

SOUTH AUSTRALIA

**EXPIATION OF OFFENCES REGULATIONS 1996**

## **SUMMARY OF PROVISIONS**

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### **SCHEDULE**

*Forms—sections 6(1), 8(1) and 11(1) of the Act*

### **APPENDIX**

### **LEGISLATIVE HISTORY**

**REGULATIONS UNDER THE EXPIATION OF OFFENCES ACT 1996**

*Expiation of Offences Regulations 1996*

being

No. 258 of 1996: *Gaz.* 23 December 1996, p. 2237<sup>1</sup>

as varied by

No. 143 of 1999: *Gaz.* 1 July 1999, p. 55<sup>2</sup>

<sup>1</sup> Came into operation 3 February 1997: reg. 2.

<sup>2</sup> Came into operation 1 July 1999: reg. 2.

**Citation**

1. These regulations may be cited as the *Expiation of Offences Regulations 1996*.

**Commencement**

2. These regulations will come into operation on 3 February 1997.

**Revocation**

3. All regulations previously made under the *Expiation of Offences Act 1987* are revoked.

**Interpretation**

4. In these regulations—

"Act" means the *Expiation of Offences Act 1996*;

"levy" means the levy payable under the *Criminal Injuries Compensation Act 1978*.

**Prescribed forms**

5. (1) The forms set out in the Schedule are prescribed for the purposes specified in the Schedule.

(2) Entries in a form that are in italics are instructions to issuing authorities and do not form part of the form.

(3) If an issuing authority makes credit card or debit card facilities available for payments of amounts under expiation notices, the forms may be adjusted to refer to or provide for payments by credit card or debit card.

**Community service requirements**

6. (1) If an order for community service is made under section 9 of the Act in relation to a person, the following provisions apply:

- (a) the person may not be required to perform community service for less than 4 or more than 24 hours each week;
- (b) the person may not, except in circumstances approved by the Minister, be required to perform community service for a continuous period exceeding 8 hours;
- (c) one hour of any period of community service exceeding 4 hours must be a meal break;
- (d) the person may not be required to perform community service at a time that would interfere with his or her remunerated employment or with a course of training or instruction relating to, or likely to assist him or her in obtaining, remunerated employment, or that would cause unreasonable disruption of the person's commitments in caring for his or her children;
- (e) the person may not be required to perform community service at a time that would cause him or her to offend against a rule of a religion that he or she practises;
- (f) the order must require the person to comply with reasonable directions given by the community services officer to whom the person is assigned.

3.

(2) A community service officer is empowered to give the same directions to a person in respect of whom an order for community service has been made under the Act as the officer would be able to give if the person were serving a sentence of community service.

#### **Reminder notices**

7. (1) For the purposes of section 11(3) of the Act, the reminder notice fee is—

- (a) \$30; plus
- (b) if a vehicle was involved in the alleged offence to which the expiation notice relates—the fee incurred for one search of the register kept under the *Motor Vehicles Act 1959*.

(2) An expiation reminder notice must be accompanied by—

- (a) a notice in the prescribed form by which the alleged offender may elect to be prosecuted for the offence or any of the offences to which the notice relates; and
- (b) if the notice is issued to the registered owner of a motor vehicle involved in the alleged offence and the issuing authority is required to invite the owner to submit a statutory declaration relating to the question of whether the owner was the driver at the time of the alleged offence—a form suitable for use as a statutory declaration.

#### **Expiation and reminder notices relating to more than one offence**

8. (1) If an expiation reminder notice relates to more than one offence, the issuing authority must not accept payment unless it comprises the reminder notice fee (except if it is waived) plus the expiation fees and levies (if any) for all offences except any for which the alleged offender elects to be prosecuted.

(2) However, failure to comply with subregulation (1) does not affect the authority's right under the Act to enforce the notice in relation to any offence remaining unexpiated.

(3) If an order for relief is granted under section 9 of the Act in relation to an amount outstanding under an expiation reminder notice that relates to more than one offence, instalments paid or community service performed under the order must be applied first in satisfaction of the reminder notice fee.

(4) For the purposes of an enforcement order made in relation to more than one offence, an outstanding reminder notice fee will be added to the outstanding amount of the expiation fee for the first offence to which the order relates.

#### **Certificate for enforcement purposes**

9. For the purposes of section 13(1) of the Act, the certificate to be sent by the issuing authority to the Court must contain the following particulars:

- (a) the identity of the issuing authority; and
- (b) the name and address of the alleged offender; and
- (c) the date on which the expiation notice was issued and the number of the notice; and

4.

- (d) the date on which the reminder notice was issued; and
- (e) the date of the certificate; and
- (f) for each alleged offence that remains unexpiated—
  - (i) details of the offence, including the location, date and time of the offence and details identifying the category of offence; and
  - (ii) the outstanding amount of the expiation fee; and
  - (iii) if a levy is payable in respect of the offence—a statement as to whether or not the levy has been paid; and
  - (iv) if the offence involved a vehicle—
    - (A) a statement as to whether the expiation notice was issued to a person in the capacity of registered owner or driver of the vehicle; and
    - (B) the vehicle registration number and the State or Territory in which the vehicle was registered at the time of the offence; and
  - (v) if the expiation notice was issued to a person in the capacity of driver of a vehicle—the class of driver's licence or permit (if any) held by the alleged offender, the number of the licence or permit and the State or Territory in which it was issued; and
- (g) the outstanding amount (if any) of the reminder notice fee.

**SCHEDULE***Forms—sections 6(1), 8(1) and 11(1) of the Act***1. Forms to be used by the Commissioner of Police***(a) Expiation notice*Form 1: Expiation notice for an offence detected by a photographic detection device (within the meaning of section 79B of the *Road Traffic Act 1961*)

Form 2: Expiation notice for any other offence or offences

*(b) Expiation reminder notice*

Form 3: Expiation reminder notice

**2. Forms to be used by all other issuing authorities***(a) Expiation notice if levy not applicable to any alleged offence*

Form 4: Expiation notice

Form 5: Alternative expiation notice if only one offence (of any kind) alleged<sup>1</sup>Form 6: Alternative expiation notice if only one parking or traffic offence alleged<sup>2</sup>Form 7: Expiation notice issued for a parking or traffic offence by means of the system known as **AutoCite** (under which the notice is produced using a hand held electronic machine)*(b) Expiation notice if levy applicable to an alleged offence*

Form 8: Expiation notice

Form 9: Alternative expiation notice if only one offence (of any kind) alleged<sup>1</sup>*(c) Expiation reminder notice*

Form 10: Expiation reminder notice

Form 11: Alternative expiation reminder notice if only one offence (of any kind) alleged<sup>1</sup>Form 12: Alternative expiation reminder notice if only one parking or traffic offence alleged and levy is not applicable<sup>2</sup>**3. Separate form for election to be prosecuted—to be used if attached form lost etc.**

Form 13: Election to be prosecuted

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<sup>1</sup> If only one offence (of any kind) is alleged, the issuing authority may (but need not) use—

- form 5 instead of form 4; or
- form 9 instead of form 8; or
- form 11 instead of form 10.

<sup>2</sup> Alternatively, if only one parking or traffic offence is alleged, the issuing authority may (but need not) use—

- form 6 instead of form 4; or
- form 12 instead of form 10.

**Form 1**

[Form appears in *Gaz.* 23 December 1996, p. 2237]

**Form 2**

[Form appears in *Gaz.* 23 December 1996, p. 2237]

**Form 3**

[Form appears in *Gaz.* 23 December 1996, p. 2237]

Form 4

[insert name of issuing authority]

# EXPIATION NOTICE

Expiation of Offences Act 1996

Notice number	
<b>DATE OF ISSUE</b>	
Issuing officer	

TO:

<p><i>insert</i></p> <ul style="list-style-type: none"> <li>· name and address of alleged offender</li> <li>or</li> <li>· the [insert owner or driver] of [insert vehicle details]</li> </ul>
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It is alleged that you committed the following offence(s):

OFFENCE 1	
OFFENCE 2	
OFFENCE 3	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	[Include if vehicle involved]

The offence(s) are expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

TOTAL AMOUNT PAYABLE		\$	PAY BY DATE (You must work this date out yourself.)
Expiation fee for offence 1		\$	<ul style="list-style-type: none"> <li>· If the total amount payable is \$50 or less, the pay by date is <b>30 days</b> from the above date of issue.</li> <li>· If the total amount payable is <u>more</u> than \$50, the pay by date is <b>60 days</b> from the above date of issue.</li> </ul> <p>[The pay by date may be calculated and inserted by the issuing authority. In this case, leave out "(You must work this date out yourself.)"]</p>
Expiation fee for offence 2		\$	
Expiation fee for offence 3		\$	
Total		\$	

[The issuing authority may insert a statement of how and where payments may be made.]

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence(s).**

EXPIATION NOTICE NO:	EXPIATION NOTICE NO:	EXPIATION NOTICE NO:
OFFENCE NUMBER 1	OFFENCE NUMBER 2	OFFENCE NUMBER 3
I .....	I .....	I .....
of .....	of .....	of .....
..... Postcode.....	..... Postcode.....	..... Postcode.....
elect to— [tick one box only]	elect to— [tick one box only]	elect to— [tick one box only]
expiate offence no. 1 ..... <input type="checkbox"/>	expiate offence no. 2 ..... <input type="checkbox"/>	expiate offence no. 3 ..... <input type="checkbox"/>
or	or	or
be prosecuted for offence no. 1 ..... <input type="checkbox"/>	be prosecuted for offence no. 2 ..... <input type="checkbox"/>	be prosecuted for offence no. 3 ..... <input type="checkbox"/>
<ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> <li>· You need not fill in your name and address if you are expiating this offence.</li> </ul>	<ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> <li>· You need not fill in your name and address if you are expiating this offence.</li> </ul>	<ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> <li>· You need not fill in your name and address if you are expiating this offence.</li> </ul>
Signed .....	Signed .....	Signed .....
Date .....	Date .....	Date .....

Back of form 4:

**PLEASE READ ALL INFORMATION ON THIS PAGE**

**YOUR CHOICES (You may make a different choice for each offence.)**

For each alleged offence, you must on or before the pay by date—

- pay the expiation fee;  
[Payment may be by cash (cash must not be sent by mail), money order or cheque payable to *[insert name]*. Receipts are only issued on request. Complete the appropriate form on the front of this notice and post or deliver it as set out below.] OR
- apply to the court to pay the fee in instalments or to work it off by community service;  
[You may make an application only if you owe \$50 or more in expiation fees (including fees under other notices). Obtain an application form from the Registrar of the Magistrates Court or Youth Court (Phone *[insert number]*). The Registrar must be satisfied that payment of the fee would cause you or your dependants hardship. Community service is only available if you owe \$150 or more by way of expiation fees and cannot pay in instalments. *[The issuing authority may insert a statement to the effect that it may allow deferred payment.]*] OR

*[If applicable insert:*

- if the offence is a parking or traffic offence and you were not driving at the time of the offence—complete a statutory declaration naming the driver or, if you had by the time of the offence transferred ownership of the vehicle, the owner and post or deliver it as set out below;  
[To obtain a form for a statutory declaration phone, write or attend as set out below.] OR
- dispute the allegation that you committed the offence and elect to be prosecuted.  
[If you elect to be prosecuted for an offence, you may get a summons. The summons will set out when and where to attend court. Complete the appropriate form on the front of this notice and post or deliver it as set out below. However, you may first dispute the offence informally. Phone, write or attend as set out below.]

**For further information:** phone *[insert number]*; post *[insert address]*; attend *[insert address]*

**Payment details:** *[insert details of how and where payments may be made]*

**If no choice is made for an offence, one reminder notice will be sent (a reminder fee will apply). After that, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

I dispute offence no. 3 for the following reasons:

.....  
.....  
.....  
.....  
.....  
.....

[If insufficient space, attach further sheets.]

I dispute offence no. 2 for the following reasons:

.....  
.....  
.....  
.....  
.....  
.....

[If insufficient space, attach further sheets.]

I dispute offence no. 1 for the following reasons:

.....  
.....  
.....  
.....  
.....  
.....

[If insufficient space, attach further sheets.]

# EXPIATION NOTICE

Expiation of Offences Act 1996

Notice number	
<b>DATE OF ISSUE</b>	
Issuing officer	

TO:

<p><i>insert</i></p> <ul style="list-style-type: none"> <li>· name and address of alleged offender</li> <li>or</li> <li>· the [insert owner or driver] of [insert vehicle details]</li> </ul>
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It is alleged that you committed the following offence:

OFFENCE	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	[Include if vehicle involved]

The offence is expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

<b>EXPIATION FEE</b>	<b>\$</b>
<p><b>PAY BY DATE</b>  <b>(You must work this date out yourself.)</b></p> <ul style="list-style-type: none"> <li>· If the expiation fee is \$50 or less, the pay by date is <b>30 days</b> from the above date of issue.</li> <li>· If the expiation fee is <u>more</u> than \$50, the pay by date is <b>60 days</b> from the above date of issue.</li> </ul> <p><i>[The pay by date may be calculated and inserted by the issuing authority. In this case, leave out "(You must work this date out yourself.)"]</i></p>	

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence.**

EXPIATION NOTICE NO:	EXPIATION NOTICE NO:
ELECTION TO BE PROSECUTED	PAYMENT SLIP
<p>I .....</p> <p>of .....</p> <p>..... Postcode. ....</p> <p>elect to be prosecuted for the offence.</p> <ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>I wish to expiate the offence.</p> <p>Payment in full: \$ .....</p> <p><i>[Insert details of how and where payments may be made.]</i></p> <p>Signed .....</p> <p>Date .....</p>



Form 6

[insert name of issuing authority]

# EXPIATION NOTICE

Expiation of Offences Act 1996

TO:

<p><i>insert</i></p> <ul style="list-style-type: none"> <li>· name and address of alleged offender</li> <li>or</li> <li>· the [insert owner or driver] of [insert vehicle details]</li> </ul>
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Notice number	
<b>DATE OF ISSUE</b>	
Issuing officer	

It is alleged that you committed the following offence:

OFFENCE	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	

The offence is expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

<b>EXPIATION FEE</b>	<b>\$</b>								
<p><b>PAY BY DATE</b>                  (You must work this date out yourself.)</p> <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>									
<ul style="list-style-type: none"> <li>· If the expiation fee is \$50 or less, the pay by date is <b>30 days</b> from the above date of issue.</li> <li>· If the expiation fee is <u>more</u> than \$50, the pay by date is <b>60 days</b> from the above date of issue.</li> </ul> <p><i>[The pay by date may be calculated and inserted by the issuing authority. In this case, leave out "(You must work this date out yourself.)"]</i></p>									

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence.**

<p>EXPIATION NOTICE NO: .....</p> <p style="text-align: center;"><b>ELECTION TO BE PROSECUTED</b></p> <p>I .....                  of .....                  ..... Postcode. ....</p> <p>elect to be prosecuted for the offence.                  I dispute the offence for the following reasons:                  .....                  .....                  .....                  .....                  [If insufficient space, attach further sheets.]</p> <ul style="list-style-type: none"> <li>· If you were not driving at the time of the offence, do not complete this form but instead complete the statutory declaration on the other side of this notice.</li> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>EXPIATION NOTICE NO: .....</p> <p style="text-align: center;"><b>PAYMENT SLIP</b></p> <p>I wish to expiate the offence.</p> <p>Payment in full: \$ .....</p> <p><i>[Insert details of how and where payments may be made.]</i></p> <p>Signed .....</p> <p>Date .....</p>
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Back of form 6:

**PLEASE READ ALL INFORMATION ON THIS PAGE**

**YOUR CHOICES**

You must on or before the pay by date—

- pay the total amount of the expiation fee;  
[Payment may be by cash (cash must not be sent by mail), money order or cheque payable to *[insert name]*. Receipts are only issued on request. Complete the appropriate form on the front of this notice and post or deliver it as set out below.] OR
- apply to the court to pay the fee in instalments or to work it off by community service;  
[You may make an application to the Registrar of the Magistrates Court or Youth Court only if you owe \$50 or more in expiation fees (including fees under other notices). The Registrar must be satisfied that payment of the fee would cause you or your dependants hardship. Community service is only available if you owe \$150 or more by way of expiation fees and cannot pay in instalments. *[The issuing authority may insert a statement to the effect that it may allow deferred payment.]*] OR
- if you were not driving at the time of the offence—complete the statutory declaration set out below naming the driver or, if you had by the time of the offence transferred ownership of the vehicle, the owner and post or deliver it as set out below; OR
- dispute the allegation that you committed the offence and elect to be prosecuted.  
[If you elect to be prosecuted for the offence, you may get a summons. The summons will set out when and where to attend court. Complete the appropriate form on the front of this notice and post or deliver it as set out below. However, you may first dispute the offence informally. Phone, write or attend as set out below.]

**For further information:** phone *[insert number]*; post *[insert address]*; attend *[insert address]*

**Payment details:** *[insert details of how and where payments may be made]*

**If no choice is made for the offence, one reminder notice will be sent (a reminder fee will apply). After that, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

**STATUTORY DECLARATION**

I .....

of .....

solemnly and sincerely declare that—

· I **was not** the owner of vehicle registration number .....

at the time of the alleged offence, having disposed of the vehicle on .....

to [full name] .....

of [address] .....

OR

· I **was** the owner of vehicle registration number .....

at the time of the alleged offence but [full name] .....

of [address] .....

was the driver.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Signed .....

Declared at ..... on .....

before me .....

Commissioner for taking affidavits, Justice of the Peace or Proclaimed Manager

Form 7

Front of notice

*[insert name of issuing authority]*

## EXPIATION NOTICE

Expiation of Offences Act 1996

The offence alleged below may be expiated by payment of the fee by the due date.

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*[insert the following details:*

- *the expiation notice number;*
- *the date of the notice;*
- *details enabling the issuing officer to be identified;*
- *a description of the category of offence;*
- *a brief description of the locality at which it is alleged the offence was committed;*
- *the date on which and the time at which it is alleged the offence was committed (but if the date or time is the same as the date or time of the notice, the date or time need not be separately specified);*
- *details sufficient to identify the vehicle involved in the offence;*
- *the amount of the expiation fee;*
- *the due date for payment.]*

**PAYMENTS**

*[insert details of how and where payments may be made]*

You must read all the information on the other side of this notice

Back of notice

**YOUR CHOICES**

You must on or before the due date—

- **pay the expiation fee;** [Payment may be by cash (cash must not be sent by mail), money order or cheque payable to *[insert name]*. Receipts are only issued on request.] OR
- **apply to the court to pay the fee in instalments or to work it off by community service;** [Limits apply. Further information may be obtained from the Registrar of the Magistrates Court or Youth Court. Alternatively, the *[insert Council or other]* may allow deferred payment. Phone, write or attend as set out below.] OR
- **if you were not driving at the time of the offence—submit a statutory declaration naming the driver;** [REDACTED]  
[To obtain a form, phone, write or attend as set out below.] OR
- **dispute the allegation that you committed the offence and elect to be prosecuted.**

[Fill in below and post or deliver this notice as set out below. You may get a summons to attend court. However, you may first dispute the offence informally. Phone, write or attend as set out below.]

I, .....

of .....

..... Postcode: .....

elect to be prosecuted for the offence.

Date: ..... Signed: .....

**If no choice is made, one reminder notice will be sent (a reminder fee will apply). After that, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

For further information:

phone: *[insert number]*

post: *[insert address]*

attend: *[insert address]*

Form 8

[insert name of issuing authority]

# EXPIATION NOTICE

Expiation of Offences Act 1996

Notice number	
<b>DATE OF ISSUE</b>	
Issuing officer	

TO:

<p><i>insert</i></p> <ul style="list-style-type: none"> <li>· name and address of alleged offender</li> <li>or</li> <li>· the [insert owner or driver] of [insert vehicle details]</li> </ul>
---

It is alleged that you committed the following offence(s):

OFFENCE 1	
OFFENCE 2	
OFFENCE 3	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	[Include if vehicle involved]

The offence(s) are expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

TOTAL AMOUNT PAYABLE			\$	PAY BY DATE
Expiation fee			+ levy	(You must work this date out yourself.)
Offence 1		+	\$	<ul style="list-style-type: none"> <li>· Add the fees in the expiation fee column.</li> <li>· If the total is \$50 or less, the pay by date is <b>30 days</b> from the above date of issue.</li> <li>· If the total is <u>more</u> than \$50, the pay by date is <b>60 days</b> from the above date of issue.</li> </ul> <p>[The pay by date may be calculated and inserted by the issuing authority. In this case, leave out "(You must work this date out yourself.)"]</p>
Offence 2		+	\$	
Offence 3		+	\$	
Total			\$	

[The issuing authority may insert a statement of how and where payments may be made.]

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence(s).**

EXPIATION NOTICE NO:	EXPIATION NOTICE NO:	EXPIATION NOTICE NO:
OFFENCE NUMBER 1	OFFENCE NUMBER 2	OFFENCE NUMBER 3
<p>I .....                      of .....                      ..... Postcode.....                      elect to—                      [tick one box only]</p> <p>expiate offence no. 1 ..... <input type="checkbox"/></p> <p style="text-align: center;">or</p> <p>be prosecuted for offence no. 1 ..... <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> <li>· You need not fill in your name and address if you are expiating this offence.</li> <li>· To expiate the offence you must pay both the expiation fee and the levy.</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>I .....                      of .....                      ..... Postcode.....                      elect to—                      [tick one box only]</p> <p>expiate offence no. 2 ..... <input type="checkbox"/></p> <p style="text-align: center;">or</p> <p>be prosecuted for offence no. 2 ..... <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> <li>· You need not fill in your name and address if you are expiating this offence.</li> <li>· To expiate the offence you must pay both the expiation fee and the levy.</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>I .....                      of .....                      ..... Postcode.....                      elect to—                      [tick one box only]</p> <p>expiate offence no. 3 ..... <input type="checkbox"/></p> <p style="text-align: center;">or</p> <p>be prosecuted for offence no. 3 ..... <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> <li>· You need not fill in your name and address if you are expiating this offence.</li> <li>· To expiate the offence you must pay both the expiation fee and the levy.</li> </ul> <p>Signed .....</p> <p>Date .....</p>



Form 9

[insert name of issuing authority]

# EXPIATION NOTICE

Expiation of Offences Act 1996

Notice number	
<b>DATE OF ISSUE</b>	
Issuing officer	

TO:

<p><i>insert</i></p> <ul style="list-style-type: none"> <li>· name and address of alleged offender</li> <li>or</li> <li>· the [insert owner or driver] of [insert vehicle details]</li> </ul>
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It is alleged that you committed the following offence:

OFFENCE	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	[include if vehicle involved]

The offence is expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

TOTAL AMOUNT PAYABLE		\$	PAY BY DATE									
			(You must work this date out yourself.)									
Expiation fee		\$	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> </tr> </table> <ul style="list-style-type: none"> <li>· If the expiation fee (excluding levy) is \$50 or less, the pay by date is <b>30 days</b> from the above date of issue.</li> <li>· If the expiation fee (excluding levy) is <u>more</u> than \$50, the pay by date is <b>60 days</b> from the above date of issue.</li> </ul> <p>[The pay by date may be calculated and inserted by the issuing authority. In this case, leave out "(You must work this date out yourself.)"]</p>									
Levy	+	\$										
Total		\$										

[The issuing authority may insert a statement of how and where payments may be made.]

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence.**

EXPIATION NOTICE NO:	EXPIATION NOTICE NO:
ELECTION TO BE PROSECUTED	PAYMENT SLIP
<p>I .....</p> <p>of .....</p> <p>..... Postcode. ....</p> <p>elect to be prosecuted for the offence.</p> <ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>I wish to expiate the offence.</p> <p>Payment in full: \$ .....</p> <p>The expiation fee and levy must be paid together.</p> <p>[Insert details of how and where payments may be made.]</p> <p>Signed .....</p> <p>Date .....</p>



Form 10

[insert name of issuing authority]

# EXPIATION REMINDER NOTICE

Expiation of Offences Act 1996

Expiation notice number	
Date of issue	
Issuing officer	
Date of reminder notice	

TO:

insert name and address of alleged offender

It is alleged that you committed the following offence(s):

OFFENCE 1	
OFFENCE 2	
OFFENCE 3	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	[If vehicle involved]

The offence(s) are expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

PAY BY DATE	TOTAL AMOUNT PAYABLE			\$
		Expiation fee	+ Levy	
	Offence 1	\$	+ \$	\$
	Offence 2	\$	+ \$	\$
	Offence 3	\$	+ \$	\$
	REMINDER NOTICE FEE			\$
	Total			\$

[Delete plus sign and levy and total columns if levy not applicable.]

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence(s).**

<p>EXPIATION NOTICE NO: .....</p> <p style="text-align: center;">ELECTION TO BE PROSECUTED</p> <p>I .....  of .....  ..... Postcode. ....</p> <p style="text-align: center;">[tick box(es)]</p> <p>elect to be prosecuted for offence(s) numbered <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3</p> <p>and to expiate offence(s) numbered <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3</p> <p>Total amount paid \$ ..... (include the reminder notice fee)</p> <ul style="list-style-type: none"> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> <li>· If you elect to be prosecuted, please set out the reasons on the back of this slip.</li> </ul> <p>[If levy applicable, insert:</p> <ul style="list-style-type: none"> <li>· To expiate an offence, you must pay both the expiation fee and the levy. The reminder notice fee must also be paid.]</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>EXPIATION NOTICE NO: .....</p> <p style="text-align: center;">USE THIS PORTION IF YOU WISH TO EXPIATE ALL OFFENCES</p> <p style="text-align: center;">I wish to expiate all the offences.</p> <p>Payment in full: \$ .....  (include the reminder notice fee)</p> <p>[Insert details of how and where payments may be made.]</p> <p>Signed .....</p> <p>Date .....</p>
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Form 11

[insert name of issuing authority]

# EXPIATION REMINDER NOTICE

Expiation of Offences Act 1996

Expiation notice number	
Date of expiation notice	
Issuing officer	
Date of reminder notice	

TO:  
[insert name and address of alleged offender]

It is alleged that you committed the following offence:

OFFENCE	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	[Include if vehicle involved]

The offence is expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

AMOUNT PAYABLE	\$	PAY BY DATE
Expiation fee	\$	
Levy +	\$	
Reminder fee +	\$	
Total	\$	

[Delete levy row if levy not applicable.]

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE  
If you take no action on this notice, you may be automatically convicted of the offence.**

<p>EXPIATION NOTICE NO: .....</p> <hr/> <p style="text-align: center;">ELECTION TO BE PROSECUTED</p> <hr/> <p>I .....</p> <p>of .....</p> <p>..... Postcode. ....</p> <p>elect to be prosecuted for the offence.</p> <p>· You may, before electing to be prosecuted, dispute the offence informally. · If you elect to be prosecuted, please set out the reasons on the back of this slip.</p> <p>Signed .....</p> <p>Date .....</p>	<p>EXPIATION NOTICE NO: .....</p> <hr/> <p style="text-align: center;">PAYMENT SLIP</p> <hr/> <p style="text-align: center;">I wish to expiate the offence.</p> <p>Payment in full: \$ .....</p> <p>(include the reminder notice fee)</p> <p>[Insert details of how and where payments may be made.]</p> <p>Signed .....</p> <p>Date .....</p>
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Form 12

[insert name of issuing authority]

# EXPIATION REMINDER NOTICE

Expiation of Offences Act 1996

Expiation notice number	
Issuing officer	
Date of reminder notice	

TO:  
[insert name and address of alleged offender]

It is alleged that you committed the following offence:

OFFENCE	
DATE	
TIME	
LOCATION	
VEHICLE REG. NO.	

The offence is expiable by payment of the following amount on or before the pay by date to [insert name of issuing authority].

AMOUNT PAYABLE	\$	PAY BY DATE
Expiation fee	\$	
Reminder fee +	\$	
Total	\$	

**YOU MUST READ ALL THE INFORMATION ON THE OTHER SIDE OF THIS NOTICE  
If you take no action on this notice, you may be automatically convicted of the offence.**

<p>EXPIATION NOTICE NO: .....</p> <p style="text-align: center;"><b>ELECTION TO BE PROSECUTED</b></p> <p>I ..... of ..... ..... Postcode. ....</p> <p>elect to be prosecuted for the offence.</p> <p>I dispute the offence for the following reasons: ..... ..... .....</p> <p>[If insufficient space, attach further sheets.]</p> <ul style="list-style-type: none"> <li>· If you were not driving at the time of the offence, do not complete this form but instead complete the statutory declaration on the other side of this form.</li> <li>· You may, before electing to be prosecuted, dispute the offence informally.</li> </ul> <p>Signed .....</p> <p>Date .....</p>	<p>EXPIATION NOTICE NO: .....</p> <p style="text-align: center;"><b>PAYMENT SLIP</b></p> <p style="text-align: center;">I wish to expiate the offence.</p> <p>Payment in full: \$ ..... (include the reminder notice fee)</p> <p>[Insert details of how and where payments may be made.]</p> <p>Signed .....</p> <p>Date .....</p>
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**PLEASE READ ALL INFORMATION ON THIS PAGE**

**YOUR CHOICES**

You must on or before the pay by date—

- if you were not driving at the time of the offence—complete the statutory declaration set out below naming the driver or, if you had by the time of the offence transferred ownership of the vehicle, the owner and post or deliver it as set out below; OR
- dispute the allegation that you committed the offence and elect to be prosecuted;  
[If you elect to be prosecuted for the offence, you may get a summons. The summons will set out when and where to attend court. Complete the appropriate form on the front of this notice and post or deliver it as set out below. However, you may first dispute the offence informally. Phone, write or attend as set out below.] OR
- pay the total amount due (including the reminder notice fee);  
[Payment may be by cash (cash must not be sent by mail), money order or cheque payable to *[insert name]*. Receipts are only issued on request. Complete the appropriate form on the front of this notice and post or deliver it as set out below.] OR
- apply to the court to pay the fee in instalments or to work it off by community service.  
[You may make an application to the Registrar of the Magistrates Court or Youth Court only if you owe \$50 or more in expiation fees (including fees under other notices). The Registrar must be satisfied that payment of the fee would cause you or your dependants hardship. Community service is only available if you owe \$150 or more by way of expiation fees and cannot pay in instalments. *[The issuing authority may insert a statement to the effect that it may allow deferred payment.]*]

**For further information:** phone *[insert number]*; post *[insert address]*; attend *[insert address]*  
**Payment details:** *[insert details of how and where payments may be made]*

**If no choice is made for the offence, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

**STATUTORY DECLARATION**

I .....  
of .....  
solemnly and sincerely declare that—

· I **was not** the owner of vehicle registration number .....  
at the time of the alleged offence, having disposed of the vehicle on .....  
to [full name] .....  
of [address] .....

OR

· I **was** the owner of vehicle registration number .....  
at the time of the alleged offence but [full name] .....  
of [address] .....  
was the driver.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Signed .....

Declared at ..... on .....

before me .....  
Commissioner for taking affidavits, Justice of the Peace or Proclaimed Manager

Form 13

**ELECTION TO BE PROSECUTED**

To: *[insert name and address of issuing authority]*

I, .....

of .....

elect to be prosecuted for the offence / offence(s) numbered 

1	2	3
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alleged in expiation notice number .....

I dispute the offence(s) for the following reasons:

.....  
.....  
.....  
.....

[If insufficient space, attach further sheets.]

Date: ..... Signed: .....

25.

**APPENDIX**

**LEGISLATIVE HISTORY**

Schedule  
Form 6:  
Form 12:

varied by 143, 1999, reg. 3 (Sched. cl. 8)  
varied by 143, 1999, reg. 3 (Sched. cl. 8)