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 whiteout 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)

	No. Contin							
	No reminder will b	e issued. You have only 28 c	days from the notice date to	omplete only one o choose a payment option,	return the statutory declar	ation or elect to have the		
	matter dealt with b amount and any a	y a Magistrate's Court. If you dditional fees payable. If rele	u do not take one of these a avant, any demerit points w	actions within 28 days, enfor ill be taken to be effective fro	rcement action may be tak	en to recover the penalty		
	Option 1 - If	you WERE NOT in charge	e of the vehicle - DO NOT	pay Infringement Notice				
		A - Statutory Declaration lect to have the matter de		T pay Infringement Notice	e (see Section B - Elect	ion for Court Hearing).		
	Option 3 - If	you WERE in charge of th	e vehicle, payment of the	fine in full or by way of ins	stalments (see Section 0	- Payment Methods).		
	The State Penalti	es Enforcement Act provid	es this notice may be with	hdrawn before or after the	fine is paid.			
	Section A -	Statutory Declar	ration	ation below and return wi	thin 29 days of the notic	o data. A naw Infringement		
	Notice will be issu	ied to the person you nom	inate as the person in cha	arge of the vehicle at the ti	me of the offence, and th	e date. A new Infringement at person will be advised of		
	the particulars of t Note: Person in c	harge includes the person	driving, or responsible for	or the vehicle, or the new o	wner of the vehicle. Whe	n this notice is served on		
	the registered own may transfer liabilit date. If you are cor	er, that person is taken to har to the person in charge of t noleting the declaration on b	ve committed the offence en he vehicle by correctly com ehalf of a corporation, you r	ven though the person drivin pleting the below Statutory D must be an Executive Officer	g may have been someon eclaration and returning it of that corporation and inc	e else. The registered owner within 28 days of the notice slude your position title.		
			STATUTORY DECLA	RATION Oaths A	ct 1867]	
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	Given names of. Street add	dress of the declaran		Family name	(If corporation, position -)	nust be an Executive Officer)		
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		rson in charge of the			was.			
	of Person Give	n name/s	Family name	Date of b	irth Licence	number (if known)		
		reet address of the p	erson in charge at t	ne time of offence		Postcode		
	The vehicle	was sold on (Date)	(new own	er details must be inserted above)				
	The vehicle	was stolen or illegally take	en at the time of the offen	ce and the matter was repo	orted to	on / /		
		c	Queensland Police Service	e Crime Report Number				
Signature o	And I make this	solemn declaration con		he same to be true, and t	by virtue of the provision	ons of the Oaths Act.		
the person		ature of Declarant	Taken and	declared before me at	Location		Insert	
making the			This	day of	2	.0	-	ture, full , qualification
declaration				Insert Date	Insert Month/1	'ear		egistration
		f the Peace/Commissioner for Decl		Printed name, title and qualificatio			numb	
	Return this Statu GPO Box 1440, E	tory Declaration within 28 RISBANE QLD 4001.	3 days of the notice date	to: Director, Traffic Came	ra Office, Queensland F	Police Service,		
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Quick guide

Follow these steps to witness a camera-detected offence notice

	Name and address section					
1	Check the person should be a declarant:					
	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.					
2	Particulars of person section					
	a. The details about the person who was driving the vehicle at the time of the offence go here.					
3	Residential address					
	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.					
4	Signature of declarant					
	a. The person named as the declarant must sign the statutory declaration.					
5	Witness the signature					
	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.					
6	Enter all relevant details in your logbook.					