

# Application

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The Expiation of Offences Act 1996 includes provisions for Expiation Notices to be withdrawn if the matter is considered trifling.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

<b>Was there a medical emergency which resulted in the vehicle being parked or stopped in an illegal manner?</b> 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
<b>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?</b> 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
<b>Does the Expiation Notice which you received contain incorrect information, such as incorrect date or location?</b> 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
<b>Were there signs indicating parking restrictions not in accordance with the requirements of the relevant Standards?</b> If yes, please include a diagram or photo indicating the inaccuracy.	Y	N
<b>Were there compelling humanitarian or safety reasons or other reasons for the conduct that resulted in the alleged offence occurring?</b> If yes, please provide the documented evidence.	Y	N

**If you answered No to the questions listed above it is unlikely that the expiation notice can be withdrawn.**

Name of Applicant: \_\_\_\_\_  
(Mr/Mrs/Ms) (First Name) (Last Name)

Address of Applicant: \_\_\_\_\_  
(Unit/House No.) (Street) (Suburb & Postcode)

Telephone No.: \_\_\_\_\_  
(Home/Business) (Mobile)

Email Address: \_\_\_\_\_

Expiation No. (Ticket No.): \_\_\_\_\_ Vehicle Registration No.: \_\_\_\_\_

Offence: \_\_\_\_\_

The information requested on this page 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: \_\_\_\_\_

**\*\*NOTE – parking offences do not attract demerit points\*\***

## STATEMENT OF APPEAL

<b>Name:</b>	
<b>Address:</b>	
<b>Statement:</b>	
<b>Signature:</b>	
<b>Date:</b>	

### **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.

Please note that council cannot consider an appeal once the matter has been transferred to the Courts, which occurs once the due date on the reminder notice has expired. Any enquiries after this stage will need to be referred to the Courts by phoning 8204 2444 or 1800 659 538.

### **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, e.g. 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**

T (08) 8375 6600

F (08) 8375 6699

E [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

PO Box 21 Oaklands Park SA 5046

245 Sturt Road Sturt SA 5047

[marion.sa.gov.au](http://marion.sa.gov.au)