

South Australia

Criminal Law (Sentencing) Regulations 2014

under the *Criminal Law (Sentencing) Act 1988*

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Legislative history

1—Short title

These regulations may be cited as the *Criminal Law (Sentencing) Regulations 2014*.

3—Interpretation

In these regulations—

Act means the *Criminal Law (Sentencing) Act 1988*.

4—Forms

- (1) The forms set out in Schedule 1 are prescribed, and must be used, for the purposes of the Act.
- (2) If any enforcement proceedings are to be taken against a guarantor of a bond, the relevant forms in Schedule 1 must be modified accordingly.
- (3) If any document the form of which is prescribed by Schedule 1 is to be served on a company, the relevant form must be modified accordingly.

4A—Prescribed modifications (section 10C)

- (1) Subject to subregulation (2), in accordance with section 10C(8) of the Act, the following modifications to section 10C of the Act are prescribed where a defendant pleads guilty to an offence or offences in proceedings instituted in a superior court by the Director of Public Prosecutions laying an information ex officio in accordance with section 103 of the *Criminal Procedure Act 1921*:
- (a) Section 10C(3)(a) to (e) (inclusive)—delete paragraphs (a) to (e) and substitute:
 - (a) during the period commencing immediately after the defendant's arraignment appearance in the superior court in relation to the relevant offence or offences and ending not more than 4 weeks after that arraignment—the sentencing court may reduce the sentence that it would otherwise have imposed by up to 40%;
 - (b) more than 4 weeks after the defendant's arraignment appearance in the superior court in relation to the relevant offence or offences but on the day of, or before, the commencement of the defendant's trial for the relevant offence or offences—the sentencing court may reduce the sentence that it would otherwise have imposed by up to 30%.
 - (b) Section 10C—after subsection (3) insert:
 - (3a) In acting under subsection (3)(a) or (b), the sentencing court must take into account—
 - (a) when the defendant was provided with information, material or evidence by the prosecution in support of the relevant offence or offences charged (including the provision of a prosecution case statement that incorporates the relevant offence or offences); and
 - (b) the time reasonably required for the defence to consider the information, material or evidence provided by the prosecution in support of the relevant offence or offences; and
 - (c) any other matter the court considers appropriate.
- (2) If, in proceedings referred to in subregulation (1), the ex officio information also includes an offence or offences that were committed to the superior court for trial, the modifications prescribed under subregulation (1) do not apply to the sentencing of the defendant for that offence or those offences.

5—Prescribed authority

For the purposes of Part 2 Division 3 and Schedule 2 of the Act, the prescribed authority is the person for the time being performing the duties, or holding or acting in the position, of the Clinical Director, Forensic Mental Health Service South Australia.

6—Dealing with surrendered items

- (1) For the purposes of sections 24A(4) and 42A(3) of the Act, the Commissioner of Police must deal with a surrendered item in accordance with this regulation.
- (2) The Commissioner of Police must retain a surrendered item in a location determined by the Commissioner of Police until—
 - (a) the surrendered item is forfeited to the Crown under the Act or any other Act; or
 - (b) the surrendered item is returned in accordance with this regulation to the person who surrendered it; or
 - (c) the surrendered item is seized or surrendered under the provisions of another Act,

whichever occurs first.

- (3) If the condition imposed under section 24(2a)(a) on the release on licence, or 42(a1)(a) on the entry into bond of the person who surrendered the surrendered item is revoked, or the release on licence or bond has been discharged, the person may notify the Commissioner of Police of that fact.
- (4) Subject to this regulation, if the Commissioner of Police is notified pursuant to subregulation (3) or otherwise becomes aware that—
 - (a) the release on licence or bond of the person is no longer subject to the condition imposed under section 24(2a)(a) or 42(a1)(a) (as the case requires); or
 - (b) the release on licence or bond has been discharged,

the Commissioner of Police must cause the surrendered item to be returned to the person who surrendered the item.

- (5) If the Commissioner of Police is required to return a surrendered item under subregulation (4), the Commissioner of Police must give notice in writing to the person who surrendered the item setting out—
 - (a) that the surrendered item specified in the notice is to be returned to the person; and
 - (b) the location at which the surrendered item may be collected; and
 - (c) that the surrendered item must be collected from the specified location within 3 months of the date specified in the notice (or such longer time as may be specified by the Commissioner of Police); and
 - (d) that the surrendered item will only be returned if the person holds any necessary authorisation under the *Firearms Act 1977* or any other Act to possess the surrendered item; and
 - (e) the effect of subregulations (6) and (7).
- (6) However, the Commissioner of Police may refuse to return a surrendered item to a person if—
 - (a) the person is on conditional release that is subject to a condition prohibiting the person from possessing a firearm, ammunition or part of a firearm; or

- (b) the person does not hold any necessary authorisation under the *Firearms Act 1977* or any other Act to possess the surrendered item, or is otherwise prohibited from possessing the surrendered item,

and, if the Commissioner of Police does so refuse, he or she must give notice in writing to the person who surrendered the surrendered item setting out—

- (c) the reasons for the refusal; and
- (d) in the case of a refusal contemplated by subregulation (6)(a)—the effect of subregulation (8).

(7) If—

- (a) a surrendered item is not collected within the period specified in subregulation (5)(c); or
- (b) the person does not, at the end of the period specified in subregulation (5)(c), hold the necessary authorisation under the *Firearms Act 1977*, or any other Act, to possess the surrendered item or is otherwise prohibited from possessing the surrendered item,

the surrendered item is, by force of this subregulation, forfeited to the Crown.

(8) If the Commissioner of Police refuses to return a surrendered item to a person pursuant to subregulation (6)(a)—

- (a) the surrendered item will be taken to have been surrendered pursuant to a direction under the provision of the Act under which the conditional release was granted (corresponding to section 24A(1) or 42A(1) of the Act); and
- (b) the surrendered item must be dealt with in accordance with that Act.

(9) The Commissioner of Police may recover from the person who surrendered the surrendered item the reasonable costs incurred in connection with the storage of the surrendered item.

(10) This regulation is in addition to, and does not derogate from, the operation of any other Act or law.

(11) No compensation is payable by the Crown in respect of the forfeiture of a surrendered item under this regulation.

(12) A notice required to be given to a person under this regulation may—

- (a) be given to the person personally; or
- (b) be posted in an envelope addressed to the person—
 - (i) at the person's last known address; or
 - (ii) at the person's address for service; or
- (c) be left for the person at the person's last known address or address for service with someone apparently over the age of 16 years.

(13) In this regulation—

conditional release means—

- (a) a grant of bail under the *Bail Act 1985*; or
- (b) a bond under the Act or the *Criminal Law Consolidation Act 1935*; or

- (c) release from prison on home detention or parole, under the *Correctional Services Act 1982*; or
- (d) release on licence under the Act or the *Criminal Law Consolidation Act 1935*; or
- (e) release on licence, or conditional release from detention, under the *Young Offenders Act 1993*;

surrendered item means a firearm, ammunition or any part of a firearm surrendered pursuant to a direction under section 24A(1) or 42A(1) of the Act.

7—Enforcement of order for restitution of property (section 59)

The prescribed fees for issuing, serving and executing an order under section 59(2)(b) of the Act are the sum of the following:

- (a) for the time spent in locating the property to be valued—an amount per hour equal to the amount per hour prescribed under the *Sheriff's Regulations 2005* in relation to the sheriff's attendance to execute an enforcement process;
- (b) for valuing the property—the actual costs reasonably incurred in causing the property to be valued;
- (c) for administrative work in issuing the order—an amount equal to the fee prescribed under the *Sheriff's Regulations 2005* in relation to receiving and entering a summons, notice, order or other document for service;
- (d) for serving the order—an amount equal to the fee prescribed under the *Sheriff's Regulations 2005* in relation to execution of a warrant;
- (e) if travelling expenses are incurred in issuing and serving the order—an amount equal to the amount prescribed under the *Sheriff's Regulations 2005* as an allowance for travelling expenses incurred in the service of a document or execution of a process.

8—Annual report

- (1) For the purposes of section 65A of the Act, the annual report for a financial year must include the following information:
 - (a) the total amount of debt that was payable to the Fines Enforcement and Recovery Officer at the commencement of the financial year;
 - (b) the total amount of debt that became payable to the Fines Enforcement and Recovery Officer during the financial year;
 - (c) the total amount of debt that was paid to the Fines Enforcement and Recovery Officer during the financial year;
 - (d) the total amount of debt that was waived by the Fines Enforcement and Recovery Officer during the financial year;
 - (e) the total amount of debt that was payable to the Fines Enforcement and Recovery Officer at the end of the financial year including—
 - (i) the total amount of debt subject to arrangements under section 70 of the Act or section 9 of the *Expiation of Offences Act 1996*; and

- (ii) the total amount of debt the payment of which has been deferred (whether because of an extension of time or other form of arrangement resulting in a later payment date); and
 - (iii) the total amount of debt subject to enforcement action under section 70I of the Act or an enforcement determination under section 13 of the *Expiation of Offences Act 1996*;
- (f) the total amount of debt that was paid during the financial year to a person—
 - (i) to whom powers or functions were delegated by the Fines Enforcement and Recovery Officer under section 65 of the Act during the financial year; and
 - (ii) who was not a public sector employee (within the meaning of the *Public Sector Act 2009* for the period of that delegation).
- (2) Information in a report relating to a total amount of debt must be expressed as a sum of the debt's statutory components (with the amount of each statutory component shown in the report).
- (3) For the purposes of this regulation, a debt's *statutory components* are—
 - (a) amounts owed as pecuniary sums under the Act; and
 - (b) amounts owed pursuant to enforcement determinations under the *Expiation of Offences Act 1996*; and
 - (c) amounts owed pursuant to agreements under section 9 of the *Expiation of Offences Act 1996* (other than amounts referred to in paragraph (b)).

9—Amounts unpaid or unrecovered for more than certain period

For the purposes of section 69(1) of the Act, the prescribed amount is \$279.

10—Exemption from fee to enter arrangement

A person who satisfies the Fines Enforcement and Recovery Officer that he or she is suffering financial hardship such that he or she cannot pay the fee required under section 70(1) of the Act to enter a payment arrangement is exempt from the requirement to pay that fee.

11—Prescribed debtor arrangements

For the purposes of section 70(4)(c) of the Act, a debtor who has previously failed to comply with an arrangement under section 70 of the Act resulting in the termination of the arrangement under section 70(8) of the Act is prescribed.

12—Disclosure of information to interstate authority

For the purposes of section 70D of the Act—

- (a) the following particulars of a debtor are prescribed:
 - (i) name;
 - (ii) date of birth;
 - (iii) current residential address;
 - (iv) previous residential addresses;

- (v) contact details, including telephone number and email address;
 - (vi) the name and address of the debtor's next of kin;
 - (vii) employment details, including the name of an employer and the address of the place of employment;
 - (viii) details of the pecuniary sum owed, including a breakdown of the amounts owed specifying relevant dates and the offences to which the pecuniary sum relates; and
- (b) any person or body in another State or Territory of the Commonwealth with responsibility, under a law of that jurisdiction, for the collection of amounts due in relation to expiation notices (however described) issued in the jurisdiction or fines imposed by a court of the jurisdiction, is a prescribed interstate authority.

13—Property exempt from seizure and sale

For the purposes of section 70K(3)(a) of the Act, household property excluded from being divisible among the creditors of a bankrupt under the *Bankruptcy Act 1966* of the Commonwealth is exempt from seizure and sale under section 70K of the Act.

13A—Prescribed unit

For the purposes of section 70U of the Act, the prescribed unit is \$100.

14—Community service notice

The following matters must be included in a notice given under section 70U(3) of the Act:

- (a) details of the court that made the order for community service under section 70U(1) of the Act;
- (b) details of the order including—
 - (i) the name and address of the debtor; and
 - (ii) the pecuniary sum to which the order relates; and
 - (iii) the period within which the community service is to be performed; and
 - (iv) the place to which the debtor is to report within 2 working days of the order; and
 - (v) that the debtor is required to perform community service for not less than 4 hours each week and on such day, or days, as the community corrections officer to whom the person is assigned may direct; and
 - (vi) that the debtor must obey the lawful directions of the community corrections officer to whom he or she is assigned;
- (c) that a failure to comply with the order may result in the debtor being imprisoned for a period of up to 12 months calculated, in the case of a failure to perform a number of hours of community service, on the basis of 1 day of imprisonment for each 7.5 hours of unperformed hours of community service.

15—Fees

The fees set out in Schedule 2 are payable as prescribed in the Schedule.

16—Transitional provision

Section 70I of the Act as in force immediately before the commencement of Part 4 of the *Statutes Amendment (Fines Enforcement and Recovery) Act 2013* continues to apply in relation to an application made under that section.

Schedule 1—Forms

Form 1—Warrant of commitment (Imprisonment on conviction)

Criminal Law (Sentencing) Act 1988

Court particulars

Court of origin:

Defendant's particulars

Name:

Date of birth:

Address:

Details of the offence(s) and the term(s) of imprisonment ordered for the offence(s)

File No:

Count No:

Offence:

Sentence imposed:

CIC Levy:

Total sentence of imprisonment to be served:

Imprisonment commencement date:

Non-parole period set (or minimum term):

Non-parole period commencement date:

Total CIC Levy:

Amount paid:

Amount outstanding:

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 officer, and to the Chief Executive of the Department for 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 police officers, are directed to convey the defendant to a correctional institution and you, the Chief Executive, are directed to detain the defendant for such period of time as this warrant directs.

Judge:

Magistrate:

Form 2—Suspended sentence bond

Criminal Law (Sentencing) Act 1988

(section 38)

Details of the court that 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 period 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/when you are released from prison):

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 do not possess a firearm or ammunition or any part of a firearm.
- 3 That you be under the supervision of a community corrections officer for a period of *[insert timeframe]* and obey the lawful directions given to you by the community corrections officer to whom you are assigned for the purposes of supervision.
- 4 That you submit to such tests (including testing without notice) for gunshot residue as the community corrections officer may reasonably require.
- *5 That you perform *[insert number]* hours of community service within *[insert number]* months from the date of this bond, and obey the lawful directions of the community corrections officer to whom you are assigned for the purposes of the community service.
- *6 That you report, within 2 working days of having signed this bond, at the offices of the Department for Correctional Services at: *[insert details]*.

Note—

You need not report if within that 2 day period you receive notice from the Department that it is not necessary to do so.

- 7 That you must not leave the State for any reason except in accordance with the written permission of the Chief Executive of the Department for Correctional Services.
- 8 Other conditions:

*Delete if inapplicable.

What will happen if you comply with the 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(s) 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 as may be 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 served *[insert date]*.

Judge:

Magistrate:

Justice of the Peace:

Form 3—Good behaviour bond

Criminal Law (Sentencing) Act 1988

(section 39)

Details of the court that 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.

*Delete whichever is inapplicable.

Details of your bond are:

Length of bond term (starting from when you sign this bond):

Amount of bond:

The condition of your bond is that you be of good behaviour.

What will happen if you comply with the conditions of this bond:

If, at the end of the term of this bond, you have complied with the condition to be of good behaviour, 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 the condition to be of good behaviour, the following things may happen:

- 1 You may be ordered to pay the above amount of the bond, or any lesser amount fixed by the court.
- 2 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 the condition to be of good behaviour, and I undertake to comply with that condition. I also understand what will happen to me if I fail to do so.

Probationer:

Bond taken before me and duplicate served *[insert date]*.

Judge:

Magistrate:

Justice of the Peace:

Form 4—Good behaviour bond (with conditions)

Criminal Law (Sentencing) Act 1988

(section 39)

Details of the court that 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 other conditions of this bond.
- 2 That you appear before a court for *conviction and/sentence for the above offence(s) if you disobey any of the conditions of this bond.
- 3 That you be under the supervision of a community corrections officer for a period of *[insert timeframe]* and obey the lawful directions given to you by the community corrections officer to whom you are assigned for the purposes of supervision.
- 4 That you report, within 2 working days of having signed this bond, at the offices of the Department for Correctional Services at: *[insert details]*.

Note—

You need not report if within that 2 day period you receive notice from the Department that it is not necessary to do so.

- 5 Other conditions:

What will happen if you comply with the 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 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 inapplicable.

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 served *[insert date]*.

Judge:

Magistrate:

Justice of the Peace:

Form 5—Guarantee of bond

Criminal Law (Sentencing) Act 1988

(section 41)

Guarantee of bond

I, *[insert name and date of birth of guarantor]* of *[insert address of guarantor]* guarantee that *[insert name of probationer]* (the **probationer**) will comply with all 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 \$ *[insert amount of bond]* if the probationer breaches any of the conditions of the attached bond.

Guarantor:

Taken before me *[insert date of guarantee]*

Duplicates served on the guarantor(s) and the probationer.

Judge:

Magistrate:

Justice of the Peace:

Form 6—Notice of a community service order made by a court

Criminal Law (Sentencing) Act 1988

Details of the court that made the order

Name of court:

Details of the person against whom the order has been made

Name:

Date of birth:

Address:

Details of the offence(s) to which the order relates

File No:

Count No:

Offence:

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

- 1 You are to perform *[number of hours]* hours of community service within *[number of months]* 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 corrections officer to whom you are assigned for the purposes of the community service.

- 2 *You are to be under the supervision of a community corrections officer for a period of *[period of time]* from the date of this order and during that period must obey the lawful directions that are given to you by the community corrections officer to whom you are assigned for the purposes of supervision.
- 3 You are to report, within 2 working days of having signed this notice, at the offices of the Department of *[name of Department]* at *[address]*.

Note—

You need not report if within that 2 day period you receive notice from the Department that it is not necessary to do so.

*Delete if inapplicable.

What can happen if you fail to comply with this order:

If you fail to comply with any part of the order set out above, you can be sentenced to imprisonment (detention or home detention if you are a youth) for a period not exceeding 6 months, calculated in the case of a breach of clause 1, on the basis of 1 day for each 7.5 hours of community service not performed.

Duplicate notice handed to the person against whom the order has been made by:

Date:

Receipt acknowledged:

Form 7—Summons to a person charged with breaching a conditional bond

Criminal Law (Sentencing) Act 1988

(section 57)

On *[insert date]*, you entered into a bond, a copy of which is attached.

It is alleged by *[name]* of *[address]* 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 community corrections officer and obey the lawful directions of the 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:

*Delete whichever is inapplicable.

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 *[date]* at *[time]* at the *[location]* 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 (except where imprisonment is not available for the offence(s) to which the bond relates) an order for your imprisonment.

Date:

At:

Judge:

Magistrate:

Proof of service

I, *[name]* of *[address]* make oath and say that I did on the *[date]*, between the hours of *[time]* and *[time]* duly serve *[name of person charged]* at *[address]* with this summons by delivering a duplicate to him/her personally.

Signature of server:

Sworn before me at *[address]* on the *[date]*

Signature of Justice of the Peace:

Form 8—Warrant to apprehend a person charged with breach of a bond

Criminal Law (Sentencing) Act 1988

(section 57)

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

This warrant is for the apprehension of *[insert name]* of *[insert address]* (the **probationer**).

Evidence on oath was given on *[insert date]*, by *[insert name]* of *[insert police station]* that the probationer has failed to comply with the conditions of a bond entered into at the Court on *[insert date]*, in relation to an offence of *[insert offence]*.

Conditions of the bond are that the probationer—

- 1 Be of good behaviour.
- *2 Not possess a firearm or ammunition or any part of a firearm.
- *3 Be under the supervision of a community corrections officer and obey the lawful directions given by that officer.
- *4 Submit to such tests (including testing without notice) for gunshot residue as the community corrections officer may reasonably require.
- *5 Perform *[insert]* hours of community service within *[insert timeframe]*, and obey the lawful directions given by the community corrections officer to whom the probationer is assigned for the purposes of the community service.
- *6 Report within 2 working days of having signed the bond at the office of the Department of *[name of Department]*.
- *7 Not leave the State for any reason.

*8 Other conditions:

*Delete whichever is inapplicable.

And it is alleged that the probationer has failed to comply with the conditions of the bond in that *[insert details]*.

And I, *[insert name of Judge/Magistrate]*, sitting as a probative court at the *[insert location of probative court]*, 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 the Magistrates Court) not later than the next working day after the day of the probationer's arrest, to be dealt with according to law.

Dated *[insert date]*, at *[insert location of probative court]* the State of South Australia.

Signature of Judge/Magistrate:

Form 9—Warrant of commitment

(Imprisonment for non-compliance with an order or a non-pecuniary nature)

Details of court/authorised officer that made order

Name of court/title of officer:

File No:

Count No:

Details of defendant

Name:

Date of birth:

Address:

Details of offence(s) that order arose from

Date of offence(s):

Offence location:

Offence(s):

Details of order

Terms of order:

- 1 To perform community service of *[number of hours]* hours:
- 2 Other (give brief particulars):

Details of imprisonment imposed on default:

Term of imprisonment ordered:

Imprisonment date:

Name of court or title of officer who imposed sentence:

Date warrant issued:

To the Commissioner of Police for the State of South Australia and police officers, and the Chief Executive of the Department for Correctional Services.

The defendant named in this warrant has refused or neglected to comply with an order of a court/authorised officer 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 police officers are directed to convey the defendant to a correctional institution, and you, the Chief Executive, are directed to detain the defendant for such period of time as this warrant directs.

Judge:

Magistrate:

Form 10—Certificate for victims of identity theft

Criminal Law (Sentencing) Act 1988

(section 54)

Details of court that issued certificate

Name of court:

File No:

Details of defendant

Name:

Date of birth:

Details of offence(s) involving identity theft

Date of offence(s):

Offence(s):

Particulars of offence(s):

Details of victim of offence(s)

Name:

Date of birth:

Address:

This certificate is issued under the hand of the seal of the Supreme Court/District Court/Magistrates Court* of South Australia on this day *[date]*.

Signature of presiding Justice/Judge/Magistrate*:

[Court Seal]

*Delete whichever is inapplicable.

Form 11—Impounding of vehicle

Criminal Law (Sentencing) Act 1988

(section 70O(4)(a))

The Fines Enforcement and Recovery Officer has determined under section 70O of the *Criminal Law (Sentencing) Act 1988* to impound the following motor vehicle of which you are an owner:

Registration No:

Description:

You are required to produce the motor vehicle—

Between the hours of:

On:

At:

If you are unable to do so, you must contact the Fines Enforcement and Recovery Officer during business hours before that day on the following number to arrange another time:

The motor vehicle is to be produced for the purpose of the Fines Enforcement and Recovery Officer exercising a power under the *Criminal Law (Sentencing) Act 1988* in relation to the motor vehicle.

It is an offence to refuse or fail to comply with this notice without reasonable excuse.

Schedule 2—Fees

1	Fee payable by issuing authority under section 61(2) of the Act	\$19.10
2	Fee payable by debtor to enter into arrangement (section 70(1) of the Act)	\$19.10
3	Reminder notice fee (section 70H(3) of the Act)	\$53.50

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Criminal Law (Sentencing) Regulations 2014* were revoked by Sch 1 of the *Sentencing Regulations 2018* on 30.4.2018.

Legislation revoked by principal regulations

The *Criminal Law (Sentencing) Regulations 2014* revoked the following:

Criminal Law (Sentencing) Regulations 2000

Principal regulations and variations

Year	No	Reference	Commencement
2014	28	<i>Gazette 30.1.2014 p437</i>	3.2.2014: r 2
2014	155	<i>Gazette 19.6.2014 p2702</i>	1.7.2014: r 2
2014	261	<i>Gazette 6.11.2014 p6378</i>	6.11.2014: r 2
2015	145	<i>Gazette 18.6.2015 p2772</i>	1.7.2015: r 2
2016	118	<i>Gazette 23.6.2016 p2317</i>	1.7.2016: r 2
2017	133	<i>Gazette 22.6.2017 p2359</i>	1.7.2017: r 2
2017	323	<i>Gazette 12.12.2017 p4970</i>	5.3.2018: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2014</i>
r 4A	inserted by 323/2017 r 4	5.3.2018
r 9	varied by 155/2014 r 4	1.7.2014
	varied by 145/2015 r 4	1.7.2015
	varied by 118/2016 r 4	1.7.2016
	varied by 133/2017 r 4	1.7.2017
r 13A	inserted by 261/2014 r 4	6.11.2014

Sch 2	substituted by 155/2014 r 5	1.7.2014
	substituted by 145/2015 r 5	1.7.2015
	substituted by 118/2016 r 5	1.7.2016
	substituted by 133/2017 r 5	1.7.2017
Sch 3	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.7.2014

Historical versions

1.7.2014
6.11.2014
1.7.2015
1.7.2016
1.7.2017