

SOUTH AUSTRALIA

CRIMINAL LAW (SENTENCING) REGULATIONS, 1988

SUMMARY OF PROVISIONS

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APPENDIX LEGISLATIVE HISTORY

REGULATIONS UNDER THE CRIMINAL LAW (SENTENCING) ACT, 1988

Criminal Law (Sentencing) Regulations, 1988

being

No. 273 of 1988: *Gaz.* 22 December 1988, p. 2157¹

as varied by

No. 179 of 1991: *Gaz.* 15 August 1991, p. 592²

No. 159 of 1993: *Gaz.* 1 July 1993, p. 371³

No. 114 of 1994: *Gaz.* 7 July 1994, p. 40⁴

No. 68 of 1997: *Gaz.* 13 May 1997, p. 1844⁵

No. 53 of 1998: *Gaz.* 28 May 1998, p. 2296⁶

No. 2 of 1999: *Gaz.* 14 January 1999, p. 402⁷

¹ Came into operation 1 January 1989: reg. 2.

² Came into operation 1 September 1991: reg 2.

³ Came into operation 1 July 1993: reg. 2.

⁴ Came into operation 7 July 1994: reg. 2.

⁵ Came into operation 1 July 1997: reg. 2.

⁶ Came into operation 1 July 1998: reg. 2.

⁷ Came into operation 14 January 1999: reg. 2.

Citation

1. These regulations may be cited as the *Criminal Law (Sentencing) Regulations, 1988*.

Commencement

2. These regulations will come into operation on 1 January, 1989.

Interpretation

3. In these regulations—

"the Act" means the *Criminal Law (Sentencing) Act, 1988*:

"the schedule" means the schedule to these regulations.

Forms

4. The forms set out in the schedule are prescribed for the purposes of the Act.

Enforcement of bonds and guarantees

5. (1) If, pursuant to section 57(1) of the Act, a probative court decides to issue a summons or a warrant of arrest to bring a probationer before the court on a written application made by the Crown alleging breach of bond, the court must endorse the application accordingly.

(2) A summons or warrant issued under section 57 must be in the form of Forms 6 and 7 of the schedule.

(3) The court should first issue a summons to a probationer alleged to have breached a bond unless the court has reasonable grounds to believe—

(a) that service of a summons is not likely to be effected;

or

(b) that the probationer is not likely to comply with a summons.

(4) A summons must be served on the probationer—

(a) personally;

or

(b) if personal service is not practicable or the probationer cannot, after reasonable enquiries, be found in such other manner as the court may direct,

not later than two clear working days before the date specified in the summons for the hearing of the matter.

(5) If a probationer fails to appear before the probative court in compliance with a summons and the court is satisfied that the summons was duly served on the probationer, the court may, deal with the application in the absence of the probationer instead of issuing a warrant to bring the probationer before the court.

3.

(6) If a guarantor fails to appear before the probative court in compliance with a summons and the court is satisfied that the summons was duly served on the guarantor, the court may make orders in relation to enforcing the guarantee in the absence of the guarantor.

(7) If a probationer is found guilty of an offence committed during the term of a bond by a court that has jurisdiction to deal with proceedings for breach of the bond, the court may, on an oral application by the Crown, proceed to hear and determine the application forthwith if it is satisfied that the probationer has had adequate notice of the intention of the Crown to make such an application.

Reminder notice fees

5A. For the purposes of section 60a(2) of the Act the prescribed cost for issuing a reminder notice is \$13.00.

Driver's licence disqualification notice fees

5B. For the purposes of section 61A(2a) of the Act, the prescribed cost of issuing a notice of disqualification is \$16.00.

Suspension of motor vehicle registration notice fees

5C. For the purposes of section 61B(2a) of the Act, the prescribed cost of issuing a notice of an order suspending registration is \$16.00.

Enforcement of community service orders

6. (1) If it appears to an appropriate officer, on an application supported by an affidavit that a person ("the defendant") has refused or neglected to comply with an order of the court requiring performance of community service, the appropriate officer must issue a notice (to which a copy of the affidavit is attached) to the defendant requiring the defendant to attend before the appropriate officer to show cause why he or she should not be dealt with according to law for the alleged non-compliance.

(2) A notice issued under subregulation (1) must be served on the defendant—

(a) personally;

or

(b) if personal service is not practicable or the defendant cannot, after reasonable enquiries, be found, in such other manner as the appropriate officer may direct, not later than two clear working days before the date specified in the notice for the hearing of the matter.

(3) If a defendant fails to attend before an appropriate officer in compliance with a notice under subregulation (1) and the appropriate officer is satisfied that the notice was duly served on the defendant, the appropriate officer may deal with the application for enforcement in the absence of the defendant.

(4) An appropriate officer may adjourn proceedings under this regulation at any time.

(5) The right of appeal conferred by section 71(5) of the Act against a decision of an appropriate officer to direct, or not to direct, that a sentence of imprisonment imposed under that subsection be cumulative is exercisable within one month of the making of the decision.

Enforcement of certain other court orders

7. (1) If it appears to an appropriate officer, on written advice supported by an affidavit, that a person ("the defendant") has refused or neglected to comply with an order of a court to which section 71(3) of the Act applies, the appropriate officer must apply to the court for enforcement of the order.

(2) On making an application under subregulation (1), the appropriate officer must give notice of the application to the defendant requiring the defendant to appear before the court to show cause why he or she should not be dealt with according to law for the alleged non-compliance.

(3) A notice under subregulation (2) must be served on the defendant—

(a) personally;

or

(b) if personal service is not practicable or the defendant cannot, after reasonable enquiries, be found, in such other manner as the appropriate officer may direct,

not later than two clear working days before the date specified in the notice for the hearing of the matter.

(4) If a defendant fails to appear before the court in compliance with a notice under subregulation (2) and the court is satisfied that the notice was duly served on the defendant, the court may deal with the application for enforcement in the absence of the defendant.

SCHEDULE

FORM No. 1—CRIMINAL LAW (SENTENCING) ACT, 1988**Warrant for Commitment****(Imprisonment on conviction)**

<i>COURT PARTICULARS</i>			
Court of origin			
<i>DEFENDANT'S PARTICULARS</i>			
Name	Date of birth		
Address			
<i>DETAILS OF THE OFFENCE(S) AND THE TERM(S) OF IMPRISONMENT ORDERED FOR THE OFFENCE(S)</i>			
File No.	Count No.	Offence (and offence date)	Sentence imposed
Total sentence of imprisonment to be served			
Imprisonment commencement date			
Non-parole period set (or minimum term)			
Non-parole period commencement date			
Name of person who imposed penalty			
Date order made by court			
Date warrant issued			

To the Commissioner of Police for the State of South Australia and each member of the police force of the State, and to the Executive Director of the Department of Correctional Services.

The defendant named in this warrant has been dealt with by a court and sentenced to a term of imprisonment. Particulars of the court that imposed the penalty, the charge(s) against the defendant and the sentence(s) imposed appear on this warrant.

You, the Commissioner of Police and members of the police force, are directed to convey the defendant to a correctional institution and you, the Executive Director, are directed to detain the defendant for such period of time as this warrant directs.

Judge/Stipendiary Magistrate

FORM No. 2—CRIMINAL LAW (SENTENCING) ACT, 1988**GOOD BEHAVIOUR BOND AND NOTICE***DETAILS OF THE COURT WHICH IMPOSED THE SENTENCE(S)***Name of court**

--

*DETAILS OF THE PROBATIONER***Name**

--

Date of Birth

--

Address

--

DETAILS OF THE OFFENCE(S) THAT THE BOND RELATES TO

File No.	Count No.	Offence

You, the probationer, have been found guilty of the offence(s) listed above. The court this day ordered that you be discharged on a bond *with/without conviction and without a penalty having been imposed on you.

*DETAILS OF YOUR BOND ARE:—***Length of bond term**

--

(starting from when you sign this bond)

Amount of bond

--

CONDITIONS OF YOUR BOND ARE:—

1. That you be of good behaviour, and comply with all of the conditions of this bond.
2. That you appear before a court for *conviction and /sentence on the above offence(s) if you disobey any of the conditions of this bond.
3. That you be under the supervision of a probation officer for a period of and obey all the lawful directions given to you by your probation officer.
4. That you report, within two working days of having signed this bond, at the offices of the Department of Correctional Services at

(NOTE: You need not report if, within that two day period, you receive notice from the Department that it is not necessary to do so).

5.

WHAT WILL HAPPEN IF YOU COMPLY WITH CONDITIONS OF THIS BOND:

If, at the end of the term of this bond you have complied with all of the above conditions, the bond will lapse automatically. You will not be required to come back to court and you cannot be punished further for the offence(s) listed above.

WHAT WILL HAPPEN IF YOU FAIL TO COMPLY WITH THE CONDITIONS OF THIS BOND

If you fail to comply with any of the conditions of your bond, the following things may happen:—

1. You may be brought back to court, and the court may *convict and/sentence you for the offence(s).
2. You may be ordered to pay the above amount of the bond, or any lesser amount fixed by the court.
3. Any person who has agreed to act as a guarantor to this bond may be ordered to pay the amount of money for which they have signed, or any lesser amount fixed by the court.

*Delete whichever is not applicable.

ACKNOWLEDGMENT BY PROBATIONER

I agree to enter into this bond. I acknowledge that I fully understand its conditions, and I undertake to comply with those conditions. I also understand what will happen to me if I fail to do so.

Probationer

Bond taken before me and duplicate notice(s) served this day of 19.....

Judge Stipendiary Magistrate Justice of the Peace

FORM No. 3—CRIMINAL LAW (SENTENCING) ACT, 1988

SUSPENDED SENTENCE BOND AND NOTICE

DETAILS OF THE COURT WHICH IMPOSED THE SENTENCE(S)

Name of court

DETAILS OF THE PROBATIONER

Name

Date of Birth

Address

DETAILS OF THE OFFENCE(S) TO WHICH THE BOND RELATES AND OF THE SENTENCE(S) THAT THE COURT HAS IMPOSED FOR THOSE OFFENCES

File No.	Count No.	Offence	Sentence Imposed

Total sentence of imprisonment to be served

Non-parole fixed (if the sentence to be served is 12 months or more)

The court has recorded a conviction against you for the offence(s) listed above and has imposed the sentence(s) shown for each matter. It has, however, ordered that the sentence(s) be suspended if you enter into a bond.

DETAILS OF YOUR BOND ARE:—

Length of bond term

(starting from when you sign this bond)

Amount of bond

CONDITIONS OF YOUR BOND ARE:—

1. That you be of good behaviour, and comply with all of the conditions of this bond.
2. That you be under the supervision of a probation officer^s for a period of and obey the lawful directions given to you by your probation officer.
3. That you perform hours of community service within months from the date of this bond, and obey the lawful directions of the community service officer to whom you are assigned.
4. That you report, within two working days of having signed this bond, at the offices of the Department of Correctional Services at

(NOTE: You need not report if, within that two day period you receive notice from the Department that it is not necessary to do so).

5.

WHAT WILL HAPPEN IF YOU COMPLY WITH CONDITIONS OF THIS BOND:

If, at the end of the term of this bond, you have complied with all of the conditions mentioned above, the sentence of imprisonment ordered by the court will not have to be served, nor will you have to come back to court.

WHAT WILL HAPPEN IF YOU FAIL TO COMPLY WITH THE CONDITIONS OF THIS BOND

If you fail to comply with any of the conditions of your bond, the following things may happen:

1. You may be brought back to court, and the court may cancel the order of suspension of the prison sentence(s) imposed on you. You would then have to serve that sentence, or such lesser term of imprisonment fixed by the court.
2. You may be ordered to pay the amount of the bond (as set out above), or any lesser amount fixed by the court.
3. Any person who has agreed to act as a guarantor to this bond may be ordered to pay the amount of money for which they have signed, or any lesser amount fixed by the court.

ACKNOWLEDGMENT BY PROBATIONER

I agree to enter into this bond. I acknowledge that I fully understand its conditions, and I undertake to comply with those conditions. I also understand what will happen to me if I fail to do so.

Probationer

Bond taken before me and duplicate notice served this day of 19.....

Judge Stipendiary Magistrate Justice of the Peace

FORM No. 4—CRIMINAL LAW (SENTENCING) ACT, 1988

Guarantee of Bond

I, (D/B / /)

of

and I, (D/B / /)

of

guarantee that

("the probationer") will comply with all of the terms and conditions of the bond (a copy of which is attached) that he or she has entered into this day.

I understand that I am liable to pay the sum of \$ if the probationer—

- 1. Breaches any of the conditions of his or her bond.
- 2. Breaches the bond and fails to pay in full any amount due under the bond that the court orders him or her to pay on account of that breach.

.....
.....

Taken before me this day of , 19 .

Duplicate notices served on the guarantor(s) and the probationer.

.....

FORM No. 5—CRIMINAL LAW (SENTENCING) ACT, 1988

**NOTICE TO CONFIRM THE TERMS OF A COMMUNITY SERVICE ORDER
MADE BY A COURT**

DETAILS OF THE COURT WHICH IMPOSED THE ORDER

Name of court

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DETAILS OF THE PERSON AGAINST WHOM THE ORDER HAS BEEN MADE

Name

--

Date of Birth

--

Address

--

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DETAILS OF THE OFFENCE(S) TO WHICH THE ORDER RELATES

File No.

Count No.

Offence

File No.	Count No.	Offence

The court has convicted you of the offence(s) listed above and has sentenced you this day as follows:

1. You are to perform hours of community service within months from the date of this order, and you must, until such time as you have finished working the required number of hours, obey the lawful directions of the community service officer to whom you are assigned.
2. You are to be under the supervision of a probation officer for a period of from the date of this order and must obey the lawful directions that are given to you by your probation officer during that time.
3. You are to report, within two working days of having signed this notice, at the offices of the Department of Correctional Services at

(NOTE: You need not report if, within that two day period, you receive notice from the Department advising that you do not have to comply with this requirement.)

WHAT CAN HAPPEN IF YOU FAIL TO COMPLY THIS ORDER

If you fail to comply with any part of the order set out above, you can be sentenced to a period of imprisonment.

Duplicate notice handed to the abovenamed person this

..... day of 19.....

--

FORM No. 6—CRIMINAL LAW (SENTENCING) ACT, 1988

Summons to a Person Charged with Breaching a Bond

On the _____ day of _____ 19____, you entered into a bond, a true copy of which is attached.

It is alleged by _____

of _____

that you have failed to comply with a condition of your bond, in that you—

- failed to be of good behaviour by committing a further offence, particulars of which are detailed in the attached certified copy.
- failed, in the manner described in the attached affidavit, to comply with the condition that you be under the supervision of a probation officer and obey the lawful directions of the probation officer to whom you are assigned.
- failed, in the manner described in the attached affidavit, to comply with the condition that you perform community service.
- failed, in the manner described in the attached affidavit, to comply with the condition that

.....

.....

.....

.....

TAKE NOTICE that you are required to answer the allegation that you have failed to comply with a condition of your bond, and for that purpose you are hereby ordered to appear on the _____ day of _____

19____, at _____ o'clock in the _____ noon at the _____

in the State of South Australia, to answer the allegation and to show cause why you should not be dealt with according to law. If you fail to attend as required by this summons, the court may order that a warrant be issued for your arrest, or make such order against you in your absence as it sees fit, including an order for your imprisonment.

Dated the _____ day of _____ 19____, at _____

in the State of South Australia

.....

Judge/Stipendiary Magistrate

Strike out whichever is inapplicable

13.

PROOF OF SERVICE

I, _____ of _____
make oath and say that I did on the _____ day of _____
and _____ 19____ between the hours of _____
in the _____ noon duly serve the within-named
at _____
with the within summons by delivering a duplicate hereof to him personally

Sworn before me at _____
the _____ day of _____ 19____

Justice of the Peace

FORM No. 7—CRIMINAL LAW (SENTENCING) ACT, 1988

Warrant to Apprehend a Person Charged with Breach of a Bond

To the Commissioner of Police for the State of South Australia, and to each member of the police force of the State.

This warrant is for the apprehension of

of _____ ("the probationer").

Evidence on oath was given on the _____ day of _____ 19 _____,

by _____ of _____

that the probationer has failed to comply with the conditions of a bond entered into at the

_____ Court on the _____ day of _____ 19 _____,

in relation to an offence of _____

Conditions of the bond are that the probationer:—

1. Be of good behaviour.
2. Be under the supervision of a probation officer and obey the lawful directions given by that probation officer.
3. Perform _____ hours of Community Service within _____, and obey the lawful directions given by the Community Services Officer to whom the probationer was assigned.
4. Report within two working days of having signed the bond at the _____ office of the Correctional Services Department.
- 5.

And it is alleged that the probationer has failed to comply with the conditions of the bond in that _____

And I, _____, sitting as a probative court at the _____, being satisfied by evidence on oath that the probationer may have failed to comply with the conditions of the bond, direct you to apprehend the probationer and to bring that person before the _____ Court (or a court of Summary Jurisdiction) not later than the next working day after the day of the probationer's arrest, to be dealt with according to law.

Dated the _____ day of _____ 19 _____, at _____ in the State of South Australia.

.....
Judge/Stipendiary Magistrate

FORM No. 8—CRIMINAL LAW (SENTENCING) ACT, 1988

Warrant for Commitment

(Imprisonment for non-payment of a pecuniary sum)

<i>COURT PARTICULARS</i>	
Court of origin	Count no.
Court file no.	

<i>DEFENDANT'S PARTICULARS</i>	
Name	
Date of birth	
Address	
Drivers licence no.	

<i>PARTICULARS AS TO THE CHARGE</i>	
Date of offence	Reg. no. Victims name
Offence location	
Offence	
Section and Act	

<i>PARTICULARS OF FINE OR OTHER PECUNIARY SUM</i>	
Fine/*	\$
Costs	
Levy (C.I.C. Act)	
Reminder notice fee	
Warrant fee	
Paid	
Amount now due and unpaid	\$
Default imprisonment on the amount unpaid	
Date fine imposed by the court	

Date warrant issued	
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To the Commissioner of Police for the State of South Australia and each member of the police force of the State, and to the Executive Director of the Department of Correctional Services.

The defendant named in this warrant has been dealt with on a charge and ordered by a court to pay a pecuniary sum and has failed to do so.

You, the Commissioner of Police and members of the police force are directed to execute this warrant upon the defendant, and unless the defendant pays forthwith the amount in respect of which the warrant was issued (together with the costs of issuing and executing this warrant), to convey the defendant to a correctional institution. And you, the Executive Director of the Department of Correctional Services, are directed to receive and to detain the defendant for the period due in respect of the amount unpaid as shown on this warrant, unless the defendant at any time pays the amount then due to extinguish this warrant.

*If other, specify

.....

FORM No. 9—CRIMINAL LAW (SENTENCING) ACT, 1988**Order for the Sale of Goods and Notice to the Defendant**

<i>DETAILS OF THE COURT THAT THIS ORDER HAS COME FROM</i>	
Court of origin	
Court file no.	
	Count no.

<i>DETAILS OF THE PERSON OR COMPANY AGAINST WHOM THIS ORDER IS MADE</i>	
Defendant's name	
Date of birth	
Address	
Drivers licence no.	

<i>PARTICULARS OF THE OFFENCE THAT THIS ORDER IS ABOUT</i>	
Date of offence	
Offence location	
Offence	
Section and Act	
	Reg. no.
	Victims name

<i>PARTICULARS OF FINE OR OTHER PECUNIARY SUM ORDERED PAYABLE FOR THAT OFFENCE</i>	
Fine*	\$
Costs	
Levy (C.I.C. Act)	
Reminder notice fee	
Paid	
Amount now due and unpaid	\$
Default imprisonment on the amount unpaid	
Date fine imposed by the Court	

PARTICULARS OF THIS ORDER

I, the undersigned, am satisfied that you, the abovenamed defendant, are more than one month overdue in paying the amount due shown above. I am also of the opinion that you are the owner of goods, which if seized and sold, would either supply sufficient money to pay off the amount due that is shown on this order, or would supply sufficient money to substantially reduce that amount.

I hereby make this order to authorize the sale of your goods. You are advised that if the amount due that is shown on this order is not paid to me within ten days of this notice being served on you, a warrant to seize and sell such of your goods (being goods that could be taken in bankruptcy proceedings) as are necessary to pay the amount due will be issued and executed.

Date of Issue//

.....

SEE NOTES ATTACHED AS TO WHAT YOU SHOULD DO ABOUT THIS MATTER

*If other, specify

17.

PROOF OF SERVICE

I, _____ of _____
make oath and say that I did on the _____ day of _____
and _____ in the _____ 19____ between the hours of _____
noon duly serve the within-named _____ at _____
with the within order by delivering a duplicate hereof to him personally

Sworn before me at _____

the _____ day of _____ 19____

Justice of the Peace

PROOF OF SERVICE ON COMPANY

_____ of _____
make oath and say that I did on the _____ day of _____ 19____, between the hours of _____
and _____ in the _____ noon duly serve the within named defendant Company with the
within order by leaving a duplicate hereof at the registered office of the said Company situated at _____
with the _____ of _____
the said Company.

Sworn before me at _____

the _____ day of _____ 19____

Justice of the Peace

FORM No. 10—CRIMINAL LAW (SENTENCING) ACT, 1988

Warrant to Seize Goods

<i>COURT PARTICULARS</i>	
Court of origin	Count no.
Court file no.	

<i>DEFENDANT'S PARTICULARS</i>	
Name	
Date of birth	
Address	
Drivers licence no.	

<i>PARTICULARS AS TO THE CHARGE</i>	
Date of offence	Reg. no. Victim's name
Offence location	
Offence	
Section and Act	

<i>PARTICULARS OF FINE OR OTHER PECUNIARY SUM</i>	
Fine/*	\$
Costs	
Levy (C.I.C. Act)	
Reminder notice fee	
Warrant fee	
Paid	\$
Amount now due and unpaid	
Date fine imposed by the court	

<i>FOR OFFICE USE ONLY</i>
RETURN OF WARRANT
I certify that, by virtue of this warrant, I have made a diligent search for goods belonging to the defendant and I can find no goods falling within the terms of this warrant to seize and sell.
Dated:/...../.....
Signed:
Name:
Employment address:
.....
Position held:

Date warrant issued	
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To the Sheriff and all members of the police force:

The defendant named in this warrant has been dealt with on a charge, ordered by a court to pay a pecuniary sum and has been in default of payment for more than one month.

The defendant has been served with a notice warning that this warrant would be issued, and failed within ten days of that service to either pay in full the pecuniary sum, or to make some further application in relation to it.

You are directed to provide the defendant with an opportunity to pay forthwith the amount in respect of which this warrant was issued (together with the costs of issuing and executing the warrant) and if payment in full is not made, to seize forthwith such of the defendant's goods (being goods that could be taken in bankruptcy proceedings) as would be necessary, if sold, to satisfy that amount or substantially reduce it.

And if within five clear days next after the making of such seizure (unless the defendant consents in writing to an earlier sale) the amount in respect of which this warrant was issued (together with any costs associated with the execution of this warrant) is not paid in full, or unless notice has been received to stay sale of the goods pending a determination of the court as to ownership, you are to sell the goods and pay the proceeds of that sale to the officer of the court who issued this warrant. If no such goods can be seized you are to certify accordingly to that officer.

*If other, specify

Signed:
Appropriate Officer

FORM No. 11—CRIMINAL LAW (SENTENCING) ACT, 1988**Order for the Sale of Land and Notice to the Defendant**

<i>DETAILS OF THE COURT THAT THIS ORDER HAS COME FROM</i>	
Court of origin	Count no.
Court file no.	

<i>DETAILS OF THE PERSON OR COMPANY AGAINST WHOM THIS ORDER IS MADE</i>	
Defendant's name	
Date of birth	
Address	
Drivers licence no.	

<i>PARTICULARS OF THE OFFENCE THAT THIS ORDER IS ABOUT</i>	
Date of offence	Reg. no. Victims name
Offence location	
Offence	
Section and Act	

<i>PARTICULARS OF FINE OR OTHER PECUNIARY SUM ORDERED PAYABLE FOR THAT OFFENCE</i>	
Fine [*]	\$
Costs	
Levy (C.I.C. Act)	
Reminder notice fee	
Paid	
Amount now due and unpaid	\$
Default imprisonment on the amount unpaid	
Date fine imposed by the Court	

PARTICULARS OF THIS ORDER

I, the undersigned, am satisfied that you, the abovenamed defendant, are more than one month overdue in paying the amount due shown above. I am also of the opinion that you are the owner of land, which if seized and sold, would either supply sufficient money to pay off the amount due that is shown on this order, or would supply sufficient money to substantially reduce that amount.

I hereby make this order to authorize the sale of your land. You are advised that if the amount due that is shown on this order is not paid to me within ten days of this notice being served on you, a warrant to seize and sell such of your land (being land at to which certificate of title volume folio refers) as is necessary to pay the amount due will be issued and executed.

Date of Issue/...../.....

SEE NOTES ATTACHED AS TO WHAT YOU SHOULD DO ABOUT THIS MATTER

^{*}If other, specify

20.

PROOF OF SERVICE

I, _____ of _____
make oath and say that I did on the _____ day of _____
19____ between the hours of _____
and _____ in the _____ noon duly serve the within-named _____
at _____
with the within order by delivering a duplicate hereof to him personally

.....

Sworn before me at

the _____ day of _____ 19____

.....

Justice of the Peace

PROOF OF SERVICE ON COMPANY

_____ of _____
make oath and say that I did on the _____ day of _____ 19____, between the hours of _____
and _____ in the _____ noon duly serve the within named defendant Company with the
within order by leaving a duplicate hereof at the registered officer of the said Company situated at _____
with the _____ of _____
the said Company.

.....

Sworn before me at

the _____ day of _____ 19____

.....

Justice of the Peace

FORM No. 12—CRIMINAL LAW (SENTENCING) ACT, 1988

Warrant to Seize Land

<i>COURT PARTICULARS</i>	
Court of origin	Count no.
Court file no.	

<i>DEFENDANT'S PARTICULARS</i>	
Name	
Date of birth	
Address	
Drivers licence no.	

<i>PARTICULARS AS TO THE CHARGE</i>	
Date of offence	Reg. no. Victim's name
Offence location	
Offence	
Section and Act	

<i>PARTICULARS OF FINE OR OTHER PECUNIARY SUM</i>	
Fine/*	\$
Costs	
Levy (C.I.C. Act)	
Reminder notice fee	
Warrant fee	
Paid	
Amount now due and unpaid	\$
Date fine imposed by the court	

<i>FOR OFFICE USE ONLY</i>
RETURN OF WARRANT
I certify that, by virtue of this warrant, I have made a diligent effort to seize land (particulars of which appear in this warrant) belonging to the defendant and I am unable, for the reasons detailed on the reverse of this warrant, to seize the land.
Dated://
Signed:
Name:
Employment address:
.....
Position held:

Date warrant issued	
---------------------	--

To the Sheriff and all members of the police force:

The defendant named in this warrant has been dealt with on a charge, ordered by a court to pay a pecuniary sum and has been in default of payment for more than one month.

The defendant has been served with a notice warning that this warrant would be issued, and failed within ten days of that service to either pay in full the pecuniary sum, or to make some further application in relation to it.

You are directed to provide the defendant with an opportunity to pay forthwith the amount in respect of which this warrant was issued (together with the costs of issuing and executing the warrant) and if payment in full is not made, to seize forthwith the defendant's land (being land at..... comprised in certificate of title volume..... folio.....) which would be likely if sold to yield that amount or substantially reduce it.

And if within five clear days next after the making of such seizure (unless the defendant consents in writing to an earlier sale) the amount in respect of which this warrant was issued (together with any costs associated with the execution of this warrant) is not paid in full, or unless notice has been received to stay sale of the land pending a determination of the court as to its ownership, you are to sell the land and pay the proceeds of that sale to the officer of the court who issued this warrant. If no such land can be seized you are to certify accordingly to that officer.

*If other, specify

Signed:
Appropriate Officer

FORM No. 13—CRIMINAL LAW (SENTENCING) ACT, 1988**Warrant for Commitment****(Imprisonment for non-compliance with a court order of a non-pecuniary nature)**

<i>COURT PARTICULARS</i>	
Court of origin	Count no.
Court file no.	

<i>DEFENDANT'S PARTICULARS</i>	
Name	
Date of birth	
Address	
Drivers licence no.	

<i>PARTICULARS AS TO THE CHARGE</i>	
Date of offence	
Offence location	
Offence	
Section and Act	

<i>PARTICULARS OF ORDER</i>	
Terms of original court order	1. To perform community service 2. Other (give brief particulars)

<i>PARTICULARS OF IMPRISONMENT IMPOSED ON DEFAULT</i>	
Term of imprisonment ordered	
Imprisonment commencement date	
Name of officer/court who imposed sentence	

Date warrant issued	
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To the Commissioner of Police for the State of South Australia and each member of the police force of the State, and to the Executive Director of the Department of Correctional Services.

The defendant named in this warrant has refused or neglected to comply with an order of the court of a non-pecuniary nature, and has been sentenced to a term of imprisonment, details of which appear above.

You, the Commissioner of Police and members of the police force are directed to convey the defendant to a correctional institution, and you, the Executive Director are directed to detain the defendant for such period of time as this warrant directs.

.....

APPENDIX

LEGISLATIVE HISTORY

Regulation 5A:	inserted by 159, 1993, reg. 3; varied by 53, 1998, reg. 3
Regulation 5B:	inserted by 114, 1994, reg. 3; varied by 68, 1997, reg. 3
Regulation 5C:	inserted by 114, 1994, reg. 3; varied by 68, 1997, reg. 4
Schedule	
Form No. 8:	substituted by 179, 1991, reg. 3
Form No. 9:	substituted by 179, 1991, reg. 3; varied by 2, 1999, reg. 3(a)
Form No. 10:	substituted by 179, 1991, reg. 3; 2, 1999, reg. 3(b)
Form No. 11:	substituted by 179, 1991, reg. 3; varied by 2, 1999, reg. 3(c)
Form No. 12:	substituted by 179, 1991, reg. 3; 2, 1999, reg. 3(d)