

Motor Vehicle Registry Information Bulletin

## L29 – NT Demerit Points Scheme

### When You Receive a *Notice of Suspension or Good Driving Behaviour Option* Time to Give Undertaking; Give Undertaking by Other Means; Review Record

Effective Date: 1 September 2007

If you accrue 12 or more demerit points within 3 years, a Notice of Suspension or Good Driving Behaviour Option ("**Notice**") will be issued to you.

Learner and Provisional licence holders will be issued the Notice when they accrue 5 or more demerit points within 12 months.

The Notice has the effect of suspending your licence to drive in the Territory, your right to drive in the Territory (if you are a visiting driver), and your right to obtain or renew a licence to drive in the Territory.

The suspension will take effect 28 days after the date of the Notice. It occurs by virtue of the provisions of the Demerit Point Scheme under the Motor Vehicles Act, and is not able to be appealed or reviewed in any court.

However, if you are eligible, you may, as an alternative to suspension, give an undertaking to be of good driving behaviour for 12 months, on or before 21 days after the Notice date.

#### Am I Eligible to Give an Undertaking to be of Good Driving Behaviour?

You must hold a Territory licence to drive (including a learner or provisional licence or a licence that is expired or unusable because you are currently disqualified from driving) or you must obtain such a licence before the date by which the undertaking must be given.

If when you lodge your undertaking you are disqualified from driving due to licence cancellation, your period of good driving behaviour won't begin until you re-obtain a Territory licence.

#### Where Can I Find Information Regarding My Options?

These are detailed on the reverse of the Notice. Further information is provided in MVR Information Bulletin [L28 – NT Demerit Points Scheme and How It Affects You](#).

#### Exceptional Circumstances

1. If you think it is excessively difficult for you to give, **within 21 days**, an undertaking to be of good driving behaviour, you may apply for additional time to give the undertaking.
2. If you think it is excessively difficult for you to lodge, **in person**, your undertaking to be of good driving behaviour, you may apply to lodge your undertaking by other means.
3. If you think that there is an error in the number of demerit points that can be taken into account against you for a demerit points offence, you may apply for a **review of your active demerit points** record.

The effect of the Notice will not be stopped automatically when you make your application.

The effective date for the beginning of a suspension period may be set aside if, and only if, the Registrar **in writing** –

- Allows additional time for you to give an undertaking to be of good driving behaviour; or
- Corrects your demerit points record.

### **Application Procedures**

- An application must be on the attached [Demerit Points Application form \(L 13\)](#).
- There is no application fee.
- All relevant fields in the application form must be completed.
- The Registrar of Motor Vehicles (“Registrar”) must be satisfied that your reasons are complete, correct and valid, and/or your circumstances are in fact exceptional. You are encouraged to attach to your application as many additional pages or other supporting information or documentation that you consider necessary for the Registrar to take into account.

## **1 Extension of Time to Give Undertaking to be of Good Driving Behaviour**

You may apply for an extension on one of two grounds:

- the Registrar is satisfied that you did not receive the Notice in sufficient time to give the undertaking, for a reason other than wilful avoidance; or
- the circumstances are exceptional and warrant extending the time to give the undertaking.

You can make only one application for an extension per Notice.

You may apply for an extension of time in addition to the 21 days specified on the Notice. After considering your application, the Registrar may allow less, or more, or no additional time for you to give an undertaking.

It is an offence under the Motor Vehicles Act for a person to fail to notify the Registrar in writing of the person’s current address. If you submit that a change of address is a reason for your application, your application may not be accepted by the Registrar.

## **2 Give Undertaking by Means Other Than In Person**

You must satisfy the Registrar on both of two grounds:

- as to your identity; and
- that in the circumstances it would be unduly onerous to require you to lodge the undertaking in person.

Please call the Demerit Points Unit on 1300 364 924 to determine an alternative means to establish your identity.

The grounds of “unduly onerous” include but are not limited to the meaning that it would be an oppressive measure, well out of proportion to the unsafe driving behaviour that has given rise to the Notice, for you to return an undertaking in person.

If you submit that inconvenience is a circumstance motivating your application, the Registrar may not be satisfied that it would be unduly onerous for you to return an undertaking in person.

### 3 Review of Active Demerit Points Record

Two grounds for review are:

- i. your active demerit points record includes a demerit points offence, in the Territory or elsewhere, in relation to which an infringement notice was not issued to you (or was withdrawn) or you were not found guilty (or the finding was quashed); or
- ii. your active demerit points record includes an incorrect number of demerit points recorded for a demerit points offence.

The form requires you to provide information regarding the offence in question.

#### Registrar's Decision

If the Registrar is satisfied that your case meets the legislated criteria for allowing an extension, or lodgement by other means, or for correcting your demerit points record, you will be advised in writing. The advice will detail any effect on your Notice.

You have a right of appeal to the Local Court against a decision of the Registrar. However, a suspension under the Demerit Points Scheme provisions occurs by virtue of law and is not able to be appealed or reviewed in any court.

<b>Contact Details</b>	
<b>Demerit Points Unit</b>	
Telephone	1300 364 924
Facsimile	(08) 8999 3117
Email	<a href="mailto:demerit.points@nt.gov.au">demerit.points@nt.gov.au</a>
<b>Motor Vehicle Registry</b>	
Telephone	1300 654 628
Facsimile	(08) 8999 3103
Email	<a href="mailto:mvr@nt.gov.au">mvr@nt.gov.au</a>
Web	<a href="http://www.mvr.nt.gov.au">www.mvr.nt.gov.au</a>
Postal Address	GPO Box 530 Darwin NT 0801

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### Demerit Points Application

#### Extension of Time to Give Undertaking / Give Undertaking by Other Means / Review Record

Please carefully consider the information in MVR Information Bulletin L29 – NT Demerit Points Scheme – Application For Time to Give Undertaking; Give Undertaking By Other Means; Review Record.

Instructions: If you think you would like to make an application:

- Please read the relevant section below carefully.
- If you decide to make the application, please complete and sign it, and attach supporting documents as necessary.
- Signing means that you acknowledge your application as detailed in the section.
- Ensure that you have completed the Personal Details section.
- Return your application **in person** to an MVR or remote Police Station. If you believe that it would be unduly onerous for you to attend in person, please call 1300 364 924 for alternative means to establish your identity.

#### Personal Details of Applicant

Surname	Given Names	Date of Birth
<input type="text"/>	<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>
Residential Address	Postal Address (if different to Residential)	
<input type="text"/>	<input type="text"/>	
Notice ID Number (at Notice top, if this application relates to a Notice of Suspension or Good Driving Behaviour Option (your "Notice"))	Telephone Numbers	
<input type="text"/>	Home	Work
	<input type="text"/>	<input type="text"/>
		Mobile
		<input type="text"/>

#### 1 Extension of Time to Give Undertaking to be of Good Driving Behaviour

In relation to my Notice, I apply for an extension of time to give an undertaking to be of good driving behaviour. I acknowledge that:

1. I have read and understand the options contained in my Notice;
2. I am eligible to undertake to be of good driving behaviour;
3. I can make only one application for an extension in relation to my Notice;
4. The effective date in my Notice for the beginning of the suspension period is set aside if, and only if, the Registrar of Motor Vehicles in writing allows additional time for me to give an undertaking to be of good driving behaviour;
5. If I submit that a change of address is a reason for this application, my application may not be accepted by the Registrar (it is an offence under section 95(1) of the *Motor Vehicles Act* for a person to fail to notify the Registrar in writing of the person's current address); and
6. All the information supplied by me concerning this application is complete and correct.

I submit that (tick the relevant case):

- I did not receive my Notice in sufficient time to give the undertaking, for the reasons I submit below.
- The circumstances are exceptional (submitted below) and warrant extending the time for me to give the undertaking.

An additional (tick one):  2 weeks  1 month  2 months will be sufficient time for me to give the undertaking.

Reasons or Circumstances (Please attach as many additional pages or other supporting information or documentation that you consider necessary)

Signature (of applicant) .....

Date  /  /

**2 Give Undertaking by Means Other Than in Person**

In relation to my Notice, I apply for dispensation from the requirement to attend in person at a Motor Vehicle Registry outlet or remote Police Station to give an undertaking to be of good driving behaviour.

I acknowledge that:

- 1. I have read and understand the options contained in my Notice;
- 2. I am eligible to undertake to be of good driving behaviour;
- 3. If I submit that inconvenience is a circumstance motivating this application, the Registrar of Motor Vehicles may not be satisfied that it would be unduly onerous for me to return an undertaking in person; and
- 4. All the information supplied by me concerning this application is complete and correct.

I submit that:

- 1. In the circumstances I give below it would be unduly onerous to require my personal attendance at a Motor Vehicle Registry outlet or remote Police Station to give an undertaking to be of good driving behaviour; and
- 2. If, and only if, the Registrar in writing gives me dispensation from the requirement to attend in person, I am able to give the undertaking by other means.

**Circumstances** (Please attach as many additional pages or other supporting information or documentation that you consider necessary)

Please call the Demerit Points Unit on 1300 364 924 to determine an alternative means to establish your identity.

Signature (of applicant) .....

Date / /

**3 Review of Active Demerit Points Record**

I apply for a review of the active demerit points recorded against me.

I submit that my active demerit points record includes (tick the relevant case):

- 1  A demerit points offence, in the Territory or elsewhere, IN RELATION TO WHICH an infringement notice was not issued to me (or was withdrawn) or I was not found guilty (or the finding was quashed). I submit the required details below and attach the required supporting documentation.
- 2  An incorrect number of demerit points recorded for a demerit points offence. I submit the required details below.

**Required Details** (as appear on your demerit points record):

Date Offence Committed	Description of Offence
/ /	<div style="border: 1px solid black; min-height: 100px;"></div>
Number of Points Recorded for Offence on my Record	

**Required supporting documentation to be attached to this application**, only if you ticked Box 1:

Written advice from the Police Force of the jurisdiction in which the above offence was committed, specifying that in relation to the offence, an infringement notice was not issued to you, or was withdrawn, or that you are not guilty, or that a finding of guilt against you was quashed. An extract from a database without a Police covering letter will not be accepted.

Signature (of applicant) .....

Date / /

**Privacy Statement** The Registrar of Motor Vehicles is required to collect information under the Demerit Points Scheme provisions under the Motor Vehicles Act. The Registrar adheres to the Department of Planning and Infrastructure's Privacy Statement and the Information Act. Further information on privacy can be found at [www.dpi.nt.gov.au](http://www.dpi.nt.gov.au)

**Office Use Only**

MVR Acceptance Date: ...../...../.....

Police Officer Number .....

- Extension of Time to Give Undertaking
- Review Record
- Give Undertaking by Other Means
- Notice ID Verified

Receiving Officer (print name)..... (signature).....