

NORTHERN TERRITORY OF AUSTRALIA

EDUCATION (INFRINGEMENT NOTICE) REGULATIONS 2019

Subordinate Legislation No. 2 of 2019

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Subordinate Legislation No. 2 of 2019*

Education (Infringement Notice) Regulations 2019

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Education and Care Services (National Uniform Legislation) Act 2011*.

Dated 27 February 2019

V. S. O'HALLORAN
Administrator

By Her Honour's Command

M. P. F. Gunner
Chief Minister
acting for
Minister for Education

* Notified in the *Northern Territory Government Gazette* on 6 March 2019.

1 Citation

These Regulations may be cited as the *Education (Infringement Notice) Regulations 2019*.

2 Commencement

These Regulations commence on the day on which they are notified in the *Gazette*.

3 Definitions

In these regulations:

enforcement agency, see section 5 of the *Fines and Penalties (Recovery) Act 2001*.

infringement notice means a notice served under section 291(1) of the Education and Care Services National Law.

infringement notice offence, see regulation 4.

prescribed amount means the amount determined in accordance with section 291(2) of the Education and Care Services National Law.

4 Infringement notice offence

An infringement notice offence is an offence against a provision:

- (a) specified in section 291(1) of the Education and Care Services National Law; or
- (b) prescribed for section 291(1) of the Education and Care Services National Law.

5 Contents of infringement notice

- (1) An 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 to which 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 notice 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 2001* 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 2001*, 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).

6 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the bank account of the enforcement agency to which the amount is payable.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

7 Withdrawal of infringement notice

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

8 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.