

South Australia
Supreme Court Criminal Supplementary Rules
2014

SCHEDULE—APPROVED FORMS

The Schedule—Approved Forms relate to Supreme Court Criminal Supplementary Rules 2014, dated 2nd September 2014, that came into operation on 1st October 2014 (Government Gazette 11 September 2014, p. 4958) have been varied by Supreme Court Rules dated:

	<i>Date</i>	<i>Gazette</i>	<i>Date of operation</i>
#1	29 February 2016	14 April 2016, p. 1197	1 May 2016
#2	17 May 2016	23 June 2016, p. 2576	27 June 2016
#3	26 September 2016	10 November 2016, p. 4383	1 December 2016
#4	30 October 2017	28 November 2017, p. 4780	1 December 2017
#5	14 May 2018	24 May 2018, p. 2046	1 June 2018
#6	20 March 2019	18 April 2019, p. 1081	1 May 2019
#7	9 April 2020	14 May 2020, p. 1174	18 May 2020
#8	17 December 2020	24 December 2020, p. 6143	1 January 2021

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IN THE SUPREME COURT OF SOUTH AUSTRALIA

[COURT OF APPEAL] *only displayed if applicable*

IN THE CRIMINAL JURISDICTION

SCCRM **of**

(NAME)

R/Appellant/Applicant *(delete whichever is inapplicable)*

v

(NAME)

Defendant/Respondent/The Queen *(delete whichever is inapplicable)*

IN THE SUPREME COURT OF SOUTH AUSTRALIA

[COURT OF APPEAL] *only displayed if applicable*

IN THE CRIMINAL JURISDICTION

SCCRM **of**

(NAME)

R/Appellant/Applicant *(delete whichever is inapplicable)*

v

(NAME)

Defendant/Respondent *(delete whichever is inapplicable)*

(Document type, eg Application, Notice, etc.)

Filed on behalf of *(name of party)* by *(name of solicitor)*

(or)

Filed by *(name of party)*

(address) (Mandatory Field)

(telephone)

(mobile)

(facsimile)

(DX Box)

(email)

(‘L’ Code)

(‘P’ Code)

(insert proceeding heading)

INFORMATION

Criminal Procedure Act 1921 s 103(1)

For arraignment on.....

Information of the Director of Public Prosecutions

(Insert name or names) is/are charged with the following offence(s):

First Count

Statement of offence

(insert short name of offence) (insert Act or Regulations and section or other provision when applicable)

Particulars of offence

(Insert name) on (date or date range) at (location) (set out essence of physical and mental elements of offence alleged).

(Insert particulars of circumstances of aggravation alleged in respect of each defendant where alleged)

(if applicable) This a “qualifying offence” within the meaning and for the purposes of section 44 of the Children and Young People (Safety) Act 2017 (insert name of applicable defendant if multiple defendants and the offence is not a qualifying offence for all defendants).

(if applicable) This a “prescribed offence” within the meaning and for the purposes of section 38 of the Child Safety (Prohibited Persons) Act 2016 (insert name of applicable defendant if multiple defendants and the offence is not a prescribed defence for all defendants).

Second Count

etc

(insert front sheet)

DEFENDANT'S SOLICITOR'S STATEMENT BEFORE ARRAIGNMENT

Name of Accused:

Offence(s):

.....

Date of Committal:

Date of Arraignment:

Name of Solicitor:

Name of Counsel:

Interpreter required for Arraignment: YES / NO LANGUAGE:

AVL requested for defendant to appear: YES / NO

Institution: YLP / ARC / MTG / PAU

Intended Plea: GUILTY NOT GUILTY

If Guilty Plea: Estimated time for submissions:

Dispute as to facts: YES / NO

Reports to be tendered/requested: YES / NO

Type of report:

Estimated arrival date of report:

Outstanding files to be called up from the Magistrates Court: YES / NO

Details of Magistrates Court files:

If Not Guilty Plea Trial by judge alone to be elected: YES / NO

Estimate length of trial: days

Status of funding for trial:

Date:

(signed)

.....

Solicitor for the defendant

(insert front sheet)

NOTIFICATION OF CHANGE OF PLEA

To: Deputy Registrar Criminal

The defendant *(insert name)* is to appear before the Supreme Court of South Australia for arraignment/Directions Hearing *(delete whichever is inapplicable)* on the date stated.

My client has previously entered a plea/pleas of not guilty. My client now wishes to enter plea/s of guilty.

I request that this matter be listed in the guilty arraignment list.

Name of Accused:

Court File Number:

Offence(s):

.....

Date of Committal:

Date of Arraignment/Directions Hearing:

Details of Solicitor:

Details of Counsel:

Interpreter required: YES / NO LANGUAGE:

AVL requested for defendant to appear: YES / NO

Institution: YLP / ARC / MTG / PAU

Intended Plea: GUILTY

Guilty Plea:

Estimated length of submissions (minutes):

Dispute as to facts: YES / NO

Reports to be tendered/requested: YES / NO

Type of report:

Estimated arrival date of report:

.....

(Signature)

(insert front sheet)

NOTICE OF PRESCRIBED PROCEEDINGS
Criminal Procedure Act 1921 s 127 , Bail Act 1985 s 3A

TO THE REGISTRAR

AND TO THE DEFENDANT: (insert name)

Notice

The proceedings instituted by information for arraignment on (insert date) are prescribed proceedings because

.....
.....
.....
.....
.....

The proceedings may be expedited under section 127 of the *Criminal Procedure Act 1921* and the *Supreme Court Criminal Rules 2014*

Date:

(signed)
Director of Public Prosecutions

(insert front sheet)

NOTICE OF ACTING AND ADDRESS FOR SERVICE

Notice

(name of solicitor)

acts/now acts *(delete whichever is inapplicable)* as solicitor for the
defendant/appellant/respondent *(delete whichever is inapplicable)*.....

whose address for service is/is now *(delete whichever is inapplicable)*

.....
.....

Date:

(signed)

Solicitor for the defendant/appellant/applicant/respondent/Director *(delete
whichever is inapplicable)*

(insert front sheet)

NOTICE OF ACTING IN PERSON AND ADDRESS FOR SERVICE

Notice

The defendant/appellant/applicant/respondent (*delete whichever is inapplicable*).....is/is now (*delete whichever is inapplicable*) self-represented.

The address for service for the defendant/appellant/applicant/respondent (*delete whichever is inapplicable*) is/is now (*delete whichever is inapplicable*)

.....
.....

Date:

(signed)

Defendant/Appellant/Applicant/Respondent (*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF CHANGE OF ADDRESS FOR SERVICE

Notice

The address for service of the defendant/appellant/applicant/respondent (*delete whichever is inapplicable*) (*insert name of party*).....

is now.....

.....

Date:

(signed)

Solicitor for the defendant/appellant/applicant/respondent (*delete whichever is inapplicable*)

(or)

Defendant/Appellant/Applicant/Respondent (*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF OBJECTION TO AUDIOVISUAL LINK

Notice

(name of person in custody objecting) of

.....

.....

objects to appearing by audiovisual link in the Court on the following hearing: (insert details of the hearing the subject of the objection)

.....

.....

The grounds of the objection are: (insert a brief statement of the grounds of objection)

.....

.....

.....

Date:

(signed)

Objector /Solicitor for the Objector / (delete whichever is inapplicable)

(insert front sheet)

ELECTION BY DEFENDANT FOR TRIAL BY JUDGE ALONE

Juries Act 1927 s 7(1)

Election

I, *(full name of defendant)*

of *(address)*

.....

ELECT under section 7(1)(a) of the *Juries Act 1927* to be tried by Judge alone in respect of all charges in the following information, namely: *(set out details of the charges)*

.....

.....

Acknowledgement

I ACKNOWLEDGE that I have received legal advice about making the election before making the election.

Date:

(signed)

Defendant

(insert front sheet)

ELECTION BY COUNSEL FOR TRIAL BY JUDGE ALONE

Juries Act 1927 s 7(1)

Election

I, *(full name of lawyer)*
of *(address of practice)*
barrister/barrister and solicitor *(delete whichever is inapplicable)*

CERTIFY that:

- 1. I am a legal practitioner holding a current practising certificate under the *Legal Practitioners Act 1981*.
- 2. I am the counsel for the defendant *(name)* in this proceeding.
- 3. I believe that the defendant is unfit to instruct counsel or give rational instructions in respect of all charges in the information, namely: *(set out details of the charges)*
.....
.....
.....
- 4. I have considered all matters relevant to the making of an election.
- 5. I consider that a trial by Judge alone would be in the best interest of the defendant.
- 6. I exercise my independent discretion under section 269W of the *Criminal Law Consolidation Act 1935* and ELECT under section 7(1)(a) of the *Juries Act 1927* that the defendant be tried by Judge alone on the above charges.

Date:

(signed)
Counsel for the defendant

(insert front sheet)

PRACTITIONER'S CERTIFICATE

Certificate

I, *(full name of practitioner)*.....

of *(address of practice)*

barrister/solicitor/barrister and solicitor *(delete whichever is inapplicable)*

CERTIFY that:

1. I am a lawyer holding a current practising certificate under the *Legal Practitioners Act 1981*.

2. I am the solicitor/counsel *(delete whichever is inapplicable)* for the defendant.....in this proceeding.

3. I have advised the defendant on all matters relevant to the defendant making/revoking *(delete whichever is inapplicable)* an election for trial by Judge alone under section 7(1)(a) of the *Juries Act 1927* in respect of all charges in the information, namely: *(set out details of the charges)*

.....
.....

Date:

(signed)

Solicitor/Counsel for the defendant *(delete whichever is inapplicable)*

(insert front sheet)

REVOCAION OF ELECTION BY DEFENDANT

Revocation

I, (full name of defendant)
of (address)
.....

REVOKE the election that I previously made on under
section 7(1)(a) of the *Juries Act 1927* to be tried by a Judge alone in respect of all charges in the
following information, namely: (set out details of the charges)

.....
.....
.....

Acknowledgement

I ACKNOWLEDGE that I have received legal advice about making the revocation of my
previous election before making the revocation.

Date:

(signed)
Defendant

(insert front sheet)

LEGAL REPRESENTATION CERTIFICATE
Criminal Law (Legal Representation) Act 2001 s 8(2)

Certificate

1. I, *(full name of lawyer)*
of *(address of practice)*
.....
act for the named defendant *(insert name)*.....

2. I certify that the defendant is an assisted person within the meaning of section 4 of the
Criminal Law (Legal Representation) Act 2001.

(or)

I undertake that the defendant will be provided with legal representation for the duration
of the trial.

(or)

I certify that the defendant is not an assisted person and I am not prepared to give an
undertaking that the defendant will be provided with legal representation for the duration
of the trial.

(delete whichever is inapplicable)

Date:

(signed)
Solicitor for the defendant

(insert front sheet)

SOLICITORS' TRIAL PREPARATION STATEMENT

Name of first defendant:

Legal Representative of first defendant:

<u>Representation assured for trial</u>	<u>Yes / No</u>
<u>Certificate filed pursuant to s 8 Legal Representation Act</u>	<u>Yes / No</u>
<u>Scheduling of Pre-Trial Applications</u>	
<u>49(1)(d)- quash or stay proceedings</u>	<u>Yes / No</u>
<u>49(1)(e)- separate trials</u>	<u>Yes / No</u>
<u>49(1)(h)- preliminary questions voir dire</u>	<u>Yes / No</u>
<u>49(1)()- other (identify)</u>	<u>Yes / No</u>
<u>Duration of argument (total)</u>	<u>hours/days</u>

Name of second defendant:

Legal Representative of second defendant:

<u>Representation assured for trial</u>	<u>Yes / No</u>
<u>Certificate filed pursuant to s 8 Legal Representation Act</u>	<u>Yes / No</u>
<u>Scheduling of Pre-Trial Applications</u>	
<u>49(1)(d)- quash or stay proceedings</u>	<u>Yes / No</u>
<u>49(1)(e)- separate trials</u>	<u>Yes / No</u>
<u>49(1)(h)- preliminary questions voir dire</u>	<u>Yes / No</u>
<u>49(1)()- other (identify)</u>	<u>Yes / No</u>
<u>Duration of argument (total)</u>	<u>hours/days</u>

Office for Director Public Prosecutions & Representatives for defence

<u>Witnesses</u>	
<u>Interpreter required for witness</u>	<u>Yes / No</u>
<u>Language</u>	
<u>Special requirements for witnesses (e.g. AVL/Screen)</u>	
<u>Evidentiary materials</u>	

<u>Are there any Outstanding Statements/Materials?</u>	<u>Yes / No</u>
<u>s 34P of the Evidence Act 1929 Notice of Discreditable Conduct</u>	<u>Filed / To be Filed</u>
<u>s 124 of the Criminal Procedure Act 1921 Expert Evidence or Alibi Evidence</u>	<u>Filed / To be Filed</u>

Date:

(signed)

Director of Public Prosecutions

(signed)

Solicitor for the first defendant

(signed)

Solicitor for the second defendant

(insert front sheet)

ASSURANCE THAT DEFENDANT DOES NOT WANT LEGAL REPRESENTATION

Criminal Law (Legal Representation) Act 2001 s 8(3)(c)

Assurance

I, *(full name of defendant)*.....
of *(address)*
.....

STATE that:

- 1. I am the defendant in these proceedings.
- 2. I am charged with *(insert charges)*
.....
.....
.....
.....
.....
- 3. I do not want to be legally represented at the trial of the above charges.

Date:

(signed)
Defendant

(insert front sheet)

APPLICATION FOR DIRECTIONS

TO THE *(INSERT ROLE): (insert name of other party)*.....

AND TO *(insert names of others to whom notice of the application is to be given)*.....

.....

Application

The Director of Public Prosecutions/Defendant/Appellant/Applicant/Respondent (*delete whichever is inapplicable*) *(insert name)*seeks the following orders or directions:

- 1. *(set out orders or directions sought)*

Endorsements

Application made pursuant to rule *(no)* of the *Supreme Court Criminal Rules 2014*/section *(no)* of the *(Act)* (*delete whichever is inapplicable*).

Grounds

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether there will be a dispute on the relevant facts)*

.....
.....
.....
.....

Date:

(signed)
Director of Public Prosecutions

(or)

Defendant/Appellant/Applicant/Respondent (*delete whichever is inapplicable*)

(or)

Solicitor for the defendant/appellant/applicant/respondent (*delete whichever is inapplicable*)

Hearing

(When the application is to be given a separate listing date, the following will be completed by the Registry)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)
Registrar

(insert front sheet)

APPLICATION FOR PRE-TRIAL SPECIAL HEARING

TO THE *(INSERT ROLE): (insert name of other party)*.....

AND TO *(insert names of any others to whom notice of the application is to be given)*.....

.....

Application

The Director of Public Prosecutions/Defendant *(insert name) (delete whichever is inapplicable)* seeks the following orders:

- 2. That *(insert name)* give evidence at a pre-trial special hearing.
- 3. That the hearing be convened as a proceeding preliminary to the trial for the purpose of taking the evidence of the witness:
 - in a courtroom
 - at a location to be approved by the court *(insert details if another specific location is sought)*
(delete whichever is inapplicable).
- 4. That the hearing be convened for the following purposes:
 - a. examination of the witness;
 - b. cross-examination of the witness;
 - c. re-examination of the witness
(delete any if inapplicable).
- 5. That the evidence be taken in the following way to facilitate the taking of evidence from the witness or to minimise the witness’s embarrassment or distress, namely *(insert manner)*.

6. That the following measures be taken to prevent the witness and the defendant from directly seeing or hearing each other before, during or after the hearing, namely (*insert measures*).
7. That the witness be accompanied at the hearing by (*insert name of relative/friend/other person*) for the purpose of providing emotional support.
8. That the taking of the evidence at the hearing be transmitted to the defendant by means of closed circuit television.
9. That the evidence be taken with the following communication assistance due to the witness's complex communication needs, namely (*insert communication assistance*).
10. That an audio visual record of the evidence be made.
11. (*Insert details of any other orders sought*).

Endorsements

Application made pursuant to rule 57A of the *Supreme Court Criminal Rules 2014* and section 12AB of the *Evidence Act 1929*.

Grounds

The grounds relied upon are as follows: (*set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether to object and whether there will be a dispute on the relevant facts*).

1. The evidence of the witness is necessary for the purpose of the trial of the offence of (*insert offence*) because (*insert reasons*).

Note: the offence must be:

- a “serious offence against the person”;
- contravening or failing to comply with an intervention order under the *Intervention Orders (Prevention of Abuse) 2009*; or
- contravening or failing to comply with a restraining order under the *Criminal Procedure Act 1921*.

2. The witness is a witness to whom section 12AB applies because he/she is:
 - a child under the age of 14 years having been born on (*insert date of birth*);
 - a person with a disability that adversely affects his/her capacity to give a coherent account of his/her experiences or to respond rationally to questions.(*delete whichever is inapplicable*).

Note: if the application is made on the ground of disability, the application must be supported by an affidavit addressing the disability.

3. The application is made for the witness to give evidence at a pre-trial special hearing because *(insert why order is sought)*.
4. The witness has a physical disability or cognitive impairment, namely *(insert details)* *(delete if inapplicable)*.
5. The witness has complex communication needs and requires communication assistance, namely *(insert details)* *(delete if inapplicable)*.

It is proposed that the communication assistance be provided by *(insert name)*, who:

- is/is not *(delete whichever is inapplicable)* to be called as a witness in the trial of the charge;
- is a communication partner for the purposes of the *Evidence Act 1929*;
- should be/is *(delete whichever is inapplicable)* approved by the Court to provide such assistance because *(insert details)*

(delete whichever is inapplicable).

Date:

(signed)
Director of Public Prosecutions

(or)

Defendant

(or)

Solicitor for the defendant

IMPORTANT NOTICE TO RESPONDENT

If you wish to oppose the application, you **MUST** file and serve a Notice of Objection (form 13B) within 14 days of service of this application on you. Otherwise the Court must make the order sought without reference to you.

If you file and serve a Notice of Objection within 14 days of service of this application on you, the application will be listed for hearing before a Judge. You will be notified by the Court of the date and time of the hearing.

(insert front sheet)

NOTICE OF OBJECTION TO PRE-TRIAL SPECIAL HEARING

Objection

(name of person objecting)
of
.....

objects to the witness *(insert name)* being permitted to give evidence at a pre-trial special hearing.

The grounds of the objection are: *(insert a brief statement of the grounds of objection)*

.....
.....
.....

Date:

(signed)
Director of Public Prosecutions/Defendant/Solicitor for the Defendant *(delete
whichever is inapplicable)*

Hearing

(When the application is to be given a separate listing date, the following will be completed by the Registry)

The application for a pre-trial special hearing will be heard before in
the Supreme Court at on at or so
soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with the application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar

(insert front sheet)

APPLICATION FOR ADMISSION OF AUDIOVISUAL RECORD (PRE-TRIAL SPECIAL HEARING)

TO THE *(INSERT ROLE)*: *(insert name of other party)*.....

AND TO *(insert names of any others to whom notice of the application is to be given)*.....

.....

Application

The Director of Public Prosecutions/Defendant *(insert name)*
..... *(delete whichever is inapplicable)* seeks an order that
the audio visual record of evidence of *(insert name)* made on *(insert date)* pursuant to section
12AB of the *Evidence Act 1929* be admitted in evidence at trial.

Endorsements

Application made pursuant to rule 57B of the *Supreme Court Criminal Rules 2014* and section
13BA of the *Evidence Act 1929*.

Grounds

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the
issues to be raised so that the other party may determine whether there will be a dispute on the
relevant facts)*

1. The audio visual record of the witness was made pursuant to section 12AB at a pre-trial special hearing on *(insert date)* before *(insert name of judicial officer)*.
2. The witness' capacity to give sworn/unsworn *(delete whichever is inapplicable)* evidence at the time the recording was made is evidenced by *(insert details)*.

3. The party/parties (*delete whichever is inapplicable*) against whom it is sought that the evidence be admitted has/have (*delete whichever is inapplicable*) been given a reasonable opportunity to view the recording, namely:

- (*insert name*) was notified on (*insert date*) by (*insert details of notification*) that the audio visual record was available for viewing at a time convenient;
- (*insert name*) viewed the audio visual record on (*insert date*);
- a copy of the audio visual record was provided to (*insert name*) on (*insert date*).

(*delete whichever is inapplicable*).

4. The witness will be available, if required, during the course of the trial for further examination, cross-examination and re-examination.

5. It is proposed that the audiovisual record be edited to exclude evidence that is or may be inadmissible in the following manner, namely (*insert details*).

Date:

(*signed*)

Director of Public Prosecutions

(*or*)

Defendant

(*or*)

Solicitor for the defendant

(*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by the Registry*)

This application will be heard before.....in the Supreme Court at.....on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)
Registrar

(insert front sheet)

APPLICATION FOR ADMISSION OF AUDIOVISUAL RECORD (SUMMARY OFFENCES ACT)

TO THE *(INSERT ROLE): (insert name of other party)*.....

AND TO *(insert names of any others to whom notice of the application is to be given)*.....

.....

Application

The Director of Public Prosecutions/Defendant *(insert name)*
..... *(delete whichever is inapplicable)* seeks an order that
the audio visual record of evidence of *(insert name)* made on *(insert date)* pursuant to section
74EB of the *Summary Offences Act 1953* be admitted in evidence at trial.

Endorsements

Application made pursuant to rule 57B of the *Supreme Court Criminal Rules 2014* and section
13BA of the *Evidence Act 1929*.

Grounds

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the
issues to be raised so that the other party may determine whether there will be a dispute on the
relevant facts)*

1. The audio visual record of the witness was made pursuant to section 74BE at an interview on
(insert date) by *(insert name(s) of interviewer(s))*.
2. The witness's capacity to give sworn/unsworn *(delete one if only one form of giving evidence
is applicable)* evidence at the time the recording was made is evidenced by *(insert details)*

3. The party/parties (*delete whichever is inapplicable*) against whom it is sought that the evidence be admitted has/have (*delete whichever is inapplicable*) been given a reasonable opportunity to view the recording, namely:
 - (*insert name*) was notified on (*insert date*) by (*insert details of notification*) that the audio visual record was available for viewing at a time convenient;
 - (*insert name*) viewed the audio visual record on (*insert date*);
 - a copy of the audio visual record was provided to (*insert name*) on (*insert date*).

(*delete whichever is inapplicable*).
4. The witness will be available, if required, during the course of the trial for further examination, cross-examination and re-examination.
5. The witness was born on (*insert date*).
6. The witness has a disability that adversely affects his/her capacity to give a coherent account of his/her experiences or to respond rationally to questions, namely (*insert disability*).
7. The evidence of the witness is relevant to the trial of the charge of (*insert offence*) against (*insert name of defendant*).

Note —

The offence must be a “serious offence against the person”.

8. The interview was conducted in accordance with section 74EB of the *Summary Offences Act 1953* except (*insert details of any non-compliance*).

Note —

The application must be supported by an affidavit deposing as to compliance with section 74EB of the *Summary Offences Act 1953*.

9. Notwithstanding such non-compliance, it is contended that the interests of justice require the admission of the evidence.

(*delete if inapplicable*)

Note —

If there is any non-compliance, the application must be supported by an affidavit deposing to the facts by reason of which the interests of justice require the admission of the evidence despite the non-compliance.

10. It is proposed that the audiovisual record be edited to exclude evidence that is or may be inadmissible in the following manner, namely (*insert details*).

Date:

(*signed*)
Director of Public Prosecutions

(*or*)

Defendant

(*or*)

Solicitor for the defendant

(*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by the Registry*)

This application will be heard before.....in the Supreme Court at.....on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)

(insert front sheet)

APPLICATION FOR DIRECTIONS TO RECEIVE EVIDENCE OR SUBMISSIONS BY AUDIOVISUAL LINK

Evidence Act 1929 s 59IE/59IQ

TO THE (INSERT ROLE): (insert name of other party)

AND TO (insert names of others to whom notice of the application is to be given)

.....

Application

The Director of Public Prosecutions/Defendant (insert name) (delete whichever is inapplicable) applies for the following orders or directions:

- 1. an order that
 - the evidence of (identify the witness).....
 - submissions by (identify the person and subject matter)

(delete whichever is inapplicable)

at the

- hearing of the application for (identify the application).....
- directions hearing on (insert date)
- trial on (insert date)

(delete whichever is inapplicable)

be conducted with the aid of an audio link/audiovisual link (delete whichever is inapplicable).

12. (set out any other direction sought)

Particulars

- 1. It is proposed that the link be utilised in relation to the whole of the proceeding/portion only of the proceeding, namely..... *(delete whichever is inapplicable)*
- 2. The persons proposed to appear before the Court or give evidence by the proposed link are as follows: *(names and roles)*
- 3. The link is required from *(originating city/town)* to *(receiving city/town)*.
- 4. The time proposed for the commencement of the link is *(time and date)*.
- 5. The estimated duration of the link is *(period)*.
- 6. The application is made with/without *(delete whichever is inapplicable)* the consent of all parties to the proceedings.
(If all parties do not consent, identify any non-consenting party and the nature of the objection raised)

Grounds

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether there will be a dispute on the relevant facts)*

.....
.....
.....
.....

Date:

(signed)
Director of Public Prosecutions/Defendant/Solicitor for the defendant *(delete whichever is inapplicable)*

Hearing

(When the application is to be given a separate listing date, the following will be completed by the Registry)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)
Registrar

(insert front sheet)

NOTICE OF INTENTION BY DIRECTOR TO ADDUCE DISCREDITABLE CONDUCT EVIDENCE
Evidence Act 1929 s 34P(4)

TO THE DEFENDANT: *(insert name of defendant)*.....

Notice

The Director of Public Prosecutions intends at trial to seek to adduce evidence of discreditable conduct of *(insert name)*

Particulars of evidence of conduct

A. In respect of the first item of discreditable conduct:

A1. The nature of the discreditable conduct is

.....
.....

A2. The witness from whom the evidence is to be led, whether in examination-in-chief or in cross-examination, is

.....
.....

A3. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count *(identify the first count to which the evidence is said to be relevant)* is

.....
.....
.....

A4. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count *(identify the second count to which the evidence is said to be relevant)* is

.....

.....
.....

(Repeat number 4 for each further count to which the evidence is said to be relevant)

B. *(Repeat A1 to A4 for each additional item of discreditable conduct alleged)*

Action required

If you wish to object to the admission of the evidence of discreditable conduct proposed to be adduced by the Director of Public Prosecutions you must, within 28 calendar days after the filing of this Notice, file in the Court and serve on all other parties to the proceeding a Notice using form 17 which sets out the grounds of your objection.

Date:

(signed)
Director of Public Prosecutions

Note

This Notice must be filed in the Court and served on all other parties to the proceeding within 21 calendar days after the date on which proceeding is listed for trial.

(insert front sheet)

NOTICE OF INTENTION BY DEFENDANT TO ADDUCE DISCREDITABLE CONDUCT EVIDENCE
Evidence Act 1929 s 34P(4)

TO THE DEFENDANT: *(insert name of co-defendant)*

AND TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Notice

The defendant *(insert name)*..... intends at trial to seek to adduce evidence of discreditable conduct of *(insert name)*

Particulars of evidence of conduct

A. In respect of the first item of discreditable conduct:

A1. The nature of the discreditable conduct is

.....
.....

A2. The witness from whom the evidence is to be led, whether in examination-in-chief or in cross-examination, is

.....
.....

A3. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count *(identify the first count to which the evidence is said to be relevant)* is

.....
.....
.....

A4. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count (*identify the second count to which the evidence is said to be relevant*) is

.....
.....
.....

(Repeat number 4 for each further count to which the evidence is said to be relevant)

B. (Repeat A1 to A4 for each additional item of discreditable conduct alleged)

Action required

If you wish to object to the admission of the evidence of discreditable conduct proposed to be adduced by your co-defendant you must, at least 5 clear business days before the listed trial date, file in the Court and serve on all other parties to the proceeding a Notice using form 17 that sets out the grounds of your objection.

Date:

(signed)
Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)

Note

This Notice must be filed in the Court and served on all other parties to the proceeding at least 21 clear calendar days before the listed trial date.

(insert front sheet)

NOTICE OF INTENTION TO OBJECT TO PROPOSED DISCREDITABLE CONDUCT EVIDENCE
Evidence Act 1929 s 34P(4)

TO THE DIRECTOR OF PUBLIC PROSECUTIONS
AND TO THE DEFENDANT: *(insert name of co-defendant if applicable)*.....
.....

Notice

TAKE NOTICE that *(insert role and name of party objecting)*
will object to the evidence of discreditable conduct proposed to be adduced by *(insert role and name of relevant party)*

The evidence of discreditable conduct to which objection is taken is *(specify the particular proposed evidence of discreditable conduct to which and the counts in respect of which objection is taken)*

.....
.....
.....

Grounds

The grounds of objection are as follows:

1. *(set out, separately in relation to each allegation of discreditable conduct, the grounds of objection)*
 - 2.
- (etc)*

Date:

(signed)

.....

Director of Public Prosecutions/Defendant/Solicitor for the defendant (*delete
whichever is inapplicable*)

Note

This Notice must be filed in the Court and served on all other parties to the proceeding:

- if in response to evidence proposed to be led by the Director of Public Prosecutions—no later than 28 calendar days after the Director of Public Prosecutions filed a Notice of Intention to Adduce Discreditable Conduct;
- otherwise— at least 5 clear business days before the listed trial date.

(insert proceeding heading)

ORDER REQUIRING NOTIFICATION WHETHER DEFENCE DISPENSES WITH CALLING PROSECUTION WITNESSES

Criminal Procedure Act 1921 s 134(4)

TO THE DEFENDANT: (insert name of defendant).....

Order

The Court requires you to notify the Director of Public Prosecutions whether you consent to dispensing with calling the following prosecution witnesses (names of witnesses).....

.....

to establish the admissibility of evidence of the following: (description of evidence).....

.....

.....

.....

Action required

YOU ARE REQUIRED to give a written reply to this Notice in form 19 of the *Criminal Supplementary Rules 2014* within days of the service of this Order on you or your solicitor.

Warning

If you fail to reply within this time, your consent to the tender of the evidence specified in this Notice for the purposes specified in this Notice will be conclusively presumed.

Date:

(signed)
Justice (insert name)

(insert front sheet)

NOTIFICATION WHETHER DEFENCE CONSENTS TO DISPENSING WITH CALLING PROSECUTION WITNESSES

Criminal Procedure Act 1921 s 134(4)

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Response

In response to the order datedof Justice,
the defendant *(insert name of defendant)*

- consents to the prosecution dispensing with the need to call witnesses to establish the admissibility of the following evidence *(description of evidence)*

.....
.....
.....

- does not consent to the prosecution dispensing with the need to call witnesses to establish the admissibility of the evidence/other evidence *(delete whichever is inapplicable)* identified in the order.

(delete whichever is inapplicable)

Date:

(signed)

Defendant/Solicitor for the defendant *(delete whichever is inapplicable)*

Form 20 - There is no Form 20 (deleted by Amendment No. 5 effective 1 June 2018)

Form 21 - There is no Form 21 (deleted by Amendment No. 5 effective 1 June 2018)

(insert proceeding heading)

ORDER REQUIRING DEFENCE TO GIVE PROSECUTION NOTICE OF INTENTION TO ADDUCE EVIDENCE

Criminal Procedure Act 1921 s 134(1)

TO THE DEFENDANT: (insert name of defendant).....

Order

The Court requires you to give to the Director of Public Prosecutions notice of an intention to introduce at trial evidence of the following kind: (description of the kind of evidence)

.....
.....

Action required

YOU MUST give written notice in form 23 of the *Criminal Supplementary Rules 2014* of your intention to call evidence of the kind set out above within..... days of service of this Order on you or your solicitor.

Warning

Non-compliance with this order does not render evidence inadmissible, but the prosecutor or the Judge (or both) may comment on the non-compliance to the jury.

Date:

(signed)
Justice (insert name)

(insert front sheet)

NOTICE OF INTENTION TO ADDUCE EVIDENCE

Criminal Procedure Act 1921 s 134(1)

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Response

In response to the order datedof Justice,
the defendant (*name of defendant*)
intends to introduce at the trial evidence of the following kind:

.....
.....
.....
.....
.....

Date:

(signed)
Solicitor for the defendant/Defendant (*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF INTENTION TO INTRODUCE EXPERT OR ALIBI EVIDENCE

Criminal Procedure Act 1921 s 124

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Written statement – Expert evidence

The defendant (*name of defendant*).....

intends to introduce expert evidence

at trial/during submissions on sentence (*delete whichever is inapplicable*)

from (*insert name and field of expertise of expert*)

.....
.....

The witness will give the following evidence: (*set out concisely the general nature of the evidence and what it tends to establish*)

.....
.....
.....

Written statement – Alibi evidence

The defendant (*name of defendant*).....

intends to introduce alibi evidence at trial from (*insert name*)

.....
.....

The address of the person to give alibi evidence is (*delete if inapplicable*)

.....
.....

The witness will give the following evidence: (*set out concisely the general nature of the evidence and what it tends to establish*)

.....
.....
.....

Declaration

I verify and declare that the statements contained in this notice are true to best of my knowledge and belief.

Date:

(signed)
Defendant (*where the defendant is unrepresented*)

(signed)
Solicitor for the defendant in the presence of the defendant (*where the defendant is represented by a legal practitioner*)

Warning

The Court determining proceedings for an indictable offence may refuse to admit evidence in the proceedings that is sought to be adduced by a party who has failed to comply with section 124 of the *Criminal Procedure Act 1921*.

Note

Section 124 of the *Criminal Procedure Act 1921* requires that this notice be signed by the defendant personally or be signed, in the presence of the defendant, by a legal practitioner representing the defendant or, in the case of a body corporate, by a legal practitioner representing the body corporate.

Note

If the Director of Public Prosecutions is not provided with notice of intention to introduce expert evidence within the timeframe provided for in section 124 of the *Criminal Procedure Act 1921*, the Court may, on application by the prosecutor, adjourn the case to allow the prosecution a reasonable opportunity to obtain expert advice on the proposed evidence if the defendant is to be permitted to adduce the evidence.

(insert proceeding heading)

LETTER OF REQUEST
Evidence Act 1929 s 59E(1)(c)

TO THE COMPETENT JUDICIAL AUTHORITY OF *(insert place)*.....
.....in *(insert country)*.....

Background

An action has been commenced in the Supreme Court of South Australia, in which
(insert name of party)of *(insert address)*.....
is the *(insert role of party)*

and *(insert name of party)*.....of *(insert address)*.....
is the *(insert role of party)*

It is necessary, for the determination of the matters in dispute, that the following person, resident within your jurisdiction, be examined as a witness upon oath or affirmation concerning those matters: *(insert name and address of proposed witness and state concisely the matters on which the witness is required to testify)*
.....
.....

Request

I *(name)*....., the Registrar of the Supreme Court of South Australia, request pursuant to section 59E of the *Evidence Act 1929* that, for the assistance of the Court, you summon the witness to attend, at a time and place you appoint, before a person who according to your procedure is competent to take examinations of witnesses, and that you cause the witness to be examined orally with regard to the matters in question, in the presence of the agents of the parties, or such of them as, on due notice given, attend the examination.

I request that you permit the agents of the *(insert name of party seeking that witness be called)*..... to examine the witness, and permit any other party to cross

examine the witness and the party producing the witness for examination to re-examine the witness orally.

I request that the evidence of the witness be reduced into writing and all documents and things produced upon the examination be duly marked for identification, and that you authenticate the examination by the seal of your Court or in another way in accordance with your procedure, and return them to me together with a note of the charges and expenses payable in respect of this request through the Attorney-General of South Australia from whom this request was received for transmission to the Supreme Court of South Australia.

I request that you cause me, and the agents of the parties if appointed, to be informed of the date and time when and place where the examination is to take place.

Date:

(signed)

Registrar

Form 26 There is no Form 26 (deleted by Amendment No. 1 effective 1 May 2016)

(insert proceeding heading)

SUBPOENA

TO: *(name of addressee)*

(address)

You are ordered to attend to give evidence – see below for details.

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

Please read Notes 1 to 8 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

(if applicable) The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

(Registry to place seal)

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

Details of subpoena

Date, time and place at which you must attend to give evidence, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court, Sir Samuel Way Building, 241-259 Victoria Square Adelaide

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

NOTES

Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

Applications in relation to subpoena

5. You have the right to apply to the Court:
 - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

6. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Contempt of court – arrest

7. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
8. Note 7 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

For more information regarding attending Court, Court services and translation services visit

www.courts.sa.gov.au

(insert proceeding heading)

SUBPOENA

TO: *(name of addressee)*

(address)

You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule – see below for details.

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

(if applicable) The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

(Registry to place seal)

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

Details of subpoena

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or

- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (see Notes 5-11)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court, Sir Samuel Way Building, 241-259 Victoria Square Adelaide

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

Supreme Court Criminal Registry
Lower Ground Floor
Sir Samuel Way Building
241- 259 Victoria Square
Adelaide, South Australia, 5000

Schedule of documents

The documents and things you must produce are as follows:

(list the documents or things. if insufficient space attach list)

NOTES

Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.
4. Deleted by Amendment #4

Production of subpoena or copy of it and documents or things by delivery or post

5. In so far as this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
 - (a) at the address specified in the subpoena for the purpose; or
 - (b) if more than one address is so specified, at any one of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

Production of a number of documents or things

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.
- 9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.
- 9A. A copy of a document may be:
- (a) a photocopy; or

- (b) in any of the following electronic formats:
 - .doc and .docx – Microsoft Word documents
 - .pdf – Adobe Acrobat documents
 - .xls and .xlsx – Microsoft Excel spreadsheets
 - .jpg – image files
 - .rtf – rich text format
 - .gif – graphics interchange format
 - .tif – tagged image format.

10. Deleted by Amendment No. 4.

11. Deleted by Amendment No. 4.

Applications in relation to subpoena

12. You have the right to apply to the Court:

- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Contempt of court – arrest

- 14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

For more information regarding attending Court, Court services and translation services visit

www.courts.sa.gov.au

(insert proceeding heading)

SUBPOENA

TO: *(name)* of *(address)*

You are ordered to attend to give evidence and to produce this subpoena or a copy of it and the documents or things specified in the Schedule – see below for details.

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

(if applicable) The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

(Registry to place seal)

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

Details of subpoena

Insofar as you are required by this subpoena to attend to give evidence, you must attend as follows, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court, Sir Samuel Way Building, 241-259 Victoria Square Adelaide

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

Insofar as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (see Notes 5-11)

Date, time and place at which you must attend to produce the subpoena or a copy of it and the documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court, Sir Samuel Way Building, 241-259 Victoria Square Adelaide

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

Supreme Court Civil Registry
Lower Ground Floor
Sir Samuel Way Building
241- 259 Victoria Square
Adelaide, South Australia, 5000

Schedule of documents

The documents and things you must produce are as follows:

(list the documents or things. if insufficient space attach list)

NOTES

Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

Production of subpoena or copy of it and documents or things by delivery or post

5. In so far as this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
 - (a) at the address specified in the subpoena for the purpose; or
 - (b) if more than one address is so specified, at any one of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

Production of a number of documents or things

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

9A. A copy of a document may be:

- (a) a photocopy; or
- (b) in any of the following electronic formats:
 - .doc and .docx – Microsoft Word documents
 - .pdf – Adobe Acrobat documents
 - .xls and .xlsx – Microsoft Excel spreadsheets
 - .jpg – image files
 - .rtf – rich text format
 - .gif – graphics interchange format
 - .tif – tagged image format.

10. Deleted by Amendment No. 4.

11. Deleted by Amendment No. 4.

Applications in relation to subpoena

12. You have the right to apply to the Court:

- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Contempt of court – arrest

14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

For more information regarding attending Court, Court services and translation services visit

www.courts.sa.gov.au

(insert proceeding heading)

NOTICE AND DECLARATION BY ADDRESSEE OF SUBPOENA

TO: *(name of addressee)*

(address)

Notice to Addressee

The ***Addressee*** is the person to whom the subpoena is addressed and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of a document may be:

- (a) a photocopy; or
- (b) in any of the following electronic formats:
 - .doc and .docx – Microsoft Word documents
 - .pdf – Adobe Acrobat documents
 - .xls and .xlsx – Microsoft Excel spreadsheets
 - .jpg – image files
 - .rtf – rich text format
 - .gif – graphics interchange format
 - .tif – tagged image format

You must complete the Declaration below, attach it to the subpoena or a copy of the subpoena, and return them with the documents or things you provide to the Court under the subpoena.

If you declare that the material you produce are copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes an original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)

(tick the relevant option below, provide your address as appropriate, sign and date)

All of the material I am providing to the Court in compliance with the attached subpoena are **copies of documents**. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

Some or all of the material I am providing to the Court in compliance with the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

.....
.....

(signature of addressee)

(name of addressee)

(date)

(insert proceeding heading)

ORIGINATING APPLICATION TO FIX NON-PAROLE PERIOD

Sentencing Act 2017 s 47(3)

TO THE PAROLE BOARD

TO THE PRISONER: *(insert name)*

(delete whichever is inapplicable)

AND TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Application

(name of applicant).....

applies under section 47(3) of the *Sentencing Act 2017* for an order fixing a non-parole period in respect of a sentence imposed in the *(insert Court)*

on *(insert date)*.....

of imprisonment for *(insert sentence imposed)*

with a non-parole period of *(insert non-parole period imposed)*.....

(delete if inapplicable)

- On *(insert date)*.....the Parole Board of South Australia cancelled the applicant’s release on parole and directed that the applicant serve the balance of the sentence being *(insert period)*which commenced on *(insert date)*
- The applicant is serving a term of imprisonment of one year or more, and has not had a non-parole period fixed in respect of that sentence
(delete whichever is inapplicable)

The applicant’s sentence will expire on *(insert date)*.....

Relevant matters

The applicant invites the sentencing Court to take into the following matters when it fixes the non-parole period:

.....
.....
.....

Applicant’s address

The applicant’s address for service is:

Place:
.....

Email:

The applicant’s address is (*place of residence or business*):

.....
.....

Date:

(*signed*)
Prisoner/Solicitor for the prisoner/Parole Board of South Australia (*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by the Registry*)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)
Registrar

(insert front sheet)

ORIGINATING APPLICATION

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given).....

Application

The Director of Public Prosecutions/Parole Board/Public Advocate/Attorney-General/Defendant/Applicant (delete whichever is inapplicable) (insert name and address when application made by or on behalf of the defendant or another individual) seeks the following orders:

- 1. (state briefly but specifically the orders sought)

Grounds

The grounds relied upon by the applicant are as follows: (set out sufficient particulars to give proper notice of the basis of the orders sought)

.....
.....

Applicant's address

The applicant's address for service is:

Place:
.....

Email:

The applicant's address is (place of residence or business):

.....
.....

Date:

(signed)

Director of Public Prosecutions/Parole Board/Public Advocate/Attorney-
General/Defendant/Applicant (*delete whichever is inapplicable*)

Hearing

(When the application is to be given a separate listing date, the following will be completed by the Registry)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)

Registrar

(insert proceeding heading)

WARRANT FOR DETENTION

Criminal Law Consolidation Act 1935 s 269O/269P/269U

Particulars of Defendant

Name:

Date of Birth:

Address:

.....

Particulars of supervision order

Offence charged:

Section and Act under which offence charged:

Court which made Supervision Order:

Terms of Supervision Order:

Date of Supervision Order:

Period of limiting term:

Warrant

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE MINISTER OF HEALTH.

- The defendant named in this warrant has been dealt with by the Court and, having been declared liable to supervision, committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*.
- The defendant named in this warrant was committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*. The defendant was subsequently released on licence but on (date)..... the Court cancelled the release.

(delete whichever is inapplicable)

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to James Nash House and you, the Minister of Health, are directed to detain the defendant in accordance with the Supervision Order.

Date:

(signed)
Justice (*name*)

(insert proceeding heading)

WARRANT OF REMAND IN CUSTODY PENDING INVESTIGATION
Criminal Law Consolidation Act 1935 s 269X(1)

Particulars of Defendant

Name:

Date of Birth:

Address:

Particulars of investigation and institution

Offence charged:

Section and Act under which offence charged:

Investigation into the mental fitness of the defendant to stand trial on the offence charged/the mental competence of the defendant to commit the offence charged (*delete whichever is inapplicable*)

Institution defendant is to be taken to:

Warrant

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE
AND TO THE MINISTER OF HEALTH/THE CHIEF EXECUTIVE OF THE DEPARTMENT
OF CORRECTIONAL SERVICES (*delete whichever is inapplicable*)

The defendant named in this warrant is subject of an investigation into his/her (*delete whichever is inapplicable*) fitness to stand trial/mental competence (*delete whichever is inapplicable*) pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to the institution referred to above.

The defendant is to be taken to the institution referred to above until a placement at a secure mental health facility is available and then the defendant is to be transferred to the care of the Minister of Health.

You, the/the Chief Executive of the Department of Correctional Services/Minister of Health (*delete whichever is inapplicable*) are directed to detain the defendant until the conclusion of the investigation.

Date:

(*signed*)
Justice (*name*)

(insert proceeding heading)

WARRANT OF REMAND IN CUSTODY AFTER DECLARED LIABLE TO SUPERVISION

Criminal Law Consolidation Act 1935 s 269X(2), 269U(3)

Particulars of Defendant

Name:

Date of Birth:

Address:

Particulars of declaration and institution

Offence charged:

Section and Act under which offence charged:

Court which made declaration liable to supervision:

Date declared liable to supervision:

Institution defendant is to be taken to:

Date and time to which remanded:

Warrant

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONAL

SERVICES

The defendant named in this warrant has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935*.

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to the correctional institution referred to above.

- The defendant is to be taken to the institution referred to above until a placement at a secure mental health facility is available and then the defendant is to be transferred to the care of the Minister of Health.
- You, the Chief Executive, Department of Correctional Services/ Minister of Health, are directed to detain the defendant until such time as the Court makes all orders which are required to be made pursuant to s 269O of the Act.
- The defendant named in this warrant was committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*. The defendant was subsequently released on licence but on..... the Court on an application for review of the supervision order under section 269U made an order that the defendant be detained until the application is determined.

(delete whichever is inapplicable)

Date:

(signed)
Justice (*name*)

Form 33 – There is no Form 33 (deleted by Amendment No. 5 effective 1 June 2018)

Form 34 – There is no Form 34 (deleted by Amendment No. 5 effective 1 June 2018)

(insert front sheet)

APPLICATION FOR EXTENDED SUPERVISION ORDER

Criminal Law (High Risk Offenders) Act 2015 s 7(1)

TO: *THE RESPONDENT*

Application

The Attorney-General for the State of South Australia seeks the following orders and directions:

1. That the Court direct that one or more legally qualified medical practitioners examine the respondent and report to the Court with an assessment whether
 - (i) there is a likelihood of the respondent committing a further serious sexual offence; or
 - (ii) there is a likelihood of the respondent committing a further serious offence of violence.

(delete whichever is inapplicable)
2. That the respondent be subject to an extended supervision order for a period of up to five years.
3. That the respondent be subject to an interim supervision order from the date of making the order until the application for the extended supervision order is determined.

Endorsements

Application made pursuant to section 7(1) of the *Criminal Law (High Risk Offenders) Act 2015*.

Interim order sought pursuant to section 9(1) of the *Criminal Law (High Risk Offenders) Act 2015*. *(delete if inapplicable)*

Grounds

The grounds relied upon are as follows:

- 1. The respondent was sentenced in the Supreme/District/Magistrates Court (*delete whichever is inapplicable*) on..../...../ 20....to a period of imprisonment ofwith a non-parole period of commencing on for the offence(s) of

or

The respondent was subject to an extended supervision order by this Honourable Court on/...../ 20....commencing on..../...../ 20.... for the period of

- 2. The date on which the term or terms of imprisonment expires is...../...../20...

or

The date on which the extended supervision order expires is/...../ 20.....

- 3. The respondent is currently in a prison/on parole/on home detention release (*delete whichever is inapplicable*) in respect of that term of imprisonment. (*delete if inapplicable*)

- 4. The respondent is a high risk offender and poses an appreciable risk to the safety of the community if not supervised because

.....
.....

Date:

(*signed*)
Solicitor for the Applicant, Attorney-General for the State of South Australia

Hearing

This application will be heard before a Justice of the Supreme Court at Adelaide on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar

(insert proceeding heading)

INTERIM SUPERVISION ORDER
Criminal Law (High Risk Offenders) Act 2015 s 9

Particulars of Respondent

Name:

Date of Birth:

Address:

Satisfaction

1. Upon the filing of an application under section 7(1) of the Act by Attorney-General for an Extended Supervision Order, a Judge of the Supreme Court is satisfied—
 - (a) that the relevant expiry date for the respondent is likely to occur before the application is determined, the said date being/..../20.....; and
 - (b) that the matters alleged in the material supporting the application would, if proved, justify the making of an extended supervision order.

Order

1. The Court makes an interim supervision order taking effect on the making of this order until the application for the extended supervision order is finally determined.
2. The conditions to which the respondent is subject are:
 - (a) that the respondent not commit any offence;
 - (b) that the respondent is prohibited from possessing a firearm or ammunition (both within the meaning of the *Firearms Act* or any part of a firearm or offensive weapon unless the Supreme Court permits the person to possess such a weapon and the person complies with the terms and conditions of the permission;
 - (c) that the respondent is subject—
 - (i) to be under the supervision of a community corrections officer;
 - (ii) to obey the reasonable directions of the community corrections officer;

- (iii) to submit to such tests (including testing without notice) for gunshot residue as the community corrections officer may reasonably require;
- (d) *any other condition that the Court thinks fit and specifies in the order;*
- (e) any condition imposed by the Parole Board under section 11 of the Act.

Notification

TO THE PAROLE BOARD

AND TO THE CHIEF EXECUTIVE OFFICER OF THE DEPARTMENT FOR
CORRECTIONAL SERVICES

AND TO THE COMMISSIONER OF POLICE

Date order made and operative from:

(signed)

Justice (*name*)

(insert proceeding heading)

EXTENDED SUPERVISION ORDER
Criminal Law (High Risk Offenders) Act 2015 s 7(4)

Particulars of Respondent

Name:

Date of Birth:

Address:

Satisfaction

- 1. A Judge of the Supreme Court has determined that the respondent is a high risk offender and poses an appreciable risk to the safety of the community if not supervised under this order.

Order

- 1. The respondent is to be subject to an extended supervision order for a period of..... (no more than 5 years) from the date of this order/until/...../20.... (the relevant expiry date defined by section 4 of the Act) (*delete whichever is inapplicable*).
- 2. The conditions to which the respondent is subject are:
 - (a) that the respondent not commit any offence;
 - (b) that the respondent is prohibited from possessing a firearm or ammunition (both within the meaning of the *Firearms Act 1977*) or any part of a firearm or offensive weapon unless the Supreme Court permits the person to possess such a weapon and the person complies with the terms and conditions of the permission;
 - (c) that the respondent is—
 - (i) to be under the supervision of a community corrections officer;
 - (ii) to obey the reasonable directions of the community corrections officer;

- (iii) to submit to such tests (including testing without notice) for gunshot residue as the community corrections officer may reasonably require;
 - (d) *any other condition that the Court thinks fit and specifies in the order;*
 - (e) any condition imposed by the Parole Board under section 11 of the Act.
3. This order takes effect on/...../20.....

Notification

TO THE PAROLE BOARD
AND TO THE CHIEF EXECUTIVE OFFICER OF THE DEPARTMENT FOR
CORRECTIONAL SERVICES
AND TO THE COMMISSIONER OF POLICE

Date order made:

(signed)
Justice (*name*)

Form 34D Application to vary a condition of/revoke an Extended Supervision Order

(insert front sheet)

**APPLICATION TO VARY A CONDITION OF/REVOKE AN EXTENDED
SUPERVISION ORDER**

Criminal Law (High Risk Offenders) Act 2015 s 13

TO: *THE RESPONDENT*

Application

The Attorney-General for the State of South Australia seeks the following orders and directions:

1. That the Court vary the Extended Supervision Order made by the Supreme Court on.../.../20....; or
1. That the Court revoke the Extended Supervision Order made by the Supreme Court on.../.../20....

(delete whichever is inapplicable)

OR

Application

The person subject to the Extended Supervision Order seeks the following orders and directions:

1. That permission be granted by the Court to vary the Extended Supervision Order made by the Supreme Court on.../.../20....; or
1. That permission be granted by the Court to revoke the Extended Supervision Order made by the Supreme Court on.../.../20....

(delete whichever is inapplicable)

Endorsements

Application made pursuant to section 13(1) of the *Criminal Law (High Risk Offenders) Act 2015*.

Grounds

The grounds relied upon are as follows:

1. The applicant/respondent was made subject to an Extended Supervision Order on .../.../20....by Justice, the order commencing on .../.../20.... for a period of.....years.
2. The date on which the Order is due to expire is .../.../20.....
3. The variation to the conditions sought are:
4. The grounds for revoking/varying (*delete whichever is inapplicable*) the order are:
.....

Date:

(*signed*)
Solicitor for the Applicant, Attorney-General for the State of South
Australia/Applicant

Hearing

This application will be heard before a Justice of the Supreme Court at Adelaide on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar

(insert front sheet)

ORDER FOR INTERIM DETENTION
Criminal Law (High Risk Offenders) Act 2015 s 18(4)

Particulars of Respondent

Name: *(name)*

Date of Birth: *(dd/mm/yy)*

Address: *(address)*

Background

1. A judge of the Supreme Court determined that the respondent was a high risk offender and on *(date)* made the respondent subject to an extended supervision order and that the order be for a period of *(length of interim order)* from *(commencement date)*.
2. It is alleged that the respondent has breached the conditions of the supervision order and the Court is to consider whether a continuing supervision order should be made.

Order

1. The respondent is to be detained at a Correctional Services Institution pending the determination of the proceedings.

Order issued pursuant to section 18(4) of the Act:

Dated:

(signed)
Justice *(name)*

(insert front sheet)

ORDER FOR CONTINUING DETENTION
Criminal Law (High Risk Offenders) Act 2015 s 18(2)

Particulars of Respondent

Name: *(name)*

Date of Birth: *(dd/mm/yy)*

Address: *(address)*

Background

1. A judge of the Supreme Court determined that the respondent was a high risk offender and on *(date)* made the respondent subject to an extended supervision order for a period of *(length of detention order)* from *(commencement date)*.
2. The Court determined that the respondent has breached the conditions of the extended supervision order and that the respondent should be detained in custody.

Order

1. The respondent is to be detained at a Correctional Services Institution until *(end date of detention)*.

Warrant issued pursuant to section 18(2) of the Act:

Dated:

(signed)
Justice *(name)*

(insert front sheet)

WARRANT FOR DETENTION

Criminal Law (High Risk Offenders) Act 2015 s 18(6)

Particulars of Respondent

Name: *(name)*

Date of Birth: *(dd/mm/yy)*

Address: *(address)*

Background

1. On *(date)* a judge of the Supreme Court made an order for interim/continuing detention *(delete whichever is inapplicable)* under the *Criminal Law (High Risk Offenders) Act 2015* detaining the respondent.

Warrant

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONAL SERVICES

The respondent named in this warrant is subject to an interim/a continuing detention order *(delete whichever is inapplicable)* pursuant to section 18(4)/18(2) *(delete whichever is inapplicable)* of the *Criminal Law (High Risk Offenders) Act 2015*.

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to a Correctional Services Institution.

You, the Chief Executive of the Department of Correctional Services are directed to detain him/her in custody until *(end date of detention)*.

Warrant issued pursuant to section 18(6) of the Act:

Dated:

(signed)
Justice *(name)*

(insert front sheet)

APPLICATION TO VARY/REVOKE A CONTINUING DETENTION ORDER

Criminal Law (High Risk Offenders) Act 2015 s 19

TO: *THE RESPONDENT*

Application

The Attorney-General for the State of South Australia/The Parole Board of South Australia *(delete whichever is inapplicable)* seeks the following orders and directions:

- 1. That the Court vary the Continuing Detention Order by the Supreme Court on.../.../20....;
 - or*
 - 1. That the Court revoke the Continuing Detention Order made by the Supreme Court on.../.../20....
- (delete whichever is inapplicable)*

OR

Application

The person subject to the Continuing Detention Order seeks the following orders and directions:

- 1. That permission be granted by the Court for the applicant to apply to vary the Continuing Detention Order made by the Supreme Court on.../.../20....; or
 - 2. That permission be granted by the Court for the applicant to apply to revoke the Continuing Detention Order made by the Supreme Court on.../.../20....
- (delete whichever is inapplicable)*

Endorsements

Application made pursuant to section 19(1) of the *Criminal Law (High Risk Offenders) Act 2015*.

Grounds

The grounds relied upon are as follows:

- 1. The applicant/respondent was made subject to an Extended Supervision Order on .../.../20....by Justice, the order commencing on .../.../20.... for a period of.....years.

2. The Extended Supervision Order was revoked on .../.../20.... and an order made for Continuing Detention was made, commencing on .../.../20 and due to expire on/...../20....

3. The variation to the Extended Supervision Order sought is:
(delete if inapplicable)

4. The grounds for revoking/varying (delete whichever is inapplicable) the order are:
.....

Date:

(signed)
Solicitor for the Applicant, Attorney-General for the State of South
Australia/Parole Board of South Australia/Applicant (delete whichever is
inapplicable)

Hearing

This application will be heard before a Justice of the Supreme Court at Adelaide on
..... at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(signed)
Registrar

(insert front sheet)

ORIGINATING APPLICATION FOR REVIEW OF BAIL DECISION

Bail Act 1985 s 14(2)(a)

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given).....

.....

Application

The Director of Public Prosecutions/Defendant/Parent of the defendant/Guardian of the defendant (insert name) (delete whichever is inapplicable) applies for the following orders:

1. a review of the bail decision set out below under section 14(2)(a) of the *Bail Act 1985*;
2. (set out any other orders or directions sought from the Court)

Particulars of bail decision

1. The full name and address of the defendant is

2. The charge which gave rise to the proceeding is

3. The full names and addresses of all parties other than the applicant to the proceeding in which the bail decision was made are

.....

4. Any other persons who are interested in the review and who should be served with this application are

5. The full name and address of the bail authority who made the bail decision is

.....

6. The date and place of the bail decision are

7. The terms of the bail decision are
.....

Review grounds

8. The whole of the decision is complained of/Parts of the decision complained of are
(specify) (delete whichever is inapplicable)
.....
.....

9. The grounds relied upon by the applicant are
.....
.....
.....
.....

10. The evidence to be relied upon by the applicant on the review is the affidavit of
.....

Attendance at hearing

11. *(Complete only if the applicant is in custody and wishes to appear in Court personally rather than by audiovisual link).* The applicant objects to appearing by audiovisual link at the hearing of the application. The grounds of objection relied upon by the applicant are
.....
.....
.....

Applicant's address

The applicant's address for service is:

Place:
.....

Email:

The applicant's address is (*place of residence or business*):

.....
.....

Date:

(*signed*)
Director of Public Prosecutions/Defendant/Parent of the defendant/Guardian of
the defendant (*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by
the Registry*)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to
be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar

(insert front sheet)

ORIGINATING APPLICATION FOR REVIEW OF REVIEWED BAIL DECISION

Bail Act 1985 s 15A

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given).....

.....

Application

The Director of Public Prosecutions/Defendant/Parent of the defendant/Guardian of the defendant (insert name) (delete whichever is inapplicable) applies for the following orders:

1. a review of the reviewed bail decision set out below under section 15A of the *Bail Act 1985*;
2. (set out any other orders or directions sought)

Particulars of bail decision

1. The full name and address of the defendant is
2. The charge which gave rise to the proceeding is
3. The full names and addresses of all parties other than the applicant to the proceeding in which the bail decision was made are
.....
4. Any other persons who are interested in the review and who should be served with this application are
5. The full name and address of the bail authority who made the original bail decision is
.....
6. The date and place of the original bail decision are

7. The terms of the original bail decision are
8. The name of the Magistrate making the bail review decision is
9. The date and place of the bail review decision are
10. The terms of the bail review decision are

Review grounds

11. The whole of the decision is complained of/Parts of the decision complained of are
(specify) (delete whichever is inapplicable)
12. The grounds relied upon by the applicant are
13. The evidence to be relied upon by the applicant on the review is the affidavit of

Attendance at hearing

14. *(Complete only if the applicant is in custody and wishes to appear in Court personally rather than by audiovisual link).* The applicant objects to appearing by audiovisual link at the hearing of the application. The grounds of objection relied upon by the applicant are

Applicant's address

The applicant's address for service is:

Place:

.....
Email:

The applicant's address is (*place of residence or business*):

.....
.....

Date:

(*signed*)
Director of Public Prosecutions/Defendant/Parent of the defendant/Guardian of
the defendant (*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by
the Registry*)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to
be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar

(insert front sheet)

ORIGINATING APPLICATION FOR REVIEW OF BAIL DECISION ON EXTRADITION

Service and Execution of Process Act 1992 (Cth) s 86

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given).....

.....

Application

The Director of Public Prosecutions/Defendant/Parent of the defendant/Guardian of the defendant (insert name) (delete whichever is inapplicable) applies for the following orders:

1. a review under section 86 of the *Service and Execution of Process Act 1992 (Cth)* (“the Act”) of the bail decision set out below made under section 83 of the Act ;
2. (set out any other orders or directions sought from the Court).

Particulars of bail decision

1. The full name and address of the defendant is
2. The charge which gave rise to the proceeding is
3. The full names and addresses of all parties other than the applicant to the proceeding in which the bail decision was made are
.....
4. Any other persons who are interested in the review and who should be served with this application are
5. The warrant was issued by.....
6. The Magistrate who made the order is

7. The date and place of the order are
8. The terms of the order are
-

Review grounds

9. The whole of the decision is complained of/Parts of the decision complained of are
(specify) (delete whichever is inapplicable)

.....

.....

10. The grounds relied upon by the applicant are

.....

.....

.....

.....

11. The evidence to be relied upon by the applicant on the review is the affidavits of

.....

Attendance at hearing

12. *(Complete only if the applicant is in custody and wishes to appear in Court personally rather than by audiovisual link).* The applicant objects to appearing by audiovisual link at the hearing of the application. The grounds of objection relied upon by the applicant are

.....

.....

.....

Applicant's address

The applicant's address for service is

Place:

.....

Email:

The applicant's address is (*place of residence or business*)

.....
.....

Date:

(*signed*)
Director of Public Prosecutions/Defendant/Parent of the defendant/Guardian of
the defendant (*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by
the Registry*)

This application will be heard before.....in the Supreme Court
at.....on at or so soon afterwards
as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to
be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar

(insert front sheet)

NOTICE OF APPEAL

TO THE RESPONDENT: *(name)* of *(address)*

The *(role of party)*, *(name)* APPEALS to a single Judge of the Supreme Court of South Australia against the judgment of a *(Judge/Magistrate)* *(delete whichever is inapplicable)* of the *(Court)*.

Particulars of Judgment

Date of judgment: *(date)*

Judicial Officer appealed from: *(name)*

File No of Court appealed from: *(number)*

Appeal as of right/by permission

Permission to appeal required/not required/granted *(delete whichever is inapplicable)*

(if applicable) Date of grant of permission: *(date)*

1. Orders complained of

(set out the text of the relevant orders)

(set out whether the appeal is against the whole or a part of the orders and if a part, identify them)

2. Orders sought

(set out the relief sought in numbered paragraphs)

3. Grounds of appeal

(set out grounds of appeal in numbered paragraphs)

4. Permission to appeal *(if applicable)*

(set out grounds for permission to appeal)

5. Extension of time *(if applicable)*

(set out grounds for extension of time)

Transmission of documents

(if applicable) The Registrar of the (*Court*) is requested:

- (a) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to any electronic file relating to this matter; and
- (b) to forward to the Registrar all hard copy material relevant to the appeal that is not contained in such electronic file.

Date:

Signed by *(name)*

Appellant/Appellant's solicitor *(delete whichever is inapplicable)*

Note

The party or parties appealing must serve a copy of the notice of appeal on the Registrar or other proper officer of any other Court appealed from and the other parties to the appeal as soon as practical after filing it, as required by rule 104H.

(insert front sheet)

NOTICE OF CROSS APPEAL

TO THE CROSS RESPONDENT: *(name)* of *(address)*

The *(role of party)*, *(name)* CROSS APPEALS to a single Judge of the Supreme Court of South Australia against the judgment of a *(Judge/Magistrate)* *(delete whichever is inapplicable)* of the *(Court)*.

Particulars of Judgment

Date of judgment: *(date)*

Judicial Officer appealed from: *(name)*

File No of Court appealed from: *(number)*

Cross appeal as of right/by permission

Permission to cross appeal required/not required/granted *(delete whichever is inapplicable)*
(if applicable) Date of grant of permission: *(date)*

1. Orders complained of

(set out the text of the relevant orders)

(set out whether the cross appeal is against the whole or a part of the orders and if a part, identify them)

2. Orders sought

(set out the relief sought in numbered paragraphs)

3. Grounds of cross appeal

(set out grounds of cross appeal in numbered paragraphs)

4. Permission to cross appeal *(if applicable)*

(set out grounds for permission to cross appeal)

5. Extension of time *(if applicable)*

(set out grounds for extension of time)

Date:

Signed by *(name)*

Cross Appellant/Cross Appellant's solicitor *(delete whichever is inapplicable)*

Note

The party or parties cross appealing must serve a copy of the notice of cross appeal on the Registrar or other proper officer of any other Court appealed from and the other parties to the appeal as soon as practical after filing it, as required by rules 104J and 104H.

(insert front sheet)

NOTICE OF ALTERNATIVE CONTENTION

TO THE APPELLANT: *(name)* of *(address)*

The respondent *(name)* agrees with the decision the subject of the appeal but contends that the decision should also have been based on other reasons than those provided.

Particulars of Judgment

Date of judgment: *(date)*

Judicial Officer appealed from: *(name)*

File No of Court appealed from: *(number)*

1. Additional contentions relied on to support decision

The decision should also have been made on the following grounds:

(set out grounds in numbered paragraphs)

2. Extension of time *(if applicable)*

(set out grounds for extension of time)

Date:

Signed by (*name*)

Respondent/Respondent's solicitor (*delete whichever is inapplicable*)

Note

The party or parties filing this notice of alternative contention must serve a copy on the other parties to the appeal as soon as practical after filing it, as required by rules 104K and 104H.

(insert front sheet)

NOTICE OF CASE STATED

TO THE RESPONDENT: *(name)* of *(address)*

The *(role of party)*, *(name)* FILES THIS NOTICE OF CASE STATED to a single Judge of the Supreme Court of South Australia, being a case stated by *(Judge/Magistrate)* *(delete whichever is inapplicable)* of the *(Court)*.

Particulars of Judgment

Date of case stated: *(date)*

Judicial Officer stating case: *(name)*

File No of Court stating case: *(number)*

Question of law reserved

(set out the text of the question of law)

Date:

.....
Signed by *(name)*

Appellant/Appellant's solicitor *(delete whichever is inapplicable)*

(insert front sheet)

NOTICE OF APPEAL TO COURT OF APPEAL FROM SINGLE JUDGE ON APPEAL

TO THE RESPONDENT: *(name)* of *(address)*

The *(role of party)*, *(name)* APPEALS to the Court of Appeal against a judgment on appeal of a Judge of the Supreme Court of South Australia.

Particulars of Judgment

Date of judgment: *(date)*

Judicial Officer appealed from: *(name)*

File No of Court appealed from: *(number)*

1. Orders complained of

(set out the text of the relevant orders)

(set out whether the appeal is against the whole or a part of the orders and if a part, identify them)

2. Orders sought

(set out the relief sought in numbered paragraphs)

3. Grounds of appeal

(set out grounds of appeal in numbered paragraphs)

4. Permission to appeal

(set out grounds for permission to appeal)

5. Extension of time *(if applicable)*

(set out grounds for extension of time)

Date:

Signed by (*name*)

Appellant/Appellant's solicitor (*delete whichever is inapplicable*)

Note

The party or parties appealing must serve a copy of the notice of appeal on the other parties to the appeal within 5 business days after filing it, as required by rule 104AC.

(insert front sheet)

NOTICE OF APPEAL AGAINST CONVICTION OR OTHER JUDGMENT

Particulars of appellant

- 1. Full name
.....
- 2. Primary residential address
.....
- 3. Address for service of documents (*specify if different from above*)
.....

Nature of appeal (*answer "Yes" or "No" in every square*)

- 4. Appeal by defendant against conviction Yes / No
- 5. Appeal by defendant against finding of guilt without recording conviction Yes / No
- 6. Appeal by defendant against decision not to make declaration that defendant liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* Yes / No
- 7. Appeal by defendant against decision that defendant mentally fit to stand trial/mentally competent to commit offence charged/objective elements of offence established against defendant (*delete whichever is inapplicable*) Yes / No

Judgment subject of appeal

8. Court in which conviction or judgment made Supreme/District/Youth
9. Date of conviction or judgment / / 20
10. Judicial officer who presided over trial Justice/Judge.....
11. Offences subject of appeal (show count number and name of each offence subject of appeal):
.....
.....
.....
12. Terms of judgment subject to appeal (*when not a conviction*):
.....
.....

Appeal as of right (*answer "Yes" or "No" in every square*)

13. The appeal is on a question of law. Yes / No
14. The trial Judge gave a certificate that the matter was fit for appeal. Yes / No
(*if yes, provide certificate with appeal notice*)
15. The appeal is against a judgment of a Judge of the Youth Court. Yes / No

Grounds of appeal when appeal is as of right

16. The following are the grounds of appeal when no permission is required (*ie all grounds are grounds of law alone or a certificate of the trial Judge has been given or the appeal is from a judgment of a Judge of the Youth Court*):
.....
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.....

Appeal requiring permission (*answer "Yes" or "No" in the square*)
(*answer this section only if all the answers to questions 13, 14 and 15 are "No"*)

17. Some or all grounds of appeal do not involve a question of law.

Yes / No

Grounds of appeal when permission to appeal is required

18. The following are the grounds of appeal when permission to appeal is required:

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Orders sought

19. The following orders are sought on appeal:

.....
.....

Defendant in custody (*answer "Yes" or "No" in the square*)

20. The defendant is in custody.

Yes / No

21. If in custody, state where detained:
.....

Attendance at hearings (*answer this section only if the answer to question 20 is "Yes"*)

24. At the hearing of the application for permission to appeal, I wish to:

(tick 1 box only)

- be present in person
- appear by audiovisual link
- not appear.

23. (answer this question only if you answered "I wish to be present in person" in question 22) Give reasons why you wish to be present in person at the hearing of the application for permission to appeal

.....

(audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Special reasons need to be given for the Court to direct personal attendance)

24. At the hearing of the appeal, I wish to:

(tick 1 box only)

- be present in person
- appear by audiovisual link
- not appear.

25. (answer this question only if you answered "I wish to be present in person" in question 24) Give reasons why you wish to be present in person at the hearing of the appeal.....

.....

(audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Reasons need to be given for the Court to direct personal attendance. The Court will usually direct personal attendance if a person requests it.)

Extension of time (Answer "Yes" or "No" in the square)

26. The appeal is out of time.

Yes / No

(answer the question below only if the answer to question 26 is "Yes")

27. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

.....
.....
.....

Date:

(signed)

.....

Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF SECOND OR SUBSEQUENT APPEAL AGAINST CONVICTION

Particulars of appellant

- 1. Full name
.....
- 2. Primary residential address
.....
- 3. Address for service of documents (*specify if different from above*)
.....

Nature of appeal (*answer "Yes" or "No" in every square*)

- 4. Second or subsequent appeal by defendant against conviction Yes / No

Judgment subject of appeal

- 5. Court in which convicted Supreme/District/Youth
- 6. Date of conviction / / 20
- 7. Judicial officer who presided over trial Justice/Judge.....

- 8. Offences subject of appeal (*show count number and name of each offence subject of appeal*):
.....
.....
.....
.....

- 9. Date previous appeal dismissed / / 20

Appeal requiring permission

10. The following are the grounds of appeal if permission to appeal is granted:

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.....

11. The following is the fresh evidence said to justify the grant of permission to make a second or subsequent appeal (*identify the witness or witnesses who would give the evidence and/or the documents containing the evidence and the effect of the evidence*):

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12. The evidence summarised in question 11 above was not adduced at trial and could not, even with the exercise of reasonable diligence, have been adduced at trial because (*set out why not known or available by the exercise of reasonable diligence at trial and how since discovered*)

.....
.....
.....
.....
.....
.....

13. The fresh evidence summarised in question 11 above is compelling in that it is reliable, substantial and highly probative in the context of the issues in dispute at the trial of the offence because *(set out why the evidence is reliable, the issue at trial to which it is relevant and why it would or may have affected the result at trial)*:

.....
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Orders sought

14. The following orders are sought on appeal:

.....
.....

Defendant in custody *(answer "Yes" or "No" in the square)*

15. The defendant is in custody.

Yes / No

16. If in custody, state where detained:
.....

Attendance at hearings *(answer "Yes" or "No" or "NA" in each square)*
(answer this section only if the answer to question 15 is "Yes")

17. At the hearing of the application for permission to appeal, I wish to:

(tick 1 box only)

- be present in person
- appear by audiovisual link
- not appear.

18. (answer this question only if you answered "I wish to be present in person" in question 17)
Give reasons why you wish to be present in person at the hearing of the application for permission to appeal:

.....
.....
.....

(audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Special reasons need to be given for the Court to direct personal attendance)

19. At the hearing of the appeal, I wish to:

(tick 1 box only)

- be present in person
- appear by audiovisual link
- not appear.

20. (answer this question only if you answered "I wish to be present in person" in question 19) Give reasons why you wish to be present in person at the hearing of the appeal

.....
.....
.....

(audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Reasons need to be given for the Court to direct personal attendance. The Court will usually direct personal attendance if a person requests it.)

Date:

(signed)
Defendant/Solicitor for the defendant *(delete whichever is inapplicable)*

(insert front sheet)

NOTICE OF APPEAL AGAINST ACQUITTAL OR OTHER JUDGMENT

Nature of appeal

- 1. Appeal by Director of Public Prosecutions against acquittal Yes / No
- 2. Appeal by Director of Public Prosecutions against declaration that defendant liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* Yes / No
- 3. Appeal by Director of Public Prosecutions against decision that defendant not ~~mentally fit to~~ stand trial/not mentally competent to commit offence charged/objective elements of offence not established against defendant Yes / No
(delete whichever is inapplicable)

Judgment subject of appeal

- 4. Court in which defendant acquitted or judgment made Supreme/District/Youth
- 5. Date of acquittal or judgment / / 20
- 6. Judicial officer who presided over trial Justice/Judge
- 7. Offences subject of appeal (*show count number and name of each offence subject of appeal*):
.....
.....
.....
.....

Appeal requiring permission (*answer "Yes" or "No" in the square*)

8. The trial was by Judge alone.

Yes / No

9. The trial was by jury and the Judge directed the jury to acquit the accused.

Yes / No

Grounds of appeal

10. The following are the grounds of appeal if permission to appeal is granted:

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Orders sought

11. The following orders from the Court are sought on the appeal:

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.....

Extension of time (*answer "Yes" or "No" in the square*)

12. The appeal is out of time.

Yes/No

(answer the question below only if the answer to question 12 is "Yes")

13. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

.....
.....
.....
.....

Director's address

The Director's address for service is

Place:

.....

Email:

Date:

(signed)
Director of Public Prosecutions

(insert front sheet)

NOTICE OF APPEAL AGAINST SENTENCE

Particulars of appellant

- 1. Full name *(if appeal is by the defendant)*
.....
- 2. Usual residential address *(if appeal is by the defendant)*
.....
- 3. Address for service of documents *(specify if different from above)*
.....

Nature of appeal *(answer "Yes" or "No" in every square)*

- 4. Appeal by defendant against sentence Yes / No
- 5. Appeal by Director of Public Prosecutions against sentence Yes / No

Judgment subject of appeal

- 6. Court in which convicted Supreme/District/Youth
Court

OR Magistrates Court major
indictable

- 7. Date of conviction / / 20

- 8. Offences subject of appeal *(show count number and name of each offence subject of appeal):*
.....
.....
.....

- 9. Date sentenced / / 20

10. Judicial officer by whom sentenced

Justice/Judge

11. Sentence imposed:

.....
.....
.....

Appeal as of right (answer "Yes" or "No" in every square)

12. Appeal against sentence imposed by a Judge of the Youth Court.

Yes / No

13. Appeal against sentence for a major indictable offence imposed by a Magistrate.

Yes / No

Grounds of appeal when appeal is as of right

14. The following are the grounds of appeal when no permission is required (ie the appeal is from a sentence imposed by a Judge of the Youth Court or from a sentence for a major indictable offence imposed by a Magistrate):

.....
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.....

Appeal requiring permission (answer "Yes" or "No" in the square)
(answer this section only if the answers to questions 12 and 13 are both "No")

Grounds of appeal when permission to appeal is required

15. The following are the grounds of appeal when permission to appeal is required:

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Orders sought

16. The following orders are sought on the appeal:

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.....

Defendant in custody (answer "Yes" or "No" in the square)

17. The appeal is by the defendant and the defendant is in custody.

Yes / No

18. If in custody, state where detained:

.....
.....

Attendance at hearings (answer "Yes" or "No" or "NA" in each square)
(answer this section only if the answer to question 17 is "Yes")

19. At the hearing of the application for permission to appeal, I wish to:

(tick 1 box only)

- be present in person
- appear by audiovisual link
- not appear.

20. (answer this question only if you answered "I wish to be present in person" in question 19)

Give reasons why you wish to be present in person at the hearing of the application for permission to appeal:

.....
.....
.....

(audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Special reasons need to be given for the Court to direct personal attendance)

21. At the hearing of the appeal, I wish to:

(tick 1 box only)

o be present in person

o appear by audiovisual link

o not appear.

22. *(answer this question only if you answered "I wish to be present in person" in question 21)*
Give reasons why you wish to be present in person at the hearing of the appeal:

.....
.....

(audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Reasons need to be given for the Court to direct personal attendance. The Court will usually direct personal attendance if a person requests it.)

Extension of time *(answer "Yes" or "No" in the square)*

23. The appeal is out of time.

Yes / No

(answer the question below only if the answer to question 23 above is "Yes")

24. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

.....
.....
.....
.....

Date:

(signed)

.....

Defendant/Solicitor for the defendant/Director of Public Prosecutions (*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF APPEAL AGAINST SENTENCING DECISION

Particulars of appellant

- 1. Full name *(if appeal is by the defendant)*
.....
- 2. Usual residential address *(if appeal is by the defendant)*
.....
- 3. Address for service of documents *(specify if different from above)*
.....

Nature of appeal by defendant *(answer "Yes" or "No" in every square)*

- 4. Appeal by defendant against decision not to discharge or to extend an order for indefinite detention or not to make an order for release on licence under Part 3 Division 5 of the *Sentencing Act 2017*. Yes / No

- 5. Appeal by defendant against decision to make a supervision order committing the defendant to detention or releasing the defendant on licence under section 269O of the *Criminal Law Consolidation Act 1935*. Yes / No

Nature of appeal by Crown *(answer "Yes" or "No" in every square)*

- 6. Appeal by Director of Public Prosecutions or Attorney-General against decision to discharge or not to extend an order for indefinite detention or to make an order for release on licence under Part 3 Division 5 of the *Sentencing Act 2017*. Yes / No

- 7. Appeal by Director of Public Prosecutions against decision not to make a supervision order committing the defendant to detention or to release the defendant on licence under section 269O of the *Criminal Law Consolidation Act 1935*. Yes / No

Judgment subject of appeal

8. Court in which order was made or not made

Supreme/District/Youth

9. Date of order

/ / 20

10. Judicial officer by whom order was made or not made

Justice/Judge

11. Offences subject of appeal (*show count number and name of each offence subject of appeal*):

.....
.....
.....
.....

Appeal as of right (*answer "Yes" or "No" in every square*)

12. Sentencing decision:

.....
.....
.....

13. The appeal is against a decision whether to discharge or extend an order for indefinite detention or to release a person on licence under Part 3 Division 5 of the *Sentencing Act 2017*.

Yes / No

Grounds of appeal when appeal is as of right

14. The following are the grounds of appeal when no permission is required (*ie you answered "yes" to question 13*):

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.....

Appeal requiring permission (*answer "Yes" or "No" in the square*)
(*answer this section only if the answer to question 13 is "No"*)

15. The appeal is against a decision whether to make a supervision order committing the defendant to detention or release the defendant on licence under section 269O of the *Criminal Law Consolidation Act 1935* Yes / No

16. The appeal is against a decision whether to make an order for indefinite detention under Part 3 Division 5 of the *Sentencing Act 2017*. Yes / No

Grounds of appeal when permission to appeal is required

17. The following are the grounds of appeal when permission to appeal is required:

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Orders sought

18. The following orders are sought on the appeal:

.....
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.....
.....
.....

Defendant in custody (*answer "Yes" or "No" in the square*)

Yes / No

19. The appeal is by the defendant and the defendant is in custody.

20. If in custody, state where detained:

.....
.....

Attendance at hearings (*answer "Yes" or "No" or "NA" in each square*)

(*answer this section only if the answer to question 19 is "Yes"*)

21. At the hearing of the application for permission to appeal, I wish to:

(*tick 1 box only*)

- be present in person
- appear by audiovisual link
- not appear.

22. (*answer this question only if you answered "I wish to be present in person" in question 21*)

Give reasons why you wish to be present in person at the hearing of the application for permission to appeal:

.....
.....
.....

(*audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Special reasons need to be given for the Court to direct personal attendance*)

23. At the hearing of the appeal, I wish to:

(*tick 1 box only*)

- be present in person
- appear by audiovisual link
- not appear.

24. (*answer this question only if you answered "I wish to be present in person" in question 23*)

Give reasons why you wish to be present in person at the hearing of the appeal:

.....
.....
.....
.....

(*audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Reasons need to be given for the Court to direct personal attendance. The Court will usually direct personal attendance if a person requests it.*)

Extension of time (*answer "Yes" or "No" in the square*)

25. The appeal is out of time.

Yes / No

(answer the question below only if the answer to question 25 is "Yes")

26. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

.....
.....
.....
.....

Date:

(signed)
Defendant/Solicitor for the defendant/Director of Public Prosecutions (*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF APPEAL AGAINST ANTECEDENT DECISION

Particulars of appellant

- 1. Full name *(if appeal is by the defendant)*
.....
- 2. Usual residential address *(if appeal is by the defendant)*
.....
- 3. Address for service of documents *(specify if different from above)*
.....

Nature of appeal *(answer "Yes" or "No" in every square)*

- 4. Appeal by defendant against antecedent decision Yes / No
- 5. Appeal by Director of Public Prosecutions against antecedent decision Yes / No

Judgment subject of appeal

- 6. Court in which antecedent decision made Supreme/District/Youth
- 7. Date of antecedent decision / / 20
- 8. Judicial officer by whom antecedent decision made Justice/Judge

9. Offences subject of appeal *(show count number and name of each offence subject of appeal):*

.....
.....
.....

.....

Appeal as of right (answer "Yes" or "No" in every square)

10. The appeal is by the Director on a question of law

Yes / No

11. The trial Judge gave permission to appeal
(If yes, provide date of grant of permission)

Yes / No

/	/ 20
---	------

Grounds of appeal when appeal is as of right

12. The following are the grounds of appeal when no permission is required (ie you answered "yes" to questions 10 or 11):

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.....

Appeal requiring permission (answer "Yes" or "No" in the square)
(answer this section only if the answers to questions 10 and 11 are both "No")

13. Some or all grounds of appeal do not involve a question of law.

Yes / No

Grounds of appeal when permission to appeal is required

14. The following are the grounds of appeal when permission to appeal is required:

.....
.....
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.....
.....

.....
.....
.....

Orders sought

15. The following orders are sought on the appeal:

.....
.....
.....
.....
.....

Defendant in custody (*answer "Yes" or "No" in the square*)

16. The appeal is by the defendant and the defendant is in custody.

Yes / No

17. If in custody, state where detained:

.....
.....

Attendance at hearings (*answer "Yes" or "No" or "NA" in each square*)

(*answer this section only if the answer to question 16 is "Yes"*)

18. At the hearing of the application for permission to appeal, I wish to:

(*tick 1 box only*)

- be present in person
- appear by audiovisual link
- not appear.

19. (*answer this question only if you answered "I wish to be present in person" in question 18*)

Give reasons why you wish to be present in person at the hearing of the application for permission to appeal:

.....
.....
.....
.....

(audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Persons in custody who wish to attend the hearing should note that special reasons need to be given for the Court to direct personal attendance)

20. At the hearing of the appeal, I wish to:

(tick 1 box only)

be present in person

appear by audiovisual link

not appear.

21. *(answer this question only if you answered "I wish to be present in person" in question 20)*
Give reasons why you wish to be present in person at the hearing of the appeal:

.....
.....
.....
.....

(audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Persons in custody who wish to attend the hearing should note that special reasons need to be given for the Court to direct personal attendance)

Extension of time *(answer "Yes" or "No" in the square)*

22. The appeal is out of time.

Yes / No

(answer the question below only if the answer to question 22 above is "Yes")

23. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

.....
.....
.....
.....

Date:

(signed)

.....

Defendant/Solicitor for the defendant/Director of Public Prosecutions *(delete whichever is inapplicable)*

(insert front sheet)

NOTICE OF APPEAL—MISCELLANEOUS

Particulars of appellant

- 1. Full name *(if appeal is by the defendant)*
.....
- 2. Usual residential address *(if appeal is by the defendant)*
.....
- 3. Address for service of documents *(specify if different from above)*
.....

Nature of appeal *(answer "Yes" or "No" in every square)*

- 4. Appeal by defendant/applicant/respondent Yes / No
- 5. Appeal by Director of Public Prosecutions/Attorney-General Yes / No

Judgment subject of appeal

- 6. Court in which order made Supreme/District/Youth
- 7. Date of order / / 20
- 8. Judicial officer by whom order made Justice/Judge

- 9. Offences subject of appeal *(show count number and name of each offence subject of appeal)*:
.....
.....
.....
.....

Appeal as of right (*answer "Yes" or "No"*)

10. The appeal is as of right as to some/all grounds (*delete whichever is inapplicable*) because

.....
.....
.....

Grounds of appeal when appeal is as of right

11. The following are the grounds of appeal when no permission is required:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Appeal requiring permission (*Answer "Yes" or "No" in the square*)

12. Permission is required as to some or all grounds of appeal because

Yes / No

.....
.....
.....

Grounds of appeal when permission to appeal is required

13. The following are the grounds of appeal when permission to appeal is required:

.....
.....
.....
.....
.....
.....

.....
.....
.....
.....

Orders sought

14. The following orders are sought on the appeal:

.....
.....
.....
.....
.....

Defendant in custody (*answer "Yes" or "No" in the square*)

15. The appeal is by the defendant and the defendant is in custody.

Yes / No

16. If in custody, state where detained:

.....
.....

Attendance at hearings (*Answer "Yes" or "No" or "NA" in each square*)

(*answer this section only if the answer to question 15 is "Yes"*)

17. At the hearing of the application for permission to appeal, I wish to:

(*tick 1 box only*)

- be present in person
- appear by audiovisual link
- not appear.

18. (*answer this question only if you answered "I wish to be present in person" in question 17*)

Give reasons why you wish to be present in person at the hearing of the application for permission to appeal:

.....
.....
.....

(audiovisual link is the usual form of appearance at a hearing of an application for permission for persons in custody. Persons in custody who wish to attend the hearing should note that special reasons need to be given for the Court to direct personal attendance)

19. At the hearing of the appeal, I wish to:

(tick 1 box only)

- be present in person
- appear by audiovisual link
- not appear.

20. *(answer this question only if you answered "I wish to be present in person" in question 19)*
Give reasons why you wish to be present in person at the hearing of the appeal:

.....
.....

(audiovisual link is the usual form of appearance at a hearing of an appeal for persons in custody. Persons in custody who wish to attend the hearing should note that special reasons need to be given for the Court to direct personal attendance)

Extension of time *(answer "Yes" or "No" in the square)*

21. The appeal is out of time.

Yes / No

(answer the question below only if the answer to question 21 is "Yes")

22. The reasons for the delay and the grounds upon which the Court will be asked to extend time are:

.....
.....
.....
.....

Date:

(signed)

.....
Defendant/Solicitor for the defendant/Director of Public Prosecutions/Attorney-
General *(delete whichever is inapplicable)*

(insert proceeding heading)

NOTICE TO RESPONDENT OF APPEAL

TO THE RESPONDENT: *(insert name of respondent)*

AND TO THE COURT OF TRIAL *(if trial was not in the Supreme Court)*

Notice

TAKE NOTICE that a notice of appeal has been filed in the Supreme Court Registry on
.....

A copy of the notice of appeal is attached.

Action required by respondent

If you wish to be heard on any matter relating to the appeal, YOU MUST file a notice of address for service in form 5A or form 5B within 5 business days of the date of this notice, unless the respondent is the Director of Public Prosecutions.

Date

(signed)
Solicitor of appellant/Appellant/Registrar *(delete whichever is inapplicable)*

(insert front sheet)

ORIGINATING APPLICATION FOR RELEASE ON BAIL

Bail Act 1985 s 8(1)

I, (insert full name of applicant) apply for bail.

Signature of applicant:

Date of birth of applicant:

Date of application:

Time of application:

Additional information if application made to a court

Court applied to (if known):

Location of court (if known):

Court file number (if known):

Police file number (if known):

Offences in respect of which bail is applied for (if known):

Representation at hearing: YES/NO

(provide details if YES):

Decision of bail authority (other than court)

Tick appropriate box

- Bail refused (the bail authority must make a written record or reasons for its decision)
- Bail granted (Form 4 *Bail Agreement* must be completed)

Bail Authority:

- If the bail authority is a police officer – the police officer’s surname, rank and police identification number:

- If the bail authority is not a police officer – the full name of the bail authority:

Date:

Time:

(signed)
Bail Authority

(insert front sheet)

ORIGINATING APPLICATION FOR PERMISSION TO APPLY TO REFER A QUESTION TO THE COURT OF APPEAL

Criminal Procedure Act 1921 s 153(6)(b)(ii)

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Application

The defendant (*insert name of defendant*)..... applies to the Supreme Court for permission to make an application to the Court of Appeal for an order requiring a Court to refer a relevant question to the Court of Appeal for consideration and determination.

Particulars

1. Number and name of proceeding in which the relevant question arises:
.....

2. Court against which the order is sought:

3. Date of and name of Judge making decision of primary court refusing application to have the relevant question referred for consideration and determination by the Court of Appeal:
.....

4. Statement of the relevant question:
.....
.....

5. Particulars of any decision made by the primary court concerning the relevant question:
.....

Defendant's address

The defendant's address for service is:

Place:
.....

Email:

The defendant's address is (*place of residence or business*):

.....
.....

Date:

(*signed*)

Solicitor for the defendant/Defendant (*delete whichever is inapplicable*)

(insert front sheet)

ORIGINATING APPLICATION TO REFER QUESTION TO COURT OF APPEAL

Criminal Procedure Act 1921 ss 153(5) and 153

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given)

.....

Application

(insert name of applicant)..... applies to the Court of Appeal for an order requiring a court to refer a relevant question to the Court of Appeal for consideration and determination.

Particulars

1. Name of proceeding in which the relevant question arises:
.....

2. Court against which the order is sought:

3. Date and name of Judge making decision of primary court refusing application to have the relevant question referred for consideration and determination by the Court of Appeal (*when applicable*):.....

4. Statement of the relevant question:
.....

5. Particulars of any decision made by the primary court concerning the relevant question:
.....

6. Permission to make this application:

- is not required as the application is made by the Attorney-General or Director of Public Prosecutions;
- was granted by Justice/Judgein the..... Court on (*insert date*).....

(delete whichever is inapplicable)

Applicant's address

The applicant's address for service is:

Place:

.....

Email:

The applicant's address is (*place of residence or business*):

.....

.....

Date:

(signed)

.....

Attorney-General /Director of Public Prosecutions/Solicitor for the defendant/Defendant (*delete whichever is inapplicable*)

Form 48 – There is no Form 48 (deleted by Amendment No. 5 effective 1 June 2018)

(insert proceeding heading)

CERTIFICATE OF TRIAL JUDGE
Criminal Procedure Act 1921 s 157(1)(a)(ii)

Particulars of conviction

The defendant *(insert name of defendant)*
was tried and convicted before me in the Supreme Court/District Court *(delete whichever is inapplicable)* on of the offences of:

.....
.....

Certification

I CERTIFY under section 157(1)(a)(ii) of the *Criminal Procedure Act 1921* that the case is a fit case for appeal against the conviction upon the following grounds:

.....
.....
.....
.....

Date:

(signed)
Judge of the Supreme Court/District Court *(delete whichever is inapplicable)*

(insert proceeding heading)

NOTICE OF JUDGE'S DECISION TO REFUSE APPLICATION
Supreme Court Act 1935 s 48(3)

TO THE APPLICANT: *(insert name)*

Notice

TAKE NOTICE that a Judge of the Supreme Court having considered the application for

- (a) permission to appeal
- (b) extension of time within which notice of appeal or application for permission to appeal may be given
- (c) bail pending appeal
- (d) permission to appear before the Court in person at the hearing of the proceeding in relation to the appeal

(delete whichever is inapplicable)

has refused the application for *(insert which application refused)*
.....

Action required

If the applicant desires to have the application that has been refused referred to the Court of Appeal for determination, the applicant must complete the enclosed Application for Determination by Court of Appeal (form 51) and return it within 5 business days of the date of this notice.

Date:

(signed)
Registrar

(insert proceeding heading)

APPLICATION FOR DETERMINATION BY THE COURT OF APPEAL

Application

The applicant (*insert name*) having received notification that his/her (*delete whichever is inapplicable*) application for

- (a) permission to appeal
- (b) extension of time within which notice of appeal or application for permission to appeal may be given
- (c) bail pending appeal
- (d) permission to appear before the Court in person at the hearing of the proceeding in relation to the appeal

(delete whichever is inapplicable)

has been refused, REQUESTS that the application be referred to and determined by the Court of Appeal.

Date:

(signed)
Solicitor for the applicant/Applicant (*delete whichever is inapplicable*)

Note

Any request by the applicant must be made within 5 business days after the date of the Notice of Judge’s Decision to Refuse Application

(insert proceeding heading)

NOTICE OF RESULT OF REQUEST FOR BAIL OR TO APPEAR IN PERSON

TO THE APPLICANT: *(insert name)*

Notice

TAKE NOTICE that the Court of Appeal having considered your application for

- (a) bail pending appeal
- (b) permission to appear before the Court in person at the hearing of the proceeding in relation to your appeal

(delete whichever is inapplicable)

has refused the application for *(delete if inapplicable)*

.....

has granted the application for *(delete if inapplicable)*

.....

Date:

(signed)

Registrar

(insert front sheet)

APPLICATION FOR DIRECTIONS AS TO WITNESSES
Criminal Procedure Act 1921 s 166(b)

TO THE RESPONDENT/APPELLANT: *(delete whichever is inapplicable)* *(insert name)*
.....

Application

The Appellant/Respondent *(delete whichever is inapplicable)* seeks the following orders or directions:

1. an order that *(insert name of witness)* attend the Court and be examined on the applicant's behalf
2. *(set out any other directions sought)*

Particulars

1. Name and address of witness:
.....

2. The witness was examined at trial: *(answer "Yes" or "No" in the square)*

Yes / No

3. If the answer to question 2 is "No", the witness was not examined at trial because:.....
.....

4. The matters upon which I propose to examine the witness are:
.....
.....
.....

5. The issue to which the proposed evidence is relevant and the reason it is relevant is:

.....
.....
.....

Endorsement

Application made pursuant to rule 122(1) of the *Supreme Court Criminal Rules 2014* and section 166(b) of the *Criminal Procedure Act 1921*.

Grounds

The grounds relied upon for seeking the examination are as follows: (*set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether there will be a dispute on the relevant facts*)

.....
.....

Date:

(*signed*)
Appellant/Respondent/Solicitor for the appellant/Solicitor for the respondent
(*delete whichever is inapplicable*)

(insert front sheet)

NOTICE OF DISCONTINUANCE OF APPEAL

Discontinuance

The appellant (*insert name*) does not intend to prosecute the appeal and HEREBY DISCONTINUES the appeal.

Date:

(signed)
Solicitor for the appellant/Appellant (*delete whichever is inapplicable*)

(signed)
Witness to signature (*complete when appellant is self-represented only*)

Form 55
(insert proceeding heading)

Notice of final determination of appeal

NOTICE OF FINAL DETERMINATION OF APPEAL

TO THE APPELLANT: (insert name)

AND TO THE RESPONDENT: (insert name).....

AND TO THE COURT OF TRIAL: (insert court).....

AND TO (insert names of others to whom notice of the application is to be given)
.....

Notice

The Court of Appeal has considered the

- (a) application for permission to appeal
- (b) application for an extension of time within which notice of appeal or application for permission to appeal may be given
- (c) appeal

(delete whichever is inapplicable)

and has finally determined the same by judgment and order made on in the following terms:

.....
.....
.....

Date:

(signed)
Registrar

(insert front sheet)

**WRITTEN SUBMISSIONS OF THE APPELLANT/APPLICANT FOR PERMISSION TO
APPEAL** *(delete whichever is inapplicable)*

**Part 1: CONCISE STATEMENT OF ISSUES PRESENTED BY THE
APPLICATION/APPEAL** *(delete whichever is inapplicable)*

Part 2: THE SENTENCE APPEALED AGAINST

- A. Offences(s) for which the Applicant/Appellant was sentenced and related maximum penalties**
- B. The sentence imposed**
- C. The factual basis of the offending**
- D. The harm, loss or injury sustained by the victim**
- E. The personal circumstances of the applicant/appellant**

Part 3: LEGISLATIVE PROVISIONS

Part 4: ARGUMENT

Part 5: ORDERS SOUGHT

.....

Date:

Counsel's name

Counsel's email address

Counsel's telephone number

(insert front sheet)

**WRITTEN SUBMISSIONS OF THE RESPONDENT TO APPLICATION FOR
PERMISSION TO APPEAL AGAINST SENTENCE/ APPEAL AGAINST SENTENCE**

(delete whichever is inapplicable)

Part 1: FACTS OR FINDINGS DISPUTED

Part 2: LEGISLATIVE PROVISIONS

Part 3: ARGUMENT IN RESPONSE

.....

Date:

Counsel's name

Counsel's email address

Counsel's telephone number

(insert front sheet)

WRITTEN SUBMISSIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS/APPLICATION FOR PERMISSION TO APPEAL AGAINST SENTENCE

Part 1: CONCISE STATEMENT OF ISSUES PRESENTED BY THE APPLICATION/APPEAL

Part 2: THE SENTENCE APPEALED AGAINST

- A. Offences(s) for which the Applicant/Appellant was sentenced and related maximum penalties**
- B. The sentence imposed**
- C. The factual basis of the offending**
- D. The harm, loss or injury sustained by the victim**
- E. The personal circumstances of the applicant/appellant**

Part 3: LEGISLATIVE PROVISIONS

Part 4: REASONS WHY PERMISSION TO APPEAL SHOULD BE GRANTED

Part 5: REASONS WHY AN APPEAL SHOULD BE ALLOWED

Part 6: ORDERS SOUGHT

.....

Date:

Counsel's name

Counsel's email address

Counsel's telephone number

History of Amendment

New entries are in bold

Rules	Amendments	Date of Operation
am = amended; del = deleted; ins = inserted; ren = renumbered; sub = substituted		
Form 1	sub am 8	1 January 2021
Form 2	sub am 8	1 January 2021
Form 3	am am 5 sub am 6	1 June 2018 1 May 2019
Form 3A	ins am 3	1 December 2016
Form 3B	ins am 3	1 December 2016
Form 4	am am 5	1 June 2018
Form 11A	ins am 3 am am 5	1 December 2016 1 June 2018
Form 13A	ins am 2 am am 5	27 June 2016 1 June 2018
Form 13B	ins am 2	27 June 2016
Form 13C	ins am 2	27 June 2016
Form 13D	ins am 2 am am 3	27 June 2016 1 December 2016
Form 18	am am 5	1 June 2018
Form 19	am am 5	1 June 2018
Form 20	del am 5	1 June 2018
Form 21	del am 5	1 June 2018
Form 22	am am 5	1 June 2018
Form 23	am am 5	1 June 2018
Form 24	sub am 5	1 June 2018
Form 26	del am 1	1 May 2016
Form 26A	ins am 1	1 May 2016
Form 26B	ins am 1 am am 4	1 May 2016 1 December 2017
Form 26C	ins am 1 am am 4	1 May 2016 1 December 2017
Form 27	sub am 1	1 May 2016
Form 28	am am 5	1 June 2018
Form 33	del am 5	1 June 2018
Form 34	del am 5	1 June 2018
Form 34A	ins am 1	1 May 2016
Form 34B	ins am 1	1 May 2016
Form 34C	ins am 1	1 May 2016
Form 34D	ins am 1	1 May 2016
Form 34E	ins am 1 sub am 4	1 May 2016 1 December 2017
Form 34F	ins am 1 sub am 4	1 May 2016 1 December 2017
Form 34G	ins am 1 sub am 4	1 May 2016 1 December 2017
Form 34H	ins am 4	1 December 2017
Form 37A	ins am 7	18 May 2020

Rules	Amendments	Date of Operation
am = amended; del = deleted; ins = inserted; ren = renumbered; sub = substituted		
Form 37B	ins am 7	18 May 2020
Form 37C	ins am 7	18 May 2020
Form 37D	ins am 7	18 May 2020
Form 37E	ins am 8	1 January 2021
Form 42	sub am 5	1 June 2018
Form 44	am am 5	1 June 2018
Form 46	am am 5 sub am 8	1 June 2018 1 January 2021
Form 46A	ins am 8	1 January 2021
Form 47	am am 5 sub am 8	1 June 2018 1 January 2021
Form 48	del am 5	1 June 2018
Form 49	am am 5	1 June 2018
Form 50	sub am 8	1 January 2021
Form 51	sub am 8	1 January 2021
Form 52	sub am 8	1 January 2021
Form 53	am am 5	1 June 2018
Form 55	sub am 8	1 January 2021
Form 56A	ins am 4	1 December 2017
Form 56B	ins am 4	1 December 2017
Form 56C	ins am 4	1 December 2017