
TRANSPORT

TR301*

Road Traffic Act 1974

Road Traffic (Infringements) Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Infringements) Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Road Traffic (Infringements) Regulations 1975*.

4. Schedule 2 Form 4 replaced

Delete Schedule 2 Form 4 and insert:

Form 4

MOTOR VEHICLE OFFENCE — NOTICE REQUESTING INFORMATION

<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <p style="text-align: center; font-size: small; color: gray;">[Name and address of responsible person]</p>	<p style="text-align: right; font-size: x-small;">Road Traffic Act 1974 s. 102C, 102D</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; font-size: x-small;">Notice No.</td> <td style="border-bottom: 1px solid black; font-size: x-small;">[Notice No.]</td> </tr> <tr> <td style="font-size: x-small;">Vehicle No.</td> <td style="border-bottom: 1px solid black; font-size: x-small;">[Vehicle No.]</td> </tr> <tr> <td style="font-size: x-small;">Date of issue</td> <td style="border-bottom: 1px solid black; font-size: x-small;">[Issue date]</td> </tr> <tr> <td style="font-size: x-small;">Compliance date</td> <td style="border-bottom: 1px solid black; font-size: x-small;">[Compliance date]</td> </tr> </table>	Notice No.	[Notice No.]	Vehicle No.	[Vehicle No.]	Date of issue	[Issue date]	Compliance date	[Compliance date]
Notice No.	[Notice No.]								
Vehicle No.	[Vehicle No.]								
Date of issue	[Issue date]								
Compliance date	[Compliance date]								
REQUEST FOR INFORMATION									
<p style="font-size: x-small;">Under the Road Traffic Act 1974 you are a responsible person for the vehicle referred to above.</p> <p style="font-size: x-small;">It is alleged that the offence described in Part A was committed involving that vehicle. As a responsible person you are required to give to the WA Police the name and address of the driver or person in charge of the vehicle at the time of the alleged offence.</p> <p style="font-size: x-small;">To do this fill in Part B and return this form by the compliance date.</p> <p style="font-size: x-small;">Failing to provide the information as requested is an offence. There is more information about this overleaf.</p>									
Issuing officer	PD No.								
PART A DETAILS OF OFFENCE									
Offence									
Location									

Date and time	_____ / _____ / _____	_____ hours
These images identify the vehicle involved in the alleged offence and may assist you to identify the driver.		
[Photographs of vehicle]		
PART B INFORMATION TO BE PROVIDED		
<p>If you know who was driving or in charge of the vehicle at the time of the alleged offence, fill in Division 1. If the vehicle had been stolen or unlawfully taken or used, fill in Division 2. If you do not know who was driving at the time, you may make a statutory declaration to that effect as described in Division 3.</p>		
Division 1 Driver or person in charge known	<input type="checkbox"/> Driver or <input type="checkbox"/> Person in charge of vehicle	
Surname _____	Given names _____	
No. and street _____	Suburb _____	Postcode _____
Phone No. _____	Driver's licence No. _____	State _____
Division 2 Vehicle stolen or unlawfully taken or used	<input type="checkbox"/> Stolen or unlawfully taken or used	
Reported to police <input type="checkbox"/> Yes Report No. _____		
Division 3 Driver or person in charge not known		
<p>If you do not know and cannot reasonably ascertain the name and address of the driver or person in charge of the vehicle at the time of the alleged offence you may give a statutory declaration to that effect. The statutory declaration must be returned with this form. A statutory declaration must be made in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005. It must be signed before an authorised witness. An example statutory declaration is available at www. Police website . Making a false statutory declaration is an offence for which you may be imprisoned for 5 years.</p>		
SIGN AND RETURN FORM		
Surname _____	Given names _____	
No. and street _____	Suburb _____	Postcode _____
Phone No. _____	Position _____	
Signature _____	Date _____	
Return form	By post	[Postal address]
	In person	[Street address]

Reverse of Form 4

If you have filled in Part B on the front of the form, DO NOT FILL IN THIS SIDE OF THE FORM							
FAILING TO PROVIDE REQUESTED INFORMATION IS AN OFFENCE							
<p>If you do not complete Part B and return this form by the compliance date set out on the front of this form you commit an offence — called the "failing to comply offence". This notice then has effect as an infringement notice about the failing to comply offence.</p>							
If you do not want to be prosecuted for the failing to comply offence, you can pay the modified penalty. To do this you must pay the modified penalty by the payment date. The options for how to pay are set out in Part D below.	<table border="1"> <tr> <td>Infringement No.</td> <td>[Notice No.]</td> </tr> <tr> <td>Modified penalty</td> <td>[Modified penalty]</td> </tr> <tr> <td>Payment date</td> <td>[Payment date]</td> </tr> </table>	Infringement No.	[Notice No.]	Modified penalty	[Modified penalty]	Payment date	[Payment date]
Infringement No.	[Notice No.]						
Modified penalty	[Modified penalty]						
Payment date	[Payment date]						
<p>If you do not pay the modified penalty you may be prosecuted for committing the failing to comply offence. The maximum fine for the failing to comply offence is double the maximum fine that could be imposed by a court for the vehicle offence described in Part A. You may also be ordered to pay costs. If you want the offence dealt with by a court, fill in Part C and return this form by the payment date.</p>							
PART C FAILING TO COMPLY OFFENCE – ELECTION TO GO TO COURT							
<input type="checkbox"/> I elect to have the failing to comply offence described above dealt with by a court.							
Surname _____	Given names _____						
No. and street _____	Suburb _____ Postcode _____						
Phone No. _____	Position _____						
Signature _____	Date _____						
Return form	By post [Postal address]						
	In person [Street address]						
PART D FAILING TO COMPLY OFFENCE – PAYMENT OPTIONS							
<p>[Details of how to pay:</p> <ul style="list-style-type: none"> • in person • by post • by any available electronic or other methods.] 							

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.