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|  | <h1>District Council of Cleve</h1> | Version No: | 3.0 |
| | | Issued: | 13/04/2021 |
| | | Next Review: | 2024 |

Policy Name: **9.16 - EXPIATION WAIVING**

1. PURPOSE

The objective of this policy is to provide consistent and transparent criteria that under Section 16(1) of the Expiation of Offences Act 1996 upon the basis that:

- he/she did not commit the offence(s)
- the notice should not have been given with respect to the offence(s)
- a statutory declaration or other document from the alleged offender is received by the Council.

2. POLICY

This Policy is to guide and assist the Council in dealing with all applications to withdraw Expiation but will not prevent reasonable consideration being given to the merits of an application.

All applications for waiver of expiation under this policy must be in a written form, no verbal requests will be considered.

On Council receiving a written request the applicant will be notified within 7 days, in writing, if the application has been successful or unsuccessful. The assessments are as follows:

- Medical emergency
If the vehicle was parked as a result of having to attend a hospital or medical clinic due to a serious medical emergency, Council will require official, dated documentation from the hospital and doctor to support the applicant's claim.

The person/s expiated will provide a statement outlining the chain of events resulting in the expiation notice being issued.

- Vehicle breakdown
The person/s expiated will need to provide statements from themselves on a Statutory Declaration form and the RAA administration or other mechanical vehicle service provider which confirms the date, time of their call for assistance and attendance at the location of the vehicle, or dated, official receipts for towage / repairs from a recognised repairer if the customer is not a member of such a service provider.
- Not the driver at the time of the offence
The person/s expiated will need to provide a Statutory Declaration form witnessed by a Justice of the Peace outlining the full name and address of the said driver at

the time of the offence. All information must be true and correct as a Statutory Declaration is a legal document.

- Decision made on compassionate grounds

The person/s exiated will need to provide a statement outlining the chain of events resulting in the expiation notice being received. The statement must also provide the reasons why (in their opinion) the notice should be waived.

All applications for waiver of an expiation notice and supporting information must be received before the due date has expired on the original expiation.

All decisions in respect of a request for a waiver shall be made by the Chief Executive Officer.

Should there be any inconsistency between the Expiation of Offences Act 1996 and policy, the Expiation of Offences Act 1996 will prevail.

3. LEGISLATION


[Expiation of Offences Act 1996](#)

4. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's offices during ordinary business hours and via the Council's website <http://www.cleve.sa.gov.au>. Electronic versions are the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

5. ADOPTION OF POLICY

This Policy was adopted by the Council at its Ordinary Council meeting on 13th April 2021.



Peter Arnold
Chief Executive Officer

6. DOCUMENT REVIEW

This document will be reviewed by the District Council of Cleve following Council elections every (4) four years.

7. REVIEW HISTORY

| Version | Issue Date | Author | Reason for Change |
|---------|------------|---------|--|
| 4.0 | 13/04/2021 | Jodie B | Minor updates following Council election 2018 Formatting Added legislation, availability of policy, adoption of policy, document review and review history sections. |