

NORTHERN TERRITORY OF AUSTRALIA

**FINES AND PENALTIES (RECOVERY) LEGISLATION AMENDMENT
ACT 2024**

Act No. 23 of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 23 of 2024

An Act to amend the *Fines and Penalties (Recovery) Act 2001*, the *Fines and Penalties (Recovery) Regulations 2001* and the *Motor Vehicles Act 1949*

[Assented to 9 December 2024]

[Introduced 27 November 2024]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Fines and Penalties (Recovery) Legislation Amendment Act 2024*.

2 Commencement

This Act commences immediately after the commencement of the *Fines and Penalties (Recovery) Amendment (Validation) Act 2024*.

Part 2 Amendment of fines and penalties (recovery) legislation

Division 1 Fines and Penalties (Recovery) Act 2001

3 Act amended

This Division amends the *Fines and Penalties (Recovery) Act 2001*.

4 Section 27 amended (Establishment)

Section 27

omit

as a registry of the Local Court

5 Section 29 amended (Director and Deputy Director)

(1) Section 29(3)

omit

(2) Section 29(4)

omit

his or her

insert

the Director's

6 Section 30 amended (Management)

Section 30(2)

omit

his or her delegate who is a justice of the peace.

insert

the Director's delegate.

7 Section 31 replaced

Section 31

repeal, insert

31 Record keeping

The Fines Recovery Unit must keep a record of the following in relation to each enforcement order made under this Act:

- (a) any enforcement action taken in relation to the order;
- (b) details of any payment made in relation to the order;
- (c) the satisfaction of the order.

8 Section 34 inserted

After section 33, in Part 4

insert

34 Use of computer programs

- (1) The Director may arrange for the use, under the Director's control, of computer programs for any purposes for which the Director or the Fines Recovery Unit may make decisions under this Act.
- (2) A decision made by the operation of a computer program under an arrangement under subsection (1) is taken to be a decision of the Director or Unit, as the case may be.

9 Section 36 amended (Penalty enforcement order)

Section 36

omit

section 38

insert

section 37

10 Sections 37 and 38 replaced

Sections 37 and 38

repeal, insert

37 Fines Recovery Unit may make penalty enforcement order

- (1) The Fines Recovery Unit may make a penalty enforcement order against a person if:
 - (a) an infringement notice has been served on the person in relation to an alleged offence; and
 - (b) a courtesy letter has been served on the person in accordance with section 17; and
 - (c) the due date specified in the courtesy letter has passed or, if an arrangement to allow further time to pay the penalty was entered into under section 12B(2), the arrangement has not been complied with; and

- (d) the penalty under the infringement notice (including the prescribed costs in relation to the issue of the courtesy letter) has not been paid; and
 - (e) the person has not elected to be dealt with by a court in relation to the matter; and
 - (f) a complaint in relation to the offence has not been filed; and
 - (g) not more than 3 years have passed since the offence is alleged to have been committed.
- (2) A single penalty enforcement order may be made in relation to outstanding penalties under more than one infringement notice issued to the same person.
- (3) A penalty enforcement order may be made in the absence of and without prior notice to the person the subject of the order.

11 Section 41 amended (Enforcement costs under penalty enforcement order)

Section 41(2)(b)

omit

by the Registrar of Motor Vehicles

12 Section 48 amended (Proceedings for alleged offence if enforcement order annulled)

Section 48(3)

omit, insert

- (3) For the purposes of hearing and determining the matter:
- (a) the relevant infringement notice and the notice of the making of the penalty enforcement order under Division 5 are together taken:
 - (i) to be a complaint in relation to the alleged offence; and
 - (ii) to have been filed when the notice of the making of the order was served on the fine defaulter; and
 - (iii) to have been filed by the appropriate officer who issued the infringement notice; and

- (b) the appropriate officer mentioned in paragraph (a)(iii), or another appropriate officer nominated by that person, is taken to be the complainant.

13 Section 53 amended (Enforcement costs under fine enforcement order)

Section 53(2)(b)

omit

by the Registrar of Motor Vehicles

14 Section 58 amended (Withdrawal of order)

Section 58(2)

omit, insert

- (2) The Fines Recovery Unit must withdraw a penalty enforcement order if requested to do so by the enforcement agency that issued the infringement notice to which the order relates.

15 Section 59 replaced

Section 59

repeal, insert

59 When enforcement action may be taken under this Division

The Fines Recovery Unit may take enforcement action under this Division if a fine defaulter:

- (a) has not paid a fine or penalty by the final date specified in the notice of the making of an enforcement order served on the fine defaulter; or
- (b) has been granted additional time to pay by the Fines Recovery Unit but has not paid a fine or penalty by the extended due date; or
- (c) has been allowed by the Fines Recovery Unit to pay a fine or penalty by instalments but has not paid an instalment at the time specified by the Unit for payment of that instalment.

16 Section 60 amended (Suspension of licence to drive)

(1) Section 60(1) to (3)

omit, insert

- (1) The Fines Recovery Unit may, without further notice to a fine defaulter, suspend the licence to drive of the fine defaulter until:

- (a) the enforcement order of the fine defaulter is satisfied; or
- (b) the Unit otherwise decides to lift the suspension.

- (2) The Fines Recovery Unit must notify the following in writing about the suspension:

- (a) the fine defaulter;
- (b) the Registrar of Motor Vehicles.

(2) Section 60(3A)

omit

subsection (3)

insert

subsection (2)

17 Section 61 amended (Suspension of vehicle registration)

Section 61(1) to (3)

omit, insert

- (1) The Fines Recovery Unit may take enforcement action under this section against the following:

- (a) a fine defaulter that is:
 - (i) a body corporate; and
 - (ii) the registered owner or one of the registered owners of a motor vehicle or vehicles;
- (b) a fine defaulter who:
 - (i) does not hold a licence to drive or whose licence to drive is already suspended (under this Act or another Act); and

- (ii) is the registered owner, or one of the registered owners, of a motor vehicle or vehicles.
- (2) The Fines Recovery Unit may, without further notice to the fine defaulter, suspend the registration of all or any vehicles of which the fine defaulter is the registered owner or one of the registered owners until:
 - (a) the enforcement order of the fine defaulter is satisfied; or
 - (b) the Unit otherwise decides to lift the suspension.
- (3) The Fines Recovery Unit must notify the following in writing about the suspension:
 - (a) the fine defaulter;
 - (b) the Registrar of Motor Vehicles.

18	Section 62 amended (Registrar of Motor Vehicles to refuse to exercise functions)
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- (1) Section 62, heading

omit, insert

62 Determination to cease to exercise functions related to motor vehicles

- (2) Section 62(1) to (3)

omit, insert

- (1) The Fines Recovery Unit may, without further notice to a fine defaulter, determine that the Registrar of Motor Vehicles is to cease to perform all of the functions mentioned in subsection (2) in relation to the fine defaulter until:
 - (a) the enforcement order of the fine defaulter is satisfied; or
 - (b) the Unit otherwise decides to lift the determination.
- (2) For subsection (1), the functions are the following:
 - (a) if the fine defaulter is an individual:
 - (i) issue of a licence to drive to the fine defaulter or renewal of the licence to drive of the fine defaulter; and
 - (ii) testing of the fine defaulter for the purpose of issuing a licence to drive to the fine defaulter;

- (b) registration, or renewal or transfer of the registration of, a vehicle in the name of the fine defaulter;
 - (c) grant of a motor vehicle trader's licence to the fine defaulter, or renewal of such a licence;
 - (d) grant of a temporary licence under section 137 of the *Motor Vehicles Act 1949* to the fine defaulter;
 - (e) grant or renewal of a pastoral vehicle permit in relation to a vehicle owned by the fine defaulter;
 - (f) issue of a number plate to the fine defaulter;
 - (g) a function prescribed by regulation for this section.
- (2A) Subject to section 66, the Registrar of Motor Vehicles must not perform a function mentioned in subsection (2) in relation to a fine defaulter if the Fines Recovery Unit has made a determination under subsection (1) in relation to the fine defaulter.
- (3) The Fines Recovery Unit must notify the following in writing about a determination under subsection (1):
- (a) the fine defaulter;
 - (b) the Registrar of Motor Vehicles.

19 Section 63 amended (Suspension of licence or registration may be lifted pending appeal etc.)

- (1) Section 63(1)
- omit, insert*
- (1) The Fines Recovery Unit may lift the suspension of a licence or registration imposed under section 60 or 61 (unless the licence or registration is also suspended under this Act for another order) if the fine defaulter to which the suspension relates:
- (a) is the subject of a penalty enforcement order and has lodged an application under Division 3 to have an application for annulment of the enforcement order determined by a court; or
 - (b) is the subject of a fine enforcement order and has lodged an appeal against the conviction or sentence in respect of which the fine was imposed.
- (2) Section 63(3)
- omit*

(3) Section 63(5)

omit

request the Registrar of Motor Vehicles to

(4) After section 63(5)

(5A) The Fines Recovery Unit must notify the following in writing about the suspension:

(a) the fine defaulter;

(b) the Registrar of Motor Vehicles.

20 Section 64 replaced

Section 64

repeal, insert

64 Lifting of enforcement action when enforcement order satisfied

The Fines Recovery Unit must, if a fine defaulter has paid all outstanding amounts under an enforcement order or the order has otherwise been satisfied:

(a) if the fine defaulter's licence to drive has been suspended under section 60 – lift that suspension; and

(b) if the registration of a vehicle belonging to the fine defaulter has been suspended under section 61 – lift that suspension; and

(c) if the Unit made a determination under section 62 in relation to the defaulter – lift that determination.

21 Section 66K repealed (Protection from liability)

Section 66K

repeal

22 Section 95 amended (Time to pay)

Section 95(7)(a) and (b)

omit, insert

- (a) if a suspension of the fine defaulter's licence to drive or vehicle registration has been imposed under Division 7, the Fines Recovery Unit must lift that suspension; and
- (b) if the Fines Recovery has made a determination to cease to perform functions related to motor vehicles in relation to the fine defaulter under section 62, the Fines Recovery Unit must lift that determination; and

23 Section 98 amended (Electronic transmission of orders and warrants)

Section 98(1)(a)

omit

request

insert

notification

24 Section 99AA inserted

After section 99, in Part 5, Division 11

insert

99AA Protection from liability

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise or performance of a function under this Part as any of the following:
 - (a) an authorised person;
 - (b) an immobilisation officer;
 - (c) an officer of the Fines Recovery Unit.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

(3) In this section:

exercise or performance, of a function, includes the purported exercise or performance of the function.

25 Section 113 amended (Allocation of monies)

Section 113(1)(d)

omit

Registrar of Motor Vehicles

insert

Fines Recovery Unit

26 Section 114 amended (Guidelines on exercise of functions under this Act)

Section 114(1)(c)

omit

the Registrar of Motor Vehicles,

Division 2 Fines and Penalties (Recovery) Regulations 2001

27 Regulations amended

This Division amends the *Fines and Penalties (Recovery) Regulations 2001*.

28 Regulation 6 replaced

Regulation 6

repeal, insert

6 Service of courtesy letter

A courtesy letter may be served on a person by sending it to the person's email address.

29 Regulation 7 amended (Election to have matter dealt with by a court)

Regulation 7(2)

omit, insert

- (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 sending it to the body's email address.

30 Regulation 8 replaced

Regulation 8

repeal, insert

8 Notification of fine

A notice for the purposes of section 24 of the Act may be served on a person by sending it to the person's email address.

31 Regulation 11 replaced

Regulation 11

repeal, insert

11 Service of notices

A notice specified in Schedule 4 may be served by on a person by sending it to the person's email address.

32 Schedule 3 replaced

Schedule 3

repeal, insert

Schedule 3 Enforcement costs

regulation 10

Item No.	Enforcement Action	Amount (revenue units)
1	Making of a penalty enforcement order	67
2	Making of a fine enforcement order	67

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

Part 3 Amendment of Motor Vehicles Act 1949

33 Act amended

This Part amends the *Motor Vehicles Act 1949*.

34 Section 10 amended (Granting of licences)

Section 10(7)

omit, insert

- (7) Before granting a licence to drive a motor vehicle to a person, the Registrar may, subject to section 62(2A) of the *Fines and Penalties (Recovery) Act 2001*, test, or arrange for an approved person to test, whether the person is capable of driving a motor vehicle of the particular class in relation to which the licence is sought.

Note for subsection (7)

Under section 62(1) of the Fines and Penalties (Recovery) Act 2001, the Fines Recovery Unit may determine that the Registrar is to cease to test a person for the purpose of issuing a licence to drive.

35 Section 16 amended (Affixing of number plates)

- (1) Section 16(4)(b), before "issue"
- insert*
- subject to section 62(2A) of the *Fines and Penalties (Recovery) Act 2001*,
- (2) After section 16(4)
- insert*
- Note for subsection (4)(b)*
- Under section 62(1) of the Fines and Penalties (Recovery) Act 2001, the Fines Recovery Unit may determine that the Registrar is to cease to issue number plates to a person.*

36 Section 20 amended (Sale or disposal of registered motor vehicle)

- Section 20(6)
- omit, insert*
- (6) This section applies to a motor vehicle the registration of which is suspended under section 61(2) of the *Fines and Penalties (Recovery) Act 2001* even though the vehicle is taken to be unregistered under section 61(4) of that Act during the period of the suspension.

37 Section 102 amended (Refusal, cancellation or suspension of authorities)

- (1) Section 102(1), after "Act"
- insert*
- , section 62(2A) of the *Fines and Penalties (Recovery) Act 2001*
- (2) Section 102(1)
- omit*
- shall
- insert*
- is to

(3) After section 102(1)

insert

Note for subsection (1)

Under section 62(1) of the Fines and Penalties (Recovery) Act 2001, the Fines Recovery Unit may determine that the Registrar is to cease to perform a number of functions under this Act, including in relation to:

- (a) *the grant or renewal of a person's licence; and*
- (b) *the grant or renewal of the registration of a motor vehicle owned by a person.*

(4) Section 102(2A)

omit

(5) After section 102(3)

insert

- (3A) Any licence or registration suspended by the Fines Recovery Unit under Part 5, Division 7 of the *Fines and Penalties (Recovery) Act 2001* is taken to have been suspended under this section, but notice of the suspension is not required to be given under subsection (7).

(6) Section 102(7A)

omit

Part 4 Repeal

38 Repeal of Act

This Act is repealed on the day after it commences.