

My name... my car... but I wasn't driving!

Have you ever received an infringement notice from the Traffic Camera Office?

It can come as an unpleasant surprise, but even more so if you were not driving your vehicle at the time.

Senior Sergeant Trevor Bennett from the Queensland Police Service's Traffic Camera Office said it was timely to remind registered vehicle owners of their obligations and options if they receive an infringement notice.

"Unfortunately, you can't just ignore it—fines don't just go away," Senior Sergeant Bennett said.

"By not doing anything you lose demerit points, so ultimately you may lose your licence.

"Fines can have massive ramifications for some members of the community. It will be reflected in your traffic history, and can impact on your insurance status and even prospects of employment.

"In the bigger picture, we are reminded by receivers of fines on a daily basis that unpaid infringement notices also heavily impact on family relationships."

Senior Sergeant Bennett said regardless of who was driving the vehicle, the person named on the infringement notice was obliged to take action.

"If you were not driving at the time a camera has recorded your vehicle involved in an offence, then you are responsible for taking up one of the three options outlined on the infringement notice within 28 days," he said.

So, what are the options?

1. Pay the fine to the administering authority, that is, Queensland Transport, via one of the methods outlined.
2. Elect to have the matter heard by a court by ticking the respective box and forwarding to the address shown. Do not pay the fine.
3. Transfer liability to the person in charge or the driver of the vehicle by completing the Statutory Declaration and having it signed by a Justice of the Peace. Do not pay the fine—a new infringement will be issued to the person nominated.

What if...?

Q. The family station wagon is registered in my name, but my son was driving it to go to lectures at the time of the fine. Should I just give the infringement notice to my son to sort out payment?

A. The infringement notice is in your name so anything that happens may affect your driver's licence—this will include losing demerit points. If your son does not pay the fine within the 28-day period, the overdue fine will transfer to the State Penalties Enforcement Registry (SPER) where an additional administration fee will be added. Eventually, it may be your licence that is suspended or your bank may be ordered to transfer money from your account to pay SPER.

The correct action to take in this instance is to complete the Statutory Declaration on the back of the infringement notice with your son's details and have it witnessed by a Justice

of the Peace. Then forward the infringement to the Traffic Camera Office for processing. A new infringement notice will be forwarded to your son.

Q. My ex-partner, Jill, and myself, Will, registered our cars in both of our names—Will and Jill Jones. I keep getting her infringement notices. I'm worried about losing so many demerit points. I depend on my licence for work. How could this situation have been prevented?

A. If you register your vehicle in two or more names, the person responsible for actioning the infringement notice within the 28-day period is the first person named as the registered owner, in this case Will Jones.

It is Will who needs to prove he was not driving the vehicle at the time of the offence. He should have completed the Statutory Declaration on the back of the infringement notice with Jill's details and asked a Justice of the Peace to witness the declaration. He should also contact Queensland Transport to change the registration particulars of the vehicle.

Q. I sold my old car unregistered with the number plates on it. I've now received an infringement notice that says I am the registered owner. You can see it's not even me in the photo.

A. If the car is unregistered and the plates are still attached, you will receive any infringement notices. Always ensure plates are removed from vehicles and return them to Queensland Transport if you are selling your vehicle unregistered. Until the plates

are returned, Queensland Transport records will reflect you as the registered owner of the vehicle.

If you are selling the vehicle registered, it is the purchaser's responsibility to transfer registration over from the previous owner's name within two weeks of the sale. If you choose to sell your vehicle privately and you hold any doubts about the transfer status, contact Queensland Transport to ensure you are no longer listed as the registered owner. You will have to provide your part of the transfer of registration papers for registered vehicles. If the vehicle was sold unregistered with the plates attached you will not be able to transfer liability for notices. Ensure the correct application has been completed and retain your copy in case you need the full details of the person that purchased your vehicle.

Senior Sergeant Bennett said variations to these scenarios were often played out in real life—a staff member driving a company car; a stolen vehicle involved in an offence; or a friend driving the car without your best interests at heart. He recommends keeping a detailed record of anyone you allow to drive your vehicle.

The message is clear—if you are the registered owner of the vehicle then it is your responsibility to act on it. Do not let an infringement notice slide hoping it will go away. Take control of the situation by identifying who was driving your vehicle, otherwise you risk losing demerit points, your licence, and your money.

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