EXPIATION NOTICE APPEAL FORM (other)

WAKEFIELD REGIONAL COUNCIL

Please complete the attached Statement of Appeal detailing the reasons for seeking review of an Expiation Notice. Evidence must be submitted with your Appeal Form to substantiate the information provided on the Statement of Appeal. Note that the Wakefield Regional Council may request a Statutory Declaration or additional evidence in order to undertake a review. An application for review can be submitted on **one occasion only.**

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The Expiation of Offences Act 1996 includes provisions for Expiation Notices to be withdrawn if the matter is considered trifling.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:

If you answered No to the questions listed above it is unlikely that the expiation notice can be withdrawn.

Does the Expiation Notice which you received contain incorrect information, such as incorrect date or location?	Yes ☐ No ☐
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.	
Were there compelling humanitarian or safety reasons or other reasons for the conduct that resulted in the alleged offence occurring?	Yes ☐ No ☐
If yes, please provide the documented evidence.	

Expiation Number	
Your Full Name	
Date of Birth	
Postal Address	
Town	
Mobile Phone	
Email	

The information requested on this page is required for an appeal to be assessed. Missing information may result in your appeal not being accepted.

Elect to be prosecuted

If you dispute the allegation that you committed the offence and elect to be prosecuted, please fill in the back of the original expiation or reminder notice. If you elect to be prosecuted, you may get a summons which will set out when and where to attend court.

Statement to explain/support my claim: (Don’t forget to sign and Date)

Applicant’s signature .... Date ....

Please submit additional pages if required

What happens next?
Upon receipt of your appeal, 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.

Note that council cannot consider an appeal once the matter has been transferred to the Chief Recovery Officer, which occurs once the due date on the reminder notice has expired. Any enquiries after this stage will need to be referred to the Fines Recovery & Enforcement Unit by phoning 1800 659 538.

An application for review can be submitted on one occasion only to admin@wrc.sa.gov.au or PO Box 167 Balaklava SA 5461.