



Western Australia

Road Traffic (Administration) Act 2008

Road Traffic (Administration) Regulations 2014

Road Traffic (Administration) Regulations 2014

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Defined terms

Road Traffic (Administration) Regulations 2014

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic (Administration) Regulations 2014*.

2. Commencement

These regulations come into operation on the day fixed under the *Road Traffic (Administration) Act 2008* section 2(b).

3. Term used: section

In these regulations, unless the contrary intention appears — *section* means section of the Act.

Part 2 — Matters prescribed for terms used in road laws

4. Power assisted pedal cycles

- (1) In this regulation —

pedalec means a vehicle that meets the standard of the European Committee for Standardization entitled EN 15194:2009 or EN 15194:2009+A1:2011 Cycles — Electrically power assisted cycles — EPAC Bicycles.

- (2) For the definition of *power assisted pedal cycle* in section 4, the amount of power is —

- (a) for a pedalec — 250 W; and
- (b) for any other kind of power assisted pedal cycle — 200 W.

Part 3 — Information

5. Information to be disclosed by Commissioner of Police to CEO: s. 12(4)(d)

For section 12(4)(d), the information is —

- (a) the details of a charge for any offence, whether relating to a road traffic matter or any other matter, against a person who holds a driver's licence endorsed with extension F or T under the *Road Traffic (Authorisation to Drive) Regulations 2014* as they apply under the *Transport (Road Passenger Services) Act 2018* section 294; and
- (b) the details of a charge for any offence, whether relating to a road traffic matter or any other matter, against a person who has applied for or holds a licence or permit under the *Motor Vehicle Drivers Instructors Act 1963*.

[Regulation 5 amended: SL 2020/91 r. 4.]

6. Exchange of information between CEO and other authorities

For paragraph (d) of the definition of *relevant authority* in section 13A(1), the person is Austroads Limited (ACN 136 812 390), registered under the *Corporations Act 2001* (Commonwealth).

7. Disclosure of information to prescribed persons

- (1) In this regulation —
APS employee has the meaning given in the *Public Service Act 1999* (Commonwealth) section 7.
- (2) For the definition of *prescribed person* in section 14(1), the persons, and classes of person, are —
 - (a) the Chairperson of ASIC, as defined in the *Australian Securities and Investments Commission Act 2001*

(Commonwealth) section 5(1), or a staff member, as defined in that subsection, nominated by the Chairperson to the CEO;

- (aa) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1), or an AFP employee, as defined in that section, nominated by the Commissioner to the CEO;
- (ab) the Australian Border Force Commissioner, appointed under the *Australian Border Force Act 2015* (Commonwealth) section 11(1) (**ABF Commissioner**), or an Immigration and Border Protection worker, as defined in section 4(1) of that Act, nominated by the ABF Commissioner to the CEO;
- (ac) the Comptroller-General of Customs, referred to in the *Australian Border Force Act 2015* (Commonwealth) section 11(3), or an Immigration and Border Protection worker, as defined in section 4(1) of that Act, nominated by the Comptroller-General to the CEO;
- (ad) the Chief of the Defence Force, appointed under the *Defence Act 1903* (Commonwealth) section 12(1) (**Chief of Defence**), or an officer of the Defence Force, as defined in section 4(1) of that Act, nominated by the Chief of Defence to the CEO;
- (b) the Inspector-General, as defined in the *Bankruptcy Act 1966* (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of his or her functions, or in the exercise of his or her powers, under that Act nominated by the Inspector-General to the CEO;
- [(c) *deleted*]
- (d) the Registrar, as defined in the *Child Support (Registration and Collection) Act 1988* (Commonwealth) section 4(1), or an officer or employee

of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to the CEO;

- (e) the Electoral Commissioner, as defined in the *Commonwealth Electoral Act 1918* (Commonwealth) section 4(1), or a member of the staff mentioned in section 29 of that Act nominated by the Electoral Commissioner to the CEO;
- (f) the Commissioner, as defined in the *Corruption, Crime and Misconduct Act 2003* section 3(1), or another officer of the Commission, as defined in that subsection, nominated by the Commissioner to the CEO;
- (g) the person appointed Vice-Chancellor under the *Curtin University Act 1966* section 14(1), or any member of the staff of Curtin University nominated by the Vice-Chancellor to the CEO;
- [(h) *deleted*]
- (i) the person appointed Vice-Chancellor under the *Edith Cowan University Act 1984* section 30(1), or another member of the staff, as defined in section 3(1) of that Act, nominated by the Vice-Chancellor to the CEO;
- (j) the Electoral Commissioner, as defined in the *Electoral Act 1907* section 4(1), or a person employed in the Western Australian Electoral Commission nominated by the Electoral Commissioner to the CEO;
- (k) the FES Commissioner, as defined in the *Fire and Emergency Services Act 1998* section 3, or another member of staff, as defined in that section, nominated by the FES Commissioner to the CEO;
- (l) the Chief Executive Centrelink, as defined in the *Human Services (Centrelink) Act 1997* (Commonwealth) section 3, or a Departmental employee, as defined in

that section, nominated by the Chief Executive
Centrelink to the CEO;

[(m) deleted]

- (n) a CEO, as defined in the *Local Government Act 1995* section 1.4 (**LG CEO**), of a local government or an employee as defined in that section employed by that local government and nominated by the LG CEO to the CEO;
- (o) the Vice-Chancellor, as defined in the *Murdoch University Act 1973* section 3(1), or any member of the staff of Murdoch University nominated by the Vice-Chancellor to the CEO;
- (p) a CEO, as defined in the *Port Authorities Act 1999* section 3(1) (**PA CEO**), of a port authority or a member of staff, as defined in that subsection, of that port authority nominated by the PA CEO to the CEO;
- (q) the chief executive officer of an agency, as defined in the *Public Sector Management Act 1994* section 3(1), or a person employed in that agency nominated by the chief executive officer to the CEO;
- (r) an Agency Head, as defined in the *Public Service Act 1999* (Commonwealth) section 7, or an APS employee of the Agency Head's Agency nominated by the Agency Head to the CEO;
- (s) the Commissioner, as defined in the *Taxation Administration Act 1953* (Commonwealth) section 2(1), or a member of the staff mentioned in section 4A of that Act nominated by the Commissioner to the CEO;
- (t) the person appointed Vice-Chancellor under the *University of Western Australia Act 1911* section 27, or any member of the staff of the University of Western Australia nominated by the Vice-Chancellor to the CEO;
- (ta) the person designated as general manager under the *Western Australian Sports Centre Trust Act 1986*

section 12(1), or a person appointed or employed under section 11(1) of that Act nominated by the general manager to the CEO;

- (u) a registered liquidator appointed under the *Corporations Act 2001* (Commonwealth) section 472(1) or a liquidator appointed under section 489EC(1) of that Act;
 - (v) a registered trustee of the estate of a bankrupt appointed under the *Bankruptcy Act 1966* (Commonwealth);
 - (w) the Commissioner (however designated) of the police force of another State or of the Northern Territory, or another officer of that police force nominated by the Commissioner of that police force to the CEO;
 - (x) the chief executive officer (however designated) of a department of another State, the Australian Capital Territory or the Northern Territory, or a person employed in that department nominated by the chief executive officer of that department to the CEO;
 - (y) a chief executive officer (however designated) of a local government or local government council in another State or in the Northern Territory, or an employee employed by that local government or local government council, nominated by the chief executive officer of that local government or local government council to the CEO.
- (3) A person mentioned in subregulation (2)(a) to (y) whose nomination to the CEO is revoked is, when the revocation takes effect, no longer a person prescribed for the purposes of the definition of ***prescribed person*** in section 14(1).
- (4) A nomination under subregulation (2) must be in writing signed by the person making the nomination.

[Regulation 7 amended: Gazette 26 Jun 2015 p. 2274;
29 Mar 2019 p. 973-5; 31 Dec 2019 p. 4687.]

8A. Authorised purposes for disclosure of information to prescribed persons

If the Secretary of the Department of Home Affairs of the Commonwealth is a prescribed person under regulation 7(2)(r), for the definition of **authorised purpose** in section 14(1) a purpose is to verify the authenticity of a driver's licence or learner's permit using the national Document Verification Service.

[Regulation 8A inserted: Gazette 13 Nov 2015 p. 4662; amended: Gazette 29 Mar 2019 p. 975.]

8. Disclosure of written-off vehicle register information

- (1) In this regulation —

corresponding WOVR means a register (however described), that is established and maintained under a law of another jurisdiction corresponding to the *Road Traffic (Vehicles) Regulations 2014* Part 7;

identifier has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

WOVR means the register mentioned in the *Road Traffic (Vehicles) Regulations 2014* regulation 156.

- (2) For the definition of **prescribed person** in section 14(1), the persons, and classes of person, are —

- (a) a member of the public;
- (b) the Commissioner as defined in the *Fair Trading Act 2010* section 6.

- (3) For paragraph (c) of the definition of **authorised purpose** in section 14(1), in relation to a prescribed person mentioned in subregulation (2), a purpose is to provide public access to these kinds of vehicle licence information —

- (a) whether a particular vehicle, or a particular identifier, is or has ever been registered in the WOVR;

- (b) if not, whether, to the knowledge of the CEO, the vehicle or the identifier is registered in a corresponding WOVr;
- (c) if the vehicle or the identifier is registered in the WOVr or a corresponding WOVr, whether it is registered as a repairable write-off, as mentioned in the *Road Traffic (Vehicles) Regulations 2014* regulation 151, or as a statutory write-off, as mentioned in regulation 150 of those regulations.

9A. Use of information: s. 143A(1)(d)

For section 143A(1)(d), information may be used for the purpose of inserting advertising material into an envelope that is used to send a document about a driver's licence or vehicle licence.

[Regulation 9A inserted: Gazette 12 Jun 2015 p. 2041.]

Part 4 — Other jurisdictions

9. Effect of directions etc., administrative actions of other jurisdictions: s. 18

(1) In this regulation —

HVNL means the Heavy Vehicle National Law, set out in the Schedule to the *Heavy Vehicle National Law Act 2012* (Queensland).

(2) For section 18(2) —

- (a) a thing done, given or issued in another jurisdiction under a provision of the HVNL or another law mentioned in column 1 of the Table is recognised if, at the time the thing was done, given or issued, the provision applied as a law of that jurisdiction; and
- (b) the effect of the recognition for the purposes of a road law is set out opposite in column 2 of the Table.

Table

| Provision of HVNL or other law | Effect of recognition |
|--|--|
| HVNL s. 513(1) — direction to stop vehicle (to exercise powers) <i>Traffic Regulations</i> (Northern Territory) r. 25(1)(a) — direction to stop the vehicle (if breach of loading requirements) | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 39(2)(a) |

| Provision of HVNL or other law | Effect of recognition |
|---|--|
| HVNL s. 514(1) — direction to not move vehicle (to exercise powers) | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 39(2)(b) |
| HVNL s. 516(1) — direction to move vehicle (to exercise powers) | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 40(2) |
| HVNL s. 517(2) — direction to move vehicle (harm or obstruction) <i>Traffic Regulations (Northern Territory)</i> r. 25(1)(b) to (e) — direction about insecure loads to avoid or minimise harm | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 41(2) |
| HVNL s. 524(2) or (3) — direction to leave vehicle | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 42(2) or (3) |

| Provision of HVNL or other law | Effect of recognition |
|--|--|
| HVNL s. 526 — vehicle defect notice <i>Motor Vehicles Act</i> (Northern Territory) s. 128A(6) — defect notice | Has effect as if it were a defect notice issued under the <i>Road Traffic (Vehicles) Act 2012</i> s. 71(1) |
| HVNL s. 533(2) — direction to rectify, move vehicle (minor risk breach) | Has effect as if it were a direction given under the <i>Road Traffic (Vehicles) Act 2012</i> s. 63(2) or (3) |
| HVNL s. 533(4) — authorisation to continue journey | Has effect as if it were an authorisation given under the <i>Road Traffic (Vehicles) Act 2012</i> s. 67(2) |
| HVNL s. 534(2) — direction about moving vehicle (substantial risk breach) | Has effect as if it were a direction given under the <i>Road Traffic (Vehicles) Act 2012</i> s. 64(2) or (5) |
| HVNL s. 535(2) — direction about moving vehicle (severe risk breach) | Has effect as if it were a direction given under the <i>Road Traffic (Vehicles) Act 2012</i> s. 65(3) or (5) |
| HVNL s. 568(2) — requirement for driver to produce thing | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 56(1) |

| Provision of HVNL or other law | Effect of recognition |
|---|---|
| HVNL s. 569(1) — requirement for responsible person to produce document | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 56(1) |
| HVNL s. 570(1) — requirement to give information about heavy vehicle | Has effect as if it were a direction given under the <i>Road Traffic (Administration) Act 2008</i> s. 57(1) |
| HVNL s. 572(2) — improvement notice | Has effect as if it were an improvement notice given under the <i>Road Traffic (Vehicles) Act 2012</i> s. 78(1) |
| HVNL s. 574 — notice of amendment to improvement notice | Has effect as if it were a notice of amendment to an improvement notice given under the <i>Road Traffic (Vehicles) Act 2012</i> s. 81 |
| HVNL s. 576 — clearance certificate | Has effect as if it were a clearance certificate issued under the <i>Road Traffic (Vehicles) Act 2012</i> s. 83 |

**10. Effect of orders of courts, tribunals of other jurisdictions:
s. 19**

- (1) In this regulation —

HVNL means the Heavy Vehicle National Law, set out in the Schedule to the *Heavy Vehicle National Law Act 2012* (Queensland).

- (2) For the definition of
- order**
- in section 19(1), the orders are those made —

- (a) by a court or tribunal of another jurisdiction in which the HVNL applies as a law of that jurisdiction; and
- (b) under a provision of the HVNL mentioned in column 1 of the Table and described in column 2 of the Table.

Table

| HVNL provision | Description of order |
|-----------------------|---|
| HVNL s. 597 | Commercial benefits penalty order |
| HVNL s. 598(2) | Order cancelling or suspending vehicle registration |
| HVNL s. 598(3) | Order disqualifying person from applying for vehicle registration |
| HVNL s. 600(1) | Supervisory intervention order |
| HVNL s. 607(1) | Prohibition order |
| HVNL s. 611(1) | Compensation order |

Part 5 — Wardens

Division 1 — General

11. No use of force against a person

Nothing in these regulations authorises a warden to use force against a person.

Division 2 — Warden functions for persons authorised by CEO

12. Transport warden's functions and powers

- (1) For section 22, a transport warden can perform the functions relating to the provisions of the road laws mentioned in column 1 of the Table and described in column 2 of the Table.

Table

| Road law provision | Description |
|--|---|
| <i>Road Traffic (Administration) Act 2008</i> s. 32 | Direction to give personal details |
| <i>Road Traffic (Administration) Act 2008</i> s. 33 | Direction to produce driver's licence document, learner's permit |
| <i>Road Traffic (Administration) Act 2008</i> s. 34 | Request information to identify driver, person in charge of a vehicle |
| <i>Road Traffic (Administration) Act 2008</i> s. 39 | Direction to stop vehicle, not move or interfere with vehicle or load |

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| Road law provision | Description |
|---|---|
| <i>Road Traffic (Administration) Act 2008</i> s. 52(2)(b) and for that purpose s. 52(3) and (4) but not s. 52(5)(c) or (d) | Inspect vehicle for defect |
| <i>Road Traffic (Administration) Act 2008</i> s. 75 | Give several, further directions |
| <i>Road Traffic (Administration) Act 2008</i> s. 79 | Serve infringement notices for offences prescribed for the purposes of s. 79 and mentioned in regulation 25 |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 71 | Issue defect notice and directions |
| <i>Road Traffic (Authorisation to Drive) Regulations 2014</i> r. 63(b) | Direction to produce official document as evidence of another jurisdiction's authorisation to drive |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 42(2) | Require a vehicle licence of Class B or C vehicle to be produced for inspection |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 49 | Require a non-current vehicle licence to be delivered up |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 122 | Seizure of number plates |

| Road law provision | Description |
|---|---|
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 124(1) and (3) | Seizure of imitation plates and service of notice about disposal |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 140 | Seizure of trade plates |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 476 | Require a document as evidence of Minister's declaration or CEO exemption to be produced for inspection |

- (2) For section 24(1)(a), a transport warden has, in relation to a function under a provision of a road law mentioned in the Table to subregulation (1), the powers conferred under the provision on a police officer in relation to the function.
- (3) For section 24(1)(b), a reference to a police officer in a provision of a road law mentioned in the Table to subregulation (1) is to be read as including a transport warden.
- (4) However, in performing a function mentioned in section 52(2)(b), a transport warden does not have the powers conferred under section 45 on a police officer.

13. Transport inspection wardens

- (1) For section 22, a transport inspection warden can perform the functions relating to the provisions of the road laws mentioned in column 1 of the Table and described in column 2 of the Table.

Table

| Road law provision | Description |
|--|---|
| <i>Road Traffic (Administration) Act 2008</i> s. 32 | Direction to give personal details |
| <i>Road Traffic (Administration) Act 2008</i> s. 33 | Direction to produce driver's licence document, learner's permit |
| <i>Road Traffic (Administration) Act 2008</i> s. 34 | Request information to identify driver, person in charge of a vehicle |
| <i>Road Traffic (Administration) Act 2008</i> Pt. 4 Div. 3 | Directions to stop, move or leave vehicles |
| <i>Road Traffic (Administration) Act 2008</i> s. 45 | Moving unattended vehicles to exercise powers under Pt. 4 Div. 5 but not s. 55 |
| <i>Road Traffic (Administration) Act 2008</i> Pt. 4 Div. 5 but not s. 55 | Inspection of vehicles and premises, search of vehicles but not premises for MDLR compliance purposes or defect |
| <i>Road Traffic (Administration) Act 2008</i> Pt. 4 Div. 6 but not in relation to s. 55 | Other directions in relation to MDLR compliance purposes (but not search of premises powers) |

| Road law provision | Description |
|---|---|
| <i>Road Traffic (Administration) Act 2008</i> s. 75 | Give several, further directions |
| <i>Road Traffic (Administration) Act 2008</i> s. 79 | Serve infringement notices for offences prescribed for the purposes of s. 79 and mentioned in regulation 26 |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 34(2)(b) | Direct production of copy of permit for modification |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 41(2)(b) | Direct production of copy of permit for access approval |
| <i>Road Traffic (Vehicles) Act 2012</i> Pt. 5 Div. 4 | Determining categories of loading requirement breaches |
| <i>Road Traffic (Vehicles) Act 2012</i> Pt. 6 Div. 2 | Directions for breaches of mass, dimension or loading requirements |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 71 | Issue defect notice and directions |
| <i>Road Traffic (Authorisation to Drive) Regulations 2014</i> r. 63(b) | Direction to produce official document as evidence of another jurisdiction's authorisation to drive |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 42(2) | Require a vehicle licence of Class B or C vehicle to be produced for inspection |

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| Road law provision | Description |
|---|---|
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 49 | Require a non-current vehicle licence to be delivered up |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 122 | Seizure of number plates |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 124(1) and (3) | Seizure of imitation plates and service of notice about disposal |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 140 | Seizure of trade plates |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 454X | Direct production of heavy vehicle pilot licence |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 476 | Require a document as evidence of Minister's declaration or CEO exemption to be produced for inspection |

- (2) For section 24(1)(a), a transport inspection warden has, in relation to a function under a provision of a road law mentioned in the Table to subregulation (1), the powers conferred under the provision on a police officer in relation to the function.
- (3) For section 24(1)(b), a reference to a police officer in a provision of a road law mentioned in the Table to subregulation (1) is to be read as including a transport inspection warden.
- (4) Subregulation (3) is subject to section 72.

[Regulation 13 amended: Gazette 15 Nov 2016 p. 5077.]

14. Transport investigation wardens

- (1) For section 22, a transport investigation warden can perform the functions relating to the provisions of the road laws mentioned in column 1 of the Table and described in column 2 of the Table.

Table

| Road law provision | Description |
|--|--|
| <i>Road Traffic Act 1974</i> s. 102 | Request copy of towing arrangement |
| <i>Road Traffic (Administration) Act 2008</i> Pt. 4 | Enforcement of road laws |
| <i>Road Traffic (Administration) Act 2008</i> s. 79 | Serve infringement notices for offences prescribed for the purposes of s. 79 and mentioned in regulation 26 or 26A |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 34(2)(b) | Direct production of copy of permit for modification |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 41(2)(b) | Direct production of copy of permit for access approval |
| <i>Road Traffic (Vehicles) Act 2012</i> Pt. 5 Div. 4 | Determining categories of loading requirement breaches |
| <i>Road Traffic (Vehicles) Act 2012</i> Pt. 6 Div. 2 | Directions for breaches of mass, dimension or loading requirements |

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| Road law provision | Description |
|--|---|
| <i>Road Traffic (Vehicles) Act 2012 s. 71</i> | Issue defect notice and directions |
| <i>Road Traffic (Authorisation to Drive) Regulations 2014 r. 63(b)</i> | Direction to produce official document as evidence of another jurisdiction's authorisation to drive |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 42(2)</i> | Require a vehicle licence of Class B or C vehicle to be produced for inspection |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 49</i> | Require a non-current vehicle licence to be delivered up |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 122</i> | Seizure of number plates |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 124(1) and (3)</i> | Seizure of imitation plates and service of notice about disposal |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 140</i> | Seizure of trade plates |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 454X</i> | Direct production of heavy vehicle pilot licence |
| <i>Road Traffic (Vehicles) Regulations 2014 r. 476</i> | Require a document as evidence of Minister's declaration or CEO exemption to be produced for inspection |

- (2) For section 24(1)(a), a transport investigation warden has, in relation to a function under a provision of a road law mentioned in the Table to subregulation (1), the powers conferred under the provision on a police officer in relation to the function.
- (3) For section 24(1)(b), a reference to a police officer in a provision of a road law mentioned in the Table to subregulation (1) is to be read as including a transport investigation warden.
- (4) Subregulation (3) is subject to section 72.

*[Regulation 14 amended: Gazette 15 Nov 2016 p. 5077;
SL 2020/231 r. 4.]*

15. Wardens who can commence certain prosecutions

For sections 22 and 105(2)(b), a transport warden, a transport inspection warden and a transport investigation warden can perform the function of commencing a prosecution for an offence under a road law other than an offence to which section 105(1) applies.

[Regulation 15 amended: SL 2020/231 r. 5.]

**Division 3 — Warden functions for persons authorised by
Commissioner of Police**

16. Crossing attendant warden's powers

- (1) In this regulation —
crossing attendant warden means a person who is authorised by the Commissioner of Police under section 23 to perform one or more of the functions relating to the control of vehicles and pedestrians at children's crossings and pedestrian crossings.
- (2) For section 24(1)(a), a crossing attendant warden has, in relation to the warden's functions, the powers conferred on a police officer under the *Road Traffic Code 2000* regulations 272(1) and 273(1) and (2).

- (3) For section 24(1)(b), a reference in the *Road Traffic Code 2000* regulation 272(1) or 273(1), (3) or (4) to a police officer is to be read as including a crossing attendant warden.

17. Traffic escort wardens

- (1) In this regulation —
traffic escort warden means a person who is authorised by the Commissioner of Police under section 23 to perform one or more of the functions relating to the escort and movement of oversize vehicles.
- (2) For section 24(1)(a), a traffic escort warden has, in relation to the warden's functions, the powers conferred on a police officer under a provision of a road law mentioned in the Table.

Table

| Road law provision | Description |
|--|---|
| <i>Road Traffic (Administration) Act 2008</i> s. 32 | Direction to give personal details |
| <i>Road Traffic (Administration) Act 2008</i> s. 33 | Direction to produce driver's licence document, learner's permit |
| <i>Road Traffic (Administration) Act 2008</i> s. 39 | Direction to stop vehicle, not move or interfere with vehicle or load |
| <i>Road Traffic (Administration) Act 2008</i> s. 75 | Give several, further directions |
| <i>Road Traffic (Vehicles) Act 2012</i> s. 34(2)(b) | Direct production of copy of permit for modification |

| Road law provision | Description |
|---|---|
| <i>Road Traffic (Vehicles) Act 2012</i> s. 41(2)(b) | Direct production of copy of permit for access approval |
| <i>Road Traffic (Vehicles) Regulations 2014</i> r. 454X | Direct production of heavy vehicle pilot licence |

- (3) For section 24(1)(b), the following references to a police officer are to be read as including a traffic escort warden —
- (a) a reference to a police officer in a provision of a road law mentioned in the Table to subregulation (2);
 - (b) a reference to a police officer in the *Road Traffic Code 2000* regulation 272(1), 273(1), (3) or (4) or 282(1);
 - (c) a reference to a police officer in paragraph (a) of the definition of **escort vehicle** in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;
 - (d) a reference to a police officer in the *Road Traffic (Vehicles) Regulations 2014* regulation 452(2) or 454X.

[Regulation 17 amended: Gazette 15 Nov 2016 p. 5077.]

18. Commissioner of Police parking wardens

- (1) In this regulation —
- parking warden*** means a person who is authorised by the Commissioner of Police under section 23 to perform one or more of the functions prescribed by subregulation (2).
- (2) For section 23(c), the functions of a parking warden are —
- (a) to enforce the provisions of the *Road Traffic Code 2000* that are mentioned in the Table; and
 - (b) to serve infringement notices for offences prescribed for the purposes of section 79 and mentioned in the Table.

Road Traffic (Administration) Regulations 2014

Part 5 Wardens

Division 3 Warden functions for persons authorised by Commissioner of Police

r. 18

Table

| <i>Road Traffic Code 2000 provision</i> | Description |
|--|--|
| r. 140 | No stopping signs |
| r. 141 | No parking signs |
| r. 142 | No stopping on carriageway with yellow edge line |
| r. 143 | Prohibited stopping places |
| r. 144 | Stopping on or near children's crossing or pedestrian crossing |
| r. 145 | Stopping on or near marked foot crossing |
| r. 147 | Stopping on or near level crossing |
| r. 148 | Stopping on clearway |
| r. 149 | Stopping on freeway |
| r. 157 | Stopping in bus lane, transit lane, truck lane or bicycle lane |
| r. 159 | Double parking |
| r. 163 | Stopping near fire hydrant |
| r. 164 | Stopping at or near bus stop |

- (3) For section 24(1)(a), a parking warden has, in relation to a function, the powers conferred on a police officer under section 46, 49 or 79 in relation to the function.
- (4) For section 24(1)(b), a reference to a police officer in section 46, 49 or 79 is to be read as including a parking warden.

[Regulation 18 amended: Gazette 20 Sep 2016 p. 3984.]

Part 6 — Enforcement of road laws

Division 1 — Entry warrants

19. Form of entry warrant

For section 65(3), the form of a warrant authorising entry to premises is set out in Schedule 1.

Division 2 — Embargo notices

20. Particulars for embargo notice

For section 71(3)(a), an embargo notice must contain all of these —

- (a) a description of the record, device or other thing seized;
- (b) the name and contact details of the police officer issuing the notice;
- (c) the name of the person on whom the notice is served or a statement that a copy of the notice is affixed to the record, device or thing in accordance with section 71(4)(b);
- (d) the date on which the notice is issued.

Part 7 — Infringement notices

21. Infringement notice offences and penalties: *Road Traffic (Administration) Act 2008*

An offence under a provision of the *Road Traffic (Administration) Act 2008* that is mentioned in the Table is prescribed for section 79 and the number of PU set out in the Table opposite the provision is, for section 79, prescribed to be the amount of the penalty for the offence if dealt with under Part 5 Division 1 of that Act.

Table

| Provision of <i>Road Traffic (Administration) Act 2008</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|---|--|---|
| s. 33(2) | Failure to produce driver's licence document, learner's permit on direction | 1 |
| s. 36(2)(a) | Obtaining or applying for a driver's licence while disqualified | 15 |
| s. 36(2)(g) | Lending or allowing another person to use a driver's licence document, vehicle licence or number plate or label | 15 |

| Provision of <i>Road Traffic (Administration) Act 2008</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|---|--|--|
| s. 44 | Failure to comply with direction under s. 39, 40, 41 or 42 | 12 |
| s. 47(2) | Parking on land not a road without authority | 1 |
| s. 47(4) | Failure to comply with direction under s. 47(3) | 1 |
| s. 61C(4) | Failure to comply with direction under s. 61C(1) | 5 |
| s. 61D(2) | Failure to comply with direction under s. 61D(1) | 5 |
| s. 61D(3) | Providing false or misleading information in purported compliance with direction under s. 61D(1) | 10 |
| s. 61E(3) | Failure to comply with direction under s. 61E(1) | 5 |

| Provision of <i>Road Traffic (Administration) Act 2008</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|---|--|--|
| s. 71(5A) | Acting in contravention of RTA Part 6A embargo notice | 10 |
| s. 71(7A) | Failure to prevent action in contravention of RTA Part 6A embargo notice | 10 |
| s. 140(4) | Failure to comply with a notice under s. 140(2) | 2 |

*[Regulation 21 amended: Gazette 26 May 2017 p. 2637;
SL 2020/231 r. 6.]*

**21A. Infringement notice offences and penalties: *Road Traffic
(Authorisation to Drive) Act 2008***

An offence under the *Road Traffic (Authorisation to Drive) Act 2008* section 7(2) (possessing a driver's licence that is void because of section 7(1) of that Act) is prescribed for section 79, and 10 PU is prescribed to be the amount of the penalty for the offence if dealt with under the *Road Traffic (Administration) Act 2008* Part 5 Division 1.

[Regulation 21A inserted: Gazette 26 May 2017 p. 2637.]

22. Infringement notice offences and penalties: *Road Traffic (Vehicles) Act 2012*

- (1) An offence under a provision of the *Road Traffic (Vehicles) Act 2012* that is mentioned in the Table is prescribed for section 79 and the number of PU set out in the Table opposite the provision is, for section 79, prescribed to be the amount of the penalty for the offence if dealt with under the *Road Traffic (Administration) Act 2008* Part 5 Division 1.

Table

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|---|--|
| s. 4(2) | Using on a road a light vehicle that does not have the requisite, or a current, licence | 5 |
| s. 8(2) | Failure to deliver licence document and number plates as demanded by CEO | 2 |
| s. 8(3) | Using a licence document or number plates demanded by CEO | 2 |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|--|---|
| s. 10(1) | Failure of former owner of vehicle to give CEO written notice of new owner's details and return licence document and number plates if applicable | 2 |
| s. 10(2) | Failure of new owner of vehicle to give CEO written notice of new owner | 2 |
| s. 10(6) | Failure to apply for transfer of a vehicle licence within 28 days after issue of notice under s. 10(3)(b) | 2 |
| s. 29(1) | Breach of mass requirement relating to heavy vehicle — mass up to 30% in excess of maximum permitted mass | The same number of PU set out in the Table to the <i>Road Traffic (Vehicles) Act 2012</i> s. 30(1) for the minimum fine for the offence |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|---|---|
| s. 29(1) | Breach of mass requirement relating to light vehicle | The same number of PU set out in the Table to the <i>Road Traffic (Vehicles) Act 2012</i> s. 30(2) for the minimum fine for the offence |
| s. 29(1) | Breach of a loading requirement that is a minor risk breach | 2 |
| s. 29(1) | Breach of a dimension requirement that is a minor risk breach | The same number of PU as the fine for the minimum penalty for the offence under the <i>Road Traffic (Vehicles) Act 2012</i> s. 30(3)(b) |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|--|---|
| s. 29(1) | Breach of a loading or dimension requirement that is a substantial risk breach | The same number of PU as the fine for the minimum penalty for the offence under the <i>Road Traffic (Vehicles) Act 2012</i> s. 30(3)(c) |
| s. 29(1) | Breach of a loading or dimension requirement that is a severe risk breach | The same number of PU as the fine for the minimum penalty for the offence under the <i>Road Traffic (Vehicles) Act 2012</i> s. 30(3)(d) |
| s. 34(2) | Driver to carry, produce permit for mass or dimension modification | 2 |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|---|---|
| s. 36(1) | Failure to comply with provision of order or permit for mass or dimension modification other than about a road on which the vehicle can or cannot be driven | The same number of PU as the fine for the minimum penalty for the offence under par. (b) of the penalty provision in the <i>Road Traffic (Vehicles) Act 2012</i> s. 36(1) |
| s. 39(1) | Complying restricted access vehicle on road without access approval | The same number of PU as the fine for the minimum penalty for the offence under the <i>Road Traffic (Vehicles) Act 2012</i> s. 39(1) |
| s. 39(3) | Failure to comply with an order or permit giving access approval | The same number of PU as the fine for the minimum penalty for the offence under the <i>Road Traffic (Vehicles) Act 2012</i> s. 39(3) |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|---|--|
| s. 41(2) | Driver to carry, produce permit giving access approval | 2 |
| s. 66 | Failure to comply with direction under s. 63(2) or (3) or 64(2) or (5) | 20 |
| s. 73(2)(a), (b) and (c) | Offences relating to defect notices, copies, stickers | 8 |
| s. 75(1) | Vehicle driven not in accordance with applicable defect notice | 12 |
| s. 75(3) | Failure to comply with a direction under s. 71(2) | 12 |
| s. 86(1)(a) and (b) | Failure by responsible entity to provide container weight declaration to responsible person, drivers | 5 |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|---|--|
| s. 87(1) | Failure by responsible person to provide container weight declaration to drivers | 5 |
| s. 87(2) | Failure by responsible person to provide container weight declaration to other carrier | 5 |
| s. 88(1) | Driving without complying container weight declaration | 5 |
| s. 88(2) | Failure to keep container weight declaration accessible from vehicle | 5 |
| s. 103(1) | Weight of freight container exceeds maximum gross weight for container: consignor's duties | 10 |

| Provision of <i>Road Traffic (Vehicles) Act 2012</i> | Description of offence, circumstances | Penalty if dealt with by infringement notice (PU) |
|---|---|--|
| s. 104(1) | Weight of freight container exceeds maximum gross weight for container: packer's duties | 10 |

- (2) For section 81(2)(a), the prescribed transfer fee is the fee that a court would have to order a person to pay under the *Road Traffic (Vehicles) Act 2012* section 10(7)(a) if the person were convicted of the offence.

[Regulation 22 amended: Gazette 26 May 2017 p. 2638.]

23. Infringement notice offences and penalties: *Road Traffic Act 1974*

- (1) In this regulation —
novice driver (type 1A) has the meaning given in the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 4(2).
- (2) An offence under a provision of the *Road Traffic Act 1974* that is mentioned in the Table is prescribed for section 79 and the number of PU set out in the Table opposite the provision is, for section 79, prescribed to be the amount of the penalty for the offence if dealt with under the *Road Traffic (Administration) Act 2008* Part 5 Division 1.

Table

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|--|--|
| s. 49(1) | <p>Driving while not authorised under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> Pt. 2 — in these circumstances —</p> <p>(a) the offence is not committed by a novice driver (type 1A) between midnight and the following 5 a.m.; and</p> <p>(b) the <i>Road Traffic Act 1974</i> s. 49(3) does not apply</p> | 2 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|---|--|
| s. 49(1) | Driving while not authorised under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> Pt. 2 if the offence is committed by a novice driver (type 1A) between midnight and the following 5 a.m. | 4 |
| s. 50A(1) | Failure to carry or produce document to do with authorisation other than Australian driver licence | 1 |
| s. 50A(2) | Holder of foreign country's driver's licence failing to comply with condition of licence | 1 |
| s. 54(6) | Driver involved in incident occasioning bodily harm failing to give name and address | 10 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|--|--|
| s. 55(1) | Driver in incident occasioning property damage failing to stop after incident | 10 |
| s. 55(4) | Driver in incident occasioning property damage failing to give name and address | 10 |
| s. 62 | Careless driving | 6 |
| s. 62B(1) | Providing driving instruction to a learner driver while having a blood alcohol content of or above 0.05 g of alcohol per 100 mL of blood | 6 |
| s. 62B(4) | Providing driving instruction to a learner driver while having any blood alcohol content where the instructor is a person described in the <i>Road Traffic Act 1974</i> s. 62B(2) | 6 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|---|--|
| s. 62B(5) | Providing driving instruction to a learner driver in respect of a motor vehicle that has a GCM that is 22.5 tonnes or more while having any blood alcohol content | 6 |
| s. 62C(1) | Providing driving instruction to a learner driver while a prescribed illicit drug is present in the instructor's oral fluid or blood | 6 |
| s. 64AA | A first offence of driving or attempting to drive a motor vehicle while having a blood alcohol content of or above 0.05 g of alcohol per 100 mL of blood | 8 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|---|--|
| s. 64AAA | Driving or attempting to drive a motor vehicle while having any blood alcohol content | 6 |
| s. 71BA(3) | Contravening a prohibition notice | 12 |
| s. 81F(1) | Obstructing the use of, or misusing, road closed for events | 4 |
| s. 81G(2) | Driving a motor vehicle that is a heavy vehicle, on a road, that has a radar detector fitted to, within or on the vehicle | 30 |
| s. 81G(2) | Driving a motor vehicle that is not a heavy vehicle, on a road, that has a radar detector fitted to, within or on the vehicle | 24 |
| s. 95(1) | Immobilising parked motor vehicle | 20 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|---|--|
| s. 97(1) | Towing parked motor vehicle without satisfying requirements | 10 |
| s. 97(4) | Controller of premises giving false or misleading information to tow truck driver | 10 |
| s. 99(2) | Failure to release vehicle that is being loaded onto tow truck | 10 |
| s. 100(2) | Failure to inform person that vehicle will be released on payment of on-site release charge | 10 |
| s. 100(3) | Failure to release vehicle on payment of on-site release charge | 10 |
| s. 100(4) | Stating amount for on-site release charge that exceeds prescribed maximum | 10 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|--|--|
| s. 100(5) | Imposing further towing charges after release of vehicle following payment of on-site release charge | 10 |
| s. 101 | Failure to tow vehicle by most direct route to approved storage yard | 4 |
| s. 102(2) | Failure to give copy of towing arrangement | 10 |
| s. 102(4) | Failure to ensure persons are given or have access to towing arrangement | 4 |
| s. 103(2) | Failure to release vehicle from storage yard | 10 |
| s. 105(1) | Imposing towing charges in excess of prescribed maximum | 4 |
| s. 105A(1) | Imposing storage charges in excess of prescribed maximum | 4 |

| Provision of <i>Road Traffic Act 1974</i> | Description of offence | Penalty if dealt with by infringement notice (PU) |
|--|-----------------------------------|--|
| s. 105E(1) | Detaining parked motor vehicle | 10 |

[Regulation 23 amended: Gazette 25 Nov 2016 p. 5281-2;
26 May 2017 p. 2638; SL 2020/150 r. 4; SL 2020/231 r. 7;
SL 2020/262 r. 4.]

24. Infringement notice offences and penalties: road law regulations

- (1) In this regulation —
road law regulation offence means an offence —
 (a) under a provision mentioned in the Table; and
 (b) for which a modified penalty is specified.

Table

| Road law regulations | Provision |
|---|---|
| <i>Road Traffic Code 2000</i> | Pts. 3 to 20 inclusive |
| <i>Road Traffic (Authorisation to Drive) Regulations 2014</i> | Pts. 2, 3 and 4 |
| <i>Road Traffic (Towing of Vehicles) Regulations 2020</i> | Pt. 2 |
| <i>Road Traffic (Vehicles) Regulations 2014</i> | Pts. 2, 3, 4, 5, 7, 8, 10, 11, 12, 13A, 14 and 16 |

- (2) A road law regulation offence is prescribed for section 79 and the amount specified as the modified penalty for the offence is, for section 79, prescribed to be the amount of the penalty for the offence if dealt with under the *Road Traffic (Administration) Act 2008* Part 5 Division 1.

- (3) An offence is not prescribed under subregulation (2) if it is an offence of a kind mentioned in section 85(a)(i), (ii) or (iii).

*[Regulation 24 amended: Gazette 24 Jun 2016 p. 2343;
15 Nov 2016 p. 5077 SL 2020/231 r. 8.]*

25. Offences for which infringement notices may be served by transport wardens

For regulation 12(1) in relation to serving infringement notices for offences prescribed for the purposes of section 79, an offence under a provision of a road law mentioned in the Table is an offence for which an infringement notice may be served by a transport warden.

Table

| Road law | Provision |
|---|--|
| <i>Road Traffic (Administration) Act 2008</i> | s. 33(2) and 44 |
| <i>Road Traffic (Vehicles) Act 2012</i> | s. 4(2) s. 10(1), (2) and (6) s. 73(2)(a), (b) and (c) s. 75(1) and (3) |
| <i>Road Traffic (Authorisation to Drive) Regulations 2014</i> | r. 63(b) |
| <i>Road Traffic (Vehicles) Regulations 2014</i> | Pts. 2, 3, 4, 5, 7, 10, 11, 12, 14 and 16 |

[Regulation 25 amended: Gazette 24 Jun 2016 p. 2343.]

26. Offences for which infringement notices may be served by transport inspection wardens, transport investigation wardens

For regulations 13(1) and 14(1) in relation to serving infringement notices for offences prescribed for the purposes of section 79, an offence under a provision of a road law mentioned in the Table is an offence for which an infringement notice may be served by a transport inspection warden or transport investigation warden.

Table

| Road law | Provision |
|---|---|
| <i>Road Traffic (Administration) Act 2008</i> | s. 33(2), 36(2), 44 and 47(4) |
| <i>Road Traffic (Vehicles) Act 2012</i> | All the provisions mentioned in the Table to regulation 22(1) |
| <i>Road Traffic (Authorisation to Drive) Regulations 2014</i> | r. 63(b) |
| <i>Road Traffic (Vehicles) Regulations 2014</i> | Pts. 2, 3, 4, 5, 7, 8, 10, 11, 12, 13A, 14 and 16 |

[Regulation 26 amended: Gazette 24 Jun 2016 p. 2343; 15 Nov 2016 p. 5077; 26 May 2017 p. 2639.]

26A. Offences for which infringement notices may be served by transport investigation wardens

For regulation 14(1) in relation to serving infringement notices for offences prescribed for the purposes of section 79, an offence under a provision of a road law mentioned in the Table

is an offence for which an infringement notice may be served by a transport investigation warden.

Table

| Road law | Provision |
|---|--|
| <i>Road Traffic Act 1974</i> | s. 95(1), 97(1), 97(4), 99(2), 100(2), 100(3), 100(4), 100(5), 101, 102(2), 102(4), 103(2), 105(1), 105A(1), 105E(1) |
| <i>Road Traffic (Administration) Act 2008</i> | s. 61C(4), 61D(2), 61D(3), 61E(3), 71(5A), 71(7A) |
| <i>Road Traffic (Towing of Vehicles) Regulations 2020</i> | Pt. 2 |

[Regulation 26A inserted: SL 2020/231 r. 9.]

27. Forms of notices

- (1) For section 79, the form of an infringement notice for circumstances other than those mentioned in subregulations (2) to (5) is set out in Schedule 2 Form 1.
- (2) For sections 79 and 81, the form of an infringement notice for an alleged offence under the *Road Traffic (Vehicles) Act 2012* section 10(6) is set out in Schedule 2 Form 2.
- (3) For section 79, the form of an infringement notice that can be addressed to the responsible person for a vehicle under section 86 is set out in Schedule 2 Form 3.
- (4) For section 79, the form of an infringement notice that can be addressed to the responsible person for a vehicle under section 91 or 93 is set out in Schedule 2 Form 4.

- (5) In the case of a notice enclosing photographic evidence that is served under section 98 or 99 that, under section 104(2), is to be regarded as an infringement notice, for section 79 the form is set out in Schedule 2 Form 5.
- (6) For section 83(2), the form of a notice to withdraw an infringement notice is set out in Schedule 2 Form 6.
- (7) For section 101(1), the form of a notice to withdraw a notice under section 98 is set out in Schedule 2 Form 7.
- (8) For section 101(1), the form of a notice to withdraw a notice under section 99 is set out in Schedule 2 Form 8.

28. Officers who may sign notices to withdraw notices

- (1) For section 83(2), a notice to withdraw an infringement notice for an offence under the *Road Traffic Act 1974*, other than an offence under Part 6A of that Act or under the *Road Traffic (Towing of Vehicles) Regulations 2020*, may be signed by a police officer who is, or is acting as, an inspector or an officer of a rank more senior than an inspector.
- (2) For section 101(1), a notice to withdraw a notice under section 98 or 99 for an offence under the *Road Traffic Act 1974*, other than an offence under Part 6A of that Act or under the *Road Traffic (Towing of Vehicles) Regulations 2020*, may be signed by a person mentioned in subregulation (1).
- (3) For section 83(2), a notice to withdraw an infringement notice for an offence under a road law may be signed by —
 - (a) a person holding 1 of the following offices in the Driver and Vehicle Services business unit of the agency principally assisting the Minister in the administration of the Act —
 - (i) Executive Director, Drivers and Vehicles;
 - (ii) Director, Governance and Intelligence;
 - (iii) Compliance Services Manager;

- (iv) Investigation and Integrity Services Manager;
 - (v) Manager, Quality Assurance;
 - (vi) Manager, Risk and Business Intelligence;
 - (vii) Manager, Risk and Audit;
 - or
 - (b) a person holding 1 of the following offices in the agency principally assisting the Minister in the administration of the *Main Roads Act 1930* —
 - (i) Executive Director, Heavy Vehicle Services;
 - (ii) Director, Heavy Vehicle Services;
 - (iii) Manager, Heavy Vehicle Transport Compliance;
 - or
 - (c) a police officer who is, or is acting as, an inspector or an officer of a rank more senior than an inspector.
- (4) For section 101(1), a notice to withdraw a notice under section 98 or 99 for an offence under a road law may be signed by a person mentioned in subregulation (3).
- (5) A reference in subregulation (3) or (4) to an offence under a road law does not include an offence under the *Road Traffic Act 1974*, other than an offence under Part 6A of that Act or under the *Road Traffic (Towing of Vehicles) Regulations 2020*.
- [Regulation 28 amended: Gazette 25 May 2018 p. 1648-9; SL 2020/231 r. 10.]

29. Infringement notice not to be altered

- (1) A person must not alter an infringement notice other than to insert required information in the place indicated on the form of notice for the information.
- Penalty: a fine of 4 PU.
- (2) Subregulation (1) does not apply to —
- (a) a police officer; or

- (b) a warden whose functions include serving infringement notices.

Part 8 — Prosecutions

30. Persons to approve prosecution for breach of mass, dimension or loading requirement

For section 105(3A), a prosecution for an offence under the *Road Traffic (Vehicles) Act 2012* section 29(1) requires the approval of a person who is —

- (a) a police officer who is, or is acting as, a sergeant or an officer of a rank more senior than a sergeant; or
- (b) a Manager, Heavy Vehicle Services, Main Roads WA.

31. Ascertaining mass supported on part of vehicle

- (1) In this regulation —

Measurement Adjustments document means the document, as amended from time to time, entitled “Measurement Adjustments for the enforcement of mass requirements” published on the website maintained by the Commissioner of Main Roads.

- (2) For section 113(4), the prescribed amount for a vehicle and its load is the measurement adjustment applied in accordance with the Measurement Adjustments document.

31A. Prescribed number of days for s. 117A(2)(c) and 117G(2)(b)

For sections 117A(2)(c) and 117G(2)(b), the prescribed number of days is 365.

[Regulation 31A inserted: Gazette 3 Oct 2017 p. 5055.]

Part 9 — Review of decisions under road laws

32. Review of decisions under *Road Traffic (Authorisation to Drive) Act 2008*

- (1) A person affected by a reviewable decision as defined in the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 70 or a decision made on reconsidering a reviewable decision under regulation 72 of those regulations may apply to the State Administrative Tribunal for a review of the decision.
- (2) The Commissioner of Police has the right to be heard in proceedings for the review of the decision.

33. Review of decisions under *Road Traffic (Vehicles) Act 2012*

- (1) In this regulation —
reviewable decision means —
 - (a) a CEO exemption reviewable decision as defined in the *Road Traffic (Vehicles) Regulations 2014* regulation 478; or
 - (b) an improvement notice reviewable decision as defined in regulation 481 of those regulations; or
 - (c) an MDL reviewable decision as defined in regulation 478 of those regulations; or
 - (d) a vehicle licensing reviewable decision as defined in regulation 478 of those regulations.
- (2) A person affected by a reviewable decision or a decision made on reconsidering a reviewable decision under the *Road Traffic (Vehicles) Regulations 2014* regulation 480 or 483 may apply to the State Administrative Tribunal for a review of the decision.

[Regulation 33 amended: Gazette 12 Jun 2015 p. 2042.]

34. Right of CEO or Commissioner of Police to be heard

- (1) In this regulation —

approved officer has the meaning given in the *Road Traffic (Vehicles) Act 2012* section 77;

improvement notice has the meaning given in the *Road Traffic (Vehicles) Act 2012* section 77;

improvement notice decision means —

- (a) a decision of an approved officer to give or amend an improvement notice; or
 - (b) a decision made under the *Road Traffic (Vehicles) Regulations 2014* regulation 483 on reconsideration of a decision of an approved officer to give or amend an improvement notice.
- (2) The CEO has the right to be heard in proceedings for the review of an improvement notice decision if the CEO nominated the approved officer who made the decision to give or amend the improvement notice.
- (3) The Commissioner of Police has the right to be heard in proceedings for the review of an improvement notice decision if the Commissioner nominated, or authorised the nomination of, the approved officer who made the decision to give or amend the improvement notice.

34A. Review of decisions under *Road Traffic Act 1974* s. 104(3)

A person affected by a decision of the CEO to grant, or refuse to grant, an approval under the *Road Traffic Act 1974* section 104(3) may apply to the State Administrative Tribunal for a review of the decision.

[Regulation 34A inserted: SL 2020/231 r. 11.]

Part 10 — Fees and charges

35. Disclosure of information to prescribed persons or for road safety purposes: s. 143(3)(a)

- (1) In this regulation —
data storage device means any article or material (for example, a disk) from which information is capable of being reproduced, with or without the aid of any other article or device.
- (2) The fees specified in the Table to this subregulation are payable in relation to information disclosed by the CEO under section 14.

Table

| Service | Fee \$ |
|---|-----------|
| For searching records manually, per record | 17.70 |
| For searching records by computer where a list of vehicles to be searched is supplied to the CEO on a data storage device, per record | 3.40 |
| For production of an extract of a record, per extract | 19.00 |
| For detailed searching of current and historical information about a record, including production of supporting documentation, per search | 23.90 |

- (3) The charges specified in the Table to this subregulation are payable in relation to information disclosed by the CEO under section 15.

Table

| Service | Fee \$ |
|---|-------------------|
| For writing and running a program to extract records or information, per hour | 85.70 |
| For preparing a report that compiles extracted records or information, per report | 43.25 |

*[Regulation 35 amended: Gazette 29 May 2015 p. 1884-5;
14 Jun 2016 p. 1993; 23 Jun 2017 p. 3260; 22 Jun 2018
p. 2186; 31 May 2019 p. 1723; SL 2020/74 r. 4.]*

Schedule 1 — Entry warrant

[r. 19]

Warrant authorising entry to premises (Act s. 65)

| | | | | |
|--|--|---------------------------------------|--|--|
| Road Traffic (Administration) Act 2008 s. 65 | | Warrant authorising entry to premises | | |
| To | All police officers and transport investigation wardens. | | | |
| Application | The applicant has applied under the <i>Road Traffic (Administration) Act 2008</i> s. 63 to me, a Justice of the Peace, for a warrant authorising entry to premises. | | | |
| Applicant's details | Full name of police officer/transport investigation warden | | | |
| | Rank/Office held | | Number assigned for official purposes to applicant | |
| | Station/squad | | | |
| Suspected offence(s) | | | | |
| Warrant | <p>This warrant authorises you to enter the premises described below using the powers in the <i>Road Traffic (Administration) Act 2008</i> [s. 55 including those in s. 53(5) and 54(8)] / [s. 61B including those in s. 55 that apply under s. 61B(6)].^{1A}</p> <p>This warrant must be executed in accordance with s. 66 of that Act.</p> | | | |
| Premises to be entered ¹ | | | | |
| Execution period ² | This warrant must be executed within days after the date it is issued. | | | |
| Issuing details | Name of JP | | | |
| | Date | | Time | |

Road Traffic (Administration) Regulations 2014**Schedule 1** Entry warrant**Form 1**

| | | | | | |
|--------------------------------|--|-------|---|-----|-------------|
| JP's signature | Issued by me on the above date and at the above time. | | | | |
| | Justice of the Peace | | | | |
| Execution details | Start | Date: | Time: | End | Date: Time: |
| | Occupier present? Yes/No Search audiovisually recorded? Yes/No | | | | |
| | Thing(s) seized? Yes/No | | | | |
| Officer in charge of execution | Full name of police officer/transport investigation warden | | | | |
| | Rank/Office held | | Number assigned for official purposes to officer in charge of execution | | |
| | Station/squad | | | | |

Notes —

1A. Delete as appropriate.

1. State the address or geographical location of the premises as defined in the Act s. 55(1) or 61B(1) (as relevant) to be entered.
2. This period must not exceed 30 days (see the Act s. 65(2)(d)).

[Schedule 1 amended: SL 2020/231 r. 12.]

Schedule 2 — Forms for infringement notice matters

[r. 27]

Form 1

INFRINGEMENT NOTICE TO BE SERVED ON ALLEGED OFFENDER

Road Traffic (Administration) Act 2008 section 79

INFRINGEMENT NOTICE
Road Traffic (Administration)
Act 2008 section 79

DATE OF ISSUE

□□ / □□ / □□

SEX ☐ SURNAME □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□
GIVEN NAMES □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□
NUMBER/STREET □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□
SUBURB/TOWN □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□ POSTCODE □□□□

DRIVER'S LICENCE EXPIRY DATE CLASS STATE PROV.
NUMBER

□□□□□□□□ □□ / □□ / □□ □□□□□□□□ □□□ □

DATE OF BIRTH □□ / □□ / □□ "P" PLATES ATTACHED YES/NO DRIVER/OTHER

NUMBER PLATE No. □□□□□□□□ VEHICLE LICENCE EXPIRY DATE □□ / □□

VEHICLE MAKE _____ BODY _____

It is alleged that at □□□□ Hrs. on _____ day □□ / □□ / □□ you committed the offence of

| | | |
|-------------|--|---|
| CODE □□□ | | PRESCRIBED PENALTY |
| | | \$ |

at ROAD/STREET □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□

LOCALITY □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□

STATION _____ POLICE OFFICER/WARDEN _____ No. _____

Before making payment please print your driver's licence no. and date of birth in the boxes provided if the officer has not already done this.

| | |
|----------------------------|-------------------------|
| D D M M Y Y | DRIVER'S LICENCE NUMBER |
| DATE OF BIRTH □□ / □□ / □□ | □□□□□□□□ |

TAKE NOTICE THAT

If you do not wish to be prosecuted for the alleged offence in a court, pay to the person specified on the reverse of this notice, within 28 days, the prescribed penalty.

If within 28 days from the Date of Issue you do not pay the penalty above, FURTHER ACTION WILL BE TAKEN in respect of the offence, and you will incur further costs.

COURT:

If you wish the matter to be dealt with by a court, do not pay the Infringement Notice. You should advise at of your intentions in writing, before the due date otherwise further costs will be incurred.

Road Traffic (Administration) Regulations 2014
Schedule 2 Forms for infringement notice matters

Form 1

CREDIT CARD PAYMENTS: COMPLETE ALL DETAILS
PLEASE DEBIT MY CREDIT CARD ACCOUNT.

BANKCARD ☐ MASTERCARD ☐ VISA CARD ☐ (TICK BOX)

CARD NUMBER

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

| |
|--------|
| AMOUNT |
|--------|

CARDHOLDER NAME _____

SIGNATURE _____ EXPIRY DATE
_____/____

Reverse of Form

WHO TO PAY

[The person to whom payment may be made is to be specified here.]

Form 2

**INFRINGEMENT NOTICE TO BE SERVED ON NEW OWNER OF VEHICLE FOR NOT
APPLYING FOR TRANSFER OF VEHICLE LICENCE**

Road Traffic (Administration) Act 2008 sections 79 and 81
Road Traffic (Vehicles) Act 2012 section 10(6)

| | |
|-----------------|---------------------------------|
| To: Address: | Notice No.: Vehicle No.: |
|-----------------|---------------------------------|

PART A OFFENCE DETAILS

It is alleged that the following offence occurred:

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 CEO) after a notice was issued to you under the *Road Traffic (Vehicles) Act 2012* section 10(3)(b).

Offence date: _____ Officer 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.
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 notice and return it to [insert details] as soon as possible. Note however the further information in Part D.
3. If you do not wish to be prosecuted for the alleged offence in a court, you may pay to [specify officer] the amount specified below on or before the due date specified below. If you do so you must complete Part G.

| | | | | |
|--------------------------|--|-----|------------------|-----|
| Amounts payable: | Amount payable under the <i>Duties Act 2008</i> in respect of the transfer of the vehicle licence: | [] | Transfer fee: | [] |
| | Modified penalty: | [] | | |
| TOTAL AMOUNT DUE: | | [] | DUE DATE: | [] |

PART C PAYMENT DETAILS

Please note the further information in Part D.

If paying **by post** send this slip with your payment to [insert details].

If paying **in person** present this notice intact at [insert details].

| | |
|-------------------|-----|
| Infringement no.: | [] |
| Due date: | [] |
| Amount due: | [] |

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

Road Traffic (Administration) Regulations 2014
Schedule 2 Forms for infringement notice matters

Form 2

PAYMENT will only be accepted if —

- the payment is received on or before (no extensions will be given); and
- the payment is made in full (part payments will not be accepted); and
- the payment is made to [insert details].

Cheques and money orders must be made payable to [insert details].

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 may be registered at the Fines Enforcement Registry. You will incur further costs and some or all of the following action may be taken — your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. If any information provided by you in Part E does not lead to the withdrawal of this notice, you will be notified by mail.

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: _____

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 **dutiable value** of a vehicle means the dutiable value of the vehicle worked out in respect of the vehicle under the *Duties Act 2008* Chapter 5 Part 3 Division 5.
3. As a general rule, the dutiable value of a vehicle is the same as its purchase price, including any amount referred to in paragraph 1(a) and (b) of the definition above, and adding any special discount allowed which is not available to the public generally (such as a tax exemption).

Warning: A transferee who understates the purchase price or estimated dutiable value of a vehicle may be liable to a penalty of \$20 000 under the *Taxation Administration Act 2003*. The transferee may also be liable for the payment of the vehicle licence duty that was not paid as a result of the understated amounts, together with a penalty tax for contravening a taxation Act.

Form 2

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. I estimate that the dutiable value of the vehicle at the time I became its owner was: _____

Signature of person making application: _____ Date: _____

DEALER'S DECLARATION *DUTIES ACT 2008* section 246(2)

(To be completed by motor vehicle dealers only)

As the person, or an authorised officer of the company, referred to above, I declare that —

- (a) the motor vehicle described on the front of this notice will be used for the purpose of resale in the ordinary course of business; and
- (b) while the dealer holds the licence the vehicle will not be used for any purpose other than a purpose referred to in the *Duties Act 2008* section 246(2)(a) or 247(1)(a); and
- (c) I understand the effect of the *Duties Act 2008* section 249.

Dealer organisation code: _____

Signature: _____ Date: _____

Mail this completed form to [insert details].

[Form 2 amended: SL 2020/172 r. 4.]

Form 3

Form 3

**INFRINGEMENT NOTICE TO BE SERVED ON RESPONSIBLE PERSON BY
LEAVING ON VEHICLE**

Road Traffic (Administration) Act 2008 section 79 and Part 5 Division 2

To the responsible person for this vehicle:

Notice no.:

Vehicle no.:

PART A OFFENCE DETAILS

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

Offence date: Offence time:

Offence:

[Description of offence]

under section/regulation *[delete inapplicable]*

of the Act/Regulations

[Specify the provision of the road law and the name of the road law under which offence committed]

Location:

Nearest intersecting road/street:

Issuing officer: Rank / No.:

Demerit points:
[only for offences involving the driving or use of a motor vehicle]

PART B IMPORTANT INFORMATION

1. As the responsible person you will be presumed to have committed the offence alleged in Part A unless within *[specify period]* the modified penalty specified below is paid or you inform *[specify officer]* that you were NOT the driver or person in charge of the vehicle at the time of the alleged offence and give the officer the information required by Part D. This presumption applies even if the responsible person is not an individual.
2. If you were NOT the driver or person in charge of the vehicle at the time of the offence alleged in Part A, inform *[specify officer]* by filling in Part D.
3. If you do not wish to be prosecuted for the alleged offence in a court, you may pay to *[specify officer]* the modified penalty specified below on or before the due date specified below.
4. You may elect to have the offence alleged in Part A heard in the Magistrates Court by filling in Part F.

**MODIFIED
PENALTY:**

DUE DATE:

PART C PAYMENT DETAILS

| | | |
|-------------------|--|---|
| Infringement no.: | <input style="width: 90%;" type="text"/> | Complete this authorisation for credit card payments Please debit my <input style="width: 20px;" type="checkbox"/> Visa <input style="width: 20px;" type="checkbox"/> Mastercard <div style="display: flex; justify-content: space-between;"><div><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/></div><div><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/></div><div><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/></div><div><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/><input style="width: 20px;" type="text"/></div></div> Cardholder name <input style="width: 60%;" type="text"/> Card expiry <input style="width: 20%;" type="text"/> Signature <input style="width: 60%;" type="text"/> Date <input style="width: 20%;" type="text"/> |
| Due date: | <input style="width: 90%;" type="text"/> | |
| Amount due: | <input style="width: 90%;" type="text"/> | |

PAYMENT will only be accepted if —
the payment is received on or before (no extensions will be given); and
the payment is made in full (**part payments will not be accepted**); and
the payment is made to [insert details].

Cheques and money orders must be made payable to [insert details].

PART D INFORMATION TO BE PROVIDED

If you know who was driving or in charge of the vehicle at the time of the alleged offence, fill in Divisions 1 and 3.

If the vehicle had been stolen or unlawfully taken or used, fill in Divisions 2 and 3.

| | |
|--|--|
| Division 1 Driver or person in charge known | <input type="checkbox"/> Driver or <input type="checkbox"/> Person in charge of vehicle |
| Surname: <input style="width: 80%;" type="text"/> | Given names: <input style="width: 80%;" type="text"/> |
| No. and street: <input style="width: 80%;" type="text"/> | Suburb: <input style="width: 20%;" type="text"/> Postcode: <input style="width: 20%;" type="text"/> |
| Phone no.: <input style="width: 30%;" type="text"/> | Driver's licence no.: <input style="width: 30%;" type="text"/> State: <input style="width: 20%;" type="text"/> |

| | |
|---|---|
| Division 2 Vehicle stolen or unlawfully taken or used | <input type="checkbox"/> Stolen or unlawfully taken or used |
|---|---|

Reported to police: Yes / No Report Number:

| | |
|--|---|
| Division 3 Signature and details | |
| Surname: <input style="width: 80%;" type="text"/> | Given names: <input style="width: 80%;" type="text"/> |
| No. and street: <input style="width: 80%;" type="text"/> | Suburb: <input style="width: 20%;" type="text"/> Postcode: <input style="width: 20%;" type="text"/> |
| Phone no.: <input style="width: 30%;" type="text"/> | Position: <input style="width: 70%;" type="text"/> |
| Signature: <input style="width: 80%;" type="text"/> | Date: <input style="width: 20%;" type="text"/> |

PART E YOUR OPTIONS — FURTHER DETAILS

IMPORTANT INFORMATION:

If, on or before, (1) you have not paid the modified penalty or (2) you have not informed [*specify officer*] that you were not the driver or person in charge of the vehicle at the time of the alleged offence and supplied the information required for Part D or (3) you have not elected to have the alleged offence determined in court, you will be presumed to be the driver or person in charge of the vehicle at the time of the alleged offence and this infringement notice may be registered at the Fines Enforcement Registry. You will incur further costs and some or all of the following action may be taken — your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. If any information provided by you in Part F does not lead to the withdrawal of this notice, you will be notified by mail.

Form 3

PART F 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 [insert details].

[Form 3 amended: SL 2020/172 r. 5.]

Form 4

**INFRINGEMENT NOTICE TO BE SERVED ON RESPONSIBLE PERSON IF IDENTITY OF
ALLEGED OFFENDER NOT KNOWN**

Road Traffic (Administration) Act 2008 section 79 and Part 5 Division 3

| | |
|---------------------|---|
| To: Address: | Notice no.: Issued under [delete inapplicable section] s. 91/ s. 93 Vehicle no.: |
|---------------------|---|

PART A OFFENCE DETAILS

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

Offence date: Offence time:

Offence:

[Description of offence]

under section/regulation [delete inapplicable]

of the Act/Regulations

[Specify the provision of the road law and the name of the road law under which offence committed]

Location:

Nearest intersecting road/street:

Issuing officer: Rank / No.:

Demerit points:
[only for offences involving the driving or use of a motor vehicle]

Photographic evidence Yes / No
enclosed:

[Photographs of vehicle]

PART B IMPORTANT INFORMATION

1. As the responsible person you will be presumed to have committed the offence alleged in Part A unless within [specify period] the modified penalty specified below is paid or you inform [specify officer] that you were NOT the driver or person in charge of the vehicle at the time of the alleged offence and give the officer the information required by Part D.

Road Traffic (Administration) Regulations 2014
Schedule 2 Forms for infringement notice matters

Form 4

2. If you were NOT the driver or person in charge of the vehicle at the time of the offence alleged in Part A, inform [specify the officer] by filling in Part D.
3. If you do not wish to be prosecuted for the alleged offence in a court, you may pay to [specify officer] the modified penalty specified below on or before the due date specified below.
4. You may elect to have the offence alleged in Part B heard in the Magistrates Court by filling in Part F.

**MODIFIED
PENALTY:**

DUE DATE:

PART C PAYMENT DETAILS

Infringement
no.:

Due date:

Amount due:

Complete this authorisation for credit card payments

Please debit my

☐

Visa

☐

Mastercard

Cardholder name

Card
expiry

Signature

Date

PAYMENT will only be accepted if —

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

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

the payment is made to [insert details].

Cheques and money orders must be made payable to [insert details].

PART D INFORMATION TO BE PROVIDED

If you know who was driving or in charge of the vehicle at the time of the alleged offence, fill in Divisions 1 and 3.

If the vehicle had been stolen or unlawfully taken or used, fill in Divisions 2 and 3.

If you do not know who was driving at the time, you may make a statutory declaration to that effect as described in Division 4.

Division 1 Driver or person in charge known

☐ Driver

or

☐ Person in charge of vehicle

Surname:

Given names:

No. and street:

Suburb:

Postcode:

Phone no.:

Driver's licence no.:

State:

Division 2 Vehicle stolen or unlawfully taken or used

☐ Stolen or unlawfully taken or used

Reported to police Yes / No

Report Number:

Division 3 Signature and details

Surname:

Given
names:

No. and
street:

Suburb:

Postcode:

Phone no.:

Position:

Signature:

Date:

Division 4 Driver or person in charge not known

If you do not know and cannot reasonably ascertain the name and address of the driver or person in charge of the vehicle at the time of the alleged offence you may give a statutory declaration to that effect. The statutory declaration must be returned with this form.

A statutory declaration must be made in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005*. It must be signed before an authorised witness. An example statutory declaration is available at [www.Police website].

Making a false statutory declaration is an offence for which you may be imprisoned for 5 years.

PART E YOUR OPTIONS — FURTHER DETAILS

IMPORTANT INFORMATION:

If, on or before, (1) you have not paid the modified penalty or (2) you have not informed [*specify officer*] that you were not the driver or person in charge of the vehicle at the time of the alleged offence and supplied the information required for Part D or (3) you have not elected to have the alleged offence determined in court, you will be presumed to be the driver or person in charge of the vehicle at the time of the alleged offences and this infringement notice may be registered at the Fines Enforcement Registry. You will incur further costs and some or all of the following action may be taken — your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. If any information provided by you in Part F does not lead to the withdrawal of this notice, you will be notified by mail.

PART F 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: _____

Unless delivering this form with a statutory declaration personally to the officer in charge of the police station, mail or personally deliver this completed form to [*insert details*].

[Form 4 amended: SL 2020/172 r. 5.]

Form 5

Form 5

REQUEST TO RESPONSIBLE PERSON FOR INFORMATION ABOUT ALLEGED OFFENDER

Road Traffic (Administration) Act 2008 section 79 and Part 5 Division 4

| | | |
|---|---|---------------|
| <i>[Name and address of responsible person]</i> | Notice no.: | |
| | Issued under: <i>[delete inapplicable section]</i> | s. 98 / s. 99 |
| | Vehicle no.: | |
| | Date of issue: | |
| | Compliance date: | |

REQUEST FOR INFORMATION

Under the *Road Traffic (Administration) Act 2008* you are a responsible person for the vehicle referred to above.

It is alleged that the offence described in Part A was committed involving that vehicle. As a responsible person you are required to give to *[specify officer]* the name and address of the driver or person in charge of the vehicle at the time of the alleged offence.

To do this **fill in Part B and return this form by the compliance date.**

Failing to provide the information as requested is an offence. There is more information about this in this form.

Issuing officer: _____ No.: _____

PART A DETAILS OF OFFENCE

Date and time:/...../..... Hours:

Offence:

.....

[Description of offence]
under section/regulation *[delete inapplicable]*

of the Act/Regulations
[Specify the provision of the road law and the name of the road law under which offence committed]

Location:

.....

.....

Nearest intersecting road/street:

These images identify the vehicle involved in the alleged offence and may assist you to identify the driver.

[Photographs of vehicle]

PART B INFORMATION TO BE PROVIDED

If you know who was driving or in charge of the vehicle at the time of the alleged offence, fill in Divisions 1 and 3.

If the vehicle had been stolen or unlawfully taken or used, fill in Divisions 2 and 3.

If you do not know who was driving at the time, you may make a statutory declaration to that effect as described in Division 3.

Division 1 Driver or person in charge known

☐ Driver or ☐ Person in charge of vehicle

Surname: _____ Given names: _____
No. and street: _____ Suburb: _____ Postcode: _____
Phone no.: _____ Driver's licence no.: _____ State: _____

Division 2 Vehicle stolen or unlawfully taken or used

☐ Stolen or unlawfully taken or used

Reported to police: Yes / No Report number: _____

Division 3 Signature and details

Surname: _____ Given names: _____
No. and street: _____ Suburb: _____ Postcode: _____
Phone no.: _____ Position: _____
Signature: _____ Date: _____

Division 4 Driver or person in charge not known

If you do not know and cannot reasonably ascertain the name and address of the driver or person in charge of the vehicle at the time of the alleged offence you may give a statutory declaration to that effect. The statutory declaration must accompany this form and be posted or personally delivered to *[specify officer]* or delivered personally to the officer in charge of a police station.

A statutory declaration must be made in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005*. It must be signed before an authorised witness. An example statutory declaration is available at *[www. Police website]*.

Making a false statutory declaration is an offence for which you may be imprisoned for 5 years.

IF YOU HAVE FILLED IN PART B, DO NOT FILL IN PART C OR D

FAILING TO PROVIDE REQUESTED INFORMATION IS AN OFFENCE

If you do not complete Part B and return this form by the compliance date set out on the front of this form you commit an offence — called the “failing to comply offence”.

This notice then has effect as an infringement notice about the failing to comply offence.

If you do not want to be prosecuted for the failing to comply offence, you can pay the modified penalty. To do this **you must pay the modified penalty by the payment date**. The options for how to pay are set out in Part D.

| | |
|------------------|--|
| Infringement no. | |
| Modified penalty | |
| Payment date | |

If you do not do pay the modified penalty you may be prosecuted for committing the failing to comply offence.

The maximum fine for the failing to comply offence is double the maximum fine that could be imposed by a court for the vehicle offence described in Part A. You may also be ordered to pay costs.

If you want the offence dealt with by a court, fill in Part C and return this form by the payment date.

Form 5

PART C FAILING TO COMPLY OFFENCE – ELECTION TO GO TO COURT

I elect to have the failing to comply offence described above dealt with by a court.

Surname: _____ Given names: _____
No. and street: _____ Suburb: _____ Postcode: _____
Phone no.: _____ Position: _____
Signature: _____ Date: _____

PART D FAILING TO COMPLY OFFENCE – PAYMENT OPTIONS

Infringement no.:
Due date:
Amount due:

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

PAYMENT will only be accepted if —

- the payment is received on or before (**no extensions will be given**); and
- the payment is made in full (**part payments will not be accepted**); and
- the payment is made to [insert details].

Cheques and money orders must be made payable to [insert details].

PART E 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 may be registered at the Fines Enforcement Registry. You will incur further costs and some or all of the following action may be taken — your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. If any information provided by you in Part C does not lead to the withdrawal of this notice, you will be notified by mail.

Unless delivering this form with a statutory declaration personally to the officer in charge of a police station, mail or personally deliver this completed form to [insert details].

[Form 5 amended: SL 2020/172 r. 6.]

Form 6

WITHDRAWAL OF INFRINGEMENT NOTICE

Road Traffic (Administration) Act 2008 section 83(2)

| | |
|---------------------|---|
| To: Address: | Notice No.: |
|---------------------|---|

PART A INFRINGEMENT NOTICE WITHDRAWN

AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN.

The amount of \$..... paid by way of prescribed penalty will be refunded.

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: |
|---|--|

PART C PRESCRIBED OFFICER WHO ISSUED THIS NOTICE

| | |
|---|--|
| Name: | Signature: |
| | Date: |

Form 7

Form 7

WITHDRAWAL OF NOTICE REQUESTING INFORMATION

Road Traffic (Administration) Act 2008 sections 98 and 101(1)

| | |
|----------|-------------|
| To: | Notice No.: |
| Address: | |

PART A NOTICE WITHDRAWN

A NOTICE REQUESTING INFORMATION SERVED ON YOU HAS BEEN WITHDRAWN.

The amount of \$..... paid by way of prescribed penalty will be refunded.

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: | |
|-------------|--|------------------------|--|

PART C PRESCRIBED OFFICER WHO ISSUED THIS NOTICE

| | | | |
|-------|--|------------|--|
| Name: | | Signature: | |
| | | Date: | |

Form 8

WITHDRAWAL OF NOTICE ENCLOSING PHOTOGRAPHIC EVIDENCE

Road Traffic (Administration) Act 2008 sections 99 and 101(1)

| | |
|---------------------|---|
| To: Address: | Notice No.: |
|---------------------|---|

PART A NOTICE WITHDRAWN

A NOTICE ENCLOSING PHOTOGRAPHIC EVIDENCE SERVED ON YOU HAS BEEN WITHDRAWN.

The amount of \$..... paid by way of prescribed penalty will be refunded.

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: |
|---|--|

PART C PRESCRIBED OFFICER WHO ISSUED THIS NOTICE

| | |
|---|--|
| Name: | Signature: |
| Date: | |

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Notes

This is a compilation of the *Road Traffic (Administration) Regulations 2014* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

| Citation | Published | Commencement |
|--|-----------------------------|---|
| <i>Road Traffic (Administration) Regulations 2014</i> | 23 Dec 2014 p. 4939-5009 | 27 Apr 2015 (see r. 2 and <i>Gazette</i> 17 Apr 2015 p. 1371) |
| <i>Road Traffic (Administration) Amendment Regulations (No. 3) 2015</i> | 12 Jun 2015 p. 2041-2 | r. 1 and 2: 12 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Jun 2015 (see r. 2(b)) |
| <i>Road Traffic (Administration) Amendment Regulations (No. 2) 2015</i> | 29 May 2015 p. 1884-5 | r. 1 and 2: 29 May 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| <i>Road Traffic (Administration) Amendment Regulations 2015</i> | 26 Jun 2015 p. 2274 | r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(ii) and <i>Gazette</i> 26 Jun 2015 p. 2235) |
| <i>Road Traffic (Administration) Amendment Regulations (No. 4) 2015</i> | 13 Nov 2015 p. 4662 | r. 1 and 2: 13 Nov 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Nov 2015 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2016 Pt. 5</i> | 14 Jun 2016 p. 1987-2003 | 1 Jul 2016 (see r. 2(b)) |
| <i>Road Traffic Regulations Amendment Regulations 2016 Pt. 2</i> | 24 Jun 2016 p. 2342-3 | 1 Jul 2016 (see r. 2(b)) |
| <i>Road Traffic (Administration) Amendment Regulations 2016</i> | 20 Sep 2016 p. 3983-4 | r. 1 and 2: 20 Sep 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Sep 2016 (see r. 2(b)) |
| <i>Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 Pt. 3</i> | 15 Nov 2016 p. 5062-77 | 28 Nov 2016 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|----------------------------|--|
| <i>Road Traffic (Administration) Amendment Regulations (No. 2) 2016</i> | 25 Nov 2016 p. 5280-2 | r. 1 and 2: 25 Nov 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Nov 2016 (see r. 2(b) and <i>Gazette</i> 25 Nov 2016 p. 5279) |
| <i>Road Traffic Regulations Amendment (Penalties) Regulations 2017 Pt. 2</i> | 26 May 2017 p. 2636-9 | 28 Jul 2017 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2017 Pt. 4</i> | 23 Jun 2017 p. 3253-78 | 1 Jul 2017 (see r. 2(b)) |
| <i>Road Traffic (Administration) Amendment Regulations 2017</i> | 3 Oct 2017 p. 5054-5 | r. 1 and 2: 3 Oct 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Oct 2017 (see r. 2(b)) |
| <i>Road Traffic (Administration) Amendment Regulations 2018</i> | 25 May 2018 p. 1648-9 | r. 1 and 2: 25 May 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 26 May 2018 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2018 Pt. 5</i> | 22 Jun 2018 p. 2184-93 | 1 Jul 2018 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Information) Regulations 2019 Pt. 2</i> | 29 Mar 2019 p. 972-80 | 30 Mar 2019 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2019 Pt. 4</i> | 31 May 2019 p. 1721-8 | 1 Jul 2019 (see r. 2(b)) |
| <i>Road Traffic (Administration) Amendment Regulations (No. 2) 2019</i> | 31 Dec 2019 p. 4687 | r. 1 and 2: 31 Dec 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2020 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 Pt. 2</i> | SL 2020/74 9 Jun 2020 | 1 Jul 2020 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Road Passenger Services) Regulations 2020 Pt. 2 (other than r. 5)</i> | SL 2020/91 24 Jun 2020 | 1 Jul 2020 (see r. 2(c) and SL 2020/89 cl. 2) |
| <i>Transport Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 2</i> | SL 2020/172 25 Sep 2020 | 29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a)) |
| <i>Road Traffic Regulations Amendment (Radar Detectors) Regulations 2020 Pt. 2</i> | SL 2020/150 1 Sep 2020 | 12 Oct 2020 (see r. 2(b) and SL 2020/148 cl. 2) |

Road Traffic (Administration) Regulations 2014**Notes**

Uncommenced provisions table

| Citation | Published | Commencement |
|--|----------------------------|---|
| <i>Transport Regulations Amendment (Road Traffic) Regulations (No. 2) 2020 Pt. 2</i> | SL 2020/231 4 Dec 2020 | 14 Dec 2020 (see r. 2(b) and SL 2020/229 cl. 2) |
| <i>Road Traffic (Administration) Amendment Regulations (No. 2) 2020</i> | SL 2020/262 24 Dec 2020 | r. 1 and 2: 24 Dec 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Feb 2021 (see r. 2(b) and SL 2020/254 cl. 2) |

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

| Citation | Published | Commencement |
|--|---------------------------|--------------------------|
| <i>Transport Regulations Amendment (Road Passenger Services) Regulations 2020 r. 5</i> | SL 2020/91 24 Jun 2020 | 1 Jul 2021 (see r. 2(b)) |

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|--|--------------|
| ABF Commissioner | 7(2) |
| approved officer | 34(1) |
| APS employee | 7(1) |
| Chief of Defence | 7(2) |
| corresponding WOV | 8(1) |
| crossing attendant warden | 16(1) |
| data storage device | 35(1) |
| HVNL | 9(1), 10(1) |
| identifier | 8(1) |
| improvement notice | 34(1) |
| improvement notice decision | 34(1) |
| LG CEO | 7(2) |
| Measurement Adjustments document | 31(1) |
| novice driver (type 1A) | 23(1) |
| PA CEO | 7(2) |
| parking warden | 18(1) |
| pedalec | 4(1) |
| reviewable decision | 33(1) |
| road law regulation offence | 24(1) |
| section | 3 |
| traffic escort warden | 17(1) |
| WOV | 8(1) |