

**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 25<sup>th</sup> August 2014, that came into operation on 1st October 2014 (Government Gazette 11 September 2014, p. 5115).**

# **SCHEDULE 1 –FORMS**

## **Index of Forms**

|   |    |
|---|----|
| Form 7G Originating Application Ex Parte Search Warrant                                   | 1  |
| Form 7H Originating Application Ex Parte Surveillance Warrant                             | 3  |
| Form 7I Originating Application Ex Parte Monitoring Order                                 | 5  |
| Form 7J Originating Application Ex Parte Special Powers Authorisation or Area Declaration | 7  |
| Form 7K Originating Application Ex Parte Protected Witness                                | 9  |
| Form 7L Originating Application Ex Parte Leave to Serve Out of State                      | 11 |
| Form 138 Search Warrant   | 13 |
| Form 139 Surveillance Warrant   | 15 |

# Form 7G Originating Application Ex Parte Search Warrant

Form 7G

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| <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 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<br><small>If any</small> | 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

|   |
|---|
| <p><b>Application Details</b></p> <p>Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for issue of a search warrant on the application of [<i>identify how applicant is eligible to apply for the warrant under the relevant legislation</i>]</p> <p>This Application is made under<br/><small>Act and section or other particular provision</small></p> <p>The Applicant seeks the following orders:<br/><small>Orders sought in separately numbered paragraphs.</small></p> |
|---|

1.

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

### **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

|  |
|--|
| <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 EX PARTE

SUPREME 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<br><small>If any</small> | 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

|  |
|--|
| <p><b>Application Details</b></p> <p>Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for</p> <p><input type="checkbox"/> issue of a surveillance device (general) warrant</p> <p><input type="checkbox"/> variation of a surveillance device (general) warrant</p> <p><input type="checkbox"/> renewal of a surveillance device (general) warrant</p> <p><input type="checkbox"/> confirmation of a surveillance device (emergency) authority and exercise of powers under it</p> <p><input type="checkbox"/> confirmation of a surveillance device (emergency) authority and exercise of powers under it and issue of a surveillance warrant</p> |
|--|

on the application of [*name of applicant, 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.

1.

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

## Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

[    ] Supporting Affidavit (mandatory)

[    ] Draft Warrant (mandatory)

# Form 71 Originating Application Ex Parte Monitoring Order

Form 71

|   |
|---|
| <b>To be inserted by Court</b><br><br>Case Number:<br><br>Date Filed:<br><br>FDN: |
| <b>Hearing Date and Time:</b><br><br><b>Hearing Location:</b>                     |

## 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<br>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  |           |          |
| Phone Details                          | Email address  |           |          |
|  | Type - Number  |           |          |

Duplicate panel if multiple Applicants

|  |
|--|
| <b>Application Details</b><br><br>Matter Type:<br><br>This Application is for a monitoring order on the application of [ <i>identify how applicant is eligible to apply for the monitoring order under the relevant legislation</i> ]<br><br>This Application is made under section 14 of the Serious and Organised Crime (Unexplained Wealth) Act 2009.<br>Act and section or other particular provision<br><br>The Applicant seeks the following orders:<br>Orders sought in separately numbered paragraphs.<br>1. |
|--|

This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

### **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

|  |
|--|
| <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 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<br><small>If any</small> | 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

|   |
|---|
| <p><b>Application Details</b></p> <p>Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for</p> <p>[    ] confirmation of a special powers authorisation</p> <p>[    ] confirmation of a special area declaration</p> <p>on the application of [<i>identify how applicant is eligible to apply for the confirmation under the relevant legislation</i>]</p> |
|---|

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.

1.

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

### **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

|   |
|---|
| <b>To be inserted by Court</b><br><br>Case Number:<br><br>Date Filed:<br><br>FDN: |
| <b>Hearing Date and Time:</b><br><br><b>Hearing Location:</b>                     |

## ORIGINATING APPLICATION EX PARTE

[*SUPREME/DISTRICT*] Delete all but one COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

First Applicant

|  |   |                  |                 |                |
|--|---|------------------|-----------------|----------------|
| Applicant                              | <b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b> |                  |                 |                |
| Name of law firm / solicitor<br>If any | <b>Law Firm</b>   | <b>Solicitor</b> |                 |                |
| Address for service                    | <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>  |                  |                 |                |
| Phone Details                          | <b>Type - Number</b>  |                  |                 |                |

Duplicate panel if multiple Applicants

|  |
|--|
| <b>Application Details</b><br>Mark appropriate sections below with an 'x'  |
| Matter Type:   |
| This Application is for  |
| <input type="checkbox"/> establishing a new identity   |
| <input type="checkbox"/> restoring a former identity   |
| <input type="checkbox"/> making an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity     |
| <input type="checkbox"/> cancelling an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity |
| <input type="checkbox"/> 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. .

1.

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

### **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

|   |
|---|
| <b>To be inserted by Court</b><br><br>Case Number:<br><br>Date Filed:<br><br>FDN: |
| <b>Hearing Date and Time:</b><br><br><b>Hearing Location:</b>                     |

## ORIGINATING APPLICATION EX PARTE

SUPREME 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<br>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  |           |          |
| Phone Details                          | Email address  |           |          |
|  | Type - Number  |           |          |

Duplicate panel if multiple Applicants

|   |
|---|
| <b>Application Details</b><br>Mark appropriate sections below with an 'x'<br><br>Matter Type:<br><br>This Application is for leave to serve out of the State a [ <i>identify document for which leave to serve sought</i> ] by [ <i>identify how applicant is eligible to apply for the order under the relevant legislation</i> ].<br><br>This Application is made under<br>Act and section or other particular provision<br><br>The Applicant seeks the following orders:<br>Orders sought in separately numbered paragraphs. |
|---|

This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on the \_\_\_\_\_ day  
of \_\_\_\_\_ 20 .

### **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

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<br>If any | Law Firm  | Solicitor |

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, 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*] to which the application relates might [*have/contain*] [*documents/articles*] relevant to [*identifying/tracing/locating/valuing*] a person's 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 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, 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*]

**Note**

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

Court use only

.....  
Judge

.....  
Name of Judge



# Form 139 Surveillance Warrant

Form 139

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<br>If any | Law Firm  | Solicitor |

**To [NAME AND POSITION OR CODE NAME OF RESPONSIBLE OFFICER AND AGENCY] AND PERSONS ACTING UNDER THE AUTHORITY OF THE 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

- [ ] 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 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]

### Note

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

Court use only

.....  
Judge

.....  
Name of Judge