

# South Australia

## Supreme Court Civil Supplementary Rules 2014

### SCHEDULE 3—APPROVED FORMS

**Schedule 3 —Approved Forms relate to Supreme Court Civil Supplementary Rules 2014, dated 2nd September 2014, that came into operation on 1st October 2014 (Government Gazette 11 September 2014, p. 4502) have been varied by Supreme Court rules dated:**

	<i>Gazette</i>	<i>Date of operation</i>
#1	Not applicable to Schedule 3 – Approved Forms	
#2	29 June 2015                      30 July 2015, p. 3672	1 September 2015
#3	Not applicable to Schedule 3 – Approved Forms	
#4	29 September 2015              29 October 2015, p. 4729	1 December 2015
#5	29 February 2016                14 April 2016, p. 1172	1 May 2016
#6	27 June 2016                      4 August 2016, p. 3118	1 September 2016
#7	Not applicable to Schedule 3 – Approved Forms	
#8	30 October 2017                 28 November 2017, p. 4793	1 December 2017
#9	Not applicable to Schedule 3 – Approved Forms	
#10	Not applicable to Schedule 3 – Approved Forms	
#11	17 December 2018                3 January 2019, p. 13	3 January 2019
#12	<b>29 March 2019                    18 April 2019, p. 1080</b>	<b>1 May 2019</b>

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**FDN** (*Court generated*)  
**IN THE SUPREME COURT OF SOUTH AUSTRALIA**  
**IN THE CIVIL JURISDICTION**  
**SCCIV** of

**BETWEEN**

(*NAME*)

Plaintiff/Appellant/Applicant (*delete whichever is inapplicable*)

and

(*NAME*)

Defendant/Respondent (*delete whichever is inapplicable*)

---

(*document type, eg summons, third party notice, notice of appeal, etc.*)

---

Filed on behalf of the (*role of party*), (*name*) by (*solicitor*)

(*or*)

Filed by (*role of party*), (*name*)

(*address*) (*mandatory field*)

(*telephone*)

(*mobile*)

(*facsimile*)

(*DX Box*)

(*email*)

(*'L' Code*)

(*'P' Code*)

(*if above address is not the address for service under rule 58, state address for service*)

Settled by:

Date and time of filing:

**COST ESTIMATE—MEDICAL NEGLIGENCE DISPUTES**

**Notes**

1. To be provided by each party with the letter of claim and the letter of response.
2. The purpose of preparing and providing the cost estimate includes directing attention to costs and proportionality by setting out the estimated costs.
3. The proportionality for the future can be gauged by dividing the answer to Question 1 by the answer to Question 7.
4. The estimate of future costs in Question 7 flows from the 3 preceding questions.
5. The information is provided in a format so that it may be collected and analysed.

**QUESTIONNAIRE**

1. What is the approximate value of the claim?	\$( <i>amount</i> )
2. In which jurisdiction will proceedings be issued?	
3. Is counsel engaged?	
4. How many witnesses of fact are likely to be called: 4.1 in respect of breach and causation? 4.2 in respect of quantum?	4.1 4.2
5. What are the disciplines of the experts upon which you propose to rely?	5.1 Joint experts <i>(please list)</i> 5.2 Experts in respect of breach and causation. <i>(please list)</i> 5.3 Experts in respect of quantum. <i>(please list)</i>
6. What is your time estimate for the length of trial?	
7. What is your estimate of future costs up to and including trial?	\$( <i>amount</i> )

**MEMORANDUM CONCERNING COMPLIANCE—PRE-ACTION STEPS**

This is an action in respect of a construction dispute/medical negligence dispute (*delete whichever is inapplicable*) within the meaning of Chapter 3 Part 2 Division 2 of the *Supreme Court Civil Supplementary Rules 2014 (Division 2)*.

The plaintiff certifies that:

- the parties have substantially complied with Division 2.
- the plaintiff has substantially complied with Division 2 to the extent able but the defendant has not.
- the plaintiff has commenced the action without substantially complying with Division 2 due to urgency under supplementary rule 11 of the Division 2.
- the plaintiff has not substantially complied with Division 2.

*(delete whichever is inapplicable)*

Annexed to this memorandum is a copy of the letter of claim and letter of response (*delete if inapplicable*)



**SUMMONS**

TO THE DEFENDANT: (*name*) of (*address*)

The plaintiff, (*name*) makes a claim against you or which may affect you. Details of the claim and relief sought are contained in the accompanying Statement of Claim/Affidavit (*delete whichever is inapplicable*).

**Action required**

If you wish to defend the claim, you must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Summons on you; and
- (b) file a Defence/answering Affidavit (*delete whichever is inapplicable*) within 28 calendar days after service of the Statement of Claim/Affidavit relied on by the plaintiff (*delete whichever is inapplicable*) on you.

If a Notice of Address for Service and a Defence/answering Affidavit (*delete whichever is inapplicable*) is not filed within the time stated, orders may be made against you in your absence and without further notice.

The Notice of Address for Service and Defence/answering Affidavit (*delete whichever is inapplicable*) must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

**Endorsements**

Summons issued pursuant to section (*number*) of the (*Act*)/(rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*)).

This Summons has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

**Orders sought** (*delete this section if statement of claim filed*)

On the grounds stated in the accompanying affidavit, the plaintiff seeks the following orders:

*(state briefly but specifically the orders sought)*

**Accompanying documents**

This summons must be accompanied by a Statement of Claim or Affidavit in lieu of pleading.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
    "Any better full name of the (*role of the party*) is not known, and not reasonably ascertainable by, the plaintiff"
- 2 If the plaintiff intends to apply for an authorisation under rule 81 the summons is to bear the following endorsement under rule 81(2):  
    "The plaintiff brings this action as representative of a group of which each member has a common interest being (*set out question of law or fact in which there is a common interest*) and intends to apply for the necessary authorisation under rule 81."
- 3 As to other endorsements which may be required on a summons see rule 38(3)(a).

## SUMMONS

The plaintiff, (*name*) applies for the relief set out in this summons.

### Hearing

The Court will hear the application for relief, or make orders for the conduct of the proceeding, at the time and place stated below.

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

### Endorsements

Summons issued pursuant to section (*number*) of the (*Act*)/(rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*).

This Summons has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

### Orders sought

On the grounds stated in the accompanying affidavit, the plaintiff seeks the following orders:

*(state briefly but specifically the orders sought)*

### Accompanying documents

This summons must be accompanied by an affidavit stating the material facts on which the claim for relief is based.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business)*.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
"Any better full name of the *(role of the party)* is not known, and not reasonably ascertainable by, the plaintiff"
- 2 As to other endorsements which may be required on a summons see rule 38(3)(a).

**SUMMONS**

TO THE DEFENDANT: *(name)* of *(address)*

The plaintiff, *(name)* makes a claim against you or which may affect you. Details of the claim and relief sought are contained in the accompanying Statement of Claim/Affidavit *(delete whichever is inapplicable)*.

**Action required**

The Court will hear the application for relief, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service before attending Court or taking any other step in the proceeding.

The Notice of Address for Service must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

**Endorsements**

Summons issued pursuant to section *(number)* of the *(Act)*/(rule *(number)* of the *Supreme Court Civil Rules 2006* *(delete whichever is inapplicable)*.

This Summons has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

### **Orders sought**

On the grounds stated in the accompanying Statement of Claim/Affidavit (*delete whichever is inapplicable*), the plaintiff seeks the following orders:

*(state briefly but specifically the orders sought)*

### **Accompanying documents**

This summons must be accompanied by an affidavit stating the material facts on which the claim for relief is based.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

### **Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

### **Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
"Any better full name of the (*role of the party*) is not known, and not reasonably ascertainable by, the plaintiff"
- 2 If the plaintiff intends to apply for an authorisation under rule 81 the summons is to bear the following endorsement under rule 81(2):  
"The plaintiff brings this action as representative of a group of which each member has a common interest being (*set out question of law or fact in which there is a common interest*) and intends to apply for the necessary authorisation under rule 81."
- 3 As to other endorsements which may be required on a summons see rule 38(3)(a).

**NOTICE TO DEFENDANT OF MORATORIUM ON STEPS**

TO THE DEFENDANT: (*name*) of (*address*)

TAKE NOTICE that:

1. the plaintiff does not intend to take any further steps in this action until after the action is removed from the list of inactive cases;
2. the action will, by reason of this notice and rule 123(5) of the *Supreme Court Civil Rules 2006*, be entered in the list of inactive cases;
3. the action will remain in the list of inactive cases unless and until the Court makes an order removing the action from the list of inactive cases on the application of a party having given to all parties at least 14 calendar days written notice;
4. while the action remains in the list of inactive cases, you are not required to file a Notice of Address for Service or Defence or to take any other step in the action against the plaintiff;
5. while the action remains in the list of inactive cases, no party is entitled to take any steps in the action (other than applying to remove the action from the list of inactive cases).

**Warning**

If you wish to bring a claim against the plaintiff or another party in this action and that claim is subject to a time limit under the *Limitation of Actions Act 1936* or for any other reason, time will not cease to run merely because the action is in the list of inactive cases.

**Application to remove action from inactive list**

If you wish to have the action proceed, you must:

- (a) file at a Registry of the Court and serve on the plaintiff a Notice of Address for Service;
- (b) file at a Registry of the Court and serve on the plaintiff an Interlocutory Application seeking an order that the action be removed from the list of inactive cases.

In that event, the Court will convene a hearing and send notice of it to you. You should attend at that hearing in person or by your lawyer.

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)



**CROSS ACTION BY COUNTERCLAIM**

TO THE DEFENDANT TO CROSS ACTION: *(name of defendant to counterclaim who must be an existing party in the action)* of *(address)*

The *(role of party)*, *(name)* makes a counterclaim against you or which may affect you. Details of the claim and relief sought are contained in the accompanying Statement of Counterclaim/Affidavit *(delete whichever is inapplicable)*.

**Action required**

If you wish to defend the claim, you must file a Defence/answering Affidavit *(delete whichever is inapplicable)* within 28 calendar days after service of the Statement of Counterclaim/Affidavit relied on by the Cross Claimant *(delete whichever is inapplicable)* on you.

If a Defence/answering Affidavit *(delete whichever is inapplicable)* is not filed within the time stated, you will not be entitled to challenge the *(role of party)*'s claim against you and you will be taken to have admitted the *(role of party)*'s claim against you. A judgment in respect of such liability may be given against you in your absence and without further notice.

**Endorsements**

Cross Action issued pursuant to section *(number)* of the *(Act)/rule (number)* of the *Supreme Court Civil Rules 2006 (delete whichever is inapplicable)*.

This Cross Action has the following endorsements under section *(number)* of the *(Act)/rule (number)* of the *Supreme Court Civil Rules 2006 (delete whichever is inapplicable)*:

**Orders sought** *(delete this section if statement of claim filed)*

On the grounds stated in the accompanying affidavit, the Cross Claimant seeks the following orders:

*(state briefly but specifically the orders sought)*

**Accompanying documents**

This summons must be accompanied by a Statement of Counterclaim or Affidavit in lieu of pleading.

**Cross Claimant's address**

The Cross Claimant's address for service is:

Place:

Email:

The Cross Claimant's address is (*if the cross claimant is an individual - place of residence or business; if the cross claimant is a corporation - principal place of business*).

**Date:**

---

Signed by (*name*)

Cross Claimant/Cross Claimant's solicitor (*delete whichever is inapplicable*)

**STATEMENT OF COUNTERCLAIM**

*(see form 20)*

### THIRD PARTY ACTION

TO THE THIRD PARTY: *(name)* of *(address)*

This action has been brought by the plaintiff against the defendant. The plaintiff's claim against the defendant is set out in the copy Summons and Statement of Claim/Affidavit (*delete whichever is inapplicable*) attached.

The *(role of party)*, *(name)* makes a third party claim against you or which may affect you. Details of the claim and relief sought are contained in the accompanying Statement of Third Party Claim/Affidavit (*delete whichever is inapplicable*).

#### Action required

If you wish to defend the claim, you must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Third Party Action on you; and
- (b) file a Defence/answering Affidavit (*delete whichever is inapplicable*) within 28 calendar days after service of the Statement of Third Party Claim/Affidavit relied on by the Third Party Claimant (*delete whichever is inapplicable*) on you.

If a Notice of Address for Service and a Defence/answering Affidavit (*delete whichever is inapplicable*) is not filed within the time stated, you will not be entitled to challenge the *(role of party's)* claim against you and you will be taken to have admitted the *(role of party's)* claim against you. A judgment in respect of such liability may be given against you in your absence and without further notice.

The Notice of Address for Service and Defence/answering Affidavit (*delete whichever is inapplicable*) must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

#### Endorsements

Third Party Action issued pursuant to section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*).

This Third Party Action has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

**Orders sought** (*delete this section if statement of claim filed*)

On the grounds stated in the accompanying affidavit, the Cross Claimant seeks the following orders:

*(state briefly but specifically the orders sought)*

**Accompanying documents**

This summons must be accompanied by a Statement of Third Party Claim or Affidavit in lieu of pleading.

**Cross Claimant's address**

The Cross Claimant's address for service is:

Place:

Email:

The Cross Claimant's address is (*if the cross claimant is an individual - place of residence or business; if the cross claimant is a corporation - principal place of business*).

**Date:**

.....  
Signed by (*name*)

(*role of party*)/(*role of party's*) solicitor (*delete whichever is inapplicable*)

**STATEMENT OF THIRD PARTY CLAIM**

*(see form 18)*

**CROSS ACTION AND THIRD PARTY ACTION**

**PART 1 CROSS ACTION**

TO THE DEFENDANT TO CROSS ACTION: *(name of defendant to counterclaim who IS an existing party in the action)* of *(address)*

The *(role of party)*, *(name)* makes a counterclaim against you or which may affect you. Details of the claim and relief sought are contained in the accompanying Statement of Counterclaim/Affidavit *(delete whichever is inapplicable)*.

**Action required**

If you wish to defend the claim, you must file a Defence/answering Affidavit *(delete whichever is inapplicable)* within 28 calendar days after service of the Statement of Counterclaim/Affidavit relied on by the Cross Claimant *(delete whichever is inapplicable)* on you.

If a Defence/answering Affidavit *(delete whichever is inapplicable)* is not filed within the time stated, you will not be entitled to challenge the *(role of party)*'s claim against you and you will be taken to have admitted the *(role of party)*'s claim against you. A judgment in respect of such liability may be given against you in your absence and without further notice.

## **PART 2 THIRD PARTY ACTION**

TO THE DEFENDANT TO THIRD PARTY ACTION: (*name of defendant who is NOT an existing party in the action*) of (*address*).

The (*role of party*), (*name*) brings a third party action against you or which may affect you. Details of the claim and relief sought are contained in the accompanying Statement of Counterclaim/Affidavit (*delete whichever is inapplicable*).

### **Action required**

If you wish to defend the claim, you must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Third Party Action on you; and
- (b) file a Defence/answering Affidavit (*delete whichever is inapplicable*) within 28 calendar days after service of the Statement of Counterclaim/Affidavit relied on by the Cross Claimant (*delete whichever is inapplicable*) on you.

If a Notice of Address for Service and a Defence/answering Affidavit (*delete whichever is inapplicable*) is not filed within the time stated, you will not be entitled to challenge the (*role of party*)'s claim against you and you will be taken to have admitted the (*role of party*)'s claim against you. A judgment in respect of such liability may be given against you in your absence and without further notice.

The Notice of Address for Service and Defence/answering Affidavit (*delete whichever is inapplicable*) must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

## **PART 3 GENERAL**

### **Endorsements**

Cross Action and Third Party Action issued pursuant to section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*).

This Cross Action and Third Party Action has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

### **Orders sought** (*delete this section if statement of claim filed*)

On the grounds stated in the accompanying affidavit, the Cross Claimant seeks the following orders:  
(*state briefly but specifically the orders sought*)

### **Accompanying documents**

This summons must be accompanied by a Statement of Counterclaim or Affidavit in lieu of pleading.

### **Cross Claimant's address**

The Cross Claimant's address for service is:

Place:

Email:

The Cross Claimant's address is (*if the cross claimant is an individual - place of residence or business; if the cross claimant is a corporation - principal place of business*).

### **Date:**

---

Signed by (*name*)

Cross Claimant/Cross Claimant's solicitor (*delete whichever is inapplicable*)

## **STATEMENT OF COUNTERCLAIM/THIRD PARTY CLAIM**

(*see form 20*)



**NOTICE TO DEFENDANT SERVED  
OUTSIDE AUSTRALIA**

## TO THE DEFENDANT

1. You have been served with an originating process outside Australia under rules 40 to 40H of the *Supreme Court Civil Rules 2006* (SA). A copy of those rules is enclosed for your information. They show the scope of the jurisdiction of the Court in respect of claims against persons who are served outside Australia.
2. The grounds alleged by the plaintiff to support its claim to be entitled to serve you outside of Australia are:  
[specify grounds]
3. The Court may, on application made by you in accordance with the Rules of the Court, set aside the service on you of this originating process where –
  - (a) service is not authorised by the Rules of the Court; or
  - (b) the Court is an inappropriate forum for the trial of the proceedings.
4. Alternatively you may file an unconditional notice of address for service (in the form prescribed by the Rules of the Court) within the time required under the Rules of the Court.
5. If you file a notice of address for service referred to in paragraph 4, additional procedural obligations (such as an obligation to file a defence or an affidavit) may apply to you in accordance with the Rules of the Court.
6. If you do not make an application to set aside service referred to in paragraph 3 or file a notice of address for service referred to paragraph 4, the Court may give leave to the plaintiff to proceed against you without further notice.

**Date:**

---

Signed by (name)  
Plaintiff/Plaintiff's solicitor (delete whichever is  
inapplicable)

**REQUEST FOR SERVICE IN A FOREIGN COUNTRY**

I, *(name)*, solicitor for *(role of party)*, *(name)* request that *(identify document to be served)* be transmitted:

- in accordance with the *(insert name of convention or law of foreign country)*
- through the diplomatic channel to *(name of country)* for service on the *(role of party)*, *(name)* at *(address for service)* or elsewhere in *(name of country)*

*(delete whichever is inapplicable).*

I personally undertake to be responsible for the expenses incurred by the Court in respect of the requested service of documents and, on receiving due notification of the amount of the expenses incurred, will pay the amount to the Registrar of the Court.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**REQUEST FOR TRANSMISSION OF DOCUMENTS TO A FOREIGN GOVERNMENT**

The Chief Justice of the Supreme Court of South Australia requests the Secretary of the Attorney-General's Department/Department of Foreign Affairs and Trade (*delete whichever is inapplicable*) to transmit to the government of (*insert name of country*) the following documents:

*(insert documents)*

with the requests that:

- (a) the documents be served on (*insert name of respondent*), against whom this proceeding has been taken in the Supreme Court of South Australia, in accordance with the law of (*insert name of country*); and
- (b) evidence of service of the documents be officially certified or declared (on oath or otherwise) to the Supreme Court of South Australia in the manner consistent with usage or practice of the courts in (*insert name of country*) in proving service of legal process.

*(delete if inapplicable)* The Chief Justice requests that, if efforts to effect personal service of the documents prove ineffectual, the government or court of (*insert name of country*) be requested to certify or declare (on oath or otherwise) that fact to this Court.

*(delete if inapplicable)* The following information is provided in support of the request:

*(insert any additional information that may be required by any convention applying to the service of the documents)*

**Date:**

.....  
Signed by an officer acting with the authority of the Chief Justice

**Note**

The request should be made:

- (a) if the Attorney-General's Department is the Central Authority for the purpose of a convention that applies to the service of the documents—to the Secretary of the Attorney-General's Department; or
- (b) in any other case—to the Secretary of the Department of Foreign Affairs and Trade.

**REQUEST FOR SERVICE ABROAD OF JUDICIAL DOCUMENTS AND  
CERTIFICATE OF SERVICE**

**PART 1 Request for service abroad of judicial documents**

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or  
Commercial Matters, done at The Hague, the 15<sup>th</sup> of November 1965**

Identity and address of the applicant on whose behalf the forwarding authority requests service

Identity and address of receiving authority (*Central Authority/additional authority*)

The undersigned forwarding authority has the honour to transmit – in duplicate – the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, (*identity of addressee and address*)

- (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention.
- (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of Article 5):  
(*specify method*)
- (c) by delivery to the addressee, if the addressee accepts it voluntarily (second paragraph of Article 5).

(*delete whichever is inapplicable*)

The receiving authority (*Central Authority/additional authority*) is requested to return or to have returned to the applicant a copy of the following documents – and of the annexes (*delete if inapplicable*) - with a certificate of service as provided in Part 2 of this Form.

(*list of documents*)

Done at (*place*), on the (*date*)

---

Signature or stamp (or both) of forwarding authority

## **PART 2 Certificate of service**

### **Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15<sup>th</sup> of November 1965**

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention:  
*(delete whichever is inapplicable)*

1. that the documents listed in Part 1 have been served  
on *(date)*  
at *(place, street, number)*  
in one of the following methods authorised by Article 5:
  - (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention,
  - (b) in accordance with the following particular method:  
*(specify method)*
  - (c) by delivery to the addressee, who accepted it voluntarily.*(delete whichever is inapplicable)*

The documents referred to in the request have been delivered to:  
*(identity and description of person)*  
relationship to the addressee *(family, business or other)*  
*(delete whichever is inapplicable)*

2. that the documents have not been served, by reason of the following facts:  
*(specify facts)*

In conformity with the second paragraph of Article 12 of the Convention, the forwarding authority is requested to pay or reimburse the expenses detailed in the attached statement. *(delete if inapplicable)*.

#### **Annexes**

Documents returned:

In appropriate cases, documents establishing the service:

Done at (*place*), on the (*date*)

---

Signature or stamp (or both) of forwarding authority

**SUMMARY OF THE DOCUMENT TO BE SERVED**

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15<sup>th</sup> November 1965**

(Article 5, fourth paragraph)

Identity and address of the addressee ( <i>Central Authority/additional authority</i> ):
--

**IMPORTANT**

**The enclosed document is of a legal nature and may affect your rights and obligations. The summary of the document to be served will give you some information about its nature and purpose. You should however read the document itself carefully. It may be necessary to seek legal advice.**

**If your financial resources are insufficient, you should seek information on the possibility of obtaining legal aid or advice either in the country where you live or in the country where the document was issued.**

**Enquiries about the availability of legal aid or advice in the country where the document was issued may be directed to**

.....



**SUMMARY OF THE DOCUMENT TO BE SERVED**

Name and address of the forwarding authority:

Particulars of the parties:

**JUDICIAL DOCUMENT**

Nature and purpose of document:

Nature and purpose of the proceeding and, when appropriate, the amount in dispute:

Date and place for entering appearance:

Court in which proceeding pending/judgment given:

Date of judgment: *(delete if inapplicable)*

Time limits stated in the document: *(delete if inapplicable)*

**REQUEST FOR LOCAL SERVICE OF FOREIGN JUDICIAL DOCUMENTS AND  
CERTIFICATE OF SERVICE**

**PART 1 Request for service abroad of judicial documents**

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or  
Commercial Matters, done at The Hague, the 15<sup>th</sup> of November 1965**

Identity and address of the applicant on whose behalf the forwarding authority requests service	Identity and address of receiving authority ( <i>Central Authority/additional authority</i> )
---	---

The undersigned forwarding authority has the honour to transmit – in duplicate – the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee (*identity of addressee and address*)

- (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention.
- (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of Article 5):  
*(specify method)*
- (c) by delivery to the addressee, if the addressee accepts it voluntarily (second paragraph of Article 5).

*(delete whichever is inapplicable)*

The receiving authority (*Central Authority/additional authority*) is requested to return or to have returned to the applicant a copy of the following documents – and of the annexes (*delete if inapplicable*) - with a certificate as provided in Part 2 of this Form.

*(list of documents)*

Done at (*place*), on the (*date*)

---

Signature or stamp (or both) of forwarding authority

## **PART 2 Certificate of service**

### **Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15<sup>th</sup> of November 1965**

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention:  
*(delete whichever is inapplicable)*

1. that the documents listed in Part 1 have been served  
on *(date)*  
at *(place, street, number)*  
in one of the following methods authorised by Article 5:
  - (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention,
  - (b) in accordance with the following particular method:  
*(specify method)*
  - (c) by delivery to the addressee, who accepted it voluntarily.  
*(delete whichever is inapplicable)*

The documents referred to in the request have been delivered to:

*(identity and description of person)*  
relationship to the addressee *(family, business or other)*  
*(delete whichever is inapplicable)*

2. that the document has not been served, by reason of the following facts:  
*(specify facts)*

In conformity with the second paragraph of Article 12 of the Convention, the forwarding authority is requested to pay or reimburse the expenses detailed in the attached statement. *(delete if inapplicable)*

## **Annexes**

Documents returned:

In appropriate cases, documents establishing the service:

Done at (*place*), on the (*date*)

---

Signature or stamp (or both) of forwarding authority

**NOTICE OF ACTING AND ADDRESS FOR SERVICE**

*(name)*, solicitor acts/now acts (*delete whichever is inapplicable*) as solicitor for the *(role of party)*,  
*(name)* whose address for service is/is now (*delete whichever is inapplicable*):

*(insert address for service)*

**Date:**

---

Signed by *(name)*

Solicitor for *(role of party)*

**NOTICE OF ADDRESS FOR SERVICE**

The address for service of the *(role of party)*, *(name)* is/is now *(delete whichever is inapplicable)*:

*(insert address for service)*

**Date:**

.....  
Signed by *(name)*

*(role of party)*

## STATEMENT OF CLAIM

### **Introduction**

*(summarise the claim in less than 50 words)*

The causes of action relied on are:

*(list causes of action)*

### **Part 1: Background and uncontroversial matters**

*(plead background and facts or matters expected to be uncontroversial)*

### **Part 2: Basis of causes of action and other material matters**

*(plead the basis of each cause of action and material facts or matters on which each cause of action is based insofar as not addressed in Part 1)*

### **Part 3: Remedies and ancillary remedies**

*(set out remedies and ancillary remedies sought)*

### **Certificate:**

This pleading is put forward in accordance with the instructions of the *(role of party)*, *(name)* and it complies with the *Supreme Court Civil Rules 2006*.

### **Date:**

---

Signed by *(name)*

*(role of party)/(role of party's) solicitor (delete whichever is inapplicable)*



## DEFENCE

### **Part 1: Background and uncontroversial matters**

*(plead answer to plaintiff's plea of background and facts or matters expected to be uncontroversial)*

*(plead any additional background and facts or matters expected to be uncontroversial)*

### **Part 2: Basis of causes of action and other material matters**

*(plead answer to plaintiff's pleas)*

*(plead any additional material facts or matters insofar as not addressed in Part 1)*

*(plead any preliminary issues or special defences)*

### **Part 3: Remedies and ancillary remedies**

*(plead answer to remedies and ancillary remedies sought)*

### **Certificate:**

This pleading is put forward in accordance with the instructions of the *(role of party)*, *(name)* and it complies with the *Supreme Court Civil Rules 2006*.

### **Date:**

.....  
Signed by *(name)*

Defendant/Defendant's solicitor *(delete whichever is inapplicable)*

**STATEMENT OF COUNTERCLAIM/THIRD PARTY CLAIM**  
*(delete one if inapplicable)*

**Introduction**

*(summarise the claim the subject of the counterclaim/third party claim in less than 50 words)*

The causes of action relied on are:

*(list causes of action)*

**Part 1: Background and uncontroversial matters**

*(plead background and facts or matters expected to be uncontroversial)*

*(matters may be repeated from the defence or another earlier generation pleading)*

**Part 2: Basis of causes of action and other material matters**

*(plead the basis of each cause of action and material facts or matters on which each cause of action is based insofar as not addressed in Part 1)*

*(matters may be repeated from the defence or another earlier generation pleading)*

**Part 3: Remedies and ancillary remedies**

*(set out remedies and ancillary remedies sought)*

**Certificate:**

This pleading is put forward in accordance with the instructions of the *(role of party)*, *(name)* and it complies with the *Supreme Court Civil Rules 2006*.

**Date:**

---

Signed by *(name)*

*(role of party)/(role of party's) solicitor (delete whichever is inapplicable)*

## CONTRIBUTION CLAIM

TO THE (*ROLE OF PARTY*): (*name*) of (*address*)

In this action the defendant, (*name*) claims an entitlement to indemnity and/or contribution from you on the following basis:

### **Introduction**

(*summarise the contribution claim in less than 50 words*)

The causes of action relied on are:

(*list causes of action, eg right to contribution under section 6 of the Law Reform (Contributory Negligence and Proportionate Liability) Act 2011*)

### **Part 1: Background and uncontroversial matters**

(*plead background and facts or matters expected to be uncontroversial*)

(*matters may be repeated from the defence or another earlier generation pleading*)

### **Part 2: Basis of causes of action and other material matters**

(*plead the basis of each cause of action and material facts or matters on which each cause of action is based insofar as not addressed in Part 1*)

(*matters may be repeated from the defence or another earlier generation pleading*)

### **Part 3: Remedies and ancillary remedies**

(*set out remedies sought*)

### **Certificate:**

This pleading is put forward in accordance with the instructions of the defendant, (*name*) and it complies with the *Supreme Court Civil Rules 2006*.

### **Date:**

---

Signed by (*name*)

Defendant/Defendant's solicitor (*delete whichever is inapplicable*)

**REPLY**

**Part 1: Background and uncontroversial matters**

*(plead any response to defendant's plea of background and facts or matters expected to be uncontroversial)*

**Part 2: Basis of causes of action and other material matters**

*(plead any response to defendant's additional material facts or matters, preliminary issues or special defences)*

**Part 3: Remedies and ancillary remedies**

*(plead any response to defendant's answer)*

**Certificate:**

This pleading is put forward in accordance with the instructions of the plaintiff, *(name)* and it complies with the *Supreme Court Civil Rules 2006*.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**LIQUIDATED DEBT CLAIM ELECTION**

**Election**

The plaintiff elects that this action proceed initially under supplementary rule 74.

**Nature of claim**

The claim is for a liquidated amount.

*(or)*

The claim is an unliquidated claim for property damage the cost of which has been paid by the plaintiff and an invoice for which is attached to the Statement of Claim.

*(delete whichever is inapplicable)*

**Certification**

I certify that, in my reasonable opinion, the claim will be uncontested or is not genuinely contestable.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**NOTICE OF DISCONTINUANCE OF ACTION, CROSS ACTION OR THIRD PARTY  
ACTION**

The *(role of party) (name)* hereby wholly discontinues his/her/its/their *(delete whichever is inapplicable)* action/cross action/third party action *(delete whichever is inapplicable)* against the *(role of party) (name)*.

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

*(If the Court has ordered that the action proceed to trial, pursuant to rule 107(3) consent of all of the other parties to the discontinuance is required)*

**CONSENT OF THE OTHER PARTIES**

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

**NOTICE OF DISCONTINUANCE OF CLAIM OR DEFENCE**

The *(role of party) (name)* hereby wholly discontinues *(identify the claim or defence asserted by the party that the party now seeks to abandon)* against the *(role of party) (name)*.

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

*(If the Court has ordered that the action proceed to trial, pursuant to rule 107(3) consent of all of the other parties to the discontinuance is required)*

**CONSENT OF THE OTHER PARTIES**

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*



**CERTIFICATE OF READINESS FOR TRIAL**

*(to be filed by the file principals for the parties)*

IT IS CERTIFIED by the file principals for the parties named below on due enquiry having been made that:

- 1 All pleadings are closed and no party has any intention of filing any further pleading or seeking any amendment of any pleading.
- 2 All particulars ordered or requested have been given as between all parties and no further particulars are sought.
- 3 The parties have made disclosure of all documents in their possession in accordance with the Rules and any order of the Court, and are not aware of any other documents of which disclosure should be made.
- 4 No party has any intention of making any further application for disclosure of documents by a stranger to the action, and any such application already made is completed and complied with and no further application will be made.
- 5 All parties have completed inspection of all documents of which disclosure has been made.
- 6 No party has any intention of seeking to file pre-trial questions for any other party, or, if they have already been delivered, no party has any intention of seeking any better answers.
- 7 Any pre-trial questions which have been delivered have been answered.
- 8 Any requests to admit assertions have been served and responded to and no party has any intention of bringing a further application about them.
- 9 Except for any subpoena which, on the advice of counsel, should only be made returnable at trial, all subpoenas for the production of documents have been issued, served and complied

with to the satisfaction of the party issuing the same, except for any matter specifically reserved on the return of any such subpoena for the consideration of the trial Judge.

- 10 When rule 159 has been invoked, all material has been filed and served in accordance with that Rule.
- 11 All expert reports to be used by the parties have been obtained and made available to all parties as required by the Rules. Such reports, the tender of which can be agreed, have been agreed and no direction is sought or thought to be desirable to limit the number of expert witnesses to be called.
- 12 The quantum of special damages has been agreed at \$(*amount*) (*or state any other situation*) and all reasonable efforts have been made to agree the quantum of any which remain in dispute.
- 13 Any actuarial certificates will be tendered by consent.
- 14 All interlocutory processes are completed and the action is in all respects ready for trial.
- 15 The estimated length of trial is (*period*) days.
- 16 The following Judges may possibly be disqualified from hearing the action: (*list names*)
- 17 The trial book has been delivered to the Registrar.
- 18 All endeavours to resolve the matter other than by trial have been exhausted without success and the parties and their advisers do not believe that the matter can be resolved other than by proceeding to trial.

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**Date:**

---

Signed by (*name*)

Defendant/Defendant's solicitor (*delete whichever is inapplicable*)

**LITIGATION PLAN**

**Notes**

- 1. This Litigation Plan should contain modifications or additions as necessary to provide a complete statement of interlocutory steps contemplated before trial.
- 2. The length and detail of this Litigation Plan should be proportionate to the amount in dispute and the nature and extent of the issues involved.

**PART A: INFORMATION**

**1. Case Overview**

What is the case about?

.....

**2. Key issues**

What are the key issues in the case?

.....

**3. Parties**

(a) Have all persons who should be parties been joined?	Yes/No
---	--------

(b) If not, the *(role of party)* seeks to join *(name)* because

.....  
.....

**4. Pre-action protocols**

(a) Has the plaintiff complied?	Yes/No
---------------------------------	--------

Yes/No

(b) Has the defendant complied?

(c) Has the third party complied? Yes/No  
(delete if inapplicable)

**5. Alternative dispute resolution**

(a) Do the parties seek to attempt Yes/No  
to resolve their dispute  
through alternative dispute  
resolution (ADR)?

(b) If yes, what form of ADR is  
proposed and who is to be the  
neutral party (if any)?

.....  
.....

(c) Should interlocutory steps be Yes/No  
suspended pending the  
ADR?

(d) What interlocutory steps, if  
any, need to be taken before  
ADR?

.....  
.....

(e) When will/should the ADR  
be held?

.....  
.....

**6. Pleadings**

(a) Have the pleadings closed? Yes/No

(b) If no, the further or amended  
pleadings which are intended

by.....  
..... are

.....  
.....

(c) Does any party intend to make any application to strike out/for further particulars (*delete whichever is inapplicable*) in relation to another party's pleading? Yes/No

(d) If yes, the (*name of party*) proposes to apply to strike out/for further particulars (*delete whichever is inapplicable*) the following paragraphs of (*name of party*)'s pleading:

.....  
.....

**7. Disclosure of Documents**

(a) Should order disclosure proceed other than by reference to direct relevance to the issues arising from the pleadings? Yes/No

**Examples:**

1. disclosure only of particular categories of documents;
2. disclosure of those documents to which reference has been made in a pleading, upon which a party itself intends to rely at trial, which may be detrimental to a party's case, or which may be of assistance in proof of another party's case;
3. disclosure by reference to a statement of issues.

(b) If yes, the criteria for disclosure proposed is

.....  
.....

because.....  
.....

(c) Should the complex electronic protocol or hard copy protocol apply Yes/No

in lieu of the default simple electronic protocol? Yes/No

(d) Should the applicable protocol be modified?

**8. Expert Reports**

(a) Have expert reports already been obtained? Yes/No

(b) If yes, they have been obtained from

.....

an expert in

.....

.....

in relation to.....

.....

(c) Does any party intend to obtain a (further) report from an expert? Yes/No

(d) If yes, a report is expected from

.....

an expert in

.....

.....

in relation to.....

.....

by

(date).....

.....

**9. Other Interlocutory Steps**

(a) Are any other interlocutory steps needed to prepare for trial? Yes/No

(b) If yes, the steps proposed by.....

are.....  
.....

because.....  
.....

**Note 1.** As many interlocutory steps as possible should be undertaken concurrently.

**Note 2.** The parties should invoke only those procedures, and take only those steps, that are reasonably necessary to prepare for trial.

**10. Trial**

(a) What is the likely length of trial?  
.....

(b) Should the trial be listed for a date earlier or later than in the ordinary course?

(c) If yes, it should be listed

.....  
.....

because.....  
.....

**PART B: PROPOSED DIRECTIONS**

**Proposed Directions**

The proposed directions for the progress of the matter through to trial are:

<b>Step</b>	<b>Date</b>




**Note**

If a party disagrees whether a step should be taken or about the date by which it should be taken, add additional columns for each type of party (plaintiff, defendant, third party) and show in each party's column any objection or modified date for a step proposed by another party.

**INTERLOCUTORY APPLICATION**

TO THE *(ROLE OF PARTY)*: *(name)* of *(address)*

**Application**

The *(role of party)*, *(name)* seeks the following orders or directions:

1. *(set out orders or directions sought)*

**Endorsements**

Application issued pursuant to section *(number)* of the *(Act)*/*(rule (number) of the Supreme Court Civil Rules 2006 (delete whichever is inapplicable))*.

**Hearing**

You will be notified separately of the time and place of the hearing of the application.

**Date:**

.....  
Signed by *(name)*

*(role of party)*/*(role of party's)* solicitor *(delete whichever is inapplicable)*

**ELECTRONIC APPLICATION AND MINUTES**

**By consent**

**Ex parte**

*(mark box)*

**Application**

Action title *(abbreviated)*:

Action Number: *(action number)*

Applicant: *(role of party), (name)*

Date of application: *(date)*

**Particulars**

1. The applicant seeks the following specific orders/directions:  
*(state specific orders/directions sought).*
2. The grounds/reasons for the orders/directions sought are:  
*(state reasons for application or refer to relevant affidavit evidence)*
3. *(when order is by consent)* The consent is evidenced by:  
*(set out how the consent is being given, eg by endorsement on minutes of order, by e-mail from another solicitor dated (date) or otherwise).*

**Date:**

**The Court orders that:**

1.

.....  
Judge/Master/Registrar

**Date:**

**Notes**

1. Draft minutes of order should be attached if required by supplementary rule 94.
2. If it is necessary to rely on an affidavit not already on file, a completed electronic copy is to be attached in accordance with rule 47.

**MINUTES OF ORDER**

Supreme Court Judge: The Honourable Justice.....

Supreme Court Master: His/Her Honour Judge.....

Date of application:

Application made by: plaintiff/defendant (*delete whichever is inapplicable*)

Date of hearing:

Date of order:

Appearances:

(*name*), solicitor/counsel (*delete whichever is inapplicable*) for the plaintiff  
(*name*), solicitor/counsel (*delete whichever is inapplicable*) for the defendant, etc.

THE COURT ORDERS that:

(*insert text of proposed order in sequentially numbered paragraphs and in double space*)

**REGISTRAR'S RESPONSE TO APPLICATION FOR ELECTRONIC DISPOSAL**

(Action Heading)

TO: *(return email address of applicant for electronic processing)*

1 Receipt is acknowledged of your email dated *(date)*.

2 This matter has been referred to *(Judicial Officer)* for hearing and determination. That Judicial Officer will communicate with you in due course.

*(or)*

This matter has been referred to a Judicial Officer for initial consideration. It has been determined that it is unsuitable for hearing and determination electronically. The matter has been set down for hearing in the normal manner in the Practice Court before.....on..... at .....am/pm.

**Date:**

*(name and title of releasing officer)*

For the Registrar

**LIST OF DOCUMENTS**

TO THE (*ROLE OF PARTY*): (*name*) of (*address*)

The (*role of party*), (*name*) makes disclosure as follows:

- 1 The documents which are at present in the possession of the (*role of party*) and directly relevant to any issue arising on the pleadings:
  - 1.1 for which privilege is not claimed are:  
*(numbered list of documents)*
  - 1.2 for which privilege is claimed are:  
*(numbered list of documents specifying grounds on which privilege is claimed).*
  
- 2 The documents which have been, but are no longer in possession of the (*role of party*), and are directly relevant to any issue arising on the pleadings, are:  
*(numbered list of documents stipulating when they were last in the possession, and what happened to them and where they might be found).*
  
- 3 The (*role of party*), by this list of documents, has now fully discharged the obligations of the (*role of party*), as at the date of delivery of this list, regarding disclosure of documents in this action.

**Date:**

---

Signed by (*name*)

(*role of party*)’s solicitor/(*role of party*) (*delete whichever is inapplicable*)

**LIST OF DOCUMENTS**

TO THE *(ROLE OF PARTY)*: *(name)* of *(address)*

The *(role of party)*, *(name)* makes disclosure as follows:

- 1 The documents which are at present in the possession of the *(role of party)* and directly relevant to any issue arising on the pleadings:
  - 1.1 for which privilege is not claimed are:  
*(numbered list of documents)*
  - 1.2 for which privilege is claimed are:  
*(numbered list of documents specifying grounds on which privilege is claimed).*
  
- 2 The documents which have been, but are no longer in possession of the *(role of party)*, and are directly relevant to any issue arising on the pleadings, are:  
*(numbered list of documents stipulating when they were last in the possession, and what happened to them and where they might be found).*
  
- 3 The *(role of party)*, by this list of documents, has now fully discharged the obligations of the *(role of party)*, as at the date of delivery of this list, regarding disclosure of documents in this action.

**Date:**

---

Signed by *(name)*

*(role of party)*'s solicitor/*(role of party)* *(delete whichever is inapplicable)*

**LIST OF DOCUMENTS**

TO THE (*ROLE OF PARTY*): (*name*) of (*address*)

The (*role of party*), (*name*) makes disclosure as follows:

- 1 The documents which are at present in the possession of the (*role of party*) and directly relevant to any issue arising on the pleadings:
  - 1.1 for which privilege is not claimed are:  
(*numbered list of documents*)
  - 1.2 for which privilege is claimed are:  
(*numbered list of documents specifying grounds on which privilege is claimed*).
  
- 2 The documents which have been, but are no longer in possession of the (*role of party*), and are directly relevant to any issue arising on the pleadings, are:  
(*numbered list of documents stipulating when they were last in the possession, and what happened to them and where they might be found*).
  
- 3 The (*role of party*), by this list of documents, has now fully discharged the obligations of the (*role of party*), as at the date of delivery of this list, regarding disclosure of documents in this action.

**Date:**

.....  
Signed by (*name*)

(*role of party*)’s solicitor/(*role of party*) (*delete whichever is inapplicable*)



## SEARCH ORDER

TO: *(name of person against whom the order is made)*

**If you (being the person bound by this order):**

- (a) refuse or neglect to do any act within the time specified in the order for the doing of the act;**  
**or**
- (b) disobey the order by doing an act which the order requires you to abstain from doing,**  
**you will be liable to imprisonment, sequestration of property or other punishment.**

**Any other person who knows of this order and does anything that helps or permits you to breach the terms of this order may be similarly punished.**

This is a search order made against you on *(date)* by *(name of Judge or Master)* at a hearing without notice to you after the Court was given the undertakings set out in Schedule B to this order and after the Court read the affidavits listed in Schedule C to this order.

### THE COURT ORDERS:

#### INTRODUCTION

- 1 (a) The application for this order is made returnable immediately.  
(b) The time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by *(time and date)*.
- 2 Subject to paragraph 3 below, this order has effect up to and including *(date)* (***the Return Date***). On the Return Date at *(time)* am/pm, there will be a further hearing in respect of this order in the Supreme Court of South Australia, 1 Gouger Street, Adelaide.
- 3 You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to *(insert)*.

- 4 This order may be served only between (*time*) am/pm and (*time*) am/pm (*on a business day*).<sup>1</sup>
- 5 In this order:
- (a) ***applicant*** means the person who applied for this order, and if there is more than one applicant, includes all the applicants;
  - (b) ***independent computer expert*** means the person (if any) identified as the independent computer expert in the search party referred to in Schedule A to this order;
  - (c) ***independent lawyer*** means the person identified as the independent lawyer in the search party referred to in Schedule A to this order;
  - (d) ***listed thing*** means anything referred to in Schedule A to this order;
  - (e) ***premises*** means the premises and any of the premises identified in Schedule A to this order, including any vehicles and vessels that are under the respondent's control on or about the premises or that are otherwise identified in Schedule A;
  - (f) ***search party*** means the persons identified or described as constituting the search party in Schedule A to this order;
  - (g) ***thing*** includes a document;
  - (h) ***you***, when there is more than one of you, includes all of you and includes you if you are a corporation;
  - (i) any requirement that something be done in your presence means:
    - (A) in the presence of you or of one of the persons described in paragraph 6 below; or
    - (B) if there is more than one of you, in the presence of each of you, or, in relation to each of you, in the presence of one of the persons described in 6 below.
- 6 This order must be complied with by:
- (a) yourself; or
  - (b) any director, officer, partner, employee or agent of yourself; or
  - (c) any other person having responsible control of the premises.
- 7 This order must be served by, and be executed under the supervision of, the independent lawyer.

## **ENTRY, SEARCH AND REMOVAL**

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<sup>1</sup> Normally the order should be served between 9.00 am and 2.00 pm on a business day to enable the respondent more readily to obtain legal advice.

- 8 Subject to paragraphs 10 to 20 below, upon service of this order you must permit members of the search party to enter the premises so that they can carry out the search and other activities referred to in this order.
- 9 Having permitted members of the search party to enter the premises, you must:
- (a) permit them to leave and re-enter the premises on the same and the following day until the search and other activities referred to in this order are complete;
  - (b) permit them to search for and inspect the listed things and to make or obtain a copy, photograph, film, sample, test or other record of the listed things;
  - (c) disclose to them the whereabouts of all the listed things in your possession, custody or power, whether at the premises or otherwise;
  - (d) disclose to them the whereabouts of all computers, computer disks and electronic information storage devices or systems at the premises in which any documents among the listed things are or may be stored, located or recorded and cause and permit those documents to be printed out;
  - (e) do all things necessary to enable them to access the listed things, including opening or providing keys to locks and enabling them to access and operate computers and providing them with all necessary passwords;
  - (f) permit the independent lawyer to remove from the premises into the independent lawyer's custody:
    - (i) the listed things or things which reasonably appear to the independent lawyer to be the listed things and any things the subject of dispute as to whether they are listed things; and
    - (ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to above; and
  - (g) permit the independent computer expert (if there is one) to search any computer and make a copy or digital copy of any computer hard drive and permit the independent computer expert (if any) or the independent lawyer to remove any computer hard drive and computer from the premises as set out in paragraphs 20 and 21 below.

### **RESTRICTIONS ON ENTRY, SEARCH AND REMOVAL**

- 10 This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.
- 11 You are not required to permit anyone to enter the premises until:

- (a) the independent lawyer serves you with copies of this order and any affidavits referred to in Schedule C (confidential exhibits, if any, need not be served until further order of the Court); and
  - (b) you are given an opportunity to read this order and, if you so request, the independent lawyer explains the terms of this order to you.
- 12 Before permitting entry to the premises by anyone other than the independent lawyer, you, for a time (not exceeding two hours from the time of service or such longer period as the independent lawyer may permit):
- (a) may seek legal advice;
  - (b) may ask the Court to vary or discharge this order;
  - (c) (provided you are not a corporation) may gather together any things that you believe may tend to incriminate you or make you liable to a civil penalty and hand them to the independent lawyer in (if you wish) a sealed envelope or container; and
  - (d) may gather together any documents that passed between you and your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the independent lawyer in (if you wish) a sealed envelope or container.
- 13 Subject to paragraph 22 below, the independent lawyer must not inspect or permit to be inspected by anyone, including the applicant and the applicant's lawyers, anything handed to the independent lawyer in accordance with paragraphs 12(c) and (d) above and the independent lawyer must deliver it to the Court at or before the hearing on the Return Date.
- 14 During any period referred to in paragraph 12 above, you must:
- (a) inform and keep the independent lawyer informed of the steps being taken;
  - (b) permit the independent lawyer to enter the premises but not to start the search;
  - (c) not disturb or remove any listed things; and
  - (d) comply with the terms of paragraphs 25 and 26 below.
- 15 Anything the subject of a dispute as to whether it is a listed thing must promptly be handed by you to the independent lawyer for safekeeping pending resolution of the dispute or further order of the Court.
- 16 Before removing any listed things from the premises (other than things referred to in paragraph 15 above), the independent lawyer must supply a list of them to you, give you a reasonable time to

check the correctness of the list, and give you and the applicant's solicitor a copy of the list signed by the independent lawyer.

- 17 The premises must not be searched, and things must not be removed from the premises, except in the presence of you or of a person who appears to the independent lawyer to be your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.
- 18 If the independent lawyer is satisfied that full compliance with paragraph 17 above is not reasonably practicable, the independent lawyer may permit the search to proceed and the listed things to be removed without full compliance.
- 19 The applicant's solicitors and the independent lawyer must not allow the applicant in person to inspect or have copies of anything removed from the premises nor communicate to the applicant information about its contents or about anything observed at the premises until 4.30 pm on the Return Date or other time fixed by further order of the Court.

## **COMPUTERS**

- 20 (a) If it is expected that a computer will be searched, the search party must include a computer expert who is independent of the applicant and of the applicant's solicitors (the independent computer expert).
- (b) Any search of a computer must be carried out only by the independent computer expert.
- (c) The independent computer expert may make a copy or digital copy of the computer hard drive and remove that copy or digital copy from the premises.
- (d) The independent computer expert may search the computer or the copy or digital copy of the computer hard drive at the premises and/or away from the premises for listed things and may copy the listed things electronically or in hard copy or both.
- (e) The independent computer expert must as soon as practicable, and in any event before the hearing on the Return Date, deliver the copy or digital copy of the computer hard drive and all electronic and hard copies of listed things to the independent solicitor, together with a report of what the independent computer expert has done including a list of such electronic and hard copies.
- (f) The independent lawyer must, at or prior to the hearing on the return date, deliver to the Court all things received from the independent computer expert and serve a copy of the independent computer expert's report on the parties.
- (g) If no independent computer expert has been appointed, but the independent lawyer considers it necessary to remove a computer from the premises for safekeeping or for the

purpose of copying its contents electronically and printing out information in documentary form, the independent lawyer may remove the computer from the premises for that purpose.

(h) If the independent lawyer removes a computer from the premises under paragraph 20(g) above, the independent lawyer may cause the copying of its contents electronically and printing out its information in documentary form.

21 (a) Unless you are a corporation, you are entitled to object to steps under paragraphs 20(b) to (f) above on the ground that they might tend to incriminate you or make you liable to a civil penalty.

(b) You are entitled to object to steps under paragraphs 20(b) to (f) and (h) above on the ground that the computer contains material that is otherwise privileged.

(c) Upon communicating any objection under paragraph 21(a) or (b) above to the independent lawyer, paragraphs 20(b) to (f) and (h) above become inoperative to the extent that you have objected to them. In that event, if the applicant's solicitor communicates to the independent lawyer that the applicant proposes to contest the objection:

(i) the independent computer expert shall remove the computer hard drive (or, if that is not practicable, the computer) from the premises and deliver it into the custody of the independent lawyer who shall deliver it to the Court at or prior to the Return Date;

(ii) on the Return Date or on another date, the applicant may apply to the Court for orders to similar effect as paragraphs 20(b) to (f) and (h) above and if you object, the Court may adjudicate upon your objection.

## **INSPECTION**

22 Before the Return Date, you or your solicitor or representative shall be entitled, in the presence of the independent lawyer, to inspect anything removed from the premises and to:

(a) make copies of the same; and

(b) provide the independent lawyer with a signed list of things that are claimed to be privileged or confidential and which you claim ought not to be inspected by the applicant.

## **PROVISION OF INFORMATION**

23 Subject to paragraph 24 below, you must:

(a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing as to:

- (i) the location of the listed things;
  - (ii) the name and address of everyone who has supplied you, or offered to supply you, with any listed thing;
  - (iii) the name and address of every person to whom you have supplied, or offered to supply, any listed thing; and
  - (iv) details of the dates and quantities of every such supply and offer;
- (b) within (*insert number*) business days after being served with this order, make and serve on the applicant an affidavit setting out the above information.

- 24 (a) This paragraph 24 applies if you are not a corporation and you wish to object that compliance with paragraph 23 above may tend to incriminate you or make you liable to a civil penalty.
- (b) This paragraph 24 also applies if you are a corporation and all of the persons who are able to comply with paragraph 23 above on your behalf and with whom you have been able to communicate wish to object that compliance may tend to incriminate them or make them liable to a civil penalty.
- (c) You must, at or before the further hearing on the Return Date (or within such further time as the Court may allow), notify the applicant in writing that you or all the persons referred to in paragraph (b) above wish to take such objection and identify the extent of the objection.
- (d) If you give such notice, you need comply with paragraph 23 above only to the extent, if any, that it is possible to do so without disclosure of the material in respect of which the objection is taken.
- (e) If you give such notice, the Court may give directions as to the filing and service of affidavits setting out the matters that you or the persons referred to in paragraph (b) above wish to place before the Court in support of the objection.

## **PROHIBITED ACTS**

- 25 Except for the sole purpose of obtaining legal advice, you must not, until 4.30 pm on the Return Date, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against you by the applicant.
- 26 Until 4.30 pm on the Return Date you must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed things otherwise than in accordance with the terms of this order or further order of the Court.

## **COSTS**

- 27 The costs of this application are reserved to the Judge hearing the application on the Return Date.

## SCHEDULE A

### Premises

The premises located at *(insert address or addresses)* including any vehicle or vehicles under the respondent's control on or about those premises.

### Listed Things

- 1
- 2
- 3

### Search Party

- 1 The independent lawyer: *(insert name and address)*
- 2 The applicant's solicitor or solicitors:
  - (a) *(insert name and address) (or description eg a partner or employed solicitor of A, B and Co).*
  - (b) *(insert name and address) (or description eg a partner or employed solicitor of A, B and Co).*
  - (c) *(insert name and address) (or description e.g. a partner or employed solicitor of A, B and Co).*
- 3 Other members of the search party:
  - (a) *(insert name and address) in the capacity of (eg an independent computer expert)*
  - (b) *(insert name and address) in the capacity of (insert capacity)*



## SCHEDULE B

### UNDERTAKINGS GIVEN TO THE COURT

#### Undertakings given to the Court by the applicant:

- 1 The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- 2 The applicant will not, without permission of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- 3 The applicant will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4.30 pm on the Return Date.
- 4 If the applicant has not already done so, as soon as practicable the applicant will file an application for hearing on the Return Date and an originating process (in the form of the draft produced to the Court).
- 5 The applicant will insure the things removed from the premises against loss or damage for an amount that reasonably appears to the applicant to be their full value.<sup>2</sup>
- 6 The applicant will:<sup>3</sup>
  - (a) on or before (*insert date*) cause a written irrevocable undertaking to pay in the sum of \$(*insert amount*) to be issued from a bank with a place of business within Australia in respect of any order the Court may make referred to in the undertaking as to damages contained in paragraph (1) above; and
  - (b) immediately upon issue of the irrevocable undertaking to pay, cause a copy of it to be served on the respondent.

#### Undertakings given to the Court by the applicant's solicitor

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<sup>2</sup> Depending on the nature of the things likely to be removed and their likely value, and the likely particular risks of their being lost or damaged, this undertaking or a more elaborate one may be required.

<sup>3</sup> See supplementary rule 147.

- 1 The applicant's solicitor will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
- 2 The applicant's solicitor will provide to the independent lawyer for service on the respondent copies of the following documents:
  - (a) this order;
  - (b) the application for this order for hearing on the Return Date;
  - (c) the following material insofar as it was relied on by the applicant at the hearing when the order was made:
    - (i) affidavits (or draft affidavits);
    - (ii) exhibits capable of being copied (other than confidential exhibits);
    - (iii) any written submission; and
    - (iv) any other document that was provided to the Court.
  - (d) a transcript, or if none is available a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put to the Court; and
  - (e) the originating process, or if none was filed any draft originating process produced to the Court.
- 3 The applicant's solicitor will answer to the best of his or her ability any question as to whether a particular thing is a listed thing.
- 4 The applicant's solicitor will use his or her best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
- 5 The applicant's solicitor will not, without permission of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- 6 The applicant's solicitor will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4.30 pm on the Return Date.
- 7 The applicant's solicitor will not disclose to the applicant any information that the solicitor acquires during or as a result of execution of the search order, without the permission of the Court.
- 8 The applicant's solicitor will endeavour to follow all directions of the independent lawyer.

### **Undertakings given to the Court by the independent lawyer**

- 1 The independent lawyer will use his or her best endeavours to serve the respondent with this order and the other documents referred to in the undertaking by the applicant's solicitor above.
- 2 Before entering the premises, the independent lawyer will:
  - (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
  - (b) inform the respondent of his or her right to obtain legal advice.
- 3 Subject to undertaking 4 below, the independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to this order until delivery to the Court or further order of the Court.
- 4 At or before the hearing on the Return Date, the independent lawyer will provide a written report on the carrying out of the order to the Court and provide a copy to the applicant's solicitor and to the respondent or the respondent's solicitor. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an independent computer expert.
- 5 The independent lawyer will use his or her best endeavours to act in conformity with the search order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
- 6 The independent lawyer will not, without permission of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- 7 The independent lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4.30 pm on the Return Date.

### **Undertakings given to the Court by the independent computer expert**

- 1 The independent computer expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the independent computer expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.

- 2 The independent computer expert will not, without permission of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- 3 The independent computer expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4.30 pm on the Return Date.
- 4 The independent computer expert will use best endeavours to follow all directions of the independent lawyer.

**SCHEDULE C**

**AFFIDAVITS RELIED ON**

**Name of Deponent**

**Date affidavit made**

1

2

3

**NAME AND ADDRESS OF APPLICANT'S SOLICITORS**

The Applicant's solicitors are:

*(insert name, address, reference, fax and telephone numbers both in and out office hours)*

**NOTICE TO ADMIT**

TO THE *(ROLE OF PARTY)*: *(name)* of *(address)*

You are required, within 14 calendar days or such other extended time as may be fixed by the Court or agreed between the parties, to respond to the following assertions by:

- (a) denying the assertion and stating the grounds of the denial;
- (b) stating that the respondent is not in a position to admit or deny the assertion and explaining why the respondent is not in a position to do so; or
- (c) claiming privilege or some other proper ground for refusing to respond to the assertion.

**Date:**

---

Signed by *(name)*

*(role of party)*'s solicitor/*(role of party)* *(delete whichever is inapplicable)*

**CERTIFICATE BY SHADOW EXPERT**

I (*name of shadow expert*) of (*address*) CERTIFY:

- 1 I understand that it is not my role to provide evidence at the trial of this action;
- 2 I have not been previously engaged in any other capacity to give advice or an opinion in relation to any party's case or any aspect of it.

**Date:**

---

Signed by (*name*)

Shadow expert

**AFFIDAVIT**

I (*full name, address and occupation of deponent*) SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM (*delete whichever is inapplicable*) THAT:

- 1. (*set out text of affidavit in successive, numbered paragraphs*)

Sworn/Affirmed (*delete whichever is inapplicable*)  
 by the abovenamed deponent  
 at (*place*)  
 on (*date*)

.....  
 (*signature of deponent*)

before me .....  
 (*signature and title of attesting witness*)  
 (*print name of witness*)  
 (*ID number of witness*)

**Note**

The jurat must –

- (a) be signed by all deponents;
- (b) be completed and signed by the person before whom the affidavit was sworn whose name and qualification must be printed beneath his or her signature;
- (c) contain the full address of the person before whom the affidavit was sworn; and
- (d) follow immediately on from the text and not be put on a separate page.



Form 34 - deleted by Amendment No. 5 effective 1 May 2016

**SUBPOENA**

TO: *(name)* of *(address)*

**You are ordered to attend to give evidence – see next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 8 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

*(if applicable)* The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

*(Registry to place seal)*

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

**Details of subpoena**

---

Date, time and place at which you must attend to give evidence, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court of South Australia, 1 Gouger Street, Adelaide

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

**NOTES**

**Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

**Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

#### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

#### **Conduct money**

4. You need not comply with the subpoena insofar as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

#### **Applications in relation to subpoena**

5. You have the right to apply to the Court:
  - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

#### **Loss or expense of compliance**

6. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

#### **Contempt of court – arrest**

7. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
8. Note 7 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

For more information regarding attending Court, Court services and translation services visit  
[www.courts.sa.gov.au](http://www.courts.sa.gov.au)

**SUBPOENA**

TO: *(name)* of *(address)*

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents – see next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

*(if applicable)* The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

*(Registry to place seal)*

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

**Details of subpoena**

---

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. *(see Notes 5-11)*

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court of South Australia, 1 Gouger Street, Adelaide

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

Supreme Court Civil Registry  
Lower Ground Floor  
Sir Samuel Way Building  
241- 259 Victoria Square  
Adelaide, South Australia, 5000

**Schedule of documents**

The documents and things you must produce are as follows:

*(list the documents or things. attach list if insufficient space)*

## NOTES

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.
4. Deleted by Amendment No. 8.

### **Production of subpoena or copy of it and documents or things by delivery or post**

5. Insofar as this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is so specified, at any one of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

### **Production of copy instead of original**

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

- 9A. A copy of a document may be:
  - (a) a photocopy; or
  - (b) in any of the following electronic formats:
    - .doc and .docx – Microsoft Word documents
    - .pdf – Adobe Acrobat documents

.xls and .xlsx – Microsoft Excel spreadsheets  
.jpg – image files  
.rtf – rich text format  
.gif – graphics interchange format  
.tif – tagged image format.

10. Deleted by Amendment 8.

11. Deleted by Amendment No. 8.

**Applications in relation to subpoena**

12. You have the right to apply to the Court:

- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of court – arrest**

14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

For more information regarding attending Court, Court services and translation services visit  
[www.courts.sa.gov.au](http://www.courts.sa.gov.au)

**SUBPOENA**

TO: *(name)* of *(address)*

**You are ordered to attend to give evidence and to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents – see next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

*(if applicable)* The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

*(Registry to place seal)*

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

**Details of subpoena**

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Insofar as you are required by this subpoena to attend to give evidence, you must attend as follows, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court of South Australia, 1 Gouger Street, Adelaide

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

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Insofar as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:



- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (*see Notes 5-11*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and the documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: Supreme Court of South Australia, 1 Gouger Street, Adelaide

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

Supreme Court Civil Registry  
Lower Ground Floor  
Sir Samuel Way Building  
241- 259 Victoria Square  
Adelaide, South Australia, 5000

**Schedule of documents**

The documents and things you must produce are as follows:

*(list the documents or things. attach list if insufficient space)*

## NOTES

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### **Conduct money**

4. You need not comply with the subpoena insofar as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

### **Production of subpoena or copy of it and documents or things by delivery or post**

5. Insofar as this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is so specified, at any one of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

### **Production of copy instead of original**

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

9A. A copy of a document may be:

- (a) a photocopy; or
- (b) in any of the following electronic formats:
  - .doc and .docx – Microsoft Word documents
  - .pdf – Adobe Acrobat documents
  - .xls and .xlsx – Microsoft Excel spreadsheets
  - .jpg – image files
  - .rtf – rich text format
  - .gif – graphics interchange format
  - .tif – tagged image format.

### **Return or destruction of documents or copies**

- 10. You may, at the time of production, inform the Court that any document or copy of a document produced need not be returned and may be destroyed.
- 11. If you have so informed the Court, the Registrar may destroy the document or copy instead of returning it to you.

### **Applications in relation to subpoena**

- 12. You have the right to apply to the Court:
  - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

### **Loss or expense of compliance**

- 13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

### **Contempt of court – arrest**

- 14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

For more information regarding attending Court, Court services and translation services visit  
[www.courts.sa.gov.au](http://www.courts.sa.gov.au)

**NOTICE AND DECLARATION BY ADDRESSEE OF SUBPOENA**

TO: *(name of addressee)* of *(address)*

**Notice to Addressee**

The **Addressee** is the person to whom the subpoena is addressed and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of a document may be:

- (a) a photocopy; or
- (b) in any of the following electronic formats:
  - .doc and .docx – Microsoft Word documents
  - .pdf – Adobe Acrobat documents
  - .xls and .xlsx – Microsoft Excel spreadsheets
  - .jpg – image files
  - .rtf – rich text format
  - .gif – graphics interchange format
  - .tif – tagged image format

**You must complete the Declaration below, attach it to the subpoena or a copy of the subpoena, and return them with the documents or things you provide to the Court under the subpoena.**

If you declare that the material you produce are copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes an original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

**DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)**

*(tick the relevant option below, provide your address as appropriate, sign and date)*

**All** of the material I am providing to the Court in compliance with the attached subpoena are **copies of documents**. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

**Some or all** of the material I am providing to the Court in compliance with the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

.....  
.....

*(signature of addressee)* .....

*(name of addressee)* .....

*(date)* .....

**FORMAL OFFER**

The *(role of party)*, *(name)* OFFERS pursuant to rule 187 to settle the proceedings *(or if a particular action in the proceeding, specify it)* *(or if a particular claim in the action, specify the claim and the action)* as follows:

1. *(insert terms of offer with precision in numbered paragraphs)*

**Date:**

.....  
Signed by *(name)*

*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

**Notes**

- 1 The offer must be either a judgment offer or a contract offer: see rule 187(2) and (3).
- 2 The offer may be expressed to lapse after the expiration of a stipulated time, being not less than 14 days after service of the offer, but if silent will be taken to remain open until it lapses or is withdrawn in accordance with rule 188: see rule 187(6)(c).
- 3 The offer may be expressed to be an open offer but if silent will be taken to be made on the basis that it is without prejudice save as to costs: see rule 187(6)(a).
- 4 The offer may include any terms as to costs but if silent will be taken to include a term that the defendant to the relevant claim is to pay the plaintiff's costs of the relevant claim on a party and party basis up to the time of acceptance: see rule 187(6)(b).
- 5 If the offer is intended to be a "complying offer" within the meaning of rule 188F(1), it must comply with the definition of that term contained therein: see rule 188F.

**WITHDRAWAL OF FORMAL OFFER**

The *(role of party)*, *(name)* WITHDRAWS pursuant to rule 188(3) the formal offer filed on *(date)* *(if more than one offer was filed on that date, specify the offer or offers being withdrawn)*.

**Date:**

---

Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

**RESPONSE TO FORMAL OFFER (OTHER THAN ACCEPTANCE)**

The *(role of party)*, *(name)* RESPONDS pursuant to rule 188A to the formal offer made by the *(role of party)*, *(name)* filed on *(date)* as follows.

The offer is not accepted

The offer does not comply with rule 187 because *(insert detailed reasons)*

*(delete whichever is inapplicable)*

*(If it is contended that the the offeree cannot reasonably decide whether to accept the offer within 14 days, include the following section:)*

The offeree cannot reasonably decide whether to accept the offer within 14 days, the offeree reasonably needs *(insert number of days from date of service of offer)* to decide whether to accept the offer and this is because *(insert detailed reasons)*.

**Date:**

.....  
Signed by *(name)*

*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*



**ACCEPTANCE OF FORMAL OFFER**

The *(role of party)*, *(name)* ACCEPTS pursuant to rule 188C the formal offer made by the *(role of party)*, *(name)* filed on *(date)*.

**Date:**

.....  
Signed by *(name)*  
*(role of party)/(role of party's)* solicitor *(delete whichever is inapplicable)*

**REQUEST FOR PAYMENT OUT**

I (*name*) of (*address*) in the State of South Australia

REQUEST that \$(*amount*) standing in Court to the credit of this action in account number (*number*) together with all interest accrued to the date of payment out be paid to (*name*) pursuant to the order of (*Judge or Master*) dated (*date*).

**Date:**

.....  
Signed by (*name*)

(*role of party*)/(*role of party's*) solicitor (*delete whichever is inapplicable*)

**SUMMONS**

TO THE DEFENDANT: (*name*) of (*address*)

The plaintiff makes a claim for judicial review against you or which may affect you. Details of the nature of the claim and the orders sought are contained in the attached Statement of Grounds. Further details are contained in the affidavit to be served with this Summons.

**Action required**

If you wish to oppose the claim, you or your solicitor must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Summons on you; and
- (b) file a Response to Statement of Grounds and, where applicable, a responding affidavit within 28 calendar days after service of this Summons on you.

The Notice of Address for Service and Response and any responding affidavit must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

If a Notice of Address for Service and a Response is not filed within the time stated, orders may be made against you in your absence and without further notice.

**Endorsements**

Summons issued pursuant to rule 200A of the *Supreme Court Civil Rules 2006*.

This Summons has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

**Accompanying documents**

This summons must be accompanied by a Statement of Grounds and Affidavit.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
    "Any better full name of the (*role of the party*) is not known, and not reasonably ascertainable by, the plaintiff"
- 2 If the plaintiff intends to apply for an authorisation under rule 81 the summons is to bear the following endorsement under rule 81(2):  
  
    "The plaintiff brings this action as representative of a group of which each member has a common interest being (*set out question of law or fact in which there is a common interest*) and intends to apply for the necessary authorisation under rule 81."
- 3 As to other endorsements which may be required on a summons see rule 38(3)(a).

## STATEMENT OF GROUNDS

### 1. Nature of application

*(set out nature of the application for judicial review)*

### 2. Decision, act or omission

*(set out decision, act or omission subject of the application)*

### 3. Grounds of review

*(set out grounds why decision, act or omission is alleged to be invalid, wrongful or otherwise liable to order for judicial review)*

### 4. Orders sought

*(set out orders sought)*

### Certificate:

This statement of grounds is put forward in accordance with the instructions of the plaintiff, *(name)* and it complies with the *Supreme Court Civil Rules 2006*.

### Date:

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

## RESPONSE TO STATEMENT OF GROUNDS

### 1. Nature of application

*(reiterate plaintiff's identification of nature of the application for judicial review)*

### 2. Decision, act or omission

*(set out any qualification to the plaintiff's identification of the decision, act or omission subject of the application)*

### 3. Response to grounds of review

*(set out response to plaintiff's grounds of review and any preliminary issues or special defences why the orders sought should not be granted)*

### 4. Response to orders sought

*(set out any further response to orders sought)*

### Certificate:

This response to statement of grounds is put forward in accordance with the instructions of the plaintiff *(name of party)* and it complies with the *Supreme Court Civil Rules 2006*.

### Date:

---

Signed by *(name)*

Defendant/Defendant's solicitor *(delete whichever is inapplicable)*

**NOTICE TO DEFENDANT OF APPLICATION FOR PERMISSION TO SERVE  
WARRANT OF POSSESSION**

TO THE DEFENDANT: *(name)* of *(address)*

The plaintiff intends to apply to the Registrar of the Supreme Court for the issue of a warrant of possession to give effect to the order for possession made on *(date)* of the property known as *(address of property)*.

**Action required**

If, having regard to the circumstances that have occurred since the making of the order for possession, you wish to contend that there is good and sufficient reason why the warrant should not be issued, you must within 10 calendar days after the date of this notice file in the Supreme Court and send to the plaintiff:

- (a) a Notice of Opposition to Permission to Serve Warrant of Possession (form 45); and
- (b) an affidavit deposing to the facts upon which you will seek to rely at the hearing.

In that event, the Court will convene an urgent hearing and send notice of it to you. You should attend at that hearing in person or by your lawyer.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business)*.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**Note**

If you oppose the issue of the warrant, and it is issued, you may be liable to pay the legal costs of the plaintiff of the hearing—which will be added on to the amount which has to be repaid under the mortgage *(add if applicable)*.



**NOTICE TO OCCUPIER OF APPLICATION FOR PERMISSION TO SERVE  
WARRANT OF POSSESSION**

This NOTICE is given to you as an occupier of (*address of property*).

By an order of the Supreme Court made on (*date*), the Court ordered that possession of the property be given to the plaintiff. The plaintiff intends to apply to the Registrar for the issue of a warrant of possession to give effect to the order for possession. The execution of such a warrant will mean that you will be evicted from the property.

**Action required**

If, having regard to the circumstances that have occurred since the making of the order for possession, you wish to contend that there is good and sufficient reason why the warrant should not be issued and that you should not be evicted from the property, you must within 10 calendar days after the date of this notice file in the Supreme Court and send to the plaintiff:

- (a) a Notice of Opposition to Permission to Serve Warrant of Possession (form 45); and
- (b) an affidavit deposing to the facts upon which you will seek to rely at the hearing.

In that event, the Registrar will convene an urgent hearing and send notice of it to you. You should attend at that hearing in person or by a lawyer.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**Note**

If you oppose the issue of the warrant, and it is issued, you may be liable to pay the legal costs of the plaintiff of the hearing

**CERTIFICATE OF SERVICE OF APPLICATION FOR PERMISSION TO SERVE  
WARRANT OF POSSESSION**

The plaintiff applies for the issue of a warrant of possession to give effect to the order for possession made in this action on *(date)*.

**Certificate**

I *(name)*, plaintiff/plaintiff's solicitor *(delete whichever is inapplicable)* CERTIFY that:

- (1) on *(date)* notice in form 42 attached was duly sent by prepaid post to the defendant, *(name)*;
- (2) on *(date)* notice in form 43 attached was duly sent by prepaid post to the occupiers of *(address of property)*; and
- (3) there is no reason why a warrant of possession should not now issue.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business)*.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**NOTICE OF OPPOSITION TO PERMISSION TO SERVE WARRANT OF POSSESSION**

I (*name*), a defendant/occupier (*delete whichever is inapplicable*) of the property request a hearing before the Court to oppose the issue of a warrant of possession.

The names of the persons who are occupiers of the property are: (*names*)

**Defendant/occupier's address**

The defendant/occupier's address for service is:

Place:

Email:

The defendant/occupier's address is (*if the defendant/occupier is an individual - place of residence or business; if the defendant/occupier is a corporation - principal place of business*).

**Date:**

.....  
Signed by (*name*)

Defendant/Occupier/Defendant's solicitor/Occupier's solicitor (*delete whichever is inapplicable*)

**Note**

Rule 204A(4) requires that this notice be supported by an affidavit deposing to the facts upon which you, the defendant/occupier, seek to rely.

**NOTICE TO PRODUCE**

TO THE *(ROLE OF PARTY)*: *(name)* of *(address)*

You are REQUIRED to produce and show to the Court at the trial of this action the following documents which are in your possession:

1. *(numbered paragraphs describing each document of which production is sought)*

**Date:**

---

Signed by *(name)*

*(role of party)*'s solicitor/*(role of party)* *(delete whichever is inapplicable)*

**FORM OF SEALED JUDGMENT OR ORDER**

*(The front sheet for each sealed order is to be in form 1)*

*(The nature of the order should be specified under “DOCUMENT TYPE”, eg JUDGMENT ON APPEAL)*

*(The preamble to judgments and orders is as follows:)*

Supreme Court Judge: The Honourable Justice.....

Supreme Court Master: His/Her Honour Judge.....

Date of notice of appeal/summons/application *(delete whichever is inapplicable)*:

Application made by: plaintiff/defendant *(delete whichever is inapplicable)*

Date of hearing/trial *(delete whichever is inapplicable)*:

Date of order:

Appearances:

*(name)*, solicitor/counsel *(delete whichever is inapplicable)* for the plaintiff

*(name)*, solicitor/counsel *(delete whichever is inapplicable)* for the defendant, etc.

*(if e-application – e-application by consent)*

Undertaking: *(where applicable)*

The Court orders/declares *(delete whichever is inapplicable)* that:

*(or)*

By consent the Court orders that:

**Notes:**

1. In the case of orders of the Full Court the Judges will be named as follows:

“The Honourable Chief Justice and Justices.....and  
.....”

*(or)*

“The Honourable Justices .....  
..... and  
.....”

2. When an attendance is certified fit for counsel by the Judge or Master, the following is to be added immediately after the last numbered paragraph of the order:

“Fit for counsel”

*(or)*

“Fit for counsel in respect of attendances on *(dates)*.”

## FREEZING ORDER

TO: *(name of person against whom the order is made)*

### If you

- (a) refuse or neglect to do any act within the time specified in this order for the doing of the act; or
- (b) disobey the order by doing an act which the order requires you to abstain from doing, you will be liable to imprisonment, sequestration of property or other punishment.

**Any other person who knows of this order and does anything which helps or permits you to breach the terms of this order may be similarly punished.**

This is a freezing order made against you on *(date)* by Justice *(name of Judge)* at a hearing without notice to you after the Court was given the undertakings set out in Schedule A to this order and after the Court read the affidavits listed in Schedule B to this order.<sup>1</sup>

### THE COURT ORDERS:

#### INTRODUCTION

- 1 (a) The application for this order is made returnable immediately.  
(b) The time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by *(time and date)*.<sup>2</sup>
- 2 Subject to the next paragraph, this order has effect up to and including *(date)* (***the Return Date***). On the Return Date at *(time)* am/pm, there will be a further hearing in respect of this order in the Supreme Court of South Australia, 1 Gouger Street, Adelaide.<sup>3</sup>

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<sup>1</sup> The words “without notice to you” and “and after the Court read the affidavits listed in Schedule B to this order” are appropriate only in the case of an order made without notice to the respondent.

<sup>2</sup> Paragraph 1 is appropriate only in the case of an order made without notice.

<sup>3</sup> Paragraph 2 is appropriate only in the case of an order made without notice.



- 3 Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
- 4 In this order:
- (a) **applicant**, if there is more than one applicant, includes all the applicants;
  - (b) **you**, when there is more than one of you, includes all of you and includes you if you are a corporation;
  - (c) **third party** means a person other than you and the applicant; and
  - (d) **unencumbered value** means value free of mortgages, charges, liens or other encumbrances.
- 5
- (a) If you are ordered to do something, you must do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.
  - (b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

## **FREEZING OF ASSETS**

*(for order limited to assets in Australia)*

- 6
- (a) You must not remove from Australia or in any way dispose of, deal with or diminish the value of any of your assets in Australia (**Australian assets**) up to the unencumbered value of AUD\$ (*amount*) (**the Relevant Amount**).
  - (b) If the unencumbered value of your Australian assets exceeds the Relevant Amount, you may remove any of those assets from Australia or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.

*(if the Court makes a worldwide order, the following additional paragraph (c) also applies.)*

- (c) If the unencumbered value of your Australian assets is less than the Relevant Amount, and you have assets outside Australia (**ex-Australian assets**):
  - (i) you must not dispose of, deal with or diminish the value of any of your Australian assets and ex-Australian assets up to the unencumbered value of your Australian and ex-Australian assets of the Relevant Amount; and
  - (ii) you may dispose of, deal with or diminish the value of any of your ex-Australian assets, so long as the unencumbered value of your Australian assets and ex-Australian assets still exceeds the Relevant Amount.

*(for either form of order)*

7 For the purposes of this order:

(1) your assets include:

- (a) all your assets, whether or not they are in your name and whether they are solely or co-owned;
- (b) any assets that you have the power, directly or indirectly, to dispose of or deal with as if they were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
- (c) the following assets in particular:
  - (i) the property known as *(title/address)* or, if it has been sold, the net proceeds of the sale;
  - (ii) the assets of your business (known as *(name)*) (carried on at *(address)*) or, if any or all of the assets have been sold, the net proceeds of the sale; and
  - (iii) any money in account number *(account number)* *(in the name of)* at *(name of bank and name and address of branch)*;

(2) the value of your assets is the value of the interest you have individually in your assets.

#### **PROVISION OF INFORMATION<sup>4</sup>**

8 Subject to paragraph 9, you must:

- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing of all your assets in Australia/world wide *(delete whichever is inapplicable)*, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
- (b) within *(insert number)* business days after being served with this order, swear and serve on the applicant an affidavit setting out the above information.

9 (a) This paragraph 9 applies if you are not a corporation and you wish to object that compliance with paragraph 8 may tend to incriminate you or make you liable to a civil penalty.

---

<sup>4</sup> See supplementary rule 216(7).

- (b) This paragraph 9 also applies if you are a corporation and all of the persons who are able to comply with paragraph 8 on your behalf and with whom you have been able to communicate wish to object that compliance may tend to incriminate them respectively or make them respectively liable to a civil penalty.
- (c) You must, at or before the further hearing on the Return Date (or within such further time as the Court may allow), notify the applicant in writing that you or all the persons referred to in (b) wish to take such objection and identify the extent of the objection.
- (d) If you give such notice, you need comply with paragraph 8 only to the extent, if any, that it is possible to do so without disclosure of the material in respect of which the objection is taken.
- (e) If you give such notice, the Court may give directions as to the filing and service of affidavits setting out such matters as you or the persons referred to in (b) wish to place before the Court in support of the objection.

## **EXCEPTIONS TO THIS ORDER**

10 This order does not prohibit you from:

- (a) paying up to \$(*amount*) a week/day on your ordinary living expenses;
- (b) paying \$(*amount*) on your reasonable legal expenses;
- (c) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
- (d) in relation to matters not falling within (a), (b) or (c), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two business days written notice of the particulars of the obligation.

11 You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of the proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.

12 (a) This order will cease to have effect if you:

- (i) pay the sum of \$(*amount*) into Court; or

- (ii) pay that sum into a joint bank account in the name of your solicitor and the solicitor for the applicant as agreed in writing between them; or
  - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant to paragraph 12(a), you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

## **COSTS**

- 13 The costs of this application are reserved to the Judge hearing the application on the Return Date.

## **PERSONS OTHER THAN THE APPLICANT AND RESPONDENT**

- 14 Set off by banks

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

- 15 Bank withdrawals by the respondent

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

*(for worldwide order)*

- 16 Persons outside Australia

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
  - (i) you and your directors, officers, employees and agents (except banks and financial institutions);
  - (ii) any person (including a bank or financial institution) who:
    - (A) is subject to the jurisdiction of this Court; and
    - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
    - (C) is able to prevent or impede acts or omissions outside Australia that constitute or assist in a disobedience breach of the terms of this order; and

- (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

*(for worldwide order)*

17 Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.

## **SCHEDULE A**

### **UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT**

1. The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. As soon as practicable, the applicant will file and serve upon the respondent copies of:
  - (a) this order;
  - (b) the application for this order for hearing on the Return Date;
  - (c) the following material insofar as it was relied on by the applicant at the hearing when the order was made:
    - (i) affidavits (or draft affidavits);
    - (ii) exhibits capable of being copied;
    - (iii) any written submission; and
    - (iv) any other document that was provided to the Court;
  - (d) a transcript, or if none is available a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put to the Court;
  - (e) the originating process, or if none was filed any draft originating process produced to the Court.

3. As soon as practicable, the applicant will cause anyone notified of this order to be given a copy of it.
4. The applicant will pay the reasonable costs of anyone other than the respondent that have been incurred as a result of this order, including the costs of finding out whether that person holds any of the respondent's assets.
5. If this order ceases to have effect<sup>5</sup> the applicant will promptly take all reasonable steps to inform in writing anyone who has been notified of this order, or whoever the applicant has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
6. The applicant will not, without permission of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
7. The applicant will not, without permission of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.
8. The applicant will:
  - (a) on or before (*date*) cause an irrevocable undertaking to pay in the sum of \$(*amount*) to be issued by a bank with a place of business within Australia, in respect of any order the Court may make pursuant to undertaking paragraph 1. above; and
  - (b) immediately upon issue of the irrevocable undertaking, cause a copy of it to be served on the respondent.<sup>6</sup>

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<sup>5</sup> For example, if the respondent pays money into Court or provides security, as provided for in paragraph 12 of this Order.

<sup>6</sup> See supplementary rule 212(3).

## **SCHEDULE B<sup>7</sup>**

### **AFFIDAVITS RELIED ON**

**Name of Deponent**

**Date affidavit made**

1.

2.

3.

### **NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES**

The applicant's legal representatives are:

*(name, address, reference, fax and telephone numbers both in and out of office hours and email)*

---

<sup>7</sup> Schedule B is appropriate only in the case of an order made without notice.

**CLAIM FOR COSTS**

CLAIM FOR COSTS OF THE *(ROLE OF PARTY)*, *(name)*  
Presented pursuant to order dated *(date)*

TO THE *(ROLE OF PARTY)*: *(name)* of *(address)*

If you wish to dispute any item in this claim you must comply with Rule 271(4) of the *Supreme/District Court Civil Rules 2006* and, within 28 calendar days of service of this claim:

- (1) set out in the appropriate columns below, your response to each disputed item and your offer for each item in the claim; and
- (2) serve on the claimant a copy of the claim containing such responses and offers.

Item No.	Date	Details of item	No of Pages/ Sheets/ Length of Attendance	Amount Claimed	Response (eg Agreed, Not Agreed, Agreed in Part)		Offer
					LIABILITY	QUANTUM	
	<i>Example 1/1/16</i>						
				\$			
		<b>TOTAL SOLICITORS FEES</b>		\$			
		<b>DISBURSEMENTS</b>					
		<i>Counsel fees</i>		\$			
		Specify total and attach scanned copy of accounts					



		<b>Total counsel fees</b>					
		<b><i>Other disbursements</i></b> Specify total and attach scanned copy of accounts					
		<b>Total other disbursements</b>					
		<b>TOTAL COSTS AND DISBURSEMENTS</b>		\$			

**GST**

State if the costs claimant is not entitled to recover the GST component of its costs as an input tax credit. If the costs claimant is entitled to recover only a portion of the GST component, state what proportion is not recoverable.

**Note Carefully**

If you do not file and serve a response to this Claim as required by Rule 271 within 28 days of its service on you, you will be taken to have admitted the Claim in full, and judgment may be entered against you for its total amount.

**Notes**

- 1 The claim should be in date order, listing all claims based on scale items and including only charges claimable under the costs order.
- 2 Frequently used abbreviations: eg sol for solicitor, cl for client, ltr for letter and for scale items should be used where possible. The full date in a day/month/year format should be provided for each item: eg. 1/1/16.
- 3 Disbursements and counsel fees should be claimed as lump sums at the conclusion of the claim, but copies of all accounts for same must be attached and included in the overall figure claimed.
- 4 The description of each item should be as brief as possible but include enough detail to enable the respondent to make appropriate offers and abbreviated reasons for dispute. For example, names of solicitors etc should be provided, documents drawn or perused and their length should be identified, and the nature of attendances should be briefly described, eg on client, on witness, and their length.
- 5 It is expected that the completion of this Form will take account of the increases from time to time in the costs contained in the Scales comprising Schedules 1 and 2 of the *Supreme/District Court Supplementary Rules 2014* – see rule 264 of the *Supreme/District Court Civil Rules 2006*. The claim is to be divided into parts that correspond to the period over which any particular percentage increase is applicable and make provision for the amount of the percentage increase to be added at the end of each part.

**APPLICATION FOR ADJUDICATION OF LEGAL COSTS**

1. I, *(name of applicant)* of *(address)*, apply under *(insert law)* for an adjudication of the following costs *(describe the costs by reference to dates, accounts etc)*.
2. The person who is liable to pay the costs is *(name and address of that person)*.
3. The costs sought are *(insert or annex details)*.

**Date:**

---

Signed by *(name)*

Applicant/Applicant's solicitor *(delete whichever is inapplicable)*

Form 51- deleted by Amendment No. 6 effective 1 September 2016

**ALLOCATUR**

IT IS CERTIFIED that the costs payable herein by the defendant to the plaintiff (*state if on an interim basis*) have been fixed at \$ \_\_\_\_\_ and that sum is now payable for costs by the plaintiff/defendant to the defendant/plaintiff as a judgment of the Court.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

**DEPUTY  
REGISTRAR**

## NOTICE OF APPEAL

TO THE RESPONDENT: *(name)* of *(address)*

The *(role of party)*, *(name)* APPEALS to the *(Full Court/a single Judge)* *(delete whichever is inapplicable)* of the Supreme Court of South Australia against the judgment of a *(single Judge/Master/Magistrate)* *(delete whichever is inapplicable)* of the *(Court)*.

### Particulars of Judgment

Date of judgment: *(date)*

Judicial Officer appealed from: *(name)*

File No of Court appealed from: *(number)*

### Appeal as of right/by permission

Permission to appeal required/not required/granted *(delete whichever is inapplicable)*

*(if applicable)* Date of grant of permission: *(date)*

#### 1. Orders complained of

*(set out the text of the relevant orders)*

*(set out whether the appeal is against the whole or a part of the orders and if a part, identify them)*

#### 2. Orders sought

*(set out the relief sought in numbered paragraphs)*

#### 3. Grounds of appeal

*(set out grounds of appeal in numbered paragraphs)*

#### 4. Permission to appeal *(if applicable)*

*(set out grounds for permission to appeal)*

#### 5. Extension of time *(if applicable)*

*(set out grounds for extension of time)*

**Transmission of documents**

*(if applicable)* The Registrar of the *(Court)* is requested:

- (a) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to any electronic file relating to this matter; and
- (b) to forward to the Registrar all hard copy material relevant to the appeal that is not contained in such electronic file.

**Date:**

---

Signed by *(name)*

Appellant/Appellant's solicitor *(delete whichever is inapplicable)*

**Note**

The party or parties appealing must serve a copy of the notice of appeal on the Registrar or other proper officer of any other Court appealed from and the respondent within 2 business days after filing the notice of appeal, as required by rule 284(1).

Form 53 – Deleted by Amendment No. 8

**INFORMATION SHEET FOR SETTING DOWN APPEAL FOR HEARING**

Action number:

Appellant: *(name)*

Respondent: *(name)*

Solicitor for the appellant: *(name, telephone, email)*

Counsel for the appellant: *(name, telephone, email)*

Solicitor for the respondent: *(name, telephone, email)*

Counsel for the respondent: *(name, telephone, email)*

The following judges may be disqualified from hearing the appeal:

*(insert names)*

because: *(insert reason)*

Counsel availability for next three sittings of Full Court:

Appellant: *(insert dates)*

Respondent: *(insert dates)*

Estimated length of hearing and division of time between counsel: *(insert time)*

Any other factors that need to be considered:

**Date:**

.....  
Signed by *(name)*

Appellant's solicitor/Appellant *(delete whichever is inapplicable)*

**Date:**

.....  
Signed by *(name)*

Respondent's solicitor/Respondent *(delete whichever is inapplicable)*

**Notes**



- 1 This form is to be signed by the solicitor who has the conduct of the appeal.
- 2 The appellant's solicitor is to lodge this form, duly completed, at the time of setting down the appeal and is to send a copy of this completed form to the respondent's solicitor.
- 3 The respondent's solicitor is to complete the respondent's information and send a copy to the Appeals Clerk and a copy to the appellant's solicitor within 5 business days of receiving it.

**SUMMONS FOR CONTEMPT**

**Part 1** (to be used when the prosecutor is the Registrar - delete if inapplicable)

**REGISTRAR'S SUMMONS FOR CONTEMPT**

TO: (name of person summoned) of (address)

**Action required**

You are required to attend before the Supreme Court on the hearing of this summons, which is issued by the Registrar of the Court, to answer a charge of contempt of Court in that you did on (date) (set out the formulated charge of the alleged contempt).

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

**Endorsements**

This summons is issued pursuant to rule (number) of the *Supreme Court Civil Rules 2006*.

**Date:**

.....  
Signed by (name and title of releasing officer)

For the Registrar

**Note**

If you fail to attend at the above time and place, orders may be made against you in your absence and you may be punished for contempt of Court.

**Part 2** (to be used when the prosecutor is a party to the proceedings - delete if inapplicable)

## SUMMONS FOR CONTEMPT

TO: *(name of person summoned)* of *(address)*

### Action required

You are required to attend before the Supreme Court on the hearing of this summons, which is issued by the Registrar of the Court, to answer a charge of contempt of Court in that you did on *(date)* *(set out the formulated charge of the alleged contempt)*.

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

### Endorsements

This summons is issued pursuant to rule 303(7) of the *Supreme Court Civil Rules 2006*.

This summons is issued at the instigation of *(role of party)*, *(name)* whose address for service is *(address)*.

### Date:

.....  
Signed by *(name and title of releasing officer)*

For the Registrar

### Note

If you fail to attend at the above time and place, orders may be made against you in your absence and you may be punished for contempt of Court.

**APPLICATION TO REGISTRAR**

**Application**

The *(role of party)*, *(name)* requests the Registrar to carry out:

*(specify in separate paragraphs the administrative or minor judicial functions sought)*

**Endorsements**

Application made pursuant to section *(number)* of the *(Act)/rule (number)* of the *Supreme Court Civil Rules 2006 (delete whichever is inapplicable)*.

**Date:**

.....  
Signed by *(name)*

*(role of party)*'s solicitor/*(role of party)* *(delete whichever is inapplicable)*

**NOTICE TO POTENTIAL CLAIMANT OF CLAIM**  
*Inheritance (Family Provision) Act 1972*

TO: *(name of potential claimant)*

**Notice**

The plaintiff, *(name)* of *(address)* being a *(state relationship to the deceased eg son, widow etc)* of *(name of deceased)* late of *(state last address of deceased)* has instituted this action *(action number)* in the Supreme Court of South Australia on *(date of issue of summons)* seeking an order under the *Inheritance (Family Provision) Act 1972* for provision out of the estate of the deceased *(if applicable)* over and above that given by the last will (or on the intestacy of *(name deceased)*).

**Action required**

If you also have grounds to make such a claim, and wish to do so, you should file a Statement of Claim in the action seeking such an order within 28 calendar days after the service of this notice to you. Under section 8(1) of the *Inheritance (Family Provision) Act 1972*, your application should be served on the executor (administrator) within 6 months from the granting of Probate (Letters of Administration), though the Court has power to extend that time.

If you wish to make a claim, you should seek legal advice as soon as possible.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**NOTICE OF APPEAL AGAINST ADMINISTRATIVE DECISION**

TO THE RESPONDENT: *(name)* of *(address)*

The appellant, *(name)* APPEALS to the Supreme Court of South Australia against the decision of *(name)* dated *(date)* pursuant to section *(section)* of the *(short title of Act)*.

**1. Decision subject of appeal**

*(set out relevant decision)*

**2. Orders sought**

*(state briefly but specifically the orders sought)*

**3. Grounds of appeal**

*(set out grounds of appeal in successively numbered paragraphs)*

**4. Extension of time (if applicable)**

*(set out grounds for extension of time)*

**Date:**

---

Signed by *(name)*

Appellant/Appellant's solicitor *(delete whichever is inapplicable)*

**STATEMENT OF FACTS, ISSUES AND CONTENTIONS**

**1. Facts**

*(identify the subject matter of the decision subject to appeal)*

*(identify the decision subject to appeal)*

*(set out succinctly the essential facts, if any, relied on not accepted by the decision maker)*

**2. Issues**

*(identify succinctly the controversial issues in neutral terms in successively numbered paragraphs)*

**3. Contentions**

*(identify succinctly the appellant's contention on each issue in successively numbered paragraphs)*

**4. Extension of time (if applicable)**

*(set out grounds for extension of time)*

**5. Annexures**

*(annex reasons given by the decision maker for the determination)*

*(annex application, objection or other formal submission by the appellant to the decision maker the subject of the determination when applicable)*

*(annex assessment or other formal act the subject of the appellant's submission to the decision maker when applicable)*

*(if value of land or any other thing is in issue—annex copy of any expert report by a valuer addressing its value)*

**Certificate:**

This statement of facts, issues and contentions is put forward in accordance with the instructions of the appellant, (*name*), and it complies with the *Supreme Court Civil Rules 2006*.

**Date:**

---

Signed by (*name*)

Appellant/Appellant's solicitor (*delete whichever is inapplicable*)



**RESPONSE TO STATEMENT OF FACTS, ISSUES AND CONTENTIONS**

**1. Facts**

*(set out the response to any contested facts in the appellant's part 1)*

**2. Issues**

*(replicate the issues in the appellant's part 2)*

*(identify succinctly any additional issues in neutral terms)*

**3. Contentions**

*(identify succinctly the respondent's contention on each issue)*

**4. Extension of time (if applicable)**

*(set out the response to the application for extension of time)*

**5. Annexures**

*(if value of land or any other thing is in issue—annex copy of any expert report by a valuer addressing its value)*

**Certificate:**

This response to statement of facts, issues and contentions is put forward in accordance with the instructions of the respondent, *(name)*, and it complies with the *Supreme Court Civil Rules 2006*.

**Date:**

.....  
Signed by *(name)*

Respondent/Respondent's solicitor *(delete whichever is inapplicable)*

**INTERLOCUTORY APPLICATION FOR STAY AND REFERRAL TO  
ARBITRATION**

*International Arbitration Act 1974 (Cth) s 7*

TO THE (*ROLE OF PARTY*): (*name*) of (*address*)

The (*role of party*), (*name*), being a party to an arbitration agreement, applies for an order under section 7 of the *International Arbitration Act 1974 (Cth)* to stay the whole/part (*delete whichever is inapplicable*) of this proceeding and referral of the parties to arbitration and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

(*if applicable*) The Court ordered that the time for serving this application be abridged to (*Court to insert date*).

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 7 of the *International Arbitration Act* 1974 (Cth) staying the whole/part (*delete whichever is inapplicable*) of this proceeding and referring (*identify parties and dispute to be referred*) to arbitration;
2. (*state briefly but specifically any other orders sought*).

**Accompanying documents**

This application must be accompanied by:

1. a copy of the arbitration agreement; and
2. an affidavit stating the material facts on which the claim for relief is based.

**Date:**

---

Signed by (*name*)

(*role of party*)/(*role of party's*) solicitor (*delete whichever is inapplicable*)

**ORIGINATING APPLICATION TO ENFORCE FOREIGN AWARD**  
*International Arbitration Act 1974 (Cth) s 8(2)*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 8(2) of the *International Arbitration Act 1974 (Cth)* to enforce a foreign award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 8(2) of the *International Arbitration Act 1974 (Cth)* enforcing a foreign award *(state details of award and how it is sought to be enforced)*;
2. *(state briefly but specifically any other orders sought)*.

## **Accompanying documents**

This application must be accompanied by:

1. the documents referred to in section 9 of the *International Arbitration Act 1974* (Cth); and
2. an affidavit stating:
  - a. the extent to which the foreign award has not been complied with, at the date this application is made; and
  - b. the usual or last known place of residence or business of the person against whom it is sought to enforce the foreign award or, if the person is a company, the last known registered office of the company.

## **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

## **Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**INTERLOCUTORY APPLICATION FOR REFERRAL TO ARBITRATION  
UNDER ARTICLE 8 OF THE MODEL LAW  
*International Arbitration Act 1974 (Cth)***

TO THE (*ROLE OF PARTY*): (*name*) of (*address*).

The (*role of party*), (*name*), being a party to an arbitration agreement, applies for an order under article 8 of the Model Law under the *International Arbitration Act 1974 (Cth)* to refer parties to arbitration and the other relief set out in this application

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

**Hearing**

The application will be heard before.....in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

(*if applicable*) The Court ordered that the time for serving this application be abridged to (*Court to insert date*).

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under article 8 of the Model Law under the *International Arbitration Act 1974 (Cth)* referring (*identify parties and dispute to be referred*) to arbitration;
2. (*state briefly but specifically any other orders sought*).

**Accompanying documents**

This application must be accompanied by:

1. a copy of the arbitration agreement; and
2. an affidavit stating the material facts on which the claim for relief is based.

**Date:**

.....  
Signed by *(name)*

*(role of party)/(role of party's) solicitor (delete whichever is inapplicable)*

**ORIGINATING APPLICATION FOR ISSUE OF SUBPOENA**  
*International Arbitration Act 1974 (Cth) s 23*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 23(3) of the *International Arbitration Act 1974 (Cth)* for issue of a subpoena and the other relief set out in this application

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 23(3) of the *International Arbitration Act 1974 (Cth)* that a subpoena issue to *(identify person to whom subpoena is sought and type of subpoena)*;
2. *(state briefly but specifically any other orders sought)*.



## **Accompanying documents**

This application must be accompanied by:

1. a draft subpoena in accordance with form 65A, 65B or 65C;
2. an affidavit stating—
  - a. the parties to the arbitration;
  - b. the name of the arbitral tribunal conducting the arbitration;
  - c. the place where the arbitration is being conducted;
  - d. the nature of the arbitration;
  - e. the terms of the permission given by the arbitral tribunal for the application;
  - f. the conduct money (if appropriate) to be paid to the addressee; and
  - g. the witness expenses payable to the addressee.

## **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

## **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**SUBPOENA TO ATTEND FOR EXAMINATION**  
*International Arbitration Act 1974 (Cth) s 23(3)*

TO: *(name)* of *(address)*

**You are ordered to attend for examination.** See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 8 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

*(if applicable)* The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

*(Registry to place seal)*

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

## **Details of subpoena**

Date, time and place at which you must attend for examination, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place: *(name of arbitral tribunal)* at *(address)*

You must continue to attend from day to day unless excused by the arbitral tribunal or the Court or until the hearing of the matter is completed.

## **Notes**

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a company**

3. If the subpoena is addressed to a company, the company must comply with the subpoena by its appropriate or proper officer.

### **Conduct money**

4. You need not comply with the subpoena insofar as it requires you to attend for examination unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

### **Applications in relation to subpoena**

5. You have the right to apply to the Court:
  - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

### **Loss or expense of compliance**

6. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

### **Contempt of court - arrest**

7. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
8. Note 7 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**Rule 329(3)(b)**

**SUBPOENA TO PRODUCE DOCUMENTS**  
*International Arbitration Act 1974 (Cth) s 23*

TO: *(name)* of *(address)*

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents.** See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

*(if applicable)* The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

*(Registry to place seal)*

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:

## **Details of subpoena**

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the arbitral tribunal at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (see *Notes 5–11*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:        *(name of arbitral tribunal)* at *(address)*

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

*(name)* at *(address)*

## **Schedule of documents**

The documents and things you must produce are as follows:  
*(list the documents or things. attach list if insufficient space)*

## **Notes**

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a company**

3. If the subpoena is addressed to a company, the company must comply with the subpoena by its appropriate or proper officer.
4. Deleted by Amendment No. 8.

## **Production of subpoena or copy of it and documents or things by delivery or post**

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the arbitral tribunal:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the (*name of arbitral tribunal*) in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the (*name of arbitral tribunal*) may permit the parties to the proceeding to inspect the document or thing.

#### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the (*name of arbitral tribunal*), produce a list of the documents or things produced.

#### **Production of copy instead of original**

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

9A. The copy of a document may be:

- (i) a photocopy; or
- (ii) in an electronic form that the issuing party has indicated will be acceptable (and otherwise in PDF format on a CD-ROM).

10. Deleted by Amendment No. 8.

11. Deleted by Amendment No. 8.

#### **Applications in relation to subpoena**

12. You have the right to apply to the Court:

- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

#### **Loss or expense of compliance**

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

#### **Contempt of court – arrest**

14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**SUBPOENA TO ATTEND FOR EXAMINATION AND PRODUCE DOCUMENTS**  
*International Arbitration Act 1974 (Cth) s 23*

TO: *(name)* of *(address)*

**You are ordered to attend for examination and to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents.** See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is *(date)*. *(see Note 1)*

*(if applicable)* The last date for service was fixed by order made by Justice *(name)* dated *(date)*.

FILED:

*(Registry to place seal)*

Issued at the request of *(role of party)*, *(name)* whose address for service is:

Place:

Email:



## **Details of subpoena**

Insofar as you are required by this subpoena to attend for examination, you must attend as follows, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:       (*name of arbitral tribunal*) at (*address*)

You must continue to attend from day to day unless excused by the arbitral tribunal or the Court or until the hearing of the matter is completed.

---

Insofar as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the arbitral tribunal at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (*see Notes 5–11*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:       (*name of arbitral tribunal*) at (*address*)

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

(*name*) at (*address*)

## **Schedule of documents**

The documents and things you must produce are as follows:

(*list the documents or things. attach list if insufficient space.*)

## Notes

### Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### Addressee a company

3. If the subpoena is addressed to a company, the company must comply with the subpoena by its appropriate or proper officer.

### Conduct money

4. You need not comply with the subpoena insofar as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

### Production of subpoena or copy of it and documents or things by delivery or post

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the arbitral tribunal:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the (*name of arbitral tribunal*) in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the (*name of arbitral tribunal*) may permit the parties to the proceeding to inspect the document or thing.

### Production of a number of documents or things

8. If you produce more than one document or thing, you must, if requested by the (*name of arbitral tribunal*), produce a list of the documents or things produced.

### Production of copy instead of original

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

9A. the copy of a document may be:

- (i) a photocopy; or
- (ii) in an electronic form that the issuing party has indicated will be acceptable (and otherwise in PDF format on a CD-ROM).

10. Deleted by Amendment No. 8.

11. Deleted by Amendment No. 8.

**Applications in relation to subpoena**

12. You have the right to apply to the Court:

- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of court – arrest**

14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**ORIGINATING APPLICATION FOR ORDER TO GIVE EVIDENCE OR PRODUCE DOCUMENTS**

*International Arbitration Act 1974 (Cth) s 23A*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 23A(3) of the *International Arbitration Act 1974 (Cth)* that the defendant attend before the Court for examination/produce documents/do a thing required by the arbitral tribunal (*delete whichever is inapplicable*) and the other relief set out in this application

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 23A(3) of the *International Arbitration Act 1974* (Cth) that the defendant attend before the Court for examination/produce documents/do a thing required by the arbitral tribunal (*delete whichever is inapplicable*) (*insert details*);
2. (*state briefly but specifically any other orders sought*).

### **Accompanying documents**

This application must be accompanied by an affidavit stating:

1. the person against whom the order is sought;
2. the order sought;
3. the ground under section 23A(1) of the *International Arbitration Act 1974* (Cth) relied on;
4. the terms of the permission given by the arbitral tribunal for the application; and
5. the material facts relied on for the making of the order.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

### **Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**ORIGINATING APPLICATION TO PROHIBIT/ALLOW DISCLOSURE OF  
CONFIDENTIAL INFORMATION**

*International Arbitration Act 1974 (Cth) s 23F or 23G*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 23F/23G *(delete whichever is inapplicable)* of the *International Arbitration Act 1974 (Cth)* prohibiting/allowing *(delete whichever is inapplicable)* the disclosure of confidential information and the other relief set out in this application

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 23F/23G *(delete whichever is inapplicable)* of the *International Arbitration Act 1974 (Cth)* that the disclosure of confidential information *(insert details of*

*the confidential information and to whom disclosure is sought to be prevented or allowed) be prohibited/allowed (delete whichever is inapplicable);*

2. *(state briefly but specifically any other orders sought).*

### **Accompanying documents**

This application must be accompanied by an affidavit stating:

1. the person against whom the order is sought;
2. the order sought;
3. the material facts relied on for the making of the order;
4. if the application is made under section 23F, the terms of the order of the arbitral tribunal allowing disclosure of the information and the date the order was made; or
5. if the application is made under section 23G, either:
  - a. the date the arbitral tribunal's mandate was terminated; or
  - b. the date and terms of:
    - (i) the request made to the arbitral tribunal for disclosure of the confidential information; and
    - (ii) the arbitral tribunal's refusal to make the order.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business).*

### **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION FOR RELIEF UNDER MODEL LAW**  
*International Arbitration Act 1974 (Cth)*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under article 11(3), 11(4), 13(3), 14, 16(3), 17H(3), 17I, 17J or 27 *(delete whichever is inapplicable)* of the Model Law under the *International Arbitration Act 1974 (Cth)* and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under article 11(3), 11(4), 13(3), 14, 16(3), 17H(3), 17I, 17J or 27 *(delete whichever is inapplicable)* of the Model Law that *(insert details of the specific order sought)*;
2. *(state briefly but specifically any other orders sought)*.

**Accompanying documents**



This application must be accompanied by an affidavit stating the material facts on which the application for relief is based.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

**Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION TO SET ASIDE AWARD UNDER ARTICLE 34 OF MODEL LAW**  
*International Arbitration Act 1974 (Cth)*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under article 34 of the Model Law under the *International Arbitration Act 1974 (Cth)* setting aside an award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Award subject of application to set aside**

*(identify the award)*

**Basis of application**

*(identify whether the plaintiff relies on article 34(2)(a) or (b) of the Model Law)*

*(identify which subparagraph of article 34(2)(a) or (b) is relied upon)*

## **Grounds**

*(set out briefly the grounds of the application to set aside)*

## **Order sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under article 34 of the Model Law under the *International Arbitration Act 1974* (Cth) setting aside the award;
2. *(state briefly but specifically any other orders sought)*.

## **Accompanying documents**

This application must be accompanied by an affidavit:

1. exhibiting a copy of the arbitration agreement and of the award including the reasons of the arbitral tribunal for the award; and
2. identifying:
  - a. the detailed grounds for seeking the order;
  - b. the material facts relied on for making the order; and
  - c. the date on which the plaintiff received the award or, if a request was made under article 33 of the Model Law to the arbitral tribunal to correct the award, the date on which that request was disposed of by the arbitral tribunal.

## **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

## **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION TO ENFORCE AWARD UNDER  
ARTICLE 35 OF THE MODEL LAW  
*International Arbitration Act 1974 (Cth)***

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under article 35 of the Model Law under the *International Arbitration Act 1974 (Cth)* to enforce an award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under article 35 of the Model Law under the *International Arbitration Act 1974 (Cth)* enforcing an award *(insert details of the award and how it is sought to be enforced)*;
2. *(state briefly but specifically any other orders sought)*.

## **Accompanying documents**

This application must be accompanied by:

1. the documents referred to in article 35 of the Model Law; and
2. an affidavit stating:
  - a. the extent to which the award has not been complied with, at the date this application is made; and
  - b. the usual or last known place of residence or business of the person against whom it is sought to enforce the award or, if the person is a company, the last known registered office of the company.

## **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

## **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION TO ENFORCE INVESTMENT CONVENTION  
AWARD**

*International Arbitration Act 1974 (Cth) s 35(2)*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 35(2) of the *International Arbitration Act 1974 (Cth)* to enforce an Investment Convention award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 35(2) of the *International Arbitration Act 1974* (Cth) enforcing an Investment Convention award (*insert details of the award and how it is sought to be enforced*);
2. (*state briefly but specifically any other orders sought*).

### **Accompanying documents**

This application must be accompanied by an affidavit stating:

1. the extent to which the award has not been complied with, at the date this application is made; and
2. the usual or last known place of residence or business of the person against whom it is sought to enforce the award or, if the person is a company, the last known registered office of the company.

### **Plaintiff's address**

The Plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

### **Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**INTERLOCUTORY APPLICATION FOR REFERRAL TO ARBITRATION**  
*Commercial Arbitration Act 2011 s 8*

TO THE (*ROLE OF PARTY*): (*name*) of (*address*).

The (*role of party*), (*name*), being a party to an arbitration agreement, applies for an order under section 8 of the *Commercial Arbitration Act 2011* to refer parties to arbitration and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

(*if applicable*) The Court ordered that the time for serving this application be abridged to (*Court to insert date*).

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 8 of the *Commercial Arbitration Act 2011* referring (*identify parties and dispute sought to be referred*) to arbitration;
2. (*state briefly but specifically any other orders sought*).



**Accompanying documents**

This application must be accompanied by:

1. a copy of the arbitration agreement; and
2. an affidavit stating the material facts on which the application for relief is based.

**Date:**

.....  
Signed by *(name)*

*(role of party)/(role of party's) solicitor (delete whichever is inapplicable)*

**ORIGINATING APPLICATION FOR ISSUE OF SUBPOENA**  
*Commercial Arbitration Act 2011 s 27A*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 27A of the *Commercial Arbitration Act 2011* for issue of a subpoena and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) in the Registry before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 27A of the *Commercial Arbitration Act 2011* that a subpoena issue to *(identify person to whom subpoena is sought and type of subpoena)*;

2. (state briefly but specifically any other orders sought).

### **Accompanying documents**

This application must be accompanied by:

1. a draft subpoena in accordance with form 74A, 74B or 74C;
2. an affidavit stating:
  - a. the parties to the arbitration;
  - b. the name of the arbitral tribunal conducting the arbitration;
  - c. the place where the arbitration is being conducted;
  - d. the nature of the arbitration;
  - e. the terms of the permission given by the arbitral tribunal for the application;
  - f. the conduct money (if appropriate) to be paid to the addressee; and
  - g. the witness expenses payable to the addressee.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

### **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**SUBPOENA TO ATTEND FOR EXAMINATION**  
*Commercial Arbitration Act 2011 s 27A*

TO: (name) of (address)

**You are ordered to attend for examination.** See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 8 at the end of this subpoena.

The last date for service of this subpoena is (date). (see Note 1)

(if applicable) The last date for service was fixed by order made by Justice (name) dated (date).

FILED:

(Registry to place seal)

Issued at the request of (role of party), (name) whose address for service is:

Place:

Email:

### **Details of subpoena**

Date, time and place at which you must attend for examination, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:        (*name of arbitral tribunal*) at (*address*)

You must continue to attend from day to day unless excused by the arbitral tribunal or the Court or until the hearing of the matter is completed.

### **Notes**

#### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

#### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

#### **Addressee a company**

3. If the subpoena is addressed to a company, the company must comply with the subpoena by its appropriate or proper officer.

#### **Conduct money**

4. You need not comply with the subpoena insofar as it requires you to attend for examination unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

#### **Applications in relation to subpoena**

5. You have the right to apply to the Court:
  - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

#### **Loss or expense of compliance**

6. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

#### **Contempt of court - arrest**

7. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
8. Note 7 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**SUBPOENA TO PRODUCE DOCUMENTS**  
*Commercial Arbitration Act 2011 s 27A*

TO: (name) of (address)

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents.** See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is (date). (see Note 1)

(if applicable) The last date for service was fixed by order made by Justice (name) dated (date).

FILED:

(Registry to place seal)

Issued at the request of (role of party), (name) whose address for service is:

Place:

Email:

## **Details of subpoena**

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the arbitral tribunal at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (*see Notes 5–11*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:        (*name of arbitral tribunal*) at (*address*)

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

(*name*) at (*address*)

## **Schedule of documents**

The documents and things you must produce are as follows:

(*list the documents or things. attach list if insufficient space.*)

## **Notes**

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a company**

3. If the subpoena is addressed to a company, the company must comply with the subpoena by its appropriate or proper officer.
4. Deleted by Amendment No. 8

### **Production of subpoena or copy of it and documents or things by delivery or post**

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the arbitral tribunal:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;

so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.

6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the (*name of arbitral tribunal*) in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the (*name of arbitral tribunal*) may permit the parties to the proceeding to inspect the document or thing.

#### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the (*name of arbitral tribunal*), produce a list of the documents or things produced.

#### **Production of copy instead of original**

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

- 9A. The copy of a document may be:
  - (i) a photocopy; or
  - (ii) in an electronic form that the issuing party has indicated will be acceptable (and otherwise in PDF format on a CD-ROM).

10. Deleted by Amendment No. 8

11. Deleted by Amendment No. 8.

#### **Applications in relation to subpoena**

12. You have the right to apply to the Court:
  - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

#### **Loss or expense of compliance**

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

#### **Contempt of court – arrest**

14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.



**SUBPOENA TO ATTEND FOR EXAMINATION AND PRODUCE DOCUMENTS**  
*Commercial Arbitration Act 2011 s 27A*

TO: (name) of (address)

**You are ordered to attend for examination and to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents.** See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 15 at the end of this subpoena.

The last date for service of this subpoena is (date). (see Note 1)

(if applicable) The last date for service was fixed by order made by Justice (name) dated (date).

FILED:

(Registry to place seal)

Issued at the request of (role of party), (name) whose address for service is:

Place:

Email:

**Details of subpoena**

Insofar as you are required by this subpoena to attend for examination, you must attend as follows, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:        (*name of arbitral tribunal*) at (*address*)

You must continue to attend from day to day unless excused by the arbitral tribunal or the Court or until the hearing of the matter is completed.

---

Insofar as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the arbitral tribunal at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (*see Notes 5–11*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:        (*name of arbitral tribunal*) at (*address*)

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

(*name*) at (*address*)

**Schedule of documents**

The documents and things you must produce are as follows:

(*list the documents or things. attach list if insufficient space.*)

## Notes

### Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### Addressee a company

3. If the subpoena is addressed to a company, the company must comply with the subpoena by its appropriate or proper officer.

### Conduct money

4. You need not comply with the subpoena insofar as it requires you to attend for examination unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

### Production of subpoena or copy of it and documents or things by delivery or post

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the arbitral tribunal:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the (*name of arbitral tribunal*) in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the (*name of arbitral tribunal*) may permit the parties to the proceeding to inspect the document or thing.

### Production of a number of documents or things

8. If you produce more than one document or thing, you must, if requested by the (*name of arbitral tribunal*), produce a list of the documents or things produced.

### Production of copy instead of original

9. Unless the subpoena specifically requires you to produce an original, you may produce a copy of any document that the subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.

9AA. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 9A below.

- 9A. The copy of a document may be:
  - (i) a photocopy; or
  - (ii) in an electronic form that the issuing party has indicated will be acceptable (and otherwise in PDF format on a CD-ROM).

10. Deleted by Amendment No. 8.

11. Deleted by Amendment No. 8.

**Applications in relation to subpoena**

12. You have the right to apply to the Court:

- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of court – arrest**

- 14. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**ORIGINATING APPLICATION FOR ORDER TO GIVE EVIDENCE OR PRODUCE DOCUMENTS**  
*Commercial Arbitration Act 2011 s 27B*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 27B of the *Commercial Arbitration Act 2011* that the defendant attend before the Court for examination/to produce documents/do a thing required by the arbitral tribunal (*delete whichever is inapplicable*) and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the hearing of the application, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 27B of the *Commercial Arbitration Act 2011* that the defendant attend before the Court for examination/produce documents/do a thing required by the arbitral tribunal (*delete whichever is inapplicable*) (*insert details*);
2. (*state briefly but specifically any other orders sought*).

### **Accompanying documents**

This application must be accompanied by an affidavit stating:

1. the person against whom the order is sought;
2. the order sought;
3. the ground under section 27B of the *Commercial Arbitration Act 2011* relied on;
4. the terms of the permission given by the arbitral tribunal for the application; and
5. the material facts relied on for the making of the order.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

### **Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**ORIGINATING APPLICATION TO PROHIBIT/ALLOW DISCLOSURE OF  
CONFIDENTIAL INFORMATION**  
*Commercial Arbitration Act 2011 s 27H or s 27I*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 27H/27I *(delete whichever is inapplicable)* of the *Commercial Arbitration Act 2011* prohibiting/allowing *(delete whichever is inapplicable)* the disclosure of confidential information and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

## **Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 27H/27I (*delete whichever is inapplicable*) of the *Commercial Arbitration Act 2011* that the disclosure of confidential information (*insert details of the confidential information and to whom disclosure is sought to be prevented or allowed*) be prohibited/allowed (*delete whichever is inapplicable*);
2. (*state briefly but specifically any other orders sought*).

## **Accompanying documents**

This application must be accompanied by an affidavit stating:

1. the person against whom the order is sought;
2. the order sought;
3. the material facts relied on for the making of the order;
4. if the application is made under section 27H, the terms of the order of the arbitral tribunal allowing disclosure of the information and the date the order was made; or
5. if the application is made under section 27I, either:
  - a. the date the arbitral tribunal's mandate was terminated; or
  - b. the date and the terms of:
    - i. the request made to the arbitral tribunal for disclosure of the confidential information; and
    - ii. the arbitral tribunal's refusal to make the order.

## **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

## **Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.



**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**ORIGINATING APPLICATION FOR OTHER ORDER UNDER THE  
COMMERCIAL ARBITRATION ACT 2011**  
*Commercial Arbitration Act 2011*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 11(3), 11(4), 13(4), 14, 16(9), 17H, 17I, 17J, 19(6) or 27 of the *Commercial Arbitration Act 2011* (*select one of these options and delete the others*) and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to (*Court to insert date*).

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 11(3), 11(4), 13(4), 14, 16(9), 17H, 17I, 17J, 19(6) or 27 of the *Commercial Arbitration Act 2011 (delete whichever is inapplicable)* of the Model Law that *(insert details of the specific order sought)*;
2. *(state briefly but specifically any other orders sought)*.

### **Accompanying documents**

This application must be accompanied by an affidavit stating the material facts on which the application for relief is based.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

### **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION FOR DETERMINATION OF QUESTION OF  
LAW**

*Commercial Arbitration Act 2011 s 27J*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 27J of the *Commercial Arbitration Act 2011* for leave to apply for the determination of a question of law arising in the course of an arbitration and, if leave is granted, for determination of that question of law and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Arbitration subject of application to determine question of law**

*(identify the arbitration to which the question relates)*

**Question of law**

*(set out succinctly the question of law)*

**Grounds for leave to determine question of law**

*(set out grounds of application for leave to apply for the determination of the question of law)*

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under 27J of the *Commercial Arbitration Act 2011* granting leave to apply for the determination of a question of law arising in the course of an arbitration and, if leave is granted, for determination of that question of law;
2. *(state briefly but specifically any other orders sought)*.

**Accompanying documents**

This application must be accompanied by an affidavit:

1. exhibiting a copy of the arbitration agreement and evidence of the consent of all other parties to the determination of the question of law under section 27J of the *Commercial Arbitration Act 2011*; and
2. identifying:
  - a. the name and usual or last known place of residence or business of any person whose interest might be affected by the proposed determination of the question of law or, if the person is a company, the last known registered office of the company;
  - b. the nature of the dispute with sufficient particularity to give an understanding of the context in which the question of law arises;
  - c. the facts on the basis of which the question of law is to be determined and the basis on which those facts are stated, including whether they are agreed, assumed, found by the arbitral tribunal or otherwise; and
  - d. the detailed grounds on which it is contended that leave should be granted.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

**Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**Note**

The plaintiff must serve a copy of the application and supporting affidavit on the defendant forthwith.

**ORIGINATING APPLICATION TO SET ASIDE AWARD**  
*Commercial Arbitration Act 2011 s 34*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 34 of the *Commercial Arbitration Act 2011* to set aside an award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Award subject of application to set aside**

*(identify the award)*

**Basis of application**

*(identify whether the plaintiff relies on section 34(2)(a) or (b) of the Commercial Arbitration Act 2011)*

*(identify which subparagraph of section 34(2)(a) or (b) is relied upon)*

### **Grounds**

*(set out briefly the grounds of the application to set aside)*

### **Order sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 34 of the *Commercial Arbitration Act 2011* setting aside the award;
2. *(state briefly but specifically any other orders sought)*.

### **Accompanying documents**

This application must be accompanied by an affidavit:

1. exhibiting a copy of the arbitration agreement and of the award including the reasons of the arbitral tribunal for the award; and
2. identifying:
  - a. the detailed grounds for seeking the order;
  - b. the material facts relied on for making the order; and
  - c. the date on which the plaintiff received the award or, if a request was made under section 33 of the Act to the arbitral tribunal to correct the award, the date on which that request was disposed of by the arbitral tribunal.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

### **Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:



*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION FOR LEAVE TO APPEAL AGAINST AWARD**  
*Commercial Arbitration Act 2011 s 34A*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 34A of the *Commercial Arbitration Act 2011* for leave to appeal on a question of law arising out of an award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Award subject of application for leave to appeal on a question of law**

*(set out the text of the relevant part of the award to which the question relates)*

*(state whether the appeal is against the whole or a part of the award and if a part, identify it)*

**Question of law**

*(set out succinctly the question of law)*

**Grounds of application for leave**

*(set out grounds of application for leave to appeal the question of law)*

**Grounds of appeal**

*(set out grounds of appeal in numbered paragraphs)*

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 34A of the *Commercial Arbitration Act 2011* granting leave to appeal on a question of law arising out of the award referred to above;
2. an order that the appeal be allowed and *(set out the substantive orders sought on the appeal if leave is granted)*;
3. *(state briefly but specifically any other orders sought)*.

**Accompanying documents**

This application must be accompanied by an affidavit:

1. exhibiting a copy of the arbitration agreement, a copy of the award, including the reasons of the arbitral tribunal for the award, and evidence of the consent of all parties that an appeal may be made under section 34A of the *Commercial Arbitration Act 2011*; and
2. identifying:
  - a. the name and usual or last known place of residence or business of any person whose interest might be affected by the proposed determination of the question of law or, if the person is a company, the last known registered office of the company;
  - b. the nature of the dispute with sufficient particularity to give an understanding of the context in which the question of law arises;
  - c. where in the award and how the arbitral tribunal determined the question of law or when and how the arbitral tribunal was asked to determine the question of law;
  - d. the relevant facts found by the arbitral tribunal on the basis of which the question of law is to be determined;
  - e. why determination of the question of law will substantially affect the rights of one or more parties;

- f. why it is contended that the decision of the arbitral tribunal on the question of law is obviously wrong or that the question of law is of general public importance and the decision of the arbitral tribunal is open to serious doubt; and
- g. why it is just and proper in the circumstances for the question to be determined by the Court.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business)*.

**Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**Note**

The plaintiff must serve a copy of the application and supporting affidavit on the defendant forthwith.

**ORIGINATING APPLICATION TO ENFORCE AWARD**

*Commercial Arbitration Act 2011 s 35*

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff, *(name)*, being a party to an arbitration agreement, applies for an order under section 35 of the *Commercial Arbitration Act 2011* to enforce an award and the other relief set out in this application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service (form 16 or 17) before attending Court or taking any other steps in the proceeding.

**Hearing**

The application will be heard before..... in the Supreme Court of South Australia, 1 Gouger Street, Adelaide on.....at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

*(if applicable)* The Court ordered that the time for serving this application be abridged to *(Court to insert date)*.

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks:

1. an order under section 35 of the *Commercial Arbitration Act 2011* enforcing an award *(insert details of the award and how it is sought to be enforced)*;

2. (state briefly but specifically any other orders sought).

### **Accompanying documents**

This application must be accompanied by:

1. the documents referred to in section 35 of the *Commercial Arbitration Act 2011*; and
2. an affidavit stating:
  - a. the extent to which the arbitral award has not been complied with at the date this application is made; and
  - b. the usual or last known place of residence or business of the person against whom it is sought to enforce the award or, if the person is a company, the last known registered office of the company.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a company - principal place of business*).

### **Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**NOTICE OF REGISTRATION OF FOREIGN JUDGMENT**  
*Foreign Judgments Act 1991 (Cth)*

TO *(NAME OF JUDGMENT DEBTOR)* of *(address of judgment debtor)*

Pursuant to an order of this Court dated *(date)*, a judgment against you, particulars of which are set out below, was on *(date)* registered in the Supreme Court of South Australia pursuant to the *Foreign Judgments Act 1991*.

You are entitled, pursuant to section 7 of the Act, to apply to set aside the registration of the judgment on any of the grounds set out in that section, within *(number)* days of service of this notice upon you.

The name and address of the solicitor for the judgment creditor in South Australia, upon whom any proceedings taken by you to set aside the registration of the judgment may be served, is set out on the attached Form 1.

**PARTICULARS OF JUDGMENT**

Judgment creditor: *(full name, address and occupation)*

Judgment debtor: *(full name, address and occupation)*

Date of Judgment: *(date)*

Particulars of judgment: *(including the amount (if any) ordered to be paid, the rate of interest (if any) payable on it, the date from which interest (if any) is payable and/or (where applicable) particulars of personal property ordered to be recovered or delivered up.)*

**Date:**

.....  
Signed by *(name)*

Judgment creditor/Solicitor for the judgment creditor *(delete whichever is inapplicable)*

**SUMMONS FOR EXAMINATION OF JUDGMENT DEBTOR**  
*Enforcement of Judgments Act 1991 s 4*

TO *(NAME OF PERSON SUMMONED)* of *(address of person summoned)*

You are a judgment debtor in the sum of *\$(amount)* pursuant to a judgment entered on *(date)*.

*(or)*

You are alleged to be a person who may be able to assist with the investigation of the means of a judgment debtor *(full name of judgment debtor)* to satisfy a judgment of *\$(amount)* entered against that person on *(date)*.

You are summoned to appear before the Supreme Court of South Australia for examination in connection with the payment of such judgment debt and/or to then produce the following documents *(full description of all of the documents required)*.

The application will be heard before ..... in the Supreme Court at 1 Gouger Street, Adelaide on ..... at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

**Date:**

.....  
Signed by *(name and title of releasing officer)*  
For the Registrar

**Note**

If you fail to appear, as required by the summons, the Court may, pursuant to section 4(4) of the *Enforcement of Judgments Act 1991*, issue a warrant for you to be arrested and brought before the Court.



**REQUEST FOR ISSUE OF WARRANT**

TO THE REGISTRAR

The *(role of party)*, *(name)* requests you to issue a summons/warrant/garnishee *(delete whichever is inapplicable)* in the form requested against *(name of person)* of *(address)* in relation to the judgment entered in this action on *(date)*, which remains wholly unsatisfied/partly unsatisfied as to the sum of \$*(amount)* *(delete whichever is inapplicable)*.

**Date:**

.....  
Signed by *(name)*

Judgment creditor/Solicitor for the judgment creditor *(delete whichever is inapplicable)*

**WARRANT OF POSSESSION**  
*Enforcement of Judgments Act 1991 s 11*

TO THE SHERIFF OF SOUTH AUSTRALIA

In this action, on *(date)*, it was ordered that the plaintiff, *(name)* recover from the defendant, *(name)* possession of *(full description of property, including relevant title reference)*.

YOU ARE DIRECTED to take whatever lawful steps are necessary to cause the plaintiff to have possession of the property and to dispossess the defendant of the property and to report to this Court concerning your execution of this Warrant and the results and your costs and expenses of doing so.

**Rule 204A Endorsement**

This warrant must not be executed after *(insert date no later than 6 months after the order for possession of the land)*

*(or)*

This warrant was issued under rule 204A of the *Supreme Court Civil Rules 2006*  
*(delete whichever is inapplicable)*

**Date:**

.....  
Signed by *(name and title of releasing officer)*

For the Registrar

**Note**

As to the difference between the two types of endorsements, see rule 204A

**WARRANT OF SALE**  
*Enforcement of Judgments Act 1991 s 7*

TO THE SHERIFF OF SOUTH AUSTRALIA

In this action the *(role of party)*, *(name)* of *(address)* is, pursuant to a judgment or order dated *(date)*, indebted to the *(role of party)*, *(name)* as follows:

Balance of judgment sum .....	\$ <i>(amount)</i>
Costs .....	\$ <i>(amount)</i>
Judgment debt interest under rule 261 to date of warrant .....	\$ <i>(amount)</i>
Costs and expenses of this warrant .....	\$ <i>(amount)</i>
Total .....	\$ <i>(amount)</i>

**YOU ARE DIRECTED:**

1. To sell the personal and real property of the *(role of party)*, *(name)* as is within the State of South Australia in order to satisfy the unsatisfied judgment, interest and costs and further interest accruing under rule 261 after the date of this warrant, until you receive payment of the monies the subject of this warrant and all of your expenses and fees relating to its execution.
2. To report to this Court concerning your execution of this warrant and the results.

**Date:**

.....  
 Signed by *(name and title of releasing officer)*  
 For the Registrar

**WARRANT OF ARREST**  
*Enforcement of Judgments Act 1991 s 12*

TO THE SHERIFF OF SOUTH AUSTRALIA

In this action, on (*date*) this Court ordered (*set out terms of the order for arrest*)

YOU ARE DIRECTED to arrest (*name and address of person to be arrested*) pursuant to the order and to bring that person before the Court in accordance with the terms of the order and rule 348(7).

**Date:**

.....  
Signed by (*name and title of releasing officer*)

For the Registrar

**NOTICE OF CLAIM TO PROPERTY SUBJECT TO EXECUTION**  
*Enforcement of Judgments Act 1991 s 16(2)*

TO THE SHERIFF OF SOUTH AUSTRALIA

I, *(name)* of *(address)* claim to have an interest in the property mentioned below and seek that you give effect to such claim. This notice is given pursuant to section 16(2) of the *Enforcement of Judgments Act 1991*.

Particulars of the property are:

*(set out full details of the property in which the interest is claimed)*

Particulars of interest claimed are:

*(set out full details of the nature of the claim)*

*(if notice relates to more than one item of property, separately identify each item and the details related to it)*

**Date:**

.....  
Signed by *(name)*

*(role of party)/(role of party's) solicitor (delete whichever is inapplicable)*

## ORIGINATING APPLICATION

TO THE DEFENDANT (*name*) of (*address*)

The plaintiff, (*name*) applies for the relief set out in this Application.

### Action required

If you wish to defend the claim, you or your solicitor must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Application on you; and
- (b) file an answering Affidavit within 28 calendar days after service of the Affidavit relied upon by the plaintiff.

The Notice of Address for Service and answering Affidavit must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

If a Notice of Address for Service and answering Affidavit is not filed within the time stated, orders may be made against you in your absence and without further notice.

### Endorsements

Application issued pursuant to section (*number*) of the (*Act*)/(rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*).

This Application has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

### Orders sought

On the grounds stated in the accompanying affidavit, the plaintiff seeks the following orders:

*(state briefly but specifically the orders sought)*

**Accompanying documents**

This application must be accompanied by an affidavit stating the material facts on which the claim for relief is based.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business)*.

**Service on the Defendant**

*(select one of these three options and delete the others)*

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

*(name of each defendant on whom application is to be served)*

It is not intended to serve this application on any defendant.

**Date:**

---

Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

Form 89B

Originating application—no defendant

## ORIGINATING APPLICATION

The plaintiff, (*name*) applies for the relief set out in this Application.

The Court will hear this application at a time and place to be advised.

### Endorsements

Application issued pursuant to section (*number*) of the (*Act*)/(rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*).

This Application has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

### Orders sought

On the grounds stated in the accompanying affidavit, the plaintiff seeks the following orders:

*(state briefly but specifically the orders sought)*

### Accompanying documents

This application must be accompanied by an affidavit stating the material facts on which the claim for relief is based.

### Plaintiff's address

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

**Date:**

---

Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)



**ORIGINATING APPLICATION**

TO THE DEFENDANT (*name*) of (*address*)

The plaintiff (*name*) applies for the relief set out in this Application.

**Action required**

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

**Hearing**

The application will be heard before ..... in the Supreme Court at 1 Gouger Street, Adelaide on ..... at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The Court ordered that the time for serving this application be abridged to (*Court to insert date, if applicable*).

**Endorsements**

Application issued pursuant to section (*number*) of the (*Act*)/(rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*)).

This Application has the following endorsements under section (*number*) of the (*Act*)/rule (*number*) of the *Supreme Court Civil Rules 2006* (*delete whichever is inapplicable*):

**Orders sought**

On the grounds stated in the accompanying affidavit, the plaintiff seeks the following orders:  
(*state briefly but specifically the orders sought*)

**Accompanying documents**

This application must be accompanied by an affidavit stating the material facts on which the claim for relief is based.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

**Service on the Defendant**

(*select one of these three options and delete the others*)

It is intended to serve this application on all defendants.

It is intended to serve this application on the following defendants:

(*name of each defendant on whom application is to be served*)

It is not intended to serve this application on any defendant.

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

**IN THE MATTER**

**of**

*(NAME OF APPLICANT)*

an applicant for admission as a practitioner

**ORIGINATING APPLICATION**

I, *(name)* apply for admission as a barrister and solicitor of the Supreme Court of South Australia.

I intend that the application be heard at the sittings of the Full Court to be held on *(date)* or at such other time as the Court shall direct.

**Accompanying documents**

This originating application must be accompanied by an affidavit demonstrating the applicant's eligibility for admission.

**Applicant's address**

The applicant's address for service is:

Place:

Email:

The applicant's address is *(place of residence or business)*.

**Date:**

---

Signed by *(name)*

Applicant/Re-applicant *(delete whichever is inapplicable)*

**AFFIDAVIT**

I (*full name, address and occupation of deponent*) SWEAR ON OATH/DO TRULY AND SOLEMNLY AFFIRM (*delete whichever is inapplicable*) THAT:

1. My date of birth is (*date*).
2. I have complied with the academic requirements for admission meeting rule 7 (*delete whichever is inapplicable*) of the LPEAC Rules in that I have (*set out details of the academic qualifications meeting rule 7 or rule 16 of the LPEAC Rules*).
3. A true copy of the original certificate dated (*date*) that I have obtained or become qualified to obtain the academic qualifications referred to in paragraph 2 above (the original of which I am required to produce to the Law Society upon lodgment) is now shown to me marked 'A'. I am the person therein named.
4. I have complied with the practical requirements for admission meeting rule 8 (*delete whichever is inapplicable*) of the LPEAC Rules in that I have (*set out details of the academic qualifications and experience meeting rule 8 or rule 16 of the LPEAC Rules*).
5. A true copy of the original certificate dated (*date*) that I have obtained or become qualified to obtain the academic qualifications and experience referred to in paragraph 4 above (the original of which I am required to produce to the Law Society upon lodgment) is now shown to me marked 'B'. I am the person therein named.
6. I have in all other respects complied with Chapter 17 Part 4 of the *Supreme Court Civil Rules 2006* and the *Legal Practitioners Education Admission Council Rules 2018*.
7. A true copy of my driver's licence/passport/birth certificate (*delete whichever is inapplicable*) (the original of which I am required to produce to the Law Society upon lodgment) is now shown to me marked 'C'. I am the person therein named.
8. I have read the Disclosure Guidelines for Applicants for Admission to the Legal Profession issued by the Law Admissions Consultative Committee.

9. I have not been convicted or found guilty by a Court of any offences, nor, as far as I am aware, are there any charges or proceedings outstanding against me in relation to any offence or offences alleged to have been committed by me (*add, if necessary, 'save and except that (or those) referred to in a direction (or intimation) of the Board of Examiners dated (date) in a sealed envelope now shown to me and marked "D"*).

**Note** If the position is otherwise, full details must be given in relation to each offence or alleged offence in a separate statement, which is to be exhibited to the affidavit in a sealed envelope, of the date and nature of the charge, the Court in which it was or will be heard, the sentence (if any) imposed, and the circumstances in which the offence was or is alleged to have been committed.

10. I have not otherwise done or suffered anything likely to affect adversely my good fame and character, nor am I aware of any circumstances that might affect my fitness to be admitted as a practitioner.

**Note** If the position is otherwise, set out any facts or circumstances that the applicant is required to bring to the notice of the Board of Examiners. These include that the applicant:

- (i) is or has been bankrupt and the circumstances of bankruptcy;
- (ii) has been found to have engaged in academic dishonesty such as plagiarism.

*(Where the applicant is admitted to practice elsewhere, the following should be included in paragraph 9:)*

I was admitted to practise in (*state where*) on (*date of first admission*) and I remain enrolled as a practitioner of that jurisdiction. I have not at any time been struck off the Roll of Practitioners or otherwise been suspended from practise and I am not presently subject to any disciplinary inquiry or proceeding.

11. I authorise the Board of Examiners to obtain from any institution at which I have pursued any course of study as part of the practical or academic requirements for admission, such information as the Board may think fit and in such form as the Board may request as to any matter relevant to the course of study, including information as to whether during the course of study I engaged in any dishonest conduct including plagiarism or other conduct relevant to the determination of whether I am a fit and proper person to be admitted as a practitioner.

12. I do not suffer from any illness or condition, either permanently or intermittently, that would affect my ability to perform all the duties and responsibilities reasonably required of a legal practitioner adequately or safely.

**Note** If the position is otherwise, set out the facts and circumstances relating to any relevant illness or condition.

13. I am a resident in Australia.

14. (*delete whichever paragraph is inapplicable*)

English is my native language.

(or)

English is not my native language. I am sufficiently fluent in written and spoken English to enable me to practise as a practitioner

Sworn/Affirmed (*delete whichever is inapplicable*)  
by the abovenamed deponent  
at (*place*)  
on (*date*)

.....  
(*signature of deponent*)

before me .....  
(*signature and title of attesting witness*)  
(*print name of witness*)  
(*ID number of witness*)

**Rule 370(1)(b)**

Form 91B

deleted by Amendment No. 11 effective 3 January 2019

**CERTIFICATE OF PRACTITIONER TO WHOM APPLICANT FOR ADMISSION  
WAS ARTICLED**

I, *(name)* of *(address)*, a practitioner of the Supreme Court of South Australia, CERTIFY that:  
*(delete whichever paragraph is inapplicable)*

1. In pursuance of articles of clerkship dated *(date)*, *(name of applicant)* served me as my clerk at my office at *(address)* in the State of South Australia under my personal supervision *((if applicable) and that of my partner (name of partner practitioner) who at all material times had been in practice in the said State for a continuous period of five years)* in the practice of a practitioner of the Supreme Court of South Australia continuously from the date of the execution of the said articles to *(date)* inclusive, except for the periods referred to below.
2. At the time of the execution of the said articles, I was a duly admitted practitioner of the Supreme Court of South Australia in practice as a principal and had been in practice in this State for a continuous period of five years.
3. During the whole period of service of articles I have been and am now practising as a practitioner in this State as a principal, and during the period of service I did not at any time have more than three articulated clerks including *(name of applicant)*.
4. *(delete if inapplicable)* *(name of applicant)* was absent from my employment during the period of service on duty as a member of the naval, military or air force of the Commonwealth of Australia for the period *(give date)*.
5. *(delete whichever paragraph is inapplicable)*  
In addition to periods of absence to attend lectures and examinations and for annual leave for study or recreation, *(name of applicant)* has been absent from my employment with my consent or that of my partner on the following occasions during *(his/her)* period of service *(specify details of absence)*:  
  
*(or)*



Except for periods of absence to attend lectures and examinations and for annual leave for study or recreation, *(name of applicant)* has not been absent from my employment during the above period of service.

6. *(name of applicant)* has never been absent from my employment during (his/her) period of service without my consent or that of my partner.
7. *(delete if inapplicable)* With my consent, *(name of applicant)* was employed as a bona fide pupil in the office of *(name of partner practitioner)*, my agent in Adelaide for the following period *(state period)*. *(name of partner practitioner)* has informed me that *(name of applicant)* served (him or her) faithfully and diligently as a clerk for the period during which (he or she) was so employed and *(here give particulars in relation to service with Adelaide agent)*.
8. To the best of my knowledge, information and belief, *(name of applicant)* did not during *(his or her)* articles pursue any occupation or business other than *(his or her)* employment as an articled clerk.
9. *(name of applicant)* served me faithfully and diligently as my articled clerk pursuant to the articles.
10. *(name of applicant)*'s conduct, character and habits during *(his or her)* period of service were satisfactory and *(he or she)* is in my opinion a fit and proper person to be admitted as a practitioner of the Supreme Court of South Australia.
11. There are no other facts or circumstances relating to the qualification, service, conduct, character or habits of *(name of applicant)* that are known to me and should be communicated to the Board of Examiners *(add, if necessary, 'save and except those disclosed in the affidavit of (name of applicant) sworn/affirmed herein on (date), or as the case may require)*.

**Date:**

---

Signed by *(name)*

Practitioner to whom applicant was articled

**NOTICE FOR LAW SOCIETY WEBSITE**

I, (*name of applicant*) GIVE NOTICE that I intend to apply to the Supreme Court of South Australia for an order that I be admitted and enrolled as a barrister and solicitor of the Supreme Court at the sittings of the Court to be held on (*date*) or at such other time as the Court shall direct.

## NOTICE OF OBJECTION

I, *(name of objector)* of *(address)* GIVE NOTICE that I object to *(name of applicant)* being admitted and enrolled as a barrister and solicitor of the Supreme Court of South Australia.

The grounds of my objection are *(identify briefly grounds of the objection)*.

**Date:**

.....  
Signed by *(name)*

Objector

### Note

Rule 373(2)(b) requires that in conjunction with this notice an affidavit be lodged—

- (i) identifying the detailed grounds of objection; and
- (ii) setting out the facts, information or belief on which the objector relies.

**ORIGINATING APPLICATION FOR REGISTRATION**  
*Mutual Recognition Act 1992 (Cth) s 19*

The applicant, (*name*) GIVES NOTICE that the applicant seeks registration in South Australia as a barrister and solicitor of the Supreme Court of South Australia under section 19 of the *Mutual Recognition Act 1992* (Cth).

**Information**

As required by the Act, I supply the following information:

1. I am normally resident in (*State or Territory*).
2. I am duly admitted and am at the present time entitled to practise as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*) in the Supreme Court of (*State or Territory*). The date of my admission was (*date*).
3. The names and dates of admission of every other jurisdiction in which I have been admitted are as follows:
 

<u>Jurisdiction</u>	<u>Date of Admission</u>
<i>(If not admitted elsewhere, state 'None')</i>	
4. I am not the subject of disciplinary proceedings in any jurisdiction (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to my conduct as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*).
5. My registration as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*) is not cancelled or currently suspended as a result of disciplinary action in any jurisdiction.
6. I am not otherwise prohibited from practising as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*) in any jurisdiction, and am not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any jurisdiction.
7. In carrying out my occupation, I am subject to the following special conditions: (*state special conditions, if any, and the relevant State or Territory. Otherwise state: 'No special conditions'.*)
8. I consent to the making of inquiries of, and the exchange of information with, the authorities of any jurisdiction regarding my activities as a legal practitioner however styled or otherwise regarding matters relevant to this notice.

**Accompanying documents**

This application must be accompanied by:

1. a certified copy of an instrument or instruments evidencing the applicant's existing registration in the first jurisdiction;
2. a copy of a certificate of fitness or good standing in the applicant's first jurisdiction and any other jurisdiction in which the applicant is admitted or is registered under the *Mutual Recognition Act 1992* (Cth);
3. a certified copy of an instrument evidencing the applicant's admission in South Australia if applicable;
4. a certified copy of a driver's licence, passport or birth certificate as evidence of identity; and
5. a statutory declaration verifying the statements and other information in the originating application (*see next page*).

**Applicant's address**

The applicant's address for service is:

Place:

Email:

The applicant's address is (*place of residence or business*).

**Date:**

.....  
Signed by (*name*)

Applicant

**Statutory Declaration:**

I, (*full name, address and occupation*) being the above named applicant, DO SOLEMNLY AND SINCERELY DECLARE that all the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are what they purport to be.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

*(The Declaration should be made, executed, witnessed, etc, strictly in accordance with the requirements of the law relating to statutory declarations in force in the jurisdiction in which the Declaration is made.)*

**ORIGINATING APPLICATION FOR REGISTRATION**

*Trans-Tasman Recognition Act 1997 (Cth) s 18*

The applicant (*name of applicant*) GIVES NOTICE that the applicant seeks registration in South Australia as a barrister and solicitor of the Supreme Court of South Australia under section 18 of the *Trans-Tasman Recognition Act 1997 (Cth)*.

**Information**

As required by the Act, I supply the following information:

1. I am normally resident in (*State, Territory or Country*).
2. I am duly admitted and am at the present time entitled to practise as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*) in the High Court of New Zealand. The date of my admission was (*date*).
3. The names and dates of admission of every other jurisdiction in which I have been admitted are as follows:

<u>Jurisdiction</u>	<u>Date of Admission</u>
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(*If not admitted elsewhere, state 'None'*)

4. I am not the subject of disciplinary proceedings in any jurisdiction (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to my conduct as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*).
5. My registration as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*) is not cancelled or currently suspended as a result of disciplinary action in any jurisdiction.
6. I am not otherwise prohibited from practising as a barrister/solicitor/barrister and solicitor/legal practitioner (*delete whichever is inapplicable*) in any jurisdiction, and am not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any jurisdiction.

7. In carrying out my occupation, I am subject to the following special conditions:  
*(state special conditions, if any, and the relevant State or Territory. Otherwise state: 'No special conditions'.)*
8. I consent to the making of inquiries of, and the exchange of information with, the authorities of any jurisdiction regarding my activities as a legal practitioner however styled or otherwise regarding matters relevant to this notice.

### **Accompanying documents**

This application must be accompanied by:

1. a certified copy of an instrument or instruments evidencing the applicant's existing registration in the first jurisdiction;
2. a copy of a certificate of fitness or good standing in the applicant's first jurisdiction and any other jurisdiction in which the applicant is admitted or is registered under the *Mutual Recognition Act 1992 (Cth)*;
3. a certified copy of a driver's licence, passport or birth certificate as evidence of identity; and
4. a statutory declaration verifying the statements and other information in the originating application (*see next page*).

### **Applicant's address**

The applicant's address for service is:

Place:

Email:

The applicant's address is (*place of residence or business*).

**Date:**

---

Signed by (*name*)  
Applicant



**Statutory Declaration:**

I, *(full name, address and occupation)* being the above named applicant, DO SOLEMNLY AND SINCERELY DECLARE that all the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are what they purport to be.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

*(The Declaration should be made, executed, witnessed, etc, strictly in accordance with the requirements of the law relating to statutory declarations in force in the jurisdiction in which the Declaration is made.)*

**ORIGINATING APPLICATION TO FIX LEGAL COSTS**  
*Legal Practitioners Act 1981 Schedule 3*

TO THE DEFENDANT: *(name)* of *(address)*

The plaintiff, *(name)* applies under Part 7 of Schedule 3 to the *Legal Practitioners Act 1981* for an adjudication of the following costs *(describe the costs by reference to dates, bills etc)*.

The plaintiff claims that you are liable to pay the costs.

The plaintiff claims that the costs in issue are to be adjudicated on:

- the applicable *(insert)* Court Scale;
- pursuant to a retainer agreement dated *(date)*  
*(delete whichever is inapplicable)*

**Action required**

The Court will make orders for the conduct of the proceeding at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

**Hearing**

The application will be heard before ..... in the Supreme Court at 1 Gouger Street, Adelaide on ..... at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

**Accompanying documents**

This application must be accompanied by:

1. copies of the bills issued by the lawyer or firm of lawyers for the costs to which the application relates;
2. if the costs are to be adjudicated pursuant to a retainer agreement of the retainer agreement—a copy of the retainer agreement.

**Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is *(if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business)*.

**Service on the Defendant**

It is intended to serve this application on the defendant.

**Date:**

.....  
Signed by *(name)*

Plaintiff/Plaintiff's solicitor *(delete whichever is inapplicable)*

**ORIGINATING APPLICATION TO FIX LEGAL COSTS**  
*Legal Practitioners Act 1981 s 48*

TO THE DEFENDANT: *(name)* of *(address)*

The plaintiff, *(name)* applies under section 48 of the *Legal Practitioners Act 1981* for an adjudication of the following costs *(describe the costs by reference to dates, bills etc)*.

The plaintiff is liable to pay/has paid *(delete whichever is inapplicable)* the costs.

The plaintiff claims that the costs in issue are to be adjudicated on:

- the applicable *(insert)* Court Scale;
  - pursuant to a retainer agreement dated *(date)*
- (delete whichever is inapplicable)*

The defendant accepts the costs as fair and reasonable to the extent of \$(*amount*).

**Action required**

The Court will make orders for the conduct of the proceeding at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

**Hearing**

The application will be heard before ..... in the Supreme Court at 1 Gouger Street, Adelaide on ..... at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

### **Accompanying documents**

This application must be accompanied by:

1. copies of the bills issued by the lawyer or firm of lawyers for the costs to which the application relates;
2. if the costs are to be adjudicated pursuant to a retainer agreement of the retainer agreement—a copy of the retainer agreement.

### **Plaintiff's address**

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

### **Service on the Defendant**

It is intended to serve this application on the defendant.

**Date:**

.....  
Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

## ORIGINATING APPLICATION TO FIX LEGAL COSTS

TO THE DEFENDANT: *(name)* of *(address)*

The plaintiff, *(name)* applies under section 48 of the *Legal Practitioners Act 1981* for an adjudication of the following costs *(describe the costs by reference to dates, bills etc)*.

### Action required

The Court will make orders for the conduct of the proceeding at the time and place stated below. If you or your lawyer do not attend, the Court may make orders in your absence and without further notice.

You must file a Notice of Address for Service in the Registry before attending Court or taking any other steps in the proceeding. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

### Hearing

The application will be heard before ..... in the Supreme Court at 1 Gouger Street, Adelaide on ..... at ..... or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

### Accompanying documents

This application must be accompanied by:

1. copies of bills issued for the costs to which the application relates;
2. the agreement or other document setting out the basis on which the bills have been compiled.

### Plaintiff's address

The plaintiff's address for service is:

Place:

Email:

The plaintiff's address is (*if the plaintiff is an individual - place of residence or business; if the plaintiff is a corporation - principal place of business*).

**Service on the Defendant**

It is intended to serve this application on the defendant.

**Date:**

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Signed by (*name*)

Plaintiff/Plaintiff's solicitor (*delete whichever is inapplicable*)

Form 97 – deleted by Amendment No. 12 effective 1 May 2019



## History of Amendment

Rules	Amendments	Date of Operation
am = amended; del = deleted; ins = inserted; ren = renumbered; sub = substituted		
Form 8	sub am05	1 May 2016
Form 9A	ins am05	1 May 2016
Form 10	sub am06	1 September 2016
Form 20	sub am05	1 May 2016
Form 23A	ins am02 am am08	1 September 2015 1 December 2017
Form 23B	ins am02	1 September 2015
Form 27	sub am02	1 September 2015
Form 33 Note	ins am06	1 September 2016
Form 34	del am05	1 May 2016
Form 34A	ins am05	1 May 2016
Form 34B	ins am05 am am08	1 May 2016 1 December 2017
Form 34C	ins am05 am am08	1 May 2016 1 December 2017
Form 35	sub am05	1 May 2016
Form 36	sub am04	1 December 2015
Form 36A	ins am04	1 December 2015
Form 36B	ins am04	1 December 2015
Form 37	sub am04	1 December 2015
Form 38	am am08	1 December 2017
Form 49	sub am06	1 September 2016
Form 51	del am06	1 September 2016
Form 51A	ins am02	1 September 2015
Form 53	del am08	1 December 2017
Form 54	sub am08	1 December 2017
Form 58	am am08	1 December 2017
Form 65B	am am08	1 December 2017
Form 65C	am am08	1 December 2017
Form 74B	am am08	1 December 2017
Form 74C	am am08	1 December 2017
Form 91A	am am04 am am11	1 December 2015 3 January 2019
Form 91B	del am11	3 January 2019
Form 95A	sub am05	1 May 2016
<b>Form 97</b>	<b>del am12</b>	<b>1 May 2019</b>