

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

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

## ORIGINATING APPLICATION- VEHICLE CLAMPING ACT – EXTENSION OF CLAMPING, CREDIT PROVIDER RELIEF

[MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

Duplicate panel if multiple Applicants

<b>Applicant</b>	<b>Full Name</b>		
<b>Name of law firm/solicitor If any</b>	<b>Law Firm</b>	<b>Responsible Solicitor</b>	
<b>Address for service</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type (eg. home; work; mobile) – Number</b>		<b>Another number (optional)</b>

Duplicate panel if multiple Respondents

Respondent	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 (eg. home; work; mobile) – Number		Another number (optional)

**Application Details**

Matter type: [Enter matter type]

This Application is for:

- an order for extension of clamping period section 7(1)
- an order for removal of clamps or release of an impounded motor vehicle section 21(1)(a)
- an order for release to the credit provider of a motor vehicle impounded under this Act section 21(1)(b)
- an order for payment out of proceeds of sale section 21(1)(c)

This Application is made under section [7(1)/21(1)(a)/ 21(1)(b)/21(1)(c)] select one of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007.

The Applicant seeks the following orders:

Enter orders sought in separately numbered paragraphs.

- 1. Select if section 7(1) selected above That despite section 6 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, the motor vehicle described below is liable to remain clamped for a period of [Enter days] days. must be more than 28 days but less than 00 days
- 2. Select if section 21(1)(a) selected above That the clamps affixed to the motor vehicle described below under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* be removed.
- 3. Select if section 21(1)(b) selected above That the motor vehicle described below impounded under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* be released to the credit provider as specified in this application.
- 4. Select if section 21(1)(c) selected above That the credit provider receive an amount out of any proceeds of the sale of the motor vehicle described below impounded under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*.
- 5. provision for multiple [Enter other orders].

This Application is made on the grounds:

- set out in the accompanying Affidavit sworn by [name] on [date].
- Select if sections 21(1)(a) or 21(1)(b) selected above that the rights of the credit provider would be significantly prejudiced if the order were not made because [Enter reasons].
- default selected if section 21(1)(c) selected above that the credit provider [has suffered/will suffer] loss as a result of the exercise of powers under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* because [Enter reasons].
- provision for multiple [Enter other grounds].

Only complete if applicable otherwise delete

The Application is urgent because

Enter grounds in separately numbered paragraphs where more than one

1.

**Vehicle subject of Application**

Registration number: [number]  
Number

Plate number: [number]  
Number

Garaging address: [Enter street]  
Street: include unit or level number and/or name of property if necessary

[Enter city/town/suburb]  
City/town/suburb

[Enter state]  
State

[Enter postcode]  
Postcode

Make of vehicle: if known [Enter make]  
Make

Model of vehicle: if known [Enter model]  
Model

Year of manufacture: if known [year]  
Year

Engine number: if known [number]  
Engine

Vehicle identification number: if known [number]  
Number

**Credit provider of vehicle subject of application**

Credit provider: [full name]  
full name/registered company/firm/business name etc

[ACN/ABN]:if applicable [number]  
Number

Address: [Enter street]  
Street: include unit or level number and/or name of property if necessary

[Enter city]  
City/town/suburb

[Enter state]  
State

[Enter postcode]  
postcode

[Enter country]  
Country: default Australia and not displayed if Australia

Email address: [Enter email address]  
Email address

Telephone: [Enter phone number] [Enter alternative phone number]  
Phone number Alternative phone number

**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 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 without further warning.

### Service

Under section [7(3)/21(3)] select one of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, Notice of an Application under section [7/12/21] select one of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* must be given to:

each registered owner of the motor vehicle subject of the Application.

- Must select if Application under section 7 if the Commissioner of Police is aware that any other person claims ownership of the motor vehicle [*or is likely to suffer financial or physical hardship as a result of the making of an order under section 7*].
- each person registered under the *Personal Property Securities Act 2009* as a secured party in relation to a security interest for which the motor vehicle subject of the Application is collateral.
- Must select if Application made under section 21 and motor vehicle is clamped or impounded under Part 2 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* the Commissioner of Police.
- Must select if Application made under section 21 and motor vehicle is clamped or impounded under Part 3 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* the Sheriff.

### Accompanying Documents

Accompanying this Application is a:

- Multilingual Notice mandatory
- Supporting Affidavit mandatory
- Notice to Respondent Served Interstate mandatory when address of party to be served is interstate
- Notice to Respondent Served in New Zealand mandatory when address of party to be served is in NZ
- Notice to Respondent Served outside Australia mandatory when address of party to be served is overseas & not in NZ
- If other additional document(s) please list below: