# 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 warrant  on 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 declaration  on 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 proceedings  on 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

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| --- | --- | --- |
| 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

|  |  |  |
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| 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 |