

Infringement notices – QECNT operational procedure

Department of Education and Training

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Read this document with the Regulation Framework: Quality Education and Care Northern Territory (NT).

1. Introduction

From 2 January 2026, changes to the *Education and Care Services National Law Act 2010 (National Law)* and the *Education and Care Services National Regulations (National Regulations)* agreed to by all Education Ministers meant that all maximum court-imposed penalties would be tripled. Education Ministers also agreed to expand the number of offences eligible for Penalty Infringement Notices (PINs), also known as an Infringement Notice.

Changes aim to reflect the seriousness of non-compliances and align with community expectations for child safety. Quality Education and Care Northern Territory (QECNT) as the early childhood Regulatory Authority for the Northern Territory, is responsible for administering these strengthened enforcement powers and ensuring infringement notices are applied consistently, lawfully and in accordance with the National Law and National Regulations.

Authorised officers may issue an infringement notice on a person or Approved Provider for offences prescribed under section 291 of the National Law and regulation 190 of the National Regulations.

Appendix A provides a summary of the offences and associated penalties.

The Fines Recovery Unit of the Department of the Attorney-General and Justice is responsible for recovering fines payable through infringement notices. This document outlines the principles and procedures for QECNT authorised officers issuing an infringement notice and managing enforcement actions in partnership with the Fines Recovery Unit.

1.1. Procedures

1.1.1. Key principles

When considering whether to issue an infringement notice, the following principles should be observed.

An infringement notice:

- can only be issued for specified offences
- must be in the prescribed form
- must be considered in line with QECNT's regulatory approach, including proportionality, risk and the seriousness of the non-compliance
- must be issued in a manner that upholds procedural fairness
- expiates or resolves the matter following payment of the penalty
- once paid, cannot be considered in assessing and rating a service or when assessing if a person is fit and proper
- is often not issued at the time that the breach is identified i.e. not issued 'on the spot'
- requires evidential material to be obtained prior to issue

1.1.2. Risk Based Approach

Authorised officers are to apply a risk-based approach to regulation where regulatory action is escalated to the level of an infringement notice.

A risk-based approach enables the Regulatory Authority to optimise its efforts by concentrating on approved providers and education and care services that pose the greatest risk to the health, safety, and wellbeing of children and to monitor services that have been assessed as posing a lesser risk.

Risk can arise:

- through any part of the environment where education and care is provided to children, including the physical environment, staff members and other people at the service
- from an action or through a failure to act
- from systemic failure, such as a provider not having adequate systems in place to control for risk.

Education and care services that are willing and able to comply receive less contact from the Regulatory Authority than non-compliant services that are actively monitored and, when breaches of the legislation are identified, the Regulatory Authority takes enforcement action if required.

This approach is consistent with the Braithwaite Regulatory Pyramid refer Appendix B, which is the foundation of QECNT's risk-based regulatory approach. The Regulatory Authority analyses information and data to inform the regulatory response which escalates relative to the regulated entities' behaviour or practices

1.1.3. Issuing an infringement notice

Given the issuing of an infringement notice may result in the recipient electing to take the matter to court. the decision must follow prescribed steps to ensure it is lawful, evidence based and consistent with the QECNT Regulatory Framework.

The delegated power to issue an infringement notice rests with an authorised officer; however, endorsement is provided by the Director, QECNT to support the defensibility, consistency and integrity of enforcement decisions.

Step 1: Criteria for issuing infringement notices

Where an authorised officer considers that there are reasonable grounds to issue an infringement notice, they must satisfy the following criteria prior to seeking endorsement from the Director.

- a) The service, approved provider or individual has a documented history of significant non-compliance and a demonstrated unwillingness to comply.
- b) The evidence that has been collected is clear, unambiguous and sufficient to establish all the elements of the offence as prescribed in the National Law or National Regulations.
- c) The breach does not form part of any other regulatory action that QECNT may be pursuing against the service, approved provider or individual.

Step 2: Approval to issue infringement notice

- a) The Assistant Director will provide the authorised officer guidance on the evidence sufficiency, procedural fairness of the proposal.

Where the above criteria are met, and sufficient evidence is obtained the Director may then endorse the authorised officer to issue the infringement notice

Step 3: Creating the compliance action

Once approval has been granted to issue the infringement notice, the authorised officer must create the compliance action (CA) record in National Quality Agenda IT System (NQAITS). One CA record can include multiple sub-regulations, if more than one is being breached within an infringement notice. This must be recorded in the CA, at the lowest sub-regulation level.

All infringement notices must use their own unique infringement notice number. This reflects the last 6 numerical digits of the CA in NQAITS.

- a) Once approval has been granted to issue an infringement notice, the authorised officer must create the CA record in NQAITS.
- b) Upon creation of the CA record, the authorised officer will locate the electronic infringement notice template in TRM.
- c) The Infringement Notice No. (QE) is the last six numerical digits of the CA. This is immediately added to the notice. This is placed twice on the document, first at the top right-hand side of page 1, and second on the right-hand side of the payment slip section.
- d) Complete all section of the notice
- e) Save the file into the relevant CASE File in TRM with the following file name formatting:
 - a. For an approved provider:
 - PR Number – Provider Name – Infringement Notice – QE 123456 – Date Issued
 - b. For a nominated supervisor:
 - SE Number – Service Name – Nominated Supervisor Name – Infringement Notice – QE 123456 – Date Issued
 - c. For a family-day care educator:
 - SE Number – Service Name – FDC Educator Name – Infringement Notice – QE 123456 – Date Issued
- f) The authorised officer will complete all details available on the notice.
For an approved provider notice the authorised officer must tick the Business/Body Corporate box.
- g) When completing the Offence Details, the authorised officer must complete all sections.
 - a. The code is the Offence Code locate in the Offence Code Table. Located in the secure QECNT Teams file.
 - b. Use the 'short description' from the Offence Code document, in the nature/description of offence.
 - c. The section, refers to the Section of Regulation and is listed as S161 or R86.
 - d. The penalty value is 10% of the listed value in the National Law and Regulations.
 - e. The victims levy applies. Section 61 of *Victims of Crime Assistance Act 2006* imposes a victims assistance levy. The levy is set at 40 revenue units.

Authorised officers are required to calculate the current revenue unit by 40 to ensure the victims level is accurate, before adding to the notice.

The current revenue unit value can be found here - Territory Revenue Office - <https://nt.gov.au/employ/money-and-taxes/taxes-royalties-and-grants/territory-revenue-office/revenue-units>.

- h) If the Authorised Officer has identified **multiple offences on the one notice** they must:
 - a. ensure different offence codes and sections of legislation are used
 - b. ensure values are correct
 - c. ensure that the multiple offences are issued to the same person.

Note: There is no prescribed maximum number of offences on one notice, provided that they related to the same person/business. When issuing multiple offences on the one notice, only 1 levy applies.

- i) Authorised officers are not required to complete any details in the payment slip section, except the Infringement Notice number in red.
- j) Authorised officers are not required to complete any details on Page 2.
- k) Save the Infringement Notice as a PDF and place in TRM using the naming format outlined in Step 3(e).

Step 4: Serving the infringement notice

The infringement notice is issued using an electronic Infringement Notice. All sections must be completed in full to ensure that all prescribed information is contained in the notice.

The Fines Recovery Unit will register the infringement notice for payment and potentially enforcement action should payment not be received. The Fines Recovery Unit will report to QECNT to advise of when fines have been recovered.

Depending on the offence, an infringement notice may be served on an approved provider, a nominated supervisor or a family day care educator and will be served as follows:

Who	Service of Notice
Approved provider	The infringement notice will be saved as a PDF and served via email.
Nominated supervisor or Family day care educator	The infringement notice will be saved as a PDF and served via email, unless prior permission has been provided by the Director to issue the notice in person.

Note: Section 293 of the National Law also permits notices to be served by mail and fax. Authorised officers will utilise these methods only in the event that the above service of notice options fail.

- a) Once the notice is complete, Authorised Officer’s must email it to FRU via - Fru.nt.gov.au. This process allows FRU to ensure everything is accurate before the notice is issued to the recipient.

Authorised Officer’s should allow up to **two business days** for a response from FRU to confirm the notice is ready to be issued. If you believe the Infringement notice needs to be issued immediately, seek endorsement from Director QECNT.

- b) Upon confirmation from FRU that the notice is ready, Authorised officers must email the notice to the recipient. Your email should be sent from the QECNT inbox and include a read receipt.

When emailing a notice to an Approved Provider, the authorised officer will need to ensure they email the relevant persons with management and control, in addition to any provider generic email address.

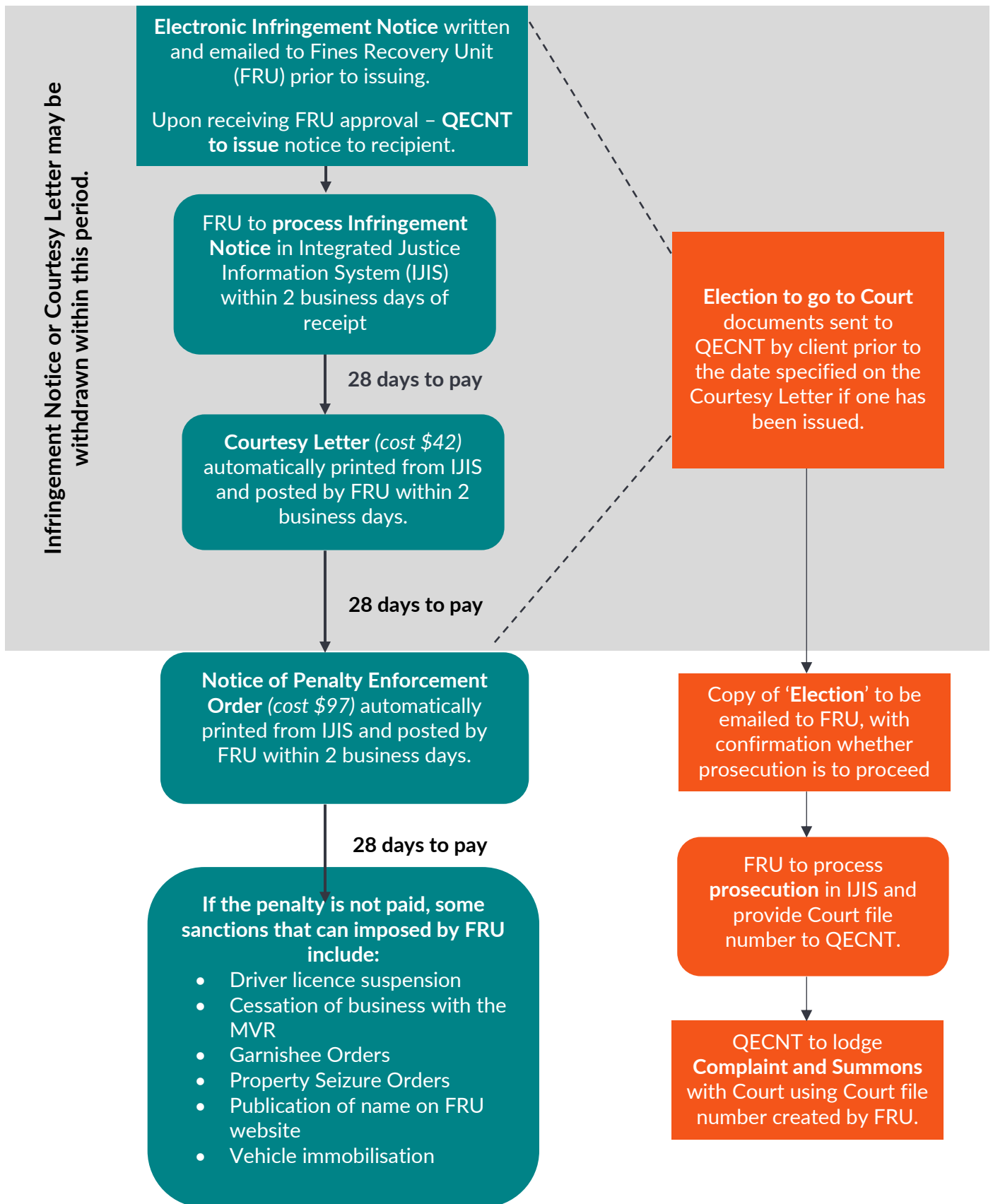
Step 5: Infringement Notice record keeping

The original Infringement notice remains in the TRM file aligned to the CA in TRM. However, once an Infringement notice is sent the authorised officer must save the email that includes the Infringement notice into TRM to support record keeping for all notices issued.

- a) After sending the notice, the Authorised Officer will save the email with attached Infringement notice to relevant TRM File for the CA. Using the naming format shown below:
 - a. the authorised officer must save the email with attached Infringement notice to TRM File that has been created for the CA using the same format outlined in Step 3(e). Simply add to the title 'EMAIL Sent.'. See example below: For an approved provider:
 - EMAIL SENT - PR Number – Provider Name – Infringement Notice – QE 123456 – Date Issued
 - b. For a nominated supervisor:
 - EMAIL SENT - SE Number – Service Name – Nominated Supervisor Name – Infringement Notice – QE 123456 – Date Issued
 - c. For a family-day care educator:
 - EMAIL SENT - SE Number – Service Name – FDC Educator Name – Infringement Notice – QE 123456 – Date Issued
- b) The authorised officer must also add the details to the Infringement Notices Register in the secure QECNT Teams file.

Note: Fines Recovery Unit does not have any authority to take enforcement action on approved providers that are based outside of the Northern Territory. An infringement notice may still be issued.

The Infringement notice to enforcement process from QECNT to FRU is explained in diagram below.



Turn Around time for FRU queries is 2 business days.

1.2. Withdrawal of infringement notice or courtesy letter

An infringement notice may be withdrawn at any time within 28 days of its issue, but before payment has been made. Where reasonable grounds exist for an infringement notice to be withdrawn, this must be raised with the Director QECNT who will endorse the authorised officer to communicate with the Fines Recovery Unit to withdraw the notice in writing. Similarly, the *Fines and Penalties (Recovery) Act 2016* allows for a courtesy letter to be withdrawn in the same manner and circumstances as an infringement notice.

QECNT must simultaneously provide written advice to the Fines Recover Unit of any decision to withdraw an infringement notice or courtesy letter. If an infringement notice or courtesy letter is withdrawn the offence is then able to be considered in any future regulatory action.

1.3. Election to go to court

The recipient of an infringement notice may elect to have the matter dealt with in court by completing the 'Notice/Statement of election' which forms part of the infringement notice and the courtesy letter. The election must be sent to QECNT via email or mail prior to the expiry date on the notice or courtesy letter.

Upon receipt of an election to go to court, QECNT will:

1. Brief the Senior Director Early Childhood and Deputy Chief Executive Officer Early Years and School Services as well as the department's Legal Officer to gain legal representation.
2. Email a copy of the election to go to court to the Fines Recovery Unit who will provide the Court File number to be used when QECNT lodge the Complaint and Summons at Court.

2. Roles and responsibilities

2.1. Quality Education and Care NT

Quality Education and Care NT must:

- Develop, review and maintain procedures and other related documents relating to infringement notices to support the effective enforcement of infringement notices within the National Law and National Regulations.

2.2. Authorised Officers

Authorised Officers must:

- gather evidence in accordance with the National Law and National Regulations.
- identify potential offences and recommend appropriate enforcement actions, including infringement notices.
- prepare documentation and evidence to support decision-making.
- maintain accurate records including evidence and correspondence in approved systems i.e. TRM, NQAITS.
- communicate with approved providers and services in line with procedural fairness requirements.

2.3. Assistant Director QECNT

The Assistant Director must:

- provide oversight, guidance and quality assurance for breaches that may lead to infringement notices
- review authorised officer recommendations and confirm evidence sufficiency, risk assessment and procedural fairness
- ensure consistent application of enforcement pathways across the team
- escalate complex or sensitive matters to the Director as required.

2.4. Director QECNT

The Director must:

- exercise delegated powers under the National Law to issue infringement notices
- assess recommendations and evidence to ensure decisions are lawful, proportionate and aligned with the regulatory approach
- approve, decline or request further information before endorsing the issuing an infringement notice
- ensure decisions are documented and communicated in accordance with statutory requirements
- monitor consistency and integrity of enforcement decisions across QECNT.

2.5. Legal Services

Legal Services representative may:

- provide advice on complex, contested or high-risk matters
- support interpretation of the National Law and National Regulations where required.

3. Related legislation, policy, resources and documents

3.1. Legislation

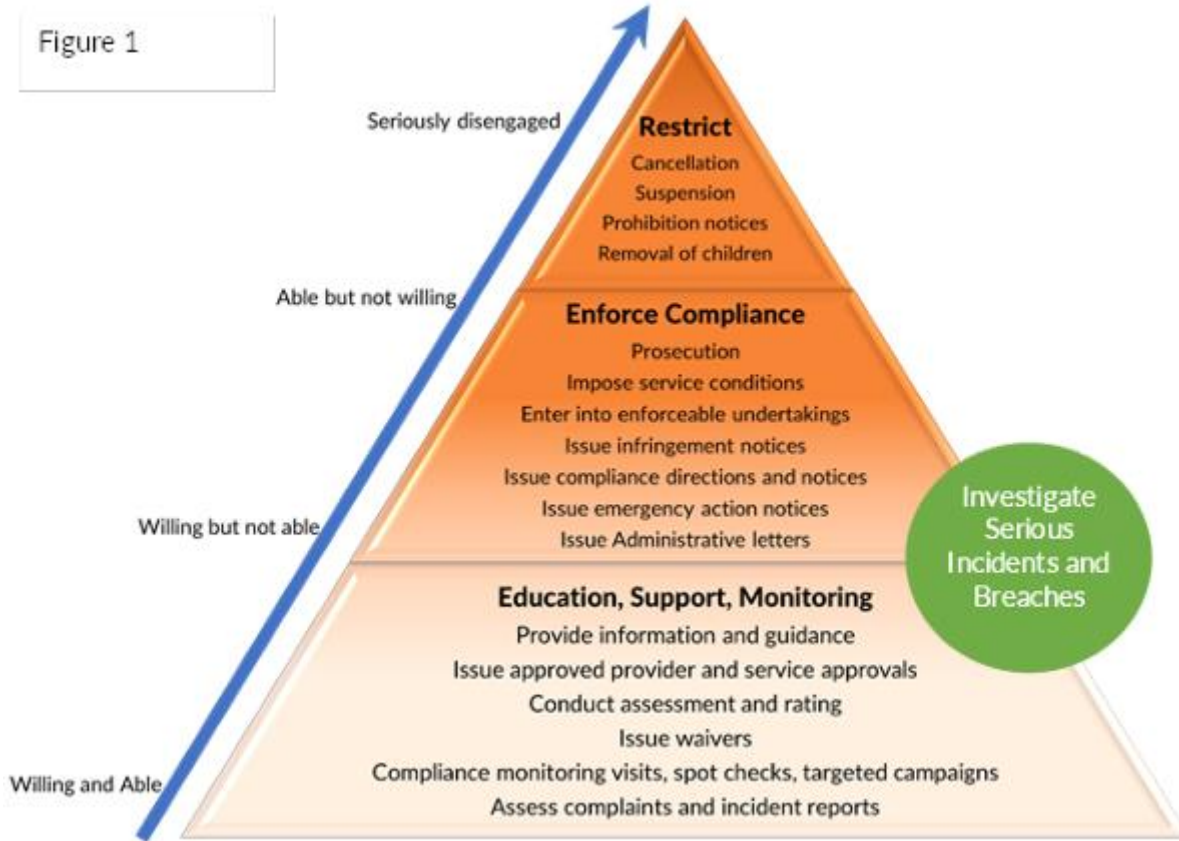
- Education and Care Services national Law Act 2010 - <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/026>
- Education and Care Services (National Uniform Legislation) Act 2011 – <https://legislation.nt.gov.au/en/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
- Education and Care Services National Regulations 2011 (NSW) - <https://www.legislation.nsw.gov.au/#/view/regulation/2011/653>
- Fines and Penalties (Recovery) Act (NT) 2001 - <https://legislation.nt.gov.au/Legislation/FINES-AND-PENALTIES-RECOVERY-ACT-2001>

- Fines and Penalties (Recovery) Regulations (NT) 2017 - <https://parliament.nt.gov.au/committees/previous/EPSC/60-2018/key-documents/Fines-and-Penalties-Recovery-Regulations.pdf>
- Education and Care Services (National Uniform Legislation) (Infringement Notice) Regulations 2019 - <https://legislation.nt.gov.au/en/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-INFRINGEMENT-NOTICE-REGULATIONS-2019>

3.2. Resources

- Regulation framework – Quality Education and Care NT as the Regulatory Authority for education and care services in the Northern Territory - <https://education.nt.gov.au/media/docs/qecnt/qecnt-regulation-framework.pdf>

4. Appendix A – Responsive Regulation Model



Acronyms	Full form
CA	Compliance Action
FRU	Fines Recovery Unit
IJIS	Integrated Justice Information System
MVR	Motor Vehicle Registry
NQAITS	National Quality Agenda IT System
PINs	Penalty Infringement Notices
QECNT	Quality Education and Care NT
TRM	Territory Record Manager

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