

4.3 Camera detected offence notices – statutory declarations

What is a camera detected offence notice?

A camera detected offence notice is a fine issued when it is alleged a person disobeys the speed limit, a red light, fails to wear a seat belt correctly or uses a mobile phone while driving.

The fine is issued in the name of the registered owner of the vehicle (registered owner), which can be a person or a company. If not responsible for the camera detected offence, the *Transport Operations Road Use Management Act 1995* (the Act) allows the registered owner to transfer the fine to the person who was driving or not wearing their seatbelt correctly at the time. This ensures the person responsible for the offence receives the penalty, not the registered owner.

For the transfer of liability of the offence to occur a statutory declaration must be completed.

Who can make this type of statutory declaration?

A person can request to transfer a fine if they are:

- the registered owner (the person whose name is printed on the infringement notice)
- an executive officer (e.g. owner, manager, secretary or supervisor) of the corporation named in the infringement notice
- the driver or person in charge of the vehicle at the time of the offence, including a person not wearing their seatbelt correctly, this is referred to as a self-nomination
- a person who has control of another person's affairs such as power of attorney or an executor of an estate. The person must show you a copy of the document authorising them to complete the declaration.


How do I witness a camera detected offence statutory declaration?

When witnessing a statutory declaration follow the general procedure as outlined in chapters 4.1 and 4.2. You should also check it gives the following:

Name and address of the signatory

The signatory is the person making the statutory declaration. They complete this section if they:

- are the registered owner of the vehicle but were not driving at the time of the offence
- are completing the statutory declaration on behalf of a company and they are an authorised representative

 **Note:** While the signatory must record their company position title, they are not required to prove this position to you.

- were the driver of the vehicle, or not wearing their seatbelt correctly, at the time of the offence (self-nomination)
- received the camera detected offence notice but were not driving or in charge of the vehicle at the time of the offence.

Particulars of the person

The signatory nominates the driver of the vehicle or the person not wearing their seatbelt correctly in this section, providing as many details of the driver as possible. If the signatory is self-nominating, they must insert their full particulars.

Address

The signatory may nominate a residential street, postal (including PO Boxes), corporation, interstate or overseas address for the person in charge of the vehicle at the time of the offence.

Witnessing officer

Insert your signature, title and registration number. You must also print your full name (including middle name/s, not initials). If you apply your seal of office, this may be placed adjacent to this field. Please ensure your seal of office does not obscure or cover any information inserted into the document.

Enter the details in your logbook

Record all relevant information in your logbook as outlined in chapter 2.4.

Things to bear in mind

- The signatory must understand they commit an offence if they know information in their statutory declaration is false.
- Never void, cancel or decline to witness an expired infringement notice. It is the receiving agency's decision to reject or accept an expired notice.
- The signatory should cross out irrelevant sections i.e. 'stolen/sold vehicle'.
- The signatory should write all names in full.
- The signatory can record an overseas or international licence number on the declaration.
- If an executive officer is completing the infringement notice as a company representative, they must record their position, title and company name (as per the infringement notice) next to their printed full name.
- There is no legal requirement to use the statutory declaration received by the registered owner.

Frequently asked questions

Should I witness the declaration if the infringement notice is past its due date?

Yes. You should however bring this to the attention of the signatory.

The image on the infringement notice appears to look like the signatory, and they are nominating someone else. Can I still witness it?

Yes. Your role is to witness the signatory's declaration, not to scrutinise the images on the infringement.

You should warn the signatory, at the outset, and check they understand that if they knowingly make a declaration and they know the information is false they commit an offence.

What is meant by an Executive Officer of a company?

Executive Officer means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director. Some examples include, but are not limited to: manager, chief financial officer, secretary, fleet manager, and so on.

The signatory has used correction fluid or tape on the declaration, can I still witness it?

Yes. The receiving agency will accept a witnessed declaration where correction fluid or tape has been used. Ensure both you and the signatory initial these amendments.

There is no room for me to place my seal of office, will the declaration still be accepted?

Yes. You can use your relevant prescribed mark of office alongside your full name and signature as outlined in chapter 4.1.

Where can I get more information?

How to transfer a fine

www.qld.gov.au/transport

Queensland legislation

www.legislation.qld.gov.au

Forms

Statutory declaration

www.publications.qld.gov.au/statutory-declaration

4.3 Quick guide


Witnessing camera detected offence notices - statutory declarations

Follow the general procedure for witnessing signatures as outlined in chapters 4.1 and 4.2 then:

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- ① Check the requirements for the statutory declaration have been met.

 - ② Check if the declaration has any special requirements, including the following:
 - the particulars of the registered owner
 - the particulars of the person driving the vehicle
 - address details are completed.

 - ③ Warn the signatory that if they knowingly make a false declaration they commit an offence.

 - ④ Check the signatory understands the declaration.
 **Note:** The signatory must make the declaration, not the substitute signatory.

 - ⑤ Ask the signatory to make their declaration.

 - ⑥ Have the signatory sign the document and then witness their signature.

 - ⑦ Record all relevant information in your logbook as outlined in chapter 2.4.
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