

Sam Ochlein
31 Old Hurt Hwy.
(PO Box 357)
Berri SA 5343

Dear Berri Barners Council,

12th November 2021

Apologies for the delay in responding to the attached 'Occupation Notice' which was issued to my tenant Mrs Cindy Lee.

I reviewed the notice she received and I said I would manage the response to it, as I am through this correspondence, although being rather hasty.

As we have heard nothing since it's issue we hope that you have reached the same conclusion as us that having a "PAY BY DATE" of meter, certainly makes and sanction seem pointless?

But, let me surprise you; In fact the notice did encourage us to take

more stringent steps to ensure that "Cooby"
the dog would not be found "wandering at
large" (a rather ominous sounding
crime!).

I have returned the original
notice and kept a copy for myself and
our records.

Notwithstanding the
error of the issue of this notice I
commend the issuing officer on the
clarity of their handwriting; well done
Officer 209.

I will consider this matter
closed and hope you too can finalize
the matter you end as I am sure you
don't keep a file for those who have
been given INFINITY to pay.

Co. keep up the good work.

Kindest Regards & Support


IAN SCHLEIN

Expiation Notice

Expiation of Offences Act 1996

| Notice No: | Pay by Date: |
|-----------------------------|------------------|
| 8869 | |
| Expiation fee for offence 1 | \$ 210.00 |
| Expiation fee for offence 2 | \$ |
| Expiation fee for offence 3 | \$ |
| Total Amount Payable | \$ 210.00 |

To: **MRS CINDY LEE**
31 OLD STURT HIGHWAY
BERRI SA 5343

Vehicle Reg. No:

Date of Issue **19/05/21**

Issuing Officer **209**

Date of Offence **19/05/21** Time **2:30pm**

Location **KAY AVENUE, BERRI**

Other offences

Dog and Cat Management Act 1995 Offences

| | \$ |
|--|-----|
| <input type="checkbox"/> Owning or keeping an unregistered dog S33 | |
| <input checked="" type="checkbox"/> A dog deemed to be wandering at large S43(1) | 210 |
| <input type="checkbox"/> Failure to microchip a dog or cat S42A(2) | |
| <input type="checkbox"/> Failure to remove faeces immediately S45A(6) | |
| <input type="checkbox"/> Attack/harass/chase a person, animal or bird S44(2) | |
| <input type="checkbox"/> Creating a nuisance by barking or otherwise S45A(5) | |
| <input type="checkbox"/> Failure to desex a dog or cat S42E(2) | |

Australian Road Rules Parking Offences

| | \$ |
|--|----|
| <input type="checkbox"/> Stopping in parking area for people with disabilities ARR 203 | |
| <input type="checkbox"/> Stopping where "no stopping" sign applies ARR 167 | |
| <input type="checkbox"/> Stopping on a path, dividing strip or nature strip ARR 197 | |
| <input type="checkbox"/> Double parking ARR 189 | |
| <input type="checkbox"/> Stopping on a road with a yellow edge line ARR 169 | |
| <input type="checkbox"/> Obstructing access to and from a footpath, ramp or driveway ARR 198 | |
| <input type="checkbox"/> Stopping in a Loading Zone ARR 179 | |
| <input type="checkbox"/> Parking for longer than indicated where "Permissive parking" sign applies ARR 205 | |

Local Nuisance and Litter Control Act 2016 Offences

| | \$ |
|--|----|
| <input type="checkbox"/> Carrying on activity that results in a local nuisance S18(2) | |
| <input type="checkbox"/> Failure to cease nuisance if asked S20 | |
| <input type="checkbox"/> Disposal 50L or more B hazardous or general litter S22(1) (a) | |
| <input type="checkbox"/> Disposal less than 50L B hazardous litter S22(1) (b) | |
| <input type="checkbox"/> Disposal less than 50L general litter S22(1) (c) | |
| <input type="checkbox"/> Posting bill w/out consent S23(1) | |
| <input type="checkbox"/> Failure to remove litter/bill if asked S24 | |
| <input type="checkbox"/> Contravention abatement notice S30(9) | |

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 **8869**

Offence Number 1

I _____

of _____

P/C

Elect to - (TICK ONE BOX ONLY)

Expiate offence No. 1 ☐

Or to be prosecuted for offence No. 1 ☐

You may, before electing to be prosecuted, dispute the offence informally.

If you elect to be prosecuted, you may (but need not) set out the reasons on the back of this slip.

You need not fill your name and address if you are expiating this offence.

Signed _____

Date _____

Expiation **8869**

Offence Number 2

I _____

of _____

P/C

Elect to - (TICK ONE BOX ONLY)

Expiate offence No. 2 ☐

Or to be prosecuted for offence No. 2 ☐

You may, before electing to be prosecuted, dispute the offence informally.

If you elect to be prosecuted, you may (but need not) set out the reasons on the back of this slip.

You need not fill your name and address if you are expiating this offence.

Signed _____

Date _____

Expiation **8869**

Offence Number 3

I _____

of _____

P/C

Elect to - (TICK ONE BOX ONLY)

Expiate offence No. 3 ☐

Or to be prosecuted for offence No. 3 ☐

You may, before electing to be prosecuted, dispute the offence informally.

If you elect to be prosecuted, you may (but need not) set out the reasons on the back of this slip.

You need not fill your name and address if you are expiating this offence.

Signed _____

Date _____

PLEASE READ ALL THE 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 total amount due for the offence(s). Payment may be made by cash (cash must not be sent by mail), money order or cheque payable to the Council. Receipts are only issued on request. Complete the form on the front of this notice and post or deliver it to the Council at the address set out on the front of the notice; OR

Enter into a payment arrangement with the Fines Enforcement and Recovery Officer, which may include payment of the amount of the fee(s) in instalments, an extension of time in which to pay or other options by agreement with the Fines Enforcement and Recovery Officer. Phone 1800 659 538 or visit www.fines.sa.gov.au to make an arrangement. A fee will apply; OR

If the offence (or any of them) is a parking or traffic offence and you were not driving at the time of the offence or, if you had by the time of the offence transferred ownership of the vehicle in accordance with the *Motor Vehicles Act 1959*, complete a statutory declaration stating the name and address of the driver or the new owner and post or deliver it to the Council at the address set out on the front of this notice. To obtain a form for a statutory declaration phone, write or attend at the Council at the address set out on the front of this notice; OR

If the offence (or any of them) is a litter or nuisance offence that was issued to you as the owner of a vehicle or vessel involved in the alleged offence and you are not the *alleged principal offender* (within the meaning of that term under section 26(2) of the *Local Nuisance and Litter Control Act 2016*), complete a statutory declaration setting out the name and address of the alleged principal offender (if known to you) or, if you had transferred ownership of the vehicle or vessel to another prior to the time of the offence in accordance with the *Motor Vehicles Act 1959* or the *Harbors and Navigation Act 1993* (as the case may be), setting out details of the transfer, including the name and address of the transferee.

If you think the offence (or any of them) was trifling – apply to the Berri Barmera Council for a review of the Expiation Notice (for special meaning of trifling see Section 4(2) *Expiation of Offences Act 1996*); 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 to Council at the address set out on the front of this notice. However, you may first dispute the offence informally.

If no choice is made for an offence within the expiation period 1 reminder notice will be sent and a reminder fee will apply. After that, the outstanding amount may be referred to the Fines Enforcement and Recovery Officer who may take enforcement action against you which may involve entering into a payment arrangement or property that you own (including motor vehicles and land) being seized and sold. An additional amount will become payable if enforcement action is taken.

FAILURE TO PAY BY DUE DATE MAY RESULT IN ADDITIONAL FEES BEING INCURRED

If you require further information regarding the offence(s) or wish to dispute the offence(s) informally, contact the Council immediately

I dispute offence No.1 for the following reasons:
(You do not have to, but may fill this in)

(If insufficient space, attach further sheets.)

I dispute offence No.2 for the following reasons:
(You do not have to, but may fill this in)

(If insufficient space, attach further sheets.)

I dispute offence No.3 for the following reasons:
(You do not have to, but may fill this in)

(If insufficient space, attach further sheets.)