



Force Circular Memo

Force Directives Group
Management Services Bureau
Chief Commissioner's Office

NO. 82-7

Date 17th August, 1982.

Agreed.
Discussed with
G.I. Samfield
(Traffic)

82-7-1

TRAFFIC INFRINGEMENT NOTICES (FORM 608). ISSUE OF.

The following instructions must be complied with in the issue of Traffic Infringement Notices :-

1. Notices are NOT to be issued in the following cases:

- (a) Any offence not listed on the Notice.
- (b) Where there is serious aggravation such as speed, considerable degree of danger, and so on, or where, in the opinion of the reporting member the circumstances are such that the issue of a Traffic Infringement Notice will not meet the case. In these circumstances a Brief should be submitted with the endorsement -

"Infringement Notice (I/N) not appropriate"

thereon.
- (c) Where there is doubt of the appropriate offence.
- (d) Where an accident occurs as a result of the offence.
- (e) Where the offence is not witnessed by the police, but is brought to notice by a complainant.
- (f) Where the offender, being the driver of the vehicle concerned, is not the holder of a licence or permit to drive a motor vehicle.
- (g) Where the question of diplomatic immunity is involved (the existing procedure as set out in paragraph 69.6 of V.P. Manual will continue to apply in all such cases).
- (h) Where the offender is the holder of a "Probationary Licence" or a "Learner Driver's Permit" except in respect to the following offences :-

6. Throwing down or dropping litter from a motor car on a highway.

re public
as M 14, 20
(? or Executive Instructions)
Done
J.P. 18/82

- 2 -

7. Using on a highway a motor car or trailer not in good mechanical order or not in safe or thoroughly serviceable condition (Regulation 140, Motor Car Regulations 1966).
 11. Failing to dip headlights (Regulation 1202, Road Traffic Regulations 1973).
 12. Failing to give signals (Regulation 803, Road Traffic Regulations 1973).
 14. Failing to have prescribed lights (Regulation 1201 (a) and (b), Road Traffic Regulations 1973).
 15. No number plate bearing identifying number, obscured identifying number or identifying number not clearly distinguishable (Regulations 26 and 27, Motor Car Regulations 1966, or section 17 (1) (d) Motor Car Act 1958).
 16. No identifying number displayed on vehicle (not being motor car or trailer) attached to motor car, obscured identifying number or identifying number not clearly distinguishable (Motor Car Act, section 17 (1) (e)).
 17. No registration label, obscured registration label or registration label not clearly distinguishable (Motor Car Act, section 17 (1) (f)).
 18. No general identification mark displayed by means of special identification plates, obscured general identification mark or general identification mark not clearly distinguishable (Motor Car Act 1958, section 17 (1) (g)).
 19. Having no rear vision mirror or having ineffective rear vision mirror (Regulation 126, Motor Car Regulations 1966).
 20. Failing to wear a properly adjusted and fastened safety belt (Section 31B, Motor Car Act 1958).
- (i) Where the offender is a pedestrian.

Submission of Briefs Where Infringement Notices Not Issued

2. In all cases not coming within the scope of the legislation or where the cases fall within categories (a) to (i) inclusive set out above, the existing procedure for the submission of briefs is to be complied with.

Multiple Offences

3. The maximum number of notices which may be issued against an offender at any one time is two. If two offences listed in the Schedule are detected during the one act of driving, a *SEPARATE* notice must be issued to the offender in respect of each offence.
4. Where more than two of the offences shown in the Schedule are detected during the one act of driving, or if one specified offence and another offence not specified in the Schedule are detected, an Infringement Notice is not to be issued. *A BRIEF SHOULD BE SUBMITTED IN SUCH CASES.*

Compilation of Notices

5. The Traffic Infringement Notices are in four parts (Parts "A", "B", "C" and "D") printed on sensitized (no carbon required) paper, in books of 50. Each book contains a cardboard backing sheet for inserting between each set of notices to prevent impressions being transferred to the following set - (Insert between Part "D" of the set of notices being compiled and Part "A" of the next set of notices). To ensure that good copies are made *A BALL POINT PEN ONLY* should be used and the issuing member must see that the details inserted are legible on all copies.
6. It is an offence for any person to refuse or fail to state he/she is the holder of a "Probationary Licence" and an offender should be asked - "Are you the holder of a probationary licence" - *BEFORE* commencing to enter any details on an infringement notice. When a current driving licence is produced by an offender, the licence number and expiry date are to be carefully entered in the space provided under "Licence Details".

If the offender is the holder of a licence other than a probationary licence, but he does not have it in his possession at the time of the offence, a notice may be issued to him for any of the offences listed in Schedule Two. The section of the notice headed "Licence Details" should be left blank, and the name of the station be inserted in the space provided for that purpose. *No further action regarding a "follow up" on the licence particulars will be necessary at this stage.*

7. Part "A" is to be legibly completed in detail. Particular care should be taken as to the date of issue and the station and district of the member issuing. The surname, christian names and current address of the offender must be completed in full in *BLOCK LETTERS* in the appropriate sections of the Notice. The names of streets or localities must *NOT* be abbreviated. A cross (X) should be carefully marked in the square opposite the infringement alleged to have been committed.

The vehicle details (make, registration number and expiry date) are included on Parts "C" and "D" only, and members should ensure that the details have been completed before the Notice is served.

- 4 -

When the Notice has been completed and signed by the member, a final check should be made to ensure that the impressions, particularly the cross (X) have been legibly transferred to Parts "B", "C" and "D". Parts "A" and "B" which are conjoined at the top, should then be carefully removed intact from the book by tearing along the perforated edge at the left hand side, and handed to the offender.

Immediately after service of Parts "A" and "B", that portion of Parts "C" and "D" headed "Description of Infringement" is to be legibly completed by the member. In furnishing these particulars, it should be borne in mind that Part "C" will be the document, subsequently used as a Brief, upon which court proceedings will be based should the Infringement Notice be "withdrawn", as provided for under section 11A (4f) of the Road Traffic Act, or should the penalty be not paid within the prescribed time. Therefore, whilst necessarily being concise, all required proofs should be included so that a prosecution may be successfully instituted.

At the end of the tour of duty all completed Parts "C" must be removed at the station by the Officer in Charge or other senior member present, and the following action taken :-

Immediately a Part "C" is removed from a book, the Officer in Charge or such other senior member must certify to its removal and despatch in the space provided on the relevant Part "D". Only in the event of a more senior member not being available should the reporting member complete such certification.

All Parts "C" should be forwarded forthwith each day to the Penalties Payment Office, P.O. Box 1916R, G.P.O., Melbourne, 3001, or, if convenience, the forms may be delivered to that office at 317 Flinders Lane, Melbourne. In either case, the special envelopes provided are to be used.

Under no circumstances should rubber stamps be placed anywhere on the face of any Part "C".

Part "D" in each instance, remains in the book, and when a book is completed the book is to be filed in numerical order at the Station.

Central Office for Payment and Penalties

8. The Penalties Payment Office, in conjunction with the Prosecutions Officer, "T" District, administers the provisions of the Road Traffic (Infringement) Act. For the purposes of the Act, the authorizing officer is the Prosecutions Officer, "T" District.

- 5 -

9. The Penalties Payment Office is the only place at which a penalty for any of the infringements listed in Schedule Two may be paid. Under no circumstances is a penalty to be accepted by the reporting member, nor is a penalty to be accepted by any other member or at any Police Station, Branch or Section.
10. As a record of all Traffic Infringement Notices is maintained at the Penalties Payment Office, it is essential that Parts "A", "B" and "C" of all Traffic Infringement Notices which have been cancelled because they have been incorrectly issued or for some other valid reason, be forwarded with a covering report (Form 47) direct to the Penalties Payment Office for information and any necessary attention. In addition to the certification required on Part "D" the reasons for any such cancellation are to be endorsed.

Non-payment of Penalties

11. If a penalty has not been paid within a period of 28 days after the date of issue of a Traffic Infringement Notice, a brief will be forwarded by the Penalties Payment Office, to the Prosecutions Officer, "T" District, for consideration of prosecution. Upon authorization, the brief will be forwarded to the informant's Station for prosecution.
12. The Act provides that a court conviction for an infringement, the penalty for which has not been paid, shall not be a conviction in itself, for any other purpose. Therefore, a Form 504 (Report of Conviction for an Offence under the Motor Car Act and so on) *MUST NOT* be forwarded to the Motor Registration Branch in these instances.
13. However, if the offender is unlicensed or an order is made against a licence, a Form 504 must be submitted re that matter only.
14. Where the defendant elects to appear in answer to an Alternative Procedure Summons, section 13A, sub-section (4) of the Road Traffic Act, as amended, prevents Form 538A being tendered in evidence without the consent of the defendant at the hearing of the Information. Where the defendant elects to appear, the informant must *IMMEDIATELY* obtain a forty-ninth Schedule to the Motor Car Regulations 1966 which must be attached to the Brief before the hearing.

Finalized Briefs

15. It is essential that any Brief resulting from the issue of a Traffic Infringement Notice be forwarded to the Penalties Payment Office as soon as possible after the case has been heard, so that any "Demerit Points" may be recorded.

- 6 -

16. If for any reason process cannot be served, the Brief should be returned to the Penalties Payment Office with a short report. Under no circumstances are "Warrants of Apprehension" to be taken out for offences arising from the issue of a Traffic Infringement Notice, without the authority of the authorizing officer, "T" District.

Withdrawal of a Traffic Infringement Notice

17. If in the opinion of the Prosecutions Officer, "T" District, the circumstances of any case warrant that the matter be brought before the court, a Traffic Infringement Notice may be withdrawn as provided for in the Act whether or not the prescribed penalty has been paid. In this case, a Notice of Withdrawal of a Traffic Infringement Notice (Form No. 537) will be posted to the offender advising that it is intended to institute court proceedings. A copy of the Form 537 (Form 537A) will be returned to the Penalties Payment Office, and, if payment of the penalty has already been made, a refund of the amount will be made to the offender.
18. Upon withdrawal of a Traffic Infringement Notice, the informant will be requested to forward an "Ordinary Brief" direct to the Penalties Payment Office which will arrange for prosecution to be authorized.
19. Where an ordinary procedure summons is authorized, a forty-ninth Schedule to the Motor Car Regulations 1966 is required for *Prima Facie* proof of the defendant's convictions. Any convictions resulting from Withdrawal Proceedings for offences which are reportable to the Motor Registration Branch, in accordance with the instructions contained in paragraph 1481 of the Manual, shall be furnished to that Branch on a Form 504.

Licence Production

20. If the licence details of an offender are not shown on Part "C" when received at the Penalties Payment Office, a licence production form (Form No. 539) will be forwarded from the Office direct to the Station at which the licence is to be produced. It is essential that this form be returned to the Penalties Payment Office *WITHIN TEN DAYS* of the date shown thereon, whether or not the licence has been produced.
21. When a licence is produced at a Station, members must ensure that the details are accurately entered in the Licence Production Book (P.B. No. 49) and on the Form No. 539.
22. Should inquiries show that an offender was unlicensed at the time of the offence, a Brief will be prepared by the Penalties Payment Office and forwarded to the Prosecutions Officer for authorization.

General Instructions

23. Form No. 608 (Traffic Infringement Notice) is an accountable document and the Record of Receipt Books should be suitably endorsed in respect of each book of Notices held at a Police Station.
24. Notices must be issued by the reporting member in strict consecutive numerical order.
25. Emphasis is placed on the great care which must be exercised by the reporting members in completing a Traffic Infringement Notice. They should ensure that all details are correct before issuing the Notice, and special attention is to be given to ensuring that the following details are correctly recorded - name, licence number, registration number, time (a.m./p.m.), day and date of infringement and location. The incorrect recording of any one of these details can invalidate the Notice.
26. A summary of these instructions has been printed inside the front cover of each Traffic Infringement Notice book.

Service of Notice

27. After checking date and time of infringement, and so on, a Traffic Infringement Notice may be served -
 - (a) personally upon the alleged offender; or
 - (b) by sending the Notice by post (ordinary mail) to his place of residence or business, or the address on the licence to drive produced by him. (See section 11A (4D) of the Road Traffic Act as amended).
28. Should a Notice be returned undelivered by the Post Office, the Penalties Payment Office must be advised *IMMEDIATELY* of the fact, and also of the date of subsequent personal service.
29. If a Notice cannot be served, Parts "A" and "B" together with a brief report, should be forwarded as soon as possible direct to the Penalties Payment Office.

Special Instructions Regarding Infringements

The format of the "G" Series of Traffic Infringement Notices effective from 1 May, 1981, will enable Traffic Infringement Notices to be issued to the drivers of all types of vehicles which come within the definition of Vehicle per Road Traffic Regulation 102. However, infringements are not to be issued to the riders of bicycles, and where infringements are committed by the riders of bicycles, a Bicycle Offence Report or an ordinary brief is to be submitted.

- 8 -

Vehicle means any conveyance designed to be propelled or drawn by any means and includes an articulated vehicle, a bicycle and a tram-car and, where the context permits, includes an animal driven or ridden, but does not include a train -

- (a) Infringement No. 2 - "Failing to give way at intersection". Where an offender fails to stop at a "STOP" sign, he is to be issued with a Notice for Infringement No. 13 - "Disobeying a Traffic Sign". If he fails to give way at an intersection after passing a "STOP" sign, "Give-way" sign or "Roundabout" sign, he is to be given a Notice for Infringement No. 2 - "Failing to give way at intersection". However, under no circumstances is a driver, who fails to stop at a "STOP" sign and who then fails to give way at the intersection, to be issued with two Notices. In such cases, the infringement to be issued is Infringement No. 2 - "Failing to give way at intersection".
- (b) Infringement No. 3 - "Exceeding any speed limit by more than 15 kph but less than 25 kph". Frequently members issue this infringement for speeds of 25 kph and more in excess of a speed limit, whereas the infringement is limited to speeds of *LESS* than 25 kph over the speed limit. Examples of the correct use of this infringement are -

✓ In a 60 kph zone - speeds from 76 kph to 84 kph inclusive;

In a 100 kph zone - speeds from 116 to 124 kph inclusive.

- (c) Infringement Nos. 4 and 13 - Distinction must be drawn between the Infringement No. 4 - "Disobeying any Traffic Control Signal" - Penalty \$60.00 and Infringement No. 13 - "Disobeying a Traffic Sign" - Penalty \$35.00. As different penalties are prescribed for these offences, care must be exercised to ensure that the appropriate offence is indicated on the Notice.

A "*Traffic Control Signal*" is either (a) Traffic Lights or (b) a single flashing amber light.

"*Traffic Sign*" relates to those signs mentioned in Clauses 402, 512 and 513 of the Road Traffic Regulations, and the infringement is created by those clauses. A sign which is of an advisory nature is not a "*Traffic Sign*". Members should acquaint themselves with the signs referred to in Clauses 402, 512 and 513.

- 9 -

- (d) Infringement No. 6 - "Throwing down or dropping litter from a motor car on a highway". The format of the "G" Series of Traffic Infringement Notices enables a *PASSENGER* observed committing this Offence *TO BE ISSUED WITH A TRAFFIC INFRINGEMENT NOTICE*.
- (e) Infringement No. 7 - "Using on highway motor car or trailer not in good mechanical order or not in safe or thoroughly serviceable condition". The issue of a Notice for this infringement should be restricted to instances where the fault is such that the condition of the vehicle can be classified as dangerous, that is, such matters as *FAULTY BRAKES* and *FAULTY STEERING*. Other faults which may make a vehicle unroadworthy, and which are not specified on the Traffic Infringement Notice should be reported by means of an "Ordinary Brief". This infringement should not be used for undue noise or faulty lights.
- (f) Infringement No. 14 - "Failing to have prescribed lights". This infringement is to be used for offences detected under Regulation 1201 (a) and (b) of the Road Traffic Regulations. Brake lights are not prescribed lights within the meaning of this regulation.
- (g) Infringement No. 15 - "No number plate bearing identifying number, obscured identifying number or identifying number not clearly distinguishable". This infringement refers to motor vehicles and trailers (including caravans) only. A notice should not be issued for this infringement where registration of the vehicle has expired or is suspected of having expired. In such cases, the normal procedure for submission of brief is to be followed.
- (h) Infringement No. 16 - "No identifying number displayed on vehicle (not being a motor car or trailer) attached to motor car, obscured identifying number or identifying number not clearly distinguishable" - The Motor Car Act, section 17 (1) (e) makes it an offence to tow a vehicle (other than a motor car or trailer) without having the identifying number of the towing vehicle displayed on the towed vehicle (e.g. trailer not required to be registered). This infringement is to be used for these offences only. Infringement 15 is applicable when the trailer is registered.
- (i) Infringement No. 17 - "No current registration label attached, obscured registration label or registration label not clearly distinguishable" - A notice should *NOT* be issued for this infringement where registration has expired or is suspected of having expired or where the excuse given is for failing to have current label attached is "I've paid the registration fee and haven't received the current label", or similar. In such cases members are instructed to inform motorists that inquiries will be made regarding the issue of the current registration

- 10 -

label, and where an offence, is, in fact, disclosed, a Traffic Infringement Notice will be forwarded thereto by post at a later date.

- (j) Infringement No. 18 - "No general identification mark displayed by means of special identification plates, obscured general identification mark or general identification mark not clearly distinguishable" - This infringement to be used for motor vehicles which are required to display trade plates being used under the provisions of section 16 and 16A of the Motor Car Act 1958.
- (k) Infringement No. 20 - "Failing to wear a properly adjusted and fastened safety belt". The format of the "G" Series of Traffic Infringement Notices enables a PASSENGER observed committing this Offence TO BE ISSUED WITH A TRAFFIC INFRINGEMENT NOTICE.

Force Circular Memos 82-5-12 and 81-6 are cancelled.

Item 24 of Police Gazette, 22 July, is cancelled.

(C.R.B. 4-9-406)

82-7-2 TRANSPORT OF CHILDREN AND YOUNG PERSONS
AT THE REQUEST OF THE COMMUNITY WELFARE SERVICES DEPARTMENT

Social workers or officers of the Community Welfare Services Department (C.W.S.D.) occasionally request police assistance with such activities as returning Wards of the State who have been fostered out to private homes, or conveying people in the custody of the Department to destinations other than courts.

Police should only assist in cases where there is a suggestion of violence, in which case the person making the request should be advised to contact the C.W.S.D. which will in turn contact a Staff Officer to the Chief Commissioner or one of the Deputy Commissioners.

After consideration, the Staff Officer will advise the station concerned whether police will assist. These procedures will ensure the consistent application of police policy.

Police assistance will normally be limited to providing an escort to the local office of the C.W.S.D. Escorts from C.W.S.D. premises (other than escorts to courts) will seldom, if ever, be authorized. Any transport necessary must be provided by the C.W.S.D.

10 April 1982
M 5.20
amended

Probably
not necessary
17. 8. 82

~~Full details of any escort must be reported so that consideration may be given to claiming the police costs from C.W.S.D.~~

Force Circular Memo 82-6-6 is cancelled.

(C.R.B. 20-1-322)

82-7-3 CHILDREN AND YOUNG PERSONS WHO ARE ESCAPEES FROM
REMAND CENTRES AND YOUTH TRAINING CENTRES -
REVISED PROCEDURES

Procedures relating to the charging of children or young people who escape from lawful custody have been reviewed. Until further notice, Standing Order 5.9(3) and 9.113(3) are replaced by the following instructions :-

5.9(3) In the case of a person who escapes from a Remand Centre or Youth Training Centre or fails to comply with any conditions of temporary leave granted under Section 200 of the Community Welfare Services Act, 1970 refer to Standing Order 9.113.

9.113 Where any person lawfully detained in a Remand Centre or Youth Training Centre escapes or who, without lawful authority, is absent from such Remand Centre or Youth Training Centre, or from the custody of a member of the Force or other officer in whose custody he may be, the charge may be laid under Section 98 of the Community Welfare Services Act, but where such person is a Ward of the State proceedings should not be commenced without prior consultation with the Community Welfare Services Department.

(C.R.B. 20-1-322)

82-7-4 DRESS AND APPEARANCE -
AMENDMENT TO F.C.M. 81-9-1

The instruction contained in F.C.M. 81-9-1 as amended by F.C.M. 81-12-4, 82-3-6 and 82-4-6 is further amended by renumbering 1(b)(iv) as 1(b)(v) and inserting the following paragraph :-

1(b)(iv) During the period beginning on the 1st May in each year and ending on the 30th of September of the same year, members may remove their tunics or patrol jackets when performing duties inside police buildings or establishments, provided that other uniform dress requirements are adhered to.

(J. R. Hall)
DEPUTY COMMISSIONER (Administration)

*Legislation
making
reference to
82-7-2*

DONE 18/8/82