

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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<p>Hearing Date and Time:</p> <p>Hearing Location:</p>
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ORIGINATING APPLICATION – STREET GANG CONTROL ORDER

s 83GT Criminal Law Consolidation Act 1935

[*SUPREME / YOUTH*] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Duplicate panel if multiple Applicants

Applicant	Full Name		
Name of law firm/solicitor <small>If any</small>	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)

Duplicate panel if multiple Respondents

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)

Next box to only appear if applicable

Duplicate panel if multiple Interested Parties

Interested Party	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: Special Jurisdiction

This Application is for a Street Gang Control Order.

This Application is made under section 83GT of the *Criminal Law Consolidation Act 1935*.

The Applicant seeks the following orders prohibiting the Respondent from:

Orders sought in separately numbered paragraphs.

- 1. associating with [*a specified person/persons of a specified class*]
- 2. holding an authorisation to carry on a prescribed activity while the control order remains in force
- 3. being present at, or being within a specified distance of, [*a specified place or premises/a place or premises of a specified class*]
- 4. possessing a [*specified article or weapon/articles or weapons of a specified class*].
- 5. carrying on [*his/her/their*] person more than [*specified amount*] in cash.
- 6. using for communication purposes, or being in possession of, a telephone, mobile phone, computer or other communication device except for [*record exceptions*].
- 7. engaging in [*other conduct of a specified kind that the Court considers could be relevant to the commission of serious offences*].

This Application is made on the grounds

set out in the accompanying Affidavit sworn by [*name*] on [*date*].

- (a) that the Respondent is a participant in a street gang; or
- (b) that the Respondent—
 - (i) has been a participant in a group that is, at the time of the application a declared street gang; and

(ii) associates with 1 or more participants in a street gang and that the making of the order is appropriate in the circumstances; or

- (c) that the Respondent has engaged in serious criminal activity with 1 or more participants in a street gang, and that the making of the order is appropriate in the circumstances.

If applicable – if the Applicant is the Commissioner of Police

- The Applicant seeks that this order be made on an interim basis:
- with notice to the Respondent.
 - without notice to the Respondent.

If applicable

The Application is urgent because grounds in separately numbered paragraphs where more than one

1.

If applicable

Extension of time

The Applicant seeks an extension of time to institute this action pursuant to Act and section or other particular provision

The grounds for seeking an extension are set out in the accompanying Affidavit.

Declaration of Street Gang if applicable- required only if a Declaration has been made

[Group Name] was declared a Street Gang on [date] under section 83GK of the *Criminal Law Consolidation Act 1935* in case number [Court file number].

Ethnicity of Person the subject of this Application

Is the person Aboriginal or Torres Strait Islander?

- Yes
- Aboriginal
 - Torres Strait Islander
 - Both
- No
- (Other – please specify)

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>.

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 Declaration mandatory if there is a relevant Declaration made under section 83GK of the *Criminal Law Consolidation Act 1935*
- Notice to Respondent Served Interstate mandatory when address of party to be served is interstate
- Notice to Respondent Served in New Zealand mandatory when address of party to be served is in NZ
- Notice to Respondent Served outside Australia mandatory when address of party to be served is overseas & not in NZ
- If other additional document(s) please list below: