

Western Australia

Road Traffic (Infringements) Regulations 1975

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Western Australia

Road Traffic (Infringements) Regulations 1975

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Schedule 1 — Prescribed offences and modified penalties

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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 *Repealed in Gazette 11 April 1986 p.1383.*]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 Schedule 1 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 Schedule 1 column 1 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),

r. 4

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; 23 Dec 2005 p. 6285.]

4. Prescribed officers

[(1) repealed]

- (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; 23 Dec 2005 p. 6286.]

[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), (c), (d) or (e) applies, the form set out in Schedule 2 Form 1;
 - (b) in the case of a traffic infringement notice under section 102A of the Act, the form set out in Schedule 2 Form 1, made out to the responsible person;
 - (c) in the case of a traffic infringement notice under section 102B of the Act, the form set out in Schedule 2 Form 2;
 - (d) in the case of a traffic infringement notice issued for an alleged offence under section 24(2d) of the Act, the form set out in Schedule 2 Form 3; and
 - (e) in the case of a notice requesting information under section 102C(1) of the Act that is to be regarded as a traffic infringement notice, the form set out in Schedule 2 Form 4.
- (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 Schedule 2 Form 5.

- (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; 23 Dec 2005 p. 6286.]

8. Revocation and saving

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

Schedule 1 — Prescribed offences and modified penalties

[Reg. 3]

[Heading inserted in Gazette 23 Dec 2005 p. 6286.]

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(2d)	Failure to apply for the transfer of a vehicle licence within 28 days after the issue of a notice under section 24(2a)(b)	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

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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 and p. 6286.]

The officer to whom payment may be made is to be specified here

[Payment details to be included with this form]

Details of options, information that may be required and the consequence of non-payment should be set out as part of the Form.

[Form 2 inserted in Gazette 23 Dec 2005 p. 6287.]

[Form 2A deleted in Gazette 23 Dec 2005 p. 6287.]

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Schedule 1 Prescribed offences and modified penalties

Form 3

TRAFFIC INFRINGEMENT NOTICE — FAILURE TO APPLY FOR TRANSFER OF VEHICLE LICENCE

Road Traffic Act 1974 sections 24(2d) and 102(1)

To:	Notice No.:
Address:	Vehicle No.:

PART A OFFENCE DETAILS

It is alleged that the following offence occurred and that you were a responsible person for the vehicle.

Offence details: It is alleged that you committed the offence of failing to make an application for the transfer of the licence for the vehicle within 28 days (or any longer period allowed by the Director General) after a notice has been issued to you under the *Road Traffic Act 1974* section 24(2a)(b).

Offence date: Person issuing notice:

PART B IMPORTANT INFORMATION

1. You may elect to have the offence alleged in Part A heard in the Magistrates Court by filling in Part E on page 2 of this notice.
2. If you have not become the owner of the vehicle, you may choose not to pay the modified penalty specified below and instead complete Part F on page 3 of this notice and return it to the Department for Planning and Infrastructure at PO Box R1290 GPO Perth 6844 as soon as possible. Note however the further information in Part D.
3. You may pay the amount specified below on or before the due date specified below. If you do so you must complete Part G on page 3 of this notice.

Amounts payable:	Stamp duty:		Transfer fee:	
	Stamp duty fine:		Modified penalty:	
TOTAL AMOUNT DUE:		DUE DATE:		

PART C PAYMENT DETAILS

Please note the further information in Part D (overleaf).

If paying **by post** send this slip with your payment to: Department for Planning and Infrastructure Payment Centre GPO Box K777 Perth WA 6842.

If paying **in person** present this notice intact at any Australia Post Office or agency.

Infringement No.:	
Due date:	
Amount due:	

Cheques and money orders must be made payable to the "Department for Planning and Infrastructure".

Complete this authorisation for credit card payments			
Please debit my	<input type="checkbox"/> Visa	<input type="checkbox"/> Mastercard	<input type="checkbox"/> Bankcard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cardholder name _____		Card expiry _____	
Signature _____		Date _____	

PART D YOUR OPTIONS — FURTHER DETAILS

IMPORTANT INFORMATION:

If, on or before, you have not either paid the modified penalty or elected to have the alleged offence determined in court, then this infringement notice will, unless the notice is withdrawn on the basis of information provided by you in Part E, be registered at the Fines Enforcement Registry. You will incur further costs and a vehicle licence suspension may be imposed. If any information provided by you in Part E does not lead to the withdrawal of this notice, you will be notified by mail.

PAYMENT will only be accepted if —

the payment is received on or before (**no extensions will be given**);

the payment is made in full (**part payments will not be accepted**); and

the payment is made to the Department for Planning and Infrastructure, Payment Centre, an Australia Post Office or agency.

Cheques and money orders must be made payable to the "Infringement Payment Centre".

PART E ELECTING TO GO TO COURT

I elect to have the offence alleged in Part A heard and determined in court. I understand that I will receive a summons in due course.

Signature: _____ Date: _____

If the address for that summons differs from that printed on the front page of this notice enter the new address below.

Address: _____ Suburb: _____ Postcode: _____

Mail this completed form to the Department for Planning and Infrastructure PO Box R1290 GPO Perth 6844.

Schedule 1 Prescribed offences and modified penalties

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PART F INFORMATION REGARDING WHO WAS THE OWNER OF THE VEHICLE

Statement

I [name], of [address],
being authorised to make statements for [if this notice is not addressed to an individual]
declare that I am not the owner of the vehicle stated on the front of this notice and that the vehicle is instead owned by —

Surname: _____ Given name: _____ Ph.: _____
Address: _____ Suburb: _____ Postcode: _____
Signature of person making statement: _____ Date: _____

PART G APPLICATION FOR TRANSFER

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.

APPLICATION		
1. I apply for the vehicle, the details of which are shown on the front of this notice, to be transferred from the previous owner.		
Surname: _____	Given name: _____	Ph.: _____
Address: _____	Suburb: _____	Postcode: _____
Driver's Licence: _____	Company (if any): _____	ACN: _____
2. I purchased this vehicle and its purchase price was: _____		
Dealer organisation code (if any): _____		
3. The market value of the vehicle at the time of making this declaration is: _____		
Signature of person making application: _____		Date: _____

DEALER'S CERTIFICATE STAMP ACT 1921 SECTION 76C(7)	
(To be completed by motor vehicle dealers only)	
As the person, or an authorised 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.	
Dealer organisation code: _____	
Signature: _____	Date: _____

Mail this completed form to the Department for Planning and Infrastructure PO Box R1290 GPO Perth 6844.

[Form 3 inserted in Gazette 23 Dec 2005 p. 6287-9.]

Prescribed offences and modified penalties

Schedule 1

PART C PHOTOGRAPHIC EVIDENCE

The images below are a representation of the original photographic evidence. Due to the limitations of printing photographs in this format they are not intended or expected to duplicate the quality of the original images.

[Photographs of vehicle]

These images identify the vehicle. There is no legal requirement for them to identify the driver of the vehicle. You, as the "responsible person" for this vehicle, are required to identify the driver at the time. These images may assist you in this identification. **[Does not apply if photographic evidence not enclosed]**

PART D PAYMENT DETAILS

[Payment details are to be included with this form and the officer to whom payment may be made is to be specified here]

Reverse of Form 4

PART E YOUR OPTIONS — FURTHER DETAILS

IMPORTANT INFORMATION: If you fail to comply with s.102C(3) of the Act, then —
 this notice is to be regarded as an infringement notice for your failure to comply;
 the amount due under Part B is the modified penalty for that failure to comply; and
 unless you, by, either (1) pay the modified penalty within the time specified or (2) elect to have the matter dealt with in court; you may be liable for extra costs.

PAYMENT will only be accepted if —
 the payment is received on or before ;
 the payment is made in full; and
 the payment is made as specified in this notice.

PART F INFORMATION REGARDING WHO WAS DRIVING OR IN CHARGE OF THE VEHICLE

Please complete Division 1 OR 2 or, if photographic evidence was enclosed, Division 3.

Division 1: The person who was driving / in charge of (delete whichever is inapplicable) the vehicle was —

Surname: _____ Given name: _____ Ph.: _____

Address: _____ Suburb: _____ Postcode: _____

Name of person making statement: _____ Position: _____

Signature: _____ Date: _____

Division 2: At the time of the offence the vehicle was stolen / unlawfully taken or used (delete whichever is inapplicable).

Date, time and circumstances in which you discovered vehicle had been stolen / taken / unlawfully used:

Name of person making statement: _____ Position: _____

Signature: _____ Date: _____

Division 3: Statutory Declaration

I [name], of [address], being authorised to make statements for, do solemnly and sincerely declare that I do not know and cannot reasonably ascertain the name and address of the driver or person in charge of the vehicle at the time of the offence alleged in Part A,

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and I make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

Declared at: _____	Before: _____
Signature: _____	Date: _____
Signature: _____	Date: _____
JP, CD, Police Officer etc.	

Mail or personally deliver this completed form to the officer in charge, Infringement Management and Operations GPO Box S1400 Perth WA 6845, or personally deliver it to the officer in charge of any police station.

[Form 4 inserted in Gazette 23 Dec 2005 p. 6289-90.]

Form 5

WITHDRAWAL OF TRAFFIC INFRINGEMENT NOTICE

Road Traffic Act 1974 section 102(5) or 102C(5)

To: Address:	Notice No.:
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PART A INFRINGEMENT NOTICE WITHDRAWN

AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —

NO FURTHER ACTION WILL BE TAKEN*

A SUMMONS WILL BE ISSUED*

[* delete whichever is not applicable]

PART B DETAILS OF WITHDRAWN NOTICE

Notice No.:	Date notice withdrawn:
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PART C PRESCRIBED OFFICER WHO ISSUED THIS NOTICE

Name:	Signature:	Date:
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[Form 5 inserted in Gazette 23 Dec 2005 p. 6290.]

[Second Schedule inserted in Gazette 21 December 1990 p. 6288-91; amended in Gazette 8 March 1991 p. 1065; 17 January 1997 p. 441-4; 8 December 1998 p. 6588; 28 Feb 2003 p. 680; 23 Dec 2005 p. 6287-90.]

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
<i>Road Traffic (Infringements) Regulations 1975</i>	29 May 1975 p.1521-31	1 Jun 1975
<i>Road Traffic Regulations Amendment (Greenmount Hill Speed Restriction) Regulations 1996</i>	1 Nov 1996 p.5795-7	1 Nov 1996
<i>Road Traffic (Infringements) Amendment Regulations 1996</i>	17 Jan 1997 p.439-44	17 Jan 1997
<i>Road Traffic (Infringements) Amendment Regulations 1997</i>	31 Jan 1997 p.681	1 Feb 1997 (see regulation 2 and <i>Gazette</i> 31 Jan 1997 p.613)
<i>Road Traffic (Infringements) Amendment Regulations (No. 2) 1997</i>	11 Apr 1997 p.1859	11 Apr 1997
<i>Road Traffic Regulations Amendment (Pilots of Over-dimensional Vehicles) Regulations 1997</i>	30 May 1997 p.2499-501	1 Jul 1997 (see regulation 2)
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 1997</i>	23 Dec 1997 p.7444-51	1 Jan 1998 (see regulation 2 and <i>Gazette</i> 23 Dec 1997 p.7400)
<i>Road Traffic (Infringements) Amendment Regulations 1998</i>	23 Jun 1998 p.3340-2	1 Jul 1998 (see regulation 2)
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 1998</i>	8 Dec 1998 p.6588-9	8 Dec 1998 (see regulation 2)
<i>Road Traffic (Infringements) Amendment Regulations 1999</i>	30 Nov 1999 p.5954-5	30 Nov 1999
<i>Road Traffic (Infringements) Amendment Regulations (No. 2) 1999</i>	28 Sep 1999 p.4705-6	1 Jan 2001 (see regulation 2)
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 1999</i>	20 Jul 1999 p.3248-9	20 Jul 1999
<i>Road Traffic (Infringements) Amendment Regulations (No. 2) 2000</i>	1 Dec 2000 p.6759	1 Dec 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)

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Citation	Gazettal	Commencement
<i>Road Traffic (Infringements) Amendment Regulations 2003</i>	28 Feb 2003 p. 679-80	28 Feb 2003
<i>Road Traffic (Infringements) Amendment Regulations (No. 3) 2005</i>	23 Dec 2005 p. 6276	23 Dec 2005
<i>Road Traffic (Infringements) Amendment Regulations 2005</i>	23 Dec 2005 p. 6285-90	1 Jan 2006 (see r. 2 and <i>Gazette</i> 23 Dec 2005 p. 6244-5)

² Operative 1 November 1990 (see regulation 2).