

To be inserted by Court

Case Number:

Date Signed:

FDN:

ORDER – SERIOUS CHILD SEX OFFENDER – RELEASE ON LICENCE OR EXTINGUISHMENT OF SENTENCE AND ACKNOWLEDGEMENT

Sentencing Act 2017 s 48K and 48M

SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

The Court has received reports of at least two legally qualified medical practitioners who have examined the [Applicant/Respondent] select one and reported to the Court as to their mental condition and whether they are incapable of controlling, or unwilling to control, their sexual instincts.

The Court is satisfied that:

- ☐ (a) the [Applicant/Respondent] select one is both capable of controlling and willing to control their sexual instincts or
- ☐ (a) the [Applicant/Respondent] select one no longer presents an appreciable risk to the safety of the community (whether as individuals or in general); and
- ☐ (b) having paramount consideration to protect the safety of the community, it is appropriate that the detention order be discharged.

Order

Date of Order: [date]

Terms of orders

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. The [Applicant/Respondent] select one be released on licence pursuant to section 48K of the *Sentencing Act 2017*.
- ☐ 1. 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*.
- ☐ 2. [other orders]

If release on licence (order 1) is ordered

To the [Applicant/Respondent] select one: **WARNING**

The conditions of the licence are fixed by section 48K(10), (11), and (15) of the *Sentencing Act 2017* as follows:

1. You must wear or carry a tracking device for the purpose of monitoring your whereabouts at all times.
2. You must not possess a firearm or ammunition or any part of a firearm.
3. You must submit submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a person or class of persons or body specified by the Training Centre Review Board or Parole Board as applicable.
4. You will be subject to such conditions as the Training Centre Review Board or Parole Board as applicable thinks fit and specifies in the licence.

If you do not comply with these conditions:

- You may be arrested.
- Your release on licence may be cancelled and you may be returned to custody.
- You may be subjected to more stringent licence conditions.

Authentication

.....
Signature of Court Officer

[title and name]

Acknowledgement by the *[Applicant/Respondent]* select one:

I acknowledge that I have received a copy of this order. I understand that the conditions of my licence are as set out above and otherwise will be determined by the appropriate Board and I understand what will happen if I fail to comply with those conditions.

.....
Signature of the *[Applicant/Respondent]* select one:

.....
Name printed

Witness

.....
Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Respondent is in a training centre, the person in charge of a prison if the Respondent is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer making order

.....
Printed name and title of witness stamp here if applicable

.....
Date