

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>

Only displayed if Youth Court or Supreme Court

<p>Hearing Date and Time:</p> <p>Hearing Location:</p>

**ORIGINATING APPLICATION TO VARY [A COMMUNITY SERVICE
 ORDER/ANCILLARY ORDER]**
 Sentencing Act 2017 s 110(2)

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT] Select one
 COURT OF SOUTH AUSTRALIA
 CRIMINAL JURISDICTION

[FULL NAME]
Applicant

v

[FULL NAME]
Respondent

Applicant			
Authorising individual <small>If applicant is not an individual and not represented by a law firm/office</small>			
Name of law firm/office <small>If applicable</small>	Law firm/office	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile) – Number		
Applicant's References	Reference number - optional		Instant loss of licence number - optional

Provision for multiple

Respondent	Full Name (including Also Known as)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type (eg. Home; work; mobile) – Number		Another number (optional)

Application details

This Application is for:

- variation of a term of a Community Service Order [*and*] select or delete
- an Ancillary Order to be
- varied.
 - revoked.

The original Order the subject of this application was made on [*date*] in case number [*enter case number*] by the [*enter name of court*] Court of South Australia.

This Application is made under section 110(2) of the *Sentencing Act 2017*.

The Applicant seeks the following orders:

1. The term of the Community Service Order imposed by the Court on [*date*] requiring the original [*Defendant/Youth*] Select one [*full name*] ('the Subject') to [*Enter description of term*] be varied to [*Enter description of variation*].
2. The Ancillary Order imposed by the Court on [*date*] requiring the original [*Defendant/Youth*] Select one [*full name*] ('the Subject') to [*Enter description of terms of ancillary order*]
- be varied to [*Enter description of variation*].
 - be revoked.
3. [*Enter other*].

This Application is made on the grounds

- set out in the accompanying Affidavit sworn by [*name*] on [*date*].
- that
1. the Subject was ordered to do [*Enter number*] hours of community service within [*Enter number*] months of the date of the Community Service Order.
 2. the Community Service Order [*has/has not*] Select one expired at the date of this Application.
 3. the Subject has done [*Enter number*] hours of community service in respect of the Community Service Order at the date of this Application.

Only complete if applicable otherwise delete

This Application is urgent on the grounds

- set out in the accompanying Affidavit sworn by [*name*] on [*date*].
- that

Enter grounds in numbered paragraphs

1.

To the Other Parties: WARNING

Next paragraph only applicable if Youth Court or Supreme Court

This Application will be considered at the hearing at the date and time set out at the top of this document.

Next paragraph only applicable if jurisdiction other than Youth Court or Supreme Court

This Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If you wish to oppose the Application or make submissions about it:

- **you must go to the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an affidavit before the hearing date.

If you do not do so, the Court **may proceed in your absence** and orders may be made **finally determining** this application without further warning.

To the [Defendant/Youth] the subject of the original [Community Service Order/Ancillary Order]sought to be varied: Select one **WARNING**

You **must** go to the hearing or have a lawyer go for you to make submissions in [*support of/response to*] Select one this Application.

If you are in custody, arrangements can be made for you to appear before the Court in person or via audiovisual link on the day of the hearing. You should inform the Court Registry whether you wish to appear in person or by audiovisual link.

Service

The party filing this document is required to serve it on all other parties in line with the Rules of Court.

Accompanying Documents

Accompanying this Application is a

- Supporting Affidavit optional
- If other additional document(s) please list them below: