**ORIGINATING APPLICATION – SERIOUS CHILD SEX OFFENDER - RELEASE ON LICENCE OR EXTINGUISHMENT OF SENTENCE**

SUPREMECOURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

**[*FULL NAME*]**

**Applicant**

**[*FULL NAME*]**

**Respondent**

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| Applicant |  | | | | |
| **Full Name** | | | | |
| Name of law firm/solicitor  **If any** |  | | |  | |
| **Law Firm** | | | **Responsible Solicitor** | |
| Address for service |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
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| **City/town/suburb** | **State** | **Postcode** | | **Country** |
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| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

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| Respondent |  | | | | |
| **Full Name** | | | | |
| Address |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
|  |  |  | |  |
| **City/town/suburb** | **State** | **Postcode** | | **Country** |
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| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

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| **Application Details**  Matter type: [*matter type*]  Case number on which the [*Applicant*/*Respondent*] **select one** was sentenced: [*case number*]   * This Application is for a Release on Licence Order. * This Application is for an Extinguishment of Sentence Order.   This Application is made under section [*48K/48M*] **Select one** of the *Sentencing Act 2017*.  The Applicant seeks the following orders:  **Enter orders sought in separately numbered paragraphs.**  1. The Court direct that at least two legally qualified medical practitioners (to be nominated by the Supreme Court for the purpose) inquire into the mental condition of the [*Applicant*/*Respondent*] **select one** and report to the Court on whether the [*Applicant*/*Respondent*] **select one** is, or is not, capable of controlling, and willing to control, their sexual instincts*.*  2. The [*Applicant*/*Respondent*] **select one** be released on licence pursuant to section 48K of the *Sentencing Act 2017.*  2. The sentence of indeterminate duration for which the [*Applicant*/*Respondent*] **select one** is serving be wholly extinguished pursuant to section 48M of the *Sentencing Act 2017.*  3. [*Enter any other orders sought*]*.*  This Application is supported by the accompanying Affidavit sworn by [*full name*] on [*date*] and made on the grounds that:  **Enter grounds in separately numbered paragraphs**   1. The [*Applicant*/*Respondent*] **select one** was sentenced in the [*Enter* *Court*] on [*Enter date*] to a period of indeterminate duration commencing on [*Enter date*] for the offence[s] of:   • **provision for multiple** [*offence(s)* **select one** *listed*].   1. The [*Applicant*/*Respondent*] **select one** has served the minimum period of imprisonment fixed under section 48I(2)(d) of the *Sentencing Act 2017,* being *[minimum period]*. 2. The [*Applicant*/*Respondent*] **select one** has been released on licence for at least the minimum period fixed under section 48I(2)(e), being *[minimum period]*, and the [*Applicant*/*Respondent*] **select one** has not breached a condition of their release on licence. **For an application under section 48M of the Act only** 3. The [*Applicant*/*Respondent*] **select one** is both capable of controlling, and willing to control, their sexual instincts. 4. The [*Applicant*/*Respondent*] **select one** no longer presents an appreciable risk to the safety of the community (whether as individuals or in general). 5. The [*Applicant*/*Respondent*] **select one** is not prevented from making a further application for release on licence under section 48K(12). **For an application under section 48K of the Act only** 6. [*Enter any other grounds*]   **Only complete if applicable otherwise delete**  The Application is urgent because  **Enter grounds in separately numbered paragraphs where more than one** |

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| **To the Other Parties: WARNING**  This Application will be considered at the Hearing at the date and time set out at the top of this document.  If you wish to oppose the Application or make submissions about it, you must attend the hearing.  If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.  For instructions on how to obtain access to the file, visit https://courtsa.courts.sa.gov.au/?g=node/482. |

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| **Service**  The party filing this document is required to serve it on all other parties in accordance with the Rules of Court. |

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| **Accompanying Documents**  Accompanying this Application is a:   * Multilingual Notice **mandatory** * Supporting Affidavit **mandatory** * If other additional document(s) please list below: |