

South Australia

District Court Special Applications Rules 2014

SCHEDULE 1—FORMS

Schedule 1—Forms dated 27 April 2020:

- 1. come into effect by Amendment No. 2 (Government Gazette 14 May 2020, p. 1047**
- 2. come into operation on 18 May 2020**
- 3. relate to District Court Special Applications Rules 2014, dated 16 September 2014, that came into operation on 1st October 2014 (Government Gazette 19 September 2014, p. 5457).**

SCHEDULE 1 –FORMS

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Form 7G Originating Application Ex Parte Search Warrant

Form 7G

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORIGINATING APPLICATION EX PARTE

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

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if multiple Applicants

<p>Application Details</p> <p>Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for issue of a search warrant on the application of [<i>identify how applicant is eligible to apply for the warrant under the relevant legislation</i>]</p> <p>This Application is made under</p> <p>Act and section or other particular provision</p> <p>The Applicant seeks the following orders:</p> <p>Orders sought in separately numbered paragraphs.</p> <p>1.</p>

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

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

Supporting Affidavit (mandatory)

Draft Warrant (mandatory)

Form 7H – there is no Form 7H – see rule 3A

Form 71 Originating Application Ex Parte Monitoring Order

Form 71

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORIGINATING APPLICATION EX PARTE

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

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if multiple Applicants

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

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

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

Supporting Affidavit (mandatory)

Draft Order (mandatory)

Form 7J Originating Application Ex Parte Special Powers Authorisation or Area Declaration

Form 7J

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORIGINATING APPLICATION EX PARTE

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

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if multiple Applicants

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

This Application is made under section [3/13] of the Terrorism (Police Powers) Act 2005.

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

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

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

[] Supporting Affidavit (mandatory)

[] Draft Order (mandatory)

Form 7K Originating Application Ex Parte Protected Witness

Form 7K

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORIGINATING APPLICATION EX PARTE

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

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if multiple Applicants

<p>Application Details</p> <p>Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for</p> <p><input type="checkbox"/> establishing a new identity</p> <p><input type="checkbox"/> restoring a former identity</p> <p><input type="checkbox"/> making an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity</p> <p><input type="checkbox"/> cancelling an entry in the Register of Births, Deaths and Marriages in relation to the acquisition of an assumed identity</p> <p><input type="checkbox"/> authorising disclosure in respect of a protected witness</p>
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disclosing to the Court the protected witness status of a witness in criminal proceedings

on the application of [*identify how applicant is eligible to apply for the order under the relevant legislation*]

This Application is made under

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

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

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

Supporting Affidavit (mandatory)

Draft Order (mandatory)

Form 7L – there is no Form 7L – see Rule 3A

Form 138 Search Warrant

Form 138

To be inserted by Court

Case Number:

Date Signed:

FDN:

SEARCH WARRANT

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

Applicant

Lodging Party	Full Name	
Name of law firm / solicitor If any	Law Firm	Solicitor

To **[INSERT PERSON(S) OR CLASS OF PERSONS AUTHORISED TO ACT UNDER WARRANT]**

Recitals

The Judge named below being satisfied on [date], on application by

[] the Commissioner of Police

[] an eligible person within the meaning of the *Australian Crime Commission Act 2002* (Cth)

by evidence on oath that

[] the *[documents/articles]* to which the application relates are relevant to *[identifying/tracing/locating/valuing]* a person's wealth, being proper grounds for the issue of a warrant under section 16 of the Serious and Organised Crime (Unexplained Wealth) Act 2009

[] the *[person/premises]* to which the application relates might *[have/contain]* *[documents/articles]* relevant to *[identifying/tracing/locating/valuing]* a person's wealth, being proper grounds for the issue of a warrant under section 16 of the Serious and Organised Crime (Unexplained Wealth) Act 2009

[] the applicant has reasonable grounds for suspecting that there may be upon land a thing connected with a special ACC *[operation/investigation]* into *[subject of operation/investigation]* and the applicant believes on reasonable grounds that, if a summons were issued for the production of the thing, it might be concealed, lost, mutilated or destroyed, being proper grounds for the issue of a warrant under section 29 of the *[Australian Crime Commission (South Australia) Act 2004/section 22 of the Australian Crime Commission Act 2002 (Cth)]*

Warrant

This warrant authorises *[name and/or position]* to

[] enter and search *[place and/or vehicle etc]*

[] seize *[things]*

[] search *[place and/or vehicle etc]* and seize *[things]*

[] enter *[place]* search *[place and/or vehicle etc]* and seize *[things]*

[] YOU ARE AUTHORISED to exercise the powers conferred by this warrant

[] between the hours of *[time]* and *[time]*

[] at any time.

This warrant expires on *[date]*

Note

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

Court use only

.....

Judge

.....

Name of Judge