



# NOTICE TO DEFENDANT AS TO PENALTY

## Magistrates Court of South Australia

[www.courts.sa.gov.au](http://www.courts.sa.gov.au)

Summary Procedure Act 1921

Sections 27C(3) and 62C(2)

|          |                  |       |           |               |           |
|----------|------------------|-------|-----------|---------------|-----------|
| Registry |                  |       |           | File No       |           |
| Address  | Street           |       | Telephone |               | Facsimile |
|          | City/Town/Suburb | State | Postcode  | Email Address |           |

### Defendant

|         |                  |       |              |               |                |
|---------|------------------|-------|--------------|---------------|----------------|
| Name    | Surname          |       | Given name/s |               | DOB            |
|         |                  |       |              |               | dd/mm/yyyy     |
| Address | Street           |       | Telephone    |               | Licence Number |
|         | City/Town/Suburb | State | Postcode     | Email Address |                |

**You have been convicted in your absence of the following offence(s):**

As a result you may be disqualified from holding a **driver's licence**.

You should attend Court or have a solicitor attend for you.

**If you fail to attend a warrant may be issued for your arrest.**

|                     |           |           |               |  |
|---------------------|-----------|-----------|---------------|--|
| <b>Next hearing</b> | Registry  |           | Date          |  |
|                     | Address   |           | Time am/pm    |  |
|                     | Telephone | Facsimile | Email Address |  |

.....  
Date

.....  
MAGISTRATES COURT

### IMPORTANT NOTICE TO THE DEFENDANT

If you wish to dispute these charges you should read the information on the back of this form.

**NOTICE TO DEFENDANT****RE HEARING**

Section 76A of the *Summary Procedure Act 1921* provides that the Court may, on its own initiative or on the application of any party, set aside a conviction or order provided that:

- (a) the parties consent to have it set aside;
- (b) the conviction or order was made in error; or
- (c) it is in the interest of justice to set aside the conviction or order.

If you wish to have the conviction or order set aside, you must complete the application appearing below, and return this notice so as to reach the Registrar within fourteen days of the day on which you received this notice. You or your solicitor must then attend Court on the date and time to which this matter has been adjourned (as detailed on this notice) to support your application. If you do not apply to have the conviction or order set aside within fourteen days of the receipt of this notice the conviction or order will stand.

**APPLICATION FOR RE-HEARING**

I, the defendant named in this notice, hereby apply for a re-hearing of the charge referred to in this notice.

Dated this            day of            20

.....  
(Signature of Applicant)

**Proof of Service**

Name of person serving:

Address of person serving:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between \_\_\_\_\_ am/pm and \_\_\_\_\_ am/pm

Method of service (tick box)

- personally;
- by prepaid post;
- any other method permitted by the Rules – specify:

I certify that I served the attached document in the manner described.

Certified this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_