

4.3 Camera-detected offence notice—statutory declarations

What is a camera-detected offence notice?

A camera-detected offence notice is a fine issued from speed and red light cameras. These fines are issued in the name of the registered owner of the vehicle.

The *Transport Operations (Road Use Management) Act 1995* allows for the registered owner (which can be a person or a company) to transfer liability of a camera-detected offence. In other words, the person who was driving the vehicle receives the penalty—not the registered owner.

For the transfer of liability of the offence to occur, a statutory declaration must be completed.

Who can make this type of statutory declaration?

There are several options available as to who may make these types of declarations. These can include:

- the registered owner (the person whose name is printed on the infringement notice)
- an executive (owner, manager, secretary or supervisor) of the corporation/company named in the infringement notices
- the driver or person in charge of the vehicle at the time of the offence—this is referred to as a self-nomination
- a person who has control of another person's affairs such as power of attorney or an executor of an estate. Certified copies of the document authorising this person as the power of attorney must accompany the completed statutory declaration.

Sections 114 (3) and (4) of the *Transport Operations (Road Use Management) Act 1995* state:

(3) It is a defence to a camera-detected offence, other than an unregistered or uninsured offence, for a person to prove that—

a. the person was not the driver of the vehicle at the time the offence happened; and

b. the person—

(i) has notified the commissioner or chief executive of the name and address of the person in charge of the vehicle at the time the offence happened; or

(ii) has notified the commissioner or chief executive that the person did not know and could not, with reasonable diligence, have ascertained the name and address of the person in charge of the vehicle at the time the offence happened.

(4) A defence under subsection (3) or (3A) is available only if the person notifies the commissioner or chief executive about the matters in subsections (3) and (6), or subsection (3A), in a statutory declaration given within the required time.

How do you witness a camera-detected offence statutory declaration?

You should follow the general procedure for witnessing signatures, as outlined in the general witnessing chapter 4.1. For a statutory declaration, however, you should also check it gives the following information.

Name and address of the declarant

The declarant is to complete this section if:

- They are the registered owner of the vehicle but were not the driver at the time of the offence.
- They are completing the statutory declaration on behalf of a company and they are authorised by the company to do so. (Note: The declarant must record their position/title within the company structure.)
- They were the driver of the vehicle at the time of the offence (self-nomination).

Particulars of person

If the declarant is the registered owner of the vehicle but was not the driver at the time of the offence, they nominate the driver here, providing as full details of the driver as possible. If the declarant is self-nominating, they must record their full particulars.

Residential address

This must be the residential street address of the person in charge of the vehicle at the time of the offence. A residential address is also where a corporation is located. Property names and unit or flat numbers can be included in the address details. A postal address is not acceptable.

Signature of declarant

The person named as the declarant must sign the statutory declaration.

Witnessing officer

Insert your signature, title and registration number. You must also print your full name (including middle name/s, not initials). If you apply your seal of office, this may be placed adjacent to this field. Please ensure your seal of office does not obscure or cover any information inserted into the document.

Enter the details in your logbook

You can include information in your logbook such as:

- date
- document witnessed
- declarant's details
- type of identification sighted
- location of signing
- other relevant details.

Things to bear in mind

- Ensure you and the person making the declaration initial any corrections (including any corrections using white-out or correction fluid).
- Ensure the deponent has written all names in full.
- Rule out irrelevant sections i.e. ‘stolen/sold vehicle’ and ‘both parties to initial’.
- Never void, cancel or decline to witness an expired infringement notice. It is the receiving body’s decision to reject or accept an expired notice. Advise the deponent of this.
- The declarant can record an overseas or international licence number on the declaration.
- If an executive officer is completing the infringement notice, they must record their position, title and company name (as per the infringement notice) next to their printed full name.

Where can I get more information?

Traffic infringement notices

www.police.qld.gov.au

Queensland legislation

www.legislation.qld.gov.au

Forms

Traffic infringement notice—statutory declaration

www.police.qld.gov.au/programs/roadSafety/infringement/notice.htm

Sample form

Statutory Declaration—Traffic Infringement Notice (page 1 of 1)

Your Options (select only one option and complete only one section)

No reminder will be issued. You have only 28 days from the notice date to choose a payment option, return the statutory declaration or elect to have the matter dealt with by a Magistrate's Court. If you do not take one of these actions within 28 days, enforcement action may be taken to recover the penalty amount and any additional fees payable. If relevant, any demerit points will be taken to be effective from the date of the offence.

- ☐ **Option 1** - If you **WERE NOT** in charge of the vehicle - **DO NOT** pay Infringement Notice - **complete and return** Statutory Declaration (see **Section A - Statutory Declaration**).
- ☐ **Option 2** - Elect to have the matter dealt with in court, **DO NOT** pay Infringement Notice (see **Section B - Election for Court Hearing**).
- ☐ **Option 3** - If you **WERE** in charge of the vehicle, payment of the fine in full or by way of instalments (see **Section C - Payment Methods**).

The *State Penalties Enforcement Act* provides this notice may be withdrawn before or after the fine is paid.

Section A - Statutory Declaration

DO NOT pay Infringement Notice. **Complete the Statutory Declaration below** and return **within 28 days** of the notice date. A new Infringement Notice will be issued to the person you nominate as the person in charge of the vehicle at the time of the offence, and that person will be advised of the particulars of the nomination.

Note: Person in charge includes the person driving, or responsible for the vehicle, or the new owner of the vehicle. When this notice is served on the registered owner, that person is taken to have committed the offence even though the person driving may have been someone else. The registered owner may transfer liability to the person in charge of the vehicle by correctly completing the below Statutory Declaration and returning it **within 28 days** of the notice date. If you are completing the declaration on behalf of a corporation, you must be an Executive Officer of that corporation and include your position title.

STATUTORY DECLARATION		Oaths Act 1867	
I, Registered owner or person in charge of the vehicle at the time of offence Position/title within the company			
Given names		Family name (If corporation, position - must be an Executive Officer)	
of, Street address of the declarant			
Residential address		Postcode	
Do solemnly and sincerely declare that at: <<hhmm>> on dd/mm/yyyy			
<input type="checkbox"/> THE PERSON IN CHARGE* OF THE VEHICLE REGISTRATION NUMBER <<rego number>> was:			
Person in charge of the vehicle at the time of offence			
Particulars of Person	Given name/s	Family name	Date of birth
	Residential address		Licence number (if known)
	Postcode		
<input type="checkbox"/> The vehicle was sold on (Date) _____ (new owner details must be inserted above)			
<input type="checkbox"/> The vehicle was stolen or illegally taken at the time of the offence and the matter was reported to _____ on ____/____/____.			
Queensland Police Service Crime Report Number _____			
And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the <i>Oaths Act</i> .			
Signature of Declarant		Taken and declared before me at _____ Location	
In the state of _____		This _____ day of _____ 20____	
Signature of Justice of the Peace/Commissioner for Declarations		Printed name, title and qualification of witness	

Signature of the person making the declaration

Insert your signature, full name, qualification and registration number

Return this Statutory Declaration within 28 days of the notice date to: Director, Traffic Camera Office, Queensland Police Service, GPO Box 1440, BRISBANE QLD 4001.







Privacy Statement: The Department of Transport and Main Roads and Queensland Police Service collects the information on this form under the *State Penalties Enforcement Act* and the *Transport Operations (Road Use Management) Act* so that the identity of the person who is alleged to have committed the offence may be established. This information is accessible by the Queensland Police Service and may be used for law enforcement purposes. The information is also accessible by authorised departmental officers and some of this information may be disclosed to other Queensland government departments and interstate government authorities. The department will not disclose your personal details to other third parties without your consent unless authorised by law.

Section B - Election for Court Hearing

You have the right to elect to have this matter dealt with by a court. This Election for Court Hearing must be completed and the complete notice forwarded to the Department of Transport and Main Roads within the 28 day period from the date of issue of this Infringement Notice. **DO NOT** pay Infringement Notice.

I, _____	Given name/s	Family name	(If corporation, position - must be an Executive Officer)
elect to have this matter dealt with by a Court of Law and understand proceedings may be commenced. Send completed Court Election to:			
Signature _____		Date ____/____/____	
Department of Transport and Main Roads PO Box 673, FORTITUDE VALLEY QLD 4006			

Section C - Payment Methods

 In Person You can pay this notice in person at any customer service centre. For a full list, go to www.tmr.qld.gov.au .	 Internet Visit www.tmr.qld.gov.au . Select 'Pay a fine or infringement'. Use the Reference Number located on the front of this notice.	 iPAY Use the Biller Code and Reference Number located on the front of this notice. It may take several days for your payment to be accepted by us.	 By Phone Call 13 23 90** (Qld only 24/7) to make a self-service payment. Use the Reference Number located on the front of this notice. A receipt number will be issued.*	 Australia Post Payable by cash, cheque, VISA* or MasterCard* on or before the due date. Please retain notice/receipt as proof of payment.	 By Mail Cheque or money order, to Department of Transport and Main Roads. Send the front payment slip with payment to: PO Box 525, FORTITUDE VALLEY QLD 4006, AUSTRALIA
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Voluntary Instalment Plan

If the fine is \$200 or more, you may make an application, within 28 days of the date of this notice, by signing and dating this section and returning the whole Infringement Notice to the Department of Transport and Main Roads, PO Box 525, FORTITUDE VALLEY QLD 4006 and paying a first instalment of at least \$60, to be followed by further instalments of not less than a fortnightly amount of \$30. If the application is approved, you may pay all remaining instalments to the State Penalties Enforcement Registry (SPER) in any way acceptable to them. If you default on your instalments, enforcement action may be taken to recover the amount, including SPER and any other additional fees payable. For more information see www.tmr.qld.gov.au.

Signature _____ Date ____/____/____

* Major credit cards accepted. A surcharge will apply for payments by credit card or where the credit card option is selected. For further information please go to www.tmr.qld.gov.au/creditcard.

** Higher rates apply from mobile phones and payphones.

Quick guide

Follow these steps to witness a camera-detected offence notice

Name and address section

Check the person should be a declarant:

- ①
 - a. They are the registered owner of the vehicle but weren't driving at the time of the offence.
 - b. They represent the company that owns the vehicle and can give you their company position.
 - c. They were driving the vehicle at the time of the offence.
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Particulars of person section

- ②
 - a. The details about the person who was driving the vehicle at the time of the offence go here.
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Residential address

- ③
 - a. This must be the full residential street address (not a PO box) of the person who was driving the vehicle at the time of the offence.
 - b. The address of a corporation can be put here, too.
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Signature of declarant

- ④
 - a. The person named as the declarant must sign the statutory declaration.
-

Witness the signature

- ⑤
 - a. Insert your signature, title and registration number.
 - b. Print your full name (including full middle name and not initials).
 - c. If you choose to apply your seal of office, ensure it does not cover any handwritten information in the document.
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- ⑥ Enter all relevant details in your logbook.
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