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| Policy No.      | 9.16         |
| Version No.     | 3.1          |
| Policy Adopted  | 21/10/2025   |
| Next Review     | October 2029 |
| Record File No. | 18.81.1.1    |

## 1. Introduction

The objective of this policy is to provide consistent and transparent criteria for the withdrawal of expiation notices under Section 16(1) of the *Expiation of Offences Act 1996*. A notice may be withdrawn on the following grounds:

- 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, advising 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 expiated 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. Further Information

This policy is available for inspection at the District Council of Cleve principal office, 10 Main Street, Cleve SA 5640, during ordinary business hours upon payment of the fee fixed by the Council in accordance with the Council's Fees & Charges. It is also available to be downloaded, free of charge, from Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au).

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

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|---------------------------------------|---------------------------------------|
| <b>Responsible Department/Officer</b> | Chief Executive Officer               |
| <b>Applicable Legislation</b>         | <i>Expiation of Offences Act 1996</i> |
| <b>Related Policies</b>               |                                       |
| <b>Related Procedures</b>             |                                       |

### 4. Policy/Document Review

This Policy/Document will be reviewed by the District Council of Cleve every four (4) years. The Council has the right to review this policy at any time, if considered desirable.

### 5. Document History

| Version | Adopted    | Description of Change                                                                                                                                                      |
|---------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1-2     |            | Historical                                                                                                                                                                 |
| 3.0     | 13/04/2021 | Minor updates following Council election 2018<br>Formatting<br>Added legislation, availability of policy, adoption of policy, document review and review history sections. |
| 3.1     | 21/10/2025 | Update to Council's new logo & font.<br>Updated Legislation<br>Minor wording & formatting.                                                                                 |