

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
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## ORIGINATING APPLICATION FOR REVIEW - FINES ENFORCEMENT ACT - ENFORCEMENT DETERMINATION REFUSAL TO REVOKE

[MAGISTRATES/YOUTH] 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 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)

First Respondent Chief Recovery Officer	Chief Recovery Officer		
	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)

Second Respondent Issuing Authority	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: *[Enter matter type]*

This Application is for Review of the Decision to refuse to revoke an Enforcement Determination.

This Application is made under section 23 of the *Fines Enforcement and Debt Recovery Act 2017*.

### Decision subject of Application

Date of Decision *[Date]*  
Date

Date notice of decision received *[Date]*  
Date

Tribunal/Agency/Decision Maker being reviewed Chief Recovery Officer

Reference number of Tribunal/Agency/Decision Maker if known *[Enter number]*  
Number

Orders challenged *[Enter the orders challenged]*  
The Decision to refuse to revoke the Enforcement Determination as specified below

Orders challenged  
Enter only the orders sought to be reviewed in separate numbered paragraphs  
1.

Grounds of Review  
Enter grounds of Review in separate numbered paragraphs

- as set out in the accompanying Affidavit sworn by *[ full name ]* on *[date]*.
1. The Applicant did not have a reasonable opportunity to elect, under section 8 of the *Expiation of Offences Act 1996*, to be prosecuted for any offence to which the original Expiation Notice relates (other

than because the Applicant did not receive an Expiation Notice or Expiation Reminder Notice under the *Expiation of Offences Act 1996*).

2. The Applicant did not have a reasonable opportunity to apply for Review of the Expiation Notice to which the Determination relates, under section 8A of the *Expiation of Offences 1996* (other than because the Applicant did not receive an Expiation Notice or Expiation Reminder Notice under the *Expiation of Offences Act 1996*).

### Orders sought

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

1. The Decision of the Chief Recovery Officer to refuse to revoke an Enforcement Determination be reversed.
- 2.

This Application is made on the grounds

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

that

Enter grounds in separately numbered paragraphs

- 1.

*If applicable*

The Application is urgent because

grounds in separately numbered paragraphs where more than one

- 1.

Only complete if applicable otherwise delete

### Extension of time

The Applicant seeks an extension of time to institute this action pursuant to section 23(2) of the *Fines Enforcement and Debt Recovery Act 2017*

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

Only complete if applicable otherwise delete

### Hearing

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

Enter 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
- you **must** file and serve on all parties a Response within 14 days after service of the Application
- 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:

- Supporting Affidavit mandatory
- A copy of the original Decision that is the subject of this Review mandatory unless already exhibited to Affidavit
- if applicable Copy of Enforcement Determination
- if applicable Application to the Chief Recovery Officer for revocation of the Enforcement Determination
- if applicable Decision of the Chief Recovery Officer refusing the Application
- if applicable Expiation Notice
- If other additional document(s) please list below: