



**SOUTH AUSTRALIA POLICE**  
**KEEPING SA SAFE**

# **EXPIATION NOTICE REVIEW GUIDELINES**



**Government  
of South Australia**

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**This document is accurate at the time of publication.  
The information and processes described within can  
change without notice to meet legislative requirements  
or enhance enforcement strategies.**

## **Introduction**

South Australia Police (SAPOL) reviews in excess of 23,000 expiation notices each year. SAPOL will only review notices issued by police officers or notices issued by Expiation Notice Branch coming from safety cameras.

SAPOL will generally not review notices that have moved to the Fines Enforcement and Recovery Office for enforcement.

A person (or company) issued an expiation notice is entitled to apply to have that notice reviewed on the grounds that the offence may be trifling. The Expiation of Offences Act states that the issuing authority is not obliged to conduct an enquiry on a review application. Upon application the police will undertake one complete review of an expiation notice, but not multiple reviews. If that review is rejected the legal framework provides the notice holder with the other options of paying the notice, electing to be prosecuted or doing nothing. The notice holder will then need to consider one of these other options.

Every effort is made to ensure notice reviews are consistent, fair, impartial and objectively assessed.

SAPOL is committed to transparency in the operation of the expiation notice system.

This document has been developed to provide transparent information to the public about the review policies and practices of SAPOL.

## Review of an expiation notice

**A REVIEW ON TRIFLING GROUNDS IS NOT PERMITTED BY LAW IF THE NOTICE HAS BEEN PAID, A PAYMENT ARRANGEMENT HAS COMMENCED OR IT IS ENFORCED WITH THE FINES UNIT**

The purpose of an expiation notice is to allow the payment of a fee to avoid a Court hearing. The purpose of a review is to allow a notice holder to provide additional information so that the Issuing Authority may consider whether they want to continue with the notice.

For notices issued by police officers or relating to safety cameras the Commissioner of Police is the Issuing Authority.

Each review is dealt with on its own merits. Reviews are point-in-time considerations that consider evidence provided at that point in time. Where reviews result in a dispute over the facts, then the rightful place for the allegations in the notice to be determined is a Court. Notice holders are advised of the decision resulting from their review submission. The review process is not the platform to resolve factual disputes.

In accordance with the Expiation of Offences Act 1996, a notice holder can apply for a review on the grounds that the offence to which the notice was issued was trifling. To be trifling the circumstances surrounding the offence must be 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 where the offence is not trifling and:

- 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 a caution or withdrawal of the notice is more appropriate
- there are exceptional circumstances surrounding the alleged offence.

Notice holders may also ask for a photo review for safety camera matters if they believe the photographic evidence is not correct due to the following circumstances:

**red light camera offence**

- § vehicle number plate is obscured or not clear
- § number plate is incorrect

- § red light is not visible in both photographs
- § wrong lane has been captured.

**speed camera offence**

- § vehicle number plate is obscured or not clear
- § number plate is incorrect
- § wrong road lane has been captured – fixed camera only
- § template shows more than one vehicle is travelling in the same direction – mobile camera only.

**A REVIEW ON GROUNDS OTHER THAN TRIFLING WILL NOT ORDINARILY BE GRANTED IF THE NOTICE HAS BEEN EXPIATED**

Reviews undertaken by SAPOL are not subject to further review by any Court or authority. **Not every request for review will be successful.**

## **SAPOL review guidelines**

SAPOL review guidelines ensure consistent decision making by the police. The guidelines also assist a notice holder to understand the evidence required to support a review claim.

These guidelines are not exhaustive 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 review supporting information is not provided then the review may be rejected.

## **How reviews are conducted**

SAPOL will only conduct reviews of expiation notices issued by police officers or for safety camera offences where the notice has been issued by Expiation Notice Branch.

If you have sought a SAPOL review on a notice that was issued by another Issuing Authority, your review will be forwarded to the other Issuing Authority for consideration.

## **Receipt of the review**

When the request for review is received, the:

- review will be recorded and electronically scanned for recording

- expiation notice will be suspended until the review is finalised
- expiation notice holder will receive notification that the review is being considered where a delay in completing the review is anticipated.

### **Conduct of the review**

The review will be conducted by a review officer. Regardless of the grounds seeking review, all notice will be assessed to ensure that the notice is:

- **Lawful**  
Issued for an expiable offence in accordance with the Expiation of Offences Act 1996.
- **Valid**  
Issued by the correct application of police discretion, SAPOL policy and legislation.
- **Not trifling**  
Assessment of the trifling provisions of the Expiation of Offences Act 1996.

The review officer may also consider:

- the gravity of the offence
- the circumstances outlined by the notice holder
- any supporting evidence
- the notes and views of the issuing officer
- any available photographic evidence
- validation of registration or licence information
- past offence history
- the personal circumstances of the notice holder.

### **Review outcomes**

The review may result in the Manager Expiation Notice Branch deciding that the notice will:

- **Stand (or not be withdrawn)**  
The review finds that the notice is not trifling or cannot be withdrawn and there is no evidence that warrants an alternative course of action.

The notice holder should decide whether to pay the notice, enter into a payment arrangement or elect to be prosecuted.

- **To stand (or not be withdrawn) and waive reminder fee**  
The review finds that the notice is not trifling and there is no evidence that warrants an alternative course of action, however, the application of a reminder or other fee is not appropriate so that fee will be waived.

The notice holder should decide whether to pay the notice, enter into a payment arrangement or elect to be prosecuted.

- **Be regarded as a caution**

The review finds the notice was lawfully issued and valid, however, given the evidence provided in the review submission, the notice will be withdrawn and regarded as a caution. Demerit points do not apply and payment is not required.

- **Be withdrawn**

The review finds that there is evidence that discloses the notice should not stand and is withdrawn outright. Demerit points are not deducted and no payment is required.

### **Review notification**

The notice holder will be advised of the outcome of a review. Where the decision is made that a notice will stand the due date of the notice will be extended.

### **Serious offences**

SAPOL will generally not consider withdrawing a notice after a review where road safety is jeopardised. Serious offences include:

- Offences involving high speeds
- Mobile phone offences
- Seat belt offences where no medical exemption exists
- Multiple offences from fixed safety camera sites
- Level crossing safety camera offences
- Submission of false statutory declarations that have resulted in an enforcement warning notice.

### **How to request a review**

Generally, the legislation only permits a person given an expiation notice to seek a review, however a review can be sought from a person with the legal authority to act for the person given the notice. If a person given a notice authorises someone to make the review application on their behalf, the outcome of the review will be sent to the notice holder (or legal representative) not the person authorised to make the application.

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

- explain the grounds for the review
- provide your current address (or e-mail address)
- give details of the notice
- be sent so it is received by the due date on the expiation notice or reminder notice.

A review request form can be downloaded at  
[www.police.sa.gov.au/sapol/services/expiation\\_notices/request\\_a\\_review.jsp](http://www.police.sa.gov.au/sapol/services/expiation_notices/request_a_review.jsp).

A review request form for photographic reviews can be downloaded at  
[www.police.sa.gov.au/sapol/services/expiation\\_notices/request\\_a\\_review.jsp#How to request a photo review](http://www.police.sa.gov.au/sapol/services/expiation_notices/request_a_review.jsp#How to request a photo review).

Review applications and any relevant supporting documentation can be submitted electronically using the on-line review portal or by post to:

Manager, Expiation Notice Branch  
GPO Box 2029  
ADELAIDE SA 5001

Large volumes of inquiries are received and notice holders who request a review should receive an initial response within 10 working days.



## Review circumstances and information required

Circumstances	Procedure / Required information
The expiation notice has the wrong name, address or fee on it	Detail your claim.
An expiation notice and a Council parking ticket received for the same offence	Evidence of the payment of a Council parking ticket for the same time and place as the expiation notice.
Vehicle broken down	<p>Documented evidence of the break down (mechanical repair or towing).</p> <p>Evidence must show time, date and place of the breakdown.</p>
Vehicle was parked due to a medical emergency	<p>Proof of the medical emergency on a letterhead supporting the claim is required.</p> <p>This does not extend to scheduled medical appointments.</p>
Clearway / Parking lane	<p>Detail your claim.</p> <p><b>Note:</b> Will only be considered within 10 minutes of the commencement of clearway or parking zone.</p>
The vehicle was sold or ownership transferred prior to the offence	<p>A notice of disposal is required to be received by the Registrar of Motor Vehicles.</p> <p>Submission of a statutory declaration is required, identifying the new owner.</p> <p>Registration records will be used to confirm the disposal of the vehicle.</p>

Circumstances	Procedure / Required information
<p><b>Vehicle plates or vehicle were stolen at the time of the offence</b></p>	<p>Submit a Police Incident Report number from SAPOL or proof that the theft of the number plates has been reported (interstate police reference number).</p> <p>Evidence of replacement plates being ordered.</p> <p>The time and date of the offence will be compared to the reported time and date the vehicle was missing or stolen.</p>
<p><b>The registered owner/person who committed the offence is deceased</b></p>	<p>Documentary evidence of death of the owner is required such as a copy of the death certificate.</p>
<p><b>The notice holder is suffering a mental illness or had diminished capacity at the time of the offence</b></p>	<p>A detailed supporting document from a recognised medical practitioner, support agency or Government department is required.</p>
<p><b>The offence occurred because there was a medical emergency</b></p>	<p>Proof of medical emergency on letterhead from a medical practitioner or health professional supporting the circumstances.</p> <p><b>Note:</b> The manner of driving including time, date and place will be considered. A claim of medical emergency may not always be accepted.</p>

Circumstances	Procedure / Required information
<b>I have received an expiation notice for driving unlicensed but my licence is current</b>	A letter from the Registrar of Motor Vehicles indicating their error is required.
<b>I have received an expiation notice for driving unlicensed but I hold a current interstate/overseas licence</b>	A copy of your current licence is required to be submitted. You must confirm your current place of residence with documentary evidence. Interstate licence authorities may be contacted to confirm the currency of your licence.
<b>I have received an expiation notice for driving unregistered and/or uninsured but my registration is current</b>	A letter from the Registrar of Motor Vehicles indicating their error is required.
<b>I have received an expiation notice for driving unregistered and/or uninsured but DPTI or Service SA have not processed my registration</b>	Detail you claim. <b>Note:</b> A letter from the Registrar of Motor Vehicles supporting your claim is advisable as police cannot always verify claims.
<b>I have received an expiation notice for driving unregistered and/or uninsured but I have a permit</b>	A copy of the permit is required to be submitted.
<b>I was driving an unregistered vehicle and I was not the owner</b>	Detail your claim.
<b>There are extenuating medical circumstances</b>	A detailed claim including documentary evidence of the medical circumstances is required. <b>Note:</b> Information may be referred to the Registrar of Motor Vehicles to consider your fitness to hold a drivers licence.

Circumstances	Procedure / Required information
<b>The owner/driver was unaware the vehicle was unregistered</b>	Detail your claim. <b>Note:</b> The absence of a registration label is not in itself sufficient reason to excuse this offence.
<b>Multiple unregistered offences</b>	Detail your claim.
<b>Speedometer error</b>	Documentary evidence the speedometer was tested and found inaccurate. <b>Note:</b> Speedometer variance will be considered for low range speeding offences only.
<b>Compassionate grounds</b>	Detail your claim.

## Public access to information

### Access to information

More information is available on the SAPOL website: [www.police.sa.gov.au](http://www.police.sa.gov.au). Follow the links to expiations.

Information can also be sought from the Expiation Notice Branch Call Centre, telephone

**8463 4388**

### Access to safety camera images

Images can be accessed by:

- visiting the SAPOL website and viewing the image online at [www.police.sa.gov.au](http://www.police.sa.gov.au)
- requesting a hard copy photograph by following the instructions on the expiation notice
- viewing the photograph with a police officer at Expiation Notice Branch. To request a viewing follow the instructions on the photograph.

### Access to safety camera operating procedures

SAPOL is committed to transparency of process. Operating procedures can be downloaded at the SAPOL website: [www.police.sa.gov.au](http://www.police.sa.gov.au). Follow the links to safety cameras.

**YOU CANNOT IGNORE AN EXPIATION  
NOTICE**

**IT WILL NOT JUST GO AWAY**