

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:**

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

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]**Applicant****[FULL NAME]****Respondent**

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)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. Home; work; mobile) – Number	Another number (optional)	

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			
Phone Details	Type (eg. Home; work; mobile) – Number		Another number (optional)	

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*.
2. 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]*.
3. 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
4. The *[Applicant/Respondent]* select one is both capable of controlling, and willing to control, their sexual instincts.
5. The *[Applicant/Respondent]* select one no longer presents an appreciable risk to the safety of the community (whether as individuals or in general).
6. 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
7. *[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

1.

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>.

Service

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

Accompanying Documents

Accompanying this Application is a:

- ☐ Multilingual Notice mandatory
- ☐ Supporting Affidavit mandatory
- ☐ If other additional document(s) please list below: