# South Australia

# Supreme Court Special Applications Rules 2014

**SCHEDULE 1**—**FORMS**

**Schedule 1—Forms dated 5 May 2020:**

**1. come into effect by Amendment No. 3 (Government Gazette 14 May 2020, p. 1182)**

**2. come into operation on 18 May 2020**

**3. relate to Supreme Court Special Applications Rules 2014, dated 25th August 2014, that came into operation on 1st October 2014 (Government Gazette 11 September 2014, p. 5115).**

SCHEDULE 1 –FORMS

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Form 7G Originating Application Ex Parte Search Warrant

Form 7G

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| **To be inserted by Court** |  |
| Case Number: Date Filed:FDN: |  |
| **Hearing Date and Time:**  |  |  |
| **Hearing Location:** |  |  |

**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**

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

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| **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

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| **To be inserted by Court** |  |
| Case Number: Date Filed:FDN: |  |
| **Hearing Date and Time:**  |  |  |
| **Hearing Location:** |  |  |

**ORIGINATING APPLICATION EX PARTE**

SUPREMECOURT 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**

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| **Application Details****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 warranton the application of [*name of applicant,* [*investigating agency*](http://classic.austlii.edu.au/au/legis/sa/consol_act/sda2016210/s3.html#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.** This Application is made on the grounds set out in the accompanying affidavit sworn by [f*ull name*] on the day of 20 . |

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| **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

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| **To be inserted by Court** |  |
| Case Number: Date Filed:FDN: |  |
| **Hearing Date and Time:**  |  |  |
| **Hearing Location:** |  |  |

**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**

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

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| **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

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| **To be inserted by Court** |  |
| Case Number: Date Filed:FDN: |  |
| **Hearing Date and Time:**  |  |  |
| **Hearing Location:** |  |  |

**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**

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

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| --- |
| **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

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| **To be inserted by Court** |  |
| Case Number: Date Filed:FDN: |  |
| **Hearing Date and Time:**  |  |  |
| **Hearing Location:** |  |  |

**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**

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

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| **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

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| **To be inserted by Court** |  |
| Case Number: Date Filed:FDN: |  |
| **Hearing Date and Time:**  |  |  |
| **Hearing Location:** |  |  |

**ORIGINATING APPLICATION EX PARTE**

SUPREMECOURT 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**

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| **Application Details****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 [f*ull name*] on the day of 20 . |

|  |
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| **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

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| **To be inserted by Court** |  |
| Case Number: Date Signed:FDN: |  |

**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** |

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| **To [*INSERT PERSON(S) OR CLASS OF PERSONS AUTHORISED TO ACT UNDER WARRANT*]** **Recitals**The Judge named below being satisfied on [*date*], on application by[ ] an investigator [*appointed/seconded*] under section 14 of the *Independent Commissioner Against Corruption Act 2012* (SA)[ ] the Commissioner of Police [ ] an eligible person within the meaning of the *Australian Crime Commission Act 2002* (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 Independent Commissioner Against Corruption Act 2012[ ] the [*documents/articles*] to which the application relates are relevant to [*identifying/tracing/locating/valuing*] a person's [wealth](http://www5.austlii.edu.au/au/legis/sa/consol_act/saocwa2009439/s3.html#wealth), being proper grounds for the issue of a warrant under section 16 of the Serious and Organised Crime (Unexplained Wealth) Act 2009[ ] the [*person/*[*premises*](http://www5.austlii.edu.au/au/legis/sa/consol_act/saocwa2009439/s3.html#premises)] to which the application relates might [*have/contain*] [*documents/articles*] relevant to [*identifying/tracing/locating/valuing*] a person's [wealth](http://www5.austlii.edu.au/au/legis/sa/consol_act/saocwa2009439/s3.html#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](http://www5.austlii.edu.au/au/legis/sa/consol_act/accaa2004460/s29.html#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](http://www5.austlii.edu.au/au/legis/sa/consol_act/accaa2004460/s29.html#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*] |

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

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| **Court use only**…………………………………………Judge …………………………………………Name of Judge |

Form 139 Surveillance Warrant

Form 139

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| **To be inserted by Court** |  |
| 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** |

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| **To [*NAME AND POSITION OR CODE NAME OF RESPONSIBLE OFFICER AND AGENCY*] AND PERSONS ACTING UNDER THE AUTHORITY OF THE** [**RESPONSIBLE OFFICER**](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/sa/consol_act/sda2016210/s3.html#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](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/sa/consol_act/sda2016210/s3.html#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](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/sa/consol_act/sda2016210/s3.html#maintain) 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*] |

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| **Note**The Surveillance Devices Act 2016 prescribes the powers that may be exercised under the warrant. |

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| **Court use only**…………………………………………Judge …………………………………………Name of Judge |