



City of Port Lincoln

Template No 20-71-T67

Address: Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln SA 5606
Postal Address: PO Box 1787, Port Lincoln SA 5606
Email: plcc@plcc.sa.gov.au **Web:** www.portlincoln.sa.gov.au
Telephone: (08) 8621 2300 **Fax:** (08) 8621 2399

REVIEW OF DECISION/REQUEST TO WAIVE EXPIATION - APPLICATION

Full Name of Applicant (name on expiation notice)

Postal Address of Applicant

Residential Address of Applicant

Phone/Mobile No.	Email address:
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Expiation No.	Vehicle Registration No. (if traffic offence)
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The information requested in this application is required for an appeal to be assessed. Missing information may result in your appeal not being accepted.

Driver's Licence No.:	Date of Birth:
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Please complete the attached Statement of Appeal detailing the reason for seeking review of a decision. Evidence must be provided to substantiate the information provided on the Statement of Appeal. Please note that the City of Port Lincoln may request a Statutory Declaration or additional evidence to be provided if necessary.

Under the Expiation of Offences Act 1996, an issuing Authority may withdraw an expiation if the matter is deemed to be trifling.

Sec 4(2) "An alleged offence will, for the purposes of this Act, be regarded as trifling if, and only if, the circumstances surrounding the commission of the offence were such that the alleged offender ought to be excused from being given an expiation notice on the ground that:"

- (a) there were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence; or*
- (b) the alleged offender could not, in all the circumstances, reasonably have averted committing the offence; or*
- (c) the conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.*

The Expiation of Offences Act 1996 includes provisions for Expiation Notices to be withdrawn if the matter is considered trifling. To assist you to determine whether or not the matter was trifling please note **Yes** or **No** to the following questions:

Was there a medical emergency which resulted in the vehicle being parked or stopped in an illegal manner? If yes, please provide a copy of the documented evidence from the Ambulance Service, Hospital Administration or Medical Professional that will confirm the medical emergency?	Y	N
Was there a mechanical failure to the vehicle which resulted in it being parked or stopped in an illegal manner which prevented the vehicle from being moved to a legal parking space? If yes, please provide documented evidence from Roadside Assistance or attending Mechanic or Towing Company confirming date/time of attendance at the location of your vehicle.	Y	N
Does the Expiation Notice which you received contain incorrect information, such as incorrect date or location? If yes, please detail in your written statement. Please note that photographs may have been taken at the time of the offence and a new expiation may be issued with corrected information.	Y	N
Were there signs indicating parking restrictions not in accordance with the requirements of the relevant Standards? If yes, please include a diagram or photo indicating the inaccuracy.	Y	N
Were there compelling humanitarian or safety reasons or other reasons for the conduct that resulted in the alleged offence occurring? If yes, please provide the documented evidence.	Y	N
Were you the driver at the time of the offence? Please submit a parking expiation nomination form provided on Council's website.	Y	N

*If you answered **No** to all the questions listed above it is unlikely that the expiation notice can be withdrawn*

What happens next?

Upon receipt of your appeal with all of the accompanying evidence/documentation, the expiation notice will be put 'on hold' pending an investigation. You will be advised by Council of the outcome once a decision has been made.

Please note that Council cannot consider an appeal once the matter has been transferred to the Fines Enforcement and Recovery Unit (FERU), which occurs once the due date on the reminder notices has expired. Any enquiries received after this stage will need to be referred to FERU by phoning 1800 659 538 or visiting their website www.fines.sa.gov.au.

What if I am not happy with the outcome of the appeal?

If you are not satisfied with the outcome of your appeal, you are entitled to lodge a second appeal. The original process still applies, that being that the appeal must be lodged in writing on the 'Review of Decision Application' form with any extra evidence attached. The status of the ticket will once again be placed on hold pending a decision.

The new appeal will then be assessed by another party, eg not the same person who assessed the original appeal. Once a decision has been made you will be sent a letter explaining the outcome.

CONTACT DETAILS

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