

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

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.
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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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