

(insert proceeding heading)

ORIGINATING APPLICATION TO FIX NON-PAROLE PERIOD

Sentencing Act 2017 s 47(3)

TO THE PAROLE BOARD

TO THE PRISONER: *(insert name)*

.....

(delete whichever is inapplicable)

AND THE DIRECTOR OF PUBLIC PROSECUTIONS

Application

(name of applicant)

applies under section 47(3) of the *Sentencing Act 2017* for an order fixing a non-parole period in respect of a sentence imposed in the *(insert Court)* on *(insert date)*.....

of imprisonment for *(insert sentence imposed)*

.....

with a non-parole period of *(insert non-parole period imposed)*.....

(delete if inapplicable)

- On *(insert date)*.....the Parole Board of South Australia cancelled the applicant’s release on parole and directed that the applicant serve the balance of the sentence being *(insert period)*.....which commenced on *(insert date)*.
- The applicant is serving a term of imprisonment of one year or more, and has not had a non-parole period fixed in respect of that sentence
(delete whichever is inapplicable)

The applicant’s sentence will expire on *(insert date)*.....

Relevant matters

The applicant would like the sentencing Court to consider the following facts when it fixes the non-parole period:

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

Applicant’s address

The applicant’s address for service is:

Place:

.....

Email:

The applicant’s address is (*place of residence or business*):

.....
.....

Date:

(*signed*)

Prisoner/Solicitor for the prisoner/Parole Board of South Australia (*delete whichever is inapplicable*)

Hearing

(When the application is to be given a separate listing date, the following will be completed by the Registry)

This application will be heard before in the District Court at on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it sees fit.

Date:

(signed)

Registrar

(insert front sheet)

ORIGINATING APPLICATION

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given).....

Application

The Director of Public Prosecutions/Parole Board/Public Advocate/Attorney-General/Defendant/ Applicant (delete whichever is inapplicable) (insert name and address where application made by or on behalf of the defendant or another individual) seeks the following orders:

- 1. (state briefly but specifically the orders sought)

Grounds

The grounds relied upon by the applicant are as follows: (set out sufficient particulars to give proper notice of the basis of the orders sought)

.....
.....

Applicant's address

The applicant's address for service is:

Place:
.....

Email:

The applicant's address is (place of residence or business):

.....
.....

Date:

(signed)

Director of Public Prosecutions/Parole Board/Public Advocate/Attorney-
General/Defendant/Applicant (*delete whichever is inapplicable*)

Hearing

(When the application is to be given a separate listing date, the following will be completed by the Registry)

This application will be heard before.....in the District Court
at.....on at or so soon afterwards as the
business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)

Registrar

(insert proceeding heading)

WARRANT FOR DETENTION
Criminal Law Consolidation Act 1935 s 269O/269P/269U

Particulars of Defendant

Name:
Date of Birth:
Address:
.....

Particulars of supervision order

Offence charged:
Section and Act under which offence charged:
Court which made supervision order:
Terms of Supervision Order:
Date of Supervision Order:
Period of limiting term:
Date Warrant issued:

Warrant

TO THE SHERIFF
AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE
AND THE MINISTER OF HEALTH.

- The defendant named in this warrant has been dealt with by the Court and, having been declared liable to supervision, committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*.
- The defendant named in this warrant was committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*. The defendant was subsequently released on licence but on (date) the Court cancelled the release.

(delete whichever is inapplicable)

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to James Nash House and you, the Minister of Health are directed to detain the defendant in accordance with the supervision order.

Date:

(signed)

Judge (*name*)

(insert proceeding heading)

WARRANT OF REMAND IN CUSTODY PENDING INVESTIGATION

Criminal Law Consolidation Act 1935 s 269X(1)

Particulars of Defendant

Name:

Date of Birth:

Address:

Particulars of investigation and institution

Offence charged:

Section and Act under which offence/s charged:

Investigation into the mental fitness of the defendant to stand trial on the offence charged/the mental competence of the defendant to commit the offence charged (*delete whichever is inapplicable*)

Institution defendant is to be taken to:

Warrant

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE MINISTER OF HEALTH/THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONAL SERVICES (*delete whichever is inapplicable*)

The defendant named in this warrant is subject of an investigation into his/her (*delete whichever is inapplicable*) fitness to stand trial/mental competence (*delete whichever is inapplicable*) pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to the institution referred to above.

The defendant is to be taken to the institution referred to above until a placement at a secure mental

health facility is available and then the defendant is to be transferred to the care of the Minister of Health.

You, the/the Chief Executive of the Department of Correctional Services/Minister of Health (*delete whichever is inapplicable*) are directed to detain the defendant until the conclusion of the investigation.

Date:

(*signed*)

Judge (*name*)

(insert proceeding heading)

WARRANT OF REMAND IN CUSTODY AFTER DECLARED LIABLE TO SUPERVISION

Criminal Law Consolidation Act 1935 s 269X(2), 269U(3)

Particulars of Defendant

Name:

Date of Birth:

Address:

Particulars of declaration and institution

Offence charged:

Section and Act under which offence charged:

Court which made declaration liable to supervision:

Date declared liable to supervision:

Institution defendant is to be taken to:

Date and time to which remanded:

Warrant

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONAL SERVICES

The defendant named in this warrant has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935*.

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to the correctional institution referred to above.

- The defendant is to be taken to the institution referred to above until a placement at a secure mental health facility is available and then the defendant is to be transferred to the care of the Minister of Health.
- You, the Chief Executive, Department of Correctional Services/ Minister of Health, are directed to detain the defendant until such time as the Court makes all orders which are required to be made pursuant to s 269O of the Act.
- The defendant named in this warrant was committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*. The defendant was subsequently released on licence but on..... the Court on an application for review of the supervision order under section 269U made an order that the defendant be detained until the application is determined.

(delete whichever is inapplicable)

Date:

(signed)

Judge (*name*)

History of Amendment

Rules	Amendments	Date of Operation
am = amended; del = deleted; ins = inserted; ren = renumbered; sub = substituted		
Form 3	am am 5	1 June 2018
Form 3A	ins am 3	1 December 2016
Form 3B	ins am 3	1 December 2016
Form 4	am am 5	1 June 2018
Form 11A	ins am 3 am am 5	1 December 2016 1 June 2018
Form 13A	ins am 2 am am 5	27 June 2016 1 June 2018
Form 13B	ins am 2	27 June 2016
Form 13C	ins am 2	27 June 2016
Form 13D	ins am 2 sub am 3	27 June 2016 1 December 2016
Form 18	am am 5	1 June 2018
Form 19	am am 5	1 June 2018
Form 20	del am 5	1 June 2018
Form 21	del am 5	1 June 2018
Form 22	am am 5	1 June 2018
Form 23	am am 5	1 June 2018
Form 24	sub am 5	1 June 2018
Form 26	del am 1	1 May 2016
Form 26A	ins am 1	1 May 2016
Form 26B	ins am 1 am am 4	1 May 2016 1 December 2017
Form 26C	ins am 1 am am 4	1 May 2016 1 December 2017
Form 27	sub am 1	1 May 2016
Form 28	am am 5	1 June 2018