

To be inserted by Court

Case Number:

Date Filed:

FDN:

**ORDER – FINES ENFORCEMENT ACT – COMMUNITY SERVICE ORDER AND
OR APPROVED TREATMENT PROGRAM**

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

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date] [Listed starting time]

Hearing type:

[Presiding Officer]

Appearances

[Applicant/Appellant Appearance Information]

[Respondent Appearance Information]

Remarks

Pursuant to section 46 of the *Fines Enforcement and Debt Recovery Act 2017* the Court is satisfied that:

- (a) the Respondent ('the Subject') does not have, and is not likely within a reasonable time to have, the means to satisfy the monetary amount owed, namely [amount] without they or their dependents suffering hardship.
- (b) Youth Court only the [Applicant/Respondent] ('the Subject') is a youth who wishes to complete community service in lieu of paying the monetary amount owed, namely [amount].
- (c) Magistrates Court only if approved treatment program the Subject is eligible for services to be included on the program in accordance with applicable eligibility criteria and the services are available for the Subject at a suitable time and place.

Order

Date of Order: [date]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

- 1. Pursuant to section 46 of the *Fines Enforcement and Debt Recovery Act 2017*, the Subject perform [number of hours] must not exceed 7.5 if monetary amount is less than \$200. If monetary amount is greater than \$200, 7.5 hours for each \$200 and for any fraction left after dividing the sum by 200- see *Fines Enforcement and Debt Recovery Act 2017* s 46(3)(a) hours of community service within [number of years] [number of months] [number of days] must not exceed 18 months – see *Sentencing Act 2017* s 105(1)(c) and *Fines Enforcement and Debt Recovery Act 2017* s 46(7)(b) from the date of this order and obey the directions of the [Community Corrections/Department of Human Services, Youth Justice] Officer assigned for the purposes of the community service.
- 2. The Subject be under the supervision of a [Community Corrections/Department of Human Services, Youth Justice] Officer for a period of [number of years] [number of months] [number of days] and obey the lawful directions of the [Community Corrections/Department of Human Services, Youth Justice] Officer assigned for the purposes of supervision during that period. s 106 and 107 *Sentencing Act 2017* applies see *Fines Enforcement and Debt Recovery Act 2017* s 46(7)(c) and s 46(7)(d).
- 3. The Subject report within 2 working days of this order at the offices of the Department [for Correctional Services/of Human Services, Youth Justice] at [location]. The Department [for Correctional Services/of Human Services, Youth Justice] may be contacted by telephone on [(08) 8224 2500/1800 621 425]. Note that reporting is not required if the Department within that 2 day period notifies the Respondent that it is not necessary to do so.
- 4. The Subject must not, during the period for which the order applies, leave the State for any reason except in accordance with the written permission of the Chief Recovery Officer. see s 46(3)(b) *Fines Enforcement and Debt Recovery Act 2017*
- 5. The Subject perform [number of hours] hours of an approved treatment program within [number of months] months from the date of this order and obey the directions of the [Community Corrections/Department of Human Services, Youth Justice] Officer assigned for the purposes of the approved treatment program.
- 6. [other]

Authentication

.....
Signature of Court Officer
[title and name]

To the Subject: WARNING

Pursuant to section 47 of the *Fines Enforcement and Debt Recovery Act 2017*, if you fail to comply with any part of this order, you can be sentenced to [imprisonment/detention].

Acknowledgement by Subject

I acknowledge that I have received a copy of the Community Service Order. I understand its conditions and I understand what will happen if I fail to obey these conditions.

.....
Signature of Subject

.....
Name printed

.....
Date

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 sentencing Judicial Officer

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

.....
Date