

# CITY OF WEST TORRENS

## EXPIATION REVIEW INFORMATION GUIDELINES



The City of West Torrens reviews expiations based on the Council Expiation Review Policy (The Policy). (This Policy is available on line at [www.westtorrens.sa.gov.au](http://www.westtorrens.sa.gov.au) or by calling 84166333 and requesting a copy to be sent to you.)

The Policy allows for consideration of a review on specific grounds. They are as follows:

- If you did not commit the offence(s).
- If there was a processing error, including an oversight of the facts or a procedural error has occurred rendering the expiation notice defective.
- That the expiation notice should not have been issued with respect to the offence(s).
- If it is decided that the alleged offender should be prosecuted for the offence(s).
- If a reviewing officer is satisfied that the offence is "trifling". (See below for explanation of trifling grounds.)

**Please Note: As per Council's Policy a person's inattention to their circumstances, ignorance of the law or financial hardship are not considered sufficient grounds to waive an expiation**

<b>COMMON REQUESTS FOR REVIEW</b>	
<b>Airport Related Offences</b>	
I was waiting to collect/drop off passengers at the "no parking" (pick up/drop off zone) at Adelaide Airport.	As per Rule 168 of the Australian Road Rules a vehicle may only stop in a 'no parking' zone for up to 2 minutes for the immediate pick up and drop off of passengers or goods and a driver must not leave their vehicle unattended (that is, be more than 3 metres away from the vehicle). If you were waiting for more than 2 minutes or walked more than 3 metres away from your vehicle at this location there are no grounds for the review of your expiation. There is short term parking available directly above the "no parking" (pick up/drop off zone) at Adelaide Airport and this should be utilised if you will be waiting for more than 2 minutes or if you intend to leave your vehicle.
I stopped momentarily on a yellow line to drop/off pick up passengers	A vehicle cannot stop (even for a short time) on a length of road or in an area marked by a continuous yellow line. Therefore this request would fail to provide any grounds to review your expiation.
I do not have a disable permit but I only stopped momentarily in a disabled zone to drop/off pick up passengers	As per Rule 187(2) of the Australian Road Rule 1999 a vehicle may not stop (even for a short time) in a parking area for people with disabilities unless the driver clearly displays a current disabled persons permit and complies with conditions of use of that permit. Therefore this request would fail to provide any grounds to review your expiation.
I stopped momentarily in the lane of traffic next to the pick up/drop off area to drop off/pick up passengers	This is "double parking" and a vehicle cannot stop (even for a short time) between a car stopped at the side of the road and the far side of a one way road. Therefore this request would fail to provide any grounds to review your expiation.
<b>Offences near Schools</b>	
I was waiting to collect/drop off passengers at the "no parking" zone near a school.	As per Rule 168 of the Australian Road Rules a vehicle may only stop in a 'no parking' zone for up to 2 minutes for the immediate pick up and drop off of passengers or goods and a driver must not leave their vehicle unattended (that is, be more than 3 metres away from the vehicle). If you were waiting for more than 2 minutes or walked more than 3 metres away from your vehicle at this location there are no grounds for the review of your expiation.
I stopped momentarily on a yellow line to drop/off pick up passengers	A vehicle cannot stop (even for a short time) on a length of road or in an area marked by a continuous yellow line. Therefore this request would fail to provide any grounds to waive your expiation.
I stopped momentarily in the lane of traffic to drop off/pick up passengers	This is "double parking" and a vehicle cannot stop (even for a short time) between a car stopped at the side of the road and the centre line of a two way road. Therefore this request would fail to provide any grounds to waive your expiation.

General Offences	
I only stopped momentarily (yellow lines, no stopping, clearways, bike & bus lanes, etc)	There are no grounds to review your expiation based only on the fact it was only committed momentarily. This includes offences at Adelaide Airport and near schools and disabled zones.
I consider the offence to be trifling.	To be considered trifling it is not simply that <b>you</b> think it is trifling or petty, there must be one of the following: 1- compelling humanitarian or safety reasons which led to the offence occurring; or 2- driver could not in all circumstances have reasonably averted committing the offence; or 3- the offence was merely technical, trivial or petty example of the offence (eg- redundant signage, etc)
I moved my car within the same area/length of road in a time restricted area	Rule 205(2) Australian Road Rules "a driver parks continuously on a length of road, or in an area, to which a permissive parking sign applies, from the time when the driver parks on the length of road, or in the area, until the driver, or another driver, moves the vehicle off the length of road, or out of the area, to which the permissive parking sign applies" Therefore if you moved your vehicle but stayed in the same area or length of road Council would have no grounds to waive your expiation.
I parked next to a fire hydrant	If you parked within 1 metre of a fire hydrant indicator, or fire plug indicator or as the driver you left a vehicle unattended (i.e. be more than 3 metres away from the vehicle) at this location Council would have no grounds to review your expiation.
I parked within 10m of an intersection without traffic lights	If you parked within 10m of an intersection without traffic lights Council would have no grounds to review your expiation. This measurement is taken from the curb alignment of the intersecting street.
I was expiated for not parallel parking	You are required to park your vehicle parallel to the curb in the lawful direction of travel for that side of the road. If you parked on the wrong side of the road facing oncoming traffic Council would have no grounds to review your expiation.
I did not know it was an offence	As a licensed driver it is your legal responsibility to be aware of and to abide by the prevailing laws governing the driving and parking of your vehicle. Therefore Council would have no grounds to review your expiation.
I did not see the sign	As a licensed driver it is your responsibility to check for restrictions on stopping or parking before parking in any location. Therefore Council would have no grounds to review your expiation.
I reside in the street	Residing at a particular location does not in itself provide an entitlement to park contrary to any parking restrictions or limitations. Therefore Council would have no grounds to review your expiation.
I have a valid permit but it was not displayed/fell down	Parking permits are required to be displayed by placing them on the dashboard or front windscreen on the passenger side of the vehicle for which the permit applies and disabled permits are to be displayed from the rear vision mirror of the vehicle being utilised to transport the permit holder. All parts of the permit must be clearly visible and legible from outside the vehicle.
Parking in a disabled zone without displaying a valid permit	If you failed to display a valid disabled permit at the time of the offence, West Torrens requires a signed and appropriately witnessed statutory declaration from the permit holder advising they were driving/being transported at the time of the offence and a copy of their valid permit.
My vehicle was broken down at the time of the offence	For council to consider a review of this offence, you must supply documented evidence of the break down (mechanical repair or towing) showing times, dates and places that match the offence details.
I was not driving at the time of the offence	As per S174A of the Road Traffic Act 1961, the registered owner of a vehicle remains liable for the offence unless they provide a statutory declaration providing the full name, address, date of birth and contact details of the driver of the vehicle at the time of the offence. This must be a person not a business entity.
I was not the owner of the car at the time of the offence	As per S174A of the Road Traffic Act 1961, if you transferred ownership of the vehicle prior to the time of the offence, you must provide Council with a statutory declaration incl: full name, address, date of birth & contact details of the transferee.
I committed the offence, but cannot afford to pay	The Policy advises financial hardship is not sufficient grounds to waive an expiation, however you can apply to enter into a payment arrangement with the Fines Enforcement and Recovery Unit Ph:1800 659 538 or at <a href="http://www.fines.sa.gov.au">www.fines.sa.gov.au</a>
I had a medical emergency that caused me to commit the offence	Proof of the medical emergency on letterhead from the appropriate medical practitioner supporting the circumstances or a signed and appropriately witnessed statutory declaration from you advising of the medical emergency is required for the review to be considered.
Why should I have to park "Front in" when angle parking	The requirement to park "front in" is from SA Govt changes to the "Manual of Legal Responsibilities & Technical Requirements for Traffic Control Devices Part 2". Effective from 29 February 2012 for all new and replaced signage. Council is required to comply with this, therefore there are no grounds to review your expiation.

There was no offence

Your request for a review on these grounds must be detailed in writing to City of West Torrens for consideration.