

South Australia

## **Criminal Law (Sentencing) Regulations 2000**

under the *Criminal Law (Sentencing) Act 1988*

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### **Contents**

- 1 Short title
- 4 Interpretation
- 5 Forms
- 6 Dealing with surrendered items
- 7 Enforcement of bonds and guarantees (section 57)
- 7A Enforcement of order for restitution of property (section 59)
- 8 Review of written payment arrangements (section 64)
- 9 Applications relating to registration of court order for pecuniary sums (section 68)
- 10 Modification of bankruptcy laws (seizure of personal property) (section 70G)
- 11 Enforcement of community service orders
- 12 Enforcement of non-pecuniary orders

Schedule 1—Forms

Schedule 2—Fees

Legislative history

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### **1—Short title**

These regulations may be cited as the *Criminal Law (Sentencing) Regulations 2000*.

### **4—Interpretation**

In these regulations—

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

### **5—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.

### **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) A surrendered item that is a prohibited weapon (within the meaning of the *Summary Offences Act 1953*), or that is an item that cannot otherwise be lawfully possessed in this State, is, by force of this subregulation, forfeited to the Crown.
- (3) The Commissioner of Police must retain a surrendered item (other than a surrendered item forfeited under subregulation (2)) in a location determined by the Commissioner of Police until—
  - (a) the surrendered item is forfeited to the Crown under this 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.

- (4) 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.
- (5) Subject to this regulation, if the Commissioner of Police—
  - (a) is notified pursuant to subregulation (4); or
  - (b) otherwise becomes aware that 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 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.

- (6) If the Commissioner of Police is required to return a surrendered item under subregulation (5), the Commissioner of Police must give notice in writing to the person who surrendered the item setting out—
  - (a) that the surrendered items specified in the notice are to be returned to the person; and
  - (b) the location at which the surrendered items may be collected; and
  - (c) that the surrendered items 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 items 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 (7) and (8).
- (7) 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 (7)(a)—the effect of subregulation (9).

(8) If—

- (a) a surrendered item is not collected within the period specified in subregulation (6)(c); or
- (b) the person does not, at the end of the period specified in subregulation (6)(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.

(9) If the Commissioner of Police refuses to return a surrendered item to a person pursuant to subregulation (7)(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.

(10) 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.

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

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

(13) 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.

(14) 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 bonds and guarantees (section 57)**

- (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) 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.
- (3) 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 2 clear working days before the date specified in the summons for the hearing of the matter.
- (4) 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, instead of issuing a warrant, deal with the application in the absence of the probationer.
- (5) 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.
- (6) 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.

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

The prescribed fees for issuing, serving and executing an order under section 59(2)(b) 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—Review of written payment arrangements (section 64)**

The Manager of the Penalty Management Unit must cause each written arrangement entered into under section 64 of the Act to be reviewed on a regular basis, at intervals not exceeding 6 months.

### **9—Applications relating to registration of court order for pecuniary sums (section 68)**

- (1) An application made by an authorised officer under section 68 of the Act—
  - (a) for registration as a charge over land of an order of a court imposing a pecuniary sum; or
  - (b) for cancellation of the registration of such an order,must be made using Form A3 of the forms approved by the Registrar-General under the *Real Property Act 1886*.
- (2) An application referred to in subregulation (1) need not be accompanied by a duplicate certificate of title for the land.
- (3) No fee is payable in respect of lodging an application referred to in subregulation (1).

### **10—Modification of bankruptcy laws (seizure of personal property) (section 70G)**

For the purposes of section 70G(3) of the Act, the laws of bankruptcy are modified to the extent that the following personal property of a debtor, although not divisible amongst creditors in a bankruptcy, is available for seizure and sale pursuant to an order for sale under section 70G:

- (a) any motor vehicle, of whatever value; and
- (b) property—
  - (i) that was purchased or acquired with exempt money (being exempt money within the meaning of section 116 of the *Bankruptcy Act 1966* of the Commonwealth); and
  - (ii) that is not otherwise excluded from seizure and sale by virtue of the application of the laws of bankruptcy.

## **11—Enforcement of community service orders**

- (1) A notice issued under section 71(3)(a) of the Act 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 court may direct,  
not later than 2 clear working days before the date specified in the notice for the hearing of the matter.
- (2) If the defendant fails to attend before the court in compliance with the notice and the court is satisfied that the notice was duly served on the defendant, the court may deal with the matter in the absence of the defendant.

## **12—Enforcement of non-pecuniary orders**

- (1) A notice under section 71A(1)(a) of the Act 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 court may direct,  
not later than 2 clear working days before the date specified in the notice for the hearing of the matter.
- (2) If the defendant fails to attend before the court in compliance with the notice and the court is satisfied that the notice was duly served on the defendant, the court may deal with the matter in the absence of the defendant.

## Schedule 1—Forms

### Form 1

*Criminal Law (Sentencing) Act 1988*

#### Warrant of commitment (Imprisonment on conviction)

<b>Court particulars</b>	
Court of origin	

<b>Defendant's particulars</b>	
Name	Date of birth
Address	

<b>Details of the offence(s) and the term(s) of imprisonment ordered for the offence(s)</b>				
File No	Count No	Offence (and offence date)	Sentence imposed	CIC Levy
Total sentence of imprisonment to be served			Total CIC Levy	\$
Imprisonment commencement date			Amount paid	\$
Non-parole period set (or minimum term)			Amount outstanding	\$
Non-parole period commencement date				
Name of person who imposed penalty				
Date order made by court				

Date warrant issued	
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To the Commissioner of Police for the State of South Australia and each police officer, 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 police officers, 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/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 of 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 CEO.
- 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

*Criminal Law (Sentencing) Act 1988*  
(section 39)

#### Good behaviour bond

##### 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

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 condition 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 condition 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 this ..... day of ..... 20.....

Judge  
Magistrate  
Justice of the Peace

## Form 4

*Criminal Law (Sentencing) Act 1988*  
(section 39)

### Good behaviour bond (with conditions)

#### 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 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 ..... 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 of Correctional Services at .....  
.....  
(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
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Bond taken before me and duplicate served this ..... day of ..... 20.....

Judge Magistrate Justice of the Peace
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## Form 5

*Criminal Law (Sentencing) Act 1988*  
(section 41)

### 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 breaches any of the conditions of the attached bond.

.....  
(Guarantor)

.....  
(Guarantor)

Taken before me this            day of            20

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

.....

**Form 6**

*Criminal Law (Sentencing) Act 1988*

**Notice of a community service order made by a court**

**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:

\*The court has reconsidered your sentence under section 70I of the Act and has revoked the order(s) for the pecuniary sum(s) listed in the attached copy of Referral Notice and made a community service order against you instead, the details of which are 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 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 ..... 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 ..... at .....

(NOTE: You need not report if, within that 2 day period, you receive notice from the Department advising that you do not have to comply with this requirement.)

\* Delete if inapplicable

Date of Order ..... / ..... /20 .....

**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 8 hours of community service not performed.

Duplicate notice handed to the abovenamed person this  
..... day of  
..... 20.....

..... (Server)
-------------------

Receipt acknowledged .....

## Form 7

*Criminal Law (Sentencing) Act 1988*  
(section 57)

### Summons to a person charged with breaching a conditional bond

On the        day of        20        , you entered into a bond, a 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 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 the        day of

20        , 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 (except where imprisonment is not available for the offence(s) to which the bond relates) an order for your imprisonment.

Dated the        day of        20        , at  
in the State of South Australia

.....  
Judge/Magistrate

### Proof of service

I, \_\_\_\_\_ of \_\_\_\_\_  
make oath and say that I did on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, between the hours of \_\_\_\_\_  
and \_\_\_\_\_ in the \_\_\_\_\_ noon duly serve \_\_\_\_\_  
at \_\_\_\_\_  
with this summons by delivering a duplicate first to him/her personally.

Sworn before me at \_\_\_\_\_  
\_\_\_\_\_ (Server)

on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ (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 Correctional Services 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**

*Criminal Law (Sentencing) Act 1988*

**Warrant of commitment**

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

<b>Details of court/authorised officer that made order</b>	
Name of court/title of officer	Count no
File no	

<b>Details of defendant</b>	
Name	
Date of birth	
Address	

<b>Details of offences(s) that order arose from</b>	
Date of offence(s)	
Offence location	
Offence(s)	

<b>Details of order</b>	
Terms of order	1 To perform community service of                      hours 2 Other (give brief particulars)

<b>Details of imprisonment imposed on default</b>	
Term of imprisonment ordered	
Imprisonment commencement 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 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 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 Executive Director, are directed to detain the defendant for such period of time as this warrant directs.

.....  
Judge/ Magistrate

## Form 10

*Criminal Law (Sentencing) Act 1988*  
 section 54

### Certificate for victims of identity theft

<b>Details of court that issued certificate</b>	
Name of court	
File no	

<b>Details of defendant</b>	
Name	
Date of birth	

<b>Details of offence(s) involving identity theft</b>	
Date of offence(s)	
Offence(s)	
Particulars of offence(s)	

<b>Details of victim of offence(s)</b>	
Name	
Date of birth	
Address	

This certificate is issued under the hand and seal of the Supreme Court/District Court/Magistrates Court\* of South Australia this ..... day of ..... 2.....

Signature of .....  
 presiding Justice/Judge/Magistrate\*

[Court Seal]

\*Delete whichever is inapplicable.

## Schedule 2—Fees

1	Reminder notice fee (section 65)	\$33.25
2	Issuance of penalty enforcement order—	
	(a) suspension of driver's licence (section 70E)	\$42.25
	(b) restriction on transacting business with Registrar of Motor Vehicles (section 70F)	\$42.25
	(c) order for sale of property (section 70G)	\$103.00
	(d) garnishee order (section 70H)	\$103.00

- 3 Service and execution of penalty enforcement order—a fee comprised of the costs reasonably incurred in the service or execution, including—
- (a) postage and telephone calls;
  - (b) travelling, accommodation and necessary meals;
  - (c) labour in seizing and removing seized property;
  - (d) cartage, storage and insurance of seized property;
  - (e) maintenance of seized animals;
  - (f) engaging assistants, appraisers, auctioneers or agents;
  - (g) advertisements;
  - (h) conducting sales of seized property.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Criminal Law (Sentencing) Regulations 2000* revoked the following:

*Criminal Law (Sentencing) Regulations 1988*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2000	16	<i>Gazette 2.3.2000 p1293</i>	6.3.2000: r 2
2000	55	<i>Gazette 25.5.2000 p2709</i>	1.7.2000: r 2
2001	42	<i>Gazette 31.5.2001 p1941</i>	1.7.2001: r 2
2002	79	<i>Gazette 20.6.2002 p2569</i>	1.7.2002: r 2
2003	80	<i>Gazette 29.5.2003 p2214</i>	1.7.2003: r 2
2004	53	<i>Gazette 27.5.2004 p1455</i>	1.7.2004: r 2
2004	247	<i>Gazette 9.12.2004 p4493</i>	9.12.2004: r 2
2005	106	<i>Gazette 26.5.2005 p1555</i>	1.7.2005: r 2
2006	147	<i>Gazette 15.6.2006 p1905</i>	1.7.2006: r 2
2007	98	<i>Gazette 7.6.2007 p2414</i>	1.7.2007: r 2
2008	83	<i>Gazette 5.6.2008 p2002</i>	1.7.2008: r 2
2009	100	<i>Gazette 4.6.2009 p2510</i>	1.7.2009: r 2
2010	133	<i>Gazette 10.6.2010 p2968</i>	1.7.2010: r 2
2010	207	<i>Gazette 16.9.2010 p4884</i>	19.9.2010: r 2
2011	147	<i>Gazette 9.6.2011 p2403</i>	1.7.2011: r 2
2012	146	<i>Gazette 31.5.2012 p2538</i>	1.7.2012: r 2
2013	6	<i>Gazette 7.2.2013 p263</i>	7.2.2013: r 2
<b>2013</b>	<b>16</b>	<b><i>Gazette 21.2.2013 p494</i></b>	<b>4.3.2013: r 2</b>
2013	120	<i>Gazette 6.6.2013 p2291</i>	1.7.2013: r 2

## Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
<i>rr 2 and 3</i>	<i>omitted under Legislation Revision and Publication Regulations 2002</i>	<i>1.7.2004</i>
r 5		
r 5(1)	varied by 80/2003 r 4(1)	1.7.2003
r 5(2)	varied by 80/2003 r 4(2)	1.7.2003
r 5(3)	varied by 80/2003 r 4(3)	1.7.2003
r 6	varied by 55/2000 r 3	1.7.2000
	varied by 42/2001 r 3	1.7.2001
	varied by 79/2002 r 3	1.7.2002
	deleted by 80/2003 r 5	1.7.2003
	<b>inserted by 16/2013 r 4</b>	<b>4.3.2013</b>
r 7A	inserted by 207/2010 r 4	19.9.2010
Sch 1	Sch redesignated as Sch 1 by 80/2003 r 6	1.7.2003
	varied by 247/2004 r 4	9.12.2004
<b>Form 2</b>	<b>substituted by 16/2013 r 5(1)</b>	<b>4.3.2013</b>
<b>Form 8</b>	<b>substituted by 16/2013 r 5(2)</b>	<b>4.3.2013</b>
Sch 2	inserted by 80/2003 r 7	1.7.2003
	substituted by 53/2004 r 4	1.7.2004
	substituted by 106/2005 r 4	1.7.2005
	substituted by 147/2006 r 4	1.7.2006
	substituted by 98/2007 r 4	1.7.2007
	substituted by 83/2008 r 4	1.7.2008
	substituted by 100/2009 r 4	1.7.2009
	substituted by 133/2010 r 4	1.7.2010
	substituted by 147/2011 r 4	1.7.2011
	substituted by 146/2012 r 4	1.7.2012
	varied by 6/2013 r 4(1)—(3)	7.2.2013

## Historical versions

1.7.2004  
9.12.2004  
1.7.2005  
1.7.2006  
1.7.2007  
1.7.2008  
1.7.2009  
1.7.2010  
19.9.2010

1.7.2011

1.7.2012

7.2.2013