



**CAMPBELLTOWN**  
**CITY COUNCIL**

**EXPIATION NOTICE  
REVIEW GUIDELINES**

Adopted by EMT  
29<sup>th</sup> July 2014

## Introduction

Campbelltown City Council undertakes a large number of expiation notice reviews each year. Council will not review notices that have moved to the Fines Enforcement and Recovery Office for enforcement. Every effort is made to ensure reviews are consistent, fair, impartial and objectively administered in the interest of the Community.

Council is committed to transparency in the operation of its expiation notice system. This document has been developed to provide transparent information to the public about the review policies and practices of Campbelltown City Council

## Review of an expiation notice

### **A REVIEW WILL NOT BE ALLOWED IF A NOTICE HAS BEEN PAID**

The purpose of a review is to allow a notice holder to provide additional information so that the Issuing Authority may consider whether that Authority wishes to continue with the matter.

Each review is dealt with on its own merits. Reviews are point-in-time considerations that consider evidence provided at that point in time.

In accordance with the Expiation of Offences Act 1996, a notice holder can apply for a review on the grounds that the notice was trifling. To be trifling circumstances must indicate that:

- there were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence; or
  - the alleged offender could not, in all the circumstances, reasonably have averted committing the offence; or
  - the conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.
- Reviews are also considered for matters that are not trifling. Notice holders can seek a review if they believe that:
- the notice is incorrect or a mistake has been made in issuing the notice
  - there has been a mistake of identity
  - there is additional information that may suggest withdrawal of the notice is more appropriate
  - there are other exceptional or worthy circumstances.

## **Campbelltown City Council review guidelines**

Campbelltown City Council review guidelines assist consistent decision making. Guidelines also assist a notice holder to understand the evidence required to support a claim. These guidelines are not exclusive and do not cover every possible circumstance. They are designed to provide information about the most common circumstances.

It is advisable that notice holders read these guidelines before submitting a review request and provide as much information as possible.

If the required supporting information is not provided then reviews may be declined.

## **How reviews are conducted**

### **Receipt of the review**

When the request for review is received, the:

- review will be electronically scanned
- expiation notice will be suspended until the review is finalised

### **Conduct of the review**

The review will be conducted by a panel consisting of a Manager, Team Leader and Compliance Officer. In every circumstance the review will consider whether the notice is:

**Lawful** - Issued for an expiable offence in accordance with the Expiation of Offences Act, 1996.

**Valid** - Relates to an appropriate exercise of the Authorised officer delegations.

**Trifling** - Assessment of the trifling provisions of the Expiation of Offences Act, 1996.

The review panel may also consider:

- the offence and severity of same
- the circumstances outlined by the notice holder
- any supporting evidence
- the notes and views of the issuing officer
- any available photographic evidence

## Review outcomes

The review may result in the notice being:

**Enforced** - The review finds that the notice is not trifling and there is no evidence which warrants the notice to be waived. The notice holder should decide whether to pay the notice, enter a payment arrangement or elect to contest the matter in Court.

**Withdrawn** - The review finds that there is circumstance or evidence to withdraw the notice and shows that the notice should not stand. The notice is withdrawn and discontinued. No payment is required.

## Review notification

The notice holder will be advised in writing of the outcome of a review. Where a notice is to stand extra time will be allowed to pay the notice.

## How to request a review

Reviews must be in writing. An application for review must:

- explain the grounds for the review
- provide the current address of the notice holder
- provide notice number and registration number
- be sent so it is received by the due date on the expiation notice or reminder notice.

Review applications and any relevant supporting documentation are submitted by mail to:

Campbelltown City Council  
PO Box 1  
CAMPBELLTOWN SA 5074

Or email: [mail@campbelltown.sa.gov.au](mailto:mail@campbelltown.sa.gov.au)

Notice holders who request a review should receive a written response within 14 Days.

## Review request circumstances and how to proceed

<b>Circumstances</b>	<b>Procedure/required information</b>
The expiation notice has the wrong registration number on it	Detail your claim
An expiation notice issued by SA Police and a Council expiation notice were received for the same offence	Evidence of the SA Police expiation for the same time and place must be provided .
Vehicle break down	<p>Documented evidence of the break down (mechanical repair or towing). Evidence must show Time, date and place of the breakdown. ( Only major mechanical breakdown is considered )</p> <p>Where there is a claim that the vehicle runs out of fuel, flat battery/loose terminal or over heats, these will usually be considered general maintenance issues and deemed avoidable and not grounds for a review</p>
Vehicle was parked due to a medical emergency	<p>Proof of the medical emergency on a medical practioner's letterhead supporting the claim is required.</p> <p>This does not extend to programmed appointments</p>
The vehicle was sold or ownership transferred prior to the offence	Statutory declaration is required, identifying the new owner.
Vehicle was being driven by another person	Statutory declaration is required, identifying the driver.