

OPERATOR OWNER ONUS FORM



Nomination Statement or Application for Action by a Court – Road Safety Act 1986 Part 6AA

If you were not in charge of the motor vehicle or trailer at the time of the alleged offences as shown on the enclosed Penalty Reminder Notice, you may not be liable if before the due date, as shown on that notice, you complete Part A – Nomination Statement. If it is your preference to have this matter dealt with by a Court, you may complete Part B – Application for Action by a Court. You should correctly complete then sign and date the appropriate part of this document and return by the post to Nillumbik Shire Council, PO Box 476, Greensborough Vic 3088.

PLEASE INCLUDE THE INFRINGEMENT NOTICE NUMBER IN THIS BOX

NOMINATION STATEMENT OR APPLICATION FOR ACTION BY COURT (select and complete either Part A or Part B)

I, (FULL NAME)

of (ADDRESS)

Understand that I may be served with a summons to give evidence in relation to this nomination or this offence, and (Must complete if the vehicle is registered in a company name)

I am the (POSITION AT THE COMPANY)

of (COMPANY NAME)

and I am authorised to make this statement on behalf of the company, and*

PART A – NOMINATION STATEMENT (Please note: PO Box address not accepted)

I state that at the time of the offence set out in the notice, I*/the company* was not the driver or person in possession or control of the vehicle and I further state that:

KNOWN USER STATEMENT Someone else was the driver or person/corporation in possession or control of the vehicle at the time of the offence. You cannot nominate another person in relation to the offences involving a taxi-cab if you are the person recorded on the records of the taxi-cab operator as the driver of the taxi-cab at the time of the offence. This person was:

OR **SOLD VEHICLE STATEMENT** The vehicle was permanently disposed of/sold on (DD/MM/YYYY) and the new owner is:

Individual: Given Name and Family Name and either their date of birth or their Driver's Licence Number **OR** Company Name and ACN

(PERSON OR COMPANY) (DOB)

(ADDRESS)

Driver Licence No (if individual) or CAN (if company) **Issuing Authority if Driver Licence/Permit was not issued in Victoria** **Taxi-cab driver Accreditation No**

OR **UNKNOWN USER STATEMENT** I have used due diligence but do not know and cannot ascertain the actual driver. This statement cannot be used in relation to offences involving a taxi-cab.

OR **ILLEGAL USER STATEMENT** I believe that the vehicle or the number plates displayed on the vehicle were stolen;

OR **NOMINATION STATEMENT** If nominated as the responsible person in relation to the vehicle, I/the company was incorrectly identified as the responsible person and I reject the nomination

REASONS (With the exception of permanent disposal you are required to provide reasons for your statement). If insufficient space, please attach a separate page.

If the information provided in this statement is not sufficient to identify and locate the nominated person or if the person nominated in this statement rejects the nomination after being issued with an Infringement Notice, the liability for this offence may remain with you. Further if you were not the driver of the vehicle at the time of the offence, you may be obliged to assist Victoria Police in identifying the actual driver of the vehicle at the time of the offence. It is an offence under the *Road Safety Act 1986* to knowingly provide false or misleading information in this Statement. 60 penalty units for a natural person (currently from 1st July 2014 \$8,857) 120 Penalty units for Body Corporate (currently from 1st July 2014 \$17,713)

(SIGNATURE) (DATE)

PART B – APPLICATION FOR ACTION BY COURT

I*/the company* decline to be dealt with under these enforcement provisions and want to have the matter dealt with by a court.

(SIGNATURE) (DATE)

The personal information requested on this form is being collected by Council for the purpose of re-issuing an infringement notice to the nominated owner/driver of a vehicle. This information will be used solely by Council for that primary, or directly related, purposes. The applicant understands that the personal information provided is for the purpose of re-issuing an infringement notice to the nominated owner/driver of a vehicle and that they may apply to Council for access to and/or amendment of the information.

* Please delete if not applicable