

Western Australia

Road Traffic (Infringements) Regulations 1975

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Western Australia

Road Traffic (Infringements) Regulations 1975

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Road Traffic (Infringements) Regulations 1975

1. Citation

These regulations may be cited as the *Road Traffic (Infringements) Regulations 1975*¹.

[2. *Repealed in Gazette 11 April 1986 p.1383.*]

3. Offences and penalties

- (1) The offences described in the First Schedule are prescribed for the purposes of section 102 of the Act and the penalty appearing in the final column of that Schedule, directly opposite an offence, is the prescribed penalty in respect of that offence, if dealt with under that section.
- (2) In column 1 of the First Schedule, a reference to a provision that creates an offence when read with section 107 of the Act shall be taken to include a reference to the provision read with section 107.
- (3) Every offence not referred to in subregulation (1) that is created by —
 - [(a) *deleted*]
 - [(b) *deleted*]
 - (c) the *Road Traffic (Driver's Licences) Regulations 1975*;
 - (d) the *Road Traffic (Licensing) Regulations 1975*; or
 - (e) section 107(1) of the Act as read with any of the regulations referred to in paragraphs (c) or (d),

is prescribed for the purposes of section 102 of the Act and the prescribed penalty for each such offence, if dealt with under that section, is one penalty unit (1 PU).

- (4) The offences prescribed by this regulation for the purposes of section 102 of the Act are prescribed in addition to the offences prescribed for the purposes of that section by —
- (a) the *Road Traffic Code 2002*;
 - (b) the *Road Traffic (Vehicle Standards) Regulations 2002*;
 - (c) the *Road Traffic (Bicycles) Regulations 2002*; and
 - (d) the *Road Traffic (Animal Drawn Vehicles) Regulations 2002*.

[Regulation 3 amended in Gazette 11 April 1986 p.1383; 23 December 1988 p.4979; 28 September 1990 p.5072; 23 December 1997 pp.7444-5; 1 December 2000 p.6759; 1 Nov 2002 p. 5390.]

4. Prescribed officers

- (1) For the purposes of section 102(3) and, subject to subregulation (2), section 102(5) of the Act, a prescribed officer is any commissioned officer of Police and, in a district to which section 110 of the Act applies, the traffic inspector, or where there is more than one, the senior traffic inspector for the district.
- (2) For the purposes of section 102(5) of the Act, a person is a prescribed officer, in relation to the notice for withdrawing a traffic infringement notice issued for an alleged offence relating to the licensing provisions of the Act, if the person holds office as —
- (a) the Prosecutions Officer, Legislative and Legal Services, Department for Planning and Infrastructure; or
 - (b) the Manager, Legislative and Legal Services, Department for Planning and Infrastructure.

*[Regulation 4 amended in Gazette 2 February 1982 p.400;
17 January 1997 pp.439-40; 11 April 1997 p.1859;
28 Feb 2003 p. 679-80.]*

[5. *Repealed in Gazette 21 December 1990 p.6288.]*

6. Offence of altering infringement notice

A person who, not being a member of the Police Force or a warden appointed under section 7 of the Act, makes any alteration to an infringement notice, other than by printing on the notice any information required by, and where indicated on, the form of notice, commits an offence.

Penalty: Four penalty units (4 PU).

*[Regulation 6 inserted in Gazette 21 December 1990 p.6288;
amended in Gazette 17 January 1997 p.440; 31 January 1997
p.681; 23 December 1997 p.7445.]*

7. Prescribed forms

- (1) The prescribed form of the traffic infringement notice referred to in section 102(1) of the Act is —
 - (a) except in a case to which paragraph (b) or (c) applies, the form set out in Form 1 in the Second Schedule;
 - (b) where, under section 102(3a) of the Act, the notice is to be given to, and served on, the owner of the vehicle concerned, the form set out in Form 2 in the Second Schedule;
 - (c) where the notice is issued for an alleged offence against section 24(2) of the Act, the form set out in Form 2A in the Second Schedule.
- (2) Subject to subregulation (3), the prescribed form of the notice for withdrawing a traffic infringement notice under section 102(5) of the Act is the form set out in Form 3 in the Second Schedule.

r. 8

- (3) If the traffic infringement notice to be withdrawn was issued for an alleged offence relating to the licensing provisions of the Act, the prescribed form of the notice for withdrawing the traffic infringement notice is the form referred to in subregulation (2) but amended so that the details on the form that refer to the prescribed officer are appropriate to a prescribed officer mentioned in regulation 4(2).

[Regulation 7 inserted in Gazette 21 December 1990 p.6288; amended in Gazette 17 January 1997 p.440; 11 April 1997 p.1859.]

8. Revocation and saving

[Omitted under the Reprints Act 1984 s.7(4)(f) and (g).]

First Schedule

[Reg. 3]

Provision Creating Offence	Nature of Offence	PU
<i>Road Traffic Act 1974</i>		
1. Section 24(1)	Failure of licence holder to forthwith notify change of vehicle ownership.....	2
2. Section 24(2c)	Failure to apply within 28 days for transfer of a vehicle licence on becoming the owner	2
3. Section 27(3)	Failure to affix or keep affixed registration label.....	1
4. Section 48A	Failure to produce on demand a cancelled or suspended licence, or a licence of which the holder is disqualified.....	2
5. Section 49(1)	Driving without appropriate, valid licence...	2
6. Section 50A(1)	Failure of overseas or interstate visitor to carry or produce driver's licence or its equivalent or permit.....	1
7. Section 53(2)	Failure to produce a driver's licence within a reasonable time after demand, or at all.....	1
8. Section 62	Careless driving.....	2
9. Section 64AA	Driving or attempting to drive a motor vehicle while the percentage of alcohol in the driver's blood equals or exceeds 0.05%.....	2
10. Section 86(2)	Unlawfully parking on land not a road.....	1
11. Section 93	Failure to produce driver's licence in court	1
<i>[Heading and items 12-86 deleted]</i>		
<i>[Heading and items 87-106 deleted]</i>		
<i>Road Traffic (Drivers' Licences) Regulations 1975</i>		
107. Regulation 13(1)	Driving without "P" plate displayed when the holder of a driver's licence issued on probation	2
<i>Road Traffic (Licensing) Regulations 1975</i>		
108. Regulation 15(2)	Failure to deliver up on demand a suspended or cancelled vehicle licence or licence obtained by misrepresentation or fraud.....	2
109. Regulation 22(3)	Failure to return number plates.....	2

Road Traffic (Infringements) Regulations 1975

First Schedule

Provision Creating Offence	Nature of Offence	PU
109A. Regulation 22(3a)	Failure to surrender number plates when required by notice issued whilst a compliance notice under Part 7 of the <i>Road Traffic (Vehicle Standards) Regulations 2002</i> is in force	2
110. Regulation 24(8)	Failure when required by notice to surrender non-reflective identification tablet or number plate other than special plates.....	2
111. Regulation 27	Painting or interfering with, or suffering another, paint or interfere with, any number plate, except for the purposes of reinstatement	2
112. Regulation 28(6)	Altering, defacing, obliterating or removing identification mark from engine, or stamping on or affixing to engine a purported identification mark.....	2
113. Regulation 34	Failure to hand over vehicle licence when disposing of used vehicle.....	2

[First Schedule inserted in Gazette 23 December 1997 pp.7445-51; amended in Gazette 23 June 1998 pp.3340-2; 20 July 1999 p.3249; 30 November 1999 p.5955; 1 December 2000 p.6759; 1 Nov 2002 p. 5390; 23 Dec 2005 p. 6276.]

Form 2

DEFENDANT'S COPY

INFRINGEMENT No.	VEHICLE No.	PENALTY	DUE DATE

CASHIER'S COPY

**Traffic Infringement Notice
Photographic Evidence**

	Issuing Officer	
TO:-		DATE OF ISSUE
		Infringement No.

- (1) If you do not wish to have a complaint of the alleged offence heard and determined by a court you may pay the amount due in accordance with the payment details below.
- (2) If you were not the driver or person in charge of the vehicle at the time of the offence you should give to the Commissioner of Police a statement in writing to that effect. That statement must be accompanied by this infringement notice, and be posted to the Commissioner of Police or delivered personally to the officer in charge of a police station.
- (3) If you do not do any of the above mentioned within 28 days of the date of issue you will be deemed to be the driver or person in charge of the vehicle at the time of the offence unless you claim to the contrary or claim that this notice did not come to your attention in time for you to respond.
- COURT — If you wish to have the matter dealt with by a court, do not pay the infringement notice. You should advise the Traffic Camera Section at _____ of your intentions in writing, before the due date otherwise further costs will be incurred.

	PENALTY: \$				
	Infringement Details				
It is alleged that you committed the offence of:					
at					
Place; Street					
DATE	VEHICLE No.	TIME	CODE	DRIVER'S LICENCE No.	DATE OF BIRTH

Road Traffic (Infringements) Regulations 1975

Second Schedule

PAYMENT DETAILS

WHO TO
PAY:

By Post Send the infringement with a bank
cheque, personal cheque or money order
for the EXACT amount due to:-
Accountant, Department of Justice
GPO Box L915
PERTH WA 6001

CREDIT CARD SLIP – Do not detach – Return
complete document with payment to:-
ACCOUNTANT
DEPARTMENT OF JUSTICE
Box L915, G.P.O.
PERTH 6001

In Person Present this page intact and make your
payment at any Clerk of Petty Sessions
or Clerk of Courts office in Western
Australia.

PLEASE DEBIT MY CREDIT CARD
ACCOUNT:-
BANKCARD MASTERCARD
VISACARD

TIME FOR PAYMENT: Payment is required within
28 days of the date of issue.

CARD NUMBER:

Note: DO NOT SEND CASH IN THE MAIL.
Cheques should be crossed 'Not Negotiable'
and made payable to ' Department of Justice'.
PAYMENT AFTER DUE DATE WILL
INCUR FURTHER COSTS.

AMOUNT:

BEFORE MAKING PAYMENT PLEASE PRINT
YOUR MOTOR DRIVER'S LICENCE NUMBER
AND DATE OF BIRTH IN THE BOXES
PROVIDED.

CARDHOLDER NAME: _____

SIGNATURE: _____

EXPIRY DATE: ____ / ____ / ____

[Form 2 amended in Gazette 28 Feb 2003 p. 680.]

Form 2A

[Reg. 7(1)(c)]

Road Traffic Act 1974
Road Traffic (Infringements) Regulations 1975

TRANSPORT

Department for Planning and Infrastructure

Traffic Infringement Notice

Transfer of Vehicle Licence

Enquiries

[name and address of person to be served with this notice to be inserted here]

VEHICLE PLATE NUMBER
(number to be inserted here)

PAYMENT DUE BY
(date to be inserted here)

Infringement Details:

It is alleged that you committed the offence of failing to transfer the licence for vehicle [details of vehicle to be inserted here] within 28 days of becoming the owner of the vehicle.

- (1) If you want this matter dealt with by this notice, you must pay [amount to be paid to be inserted here] as shown below and complete the Declaration (Part C) on the reverse of this notice. You must pay this amount before [date to be inserted here].
OR
- (2) You can elect to have this matter dealt with by a court. To do this, advise the Department for Planning and Infrastructure of your intentions by completing Electing Action by a Court (Part B) on the reverse of this notice. You must return this notice **before** [date to be inserted here], otherwise you will be liable to incur further costs. Do not pay the fees referred to in this notice.
OR
- (3) If you did not purchase this vehicle, do not pay the fees referred to in this notice. Instead, complete the Statement (Part A) on the reverse of this notice and return it to the Department for Planning and Infrastructure **as soon as possible**.

(Reverse of this notice)

IMPORTANT INFORMATION

You must complete Part A, B or C below.

DEFINITIONS

1. The “**purchase price**” of a vehicle includes:
 - (a) any amount allowed by the seller of a vehicle on a trade-in or an exchange of any article; and
 - (b) any amount paid to the seller of a vehicle for things included with or incorporated into the vehicle or for the preparation of the vehicle for delivery to the purchaser.
2. The “**market value**” of a vehicle means the market value of the vehicle at the time of the application for it to be transferred from the previous owner under Part C.
3. As a general rule, the market value of a vehicle is the same as its purchase price, including any amount referred to in 1(a) and (b) above, and adding any special discount allowed which is not available to the public generally (such as a sales tax exemption).

Warning: A transferee who understates the purchase price or market value of a vehicle commits an offence under the *Stamp Act 1921* and is liable to a penalty of \$10 000. The transferee is also liable for the payment of the stamp duty that was not paid as a result of the understated purchase price, together with a fine of 100% of that duty.

STATEMENT

Part A

I,

(your full name in BLOCK LETTERS)

of

(your address in BLOCK LETTERS)

representing

(name of company, if applicable)

Second Schedule

declare that, in relation to the offence stated on the front of this notice, the vehicle described was:

*sold by me on behalf of: *purchased by me on behalf of:
[*delete whichever is not applicable]

.....
(full Name in BLOCK LETTERS)

.....
(address in BLOCK LETTERS)

Date of Sale. . . / . . . / . . .

Signature
(signature of person making this statement)

Date . . . / . . . / . . .

In case further information is necessary to finalize this matter, please supply us with your daytime telephone number, if convenient: (Tel:)

ELECTING ACTION BY A COURT

Part B

I elect to have this matter dealt with by a court. I understand that I may receive a summons for this offence. My address for service of the summons is:

.....
.....

Name (in BLOCK LETTERS)

Vehicle number Infringement number

Signature Date . . . / . . . / . . .

Return this page intact to: Department for Planning and Infrastructure, [*address of Department to be inserted here*].

DO NOT DETACH

.....

DECLARATION

Part C

1. I,
(your full name in BLOCK LETTERS)

--	--	--	--	--	--	--	--

DRIVER'S LICENCE NUMBER

of
(your residential address in BLOCK LETTERS)

.....

Second Schedule

(your postal address in BLOCK LETTERS)

Four empty boxes for postal address

DATE OF BIRTH

representing
(name of company, if applicable)

Three sets of empty boxes for Australian Companies Number

AUSTRALIAN COMPANIES NUMBER
(if applicable)

apply for the vehicle, the details of which are shown on the front of this notice, to be transferred from the previous owner.

2. I purchased this vehicle and its purchase price was \$
(for the definition of "purchase price" see above)

Four empty boxes for Dealer Organization Code

DEALER ORGANIZATION CODE

3. The market value of the vehicle at the time of making this declaration is \$
(for the definition of "market value" see above)

4. DEALER'S CERTIFICATE — SECTION 76C(7) STAMP ACT 1921
(to be completed by motor vehicle dealers only)

As the person, or an authorized officer of the company, referred to above, I certify that the motor vehicle described on the front of this notice will be used for the purpose of resale in the ordinary course of business.

5. Signature Date . . . / . . . / . . .

[Form 2A amended in Gazette 28 Feb 2003 p. 680.]

Second Schedule

Form 3

P149C
ORIGINAL

Road Traffic Act
WESTERN AUSTRALIA

WITHDRAWAL OF TRAFFIC INFRINGEMENT NOTICE

Section 102(5)

MW No.

Date / /

.....
SURNAME (Block Letters) (Other names in full)

ADDRESS
(Number and Street)

.....
(Town and Suburb) (Postcode)

Traffic Infringement Notice No. Date / / for the
alleged offence

of Penalty \$
is hereby withdrawn.

(a) No further action will be taken. (Strike out that
not applicable)

(b) It is proposed to institute court proceedings for the alleged offence.

Signature of
Stationprescribed officer
Rank

*[Second Schedule inserted in Gazette 21 December 1990
pp.6288-91; amended in Gazette 8 March 1991 p.1065;
17 January 1997 pp.441-4; 8 December 1998 p.6588;
28 Feb 2003 p. 680.]*

Notes

- ¹ This is a compilation of the *Road Traffic (Infringements) Regulations 1975* and includes the amendments included in the reprint of 4 June 1996 and amendments effected by the other regulations referred to in the following table.

Compilation table

Citation	Gazettal	Commencement	Miscellaneous
<i>Road Traffic (Infringements) Regulations 1975</i>	29 May 1975 pp.1521-31	1 June 1975	
(Regulations effecting amendments in the previous reprint are not referred to in this Table)			Previous reprint 4 June 1996
<i>Road Traffic Regulations Amendment (Greenmount Hill Speed Restriction) Regulations 1996</i>	1 November 1996 pp.5795-7	1 November 1996	
<i>Road Traffic (Infringements) Amendment Regulations 1996</i>	17 January 1997 pp.439-44	17 January 1997	
<i>Road Traffic (Infringements) Amendment Regulations 1997</i>	31 January 1997 p.681	1 February 1997 (see regulation 2 and <i>Gazette</i> 31 January 1997 p.613)	
<i>Road Traffic (Infringements) Amendment Regulations (No. 2) 1997</i>	11 April 1997 p.1859	11 April 1997	
<i>Road Traffic Regulations Amendment (Pilots of Over-dimensional Vehicles) Regulations 1997</i>	30 May 1997 pp.2499-501	1 July 1997 (see regulation 2)	
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 1997</i>	23 December 1997 pp.7444-51	1 January 1998 (see regulation 2 and <i>Gazette</i> 23 December 1997 p.7400)	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Road Traffic (Infringements) Amendment Regulations 1998</i>	23 June 1998 pp.3340-2	1 July 1998 (see regulation 2)	
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 1998</i>	8 December 1998 pp.6588-9	8 December 1998 (see regulation 2)	
<i>Road Traffic (Infringements) Amendment Regulations 1999</i>	30 November 1999 pp.5954-5	30 November 1999	
<i>Road Traffic (Infringements) Amendment Regulations (No. 2) 1999</i>	28 September 1999 pp.4705-6	1 January 2001 (see regulation 2)	The amendments to the First Schedule do not have effect because the items they would have amended were deleted in <i>Gazette</i> 1 December 2000 p.6759
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 1999</i>	20 July 1999 pp.3248-9	20 July 1999	
<i>Road Traffic (Infringements) Amendment Regulations (No. 2) 2000</i>	1 December 2000 p.6759	1 December 2000 (see regulation 2)	
<i>Road Traffic (Vehicle Standards) (Consequential Provisions) Regulations 2002 Pt. 3</i>	1 Nov 2002 p. 5388-400	1 Nov 2002 (see r. 2)	
<i>Road Traffic (Infringements) Amendment Regulations 2003</i>	28 Feb 2003 p. 679-80	28 Feb 2003	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 2005</i>	23 Dec 2005 p. 6276	23 Dec 2005	

² Operative 1 November 1990 (see regulation 2).