



Western Australia

Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024

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Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024

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Western Australia

Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024

No. 15 of 2024

An Act —

- to amend the *Road Traffic (Administration) Act 2008*; and
- to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994*; and
- to make consequential and related amendments to other Acts.

[Assented to 14 May 2024]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

Part 2 — *Road Traffic (Administration) Act 2008* amended

3. Act amended

This Part amends the *Road Traffic (Administration) Act 2008*.

4. Section 4 amended

- (1) In section 4 delete the definition of *infringement notice*.
- (2) In section 4 insert in alphabetical order:

Commissioner of Police means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

electronic means includes —

- (a) an electronic database or document system; and
- (b) any other means by which a document can be accessed electronically;

extension infringement notice has the meaning given in section 90(1);

incident information means —

- (a) information provided in relation to an incident reported under the *Road Traffic Act 1974* section 56(1) or (4); and
- (b) details of any evidence, statement, report or other information obtained as a result of any investigation made into the incident; and
- (c) a copy of a statement or a report produced as a result of any investigation made into the incident;

infringement notice means any of the following —

- (a) an infringement notice (alleged offender);
- (b) an infringement notice (vehicle);
- (c) an infringement notice (visual evidence);
- (d) an extension infringement notice;

infringement notice (alleged offender) has the meaning given in section 81(1);

infringement notice (vehicle) has the meaning given in section 83(2);

infringement notice (visual evidence) has the meaning given in section 86(2);

initial infringement notice means any of the following —

- (a) an infringement notice (alleged offender);
- (b) an infringement notice (vehicle);
- (c) an infringement notice (visual evidence);

notice requesting information has the meaning given in section 96(2);

Part 5 document means —

- (a) an infringement notice, other than an infringement notice (vehicle); or
- (b) a notice requesting information; or
- (c) a notice served under section 94(1) or 99;

(3) In section 4 in the definition of ***family violence evidentiary document***:

- (a) delete “to a responsible person,” and insert:

to an individual,

(b) in paragraph (a) delete “DVO;” and insert:

DVO in relation to the individual;

(c) in paragraph (b) delete “injunction;” and insert:

injunction in relation to the individual;

(d) in paragraphs (c) and (d) delete “responsible person” and insert:

individual

5. Section 6 amended

In section 6(3) delete “another Australian driver licensing authority.” and insert:

a corresponding authority.

6. Section 12 amended

In section 12(1) delete the definition of *incident information*.

7. Section 13A amended

(1) In section 13A(1) delete the definition of *infringement notice*.

(2) In section 13A(1) insert in alphabetical order:

infringement notice (ATD) means an infringement notice as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 40(1);

s. 8

- (3) In section 13A(4):
- (a) delete “an infringement notice,” and insert:

an infringement notice (ATD),
 - (b) in paragraph (b) after “infringement notice” insert:

(ATD)
 - (c) in paragraph (c) delete “infringement notice; or” and insert:

infringement notice (ATD); or

8. Section 13D amended

- (1) In section 13D(1) delete the definition of *incident information*.
- (2) In section 13D(1) in the definition of *ICWA* delete “section 3;” and insert:

section 3.

9. Section 13E amended

- (1) In section 13E(1) in the definition of *incident information*:
 - (a) before “*incident information*” insert:

abridged

(b) in paragraph (a) delete “in a report made” and insert:

reported

(2) In section 13E(2) after “disclose” insert:

abridged

Note: The heading to amended section 13E is to read:

Disclosure of abridged incident information to involved persons

10. Section 15 amended

In section 15(1) delete the definition of *incident information*.

11. Section 24 amended

In section 24(1)(a) delete “prescribed; and” and insert:

prescribed by the regulations; and

12. Section 34 amended

(1) At the end of section 34(2) insert:

Penalty for this subsection:

(a) for an individual —

(i) for a first offence, a fine of 24 PU;

(ii) for a subsequent offence, a fine of 48 PU;

(b) for a body corporate, a fine of 100 PU.

s. 13

- (2) In section 34(3) in the Penalty delete “Penalty applicable to subsections (2) and (3):” and insert:

Penalty for this subsection:

- (3) In section 34(4) delete “notice under section 98.” and insert:

notice requesting information.

13. Section 56 amended

- (1) In section 56(2):
- (a) in paragraph (a) delete “to be” (each occurrence) and insert:

that must be
 - (b) delete paragraph (b) and insert:
 - (b) state the manner in which each record, device or other thing must be produced; and
 - (c) state that the direction must be complied with —
 - (i) then and there; or
 - (ii) within a specified period.

- (2) At the end of section 56(2) insert:

Example for this subsection:

A direction may state that a record must be produced by sending an electronic version of the record to a specified email address within a specified period.

- (3) In section 56(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

14. Section 57 amended

- (1) After section 57(2) insert:

- (2A) A direction under subsection (1) must state that the direction must be complied with —

- (a) then and there; or
- (b) within a specified period.

- (2) In section 57(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

- (3) In section 57(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

s. 15

15. Section 58 amended

- (1) After section 58(2) insert:
- (2A) A direction under subsection (1) must state that the direction must be complied with —
- (a) then and there; or
 - (b) within a specified period.
- (2) In section 58(5) in the Penalty delete “Penalty:” and insert:
- Penalty for this subsection:

16. Section 61 deleted

Delete section 61.

17. Section 61C amended

- (1) In section 61C(2):
- (a) in paragraph (a) delete “to be” (each occurrence) and insert:

that must be
 - (b) delete paragraph (b) and insert:
 - (b) state the manner in which each record, device or other thing must be produced; and
 - (c) state that the direction must be complied with —
 - (i) then and there; or
 - (ii) within a specified period.

- (2) At the end of section 61C(2) insert:

Example for this subsection:

A direction may state that a record must be produced by sending an electronic version of the record to a specified email address within a specified period.

18. Section 61D amended

After section 61D(1) insert:

- (1A) A direction under subsection (1) must state that the direction must be complied with —
- (a) then and there; or
 - (b) within a specified period.

19. Section 61E amended

After section 61E(1) insert:

- (1A) A direction under subsection (1) must state that the direction must be complied with —
- (a) then and there; or
 - (b) within a specified period.

20. Section 61F amended

In section 61F delete “Sections 60 and 61 apply” and insert:

Section 60 applies

s. 21

21. Section 65 amended

In section 65(3) delete “prescribed form.” and insert:

form prescribed by the regulations.

22. Section 66 amended

In section 66(5)(c) delete “prescribed.” and insert:

prescribed by the regulations.

23. Section 71 amended

(1) Delete section 71(3)(a) and insert:

- (a) contain the particulars prescribed by the regulations; and
- (aa) be in a form approved by the CEO; and

(2) In section 71(6):

(a) delete “he or she —” and insert:

they —

(b) in paragraph (a) delete “it; or” and insert:

it; and

24. Section 74 amended

- (1) In section 74(4)(a) delete “he or she” and insert:

the occupier or person

- (2) In section 74(5):

- (a) delete the passage that begins with “If premises” and ends with “the premises —” and insert:

If no occupier is present at premises that are entered by 1 or more police officers, the officer in charge must, before leaving the premises, leave in a prominent position in the premises —

- (b) in paragraph (b) delete “section 65,” and insert:

section 65 —

- (c) in paragraph (c) delete “61B(6), inform” and insert:

61B(6) — a notice informing

25. Part 5 replaced

Delete Part 5 and insert:

**Part 5 — Infringement notices and notices
requesting information**

Division 1 — Preliminary

79. Terms used

In this Part —

designated departmental officer means a person who is designated under section 80(1)(a);

extended payment period has the meaning given in section 90(2)(b);

initial payment period has the meaning given in section 91(2)(a);

issuing officer means —

- (a) a police officer; or
- (b) a person who is designated under section 80(1)(b); or
- (c) in relation to public transport offences — a person who is designated under section 80(2);

modified penalty, in relation to an infringement notice, means the applicable penalty prescribed for the purposes of section 95(1)(b) for the alleged offence to which the infringement notice relates;

Notes for this definition:

1. The modified penalty in relation to an infringement notice that relates to an alleged offence under the *Road Traffic (Vehicles) Act 2012* section 10(6) also includes other amounts for the purposes of sections 89, 90, 91(1)(c) and (2), 92, 93, 94 and 95 and the *Fines, Penalties and*

Infringement Notices Enforcement Act 1994: see section 82(3).

2. The modified penalty in relation to an infringement notice that relates to an alleged offence under section 97(1) is determined in accordance with section 98(2).

period for complying has the meaning given in section 96(3)(d)(i);

prescribed road law offence has the meaning given in section 95(1)(a);

Note for this definition:

An offence under section 97(1) is also a prescribed road law offence: see section 98(1).

Public Transport Authority means the Public Transport Authority of Western Australia established under the *Public Transport Authority Act 2003* section 5;

public transport offence means a prescribed road law offence prescribed by the regulations for the purposes of this definition;

visual evidence means 1 of the following —

- (a) a photograph or digital image, including an image produced from a video or other form of recording;
- (b) a video or other form of recording;

withdrawing officer means —

- (a) a police officer who is, or is of a class, prescribed by the regulations for the purposes of this definition; or
- (b) a person who is designated under section 80(1)(c).

80. Designating persons as designated departmental officers, issuing officers or withdrawing officers

- (1) The CEO may, by written notice, designate persons employed in, or engaged for the purposes of, the department of the Public Service principally assisting in the administration of this Act as —
 - (a) designated departmental officers; or
 - (b) issuing officers; or
 - (c) withdrawing officers.
- (2) The chief executive officer of the Public Transport Authority may, by written notice, designate persons employed in, or engaged for the purposes of, the Public Transport Authority as issuing officers in relation to public transport offences.
- (3) A designation under subsection (1) or (2) that designates persons by reference to a class of persons designates all members of that class from time to time.
- (4) The CEO must publish a designation that designates persons by reference to a class of persons on the website of the department of the Public Service principally assisting in the administration of this Act.

Division 2 — Infringement notices

Subdivision 1 — Infringement notices (alleged offender)

81. Service of infringement notice on alleged offender

- (1) An issuing officer who reasonably believes that a person has committed a prescribed road law offence may serve on that person a notice (an *infringement notice (alleged offender)*) in relation to the alleged offence.

- (2) An infringement notice (alleged offender) must —
- (a) comply with the requirements in section 91;
and
 - (b) contain or be accompanied by a statement explaining the operation of sections 92 (other than subsection (2)(b)(ii) and (iii)) and 93(1) and (2); and
 - (c) if an infringement notice (visual evidence) or notice requesting information was served in relation to the alleged offence, either —
 - (i) contain or be accompanied by the visual evidence that provided a basis for serving the infringement notice (visual evidence) or notice requesting information; or
 - (ii) set out a way in which the visual evidence can be accessed electronically.

82. Infringement notices for not applying for transfer of vehicle licence

- (1) This section applies if the alleged offence to which an infringement notice (alleged offender) relates is an offence under the *Road Traffic (Vehicles) Act 2012* section 10(6) in relation to the transfer of a vehicle licence.
- (2) The infringement notice (alleged offender) must, in addition to setting out the modified penalty in accordance with section 91(1)(b)(iii), set out —
- (a) the prescribed transfer fee (the *transfer fee*) within the meaning of the *Road Traffic (Vehicles) Act 2012*; and

- (b) the amount (the *transfer duty*) payable under a taxation Act, as defined in the *Taxation Administration Act 2003* Glossary, in respect of the transfer of the vehicle licence.
- (3) For the purposes of sections 89, 90, 91(1)(c) and (2), 92, 93, 94 and 95 and the *Fines, Penalties and Infringement Notices Enforcement Act 1994* —
- (a) the modified penalty is the sum of —
 - (i) the modified penalty; and
 - (ii) the transfer fee; and
 - (iii) the transfer duty;and
 - (b) any part payments towards the sum of the amounts referred to in paragraph (a) are applied in satisfaction of the obligation to pay the amounts in the following order —
 - (i) the transfer fee;
 - (ii) the transfer duty;
 - (iii) the modified penalty.
- (4) Despite subsection (3)(a), a transfer fee or transfer duty paid under an infringement notice cannot be refunded under section 94(3) or the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 22(5) or 95ZC.

Subdivision 2 — Infringement notices (vehicle)

83. Service of infringement notice on responsible person by leaving notice on vehicle

- (1) This section applies if —
 - (a) a police officer reasonably believes that a prescribed road law offence, of which the

standing, parking or leaving of a vehicle is an element, has been committed; and

- (b) the identity of the person who stood, parked or left the vehicle is not known and cannot immediately be ascertained.
- (2) The police officer may serve a notice (an *infringement notice (vehicle)*) in relation to the alleged offence on the responsible person for the vehicle, without naming the person or stating the person's address, by leaving a hard copy of the notice in or upon, or attaching it to, the vehicle.
- (3) An infringement notice (vehicle) must —
- (a) comply with the requirements in section 91; and
 - (b) contain or be accompanied by a statement explaining the operation of sections 84, 85, 92 (other than subsection (2)(b)(iii)), 93(1) and (2) and 101; and
 - (c) specify the manner in which a written notice, evidence or a family violence evidentiary document can be given under section 84.
- (4) If there is more than 1 responsible person for the vehicle, the infringement notice (vehicle) is taken to have been served on —
- (a) if only 1 responsible person responds to the notice — that responsible person; or
 - (b) otherwise — not more than 1 responsible person chosen by the Commissioner of Police.

84. Responsible person presumed to have committed offence in certain circumstances

- (1) If a police officer serves an infringement notice (vehicle) on a responsible person, the responsible

person is presumed to have committed the alleged offence to which the infringement notice (vehicle) relates unless subsection (2), (3), (4), (5), (6), (7) or (8) applies.

- (2) This subsection applies if —
 - (a) if the responsible person is an individual —
 - (i) the modified penalty, or a first instalment of the modified penalty, is paid within the initial payment period;
or
 - (ii) an extension infringement notice in relation to the alleged offence is served on the responsible person and the modified penalty is paid within the extended payment period;
or
 - (b) otherwise — the modified penalty is paid within the initial payment period.
- (3) This subsection applies if the infringement notice (vehicle) is withdrawn under section 94(1).
- (4) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives a written notice stating —
 - (a) that the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and
 - (b) the name and address of the person who stood, parked or left the vehicle (as relevant to the alleged offence).

- (5) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives —
- (a) a written notice stating that —
 - (i) the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and
 - (ii) the vehicle was stolen or unlawfully taken or used at the time the vehicle was stood, parked or left (as relevant to the alleged offence);
 - and
 - (b) evidence to support those statements.
- (6) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives a written notice stating that —
- (a) the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and
 - (b) the responsible person does not know, and cannot reasonably ascertain, the name and address of the person who stood, parked or left the vehicle (as relevant to the alleged offence).
- (7) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives a written notice stating —
- (a) that the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and

- (b) that the responsible person had sold the vehicle before the time of the alleged offence; and
 - (c) the name and address of the person to whom the responsible person sold the vehicle.
- (8) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives —
 - (a) a written notice stating that the responsible person —
 - (i) was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and
 - (ii) is concerned about providing information in response to the infringement notice (vehicle) because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information;
 - and
 - (b) a family violence evidentiary document that relates to the individual who is at risk or apprehended risk.
- (9) The provision of information under subsection (8) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

Note for this section:

If the modified penalty or a first instalment of the modified penalty is paid, a written notice cannot be given under subsection (4), (5), (6), (7) or (8): see section 92(2)(b)(ii).

85. Effect of giving notice under s. 84

If section 84(4), (5), (6), (7) or (8) applies in relation to an infringement notice (vehicle), the infringement notice (vehicle) is withdrawn.

Subdivision 3 — Infringement notices (visual evidence)

86. Service of infringement notice on responsible person if there is visual evidence in relation to offence

- (1) This section applies if —
 - (a) an issuing officer reasonably believes that a prescribed road law offence, of which driving a vehicle is an element, has been committed; and
 - (b) the belief is based on visual evidence; and
 - (c) the identity of the driver of the vehicle is not known and cannot immediately be ascertained; and
 - (d) the identity of the vehicle can be ascertained from the visual evidence; and
 - (e) a responsible person for the vehicle is an individual.
- (2) The issuing officer may serve a notice (an *infringement notice (visual evidence)*) in relation to the alleged offence on the responsible person.
- (3) An infringement notice (visual evidence) must —
 - (a) comply with the requirements in section 91; and
 - (b) either —
 - (i) contain or be accompanied by the visual evidence; or

- (ii) set out a way in which the visual evidence can be accessed electronically;
 - and
 - (c) contain or be accompanied by a statement explaining the operation of sections 87, 88, 92 (other than subsection (2)(b)(ii)), 93(1) and (2) and 101; and
 - (d) specify the manner in which a written notice, evidence or a family violence evidentiary document can be given under section 87.
- (4) If more than 1 responsible person for the vehicle is an individual, the infringement notice (visual evidence) may be served on not more than 1 of those persons chosen by the CEO.

87. Responsible person presumed to be driver in certain circumstances

- (1) If an issuing officer serves an infringement notice (visual evidence) on a responsible person, the responsible person is presumed to be the driver of the vehicle at the time of the alleged offence to which the infringement notice (visual evidence) relates unless subsection (2), (3), (4), (5), (6), (7) or (8) applies.
- (2) This subsection applies if —
 - (a) the modified penalty, or a first instalment of the modified penalty, is paid within the initial payment period; or
 - (b) an extension infringement notice in relation to the alleged offence is served on the responsible person and the modified penalty is paid within the extended payment period.
- (3) This subsection applies if the infringement notice (visual evidence) is withdrawn under section 94(1).

- (4) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives a written notice stating —
- (a) that the responsible person was not the driver of the vehicle at the time of the alleged offence;
and
 - (b) the name and address of the driver of the vehicle at that time.
- (5) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives —
- (a) a written notice stating that —
 - (i) the responsible person was not the driver of the vehicle at the time of the alleged offence; and
 - (ii) the vehicle was stolen or unlawfully taken or used at that time;and
 - (b) evidence to support those statements.
- (6) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives a written notice stating that —
- (a) the responsible person was not the driver of the vehicle at the time of the alleged offence; and
 - (b) the responsible person does not know, and cannot reasonably ascertain, the name and address of the driver of the vehicle at that time.
- (7) This subsection applies if, within the initial payment period and in the manner specified in the infringement

notice (visual evidence), the responsible person gives a written notice stating —

- (a) that the responsible person was not the driver of the vehicle at the time of the alleged offence; and
 - (b) that the responsible person had sold the vehicle before the time of the alleged offence; and
 - (c) the name and address of the person to whom the responsible person sold the vehicle.
- (8) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives —
- (a) a written notice stating that the responsible person —
 - (i) was not the driver of the vehicle at the time of the alleged offence; and
 - (ii) is concerned about providing information in response to the infringement notice (visual evidence) because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information;and
 - (b) a family violence evidentiary document that relates to the individual who is at risk or apprehended risk.
- (9) The provision of information under subsection (8) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not

prevent such an investigation occurring if the police officer thinks fit).

Note for this section:

If the modified penalty or a first instalment of the modified penalty is paid, a written notice cannot be given under subsection (4), (5), (6), (7) or (8): see section 92(2)(b)(iii).

88. Effect of giving notice under s. 87

If section 87(4), (5), (6), (7) or (8) applies in relation to an infringement notice (visual evidence), the infringement notice (visual evidence) is withdrawn.

Subdivision 4 — Extension infringement notices

89. Individual may apply for more time to pay modified penalty

- (1) This section applies if —
 - (a) an initial infringement notice is served on an individual; and
 - (b) neither the modified penalty nor an instalment of the modified penalty is paid; and
 - (c) the initial infringement notice is not withdrawn; and
 - (d) the initial payment period set out in the initial infringement notice has not ended.
- (2) The individual may, in the manner specified in the initial infringement notice, apply to the CEO for more time to pay the modified penalty.

90. Service of extension infringement notices

- (1) If an individual applies under section 89(2) for more time to pay a modified penalty, a designated departmental officer must serve on the individual a notice (an *extension infringement notice*) in relation to

the alleged offence to which the initial infringement notice relates.

- (2) The extension infringement notice must —
- (a) comply with the requirements in section 91(1);
and
 - (b) inform the person on whom the extension infringement notice is served that the person may, within the period (the *extended payment period*) set out in the extension infringement notice and in the manner specified in the extension infringement notice —
 - (i) pay the modified penalty; or
 - (ii) make an election in writing to have a charge for the alleged offence heard and determined by a court;and
 - (c) state that the initial infringement notice is withdrawn; and
 - (d) contain or be accompanied by a statement explaining the operation of sections 92 (other than subsection (2)(b)(ii) and (iii)) and 93(3) and (4); and
 - (e) if the initial infringement notice is an infringement notice (alleged offender) in relation to which section 81(2)(b) applies — contain or be accompanied by the visual evidence referred to in that section or set out a way in which the visual evidence can be accessed electronically; and
 - (f) if the initial infringement notice is an infringement notice (vehicle) — contain or be accompanied by a statement explaining the operation of section 84(1) and (2)(a)(ii); and

- (g) if the initial infringement notice is an infringement notice (visual evidence) —
 - (i) contain or be accompanied by the visual evidence referred to in section 86 or set out a way in which the visual evidence can be accessed electronically; and
 - (ii) contain or be accompanied by a statement explaining the operation of section 87(1) and (2)(b).
- (3) The extended payment period cannot end less than 28 days after the day on which the extension infringement notice is served.
- (4) If an extension infringement notice is served under subsection (1), the initial infringement notice is withdrawn.

Subdivision 5 — General provisions in relation to infringement notices

91. General requirements for infringement notices

- (1) For the purposes of sections 81(2)(a), 83(3)(a), 86(3)(a) and 90(2)(a), the requirements are that the infringement notice —
 - (a) is in a form approved by the CEO; and
 - (b) sets out —
 - (i) the alleged offence, including details of the act or omission that constitutes the alleged offence; and
 - (ii) the day on which the alleged offence was allegedly committed; and
 - (iii) the modified penalty; and

- (iv) if the alleged offence is a demerit point offence in WA as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 40(1) — the number of demerit points applying to the offence;
 - and
 - (c) if the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 applies to the notice — informs the person on whom the notice is served that the notice may be enforced under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* if the person does not —
 - (i) pay the modified penalty; or
 - (ii) make an election in writing to have a charge for the alleged offence heard and determined by a court;
 - and
 - (d) sets out any other matter prescribed by the regulations.
- (2) For the purposes of sections 81(2)(a), 83(3)(a) and 86(3)(a), it is also a requirement that the initial infringement notice inform the person on whom the notice is served that the person may, in the manner specified in the notice —
- (a) pay the modified penalty within the period (the ***initial payment period***) set out in the notice; or
 - (b) make an election in writing within the initial payment period to have a charge for the alleged offence heard and determined by a court; or

- (c) if the person is an individual —
 - (i) apply within the initial payment period to the CEO under section 89(2) for more time to pay the modified penalty; or
 - (ii) pay a first instalment of the modified penalty within the initial payment period and the remainder of the instalments in accordance with regulations made for the purposes of section 95(4).
- (3) The initial payment period cannot end less than 28 days after the day on which the notice is served.

92. Effect of payment of modified penalty

- (1) This section applies if —
 - (a) an infringement notice is served on a person; and
 - (b) either —
 - (i) if the person is an individual and the infringement notice is an initial infringement notice — the modified penalty or a first instalment of the modified penalty is paid; or
 - (ii) otherwise — the modified penalty is paid.
- (2) If this section applies —
 - (a) a person cannot be prosecuted for the alleged offence to which the infringement notice relates unless the infringement notice is withdrawn; and

- (b) unless the infringement notice is withdrawn and a subsequent infringement notice is issued in relation to the alleged offence —
 - (i) the person on whom the infringement notice is served cannot make an election to have a charge for the alleged offence heard and determined by a court; and
 - (ii) if the infringement notice is an infringement notice (vehicle) — the person cannot give a written notice under section 84(4), (5), (6), (7) or (8) in relation to the alleged offence; and
 - (iii) if the infringement notice is an infringement notice (visual evidence) — the person cannot give a written notice under section 87(4), (5), (6), (7) or (8) in relation to the alleged offence;

and

- (c) unless the infringement notice is withdrawn, the person on whom the infringement notice is served is taken to be convicted of the alleged offence for the purposes of —
 - (i) the *Road Traffic (Authorisation to Drive) Act 2008* section 35(4)(b)(v); and
 - (ii) the *Road Traffic (Vehicles) Act 2012* sections 126(6) and 128(4); and
 - (iii) unless the person is already taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 26 to be convicted of the alleged offence for the purposes of the *Road Traffic (Authorisation to Drive) Act 2008* section 16(1)(a) — the *Road*

Traffic (Authorisation to Drive)

Act 2008 section 16(1)(a);

and

- (d) the payment is not to be regarded as an admission of liability for the purpose of, nor in any way to affect or prejudice, any civil claim, action or proceeding arising out of the occurrence by reason of which the notice was given.

Note for this subsection:

Paragraph (c) does not apply in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1): see section 98(3).

- (3) This section applies even if the payment referred to in subsection (1)(b) is made by means of a dishonoured payment as defined in the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 3(1).
- (4) This section applies whether the payment referred to in subsection (1)(b) is made before or after any enforcement processes in relation to the infringement notice occur under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3.

93. Effect of election to have charge for alleged offence heard and determined by court

- (1) Subsection (2) applies if —
 - (a) an initial infringement notice in relation to an alleged offence is served on a person; and
 - (b) during the initial payment period, the person makes an election to have a charge for the alleged offence heard and determined by a court; and

- (c) during the initial payment period, none of the following occur —
 - (i) the modified penalty or a first instalment of the modified penalty is paid;
 - (ii) the person applies under section 89(2) for more time to pay the modified penalty;
 - (iii) the initial infringement notice is withdrawn.
- (2) The initial infringement notice is withdrawn at the end of the initial payment period.
- (3) Subsection (4) applies if —
 - (a) an extension infringement notice in relation to an alleged offence is served on a person; and
 - (b) during the extended payment period, the person makes an election to have a charge for the alleged offence heard and determined by a court; and
 - (c) during the extended payment period, none of the following occur —
 - (i) the modified penalty is paid;
 - (ii) the extension infringement notice is withdrawn.
- (4) The extension infringement notice is withdrawn at the end of the extended payment period.

94. Withdrawal of infringement notices

- (1) A withdrawing officer may withdraw an infringement notice by serving on the person on whom the infringement notice is served written notice, in a form

approved by the CEO, stating that the infringement notice is withdrawn.

- (2) An infringement notice may be withdrawn regardless of whether the modified penalty or an instalment of the modified penalty is paid.
- (3) If an infringement notice is withdrawn, any amount of the modified penalty that is paid must be refunded.

Note for this subsection:

If the alleged offence to which an infringement notice relates is the offence under the *Road Traffic (Vehicles) Act 2012* section 10(6), particular amounts paid under the infringement notice cannot be refunded: see section 82(4).

95. Regulations relating to infringement notices

- (1) Regulations may prescribe —
 - (a) an offence (a *prescribed road law offence*) under a road law as an offence in respect of which an infringement notice may be served under this Part; and
 - (b) the penalty applicable in relation to a prescribed road law offence if the offence is dealt with by infringement notice.
- (2) An offence prescribed for the purposes of subsection (1)(a) cannot be —
 - (a) an offence punishable by imprisonment; or
 - (b) an offence in respect of which a court is required to disqualify the offender from holding or obtaining a driver's licence; or
 - (c) an offence under the *Road Traffic (Vehicles) Act 2012* section 4(2), the commission of which involves a heavy vehicle.

- (3) A penalty prescribed for the purposes of subsection (1)(b) cannot be greater than —
 - (a) if the maximum penalty for the offence is less than 40 PU — the maximum penalty for the offence; or
 - (b) otherwise — 40 PU.
- (4) Regulations may make provision for or in relation to the payment by instalments of a modified penalty set out in an initial infringement notice served on an individual, including —
 - (a) the number of instalments by which the modified penalty can be paid; and
 - (b) the amount to be paid for each instalment; and
 - (c) the day by which each instalment (other than the first instalment) must be paid.

Division 3 — Notices requesting information

96. Service of notice requesting information

- (1) This section applies if —
 - (a) an infringement notice (visual evidence) in relation to an alleged offence could be served on a responsible person for a vehicle; but
 - (b) an infringement notice (visual evidence) cannot be served because there is no individual who is a responsible person for the vehicle.
- (2) An issuing officer may serve a notice (a ***notice requesting information***) in relation to the alleged offence on a responsible person for the vehicle.
- (3) A notice requesting information must —
 - (a) be in a form approved by the CEO; and

- (b) set out —
 - (i) the alleged offence, including details of the act or omission that constitutes the alleged offence; and
 - (ii) the day on which the alleged offence was allegedly committed;and
 - (c) either —
 - (i) contain or be accompanied by the visual evidence referred to in section 86; or
 - (ii) set out a way in which the visual evidence can be accessed electronically;and
 - (d) direct the responsible person to give a written notice stating the name and address of the driver of the vehicle at the time of the alleged offence —
 - (i) within the period (the *period for complying*) set out in the notice; and
 - (ii) in the manner specified in the notice;and
 - (e) contain or be accompanied by a statement explaining the operation of sections 97, 98 and 101; and
 - (f) specify the manner in which a written notice, evidence or a family violence evidentiary document can be given under section 97; and
 - (g) set out any other matter prescribed by the regulations.
- (4) The period for complying cannot end less than 28 days after the day on which the notice requesting information is served.

97. Offence of failing to provide information

- (1) A responsible person on which a notice requesting information is served commits an offence if, at the end of the period for complying set out in the notice, none of subsections (2), (3), (4), (5), (6) and (7) applies.

Penalty for this subsection:

- (a) if more than 1 penalty is provided under a road law for the alleged offence to which the notice relates — double the lowest penalty;
- (b) otherwise — double the penalty provided under a road law for the alleged offence to which the notice relates.
- (2) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives a written notice stating the name and address of the driver of the vehicle at the time of the alleged offence.
- (3) This subsection applies if the notice requesting information is withdrawn under section 99.
- (4) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives —
- (a) a written notice stating that the vehicle was stolen or unlawfully taken or used at the time of the alleged offence; and
- (b) evidence to support that statement.
- (5) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives a written notice stating that the responsible person does not know, and cannot reasonably ascertain, the name

and address of the driver of the vehicle at the time of the alleged offence.

- (6) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives a written notice stating —
- (a) that the responsible person had sold the vehicle before the time of the alleged offence; and
 - (b) the name and address of the person to whom the responsible person sold the vehicle.
- (7) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives —
- (a) a written notice stating that the responsible person is concerned about providing information in response to the notice requesting information because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information; and
 - (b) a family violence evidentiary document that relates to the individual who is at risk or apprehended risk.
- (8) The provision of information under subsection (7) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

98. Offence under s. 97(1) is prescribed road law offence

- (1) An offence under section 97(1) is a prescribed road law offence.
- (2) The modified penalty in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1) is double the amount of the applicable penalty prescribed for the purposes of section 95(1)(b) for the alleged offence to which the notice requesting information relates.
- (3) If section 92 applies in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1), section 92(2)(c) does not apply.
- (4) The *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 26 does not apply in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1).

99. Withdrawal of notices requesting information

A withdrawing officer may withdraw a notice requesting information at any time before the end of the period for complying set out in the notice requesting information by serving on the person on whom the notice requesting information is served written notice, in a form approved by the CEO, stating that the notice requesting information is withdrawn.

Division 4 — Miscellaneous

100. Service methods for Part 5 documents

- (1) A Part 5 document may be served on a person —
 - (a) personally; or
 - (b) by posting it to —
 - (i) the person’s address as provided by the person at the time of, or immediately following, the act or omission that constitutes the alleged offence to which the Part 5 document relates; or
 - (ii) the person’s address as provided by a responsible person under section 34, 84, 87 or 97; or
 - (iii) the person’s current address shown in the records of the CEO;

or

 - (c) if the person consents to being served Part 5 documents by particular electronic means — by those means in accordance with regulations made for the purposes of subsection (2)(b).
- (2) Regulations may make provision for or in relation to the following —
 - (a) the time at which a Part 5 document is taken to have been served under subsection (1);
 - (b) the service of a Part 5 document by electronic means under subsection (1)(c);
 - (c) the manner in which the consent referred to in subsection (1)(c) must be obtained.

101. Offence to give information known to be false

A responsible person must not give information that the person knows to be false or misleading in a material particular in a written notice, evidence or a family violence evidentiary document the person gives under section 84, 87 or 97.

Penalty for this section: imprisonment for 18 months and a fine of 360 PU.

26. Section 105 amended

In section 105(1):

- (a) in paragraph (c) delete “Police.” and insert:

Police; or

- (b) after paragraph (c) insert:

(d) a person authorised to do so by the CEO.

27. Section 106 amended

- (1) Delete section 106(1).

- (2) In section 106(2):

- (a) delete “any other” and insert:

an

- (b) delete “12 months” and insert:

2 years

28. Section 109 amended

After section 109(1)(ga) insert:

- (gb) that the vehicle to which the alleged offence relates was, at the time of the alleged offence, required under a written law to be fitted with a seatbelt in order for a vehicle licence to be granted in respect of the vehicle;

29. Section 116 amended

In section 116(1) in the definition of *office holder*:

- (a) after paragraph (c) insert:
 - (ca) a person authorised by the Commissioner of Police for the purposes of section 105(1)(c); or
- (b) in paragraph (d) delete “section 105(2)(c); or” and insert:
 - section 105(1)(d) or (2)(c); or

30. Section 117 amended

- (1) In section 117(1) delete the definition of *approved procedure*.
- (2) In section 117(1) insert in alphabetical order:

road law offence detection equipment means —

- (a) distance measuring equipment; or
- (b) speed measuring and recording equipment; or
- (c) speed measuring equipment; or
- (d) visual detection equipment;

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visual detection equipment means apparatus of a type approved by the Minister under subsection (2)(d).

- (3) In section 117(1) in the definition of *authorised person*:
- (a) in paragraph (c)(ii) delete “retrieve data from,” and insert:

obtain data produced by,
 - (b) after paragraph (c) insert:

and
 - (d) in relation to visual detection equipment, means —
 - (i) a police officer; or
 - (ii) a person certified by the Commissioner of Police as being competent to install, set up, test or obtain data produced by, the equipment or produce images or video from the data;
- (4) In section 117(1) in the definition of *speed measuring equipment* delete “subsection (2)(a).” and insert:

subsection (2)(a);
- (5) In section 117(2):
- (a) in paragraph (c)(iv) delete “time.” and insert:

time;

(b) after paragraph (c) insert:

or

(d) doing all of the following —

- (i) ascertaining the occurrence of an act or omission, prescribed by the regulations, that is an element of an offence under a road law of which the driving or being in charge of a vehicle is an element;
- (ii) recording images or videos of the vehicle and the prescribed act or omission;
- (iii) recording the date on which the images or videos were recorded;
- (iv) recording the time and location at which the images or videos were recorded.

(6) After section 117(7B) insert:

(7C) In a prosecution for an offence under a written law evidence may be given of —

- (a) the use of visual detection equipment at a particular location; and
- (b) the identity of a vehicle as recorded by the equipment at a particular time; and
- (c) the occurrence of an act or omission prescribed by the regulations for the purposes of subsection (2)(d)(i) as recorded by the equipment at that time.

(7D) The evidence referred to in subsection (7C) is prima facie evidence of the identity of the vehicle and the

occurrence of the act or omission at that time and location.

- (7E) In a prosecution mentioned in subsection (7C), evidence of the matters referred to in that subsection must be given in the form of images or videos —
- (a) at least 1 of which is of the vehicle; and
 - (b) at least 1 of which reasonably indicates the occurrence of the prescribed act or omission; and
 - (c) on each of which is recorded the date on which the image or video was recorded and the time and location at which the image or video was recorded, as ascertained and recorded by the visual detection equipment at the time and location referred to in subsection (7C).

(7) In section 117(7):

- (a) delete “(5) or (6),” and insert:

(5), (6) or (7C),

- (b) delete “speed measuring equipment, speed measuring and recording equipment or distance measuring equipment” and insert:

road law offence detection equipment

(8) In section 117(8):

- (a) delete “(5) or (6),” and insert:

(5), (6) or (7C),

- (b) in paragraph (c) delete “retrieve data from, speed measuring and recording equipment or produce images” and insert:

obtain data produced by, speed measuring and recording equipment or visual detection equipment, or produce images or videos

Note: The heading to amended section 117 is to read:

Road law offence detection equipment

31. Section 117A amended

- (1) After section 117A(1) insert:

(1A) If, in a prosecution mentioned in section 117(7C), evidence is given in the form of an image or video as described in section 117(7E) and the image or video is accompanied by a certificate under subsection (2), the image or video —

- (a) is to be accepted as having been recorded as described in section 117(7E), unless there is evidence to the contrary; and
- (b) is prima facie evidence of the matters shown in or recorded on the image or in the video.

- (2) In section 117A(2):

- (a) delete “subsection (1),” and insert:

subsections (1) and (1A),

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- (b) in paragraph (a) delete “equipment; and” and insert:

equipment or visual detection equipment; and
- (c) delete paragraph (e) and insert:
 - (e) if subsection (1) applies — data relating to the vehicle and its speed, and the time and place at which its speed was ascertained and the data recorded, was produced by the equipment and obtained by an authorised person, named in the certificate, in accordance with the approved procedure; and
 - (ea) if subsection (1A) applies — data relating to the vehicle, the prescribed act or omission and the time and place at which the data was recorded, was produced by the equipment and obtained by an authorised person, named in the certificate, in accordance with the approved procedure; and
- (d) in paragraph (f) delete “paragraph (e) was used to produce the image” and insert:

paragraph (e) or (ea) (as applicable) was used to produce the image or video
- (3) After section 117A(2) insert:
 - (2A) In subsection (2) —
approved means approved by the Commissioner of Police.

- (4) In section 117A(4):
- (a) after “section 117(6)” insert:

or (7C)
 - (b) after “image” insert:

or video
- (5) In section 117A(5) after “image” insert:

or video
- (6) In section 117A(7) delete “section 117(6),” and insert:

section 117(6) or (7C),

Note: The heading to amended section 117A is to read:

**Evidentiary provisions for images or video recorded by speed
measuring and recording equipment or visual detection
equipment**

32. Section 117B amended

In section 117B(1) in the definition of *authorised person*
paragraph (b) delete “retrieve data from,” and insert:

obtain data produced by,

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33. Section 140 amended

- (1) In section 140(2) delete “within a time specified in the notice”.
- (2) Delete section 140(3) and insert:
 - (3) A notice under subsection (2) must state —
 - (a) the time by which the notice must be complied with; and
 - (b) that a failure to comply with the notice may constitute an offence.
 - (3A) A notice under subsection (2) may be served —
 - (a) on the owner, or person in charge, of the light, or the occupier of the place or premises; or
 - (b) by affixing it in some conspicuous place on or near the place or premises upon or in which the light to which the notice relates is used, kept, burnt, or exhibited.
- (3) In section 140(4) delete the Penalty and insert:

Penalty for this subsection:

 - (a) a fine of 8 PU;
 - (b) a daily penalty of a fine of 1 PU for each day or part of a day during which the offence continues.
- (4) In section 140(5) delete “authorised in writing” and insert:

given written authorisation

34. Section 143 amended

- (1) In section 143(3):
- (a) in paragraph (b) delete “matter.” and insert:

matter; and
 - (b) after paragraph (b) insert:
 - (c) make the following provision for or in relation to a record required or permitted to be given under this Act (other than a Part 5 document) —
 - (i) the giving of the record (including the giving of the record by electronic means);
 - (ii) the time at which the record is taken to have been given;
 - (iii) the means of satisfying a requirement under this Act in relation to a record in writing (for example, a requirement that the original of a record be given or that a record be signed) if the record is given by electronic means.
- (2) At the end of section 143(3) insert:

Note for this subsection:

In relation to paragraph (c), section 100(2) sets out what regulations may provide in relation to service of Part 5 documents.

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(3) After section 143(4) insert:

(5) Subsection (3)(c) applies to a requirement or permission to give a record whether the term “give”, “send”, “produce”, “disclose” or “serve”, or any other similar term, is used.

35. Section 146A inserted

At the end of Part 8 insert:

146A. Approved forms must be published on website

The CEO must ensure that a form approved by the CEO under section 71(3)(aa), 91(1)(a), 94(1), 96(3)(a) or 99 is published on the website of the department of the Public Service principally assisting in the administration of this Act.

36. Part 9 Division 3 inserted

At the end of Part 9 insert:

**Division 3 — Transitional provisions arising from
certain amendments made by the *Road Traffic
Legislation Amendment (Infringement Management
Reform) Act 2024***

170. Terms used

In this Division —

commencement day means the day on which the *Road Traffic Legislation Amendment (Infringement*

Management Reform) Act 2024 Part 2 comes into operation;

former, in relation to a provision, means that provision as in force immediately before commencement day.

171. Infringement notices and notices requesting information served under former Part 5

Former Part 5 continues to apply in relation to the following notices served before commencement day as if former Part 5 had not been amended by the *Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024* section 25 —

- (a) an infringement notice served under former Part 5;
- (b) a notice served under former section 98 or 99;
- (c) a notice served under former section 98 or 99 that is regarded as an infringement notice under former section 104(2).

172. Prosecutions for relevant offences must be commenced within 12 months

- (1) In this section —
relevant offence means an offence under a road law to which former section 106(2) applied before commencement day.
- (2) Former section 106(2) continues to apply to a relevant offence that was allegedly committed before commencement day.

173. Authorised persons in relation to speed measuring and recording equipment data

- (1) In this section —
speed measuring and recording equipment has the meaning given in section 117(1).
- (2) This section applies if, immediately before commencement day, a person has a certification by the Commissioner of Police under section 117(1) in relation to competence to retrieve data from speed measuring and recording equipment and produce images from the data.
- (3) On and from commencement day, the person's certification is taken to be certification in relation to competence to obtain data produced by speed measuring and recording equipment and produce images from the data.

174. Authorised persons in relation to average speed detection system data

- (1) In this section —
average speed detection system has the meaning given in section 117B(1).
- (2) This section applies if, immediately before commencement day, a person has a certification by the Commissioner of Police under section 117B(1) in relation to competence to retrieve data from an average speed detection system and produce images from the data.

- (3) On and from commencement day, the person's certification is taken to be a certification in relation to competence to obtain data produced by an average speed detection system and produce images from the data.

37. Various penalties amended

In the provisions listed in the Table in the Penalty delete "Penalty:" and insert:

Penalty for this subsection:

Table

s. 16(1)	s. 27(2)
s. 32(4)	s. 33(2)
s. 35(2)	s. 36(1) and (2)
s. 47(2) and (4)	s. 131(3)
s. 139(5)	s. 141(3)

**Part 3 — *Fines, Penalties and Infringement Notices
Enforcement Act 1994* amended**

38. Act amended

This Part amends the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

39. Section 3 amended

In section 3(1) insert in alphabetical order:

modified penalty means the amount of money prescribed in a written law and specified in an infringement notice as the amount that the alleged offender is to pay if the alleged offender wants the matter dealt with out of court;

Notes for this definition:

1. The *Road Traffic (Administration) Act 2008* section 82(3) modifies the definition of ***modified penalty*** in relation to an alleged offence under the *Road Traffic (Vehicles) Act 2012* section 10(6).
2. The *Road Traffic (Administration) Act 2008* section 98(2) modifies the definition of ***modified penalty*** in relation to an alleged offence under section 97(1) of that Act.

outstanding balance, in relation to a modified penalty, has the meaning given in section 14A(4)(b);

40. Section 11 amended

- (1) In section 11 delete the definition of ***modified penalty***.

- (2) In section 11 in the definition of *unpaid infringement amount* delete “penalty, and enforcement fees, specified in the order to pay or elect” and insert:

penalty or outstanding balance of the modified penalty, and enforcement fees, specified in the order to pay or elect or balance payment order

41. Section 14 amended

- (1) In section 14(1):
- (a) delete “If under a prescribed enactment —” and insert:

This section applies if —
 - (b) before paragraph (a) insert:

(aa) section 14A does not apply; and
 - (c) in paragraph (b) delete “withdrawn under that enactment; and” and insert:

withdrawn; and
 - (d) in paragraph (d) delete “elapsed,” and insert:

elapsed.
 - (e) delete “the prosecuting authority may issue a final demand.”

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(2) After section 14(1) insert:

(1A) The prosecuting authority may issue a final demand in relation to the infringement notice.

Note: The heading to amended section 14 is to read:

Final demand may be issued if modified penalty not paid

42. Section 14A inserted

After section 14 insert:

**14A. Final demand may be issued if instalment under
*Road Traffic (Administration) Act 2008 Part 5 not
paid***

- (1) This section applies if —
- (a) an infringement notice is served under the *Road Traffic (Administration) Act 2008 Part 5 Division 2 Subdivision 1, 2 or 3* on an alleged offender who is an individual; and
 - (b) the infringement notice is not withdrawn; and
 - (c) the alleged offender pays a first instalment of the modified penalty within the initial payment period as defined in the *Road Traffic (Administration) Act 2008 section 91(2)(a)*; and
 - (d) the alleged offender fails to pay a subsequent instalment of the modified penalty in accordance with regulations made for the purposes of the *Road Traffic (Administration) Act 2008 section 95(4)*.
- (2) The prosecuting authority may issue a final demand in relation to the infringement notice.

- (3) The final demand must be served on the alleged offender.
- (4) The final demand must —
 - (a) identify the infringement notice concerned and the alleged offence; and
 - (b) set out the amount (the *outstanding balance*) of the modified penalty that remains unpaid and the applicable enforcement fees; and
 - (c) state that, unless the outstanding balance and enforcement fees are paid in the manner specified in the notice within 28 days after the date of issue of the final demand —
 - (i) the infringement notice may be registered with the Registry; and
 - (ii) if the infringement notice is registered, a licence suspension order may be made and further enforcement fees may be imposed;and
 - (d) state that the alleged offender cannot, under the *Road Traffic (Administration) Act 2008* section 92(2)(b)(i), make an election to have a charge for the alleged offence heard and determined by a court; and
 - (e) set out any other matter prescribed by the regulations.

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43. Section 15 replaced

Delete section 15 and insert:

15. Infringement notice may be registered

The prosecuting authority in relation to an infringement notice may register the infringement notice —

- (a) if —
 - (i) a final demand in relation to the infringement notice is issued under section 14; and
 - (ii) 28 days have elapsed since the date of issue of the final demand; and
 - (iii) the modified penalty, and enforcement fees, specified in the final demand have not been paid in accordance with the final demand; and
 - (iv) an election has not been made by the alleged offender in accordance with the final demand;

or

- (b) if —
 - (i) a final demand in relation to the infringement notice is issued under section 14A; and
 - (ii) 28 days have elapsed since the date of issue of the final demand; and
 - (iii) the outstanding balance of the modified penalty, and enforcement fees, specified in the final demand have not been paid in accordance with the final demand.

44. Section 16 amended

In section 16(2):

(a) in paragraph (b) delete “section 14,” and insert:

section 14 or 14A,

(b) delete paragraph (c) and insert:

(c) the final demand was served after —

(i) if the final demand was served under section 14 — the time for payment of the modified penalty in accordance with the infringement notice had elapsed; or

(ii) if the final demand was served under section 14A — the time for payment of the instalment referred to in section 14A(1)(d) had elapsed;

and

(c) in paragraph (d)(ii) delete “penalty,” and insert:

penalty or outstanding balance of the modified penalty,

(d) in paragraph (d)(iii) before “an election” insert:

if the final demand was issued under section 14 —

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45. Section 17 amended

In section 17(1) delete “a matter” and insert:

an infringement notice in relation to which a final demand is issued under section 14

46. Section 17A inserted

After section 17 insert:

17A. Balance payment order

- (1) If under section 16 an infringement notice in relation to which a final demand is issued under section 14A is registered with the Registry, the Registrar must issue a balance payment order to the alleged offender.
- (2) A balance payment order must not relate to more than 1 registered infringement notice.
- (3) A balance payment order must be served on the alleged offender.
- (4) A balance payment order is an order that, within 28 days after the date of issue of the order, the outstanding balance of the modified penalty, and enforcement fees, specified in the order must be paid to the Registry.
- (5) A balance payment order must advise the alleged offender that if the order is not complied with, the Registrar may make a licence suspension order or issue an enforcement warrant.

47. Section 18 amended

(1) Delete section 18(1) and insert:

(1) The Registrar may issue a notice of intention to enforce in relation to an infringement notice —

(a) if —

- (i) an order to pay or elect is issued in relation to the infringement notice; and
- (ii) 28 days have elapsed since the date of issue of the order to pay or elect; and
- (iii) the unpaid infringement amount in respect of the infringement notice has not been paid to the Registry; and
- (iv) an election under section 21 has not been made by the alleged offender;

or

(b) if —

- (i) a balance payment order is issued in relation to the infringement notice; and
- (ii) 28 days have elapsed since the date of issue of the balance payment order; and
- (iii) the unpaid infringement amount in respect of the infringement notice has not been paid to the Registry.

(2) Delete section 18(3) and insert:

(3) A notice of intention to enforce must contain a statement to the effect that the Registrar may make a licence suspension order, or issue an enforcement

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warrant, in respect of the alleged offender unless on or before a date specified in the notice (the *due date*) —

- (a) in the case of a notice of intention to enforce issued in relation to an order to pay or elect —
 - (i) the unpaid infringement amount is paid to the Registry; or
 - (ii) an election under section 21 is made by the alleged offender;

or

- (b) in the case of a notice of intention to enforce issued in relation to a balance payment order — the unpaid infringement amount is paid to the Registry.

(3) In section 18(5):

- (a) in paragraph (b) delete “modified penalty and enforcement fees are” and insert:

unpaid infringement amount is

- (b) delete paragraph (da) and insert:

- (da) in the case of a notice of intention to enforce issued in relation to an order to pay or elect — state that, if the Registrar issues an enforcement warrant, the alleged offender will cease to be entitled to make an election under section 21 in relation to the infringement notice to which the warrant relates; and

- (daa) state that, if the Registrar issues an enforcement warrant, the alleged offender will be required to pay the unpaid infringement amount specified in the warrant; and

48. Section 19 amended

Delete section 19(1) and insert:

- (1) The Registrar may make a licence suspension order in respect of an alleged offender to whom an infringement notice is issued —
- (a) if —
- (i) an order to pay or elect and notice of intention to enforce are issued in relation to the infringement notice; and
 - (ii) the due date specified in the notice of intention to enforce has passed; and
 - (iii) the unpaid infringement amount in respect of the infringement notice has not been paid to the Registry; and
 - (iv) the alleged offender has not made an election under section 21;
- or
- (b) if —
- (i) a balance payment order and notice of intention to enforce are issued in relation to the infringement notice; and
 - (ii) the due date specified in the notice of intention to enforce has passed; and

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- (iii) the unpaid infringement amount in respect of the infringement notice has not been paid to the Registry.
- (1A) Subsection (1) applies whether or not an enforcement warrant issued under section 21A is in force.

49. Section 20 amended

In section 20(1)(a) delete “penalty” and insert:

penalty, or outstanding balance of a modified penalty,

50. Section 21A amended

Delete section 21A(1) and insert:

- (1) The Registrar may issue an enforcement warrant in relation to an alleged offender and infringement notice —
 - (a) if —
 - (i) an order to pay or elect and notice of intention to enforce are issued in relation to the infringement notice; and
 - (ii) the due date specified in the notice of intention to enforce has passed; and
 - (iii) the unpaid infringement amount in respect of the infringement notice has not been paid to the Registry; and
 - (iv) the alleged offender has not made an election under section 21;

or

- (b) if —
- (i) a balance payment order and notice of intention to enforce are issued in relation to the infringement notice; and
 - (ii) the due date specified in the notice of intention to enforce has passed; and
 - (iii) the unpaid infringement amount in respect of the infringement notice has not been paid to the Registry.

(1A) Subsection (1) applies whether or not a licence suspension order made under section 19 is in force.

51. Section 21 amended

In section 21(1)(a) after “infringement notice” insert:

in relation to which a final demand is issued under section 14

52. Section 22 amended

At the end of section 22(5) insert:

Note for this subsection:

If the alleged offence to which an infringement notice relates is the offence under the *Road Traffic (Vehicles) Act 2012* section 10(6), particular amounts paid under the infringement notice cannot be refunded: see the *Road Traffic (Administration) Act 2008* section 82(4).

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53. Section 23 amended

In section 23 after “order to pay or elect” insert:

or balance payment order

Note: The heading to amended section 23 is to read:

Effect of order to pay or elect or balance payment order

54. Section 24 amended

(1) In section 24(1)(a) after “modified penalty” insert:

or outstanding balance of a modified penalty

(2) In section 24(2):

(a) delete “a modified penalty,” and insert:

a modified penalty or outstanding balance of a modified
penalty,

(b) after “the modified penalty” insert:

or outstanding balance of the modified penalty

Note: The heading to amended section 24 is to read:

**Effect of payment of modified penalty or outstanding balance of
modified penalty**

55. Section 26 replaced

Delete section 26 and insert:

26. Effect of order to pay or elect in relation to offences under road laws

- (1) This section applies if —
 - (a) an infringement notice to which this Part applies is served under the *Road Traffic (Administration) Act 2008*; and
 - (b) an order to pay or elect is made in respect of the infringement notice.
- (2) The person on whom the infringement notice is served is taken to be convicted of the alleged offence to which the infringement notice relates for the purposes of the *Road Traffic (Authorisation to Drive) Act 2008* section 16(1)(a).

Notes for this section:

1. See also the *Road Traffic (Authorisation to Drive) Act 2008* section 40(1A).
2. This section does not apply in relation to an infringement notice that relates to an alleged offence under the *Road Traffic (Administration) Act 2008* section 97(1): see section 98(4) of that Act.

56. Section 27 amended

- (1) In section 27(1) after “modified penalty” insert:

or outstanding balance of a modified penalty

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- (2) In section 27(3) after “modified penalty” insert:

or outstanding balance of the modified penalty

57. Section 56A amended

- (1) In section 56A delete the definition of *modified penalty*.

- (2) In section 56A insert in alphabetical order:

outstanding balance payment order has the meaning given in section 56AB;

outstanding payment obligation, in relation to a person, means an outstanding order to pay or elect, outstanding balance payment order or outstanding registered fine in relation to the person;

- (3) In section 56A in the definition of *aggregate amount owed*:

- (a) in paragraph (b) delete “person;” and insert:

person; and

- (b) after paragraph (b) insert:

- (c) the amount owed for each outstanding balance payment order in relation to the person;

- (4) In section 56A in the definition of *amount owed* after paragraph (a) insert:

- (aa) for a balance payment order issued under section 17A — means that amount of the outstanding balance of the modified penalty,

and enforcement fees, specified in the order that has not been paid or recovered under an enforcement warrant; or

58. Section 56AB inserted

After section 56AA insert:

56AB. Outstanding balance payment orders

An *outstanding balance payment order*, in relation to a person, means a balance payment order issued to the person under section 17A, if —

- (a) the outstanding balance of the modified penalty, and enforcement fees, specified in the balance payment order have not been paid in full, or recovered in full under an enforcement warrant; and
- (b) no time to pay order is in force under section 21C in respect of the person and the infringement notice to which the balance payment order relates; and
- (c) if an enforcement warrant issued under section 21A is in force in respect of the person and the infringement notice to which the balance payment order relates — no arrangement under section 68A is in force in relation to the warrant; and
- (d) the prosecuting authority has not, under section 22, withdrawn proceedings in respect of the infringement notice to which the balance payment order relates.

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59. Section 56C amended

In section 56C:

- (a) delete paragraph (a)(iv) and insert:
 - (iv) whether there are 1 or more outstanding payment obligations in relation to the individual;
- (b) delete paragraph (b)(iii) and insert:
 - (iii) whether there are 1 or more outstanding payment obligations in relation to the body corporate;

60. Section 56D amended

- (1) Delete section 56D(1) and insert:
 - (1) If, in relation to a person, there are 1 or more outstanding payment obligations, the Registrar may cause some or all of the relevant details of the person to be published on the Registrar's website.
- (2) In section 56D(2)(b)(i) delete "one or" and insert:
 - 1 or

61. Section 56E amended

In section 56E(2)(b) delete “order to pay or elect, or outstanding registered fine,” and insert:

payment obligation

62. Section 95ZC amended

At the end of section 95ZC(2) insert:

Note for this subsection:

If the amounts deducted relate to an alleged offence under the *Road Traffic (Vehicles) Act 2012* section 10(6), particular amounts deducted cannot be refunded: see the *Road Traffic (Administration) Act 2008* section 82(4).

63. Section 101 amended

Delete section 101(3) and insert:

- (3) The Court may make an order cancelling the licence suspension order if, on an application, the applicant satisfies the Court that the applicant received none of the following —
- (a) the infringement notice that gave rise to the licence suspension order;
 - (b) the final demand issued in relation to the infringement notice;
 - (c) the order to pay or elect or balance payment order issued in relation to the infringement notice;

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- (d) the notice of intention to enforce issued in relation to the infringement notice;
- (e) the notice referred to in section 19(6)(a).

Note: The heading to amended section 101 is to read:

Magistrates Court may set aside licence suspension order made under Part 3

64. Section 101AA amended

Delete section 101AA(7) and insert:

- (7) The Court may make an order cancelling the enforcement warrant if, on an application, the applicant satisfies the Court that the applicant received none of the following —
 - (a) the infringement notice that gave rise to the warrant;
 - (b) the final demand issued in relation to the infringement notice;
 - (c) the order to pay or elect or balance payment order issued in relation to the infringement notice;
 - (d) the notice of intention to enforce issued in relation to the infringement notice;
 - (e) if a licence suspension order is made in relation to the infringement notice — the notice referred to in section 19(6)(a).

Part 4 — Other Acts amended

Division 1 — *Botanic Gardens and Parks Authority Act 1998* amended

65. Act amended

This Division amends the *Botanic Gardens and Parks Authority Act 1998*.

66. Section 50 amended

Delete section 50(1) and insert:

(1) In this section —

speed measuring equipment has the meaning given in the *Road Traffic (Administration) Act 2008* section 117(1).

Division 2 — *Parks and Reserves Act 1895* amended

67. Act amended

This Division amends the *Parks and Reserves Act 1895*.

68. Section 7C amended

Delete section 7C(1) and insert:

(1) In this section —

speed measuring equipment has the meaning given in the *Road Traffic (Administration) Act 2008* section 117(1).

Note: The heading to amended section 7C is to read:

Evidentiary provisions in relation to speed measuring equipment

Division 3 — Road Safety Council Act 2002 amended

69. Act amended

This Division amends the *Road Safety Council Act 2002*.

70. Section 12 amended

(1) Before section 12(1) insert:

(1A) In this section —

infringement notice (alleged offender) has the meaning given in the *Road Traffic (Administration) Act 2008* section 81(1);

infringement notice (visual evidence) has the meaning given in the *Road Traffic (Administration) Act 2008* section 86(2);

modified penalty has the meaning given in the *Road Traffic (Administration) Act 2008* section 79;

notice requesting information has the meaning given in the *Road Traffic (Administration) Act 2008* section 96(2);

visual evidence-based infringement notice means —

- (a) an infringement notice (visual evidence); or
- (b) an infringement notice (alleged offender) if the notice relates to an alleged offence —
 - (i) under the *Road Traffic (Administration) Act 2008* section 97(1); or
 - (ii) in relation to which an infringement notice (visual evidence) or notice requesting information was served.

(2) Delete section 12(2)(a) and insert:

- (a) the total amount of each modified penalty paid pursuant to a visual evidence-based infringement notice for an offence to which the regulations specify that this paragraph applies; and

(3) Delete section 12(3) and (4).

71. Section 17 inserted

After section 16 insert:

17. Transitional provision for Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024

(1) In this section —

commencement day means the day on which the *Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024* section 70 comes into operation;

former, in relation to a provision, means that provision as in force immediately before commencement day;

photograph-based vehicle infringement notice has the meaning given in former section 12(3);

prescribed penalty has the meaning given in former section 12(3).

(2) This section applies —

(a) if —

- (i) a prescribed penalty is paid before commencement day; and

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Division 4 Road Traffic Act 1974 amended

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- (ii) immediately before commencement day, the amount of the prescribed penalty had not been credited to the Account;
- or
- (b) if —
 - (i) a photograph-based vehicle infringement notice is served on a person before commencement day; and
 - (ii) immediately before commencement day, the prescribed penalty associated with the photograph-based vehicle infringement notice had not been paid.
- (3) Former section 12(2), (3) and (4) continue to apply in relation to the prescribed penalty as if former section 12 had not been amended by the *Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024* section 70.

Division 4 — Road Traffic Act 1974 amended

72. Act amended

This Division amends the *Road Traffic Act 1974*.

73. Section 81G amended

In section 81G(1) in the definition of *radar detector*:

- (a) in paragraph (c) delete “section 117(1).” and insert:

section 117(1); or

- (b) after paragraph (c) insert:
- (d) visual detection equipment as defined in the
Road Traffic (Administration) Act 2008
section 117(1).

**Division 5 — Road Traffic (Authorisation to Drive) Act 2008
amended**

74. Act amended

This Division amends the *Road Traffic (Authorisation to Drive) Act 2008*.

75. Section 40 amended

- (1) In section 40(1) delete the definition of *dealt with: infringement notice*.
- (2) In section 40(1) insert in alphabetical order:

dealt with by infringement notice has the meaning given in subsection (1A);

- (3) After section 40(1) insert:

- (1A) For the purposes of this Part, an alleged demerit point offence for which an infringement notice is issued is *dealt with by infringement notice* —
- (a) if the infringement notice is issued under a law of another jurisdiction — the first time the matter is dealt with in a way that the regulations specify is to be treated as having been dealt with by infringement notice; or

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(b) if the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 applies to the infringement notice — the first time 1 of the following events occurs —

- (i) an amount is paid under the infringement notice (regardless of whether it is the full amount and regardless of whether a final demand has been issued in relation to the infringement notice under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 14);
- (ii) an order to pay or elect is issued in relation to the infringement notice under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 17;

or

(c) otherwise — when an amount is paid under the infringement notice (regardless of whether it is the full amount).

(1B) Subsection (1A) applies even if a payment referred to in subsection (1A)(b)(i) or (c), or in regulations made for the purposes of subsection (1A)(a), is made by means of a dishonoured payment as defined in the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 3(1).

Division 6 — Road Traffic (Vehicles) Act 2012 amended

76. Act amended

This Division amends the *Road Traffic (Vehicles) Act 2012*.

77. Section 5 amended

Delete section 5(2) and insert:

- (2) An owner of a vehicle is taken to make an application for the transfer of a licence for the vehicle under subsection (1) if —
- (a) a sum ordered to be paid under section 10(7) is paid; or
 - (b) the amounts set out in an infringement notice under the *Road Traffic (Administration) Act 2008* section 82(2) are paid.
- (2A) The payment under subsection (2)(a) or (b) is taken to be a payment under subsection (1)(b).



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