

To be inserted by Court

Case Number:

Date Filed:

FDN:

WARRANT OF APPREHENSION

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT*] Select one
 COURT OF SOUTH AUSTRALIA
 CRIMINAL JURISDICTION

[FULL NAME]
Applicant

v

[FULL NAME]
Respondent

Only 1 of next 2 boxes displayed as applicable

Respondent (Original [<i>Defendant/Youth</i>]) subject to warrant			
Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile) – Number	Another number	

Respondent Body corporate representative subject of warrant			
Defendant body corporate	Full Name		
Representative	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile) – Number	Another number	

Next box displayed if *Sentencing Act 2017* section 73(5)(b) or (7); section 83(5)(b) or (7); or section 113(1)(a)(ii) or (2)

To the Commissioner of Police for the State of South Australia and each member of the Police Force for the State

Introduction

An Application for Enforcement has been brought to enforce the terms of the [Good Behaviour Bond/Suspended Sentence Bond/Suspended Sentence Obligation/Home Detention Order/Intensive Correction Order/other] imposed by [name of Judicial Officer] of the [Court] of South Australia on [date] in case number [number] on the grounds that the Respondent has breached the terms in the manner described therein.

The Court is satisfied that

- (a) the issue of this warrant is necessary for the purpose of the proceeding under section [73/83] of the *Sentencing Act 2017* in relation to the breaches alleged in the Application for Enforcement dated [date].
mandatory under section 73(5)(b) or 83(5)(b)
- (a) it appears that the Respondent may have failed to comply with a condition of the Respondent's [Bond/Obligation] by way of the breaches alleged in the Application for Enforcement dated [date].
mandatory under section 113(1)(a)(ii)
- (a) the Respondent has failed to appear before the Court as required by the summons issued under section [113(1)(a)(i)/73(5)(a)/83(5)(a)] of the *Sentencing Act 2017* dated [date] in relation to the proceeding for the breaches alleged in the Application for Enforcement dated [date]. mandatory under section 73(7), 83(7) or 113(2)
 - (b) a warrant should issue under section [113(1)(a)(ii)/113(2)/73(5)(b)/73(7)/83(5)(b)/83(7)] displayed based on selection at start of form and in recital of the *Sentencing Act 2017*.
- (c) the Respondent is in breach of a Home Detention Order and a warrant should issue under section [73(5)(b) or 73(7)] of the *Sentencing Act 2017* / 37C(6) of the *Young Offenders Act 1993*.

Warrant

YOU ARE DIRECTED to arrest the Respondent and, subject to any endorsement below, bring the Respondent before the Court no later than the working day after the Respondent's arrest to be dealt with according to law.

Next box displayed if *Sentencing Act 2017* section 115(3)(b) or (4) or section 116(1)(b) or (2)

To the Commissioner of Police for the State of South Australia and each member of the Police Force for the State

Introduction

An Application for Enforcement has been brought to enforce the terms of the [*Community Service Order/Non-Pecuniary Order*] imposed by [*name of Judicial Officer*] of the [*Court*] of South Australia on [*date*] in case number [*number*] on the grounds that [*the*] Respondent [*number*] [*name*] has breached the terms in the manner described therein.

The Court is satisfied that

- (a) it appears from information given on [*oath/affirmation*] on [*date*] that the Respondent has failed to comply with a condition of the Respondent's [*Community Service Order/Non-Pecuniary Order*] by way of the breaches alleged in the Application for Enforcement dated [*date*]. section 115(3)(b) or 116(1)(b)
- (a) the Respondent has failed to appear before the Court as required by the summons issued under section [*115(3)(a)/116(1)(a)*] of the *Sentencing Act 2017* dated [*date*] in relation to the proceeding for the breaches alleged in the Application for Enforcement dated [*date*]. section 115(4) or 116(2)
 - (b) a warrant should issue under section [*115(3)(b)/115(4)/116(1)(b)/116(2)*] of the *Sentencing Act 2017*.

Warrant

YOU ARE DIRECTED to arrest the Respondent and, subject to any endorsement below, bring the Respondent as soon as practicable before the Court to be further dealt with according to law.

Next box displayed if *Crimes Act 1914* s 20A

To all members and special members of the Australian Federal Police

Introduction

Information has been laid before the Court alleging that the Respondent has, without reasonable cause or excuse, failed to comply with a condition(s) of the Recognizance [*Release*] Order imposed by [*name of Judicial Officer*] of the [*Court*] of South Australia on [*date*] in case number [*number*] on the grounds that [*the*] Defendant [*number*] [*name*] has breached the terms in the manner described therein.

The Court

- (a) noting that the information has been laid on oath and being of the opinion that proceedings against the Defendant might not be effective. section 20A(1)(b) *Crimes Act 1914* (Cth)

is satisfied that

- (a) it appears from information laid on [*date*] that the Defendant has failed to comply with a condition of the Defendant's Recognizance [*Release*] Order by way of the breaches alleged in the Information to Enforce Order dated [*date*].
- (a) the Defendant has failed to appear before the Court as required by the summons issued under section 20A(1)(a) *Crimes Act 1914* (Cth) dated [*date*] in relation to the proceeding for the breaches alleged in the Information to Enforce Order dated [*date*]. section 20A(2) *Crimes Act 1914* (Cth)
 - (b) a warrant should issue under section [*20A(1)(b)/20A(2)*] of the *Crimes Act 1914* (Cth).

Warrant

YOU ARE DIRECTED to arrest the Defendant and, subject to any endorsement below, bring that person as soon as practicable before the Court to be further dealt with according to law.

Next box displayed if *Criminal Law Consolidation Act 1935* section 269U(3) or section 269ZB(2) or section 269ND or section 269NDA(3)(d)

To:

The Sheriff of the State of South Australia

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

Reason for Issue of Warrant:

- (a) *[list jurisdictional facts and criteria]*. provision for multiple;
- (b) a warrant should issue under
- section 269U(3) of the *Criminal Law Consolidation Act 1935*.
 - section 269ZB(2) of the *Criminal Law Consolidation Act 1935*.
 - section 269ND of the *Criminal Law Consolidation Act 1935*.
 - section 269NDA(3)(d) of the *Criminal Law Consolidation Act 1935*.

Warrant

YOU ARE DIRECTED to apprehend the respondent and, subject to any proviso below, bring them as soon as practicable before the Court to respond to the application herein and to be further dealt with according to law.

Proviso

Not to be released on bail (BAIL ACT DOES NOT APPLY).

When arrested, the licensee is to be placed in a Mental Health Institution if not able to be immediately brought before the Court.

Next box displayed if 'Other'

To the Commissioner of Police for the State of South Australia and each member of the Police Force for the State

Introduction

The Court is satisfied that:

- (a) *[list jurisdictional facts and criteria]*. provision for multiple;
- (b) a warrant should issue under *[section/regulation number]* of the *[Act or Regulations]*.

Warrant

YOU ARE DIRECTED to arrest *[the]* Respondent *[number]* *[name]* and, subject to any endorsement below, bring that person as soon as practicable before the Court to be further dealt with according to law.

Next box not displayed if not eligible for bail

court use only

Endorsement

Pursuant to section 5(2) of the *Bail Act 1985*, the Court orders that following arrest

- [person or class of persons]* *[is/are]* *[authorised/required]* to release the Respondent on bail
- the Respondent may be released on bail at the discretion of a member of the police force who is of, or above, the rank of Sergeant, or who is the responsible officer for a police station. this option is not displayed if *Crimes Act 1914* s 20A selected above
- the Respondent may not be released on bail.

.....
Signature of Court Officer
[*title and name*]