

## 8. Infringement notices

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## 8.1 Deleted

## 8.2 Infringement notice

An infringement notice is a notice under the *State Penalties Enforcement Act* which offers the person to whom it is issued an opportunity to have the offence alleged in the notice dealt with without having to appear at court by paying an amount specified in the notice.

An infringement notice fine is the amount specified as payable in relation to the offence for which it was issued.

The Service is responsible for the issue of infringement notices to persons committing traffic offences, other transport Acts offences and specific offences under other Acts.

### Definition

For the purpose of this chapter, unless otherwise described 'infringement notice' includes a PT 56: 'Infringement notice' and a QNotices infringement notice.

### ORDER

OICs of stations and establishments are responsible for the safe keeping, issue and accountability of personally issued infringement notice books to members of the Service under their control.

Infringement notices are accountable forms. Officers are responsible for the safekeeping of infringement notice books issued to them.

## 8.3 Offences for which infringement notices may be issued

In accordance with Part 3 Division 1: 'Service of infringement notices' of the *State Penalties Enforcement Act*, infringement notices may be issued for offences outlined in the State Penalties Enforcement Regulation (SPE Regulation).

Offences committed by children are dealt with differently (see s. 8.6.1: 'Infringement notice issued to persons under age of 18 years' of this chapter).

An officer may issue an infringement notice to a person for an offence:

- (i) which is outlined in the SPE Regulation; and
- (ii) for which the Service has published an infringement notice code (see Operational Policy and Improvement webpage or the OPStore on the Service Intranet),

subject to other Service policy to the contrary or advice from the Superintendent, Road Policing Group, RP&RSC (see s. 8.12: 'Suspension of the use of infringement notices for specific offences' of this chapter).

### 8.3.1 Issuing infringement notices for careless driving of motor vehicles

An officer may issue an infringement notice to a person for an offence under s. 83(1)(c): 'Careless driving of motor vehicles' of the TO(RUM)A.

Officers may issue an infringement notice for the offence of careless driving where:

- (i) the issuing complies with:
  - (a) s. 5.7.1: 'Issuing of infringement notices for traffic crash investigations';
  - (b) s. 8.6.1: 'Infringement notice issued to a child (person under age of 18 years)'; and
  - (c) s. 8.6.2: 'Infringement notices not issued where other offences detected not able to be issued with infringement notice',

of this Manual;

- (ii) the person has no previous convictions for similar offences in the last 5 years (e.g. careless driving, dangerous operation of a vehicle);

- (iii) they reasonably believe that upon conviction for the offence the manner of driving will not render the person liable to disqualification by a court order; and

- (iv) the offence was not committed during the operational period of a suspended term of imprisonment (determined by reviewing the person's criminal history report).

## 8.4 Infringement notice system

Infringement notices are issued under the provisions of the State Penalties Enforcement Act. This process places an onus on alleged offenders to inform the relevant authorities if an offence will be contested in a magistrates court and provides avenues for the enforcement of infringement notice fines.

### 8.4.1 The role of each department

The DTMR is the data collection agency and payment receipt authority for infringement notices until the notices are referred to the State Penalties Enforcement Registry (SPER). The DTMR will refer a notice to SPER approximately 28 days after the issue of the infringement notice.

SPER will issue an Enforcement Order requiring the payment of the infringement notice fine and additional fee. SPER is responsible for securing payment of the infringement notice fine up to and including the issue of a warrant.

### 8.4.2 The options open to the recipient of an infringement notice

After receiving an infringement notice an alleged offender may:

- (i) pay the infringement notice fine;
- (ii) complete a statutory declaration in relation to the infringement notice;
- (iii) make a voluntary instalment plan application;
- (iv) elect in writing to have the matter determined in a magistrates court; or
- (v) take no action, which will result in referral to SPER.

### 8.4.3 Payment of infringement notice penalties received by mail

ORDER

OICs of stations and establishments who receive payments for infringement notice fines by mail are to:

- (i) check QPRIME to establish the status of that infringement notice; and
- (ii) return payment to the alleged offender, of the penalty associated with an infringement notice where the status is:
  - (a) 'Notice Issued', with a letter stating that payment cannot be accepted by the Service and advising the alleged offender to make the payment to the DTMR; or
  - (b) 'SPER' or 'SPER Finalised', with a letter stating that payment cannot be accepted by the Service and advising the alleged offender to make the payment to SPER directly.

Payments by cash or cheques made payable to the Service which are to be returned to the alleged offender are to be banked in accordance with local arrangements and a refund cheque is to be issued for the amount received from the alleged offender.

Payments by cheques made payable to the DTMR or cheques which cannot be banked to the Queensland Police Service Collections Bank Account and which are to be returned to the alleged offender are to be dealt with as irregular in accordance with s. 4.6.2: 'Receipting Practice' of the Financial Management Practice Manual.

### 8.4.4 Transport offence titles, codes and penalties

A current list of transport offence titles, codes and penalties for traffic and transport offences outlined in the State Penalties Enforcement Regulation is available:

- (i) on the 'Operational support' webpage on the Service Intranet; and
- (ii) in PDF format through the QPS OPStore.

The Superintendent, Road Policing Group, RP&RSC is responsible for the maintenance of 'Infringement notice offence codes and penalties'.

Officers are to use the current transport offence titles, codes and penalties when issuing infringement notices.

## 8.5 Lost or misplaced PT 56: 'Infringement notices'

### Action by officers to whom PT 56: 'Infringement notices' are on issue

When PT 56: 'Infringement notices' on issue to officers are lost, stolen or damaged, officers should at the first available opportunity furnish a report to their OIC outlining the circumstances under which the loss, theft or damage occurred, and in the case of:

- (i) a damaged notice, attach all available copies of the notices; or

(ii) in the case of a lost or stolen notice, furnish an occurrence report in QPRIME.

### Action by officer in charge

OICs who receive a report concerning damaged, lost or stolen PT 56 should:

- (i) comment on how the notices were damaged, lost or stolen; and
- (ii) forward such report together with copies of the damaged notices to a commissioned officer with a suitable minute recommending cancellation of the damaged or missing notices; and
- (iii) comment on the action taken to locate the missing notices.

Upon receipt of approval from a commissioned officer to cancel the PT 56, OICs should:

- (i) retain the report granting approval for cancellation of the notices for inspection by the Auditor; and
- (ii) ensure that particulars of the cancelled notices are forwarded to a TRAILS adjudication point in accordance with local procedures for entry into TRAILS.

### Action by commissioned officer

A commissioned officer, after due consideration of all the circumstances, may give approval to cancel lost, stolen or damaged PT 56.

The commissioned officer may direct procedures to be implemented to minimise any future occurrences of this nature pursuant to Chapter 3: 'Risk Management' of the MSM.

## 8.6 Manner of issuing infringement notices

Officers should not issue an infringement notice in relation to an offence later than 8 months after the date upon which the offence occurred. In these cases a proceeding should be commenced by way of complaint and summons, notice to appear or arrest, where appropriate.

The issue of infringement notices to an alleged offender is restricted to a maximum of three infringement notices for offences against the TO(RUM)A and TO(RUM-RR)R at any one time. If more than three offences against the TO(RUM)A and TO(RUM-RR)R are detected for which an infringement notice can be issued, the officer may determine, dependant on each circumstance, to either:

- (i) issue three infringement notices and provide a verbal caution for all the other offences (see s. 8.8: 'Verbal cautions' of this chapter); or
- (ii) proceed by way of notice to appear for all the offences detected.

Where a verbal caution is given for an offence no other enforcement action is to be taken for that particular offence.

### 8.6.1 Infringement notice issued to a child (person under age of 18 years)

In accordance with s. 68: 'Infringement notices' of the YJA, an infringement notice may be issued to a child (person under the age of 18 years).

Section 5: 'Act has limited application to children' of the *State Penalties Enforcement Act* (SPEA) provides that the SPEA does not apply to a child except to the child may pay a fine stated in an infringement notice.

Infringement notices issued to a child which remain unpaid will be entered on to a prosecutions pending list by the DTMR (see s. 8.11: 'Prosecutions Pending List' of this chapter).

Infringement notices are only to be issued to children in cases where the commencement of a proceeding would be justified in accordance with s. 11: 'Police officer to consider alternatives to proceeding against child' of the YJA.

ORDER

Before issuing an infringement notice to a child, officers are to consider alternatives to this course of action (see s. 8.3: 'Offences for which infringement notices may be issued' of this chapter and s. 5.2.2: 'Alternatives for dealing with child offenders' of the OPM).

### Unpaid infringement notice issued to a child

An officer who has issued an infringement notice to a child, which subsequently is not paid, should commence a proceeding in relation to the offence by way of notice to appear or complaint and summons in accordance with ss. 5.6.5: 'Issuing of a notice to appear to a child for offences' or 5.6.6: 'Proceedings against a child by complaint and summons' of the OPM.

### 8.6.2 Infringement notices not issued where other offences detected not able to be issued with infringement notice

An infringement notice should not be issued for an offence which is detected in conjunction with another offence which is not included in the State Penalties Enforcement Regulation (e.g. disqualified driving and speeding). In this case, a notice to appear should be furnished for all the offences detected.

If an infringement notice has already been issued to an alleged offender prior to an officer detecting an additional offence for which an infringement notice cannot be issued the particulars of the infringement notice should be noted on the court brief (QP9).

### 8.6.3 Certain particulars on PT 56: 'Infringement notice' not to be altered

Details contained on a PT 56: 'Infringement notice' should not be altered.

If any error is made during the completion of a PT 56 which can be neatly ruled through and initialled leaving enough space to insert the correct details this may be done. If this cannot be done, another infringement notice should be completed and issued for that same offence (see s. 8.7.2: 'Action by officers – errors on infringement notices' of this chapter).

### 8.6.4 Procedure for issuing infringement notices

Unless specifically stated otherwise, officers may issue either a PT 56: 'Infringement notice' or a QNotice infringement notice.

#### PT 56: 'Infringement notice'

Officers issuing a PT 56 should ensure:

- (i) notices are issued in consecutive order;
  - (ii) a ball point pen is used;
  - (iii) all entries are legible on all copies;
  - (iv) full and correct names of persons are inserted;
  - (v) the alleged offender's correct residential address is recorded. If an address is given which is different to the residential address, such as a temporary address, lot number address, etc., such address is to be recorded on the rear of the pink copy;
  - (vi) all details relating to the offence are completed;
  - (vii) the correct offence title, code and fine amount are entered into the infringement notice regarding the offence;
  - (viii) if applicable, the appropriate box indicating the infringement notice was issued:
    - (a) to an unattended vehicle;
    - (b) by mail;
    - (c) due to an offence identified at a traffic crash; or
    - (d) in conjunction with a F4890: 'Defect notice',
- is ticked;
- (ix) the reverse side of the prosecution copy is accurately completed in sufficient detail for evidentiary purposes (see s. 8.13: 'Evidentiary notes required for particular offences' of this chapter);
  - (x) all notices are signed and dated; and
  - (xi) their name, registered number and station details are inserted in a legible manner in the appropriate spaces.

When giving a copy of an infringement notice to a person, officers are to advise the person that the method of payment and procedure for having the alleged offence dealt with by a court are clearly outlined on the rear of the infringement notice.

#### QNotice infringement notice

ORDER

All 'queued' QNotices are to be submitted to QPRIME by the issuing officer as soon as practicable and prior to the termination of the shift when the infringement was issued.

Officers creating a QNotice infringement notice should ensure:

- (i) the alleged offender's QPRIME person record is selected when available or their full and correct name is entered;

(ii) the alleged offender's current residential address (do not use 'No fixed place of abode', P.O. Box addresses or similar) and:

- (a) postal address; and/or
- (b) e-service address (i.e. email address or mobile telephone number),

are recorded;

(iii) all details relating to the offence are entered, including the date of the offence and date of issue (as appropriate);

(iv) the correct offence title and fine amount are selected for the offence;

(v) the QNotice is accurately completed in sufficient detail for evidentiary purposes (see s. 8.13: 'Evidentiary notes required for particular offences' of this chapter); and

(vi) the completed infringement submission is received by QPRIME. Where the QNotice is unable to be submitted (e.g. QPRIME/QLiTE server unavailability), the officer should consider issuing a PT 56 to the offender immediately.

Officers should:

(i) ask the alleged offender whether they are willing to volunteer their email address or mobile phone number for the purposes of serving the infringement notice and where provided enter the details in the appropriate sections of the QNotice infringement notice; and

(ii) select the alleged offender's preferred method for receiving the infringement notice (email, MMS or mail). Where the offender does not indicate a preferred method of service the QNotice infringement notice should be served by post.

Officers are to advise the person that they will be sent an infringement notice by their preferred method and that the method of payment or procedure for having the alleged offence dealt with by a court are clearly outlined on the notice.

Where a QNotice infringement notice is to be issued to the owner of an unattended vehicle officers should take a photograph of the vehicle within its immediate surroundings and upload to the QPRIME occurrence.

### High speed suspension fact sheet

Chapter 8: 'Suspension for driving more than 40km/h over speed limit' of the TO(RUM-DL)R provides where a person is convicted of exceeding the speed limit by more than 40km/h, the person's driver licence is suspended for 6 months. To inform drivers of the high speed suspension provisions, a QP 0949: 'Speeding Suspension Fact Sheet' has been prepared.

Where a person is intercepted for exceeding the speed limit by more than 40km/h the intercepting officer should, whenever practicable, provide the person with a QP 0949.

### 8.6.5 Identified problems

Officers should take care to ensure that when issuing an infringement notice it is checked to ensure that:

- (i) if a driver licence is produced, that the licence number and particulars thereof are correctly entered on it;
- (ii) the current residential address of the alleged offender is correctly entered i.e. no fixed place of abode is not acceptable;
- (iii) the dates are correct i.e. date of birth, date of offence, date of issue; and
- (iv) identifying particulars (short title) of the offence are included.

In addition, officers issuing a PT 56: 'Infringement notice' are to ensure:

- (i) it is properly numbered;
- (ii) it is correctly printed;
- (iii) copies are similar to the originals;
- (iv) all copies are legible.

### 8.6.6 Interstate residents or overseas visitors committing traffic offences

Overseas visitors and interstate residents who commit traffic offences when visiting Queensland should not be treated any differently to Queensland residents.

Officers who detect overseas residents committing traffic offences may consider issuing a caution in accordance with s. 8.8: 'Verbal cautions' of this chapter.

In some serious cases officers may consider commencing a prosecution by issuing a notice to appear or making an arrest if justified.

Officers who issue infringement notices to interstate residents should ensure that the person's name, address and date of birth are accurately entered on the infringement notice. SPER is unable to process infringement notices issued to interstate residents which do not contain a date of birth.

Officers who issue an infringement notice to an overseas visitor should:

- (i) where possible, show the alleged offender's current Australian address on the face of the notice; and
- (ii) indicate on the prosecution copy of the notice the alleged offender's usual residential address and the date the alleged offender is due to leave Australia.

For offences not dealt with by the SPER, this information will assist if the infringement notice is returned unpaid to indicate whether the notice may be waived without the need for a report from the issuing officer.

Officers should be mindful of the contents of ss. 11.8: 'Diplomatic Privileges and Immunities Act' and 16.7: 'Foreign nationals' of the OPM.

### **8.6.7 Officers in charge to forward issued PT 56: 'Infringement notices' to Department of Transport and Main Roads**

OICs of stations and establishments should ensure that, in respect of PT 56: 'Infringement notices' issued by officers under their control:

- (i) all infringement notices are checked for accuracy and completeness. Both pink and green copies should be received together and should be checked to ensure that both copies contain identical information. If the pink and green copies do not contain identical information the infringement notice should be considered for waiving (see also s. 8.6.4: 'Certain particulars on infringement notice not to be altered' of this chapter);
- (ii) a list of infringement notices issued is compiled in triplicate on a QP 0252A: 'Accountable forms acknowledgement slip for completed infringement notices to Department of Transport and Main Roads' daily, where possible;
- (iii) all green copies of issued infringement notices, together with two copies of the completed QP 0252A are forwarded to the DTMR daily, where possible;
- (iv) one copy of the completed QP 0252A is retained at the station or establishment; and
- (v) all pink copies are to be filed in sequential numerical order for prosecution purposes.

The DTMR will return one copy of the completed QP 0252A certified as to the receipt of the listed infringement notices. The returned copy of the QP 0252A is to be filed with the station copy of the relevant form.

Where errors on infringement notices or incomplete infringement notices are detected prior to their being forwarded to the DTMR, members should:

- (i) ensure that action is taken to waive the infringement notice and issue another PT 56; and
- (ii) not insert information on the front of the pink or green copy of the infringement notice which was not included on the alleged offender's copy of the infringement notice.

## **8.7 Waiving and cancellation of infringement notices**

There are a number of issues which officers authorised to cancel or waive an infringement notice may be required to consider prior to authorising the cancellation or waiving of an infringement notice.

For the purposes of this section:

- (i) a PT 56: 'Infringement notice' can only be cancelled when all the copies of the notice are retained by the issuing officer. Exceptions to this requirement occur when:
  - (a) lost, stolen or damaged notices are to be cancelled (see s. 8.5: 'Lost or misplaced infringement notices' of this chapter);
  - (b) both the pink and green copies of an infringement notice have been lost in transit or otherwise misplaced;
  - (c) an infringement notice is returned by the DTMR for cancellation because it cannot be entered on to TRAILS because of an error in the notice; or
  - (d) a QNotice infringement notice was issued;
- (ii) a QNotice infringement notice can only be cancelled where:
  - (a) incorrect information has been entered into a QNotice, e.g. incorrect person, offence type or vehicle selected; or



(b) a QPRIME and/or TRAILS record has been created and a QPRIME task has subsequently been received by the issuing officer advising of a technical issue in the submission of a QNotice; or

(iii) an infringement notice can only be waived (not cancelled) after the infringement notice has been issued and a copy of the infringement notice has been supplied to the person. Waiving refers to the discontinuance of enforcement action in relation to an offence through the withdrawal of an infringement notice.

Section 8.7.1: 'Suitability of infringement notice for cancellation or waiving' of this chapter identifies some issues which should be considered by prescribed officers.

OICs of stations and establishments receiving cancelled or waived infringement notices for:

(i) PT 56: 'Infringement notices' at establishments which have a TRAILS adjudication point should maintain an Adjudication Register (see 'Transport products home' on the RP&RSC webpage on the Service Intranet) and ensure a record is kept in the Adjudication Register of all actions taken at the TRAILS adjudication point involving the suspending, cancelling, waiving or continuing action in respect of infringement notices on TRAILS; or

(ii) QNotice infringement notices should record all actions involving the suspending, cancelling, waiving or continuing action in respect of QNotices within the relevant QPRIME occurrence.

### 8.7.1 Suitability of infringement notice for cancellation or waiving

If it should come to the notice of the OIC of a station or establishment an infringement notice contains one or more of the errors listed below that infringement notice should be considered for cancellation or waiving:

- (i) incorrect name or address or date of birth of the alleged offender;
- (ii) no time of offence;
- (iii) no date of offence;
- (iv) no location of offence;
- (v) no penalty inserted;
- (vi) no offence title or code inserted;
- (vii) incorrect infringement notice fine amount inserted;
- (viii) incorrect offence title or code inserted;
- (ix) incorrect location (vastly different suburbs or areas – kilometres apart);
- (x) incorrect day of offence;
- (xi) incorrect date of offence in respect of allegation section only. An incorrect date of issue on the infringement notice on the same line as the issuing officer's particulars does not invalidate the infringement notice;
- (xii) expiration of limitation of proceedings;
- (xiii) more than one offence inserted (PT 56: 'Infringement notice' notices only);
- (xiv) parking offences where the vehicle is registered to a business or company and such business or company has been de-registered or is in liquidation;
- (xv) issued to an overseas visitor and the prosecution copy of the infringement notice shows the alleged offender has since departed;
- (xvi) where a local authority parking officer has issued a similar notice regarding a similar offence as indicated on the infringement notice (see s. 8.12.2: 'Infringement notices for parking offences' of this chapter);
- (xvii) where a technical error has occurred during the submission of a QNotices infringement notice; and
- (xviii) where a PT 56: 'Infringement notice' or QNotices infringement notice was issued at the time instead of the original notice type attempted.

In making a determination as to whether or not to cancel/waive an infringement notice consideration should be given as to whether a prosecution action instigated before a court would be likely to fail due to the apparent defect in the infringement notice subject of the determination.

### 8.7.2 Action by officers – errors on infringement notices

#### PT 56: 'Infringement notice'

Officers who detect an error in a PT 56: 'Infringement notice' prior to issue to a person, which cannot be rectified in the manner outlined in s. 8.6.4: 'Certain particulars on infringement notice not to be altered' of this chapter, are to:

- (i) retain all copies including the alleged offender's copy;

- (ii) issue another correctly completed infringement notice to the alleged offender if appropriate in the circumstances;
- (iii) report on the retained infringement notice to their OIC, including whether another infringement notice was issued in lieu and the number of such infringement notice; and
- (iv) attach original and all copies of the infringement notice containing the error.

Officers who detect an error in an infringement notice which has been issued to an alleged offender who has departed from the scene are to report the circumstances to their OIC and attach the original and remaining copies of the infringement notice containing the error.

### **Errors detected on PT 56: 'Infringement notice' by Department of Transport and Main Roads**

The DTMR staff who detect errors on infringement notices which are such that the infringement notice cannot be entered on TRAILS will return the infringement notice to the relevant OIC of a district for attention.

OICs of districts who receive infringement notices which contain errors detected by the DTMR are to ensure:

- (i) the infringement notice is forwarded to the OIC of the issuing station or establishment for attention in accordance with s. 8.7.4: 'Action by officers in charge – errors on infringement notices' of this chapter; and
- (ii) details of the infringement notice and any action taken are entered into the regional correspondence index.

### **QNotices infringement notice**

Officers who:

- (i) detect an error in a QNotices infringement notice which has been issued to an alleged offender who has departed from the scene;
- (ii) detect a technical error when submitting a QNotices infringement notice; or
- (iii) receive a QPRIME task advising of a technical issue in the submission of a QNotice,

are to:

- (i) add an Occurrence Enquiry Log entry to the relevant QPrime occurrence outlining the circumstances of the error;
- (ii) obtain approval from their OIC to cancel or waive the QNotices infringement notice and include the approval in the QPrime occurrence;
- (iii) submit a PIR Supplementary Report to Policelink; and
- (iv) forward a task to their OIC for attention.

### **8.7.3 Action to be taken after waiving of an infringement notice containing an error**

When an infringement notice is found to contain an error and is waived, the prescribed officer who waived the relevant infringement notice should consider whether further enforcement action for the particular offence is appropriate and if so recommend that enforcement action is commenced by issuing another infringement notice, complaint and summons or notice to appear (see ss. 28: 'Administering authority may withdraw infringement notice' and 32: 'Proceedings after cancellation of infringement notice' of the *State Penalties Enforcement Act*).

### **8.7.4 Action by officers in charge – errors on infringement notices**

OICs who receive a report concerning an error in an infringement notice or who detect a previously undetected error in an infringement notice and furnish a report in compliance with s. 8.7.2: 'Action by officers – errors on infringement notices' of this chapter should comply with the relevant instructions for the infringement notice type.

#### **PT 56: 'Infringement notice'**

Where an error exists on a PT 56: 'Infringement notice' OICs should:

- (i) if the notice is to be considered for cancellation forward a report to a prescribed officer containing a recommendation that the infringement notice should be cancelled and attach the original and remaining copies of the infringement notice containing the error to the report;
- (ii) if the infringement notice has been issued to an alleged offender but the notice has been returned by the DTMR as unable to be entered on TRAILS due to an error (see s. 8.7.2: 'Action by officers – errors on infringement notices' of this chapter):
  - (a) forward a report to a prescribed officer containing a recommendation that the infringement notice should be cancelled;
  - (b) attach the green copy of the infringement notice containing the error and the advice from the DTMR to the report; and

- (c) send a letter to the alleged offender advising that no further action is required in regard to the infringement notice until further advised; or
- (iii) if the notice is to be considered for waiving:
  - (a) ensure the infringement notice is promptly entered into TRAILS by completing a 'Acknowledgement of infringement to be entered on TRAILS by Queensland Transport' (available on the RP&RSC 'Transport products home' webpage on the Service Intranet) and send a copy of the notice and form to the DTMR by facsimile;
  - (b) action on the infringement notice is to be suspended at a TRAILS adjudication point in accordance with local procedures;
  - (c) commence a 'Status report';
  - (d) send a letter to the alleged offender advising the infringement notice has been suspended and that no further action is required in regard to the infringement notice until further advised;
  - (e) forward a report to a prescribed officer containing a recommendation as to whether or not the infringement notice should be waived; and
  - (f) attach the remaining copies of the infringement notice containing the error, the letter to the alleged offender and the status report to the report.

### QNotice infringement notice

Where an error, including data conflict errors, exists on a QNotice infringement notice OICs should if the notice is considered for:

- (i) cancellation complete an Occurrence Enquiry Log containing their recommendations within the relevant QPRIME occurrence and forward a task to a prescribed officer for their attention and recording in TRAILS; or
- (ii) waiving:
  - (a) action on the infringement notice is to be suspended at a TRAILS adjudication point in accordance with local procedures;
  - (b) commence a 'Status report';
  - (c) send a letter to the alleged offender advising the infringement notice has been suspended and no further action is required in regard to the infringement notice until further advised;
  - (d) complete an Occurrence Enquiry Log within the relevant QPRIME occurrence and forward a task to a prescribed officer containing a recommendation as to whether or not the infringement notice should be waived; and
  - (e) upload the letter to the alleged offender into the relevant QPRIME occurrence.

### 8.7.5 Action by officers in charge – cancelling or waiving infringement notices

OICs who receive advice to cancel an infringement notice from a prescribed officer are to:

- (i) retain a copy of the report containing the advice for filing:
  - (a) for a PT 56: 'Infringement notice', together with all the copies of the infringement notice; or
  - (b) for a QNotices infringement notice, as a Occurrence Enquiry Log entry in the relevant QPRIME occurrence;
- (ii) ensure that particulars of the cancelled infringement notice are forwarded to a TRAILS adjudication point in accordance with local procedures for entry into TRAILS; and
- (iii) in the case of an infringement notice which is cancelled because it cannot be entered on to TRAILS forward a letter to the person who received the infringement notice advising:
  - (a) the infringement notice is cancelled;
  - (b) withdrawal of the infringement notice does not prevent a proceeding for the offence being taken against the alleged offender nor prevent the issue of another infringement notice in respect of the alleged offence (see ss. 28: 'Administering authority may withdraw infringement notice' and 32: 'Proceedings after cancellation of infringement notice' of the *State Penalties Enforcement Act*);
  - (c) whether further prosecution or enforcement action will be considered in respect of the alleged offence. If another infringement notice is to be issued for the alleged offence it should be enclosed with the letter and sent by regular mail; and
- (iv) in the case of a QNotices infringement notice where a QPRIME occurrence is to be cancelled, in addition to the processes above, OICs should ensure the QPRIME occurrence is modified accordingly.

OICs who receive advice to waive an infringement notice from a prescribed officer are to:

- (i) ensure the infringement notice is waived (WAIV) on TRAILS at a TRAILS adjudication point in accordance with local procedures. Such waiving on TRAILS is only to be performed on a fully entered infringement notice and not on a 'SKEL' which only refers to the receipt of a payment;
- (ii) forward a letter to the person who received the infringement notice advising:
  - (a) the infringement notice is waived;
  - (b) any enforcement action taken against the person by SPER will cease and any payments made by the alleged offender will be refunded;
  - (c) withdrawal of the infringement notice does not prevent a proceeding for the offence being taken against the alleged offender nor prevent the issue of another infringement notice in respect of the alleged offence (see ss. 28 and 32 of the *State Penalties Enforcement Act*);
  - (d) whether further prosecution action will be considered or whether another infringement notice will be issued in respect of the alleged offence. If another infringement notice is to be issued for the alleged offence it should be enclosed with the letter and sent by regular mail;
- (iii) in the case of PT 56, ensure the green copy of the infringement notice has been forwarded to the DTMR;
- (iv) where the infringement notice fine has been paid prior to the infringement notice being waived, forward a letter to the DTMR or SPER, depending on which agency received payment, requesting a refund to the person who received the infringement notice; and
- (v) retain a copy of the report containing the advice for filing together with the retained copies of the infringement notice, the letter to the alleged offender and any letter to the DTMR or SPER. Where a QNotices infringement notice has been waived the relevant reports and letters are to be retained within the relevant QPRIME occurrence.

## 8.8 Verbal cautions and formal warning notices

Cautions for minor traffic offences where the lives of persons are not endangered are an integral part of traffic management and policing. Officers may issue such cautions in cases where they believe that such a course of action is appropriate having regard to the severity of the offence, consistency of approach and the ultimate aim of deterring a repetition of the offence.

### Life endangering offences not to be subject to cautions

Verbal cautions or formal warning notices should not be issued where a life endangering offence is detected (see Appendix 1.1: 'Life Endangering Offences' of this Manual).

### Records to be kept of verbal cautions

ORDER

Officers are not to issue infringement notices as verbal cautions.

When officers issue verbal cautions for any offence, they should:

- (i) obtain the alleged offender's name, address, driver licence particulars and vehicle details; and
- (ii) where practicable, submit a street check in QPRIME to record the full particulars of the alleged offender together with the time, date, location, type of offence and any other relevant particulars. Where a street check cannot be submitted on a QLITE device at the time of the interception, officers should record the particulars of the offender and the offence in their official police notebook or patrol log for later entry.

### Formal warning notices for heavy vehicles

A formal warning notice may be issued for certain breaches of the *Heavy Vehicle National Law Act* under s. 590: 'Formal warning' of the Act, where a person operating a heavy vehicle has contravened the law and has taken reasonable steps to prevent the contravention and was unaware of the contravention.

When an officer issues a formal warning for any offence they should:

- (i) complete all the details on the formal warning notice;
- (ii) ensure a copy is issued to the alleged offender (buff copy);
- (iii) forward a copy to DTMR for recording.

When an alleged offender has previously been issued a formal warning notice for the same or similar offence, the officer issuing the formal warning notice must decide if it is more appropriate to issue an infringement notice or complete a Transport Breach Report (see s. 8.18: 'Transport Breach report' of this chapter).

## 8.9 Defect Notices

The Service has a responsibility to ensure that vehicles being driven on roads are in a roadworthy condition and comply with the TO(RUM–VSS)R and the *Heavy Vehicle National Law*.

A direction may be given on a F4890: 'Defect notice' to:

(i) require either the:

- (a) owner of the vehicle; or
- (b) registered operator for the vehicle (see SMD);

to produce the vehicle for inspection at a reasonable time and place (see s. 65: 'Power to require vehicle inspections' of the PPRA); and/or

(ii) require the owner of a vehicle to take stated reasonable action to ensure the person's vehicle is not defective; and/or

(iii) if an officer reasonably suspects a vehicle is unsafe or defective, require either the:

- (a) owner of the vehicle; or
- (b) the registered operator;

not to use, or permit the use of, the vehicle on a road until:

- (a) the vehicle is inspected at a stated reasonable place and found to comply with the TO(RUM)A; or
- (b) stated reasonable action is taken to ensure the vehicle complies with the TO(RUM)A.

(See s. 66: 'Power to prohibit use of vehicles' of the PPRA).

### 8.9.1 Classes of vehicle defects

Section 7: 'When is a light vehicle defective' of the TO(RUM–VSS)R defines when a vehicle is considered to be defective.

There are four classes of vehicle defects:

- (i) self-clearance defect – any defect that does not significantly affect the overall safety of the vehicle, e.g. inoperable number plate light, inoperable windscreen wipers detected when it is not raining, cracked tail light or brake light lens, inoperable warning device, inoperable headlight detected during daylight hours, etc. which does not require that any repairs or rectification be inspected;
- (ii) minor defect – any defect which does not significantly affect the overall safety of the vehicle but which requires that any repairs or rectification be inspected;
- (iii) major defect – any defect which renders the vehicle unsafe, e.g. excessive body rust, steering mechanism, brakes, etc.; and
- (iv) major dangerous defect – any defect which renders the vehicle unsafe to such an extent that it is necessary to immediately prohibit the use of the vehicle on a road.

When determining the class of a vehicle's defect(s), officers should consider all relevant factors that may contribute to the safety risk posed by the vehicle. Some factors that contribute to traffic crashes include but are not limited to the:

- (i) type of road;
- (ii) posted speed limit;
- (iii) road features (bends, intersections, etc.);
- (iv) traffic density;
- (v) weather conditions;
- (vi) lighting conditions;
- (vii) type of vehicle;
- (viii) distance of trip; and
- (ix) nature of load carried by the vehicle.

Additionally, officers should consider the effect of the defect should the vehicle be involved in a traffic crash. For example, occupants of a vehicle with no or faulty seat belts are more likely to suffer injury or death than the occupants of the same vehicle if the occupants were wearing properly fitted and functioning seatbelts.

### 8.9.2 Cautions and issue of Defect Notices – self-clearance and minor defects

Officers may issue a verbal caution for self-clearance and minor vehicle defects.

Officers should not issue a caution for self-clearance or minor defects where:

- (i) there is obvious evidence that the defects are long standing; or
- (ii) there are other major or dangerous defects present.

When self-clearance or minor defects are observed a F4890: 'Defect notice' may be given without the issue of an infringement notice.

Where a caution is considered appropriate officers should, where the:

- (i) owner or registered operator (see SMD) is driving the vehicle:
  - (a) give a verbal caution; or
  - (b) complete a F4890: 'Defect notice'; and
  - (c) give the buff copy of the F4890: 'Defect notice' to the owner or the registered operator;
- (ii) owner or registered operator is present but not driving the vehicle:
  - (a) give a verbal caution; or
  - (b) complete a F4890: 'Defect notice'; and
  - (c) give the buff copy of the F4890: 'Defect notice' to the owner or the registered operator;
- (iii) driver (who is not the owner or the registered operator whether the owner or the registered operator is present or not) of the vehicle is present, give a verbal caution; or
- (iv) owner or registered operator is not present:
  - (a) obtain the particulars of the owner or the registered operator from the driver and conduct QPRIME inquiries to obtain the current vehicle registration records;
  - (b) issue a F4890: 'Defect notice' without the issue of an infringement notice to the owner or the registered operator; and
  - (c) forward the buff copy F4890: 'Defect notice' to the owner or the registered operator by registered post.

#### ORDER

Officers are not to issue a F4890: 'Defect notice' to an unattended vehicle.

### 8.9.3 Issuing of infringement notices regarding defective vehicles

Officers issuing infringement notices for vehicle defects where a caution is not considered appropriate should, where the:

- (i) owner or registered operator (see SMD) is driving the vehicle:
  - (a) issue an infringement notice to the owner or the registered operator;
  - (b) complete a F4890: 'Defect notice'; and
  - (c) give the buff copy of the F4890: 'Defect notice' to the owner or the registered operator;
- (ii) owner or registered operator is present but not driving the vehicle:
  - (a) issue an infringement notice to the owner or the registered operator for permitting the driving of the defective vehicle;
  - (b) complete a F4890: 'Defect notice'; and
  - (c) give the buff copy of the F4890: 'Defect notice' to the owner or the registered operator;
- (iii) driver (who is not the owner or the registered operator whether the owner or the registered operator is present or not) of the vehicle is present:
  - (a) issue infringement notice to the driver for driving the defective vehicle;
- (iv) owner or registered operator is not present:
  - (a) obtain the particulars of the owner or the registered operator from the driver and conduct QPRIME inquiries to obtain the current vehicle registration records;
  - (b) interview the owner or the registered operator and, if appropriate, issue an infringement notice for permitting driving;
  - (c) complete a F4890: 'Defect notice'; and

(d) give the buff copy of the F4890: 'Defect notice' to the owner or the registered operator.

#### ORDER

Officers are not to issue an infringement notice for a vehicle defect to an unattended vehicle.

### 8.9.4 Completing the Defect Notice and Defective Vehicle Label

Information to be recorded on all defect notices

The following information should be entered on each F4890: 'Defect notice' by the issuing officer:

- (i) the details of the vehicle and its owner or registered operator (see SMD) (insert 'PDV' in the space marked 'Inspection type');
- (ii) marking the appropriate general items of equipment which require replacement, repairs or alteration and write the details of the defect in the space provided;
- (iii) completing the declaration of service, the officer's registered number is placed in the 'Auth. number' space; and
- (iv) inviting the person to whom the notice is given to sign in the appropriate space.

Where there is insufficient space to record number of defects identified on the vehicle on the original notice, officers should use the 'Defect notice continuation' form, ensuring the original defect notice number is recorded on the form.

The remainder of the form should be completed in accordance to defect type listed below. Categories of defects are described in s. 8.9.1: 'Classes of vehicle defects' of this chapter.

The issuing officers are to submit the pink and green copies of the F4890: 'Defect notice' to their OIC at the termination of the shift where the notice was issued.

#### Self-clearance defects

Officers should direct owners or registered operators to complete the owner's declaration on the rear of the buff copy of the F4890: 'Defect notice' and either mail or present the relevant notice to a nominated police station, near the owner's or the registered operator's home or business address within a specified time considered appropriate by the officer.

If the vehicle is not registered consideration may be given to the issuing of a F3612: 'Permit to Move an Unregistered Vehicle' (see s. 11.9.3: 'Permit to use intercepted unregistered vehicle on road' of this Manual).

In addition to the information to be entered on all defect notices, when acting on a self-clearance defect, officers are to:

- (i) mark the box 'Self clearance' under 'Defect classification'; and
- (ii) mark the box 'Post or present the Defect Clearance Declaration, as detailed on the reverse side of this notice with any associated documentation by (insert the nominated date that allows enough time for the owner or the registered operator to repair the vehicle) to (insert address of the nominated police station)'.

#### Minor defects

Officers should direct owners or registered operators of motor vehicles with minor defects to produce the vehicle for inspection at a nominated police station near the owner's or the registered operator's home or business address within a specified time considered appropriate by the officer.

If the vehicle is not registered consideration may be given to the issuing of a F3612: 'Permit to Move an Unregistered Vehicle' (see s. 11.9.3: 'Permit to use intercepted unregistered vehicle on road' of this Manual).

In addition to the information to be entered on all defect notices, when acting on a minor defect, officers are to:

- (i) mark the box 'Produce the vehicle for further inspection of the defects set out below at/to, (insert address of the nominated police station) at/by (insert time and date that the vehicle must be produced at/to the nominated police station)';
- (ii) mark the 'Post or present the Defect Clearance Declaration, as detailed on the reverse side of this notice with any associated documentation by (insert the nominated date that allows enough time for the owner or the registered operator to repair the vehicle) to (insert address of the nominated police station)'.

#### Major defects

Officers should direct owners or registered operators of motor vehicles with major defects to produce the vehicle for inspection at:

- (i) an Approved Inspection Station authorised to inspect the type of vehicle if the vehicle is not a registered bus or taxi and is a:
  - (a) vehicle with a GVM of less than 16 tonnes; or
  - (b) trailer or caravan with an ATM of less than 10 tonnes; or

(ii) a DTMR Motor Vehicle Inspection Centre near the owner's or the registered operator's home or business address if the vehicle is a:

- (a) heavy vehicle with a GVM of 16 tonnes or greater;
- (b) trailer with an ATM of 10 tonnes or greater; or
- (c) registered bus or taxi.

If the vehicle owner's or registered operator's home or business address is in a locality where there are no DTMR Motor Vehicle Inspection Centres or Approved Inspection Stations and the defect is of such a nature that its rectification can be adequately inspected by a police officer, officers should direct owners or registered operators of vehicles to produce the vehicle to a police station for inspection.

If a defective vehicle is required to be inspected at an Approved Inspection Station the officer should nominate a police station near the owner's or the registered operator's home or business address at which the completed 'Defect Clearance Declaration (other than Self Clearance)' on the rear of the buff copy of the F4890: 'Defect notice' is to be posted or presented.

A F3612: 'Permit to Move an Unregistered Vehicle' should not be issued to an unregistered vehicle with identified major defects (see s. 11.9.3: 'Permit to use intercepted unregistered vehicle on road' of this Manual).

In addition to the information to be entered on all defect notices, when acting on a major defect, officers are to:

- (i) mark the box 'major' under 'Defect classification';
- (ii) mark the box 'Cease using the vehicle after (specified time and date) until replacements, repairs or alterations set out below have been carried out.';
- (iii) mark the one of the boxes:
  - (a) 'Produce the vehicle for further inspection of the defects set out below at/to' and writing in the appropriate space the address of the nominated DTMR Motor Vehicle Inspection Centre and the date and time by or at which the vehicle is to be produced for inspection by a Transport Inspector; or
  - (b) 'Produce the vehicle for a full Certificate of Inspection/Safety Certificate inspection at an Approved Inspection Station'; and
- (iv) mark the box 'Post or present the Defect Clearance Declaration, as detailed on the reverse side of this notice with any associated documentation by (insert nominated date) to (insert the address of the nominated police station).

### Major dangerous defects

Officers should direct owners or registered operators of motor vehicles with major dangerous defects to produce the vehicle for inspection at:

- (i) an Approved Inspection Station authorised to inspect the type of vehicle if the vehicle is not a registered bus or taxi and is a:
  - (a) vehicle with a GVM of less than 16 tonnes; or
  - (b) trailer or caravan with an ATM of less than 10 tonnes; or
- (ii) a DTMR Motor Vehicle Inspection Centre near the owner's or the registered operator's home or business address if the vehicle is a:
  - (a) heavy vehicle with a GVM of 16 tonnes or greater,
  - (b) trailer with an ATM of 10 tonnes or greater; or
  - (c) registered bus or taxi.

If the vehicle owner's or registered operator's home or business address is in a locality where there are no DTMR Motor Vehicle Inspection Centres or Approved Inspection Stations and the defect is of such a nature that its rectification can be adequately inspected by a police officer, officers should direct owners or registered operators of vehicles to produce the vehicle to a police station for inspection.

If a defective vehicle is required to be inspected at an Approved Inspection Station the officer should nominate a police station near the owner's or the registered operator's home or business address at which the completed 'Defect Clearance Declaration (other than Self Clearance)' on the rear of the buff copy of the F4890: 'Defect notice' is to be posted or presented.

In addition to the information to be entered on all defect notices, when acting on a major dangerous defect, officers are to:

- (i) mark the box 'Major (dangerous) – label affixed' under 'Defect details';



(ii) mark the box 'Cease using the vehicle after (specified time and date) until replacements, repairs or alterations set out below have been carried out';

(iii) mark either box:

(a) 'Produce the vehicle for further inspection of the defects set out below at/to' and writing in the appropriate space the address of the nominated DTMR Motor Vehicle Inspection Centre and the date and time by or at which the vehicle is to be produced for inspection by a Transport Inspector; or

(b) 'Produce the vehicle for a full Certificate of Inspection/Safety Certificate Inspection at an Approved Inspection Station';

(iv) mark the box 'Post or present the Defect Clearance Declaration, as detailed on the reverse side of this notice with any associated documentation by (insert nominated date) to (insert the address of the nominated police station);

(v) complete the yellow Defective Vehicle Label by:

(a) writing the registration number of the defective vehicle in the appropriate space;

(b) writing the relevant defect notice number in the appropriate space;

(c) writing the appropriate time and date after which the vehicle is not be used on a road;

(d) signing the label and printing the officer's name in the appropriate spaces;

(e) writing the officer's registered number in the space marked 'Authorisation no.';

(f) writing the officer's station or establishment in the space marked 'Station/office'; and

(g) dating the label in the appropriate space; and

(vi) apply the label to the inside of the defective vehicle's windscreen on the passenger side in a position that does not impair the forward field of vision of the vehicle's driver.

After issuing the F4890: 'Defect Notice' the issuing officer should write the following details on the rear of the pink original of the notice:

(i) the serial number of any infringement notice issued in relation to the defective vehicle;

(ii) if no infringement notice was issued, the time date and place at which the defective vehicle was located and a brief outline of the circumstances under which the vehicle was located;

(iii) any relevant conversation relating to the issue of the F4890: 'Defect Notice'; and

(iv) if the F4890: 'Defect Notice' was given to a person at a place other than where the vehicle was located, details of the place at which the person was given the notice.

### **8.9.5 Department of Transport and Main Roads Motor Vehicle Inspection Centres and Approved Inspection Stations**

The owner/driver should be advised to telephone the applicable DTMR Motor Vehicle Inspection Centre or Approved Inspection Station within the time required for an appointment to inspect the motor vehicle.

The owner/driver should be advised that:

(i) a motor vehicle inspection fee will be charged by the DTMR or the Approved Inspection Station at the time of inspection; and

(ii) where a vehicle is inspected by the DTMR, any defects found, not specified on the F4890: 'Defect Notice' could result in the issue of another infringement notice.

### **8.9.6 Lighting on vehicles**

Officers should pay particular attention to the following types of defects on motor vehicles and where necessary institute appropriate enforcement action:

(i) one headlamp;

(ii) improper focusing headlamp;

(iii) broken lens cover, particularly tail lamps and indicator lamps; and

(iv) unlit lamps of all kinds.

Officers should be mindful that cases can occur where a lamp on a vehicle ceases to function due to a blown bulb or accidental disconnection of wiring.

Where an officer detects a vehicle with any unlit lamp and:

(i) there is no obvious evidence that the defect is of long standing; and

- (ii) no other defect(s) are present,

such officer should not issue an infringement notice but should issue a F4890: 'Defect Notice' for a self-clearance defect.

Where one of a pair of lamps in a flashing turn signalling system fails, the system malfunctions on the side to which the lamp is fitted. In cases of this kind where the defect occurs in respect to the turn right lamps, the driver is also to be instructed that until the system is made functional, the driver is to give appropriate stop and turn right hand signals.

### 8.9.7 Inspection of vehicles issued with Defect Notices

OICs of stations and establishments should ensure that a record is kept of all vehicles and buff copies of F4890: 'Defect Notices' posted or presented to their station or establishment by owners or registered operators (see SMD) of defective vehicles (station register of vehicle inspections).

OICs should ensure that the following details are recorded:

- (i) F4890: 'Defect Notice' number;
- (ii) vehicle type, make and model, and registration;
- (iii) owner's or registered operator's name and address;
- (iv) result of inspection (e.g. 'Defect Clearance Certificate' completed, 'Owner's Declaration – Minor Defect Clearance Certificate (Self Clearance)' produced, 'Defect Clearance Certificate' produced or defects not corrected); and
- (v) date and place of inspection or receipt of documents.

Officers to whom the owner or registered operator of a motor vehicle produces a vehicle for inspection and completion of the Defect Clearance Certificate on a F4890: 'Defect Notice' should:

- (i) inspect the vehicle to confirm all defects specified on the F4890: 'Defect Notice' have been rectified;
- (ii) complete the 'Defect Clearance by DTMR or Qld Police' on the buff copy of the F4890: 'Defect Notice' and return the notice to the OIC of the originating station or establishment if the nominated defects have been corrected;
- (iii) if the nominated defect has not been corrected, decline to complete the 'Defect Clearance by DTMR or Qld Police' and advise the owner or registered operator to correct the defect and represent the vehicle for inspection. Officers should advise the owner or registered operator that if the vehicle is produced for inspection after the date nominated on the F4890: 'Defect Notice' the owner or registered operator may be liable to a penalty;
- (iv) take appropriate action if defects other than the defects nominated on the F4890: 'Defect Notice' are detected during the inspection; and
- (v) complete the station register of vehicle inspections.

Officers to whom an 'Owner's Declaration – Self Clearance' or a 'Defect Clearance Declaration' is produced should:

- (i) record the details in the station register of vehicle inspections;
- (ii) remove the Defective Vehicle Label from the vehicle, if the label was placed on the vehicle and is still affixed;
- (iii) forward the buff copy of the F4890: 'Defect Notice' to the OIC of the issuing station or establishment.

OICs who have a vehicle presented at their station or establishment for inspection and the buff copy of the F4890: 'Defect Notice' is not produced should ensure that:

- (i) an attempt is made to establish the reason for presentation of the defective vehicle;
- (ii) efforts to identify the police officer who issued the F4890: 'Defect Notice' and the station to which the officer is attached are made;
- (iii) an inspection of the vehicle is conducted and the details are recorded in the station register of vehicle inspections, including a notation of the defects inspected as advised by the vehicle's owner or registered operator; and
- (iv) if possible, a report is furnished to the originating station or establishment containing the information outlined above.

### 8.9.8 Processing and finalising Defect Notices

OICs who receive the pink original and green copy of the F4890: 'Defect Notice' from issuing officers should:

- (i) ensure that the F4890: 'Defect Notice' has been completed correctly;
- (ii) hold the green copy in a pending file for follow up action; and
- (iii) file the pink original at the owning station or establishment.

OICs of stations or establishments receiving:

- (i) buff copies of F4890: 'Defect Notice'; or
- (ii) reports on vehicle inspections where the buff copy of the relevant Defect Notice (F4890) was not produced,

should ensure that the buff copy of the F4890: 'Defect Notice' or the report is attached to the relevant green copy and is filed with the pink original. The matter is then considered finalised.

#### **Action where the vehicle or defect notice is not produced as directed**

Where a buff copy of the F4890: 'Defect Notice' or appropriate report is not received by the OIC of the originating station or establishment within a reasonable time after the defective vehicle or appropriate documentation was to be produced, the OIC of the originating station or establishment should detail the green copy of the F4890: 'Defect Notice' to the issuing officer for further attention.

The issuing officer should make, or cause to be made, inquiries with the OIC of the station or establishment or the DTMR Motor Vehicle Inspection Centre at which the vehicle or document was to be produced to establish whether the vehicle or document was produced as required.

If inquiries reveal that the vehicle or document was not produced, the issuing officer should make, or cause to be made, inquiries with the owner or registered operator of the defective vehicle relating to the failure to:

- (i) produce the vehicle for inspection at the specified date and place; or
- (ii) rectify the defects.

If the owner or registered operator of the defective vehicle resides outside the officers division, the officer should forward the green copy of the F4890: 'Defect Notice' with a covering report to the OIC of the division in which the owner or registered operator resides.

If inquiries reveal that the owner or registered operator produced the vehicle for inspection and/or rectified the defects as required no action should be taken against the owner or registered operator for failing to produce documentation (i.e. 'Owner's declaration for Minor Defects (Self Clearance)' or 'Clearance Certificate for Major and Dangerous Defects') at a particular place.

When an officer is satisfied that a breach of ss. 65: 'Power to require vehicle inspections' or 66: 'Power to prohibit use vehicles' of the PPRA or s. 9: 'Issue of defect notice' of the TO(RUM-VSS)R has been committed, the officer should:

- (i) issue and serve a notice to appear on the owner or registered operator; or
- (ii) submit a PT 57A: 'Traffic Breach Report',

as appropriate.

#### **8.9.9 Extension of time to clear defect notice**

Officers who receive inquiries from an owner or registered operator (see SMD) of a vehicle requesting an extension of time to clear defect notice should advise the owner or registered operator of the vehicle to forward a written request to the OIC of the station to which the issuing officer is attached. The owner or registered operator of the vehicle should be advised to include in the written request, the reasons for the request.

OICs of stations or establishments who receive written requests from an owner or registered operator of a vehicle for an extension of time to clear a defect notice should detail the request to the officer who issued the defect notice in question for consideration.

Officers detailed with a written request for an extension of time to clear a defect notice should consider the reasons outlined in the request. If satisfied with the reasons outlined, in accordance with s. 14: 'Extension of period for complying with defect notice—authorised officer' of the TO(RUM-VSS)R, the officer may cause an extension of time to clear the defect notice to be granted to the owner or registered operator of the vehicle.

Officers should not grant more than one extension of time to clear a defect notice to the owner or registered operator of a vehicle.

In order to grant the owner or registered operator of a vehicle an extension of time to clear a defect notice, officers should:

- (i) complete another F4890: 'Defect Notice' including the new requirements and dates;
- (ii) prepare a letter to the owner or registered operator of the vehicle (see the 'Transport Products Home' webpage on the RP&RSC webpage on the Service Intranet for a draft letter);
- (iii) send the letter and the buff copy of the new defect notice to the owner or registered operator of the vehicle by post; and
- (iv) file the written request from the owner or registered operator of the vehicle together with a copy of the letter to the owner or registered operator of the vehicle and the pink original of the new defect notice with the pink original copy of the initial defect notice.

If the officer is not satisfied with the reasons provided with the request, the officer should:

- (i) prepare and send a letter to the owner or registered operator of the vehicle (see the 'Transport Products Home' webpage on the RP&RSC webpage on the Service Intranet for a draft letter); and
- (ii) file a copy of the letter to the owner or registered operator of the vehicle with the pink original of the initial defect notice.

ORDER

Extensions of time to clear a defect notice must not exceed two months.

## 8.10 Complaints concerning the issue of infringement notices

When an alleged offender lodges a complaint about the circumstances surrounding the issue of an infringement notice, the complaint should be assessed by a prescribed officer. A complaint involving a possible breach of discipline, misconduct or official misconduct must be dealt with in accordance with 'Complaint Management' in the ESC Policy and Guidelines webpage on the Service Intranet.

If the alleged offender denies committing the offence, requests leniency, or alleges any defect in the completion of the infringement notice, the prescribed officer receiving the complaint should determine whether an investigation into the issue of the infringement notice is warranted. It is not necessary for the issuing officer to be required to provide a full report in every instance where an alleged offender makes a complaint about the issue of an infringement notice.

At the conclusion of any investigation into the issue of an infringement notice, a prescribed officer may waive the infringement notice or continue action.

If, as a result of an error by the Service, processing of an infringement notice has progressed to the stage where a registration fee is added by SPER to the original infringement notice fine while the issue of the infringement notice is still under investigation, a prescribed officer may allow an offender the opportunity to pay only the original infringement notice fine.

Members are not to advise persons, wishing to dispute the issue of an infringement notice, to seek redress through the DTMR unless the notice was issued by an officer of that department.

### 8.10.1 Procedure on receipt of telephone complaint

Members who receive a telephone complaint from a member of the public concerning the issue of an infringement notice by an officer should:

- (i) if the complaint relates only to the clarification of a particular such as penalty, demerit points, a section of relevant legislation, etc. attempt to satisfy the inquiry; or
- (ii) where there are no allegations of a breach of discipline or misconduct, advise the person making the complaint to write to the OIC of the station in the area where the alleged offence occurred.

### 8.10.2 Procedure on receipt of complaint when issuing an infringement notice

Officers issuing infringement notices who receive a complaint from a member of the public, concerning the issue of that infringement notice, should advise the person that:

- (i) they have the right to contest the matter in a magistrates court in accordance with the information outlined on the notice;
- (ii) if they do not wish to contest the matter, details for payment of the infringement notice are recorded on the notice; and
- (iii) any other inquiry in relation to the infringement notice is to be directed to the OIC of the station in the area where the alleged offence occurred.

### 8.10.3 Procedure for letters of complaint

When a letter of complaint concerning the issue of an infringement notice by a police officer is received, OICs of stations or establishments should:

- (i) forward a letter of acknowledgement to the alleged offender;
- (ii) check the status of the infringement notice on TRAILS and ensure that action is taken to suspend (HOLD) the notice on TRAILS at a TRAILS adjudication point:
  - (a) if no record of the infringement notice exists on TRAILS, ensure that the infringement notice is promptly entered into TRAILS by completing a 'Acknowledgement of infringement to be entered on TRAILS by Queensland Transport' (available on the RP&RSC 'Transport products home' webpage on the Service Intranet) and send a copy of the notice and form to the DTMR. Upon receipt of advice that the Infringement

notice has been entered on to TRAILS, check the status of the Infringement notice and take the appropriate action;

(b) if the infringement notice has not been paid, action to suspend the infringement notice is to be taken; and

(iii) commence an 'Adjudication status report'; and

(iv) forward the letter of complaint and status report to a prescribed officer.

A prescribed officer receiving a letter of complaint should:

(i) determine whether an investigation into the issue of the infringement notice is required;

(ii) conduct any required investigations;

(iii) decide what further action is to be taken in respect of the infringement notice; and

(iv) advise the OIC of the relevant station or establishment of the decision by completing a 'Summary advice of decision' form; or

(v) in the case of an infringement notice issued by the OIC of the relevant station or establishment, take the action which would normally be taken by an OIC of a station or establishment as set out in the remainder of this section.

After the issue of an infringement notice has been considered and a decision is made to continue a prosecution, OICs of stations or establishments should:

(i) determine whether to allow the alleged offender a further period of time within which to pay the infringement notice fine amount. Generally the alleged offender should be allowed a further period (up to a maximum of 28 days from the date of the letter advising the alleged offender of the extended period). It may be appropriate in some cases, such as repeated complaints from an alleged offender about the issue of an infringement notice which has already been considered and decided upon, not to allow a further period in which to pay the infringement notice fine amount. If full payment of the infringement notice fine amount has already been made the alleged offender should be advised that no further payment is required;

(ii) ensure that the TRAILS record for the relevant infringement notice is modified at a TRAILS adjudication point to reflect any further period allowed within which to pay the infringement notice fine amount:

(a) if a further period is to be allowed, ensure that the period within which payment of the infringement notice fine amount may be made is extended (EXTD) for the relevant Infringement notice on TRAILS at a TRAILS adjudication point in accordance with local procedures; or

(b) if no further period is to be allowed, ensure that processing of the infringement notice is continued (CONT) on TRAILS at a TRAILS adjudication point in accordance with local procedures;

(iii) if the prescribed officer has decided to allow payment of the original infringement notice fine amount only, ensure that the infringement notice has been recalled (RCAL) from SPER and the period within which payment of the infringement notice fine amount may be made is extended (EXTD) on TRAILS at a TRAILS adjudication point in accordance with local procedures;

(iv) send a letter to the alleged offender containing the following advice:

(a) the infringement notice will not be waived;

(b) whether payment of only the original infringement notice fine amount is required;

(c) the date by which payment of the infringement notice fine amount may be made, except where payment has already been made or the relevant infringement notice has progressed to SPER and it is not intended to allow payment of the infringement notice fine amount only; and

(d) if the infringement notice has progressed to SPER and it is not intended to allow payment of the infringement notice fine amount only, the alleged offender should contact SPER to arrange payment of the prescribed penalty; and

(v) file a copy of the letter to the alleged offender together with the advice from the prescribed officer, the original complaint letter, status report and any other documents relating to the matter.

If it is decided to waive an infringement notice, OICs of stations or establishments should ensure that appropriate action is taken in accordance with s. 8.7.5: 'Action by officers in charge – cancelling or waiving infringement notices' of this chapter.

#### **8.10.4 Letters of complaint regarding infringement notices which have been returned to the Service for prosecution**

Certain officers may withdraw prosecutions arising from the issue of infringement notices. In determining whether to exercise this discretion such officers should be guided by the considerations set out in s. 3.4.3: 'Factors to consider when deciding to prosecute' of the OPM.

Members who receive letters of complaint regarding the issuing of infringement notices which have been returned to the Service for prosecution should refer those letters to the appropriate officer authorised by s. 3.4.4: 'Withdrawal of charges' of the OPM to withdraw or offer no evidence in relation to a charge.

Officers authorised by s. 3.4.4 of the OPM to withdraw or offer no evidence in relation to a charge, who receive letters of complaint regarding the issue of an infringement notice which has been included on a Prosecutions Pending List, should ascertain whether a summons has been issued in respect of the infringement notice.

If no summons has been issued in respect of the infringement notice, the officer should ensure that a summons is not issued prior to a decision being made on whether to proceed with the prosecution.

If a summons has been issued in respect of the infringement notice, the officer should liaise with the appropriate police prosecutions corps to have the matter adjourned until such time as a determination is made whether or not to proceed with the prosecution.

Officers authorised by s. 3.4.4 of the OPM to withdraw or offer no evidence in relation to a charge should, at the appropriate times, inform alleged offenders by letter of:

- (i) receipt of their complaint;
- (ii) any intention to seek an adjournment in relation to the matter; and
- (iii) a final decision on whether prosecution of the matter will be continued.

### **8.10.5 Complaints regarding infringement notices for camera detected offences**

Members who receive complaints relating to the issue of infringement notices for camera detected offences should:

- (i) forward such complaints to the Director, Road Safety Camera Office, RP&RSC; and
- (ii) send a letter to the alleged offender advising that their complaint has been forwarded to the Director, Road Safety Camera Office.

## **8.11 Prosecutions pending list**

The Prosecutions Pending List is provided by the DTMR to the district/establishment from which an infringement notice was issued in respect of some types of unpaid infringement notices.

It is important that an entry be made against each infringement notice included on the Prosecutions Pending List to indicate what action, if any, has been taken against the alleged offender.

The Prosecutions Pending List is an accountable document and provides part of the system of auditing infringement notices.

ORDER

OICs are to use the Prosecutions Pending List provided by the DTMR to record details of prosecution action in relation to infringement notices.

OICs are to ensure that the place and date of the alleged offender's appearance is placed on the left side of the Prosecutions Pending List when a matter is set down for court. Court results are to be shown on the right side.

If a matter is not prosecuted for some reason, the OIC is to ensure that the reason for the decision, the date the decision is made, and the file reference number relating to the authority not to prosecute, is noted on the right side of the Prosecutions Pending List, next to the alleged offender's name. In this circumstance, the word withdrawn is to be inserted on the left side and a line drawn through the entry from the Day issued column to the Name column.

OICs are to ensure that:

- (i) entries made on the Prosecutions Pending List are legible and written in ink;
- (ii) the Prosecutions Pending List is retained for audit purposes pursuant to the Financial Management Practice Manual; and
- (iii) the Prosecutions Pending List is filed in sequence using the date created entry at the top of the list as a reference.

OICs are to ensure that completed prosecution files are forwarded to the DTMR so that records are updated and, where appropriate, advice is also forwarded in cases where prosecutions are withdrawn.

## **8.12 Suspension of the use of infringement notices for specific offences**

From time to time, the issuing of infringement notices relating to a specific offence may be suspended for various reasons including:

- (i) the amending or repeal of legislation; or
- (ii) the alteration of administrative requirements by other government departments or the Service.

When the use of an infringement notice for a specific offence is suspended, the Superintendent, RP&RSC is to ensure that a computer report is forwarded to all stations and establishments. This report is to include:

- (i) the code of the offence;
- (ii) the offence title;
- (iii) the penalty;
- (iv) action to be taken by officers when detecting a similar offence, e.g. issue and serve a notice to appear on the offender, furnish a breach report to OIC of station/establishment, furnish breach report to Prosecution Section, the DTMR;
- (v) the date on which the suspension was commenced; and
- (vi) action to be taken regarding any infringement notices issued after that particular date.

### 8.12.1 Infringement notices for parking offences

If an infringement notice has been issued by a police officer and a local government parking officer has also issued an infringement notice for the same parking offence, then the infringement notice issued by the police officer is to be withdrawn.

#### ORDER

Where a local government parking officer has issued an infringement notice to a vehicle for a parking offence, a police officer is not to issue an infringement notice for the same offence to the same vehicle.

Police officers who become aware that an infringement notice has been issued by a police officer for a particular parking offence and a similar notice was issued by a local authority parking officer for the same offence, are to furnish a report to a prescribed officer requesting that particular infringement notice be waived (see s. 8.7: 'Waiving and cancellation of infringement notices' of this chapter).

## 8.13 Evidentiary notes required for offences

Officers issuing infringement notices should make notes in relation to the offence committed:

- (i) on the rear of the pink (prosecution) copy of the relevant PT 56: 'Infringement notice'; or
- (ii) in the 'Notes and photos' entry screen where a QNotices infringement notice is issued.

The notes should include:

- (i) the officer's observations of the offence committed;
- (ii) any conversation between the officer and the offender, including a reference to any electronic recording made;
- (iii) any defences raised by the offender for committing the offence; and
- (iv) any other relevant notations to support the elements of the offence committed.

Many offences under transport Acts require action to establish that the person did not have a reasonable excuse for the commission of the offence. Information should be recorded in the manner advised above in relation to all traffic related offences.

## 8.14 Use of QPRIME flag for traffic offenders

Superintendents of traffic and OICs of stations may authorise particulars of offenders wanted for the service of traffic offence related summonses being entered in QPRIME and flagged.

The decision to enter such particulars should be made having regard to the seriousness of the offence, the history of the defendant relating to non-appearance and whether the recording of such information is likely to result in the detection of the alleged offender.

Officers locating offenders wanted for service of traffic offence related summonses and whose particulars have been flagged in QPRIME should ensure that the flag is removed from the system.

## 8.15 Changes to local official traffic signs

From time to time, local governments change local traffic arrangements, e.g. speed limits are decreased and stop and give way signs are installed. Officers should endeavour to assist in educating motorists for a period of time before commencing enforcement action.

The length of such period should be dependent upon:

- (i) the extent and effect of the changes including the prominence of the signs indicating the new requirements;
- (ii) the amount of public awareness information provided as to the changes to local traffic arrangements;
- (iii) a history of traffic incidents occurring in the locality;
- (iv) complaints of traffic related offences being received from members of the public; and
- (v) whether there is an imminent threat to the safety of road users, road construction workers or any other person due to complaints or observed instances of persons driving in excess of the speed limit or by the commission of other offences.

OICs of stations or establishments at locations where new traffic signs have been erected should determine the period of time prior to commencing enforcement action and should advise personnel under their control and other personnel as appropriate. Generally, this time period should not exceed one month from the date of which the specific change to the local traffic signs was made.

OICs should be able to justify their reasons for determining the commencement of enforcement action.

## 8.16 Bicycle Offence Notices

Officers should use QP 0441: 'Bicycle Offence Notices' (available from Richlands Supply Services) for bicycle related offences committed by children between the age of ten to sixteen years to:

- (i) increase the road safety awareness of the child; and
- (ii) inform the parent/guardian of the offence committed by the child.

Bicycle Offence Notices should be entered on the regional correspondence recording system.

When issuing a QP 0441 officers should advise the children concerned that police will inform their parents or guardians of the circumstances surrounding the issue of the notice.

Issuing officers should:

- (i) hand the buff copy of the QP 0441 to the child; and
- (ii) submit the white (original) and the pink copy of the QP 0441 to their OIC prior to terminating duty.

OICs should ensure:

- (i) details of the QP 0441 are entered on the regional correspondence recording system;
- (ii) the regional correspondence recording system is checked to ascertain whether the child has previously been issued a QP 0441; and
- (iii) the white and pink copies of the QP 0441 are forwarded to the superintendent of traffic for the division where the offence occurred.

### 8.16.1 Issuing of first Bicycle Offence Notice

On the first occasion when a QP 0441: 'Bicycle Offence Notice' is issued to a child, the superintendent of traffic for the division where the offence occurred should:

- (i) advise the child's parent/guardian of the child's interception by letter and include the pink copy of the QP 0441; and
- (ii) return the white copy of the QP 0441 to the OIC of the issuing station with a copy of the letter for recording purposes.

### 8.16.2 Issuing of second Bicycle Offence Notice

Where a second QP 0441: 'Bicycle Offence Notice' is issued, the superintendent of traffic for the division in which the offence occurred should:

- (i) advise the parent/guardian by letter of the child's second interception and warn that further offences may result in prosecution action being taken. The pink copy of the QP 0441 should be attached to this letter; and
- (ii) return the white copy of the QP 0441 should be noted and returned to the OIC of the issuing station with a copy of the letter for recording purposes.



### 8.16.3 Issuing of third or subsequent Bicycle Offence Notice

When three or more QP 0441: 'Bicycle Offence Notice' are issued to a child, the superintendent of traffic for the division in which the offence occurred should arrange for the officer who issued the most recent notice to prepare a PT 57A: 'Traffic breach report'.

The superintendent of traffic should assess the PT 57A and determine an appropriate course of action bearing in mind the provisions of s. 5.2.2: 'Alternatives for dealing with child offenders' of the OPM.

Upon finalisation of any action emanating from the PT 57A, the superintendent of traffic for the division in which the offence occurred should forward the result with the buff copy of the QP 0441 to the OIC of the issuing station for recording purposes.

## 8.17 Traffic breach reports

### 8.17.1 Completion of Traffic Breach Report

A PT 57A: 'Traffic breach report' should only be submitted when:

- (i) an officer is unable to commence a prosecution by:
  - (a) issuing an infringement notice;
  - (b) issuing a notice to appear, either in person or by mail (see s. 3.5.3: 'Proceedings by way of notice to appear' of the OPM); or
  - (c) where appropriate, arresting, a person for an offence against the TO(RUM)A, MAIA and their regulations;
- (ii) a prosecution is to be commenced in extenuating circumstances by complaint and summons (see s. 3.5.4: 'Proceeding by way of complaint and summons' of the OPM); or
- (iii) when directed by a superintendent of traffic.

Whenever practicable, officers should send tasks within the relevant QPRIME occurrence when seeking a direction from a superintendent of traffic following a traffic crash rather than submitting a PT 57A (see s. 5.7: 'Enforcement action following traffic crashes' of this Manual).

### 8.17.2 Information to be included on Traffic Breach Report

Officers should ensure that the following information is included in the 'summary of facts' of the PT 57A: 'Traffic Breach Report':

- (i) a description of the location of offence;
- (ii) a description of the circumstances leading to the interception of the offender;
- (iii) the details of any interview with the offender (in the first person);
- (iv) any witnesses' versions of the events surrounding and constituting the offence (in the third person);
- (v) information sufficient to substantiate the elements of the offence alleged to have been committed; and
- (vi) other information relevant to the offence (e.g. weather conditions, day/night time, road conditions, traffic flow).

### 8.17.3 Forwarding of Traffic Breach Reports by officers

Officers completing a PT 57A: 'Traffic Breach Report' should obtain the traffic history of the alleged offender, attach that history to the PT 57A and submit the documents to their OIC.

### 8.17.4 Traffic Breach Reports received by officers in charge

OICs of stations and establishments who receive a PT 57A: 'Traffic Breach Report' should ensure that:

- (i) the correct offences have been nominated;
- (ii) sufficient evidence is provided to substantiate the offences nominated;
- (iii) all relevant documentation (e.g. traffic history) is attached to the PT 57A; and
- (iv) if the PT 57A is satisfactory, it is distributed in accordance with the instructions printed thereon.

Copies of PT 57A: 'Traffic Breach Reports' which are submitted to a superintendent of traffic for adjudication should have copies of any associated documents (e.g. ten year traffic history) attached.

### 8.17.5 Adjudication of Traffic Breach Report

Superintendents of traffic receiving PT 57A: 'Traffic Breach Reports' for adjudication should assess each PT 57A to determine whether:

- (i) sufficient evidence is contained within the 'summary of facts' of the PT 57A to ensure a prosecution is successful;
- (ii) no further action is warranted;
- (iii) an infringement notice should be issued; or
- (iv) action should be taken by issuing a:
  - (a) complaint and summons; or
  - (b) notice to appear.

Superintendents of traffic should not initiate charges under s. 83: 'Careless driving of a motor vehicle' of the TO(RUM)A where the alleged offence is adequately described by a more specific provision of a Transport Act. In such cases action should be taken for the relevant specific offence.

### 8.17.6 No further action is warranted

Where there is insufficient evidence to prove an offence or it is not in the public interest to commence a prosecution (see ss. 3.4.2: 'The decision to institute proceedings' and 3.4.3: 'Factors to consider when deciding to prosecute' of the OPM) in relation to the offence, the PT 57A: 'Traffic Breach Report' should be endorsed by the superintendent of traffic and returned to the owning station or establishment.

If the PT 57A relates to a previously issued infringement notice, action should be taken to have the infringement notice waived on the TRAILS at the TRAILS adjudication point in accordance with local procedures.

### 8.17.7 Issue of infringement notice

QNotices infringement notices are not to be issued for offences disclosed in a PT 57A: 'Traffic Breach Report'.

When a superintendent of traffic considers that the issue of an infringement notice for the offence disclosed in the PT 57A is appropriate, the superintendent of traffic may issue an infringement notice. If the infringement notice is issued for a different offence to that nominated in the PT 57A then the PT 57A should be endorsed with a reference to the offence for which the infringement notice was issued.

A superintendent of traffic should not issue an infringement notice if the PT 57A has been furnished due to the non-payment of an infringement notice which has been previously issued.

The PT 57A should be retained for later use as the court brief, if necessary. Where the penalty associated with the infringement notice is paid, the PT 57A should be endorsed accordingly and forwarded for filing to the OIC of the station/establishment from where the PT 57A originated.

### 8.17.8 Complaint and summons action

ORDER

Proceedings are only to be commenced by way of complaint and summons, where it is impractical to serve, either personally or by mail, a notice to appear on a defendant.

When a superintendent of traffic considers that action by way of complaint and summons should be taken in relation to the offence disclosed in the PT 57A: 'Traffic Breach Report', the PT 57A should be endorsed accordingly. The PT 57A should be retained for use as the Court Brief.

When the court action is finalised, the superintendent of traffic should endorse the result of court action on the PT 57A.

The superintendent of traffic should forward the PT 57A to the OIC of the originating station or establishment after the expiration of the appeal period of 28 days.

The OIC of the originating station or establishment should forward the PT 57A to the DTMR and, when appropriate, complete the Prosecutions Pending List.

### 8.17.9 Issue of Notice to Appear

When a superintendent of traffic considers a prosecution should be commenced by way of notice to appear, the PT 57A: 'Traffic Breach Report' should be returned to the investigating officer to comply with s. 3.5.3: 'Proceedings by way of notice to appear' of the OPM.

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## 8.19 Traffic Infringement Notice Management System

The Traffic Infringement Notice Management System (TINMS) is an electronic audit control of infringement notices and provides an on-line query access of all PT 56: 'Infringement notice' books held in stock at stations and establishments or on issue to individual officers from any computer terminal.

The data entry of traffic infringement notices on the Transport Registration and Integrated Licensing System (TRAILS) by the DTMR is used to update TINMS. Details of infringement notices issued are imported into TINMS from TRAILS on a daily basis.

The TINMS User Manual (available from within the TINMS system or on the RP&RSC webpage on the Service Intranet) outlines the:

- (i) administrative procedures for the stock control and issuing of PT 56: 'Infringement notice' books through TINMS;
- (ii) user roles and specific function access in TINMS;
- (iii) Service policies and procedures in relation to the TINMS; and
- (iv) process to action TIMNS exception reports.

Members should comply with the instructions, policies and procedures contained in the TINMS User Manual. The Manual can also be accessed by clicking on the "?" icon on the TINMS dashboard.

Members should only be able to perform the functions associated with their user access in the TINMS. The process for changing TINMS user roles is outlined in the TINMS User Manual.

Members should be aware that the TINMS User Manual does not reproduce Service policy on the administration of infringement notices.

The TINMS User Manual does not refer to QNotices infringement notices or Photographic Detection Device Offence infringement notices issued by the Road Safety Camera Office, RP&RSC.

OICs are to ensure the timely recording of PT 56: 'Infringement notice' books issued to officers in TINMS, in order that ITAS activity logs capture and reflect accurate statistics.

## 8.20 Transport Registration and Integrated Licensing System (TRAILS)

The establishment of a new police station, where there is a confirmed need for the physical processing of PT 56: 'Infringement notices' requires the creation of a station entity in the Transport Registration and Integrated Licensing System (TRAILS).

On establishment of the new station, the OIC should:

- (i) complete form 'Request to Create a TRAILS Police Station Record'; and
- (ii) email the form to Access Control Security Section at [AccessControlSecuritySection@police.qld.gov.au](mailto:AccessControlSecuritySection@police.qld.gov.au).