

To be inserted by Court
Case Number:
Date Filed:
FDN:

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
Phone Details	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