Form 55

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | REVIEW OF REFUSAL TO REVOKE ENFORCEMENT DETERMINATION  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Fines Enforcement and Debt Recovery Act 2017*  Section 23 | | | | | | | | | | | | | Court Use  Fee Paid:  Date Filed:  Service on Issuing Authority:  Service on CRO: | |
|  | | | | | | | | | | | | | | | | |
| Registry |  | | | | | | | | | | File No |  | | | | |
| Address |  | | | | | | |  | | | | |  | | |  |
|  | *Street* | | | | | | | *Telephone* | | | | | *Facsimile* | | | *DX* |
|  |  | |  | |  | | | | |  | | | | | | |
|  | *City/Town/Suburb* | | *State* | | *Postcode* | | | | | *Email Address* | | | | | | |
| **Applicant** | | | | | | | | | | | | | | | | |
| Full Name |  | | | | | | | | | | | | | DOB | | |
| Address |  | | | | | | | |  | | | | |  | | |
|  | *Street* | | | | | | | | *Telephone* | | | | | *Facsimile* | | |
|  |  | | |  | | |  | | | |  | | | | | |
|  | *City/Town/Suburb* | | | *State* | | | *Postcode* | | | | *Email Address* | | | | | |
| **Issuing Authority** | | | | | | | | | | | | | | | | |
| Full Name |  | | | | | | | | | | | | | | | |
| Address |  | | | | | | | |  | | | | |  | | |
|  | *Street* | | | | | | | | *Telephone* | | | | | *Facsimile* | | |
|  |  | | |  | | |  | | | |  | | | | | |
|  | *City/Town/Suburb* | | | *State* | | | *Postcode* | | | | *Email Address* | | | | | |
| **Enforcement Determination Particulars** | | | | | | | | | | | | | | | | |
| Expiation Notice No. | | | | | | Date of Offence | | | | | | | | | | |
| Vehicle Registration | | | | | | Date of Enforcement Determination | | | | | | | | | | |
| Date of Notice of Determination | | | | | | | | | | | | | | | | |
| Date of Refusal to Revoke Enforcement Determination by Chief Recovery Officer | | | | | | | | | | | | | | | | |
| Offence Particulars | | | | | | | | | | | | | | | | |
| **Details of Application**  I apply for a review of the Chief Recovery Officer’s decision to refuse to revoke an enforcement determination. The initial application to have the enforcement determination revoked by the Chief Recovery Officer was made on the grounds that:  I did not have a reasonable opportunity to elect under section 8 of the *Expiation of Offences Act 1996* to be prosecuted for any offence to which the original expiation notice relates (other than because I did not receive an expiation notice or expiation reminder notice under the *Expiation of Offences Act 1996*); or  I did not have a reasonable opportunity to apply for review of the expiation notice to which the determination relates under section 8A of the *Expiation of Offences 1996* (other than because I did not receive an expiation notice or expiation reminder notice under the *Expiation of Offences Act 1996*).  Please briefly set out the facts relevant to your ground of review: | | | | | | | | | | | | | | | | |
| I confirm that I have first applied to the Chief Recovery Officer to have the enforcement determination revoked. | | | | | | | | | | | | | | | | |
| **Please indicate if the application is made out of time:**  I make an application out of time.  *This checkbox must be completed if the review is being made more than 30 days after notice of the decision of the Chief Recovery Officer refusing to revoke the enforcement determination under section 22(5)(b).* | | | | | | | | | | | | | | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| You must file and serve an affidavit explaining why either of the above grounds is satisfied and if you are applying more than 30 days after notice of the decision of the Chief Recovery Officer refusing to revoke the enforcement determination under section 22(5)(b) you must explain the reason for delay.  **Please attach the affidavit to this application and any documentary evidence supporting the application. If available, attach a copy of the enforcement determination, the application to the Chief Recovery Officer for revocation of the enforcement determination, the decision of the Chief Recovery Officer refusing the application and expiation notice.**    Date APPLICANT | | | | |
| **Hearing details** | Registry | | | Date |
| Address | | | Time       am/pm |
| Telephone | Facsimile | Email Address | |
| **IMPORTANT NOTICE TO THE REGISTRAR**  The Registrar must serve a copy of the application on the Chief Recovery Officer and the Issuing Authority. | | | | |
| **Notice of Intention**  (To be completed by the Issuing Authority or the Chief Recovery Officer)  I,  hereby give notice that I intend to oppose the application.    Date ON BEHALF OF THE CHIEF RECOVERY OFFICER  OR ISSUING AUTHORITY | | | | |
| **IMPORTANT NOTICE TO THE CHIEF RECOVERY OFFICER OR ISSUING AUTHORITY**  The Issuing Authority or the Chief Recovery Officer must file and serve the Notice of Intention on the applicant no later than 7 days before the hearing. | | | | |