

To be inserted by Court

Case Number:

Date Filed:

FDN:

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

ORIGINATING APPLICATION - LICENCE DISQUALIFICATION OR SUSPENSION (LIFT OR REDUCE)

Road Traffic Act 1961 s 45E or s 47IAB

[MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

COMMISSIONER OF POLICE
Respondent

Duplicate panel if multiple Applicants

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

Respondent	Commissioner of Police		
	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:

This Application is to [*lift or reduce*] the immediate [*disqualification/suspension*] of the Applicant's licence under the Notice identified below.

This Application is made under section [*45E/47IAB*] of the *Road Traffic Act 1961*.

[YOUTH] In the case of a youth, this application is made under section 28(2) of the *Young Offenders Act 1993*.

The Applicant seeks the following orders:

Orders sought in addition to, or in place of, the orders made in separate numbered paragraphs

- ☐ 1. The [*Applicant is not disqualified/Applicant's driver's licence is not suspended*], as there is a reasonable prospect that the Applicant would be acquitted of the offence.
- ☐ 2. The [*disqualification/suspension*] be reduced, as the offence is a first offence and was trifling.
- ☐ 3. The [*disqualification/suspension*] be reduced, as there is a reasonable prospect that the Applicant would be acquitted of a Category 3 offence, but may be guilty of a Category 2 offence.
- ☐ 4. The [*Applicant is not disqualified/Applicant's driver's licence is not suspended*], as the Applicant has not been charged with any offence to which section 45D applies and the prosecution authorities have had a reasonable time in the circumstances to make a determination as to the laying of charges.
- ☐ 5. [*other*].

This Application is made on the grounds:

grounds in separately numbered paragraphs

- ☐ 1. The blood test taken on [*time*] on the day of [*date*], with the result of [*percentage*].
- ☐ 2. The opinion of Doctor [*full name*] on the day of [*date*].
- ☐ 3. The Applicant has not received an Information charging them with any offence which relates to the Notice of [*Disqualification/Suspension*].
- ☐ 4. The Applicant has not received a notice from the Registrar of Motor Vehicles containing particulars of licence disqualification/suspension.
- ☐ 5. [*other*].

If applicable

The Application is urgent because

grounds in separately numbered paragraphs where more than one

1.

Particulars of Notice of [Disqualification/Suspension]

Date of Notice

date

Date of the commencement of the Notice

date

Disqualification Notice number

number

Brief number

number

The Applicant [*has/has not*] also received a Notice from the Registrar of Motor Vehicles containing particulars of the licence [*disqualification/suspension*].

if applicable

Hearing

The Applicant requests that the Hearing be by written submissions only, because

reasons in separate numbered paragraphs

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; and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders, you must file and serve on all parties an Affidavit within 14 days after service of the Application.

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>.

To the Applicant: WARNING

If you drive whilst being [*disqualified/suspended*] you may be [*imprisoned/detained*] pursuant to section 91(5) of the *Motor Vehicles Act 1959*.

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
- ☐ Copy of the original Decision that is the subject of this Review mandatory unless already exhibited to Affidavit
- ☐ Copy of Notice pursuant to section 471IAA of the *Road Traffic Act 1961* mandatory
- ☐ Copy of blood test results mandatory if blood test selected above
- ☐ Opinion of doctor mandatory if opinion of doctor selected above
- ☐ If other additional document(s) please list below: