 June 2021)

Amending Legislation

Statute Law Revision Act 2020 **(Act No. 26, 2020)**

Assent date 19 November 2020
Commenced 20 November 2020 (s 2)

Local Government Amendment Act 2021 **(Act No. 15, 2021)**

Assent date 25 May 2021
Commenced 26 May 2021 (s 2)

Sex Industry Act 2019 **(Act No. 40, 2019)**

Assent date 13 December 2019
Commenced 12 June 2020 (*Gaz* S35, 11 June 2020)

Fines and Penalties (Recovery) Amendment Regulations 2020 **(No. 25, 2020)**

Notified 31 July 2020
Commenced 31 July 2020 (r 2, s 2 *Planning Amendment Act 2020* (Act No. 19, 2020) and *Gaz* G30, 29 July 2020, p 1)

Statute Law Revision Act 2023 **(Act No. 4, 2023)**

Assent date	2 March 2023
Commenced	3 March 2023 (s 2)

Police Legislation Further Amendment Act 2023 **(Act No. 18, 2023)**

Assent date	17 August 2023
Commenced	21 September 2023 (*Gaz* S67, 20 September 2023)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 11B and 11C and Sch 1 and 5.

4 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 8	amd Act No. 9, 2016, 105
r 11A	ins Act No. 24, 2015, s 25
rr 11B – 11C	ins Act No. 9, 2016, 106 amd Act No. 4, 2017, s 34
r 13	amd Act No. 24, 2015, s 26
r 14	amd Act No. 43, 2011, s 30; No. 25, 2016, r 3
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); No. 9, 2014, r 4(2); No. 5, 2015, r 11; No. 25, 2016, r 4; Act No. 14, 2016, s 120; Act No. 29, 2018, s 63; No. 1, 2019, r 4; Act No. 29, 2019, s 348; Act No. 40, 2019, s 36; Act No. 31, 2019, s 333; No. 25, 2020, r 4; Act No. 39, 2019, s 370; Act No. 25, 2018, s 130; Act No. 4, 2023, s 13; Act No. 18, 2023, s 18
sch 2	sub No. 25, 2016, r 5
sch 3	amd No. 36, 2006, r 4; No. 34, 2009, r 10; No. 27, 2013, r 11 sub Act No. 24, 2015, s 27
sch 4A	ins No. 25, 2016, r 6
sch 5	amd Act No. 38, 2002, s 7; No. 36, 2006, r 5; Act No. 40, 2010, s 128; Act No. 27, 2014, s 57; Act No. 9, 2016, s 107; No. 25, 2016, rr 7 – 8; Act No. 14, 2016, s 107