

To be inserted by Court

Case Number:

Date Filed:

FDN:

**ORIGINATING APPLICATION EX PARTE - WITNESS PROTECTION ACT
ORDER**SUPREME COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION**[FULL NAME]****Applicant**

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

Application Details

Matter type:

This Application is for an order:

- establishing a new identity for *[name]*. section 17(2)(a)
- restoring the former identity of *[name]* who has been provided with a new identity. section 17(2)(b)
- making an entry in the Register of Births, Deaths and Marriages. section 17(3)(a)
- cancelling an entry in the Register of Births, Deaths and Marriages. section 17(3)(a)
- authorising disclosure in respect to a protected witness. section 24(9)

This Application is made under section [17/24(9)] select one of the *Witness Protection Act 1996*.

The Applicant seeks the following orders:

Enter orders sought in separately numbered paragraphs

1.

This Application is made on the grounds

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

Enter grounds in separately numbered paragraphs

1.

Only complete if applicable otherwise delete

The Application is urgent because

Enter grounds in separately numbered paragraphs where more than one

1.

- Complete if this option selected above **Establish New Identity**

The witness has entered into a Memorandum of Understanding exhibited to the accompanying Affidavit.

The Applicant believes on the grounds set out in the accompanying Affidavit that:

- the making of the orders sought is necessary and reasonable to protect the safety and welfare of the witness;
- the witness is likely to comply with the Memorandum of Understanding.

- Complete if this option selected above **Restore an Identity**

Protection and assistance to the witness under the relevant witness protection program has been terminated.

The Applicant believes that it is desirable that the former identity of the witness be restored on the grounds set out in the accompanying Affidavit.

- Complete if this option selected above **Make an Entry into the Register of Births, Deaths & Marriages**

Name of person whom entry relates to ('the Person'): *[Enter name]*

Name of assumed identity: *[Enter name of assumed identity]*.

The Applicant believes that the order is justified having regard to the nature of the activities undertaken or to be undertaken by the Person on the grounds set out in the accompanying Affidavit.

- Complete if this option selected above **To Cancel an Entry into the Register of Births, Deaths & Marriages**

Name of assumed identity: *[Enter name of assumed identity]*.

The Applicant cancelled the authority for the assumed identity on *[date]*.

- Complete if this option selected above **Authorise Disclosure**

Name of protected witness: *[name]*

The Applicant applies for an order authorising the disclosure of: *[Enter subject matter of disclosure sought]*

The protected witness is to be a witness in the following criminal proceeding:

Court: *[Enter Court]*
Court and location where criminal proceedings are to be heard

Case file number: *[Enter case file number]*
number

Names of parties: *[Enter names]*
names

Offence: *[Enter offence]*
name and where applicable, Act and section

Offence type: *[Enter offence type]*
indictable/summary offence punishable by imprisonment.

The prospective witness is:

- a participant in a witness protection program
- a former participant in a witness protection program and retains a new identity
- the subject of steps taken with a view to including the Person in a witness protection program.

The Applicant discloses the information set out in the accompanying Affidavit relating to the prospective witness and their participation or possible participation in the witness protection program that may be relevant to:

- the prospective witness's credibility as a witness in the proceeding; and
- the protection of the prospective witness's safety and the integrity of the witness protection program.

Accompanying Documents

Accompanying this Application is a:

- Draft order mandatory
- Supporting Affidavit mandatory
- If other additional document(s) please list below:

Retention of Documents

The Applicant proposes that the Court retain this Application and the associated documents for [*Enter period*] and then:

- return the documents to the Applicant
- destroy the documents