

## SUPPLEMENTARY GAZETTE



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, THURSDAY, 14 MAY 2020

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All instruments appearing in this gazette are to be considered official, and obeyed as such

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# RULES OF COURT

## CORPORATIONS RULES 2003

### SOUTH AUSTRALIA

#### *Amendment No 10*

By virtue and in pursuance of section 72 of the *Supreme Court Act 1935* and all other enabling powers, we, the Judges of the Supreme Court of South Australia, make the following Corporations Rules 2003 (Amendment No 10).

1. These Rules may be cited as the *Corporations Rules 2003 (Amendment No 10)*.
2. The *Corporations Rules 2003* are amended as set out below.
3. The *Corporations Supplementary Rules 2015* are repealed.
4. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
5. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 4.
6. Unless the Court otherwise orders
  - (a) the *Corporations Rules 2003* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Corporations Rules 2003* before they were amended by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
7. In respect of a proceeding instituted before the commencement date—
  - (a) a party who was a plaintiff is now an applicant;
  - (b) a party who was a defendant is now a respondent; and
  - (c) a party who was an intervenor is now an interested party.
8. Every reference to a form in the Rules is amended by inserting the prefix “CORP” before the form number.
9. Subrule 1.3(2) is amended by substituting the words ‘*Uniform Civil Rules 2020*’ for the words ‘the other rules of the Court’.
10. In rule 1.5, the definition of ‘applicant’ is deleted and substituted as follows:
 

“**applicant** means a person claiming relief (except interlocutory relief) under the *Corporations Act*, the *ASIC Act*, or the *Cross-Border Insolvency Act*, whether in the originating process or not.”
11. In rule 1.5, the definition of ‘defendant’ is deleted.
12. In rule 1.5, the definition of ‘interlocutory process’ is deleted and a definition of ‘interlocutory process’ substituted as follows:
 

“**interlocutory process** means an interlocutory process in accordance with Form CORP 3.”
13. In rule 1.5, the definition of ‘originating process’ is deleted and a definition of ‘originating process’ substituted as follows:
 

“**originating process** means an originating process in accordance with Form CORP 2 or 2A.”
14. In rule 1.5, the definition of ‘plaintiff’ is deleted.
15. In rule 1.5, the definition of ‘respondent’ is deleted and substituted as follows:
 

“**respondent** means a person against whom relief (except interlocutory relief) is claimed under the *Corporations Act*, the *ASIC Act*, or the *Cross-Border Insolvency Act*, whether in the originating process or not.”
16. Rule 1.6(b) is amended by substituting the words ‘these Rules’ for the words ‘the *Corporations Supplementary Rules 2015*’.
17. Wherever the word “plaintiff” appears in the Rules, the word “applicant” is substituted (including when the word is used in the plural or possessive or any other case).
18. Wherever the word “defendant” appears in the Rules, the word “respondent” is substituted (including when the word is used in the plural or possessive or any other case).
19. The heading of rule 2.2 is amended by adding ‘,2A’ after ‘2’.
20. Subrule 2.2(1)(a) is amended by inserting the words ‘in the prescribed form’ after the words ‘originating process’.
21. Subrule 2.2(1)(b) is amended by inserting the words ‘in the prescribed form’ after the words ‘interlocutory process’.
22. Subrule 2.2(3)(a) is amended by adding the words ‘or 2A (as the case requires)’ at the end of the subrule.
23. Rule 2.6 is deleted and the following rule substituted:
 

**“2.6 Form of affidavits**

An affidavit must be in a form that complies with:

  - (a) the Uniform Civil Rules; or

**Prescribed forms—**

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit

  - (b) the rules of the Supreme Court of the State (if any) or Territory (if any) where the affidavit was sworn or affirmed; or

- (c) the rules of the Federal Court of Australia.”
24. Subrule 2.7(2) is amended by substituting the word ‘filing party’ for the word ‘applicant’.
25. Subrule 2.7(2)(a) is deleted and the following subrule substituted:  
“(a) each party (if any) against whom the application in the interlocutory process is made; and”
26. Subrule 3.5(a) is amended by deleting the words ‘[or authenticated]’.
27. Rule 9.2A is amended by substituting the words ‘filing party’ for the word ‘applicant’, wherever it occurs.
28. Subrule 9.2A(3) is amended by adding the word ‘respectively’ before the words ‘must serve a notice ...’.
29. The *Note* in rule 11.11 is amended by substituting the words ‘the filing party’ for the words ‘an applicant’ and the words ‘person against whom the order is sought’ for the words ‘respondent to the proceeding’.
30. Rule 15.1 is deleted and the following rule substituted:  
“**15.1 Reference to Court of question of law arising at hearing of ASIC (s61 of the ASIC Act)**  
Rules 214.6 and 214.7 of the Uniform Civil Rules 2020 apply, with any necessary adaptations, to a reference of a question of law arising at a hearing by ASIC to the Court under section 61 of the ASIC Act.”
31. Rule 15.2 is deleted and the following rule substituted:  
“**15.2 Reference to Court of question of law arising at hearing of Corporations and Securities Panel (s 196 of the ASIC Act)**  
Rules 214.6 and 214.7 of the Uniform Civil Rules 2020 apply, with any necessary adaptations, to a reference of a question of law arising at a hearing by the Corporations and Securities Panel to the Court under section 196 of the ASIC Act.”
32. A new Schedule 1 – Forms is inserted as follows:
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**Form CORP 1 Title – Corporation**

Form CORP 1

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

**[DOCUMENT TITLE]**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging panel if first document filed by the party in the proceeding

Applicant	Full Name including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)	
Name of law firm / solicitor if any	Law Firm	Solicitor

Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Phone Details				

Duplicate panel if multiple Applicants

Lodging panel if not the first document filed by the party in the proceeding

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

**Form CORP 2 Originating Process**

Form CORP 2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING PROCESS**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Applicant	Full Name including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)	
Name of law firm / solicitor if any	Law Firm	Solicitor

Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Phone Details				

Duplicate panel if multiple Applicants

Respondent	Full Name including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)			
Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Phone Details				
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

**A. Details of Application**

This Application is for

State briefly the nature of the proceeding, eg application for winding-up on ground of insolvency; or complaint about a receiver

.

This Application is made under [section or other particular provision] of the

Delete inapplicable section below or mark applicable section below with an 'x'

- ☐ Corporations Act 2001 (Cth).  
☐ Australian Securities and Investments Act 2001 (Cth).  
☐ Cross-Border Insolvency Act 2008 (Cth).  
☐ Corporations Regulations 2001 (Cth).  
☐ [other] .

On the facts stated in the supporting affidavit, the Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

**B. Application for Winding Up on Ground of Insolvency**

Complete this section if this originating process is seeking an order that a company be wound up in insolvency on the ground that the company has failed to comply with a statutory demand (see section 469Q of the Corporations Act)

*[Set out particulars of service of the statutory demand on the company and of the failure to comply with the demand]*

*Attach to this originating process a copy of the statutory demand and, if the demand has been varied by an order made under subsection 459H (4) of the Corporations Act because of a dispute or offsetting claim, a copy of the order made under that subsection.*

*The affidavit in support of this originating process must:*

- (a) verify service of the demand on the company; and*
- (b) verify the failure of the company to comply with the demand; and*
- (c) state whether and, if so, to what extent the debt, or each of the debts, to which the demand relates is still due and payable at the date when the affidavit is made.*

**Notice to the Respondent(s)**

TO: the Respondent(s) named in this Originating Process

This Application will be considered at the hearing at the date and time set out at the top of this document. If you or your legal practitioner do not appear before the Court at that time, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- a) the application may be heard and final relief given;
- b) directions may be given for the future conduct of the proceeding;
- c) any interlocutory application may be heard.

Before appearing before the Court, you must file a Notice of Appearance, in the prescribed form, in the Registry and serve a copy of it on the Applicant.

**Note**

Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

**Service**

Complete the following section if the time for service has been abridged

The Court ordered that the time for serving this originating process be abridged to *[date]*.

☐ It is not intended to serve this originating process on any person.

☐ It is intended to serve this originating process on each other party and on any person listed below:

*[name of other parties and any other person on whom the Originating Process is to be served]*.

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Originating Process is a:

- ☐ Multilingual Notice (mandatory)
- ☐ Supporting Affidavit (mandatory)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- ☐ If other additional document(s) please list them below:

**Form CORP 2A Originating Process – Ex Parte**

Form CORP 2A

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING PROCESS – EX PARTE**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

Applicant		
	Full Name including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)	
Name of law firm / solicitor If any	Law Firm	Solicitor

Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Duplicate panel if multiple Applicants

<p><b>Details of Application</b></p> <p>This Application is for State briefly the nature of the proceeding.</p> <p>This Application is made under <i>[section or other particular provision]</i> of the Delete inapplicable section below or mark applicable section below with an 'x'.</p> <p><input type="checkbox"/> Corporations Act 2001 (Cth).</p> <p><input type="checkbox"/> Australian Securities and Investments Act 2001 (Cth).</p> <p><input type="checkbox"/> Cross-Border Insolvency Act 2008 (Cth).</p> <p><input type="checkbox"/> Corporations Regulations 2001 (Cth).</p> <p><input type="checkbox"/> <i>[other]</i>.</p> <p>On the facts stated in the supporting affidavit, the Applicant seeks the following orders: Orders sought in separately numbered paragraphs.</p> <p>1.</p>
--

<p><b>Accompanying Documents</b></p> <p>Mark appropriate sections below with an 'x'</p> <p>Accompanying service of this Application is a:</p> <p><input type="checkbox"/> Supporting Affidavit (mandatory)</p> <p><input type="checkbox"/> If other additional document(s) please list them below:</p>
--



**Form CORP 3 Interlocutory Process**

Form CORP 3

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**INTERLOCUTORY PROCESS**

SUPREME COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)' or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

**Details of Application**

This Application is for  
Nature of application in one sentence

This Application is made under [section, regulation or other provision] of the  
Delete inapplicable section below or mark applicable section below with an 'x'.

- [ ] *Corporations Act 2001* (Cth).  
[ ] *Australian Securities and Investments Act 2001* (Cth).  
[ ] *Cross-Border Insolvency Act 2008* (Cth).  
[ ] *Corporations Regulations 2001* (Cth).  
[ ] [other] .

On the facts stated in the supporting affidavit, the above named party seeks the following orders:

Orders sought in separately numbered paragraphs  
1.

If applicable

This application is urgent on the grounds set out in the accompanying affidavit sworn by [full name] on [date].

If applicable

This application is by consent. The consent is evidenced as attached.

If applicable

This application is made ex parte because:  
Grounds

**Notice to other parties**

TO: [name of each person against whom orders are sought in this interlocutory application]

The Application will be considered at the hearing at the date and time set out at the top of this document. If you or your legal practitioner do not appear before the Court at that time, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff in the originating process.

**Note**

Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

**Service**

If applicable

The Court ordered that the time for serving this application be abridged to [date].

[ ] It is not intended to serve this Originating Application on any person.

[ ] It is intended to serve this Originating Application on each other party and on any person listed below:

[name of other parties and any other person on whom the Originating Application is to be served].

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

[ ] Supporting Affidavit (mandatory)

[ ] If other additional document(s) please list them below:

**Form CORP 4 Notice of Appearance**

Form CORP 4

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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**NOTICE OF APPEARANCE**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF [full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']

ABN or ACN or ARBN: [insert ABN or ACN or ARBN]

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		Solicitor	
Name of responsible officer Where body corporate	Name			
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 - Number

Duplicate panel if multiple Interested Parties

**Details of person intending to appear**

Notice is given that the abovenamed Interested Party, being *[briefly state interest in the proceeding - eg a creditor for \$[amount] or a contributory, of the corporation]* intends to appear before the Court at the hearing of the application for winding up and, if applicable, to *[oppose/support]* the application.

**Note**

Unless the Court otherwise orders, a party that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

Complete next panel only if opposing an application to wind up a company

**Grounds of Opposition to Winding Up**

The grounds on which the application for winding up is opposed are:

Grounds in separately numbered paragraphs

1.

.....  
Signature of person giving notice or of person's legal practitioner

**Form CORP 5 Notice of Intervention by ASIC**

Form CORP 5

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

**NOTICE OF INTERVENTION BY ASIC**

SUPREME COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Interested Party	The Australian Securities and Investments Commission			
Name of responsible officer	Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			

<b>Notice of intervention</b>
-------------------------------

The Australian Securities and Investments Commission, whose address for service is shown above, intervenes in this proceeding.

Date: *[date]*

.....  
Signed on behalf of ASIC

Name of signatory: *[name]*

Capacity of signatory: *[capacity]*

**Form CORP 6 Notice of Hearing to Approve Compromise or Arrangement****NOTICE OF HEARING TO APPROVE COMPROMISE OR ARRANGEMENT**

**To all the creditors and members of [name of company]**

TAKE NOTICE that at [time] on [date], the Supreme Court of South Australia will hear an application by [name of applicant] seeking the approval of a compromise or arrangement between the above-named company and its [members/creditors] as proposed by a resolution passed by the meeting of the [members/creditors] of the company held on [date].

*If applicable*

The proposed compromise or arrangement as passed by the meeting was amended from the form of compromise or arrangement previously sent to you in the following respects:

[set out the details of any amendment made at the meeting]

If you wish to oppose the approval of the compromise or arrangement, you must file and serve on the applicant a notice of appearance, in the prescribed form, together with any affidavit on which you wish to rely at the hearing. The notice of appearance and affidavit must be served on the applicant at its address for service at least 1 day before the date fixed for the hearing of the application.

The address for service of the applicant is [address of applicant's legal practitioner or of applicant]

Name of person giving notice or of person's legal practitioner: [name]



**Form CORP 7 Affidavit Accompanying Statutory Demand**

**AFFIDAVIT ACCOMPANYING STATUTORY DEMAND**

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for party. Each party should include a party number if more than one party of the same type.

*[Name of creditor/s]*  
Creditor(s)

*[Name of debtor company]*  
Debtor company

**Affidavit**

Delete inapplicable section below or mark applicable section below with an 'x'

I [name] of [address and occupation], [ ] swear on oath / [ ] do truly and solemnly affirm that:

1. I am [state deponent's relationship to the creditor(s), eg 'the creditor', '(name), one of the creditors', 'a director of the creditor', 'a director of [name], one of the creditors'] named in the statutory demand, which this affidavit accompanies, relating to the [debt/debts] owed by [name of debtor company].

Only applicable if deponent is not the creditor

2. [State the facts entitling the deponent to make the affidavit, eg 'I am authorised by the creditor(s) to make this affidavit on its/their behalf.']

3. [State the source of deponent's knowledge of the matters stated in the affidavit in relation to the debt or each of the debts, - eg 'I am the person who, on behalf of the creditor(s), had the dealings with the debtor company that gave rise to the debt', 'I have inspected the business records of the creditor in relation to the debtor company's account with the creditor']

4. The [debt of \$[amount] / total \$[amount] of the debts] mentioned in the statutory demand is due and payable by the debtor company.

5. I believe that there is no genuine dispute about the existence or amount of the [debt/any of the debts].

Deposed by the deponent (person who is swearing/affirming the affidavit)

At

On

.....  
Signature of Deponent.....  
Name printed

before me.....  
Signature of attesting witness

.....  
Printed name and title of witness  
Stamp here if applicable

.....  
Date

.....  
ID number of witness  
If applicable

**Form CORP 8 Consent of Liquidator or Provisional Liquidator**

Form CORP 8

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

**CONSENT TO ACT OF [PROVISIONAL] LIQUIDATOR**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

**Consent**

I, [name], of [address], a registered liquidator, consent to be appointed by the Court and to act as the [liquidator/provisional liquidator] of [name of company].

I am not aware of any conflict of interest or duty that would make it improper for me to act as [provisional] liquidator of the company.

Mark appropriate section below with an 'x'.

[ ] I am not aware of any relevant relationship mentioned in subsection 60(2) of the Corporations Act 2001.

[ ] I have, or have had within the preceding 24 months, the following relevant relationships mentioned in subsection 60(2) of the Corporations Act 2001: [set out all relevant relationships].

The time-cost rates currently charged in respect of work done as [provisional] liquidator by me, and by my partners and employees who may perform work in this administration, are set out below or in the Schedule attached to this Consent.

I acknowledge that my appointment by the Court does not constitute an express or implied approval by the Court of these rates.

[current rates – unless set out in schedule]

Date: [date]

.....  
Signature of registered liquidator

**Note**

The remuneration that an external administrator is entitled to receive for necessary work properly performed by the external administrator in relation to the external administration of a company is regulated by Division 60 of the Insolvency Practice Schedule (Corporations).

If applicable

**Schedule**

*[Description of time-cost rates]*

**Form CORP 9 Notice of Application for Winding Up Order****NOTICE OF APPLICATION FOR WINDING UP ORDER**

SUPREME COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Corporations List

Case Number: *[insert case number]**[Name of company]*ACN or ABN: *[ACN or ABN of company to which proceeding relates]*

1. A proceeding for the winding up of *[name of company - if applicable, the words 'trading as' and any trading name or names of the company]* was commenced by the applicant *[name of applicant]* on *[date of filing of originating application]* and will be heard by *[name]* on *[date]* at *[time]* at *[address]*. Copies of documents filed may be obtained from the applicant's address for service.

2. The applicant's address for service is *[address of applicant's legal practitioner or of applicant]*.

3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Date: *[date]*Name of applicant or applicant's legal practitioner: *[name]*

**Form CORP 10 Notice of Application for Winding Up Order by Substituted Applicant****NOTICE OF APPLICATION FOR WINDING UP ORDER BY SUBSTITUTED  
APPLICANT**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List  
Case Number: *[insert case number]*

*[Name of company]*

ACN or ABN: *[ACN or ABN of company to which proceeding relates]*

1. *[Name of substituted applicant]*, who was by order of the Supreme Court of South Australia, substituted as applicant, will apply to the Court on *[date]* at *[time]* at *[address]* for an order that the above company be wound up.

2. The address for service of the substituted applicant is *[address of substituted applicant's legal practitioner or of substituted applicant]*.

3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Date: *[date]*

Name of substituted applicant or substituted applicant's legal practitioner: *[name]*

**Form CORP 11 Notice of Winding Up Order and of Appointment of Liquidator****NOTICE OF WINDING UP ORDER AND APPOINTMENT OF LIQUIDATOR**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List  
Case Number: *[number]*

IN THE MATTER OF *[name of company to which the proceeding relates]*

ABN or ACN: *[ABN or ACN of company to which proceeding relates]*

On *[date]*, in *[case number]*, the Supreme Court of South Australia ordered the winding up of *[name of company]* and I was appointed as liquidator of the above company.

Date: *[date]*

Name and address of liquidator: *[name and address]*



**Form CORP 12 Notice of Appointment of Provisional Liquidator****NOTICE OF APPOINTMENT OF PROVISIONAL LIQUIDATOR**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List  
Case Number: [number]

IN THE MATTER OF [name of company to which the proceeding relates]

ABN or ACN: [ABN or ACN of company to which proceeding relates]

On [date], in [case number], heard by the Supreme Court of South Australia, I was appointed as the provisional liquidator of the above company.

Date: [date]

Name and address of provisional liquidator: [name and address]

**Form CORP 13 Notice of Objection to Release of Liquidator**

Form CORP 13

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

## NOTICE BY CREDITOR OR CONTRIBUTORY OF OBJECTION TO RELEASE OF LIQUIDATOR

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Interested Party the Objector	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number

Duplicate panel if multiple Interested Parties

**Notice of objection**

The above named Objector, a

Mark appropriate sections below with an 'x'

[ ] creditor of [name of company] for \$[amount]

[ ] contributory of [name of company] holding [number] shares in the company,

objects to the grant of a release to [name of liquidator] of [address of liquidator], who is the liquidator of the Company, on the following grounds:

Set out grounds on which objection is made in separately numbered paragraphs

1.

Date: [date]

.....  
Signature of objector or objector's legal practitioner

Name of objector or objector's legal practitioner: [name]

The objector's address for service is set out above.

**Form CORP 14 Affidavit in Support of Application for Order for Payment of Call**

Form CORP 14

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

**AFFIDAVIT OF [NAME] MADE ON [DATE] IN SUPPORT OF APPLICATION FOR  
ORDER FOR PAYMENT OF CALL**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (Including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

<b>Deponent Details</b>	
Deponent	Full Name

Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Occupation			

**Affidavit**

Mark appropriate section below with an 'x'

I [ ] swear on oath / [ ] do truly and solemnly affirm that:

1. I am the liquidator of [name of company] ("the company").
2. On [date] I made a call of \$[amount] per share on [all the contributories of the company or specify the class of contributories] of the company. Exhibited and marked A is a copy of the notice of the call. Each contributory whose name is shown in the Schedule marked B was duly served with notice of the call in the form exhibited and marked A.
3. Each contributory of the company whose name is set out in column 2 of the Schedule marked B has not paid, or caused to be paid, to me the sum specified opposite the contributory's name in column 5 of the Schedule, which is due from that contributory under the call.
4. The amount set out opposite the name of each contributory in column 6 of the Schedule is an estimate of the amount due by that contributory in respect of the costs of applying for and giving effect to the order for payment of the call. The estimate of the amounts so due by the several contributories has been reached by apportioning the costs among the contributories who have not paid the call according to the liability of the respective contributories to contribute.
5. The amount set out opposite the name of each contributory in column 7 of the Schedule is the total of the amount due by that contributory in respect of the call as set out in column 5 and the amount due in respect of costs as set out in column 6.

Deposed by the deponent (person who is swearing/affirming the affidavit)

At

On

Signature of deponent

Name printed

before me

Signature of attesting witness

.....  
Printed name and title of witness  
Stamp here if applicable

.....  
Date

.....  
ID number of witness  
If applicable

#### Instructions

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in Form CORP 4A.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

#### Service

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

**Exhibit A**

(copy notice of demand)

Schedule B						
Number on list of contributories	Name	Address	Character in which included in the list	Unpaid amount of call	Proportion of costs of application	Total amount payable
[number]	[name]	[address]	[character]	[amount]	[percentage]	[amount]

**Form CORP 15 Notice of Application for Leave to Distribute a Surplus****NOTICE OF APPLICATION FOR LEAVE TO DISTRIBUTE A SURPLUS**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List  
Case Number: *[insert case number]*

IN THE MATTER OF *[Company name]*

ACN or ABN: *[ACN or ABN of company to which proceeding relates]*

On *[date]* at *[time]* at *[address]* the Supreme Court of South Australia will hear an application by the liquidator of *[name of company]* in case number *[number]* for leave to distribute a surplus in respect of the liquidation of the company.

Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Name of liquidator: *[name]*

The liquidator's address for service is: *[address]*

.....  
Signature of liquidator



**Form CORP 16A Notice of Intention to Apply for Review of Remuneration****NOTICE OF INTENTION TO APPLY FOR REVIEW OF REMUNERATION -  
CORPORATION**

IN THE MATTER OF [company name]

ABN or ACN: [ABN or ACN of company to which proceeding relates]

**TO: [name and address of person to whom notice is given]**

Provide details of multiple parties if required

TAKE NOTICE that, not less than 21 days after this notice is served on you, I, [name and address], [the external administrator/liquidator] of the above company, intend to apply to the Court to review [the remuneration of/my remuneration as] the [external administrator/liquidator] of the above company.

The amount of the remuneration that has been determined or fixed is \$[amount]. The remuneration was determined or fixed by [state who determined or fixed the remuneration] on [state the date when the remuneration was determined or fixed].

I intend to apply for an order to [confirm/increase/decrease] the remuneration.

*[Set out the grounds upon which an order or orders will be sought. If an order to increase or reduce the remuneration is sought, set out the amount by which the remuneration is sought to be increased or reduced.]*

If you wish to appear at the hearing of the application, in order to raise any issues before the Court, you must, within 21 days after being served with this notice, serve on me a notice under subrule 9.2A(4) of the Corporations Rules 2003 (South Australia), stating your intention to appear at the hearing and setting out the issues that you seek to raise before the Court.

Date: [date]

.....  
Signature of proposed applicant

**Form CORP 16 Notice of Intention to Apply for Review of Remuneration****NOTICE OF INTENTION TO APPLY FOR REMUNERATION**

IN THE MATTER OF *[company name]*

ABN or ACN: *[ABN or ACN of company to which proceeding relates]*

**TO: *[name and address of person to whom notice is given]***

Provide details of multiple parties if required

TAKE NOTICE that, not less than 21 days after this notice is served on you, I *[name and address]*, the *[receiver/external administrator/liquidator/provisional liquidator/special manager]* of the above company, intend to apply to the Court to determine my remuneration.

If you object to my application, you must, within 21 days after being served with this notice, serve on me a notice of objection stating the grounds of objection to the remuneration claimed.

Date: *[date]*

.....  
Signature of *[receiver/external administrator/liquidator/provisional liquidator/special manager]*

**Form CORP 17 Summons for Public Examination**

Form CORP 17

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**SUMMONS FOR PUBLIC EXAMINATION**

SUPREME COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

**Details of Summons**

TO: *[name and address of person to be examined]*.

You are summoned under section *[596A/596B]* of the Corporations Act to:

- [ ] attend before the court at the time and place set out at the top of this document and from day to day until excused by the Court, to be examined on oath or affirmation about the examinable affairs of *[name of corporation]*;
- [ ] produce at the examination the following books: *[books -include in a schedule if necessary]*

**Notice to the Person to be Examined**

The Court may order that the questions put to you and the answers given by you at the examination are to be recorded in writing and signed by you.

**If** you do not attend the examination in accordance with this summons, without reasonable cause, you may be **arrested and imprisoned** without further notice.

This summons is issued at the request of the lodging party named above whose address for service is set out above.

**If applicable  
Schedule**

*[List of books required to be produced]*

Court use only

.....  
Registrar

**Form CORP 17A Arrest Warrant**

Form CORP 17A

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
--

**ARREST WARRANT**

SUPREME COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

<b>Person subject of the warrant</b>			
Full name	Full name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
			Country

	Email address
Telephone	Type - Number

**To the Sheriff and the Sheriff's Officers, to all members and special members of the Australian Federal Police and to all officers of the police force of the State or Territory in which [name of person] is found.**

**Recitals**

[name] ('the Company') is being wound up in insolvency.  
 [name] ('the Company') is being wound up by the Court.  
 an application has been made for [name] ('the Company') to be wound up.

And the Court is satisfied that [name of person]

[ ] is about to leave [name of jurisdiction/Australia], in order to avoid

- [ ] paying money payable to the Company.
- [ ] being examined about the Company's affairs.
- [ ] complying with an order of the Court, or some other obligation, under Chapter 5 of the Corporations Act 2001 (Cth) in connection with the winding up.

[ ] has concealed or removed property of the Company in order to prevent or delay the taking of the property in the liquidator's custody or control;

[ ] has destroyed, concealed or removed books of the Company or is about to do so.

**This Warrant therefore** requires and authorises you to take [name of person] and to bring [him/her] before the Court at 1 Gouger Street, Adelaide in the State of South Australia and to keep [him/her] there pending the making of a further order by the Court.

**This Warrant also** requires and authorises you, and all other persons to whom this warrant is addressed, to seize any property or books of the company in the possession of [name of person] and to deliver them into the custody of the Registrar to be kept by the Registrar until the Court makes an order for their disposal.

**Note**

Section 489A of the Corporations Act 2001 (Cth) provides that if the Court issues a section 486B warrant for a person to be arrested and brought before the Court, and the person is not in prison, then the person named in the warrant may be arrested by an officer of the police force of the State or Territory in which the person is found, the Sheriff of that State or Territory or any of the Sheriff's officers, or a member or special member of the Australian Federal Police.

Court use only

.....  
 Registrar

**Schedule**

Notice issued under section 1071D(2)

**Form CORP 18 Summons for Appearance in Relation to Registration of Transfer of Interests**

Form CORP 18

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**SUMMONS FOR APPEARANCE IN RELATION TO REGISTRATION OF TRANSFER OF INTERESTS**

SUPREME COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

ABN or ACN or ARBN: *[insert ABN or ACN or ARBN]*

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

<b>Person Summoned</b>	
Person Summoned	



	Full name			
Address (registered office if body corporate)	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Telephone	Type - Number			

**TO: the above named Person Summoned**

You are summoned pursuant to section 1071D of the Corporations Act 2001 (Cth) to appear before the Court at the time and place set out at the top of this document and show cause why the documents specified in the Schedule should not be *[delivered up/produced]* at the office of *[name of company]* at *[address of company]* within *[period as ordered]*, as required by the attached notice.

Court use only

.....  
Registrar**Schedule**

Notice issued under section 1071D(2)

**Form CORP 19 Consent to Act as Designated Person**

Form CORP 19

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

**CONSENT TO ACT AS DESIGNATED PERSON**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF [full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']

ABN or ACN or ARBN: [insert ABN or ACN or ARBN]

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

Registered Liquidator	Full Name
Name of responsible officer Where body corporate	Full Name

Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Phone Details				

**Consent**

I, *[name]*, a registered liquidator, of *[address]* consent to be appointed by the Court and to act as the person designated by the Court under article *[19/21]* of the Model Law to *[administer/realise/distribute]* the assets of *[name of company]*.

I am not aware of any conflict of interest or duty that would make it improper for me to act as the person designated by the Court.

The time cost rates currently charged in respect of work done as the person designated by the Court by me, and by my partners and employees who may perform work in this administration, are set out below or in the Schedule attached to this Consent.

*[current rates – unless set out in schedule]*

I acknowledge that my appointment by the Court does not constitute an express or implied approval by the Court of these rates.

Date: *[date]*

.....  
Signature of registered liquidator

**Note**

The remuneration that an external administrator is entitled to receive for necessary work properly performed by the external administrator in relation to the external administration of a company is regulated by Division 60 of the Insolvency Practice Schedule (Corporations).

**Schedule**

If applicable

*[Description of time-cost rates]*

**Form CORP 20 Notice of Application for Recognition of Foreign Proceeding****NOTICE OF FILING OF APPLICATION FOR RECOGNITION OF FOREIGN  
PROCEEDING – CORPORATION**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List  
Case Number: *[insert case number]*

*[Name of company]*

ACN or ABN: *[ACN or ABN of company to which proceeding relates]*

TO all the creditors of *[name of company]*

TAKE NOTICE that:

1. An application under the *Cross-Border Insolvency Act 2008* for recognition of a foreign proceeding in relation to *[name of company]* was commenced by the applicant *[name]* on *[date of filing of originating application]* and will be heard by a Master of the Court on *[date]* at *[time]* at *[address]*. Copies of documents filed may be obtained from the applicant's address for service.
2. The applicant's address for service is *[name and address of applicant's legal practitioner or, if there is no legal practitioner, address of the applicant]*.
3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.
4. If you are a foreign creditor you must file in the registry of the Court at the address mentioned in paragraph 1 an affidavit setting out the details of any claim, secured or unsecured, which you may have against the company above at least 3 days before the date fixed for the hearing.

Date: *[date]*

Name of applicant or applicant's legal practitioner: *[name]*

**Form CORP 21 Notice of Making of Order Under the Cross-Border Insolvency Act****NOTICE OF MAKING OF ORDER UNDER THE CROSS-BORDER INSOLVENCY  
ACT 2008**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

*[Name of company]*

ABN or ACN: *[ABN or ACN of company to which proceeding relates]*

TO all the creditors of *[name of company]*

TAKE NOTICE that:

1. On *[date]*, the Supreme Court of South Australia in case number *[number]*, commenced by the applicant *[name of applicant]*, made the following orders under the Cross Border Insolvency Act 2008 in relation to *[name of company]*:  
Insert details of order in separately numbered paragraphs
  - 1.
2. The applicant's address for service is *[name and address of applicant's legal practitioner or, if there is no legal practitioner, address of the applicant]*.
3. The name and address of the foreign representative is *[insert name and address]*.
4. The name and address of the person entrusted with distribution of the company's assets is *[insert name and address]*

Date: *[date]*

Name of applicant or applicant's legal practitioner: *[name]*

**Form CORP 22 Notice of Dismissal or Withdrawal of Application for Recognition of Foreign Proceeding****NOTICE OF DISMISSAL OR WITHDRAWAL OF APPLICATION FOR  
RECOGNITION OF FOREIGN PROCEEDING**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

*[Name of company]*

ABN or ACN: *[ABN or ACN of company to which proceeding relates]*

TO all the creditors of *[name of company]*

TAKE NOTICE that the application under the Cross Border Insolvency Act 2008 for recognition of a foreign proceeding in relation to *[name of company]* commenced by the applicant *[name of applicant]* on *[date of filing of originating application]* was *[dismissed/withdrawn]* on *[date of dismissal/withdrawal]*.

Date: *[date]*

Name of person giving notice or of person's legal practitioner: *[name]*

**Form CORP 23 Notice of Application to Modify or Terminate an Order for Recognition or Other Relief****NOTICE OF FILING OF APPLICATION TO MODIFY OR TERMINATE AN ORDER  
FOR RECOGNITION OR OTHER RELIEF**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List  
Case Number: *[insert case number]*

*[Name of company]*

ACN or ABN: *[ACN or ABN of company to which proceeding relates]*

TO all the creditors of *[name of company]*

TAKE NOTICE that:

1. An application under the *Cross-Border Insolvency Act 2008* for an order *[modifying/terminating]* *[an order for recognition of a foreign proceeding/relief granted under article [19/21] of the Model Law]* in relation to *[name of company]* was filed by the applicant, *[name]*, on *[date of filing of interlocutory application]* and will be heard by a Master of the Court on *[date]* at *[time]* at *[address]*. Copies of documents filed may be obtained from the applicant's address for service.
2. The applicant's address for service is *[name and address of applicant's legal practitioner or of applicant]*.
3. Any person intending to appear at the hearing must file a notice of appearance (if the person has not already done so), in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice (if applicable) and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Date: *[date]*

Name of applicant or applicant's legal practitioner: *[name]*

Dated: 5 May 2020

KOURAKIS CJ  
BLUE J  
DOYLE J

## DISTRICT COURT CRIMINAL SUPPLEMENTARY RULES 2014

## SOUTH AUSTRALIA

*Amendment No 7*

By virtue and in pursuance of section 51 of the *District Court Act 1991* and all other enabling powers, we, Judges of the District Court of South Australia, make the following *District Court Criminal Supplementary Rules 2014 (Amendment No 7)*.

1. These Rules may be cited as the *District Court Criminal Supplementary Rules 2014 (Amendment No 7)*.
2. The *District Court Criminal Supplementary Rules 2014* are amended as set out below.
3. The amendments made by these rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the ***commencement date*** means the date on which these rules come into effect under rule 3.
5. Rule 49A is deleted.

Dated: 9 April 2020

M G EVANS  
Chief Judge

R SOULIO  
Judge

P V SLATTERY  
Judge



## DISTRICT COURT SPECIAL APPLICATIONS RULES 2014

## SOUTH AUSTRALIA

*Amendment No 2*

By virtue and in pursuance of section 51 of the *District Court Act 1991* and all other enabling powers, we, Judges of the District Court of South Australia, make the following *District Court Special Applications Rules 2014 (Amendment No 2)*.

1. These Rules may be cited as the *District Court Special Applications Rules 2014 (Amendment No. 2)*.
2. The *District Court Special Applications Rules 2014* are amended as set out below.
3. The *District Court Special Applications Supplementary Rules 2014* are repealed.
4. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
5. In the Rules, the **commencement date** means the date on which these rules come into effect under rule 4.
6. Unless the Court otherwise orders—
  - (a) the *District Court Special Applications Rules 2014* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *District Court Special Applications Rules 2014* before they were amended by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
7. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
8. The definition of ‘General Civil Rules’ in rule 3(2) is deleted.
9. In rule 3(2), a new definition is inserted after the definition of ‘**Supplementary Rules**’ and before the definition of ‘**warrant**’ as follows:
 

“**Uniform Civil Rules** means the *Uniform Civil Rules 2020*;”
10. Rule 4 is amended by inserting the word ‘certain’ before the word ‘proceedings’ and deleting paragraphs (e), (f) and (i).
11. Rule 5 is deleted and the following rule is substituted:
 

**“5—Application of Uniform Civil Rules**

  - (1) Unless the Court otherwise directs and subject to subrule (2), Chapters 1 to 4 of the Uniform Civil Rules apply to proceedings in the Court under these Rules.
  - (2) To the extent of any inconsistency between these Rules and the Uniform Civil Rules, these Rules prevail.”
12. Rule 8 is deleted.
13. Rule 9 is deleted.
14. Subrule 10(1) is amended by substituting the word ‘Chapter’ for the word ‘Chapters’ and deleting the words ‘or 4’ and substituting “Chapter 2 Part 3 and Chapter 4 of the Uniform Civil Rules” for “Chapter 4 of the General Civil Rules”.
15. Subrule 14(3) is deleted and the following subrule is substituted:
 

“(3) Any other application to which this Chapter applies is to be in accordance with the relevant statutory provision.

  - (3A) An application under section 22 of the *Australian Crime Commission Act 2002* (Cth), section 29 of the *Australian Crime Commission (South Australia) Act 2004*, or section 16 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* for a search warrant is to be in the prescribed form.
    - **Prescribed form—**
    - Form 7G Originating Application Ex Parte Search Warrant
  - (3B) An application under section 14 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* for a monitoring order is to be in the prescribed form.
    - **Prescribed form—**
    - Form 7I Originating Application Ex Parte Monitoring Order
  - (3C) An application under section 3 or 13 of the *Terrorism (Police Powers) Act 2005* to confirm a special powers authorisation or special area declaration is to be in the prescribed form.
    - **Prescribed form—**
    - Form 7J Originating Application Ex Parte Special Powers Authorisation or Special Area Declaration
16. Subrule 17(1) is deleted and the following subrule is substituted:
 

“(1) An application under rule 14 or 15 is to be accompanied by an affidavit verifying—

  - (a) the grounds of the application;
  - (b) any relevant matters required by the relevant legislation or any applicable regulations to be verified by affidavit or to be established to the satisfaction of or taken into account by the Judge;
  - (c) in the case of a search warrant, the hours during which it is proposed the warrant can be executed;
  - (d) **Note** – there is no subrule (d) – see rule 3A;
  - (e) in the case of an email or facsimile application when permitted by the relevant legislation, the circumstances giving rise to the urgency of the application; and

- (f) the period the applicant proposes that the Court retain documents associated with the application before destruction or return.”
17. Subrule 17(4) is amended by substituting the words ‘a draft’ for the words ‘minutes of’.
18. A new subrule 18(3a) is inserted after subrule 18(3) as follows:
- “(3a) A search warrant issued under this Chapter is to be in the prescribed form.
- **Prescribed form—**  
Form 138 Search Warrant”
19. Chapter 5 – Serious and organised crime applications is deleted in its entirety.
20. Chapter 7 – Enforcement applications is deleted in its entirety.
21. A new ‘Schedule 1 – Forms’ is inserted as follows:
-

## SCHEDULE 1 – FORMS

**Form 7G Originating Application Ex Parte Search Warrant**

Form 7G

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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			
	Type - Number			
Phone Details				

Duplicate panel if multiple Applicants

**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for issue of a search warrant on the application of *[identify how applicant is eligible to apply for the warrant under the relevant legislation]*This Application is made under  
Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the day of 20 .**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

☐ Supporting Affidavit (mandatory)☐ Draft Warrant (mandatory)

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**Form 7H – there is no Form 7H – see rule 3A**

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**Form 7I Originating Application Ex Parte Monitoring Order**

Form 7I

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

**Application Details**

Matter Type:

This Application is for a monitoring order on the application of *[identify how applicant is eligible to apply for the monitoring order under the relevant legislation]*

This Application is made under section 14 of the Serious and Organised Crime (Unexplained Wealth) Act 2009.

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the day of 20 .

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

[     ] Supporting Affidavit (mandatory)

[     ] Draft Order (mandatory)

## Form 7J Originating Application Ex Parte Special Powers Authorisation or Area Declaration

Form 7J

<b>To be Inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

### ORIGINATING APPLICATION EX PARTE

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for

- ☐ confirmation of a special powers authorisation  
☐ confirmation of a special area declaration

on the application of *[identify how applicant is eligible to apply for the confirmation under the relevant legislation]*

This Application is made under section *[3/13]* of the Terrorism (Police Powers) Act 2005.

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the day of 20 .

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Supporting Affidavit (mandatory)  
☐ Draft Order (mandatory)



**Form 7K Originating Application Ex Parte Protected Witness**

Form 7K

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for

- ☐ establishing a new identity
- ☐ restoring a former identity
- ☐ making an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity
- ☐ cancelling an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity
- ☐ authorising disclosure in respect of a protected witness
- ☐ disclosing to the Court the protected witness status of a witness in criminal proceedings

on the application of *[identify how applicant is eligible to apply for the order under the relevant legislation]*

This Application is made under

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the day of 20 .**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Supporting Affidavit (mandatory)
- ☐ Draft Order (mandatory)

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**Form 7L – there is no Form 7L – see Rule 3A**

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**Form 138 Search Warrant**

Form 138

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
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**SEARCH WARRANT**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Applicant

Lodging Party	Full Name	
Name of law firm / solicitor if any	Law Firm	Solicitor

<p><b>To [INSERT PERSON(S) OR CLASS OF PERSONS AUTHORISED TO ACT UNDER WARRANT]</b></p> <p><b>Recitals</b></p> <p>The Judge named below being satisfied on [date], on application by</p> <p>[ ] the Commissioner of Police</p> <p>[ ] an eligible person within the meaning of the <i>Australian Crime Commission Act 2002</i> (Cth)</p> <p>by evidence on oath that</p> <p>[ ] the [documents/articles] to which the application relates are relevant to [identifying/tracing/locating/valuing] a person's wealth, being proper grounds for the issue of a warrant under section 16 of the Serious and Organised Crime (Unexplained Wealth) Act 2009</p> <p>[ ] the [person/premises] to which the application relates might [have/contain] [documents/articles] relevant to [identifying/tracing/locating/valuing] a person's wealth, being proper grounds for the issue of a warrant under section 16 of the Serious and Organised Crime (Unexplained Wealth) Act 2009</p> <p>[ ] the applicant has reasonable grounds for suspecting that there may be upon land a thing connected with a special ACC [operation/investigation] into [subject of operation/investigation] and the applicant believes on reasonable grounds that, if a summons were issued for the production of the thing, it might be concealed, lost, mutilated or destroyed, being proper grounds for the issue of a warrant under section 29 of the [Australian Crime Commission (South Australia) Act 2004/section 22 of the Australian Crime Commission Act 2002 (Cth)]</p>
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**Warrant**

This warrant authorises *[name and/or position]* to

- ☐ enter and search *[place and/or vehicle etc]*
- ☐ seize *[things]*
- ☐ search *[place and/or vehicle etc]* and seize *[things]*
- ☐ enter *[place]* search *[place and/or vehicle etc]* and seize *[things]*

☐ YOU ARE AUTHORISED to exercise the powers conferred by this warrant

- ☐ between the hours of *[time]* and *[time]*
- ☐ at any time.

This warrant expires on *[date]*

**Note**

The Act under which the warrant is issued prescribes the powers that may be exercised under the warrant.

Court use only

.....  
Judge

.....  
Name of Judge

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**Form 139 – there is no Form 139 – see Rule 3A**

Dated: 27 April 2020

M G EVANS  
Chief Judge

R SOULIO  
Judge

P V SLATTERY  
Judge

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## ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (NATIVE TITLE) RULES 2001

## SOUTH AUSTRALIA

*Amendment No 1*

Pursuant to section 48 of the *Environment, Resources and Development Court Act 1993*, and all other enabling powers, we, Michael Evans, Senior Judge of the Environment, Resources and Development Court, and Michael Durrant, a Judge of that Court, make the following Environment, Resources and Development Court (Native Title) Rules 2001 (Amendment No 1).

1. These Rules may be cited as the *Environment, Resources and Development Court (Native Title) Rules 2001 (Amendment No 1)*.
2. The *Environment, Resources and Development Court (Native Title) Rules 2001* are amended as set out below.
3. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders
  - (a) the *Environment, Resources and Development Court (Native Title) Rules 2001* as amended by these Rules (**the current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Environment, Resources and Development Court (Native Title) Rules 2001* before they were amended by these Rules (**the former Rules**) continue to govern a step in a proceeding taken before the commencement date.
6. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
7. Unless the Court otherwise orders, a proceeding instituted before the commencement date—
  - (a) is to be regarded as a claim if it was progressing on the basis of pleadings;
  - (b) is to be regarded as an originating application if it was progressing on the basis of affidavits and not pleadings;
  - (c) subject to paragraphs (a) and (b)—is to be regarded as either a claim or an originating application according to the Environment, Resources and Development Court (Native Title) Rules 2001 as if it had been instituted after the commencement date.
8. A new rule 1.4 is inserted after rule 1.3 as follows:

**“1.4 Application of ERD Court Rules**

Unless the contrary intention appears, the provisions of the *Environment, Resources and Development Court Rules 2001* apply to a native title proceeding governed by these Rules.”

9. Rule 1.4 is renumbered as rule 1.5.
10. The Note in Rule 1.5 is deleted and replaced with the following:

**“Note—**

See, for example, the definitions of claimant application, native title question and non-claimant application in section 3 of the State Native Title Act.”

11. Rule 1.5 is renumbered as rule 1.6.
12. Subrule 2.4.1 is amended by substituting the word “that” for the word “than” and deleting the word “(sic)”.
13. Rule 3.1 is deleted and the following rule substituted:

**“3.1 Applications (native title and compensation)**

- 3.1.1 An applicant for a native title declaration under Part 4 Division 2, or for compensation under Part 4A, of the State Native Title Act must file 2 copies of the application and each map and other accompanying document with the Court.

**Prescribed forms—**

Form 2AH Originating Application – Native Title Declaration Claimant Application

Form 2AI Originating Application – Native Title Declaration Non-Claimant Application

Form 77N Interlocutory Application – Native Title and Form 77O Schedule to Interlocutory Application – Native Title

Form 1N Claim – Native Title Compensation

**Note—**

The above prescribed forms reflect the forms prescribed by the Regulations for applications under Part 4A of the State Native Title Act.

- 3.1.2 An application under Parts 4 or 4A of the State Native Title Act must be accompanied by a supporting affidavit or statutory declaration in the prescribed form.

**Prescribed forms—**

Form 12 Affidavit

Form 13 Statutory Declaration

Form 14 Exhibit to Affidavit or Statutory Declaration

- 3.1.3 If the applicant is an individual, the application must be signed, and the accompanying statutory declaration or affidavit sworn or affirmed, by the applicant.

- 3.1.4 If the applicant is a body corporate, the application must be signed, and the accompanying statutory declaration or affidavit sworn or affirmed, by a director, secretary or other principal officer of the body corporate, or by a person employed by the body corporate who is authorised to sign the application and make the statutory declaration or affidavit.”
14. The Note in subrule 3.2.1 is deleted and replaced with the following:
- “Note—**  
An application may be amended under Parts 4 and 4A of the State Native Title Act and the Regulations or in any other way as ordered by the Court.”
15. Subrule 3.3.2 is amended by substituting the words “the prescribed form” for the word “writing”.
16. Subrule 3.3.4 is deleted and replaced as follows:
- “3.3.4 If the relevant period has ended, the person must seek the leave of the Court by applying to the Court in the prescribed form setting out the nature of the person’s interests in the proceeding.
- Prescribed form—**  
Form 77I Interlocutory Application to be Joined”
17. Rule 3.4 is deleted and replaced with the following:
- “3.4 Applications other than applications (native title and compensation)**
- 3.4.1 This Rule applies to an application other than an application (native title and compensation).
- 3.4.2 Unless the Court otherwise orders, an application to the Court for which no form is prescribed under the Regulations must be:
- (a) in the appropriate form under the Environment, Resources and Development Court Rules 2001 with any variations that the nature of the case requires; and
- (b) accompanied by an affidavit in the prescribed form setting out the grounds in support of the application.
- 3.4.3 If the applicant is an individual, the accompanying affidavit must be sworn or affirmed by the applicant.
- 3.4.4 If the applicant is a body corporate, the accompanying affidavit must be sworn or affirmed by a director, secretary or other principal officer of the body corporate, or by a person employed by the body corporate who is authorised to sign the application and make the affidavit.
- 3.4.5 Unless the Court otherwise orders, the application must be served on the applicant for native title or compensation and on the State Minister.
- 3.4.6 The Court may order that the application be served on, or notice of the application be given to, other parties to the application for native title or compensation.
- Note—**  
For giving notice, see Rule 9.3.
- 3.4.7 If an applicant, or the State Minister served with an application under this Rule, believes another person has an interest in the application, the applicant, or the State Minister may, within 14 days of receiving the application, notify the Court of the name and address of the person believed to have an interest.
- 3.4.8 The Court may order that the application be served on, or notice be given to, any person that the Court is satisfied has an interest in the application.
- 3.4.9 A person served with, or given notice of, the application may file and serve a notice of acting in the prescribed form and, unless the Court otherwise orders, becomes a respondent to the application on filing the notice of appearance.
- Prescribed form—**  
Form 23 Notice of Acting
- 3.4.10 In this Rule, *person* may include a group of persons or an organisation.
- 3.4.11 Nothing in this Rule affects any right a person may otherwise have to be joined as a party to a proceeding, or the power of the Court, on its own initiative or at the request of a party, to order that a person be joined as a party to a proceeding.”
18. A new subrule 3.5.2 is inserted as follows:
- “3.5.2 An application for review of a decision not to accept a claim for registration must be made by filing an Originating Application in the prescribed form.
- Prescribed form—**  
Form 4H Originating Application for Review”
19. Subrule 3.5.2 is renumbered as rule 3.5.3.
20. Subrule 3.5.3 is renumbered as rule 3.5.4.
21. Subrule 3.5.4 is renumbered as rule 3.5.5.
22. Rule 4.1 is deleted and replaced with the following:
- “4.1 Form of applications and notices of appeal**
- Unless these Rules or the applicable statute otherwise provides, an application, a proceeding to review an administrative decision or a proceeding to appeal against an administrative decision relating to a native title question must be instituted by filing an Originating Application in the prescribed form.
- Prescribed forms—**  
Form 2AD Originating Application  
Form 2AJ Originating Application – Summary Determination Authorising Operations on Native Title Land  
Form 2AK Originating Application – Native Title Determination  
Form 4H Originating Application for Review  
Form 5G Originating Application – Appeal Against Administrative Decision”

23. Subrule 4.2.1 is amended by deleting the words “or appellant”.

24. The text in square brackets underneath rule 4.3 is deleted and replaced with the following:

**“Note—**

Certain provisions allow native title parties and others negotiating with native title parties to request the Court to mediate between the parties to assist in obtaining their agreement (*see eg section 63P(3) Mining Act 1971, section 58(3) Opal Mining Act 1995, and sections 19(3) and 23(3) Land Acquisition Act 1969*).”

25. Subrule 4.3.1 is deleted and the following rule substituted:

“4.3.1 An application requesting the Court to mediate between parties to assist in obtaining their agreement about a native title question must be instituted by filing an Originating Application in the prescribed form which—

(a) gives the name and address of each other party to the proposed mediation; and

(b) includes an outline of the circumstances of the case and the matters in dispute; and

(c) is accompanied by a copy of the notice initiating negotiations between the parties and a copy of any other notice or document relating to the matter given to or by the applicant under the Act authorising the request for mediation.

**Prescribed form—**

Form 2AD Originating Application”

26. Rule 4.4 is deleted and the following rule substituted:

**“4.4 Application for summary determination authorising operations on native title land**

**Note—**

Certain provisions allow the Court to make a summary determination authorising operations on native title land if no native title parties have come forward following notification of an intention to negotiate with native title parties (*see eg section 63N of the Mining Act 1971 and section 56 of the Opal Mining Act 1995*) or if the operations are of a kind attracting the expedited procedure (*see eg section 63O of the Mining Act 1971 and section 57 of the Opal Mining Act 1995*).

4.4.1 An application for a summary determination authorising operations on native title land must be instituted by filing an Originating Application in the prescribed form and must –

(a) identify and describe the land on which the proposed operations are to be carried out;

(b) describe the interest (including any authority or tenement authorising the proposed operations) that the applicant holds or has applied to hold in the land;

(c) describe the general nature of the proposed operations that are to be carried out on the land;

(d) set out the terms of the determination sought;

(e) if the applicant is relying on the expedited procedure –

(i) set out the grounds on which the applicant alleges that the expedited procedure applies to the proposed operations; and

(ii) be accompanied by a supporting affidavit in the prescribed form exhibiting copies of any objections to reliance on the expedited procedure received by the applicant;

(f) be accompanied by a supporting affidavit in the prescribed form exhibiting a copy of the notice initiating negotiations with native title parties in relation to the proposed operations given by the applicant; and

(g) set out to whom, when and how that notice was given.

**Prescribed forms—**

Form 2AJ Originating Application – Summary Determination Authorising Operations on Native Title Land

Form 12 Affidavit

Form 14 Exhibit to Affidavit or Statutory Declaration

4.4.2 If the applicant is relying on the expedited procedure – the applicant must give a copy of the notice to each person (if any) who has objected to reliance on the expedited procedure.”

27. Rule 4.5 is deleted and the following rule substituted:

**“4.5 Application for decision on payment to native title parties under native title agreement**

**Note—**

A native title agreement may provide for payment to the native title parties based on profits or income derived from operations on the land or on production from the operations on a basis to be decided by the Court (*see eg section 63Q(1) and (2) Mining Act 1971 and section 59(1) and (2) Opal Mining Act 1995. Note that under section 63S(3) Mining Act 1971 and section 61(3) Opal Mining Act 1995 a native title determination cannot impose such an arrangement*).

4.5.1 An application requesting the Court to determine the basis of payment to native title parties under a native title agreement (as required by the agreement) must be instituted by filing an Originating Application in the prescribed form accompanied by a copy of the native title agreement.

**Prescribed form—**

Form 2AD Originating Application

4.5.2 The applicant must give a copy of the application to –

(a) each other party to the agreement; and

(b) the Minister responsible for the Act under which the agreement is made.”

28. Rule 4.6 is deleted and the following rule substituted:

**“4.6 Appeal against Minister’s order prohibiting registration of native title agreement**

**Note—**

Certain provisions allow a Minister, if of the opinion that there is reason to believe that a native title agreement may not have been negotiated in good faith, to make an order prohibiting registration of the agreement (*see eg section 63Q(5) Mining Act 1971 and section 59(5) Opal Mining Act 1995*). The decision of the Minister is subject to appeal (*see eg section 63Q(6) Mining Act 1971 and section 59(6) Opal Mining Act 1995*).

- 4.6.1 An appeal against a decision of a Minister prohibiting registration under an Act of a native title agreement must be instituted by filing an Originating Application in the prescribed form which must—
- (a) give an outline of the circumstances of the case;
  - (b) give details of the decision appealed against;
  - (c) set out the terms of the order sought;
  - (d) set out the grounds of appeal; and
  - (e) be accompanied by a copy of –
    - (i) the native title agreement; and
    - (ii) the order of the Minister prohibiting registration of the agreement.
- 4.6.2 The appellant must give a copy of the Originating Application to –
- (a) each other party to the native title agreement; and
  - (b) the Minister.

**Prescribed form—**

Form 5G Originating Application – Appeal Against Administrative Decision

29. Rule 4.7 is deleted and the following rule substituted:

**“4.7 Application for native title determination****Note—**

Negotiations with native title parties must occur in relation to various matters including creation of a right to mine (*see eg Part 9B Mining Act 1971 and Part 7, Opal Mining Act 1995*), the conferral of rights under the Land Acquisition Act 1969. If agreement cannot be reached between the negotiating parties, an application may be made to the Court for a native title determination (*see eg section 63S Mining Act 1971, section 61 Opal Mining Act 1995 and section 20 Land Acquisition Act 1969*).

- 4.7.1 An application for a native title determination following the failure of negotiating parties to reach agreement must be instituted by filing an Originating Application in the prescribed form which must—
- (a) identify the land subject to the negotiations;
  - (b) identify the other parties with whom negotiations have taken place;
  - (c) identify the representative Aboriginal body for the area in which the land is situated;
  - (d) identify any person who holds an interest in the land (including an authority or tenement authorising mining or other operations on the land) but has not been a party to the negotiations and give details of the nature of the interest;
  - (e) include a statement of the effect of the proposed operations on:
    - (i) the enjoyment of native title rights and interests by the native title parties;
    - (ii) the way of life, culture and traditions of the native title parties;
    - (iii) the development of the social, cultural and economic interests of the native title parties;
    - (iv) the freedom of access by any of the native title parties to the land and their freedom to carry out rites, ceremonies or other activities of cultural significance on the land in accordance with their traditions;
    - (v) any area or site on the land of particular significance to the native title parties in accordance with their traditions; and
    - (vi) the natural environment of the land;
  - (f) set out the terms of the determination sought;
  - (g) if it is made by a person other than a native title party –
    - (i) describe the interest (including any authority or tenement authorising proposed operations on the land) that the applicant holds or has applied to hold in the land;
    - (ii) describe the general nature of the operations proposed to be carried out on the land or the purpose for which the land is to be acquired;
    - (iii) be accompanied by a supporting affidavit in the prescribed form exhibiting a copy of the notice initiating the negotiations; and
    - (iv) set out to whom, when and how that notice was given; and
  - (h) if it is made by a native title party –
    - (i) give details of the nature of the rights conferred by the native title in the land held or claimed by the applicant and the basis on which native title is held or claimed; and
    - (ii) give details of any request for non-monetary compensation.

**Prescribed form—**

Form 2AK Originating Application – Native Title Determination

Form 12 Affidavit

Form 14 Exhibit to Affidavit or Statutory Declaration



4.7.2 However, if the Court has mediated between the parties to assist in obtaining their agreement, any party to the mediation may apply for a native title determination by written request to the Court setting out the terms of the determination sought (rather than by application in the form referred to above).

4.7.3 The applicant must give a copy of the application or written request to –

- (a) each other party to the negotiations; and
- (b) the representative Aboriginal body for the area in which the land is situated; and
- (c) the Minister responsible for administration of the Act under which the determination is sought.”

30. Rule 4.8 is deleted and the following rule substituted:

**“4.8 Application for review of compensation under native title determination**

**Note—**

The Court may be asked to review provisions of a native title determination providing for payment of compensation if a native title declaration is made subsequent to the determination (*see eg section 63ZB of the Mining Act 1971 and section 70 Opal Mining Act 1995*).

An application for review of the provisions of a native title determination providing for the payment of compensation following a native title declaration must be in the prescribed form which must –

- (a) identify the determination and the provisions of the determination sought to be reviewed and set out the terms of the order sought; and
- (b) be accompanied by a supporting affidavit which provides details of the native title declaration, including –
  - (i) the date of the declaration;
  - (ii) the land to which the declaration relates;
  - (iii) if native title is declared to exist in the land –
    - the persons declared to be the common law holders of native title;
    - the body declared to be the registered representative of the common law holders of native title;
    - the nature and extent of the rights and interests conferred by the native title; and
    - the nature and extent of other interests in the land that may affect the native title rights and interests deriving from the native title;
  - (iv) the operations authorised by the determination and the authorities or tenements under which the operations authorised by the determination may be carried out;
  - (v) if the applicant is a person who is liable to pay compensation under the determination – the operations that have been carried out under the determination;
  - (vi) any person who holds an interest in the land but who was not a party to the negotiations leading to the determination and give details of the nature of the interest;
  - (vii) the reasons for changing the provisions of the determination for payment of compensation.

**Prescribed forms—**

Form 4H Originating Application for Review

Form 12 Affidavit

Form 14 Exhibit to Affidavit or Statutory Declaration

4.8.1 The applicant must give a copy of the application to –

- (a) each other party bound by the determination; and
- (b) the representative Aboriginal body for the area in which the land is situated; and
- (c) the Minister responsible for administration of the Act under which the determination was made.”

31. The text in square brackets under “Part 5 Native title questions referred to Court” is deleted and replaced as follows:

**“Note—**

Section 6 of the State Native Title Act and section 20A of the *Environment, Resources and Development Court Act 1993* empower the Supreme Court, and require other courts, to refer proceedings involving a native title question (as defined in the State Native Title Act) to the Environment, Resources and Development Court.”

32. Subrule 5.1.1 is deleted and substituted as follows:

“5.1.1 If a proceeding involving a native title question is referred to the Court for hearing and determination before the pleadings are completed, the parties must, subject to direction by the Court, complete the pleadings in accordance with the rules applicable to the Court in which the proceeding was commenced.”

33. Subrule 6.1.2 is amended by substituting the words “a proceeding” for the word “proceedings”.

34. The text in square brackets under “Part 8 Native title conferences” is deleted and replaced as follows:

**“Note—**

Section 8 of the State Native Title Act requires the Court to call a conference of the parties to contested proceedings involving a native title question, unless the Court is of the opinion that no useful purpose would be served by a conference between the parties before the hearing of the matter or there is some other adequate reason for dispensing with a conference.”

35. The text in square brackets under Rule 8.1 is deleted and replaced as follows:

**“Note—**

Section 9 of the State Native Title Act requires the Court to select a mediator from among the native title commissioners to preside at the conference in accordance with the rules.”

36. Rule 8.1 is amended by deleting the space in “St ate” and deleting the word “(sic)” after it.

37. Subrule 8.4(a)(i) is amended by deleting the space in “i nquiries” and deleting the word “(sic)” after it.

38. Subrule 8.4(b) is amended by deleting the space in “t ake” and deleting the word “(sic)” after it.
39. Rule 9.1 is deleted and substituted as follows:

**“9.1 Change of address for service**

A party to a proceeding must inform the Court in writing of any change in address for service or contact details in the prescribed form within 14 days of the change.

**Prescribed form—**

Form 25 Notice of Change of Address for Service”

40. A new “Schedule 1 – Forms” is inserted at the end of the Rules and the following forms are inserted into Schedule 1:
-

**Schedule 1-Forms****Form 1N Claim – Native Title Compensation**

Form 1N

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
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**CLAIM**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

**Amount Claimed:**

If applicable

Amount Claimed \$  
 Court Fee on Filing \$  
 Service Fee (Sheriff service only) \$  
 TOTAL CLAIMED \$

**Any other relief Claimed:**

If any

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor If any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	[    ] Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

**Claim Details****Matter Type:**

The Applicant, as representative of the Aboriginal group described in Schedule A, makes this Claim for compensation for an act extinguishing or otherwise affecting native title as set out in the Statement of Claim below.

The Applicant is entitled to make the application for compensation as a person authorised by the Aboriginal group to make the application and to deal with matters arising in relation to it on behalf of the group.

The factual basis on which this is asserted is as follows:

Set out the relevant facts below.

The Schedules to this Statement of Claim contain the following information:

Schedules A-N must be included.

**Schedule A** – A description of the persons comprising the Aboriginal group claiming compensation.

The description must set out the names of the persons comprising the group or otherwise define the group sufficiently clearly so that it can be ascertained whether any particular person is a member of the group.

**Schedule B** – A definition of the land to which the native title in respect of which the application for compensation is made relates or related.

**Schedule C** – A map showing the boundaries of the area covered by the application.

**Schedule D** – Details and results of all searches carried out to determine the existence of any current or former non-native title rights and interests in relation to the land, including copies of –

- all searches of official title registers (such as the Register Book and Register of Crown Leases); and
  - all searches conducted with public bodies and authorities,
- that identify current or former non-native title rights and interests in relation to the land.

**Schedule E** – A statement of the nature of the rights conferred by the native title in respect of which the application for compensation is made and the nature of activities that may be, or may have been, carried out pursuant to those rights.

**Schedule F** – The name of each representative Aboriginal body for the area covered by the application.

**Schedule G** – A statement of the factual basis on which native title is asserted and, in particular, the factual basis on which it is asserted that –

- the Aboriginal group has or had, and its predecessors had, an association with the area; and

- there exists or existed traditional laws acknowledged by, and traditional customs observed by, the Aboriginal group that give or gave rise to the native title; and
- the Aboriginal group has or had continued to hold the native title in accordance with those traditional laws and customs.

**Schedule H** – Details of any activities that are or were carried on in relation to the land by the Aboriginal group.

**Schedule I** – Details of the act which it is claimed extinguished or affected the native title, including–

- the name of the person or body who carried out or was responsible for the act;
- whether the act has been validated and, if so, the details of how it has been validated.

**Schedule J** – Details of the basis for the compensation claim, including reference to any Act which it is claimed provides an entitlement to compensation.

**Schedule K** – Details of any other application, of which the applicant is aware, for a judicial determination of native title in the land or a determination of compensation in relation to native title in the land.

**Schedule L** – Details of notices, of which the applicant is aware, about matters that may be the subject of negotiation with registered claimants of native title in the land.

Examples –

- A notice under section 29 of the Commonwealth Act.
- A notice of the initiation of negotiations under Part 9B of the Mining Act 1971 or Part 7 of the Opal Mining Act 1995.
- A notice of the intention to acquire land under the Land Acquisition Act 1969 in a case to which Part 4 Division 1 of that Act applies.

**Schedule M** – Details of any compensation received by the Aboriginal group or to which the Aboriginal group may be entitled under any agreement or award because of the act or a related act.

**Schedule N** – Whether non-monetary compensation is claimed, and, if so, the nature of the non-monetary compensation claimed.

The following Schedules are not mandatory

**Schedule O** – Details of any traditional physical connection with any of the land covered by the application by any members of the Aboriginal group.

**Schedule P** – Details of circumstances in which access to the area by a member or a parent of a member of the Aboriginal group has been prevented.

**Schedule Q** – Any other relevant information that the representative wants to provide.

Section 27A(2) of the Native Title (South Australia) Act 1994 requires the statement of claim to be accompanied by an affidavit sworn by the person bringing the claim (the representative) –

- stating that the representative believes that native title exists or existed in relation to the area to which the claim relates;
- stating that the representative believes that all of the statements made in the statement of claim are true; and
- stating that the representative is authorised by the Aboriginal group to make the application and to deal with matters arising in relation to it and stating the basis of the authorisation.

#### **To the Respondent: WARNING**

**If you wish to defend the claim**, you:

- may file and serve on all parties a Notice of Acting (which will give you access to the file)
- **must within**
  - **28 calendar days** if you are served **within Australia**; OR
  - **30 business days** if you are served **outside Australia**

**from service of this claim file and serve on all parties a defence.**

If you do not do so, after that time **judgment may be entered against you** including orders as to costs. Judgment will allow the person obtaining the judgment to take **enforcement steps**. This may include orders to sell your property.

If you wish to make a counter claim or claim against a third party, you must within the same time file and serve on all parties a counter claim or third party claim as the case may be.

For instructions on how to file a notice of acting and/or defence and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/473>.

#### Service

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

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Claim is a:

- ☐ Multilingual Notice (mandatory)
  - ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent to be served is interstate)
  - ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
  - ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
  - ☐ Schedule A (mandatory)
  - ☐ Schedule B (mandatory)
  - ☐ Schedule C (mandatory)
  - ☐ Schedule D (mandatory)
  - ☐ Schedule E (mandatory)
  - ☐ Schedule F (mandatory)
  - ☐ Schedule G (mandatory)
  - ☐ Schedule H (mandatory)
  - ☐ Schedule I (mandatory)
  - ☐ Schedule J (mandatory)
  - ☐ Schedule K (mandatory)
  - ☐ Schedule L (mandatory)
  - ☐ Schedule M (mandatory)
  - ☐ Schedule N (mandatory)
  - ☐ Schedule O
  - ☐ Schedule P
  - ☐ Schedule Q
- ☐ If other additional document(s) please list them below:

#### STATEMENT OF CLAIM

**Part 1****Introduction by Applicant**

Summary of claim - Summarise the claim in one or two sentences

Legal basis of claim - List causes of action/statutory claims

**Part 2****Background/uncontroversial matters**

Facts expected to be agreed in separate numbered paragraphs

1.

**Part 3****Other facts forming the basis of the claim**

Other material facts that support the claim in addition to those in Part 2 in separate numbered paragraphs. Be very particular about each matter – eg when did it occur, where did it occur, what occurred.

1.

**Part 4****Orders sought**

Outline orders sought in separate numbered paragraphs

1.

**Certification**

Mark appropriate section below with an 'x'

- [    ] As the filing lawyer, I certify that this pleading is filed in accordance with the instructions of the party/parties for whom I act. There is a proper basis for each allegation of fact in the pleading and it complies with the Rules of Court.
- [    ] As a Litigant in Person (self-represented), I am responsible for filing this pleading. Each allegation of fact in the pleading is true to the best of my knowledge, information and belief.

.....  
Signature.....  
Name printed.....  
Date



**Form 2AH Originating Application – Native Title Declaration Claimant Application**

Form 2AH

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'			

Duplicate panel if multiple Interested Parties

<p><b>Application Details</b></p> <p>Matter Type:</p> <p>This Application is for a native title declaration.</p> <p>This Application is made under section 18 of the Native Title (South Australia) Act 1994.</p> <p>The Applicant is entitled to make this application as a member of an Aboriginal group claiming native title in the land who is authorised by the Aboriginal group to make the application and to deal with matters arising in relation to the application on behalf of the group.</p> <p>The factual basis on which this is asserted is as follows:  <small>Set out the relevant facts below</small></p> <p>The Applicant seeks the following orders:          See Schedule J.</p> <p>This Application is made on the grounds set out in the accompanying statutory declaration made by [Full Name] on the       day of       20       .</p> <p><small>Mark with an 'x' if applicable</small></p> <p><input type="checkbox"/> The Aboriginal Group for which the native title declaration is sought does not seek registration of the claim made in the application.</p> <p>The Schedules to this application contain the following information:</p> <p><b>Schedule A</b> – A description of the persons comprising the Aboriginal group claiming native title.</p>
--

The description must set out the names of the persons comprising the group or otherwise define the group sufficiently clearly so that it can be ascertained whether any particular person is a member of the group.

**Schedule B** – A definition of the land to which the application relates.

The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.

**Schedule C** – A map showing the boundaries of the area covered by the application.

**Schedule D** – Details and results of all searches carried out to determine the existence of any non-native title rights and interests in relation to the land.

**Schedule E** – A statement of the nature of the rights conferred by the native title claimed and the nature of activities that may be carried out pursuant to those rights.

**Schedule F** – A statement of the factual basis on which native title is asserted and, in particular, the factual basis on which it is asserted that –

- the Aboriginal group has, and its predecessors had, an association with the area; and
- there exist traditional laws acknowledged by, and traditional customs observed by, the Aboriginal group that give rise to the native title; and
- the Aboriginal group has continued to hold the native title in accordance with those traditional laws and customs.

**Schedule G** – Details of any activities currently carried on in relation to the land by the Aboriginal group.

**Schedule H** – Details of any other application, of which the applicant is aware, for a judicial determination of native title in the land or a determination of compensation in relation to native title in the land.

**Schedule I** – Details of notices, of which the applicant is aware, about matters that may be the subject of negotiation with the applicant if the claim is registered.

Examples –

- A notice under section 29 of the Commonwealth Act.
- A notice of the initiation of negotiations under Part 9B of the Mining Act 1971 or Part 7 of the Opal Mining Act 1995.
- A notice of the intention to acquire land under the Land Acquisition Act 1969 in a case to which Part 4 Division 1 of that Act applies.

**Schedule J** – A draft of the order sought if the application is unopposed.

**Schedule K** – The name of each representative Aboriginal body for the area covered by the application.

**Schedule L** – For the area covered by the application – details of –

- any area for which a pastoral lease is held by or on behalf of the members of the Aboriginal group;
- any area leased, held or reserved for the benefit of Aboriginal peoples that is occupied by or on behalf of the members of the Aboriginal group;
- any vacant Crown land occupied by the members of the Aboriginal group;
- any area mentioned in this Schedule over which the extinguishment of native title is required to be disregarded by section 47, 47A or 47B of the Native Title Act 1993 (Cth).

The following Schedules are not required, but will be relevant when the Registrar considers the claim for registration:

**Schedule M** – Details of any traditional physical connection with any of the land covered by the application by any member of the Aboriginal group.

**Schedule N** – Details of circumstances in which access to the area by a member or a parent of a member of the Aboriginal group has been prevented.

**Schedule O** – Details of the membership of the applicant or any other member of the Aboriginal group in another Aboriginal group –

- registered as claimants to native title in the whole or part of the area covered by this application; or
- on whose behalf an application for a native title declaration has been made in relation to native title in the whole or part of the area covered by this application.

**Schedule P** – Details of any claim by the Aboriginal group of exclusive possession of all or part of an offshore place (within the meaning of the Native Title Act 1993 (Cth)).

**Schedule Q** – Details of any claim by the Aboriginal group of ownership of minerals, petroleum or gas wholly owned by the Crown.

**Schedule R** – If the application is accompanied by a certificate of the representative Aboriginal body for the area covered by the application (or, if the body is not the representative body for the whole of the area, certificates of representative Aboriginal bodies that together are representative bodies for the whole of the area) certifying that the applicant is a member of the Aboriginal group and is authorised by the group to make the application and to deal with matters arising in relation to the application on behalf of the group, the certificate or certificates should be included in this Schedule.

**Schedule S** – If the application is an amended application, details of the difference between this application and the original application.

**Schedule T** – Any other relevant information that the applicant wants to provide.

Section 18A(2)(k) of the Act requires the application to be accompanied by a statutory declaration verifying –

- (i) the information contained in the application; and
- (ii) that the applicant is authorised by the Aboriginal group to make the application and to deal with matters arising in relation to the application on behalf of the group; and
- (iii) that the applicant believes that the native title claimed has not been extinguished and that none of the area covered by the application is the subject of a native title declaration.

#### Service

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

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Multilingual Notice (mandatory) (not filed)
- ☐ Statutory declaration (mandatory)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate) (not filed)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand) (not filed)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand) (not filed)
- ☐ Schedule A (mandatory)
- ☐ Schedule B (mandatory)
- ☐ Schedule C (mandatory)
- ☐ Schedule D (mandatory)
- ☐ Schedule E (mandatory)
- ☐ Schedule F (mandatory)
- ☐ Schedule G (mandatory)
- ☐ Schedule H (mandatory)
- ☐ Schedule I (mandatory)

<input type="checkbox"/>	Schedule J (mandatory)
<input type="checkbox"/>	Schedule K (mandatory)
<input type="checkbox"/>	Schedule L (mandatory)
<input type="checkbox"/>	Schedule M
<input type="checkbox"/>	Schedule N
<input type="checkbox"/>	Schedule O
<input type="checkbox"/>	Schedule P
<input type="checkbox"/>	Schedule Q
<input type="checkbox"/>	Schedule R
<input type="checkbox"/>	Schedule S
<input type="checkbox"/>	Schedule T
<input type="checkbox"/>	If other additional document(s) please list them below:

<b>Applicant/Applicant's solicitor</b>
..... Signature of
..... Name printed
..... Date

**Form 2AI Originating Application – Native Title Declaration Non-Claimant Application**

Form 2AI

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'			

Duplicate panel if multiple Interested Parties

<p><b>Application Details</b></p> <p>Matter Type:</p> <p>This Application is for a native title declaration.</p> <p>This Application is made under section 18 of the Native Title (South Australia) Act 1994.</p> <p>The Applicant seeks the following orders: See Schedule F.</p> <p>This Application is made on the grounds set out in the accompanying statutory declaration sworn by [full name] on [date].</p> <p>The Schedules to this application contain the following information:</p> <p><b>Schedule A</b> – A definition of the land to which the application relates.</p> <p>The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.</p> <p><b>Schedule B</b> – A map showing the boundaries of the area covered by the application.</p> <p><b>Schedule C</b> – A statement of the grounds on which the declaration is sought.</p> <p><b>Schedule D</b> – All information known to the applicant about the title to, and tenure of, the land and the history of the title to, and tenure of the land, including information about present and former association by Aboriginal peoples with the land.</p>
--

**Schedule E** – Details of any interest held by the applicant in the area covered by the application and any document (including a document of title) or other material that is evidence of that interest.

**Schedule F** – A draft of the order sought if the application is unopposed.

**Schedule G** – Any other relevant information that the applicant wants to provide.

#### To the other parties: WARNING

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

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

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 14 days after service** of the Application 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 within 14 days after service** of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

#### Service

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

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- [ ] Multilingual Notice (mandatory) (not filed)
- [ ] Statutory declaration (mandatory)
- [ ] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate) (not filed)
- [ ] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand) (not filed)
- [ ] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand) (not filed)
- [ ] Schedule A (mandatory)
- [ ] Schedule B (mandatory)
- [ ] Schedule C (mandatory)
- [ ] Schedule D (mandatory)
- [ ] Schedule E (mandatory)
- [ ] Schedule F (mandatory)
- [ ] Schedule G (mandatory)
- [ ] If other additional document(s) please list them below:

#### Applicant/Applicant's solicitor



Signature of
.....
Name printed
.....
Date

**Form 2AJ Originating Application – Summary Determination Authorising Operations on Native Title Land**

Form 2AJ

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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			
	Type - Number			
Phone Details				

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'			

Duplicate panel if multiple Interested Parties

<b>Application Details</b> Mark appropriate sections below with an 'x'  Matter Type:  This Application is for summary determination authorising operations on native title land.  This Application is made under: <input type="checkbox"/> section 63N of the Mining Act 1971. <input type="checkbox"/> section 63O of the Mining Act 1971. <input type="checkbox"/> section 56 of the Opal Mining Act 1995. <input type="checkbox"/> section 57 of the Opal Mining Act 1995.  The land on which the proposed operations are to be carried out is: <i>[identify and describe the land]</i> .  The interest that the Applicant holds or has applied to hold in the land is <i>[describe]</i> .  The general nature of the operations proposed to be carried out on the land is <i>[describe]</i> .  The terms of the determination sought are Set out the terms of the determination sought  The Notice initiating negotiations with native title parties, a copy of which is exhibited to the accompanying affidavit in support of this application, was given to <i>[set out to whom, when and how notice was given]</i> .  <small>Only applicable if the Applicant is relying on the expedited procedure</small> The grounds on which the applicant alleges that the expedited procedure applies to the proposed operations are <i>[grounds]</i> . Copies of any objections to reliance on the expedited procedure are exhibited to the accompanying affidavit in support of this application.
---

**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Multilingual Notice (mandatory) (not filed)
- ☐ Supporting Affidavit (mandatory)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate) (not filed)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand) (not filed)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand) (not filed)
- ☐ If other additional document(s) please list them below:

**Form 2AK Originating Application – Native Title Determination**

Form 2AK

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'			

Duplicate panel if multiple Interested Parties

<b>Application Details</b> Mark appropriate sections below with an 'x'
Matter Type:  This Application is for a native title determination.  This Application is made under: <input type="checkbox"/> section 63S of the Mining Act 1971 <input type="checkbox"/> section 61 of the Opal Mining Act 1995 <input type="checkbox"/> section 20 of the Land Acquisition Act 1969  The land subject to the negotiations is: <i>[identify the land]</i> .  The other parties with whom negotiations have taken place are <i>[parties]</i> .  The representative Aboriginal body for the area in which the land is situated is <i>[describe]</i> .  If applicable <i>[Name(s) of other parties who have not been a party to the negotiations]</i> hold[s] an interest in the land as follows: <i>[details of the nature of the interest]</i>  The effect of the proposed operations on:  (i) the enjoyment of native title rights and interests by the native title parties is <i>[describe]</i> ;  (ii) the way of life, culture and traditions of the native title parties is <i>[describe]</i> ;

(iii) the development of the social, cultural and economic interests of the native title parties is *[describe]*;

(iv) the freedom of access by any of the native title parties to the land and their freedom to carry out rites, ceremonies or other activities of cultural significance on the land in accordance with their traditions is *[describe]*;

(v) any area or site on the land of particular significance to the native title parties in accordance with their traditions is *[describe]*; and

(vi) the natural environment of the land is *[describe]*.

The terms of the determination sought are  
Set out the terms of the determination sought

Next three paragraphs only applicable if application made by a person other than a native title party  
 The interest that the applicant holds or has applied to hold in the land is *[describe]*.

The general nature of the operations proposed to be carried out on the land or the purpose for which the land is to be acquired is *[describe]*.

Notice of the negotiations, a copy of which is exhibited to the accompanying affidavit in support of this application, was given to *[set out to whom, when and how notice was given]*.

Next two paragraphs only applicable if application made by a native title party  
 The nature of the rights conferred by the native title in the land held or claimed by the applicant and the basis on which the native title is held or claimed are *[details]*.

If applicable  
 The Applicant requests the following non-monetary compensation *[details]*.

#### Service

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

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Multilingual Notice (mandatory) (not filed)
- ☐ Supporting Affidavit (mandatory if application made by a person other than a native title party)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate) (not filed)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand) (not filed)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand) (not filed)
- ☐ If other additional document(s) please list them below:

**Form 13 Statutory Declaration**

Form 13

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
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**STATUTORY DECLARATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

Declarant Details Person making the Declaration	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Occupation	Occupation			



**Statutory declaration**

I do solemnly and sincerely declare that:

Set out text in separate numbered paragraphs. If the declaration relates to an application, identify the application and state the material facts relevant to the application.

1.

Declared by the declarant

at

on

.....  
Signature of declarant

.....  
Name printed

before me .....  
Signature of attesting witness

.....  
Printed name and title of witness

Stamp here if applicable

.....  
Date

.....  
ID number of witness

If applicable

**Notes**

- Each page of the statutory declaration, including any exhibit(s), must be consecutively numbered starting with page 2. The declaration should be confined to facts and should not include submissions.
- The declaration should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to a statutory declaration must be clearly marked to identify it as the exhibit referred to in the declaration.
- A single 'front page' must be inserted in front of the exhibits in form 14. The front page must include the declarant's initials followed by a number, starting with 1. For example, the first exhibit of a statutory declaration of John Doe would be identified as "JD1". The second exhibit would be "JD2". An exhibit in a later statutory declaration made by the same declarant should not use the same number of a previous exhibit in a previous statutory declaration.
- Each page of the statutory declaration (but not any exhibit) must be signed by both the declarant and the witness.

- A statutory declaration is to be made if it is made in this State in accordance with the Oaths Act 1936 (SA) and the Statutory Declarations Act 1835 (UK) or, if made elsewhere, in accordance with the law for the making of statutory declarations in that place.
- The declarant must make a statutory declaration before a person authorised by law to witness statutory declarations ('the witness'). Persons authorised to witness a statutory declaration are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for the purpose)
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of the statutory declaration cannot be altered after the statutory declaration has been declared.
- The party serving a statutory declaration must serve copies of all exhibits with the declaration.

**Service**

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

**Form 25 Notice of Change of Address for Service**

Form 25

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
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**NOTICE OF CHANGE OF ADDRESS**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor if any	Law Firm		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 - Number		

Duplicate panel if multiple Parties

**Change of Address for Service**

The address for service of the party identified above is now as set out above.

Date:

**Service**

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

**Form 77N Interlocutory Application – Native Title**

Form 77N

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**INTERLOCUTORY APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

**Application Details**

Mark appropriate sections below with an 'x'

This Application is for [     ] variation / [     ] revocation of a native title declaration, as set out in the Schedules to this application.

The applicant is entitled to make this application as

- [     ] the registered representative of the holders of native title in the land to which the declaration relates  
 [     ] the Commonwealth Minister  
 [     ] the State Minister  
 [     ] the Registrar

If applicable

This Application is made under section 25 of the Native Title (South Australia) Act 1994.  
Act and section or other particular provision

The above named party seeks the following orders:

Orders sought in separately numbered paragraphs

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by  
[full name] on [date].

If applicable

This Application is urgent on the grounds set out in the accompanying affidavit sworn by  
[full name] on [date].

If applicable

This application is by consent. The consent is evidenced as attached.

If applicable

This application is made ex parte because:  
Grounds

#### To the other parties: WARNING

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

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

- **you must attend 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 at least 2 days before the hearing date unless ordered otherwise.

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- [    ] Supporting Affidavit (mandatory)  
[    ] If other additional document(s) please list them below:

#### Service

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

#### Note to Parties

There are usually cost penalties for making an unsuccessful application or resisting an unsuccessful application.

#### Applicant/Applicant's solicitor

..... Signature of
..... Name printed
..... Date

**Form 77O Schedule to Interlocutory Application – Native Title**

Schedule 77O

<b>To be inserted by Court</b>
Case Number:
Date Filed:
FDN:
<b>Hearing Date and Time:</b>
<b>Hearing Location:</b>

**SCHEDULE TO INTERLOCUTORY APPLICATION – NATIVE TITLE**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

<p>These are the Schedules referred to in the interlocutory application: Mark appropriate sections below with an 'x'</p> <p>[ ] <b>Schedule A</b> – A definition of the land to which the application relates. The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.</p> <p>[ ] <b>Schedule B</b> – A map showing the boundaries of the area covered by the application.</p> <p>[ ] <b>Schedule C</b> – Details and results of all searches carried out to determine the existence of any non-native title rights and interests in relation to the land covered by the application.</p> <p>[ ] <b>Schedule D</b> – the name of each representative Aboriginal body for the area covered by the application.</p> <p>[ ] <b>Schedule E</b> – A copy of the native title declaration.</p> <p>[ ] <b>Schedule F</b> – Details of events (if any) that have taken place since the native title declaration was made which make that declaration no longer correct.</p> <p>[ ] <b>Schedule G</b> – Details of the grounds (if any) for varying or revoking the declaration in the interests of justice.</p> <p>[ ] <b>Schedule H</b> – For an application for variation of a native title declaration, a draft of the order sought.</p> <p>[ ] <b>Schedule I</b> – Any other relevant information that the applicant wants to provide.</p>
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Dated: 8 May 2020

EVANS SJ  
DURRANT J



## ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT RULES 2003

## SOUTH AUSTRALIA

*Amendment No 2*

By virtue of the provisions of section 48 of the *Environment, Resources and Development Court Act 1993*, and of all other enabling powers, we, Michael Evans, Senior Judge of the Environment, Resources and Development Court, and Michael Durrant, a Judge of that Court, make the following Environment, Resources and Development Court Rules 2003 (Amendment No 2).

1. These Rules may be cited as the *Environment, Resources and Development Court Rules 2003 (Amendment No 2)*.
2. The Environment, Resources and Development Court Rules 2003 are amended as set out below.
3. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders—
  - (a) the *Environment, Resources and Development Court Rules 2003* as amended by these Rules (**the current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Environment, Resources and Development Court Rules 2003* before they were amended by these Rules (**the former Rules**) continue to govern a step in a proceeding taken before the commencement date.
6. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
7. Unless the Court otherwise orders, a proceeding instituted before the commencement date—
  - (a) is to be regarded as a claim if it was progressing on the basis of pleadings;
  - (b) is to be regarded as an originating application if it was progressing on the basis of affidavits and not pleadings;
  - (c) subject to paragraphs (a) and (b)—is to be regarded as either a claim or an originating application according to these Environment, Resources and Development Rules 2003 as if it had been instituted after the commencement date.
8. Subrule 1.3.1(g) is deleted and substituted as follows:
 

“(g) on the hearing of an appeal by a representor under the *Development Act 1993* or the *Natural Resources Management Act 2004* or *Landscape South Australia Act 2019*, the applicant for consent must be prepared to inform the Court as to the proposal at the commencement of the hearing.”
9. A new rule 1.3.5 is inserted immediately after rule 1.3.4 as follows:
 

“1.3.5 If these Rules are silent in relation to a particular procedure or other matter, unless the Court otherwise orders, that matter is governed by the *Uniform Civil Rules 2020*.”
10. In rule 2.1, the definition of ‘address for service’ is deleted and substituted as follows:
 

“**“address for service”** means an address of a place at which an application or other document may be sent or left for the party giving such address. Such address must include:

  - (i) the party title and full name of the party;
  - (ii) whether the party is represented by a law firm and, if so, the name of the law firm and of the individual responsible solicitor;
  - (iii) a physical address at which documents in or in relation to the proceeding can be served which must:
    - (a) if the party does not provide an email address—be in South Australia; or
    - (b) if the party provides an email address—be in Australia;
  - (iv) an email address at which documents in, or in relation to, the proceeding can be served, unless the party does not have available and cannot reasonably obtain an email address; and
  - (v) a telephone number at which the party or, if represented, the party’s law firm can be contacted.”
11. In rule 2.1, the definition of ‘appeal’ is deleted and substituted as follows:
 

“**“appeal against administrative decision”** means an appeal to the Court against, or application to the Court for review of, an administrative decision instituted pursuant to:

  - (i) any of the following provisions of the *Development Act 1993*, namely:
    - subsection 6 (4);
    - subsection 74 (6);
    - subsection 86 (1) (a) or (b);
    - subsection 86 (1) (d) (i), but not being an application for an order pursuant to section 55;
    - subsection 86 (1) (d) (ii);
    - subsection 86 (1) (d) (iii), being an appeal or a notice issued pursuant to section 71;
    - subsection 86(1)(f);
  - (ii) section 106 of the *Environment Protection Act 1993*;
  - (iii) section 20 of the *Heritage Places Act 1993*;
  - (iv) subsections 17 (6), 33 (2), 56 (3) of the *Mining Act 1971*;
  - (v) section 202 of the *Natural Resources Management Act 2004* or section 216 of the *Landscape South Australia Act 2019*;
  - (vi) subsections 65 (1) and 67 (1) of the *Irrigation Act 1994*;

- (vii) section 48 of the *South Eastern Water Conservation and Drainage Act 1992*;
- (viii) subsection 35 (2) of the *Ground Water (Qualco-Sunlands) Control Act 2000*;
- (ix) section 33F of the *Native Vegetation Act 1991*; or
- (x) section 31 of the *Upper South East Dryland Salinity and Flood Management Act 2002*.”
12. In rule 2.1, the definition of “application” is deleted and substituted as follows:
- “**“application”** means any application to the Court instituted pursuant to:
- (i) any of the following provisions of the *Development Act 1993*:
    - subsection 41 (2);
    - subsection 55 (1);
    - subsection 60 (3);
  - (ii) section 42, or subsections 49(8) or 89(4) of the *Environment Protection Act 1993*;
  - (iii) sections 30 or 35 of the *Heritage Places Act 1993*;
  - (iv) the power of the Court to make a declaration of right pursuant to section 28 of the Act;
  - (v) the power of the Court to make a determination contemplated by subsection 49 (2) of the *Irrigation Act 1994*;
  - (vi) section 30 of the *Native Vegetation Act 1991*; or
  - (vii) the *Natural Resources Management Act 2004* or the *Landscape South Australia Act 2019*,
- but does not include an appeal against administrative decision, enforcement application, compliance application or interlocutory application.”
13. In rule 2.1, the definition of “authorised electronic communication” is deleted.
14. In rule 2.1, the definition of “Authority” is amended by substituting the words “State Planning” for the words “Development Assessment”.
15. In rule 2.1, the definition of “enforcement application” is deleted and substituted as follows:
- “**“enforcement application”** means an application to the Court for an order pursuant to:
- (i) section 85 of the *Development Act 1993*,
  - (ii) section 104 of the *Environment Protection Act 1993*;
  - (iii) section 201 of the *Natural Resources Management Act 2004* or section 215 of the *Landscape South Australia Act 2019*;
  - (iv) section 31A of the *Native Vegetation Act 1991*; or
  - (v) section 29 of the *Upper South East Dryland Salinity and Flood Management Act 2002*.”
16. In rule 2.1, the definition of “interlocutory order” is amended by deleting paragraph (iv).
17. In rule 2.1, a new definition of “mining appeal” is inserted immediately after the definition of “interlocutory order” as follows:
- “**“mining appeal”** means an appeal to the Court instituted pursuant to section 65 of the *Mining Act 1971*.”
18. In rule 2.1, a new definition of “prescribed form” is inserted after the definition of “mining application” as follows:
- “**“prescribed form”**—see rule 3.4.1 and 3.4.2(b);”
19. A new rule 3.4 – Prescribed Forms is inserted immediately after rule 3.3 as follows:
- “3.4 Prescribed Forms**
- 3.4.1 The forms contained in Schedule 1 prescribe the form and content of defined types of documents to be filed at court (*prescribed forms*).
- 3.4.2 The Senior Judge may—
- (a) modify or delete a prescribed form contained in Schedule 1; or
  - (b) prescribe the form and content of additional defined types of documents to be filed at court (*prescribed forms*).
- 3.4.3 When these Rules refer to a prescribed form, that form (as modified under subrule 3.4.2(a) when applicable), or with the leave of the Court a form to similar effect, must be used for that purpose or in those circumstances.”
20. Part 3A – E-Business Transactions is deleted in its entirety.
21. A new Part 3A – Parties to Proceedings is inserted immediately after rule 3.4 as follows:
- “PART 3A—PARTIES TO PROCEEDINGS**
- 3A.1 Parties to a proceeding (not being a mining appeal) in the Court are either applicants, respondents or interested parties.
- 3A.2 An *applicant* is the party (whenever joined) seeking final relief from the Court in the action.
- 3A.3 A *respondent* is a party (whenever joined) —
- (a) against whom final relief is sought from the Court in the action; or
  - (b) whose interests may be directly and adversely affected by the orders sought in the action.
- 3A.4 An *interested party* is a party (whenever joined) against whom no relief is sought and whose interest is not directly and adversely affected by the action but who should be given the opportunity to be heard in relation to the proceeding or who must be joined to be bound by the result.”
22. A new Part 3B – Parties to Appeals is inserted immediately after Part 3A as follows:
- “PART 3B—PARTIES TO MINING APPEALS**
- 3B.1 Parties to a mining appeal are either appellants, respondents or interested parties.
- 3B.2 An *appellant* is the person appealing against a judgment, order or decision.
- 3B.3 A *respondent* to an appeal means a party (whenever joined) —

- (a) who was an applicant or respondent in the proceeding at first instance, unless the party has no interest in the appeal; or
  - (b) against whom orders are sought in or whose interest may be directly and adversely affected by the orders sought in the appeal.
- 3B.4 An *interested party* in an appeal means a party (whenever joined)—
  - (a) who was an interested party in the proceeding at first instance unless the party has no interest in the appellate proceeding; or
  - (b) against whom no relief is sought in and whose interest is not directly and adversely affected by the appeal but who should be given the opportunity to be heard in relation to the appeal or who must be joined to be bound by the result.”
- 23. A new Part 3C – Electronic Court Management System is inserted immediately after Part 3B as follows:
  - “PART 3C—ELECTRONIC COURT MANAGEMENT SYSTEM**
  - 3C.1 The Registrar must establish an electronic court management system (*the Electronic System*) to perform such of the Registrar’s general functions and for use by judicial and non-judicial officers of the Court and external users as the Registrar determines.
  - 3C.2 For example, the Electronic System may enable –
    - (a) the creation, filing or service of documents in electronic form;
    - (b) the use of electronic signatures by parties, lawyers or other persons;
    - (c) the electronic issue of the Court’s process;
    - (d) the use of electronic signatures by judicial or non-judicial officers, sheriff’s officers or other persons performing functions on behalf of the Court;
    - (e) communications between users and the Court in electronic form;
    - (f) the electronic listing of hearings, directions hearings and trials;
    - (g) the creation, retention or deletion of electronic records of proceedings in the Court;
    - (h) the receipt, retention or deletion of electronic documents tendered in proceedings, produced in response to a subpoena or otherwise produced to the Court; or
    - (i) controlled access by internal or external users to court records.
  - 3C.3 The Registrar may determine that it is mandatory that all or specified classes of documents lodged for filing by all or specified classes of persons be filed electronically via the Electronic System and to that extent the Registry will not accept physical documents for filing.
  - 3C.4 The Electronic System may be established by the Registrar in conjunction with other courts.
  - 3C.5 If it is mandatory for a person to file a document electronically via the Electronic System, the Registrar or the Court may waive that requirement if and to such extent and on such conditions as the Registrar or the Court thinks fit.”
- 24. A new Part 3D – Registered Users is inserted immediately after Part 3C as follows:
  - “PART 3D—REGISTERED USERS**
  - 3D.1 The Registrar may only permit a person other than a judicial or non-judicial officer of a court participating in the Electronic System to have access to the Electronic System if the person is a registered user.
  - 3D.2 The Registrar may establish a system for a person to become a registered user and may exercise a general discretion whether to admit a person as a registered user.
  - 3D.3 The Registrar may impose conditions on the use of the Electronic System by registered users, a class of registered users or individual registered users.
  - 3D.4 The Registrar may cancel the registration of a person if, in the opinion of the Registrar, the person—
    - (a) is not a fit and proper person to be a registered user;
    - (b) should not have been admitted as a registered user; or
    - (c) has breached a condition of the terms of use of the Electronic System published by the Registrar on the Electronic System’s portal.”
- 25. A new Part 3E – Originals of Documents Uploaded into Electronic System is inserted immediately after Part 3D as follows:
  - “PART 3E—ORIGINALS OF DOCUMENTS UPLOADED INTO ELECTRONIC SYSTEM**
  - 3E.1 A party who uploads a document electronically into the Electronic System (whether self-represented or represented by a law firm) undertakes to the Court that the document uploaded is identical to the original document.
  - 3E.2 A law firm who uploads a document electronically into the Electronic System undertakes to the Court that the document uploaded is identical to the original document.
  - 3E.3 A document comprising or including an affidavit or statutory declaration uploaded electronically into the Electronic System must be the original bearing the original signature of the deponent and attesting witness and not a copy.
  - 3E.4 A registered user who uploads a document comprising or including an affidavit or statutory declaration electronically into the Electronic System undertakes to the Court—
    - (a) that the document uploaded is the original document bearing the original signature of the deponent and attesting witness and not a copy;
    - (b) to retain possession of the original document until finalisation of the proceeding and any appeal and expiration of any appeal period; and
    - (c) to produce the original document upon request by the Court.”
- 26. A new Part 3F – Official Record of the Court is inserted immediately after Part 3E as follows:

**“PART 3F—OFFICIAL RECORD OF THE COURT**

3F.1 If a document is filed with, or issued by, the Court in electronic form or converted by the Court by scanning or otherwise into electronic form, the document in electronic form represents the official record.

3F.2 If no electronic version of a document is created by the Court, the physical document is the official record.”

27. A new Part 3G – Manner of Amendment is inserted immediately after Part 3F as follows:

**“PART 3G—MANNER OF AMENDMENT**

3G.1 Unless the Court otherwise orders, a filed document must be amended by filing a revised version of the filed document in the relevant prescribed form—

- (a) showing a revision number in accordance with the relevant prescribed form such that the first time the document is amended the amended document is shown as “Revision 1”, the second time it is amended the amended document is shown as “Revision 2” and so on;
- (b) showing the omission of existing text in a manner (such as striking through) that does not affect the legibility of the text omitted;
- (c) showing the addition of text (other than the revision number) in a manner (such as by underlining) that shows what has been added; and
- (d) preserving the existing numbering (such as numbering an additional paragraph inserted between existing paragraphs 10 and 11 as paragraph 10A).

3G.2 The Court may give directions about the mode of amendment of a filed document.

3G.3 Unless the Court otherwise orders, a party who files an amended document must serve it on all other parties as soon as practicable.”

28. Part 4 – General Powers of the Court is deleted and substituted as follows:

**PART 4—GENERAL POWERS OF THE COURT**

4.1 The Court may on its own initiative or on application by any person make any order that it considers appropriate in the interests of justice.

4.2 For example, the Court may—

- (a) order that a provision of these rules not apply or apply in a modified way or dispense with compliance (whether before or after compliance is or was required);
- (b) make an order that is inconsistent with or in lieu of a provision of these rules;
- (c) fix or vary the time fixed by or under a provision of these rules or a court order;
- (d) make an order subject to conditions;
- (e) specify consequences of an event referred to in, or of non-compliance with, an order;
- (f) make or refuse any order sought by a person or make a different order;
- (g) make an order on its own initiative;
- (h) set aside a step taken in a proceeding in breach of these rules or an order or for other cause;
- (i) direct the Registrar to do or not to do a thing;
- (j) give a direction when uncertainty is expressed about the effect of these rules;
- (k) make an order regarding a proceeding not yet instituted;
- (l) make an order regarding the form of a document to be filed including imposing additional requirements about the filing or form of documents;
- (m) order the amendment of, or itself amend, a document;
- (n) order that a document be uplifted and removed from the file;
- (o) order production of a document notwithstanding that a lawyer or other person claims a lien over it;
- (p) order the stay of a proceeding, of a step in or order made in a proceeding or of enforcement of a judgment or order; or
- (q) make any order as to costs when it has jurisdiction to make a costs order.

4.3 Without affecting the generality of subrule 4.1, the Court may give directions about the procedure to be followed in a proceeding—

- (a) when these rules do not address or address fully a procedural matter that arises in a proceeding;
- (b) to resolve uncertainty about the correct procedure to be adopted including commencing a proceeding or appellate proceeding; or
- (c) in any other case, when the Court thinks fit.

4.4 The conferral by these Rules of specific powers on the Court does not affect the generality of the power conferred by this rule.

4.5 The Court may order that:

- (a) two or more actions be consolidated, where such actions concern related decisions;
- (b) two or more actions be heard together;
- (c) two or more actions be heard one immediately after the other; and
- (d) evidence taken in one action be taken as evidence in another.

**4.8 Particulars, Discovery and Production of Documents**

4.8.1 The Court may, at any time prior to or in the course of the hearing of proceedings, order a party to produce to the Court and to each other party:

- (a) further particulars of that party’s case;

- (b) full particulars of the reasons for decision of the relevant authority;
  - (c) a list of documents which are in the possession of that party and are directly relevant to the proceedings;
  - (d) a specified document in the possession of that party, which is directly relevant to the proceedings.
- 4.8.2 Where a party is ordered to produce a list of documents, the party must comply with the following:
- (a) a list of documents should not describe a document separately where it is:
    - (i) part of a file which is discovered as a file;
    - (ii) contained on a computer disc which is discovered as a disc;
    - (iii) part of a related group of documents where the group is discovered, e.g., the accounting records for a stated financial year;
    - (iv) a different version of a document already discovered;
    - (v) of similar type but of different date or content to a document already discovered;
  - (b) a party's list of documents must include any claim by that party for privilege for a document and the grounds upon which the claim is based;
  - (c) a list of documents must identify a place where the documents may be inspected by the other party or parties to the proceedings and that party or those parties are entitled to inspect the documents and obtain copies of such documents as they require, upon payment of a reasonable fee to the party producing the copies.

#### **4.9 Interlocutory Applications**

- 4.9.1 Every application for an order:
- (a) pursuant to the provisions of this Part;
  - (b) for substituted service pursuant to Part 12 of these Rules; or
  - (c) of an interim or interlocutory nature,  
must be made by filing an interlocutory application in the prescribed form.
- 4.9.2 Subject to rule 4.9.7, every interlocutory application must:
- (a) be in writing in the prescribed form;
  - (b) set out the order sought and the grounds for it;
  - (c) state whether the application is to be served on any person and, if so, upon whom.

##### **Prescribed form—**

##### **Form 77 Interlocutory Application**

- 4.9.3 Where an interlocutory application is for an injunction or restraining order, it must be accompanied by an affidavit setting out the facts and circumstances upon which the applicant relies.
- 4.9.4 Where the Court is of the opinion that an interlocutory application should be supported by affidavit, it may adjourn such application until such affidavit has been filed.
- 4.9.5 Any interlocutory application may be included in any document instituting proceedings before the Court or may be made by subsequent interlocutory application.
- 4.9.6 Where the Court is of the opinion that an interlocutory application should have been served upon a person or party upon whom it has not been served, the Court may:
- (a) give such directions as it thinks fit relating to the service of the interlocutory application and adjourn further consideration; or
  - (b) dismiss the interlocutory application.
- 4.9.7 In the case of urgency, or in any other circumstances in which the Court considers it appropriate, the Court may:
- (a) hear an oral application; and
  - (b) hear an application and make an order by telephone, radio telephone, computer, email, video conference or television.

#### **4.10 Powers on Application for Restraining Order**

- 4.10.1 Where an interlocutory application is for a restraining order pursuant to section 28A of the Act, and the Court considers it appropriate to exercise its powers under subsection 28A(5) of the Act, the Court may:
- (a) direct the Registrar to issue and cause to be served, a summons directing the respondent or defendant, as the case may be, to appear before the Court at a specified time and place to be examined concerning the identification of property the subject of the proposed restraining order; or
  - (b) issue a warrant for the arrest of the respondent or defendant, as the case may be, under the hand of a Judge, directed to the Sheriff, ordering the Sheriff to take the person into custody and to hold him or her in custody until he or she can be brought before the Court to be examined concerning the identification of property the subject of the proposed restraining order.

#### **4.11 Court May Make Orders Without Application by Party**

- 4.11.1 Where, for any reason, the Court considers it necessary or desirable that an order be made pursuant to this Part, but no interlocutory application has been made, the Court may require the parties to attend before it and may give orders relating to the conduct of the action.

#### **4.12 Failure to Comply with Rules/Orders of Court**

- 4.12.1 Where a party fails to comply with:
- (a) these Rules in relation to the production of a statement or other material which the party intends to produce or rely on at the hearing; or

(b) an order pursuant to paragraph 4.8.1 of these Rules,

the Court may direct that any statement (including oral testimony of any expert witness whose statement should have been produced) or document shall not be admitted into evidence at the hearing.

29. Part 5 – Appeals is deleted and substituted as follows:

**“PART 5—APPEALS AGAINST AND REVIEWS OF ADMINISTRATIVE DECISIONS**

**5.1 Institution of Appeals Against Administrative Decisions**

5.1.1 Every appeal against an administrative decision or notice issued by an Authority must be instituted by filing an Originating Application in the prescribed form identified in rule 5.1.2, 5.1.3 or 5.1.4, which must:

- (a) identify the land, watercourse or building to which the appeal or review relates;
- (b) name and provide (to the extent the applicant knows) the postal and e-mail addresses and telephone number of the Authority against whose decision the appeal or review is instituted;
- (c) specify the decision or notice of the Authority to which the appeal or review relates;
- (d) specify the grounds of appeal or review against such decision or notice;
- (e) specify the full name of and the address for service of the applicant and, if available, the telephone number and e-mail address of the applicant;
- (f) if the appeal or review relates to the issue or refusal of a development authorisation, specify whether the applicant was the applicant for the development authorisation or is a person who made a representation and to whom notice was given pursuant to section 38 of the *Development Act 1993*.

5.1.2 An application for review of a matter with respect to a decision as to the nature or category of a development under section 86(1)(f) of the *Development Act 1993* must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 4I Originating Application for Review (s 86)

5.1.3 An appeal against a development decision under the *Development Act 1993* must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 5H Originating Application—Appeal Against Development Decision (Development Act)

5.1.4 In any other case:

- (a) if the statute calls the proceeding a “review”, the proceeding must be instituted by filing an Originating Application in Form 4H; or
- (b) if the statute calls the proceeding an “appeal”, the proceeding must be instituted by filing an Originating Application in Form 5G.

**Prescribed forms—**

Form 4H Originating Application for Review

Form 5G Originating Application – Appeal Against Administrative Decision

5.1.5 Every Originating Application in respect of an appeal against administrative decision must have affixed to it a copy of the order, notice or notice of decision of the Authority which is the subject of the appeal or review.

5.1.6 No appeal or review shall be duly instituted until:

- (a) an Originating Application meeting the requirements of these Rules has been filed in a registry of the Court;
- (b) the prescribed fee has been paid; and
- (c) the Originating Application has been served on the Authority in the manner prescribed by these Rules.

5.1.5 Notwithstanding that an Originating Application has not been served in accordance with these Rules, the Court may hear and grant any interlocutory application.

**5.2 Joint Parties**

5.2.1 An Originating Application may be lodged by or on behalf of one or more applicants, provided:

- (a) the appeal or review relates to one order, notice or decision or to related decisions; and
- (b) the Originating Application specifies one address for service at or to which documents or notices may be served or delivered upon all appellants or may be deemed to have been so served.

**5.3 Representors**

5.3.1 Where an appeal is instituted pursuant to placitum 86 (1) (b) of the *Development Act 1993* or section 136, 162 or 164D of the *Natural Resources Management Act 2004* or section 113, 137 or 144 of the *Landscape South Australia Act 2019* by a person who is or was entitled to be given notice of a decision under the relevant Act, the Registrar must, as soon as is reasonably practicable, provide a copy of the Originating Application to the applicant for consent in each case, and advise the applicant that he, she or it is a party to the appeal.

5.3.2 Where an appeal is instituted pursuant to placitum 86 (1) (f) of the *Development Act 1993* by a person other than the applicant for consent the Registrar must, as soon as is reasonably practicable, provide a copy of the Originating Application to the applicant for consent, and advise the applicant that he, she or it may apply to become a party to the appeal.

5.3.3 If all parties consent to an application by the applicant for consent under rule 5.3.2, the Court or the Registrar may order the joinder of the applicant administratively without a hearing.

**5.4 Participation in Hearings**

5.4.1 Where an appeal is instituted pursuant to placitum 86 (1) (a) of the *Development Act 1993* or section 136, 162 or 164D of the *Natural Resources Management Act 2004* or section 113, 137 or 144 of the *Landscape South Australia Act 2019* by an applicant for consent in each case, the Registrar must give notice to each person who

made a representation to the relevant Authority and whose name and address has been given to the Court pursuant to section 136, 162 or 164D of the *Natural Resources Management Act 2004* or section 113, 137 or 144 of the *Landscape South Australia Act 2019*, of the fact that an appeal has been instituted and that he or she may apply, in accordance with the provisions of this Rule, to be joined as a party to the appeal.

5.4.2 Where a representation has been made by two or more persons, notice shall only be given to the person nominated as the person making the representation, or (where no such nomination has been made), to the first person named in the representation, who shall be deemed to be the person who made the representation.

5.4.3 Any person to whom the Registrar has given notice pursuant to paragraph 5.4.1 of this Rule may, within seven days of the giving of such notice, apply in writing to the Court in the prescribed form to be joined as a party to the appeal to which such notice relates.

**Prescribed form—**

Form 771 Interlocutory Application to be Joined

5.4.4 The Court may, after hearing such application, join the person to whom such notice has been given.

5.4.5 If all parties consent, the Court or the Registrar may, in any proceeding governed by this Part, upon application join the applicant for consent as a party without hearing such application.

30. Rule 5A.1 is deleted and substituted as follows:

**“5A.1 Requirements of Notice of Appeal**

5A.1.1 An appeal under section 65 of the *Mining Act 1971* must be instituted by filing and serving a notice of appeal in the prescribed form which must set out:

- (a) a brief statement of the judgment or order appealed from;
  - (b) the grounds of appeal in sufficient detail to enable the Judge to know what points are being relied on in support of each ground;
  - (c) whether all or part only, and if so which part, of the decision is complained of;
  - (d) the order sought by the appellant,
- and unless the Judge hearing the appeal otherwise directs an appellant may not rely upon any grounds which are not set out in the notice of appeal.

5A.1.2 A notice of appeal shall be filed in the Registry and served on all parties directly affected by the appeal.

**Prescribed form—**

Form 181B Notice of Appeal”

31. Rule 5A.3 is deleted and substituted as follows:

**5A.3 Cross Appeal**

5A.3.1 Where a respondent to an appeal wishes to appeal against the whole or any part of the decision appealed, the respondent must file a notice of cross appeal in the prescribed form within fourteen days of service of the notice of appeal on him.

5A.3.2 The provisions of Rule 5A.1.1 relating to notices of appeal shall with all necessary modifications apply to a notice of cross appeal.

**Prescribed form—**

Form 184B Notice of Cross Appeal

32. Subrule 5A.4.1 is amended by substituting the word “revised” for the word “supplementary”.

33. Rule 5A.5 is deleted and substituted as follows:

**“5A.5 Discontinuance of Appeal**

5A.5.1 An appellant may at any time file and serve a notice of discontinuance of appeal in the prescribed form and upon its being filed the appeal shall be abandoned.

5A.5.2 A notice of discontinuance filed under Rule 5A.5.1 by one of several appellants shall not affect any other appellant in the appeal.

5A.5.3 A party filing a notice of discontinuance under Rule 5A.5.1 shall be liable to pay the costs of the other party or parties occasioned by the appeal.

**Prescribed form—**

Form 125 Notice of Discontinuance”

34. Part 6 – Applications is deleted and substituted as follows:

**“PART 6—APPLICATIONS**

**6.1 Institution of Applications**

6.1.1 Subject to rule 6.1.5, every application (not being an interlocutory application, appeal against administrative decision, mining appeal, enforcement application or compliance application) to the Court must be instituted by filing an Originating Application in the prescribed form, which must:

- (a) briefly state the facts, circumstances and other relevant matters upon which the application is based;
- (b) identify the land, buildings or watercourse to which the application relates;
- (c) specify the declaration, order or orders which the applicant seeks from the Court, and the grounds upon which such declaration, order or orders are sought;
- (d) identify the Authority or person against whom such declaration, order or orders are sought and set out (to the extent the applicant knows) the postal and e-mail address and telephone number of such Authority or person; and
- (e) specify the full name of and the address for service of the applicant.

**Prescribed forms—**Form 2AD Originating Application

- 6.1.2 Where an application seeks an order pursuant to section 55 of the *Development Act 1993*, the Originating Application must also set out the name and an address for service of the owner and/or occupier of the land to which the application relates and of any other person who (to the best knowledge of the applicant) has a material interest in the application, and must have affixed to it a copy of the certificate of title of the land.
- 6.1.3 Where an order is sought pursuant to either subsection 30 (3) of the *Heritage Places Act 1993* or subsection 30 (1) of the *Upper South East Dry-land Salinity and Flood Management Act 2002*, the Originating Application must be accompanied by an affidavit in the prescribed form setting out the facts in support thereof.

**Prescribed forms—**Form 12 AffidavitForm 14 Exhibit to Affidavit

- 6.1.4 No application shall be duly made or instituted until:
- (a) an Originating Application meeting the requirements of these Rules has been filed in a registry of the Court;
  - (b) the prescribed fee has been paid; and
  - (c) excepting an application pursuant to subsection 30 (3) of the *Heritage Places Act 1993* or the *Upper South East Dryland Salinity and Flood Management Act 2002*, the notice of the application has been served upon the person or Authority against whom the applicant seeks any declaration or order and, in the case of an application for an order pursuant to section 55 of the *Development Act 1993*, the notice of application has also been so served upon any owner and/or occupier whose name has been set out in the notice pursuant to paragraph 6.1.2 of this Rule.
- 6.1.5 In the case of urgency, or in any other circumstances in which the Court considers it appropriate, the Court may:
- (a) hear an oral application; and
  - (b) hear an application and make an order by telephone, radio telephone, transmission, computer, e-mail transmission, video link or television.”

35. Subrule 6A.1.1 is deleted and the following subrule substituted:

**“6A.1 Institution of Mining Applications**

- 6A.1.1 Every mining application to the Court shall be made by filing an Originating Application in the prescribed form which must:
- (a) specify the full name and address for service of the applicant;
  - (b) specify both the body or person against whom any order or declaration is sought by the applicant and any other person or body upon whom it is intended to serve the application and set out (to the extent the applicant knows) the address, telephone number and email address of such people or bodies;
  - (c) identify the land, buildings or mining tenements which are involved in or to which the application relates;
  - (d) briefly specify the details and nature of the dispute (if any) between the parties to the application;
  - (e) specify the declaration or order which the applicant seeks from the Court, and the grounds upon which such declaration or order is sought.

**Prescribed form—**Form 2AD Originating Application”

36. Rule 7.1 is deleted and the following rule substituted:

**7.1 Institution of Application**

- 7.1.1 An enforcement application shall be commenced by filing the following documents:
- (a) an Originating Application in the prescribed form seeking leave to serve a summons (and where the applicant requires leave to bring the application, seeking leave to bring the application);
  - (b) a summons in the prescribed form in respect of which leave is sought;
  - (c) one or more supporting affidavits; and
  - (d) where the applicant brings the proceeding in a representative capacity, a memorandum in accordance with paragraph 7.1.5.

**Prescribed forms—**Form 2AD Originating ApplicationForm 84D Summons

- 7.1.2 A compliance application shall be commenced by filing the following documents:
- (a) an Originating Application in the prescribed form seeking leave to serve a summons;
  - (b) a summons in the prescribed form which the applicant seeks to be issued by the Court;
  - (c) one or more supporting affidavits setting out briefly the facts upon which the applicant will request Court to make the order set out in the summons.
- 7.1.3 Every Originating Application must:
- (a) be in writing and give the full name of the applicant;
  - (b) identify the person or persons on whom it is sought to serve the summons; and
  - (c) specify the address for service of the applicant.



7.1.4 Every accompanying affidavit must be in the prescribed form, and any exhibits to the affidavit(s) must be in the prescribed form and set out:

- (a) the facts and circumstances upon which the applicant relies; and
- (b) the name (and, as far as is known, the address, email address and telephone number) of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land the subject of the application.

**Prescribed forms—**

Form 12 Affidavit

Form 14 Exhibit to Affidavit

7.1.5 Every memorandum must specify all the people or organisations upon behalf of whom or which the proceedings are brought and signed by all the people or organisations in such manner as shows that all the people or organisations consent to the proceeding being brought on their behalf.”

37. Rule 7.2.3 amended by substituting the words “of proof of service” for the words “verifying such service”.

38. Rule 7.3 is deleted and the following rule substituted:

**“7.3 Notice of Acting**

7.3.1 A person served with a summons and wishing to be heard by the Court in response must file a Notice of Acting in the prescribed form within fourteen days of the date of service.

7.3.2 The Notice of Acting must specifically acknowledge service of the summons, set out the name of the person who desires to be heard in response to the summons and specify an address for service.

**Prescribed form—**

Form 23 Notice of Acting”

39. Rule 7.4 is amended by substituting the word “Acting” for the words “Address for Service”.

40. Rule 7.5 is deleted and the following rule substituted:

**“7.5 Legal or Equitable Interest**

7.5.1 Where an affidavit filed pursuant to paragraph 7.1.2 of this Part sets out the name of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land the subject of the application, the Court may order that notice of the summons in the prescribed form be given to that person.

7.5.2 Where, in the opinion of the Court, any person has a legal or equitable interest in the land the subject of the application, the Court may order that notice of the summons in the prescribed form be given to that person.

**Prescribed form—**

Form 47 Notice of Summons

7.5.3 Where an order that notice be given to any person is made pursuant to this Part, an affidavit verifying that such notice has been given must be filed by the applicant as soon as is reasonably practicable after such notice has been given.

7.5.4 Any person to whom notice has been given pursuant to this Rule and who desires to be heard by the Court upon the hearing of the summons, must file a Notice of Interest in the prescribed form, within fourteen days of being served with such notice.

**Prescribed form—**

Form 59 Notice of Interest

7.5.5 Every Notice of Interest filed pursuant to paragraph 7.5.4 of this Rule must give an address for service and must contain a brief statement of the person’s interest in either the land or the proceedings.

7.5.6 Every notice given to a person in consequence of an order made pursuant to paragraphs 7.5.1 or 7.5.2 of this Rule shall have attached to it a copy of the summons.”

41. Subrule 7.6.1 is amended by substituting the word “Acting” for the words “Address for Service”, wherever they appear.

42. Subrule 8.2.1 is amended by deleting the words “subsections 141(11) and 142(6) of the Water Resources Act 1997”.

43. Subrule 8.3.1 is amended by substituting the word “proceeding” for the word “proceedings”, wherever it occurs, and adding the word “a” before the first instance of “proceeding”.

44. Subrule 8.4.1(b) is amended by substituting the word “proceeding” for the word “proceedings”, wherever it occurs.

45. Subrules 8.5.1 and 8.5.2 are amended by substituting the word “proceeding” for the word “proceedings”.

46. Subrule 10.1 is amended by adding the words “in the prescribed form” after the words “(‘a building reference’)”.

47. Subrule 10.3 is deleted and the following rule substituted:

**“10.3 Institution of Building Reference**

10.3.1 Every building reference must be in writing in the prescribed form and:

- (a) identify the building work (current or proposed) to which the reference relates;
- (b) specify the decision, direction or dispute the subject of the reference and, if appropriate, have annexed to it or be accompanied by any plans, specifications or other documents (including any order or notice of refusal) either the subject of or relating to the reference;
- (c) briefly set out the order, direction or modification which the party seeking the reference is requesting the Court to make or give;
- (d) identify and give the address (and, if known) the telephone number and e-mail address of the Council or other party to the reference;
- (e) specify the address for service of the party seeking the reference.

**Prescribed form—****Form 2AD Originating Application**

48. Subrule 10.4.1(b) is amended by substituting the word “proceeding” for the word “proceedings”.

49. Rule 11.3 is deleted and the following rule substituted:

**“11.3 Documents for the Hearing—Appeals against Administrative Decisions**

11.3.1 The applicant for consent, and the Authority whose decision is the subject of an appeal against administrative decision, must each provide to the Court and each other party, those documents specified in the relevant Practice Directions issued by the Court, in the form and within the time required by the Practice Directions.”

50. Subrule 11.4.1 is amended by substituting the word “proceeding” for the word “proceedings”, wherever it occurs, and adding the word “a” before the first instance of that word.

51. Subrule 12.1.1 is deleted and the following subrule substituted:

“12.1.1 Subject to the provisions of the *Electronic Transactions Act 2000* and these Rules, any notice required to be served or given, or anything required to be delivered, by the Act or these Rules may be served upon, given or delivered to:

(a) the State Planning Commission—unless subparagraph (d) applies, by delivering it to the office of the Crown Solicitor, or by posting in an envelope addressed to the Crown Solicitor at his or her office or by sending it to the email address identified by the Crown Solicitor for that purpose;

(b) a Council—unless subparagraph (d) applies, by delivering it to the office of the chief executive officer of the Council or by posting it in an envelope addressed to the chief executive officer, at his or her office or by sending it to the email address identified by the Council for that purpose;

(c) any other person, unless subparagraph (d) applies, by:

(i) delivering it personally either to the person or his or her solicitor, agent, or other representative;

(ii) sending it by express post in an envelope addressed to the person at his or her usual or last known address for service;

(iii) where the person is a body corporate, by delivering it to the registered or principal office of that body, and leaving it with a person apparently over the age of 16 years, or by posting it in an envelope addressed to the body at its registered or principal office; and

(d) where a party to an appeal has filed a notice or other document in the proceeding which contains an address for service, leaving the notice or document to be served at the address for service with some person apparently in charge thereof, or by sending it by pre-paid post or email addressed to the party at the address for service.”

52. Subrules 14.2.3 (b) and (c) are amended by substituting the word “proceeding” for the word “proceedings”.

53. Rule 14.4 is deleted and the following rule substituted:

**“14.4 Order on Issue of Subpoena to Witness**

14.4.1 The Court may issue a subpoena in the prescribed form requiring a person to attend before the Court pursuant to section 22 of the Act.

**Prescribed forms—**

Form 105G Subpoena to Attend to Give Evidence (ERD Court)

Form 106G Subpoena to Produce Evidence (ERD Court)

Form 107G Subpoena to Attend and Produce (ERD Court)

14.4.2 Where the Court, on the application of a party to the proceeding, issues a subpoena requiring a person to appear before the Court, the Court may, either at the time of the issue of the subpoena or at any time before the conclusion of the action, order the party who applied for the issue of the subpoena to pay to the person required to appear the cost of that person attending before the Court.

14.4.3 When determining the amount to be paid pursuant to paragraph 14.3.1, the Court shall have regard to:

- the principles enunciated in subparagraph 3 under the heading ‘Disbursements’ in paragraph 14.1.1 of this Part; and
- any travelling, accommodation or other costs actually incurred or likely to be incurred by the person in attending the Court.

14.4.4 The Court may make an order pursuant to this paragraph either upon an application by the person required to appear or a party to the proceeding, or of its own motion.

14.4.5 Where an order is made pursuant to this paragraph, the amount ordered to be paid shall be a debt payable to the person required to attend by the party against whom the order is made.”

54. Rule 15.1 is deleted and the following rule substituted:

**“15.1 Contempt of Court**

15.1.1 Chapter 17 Part 5 of the Uniform Civil Rules 2020 applies to proceedings for contempt in the Court.”

55. A new “Schedule 1 – Forms” is inserted at the end of the Rules and the following forms are inserted into Schedule 1:

**Schedule 1-Forms****Form 2AD Originating Application**

Form 2AD

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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			
	Type - Number			
Phone Details				

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'			

Duplicate panel if multiple Interested Parties

<b>Application Details</b> Mark appropriate sections below with an 'x'
Matter Type:  This Application is for Nature of application in one sentence  This Application is made under Act and section or other particular provision  If applicable <b>Proposed Land/Development/Buildings/Mining Tenements/Building Work subject of application</b>  Description of Proposed Land/Development/Buildings/Mining Tenements/Building Work: [short description]  Location of Proposed Development:  Name of Proposed Developer:  Category of Proposed Development: [1/2/3]  If applicable <b>Decision subject of application</b>  Date of decision:

Date notice of decision received:

Tribunal/agency/decision maker being reviewed:

Name of individual decision maker If known/applicable:

Reference number of the authority/agency/decision maker or the Development Application number If known:

**Facts, Circumstances and Other Relevant Matters**  
 Briefly set out the facts, circumstances and other matters relevant to the review in separate numbered paragraphs  
 1.

**Orders sought**  
 Orders sought in separate numbered paragraphs  
 1.

If applicable  
**Extension of time**  
 The Applicant seeks an extension of time to institute this action pursuant to  
 Act and section or other particular provision

on the grounds that:  
 Grounds in separate numbered paragraphs  
 1.

If applicable  
**Hearing**  
 This Application is urgent because  
 Reasons in separate numbered paragraphs

The Applicant requests that the hearing be by written submissions only because  
 Reasons in separate numbered paragraphs  
 1.

Note: The hearing will only proceed by written submissions if the Court so orders. The Court will consider any request for such a hearing and determine whether the matter is suitable for proceeding without an oral hearing.

If applicable  
**Receipt of Judgment**  
 Mark appropriate section below with an 'x'

The Applicant prefers to receive judgment/decision via:  
☐ post  
☐ email

**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is at:

- ☐ Multilingual Notice (mandatory)
- ☐ Supporting Affidavit
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- ☐ If other additional document(s) please list below:

**Form 4H Originating Application for Review**

Form 4H

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION FOR REVIEW**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple Interested Parties

<b>Application Details</b>	
Matter type:	
This Application is for review of the decision identified below that Summary of decision in one sentence	
This Application is made under Act and section or other source of jurisdiction	
<b>Decision subject of application</b>	
Date of decision:	
Date notice of decision received:	
Tribunal/agency/decision maker being reviewed:	
Name of individual decision maker: If known/applicable	
Reference number of the authority/agency/decision maker or the Development Application number If known:	
<b>Grounds of review</b> Grounds of review in separate numbered paragraphs	
1.	
<b>Orders sought</b> Orders sought in separate numbered paragraphs	
1.	



**Facts, Circumstances and Other Relevant Matters**

Briefly set out the facts, circumstances and other matters relevant to the review in separate numbered paragraphs

1.

If applicable

**Extension of time**

The Applicant seeks an extension of time to institute this action pursuant to

Act and section or other particular provision

on the grounds that:

Grounds in separate numbered paragraphs

1.

**Hearing**

If applicable

This Application is urgent because

Reasons in separate numbered paragraphs

1.

If applicable

The Applicant requests that the hearing be by written submissions only because

Reasons in separate numbered paragraphs

1.

Note: The hearing will only proceed by written submissions if the Court so orders. The Court will consider any request for such a hearing and determine whether the matter is suitable for proceeding without an oral hearing.

If applicable

**Receipt of Judgment**

Mark appropriate section below with an 'x'

The Applicant prefers to receive judgment/decision via:

☐ post☐ email**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

☐ Multilingual Notice (mandatory)☐ Supporting Affidavit☐ A copy of the original decision that is the subject of this Review (mandatory – unless already exhibited to the affidavit)☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)☐ If other additional document(s) please list them below:



**Form 4I Originating Application for Review (s 86)**

Form 4I

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION FOR REVIEW**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Duplicate panel if multiple Respondents

Interested Party – Decision Maker	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Interested Party – Developer	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Duplicate panel if multiple Interested Parties

**Application Details**

Matter type:

This Application is for review of the decision identified below that

Summary of decision in one sentence

This Application is made under section 86(1)(f)(ii) of the Development Act 1993.

Act and section or other source of jurisdiction

**Proposed Development subject of application**

Description of Proposed Development: *[short description]*

Location of Proposed Development:

Name of Proposed Developer:

Category of Proposed Development: *[1/2/3]*

**Decision subject of application**

Date of decision:

Date notice of decision received:

Tribunal/agency/decision maker being reviewed:

Name of individual decision maker If known/applicable:

Reference number of the authority/agency/decision maker or the Development Application number If known:

Name of the Applicant who received approval/refusal for development:

If same as applicant, indicate "as above".

The applicant is

☐ the applicant for the development authorisation

☐ a representor

**Facts, Circumstances and Other Relevant Matters**

Briefly set out the facts, circumstances and other matters relevant to the review in separate numbered paragraphs

1.

**Grounds of Review**

Grounds of review in separate numbered paragraphs

1.

**Orders sought**

Orders sought in separate numbered paragraphs

1.

If applicable

**Extension of time**

The Applicant seeks an extension of time to institute this action pursuant to

Act and section or other particular provision

on the grounds that:

Grounds in separate numbered paragraphs

1.

**Hearing**

If applicable

This Application is urgent because

Reasons in separate numbered paragraphs

1.

If applicable

The Applicant requests that the hearing be by written submissions only because

Reasons in separate numbered paragraphs

1.

Note: The hearing will only proceed by written submissions if the Court so orders. The Court will consider any request for such a hearing and determine whether the matter is suitable for proceeding without an oral hearing. If applicable

**Consent to Joinder**

[ ] The Applicant consents to the applicant for development consent being joined as a party to the proceeding.

If applicable

**Receipt of Judgment**

Mark appropriate section below with an 'x'

The Applicant prefers to receive judgment/decision via:

[ ] post

[ ] email

**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

[ ] Multilingual Notice (mandatory)

[ ] Supporting Affidavit

[ ] A copy of the original decision that is the subject of this Review (mandatory unless exhibited to Affidavit)

[ ] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)

[ ] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)

[ ] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)

[ ] If other additional document(s) please list them below:



**Form 5G Originating Application – Appeal Against Administrative Decision**

Form 5G

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**APPEAL AGAINST ADMINISTRATIVE DECISION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants



Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple Interested Parties

<p><b>Appeal details</b></p> <p>Matter type:</p> <p>The Applicant appeals to the Court against the decision identified below that</p> <p>Summary of decision in one sentence</p> <p>This Appeal is brought under</p> <p>Act and section or other particular provision</p> <p><b>Decision subject of appeal</b></p> <p>Date of decision:</p> <p>Date notice of decision received:</p> <p>Tribunal/agency/decision maker being reviewed:</p> <p>Name of individual decision maker if known/applicable:</p> <p>Reference number of the authority/agency/decision maker or the Development Application number if known:</p> <p><b>Facts, Circumstances and Other Relevant Matters</b></p> <p>Briefly set out the facts, circumstances and other matters relevant to the appeal in separate numbered paragraphs</p> <p>1.</p> <p><b>Grounds of Appeal</b></p> <p>Grounds of appeal in separate numbered paragraphs</p> <p>1.</p>
---

**Orders sought**

Orders sought in separate numbered paragraphs

1.

If applicable

**Extension of time**

The Applicant seeks an extension of time to institute this action pursuant to

Act and section or other particular provision

on the grounds that:

Grounds in separate numbered paragraphs

1.

**Hearing**

If applicable

This Application is urgent because

Reasons in separate numbered paragraphs

1.

If applicable

The Applicant requests that the hearing be by written submissions only because

Reasons in separate numbered paragraphs

1.

If applicable

**Receipt of Judgment**

Mark appropriate section below with an 'x'

The Applicant prefers to receive judgment/decision via:

☐ post☐ email**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- ☐ Multilingual Notice (mandatory)
- ☐ Supporting Affidavit
- ☐ A copy of the original decision the subject of this Appeal (mandatory – may be exhibited to the supporting affidavit) (must be filed and served)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- ☐ If other additional document(s) please list them below:



**Form 5H Originating Application – Appeal Against Development Decision (Development Act)**

Form 5H

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**APPEAL AGAINST ADMINISTRATIVE DECISION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple Interested Parties

<b>Appeal details</b>	
Matter type:	
The Applicant appeals to the Court against the decision identified below that Summary of decision in one sentence	
This Appeal is brought under [section] of the Development Act 1993. Act and section or other particular provision	
<b>Proposed Development subject of appeal</b>	
Description of Proposed Development: [short description]	
Location of Proposed Development:	
Name of Proposed Developer:	
Category of Proposed Development: [1/2/3]	
<b>Decision subject of appeal</b>	
Date of decision:	
Date notice of decision received:	
Tribunal/agency/decision maker being reviewed:	

Name of individual decision maker If known/applicable:

Reference number of the authority/agency/decision maker or the Development Application number If known:

Name of the Applicant who received approval/refusal for development:  
If same as appellant, indicate "as above".

The applicant is  
☐ the applicant for the development authorisation  
☐ a representor

**Facts, Circumstances and Other Relevant Matters**  
 Briefly set out the facts, circumstances and other matters relevant to the review in separate numbered paragraphs  
 1.

**Grounds of Appeal**  
 Grounds of appeal in separate numbered paragraphs  
 1.

**Orders sought**  
 Orders sought in addition to or in place of the orders made in separate numbered paragraphs  
 1.

If applicable  
**Extension of time**  
 The Applicant seeks an extension of time to bring this Appeal pursuant to  
 Act and section or other particular provision

on the grounds that:  
 Grounds in separate numbered paragraphs  
 1.

If applicable  
**Hearing**  
 This Appeal is urgent on the grounds that  
 Reasons in separate numbered paragraphs  
 1.

If applicable  
 The Applicant requests that the hearing be by written submissions only because  
 Reasons in separate numbered paragraphs  
 1.

Note: The hearing will only proceed by written submissions if the Court so orders. The Court will consider any request for such a hearing and determine whether the matter is suitable for proceeding without an oral hearing.

If applicable  
**Receipt of Judgment**  
 Mark appropriate section below with an 'x'

The Applicant prefers to receive judgment/decision via:  
☐ post  
☐ email

**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- ☐ Multilingual Notice (mandatory)
- ☐ Supporting Affidavit
- ☐ A copy of the original decision the subject of this Appeal (mandatory – may be exhibited to the supporting affidavit if there is one) (must be filed and served)
- ☐ Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- ☐ Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- ☐ Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- ☐ If other additional document(s) please list them below:

**Form 12 Affidavit**

Form 12

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

**AFFIDAVIT**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First *[Applicant/Appellant]*

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

Deponent Details				
Deponent	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Occupation			



**Affidavit**

Mark appropriate section below with an 'x'

I [ ] swear on oath / [ ] do truly and solemnly affirm that:

Set out text in separate numbered paragraphs

If the affidavit relates to an application, identify the application and state the material facts relevant to the application

1.

Deposed by the deponent (person who is swearing/affirming the affidavit)

At

On

.....  
Signature of deponent.....  
Name printedbefore me .....  
Signature of attesting witness.....  
Printed name and title of witness

Stamp here if applicable

.....  
Date.....  
ID number of witness  
If applicable**Instructions**

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.

- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

**Service**

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

**Form 14 Exhibit to Affidavit**

Form 14

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**EXHIBIT**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

This is the exhibit/these are the exhibits [*exhibit number(s)*] to the [*affidavit/declaration*] of [*name*] made on the    day of 20    ......  
Signature.....  
Signature of attesting witness.....  
Date

**Form 23 Notice of Acting**

Form 23

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

**NOTICE OF ACTING**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor if any	Law Firm		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 - Number		

Duplicate panel if multiple Parties

<b>Notice of acting</b> Mark appropriate section below with an 'x'  The party identified above was served with a summons in this matter.  <input type="checkbox"/> The solicitor identified above now acts for the above named party in this case.
---

[     ] The party identified above now acts in person in this case.

Date:

**Service**

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

Parties or their solicitors are required to provide an email address for communications with the Court and with other parties unless the party does not have available and cannot reasonably obtain an email address.

**Form 47 Notice of Summons**

Form 47

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

**NOTICE OF SUMMONS**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Parties

<b>Potential Respondent or Interested Party</b>	
Potential Party	Full Name

Duplicate panel if multiple Potential Claimants

**Notice**

The Applicant has filed an enforcement or compliance application alleging breaches of obligations by and seeking orders from the Court against the Respondent.

The Court, on the application of the Applicant, has issued the attached Summons to the respondent. The Summons sets out the alleged breaches by and orders sought against the Respondent.

The Summons is returnable on the date and at the time and place set out in the Summons.

**To the Potential Party: WARNING**

This Application will be considered at the hearing at the date and time set out in the Summons.

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

- you **must attend the hearing** and
- you **must file and serve on all parties within 14 days after service** of this Notice a **Notice of Interest** containing an address for service at which documents and communications can be directed to you and containing a brief statement of your interest in this proceeding and/or in the land to which it relates.

If you do not do so, the Court may make orders **finally determining** this proceeding without further warning.

**Form 59 Notice of Interest**

Form 59

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

**NOTICE OF INTEREST**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

**Service**

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



## NOTICE OF INTEREST

### Part 1

#### Attitude to the Application

Identify whether you support, oppose or are neutral about the Application or the relief sought in it.

### Part 2

#### Interest in the proceeding and/or land to which proceeding relates

Identify interest.

1.

**Form 77 Interlocutory Application**

Form 77

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**INTERLOCUTORY APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor <small>if any</small>	Law Firm	Solicitor

<b>Application Details</b> Mark appropriate section below with an 'x'  This Application is for Nature of application in one sentence  If applicable This Application is made under Act and section or other particular provision
--

The above named party seeks the following orders:

Orders sought in separate numbered paragraphs

1.

This Application is made on the grounds that:

Grounds in separate numbered paragraphs

1.

If applicable

This Application is urgent on the grounds that:

Grounds in separate numbered paragraphs

1.

If applicable

This Application is by consent. The consent is evidenced as attached.

If applicable

This Application is made ex parte because:

Grounds

#### To the other parties: WARNING

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

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

- **you must attend 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 at least 2 days before the hearing date unless ordered otherwise.

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

#### Accompanying Documents

Mark appropriate section below with an 'x'

Accompanying this Application is a:

- [    ] Supporting Affidavit (mandatory if application for an injunction or restraining order)
- [    ] If other additional document(s) please document them below:

#### Service

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



**Form 77I Interlocutory Application to be Joined**

Form 77I

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**INTERLOCUTORY APPLICATION**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

**Application Details**

This Application is for joinder as a party.  
Nature of application in one sentence

If applicable  
This Application is made under  
Act and section or other particular provision

The Proposed Party has an interest in this proceeding because [reason(s)].

Mark appropriate section below with an 'x'

If joined, the Proposed Party intends to:

- ☐ give evidence
- ☐ call expert evidence
- ☐ make submissions to the Court
- ☐ participate in the conference

Only displayed if expert evidence is chosen above

If joined, the Proposed Party intends to call *[nature of the expert evidence]*.

If applicable

This Application is urgent on the grounds that

Grounds in separate numbered paragraphs

1.

If applicable

This application is by consent. The consent is evidenced as attached.

If applicable

This application is made ex parte because:

Grounds

#### To the other parties: WARNING

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

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

- **you must attend 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 at least 2 days before the hearing date unless ordered otherwise.

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

#### Accompanying Documents

Mark appropriate section below with an 'x'

Accompanying this Application is a:

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

#### Service

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



**Form 84D Summons**

Form 84D

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**SUMMONS**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

**To the Respondent: WARNING**

An application has been made by the Applicant for the following orders:

Orders sought in separate numbered paragraphs

1.

The application is made on the following grounds:

Details of alleged obligation(s) and breach(es) in respect of which enforcement or compliance application is made in separate numbered paragraphs

1.



The facts on which the Applicant relies are set out in the affidavit of [full name] served with this Summons.

You are summoned to attend before the Court at the date and time set out at the top of this document to show cause why the orders sought should not be made.

The Court will hear the application, or make orders for the hearing of the application, at the hearing.

If you wish to be heard or to oppose the making of any of these orders, you or your solicitor must file a Notice of Acting within 14 days after service of this Summons on you.

This Notice of Acting must be filed at a Registry of the Court. A list of the Registry addresses is available at <http://www.courts.sa.gov.au/OurCourts/ERDCourt/>.

If you do not have a solicitor, you may attend personally at a Registry to do this.

If you do not file a Notice of Acting or do not appear at the hearing or on any day to which this matter is adjourned, the Court may proceed in your absence.

Court use only

.....  
Registrar

#### Notes to Applicant

- Set out in numbered paragraphs the orders that you are seeking from the Court and the grounds for your application.
- You should use plain English language.
- Give the respondent a copy of any affidavit that you filed in the Court.
- After giving the Respondent the summons and accompanying documents, you must file an affidavit in the Court confirming that you have done so.

**Form 105G Subpoena to Attend to Give Evidence (ERD Court)**

Form 105G

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**SUBPOENA TO ATTEND TO GIVE EVIDENCE**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Person subject to Subpoena				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Telephone	Type - Number		

YOU ARE ORDERED to **attend to give evidence at the date, time and location set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

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

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

You should read all of the Notes set out at the end of this subpoena.

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

If applicable

The last date for service was fixed by order made by [title and name of judicial officer] on [date].

Subpoena issued at the request of the following party				
Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if required

#### Notes

##### Last day for service

1. Subject to note 2, you need not comply with the Subpoena unless it is served on you on or before the date specified in the Subpoena as the last date for service of the Subpoena.

##### Informal service

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

##### Addressee a corporation

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

##### Conduct money

4. You need not comply with the requirements of the subpoena unless a sum of money or its equivalent (such as pre-paid travel) sufficient to meet your reasonable expenses of attending as required by the subpoena and

returning after so attending is provided or tendered to you a reasonable time before the day on which your attendance is required.

**Applications in relation to Subpoena**

5. You have the right to apply to the Court for an order setting aside the Subpoena (or a part of it) or for relief in respect of the Subpoena.

**Loss or expense of compliance**

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

**Contempt of court – arrest**

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

For more information regarding attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au)

**Form 106G Subpoena to Produce Documents (ERD Court)**

Form 106G

<b>To be inserted by Court</b>
Case Number:
Date Filed:
FDN:
<b>Hearing Date and Time:</b>
<b>Hearing Location:</b>

**SUBPOENA TO PRODUCE DOCUMENTS**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Person subject to Subpoena				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

	Email address
Telephone	Type - Number

YOU ARE ORDERED to **attend to produce this Subpoena or a copy of it and the documents or things specified in the Subpoena/Schedule of documents attached to this Subpoena at the date, time and location set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Alternatively, you may comply with this Subpoena by delivering or sending this Subpoena or a copy of it and the documents or things specified in the **Subpoena/Schedule of documents** to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for production. (see Notes 4-10 below)

Address, or any address, to which the Subpoena (or a copy of it) and documents or things may be delivered or posted:

[Court] of South Australia Civil Registry  
Address

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

You should read all of the Notes set out at the end of this subpoena. **You must complete the Declaration by Addressee (Subpoena Recipient) set out at the end of this Subpoena.**

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

If applicable

The last date for service was fixed by order made by [title of judicial officer] [name] on [date].

#### Subpoena issued at the request of the following party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))					
Name of law firm / solicitor If any	<table border="1"> <tr> <td>Law Firm</td> <td colspan="2">Solicitor</td> </tr> </table>			Law Firm	Solicitor	
Law Firm	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 - Number					

Duplicate panel if required

#### Documents and Things

Mark appropriate section below with an 'x'

The documents and things you must produce

[ ] are included in the Schedule attached to this Subpoena.

[ ] are as follows  
List documents or things

1.

#### Notes

##### Last day for service

1. Subject to note 2, you need not comply with the Subpoena unless it is served on you on or before the date specified in the Subpoena as the last date for service of the Subpoena.

##### Informal service

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

##### Addressee a corporation

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

##### Production of Subpoena or copy of it and documents or things by delivery or post

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

##### Production of a number of documents or things

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

##### Production of copy instead of original

8. Unless the Subpoena specifically requires you to produce an original, you may produce a copy of any document that the Subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.
9. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 10 below.

10. A copy of a document may be:

- (a) a photocopy; or
- (b) in any of the following electronic formats:
  - (i) .doc and .docx – Microsoft Word documents
  - (ii) .pdf – Adobe Acrobat documents
  - (iii) .xls and .xlsx – Microsoft Excel spreadsheets
  - (iv) .jpg – image files
  - (v) .rtf – rich text format
  - (vi) .gif – graphics interchange format
  - (vii) .tif – tagged image format
  - (viii) any other format which is agreed with the issuing party.

**Applications in relation to Subpoena**

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

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

**Loss or expense of compliance**

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

**Contempt of court – arrest**

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

14. Note 13 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a Subpoena) or otherwise, to enforce compliance with a Subpoena.

For more information regarding attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au)

**SCHEDULE TO SUBPOENA**

*[list of documents or things]*



**DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)**

**You must complete the Declaration below and produce it at the same time as the Subpoena with the copy of the documents or things required by the Subpoena.**

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

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

Mark appropriate section below with an 'x':

[    ] **All copied documents**

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

[    ] **Some original documents**

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

Address for return of material:

.....  
Signature of Addressee

.....  
Name printed

.....  
Date

**Form 107G Subpoena to Attend and Produce (ERD Court)**

Form 107G

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**SUBPOENA TO ATTEND AND PRODUCE**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Person subject to Subpoena				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Telephone	Type - Number		

YOU ARE ORDERED to **attend to produce this Subpoena or a copy of it and the documents or things specified in the Subpoena/Schedule of documents attached to this Subpoena at the date, time and location set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Insofar as you are required to produce this Subpoena or a copy of it and documents or things, you may comply with this requirement by delivering or sending this Subpoena or a copy of it and the documents or things specified in the **Subpoena/Schedule of documents** to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for production. (see Notes 5-11 below)

Address, or any address, to which the Subpoena (or a copy of it) and documents or things may be delivered or posted:

[Court] of South Australia Civil Registry

Address

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

You should read all of the Notes set out at the end of this subpoena. **You must complete the Declaration by Addressee (Subpoena Recipient) set out at the end of this Subpoena.**

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

If applicable

The last date for service was fixed by order made by [title of judicial officer] [name] on [date].

Subpoena issued at the request of the following party				
Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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			
	Type - Number			

Duplicate panel if required

#### Documents and Things

Mark appropriate section below with an 'x'

The documents and things you must produce

- [ ] are included in the Schedule attached to this Subpoena.
- [ ] are as follows
- List documents or things
- 1.

**Notes****Last day for service**

1. Subject to note 2, you need not comply with the Subpoena unless it is served on you on or before the date specified in the Subpoena as the last date for service of the Subpoena.

**Informal service**

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

**Addressee a corporation**

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

**Conduct money**

4. You need not comply with the requirements of the subpoena unless a sum of money or its equivalent (such as pre-paid travel) sufficient to meet your reasonable expenses of attending as required by the subpoena and returning after so attending is provided or tendered to you a reasonable time before the day on which your attendance is required.

**Production of Subpoena or copy of it and documents or things by delivery or post**

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

**Production of a number of documents or things**

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

**Production of copy instead of original**

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

10. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 11 below.

11. A copy of a document may be:

- (a) a photocopy; or
- (b) in any of the following electronic formats:
  - (i) .doc and .docx – Microsoft Word documents
  - (ii) .pdf – Adobe Acrobat documents
  - (iii) .xls and .xlsx – Microsoft Excel spreadsheets
  - (iv) .jpg – image files
  - (v) .rtf – rich text format
  - (vi) .gif – graphics interchange format
  - (vii) .tif – tagged image format
  - (viii) any other format which is agreed with the issuing party.

#### **Applications in relation to Subpoena**

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

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

#### **Loss or expense of compliance**

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

#### **Contempt of court – arrest**

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

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

For more information regarding attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au)

#### **SCHEDULE TO SUBPOENA**

*[list of documents or things]*

**DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)**

**You must complete the Declaration below and produce it at the same time as the Subpoena with the copy of the documents or things required by the Subpoena.**

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

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

Mark appropriate section below with an 'x'

[ ] **All copied documents**

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

[ ] **Some original documents**

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

Address for return of material:

.....  
Signature of Addressee

.....  
Name printed

.....  
Date

**Form 125 Notice of Discontinuance**

Form 125

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**NOTICE OF DISCONTINUANCE**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor if any	Law Firm	Solicitor

**Discontinuance**The following parties *[list the Party title and names]*wholly discontinue the following proceeding against the *[list the Party title and names]*:

If required mark with an 'x'

Type of proceeding:

[ ] Originating Application.

[ ] Appeal.

[ ] Other *[specify]*.

**Service**

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



**Form 181B Notice of Appeal**

Form 181B

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

**NOTICE OF APPEAL**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Appellant

First Respondent

First Interested Party

Appellant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Appellants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))
Address	

	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Duplicate panel if multiple Interested Parties

**Appeal Details**

Matter Type:

The Appellant appeals against the judgment identified below.

This Appeal is brought under [Act and section or other particular provision].

**Judgment subject of appeal**

Date of judgment:

Court or Tribunal:

Judicial Officer:

Case number of Court or Tribunal:

**To the other parties: WARNING**

The Appellant appeals against the judgment identified above. The parties will be advised of a hearing date in due course.

If you wish to oppose the appeal or make submissions about it, you **must** attend the hearing. If you do not attend the hearing, the Court may make orders **finally determining** the Appeal without further warning.

If you wish to cross appeal, you **must** file and serve on all parties a Notice of Cross Appeal within 28 days of service of this Notice of Appeal. If you agree with the original decision but believe that it should have been based on other reasons, you **must** file and serve on all parties a Notice of Alternative Contentions within 28 days of service of this Notice of Appeal.

If you file a Notice of Cross Appeal or Notice of Alternative Contention, you must also attend the hearing to argue it.

**Service**

The Appellant must serve a copy of this Notice of Appeal on the Registrar or other proper officer of any other Court/Tribunal appealed from and the Respondent in accordance with the Rules of Court.

**Form 184B Notice of Cross Appeal**

Form 184B

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
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**NOTICE OF CROSS APPEAL [BY PARTY TITLE] [AGAINST PARTY TITLE]**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Appellant

First Respondent

First Interested Party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

**Cross Appeal**

Mark appropriate section below with an 'x'

The above named party appeals to

☐ the Full Court  
☐ a single Judge  
against the judgment identified below.

**Judgment subject of cross appeal**

Date of judgment:

Court or Tribunal:

Judicial Officer:

Case number of Court or Tribunal:

**To the other parties: WARNING**

The above named party cross appeals as set out above. The parties will be informed of the hearing date in due course.

If you wish to oppose the cross appeal or make submissions about it, you **must** attend the hearing. If you do not attend the hearing, the Court may make orders **finally determining** the Cross Appeal (and the Appeal) without further warning.

**To the Lodging Party: WARNING**

If the Court proceeds in your absence, orders may be made against you including orders as to costs.

**Service**

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

## LAND AND VALUATION DIVISION RULES 2014

## SOUTH AUSTRALIA

*Amendment No 2*

By virtue and in pursuance of Section 62H of the *Supreme Court Act 1935* and all other enabling powers, we, the Judges of the Land and Valuation Court being a division of the Supreme Court of South Australia, make the following Land and Valuation Division Rules 2014 (Amendment No 2).

1. These Rules may be cited as the *Land and Valuation Division Rules 2014 (Amendment No 2)*.
2. The *Land and Valuation Division Rules 2014* are amended as set out below.
3. The *Land and Valuation Division Supplementary Rules 2014* are repealed.
4. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
5. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
6. Unless the Court otherwise orders—
  - (a) the *Land and Valuation Division Rules 2014* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Land and Valuation Division Rules 2014* before they were amended, and the *Land and Valuation Division Supplementary Rules 2014* before they were repealed, by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
7. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
8. In respect of a proceeding instituted before the commencement date—
  - (a) a party who was a plaintiff is now an applicant;
  - (b) a party who was a defendant is now a respondent; and
  - (c) a party who was an intervenor is now an interested party.
9. Unless the Court otherwise orders, a proceeding instituted before the commencement date—
  - (a) is to be regarded as a claim if it was progressing on the basis of pleadings;
  - (b) is to be regarded as an originating application if it was progressing on the basis of affidavits and not pleadings;
  - (c) subject to paragraphs (a) and (b)—is to be regarded as either a claim or an originating application according to the current Rules as if it had been instituted after the commencement date.
10. Rule 4(1) is amended by substituting the words “Uniform Civil Rules 2020” for the words “Supreme Court Civil Rules 2006”.
11. The definition of “General Civil Rules” in rule 4(2) is deleted.
12. A new definition is inserted after the definition of “**lodgment action**” and before the definition of “**valuation action**” as follows:
 

“**Uniform Civil Rules** means the *Uniform Civil Rules 2020*.”
13. Subrules 5(2) and (3) are amended by substituting the word “Uniform” for the word “General”.
14. Subrule 5(4) is deleted.
15. In Chapter 2, the whole of Part 1 – Public Access to Hearings is deleted.
16. Rules 8 and 9 are deleted.
17. In Chapter 2, the whole of Part 3 – Enforcement of procedural obligations is deleted.
18. In Chapter 2, the whole of Part 4, Division 1 – General is deleted.
19. Subrule 10(2) is amended by substituting the word “application” for the word “proceeding”.
20. Subrule 10(4) is amended by adding the words “or final hearing” after the words “The trial”.
21. In Chapter 2, the whole of Part 5 – Representation is deleted.
22. In Chapter 3, the whole of Part 1 – Nature of action is deleted.
23. The title of Chapter 3, Part 2 is deleted and replaced with “Pre-action steps”.
24. In Chapter 3, the whole of Part 2, Division 1 – Investigation and Division 2 – Offers of settlement before action is deleted.
25. Rule 11 is deleted and the following rule substituted:
 

**“11—Pre-action steps**

  - (1) Subject to subrule (2), rule 61.7 of the Uniform Civil Rules does not apply to a proceeding in the Court.
  - (2) Rule 61.7 of the Uniform Civil Rules applies to a boundary action (whether or not based on a monetary claim) other than an action excluded from the application of rule 61.7 of the Uniform Civil Rules by subrule 61.8(1) of the Uniform Civil Rules.”
26. Rule 12 is deleted and the following rule substituted:
 

**“12—General**

  - (1) Subject to subrule (2), this Subdivision applies to acquisition and boundary actions in the Court.

- (2) An appeal against an administrative decision of the Surveyor-General approving a plan under section 51(8) of the *Survey Act 1992* is governed by Subdivision 3 instead of this Subdivision.
- (3) Subject to subrule (4), an action governed by this Subdivision must be instituted as a claim by a Claim in the prescribed form set out in Schedule 7 to the Uniform Civil Rules supported by a statement of claim in the prescribed form.

**Prescribed forms—**

Form 1 Claim

Form 1S Statement of Claim uploaded with Claim

**Filing instructions—**

If a Claim is filed physically at Registry, a Form 1 incorporating a statement of claim is to be used.

If a Claim is filed using the Electronic System, a Form 1S is to be uploaded with the Claim.

- (4) An action governed by this Subdivision may, if a proceeding has been started in the Court in relation to the acquisition or boundary the subject of the action, be made—
- (a) if the new action is by the Applicant in the proceeding—by amending the existing Claim and statement of claim to introduce the new action; or
- (b) if the new action is by any other party in the proceeding—by cross claim by filing a Cross Claim and statement of cross claim in the prescribed form set out in Schedule 7 to the Uniform Civil Rules.

**Prescribed forms—**

Form 61 Cross Claim

Form 61S Statement of Cross Claim uploaded with Cross Claim

**Filing instructions—**

If a Cross Claim is filed physically at Registry, a Form 61 is to be used.

If a Cross Claim is filed using the Electronic System, a Form 61S is to be uploaded.”

27. Rule 13 is amended by substituting the words “statement of claim” for the word “summons”.
28. In subrule 13(f), the word “principal” is deleted.
29. Rule 14 is amended by substituting the words “statement of claim” for the word “summons”.
30. In subrule 14(f), the word “principal” is deleted.
31. Rule 15 is deleted.
32. In Chapter 3, Part 3, Division 1, Subdivision 2, a new rule 15 is inserted as follows:

**“15—General**

- (1) This Subdivision applies to lodgment actions in the Court.
- (2) An action governed by this Subdivision must be instituted as an originating application.”

33. Rule 16 is deleted and the following rule substituted:

**“16—Payment in proceeding**

- (1) A lodgment action involving a payment of monies into court under section 23A(3) of the *Land Acquisition Act 1969* must be instituted by an Originating Application in the prescribed form set out in Schedule 7 to the Uniform Civil Rules identifying—
- (a) the nature of the proceeding as being a payment of monies into court under section 23A(3) of the *Land Acquisition Act 1969*;
- (b) the land in respect of which the monies are paid into court; and
- (c) the amount of monies paid into court.

**Prescribed form—**

Form 6 Originating Application – Interpleader

- (2) A copy of the notice of acquisition published in the Gazette under section 16 of the *Land Acquisition Act 1969* must accompany or be filed at the same time as the Originating Application.
- (3) The Originating Application is not required to be accompanied by an affidavit.
- (4) The applicant must join as an interested party the person whose interest in the land is the subject of the payment into court.
- (5) If agreement about compensation is reached by the negotiating parties in respect of the land before payment out, the agreement or the documents evidencing the agreement are to be exhibited to an affidavit filed in the proceeding.
- (6) An application for payment out of the monies paid into court under section 26 of the *Land Acquisition Act 1969* must be made by interlocutory application in the prescribed form set out in Schedule 7 to the Uniform Civil Rules supported by an affidavit in the prescribed form deposing to and exhibiting such consents as may be required and a search copy of the Certificate of Title immediately before the acquisition.”

**Prescribed forms—**

Form 77 Interlocutory Application

Form 12 Affidavit”

34. Rule 17 is deleted and the following rule substituted:

**“17—Compensation agreement proceeding**

- (1) A lodgment action involving an agreement for compensation under section 23B(1) of the *Land Acquisition Act 1969* must be instituted by an Originating Application in the prescribed form set out in Schedule 7 to the Uniform Civil Rules identifying—

- (a) the nature of the proceeding as being the lodgment of an agreement for compensation under section 23B(1) of the *Land Acquisition Act 1969*; and
- (b) the land in respect of which the compensation agreement was made.

**Prescribed form—**

Form 6 Originating Application – Interpleader

- (2) A copy of the agreement or the documents evidencing the agreement for compensation must accompany or be filed at the same time as the Originating Application.
- (3) The Originating Application is not required to be accompanied by an affidavit.
- (4) The applicant must join as an interested party the other party to the compensation agreement.
- (5) An application for orders to give effect to the agreement under section 23B(2) of the *Land Acquisition Act 1969* must be made by interlocutory application in the prescribed form set out in Schedule 7 to the Uniform Civil Rules supported by an affidavit in the prescribed form.”

**Prescribed forms—**

Form 77 Interlocutory Application

Form 12 Affidavit

35. Subrule 18(1) is deleted and the following subrule substituted:

**“18—Valuation appeal**

- (1) A valuation appeal or appeal under section 51(8) of the *Survey Act 1992* must be instituted by a notice of appeal in the prescribed form set out in Schedule 7 to the Uniform Civil Rules.

**Prescribed form—**

Form 5 Originating Application – Appeal Against Administrative Decision”

- 36. In Chapter 3, the whole of Part 4 – Service of Originating Process (including rule 19) is deleted.
- 37. In Chapter 4, the whole of Part 1, Division 1 – Approved forms (including rule 20) is deleted.
- 38. In Chapter 4, the heading ‘Division 2 – Filing of Documents in Court’ is deleted.
- 39. Rule 21 is deleted and the following rule substituted:

**“21. Form of documents for filing in Court**

All documents filed in the Court must contain as part of the action heading, immediately below the references to “Supreme Court of South Australia” and “civil jurisdiction”, the words “Land and Valuation List”.”

- 40. In Chapter 4, the whole of Part 2 – Service is deleted.
- 41. Rules 22 and 23 are deleted.
- 42. Subrule 25(2) is amended by substituting the word “applicant” for the word “plaintiff”.
- 43. Subrule 25(3) is amended by substituting the words “a party” for the words “the plaintiff or defendant”.
- 44. Subrule 25(6) is amended by substituting the word “applicant” for the word “plaintiff” and by substituting the word “Claim” for the word “summons”.
- 45. Subrule 26(3) is amended by substituting the words “originating process” for the words “summons and statement of claim”.
- 46. Rule 27 is deleted.
- 47. Rule 28 is deleted and the following rule substituted:

**“28. Valuation appeal**

- (1) This rule applies to a valuation appeal or appeal under section 51(8) of the *Survey Act 1992*.
- (2) The notice of appeal must identify the administrative decision the subject of the appeal.
- (3) The notice of appeal must identify the grounds on which it is contended that the administrative decision the subject of the appeal is erroneous.
- (4) The appellant must file with the notice of appeal a statement of facts issues and contentions in the prescribed form set out in Schedule 7 to the Uniform Civil Rules.

**Prescribed form—**

Form 11 Statement of Facts Issues and Contentions Standalone

- (5) The statement of facts issues and contentions must set out briefly—
  - (a) the decision and the subject matter of the decision;
  - (b) the essential facts, if any, relied on that were not accepted by the decision maker;
  - (c) the essential issues raised on the appeal;
  - (d) the appellant’s contention on each issue;
  - (e) what is contended to be the proper value of the land or thing the subject of the valuation when applicable; and
  - (f) the grounds for any application for an extension of time.
- (6) The statement of facts issues and contentions must be accompanied by an affidavit exhibiting a copy of—
  - (a) the decision and any reasons given by the decision maker;
  - (b) any formal submission by the appellant to the decision maker the subject of the decision; and
  - (c) an expert report by a valuer addressing the valuation of the land or thing the subject of the decision when applicable.”



48. Rule 29 is deleted and the following rule substituted:

**“29. Response**

- (1) This rule applies to a valuation appeal or appeal under section 51(8) of the *Survey Act 1992*.
- (2) Within 28 calendar days of service of the notice of appeal, the respondent must file and serve a response to the statement of facts issues and contentions in the prescribed form set out in Schedule 7 to the Uniform Civil Rules.

**Prescribed form—**

Form 57 Response to Statement of Facts Issues and Contentions

- (3) The response to statement of facts issues and contentions must set out briefly—
    - (a) a response to any contested essential facts on which the appellant relies;
    - (b) the essential issues raised by the appellant on the appeal and any additional essential issues raised by the respondent on the appeal;
    - (c) the respondent’s contention on each issue identified by the appellant and respondent;
    - (d) if an extension of time in which to appeal is sought, the ground of opposition if any.
  - (4) The response to the statement of facts issues and contention must be accompanied by an affidavit exhibiting a copy of any expert report by a valuer addressing the value of the land or thing obtained by the respondent.”
49. In Chapter 6, the whole of Part 1- Duty of parties, Part 2 – Assignment of special classification to action and Part 3 – Court’s powers to manage and control litigation are deleted.
50. Subrule 30(4) is deleted and the following subrule substituted:
- “(4) If an action will not be ready for trial at the fixed trial date or trial listing date, as the case may be, a party becoming aware of that fact must, as soon as practicable, file and serve an interlocutory application in the prescribed form set out in Schedule 7 to the Uniform Civil Rules seeking appropriate orders from the Court.”

**Prescribed form—**

Form 77 Interlocutory Application

51. In Chapter 7, the whole of Part 1 Initial Steps (including rule 31) is deleted.
52. A new rule 31 is inserted immediately below “Part 2 – Interlocutory steps generally” as follows:
- “31—Directions hearing**
- (1) Directions hearings will generally be presided over by a Judge of the Court.
  - (2) The purpose of directions hearings is to—
    - (a) ascertain whether the matter can be resolved by settlement;
    - (b) crystallise the issues in dispute; and
    - (c) ensure that the matter proceeds as expeditiously and efficiently as possible to trial.”
53. In Chapter 7 Part 2, the whole of Division 1 – Litigation Plan (including rule 32) is deleted.
54. In Chapter 7 the whole of Part 3 – Disclosure and production of documents, Part 4 Non-party disclosure, Part 5 Gathering of evidentiary material, Part 6 Pre-trial examination by written questions and Part 7 Medical Examinations are deleted.
55. Rule 34 is amended by substituting the word “recipient” for the word “respondent”, wherever it occurs.
56. Rule 35 is amended by substituting the word “recipient” for the word “respondent”, wherever it occurs.
57. In Chapter 7, the whole of Part 9 – Notice of evidence to be introduced at trial, Part 10 – Evidence, Part 11- Offers of settlement, Part 12 – Suitors fund, Part 13 Power to stay or dismiss proceedings and Part 14 Security for costs are deleted.
58. Chapters 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 are deleted in their entirety.

Dated: 5 May 2020

BLUE J  
PARKER J

## SUPREME COURT CRIMINAL RULES 2014

## SOUTH AUSTRALIA

*Amendment No 8*

By virtue and in pursuance of section 72 of the *Supreme Court Act 1935* and all other enabling powers, we, Judges of the Supreme Court of South Australia, make the following Supreme Court Criminal Rules 2014 (Amendment No 8).

1. These Rules may be cited as the *Supreme Court Criminal Rules 2014 (Amendment No 8)*.
2. The *Supreme Court Criminal Rules 2014* are amended as set out below.
3. The amendments made by these rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders
  - (a) the *Supreme Court Criminal Rules 2014* as amended by these rules apply to—
    - (i) an appeal to a single Judge against a judgment, order or decision, or reservation to a single Judge of a question of law, by a court in the exercise of its criminal jurisdiction commenced; and
    - (ii) a step in such an appeal or reservation of a question of law taken, on or after the commencement date; and
  - (b) the *Supreme Court Civil Rules 2006* continue to govern a step in an appeal to a single Judge against a judgment, order or decision, or reservation to a single Judge of a question of law, by a court in the exercise of its criminal jurisdiction taken before the commencement date.
6. A new Chapter 12A is inserted immediately after Chapter 12 as follows:

**“Chapter 12A—Appellate proceedings—single Judge****Part 1—Introduction****104A—Application of Chapter**

- (1) Subject to subrules (3) and (4), this Chapter applies to all appeals to a single Judge against a judgment, order or decision of a court, and all reservations to a single Judge of a question of law, by a court in the exercise of its criminal jurisdiction.
- (2) In particular, these Rules and this Chapter apply to—
  - (a) appeals under section 42(2)(b) of the *Magistrates Court Act 1991* against a judgment, order or decision by a Magistrate in the criminal division of the Magistrates Court;
  - (b) appeals under section 22(2)(a)(i) or (b)(iii) of the *Youth Court Act 1993* against a judgment, sentence or decision by a Magistrate of the Youth Court, or an interlocutory judgment by a Judge of the Youth Court, exercising criminal jurisdiction under the *Young Offenders Act 1993*;
  - (c) reservation of a question of law arising in a criminal action under section 43 of the *Magistrates Court Act 1991*;
  - (d) reservation of a question of law arising in a criminal proceeding under section 23 of the *Youth Court Act 1993*; and
  - (e) any other appeal to a single Judge or reservation of law to a single Judge by a court exercising criminal jurisdiction.
- (3) Subject to a statute conferring jurisdiction on a single Judge in absolute terms, a Judge may order that the appellate jurisdiction of the Supreme Court that would otherwise be exercised by a single Judge be exercised by the Full Court.
- (4) This Chapter does not apply to bail reviews governed by Chapter 12.

**104B—Definitions**

In this Chapter, unless the contrary intention appears—

**appeal** means an appeal against a judgment, order or decision of a court in a proceeding and, unless the context indicates otherwise, includes—

- (a) a cross appeal;
- (b) an application for leave to appeal (or cross appeal); or
- (c) an application for an extension of time to appeal (or cross appeal);

**appellant** means—

- (a) in an appeal—the person appealing against a judgment, order or decision and, unless the context indicates otherwise, includes that person in the capacity of a respondent to a cross appeal; or
- (b) in a case stated—the person who files the notice of case stated or otherwise has the carriage of the case stated;

**appellate document** means—

- (a) a notice of appeal;
- (b) a notice of cross appeal;
- (c) a notice of alternative contention; or
- (d) a notice of case stated.

**appellate hearing** means a hearing of an appeal or an issue relevant to whether a party is or may be entitled to final relief in an appeal;

**appellate proceeding** means—

- (a) an appeal (including cross appeal); or
- (b) a case stated;

**case stated** means a case stated or question reserved for the consideration of a single Judge;

**cross appeal** means a cross appeal referred to in rule 104J.

#### **104C—Name of party—Police**

In an appeal, the South Australian Police, whether as appellant or respondent, is to be referred to as “Police” and not as “South Australian Police” or “SA Police”.

**Example—**

“Jones v Police” or “Police v Jones”

### **Part 2—Permission to appeal**

#### **Division 1—General**

##### **104D—When required**

- (1) Permission to appeal is required if a statute so requires.
- (2) If permission to appeal is granted but it later becomes evident that it ought not to have been granted, the Court may revoke the grant of permission.

#### **Division 2—Seeking permission**

##### **104E—Notice of appeal seeking permission to appeal**

- (1) When permission to appeal is required, the appeal must be instituted in the ordinary way and the notice of appeal must seek the necessary permission.
- (2) If a notice of appeal seeking permission to appeal is filed under this Part—
  - (a) the institution of the appeal is conditional on leave to appeal being granted; and
  - (b) if leave to appeal is refused, the appeal lapses.

#### **Division 3—Determination of question of permission**

##### **104F—Determination timing**

- (1) A Judge may order that the question of permission to appeal be heard before the hearing of the appeal.
- (2) Unless an order is made under subrule (1), an application for permission to appeal and the appeal will be heard at the same time.

### **Part 3—Institution of appellate proceeding**

#### **Division 1—Time to appeal**

##### **104G—Time to appeal**

- (1) Subject to any statute or rule to the contrary, an appeal must be instituted within 21 days after the date of the judgment, order or decision the subject of the appeal.
- (2) If an extension of time to appeal is required, the appeal must be instituted in the ordinary way in accordance with rule 104H and the notice of appeal must seek the necessary extension of time.
- (3) A Judge may order that the question of an extension of time to appeal be heard before the hearing of the appeal.
- (4) Unless an order is made under subrule (3), an application for an extension of time to appeal and the appeal will be heard at the same time.

#### **Division 2—Appeals**

##### **104H—Institution**

- (1) An appeal must be instituted by filing a notice of appeal in an approved form setting out—
  - (a) the forum of the appellate Court;
  - (b) the statutory provision under which the appeal is brought;
  - (c) details of the judgment, order or decision the subject of the appeal;
  - (d) the grounds of appeal;
  - (e) the orders sought on appeal;
  - (f) if permission to appeal is sought—the grounds on which it is sought; and
  - (g) if an extension of time is sought—the grounds on which it is sought.
- (2) The appellant must join as a respondent in the appeal any other party to the first instance proceeding unless that party has no interest in the appeal.
- (3) The Court may order the inclusion or removal of a person as a party to an appeal.
- (4) The appellant must serve the notice of appeal on the other parties to the appeal as soon as practicable.
- (5) The appellant must serve a copy of the notice of appeal on the Registrar or other proper officer of the court of first instance as soon as practicable.
- (6) Unless the Court otherwise orders, an appellant may not rely on grounds that are not stated in the notice of appeal.

**104I—Documents and information from court of first instance**

- (1) The Registrar may, and when directed by the Court must, request the court of first instance to transmit to the Court by physical or electronic means (as specified) documents relevant to the appeal.
- (2) Unless the Registrar otherwise specifies, documents relevant to the appeal the subject of a request comprise—
  - (a) all documents lodged with the court;
  - (b) any transcript of evidence or hearing;
  - (c) any other evidentiary material; and
  - (d) the judgment, order or decision subject of the appeal and any reasons given for it.
- (3) The Registrar or proper officer of the court of first instance must comply with the request as soon as practicable.

**104J—Institution of cross appeal**

- (1) Another party to an appeal may institute an appeal against the same judgment, order or decision by filing a notice of cross appeal in an approved form within 14 days after service of the notice of appeal on that party.
- (2) Subrules (3) to (5) of rule 104H apply, with any necessary changes, in respect of a cross appeal.
- (3) If permission to appeal is required, rule 104F applies, with any necessary changes, in respect of a cross appeal.
- (4) If an extension of time to appeal is required, rule 104G applies, with any necessary changes, in respect of a cross appeal.

**104K—Notice of alternative contention**

- (1) If another party to the appeal wishes to contend that a decision subject to appeal or cross appeal should be upheld for reasons other than those given by the court of first instance, that party must file a notice of alternative contention in an approved form setting out the grounds on which the party asserts that the decision should be upheld within 14 days after service of the notice of appeal, or notice of cross appeal, on that party.
- (2) Subrules (4) and (5) of rule 104H apply, with any necessary changes, in respect of a notice of alternative contention.
- (3) If an extension of time to file the notice of alternative contention is required, rule 104G applies, with any necessary changes, in respect of a notice of alternative contention.

**Division 3—Case stated****104L—Case stated by court**

- (1) A court which reserves a question of law for the consideration of a Judge must—
  - (a) prepare a document containing a statement of the background and relevant facts on the basis of which the question of law is to be determined and a statement of the question to be determined;
  - (b) designate a party to the proceeding who is to be regarded as the appellant on the case stated before the Supreme Court and have the carriage of it; and
  - (c) designate who are to be the respondents to the appellate proceeding.
- (2) The Court may request that court to forward to the Registrar the whole or part of the file for the proceeding including any transcript of hearings and evidence in the custody of that court.

**104M—Institution of case stated**

- (1) The party designated as the appellant under rule 104L must file in the Court a notice of case stated in an approved form.
- (2) Subrules (3) and (4) of rule 104H apply, with any necessary changes, in respect of a case stated.

**Part 4—Preparation for and listing of appellate proceeding****Division 1—Introduction****104N—Definition**

In this Part—

*listed hearing date* means the earlier of the listed hearing date referred to in rule 104P(1) and any varied hearing date referred to in rule 104P(3).

**Division 2—Transcript****104O—Transcript**

- (1) This rule applies to appeals where a transcript of evidence was not produced for the proceeding in the court of first instance.
- (2) The appellant must file and serve with the notice of appeal a document identifying whether the appellant requests that a transcript of the evidence of any witness be produced and if so identifying what passages of evidence are requested to be produced.
- (3) Each other party to the appeal must, within 7 days after service of the notice of appeal on the party, file and serve a document identifying whether they request that a transcript of the evidence of any witness be produced and if so identifying what passages of evidence are requested to be produced.
- (4) Unless a Judge otherwise orders, the Court will request the court of first instance to produce transcript in accordance with any requests made under subrules (2) and (3).

**Division 3—Listing for hearing****104P—Listing for hearing**

- (1) An appellate proceeding will be listed for hearing before a Judge on a fixed date in a given month.
- (2) The Court will give notice of the listed hearing date to the parties.

- (3) If a party seeks a change from the listed hearing date, the party must, within 7 days after the listed hearing date is notified, contact the Judge's chambers and make a request with details of alternative hearing dates.

**Division 4—Appeal book****104Q—Filing and service of appeal book**

- (1) The appellant must prepare an appeal book in accordance with rule 104R.
- (2) The appellant must file a physical copy of the appeal book 7 days before the listed hearing date.

**104R—Content of appeal book**

- (1) An appeal book for an appeal must contain—
  - (a) a copy of the information or other document that originated the proceeding in the court of first instance;
  - (b) a copy of the judgment or order the subject of the appeal;
  - (c) a copy of reasons for judgment or sentencing remarks given in respect of that judgment or order; and
  - (d) a copy of the notice of appeal, any notice of cross appeal and any notice of alternative contention.
- (2) An appeal book is not required for a case stated.
- (3) An appeal book must contain a filing which shows the court, jurisdiction, case number, parties, name of the document and details of the law firm representing the party filing the document, or if self-represented, the party.

**Division 5—Written submissions, chronologies and lists of authorities****104S—Filing and service**

- (1) Each party who intends to make submissions on the hearing of the appellate proceeding must prepare written submissions in accordance with rule 104T and a list of authorities in accordance with rule 104U, and may prepare a chronology.
- (2) Unless the Court otherwise orders, the appellant must file and serve on the other parties to the appellate proceeding written submissions, a list of authorities and any chronology not less than 7 days before the listed hearing date.
- (3) Unless the Court otherwise orders, each other party must file and serve on the other parties to the appellate proceeding written submissions, a list of authorities and any chronology not less than 3 days before the listed hearing date.
- (4) The appellant may file and serve on the other parties to the appellate proceeding written submissions in reply not less than 1 day before the listed hearing date.

**104T—Content of written submissions**

- (1) Written submissions must show the anticipated hearing date and name of the Judge listed to hear the matter.
- (2) Written submissions must—
  - (a) in respect of each ground of appeal or issue—set out succinctly each proposition advanced by the party together with supporting references to the reasons for judgment, evidence, legislation or authorities;
  - (b) to the extent that a party challenges a factual finding—identify the finding that was or was not made, why it is erroneous, the finding that should have been made and the evidence relied on in support of the challenge;
  - (c) to the extent that a party challenges a statement of law—identify the statement of law, why it is erroneous, the correct statement of law and any authorities relied on in support of the challenge; and
  - (d) to the extent that a party challenges the reasoning of the judicial officer at first instance—identify the reasoning, why it is erroneous and the correct reasoning.
- (3) Written submissions must provide citations to cases in the manner required by rule 104U for a list of authorities.
- (4) Written submissions should not, other than in exceptional circumstances, set out passages from the reasons for judgment, evidence, legislation or authorities but should merely identify them.
- (5) Written submissions must not, without the leave of the Registrar or the Court, exceed 20 pages for submissions in chief, or 10 pages for submissions in reply.
- (6) The Registrar may, on application filed by a party, vary the page limit for written submissions.

**104U—Content of list of authorities**

- (1) A list of authorities must be divided into 2 parts, being authorities expected to be read and authorities not expected to be read.
- (2) A list of authorities must show the anticipated hearing date and name of the Judge listed to hear the matter.
- (3) A citation to a case must—
  - (a) if the case is reported in an authorised series of reports—include a citation to the highest ranking available series of authorised reports in which the case is published;
  - (b) if the case is reported in a published (but not authorised) series of reports—include a citation to an available series of reports in which the case is published; and
  - (c) if the case postdates 1997 and is published online on austlii or its equivalent elsewhere—include a medium neutral citation to the case.

**Part 5—Hearing and determination of appellate proceedings****104V—Hearing of appeals**

- (1) Subject to any statute to the contrary—
  - (a) an appeal is to be by way of rehearing;
  - (b) the Court may draw inferences from evidence adduced in the proceeding at first instance; and

- (c) the Court may hear further evidence in its discretion.
- (2) The Court may, if it considers that it is in the interests of justice to do so, determine an appeal on the merits notwithstanding a failure of a party to raise or state properly a ground of appeal or alternative contention in a notice of appeal, notice of cross appeal or a notice of alternative contention.

**104W—Determination of appeals**

- (1) Subject to any statute to the contrary, the Court may—
  - (a) set aside or amend the judgment or order the subject of the appeal;
  - (b) substitute the Court’s own judgment or order;
  - (c) remit the matter for rehearing or reconsideration;
  - (d) dismiss the appeal;
  - (e) make orders for the costs of the appeal or costs at first instance; or
  - (f) make such other further orders for the disposition of the appeal as it thinks fit.
- (2) When the Court determines an appeal (including refusing leave to appeal), the Registrar must—
  - (a) give to the Registrar or proper officer of the court of first instance written notice of the Court’s decision together with any written reasons given by the Court; and
  - (b) return any documents or materials transmitted to the Court by the Registrar or proper officer of the court of first instance (other than documents and materials forwarded in electronic form) in connection with the proceeding.

**104X—Costs of appeals**

- (1) Costs in an appeal governed by this Chapter are in the discretion of the Court.
- (2) The general rule is that costs follow the event and in the ordinary case costs fixed at \$500 plus the appeal filing fee will be awarded in favour of a successful appellant and costs fixed at \$500 will be awarded in favour of a successful respondent.
- (3) The general rule that costs follow the event is subject to the discretion of the Court.

**Examples—**

- 1. When the appellant succeeds on part of, or an issue on, appeal but fails on another.
- 2. When a party is guilty of misconduct in relation to the original proceeding or the appeal.
- 3. When one party adopts an unreasonable position on appeal.
- (4) If either party intends to apply for costs in an amount other than that reflected in subrule (2), that party must make an application at the outset of the hearing of the appeal; in which event, the Court may fix a different amount for the purpose of paragraph (2) that will generally apply regardless of which party is successful on the appeal or may make any other order that the Court thinks fit.

**Examples—**

- 1. An application might be based on the complexity of the appeal requiring especially extensive preparation for the hearing of the appeal.
- 2. An application might be based on the appeal being listed for an especially lengthy hearing.
- 3. An application might be based on the reasonable retention of senior counsel to argue the appeal.
- (5) The Court may, if it thinks fit, dispense with the requirement in subrule (4) that an application for costs in an amount other than that reflected in subrule (2) must be made at the outset of the hearing of the appeal.”

- 7. The Chapter 13 heading is amended by inserting the words “—Full Court” at the end of the heading as follows:

**Chapter 13—Appellate proceedings—Full Court**

- 8. Rule 105 is deleted and the following rule substituted:

**“105—Application of Chapter**

- (1) Subject to subrule (3), this Chapter applies to all appeals to or jurisdiction exercised by the Full Court of the Supreme Court in the exercise of its criminal jurisdiction.
- (2) In particular, these Rules and this Chapter apply to—
  - (a) appeals against a judgment, sentence or decision by a Judge of the Supreme Court or District Court exercising criminal jurisdiction;
  - (b) appeals under section 22(2)(d) of the Youth Court Act 1993 against a judgment, sentence or decision by a Judge of the Youth Court exercising criminal jurisdiction under the Young Offenders Act 1993 other than an interlocutory judgment;
  - (c) appeals under section 42(2)(ab) of the Magistrates Court Act 1991 or section 22(2)(ba) of the Youth Court Act 1993 against a sentence for a major indictable offence by a Magistrate exercising criminal jurisdiction under section 9(ab) of the Magistrates Court Act 1991 or section 14(2a) of the Youth Court Act 1993;
  - (d) reservations of questions of law under section 350 of the Consolidation Act;
  - (e) reservations of questions of law in a criminal proceeding to the Full Court under section 31 of the Environment, Resources and Development Court Act 1993, section 70 of the South Australian Employment Tribunal Act 2014 or any other legislative provision;
  - (f) references of the whole case or a point on a petition for mercy under section 369 of the Consolidation Act; and
  - (g) appeals or reservations of questions of law referred by a single Judge to the Full Court under rule 104A(3).”

9. In rule 106, the definition of “*sentence*” is deleted and substituted as follows:

“*sentence* means—

- (a) a sentence within the meaning of, or any other order made under, the Sentencing Act;
- (b) a decision whether to make an order for payment of a pecuniary sum within the meaning of the Sentencing Act or for restitution or compensation under Part 6 of the Sentencing Act;
- (c) a decision whether to make a recidivist young offender declaration under section 55 of the Sentencing Act or a declaration under section 51(2) or 54(2) of the Sentencing Act;
- (d) a decision whether to make a child sex offender registration order under section 9 of the *Child Sex Offenders Registration Act 2006*;
- (e) a decision whether to make an extended supervision order or a continuing detention order under the High Risk Offenders Act; and
- (f) a decision whether to make any other order against a person convicted or found guilty of an offence other than a sentencing decision.”

10. Rule 119(1) is amended by substituting the words “Unless a Statute otherwise requires, all applications” for the words “All applications”.

Dated: 5 May 2020

KOURAKIS CJ  
BLUE J  
DOYLE J

## SUPREME COURT CRIMINAL SUPPLEMENTARY RULES 2014

## SOUTH AUSTRALIA

*Amendment No 7*

By virtue and in pursuance of section 72 of the Supreme Court Act 1935 and all other enabling powers, we, Judges of the Supreme Court of South Australia, make the following Supreme Court Criminal Supplementary Rules 2014 (Amendment No 7).

1. These Rules may be cited as the Supreme Court Criminal Supplementary Rules 2014 (Amendment No 7).
2. The Supreme Court Criminal Supplementary Rules 2014 are amended as set out below.
3. The amendments made by these rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders
  - (a) the Supreme Court Criminal Supplementary Rules 2014 as amended by these rules apply to—
    - (i) an appeal to a single Judge against a judgment, order or decision, or reservation to a single Judge of a question of law, by a court in the exercise of its criminal jurisdiction commenced; and
    - (ii) a step in an appeal to a single Judge against a judgment, order or decision, or reservation to a single Judge of a question of law, by a court in the exercise of its criminal jurisdiction taken, on or after the commencement date; and
  - (b) the Supreme Court Civil Rules 2006 continue to govern a step in an appeal to a single Judge against a judgment, order or decision, or reservation to a single Judge of a question of law, by a court in the exercise of its criminal jurisdiction taken before the commencement date.
6. Rule 49A is deleted.
7. A new Chapter 12A is inserted immediately after Chapter 12 as follows:

**“Chapter 12A—Appellate proceedings—single Judge**

**Part 1—Introduction**

[no supplementary rules]

**Part 2—Permission to appeal**

[no supplementary rules]

**Part 3—Institution of appeal**

**Division 1—Time to appeal**

[no supplementary rules]

**Division 2—Appeals**

**104H—Institution**

A notice of appeal under rule 104H of the Rules is to be in form 37A.

**104J—Institution of cross appeal**

A notice of cross appeal under rule 104J of the Rules is to be in form 37B.

**104K—Notice of alternative contention**

A notice of alternative contention under rule 104K of the Rules is to be in form 37C.

**104M—Institution of case stated**

A notice of case stated to single Judge under rule 104M of the Rules is to be in form 37D.

**Part 4—Preparation for and listing of appeal**

[no supplementary rules]

**Part 5—Hearing and determination of appeals**

[no supplementary rules]”
8. New forms 37A, 37B, 37C and 37D are inserted in the Schedule to the Supplementary Rules as follows:



**Rule 104H**

Form 37A

Notice of appeal to single Judge

*(insert front sheet)***NOTICE OF APPEAL**TO THE RESPONDENT: *(name)* of *(address)*

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

**Particulars of Judgment**Date of judgment: *(date)*Judicial Officer appealed from: *(name)*File No of Court appealed from: *(number)***Appeal as of right/by permission**Permission to appeal required/not required/granted *(delete whichever is inapplicable)**(if applicable)* Date of grant of permission: *(date)***1. Orders complained of***(set out the text of the relevant orders)*

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

**2. Orders sought***(set out the relief sought in numbered paragraphs)*

**3. Grounds of appeal**

*(set out grounds of appeal in numbered paragraphs)*

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

*(set out grounds for permission to appeal)*

**5. Extension of time** *(if applicable)*

*(set out grounds for extension of time)*

**Transmission of documents**

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

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

**Date:**

\_\_\_\_\_  
Signed by *(name)*

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

**Note**

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

**Rule 104J**

Form 37B

Notice of cross appeal to single Judge

*(insert front sheet)***NOTICE OF CROSS APPEAL**TO THE CROSS RESPONDENT: *(name)* of *(address)*

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

**Particulars of Judgment**Date of judgment: *(date)*Judicial Officer appealed from: *(name)*File No of Court appealed from: *(number)***Cross appeal as of right/by permission**

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

**1. Orders complained of***(set out the text of the relevant orders)**(set out whether the cross appeal is against the whole or a part of the orders and if a part, identify them)***2. Orders sought***(set out the relief sought in numbered paragraphs)*

**3. Grounds of cross appeal**

*(set out grounds of cross appeal in numbered paragraphs)*

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

*(set out grounds for permission to cross appeal)*

**5. Extension of time (if applicable)**

*(set out grounds for extension of time)*

**Date:**

Signed by *(name)*

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

**Note**

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

**Rule 104K**

Form 37C

Notice of alternative contention (single Judge)

*(insert front sheet)***NOTICE OF ALTERNATIVE CONTENTION**TO THE APPELLANT: *(name)* of *(address)*

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

**Particulars of Judgment**Date of judgment: *(date)*Judicial Officer appealed from: *(name)*File No of Court appealed from: *(number)***1. Additional contentions relied on to support decision**

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

*(set out grounds in numbered paragraphs)***2. Extension of time *(if applicable)****(set out grounds for extension of time)*

**Date:**

\_\_\_\_\_  
Signed by *(name)*

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

**Note**

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

**Rule 104M**

Form 371D

Notice of case stated to single Judge

*(insert front sheet)***NOTICE OF CASE STATED**TO THE RESPONDENT: *(name)* of *(address)*

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

**Particulars of Judgment**Date of case stated: *(date)*Judicial Officer stating case: *(name)*File No of Court stating case: *(number)***Question of law reserved***(set out the text of the question of law)***Date:**\_\_\_\_\_  
Signed by *(name)*Appellant/Appellant's solicitor *(delete whichever is inapplicable)*

Dated: 9 April 2020

KOURAKIS CJ  
BLUE J  
DOYLE J

## SUPREME COURT SPECIAL APPLICATIONS RULES 2014

## SOUTH AUSTRALIA

*Amendment No 3*

By virtue and in pursuance of section 72 of the *Supreme Court Act 1935* and all other enabling powers, we, Judges of the Supreme Court of South Australia, make the following *Supreme Court Special Applications Rules 2014 (Amendment No 3)*.

1. These Rules may be cited as the *Supreme Court Special Applications Rules 2014 (Amendment No 3)*.
2. The *Supreme Court Special Applications Rules 2014* are amended as set out below.
3. The *Supreme Court Special Applications Supplementary Rules 2014* are repealed.
4. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the Gazette;
  - (b) if these rules are published in the Gazette on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
5. In the Rules, the **commencement date** means the date on which these rules come into effect under rule 4.
6. Unless the Court otherwise orders—
  - (a) the *Supreme Court Special Applications Rules 2014* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Supreme Court Special Applications Rules 2014* before they were amended by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
7. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
8. Subrule 3(1) is amended by substituting the words “*Uniform Civil Rules 2020*” for the words “*Supreme Court Civil Rules 2006*”.
9. The definition of “**General Civil Rules**” in rule 3(2) is deleted.
10. The definition of “**Supplementary Rules**” in rule 3(2) is deleted.
11. In rule 3(2), a new definition is inserted after the definition of “**surveillance warrant**” and before the definition of “**warrant**” as follows:
 

“**Uniform Civil Rules** means the *Uniform Civil Rules 2020*;”
12. Rule 4 is amended by inserting the word “certain” before the word “proceedings” and deleting paragraphs (e), (f) and (i).
13. Rule 5 is deleted and the following rule is substituted:
 

“**5—Application of Uniform Civil Rules**

  - (1) Unless the Court otherwise directs and subject to subrule (2), Chapters 1 to 4 of the Uniform Civil Rules apply to proceedings in the Court under these Rules.
  - (2) To the extent of any inconsistency between these Rules and the Uniform Civil Rules, these Rules prevail.”
14. Rule 8 is deleted.
15. Rule 9 is deleted.
16. Subrule 10(1) is amended by substituting the word “Chapter” for the word “Chapters”, deleting the words “or 4” and substituting “Chapter 2 Part 3 and Chapter 4 of the Uniform Civil Rules” for the words “Chapter 4 of the General Civil Rules”.
17. Subrules 14(2), (2A) and (3) are deleted and the following subrules are substituted:
 

“(2) An **application** under section 17 or 22 of the *Surveillance Devices Act 2016* to issue, renew or vary a surveillance device (general) warrant or confirm a surveillance device (emergency) authority and the exercise of powers thereunder is to be—

  - (a) in accordance with section 17(4) of the *Surveillance Devices Act 2016*; and
  - (b) in the prescribed form.

**Prescribed form—**

Form 7H Originating Application Ex Parte Surveillance Warrant

- (3) Any other application to which this Chapter applies is to be in accordance with the relevant statutory provision.
- (3A) An application under section 22 of the *Australian Crime Commission Act 2002* (Cth), section 29 of the *Australian Crime Commission (South Australia) Act 2004*, section 31 of the *Independent Commissioner Against Corruption Act 2012* or section 16 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* for a search warrant is to be in the prescribed form.

**Prescribed form—**

Form 7G Originating Application Ex Parte Search Warrant

- (3B) An application under section 14 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* for a monitoring order is to be in the prescribed form.

**Prescribed form—**

Form 7I Originating Application Ex Parte Monitoring Order

- (3C) An application under section 3 or 13 of the *Terrorism (Police Powers) Act 2005* to confirm a special powers authorisation or special area declaration is to be in the prescribed form.



**Prescribed form—**

Form 7J Originating Application Ex Parte Special Powers Authorisation or Special Area Declaration

- (3D) An application under section 17, 21 or 24 of the *Witness Protection Act 1996* or section 12 or 13 of the *Criminal Investigation (Covert Operations) Act 2009* to authorise a new identity or restore a former identity, relating to disclosure of information concerning a witness under a witness protection program or to authorise the making or cancellation of an entry in the Register of Births, Deaths and Marriages is to be in the prescribed form.

**Prescribed form—**

Form 7K Originating Application Ex Parte Protected Witness

- (3E) An application under section 28 or 29A of or clause 4 or 5 of Schedule 2 to the *Independent Commissioner Against Corruption Act 2012* for leave to serve a summons or notice outside the State is to be in the prescribed form.

**Prescribed form—**

Form 7L Originating Application Ex Parte Leave to Serve out of State

18. Subrule 17(1) is deleted and the following subrule is substituted:

“(1) An application under rule 14 or 15 is to be accompanied by an affidavit verifying—

- (a) the grounds of the application;
- (b) any relevant matters required by the relevant legislation or any applicable regulations to be verified by affidavit or to be established to the satisfaction of or taken into account by the Judge;
- (c) in the case of a search warrant, the hours during which it is proposed the warrant can be executed;
- (d) in the case of a surveillance warrant, the period for which it is proposed the warrant be in force;
- (e) in the case of an email or facsimile application when permitted by the relevant legislation, the circumstances giving rise to the urgency of the application; and
- (f) the period the applicant proposes that the Court retain documents associated with the application before destruction or return.”

19. Subrule 17(4) is amended by substituting the words “a draft” for the words “minutes of”.

20. A new subrule 18(3a) is inserted after subrule 18(3) as follows:

“(3a) A search warrant issued under this Chapter is to be in the prescribed form.

**Prescribed form—**

Form 138 Search Warrant

21. Subrule 18(4) is deleted and the following subrule is substituted:

“(4) A surveillance warrant issued under this Chapter is to be in the prescribed form with such variations as are appropriate when a remote application is made under section 18 of the *Surveillance Devices Act 2016*.

**Prescribed form—**

Form 139 Surveillance Warrant

- 22. Chapter 4 – Review of preventative detention orders is deleted in its entirety.
  - 23. Chapter 5 – Serious and organised crime applications is deleted in its entirety.
  - 24. Chapter 6 – Ancillary applications under ICAC Act is deleted in its entirety.
  - 25. Chapter 7 – Enforcement applications is deleted in its entirety.
  - 26. A new “Schedule 1 – Forms” is inserted as follows:
-

**Schedule 1 – Forms****Form 7G Originating Application Ex Parte Search Warrant**

Form 7G

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for issue of a search warrant on the application of *[identify how applicant is eligible to apply for the warrant under the relevant legislation]*

This Application is made under

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the            day of  
20 .

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

☐ Supporting Affidavit (mandatory)☐ Draft Warrant (mandatory)

**Form 7H Originating Application Ex Parte Surveillance Warrant**

Form 7H

<b>To be Inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

<b>Application Details</b> Mark appropriate sections below with an 'x'
---

Matter Type:

This Application is for

- ☐ issue of a surveillance device (general) warrant
- ☐ variation of a surveillance device (general) warrant
- ☐ renewal of a surveillance device (general) warrant
- ☐ confirmation of a surveillance device (emergency) authority and exercise of powers under it
- ☐ confirmation of a surveillance device (emergency) authority and exercise of powers under it and issue of a surveillance warrant

on the application of *[name of applicant, investigating agency to which applicant belongs, rank or position within agency and whether applicant seeks to be identified by a code name]*

in respect of *[kind of surveillance device]*,

which warrant is sought to be in force for *[period]* and execution of which is proposed to be the primary responsibility of *[name of responsible officer and whether responsible officer seeks to be identified by a code name]*

on the grounds that *[identify grounds]*

This Application is made under section [17/22] of the Surveillance Devices Act 2016.

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the       day of  
20 .

### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Supporting Affidavit (mandatory)
- ☐ Draft Warrant (mandatory)

**Form 7I Originating Application Ex Parte Monitoring Order**

Form 7I

<b>To be Inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

**Application Details**

Matter Type:

This Application is for a monitoring order on the application of *[identify how applicant is eligible to apply for the monitoring order under the relevant legislation]*

This Application is made under section 14 of the Serious and Organised Crime (Unexplained Wealth) Act 2009.  
Act and section or other particular provision

The Applicant seeks the following orders:  
Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the            day of  
20 .

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

[    ] Supporting Affidavit (mandatory)

[    ] Draft Order (mandatory)

## Form 7J Originating Application Ex Parte Special Powers Authorisation or Area Declaration

Form 7J

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

### ORIGINATING APPLICATION EX PARTE

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants



**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for

- ☐ confirmation of a special powers authorisation  
☐ confirmation of a special area declaration

on the application of *[identify how applicant is eligible to apply for the confirmation under the relevant legislation]*

This Application is made under section *[3/13]* of the Terrorism (Police Powers) Act 2005.

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the            day of  
20 .

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Supporting Affidavit (mandatory)  
☐ Draft Order (mandatory)

**Form 7K Originating Application Ex Parte Protected Witness**

Form 7K

<b>To be Inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

<b>Application Details</b> Mark appropriate sections below with an 'x'
---

Matter Type:

This Application is for

- ☐ establishing a new identity
- ☐ restoring a former identity
- ☐ making an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity
- ☐ cancelling an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity
- ☐ authorising disclosure in respect of a protected witness
- ☐ disclosing to the Court the protected witness status of a witness in criminal proceedings

on the application of *[identify how applicant is eligible to apply for the order under the relevant legislation]*

This Application is made under  
Act and section or other particular provision

The Applicant seeks the following orders:  
Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the      day of  
20 .

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- ☐ Supporting Affidavit (mandatory)
- ☐ Draft Order (mandatory)

**Form 7L Originating Application Ex Parte Leave to Serve Out of State**

Form 7L

<b>To be Inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**ORIGINATING APPLICATION EX PARTE**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if multiple Applicants

<b>Application Details</b> Mark appropriate sections below with an 'x'  Matter Type:
---

This Application is for leave to serve out of the State a *[identify document for which leave to serve sought]* by *[identify how applicant is eligible to apply for the order under the relevant legislation]*.

This Application is made under  
*Act and section or other particular provision*

The Applicant seeks the following orders:  
*Orders sought in separately numbered paragraphs.*

This Application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the            day of  
20 .

#### **Accompanying Documents**

*Mark appropriate sections below with an 'x'*

Accompanying this Application is a:

[    ] Supporting Affidavit (mandatory)

[    ] Draft Order (mandatory)

**Form 138 Search Warrant**

Form 138

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
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**SEARCH WARRANT**

[SUPREME/DISTRICT] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Applicant

Lodging Party	Full Name	
Name of law firm / solicitor if any	Law Firm	Solicitor

<b>To [INSERT PERSON(S) OR CLASS OF PERSONS AUTHORISED TO ACT UNDER WARRANT]</b>  <b>Recitals</b>  The Judge named below being satisfied on [date], on application by [ ] an investigator [appointed/seconded] under section 14 of the <i>Independent Commissioner Against Corruption Act 2012</i> (SA) [ ] the Commissioner of Police [ ] an eligible person within the meaning of the <i>Australian Crime Commission Act 2002</i> (Cth)  by evidence on oath that [ ] the warrant is reasonably required in the circumstances for the purposes of an investigation into a potential issue of corruption in public administration, being proper grounds for the issue of a warrant under section 31 of the <i>Independent Commissioner Against Corruption Act 2012</i> [ ] the [documents/articles] to which the application relates are relevant to [identifying/tracing/locating/valuing] a person's wealth, being proper grounds for the issue of a warrant under section 16 of the <i>Serious and Organised Crime (Unexplained Wealth) Act 2009</i>
---

[ ] the [person/premises] to which the application relates might [have/contain] [documents/articles] relevant to [identifying/tracing/locating/valuing] a person's wealth, being proper grounds for the issue of a warrant under section 16 of the Serious and Organised Crime (Unexplained Wealth) Act 2009

[ ] the applicant has reasonable grounds for suspecting that there may be upon land a thing connected with a special ACC [operation/investigation] into [subject of operation/investigation] and the applicant believes on reasonable grounds that, if a summons were issued for the production of the thing, it might be concealed, lost, mutilated or destroyed, being proper grounds for the issue of a warrant under section 29 of the [Australian Crime Commission (South Australia) Act 2004/section 22 of the Australian Crime Commission Act 2002 (Cth)]

**Warrant**

This warrant authorises [name and/or position] to

[ ] enter and search [place and/or vehicle etc]

[ ] seize [things]

[ ] search [place and/or vehicle etc] and seize [things]

[ ] enter [place] search [place and/or vehicle etc] and seize [things]

[ ] YOU ARE AUTHORISED to exercise the powers conferred by this warrant

[ ] between the hours of [time] and [time]

[ ] at any time.

This warrant expires on [date]

**Note**

The Act under which the warrant is issued prescribes the powers that may be exercised under the warrant.

Court use only

.....

Judge

.....

Name of Judge

**Form 139 Surveillance Warrant**

Form 139

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
--

**SURVEILLANCE WARRANT**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Applicant

Lodging Party	Full Name	
Name of law firm / solicitor if any	Law Firm	Solicitor

**To [NAME AND POSITION OR CODE NAME OF RESPONSIBLE OFFICER AND AGENCY] AND PERSONS ACTING UNDER THE AUTHORITY OF THE RESPONSIBLE OFFICER**

**Recitals**

The Judge named below being satisfied on [date], on application by [name and position or code name] of [agency], by evidence on oath that there are, in the circumstances of the case, reasonable grounds for issuing the warrant below subject to the conditions/limitations specified in the warrant, being proper grounds for the issue of a warrant under section 19 of the Surveillance Devices Act 2016.

**Warrant**

This warrant authorises [name and position or code name of responsible officer] of [agency] (the Responsible Officer) and persons acting under the authority of the Responsible Officer

[ ] the use of [details of surveillance device and authorised use]

[ ] the use of [details of surveillance device and authorised use] in respect of the [conversations, activities or geographical location] of [name/a person whose name is unknown but (general description)]



[ ] the power to enter or interfere with [premises, vehicle or things] for the purposes of installing, using, maintaining and retrieving [details of surveillance device]

The powers conferred by the warrant are subject to the following conditions/limitations: [details of conditions/limitations]

This warrant expires on [date]

**Note**

The Surveillance Devices Act 2016 prescribes the powers that may be exercised under the warrant.

Court use only

.....  
Judge

.....  
Name of Judge

Dated: 5 May 2020

KOURAKIS CJ  
BLUE J  
DOYLE J

## UNIFORM CIVIL RULES 2020

In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991* and the *Magistrates Court Act 1991*, and all other enabling powers, the *Uniform Civil Rules 2020* set out in the Schedule below have been made –

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates,

and such rules will apply to and in relation to the Court in accordance with their terms.

The *Uniform Civil Rules 2020* are accessible on the Courts Administration Authority website:

<http://www.courts.sa.gov.au/ForLawyers/Pages/Rules-Forms-and-Fees.aspx>

Dated: 1 May 2020

CHIEF JUSTICE KOURAKIS  
CHIEF JUDGE EVANS  
CHIEF MAGISTRATE HRIBAL

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## YOUTH COURT (GENERAL) RULES 2016

## SOUTH AUSTRALIA

*Amendment No 1*

By virtue and in pursuance of section 32 of the *Youth Court Act 1993* and all other enabling powers, we, the Judge of the Court and the Magistrates who are members of the principal judiciary of the Court, make the following Youth Court (General) Rules 2016 (Amendment No 1).

1. These Rules may be cited as the *Youth Court (General) Rules 2016 (Amendment No 1)*.
2. The *Youth Court (General) Rules 2016* are amended as set out below.
3. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the *Gazette*;
  - (b) if these rules are published in the *Gazette* on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders—
  - (a) the *Youth Court (General) Rules 2016* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Youth Court (General) Rules 2016* before they were amended by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
6. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
7. In rule 3.1, a new definition of “**adoption jurisdiction**” is inserted after the definition of “Act” as follows:  
“**adoption jurisdiction** of the Court means the jurisdiction of the Court under the *Adoption Act 1988*.”
8. Rule 4 is amended by inserting the words “the *Youth Court (Adoption) Rules 2018*” before the words “and the *Youth Court (Young Offenders) Rules 2016*”.
9. Subrule 8(4) is amended by inserting the words “the *Youth Court (Adoption) Rules 2018*” before the words “and the *Youth Court (Young Offenders) Rules 2016* (as the case requires)”.
10. Subrule 9(5)(b) is amended by inserting the words “the *Youth Court (Adoption) Rules 2018*” before the words “and the *Youth Court (Young Offenders) Rules 2016* regarding pre-trial preparation”.
11. Subrule 10(2) is amended by inserting the words “the *Youth Court (Adoption) Rules 2018*” before the words “and the *Youth Court (Young Offenders) Rules 2016*, be in conformity with the Practice Directions”.
12. Rule 11 is deleted and the following rule is substituted:  
**“11—Power to give directions etc**
  - (1) The Court may on its own initiative or on application by any person make any order that it considers appropriate in the interests of justice.
  - (2) For example, the Court may—
    - (a) order that a provision of these rules, the *Youth Court (Care and Protection) Rules 2018*, the *Youth Court (Adoption) Rules 2018* or the *Youth Court (Young Offenders) Rules 2016* not apply or apply in a modified way or dispense with compliance (whether before or after compliance is or was required);
    - (b) make an order that is inconsistent with or in lieu of a provision of these rules;
    - (c) fix or vary the time fixed by or under a provision of these rules or a court order;
    - (d) make an order subject to conditions;
    - (e) specify consequences of an event referred to in, or of non-compliance with, an order;
    - (f) make or refuse any order sought by a person or make a different order;
    - (g) make an order on its own initiative;
    - (h) set aside a step taken in a proceeding in breach of these rules or an order or for other cause;
    - (i) direct the Registrar to do or not to do a thing;
    - (j) give a direction when uncertainty is expressed about the effect of these rules;
    - (k) make an order regarding a proceeding not yet instituted;
    - (l) make an order regarding the form of a document to be filed including imposing additional requirements about the filing or form of documents;
    - (m) order the amendment of, or itself amend, a document;
    - (n) order that a document be uplifted and removed from the file;
    - (o) order production of a document notwithstanding that a lawyer or other person claims a lien over it;
    - (p) order the stay of a proceeding, of a step in or order made in a proceeding or of enforcement of a judgment or order; or
    - (q) make any order as to costs.
  - (3) Without affecting the generality of subrule (1), the Court may give directions about the procedure to be followed in a proceeding—

- (a) when these rules do not address or address fully a procedural matter that arises in a proceeding;
  - (b) to resolve uncertainty about the correct procedure to be adopted (including commencing a proceeding or appellate proceeding); or
  - (c) in any other case, when the Court thinks fit.
- (4) The Chief Judicial Officer may –
- (a) modify or delete a prescribed form contained in Schedule 1; or
  - (b) prescribe the form and content of additional defined types of documents to be filed at court (**prescribed forms**).
- (5) The Court may if it thinks fit order that a specified provision of the Uniform Civil Rules 2020 apply to a proceeding in the Court.
- (6) The conferral by these Rules of specific powers on the Court does not affect the generality of the power conferred by this rule.”
13. Rule 13 is deleted and the following rule is substituted:
- “13—Electronic Court Management System**
- (1) The Registrar must establish an electronic court management system (*the Electronic System*) to perform such of the Registrar’s general functions and for use by judicial and non-judicial officers of the Court and external users as the Registrar determines.
  - (2) For example, the Electronic System may enable –
    - (a) the creation, filing or service of documents in electronic form;
    - (b) the use of electronic signatures by parties, lawyers or other persons;
    - (c) the electronic issue of the Court’s process;
    - (d) the use of electronic signatures by judicial or non-judicial officers, sheriff’s officers or other persons performing functions on behalf of the Court;
    - (e) communications between users and the Court in electronic form;
    - (f) the electronic listing of hearings, directions hearings and trials;
    - (g) the creation, retention or deletion of electronic records of proceedings in the Court;
    - (h) the receipt, retention or deletion of electronic documents tendered in proceedings, produced in response to a subpoena or otherwise produced to the Court; or
    - (i) controlled access by internal or external users to court records.
  - (3) The Registrar may determine that it is mandatory that all or specified classes of documents lodged for filing by all or specified classes of persons be filed electronically via the Electronic System and to that extent the Registry will not accept physical documents for filing.
  - (4) The Electronic System may be established by the Registrar in conjunction with other courts.
  - (5) If it is mandatory for a person to file a document electronically via the Electronic System, the Registrar or the Court may waive that requirement if and to such extent and on such conditions as the Registrar or the Court thinks fit.”
14. New rules 13A to 13C are inserted as follows:
- “13A—Registered Users**
- (1) The Registrar may only permit a person other than a judicial or non-judicial officer of a court participating in the Electronic System to have access to the Electronic System if the person is a registered user.
  - (2) The Registrar may establish a system for a person to become a registered user and may exercise a general discretion whether to admit a person as a registered user.
  - (3) The Registrar may impose conditions on the use of the Electronic System by registered users, a class of registered users or individual registered users.
  - (4) The Registrar may cancel the registration of a person if, in the opinion of the Registrar, the person—
    - (a) is not a fit and proper person to be a registered user;
    - (b) should not have been admitted as a registered user; or
    - (c) has breached a condition of the terms of use of the Electronic System published by the Registrar on the Electronic System’s portal.
- 13B – Originals of Documents Uploaded into Electronic System**
- (1) A party who uploads a document electronically into the Electronic System (whether self-represented or represented by a law firm) undertakes to the Court that the document uploaded is identical to the original document.
  - (2) A law firm who uploads a document electronically into the Electronic System undertakes to the Court that the document uploaded is identical to the original document.
  - (3) A document comprising or including an affidavit or statutory declaration uploaded electronically into the Electronic System must be the original bearing the original signature of the deponent and attesting witness and not a copy.
  - (4) A registered user who uploads a document comprising or including an affidavit or statutory declaration electronically into the Electronic System undertakes to the Court—
    - (a) that the document uploaded is the original document bearing the original signature of the deponent and attesting witness and not a copy;
    - (b) to retain possession of the original document until finalisation of the proceeding and any appeal and expiration of any appeal period; and
    - (c) to produce the original document upon request by the Court.

**13C – Official Record of the Court**

- (1) If a document is filed with, or issued by, the Court in electronic form or converted by the Court by scanning or otherwise into electronic form, the document in electronic form represents the official record.
  - (2) If no electronic version of a document is created by the Court, the physical document is the official record.”
15. Subrule 15(3) is deleted and the following subrule is substituted:  
“(3) Service of a summons to a witness may be proved by affidavit or by certificate in the prescribed form.  
**Prescribed forms—**  
Form G10A Affidavit of Proof of Service  
Form G10B Certificate of Proof of Service”
16. Subrule 15(4) is deleted and the following subrule is substituted:  
“(4) A warrant under section 18 of the Act to have a person arrested must be in the prescribed form.  
**Prescribed form—**  
Form G3 Warrant of Apprehension – Witness”
17. Subrule 15(5) is deleted and the following subrule is substituted:  
“(5) A summons under section 18 of the Act must be in the prescribed form .  
**Prescribed forms—**  
Form G2 Witness Summons Criminal  
Form G2A Witness Summons to Attend to Give Evidence  
Form G2B Witness Summons to Produce Documents  
Form G2C Witness Summons to Attend and Produce”
18. A new Rule 15A is inserted as follows:  
**“15A—Warrant or summons to produce person in custody**  
  - (1) A warrant to produce a person held in custody in the State to give evidence or attend at a hearing of a proceeding is to be in the prescribed form.  
**Prescribed form—**  
Form G9 Warrant to Bring Person in Custody
  - (2) A summons to produce a person held in custody in the State to give evidence or attend at a hearing of a proceeding is to be in the prescribed form.  
**Prescribed form—**  
Form G5 Summons to Produce Person in Custody**Note—**  
Section 21 of the *Youth Court Act 1993* empowers the Court to order that a prisoner whose evidence is required in a proceeding be brought before the Court for examination.  
Section 28(2) of the *Correctional Services Act 1982* empowers a court to direct the Chief Executive to cause a [prisoner](#) to be brought before the court as a party or a witness.”
19. A new Rule 15B is inserted as follows:  
**“15B—Contempt**  
  - (1) This rule applies when the accused admits guilt or the Court finds the accused guilty of contempt.
  - (2) The Court may punish contempt by a fine or, if the accused is an individual, by imprisonment.
  - (3) If the Court imposes imprisonment, the Court will issue a warrant of commitment in the prescribed form.  
**Prescribed form—**  
Form G7 Warrant of Commitment
  - (4) If the Court imposes a fine, the Court may—
    - (a) fix the time for payment of the fine; or
    - (b) if the accused is an individual—fix a term of imprisonment in default of payment of the fine.
  - (5) The Court may—
    - (a) if the accused provides an undertaking to the Court to observe conditions determined by the Court and to appear for the determination of penalty upon a breach of those conditions—release the accused without imposing penalty; or
    - (b) if the accused provides an undertaking to the Court to observe conditions determined by the Court—suspend the carrying into effect of a penalty for contempt.”
  20. Rule 16 is deleted and the following rule is substituted:  
**“16—Application to quash or stay proceedings**  
    - (1) An application to quash or stay proceedings (including an application made on the grounds of an abuse of process) must be made by an interlocutory application and be filed 14 days prior to the date set for trial.
    - (2) An affidavit in the prescribed form must be filed with the application.  
**Prescribed form—**  
Form G8 Affidavit
    - (3) The Registrar must serve a copy of the application and supporting affidavit on the interested parties.”

21. The second numbered subrule 21(7) is renumbered as subrule 21(8).
22. Rule 22 is deleted and the following rule is substituted:
- “22—Electronic communication to and from court**
- (1) Unless the Court otherwise orders and subject to the following subrules, communication using an electronic device to and from a court during proceedings is not permitted.
- (2) This rule does not apply to court staff acting in the course of their office or employment.
- (3) Subject to subrules (4) and (5)—
- (a) a party to a proceeding being heard by the Court or a lawyer may communicate using an electronic device to and from a court during proceedings; and
- (b) a bona fide member of the media may communicate using an electronic device to and from a court during proceedings for the sole purpose of reporting on proceedings.
- (4) Any electronic communication permitted by subrule (3) must—
- (a) be made in a manner that does not interfere with the proceedings, court decorum or the Court’s sound system or other technology; and
- (b) not involve speech or otherwise generate sound.
- (5) Any electronic communication of evidence adduced or a submission made in a proceeding by a bona fide member of the media permitted by subrule (3)(b) must not be made until at least 15 minutes have elapsed since the later of—
- (a) the evidence or submission being given or made; and
- (b) the Court ruling on any application for suppression or objection made in relation to the evidence or submission within that period of 15 minutes.
- (6) In this rule, *electronic device* means any device capable of transmitting or receiving information, audio, video or other matter (including (without limitation) a cellular phone, computer, personal digital assistant or audio or visual camera).”
23. Rule 25 is deleted and the following rule is substituted:
- “25—Authority to enter and inspect**
- An authority under section 20(2) of the Act must be issued in the prescribed form at the direction of a Judge or Magistrate of the Court.
- Prescribed form—**
- Form G4 Authorisation to Enter and Inspect (Land/Building)”
24. Subrule 26(1) is deleted and the following subrule is substituted:
- “(1) A Notice of Appeal under section 22(2)(a) of the Act must be in the prescribed form.
- Prescribed form—**
- Form G6 Appeal from Interlocutory Judgment of Magistrate/Special Justice”
25. Rule 28 is deleted and the following rule is substituted:
- “28—Surrogacy forms and minutes of orders**
- (1) An application to the Court under section 10HB of the *Family Relationships Act 1975* must be in the prescribed form .
- Prescribed form—**
- Form S1 Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement
- (2) An application lodged with the Court under this rule must be accompanied by a Statement of Particulars in the prescribed form and a supporting affidavit in the prescribed form annexing copies of the relevant surrogacy agreement and the child’s birth certificate.
- Prescribed forms—**
- Form S5 Statement of Particulars
- Form S4 Affidavit
- (3) The question of the surrogate mother’s agreement as required by section 10HB(7) of the *Family Relationships Act 1975* may be proven by affidavit of the surrogate mother in the prescribed form filed in Court with the application in accordance with these rules.
- Prescribed form—**
- Form S4 Affidavit
- (4) An application under section 10HC of the *Family Relationships Act 1975* to discharge a surrogacy order made by the Court must be made in the prescribed form and accompanied by a supporting affidavit in the prescribed form.
- Prescribed forms—**
- Form S2 Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement
- Form S4 Affidavit
- (5) If the Court considers it desirable to do so, the Court may, before or during the hearing of proceedings under Part 2B of the *Family Relationships Act 1975*, convene a conference between the parties to the proceedings for the purpose of resolving any matters in dispute.
- (6) A judicial officer of the Court will preside over any conference of parties called under subrule (5) and evidence of anything said or done at such a conference is inadmissible in the proceedings except by consent of all parties to the proceedings.
- (7) This rule applies to any interim or final order made by the Court on an application, but does not apply to a purely procedural direction.

- (8) Subject to any direction of the Court to the contrary, the applicant must prepare minutes of the order and provide them to the Court at the hearing at which the order is made, or cause them to be filed in the Court within 2 working days of the making of the order.”

26. A new rule 29 is inserted as follows:

**“29—Interlocutory Applications**

- (1) This rule does not apply to an application of a kind excluded from the application of the rule by the Court by practice direction.
- (2) An interlocutory application is to be in the prescribed form set out in Schedule 1, accompanied by an affidavit in the prescribed form evidencing the grounds on which the application is being made.

**Prescribed forms—**

Form S3 Interlocutory Application

Form S4 Affidavit

- (3) Nothing prevents an interlocutory application from being combined with an application for a final order of the Court.
- (4) The applicant must serve a copy of the application (and accompanying documents) on the other parties as soon as practicable after it is filed in the Court, but not later than 2 business days before the next date for the hearing of the proceedings.
- (5) However, service on another party is not required if the application does not affect the interests of the other party.
- (6) The Court may, on conditions the Court considers appropriate, dispense with a requirement of this rule—
- (a) if the urgency of the case requires; or
- (b) by consent of the parties; or
- (c) if for any other reason the Court considers it appropriate to do so.
- (7) The Court may determine an interlocutory application without hearing oral submissions from the parties if—
- (a) the application is not contentious; or
- (b) the Court decides on the application of a party to determine the application on the basis of written submissions.
- (8) On an interlocutory application, the Court may give directions relating to the proceedings irrespective of whether the applicant has asked for such directions in the application.”

27. The current Schedule to the *Youth Court (General) Rules 2016* is deleted and the following Schedule is substituted:

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**Schedule 1-Forms****Form G1 Application for an Order of the Court**

Form G1

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION FOR AN ORDER OF THE COURT**

YOUTH COURT OF SOUTH AUSTRALIA  
 GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

<b>Filed by the [Party Title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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		



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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

[     ] It is intended to serve this application on all other parties.

[     ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

[     ] Supporting Affidavit (mandatory)

[     ] If other additional document(s) please list below:

## Form G2 Witness Summons Criminal



## WITNESS SUMMONS - CRIMINAL

Youth Court of South Australia

[www.courts.sa.gov.au](http://www.courts.sa.gov.au)

Youth Court Act 1993

Section 18(1)

Criminal Procedure Act 1921

Section 107

Youth Court (General) Rules 2016

Rule 15

Court Use

Date Filed:

**This document must be served on the witness personally.**

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
<b>Witness</b>					
Name	Surname		Given name/s		
Address	Street				
	City/Town/Suburb	State	Postcode	Email Address	
<b>Case Details</b>					
Name	Surname		Given name/s		
Offence					
Date of Offence					
Offence Location					
<b>What you need to do:</b> (for detailed explanation see attached sheet) <input type="checkbox"/> Attend Court to give evidence on the hearing date <input type="checkbox"/> Bring the <b>Evidentiary Material</b> listed below <input type="checkbox"/> Deliver the <b>Evidentiary Material</b> listed below to the Registrar before the hearing					
<b>Evidentiary Material:</b>					
<b>Hearing details</b>	Registry			Date	
	Address			Time am/pm	
	Telephone	Facsimile	Email Address		
This summons is issued on the application of <input type="checkbox"/> Complainant/Informant <input type="checkbox"/> Defendant, or <input type="checkbox"/> Initiative of the Court.					
Address	Street				
	City/Town/Suburb	State	Postcode	Email Address	
Date			YOUTH COURT Registrar/Justice of the Peace		

## Information about this summons

Unless the summons has the Seal of the Youth Court on it, it has not been properly issued and therefore doesn't need to be obeyed.

### What is this document?

This is a summons, which requires you to either attend court to give evidence, to produce documents to the court or both. If you need to produce documents, the summons specifies the documents that you need to produce.

### What do you have to do?

**If the summons requires you to produce documents or things only**, you may comply with it by delivering all of the documents or things to the Registrar of the Youth Court at the address given prior to the time and date on the summons. If you do that, you do not have to attend on the day and at the time shown on the summons.

You should only deliver documents or things to the Registrar if you have **all of the documents or things requested** and if you have **no objection to producing them to the Court and to them being inspected by the parties to the case**.

If you do deliver the documents or things to the Registrar, they should be securely packaged and **have a copy of this summons attached**.

**If you object** to the parties seeing the documents or things, you must come to court on the day and at the time listed and tell the Magistrate why you object to producing them.

**If the summons requires you to give evidence** (whether or not it also requires you to bring documents or things), you must attend at the Registry on the day shown in sufficient time to be in the correct courtroom by the time listed unless you contact the person who had this summons issued and have arranged to come to court at some other time.

### What about the cost of attending court?

In addition to your reasonable expenses of attending at Court, you are also entitled to be paid **by the party who had this summons issued**, your reasonable expenses incurred in complying with the summons, including an appropriate witness fee.

If you need all or some of these expenses paid **before** you come to court, you should contact the party who had the summons issued.

**If you do not understand what you must do**, or if you cannot comply with it, you should contact

The Registrar of the court that issued the summons;

The person that applied to issue the summons; **or**

A solicitor to obtain your own legal advice.

**Proof of Service**

Name of person serving:

Address of person serving:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between                      am/pm and                      am/pm

Method of service (tick box)

☐ personally;☐ any other method permitted by the Rules – specify:

I certify that I served the attached document in the manner described.

Certified this                      day of                      20                      .....

**Form G2A Witness Summons to Attend to Give Evidence**

Form G2A

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**WITNESS SUMMONS TO ATTEND TO GIVE EVIDENCE**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Person subject to Summons				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Telephone	Type - Number		

YOU ARE ORDERED to **attend to give evidence at the date, time and location set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

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

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

You should read all of the Notes set out at the end of this summons.

The last date for service of this summons is **[date]** (see Note 2).

If applicable

The last date for service was fixed by order made by **[title and name of judicial officer]** on **[date]**.

#### Summons issued at the request of the following party

Party Title	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

Duplicate panel if required

#### Notes

##### Is this Summons valid?

1. This Summons is only valid if it has the Court seal.
2. Unless you actually knew of this Summons before the last date for service, this Summons must have been served on you before the last date for service set out at the top of this Summons.
3. If this Summons does not comply with notes 1 or 2, you need not comply with it.

##### Addressee a corporation

4. If this Summons is addressed to a corporation, the corporation must comply with the Summons by its appropriate or proper officer.

##### Applications in relation to the Summons

5. You may apply to the Court for an order setting aside the Summons (or a part of it) or for other relief in respect of the Summons.

##### Cost of complying with this Summons

6. You are entitled to be paid by the party who requested this Summons to be issued:
  - a. your reasonable expenses of attending Court, including travel expenses;
  - b. your reasonable expenses of complying with this Summons, including an appropriate witness fee; and

c. any other expense incurred or loss suffered in complying with this Summons, including legal fees.

7. If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this Summons to be issued.
8. If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this Summons.
9. You may apply to the Court for an order for payment of these expenses, if required.

**Consequences of not complying with this Summons**

10. If you fail to comply with this Summons without a lawful excuse, any of the following might happen:
  - a. **you may be arrested** and brought before the Court.
  - b. you may be found to be in **contempt of court and may be liable for a fine or imprisonment**.
  - c. the Court may make any other order within its powers to ensure compliance with this Summons.

**Attending Court**

11. If you need an interpreter, or if you have a disability that affects your ability to give evidence, you must advise the Court as soon as practicable of any assistance you require. If you need an interpreter, this includes advising the Court of the language and dialect you require.
12. For general information about attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au)

**Questions**

13. If you have any questions about what you must do, or if you cannot comply with the Summons, you should contact:
  - a. the Registrar of the Court; or
  - b. the party who requested this Summons to be issued; or
  - c. a solicitor to obtain your own legal advice.



**Form G2B Witness Summons to Produce Documents**

Form G2B

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**WITNESS SUMMONS TO PRODUCE DOCUMENTS**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Person subject to Summons				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Telephone	Type - Number		

**YOU ARE ORDERED to attend to produce this Summons or a copy of it and the documents or things specified in the Summons/Schedule of documents attached to this Summons at the date, time and location**

**set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Alternatively, you may comply with this Summons by delivering or sending this Summons or a copy of it and the documents or things specified in the **Summons/Schedule of documents** to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for production. (see Notes 5-9 below)

Address, or any address, to which the Summons (or a copy of it) and documents or things may be delivered or posted:

[*Court*] of South Australia Civil Registry  
Address

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

You should read all of the Notes set out at the end of this summons. **You must complete the Declaration by Addressee (Summons Recipient) set out at the end of this Summons.**

The last date for service of this summons is [*date*] (see Note 2).

If applicable

The last date for service was fixed by order made by [*title of judicial officer*] [*name*] on [*date*].

Summons issued at the request of the following party				
Party Title	Full Name			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if required

#### Documents and Things

Mark appropriate section below with an 'x'

The documents and things you must produce

[ ] are included in the Schedule attached to this Summons.

[ ] are as follows

List documents or things

1.

**Notes****Is this Summons valid?**

1. This Summons is only valid if it has the Court seal.
2. Unless you actually knew of this Summons before the last date for service, this Summons must have been served on you before the last date for service set out at the top of this Summons.
3. If this Summons does not comply with notes 1 or 2, you need not comply with it.

**Addressee a corporation**

4. If this Summons is addressed to a corporation, the corporation must comply with the Summons by its appropriate or proper officer.

**Sending documents and things by post**

5. You can comply by sending the required documents to the Registrar of Court as set out earlier in this Summons. The documents must arrive at the Registry no later than 2 clear business days before the date for attending Court.
6. If you object to any documents or things produced being inspected by the parties, you must notify the Registrar in the way described in Note 10.

**Producing documents and things generally**

7. Unless the Summons says that you must produce an original document, you are required to produce copies (either hard copy or digital copy) of the documents the subject of this Summons rather than originals.
8. If you are producing copies, you are encouraged to do so by producing digital copies rather than hard copies. This can be done by producing a USB or memory card containing the documents in any of the following document formats:
  - (i) .doc and .docx – Microsoft Word documents
  - (ii) .pdf – Adobe Acrobat documents
  - (iii) .xls and .xlsx – Microsoft Excel spreadsheets
  - (iv) .jpg – image files
  - (v) .rtf – rich text format
  - (vi) .gif – graphics interchange format
  - (vii) .tif – tagged image format
  - (viii) any other format which is agreed with the issuing party.
9. If you produce more than one document or thing, you must, if requested by the Court, produce a list of the documents or things produced.

**Objections and Applications in relation to documents and things**

10. You may object on recognised grounds to the parties or a party inspecting some or all of the documents or things produced. **You must notify the Registrar in writing of any objection at the time you produce the documents or things.** The objection must state:
  - a. the documents or things the subject of the objection;
  - b. whether you object to all other parties inspecting the documents or things, or if you only object to some parties inspecting the documents or things;
  - c. why you are objecting, which may include different reasons for different documents or things.
11. You may apply to the Court:

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

**Cost of complying with this Summons**

12. You are entitled to be paid by the party who requested this Summons to be issued:
- a. your reasonable expenses of attending Court, including travel expenses;
  - b. your reasonable expenses of complying with this Summons, including an appropriate witness fee; and
  - c. any other expense incurred or loss suffered in complying with this Summons, including legal fees.
13. If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this Summons to be issued.
14. If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this Summons.
15. You may apply to the Court for an order for payment of these expenses, if required.

**Consequences of not complying with this Summons**

16. If you fail to comply with this Summons without a lawful excuse, any of the following might happen:
- a. **you may be arrested** and brought before the Court.
  - b. you may be found to be in **contempt of court and may be liable for a fine or imprisonment**.
  - c. the Court may make any other order within its powers to ensure compliance with this Summons.

**Attending Court**

17. For general information about attending Court and Court services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au).

**Questions**

18. If you have any questions about what you must do, or if you cannot comply with the Summons, you should contact:
- a. the Registrar of the Court; or
  - b. the party who requested this Summons to be issued; or
  - c. a solicitor to obtain your own legal advice.

**Notes to Lodging Party**

If the recipient is to be served interstate, a Form 108 Notice must be served with the Summons.

If the recipient is a prisoner to be served interstate, a Form 109 Notice must be served with the Summons.

If the recipient is to be served in New Zealand a Form 110 Notice must be served with the Summons.

**SCHEDULE TO SUMMONS**

[list of documents or things]

**DECLARATION BY ADDRESSEE (SUMMONS RECIPIENT)**

**You must complete the Declaration below and produce it at the same time as the Summons with the copy of the documents or things required by the Summons.**

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

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

Mark appropriate section below with an 'x'

[    ] **All copied documents**

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

[    ] **Some original documents**

Some or all of the material I am providing in compliance with this Summons is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:  
Address for return of material.

.....  
Signature of Addressee

.....  
Name printed

.....  
Date

**Form G2C Witness Summons to Attend and Produce**

Form G2C

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**WITNESS SUMMONS TO ATTEND AND PRODUCE**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Person subject to Summons				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Telephone	Type - Number		

YOU ARE ORDERED to attend to produce this Summons or a copy of it and the documents or things specified in the Summons/Schedule of documents attached to this Summons at the date, time and location set out above unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Insofar as you are required to produce this Summons or a copy of it and documents or things, you may comply with this requirement by delivering or sending this Summons or a copy of it and the documents or things specified in the Summons/Schedule of documents to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for production. (see Notes 5-11 below)

Address, or any address, to which the Summons (or a copy of it) and documents or things may be delivered or posted:

[Court] of South Australia Civil Registry  
Address

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

You should read all of the Notes set out at the end of this summons. **You must complete the Declaration by Addressee (Summons Recipient) set out at the end of this Summons.**

The last date for service of this summons is [date] (see Note 2).

If applicable

The last date for service was fixed by order made by [title of judicial officer] ([name]) on [date].

#### Summons issued at the request of the following party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Duplicate panel if required

#### Documents and Things

Mark appropriate section below with an 'x'

The documents and things you must produce

[ ] are included in the Schedule attached to this Summons.

[ ] are as follows

List documents or things

1.

#### Notes

##### Is this Summons valid?

1. This Summons is only valid if it has the Court seal.
2. Unless you actually knew of this Summons before the last date for service, this Summons must have been served on you before the last date for service set out at the top of this Summons.
3. If this Summons does not comply with notes 1 or 2, you need not comply with it.

##### Addressee a corporation

4. If this Summons is addressed to a corporation, the corporation must comply with the Summons by its appropriate or proper officer.

##### Sending documents and things by post

5. For the part of this Summons requiring you to produce documents, you can comply by sending the required documents to the Registrar of Court as set out earlier in this Summons. The documents must arrive at the Registry no later than 2 clear business days before the date for attending Court. **If you do this, you will still need to attend Court to give evidence.**
6. If you object to any documents or things produced being inspected by the parties, you must notify the Registrar in the way described in Note 10.

##### Producing documents and things generally

7. Unless the Summons says that you must produce an original document, you are required to produce copies (either hard copy or digital copy) of the documents the subject of this Summons rather than originals.
8. If you are producing copies, you are encouraged to do so by producing digital copies rather than hard copies. This can be done by producing a USB or memory card containing the documents in any of the following document formats:
  - (i) .doc and .docx – Microsoft Word documents
  - (ii) .pdf – Adobe Acrobat documents
  - (iii) .xls and .xlsx – Microsoft Excel spreadsheets
  - (iv) .jpg – image files
  - (v) .rtf – rich text format
  - (vi) .gif – graphics interchange format
  - (vii) .tif – tagged image format
  - (viii) any other format which is agreed with the issuing party.
9. If you produce more than one document or thing, you must, if requested by the Court, produce a list of the documents or things produced.

##### Objections and Applications in relation to documents and things

10. You may object on recognised grounds to the parties or a party inspecting some or all of the documents or things produced. **You must notify the Registrar in writing of any objection at the time you produce the documents or things.** The objection must state:
  - a. the documents or things the subject of the objection;
  - b. whether you object to all other parties inspecting the documents or things, or if you only object to some parties inspecting the documents or things;



- c. why you are objecting, which may include different reasons for different documents or things.

11. You may apply to the Court:

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

**Cost of complying with this Summons**

12. You are entitled to be paid by the party who requested this Summons to be issued:

- a. your reasonable expenses of attending Court, including travel expenses;
- b. your reasonable expenses of complying with this Summons, including an appropriate witness fee; and
- c. any other expense incurred or loss suffered in complying with this Summons, including legal fees.

13. If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this Summons to be issued.

14. If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this Summons.

15. You may apply to the Court for an order for payment of these expenses, if required.

**Consequences of not complying with this Summons**

16. If you fail to comply with this Summons without a lawful excuse, any of the following might happen:

- a. **you may be arrested** and brought before the Court.
- b. you may be found to be in **contempt of court and may be liable for a fine or imprisonment**.
- c. the Court may make any other order within its powers to ensure compliance with this Summons.

**Attending Court**

17. If you need an interpreter, or if you have a disability that affects your ability to give evidence, you must advise the Court as soon as practicable of any assistance you require. If you need an interpreter, this includes advising the Court of the language and dialect you require.

18. For general information about attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au).

**Questions**

19. If you have any questions about what you must do, or if you cannot comply with the Summons, you should contact:

- a. the Registrar of the Court; or
- b. the party who requested this Summons to be issued; or
- c. a solicitor to obtain your own legal advice.

**Notes to Lodging Party**

If the recipient is to be served interstate, a Form 108 Notice must be served with the Summons.

If the recipient is a prisoner to be served interstate, a Form 109 Notice must be served with the Summons.

If the recipient is to be served in New Zealand a Form 110 Notice must be served with the Summons.

**SCHEDULE TO SUMMONS***[list of documents or things]***DECLARATION BY ADDRESSEE (SUMMONS RECIPIENT)**

**You must complete the Declaration below and produce it at the same time as the Summons with the copy of the documents or things required by the Summons.**

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

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

Mark appropriate section below with an 'x'

☐ **All copied documents**

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

☐ **Some original documents**

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

*Address for return of material.*

.....  
Signature of Addressee

.....  
Name printed

.....  
Date

**Form G3 Warrant of Apprehension of Witness**

Form G3

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

**WARRANT OF APPREHENSION OF WITNESS**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Lodging Party		
	Full Name	
Name of law firm / solicitor If any	Law Firm	Solicitor

Witness subject of Warrant				
Witness	Full name			
Address (registered office if body corporate)	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Date of birth and Licence no if known				
Telephone	Type - Number			

**To the Commissioner of Police for the State of South Australia and Each Member of the Police Force for the State****Recitals**

Mark appropriate section below with an 'x'

The Court is satisfied that:

- [ ] the Witness has failed to comply with a [subpoena/summons] dated [date].  
[ ] there are grounds for believing that the Witness would not comply with a [subpoena/ summons] that might be issued under section 18(1) of the Youth Court Act 1993 to give evidence in this proceeding.  
[ ] a warrant should issue under section 19(3) of the Youth Court Act 1993.

**Warrant**

YOU ARE DIRECTED to arrest the above named Witness and, subject to any endorsement below, bring the Witness as soon as practicable before the Court to be further dealt with according to law.

**Endorsement**

The witness may be released on bail conditioned to appear before the court.

Court use only

.....  
Registrar

**Form G4 Authorisation to Enter and Inspect (Land or Building)**

Form G4

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
---

**AUTHORISATION TO ENTER AND INSPECT (LAND/BUILDING)**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Authorised Officer	Full Name			
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 - Number			

**Authorisation**

The authorised officer is authorised to enter the land and/or building mentioned below and to carry out an inspection pursuant to an order of the Court. This Authorisation is given pursuant to section 20(2) of the *Youth Court Act 1993*.

Description of land/building:

Address:

Note:

Any person who refuses or fails without reasonable excuse to produce evidentiary material as required by the Court to produce commits a contempt of Court.

Court use only

.....  
Magistrate/Registrar/Justice

**Form G5 Summons to Produce Person in Custody**

Form G5

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

**SUMMONS TO PRODUCE PERSON IN CUSTODY**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor if any	Law Firm		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 - Number		

<b>Person in Custody</b>			
Person in Custody	Full Name		
Date of Birth	Date of Birth		
Name of institution	Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

<p><b>Introduction</b> Mark appropriate section below with an 'x'</p> <p>[Judicial Officer Title] [Name]</p> <p>If applicable Application made by: [Party titles and names]</p> <p>If applicable Appearances: [name, solicitor/counsel for the Party titles / in person]</p> <p><b>Recitals</b></p> <p>The above named Person in Custody is required to attend before the Court as a [party/witness] at the date, time and location set out above.</p> <p><b>Date of Order:</b></p> <p><b>Terms of Order</b></p> <p>It is ordered pursuant to section 28 of the Correctional Services Act 1982 and section 21 of the Youth Court Act 1993 that the above named Person in custody attend at the Court [in person/by video link] at the date, time and location set out above.</p>
--

<p><b>To the Manager of the Institution at which the person is in custody</b></p> <p>YOU ARE DIRECTED to take the Person in Custody into your custody and produce the Person in accordance with this Summons to appear before the Court [in person/by video link].</p>
--

<p>Court use only</p> <p>.....</p> <p>Registrar</p>
---



**Form G6 Appeal from Interlocutory Judgment of Magistrate or Special Justice**

Form G6

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

## APPEAL FROM INTERLOCUTORY JUDGMENT OF MAGISTRATE/SPECIAL JUSTICE

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.

First Appellant

First Respondent

Appellant				
Name of law firm / solicitor if any	Full Name			
	Law Firm	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 - Number			

Duplicate panel if multiple Appellants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))
------------	--

Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Phone Details				

Duplicate panel if multiple Respondents

**Appeal Details**

The Appellant appeals to a Judge of the Youth Court of South Australia against the judgment identified below.

This Appeal is brought under section 22(2)(a) of the Youth Court Act 1993.

**Judgment subject of appeal**

Order appealed against:

Name of Presiding Officer:

Date of judgment:

Nature of judgment:

Grounds of appeal:

Grounds of appeal in separately numbered paragraphs

1.

The Appellant seeks the following orders:

Orders sought in separately numbered paragraphs

1.

**To the Other Parties: WARNING**

The Appellant appeals against the judgment identified above. The parties will be advised of a hearing date in due course.

If you wish to oppose the appeal or make submissions about it, you **must** attend the hearing. If you do not attend the hearing, the Court may make orders **finally determining** the Appeal without further warning.

**Service**

The Appellant must serve a copy of this Notice of Appeal on the Registrar or other proper officer of any other Court/Tribunal appealed from and the Respondent in accordance with the Rules of Court.

**Note to Parties**

There are usually cost penalties for making an unsuccessful Appeal or resisting a successful Appeal.

**Form G7 Warrant of Commitment – Contempt**

Form G7

<b>To be inserted by Court</b>  Case Number:  Date Signed:  FDN:
--

**WARRANT OF COMMITMENT**
 YOUTH COURT OF SOUTH AUSTRALIA  
 GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Complainant/Informant

First Respondent

Complainant/Informant	Full Name	
Name of law firm / solicitor If any	Law Firm	Solicitor

Person Subject to Warrant	Full Name			
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 – Number			

Duplicate panel if multiple parties

**To the Sheriff and to the Commissioner of Police and members of the Police Force and to the Chief Executive of the Department of Correctional Services**
**Recitals**

On [date] the abovenamed person has been found guilty of contempt of court.

**Offence**

Date of offence:

Offence location:

Section and Act:

**Sentence**

Term of imprisonment ordered:

Total imprisonment to be served:

Commencement date:

Non-parole period set:

Non-parole period commencement date:

Date order made:

Date warrant issued:

This defendant has been dealt with by a Court and sentence to a term of imprisonment.

**Warrant**

Mark appropriate section below with an 'x'

YOU ARE DIRECTED to deliver the abovenamed person to the Chief Executive who is required to receive and safely keep the prisoner

[    ] for [number] of days or

[    ] until the Registrar withdraws this Warrant or

[    ] until the prisoner is discharged in accordance with law.

Court use only

.....  
Registrar

**Form G8 Affidavit**

Form G8

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

**AFFIDAVIT**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor if any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

<b>Deponent Details</b>	
Deponent	Full Name
Address	Street Address (including unit or level number and name of property if required)

	City/town/suburb	State	Postcode	Country
	Email address			
Occupation	Occupation			

**Affidavit**

Mark appropriate section below with an 'x'

I [full name, address and occupation of deponent]

[ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:

Set out text in separate numbered paragraphs

If the affidavit relates to an application, identify the application and state the material facts relevant to the application.

1.

I, the abovenamed deponent, swear/affirm that the contents of this affidavit are true and correct to the best of my knowledge and belief.

Sworn/Affirmed ~~delete whichever is inapplicable~~

By the abovenamed deponent

at [place]

on [date]

.....  
Signature of deponent

before me .....

Signature and title of attesting witness

.....  
Printed name and title of witness

Stamp here if applicable

.....

ID number of witness  
if applicable

#### Instructions

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the Affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

#### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, pursuant to the Rules of Court.

- [    ] It is intended to serve this application on all other parties.
- [    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*



**Form G9 Warrant to Produce Person in Custody**

Form G9

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**WARRANT TO PRODUCE PERSON IN CUSTODY**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Party Role	Full Name			
Name of law firm / solicitor if any	Law Firm		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 - Number			

Person in Custody				
Person in Custody	Full Name			
Date of Birth	Date of Birth			
Name of institution	Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

<p><b>Introduction</b></p> <p>[Judicial Officer Title] [Name]</p> <p>If applicable Application made by: [Party titles and names]</p> <p>If applicable Appearances: [name, solicitor/counsel for the, Party titles / in person]</p> <p><b>Recitals</b></p> <p>The above named Person in Custody is required to attend before the Court as a [Party/Witness] at the date, time and location set out above.</p> <p><b>Date of Order:</b></p> <p><b>Terms of Order</b></p> <p>It is ordered pursuant to section 21(b) of the Youth Court Act 1993 that the abovenamed Person in custody attend at the Court [in person/by video link] at the date, time and location set out above.</p>
---

<p><b>To the Sheriff of South Australia and the Chief Executive of the Department of Correctional Services</b></p> <p>YOU ARE DIRECTED to take the Person in Custody into your custody and produce the Person in accordance with this Warrant to appear before the Court [in person/by video link].</p>
---

<p>Court use only</p> <p>.....</p> <p>Registrar</p>
---

**Form G10A Affidavit of Proof of Service**

Form G10A

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

**AFFIDAVIT OF SERVICE**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

<b>Deponent Process Server Details</b>	
Deponent	Full Name
Address	Street Address (including unit or level number and name of property if required)

	City/town/suburb	State	Postcode	Country
	Email address			
Occupation	Occupation			

**Affidavit**

Mark appropriate section below with an 'x'

I [full name, address and occupation of deponent]

[ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:

1. I served

[insert name of person served]

on [date]

at [insert service location]

with the following document(s): [describe document(s) served]

by the following service method: [set out the method of service]

If applicable

At the time of service the person served stated [record what the person served said].

Note: If the document served is already a document on the court file, it should not be attached to the Affidavit.

Sworn/Affirmed ~~Delete whichever is inapplicable~~

By the abovenamed deponent

at [place]

on [date]

.....  
Signature of deponent

before me .....

Signature and title of attesting witness

.....  
Printed name and title of witness

Stamp here if applicable

.....  
ID number of witness

If applicable

**Instructions**

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the Affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (c) a Registrar or Deputy Registrar
  - (d) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, in accordance with the Rules of Court.

[     ] It is intended to serve this document on all other parties.

[     ] It is not intended to serve this document on the following parties: *[list names]*

because *[reasons]*

**Form G10B Certificate of Proof of Service**

Form G10B

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

**CERTIFICATE OF SERVICE**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor if any	Law Firm	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 - Number		

<b>Deponent Process Server Details</b>	
Deponent	Full Name
Address	Street Address (including unit or level number and name of property if required)

	City/town/suburb	State	Postcode	Country
	Email address			
Occupation	Occupation			

**Proof of Service**

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between                      am/pm and                      am/pm

**Method of service**

Mark appropriate section below with an 'x'

☐ personally☐ by leaving a copy at the last (or most usual) place of abode with a person apparently residing there and not less than 16 years of age;☐ by leaving a copy at the place of business with a person apparently employed there and not less than 16 years of age;☐ any other method permitted by the Rules – *[specify]*

I certify that I served the attached document in the manner described.

Certified this                      day of                      20                      .

.....  
Signature of deponent**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, in accordance with the Rules of Court.

☐ It is intended to serve this document on all other parties.☐ It is not intended to serve this document on the following parties: *[list names]*because *[reasons]*

**Form G11 Warrant to Apprehend a Youth****G 11**

**YOUTH COURT**  
**WARRANT TO APPREHEND A YOUTH**  
*Summary Procedure Act Section 56*

<b>Court of Origin</b>	YOUTH COURT OF SOUTH AUSTRALIA
<b>Sitting At</b>	ADELAIDE
<b>Registry Address</b>	75 Wright Street, ADELAIDE, SA 5000
<b>Telephone Number</b>	(08) 8204 0331
<b>Court File Number</b>	
<b>Originating Document Type</b>	INFORMATION FOR AN INDICTABLE OFFENCE (YOUNG OFFENDERS ACT)
<b>Date Substantiated on Oath</b>	
<b>Complainant/Informant</b>	POLICE
<b>Particulars of Youth</b>	
Name	
Date of birth	
Address	
<b>Particulars of Charge</b>	
Date of Offence	
Offence Location	
Offence	
Section and Act	
(And 1 other charge)	
<b>Existing Bail Details</b>	
Date Bail Granted	
Date Bailed to	
Date Bail Revoked	
<b>Reason for Issue of Warrant</b>	
<b>Date Warrant Issued</b>	

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

You are hereby directed to apprehend the youth and, unless bailed pursuant to the authority included herein, bring the youth as soon as practicable before the Court to answer these charges and to be further dealt with according to law.

JUSTICE OF THE PEACE

**ENDORSEMENT** Pursuant to section 5(2)(b) of the Bail Act 1985

**Variable 1** The defendant may not be released on bail.



**Variable 2** At the discretion of a member of the Police Force who is of, or above, the rank of Sergeant or who is in charge of a police station, the defendant **may be released** on bail.

**Variable 3** Person or class of persons authorised/required to release the defendant on bail following arrest

**BAIL AUTHORISED/BAIL EXCLUDED**

JUSTICE OF THE PEACE

**Form G12 Mandate of Remanding a Youth****G12****SOUTH****AUSTRALIA****YOUTH COURT  
MANDATE OF REMANDING A YOUTH**  
*Summary Procedure Act Section 60*

Court of Origin: YOUTH COURT OF SOUTH AUSTRALIA  
Sitting At: ADELAIDE  
Address: 75 Wright Street, ADELAIDE, SA 5000  
Telephone: (08) 8204 0331 Fax: (08) 8204 0333  
Court File No.:  
Originating Document Type: INFORMATION FOR AN INDICTABLE OFFENCE (YOUNG OFFENDERS ACT)  
Complainant/Informant: POLICE

**Particulars of Youth**

Name:  
Date of Birth:  
Address:

**Particulars of Charge**

Date of Offence:  
Offence Location:  
Offence:  
Section and Act:  
(And 3 other charges)

**Particulars of Remand**

Court Remanded to: YOUTH COURT OF SOUTH AUSTRALIA  
Sitting At: ADELAIDE  
Date and Time Remanded to:  
Reason for Remand:  
Date of Remand  
Correctional Institution YOUTH TRAINING CENTRE

**Date Mandate Issued**

To the Sheriff, Commissioner of Police for the State of South Australia and each member of the police force of the said State and to the Chief Executive officer of the Department for Families and Communities, Families SA and to the Supervisor of the abovementioned correctional institution

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, and you, the Chief Executive Officer of the Department for Communities and Social Inclusion are directed to convey the youth to the abovementioned correctional institution and you, the Supervisor of the abovementioned correction institution are directed to receive the youth and, unless the youth has been bailed in the meantime, detain the youth until the date and time remanded to as abovementioned, and on that date and at that time to have the youth at the Court remanded to as abovementioned to be further dealt with according to law, unless otherwise ordered in the meantime.

**JUDGE/STIPENDIARY MAGISTRATE**

**Form S1 Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement**

Form S1

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**ORIGINATING APPLICATION FOR AN ORDER AS TO PARENTS OF A CHILD BORN UNDER  
A RECOGNISED SURROGACY AGREEMENT**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Only displayed if applicable

Second Commissioning Parent

Surrogate/Birth Mother

Only displayed if applicable

Other Party

Only one of the next two items display as applicable

Attorney-General

Chief-Executive

**Birth Siblings**

Mark appropriate section below with an 'x'

Does the child the subject of this application have any living birth siblings? [ ☐ ] Yes [ ☐ ] No

<b>Filed by the Commissioning Parent[s]</b>			
First Commissioning Parent	Full name		
Second Commissioning Parent If applicable	Full name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<b>Particulars of First Commissioning Parent</b>	
Name	Full Name
	Maiden Name (if applicable)
	Any other previous names (if applicable)
Birth Details	Date of Birth
	Place of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified Mark appropriate section with an 'x'
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement] Mark appropriate section with an 'x'
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required)

	City/town/suburb	State	Postcode	Country
--	------------------	-------	----------	---------

Only displayed if applicable

Particulars of Second Commissioning Parent				
Name	Full Name			
	Maiden Name (if applicable)			
	Any other previous names (if applicable)			
Birth Details	Date of Birth			
	Place of Birth			
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified			
	Mark appropriate section with an 'x'			
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement]			
	Mark appropriate section with an 'x'			
Occupation	Occupation			
Residential Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

Surrogate/Birth Mother				
Name	Full Name			
	Maiden surname (if applicable)			
	Any other previous names (if applicable)			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details				
	Type - Number			

Only displayed if applicable

<b>Other Party</b>			
Name	Full Name		
	Any other previous names (if applicable)		
	<input type="checkbox"/> Husband of the Surrogate/Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Other		
Party Role	Mark appropriate section with an 'x'		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

<b>Child</b>	
Name	Full Name
Date of Birth	Date of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified
Place of Birth	Mark appropriate section with an 'x'
Is the child an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Mark appropriate section with an 'x'	

Duplicate panel if multiple children

<b>Application Details</b>
Matter Type:
This Application is for an order as to parents of a child born under a recognised surrogacy agreement. <small>Nature of application in one sentence</small>
This Application is made under section 10HB of the Family Relationships Act 1975. <small>Note: Pursuant to section 10HB(5), an application may only be made when the child is between the age of 4 weeks and 6 months.</small>
The Commissioning Parent[s] seek the following orders: <small>Orders sought in separately numbered paragraphs.</small>
1. That pursuant to section 10HB(3) of the Family Relationships Act 1975 an order be made as to parents of a child born under a recognised surrogacy agreement concerning the abovenamed child.
<small>Duplicate if multiple children</small>
2. That pursuant to section 10HB(14) of the Family Relationships Act 1975 the child, <i>[name]</i> ,

be known by the following name:

SURNAME: *[name]*

OTHER NAMES: *[name]*

3. *[any other orders sought in separately numbered paragraphs]*

This Application is made on the grounds set out in the accompanying affidavit sworn by  
*[full name]* on the      day of      20      .

**To the other parties: WARNING**

The Applicant has applied for orders set out in this Application.

The facts that support this Application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

[    ] It is intended to serve this application on all other parties.

[    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

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



**Form S2 Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement**

Form S2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION TO DISCHARGE AN ORDER AS TO PARENTS OF A CHILD BORN UNDER A  
RECOGNISED SURROGACY AGREEMENT**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Only displayed if applicable  
Other PartyOnly one of the next two items display as applicable  
Attorney-General

Chief-Executive

<b>Filed by the Applicant</b>			
Applicant	Full name		
Applicant Role	<input type="checkbox"/> Attorney-General <input type="checkbox"/> Chief Executive of the Department for Child Protection		
Mark appropriate section with an 'x'			
Name of law firm / solicitor if any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

<b>Application Details</b>	
Mark appropriate sections below with an 'x'	
This Application is for an order to discharge an order made on [date] as to parents of a child born under a recognised surrogacy agreement. <small>Nature of application in one sentence</small>	
This Application is made under section 10HC of the Family Relationships Act 1975.	
The Applicant seeks the following orders:	
<small>Orders sought in separately numbered paragraphs.</small>	
1. That pursuant to section 10HC(2) of the Family Relationships Act 1975 an order be made discharging an order made on [date] as to parents of a child born under a recognised surrogacy agreement.	
<small>Duplicate if multiple children</small>	
2. That pursuant to section 10HC(4) of the Family Relationships Act 1975 the child, [name], be known by the following name: SURNAME: [name] OTHER NAMES: [name]	
3. [any other orders sought in separately numbered paragraphs]	
This Application is made on the grounds	
<input type="checkbox"/> that the original order was obtained by fraud, duress or other improper means. <input type="checkbox"/> that a consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or material inducement. <input type="checkbox"/> that there is an exceptional reason why the original order should be discharged.	
The particulars of the factual allegations for the above grounds are set out in the accompanying affidavit sworn by [full name] on the day of 20 .	

**To the other parties: WARNING**

The Applicant has applied for orders set out in this Application.

The facts that support this Application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

[    ] It is intended to serve this application on all other parties.

[    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [    ] Statement of Particulars (mandatory)
- [    ] Supporting Affidavit (mandatory)

[    ] If other additional document(s) please list them below:

**Form S3 Interlocutory Application**

Form S3

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**INTERLOCUTORY APPLICATION**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Other Party

Only one of the next two items display as applicable  
Attorney-General

Chief-Executive

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<p><b>Application Details</b></p> <p>This Application is for Nature of application in one sentence</p> <p>If applicable This Application is made under Act and section or other particular provision</p> <p>The abovenamed party seeks the following orders: Orders sought in separately numbered paragraphs.</p> <p>1.</p> <p>This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on [date]</p> <p>If applicable This application is urgent on the grounds set out in the accompanying affidavit sworn by [full name] on [date]</p> <p>If applicable This application is by consent. The consent of the [party title] [name] is evidenced by [set out evidence – eg letter or email from party's solicitor].</p>
--

<p><b>To the other parties: WARNING</b></p> <p>The Applicant has applied for orders set out in this Application.</p> <p>The facts that support this Application are set out in the accompanying documentation.</p> <p>This Application will be considered at the hearing at the date and time set out at the top of this document.</p>
--

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing.

[     ] It is intended to serve this application on all other parties.

[     ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

[     ] Supporting Affidavit (mandatory)

[     ] If other additional document(s) please list them below:

**Form S4 Affidavit**

Form S4

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**AFFIDAVIT**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name[s] of child[ren]*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Other Party

Only one of the next two items display as applicable  
Attorney-General

Chief-Executive

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<b>Deponent Details</b>			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Occupation	Occupation		



**Affidavit**

Mark appropriate section below with an 'x'

I [full name, address and occupation of deponent]

[ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:

Set out text in separate numbered paragraphs

If the affidavit relates to an application, identify the application and state the material facts relevant to the application.

1.

Sworn/Affirmed ~~Delete whichever is inapplicable~~

By the abovenamed deponent

at [place]

on [date]

.....  
Signature of deponentbefore me .....  
Signature and title of attesting witness.....  
Printed name and title of witness

Stamp here if applicable

.....  
ID number of witness

If applicable

**Instructions**

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (e) a Registrar or Deputy Registrar
  - (f) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

**Service on the other parties**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, pursuant to the Rules of Court.

- [     ] It is intended to serve this application on all other parties.
- [     ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Form S5 Statement of Particulars**

Form S5

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:  <b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street, Adelaide
--

**STATEMENT OF PARTICULARS**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Only displayed if applicable  
Other Party

Child

Only one of the next two items display as applicable

Attorney-General

Chief Executive

Particulars of First Commissioning Parent			
Name	Full Name		
	Maiden Name (if applicable)		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified		
	Mark appropriate section with an 'x'		
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship <i>[specify date of commencement]</i>		
	Mark appropriate section with an 'x'		
Occupation	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		

Only displayed if applicable

Particulars of Second Commissioning Parent			
Name	Full Name		
	Maiden Name (if applicable)		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified		
	Mark appropriate section with an 'x'		

Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship <i>[specify date of commencement]</i> Mark appropriate section with an 'x'							
Occupation	Occupation							
Residential Address	Street Address (including unit or level number and name of property if required) <table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>				City/town/suburb	State	Postcode	Country
City/town/suburb	State	Postcode	Country					

Particulars of Surrogate/Birth Mother								
Name	Full Name							
	Maiden Name (if applicable)							
	Any other previous names (if applicable)							
Address	Street Address (including unit or level number and name of property if required)							
	<table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>				City/town/suburb	State	Postcode	Country
	City/town/suburb	State	Postcode	Country				
	Email address							
Phone Details	Type - Number							

Only displayed if applicable

Particulars of Other Party								
Name	Full Name							
	Any other previous names (if applicable)							
Party Role	<input type="checkbox"/> Husband of the Surrogate/Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Other Mark appropriate section with an 'x'							
Address	Street Address (including unit or level number and name of property if required)							
	<table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>				City/town/suburb	State	Postcode	Country
	City/town/suburb	State	Postcode	Country				
	Email address							
Phone Details	Type - Number							

Particulars of Child			
Name	Full Name		
Date of Birth	Date of Birth		
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified		
Place of Birth	Mark appropriate section with an 'x'		
Is the child an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Address <small>Only applicable if child is aged 18 or over</small>	Mark appropriate section with an 'x'		
	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details <small>Only applicable if child is aged 18 or over</small>	Email address		
	Type - Number		

Duplicate panel if multiple children

Service
Mark appropriate section below with an 'x'
The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.
<input type="checkbox"/> It is intended to serve this application on all other parties.
<input type="checkbox"/> It is not intended to serve this application on the following parties: <i>[list names]</i>
because <i>[reasons]</i>

**Form S6 Order**

Form S6

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Other Party

Child

Only one of the next two items display as applicable

Attorney-General

Chief Executive

**Introduction****Hearing***[Hearing date]**[Presiding Officer]***Appearances***Displayed as applicable**[First Commissioning Parent Appearance Information]**[Second Commissioning Parent Appearance Information]**[Surrogate/Birth Mother Appearance Information]**[Other Party Appearance Information]**[Interested Party Appearance Information]**[Attorney-General Appearance Information]**[Chief Executive of the Department for Child Protection Appearance Information]**[Other party title's Appearance Information]***Date of Order:**

Next box only displayed if originating process is application for an order as to parents of a child born under a recognised surrogacy agreement  
 Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

Order granted

☐ there has been due and proper compliance with the requirements of the Act and that it is in the best interests of the child that an order be made

Order not granted

☐ there has been due and proper compliance with the requirements of the Act but that it is not in the best interests of the child that an order be made

Order not granted

☐ there has not been due and proper compliance with the requirements of the Act

☐ *[any other recitals to appear in order]*

Next box only displayed if originating process is application to discharge an order as to parents of a child born under a recognised surrogacy agreement  
 Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

Discharge order granted

☐ the original order was obtained by fraud, duress or other improper means



## Discharge order granted

☐ a consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or material inducement

## Discharge order granted

☐ there is an exceptional reason why the original order should be discharged

## Discharge order not granted

☐ the grounds of the application have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is marked as other  
Next box only displayed if one or more recitals are entered

## Recitals

The Court is satisfied that:

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application for an order as to parents of a child born under a recognised surrogacy agreement

## Order

It is ordered

## Mandatory if outcome is adjournment or interim order

☐ That the hearing of the application is adjourned until [date].

## Mandatory if application is dismissed

☐ That the Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

## Mandatory if application is withdrawn

☐ That leave is granted for the Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement to be withdrawn.

## Mandatory if order not granted

☐ That no order shall be made as to parents of a child born under a Recognised Surrogacy Agreement

☐ [other]

## Mandatory if order granted

1. That section 10HA of the Family Relationships Act 1975 has been complied with and the Court accepts the Recognised Surrogacy Agreement as between the surrogate/birth mother [name] and the commissioning parents [name] and [name], such Agreement being entered into on [date].
2. That the surrogate/birth mother [name] freely and with full understanding of what is involved, agrees to the making of these orders.
3. That the commissioning parents [name] and [name] are fit and proper persons to assume the role of parents of the child[ren].
4. That the Court approves that the child [name] shall be named as [name].
5. That the Registrar of the Youth Court of South Australia will give the Registrar of Births, Deaths and Marriages written notice of the particulars described in section 10HD(2) of the Family Relationships Act 1975.

## If outcome is interim order

☐ The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

## If outcome is interim order

☐ Service upon the [party title] [name] is dispensed with.

☐ [other] orders in separately numbered paragraphs

Next item only displayed if order granted

It is noted that the effect of this order for the purposes of the laws of the State will be as follows:

1. That the relationship between the child[ren] [name] and the commissioning parents [name] and [name] is to be treated as being that of child and parent.
2. That the relationship between the child[ren] [name] and the surrogate/birth mother [name] and the husband of the surrogate mother/birth father [name] is to be treated as not being that of child and parent.

Next box only displayed if originating process is application to discharge an order as to parents of a child born under a recognised surrogacy agreement

## Order

It is ordered:

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

[ ] That the Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

Mandatory if application is withdrawn

[ ] That leave is granted for the Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement to be withdrawn.

Mandatory if order not granted

[ ] That the Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

[ ] [other]

Mandatory if order granted

1. That the original order dated [date] be discharged.
2. That the child shall hereby be named as [name].
3. That the Registrar of the Youth Court of South Australia will give the Registrar of Births, Deaths and Marriages written notice of the particulars described in section 10HD(2) of the Family Relationships Act 1975.

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] [other] Orders in separately numbered paragraphs

Next item only displayed if order granted

It is noted that the effect of this order for the purposes of the laws of the State will be as follows:

1. That the relationship between the child [name] and the commissioning parents [name] and [name] is to be treated as not being that of child and parent.
2. That the relationship between the child[ren] [name] and the surrogate/birth mother [name] and the husband of the surrogate mother/birth father [name] is to be treated as being that of child and parent.

Court use only

.....

Registrar

**Form S7 Notice to Births, Deaths and Marriages**

Form S7

To be inserted by Court

Case Number:

Date Filed:

FDN:

**NOTICE TO BIRTHS, DEATHS AND MARRIAGES OF [AN ORDER AS TO  
PARENTS OF A CHILD BORN UNDER A RECOGNISED SURROGACY  
AGREEMENT/AN ORDER DISCHARGING AN ORDER AS TO PARENTS OF A  
CHILD BORN UNDER A RECOGNISED SURROGACY AGREEMENT]**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Other Party

Child

Only one of the next two items display as applicable

Attorney-General

Chief Executive

**TO THE REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES**

TAKE NOTICE that on [date] in the Youth Court of South Australia sitting at Adelaide [an order as to parents of a child born under a recognised surrogacy agreement/an order discharging an order as to parents of a recognised surrogacy agreement dated [date]] was made in respect of the parties referred to below.

A copy of the [order as to parents of a child born under a recognised surrogacy agreement / order discharging an order as to parents of a recognised surrogacy agreement] is attached to this notice.

AND TAKE NOTICE that it was further ordered that the name by which the child is to be known is [name].

<b>Child</b>	
Name	Full Name
Date of Birth	Date of Birth
Gender	[Female/Male/Non-Binary/Indeterminate/Intersex/unspecified]
Place of Birth	Place

<b>Particulars of Commissioning Parent 1</b>	
Name	Full Name
	Maiden Name (if applicable)
	Previous Full Name (if applicable)
Birth Details	Date of Birth
	Place
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode
Date of marriage or qualifying relationship	Date

<b>Particulars of Commissioning Parent 2</b>	
Name	Full Name
	Maiden Name (if applicable)
	Previous Full Name (if applicable)
Birth Details	Date of Birth

	Place
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode
Date of marriage or qualifying relationship	Date

<b>Surrogate/Birth Mother</b>	
Name	Full Name
	Maiden Name (if applicable)
	Previous Full Name (if applicable)
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode

Only displayed if applicable

<b>Other Party</b>	
Name	Full Name
	Maiden Name (if applicable)
	Previous Full Name (if applicable)
Party Role	[Husband of the Surrogate or Birth Mother/Birth Father]
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode

**Form S81 Record of Outcome**

Form S81

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**RECORD OF OUTCOME – ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type

First Commissioning Parent

Second Commissioning Parent

Surrogate/Birth Mother

Other Party

Child

Only one of the next two items display as applicable

Attorney-General

Chief Executive

**Introduction****Hearing**

Hearing Location: [suburb]

[Hearing date]

Hearing type:

*[Presiding Officer]*

### Appearances

Displayed as applicable

*[First Commissioning Parent Appearance Information]*

*[Second Commissioning Parent Appearance Information]*

*[Surrogate/Birth Mother Appearance Information]*

*[Other Party Appearance Information]*

*[Interested Party Appearance Information]*

*[Attorney-General Appearance Information]*

*[Chief Executive of the Department for Child Protection Appearance Information]*

*[Other party title's Appearance Information]*

### Recitals

**Date of Order:**

**Administrative Notes**

Next box only displayed if originating process is application for an order as to parents of a child born under a recognised surrogacy agreement  
Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

Order granted

☐ there has been due and proper compliance with the requirements of the Act and that it is in the best interests of the child that an order be made

Order not granted

☐ there has been due and proper compliance with the requirements of the Act but that it is not in the best interests of the child that an order be made

Order not granted

☐ there has not been due and proper compliance with the requirements of the Act

☐ *[any other recitals to appear in order]*

Next box only displayed if originating process is application to discharge an order as to parents of a child born under a recognised surrogacy agreement  
Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

Discharge order granted

☐ the original order was obtained by fraud, duress or other improper means

Discharge order granted

☐ a consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or material inducement

Discharge order granted  
☐ there is an exceptional reason why the original order should be discharged

Discharge order not granted  
☐ the grounds of the application have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is marked as other  
 Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application for an order as to parents of a child born under a recognised surrogacy agreement

**Order**

It is ordered

Mandatory if outcome is adjournment or interim order  
☐ That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed  
☐ That the Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

Mandatory if application is withdrawn  
☐ That leave is granted for the Application for an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement to be withdrawn.

Mandatory if order not granted  
☐ That no order shall be made as to parents of a child born under a Recognised Surrogacy Agreement  
☐ [other]

Mandatory if order granted

1. That section 10HA of the Family Relationships Act 1975 has been complied with and the Court accepts the Recognised Surrogacy Agreement as between the surrogate/birth mother [name] and the commissioning parents [name] and [name], such Agreement being entered into on [date].
2. That the surrogate/birth mother [name] freely and with full understanding of what is involved, agrees to the making of these orders.
3. That the commissioning parents [name] and [name] are fit and proper persons to assume the role of parents of the child[ren].
4. That the Court approves that the child [name] shall be named as [name].
5. That the Registrar of the Youth Court of South Australia will give the Registrar of Births, Deaths and Marriages written notice of the particulars described in section 10HD(2) of the Family Relationships Act 1975.

If outcome is interim order  
☐ The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order  
☐ Service upon the [party title] [name] is dispensed with.

☐ [other] Orders in separately numbered paragraphs

Next item only displayed if order granted  
 It is noted that the effect of this order for the purposes of the laws of the State will be as follows:

1. That the relationship between the child[ren] [name] and the commissioning parents [name] and [name] is to be



treated as being that of child and parent.  
 2. That the relationship between the child[ren] [name] and the surrogate/birth mother [name] and the husband of the surrogate mother/birth father [name] is to be treated as not being that of child and parent.

Next box only displayed if originating process is application to discharge an order as to parents of a child born under a recognised surrogacy agreement.

### Order

It is ordered:

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

[ ] That the Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

Mandatory if application is withdrawn

[ ] That leave is granted for the Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement to be withdrawn.

Mandatory if order not granted

1. That the Application to Discharge an Order as to Parents of a Child Born Under a Recognised Surrogacy Agreement is dismissed.

[ ] [other]

Mandatory if order granted

1. That the original order dated [date] be discharged.

2. That the child shall hereby be named as [name].

3. That the Registrar of the Youth Court of South Australia will give the Registrar of Births, Deaths and Marriages written notice of the particulars described in section 10HD(2) of the Family Relationships Act 1975.

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] [other] Orders in separately numbered paragraphs

Next item only displayed if order granted

It is noted that the effect of this order for the purposes of the laws of the State will be as follows:

1. That the relationship between the child [name] and the commissioning parents [name] and [name] is to be treated as not being that of child and parent.

2. That the relationship between the child[ren] [name] and the surrogate/birth mother [name] and the husband of the surrogate mother/birth father [name] is to be treated as being that of child and parent.

Dated: 8 May 2020

ELDRIDGE P.  
 DAVIS L.  
 WHITE D.  
 KOEHN O.

## YOUTH COURT (ADOPTION) RULES 2018

## SOUTH AUSTRALIA

*Amendment No 1*

By virtue and in pursuance of section 32 of the *Youth Court Act 1993* and all other enabling powers, we, the Judge of the Court and the Magistrates who are members of the principal judiciary of the Court, make the following *Youth Court (Adoption) Rules 2018 (Amendment No 1)*.

1. These Rules may be cited as the *Youth Court (Adoption) Rules 2018 (Amendment No 1)*.
2. The *Youth Court (Adoption) Rules 2018* are amended as set out below.
3. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the *Gazette*;
  - (b) if these rules are published in the *Gazette* on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders—
  - (a) the *Youth Court (Adoption) Rules 2018* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Youth Court (Adoption) Rules 2018* before they were amended by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
6. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
7. Rule 4 is amended by adding the following sentence at the end of the rule:  
“The adoption jurisdiction of the Court is also governed by the *Youth Court (General) Rules 2016*.”
8. Rule 6 is deleted.
9. ‘Rule 7 – Forms’ is re-numbered ‘Rule 6 – Forms.’
10. Rule 8 is re-numbered to ‘Rule 7’, deleted and the following rule is substituted:  
“**7—Adoption application**  
An application to the Court under section 8 of the *Adoption Act 1988* must be made in the prescribed form set out in Schedule 1.  
**Prescribed form—**  
Form A1 Originating Application – Adoption Order”
11. ‘Rule 9 – Service’ is re-numbered to ‘Rule 8 – Service.’
12. Rule 10 is re-numbered to ‘Rule 9’, deleted and the following rule is substituted:  
“**9—Application to dispense with consent**  
An application to the Court under section 18 of the *Adoption Act 1988* must be made in the prescribed form set out in Schedule 1, accompanied by a supporting affidavit in the prescribed form.  
**Prescribed forms—**  
Form A8 Application for an Order of the Court  
Form A5 Affidavit”
13. A new rule 9A is inserted immediately after rule 9 as follows:  
“**9A—Application to dispense with or recognise the validity of consent before application for adoption order made**  
An application to the Court by the Chief Executive under section 19(1) of the *Adoption Act 1988* must be made in the prescribed form set out in Schedule 1, accompanied by a supporting affidavit in the prescribed form.  
**Prescribed forms—**  
Form A7 Application to Dispense with or Recognise the Validity of Consent  
Form A5 Affidavit”
14. ‘Rule 11 – Discharge Application’ is re-numbered to ‘Rule 10 – Discharge Application.’
15. Rule 10(1) is deleted and the following rule is substituted:  
“**10—Discharge application**  
(1) An application to the Court for the discharge of an adoption order under section 14 of the *Adoption Act 1988* must be made in the prescribed form set out in Schedule 1.  
**Prescribed form—**  
Form A2 – Application to Discharge an Adoption Order”
16. Rule 12 is re-numbered to ‘Rule 11’, deleted and the following rule is substituted:  
“**11—Material supporting applications—other requirements**  
(1) An application to the Court as referred to in rule 11 must also be supported by an affidavit in the prescribed form that sufficiently sets out the evidence on which the application is based.

**Prescribed form—**

Form A5 Affidavit

- (2) Leave to file further material may be sought orally and at any stage of the proceedings and, unless the Court allows or directs otherwise, served on the other parties at least 5 business days before the next date for the hearing of the proceedings.”
17. ‘Rule 13 – Service’ is re-numbered to ‘Rule 12 – Service.’
18. ‘Rule 14 – Investigations’ is re-numbered to ‘Rule 13 – Investigations.’
19. Rule 15 is re-numbered to ‘Rule 14’, deleted and the following rule is substituted:

**“14—Application for recognition of international adoption order**

An application to the Court under section 21(2) of the *Adoption Act 1988* for the recognition of an international adoption order must be made in the prescribed form set out in Schedule 1.

**Prescribed form—**

Form A3 Originating Application – Recognition of an Adoption Order Made Outside Australia”

20. A new rule 14A is inserted immediately after rule 15 as follows:

**“14A—Other Applications**

Any other application, other than an interlocutory application, not specifically addressed by rules 7 to 15 is to be made in the prescribed form set out in Schedule 1.

**Prescribed form—**

Form A8 Application for an Order of the Court”

21. ‘Rule 17 – Representation of party under 18 years’ is re-numbered to ‘Rule 16 – Representation of party under 18 years.’
22. A new rule 16A is inserted immediately after rule 16 as follows:

**“16A—Responses**

- (1) This rule applies to any application to the Court other than—
- (a) an interlocutory application; or
  - (b) an application of a kind excluded from the application of this rule by the Court by practice direction.
- (2) A party to an application who opposes the application in whole or part must file a response in the Court, and serve the response on the other parties, at least 5 business days before the scheduled date for hearing in relation to the application.
- (3) A response to an application must—
- (a) be in the prescribed form set out in Schedule 1; and
  - (b) state clearly the order or orders sought in the application that are opposed and any order that is not opposed; and
  - (c) if an order is proposed as an alternative to an order sought in the application, indicate that clearly, and specify the proposed order and which order it would replace; and
  - (d) in relation to each ground of the application, state whether the ground is—
    - (i) admitted; or
    - (ii) disputed; or
    - (iii) not admitted, but not disputed for the purposes of the determination of the application; and
  - (e) in relation to each separate particular of a factual allegation in the application, state whether the particular is—
    - (i) admitted; or
    - (ii) disputed; or
    - (iii) not admitted, but not disputed for the purposes of the determination of the application; and
  - (f) if a ground or particular is disputed, state briefly the manner in which the ground or particular is disputed.

**Prescribed form—**

Form A6 Response

- (4) A response should be supported by material that provides evidence of the respondent's version of events or of any matter relevant to the determination of the application.
- (5) Material in support of a response may be in the form of—
- (a) affidavits (including annexures); or
  - (b) expert reports; or
  - (c) chronologies of significant events; or
  - (d) subject to a direction of the Court, other documentary evidence.
- (6) Material in support of a response provided under this rule must be filed in the Court and, unless the Court directs otherwise, served on the other parties, at least 5 business days before the first hearing in relation to the application.
- (7) After the expiration of the period that applies under subrule (6), material in support of a response may only be filed in the Court with leave and on such terms or conditions as the Court directs.
- (8) Leave to file further material may be sought orally and at any stage of the proceedings and, unless the Court allows or directs otherwise, served on the other parties at least 2 business days before the next date for the hearing of the proceeding.
- (9) The Court will make such determinations based on the contents of a response, or the failure to file a response, as the Court considers appropriate, and proceed accordingly, subject to the provisions of the *Adoption Act 1988*.”

23. A new rule 16B is inserted immediately after new rule 16A as follows:

**“16B—Interlocutory applications**

- (1) This rule does not apply to an application of a kind excluded from the application of the rule by the Court by practice direction.
- (2) An interlocutory application is to be in the prescribed form set out in Schedule 1, accompanied by an affidavit in the prescribed form evidencing the grounds on which the application is being made.

**Prescribed forms—**

Form A4 Interlocutory Application

Form A5 Affidavit

- (3) Nothing prevents an interlocutory application from being combined with an application for a final order of the Court.
  - (4) The applicant must serve a copy of the application (and accompanying documents) on the other parties as soon as practicable after it is filed in the Court, but not later than 2 business days before the next date for the hearing of the proceedings.
  - (5) However, service on another party is not required if the application does not affect the interests of the other party.
  - (6) The Court may, on conditions the Court considers appropriate, dispense with a requirement of this rule—
    - (a) if the urgency of the case requires; or
    - (b) by consent of the parties; or
    - (c) if for any other reason the Court considers it appropriate to do so.
  - (7) The Court may determine an interlocutory application without hearing oral submissions from the parties if—
    - (a) the application is not contentious; or
    - (b) the Court decides on the application of a party to determine the application on the basis of written submissions.
  - (8) On an interlocutory application, the Court may give directions relating to the proceedings irrespective of whether the applicant has asked for such directions in the application.”
24. ‘Rule 18 – Directions hearings’ is re-numbered to ‘Rule 17 – Directions hearings.’
25. ‘Rule 19 – Proof of service’ is re-numbered to ‘Rule 18 – Proof of service.’
26. Subrule 18(2) is deleted and the following subrule is substituted:
- “(2) Proof of service of an application or document may consist of an affidavit in the prescribed form made by the person who served the application or document setting out—
- (a) the date, time and place of service; and
  - (b) how the person to be served was identified; and
  - (c) how service was effected.
- Prescribed form—**
- Form A5 Affidavit”
27. ‘Rule 20 – *Amendment of Youth Court (General) Rules 2016*’ is re-numbered to ‘Rule 19 - *Amendment of Youth Court (General) Rules 2016*.’
28. The current Schedule to the *Youth Court (Adoption) Rules 2018* is deleted and the following Schedule is substituted:
-

**Schedule 1—Forms****Form A1 Originating Application – Adoption Order**

Form A1

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**ORIGINATING APPLICATION FOR AN ADOPTION ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Applicant 1/First Adoptive Parent

Applicant 2/Second Adoptive Parent

Respondent 1/Birth Mother

Respondent 2/Birth Father

Only displayed if applicable  
Chief ExecutiveOnly displayed if applicable  
First Interested Party

<b>Filed by the Adoptive Parent[s]</b>			
First Adoptive Parent	Full Name		
Second Adoptive Parent <small>Only displayed if applicable</small>	Full Name		
Name of law firm / solicitor <small>if any</small>	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

<b>Particulars of First Adoptive Parent</b>			
Name	Full Name		
	Maiden Name (if applicable)		
	Any other previous names (if applicable)		
	Date of Birth		
Birth Details	Place of Birth		
	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified Mark appropriate section with an 'x'		
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement] Mark appropriate section with an 'x'		
	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		

Only display if applicable

**Particulars of Second Adoptive Parent**

Name	Full Name		
	Maiden Name (if applicable)		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'		
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship  <i>[specify date of commencement]</i> Mark appropriate section with an 'x'		
Occupation	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode Country

Birth Mother			
Name	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode Country
	Email address		
Phone Details	Type - Number		

10

<b>Birth Father</b>			
Name			
	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

<b>Child</b>			
Name			
	Full Name		
Date of Birth	Date of Birth		
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified		
	Mark appropriate section with an 'x'		
	Place of Birth		
	Place of birth		
Is the child an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Mark appropriate section with an 'x'		
Address <small>Only applicable if child is aged 18 or over</small>	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details <small>Only applicable if child is aged 18 or over</small>	Type - Number		

<b>Application Details</b>	
Mark appropriate sections below with an 'x'	
Matter Type:	
This Application is for an adoption order.	
This Application is made under section 8 of the Adoption Act 1988.	
The Adoptive Parent[s] seek[s] the following orders:	

10



- [ ] 1. That pursuant to section 8(1) of the Adoption Act 1988 the Child be adopted by the Adoptive Parent[s].
- [ ] 2. That pursuant to section 23(1) of the Adoption Act 1988 the Child be known by the following name:  
 SURNAME: [name]  
 OTHER NAMES: [name]
- [ ] 3. [any other orders sought in separately numbered paragraphs]

This Application is made on the grounds set out in the accompanying affidavit sworn  
 by [full name] on the day of 20 .

#### To the other parties: WARNING

The Applicant has applied for orders set out in this Application.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

#### Pre-Action Steps

Mark appropriate section below with an 'x'

Has the Court made an order recognising the validity of, or dispensing with, the consent of a party?

- [ ] Yes  
 [ ] No

#### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

- [ ] It is intended to serve this application on all other parties.  
 [ ] It is not intended to serve this application on the following parties [list names]

because [reasons]

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [    ] Supporting Affidavit (mandatory)
- [    ] If other additional document(s) please list below:

**Form A2 – Application to Discharge an Adoption Order**

Form A2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION TO DISCHARGE AN ADOPTION ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

14

<b>Filed by a solicitor on behalf of the [party title]</b>			
Applicant	Full Name		
Party Title <small>Selected applicant title not to appear again below</small>	<input type="checkbox"/> Child <input type="checkbox"/> Adoptive Parent <input type="checkbox"/> Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Chief Executive  Mark appropriate section with an 'x'		
Name of law firm / solicitor	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

<b>Filed by the [Party Title]</b>			
Applicant	Full Name		
Party Title <small>Selected applicant title not to appear again below</small>	<input type="checkbox"/> Child <input type="checkbox"/> Adoptive Parent <input type="checkbox"/> Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Chief Executive  Mark appropriate section with an 'x'		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Next item not displayed if applicant title is adoptive parent and there is only one adoptive parent.

<b>First Adoptive Parent</b>	
Name	Full Name
Email Address	Email address
Phone Details	Type - Number

14

Next item not displayed if applicant title is adoptive parent or there is only one adoptive parent

<b>Second Adoptive Parent</b>	
Name	Full Name
Email Address	Email address
Phone Details	Type - Number

Next item not displayed if applicant title is Birth Mother

<b>Birth Mother</b>	
Name	Full Name
	Any other previous names (if applicable)
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 - Number

Next item not displayed if applicant title is Birth Father

<b>Birth Father</b>	
Name	Full Name
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 - Number

Next item not displayed if applicant title is Child

<b>Child</b>							
Name	Full Name						
Date of Birth	Date of Birth						
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'						
Place of Birth	Hospital (if known), suburb and State/Country of birth						
Is the person an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No  Mark appropriate section with an 'x'						
Address Only applicable if child is aged 18 or over	Street Address (including unit or level number and name of property if required) <table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table> Email address			City/town/suburb	State	Postcode	Country
City/town/suburb	State	Postcode	Country				
Phone Details Only applicable if child is aged 18 or over	Type - Number						

<b>Particulars of First Adoptive Parent</b>			
Name	Full Name		
	Maiden Name (if applicable)		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'		
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement]  Mark appropriate section with an 'x'		

Occupation	Occupation			
Residential Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

Only display if applicable

Particulars of Second Adoptive Parent	
Name	Full Name
	Maiden Name (if applicable)
	Any other previous names (if applicable)
Birth Details	Date of Birth
	Place of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified Mark appropriate section with an 'x'
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement] Mark appropriate section with an 'x'
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required)
	City/town/suburb
	State

**Application Details**

Mark appropriate sections below with an 'x'

This Application is for an order to discharge an adoption order made on [date].

This Application is made under section 14(1) of the Adoption Act 1988.

The Applicant seeks the following orders:

- ☐ 1. that pursuant to section 14(1) of the Adoption Act 1988 the Court discharge the adoption order made on [date].
- ☐ 2. [any other orders sought in separately numbered paragraphs]

This Application is made on the grounds

[ ] that the adoption order or a consent for the purposes of the adoption order was obtained by fraud, duress or other improper means.

[ ] that it is in the best interests of the child, taking into account the rights and welfare of the adopted person, for the discharge order to be made.

The particulars of the factual allegations for the above grounds are set out in the accompanying affidavit sworn by [full name] on the day of 20 .

#### To the other parties: WARNING

The above named party has applied for orders set out in this Application.

The facts that support this application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

#### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

[ ] It is intended to serve this application on all other parties.

[ ] It is not intended to serve this application on the following parties: [list names]

because [reasons]



**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [    ] Supporting Affidavit (mandatory)
- [    ] If other additional document(s) please list them below:

**Form A3 Originating Application – Recognition of an Adoption Order Made Outside Australia**  
Form A3

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**ORIGINATING APPLICATION FOR RECOGNITION OF ADOPTION ORDER  
MADE OUTSIDE AUSTRALIA**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF *[name of child]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Applicant 1/First Adoptive Parent

Only displayed if applicable

Applicant 2/Second Adoptive Parent

Respondent 1/Birth Mother

Respondent 2/Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

Filed by a solicitor on behalf of the [party title]			
Applicant	Full Name		
Party Title <small>Selected applicant role not to appear again below</small>	<input type="checkbox"/> Child <input type="checkbox"/> Adoptive Parent <input type="checkbox"/> Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Chief Executive		
Mark appropriate section with an 'x'			
Name of law firm / solicitor	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Filed by the [Party Title]			
Applicant	Full Name		
Party Title <small>Selected applicant title not to appear again below</small>	<input type="checkbox"/> Child <input type="checkbox"/> Adoptive Parent <input type="checkbox"/> Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Chief Executive		
Mark appropriate section with an 'x'			
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Next item not displayed if applicant title is adoptive parent and there is only one adoptive parent.

First Adoptive Parent	
Name	Full Name
Email Address	Email address
Phone Details	Type - Number

Next item not displayed if applicant title is adoptive parent or there is only one adoptive parent

<b>Second Adoptive Parent</b>	
Name	Full Name
Email Address	Email address
Phone Details	Type - Number

Next item not displayed if applicant title is Birth Mother

<b>Birth Mother</b>	
Name	Full Name
	Any other previous names (if applicable)
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 - Number

Next item not displayed if applicant title is Birth Father

<b>Birth Father</b>	
Name	Full Name
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 - Number

Next item not displayed if applicant title is Child

<b>Child</b>							
Name	Full Name						
Date of Birth	Date of Birth						
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'						
Place of Birth	Hospital (if known), suburb and State/Country of birth						
Is the person an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No  Mark appropriate section with an 'x'						
Address Only applicable if child is aged 18 or over	Street Address (including unit or level number and name of property if required)  <table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table> Email address			City/town/suburb	State	Postcode	Country
City/town/suburb	State	Postcode	Country				
Phone Details Only applicable if child is aged 18 or over	Type - Number						

<b>Particulars of First Adoptive Parent</b>	
Name	Full Name
	Maiden Name (if applicable)
	Any other previous names (if applicable)
Birth Details	Date of Birth
	Place of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship  <i>[specify date of commencement]</i>  Mark appropriate section with an 'x'

Occupation	Occupation			
Residential Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

Only display if applicable

Particulars of Second Adoptive Parent	
Name	Full Name
	Maiden Name (if applicable)
	Any other previous names (if applicable)
Birth Details	Date of Birth
	Place of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified Mark appropriate section with an 'x'
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement] Mark appropriate section with an 'x'
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required)
	City/town/suburb
	State
	Postcode
	Country

**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for an order declaring that an adoption order made under the law of a country outside Australia [is/is not] to be recognised under the law of the State.

This Application is made under section 21(2) of the Adoption Act 1988.

The Applicant seeks the following orders:

☐ 1. that pursuant to section 21(2) of the Adoption Act 1988 the adoption order made on [date] under the law of [country] [is/is not] to be recognised under the law of the State.

[ ] 2. [any other orders sought in separately numbered paragraphs]

This Application is made on the grounds set out in the accompanying affidavit sworn by  
[full name] on the day of 20 .

**To the other parties: WARNING**

The Applicant has applied for orders set out in this Application.

The facts that support this application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

[ ] It is intended to serve this application on all other parties.

[ ] It is not intended to serve this application on the following parties: [list names]

because [reasons]

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is at:

[ ] Supporting Affidavit (mandatory)

[ ] If other additional document(s) please list them below:

**Form A4 Interlocutory Application**

Form A4

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**INTERLOCUTORY APPLICATION**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party



Filed by the [Party title]				
Party Role	Full Name			
Name of law firm / solicitor If any	Law Firm		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 - Number			

[illegible]

**To the other parties: WARNING**

The above named party has applied for orders set out in this Application based on the facts set out in the accompanying affidavit.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

#### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, in accordance with the Rules of Court.

- [    ] It is intended to serve this application on all other parties.
- [    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [    ] Supporting Affidavit (mandatory)
- [    ] If other additional document(s) please list below:

**Form A5 Affidavit**

Form A5

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**AFFIDAVIT**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

Filed by the [Party title]				
Party Role	Full Name			
Name of law firm / solicitor If any	Law Firm		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 - Number			

Deponent Details				
Deponent				
Address	Full Name			
	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Occupation	Occupation			

### Affidavit

Mark appropriate section below with an 'x'

I [full name, address and occupation of deponent]  
[ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:  
Set out text in separate numbered paragraphs  
If the affidavit relates to an application, identify the application and state the material facts relevant to the application.

1.

Sworn/Affirmed ~~Delete whichever is inapplicable~~  
By the abovenamed deponent

<p>at [place]</p> <p>on [date]</p>  <p>.....</p> <p>Signature of deponent</p>   <p>before me .....</p> <p style="padding-left: 100px;">Signature and title of attesting witness</p>   <p>.....</p> <p>Printed name and title of witness</p> <p><small>Stamp here if applicable</small></p>   <p>.....</p> <p>ID number of witness</p> <p><small>If applicable</small></p>
--

**Instructions**

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the Affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

**Service on the birth parents(s) and the child:**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, pursuant to the Rules of Court.

[    ] It is intended to serve this application on all other parties.

[    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Form A6 Response**

Form A6

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**RESPONSE BY [PARTY TITLE AND NAME]**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

Filed by the [Party title]				
Party Role	Full Name			
Name of law firm / solicitor If any	Law Firm		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 - Number			

**Response Details**

This Response is in relation to an Application for  
Nature of application in one sentence.

The details of the Response are as follows:

The abovenamed party seeks the following orders:  
Orders sought in separately numbered paragraphs.

1.

**Service on the birth parents(s) and the child:**  
Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, pursuant to the Rules of Court.

[     ] It is intended to serve this application on all other parties.



<p>[    ] It is not intended to serve this application on the following parties: <i>[list names]</i></p>  <p>because <i>[reasons]</i></p>
---

<p><b>Accompanying Documents</b> <small>Mark appropriate sections below with an 'x'</small></p> <p>Accompanying service of this Application is a:</p> <p>[    ] Supporting Affidavit</p> <p>[    ] If other additional document(s) please list below:</p>
---

**Form A7 Application to Dispense with or Recognise the Validity of Consent**

Form A7

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

## APPLICATION TO DISPENSE WITH OR RECOGNISE THE VALIDITY OF CONSENT

YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTION

IN THE MATTER OF *[name of child]*

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Chief Executive of the Department for Child Protection

*[Party Title]*

Filed by the Applicant			
Applicant	Full Name		
Applicant Title	Chief Executive of the Department for Child Protection		
Name of law firm / solicitor if any	Law Firm	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		

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Phone Details	Type - Number
---------------	---------------

<b>[Party Title]</b>			
Name	Full Name		
	Any other previous names (if applicable)		
	Address for service		
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 - Number		

<b>Child</b>	
Name	Full Name
Date of Birth	Date of Birth

<p><b>Application Details</b> Mark appropriate sections below with an 'x'</p> <p>Matter type:</p> <p>This Application is for an order</p> <p>[ ] dispensing with consent [ ] recognising the validity of consent.</p> <p>This Application is made under section 19(1) of the Adoption Act 1988.</p> <p>The Applicant seeks the following orders:</p> <p>[ ] that the consent of the [party title] be dispensed with. [ ] that the consent of the [party title] be recognised as valid. [ ] [any other orders sought in separately numbered paragraphs]</p> <p>This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on the      day of      20      .</p>
--

<p><b>To the other parties: WARNING</b></p> <p>The Applicant has applied for orders set out in this Application.</p>
--

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

#### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

- [    ] It is intended to serve this application on all other parties.
- [    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

#### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [    ] Supporting Affidavit (mandatory)
- [    ] If other additional document(s) please list them below:

**Form A8 Application for an Order of the Court**

Form A8

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION FOR AN ORDER OF THE COURT**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only display if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

<b>Filed by the [Party Title]</b>			
Party Role	Full Name		
Party Title	<input type="checkbox"/> Child <input type="checkbox"/> Adoptive Parent <input type="checkbox"/> Birth Mother <input type="checkbox"/> Birth Father <input type="checkbox"/> Chief Executive		
Name of law firm / solicitor if any	Mark appropriate section with an 'x'		
	Law Firm	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 - Number		

Next item only displayed if applicable

<b>First Adoptive Parent</b>			
Name	Full Name		
Address for Service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Type - Number		

Next item only displayed if applicable

<b>Second Adoptive Parent</b>			
Name	Full Name		
Address for Service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Type - Number		

Next item only displayed if applicable

<b>Birth Mother</b>			
Name			
	Full Name		
	Any other previous names (if applicable)		
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 - Number		

Next item only displayed if applicable

<b>Birth Father</b>			
Name			
	Full Name		
	Any other previous names (if applicable)		
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 - Number		

<b>Child</b>					
Name	Full Name				
Date of Birth	Date of Birth				
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'				
Place of Birth	Hospital (if known), suburb, State/Country				
Is the person an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No  Mark appropriate section with an 'x'				
Address for Service <small>Only applicable if child is aged 18 or over</small>	Street Address (including unit or level number and name of property if required) <table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table> Email address	City/town/suburb	State	Postcode	Country
City/town/suburb	State	Postcode	Country		
Phone Details <small>Only applicable if child is aged 18 or over</small>	Type - Number				

Next item only displayed if First Adoptive Parent details completed above

<b>Particulars of First Adoptive Parent</b>	
Name	Full Name  Maiden Name (if applicable)  Any other previous names (if applicable)
Birth Details	Date of Birth  Place of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship [specify date of commencement]  Mark appropriate section with an 'x'



Occupation	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		

Next item only displayed if Second Adoptive Parent details completed above

Particulars of Second Adoptive Parent	
Name	Full Name
	Maiden Name (if applicable)
	Any other previous names (if applicable)
Birth Details	Date of Birth
	Place of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified  Mark appropriate section with an 'x'
Date of present marriage/qualifying relationship	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying relationship  <i>[specify date of commencement]</i>  Mark appropriate section with an 'x'
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required)
	City/town/suburb
	State
	Postcode
Country	
Email address	

<b>Application Details</b>  Matter Type:  This Application is for Nature of application in one sentence
--

This Application is made under  
Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs

1.

This Application is made on the grounds set out in the accompanying affidavit sworn  
by [full name]

on the

day of

20

**To the other parties: WARNING**

The above named party has applied for orders set out in this Application.

The facts that support this application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear days before the first hearing, in accordance with the Rules of Court.

[ ] It is intended to serve this application on all other parties.

[ ] It is not intended to serve this application on the following parties: [list names]

because [reasons]

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [    ] Supporting Affidavit (mandatory)
- [    ] If other additional document(s) please list them below:

**Form A9 Affidavit of Service**

Form A9

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**AFFIDAVIT OF SERVICE**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF [*name of child*]Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<b>Deponent Process Server Details</b>			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Occupation	Occupation		

<p><b>Affidavit</b> Mark appropriate section below with an 'x'</p> <p>I [full name, address and occupation of deponent] [ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:</p> <p>1. I served [insert name of person served] on [date] at [insert service location] with the following document(s): [describe document(s) served] by the following service method: [set out the method of service]</p> <p>If applicable At the time of service the person served stated [record what the person served said].</p> <p>Note: If the document served is already a document on the court file, it should not be attached to the Affidavit.</p> <p>Sworn/Affirmed <del>Delete whichever is inapplicable</del> By the abovenamed deponent</p> <p>at [place] on [date]</p>
---

<p>..... Signature of deponent</p>  <p>before me ..... Signature and title of attesting witness</p>  <p>..... Printed name and title of witness <small>Stamp here if applicable</small></p>  <p>..... ID number of witness <small>If applicable</small></p>
---

**Instructions**

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the Affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (c) a Registrar or Deputy Registrar
  - (d) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

**Service on the birth parents(s) and the child:**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing, pursuant to the Rules of Court.

[     ] It is intended to serve this application on all other parties.

[ ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Form A10 Order**

Form A10

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

**ORDER**

YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTION

IN THE MATTER OF *[name of adoptive/adopted person]*

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Adoptive/Adopted Person

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party



**Introduction****Hearing**

[Hearing date]

[Presiding Officer]

**Appearances**

[First Adoptive Parent Appearance Information]

Only displayed if applicable

[Second Adoptive Parent Appearance Information]

[Birth Mother Appearance Information]

[Birth Father Appearance Information]

[Adoptive/Adopted Person Appearance Information]

Only displayed if applicable

[Chief Executive Appearance Information]

Only displayed if applicable

[Other party title's Appearance Information]

**Date of Order:**

Next box only displayed if originating process is application for adoption order

Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

Adoption order granted

[ ] there has been due and proper compliance with the requirements of the Act and that it is in the best interests of the adoptive person that an order be made

Adoption order not granted

[ ] there has been due and proper compliance with the requirements of the Act but that it is not in the best interests of the adoptive person that an order be made

Adoption order not granted

[ ] there has not been due and proper compliance with the requirements of the Act

[ ] [any other recitals to appear in order]

Next box only displayed if originating process is application to discharge an adoption order

Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

Discharge order granted

☐ the adoption order or consent for the purposes of the adoption order was obtained by fraud, duress or other improper means

Discharge order granted  
☐ it is in the best interests of the adoptive person, taking into account the rights and welfare of the adoptive person, for the discharge order to be made

Discharge order not granted  
☐ the grounds of the Application to Discharge an Adoption Order have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application for recognition of an adoption order made outside Australia  
 Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

Recognition order granted  
☐ a) the Adoption Order was made in accordance with the law of that country; and  
☐ b) when the Adoption Order was made, each applicant was domiciled in that country or had been resident in that country for at least 12 months; and  
☐ c) The circumstances in which the order was made would, if they had existed in this State, have constituted a sufficient basis for making an adoption order under this Act; and  
☐ d) The proceedings in which the order was made involved no denial of natural justice or failure to observe the requirements of substantial justice

Recognition order not granted  
☐ the grounds of the Application to Recognise an Adoption Order made outside Australia have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application to dispense with, or recognise the validity of consent  
 Next box only displayed if one or more recitals are entered

**Recitals**

The Court is satisfied that:

Order granted to dispense with consent  
☐ the person cannot, after reasonable inquiry, be found or identified

Order granted to dispense with consent  
☐ the person is in such a physical or mental condition as not to be capable of properly considering the question of consent

Order granted to dispense with consent  
☐ the person has abandoned, deserted or persistently neglected or ill-treated the child

Order granted to dispense with consent  
☐ there are circumstances by reason of which the consent may properly be dispensed with

Order granted recognising consent  
☐ the person has given valid consent to the adoption

Dispensation/recognition order not granted  
☐ the grounds of the Application to Dispense with, or Recognise the Validity of Consent have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application to revoke an order dispensing with or recognising the validity of consent, application for interlocutory orders, application for costs or other  
 Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

[     ] *[any other recitals to appear in order]*

Next box only displayed if originating process is application for adoption order

### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[     ] That the hearing of the application is adjourned until *[date]*.

Mandatory if application is dismissed

[     ] That the Application for an Adoption Order is dismissed.

Mandatory if application is withdrawn

[     ] That leave is granted for the Application for an Adoption Order to be withdrawn.

If application is granted

[     ] That the adoptive person be adopted by the applicant[s].

If application is granted

[     ] That the name by which the adoptive person is to be known is *[name]*.

If outcome is interim order

[     ] The period between service upon the *[party title]* *[name]* and the hearing of the application is reduced to *[number of days]* days.

If outcome is interim order

[     ] Service upon the *[party title]* *[name]* is dispensed with.

[     ] Other *[orders in separately numbered paragraphs]*

Next box only displayed if originating process is application to discharge an adoption order

### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[     ] That the hearing of the application is adjourned until *[date]*.

Mandatory if application is dismissed

[     ] That the Application to Discharge an Adoption Order is dismissed.

Mandatory if application is withdrawn

[     ] That leave is granted for the Application to Discharge an Adoption Order

to be withdrawn.

If application is granted

[ ] That the adoption order dated [date] be discharged.

If application is granted

[ ] That the name by which the adoptive person is to be known is [name].

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] Other [orders in separately numbered paragraphs]

Next box only displayed if originating process is application for recognition of an adoption order made outside Australia

### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

[ ] That the Application for Recognition of an Adoption Order Made Outside Australia is dismissed.

Mandatory if application is withdrawn

[ ] That leave is granted for the Application for Recognition of an Adoption Order Made Outside Australia to be withdrawn.

If application is granted

[ ] That the adoption order dated [date] and made outside Australia is to be recognised under the law of the State of South Australia.

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] Other [orders in separately numbered paragraphs]

Next box only displayed if originating process is application to dispense with or recognise the validity of consent

### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

[ ] That the Application to Dispense with or Recognise the Validity of Consent is dismissed.

Mandatory if application is withdrawn

[ ] That leave is granted for the Application to Dispense with or Recognise the Validity of Consent to be withdrawn.

If application is granted

[ ] That the consent of the [party title] is dispensed with.

If application is granted

[ ] That the consent given by the [party title] on [date] is recognised.

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] Other [orders in separately numbered paragraphs]

Next box only displayed if originating process is application to revoke an order dispensing with or recognising the validity of consent, application for interlocutory orders, application for costs or other

### Order

It is ordered

Orders in separately numbered paragraphs.

1.

Court use only

.....  
Registrar

**Form A11 Notice to Births, Deaths and Marriages**

Form A11

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**NOTICE TO BIRTHS, DEATHS AND MARRIAGES OF ADOPTION ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTIONIN THE MATTER OF *[name of child]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable

Second Adoptive Parent

Birth Mother

Birth Father

Child

Only displayed if applicable

Chief Executive

Only displayed if applicable

First Interested Party

**TO THE REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES**

TAKE NOTICE that on *[date]* in the Youth Court of South Australia sitting at Adelaide *[an Adoption order / an order to Discharge an Adoption Order dated [date] / an order Recognising an Adoption Order dated [date]]* was made in respect of the person and the applicant[s] referred to below.

A copy of the *[Adoption Order/Discharge Order/Recognition of an Adoption Order]* is attached to this notice.

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Next item only displayed where an order has been made as to child's to be known as' name. Not displayed for Recognition of an Adoption Order. AND TAKE NOTICE that it was further ordered that the name by which the child is to be known is [name].	
<b>Child</b>	
Name	Full Name
Date of Birth	Date of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified
Place of Birth	Mark appropriate section with an 'x'
Birth Mother	Place
	Full Name
	Previous Full Name (if applicable)
Birth Father	Full Name
	Previous Full Name (if applicable)

Next item only displayed for Adoption Order

<b>Particulars of Adoptive Parent 1</b>	
Name	Full Name
	Maiden Name (if applicable)
	Previous Full Name (if applicable)
Birth Details	Date of Birth
	Place of Birth
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State, Postcode

Next item only displayed for Adoption Order - if applicable

<b>Particulars of Adoptive Parent 2</b>
---

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Name	Full Name
	Maiden Name (if applicable)
	Previous Full Name (if applicable)
Birth Details	Date of Birth
	Place of Birth
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State, Postcode



**Form A81 Record of Outcome**

Form A81

To be inserted by Court

Case Number:

Date Filed:

FDN:

**RECORD OF OUTCOME – ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
ADOPTION JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Adoptive Parent

Only displayed if applicable  
Second Adoptive Parent

Birth Mother

Birth Father

Adoptive/Adopted Person

Only displayed if applicable  
Chief ExecutiveOnly displayed if applicable  
First Interested Party**Introduction****Hearing**

Hearing Location: [suburb]

[Hearing date]

Hearing type:

[*Presiding Officer*]

### Appearances

[*First Adoptive Parent Appearance Information*]

Only displayed if applicable

[*Second Adoptive Parent Appearance Information*]

[*Birth Mother Appearance Information*]

[*Birth Father Appearance Information*]

[*Adoptive/Adopted Person Appearance Information*]

Only displayed if applicable

[*Chief Executive Appearance Information*]

Only displayed if applicable

[*Other party title's Appearance Information*]

### Recitals

Date of Order:

Administrative Notes

Next box only displayed if originating process is application for adoption order  
Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

Adoption order granted

[ ] there has been due and proper compliance with the requirements of the Act and that it is in the best interests of the adoptive person that an order be made

Adoption order not granted

[ ] there has been due and proper compliance with the requirements of the Act but that it is not in the best interests of the adoptive person that an order be made

Adoption order not granted

[ ] there has not been due and proper compliance with the requirements of the Act

[ ] [*any other recitals to appear in order*]

Next box only displayed if originating process is application to discharge an adoption order  
Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

Discharge order granted  
☐ the adoption order or consent for the purposes of the adoption order was obtained by fraud, duress or other improper means

Discharge order granted  
☐ it is in the best interests of the adoptive person, taking into account the rights and welfare of the adoptive person, for the discharge order to be made

Discharge order not granted  
☐ the grounds of the Application to Discharge an Adoption Order have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application for recognition of an adoption order made outside Australia  
 Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

Recognition order granted  
☐ a) the Adoption Order was made in accordance with the law of that country; and  
☐ b) when the Adoption Order was made, each applicant was domiciled in that country or had been resident in that country for at least 12 months; and  
☐ c) The circumstances in which the order was made would, if they had existed in this State, have constituted a sufficient basis for making an adoption order under this Act; and  
☐ d) The proceedings in which the order was made involved no denial of natural justice or failure to observe the requirements of substantial justice

Recognition order not granted  
☐ the grounds of the Application to Recognise an Adoption Order made outside Australia have not been made out

☐ [any other recitals to appear in order]

Next box only displayed if originating process is application to dispense with, or recognise the validity of consent  
 Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

Order granted to dispense with consent  
☐ the person cannot, after reasonable inquiry, be found or identified

Order granted to dispense with consent  
☐ the person is in such a physical or mental condition as not to be capable of properly considering the question of consent

Order granted to dispense with consent  
☐ the person has abandoned, deserted or persistently neglected or ill-treated the child

Order granted to dispense with consent  
☐ there are circumstances by reason of which the consent may properly be dispensed with

Order granted recognising consent  
☐ the person has given valid consent to the adoption

Dispensation/recognition order not granted  
☐ the grounds of the Application to Dispense with, or Recognise the Validity of Consent have not been made out

[     ] *[any other recitals to appear in order]*

Next box only displayed if originating process is application to revoke an order dispensing with or recognising the validity of consent, application for interlocutory orders, application for costs or other  
Next box only displayed if one or more recitals are entered

### Recitals

The Court is satisfied that:

[     ] *[any other recitals to appear in order]*

Next box only displayed if originating process is application for adoption order

### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[     ] That the hearing of the application is adjourned until *[date]*.

Mandatory if application is dismissed

[     ] That the Application for an Adoption Order is dismissed.

Mandatory if application is withdrawn

[     ] That leave is granted for the Application for an Adoption Order to be withdrawn.

If application is granted

[     ] That the adoptive person be adopted by the applicant[s].

If application is granted

[     ] That the name by which the adoptive person is to be known is *[name]*.

If outcome is interim order

[     ] The period between service upon the *[party title]* *[name]* and the hearing of the application is reduced to *[number of days]* days.

If outcome is interim order

[     ] Service upon the *[party title]* *[name]* is dispensed with.

[     ] Other *[orders in separately numbered paragraphs]*

Next box only displayed if originating process is application to discharge an adoption order

### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed  
 [ ] That the Application to Discharge an Adoption Order is dismissed.

Mandatory if application is withdrawn  
 [ ] That leave is granted for the Application to Discharge an Adoption Order to be withdrawn.

If application is granted  
 [ ] That the adoption order dated [date] be discharged.

If application is granted  
 [ ] That the name by which the adoptive person is to be known is [name].

If outcome is interim order  
 [ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order  
 [ ] Service upon the [party title] [name] is dispensed with.

[ ] Other [orders in separately numbered paragraphs]

Next box only displayed if originating process is application for recognition of an adoption order made outside Australia

#### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

[ ] That the Application for Recognition of an Adoption Order Made Outside Australia is dismissed.

Mandatory if application is withdrawn

[ ] That leave is granted for the Application for Recognition of an Adoption Order Made Outside Australia to be withdrawn.

If application is granted

[ ] That the adoption order dated [date] and made outside Australia is to be recognised under the law of the State of South Australia.

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] Other [orders in separately numbered paragraphs]

Next box only displayed if originating process is application to dispense with or recognise the validity of consent

#### Order

It is ordered

Mandatory if outcome is adjournment or interim order

[ ] That the hearing of the application is adjourned until [date].

Mandatory if application is dismissed

[ ] That the Application to Dispense with or Recognise the Validity of Consent is dismissed.

Mandatory if application is withdrawn

[ ] That leave is granted for the Application to Dispense with or Recognise the Validity of Consent to be withdrawn.

If application is granted

[ ] That the consent of the [party title] is dispensed with.

If application is granted

[ ] That the consent given by the [party title] on [date] is recognised.

If outcome is interim order

[ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

[ ] Service upon the [party title] [name] is dispensed with.

[ ] Other [orders in separately numbered paragraphs]

Next box only displayed if originating process is application to revoke an order dispensing with or recognising the validity of consent, application for interlocutory orders, application for costs or other

#### Order

It is ordered

Orders in separately numbered paragraphs.

1.

## YOUTH COURT (CARE AND PROTECTION) RULES 2018

## SOUTH AUSTRALIA

*Amendment No 1*

By virtue and in pursuance of section 32 of the *Youth Court Act 1993* and all other enabling powers, we, the Judge of the Court and the Magistrates who are members of the principal judiciary of the Court, make the following *Youth Court (Care and Protection) Rules 2018 (Amendment No 1)*.

1. These Rules may be cited as the *Youth Court (Care and Protection) Rules 2018 (Amendment No 1)*.
2. The *Youth Court (Care and Protection) Rules 2018* are amended as set out below.
3. These rules come into effect—
  - (a) subject to subrule (b), on the date of their publication in the *Gazette*;
  - (b) if these rules are published in the *Gazette* on a day other than a Monday, these rules come into effect on the date that is the first Monday following that publication.
4. In these Rules, the **commencement date** means the date on which these rules come into effect under rule 3.
5. Unless the Court otherwise orders—
  - (a) the *Youth Court (Care and Protection) Rules 2018* as amended by these Rules (the **current Rules**) apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken, on or after the commencement date; and
  - (b) the *Youth Court (Care and Protection) Rules 2018* before they were amended by these Rules (the **former Rules**) continue to govern a step in a proceeding taken before the commencement date.
6. If the time to commence or take a step in a proceeding under the former Rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former Rules (unless the current Rules provide for a longer time).
7. Rule 4 is amended by adding the following sentence at the end of the rule:  
“The care and protection jurisdiction of the Court is also governed by the *Youth Court (General) Rules 2016*.”
8. Rule 6 is deleted.
9. ‘Rule 7 – Forms’ is re-numbered to ‘Rule 6 – Forms.’
10. ‘Rule 8 – Notification of urgent removal’ is re-numbered to ‘Rule 7 – Notification of urgent removal.’
11. ‘Rule 9 – Applications – general provision’ is re-numbered to ‘Rule 8 – Applications – general provision.’
12. A new Rule 8A is inserted as follows:
 

**“8A—Application for Care and Protection Order or for Variation, Revocation or Discharge**

  - (1) An application for a care and protection order is to be made in the prescribed form set out in Schedule 1.

**Prescribed form—**

Form CP1 Application for Care and Protection Order or to Vary, Extend or Revoke Instrument of Guardianship

  - (2) An application to vary, revoke or discharge a Care and Protection Order is to be made in the prescribed form set out in Schedule 1.

**Prescribed form—**

Form CP2 Application to Vary, Revoke or Discharge Care and Protection Orders”
13. A new rule 8B is inserted as follows:
 

**“8B—Interested Persons**

If an interested person wishes to appear at trial and make submissions in respect of a child or young person pursuant to section 66 of the *Children and Young People (Safety) Act 2017*, an application must be made in the prescribed form set out in Schedule 1.

**Prescribed form—**

Form CP5 Application for Interested Person(s) to be Heard”
14. A new rule 8C is inserted as follows:
 

**“8C—Undertakings**

An undertaking entered into by a party in relation to an Application under this Part must be made in the prescribed form set out in Schedule 1 and signed by the person entering into the undertaking.

**Prescribed form—**

Form CP8 Undertaking”
15. ‘Rule 10 – Case plans’ is re-numbered to ‘Rule 9 – Case plans.’
16. ‘Rule 11 – Material supporting applications – other requirements’ is re-numbered to ‘Rule 10 – Material supporting applications – other requirements.’
17. ‘Rule 12 – Responses’ is re-numbered to ‘Rule 11 – Responses.’
18. Subrule 11(3) is deleted and the following subrule is substituted:
 

“ (3) A response to an application must—

  - (a) be in the prescribed form set out in Schedule 1; and
  - (b) state clearly the order or orders sought in the application that are opposed and any order that is not opposed; and

- (c) if an order is proposed as an alternative to an order sought in the application, indicate that clearly, and specify the proposed order and which order it would replace; and
- (d) in relation to each ground of the application, state whether the ground is—
  - (i) admitted; or
  - (ii) disputed; or
  - (iii) not admitted, but not disputed for the purposes of the determination of the application; and
- (e) in relation to each separate particular of a factual allegation in the application, state whether the particular is—
  - (i) admitted; or
  - (ii) disputed; or
  - (iii) not admitted, but not disputed for the purposes of the determination of the application; and
- (f) if a ground or particular is disputed, state briefly the manner in which the ground or particular is disputed.

**Prescribed form—**

Form CP7 Response”

- 19. ‘Rule 13 – Interlocutory applications’ is re-numbered to ‘Rule 12 – Interlocutory applications.’
- 20. Subrule 12(2) is deleted and the following subrule is substituted:
  - “(2) An interlocutory application is to be in the prescribed form set out in Schedule 1, accompanied by an affidavit in the prescribed form evidencing the grounds on which the application is being made.

**Prescribed forms—**

Form CP6 Interlocutory Application

Form CP4 Affidavit”

- 21. ‘Rule 14 – Pre-trial conferences’ is re-numbered to ‘Rule 13 – Pre-trial conferences.’
- 22. ‘Rule 15 – Documents required for pre-trial conferences’ is re-numbered to ‘Rule 14 – Documents required for pre-trial conferences.’
- 23. ‘Rule 16 – Status conferences and facilitation of trials’ is re-numbered to ‘Rule 15 – Status conferences and facilitation of trials.’
- 24. ‘Rule 17 – Trial books’ is re-numbered to ‘Rule 16 – Trial books.’
- 25. ‘Rule 18 – Listing of trials’ is re-numbered to ‘Rule 17 – Listing of trials.’
- 26. ‘Rule 19 – Trials’ is re-numbered to ‘Rule 18 – Trials.’
- 27. ‘Rule 20 – Minutes of order’ is re-numbered to ‘Rule 19 – Minutes of order.’
- 28. ‘Rule 21 – Temporary instruments of guardianship and restraining notices’ is re-numbered to ‘Rule 20 – Temporary instruments of guardianship and restraining notices.’
- 29. Rule 20 is deleted and the following rule is substituted:

**“21—Temporary instruments of guardianship and restraining notices**

- (1) For the purposes of sections 45(4)(b) and 46(4)(b) of the [Children and Young People \(Safety\) Act 2017](#), an instrument of guardianship or restraining notice (as the case may be) must be lodged with the Court in the prescribed form in Schedule 1.

**Prescribed form—**

Form CP3 Notice of Lodgement of Instrument

- (2) An application to the Court to vary arrangements for the care of a child or young person under section 45(6) of the [Children and Young People \(Safety\) Act 2017](#) must be made in the prescribed form in Schedule 1.

**Prescribed form—**

Form CP1 Application for Care and Protection Order or to Vary, Extend or Revoke Instrument of Guardianship

- (3) An application to the Court to extend the guardianship period or a restraining notice period under section 47 of the [Children and Young People \(Safety\) Act 2017](#) must be made using the prescribed form in Schedule 1.

**Prescribed form—**

Form CP1 Application for Care and Protection Order or to Vary, Extend or Revoke Instrument of Guardianship”

- 30. ‘Rule 22 – Video and other links’ is re-numbered to ‘Rule 21 – Video and other links.’
- 31. ‘Rule 23 – Proof of service’ is re-numbered to ‘Rule 22 – Proof of service.’
- 32. Subrule 22(2) is deleted and the following subrule is substituted:
  - “(2) Proof of service of an application or document may consist of an affidavit in the prescribed form made by the person who served the application or document setting out—
    - (a) the date, time and place of service; and
    - (b) how the person to be served was identified; and
    - (c) how service was effected.

**Prescribed form—**

Form CP9 Affidavit of Service”

- 33. ‘Rule 24 – Litigation guardians’ is re-numbered to ‘Rule 23 – Litigation guardians.’
- 34. ‘Rule 25 – Revocation’ is re-numbered to ‘Rule 24 – Revocation.’
- 35. The current Schedule to the *Youth Court (Care and Protection) Rules 2018* is deleted and the following Schedule is substituted:



**Schedule 1—Forms****Form CP1 Application for Care and Protection Order or to Vary, Extend or Revoke Instrument of Guardianship**

Form CP1

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION [FOR CARE AND PROTECTION ORDERS/TO VARY AN INSTRUMENT OF GUARDIANSHIP/TO EXTEND AN INSTRUMENT OF GUARDIANSHIP OR RESTRAINING NOTICE/TO REVOKE AN INSTRUMENT OF GUARDIANSHIP OR RESTRAINING NOTICE]**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF [*name[s] of child(ren)*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

Only displayed on Application for Care and Protection Orders

<b>Pre-Action Steps</b> Mark appropriate sections below with an 'x' Has a Family Group Conference taken place? Yes [   ] No [   ] Does section 59(2) apply? Yes [   ] No [   ] Has an Instrument of Guardianship or Restraining Notice been lodged? Yes [   ] No [   ]
--

Child[ren] the subject of this application	
Child	Full Name
Date of birth	Date of birth
Ethnicity	Ethnicity

Duplicate panel if multiple children

Filed by the Applicant			
Applicant	The Chief Executive of the Department for Child Protection		
Name of law firm / solicitor if any	Crown Solicitor's Office, Public Law Section Law Firm	Solicitor	
Address for service	10 Franklin Street Street Address (including unit or level number and name of property if required)		
	Adelaide City/town/suburb	SA State	5000 Postcode
	Country		
	Email address		
Phone Details	8207 1510 Type - Number		

Guardian/Mother			
Full Name	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

<b>Guardian/Father</b>				
Full Name	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

<b>Other Party</b>				
Full Name	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple other parties

<p><b>Application Details</b> Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for Nature of application in one sentence</p> <p>This Application is made under section  <input type="checkbox"/> 45(6)  <input type="checkbox"/> 47  <input type="checkbox"/> 53(1)  of the Children and Young People (Safety) Act 2017.</p> <p>The Applicant seeks the following orders: Orders sought in separately numbered paragraphs. 1.</p> <p>The following are to display on an Application for Care and Protection Orders only  <input type="checkbox"/> Examination and assessment of the child[ren] [name(s)] is authorised (section 53(1)(b))  <input type="checkbox"/> [name]  is directed to undergo a [assessment type] assessment by a psychiatrist nominated by the Chief Executive who is authorised to conduct such assessment, and to release the results of that assessment to the Chief Executive (section 53(1)(c))</p>
--

<input type="checkbox"/>	The child[ren] [name] be placed under the custody of [name(s)] for a period of [specified period not exceeding 12 months] (section 53(1)(i))	
<input type="checkbox"/>	The child[ren] [name] be placed under the custody of the Chief Executive for a period of [specified period] (section 53(1)(j))	
<input type="checkbox"/>	The child[ren] [name] [is/are] not to be removed from the State for any purpose and the child[ren's] passport[s] the Court for a period of [specified period] are to be held by (section 53(1)(d))	
<input type="checkbox"/>	[name] is required to enter into a written undertaking for a period of [specified period] terms: [conditions of the undertaking] in the following	
<input type="checkbox"/>	The child[ren] [name] be placed under the guardianship of the Chief Executive for a period of [specified period not exceeding 12 months] (section 53(1)(e))	
<input type="checkbox"/>	The child[ren] [name] be placed under the guardianship of [name(s)] for a period of [specified period not exceeding 12 months] (section 53(1)(f))	
<input type="checkbox"/>	The child[ren] [name(s)] be placed under the guardianship of the Chief Executive until the child[ren] attains 18 years of age (section 53(1)(g))	
<input type="checkbox"/>	The child[ren] [name] be placed under the guardianship of [name/s] until the child[ren] attains 18 years of age (section 53(1)(h))	
<input type="checkbox"/>	[name] is directed to [action to be taken or not taken] (section 53(1)(k))	
The following are to display on an Application to Revoke an Instrument of Guardianship or Restraining Notice only		
<input type="checkbox"/>	The instrument of guardianship dated [date]	is revoked (section 53(1)(l))
<input type="checkbox"/>	The restraining notice dated [date]	is revoked (section 53(1)(l))
The following are to be automatically selected on an Application to Vary an Instrument of Guardianship		
<input type="checkbox"/>	The instrument of guardianship dated [date] be varied as follows: [variation] (section 45(6))	
The following are to display on an Application to Extend an Instrument of Guardianship or Restraining Notice only		
<input type="checkbox"/>	The instrument of guardianship dated [date]	be extended until [date] (section 47)
<input type="checkbox"/>	The restraining notice dated [date]	be extended until [date] (section 47)
The following is to be displayed on all Application types		
<input type="checkbox"/>	[any other orders sought]	
This Application is made on the grounds		
<input type="checkbox"/>	set out in the accompanying affidavit sworn by [full name] on the day of 20	

- [ ] set out in the accompanying report by *[name]*  
dated *[date]*

[ ] set out in the accompanying document being *[document description]*

**To the other parties: WARNING**

The Applicant has applied for orders set out in this Application.

The facts that support this application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

- [ ] It is intended to serve this application on all other parties.
- [ ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [ ] Supporting Affidavit (mandatory)
- [ ] If other additional document(s) please list them below:

**Form CP2 Application to Vary, Revoke or Discharge Care and Protection Orders**

Form CP2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION TO [VARY/REVOKE/DISCHARGE] CARE AND PROTECTION ORDERS**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

Guardian/Mother				
Full Name	Full Name			
	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 - Number			

<b>Guardian/Father</b>				
Full Name	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

<b>Other Party</b>				
Full Name	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			

Duplicate panel if multiple other parties

<b>Application Details</b>	
Mark appropriate sections below with an 'x'	
This Application is for Nature of application in one sentence	
The original order was made on [date]	
This Application is made under section [ ] 55(1) [ ] 55(2) of the Children and Young People (Safety) Act 2017.	
The Applicant seeks the following orders: Orders sought in separately numbered paragraphs. 1.	
[ ] Only applicable if the Applicant is the Chief Executive/Minister The Care and Protection order dated [date] be discharged.	
[ ] The Care and Protection order dated [date] be revoked in its entirety.	
[ ] The Care and Protection order dated [date] be varied to [variations sought]	



[ ] [other orders sought in separately numbered paragraphs]

This Application is made on the grounds set out in the accompanying affidavit sworn by  
[full name]  
on the       day of       20       .

**To the other parties: WARNING**

The Applicant has applied for orders set out in this Application.

The facts that support this application are set out in the accompanying documentation.

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

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

[ ] It is intended to serve this application on all other parties.

[ ] It is not intended to serve this application on the following parties: [list names]

because [reasons]

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

[ ] Supporting Affidavit (mandatory)

[ ] If other additional document(s) please list them below:

**Form CP3 Notice of Lodgement of Instrument**

Form CP3

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**NOTICE OF LODGEMENT OF INSTRUMENT OF GUARDIANSHIP/RESTRAINING NOTICE  
WITH THE COURT**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

Child[ren] the subject of this application	
Name	Full Name
Date of birth	Date of birth
Ethnicity	Ethnicity

Duplicate panel if multiple children

Filed by the Applicant					
Full Name	The Chief Executive of the Department for Child Protection				
Name of law firm / office	Crown Solicitor's Office, Public Law Section				
Address for service	10 Franklin Street <small>Street Address (including unit or level number and name of property if required)</small>				
	<table border="1"> <tr> <td>Adelaide <small>City/town/suburb</small></td> <td>SA <small>State</small></td> <td>5000 <small>Postcode</small></td> <td>Australia <small>Country</small></td> </tr> </table>	Adelaide <small>City/town/suburb</small>	SA <small>State</small>	5000 <small>Postcode</small>	Australia <small>Country</small>
Adelaide <small>City/town/suburb</small>	SA <small>State</small>	5000 <small>Postcode</small>	Australia <small>Country</small>		
	Email address				
Phone Details	8207 1510 <small>Type - Number</small>				

Guardian/Mother					
Full Name	Full Name				
Address	Street Address (including unit or level number and name of property if required) <table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>	City/town/suburb	State	Postcode	Country
City/town/suburb	State	Postcode	Country		
	Email address				
Phone Details	Type - Number				

Guardian/Father					
Full Name	Full Name				
Address	Street Address (including unit or level number and name of property if required) <table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>	City/town/suburb	State	Postcode	Country
City/town/suburb	State	Postcode	Country		
	Email address				
Phone Details	Type - Number				

<b>Other Party</b>				
Full Name	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Type - Number			
Phone Details				

Duplicate panel if multiple other parties

<b>Proceeding Details</b> Mark appropriate sections below with an 'x'  Matter Type:  <input type="checkbox"/> An Instrument of Guardianship is lodged with the Court under section 45(4)(b) of the Children and Young Person (Safety) Act 2017.  <input type="checkbox"/> A Restraining Notice is lodged with the Court under section 46(4)(b) of the Children and Young Person (Safety) Act 2017.
---

<b>Service</b>  The party lodging this document is required to serve it on the offender.
--

**Form CP4 Affidavit**

Form CP4

To be inserted by Court

Case Number:

Date Filed:

FDN:

**AFFIDAVIT**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<b>Deponent Details</b>			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Occupation	Occupation		

<b>Affidavit</b>			
Mark appropriate section below with an 'x'			
I [full name, address and occupation of deponent]			
[ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:			
Set out text in separate numbered paragraphs			
If the affidavit relates to an application, identify the application and state the material facts relevant to the application.			
1.			
Sworn/Affirmed Delete whichever is inapplicable			
By the abovenamed deponent			

at [place]

on [date]

.....  
Signature of deponent

before me .....

Signature and title of attesting witness

.....  
Printed name and title of witness

Stamp here if applicable

.....  
ID number of witness

If applicable

#### Instructions

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

#### Service

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

**Form CP5 Application for Interested Person(s) to be Heard**

Form CP5

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION FOR INTERESTED PERSON TO BE HEARD**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive



**Application Details**  
Mark appropriate sections below with an 'x'

This Application is for permission to make submissions at the trial on [date]

This Application is made under section 66 of the Children and Young People (Safety) Act 2017.

The Applicant seeks the following orders:  
Orders sought in separately numbered paragraphs.

1. Permission to make submissions at the trial on [date]
2. [any other orders sought in separately numbered paragraphs]

This Application is made on the grounds set out in the accompanying affidavit sworn by  
[full name]  
on the       day of       20      

- you **must attend the hearing** and
- you **may be required to file a Response** at a later stage.

**Service**  
Mark appropriate section below with an 'x'

<p>[    ] It is intended to serve this application on all other parties.</p> <p>[    ] It is not intended to serve this application on the following parties: <i>[list names]</i></p> <p>because <i>[reasons]</i></p>
---

<p><b>Accompanying Documents</b> <small>Mark appropriate sections below with an 'x'</small></p> <p>Accompanying service of this Application is a:</p> <p>[    ] Supporting Affidavit (mandatory)</p> <p>[    ] If other additional document(s) please list them below:</p>
--

**Form CP6 Interlocutory Application**

Form CP6

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**INTERLOCUTORY APPLICATION**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<p><b>Application Details</b> Mark appropriate sections below with an 'x'</p> <p>This Application is for Nature of application in one sentence</p> <p>If applicable This Application is made under Act and section or other particular provision</p> <p>The above named party seeks the following orders: Orders sought in separately numbered paragraphs.</p> <p>1.</p> <p>This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on [date]</p> <p>If applicable This application is urgent on the grounds set out in the accompanying affidavit sworn by [full name] on [date]</p> <p>If applicable This application is by consent. The consent of the [party title] [name] is evidenced by [set out evidence – eg letter or email from party's solicitor]</p>
--

<p><b>To the other parties: WARNING</b></p> <p>The abovenamed party has applied for orders set out in this Application based on the facts set out in the accompanying Affidavit.</p> <p>This Application will be considered at the hearing at the date and time set out at the top of this document.</p>
--

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

- you **must attend the hearing** and
- **you may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days prior to the next hearing.

- [    ] It is intended to serve this application on all other parties.
- [    ] It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- [    ] Supporting Affidavit (mandatory)
- [    ] If other additional document(s) please list them below:

**Form CP7 Response**

Form CP7

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**RESPONSE**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

This Response is in relation to an Application for  
Nature of application in one sentence

The details of the Response are as follows:

The above named party seeks the following orders:  
Orders sought in separately numbered paragraphs.

1.

--

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days before the next hearing.

☐ It is intended to serve this application on all other parties.

☐ It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying this Response is a:

☐ Supporting Affidavit (mandatory)

☐ If other additional document(s) please list them below:



**Form CP8 Undertaking**

Form CP8

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**UNDERTAKING**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Party Title	<input type="checkbox"/> Chief Executive/Minister <input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Step-Parent <input type="checkbox"/> Grandparent <input type="checkbox"/> Interested Party <input type="checkbox"/> Other		
Mark appropriate section with an 'x'			
Name of law firm / solicitor if any	Law Firm		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 - Number		

<b>Details of the Person Entering into the Undertaking</b>			
Full Name	Full Name		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Occupation	Occupation		

<p><b>Undertaking</b></p> <p>This Undertaking is entered into in relation to an Application for  <small>Nature of application in one sentence</small></p> <p>on [date]</p> <p>I undertake to the Court as follows:  <small>Set out text in separate numbered paragraphs</small></p> <p>1.</p>
---

I accept that I will be bound by the undertaking until [date] or excused by order of the Court. I acknowledge that if I do not comply with the conditions of this undertaking, that I will be guilty of an offence.

at [place]

on [date]

.....  
Signature of person entering undertaking

.....  
Name printed

before me .....  
Signature of attesting witness

.....  
Printed name and title of witness  
Stamp here if applicable

.....  
Date

**Service**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 clear business days before the next hearing.

[ ] It is intended to serve this application on all other parties.

[ ] It is not intended to serve this application on the following parties: [list names]

because [reasons]

**Note**

The person entering into this undertaking must sign and date this undertaking in the presence of an authorised witness.

Persons authorised to witness this undertaking are:

- (a) a Registrar or Deputy Registrar (or any other officer of the Court whom the Registrar has assigned for this purpose);
- (b) a public notary;
- (c) a Commissioner for taking affidavits;
- (d) a justice of the peace for South Australia;
- (e) any other person authorised by law to witness undertakings.

**Form CP9 Affidavit of Service**

Form CP9

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**AFFIDAVIT OF SERVICE**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of law firm / solicitor If any	Law Firm	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 - Number		

<b>Deponent Process Server Details</b>			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Occupation	Occupation		

<p><b>Affidavit</b> Mark appropriate section below with an 'x'</p> <p>I [full name, address and occupation of deponent] [ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:</p> <p>1. I served [insert name of person served] on [date] at [insert service location] with the following document(s): [describe document(s) served] by the following service method: [set out the method of service]</p> <p>If applicable At the time of service the person served stated [record what the person served said].</p> <p>Note: If the document served is already a document on the court file, it should not be attached to the Affidavit.</p> <p>Sworn/Affirmed <del>Delete whichever is inapplicable</del> By the abovenamed deponent</p> <p>at [place] on [date]</p>
---

<p>..... Signature of deponent</p>  <p>before me ..... Signature and title of attesting witness</p>  <p>..... Printed name and title of witness <small>Stamp here if applicable</small></p>  <p>..... ID number of witness <small>If applicable</small></p>
---

#### Instructions

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the Affidavit as necessary.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar
  - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
  - (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

#### Service

This Affidavit must be served on all parties unless the Rules of Court/Legislation state otherwise.

**Form CP10 Order**

Form CP10

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

**Introduction****Hearing***[Hearing date]**[Presiding Officer]***Appearances**



[Applicant/Appellant Appearance Information]  
 [Guardian/Mother Appearance Information]  
 [Guardian/Father Appearance Information]

**Date of Order:**

Next box only displayed if applicable

### Recitals

Final Order

[ ] The Court is satisfied that the grounds of the application have been made out and that orders should be made.

The following checkbox not to display on Application to Vary, Revoke or Discharge a Care and Protection Order

Final consent order

[ ] This order is made with the consent of all parties and without the Court having considered all the matters that the Court must otherwise consider in the proceedings.

[ ] [any applicable matters including jurisdictional facts]

### Orders

It is ordered that

- [ ] the hearing of the application is adjourned to [date] [in the Reunification Court].
- [ ] the period between service upon the [party role] [name] and the hearing of the application is reduced to [number of days] days
- [ ] service of the application and accompanying document upon the [party role] [name] is dispensed with.
- [ ] the [party role] [name] is to file and serve [document type] by close of business on [date].

[ ] It is further ordered that during the period of the adjournment and any subsequent adjournments, unless varied or revoked:

The following checkboxes to display on an Application for Care and Protection Orders only  
 Reproduce as often as necessary

- [ ] Examination and assessment of the child[ren] [name] is authorised
- [ ] [name] is directed to undergo a [assessment type] assessment by a psychiatrist nominated by the Chief Executive who is authorised to conduct such assessment, and to release the results of that assessment to the Chief Executive
- [ ] The child[ren] [name] be placed under the custody of [name/s] for a period of [specified period not exceeding 12 months]
- [ ] The child[ren] [name] be placed under the custody of the Chief Executive for a period of [specified period]
- [ ] The child[ren] [name] [is/are] not to be removed from the State for any purpose and the child[ren]'s passport[s] are to be held by the Court for a period of [specified period].
- [ ] [name] is required to enter into a written undertaking for a period of [specified period] in the following terms: [conditions of the undertaking]
- [ ] the child[ren] [name] be placed under the guardianship of the Chief Executive for a period of [specified period not exceeding 12 months]
- [ ] the child[ren] [name] be placed under the guardianship of [name/s] for a period of [specified period not exceeding 12 months]
- [ ] the child[ren] [name] be placed under the guardianship of the Chief Executive until the child[ren] attain[s] 18 years of age
- [ ] the child[ren] [name] be placed under the guardianship of [name/s] until the child[ren] attain[s] 18 years of age
- [ ] [name] is directed to [action to be taken or not taken]

The following checkboxes to display on an Application to Revoke an Instrument of Guardianship or Restraining Notice only

- ☐ The instrument of guardianship dated [date] is revoked  
☐ The restraining notice dated [date] is revoked

The following checkbox to be automatically selected on an Application to Vary an Instrument of Guardianship

- ☐ The instrument of guardianship dated [date] is varied as follows: [variation]

The following checkboxes to display on an Application to Extend an Instrument of Guardianship or Restraining Notice only

- ☐ The instrument of guardianship dated [date] be extended until [date]  
☐ The restraining notice dated [date] be extended until [date]

The following displayed on all Application types

- ☐ [any other orders sought]

☐ And upon noting

- ☐ [page number of] the Case Plan dated [date] is noted  
☐ [any other notations]

☐ Administrative Note Only displayed on Record

- ☐ This order is made with the consent of the participating parties without consideration of the matters that the Court must otherwise consider in the proceedings
- ☐ Registry to arrange [an AVL/a phone link] for [party role/s] on the next occasion
- ☐ Registry to advise [party role] of the adjourned date and time [and that if they do not attend that orders may be made in their absence]
- ☐ [any other administrative notes]

Next box displayed only if specified type of Order

### **WARNING**

A person who, having been personally served with this order, contravenes or fails to comply with the order is guilty of an offence, the penalty for which is imprisonment not exceeding two (2) years.

Next box displayed only if applicable

### **Accompanying Documents**

Accompanying this order is a

- ☐ [identify documents]

Court use only

.....  
 Registrar

**Form CP11 Lodgement of Instrument of Guardianship or Restraining Notice**

Form CP11

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**LODGEMENT OF [INSTRUMENT OF GUARDIANSHIP/RESTRAINING NOTICE]**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER of [*name[s] of child[ren]*]

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Add additional applicants as required  
Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

**Lodgement**

Provision for multiple numbered paragraphs

[*An instrument of guardianship/A restraining notice*] is hereby lodged in the Youth Court of South Australia.[*any additional notations*]

Next box displayed only if Record

**Authentication**

.....  
Electronic signature of judicial officer

Date signed:

**Accompanying Documents**

Mark appropriate section below with an 'x'

Accompanying this Order is a

[     ] *[identify documents]*

Next box displayed only if Order

Court use only

.....  
Registrar

**Form CP81 Record of Outcome**

Form CP81

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**RECORD OF OUTCOME**YOUTH COURT OF SOUTH AUSTRALIA  
CARE AND PROTECTION JURISDICTIONIN THE MATTER OF *[name(s) of child(ren)]*

Please specify the Full Name including capacity for each party. Each party should include a party number if more than one party of the same type.

Add additional applicants as required

Applicant

Guardian/Mother

Guardian/Father

Other Party

Chief Executive

**Introduction****Hearing**Hearing Location: *[suburb]**[Hearing date]*

Hearing type:

[Presiding Officer]

**Appearances**

[Applicant/Appellant Appearance Information]

[Guardian/Mother Appearance Information]

[Guardian/Father Appearance Information]

**Date of Order:**

**Orders**

It is ordered that:

Orders in separately numbered paragraphs.

1.

Next box only displayed if applicable

**Recitals**

Final Order

[ ] The Court is satisfied that the grounds of the application have been made out and that orders should be made.

The following checkbox not to display on Application to Vary, Revoke or Discharge a Care and Protection Order

Final consent order

[ ] This order is made with the consent of all parties and without the Court having considered all the matters that the Court must otherwise consider in the proceedings.

[ ] [any applicable matters including jurisdictional facts]

Dated: 8 May 2020

ELDRIDGE P.  
DAVIS L.  
WHITE D.  
KOEHN O.

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**

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