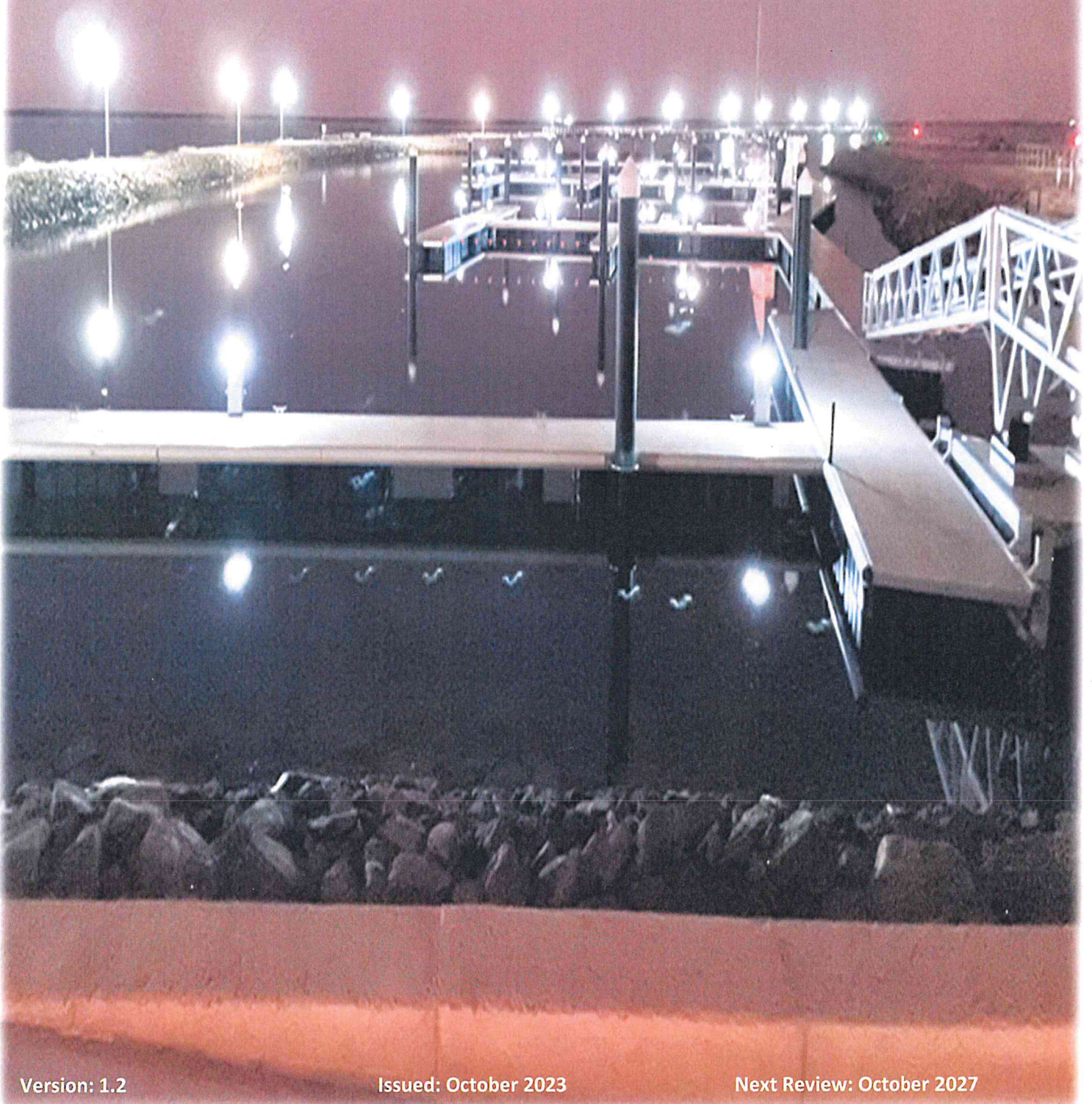




# Expiation Waiving Policy





## EXPIATION WAIVING POLICY

Name of Council	District Council of Franklin Harbour
Responsibility	Governance
Revision Number	1.2
Effective date	October 2023
Last revised date	October 2019
Minutes reference	93/11/23
Next review date	October 2027
Applicable Legislation	Local Government Act 1999 Expiation of Offences Act 1996

### 1. Purpose

The objective of this Policy is to provide consistent and transparent criteria that must be adhered to when an applicant is requesting an Expiation to be withdrawn under Section 16(1)(a) and/or (ab) of the Expiation of Offences Act 1996 upon the basis that:

- 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.

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.

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.

On Council receiving a written request the applicant will be notified within 7 days, in writing, if the application has been successful or unsuccessful.

The assessments are as follows:

**I. 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.

**II. Vehicle Breakdown**

The person/s expiated will need to provide statements from themselves (Statutory Declaration Form) and the 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.

**III. 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.

**IV. 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.

**2. Review**

This policy will be reviewed by the District Council of Franklin Harbour within 12 months after each general election of Council. To ensure the principle of open Governance is being applied in the proper manner, it is anticipated that a review will be conducted every three years. However, Council has the right to review this Policy at any time, if considered desirable.

SIGNED: .....  
Chief Executive Officer  
Date: 15/11/23