

NORTHERN TERRITORY OF AUSTRALIA

EDUCATION (INFRINGEMENT NOTICE) REGULATIONS

Subordinate Legislation No. 28 of 2010

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**Schedule Infringement notice offences and
prescribed amounts**



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 28 of 2010*

Education (Infringement Notice) Regulations

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Education Act*.

Dated 9 December 2010

T. I. PAULING
Administrator

By His Honour's Command

C. B. BURNS
Minister for Education and Training

* Notified in the *Northern Territory Government Gazette* on 9 December 2010.

1 Citation

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

2 Commencement

These Regulations commence on 1 January 2011.

3 Definitions

In these Regulations:

authorised person means an authorized person mentioned in section 31 of the Act.

infringement notice, see regulation 5.

infringement notice offence, see regulation 4(1).

prescribed amount, see regulation 4(2).

4 Infringement notice offence and prescribed amount payable

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

5 When infringement notice may be given

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

6 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;

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

7 Payment by cheque

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

8 Withdrawal of infringement notice

- (1) The Chief Executive Officer may withdraw the infringement notice by written notice given to the person.

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

9 Application of Regulations

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

Schedule Infringement notice offences and prescribed amounts

regulation 4

Provision	Prescribed amount
section 21(1) of Act	\$200
section 22 of Act	\$200
section 22A of Act	2 penalty units
section 31(5) of Act	\$200