

South Australia
District Court Special Applications
Supplementary Rules 2014

SCHEDULE—APPROVED FORMS

Schedule—Approved Forms relate to District Court Special Applications Supplementary Rules 2014 dated 16th September 2014 that came into operation on 1st October 2014 (*Government Gazette* 19 September 2014, p. 5457) have been varied by District Court rules dated:

		<i>Gazette</i>	<i>Date of operation</i>
1	24 November 2015	26 November 2015, p. 5067	1 December 2015
2	22 November 2017	28 November 2017, p. 4774	18 December 2017

THE SCHEDULE – APPROVED FORMS

Index of Forms

Form SA1	Originating application for search warrant	1
Form SA2	Originating application for monitoring order	4
Form SA3	Originating application for confirmation of special powers authorisation	6
Form SA4	Originating application for confirmation of special area declaration	9
Form SA5	Inapplicable in the District Court	11
Form SA6	Inapplicable in the District Court	12
Form SA7	Inapplicable in the District Court	13
Form SA8	Inapplicable in the District Court	14
Form SA9	Warrant for search and seizure	15
Form SA10	Inapplicable in the District Court	17
Form SA11	Inapplicable in the District Court	18
Form SA12	Inapplicable in the District Court	19
Form SA13	Inapplicable in the District Court	20
Form SA14	Originating application for unexplained wealth order	21
Form SA15	Inapplicable in the District Court	24
Form SA16	Inapplicable in the District Court	25
Form SA17	Inapplicable in the District Court	26
Form SA18	Inapplicable in the District Court	27
Form SA19	Originating application for giving evidence or production of documents	28
Form SA20	Originating application to declare property of a person	31
Form SA21	Originating application for restraining order	34
Form SA22	Notice of objection – restraining order	37
Form SA23	Inapplicable in the District Court	39
Form SA24	Originating application—other	40
History of Amendment		41

ORIGINATING APPLICATION FOR SEARCH WARRANT

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 16
Australian Crime Commission (South Australia) Act 2004 s 29
Australian Crime Commission Act 2002 (Cth) s 22

The plaintiff (*name of plaintiff*) applies for the relief set out in this application.

The Court will hear this application at a time and place to be advised.

Application

1. The plaintiff is

- the Commissioner of Police
- an eligible person within the meaning of the *Australian Crime Commission Act 2002 (Cth)*

(delete whichever is inapplicable).

2. The plaintiff applies for issue of a warrant under

- section 16 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*
- section 29 of the *Australian Crime Commission (South Australia) Act 2004*
- section 22 of the *Australian Crime Commission Act 2002 (Cth)*

(delete whichever is inapplicable).

3. The plaintiff applies for a warrant for the purposes of an investigation by (*insert body*)
into

.....
.....(*set out details of the investigation*).

4. The plaintiff applies for a warrant authorising
.....
.....
(set out details of the authorisation sought).

5. The plaintiff seeks to be able to exercise the warrant during the following hours of the day or night...../at any time of the day or night *(delete whichever is inapplicable).*

6. The plaintiff applies for a warrant on the following grounds:
.....
.....
.....
.....
(set out grounds on which the warrant is reasonably required for the purpose of the investigation).

7 The detailed grounds are set out and verified in the accompanying affidavit.

8. The urgent circumstances making it appropriate for the application to be made by email/facsimile *(delete whichever is inapplicable)* are
.....
.....
(to be completed only in relation to applications made by email or facsimile).

9. The plaintiff proposes that the Court retain the documents associated with this application for at leastyears before returning them to the plaintiff or destroying them.

Order sought

The Plaintiff seeks the following orders:
(set out briefly but specifically the orders sought).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the matters set out in and exhibiting the documents referred to in rule 17 of the *District Court Special Applications Rules 2014*.

Plaintiff's address

The Plaintiff's address for contact is:

Place:

Email:

The Plaintiff's address is (*place of business*).

Service on the Defendant

It is not intended to serve this application on the Defendant.

Date:

.....
Signed by (*full name*)

Commissioner of Police

Eligible person within the meaning of the
Australian Crime Commission Act 2002 (Cth).

(*delete whichever is inapplicable*)

ORIGINATING APPLICATION FOR MONITORING ORDER

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 14

The plaintiff (*name of plaintiff*) the Commissioner of Police applies for the relief set out in this application.

The Court will hear this application at a time and place to be advised.

Application

1. The plaintiff is the Commissioner of Police.
2. The plaintiff applies for a monitoring order under section 14 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.
3. The plaintiff applies for a monitoring order on the following grounds:
(set out short grounds upon which the order is reasonably required for the purpose of the investigation).
.....
.....
.....
.....
4. The detailed grounds are set out and verified in the accompanying affidavit.
5. The plaintiff proposes that the Court retain the documents associated with this application for at leastyears before returning them to the plaintiff or destroying them.

Order sought

The Plaintiff seeks the following orders:

(set out briefly but specifically the orders sought).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the matters set out in and exhibiting the documents referred to in rule 17 of the *District Court Special Applications Rules 2014*.

Plaintiff's address

The Plaintiff's address for contact is:

Place:

Email:

The Plaintiff's address is (*place of business*).

Service on the Defendant

It is not intended to serve this application on the Defendant.

Date:

Signed by (*full name*)

Commissioner of Police

**ORIGINATING APPLICATION FOR CONFIRMATION OF SPECIAL POWERS
AUTHORISATION**

Terrorism (Police Powers) Act 2005 s 3 and s 19

The plaintiff (*name of plaintiff*) applies for the relief set out in this application.

The Court will hear this application at a time and place to be advised.

Application

1. The plaintiff is (*insert rank*) acting in accordance with section 3 of the *Terrorism (Police Powers) Act 2005*.

2. (*delete if inapplicable*)

- The Commissioner
- The Deputy Commissioner
- An Assistant Commissioner

(*delete whichever is inapplicable*)

is/are or was/were (*delete whichever is inapplicable*) unavailable to issue the special powers authorisation that the plaintiff proposes to issue/has issued (*delete whichever is inapplicable*) under section 3 of the *Terrorism (Police Powers) Act 2005*.

3. The plaintiff proposes to issue/has issued (*delete whichever is inapplicable*) a special powers authorisation under section 3 of the *Terrorism (Police Powers) Act 2005*.

4. The plaintiff applies for confirmation that the plaintiff has/had (*delete whichever is inapplicable*) proper grounds for issuing the special powers authorisation under section 3(1)/(2) (*delete whichever is inapplicable*) of the *Terrorism (Police Powers) Act 2005*.

5. (*delete if inapplicable*) The plaintiff believes that

- (a) a terrorist act is imminent, whether in or outside this State and
- (b) the exercise of powers under the Act will substantially assist in the prevention of the terrorist act

on the following grounds:

.....
.....
.....
.....

(set out the grounds upon which the relevant beliefs are held).

6. *(delete if inapplicable)* The plaintiff believes that
- (a) a terrorist act is being or has been committed, whether in or outside this State and
 - (b) the exercise of powers under the Act will substantially assist in the investigation of the terrorist act

on the following grounds:

.....
.....
.....
.....

(set out the grounds upon which the relevant beliefs are held).

7. *(delete if inapplicable)* The plaintiff was satisfied that it was necessary to issue the authorisation without confirmation because of the urgency of the circumstances, namely

.....
.....
.....
.....

(set out the grounds of urgency).

8. The grounds set out in this application are verified in the accompanying affidavit, which exhibits the proposed *(delete if inapplicable)* special powers authorisation.

9. *(delete if inapplicable)* The circumstances of urgency making it appropriate for the application to be made by email/facsimile *(delete whichever is inapplicable)* are

.....
.....
.....
.....

10. The plaintiff proposes that the Court retain the documents associated with this application for at leastyears before returning them to the plaintiff or destroying them.

Order sought

The Plaintiff seeks the following orders:

(set out briefly but specifically the orders sought).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the matters set out in and exhibiting the documents referred to in rule 17 of the *District Court Special Applications Rules 2014*.

Plaintiff's address

The Plaintiff's address for contact is:

Place:

Email:

The Plaintiff's address is *(place of business)*.

Service on the Defendant

It is not intended to serve this application on the Defendant.

Date:

.....
Signed by *(full name)*

(insert position and rank)

ORIGINATING APPLICATION FOR CONFIRMATION OF SPECIAL AREA DECLARATION

Terrorism (Police Powers) Act 2005 s 13 and 19

The plaintiff (*name of plaintiff*) the Commissioner of Police applies for the relief set out in this application.

The Court will hear this application at a time and place to be advised.

Application

- 1. The plaintiff is the Commissioner of Police acting in accordance with section 13 of the *Terrorism (Police Powers) Act 2005*.
- 2. The plaintiff proposes to issue a special area declaration under section 13 of the *Terrorism (Police Powers) Act 2005*.
- 3. The plaintiff applies for confirmation that issuing the special area declaration is appropriate in the circumstances under section 13(3) of the *Terrorism (Police Powers) Act 2005*.
- 4. The plaintiff is satisfied that:
 - (a) the area is:
 - the site of an airport, train station, bus station, tram station or ship or ferry terminal
 - the site of a special event
 - an area that is a public area where persons gather in large numbers

(delete whichever is inapplicable)

and

- (b) the declaration is required because of the nature of the site or area and the risk of occurrence of a terrorist act

on the following grounds:

.....

.....

.....

.....

(set out the grounds upon which the relevant beliefs are held).

5. The grounds set out in this application are verified in the accompanying affidavit, which exhibits the proposed special area declaration.
6. The plaintiff proposes that the Court retain the documents associated with this application for at leastyears before returning them to the plaintiff or destroying them.

Order sought

The Plaintiff seeks the following orders:

(set out briefly but specifically the orders sought)

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the matters set out in and exhibiting the documents referred to in rule 17 of the *District Court Special Applications Rules 2014*.

Plaintiff's address

The Plaintiff's address for contact is:

Place:

Email:

The Plaintiff's address is *(place of business)*.

Service on the Defendant

It is not intended to serve this application on the Defendant.

Date:

.....
Signed by *(full name)*

Commissioner of Police

Form SA5

Inapplicable in the District Court

WARRANT FOR SEARCH AND SEIZURE

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 16

Australian Crime Commission (South Australia) Act 2004 s 29

Australian Crime Commission Act 2002 (Cth) s 22

1. On an application made on *(insert date)* by:

- the Commissioner of Police
- an eligible person within the meaning of the *Australian Crime Commission Act 2002 (Cth)*

(delete whichever is inapplicable),

I, a Judge of the District Court of South Australia, am satisfied that:

- the
 - documents/articles *(delete whichever is inapplicable)* to which the application relates
 - the person/premises *(delete whichever is inapplicable)* to which the application relates might have/contain *(delete whichever is inapplicable)* documents/articles *(delete whichever is inapplicable)*

relevant to identifying/tracing/locating/valuing *(delete whichever is inapplicable)* 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
 - upon/in *(delete whichever is inapplicable)* premises/a vessel/an aircraft/a vehicle *(delete whichever is inapplicable)*

(delete whichever is inapplicable)

a thing connected with a special ACC operation/investigation *(delete whichever is inapplicable)* 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) (delete whichever is inapplicable)
(delete whichever is inapplicable).*

2. This warrant authorises *(insert name and position)*

- to enter and search *(set out details of place and/or vehicle)*
- to seize *(set out details)*
- to search *(set out details)* and to seize *(set out details)*
- to enter *(set out details)*, search *(set out details)* and seize *(set out details)*
(delete whichever is inapplicable).

Date:

(Judge of the District Court)

Note

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

Form SA11 Inapplicable in the District Court

Form SA12 Inapplicable in the District Court

Form SA13 Inapplicable in the District Court

ORIGINATING APPLICATION FOR UNEXPLAINED WEALTH ORDER

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 9(1)

TO THE DEFENDANT (*name*) of (*address*).

The plaintiff, the Crown Solicitor on the authority of the Director of Public Prosecutions, applies for the relief set out in this Application.

Action required

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence.

You must file a Notice of Address for Service (form 16 or 17 in the General Supplementary Rules) in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority (www.courts.sa.gov.au) or by telephoning the Registry of the Court (8204 0289).

The application will be heard before in the District Court of South Australia at the Sir Samuel Way Building, Victoria Square, Adelaide on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Sir Samuel Way Building.

The Court ordered that the time for serving this application be abridged to (*Court to insert date, if applicable*).

Application

1. The plaintiff is the Crown Solicitor.
2. The plaintiff applies for an unexplained wealth order under section 9(1) of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.
3. The short grounds on which the order is sought are:

(set out the short grounds on which the order is sought).

4. The detailed grounds on which the order is sought are set out in the accompanying affidavit.

Order sought

The Plaintiff seeks the following orders:

(set out briefly but specifically the orders sought).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the detailed grounds of the application.

Plaintiff's address

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is *(place of business)*.

Service on the Defendant

It is intended to serve this application on the Defendant.

Date:

.....
Signed by (*full name*)

Crown Solicitor

ORIGINATING APPLICATION FOR GIVING EVIDENCE OR PRODUCTION OF DOCUMENTS

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 15(1)

TO THE DEFENDANT (*name*) of (*address*).

The plaintiff (*name of plaintiff*), the Commissioner of Police, applies for the relief set out in this Application.

Action required

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence.

You must file a Notice of Address for Service (form 16 or 17 in the General Supplementary Rules) in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority (www.courts.sa.gov.au) or by telephoning the Registry of the Court (8204 0289).

The application will be heard before in the District Court at the Sir Samuel Way Building, Victoria Square , Adelaide on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Sir Samuel Way Building.

The Court ordered that the time for serving this application be abridged to (*Court to insert date, if applicable*).

Application

- 1. The plaintiff is the Commissioner of Police.

- 2. The plaintiff applies for an order requiring the defendant to
 - give oral/affidavit (*delete whichever is inapplicable*) evidence on questions;
 - produce documents or other materials;
 (*delete whichever is inapplicable*)
 to the Court relevant to identifying, tracing, locating or valuing the wealth of (*set out full name of person*) under section 15 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.

- 3. The short grounds on which the order is sought are:

.....

.....

.....

.....

 (*set out the short grounds on which the order is sought*).

- 4. The detailed grounds on which the order is sought are set out in the accompanying affidavit.

Order sought

The Plaintiff seeks the following orders:
(set out briefly but specifically the orders sought).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the detailed grounds of the application.

Plaintiff’s address

The Plaintiff’s address for service is:
Place:
Email:
The Plaintiff’s address is (*place of business*).

Service on the Defendant

It is intended to serve this application on the Defendant.

Date:

Signed by (*full name*)

Commissioner of Police

ORIGINATING APPLICATION TO DECLARE PROPERTY OF A PERSON

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 19(2)

TO THE DEFENDANT (*name*) of (*address*).

The plaintiff (*name of plaintiff*), the Commissioner of Police, applies for the relief set out in this Application.

Action required

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence.

You must file a Notice of Address for Service (form 16 or 17 in the General Supplementary Rules) in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority (www.courts.sa.gov.au) or by telephoning the Registry of the Court (8204 0289).

The application will be heard before in the District Court at the Sir Samuel Way Building, Victoria Square, Adelaide on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Sir Samuel Way Building.

The Court ordered that the time for serving this application be abridged to (*Court to insert date, if applicable*).

Application

1. The plaintiff is the Commissioner of Police.
2. The plaintiff applies for an order under section 19(2) of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* declaring that the following property is subject to the effective control of the defendant and is taken to be the defendant's property for the purpose of the *Enforcement of Judgments Act 1991*:

(set out full details of the property).

3. The short grounds on which the order is sought are:

.....
.....
.....
.....

(set out the short grounds on which the order is sought).

4. The detailed grounds on which the order is sought are set out in the accompanying affidavit.

Order sought

The Plaintiff seeks the following orders:

(set out briefly but specifically the orders sought).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the detailed grounds of the application.

Plaintiff's address

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is *(place of business)*.

Service on the Defendant

It is intended to serve this application on the Defendant.

Date:

.....
Signed by (*full name*)

Commissioner of Police

ORIGINATING APPLICATION FOR RESTRAINING ORDER

Serious and Organised Crime (Unexplained Wealth) Act 2009 s 20(1)

TO THE DEFENDANT (*name*) of (*address*).

The plaintiff (*name of plaintiff*), the Commissioner of Police, applies for the relief set out in this Application.

Action required

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence.

You must file a Notice of Address for Service (form 16 or 17 in the General Supplementary Rules) in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority (www.courts.sa.gov.au) or by telephoning the Registry of the Court (8204 0289).

The application will be heard before in the District Court at the Sir Samuel Way Building, Victoria Square, Adelaide on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Sir Samuel Way Building.

The Court ordered that the time for serving this application be abridged to (*Court to insert date, if applicable*).

Application

1. The plaintiff is the Commissioner of Police.

2. The plaintiff applies for an order under section 20(1) of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* preventing
 - the disposal of specified property
 - specified kinds of transactions involving safe custody facilities
(*delete whichever is inapplicable*).

3. (*delete if inapplicable*) The property the disposal of which is sought to be restrained is
(*set out details of property*).

4. (*delete if inapplicable*) The transactions involving safe custody facilities sought to be prevented are (*set out details of transactions and safe custody facilities*).

5. The short grounds on which the order is sought are:

.....

.....

.....

.....

.....

(*set out the short grounds on which the order is sought*).

6. The detailed grounds on which the order is sought are set out in the accompanying affidavit.

Order sought

The Plaintiff seeks the following orders:

(*set out briefly but specifically the orders sought*).

Accompanying documents

This application must be accompanied by an affidavit setting out and verifying the detailed grounds of the application.

Plaintiff's address

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is (*place of business*).

Service on the Defendant

(*select one of these three options and delete the others*)

It is intended to serve this application on all Defendants.

It is intended to serve this application on the following Defendants:

(*name of each defendant on whom application is to be served*).

It is not intended to serve this application on any Defendant.

Date:

.....
Signed by (*full name*)

Commissioner of Police

NOTICE OF OBJECTION - RESTRAINING ORDER
Serious and Organised Crime (Unexplained Wealth) Act 2009 s 24

TO THE PLAINTIFF (*name*).

The defendant (*name*) applies for the following orders or directions:

Application

1. On (*insert date*) the Court made a restraining order under the *Serious and Organised Crime (Unexplained Wealth) Act 2009* in respect of the defendant.

2. The defendant objects to the order/the following parts of the order (*delete whichever is inapplicable*).

.....
.....

(*if the objection is to particular parts of the order, identify those parts*).

3. The grounds of objection are:

.....
.....
.....
.....

(*set out grounds fully and in detail*)

4. The defendant relies on the following affidavit in support of the objection:

.....
.....

(*identify affidavit*).

5. (*delete if inapplicable*) The defendant seeks an extension of time in which to lodge a notice of objection on the grounds set out in the accompanying affidavit.

Endorsements

Application made pursuant to section 24 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* and rule 59 of the *District Court Special Applications Rules 2014*.

You will be notified separately of the time and place of the hearing of the application.

Date:

.....
Signed by (*name*)

Defendant/Solicitor for the defendant (*delete
whichever is inapplicable*)

Note—

1. Section 24(2) of the *Serious and Organised Crime (Unexplained Wealth) Act 2009* requires the grounds of objection to be stated fully and in detail in the notice of objection

ORIGINATING APPLICATION

The plaintiff, (*name*) applies for the relief set out in this Application.

The Court will hear this application at a time and place to be advised.

Endorsements

Application issued pursuant to section (*number*) of the (*Act*)/ (rule (*number*) of the *District Court Civil Rules 2006* (*delete whichever is inapplicable*).

This Application has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *District Court Civil Rules 2006* (*delete whichever is inapplicable*):

Orders sought

On the grounds stated in the accompanying affidavit, the plaintiff seeks the following orders:
(*state briefly but specifically the orders sought*)

Accompanying documents

This application must be accompanied by an affidavit stating the material facts on which the claim for relief is based.

Plaintiff's address

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

Date:

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

History of Amendment

Rules	Amendments	Date of Operation
am = amended; del = deleted; ins = inserted; ren = renumbered; sub = substituted		
Form SA9	sub am01 sub am02	1 December 2015 18 December 2017
Form SA24	ins am02	18 December 2017