

**South Australia**  
**District Court Criminal Supplementary Rules 2014**

**SCHEDULE—APPROVED FORMS**

Schedule—Approved Forms relate to District Court Criminal Supplementary Rules 2014 , dated 16th September 2014, that came into operation on 1st October 2014 (*Government Gazette* 19 September 2014, p. 5327) have been varied by District Court rules dated:

		<i>Gazette</i>	<i>Date of operation</i>
#1	24 March 2016	31 March 2016, p. 1094	1 May 2016
#2	20 June 2016	23 June 2016, p. 2559	27 June 2016
#3	18 October 2016	3 November 2016, p. 4322	1 December 2016
#4	22 November 2017	28 November 2017, p. 4771	1 December 2017
#5	18 May 2018	24 May 2018, p. 2040	1 June 2018
#6	11 April 2019	18 April 2019, p. 1079	1 May 2019
#7	There were no new rules or amendments to Forms		
#8	<b>17 December 2020</b>	<b>24 December 2020, p. 6136</b>	<b>1 January 2021</b>

## **INDEX OF FORMS**

Form 1 Proceeding heading .....	1
Form 2 Front Sheet .....	2
Form 3 Information.....	3
Form 3A Defendant’s solicitor’s statement before arraignment.....	4
Form 3B Notification of change of plea .....	6
Form 4 Notice of prescribed proceedings.....	8
Form 5A Notice of acting and address for service.....	9
Form 5B Notice of acting in person and address for service .....	10
Form 6 Notice of change of address for service .....	11
Form 7 Objection to audiovisual link .....	12
Form 8A Election by defendant for trial by Judge alone .....	13
Form 8B Election by counsel for trial by Judge alone.....	14
Form 9 Practitioner’s certificate .....	15
Form 10 Revocation of election by defendant .....	16
Form 11 Legal representation certificate.....	17
Form 11A Solicitors’ trial preparation statement .....	18
Form 12 Assurance that defendant does not want legal representation .....	20
Form 13 Application for directions .....	21
Form 13A Application for pre-trial special hearing .....	23
Form 13B Notice of objection to pre-trial special hearing.....	27
Form 13C Application for admission of audiovisual record (pre-trial special hearing) .....	29
Form 13D Application for admission of audiovisual record (Summary Offences Act) .....	32
Form 13E Originating application for release on bail.....	36
Form 14 Application for directions to use audiovisual link.....	38
Form 15 Notice of intention by Director to adduce discreditable conduct evidence .....	41
Form 16 Notice of intention by defendant to adduce discreditable conduct evidence.....	43
Form 17 Notice of intention to object to proposed discreditable conduct evidence .....	45
Form 18 Order for notification whether defence dispenses with calling witnesses .....	47
Form 19 Notice whether defence consents to dispensing with prosecution witnesses .....	48
Form 20 – There is no Form 20 (deleted by Amendment No. 5 effective 1 June 2018) .....	49
Form 21 – There is no Form 21 (deleted by Amendment No. 5 effective 1 June 2018) .....	50
Form 22 Order requiring defence to give notice of intention to adduce evidence .....	51

Form 23	Notice of intention to adduce evidence .....	52
Form 24	Notice of intention to introduce expert and alibi evidence.....	53
Form 25	Letter of request.....	55
Form 26 –	There is no Form 26 (deleted by Amendment No. 1 effective 1 May 2016).....	57
Form 26A	Subpoena.....	58
Form 26B	Subpoena.....	60
Form 26C	Subpoena.....	64
Form 27	Subpoena – notice and declaration by addressee of subpoena .....	68
Form 28	Originating application to fix non-parole period.....	70
Form 29	Originating application .....	73
Form 30	Warrant for detention.....	75
Form 31	Warrant of remand in custody pending investigation.....	77
Form 32	Warrant of remand in custody after declared liable to supervision .....	79
<b>History of Amendment</b>	.....	<b>1</b>

**IN THE DISTRICT COURT OF SOUTH AUSTRALIA  
IN THE CRIMINAL JURISDICTION**

**DCCRM            of**

*(NAME)*

R/Applicant *(delete whichever is inapplicable)*

v

*(NAME)*

Defendant/Respondent/The Queen *(delete whichever is inapplicable)*

**IN THE DISTRICT COURT OF SOUTH AUSTRALIA  
IN THE CRIMINAL JURISDICTION**

**DCCRM            of**

*(NAME)*

R/Applicant *(delete whichever is inapplicable)*

v

*(NAME)*

Defendant/Respondent *(delete whichever is inapplicable)*

---

*(Document type, eg Application, Notice, etc.)*

---

Filed on behalf of *(name of party)* by *(name of solicitor)*

*(OR)*

Filed by *(name of party)*

*(address) (Mandatory Field)*

*(telephone)*

*(mobile)*

*(facsimile)*

*(DX Box)*

*(email)*

*(‘L’ Code)*

*(‘P’ Code)*

*(insert proceeding heading)*

**INFORMATION**

*Criminal Procedure Act 1921 s 103(1)*

For arraignment on.....

*Information of the Director of Public Prosecutions*

*(Insert name or names) is/are charged with the following offence(s):*

First Count

Statement of offence

*(insert short name of offence) (insert Act or Regulations and section or other provision when applicable)*

Particulars of offence

*(Insert name) on (date or date range) at (location) (set out essence of physical and mental elements of offence alleged).*

*(Insert particulars of circumstances of aggravation alleged in respect of each defendant where alleged)*

*(if applicable) This a “qualifying offence” within the meaning and for the purposes of section 44 of the Children and Young People (Safety) Act 2017 (insert name of applicable defendant if multiple defendants and the offence is not a qualifying offence for all defendants).*

*(if applicable) This a “prescribed offence” within the meaning and for the purposes of section 38 of the Child Safety (Prohibited Persons) Act 2016 (insert name of applicable defendant if multiple defendants and the offence is not a prescribed defence for all defendants).*

Second Count

etc

(insert front sheet)

**DEFENDANT’S SOLICITOR’S STATEMENT BEFORE ARRAIGNMENT**

**Name of Accused:** .....

**Offence(s):** .....

.....

**Date of Committal:** .....

**Date of Arraignment:** .....

**Name of Solicitor:** .....

**Name of Counsel:** .....

**Interpreter required for Arraignment:** YES / NO LANGUAGE: .....

**AVL requested for defendant to appear:** YES / NO

**Institution:** YLP / ARC / MTG / PAU

**Intended Plea:** GUILTY NOT GUILTY

**If Guilty Plea:** Estimated time for submissions: .....

Dispute as to facts: YES / NO

Reports to be tendered/requested: YES / NO

Type of report: .....

Estimated arrival date of report: .....

Outstanding files to be called up from the Magistrates Court: YES / NO

Details of Magistrates Court files: .....

**If Not Guilty Plea** Trial by judge alone to be elected: YES / NO

Estimate length of trial: ..... days

Status of funding for trial: .....

**Date:**

*(signed)* .....

Solicitor for the defendant



Form 3B

*(insert front sheet)*

**NOTIFICATION OF CHANGE OF PLEA**

To: Deputy Registrar Criminal

The defendant ..... *(insert name)* is to appear before the District Court of South Australia for arraignment/ First Directions – Call Over/Second Directions – Call Over/ Pre-Trial Directions Hearing *(delete whichever is inapplicable)* on the date stated.

My client has previously entered a plea/pleas of not guilty. My client now wishes to enter plea/s of guilty.

I request that this matter be listed in the guilty arraignment list.

**Name of Accused:** .....

**Court File Number:** .....

**Offence(s):** .....

.....

**Date of Committal:** .....

**Date of Arraignment/First Directions – Call Over/Second Directions – Call Over/Pre-Trial Directions Hearing:** .....

**Details of Solicitor:** .....

**Details of Counsel:** .....

**Interpreter required:** YES / NO LANGUAGE: .....

**AVL requested for defendant to appear:** YES / NO

**Institution:** YLP / ARC / MTG / PAU

**Intended Plea:** GUILTY

**Guilty Plea:** Estimated length of submissions (minutes): .....

Dispute as to facts: YES / NO

Reports to be tendered/requested: YES / NO

Type of report: .....

Estimated arrival date of report: .....

.....

**(Signature)**

*(insert front sheet)*

**NOTICE OF PRESCRIBED PROCEEDINGS**  
*Criminal Procedure Act 1921 s 127, Bail Act 1985 s 3A*

TO THE REGISTRAR

AND TO THE DEFENDANT: *(insert name)*

**Notice**

The proceedings instituted by information for arraignment on *(insert date)* are prescribed proceedings because

.....  
.....  
.....  
.....

The proceedings may be expedited under section 127 of the *Criminal Procedure Act 1921* and the *District Court Criminal Rules 2014*

**Date:**

*(signed)* .....

Director of Public Prosecutions

*(insert front sheet)*

**NOTICE OF ACTING AND ADDRESS FOR SERVICE**

**Notice**

*(name of solicitor)* .....  
acts/now acts *(delete whichever is inapplicable)* as solicitor for the  
defendant/respondent *(delete whichever is inapplicable)* .....  
whose address for service is/is now *(delete whichever is inapplicable)*  
.....  
.....

**Date:**

*(signed)* .....  
Solicitor for the defendant/respondent/Director *(delete whichever is inapplicable)*

*(insert front sheet)*

**NOTICE OF ACTING IN PERSON AND ADDRESS FOR SERVICE**

**Notice**

The defendant/applicant/respondent *(delete whichever is inapplicable)*.....  
is/is now *(delete whichever is inapplicable)* self-represented.

The address for service for the defendant/applicant/respondent *(delete whichever is inapplicable)* is/is  
now *(delete whichever is inapplicable)*

.....  
.....

**Date:**

*(signed)* .....

Defendant/Applicant/Respondent *(delete whichever is inapplicable)*

*(insert front sheet)*

**NOTICE OF CHANGE OF ADDRESS FOR SERVICE**

**Notice**

The address for service of the defendant/applicant/respondent (*delete whichever is inapplicable*)(*insert name of party*) .....

is now .....

.....

**Date:**

*(signed)* .....

Solicitor for the Defendant/Applicant/Respondent (*delete whichever is inapplicable*)

*(or)*

Defendant/Applicant/Respondent (*delete whichever is inapplicable*)

*(insert front sheet)*

**NOTICE OF OBJECTION TO AUDIOVISUAL LINK**

**Notice**

*(name of person in custody objecting)* ..... of

.....  
.....

objects to appearing by audiovisual link in the Court on the following hearing: *(insert details of the hearing the subject of the objection)*

.....  
.....

The grounds of the objection are as follows: *(insert a brief statement of the grounds of objection)*

.....  
.....  
.....

**Date:**

*(signed)* .....

Objector /Solicitor for the Objector *(delete whichever is inapplicable)*

(insert front sheet)

**ELECTION BY DEFENDANT FOR TRIAL BY JUDGE ALONE**

*Juries Act 1927 s 7(1)*

**Election**

I, *(full name of defendant)* .....

of *(address)* .....

.....

ELECT under section 7(1)(a) of the *Juries Act 1927* to be tried by Judge alone in  
respect of all charges in the following information, namely: *(set out details of the charges)*

.....

.....

**Acknowledgement**

I ACKNOWLEDGE that I have received legal advice about making the election before making the election.

**Date:**

*(signed)* .....

Defendant



(insert front sheet)

**ELECTION BY COUNSEL FOR TRIAL BY JUDGE ALONE**

*Criminal Law Consolidation Act 1935 s 269W*

**Election**

I, (full name of lawyer) .....

of (address of practice) .....

barrister/barrister and solicitor (delete whichever is inapplicable)

CERTIFY that:

1. I am a legal practitioner holding a current practising certificate under the *Legal Practitioners Act 1981*.

2. I am the counsel for the defendant (name) in this proceeding.

3. I believe that the defendant is unfit to instruct counsel or give rational instructions in respect of all charges in the information, namely: (set out details of the charges)

.....  
.....

4. I have considered all matters relevant to the making of an election.

5. I consider that a trial by Judge alone would be in the best interest of the defendant.

6. I exercise my independent discretion under section 269W of the *Criminal Law Consolidation Act 1935* and ELECT under section 7(1)(a) of the *Juries Act 1927* that the defendant be tried by Judge alone on the above charges.

**Date:**

(signed) .....

Counsel for the defendant

(insert front sheet)

**PRACTITIONER'S CERTIFICATE**

**Certificate**

I, *(full name of practitioner)* .....

of *(address of practice)* .....

barrister/solicitor/barrister and solicitor *(delete whichever is inapplicable)*

CERTIFY that:

- 1. I am a lawyer holding a current practising certificate under the *Legal Practitioners Act 1981*; and
- 2. I am the solicitor/counsel *(delete whichever is inapplicable)* for the defendant.....in this proceeding.
- 3. I have advised the defendant on all matters relevant to the defendant making/revoking *(delete whichever is inapplicable)* an election for trial by Judge alone under section 7(1)(a) of the *Juries Act 1927* in respect of all charges in the information, namely: *(set out details of the charges)*

.....  
.....

**Date:**

*(signed)* .....

Solicitor/Counsel for the defendant *(delete whichever is inapplicable)*

(insert front sheet)

**REVOCATION OF ELECTION BY DEFENDANT**

**Revocation**

I, (full name of defendant) .....

of (address) .....

.....

REVOKE the election that I previously made on ..... under section 7(1)(a) of the *Juries Act 1927* to be tried by a Judge alone in respect of all charges in the following information, namely: (set out details of the charges)

.....

.....

.....

**Acknowledgement**

I ACKNOWLEDGE that I have received legal advice about making the revocation of my previous election before making the revocation.

**Date:**

(signed) .....

Defendant

(insert front sheet)

**LEGAL REPRESENTATION CERTIFICATE**  
*Criminal Law (Legal Representation) Act 2001 s 8(2)*

**Certificate**

1. I, *(full name of lawyer)* .....  
of *(address of practice)* .....  
.....  
act for the named defendant *(insert name)*.....

2. I certify that the defendant is an assisted person within the meaning of section 4 of the *Criminal Law (Legal Representation) Act 2001*.

*(or)*

I undertake that the defendant will be provided with legal representation for the duration of the trial.

*(or)*

I certify that the defendant is not an assisted person and I am not prepared to give an undertaking that the defendant will be provided with legal representation for the duration of the trial.

*(delete whichever is inapplicable)*

**Date:**

*(signed)* .....

Solicitor for the defendant

(insert front sheet)

**SOLICITORS' TRIAL PREPARATION STATEMENT**

**Name of first defendant:**.....

**Legal Representative of first defendant:**.....

Representation assured for trial	Yes / No
Certificate filed pursuant to s 8 Legal Representation Act	Yes / No
<b>Scheduling of Pre-Trial Applications</b>	
49(1)(d)- quash or stay proceedings	Yes / No
49(1)(e)- separate trials	Yes / No
49(1)(h)- preliminary questions voir dire	Yes / No
49(1)( )- other (identify)	Yes / No
Duration of argument (total)	hours/days

**Name of second defendant:**.....

**Legal Representative of second defendant:**.....

Representation assured for trial	Yes / No
Certificate filed pursuant to s 8 Legal Representation Act	Yes / No
<b>Scheduling of Pre-Trial Applications</b>	
49(1)(d)- quash or stay proceedings	Yes / No
49(1)(e)- separate trials	Yes / No
49(1)(h)- preliminary questions voir dire	Yes / No
49(1)( )- other (identify)	Yes / No
Duration of argument (total)	hours/days

**Office for Director Public Prosecutions & Representatives for defence**

<b>Witnesses</b>	
Interpreter required for witness	Yes / No
Language	
Special requirements for witnesses (e.g. AVL/Screen)	

<b><u>Evidentiary materials</u></b>	
<u>Are there any Outstanding Statements/Materials?</u>	<u>Yes / No</u>
<u>s 34P of the Evidence Act 1929 Notice of Discreditable Conduct</u>	<u>Filed / To be Filed</u>
<u>s 124 of the Criminal Procedure Act 1921 Expert Evidence or Alibi Evidence</u>	<u>Filed / To be Filed</u>

**Date:**

(signed) .....

Director of Public Prosecutions

(signed) .....

Solicitor for the first defendant

(signed) .....

Solicitor for the second defendant

(insert front sheet)

**ASSURANCE THAT DEFENDANT DOES NOT WANT LEGAL REPRESENTATION**

*Criminal Law (Legal Representation) Act 2001 s 8(3)(c)*

**Assurance**

I, *(full name of defendant)* .....  
of *(address)* .....  
.....

STATE that:

- 1. I am the defendant in these proceedings.
- 2. I am charged with: *(insert charges)*  
.....  
.....  
.....  
.....  
.....
- 3. I do not want to be legally represented at the trial of the above charge/charges.

**Date:**

*(signed)* .....  
Defendant

*(insert front sheet)*

**APPLICATION FOR DIRECTIONS**

TO THE *(INSERT ROLE): (insert name of other party)*.....

AND TO *(insert names of others to whom notice of the application is to be given)*.....

.....

**Application**

The Director of Public Prosecutions/Defendant/Applicant/Respondent *(delete whichever is inapplicable)* *(insert name)* ..... seeks the following orders or directions:

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

**Endorsements**

Application made pursuant to rule *(no)* of the *District Court Criminal Rules 2014*/section *(no)* of the *(Act)* *(delete whichever is inapplicable)*.

**Grounds**

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether there will be dispute on the relevant facts)*

.....  
.....  
.....  
.....



**Date:**

(signed) .....

Director of Public Prosecutions

(or)

Defendant/Applicant/Respondent (*delete whichever is inapplicable*)

(or)

Solicitor for the defendant/applicant/respondent (*delete whichever is inapplicable*)

**Hearing**

*(When the application is to be given a separate listing date, the following will be completed by the Registry)*

This application will be heard before.....in the District Court at  
..... 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 parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it sees fit.

**Date:**

(signed) .....

Registrar

(insert front sheet)

**APPLICATION FOR PRE-TRIAL SPECIAL HEARING**

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of any others to whom notice of the application is to be given).....

.....

**Application**

The Director of Public Prosecutions/Defendant (insert name) (delete whichever is inapplicable) seeks the following orders:

1. That (insert name) give evidence at a pre-trial special hearing.
2. That the hearing be convened as a proceeding preliminary to the trial for the purpose of taking the evidence of the witness:
  - in a courtroom
  - at a location to be approved by the court (insert details if another specific location is sought) (delete whichever is inapplicable).
3. That the hearing be convened for the following purposes:
  - a. examination of the witness;
  - b. cross-examination of the witness;
  - c. re-examination of the witness
 (delete any if inapplicable).

4. That the evidence be taken in the following way to facilitate the taking of evidence from the witness or to minimise the witness's embarrassment or distress, namely (*insert manner*).
5. That the following measures be taken to prevent the witness and the defendant from directly seeing or hearing each other before, during or after the hearing, namely (*insert measures*).
6. That the witness be accompanied at the hearing by (*insert name of relative/friend/other person*) for the purpose of providing emotional support.
7. That the taking of the evidence at the hearing be transmitted to the defendant by means of closed circuit television.
8. That the evidence be taken with the following communication assistance due to the witness's complex communication needs, namely (*insert communication assistance*).
9. That an audio visual record of the evidence be made.
10. (*Insert details of any other orders sought*).

## **Endorsements**

Application made pursuant to rule 57A of the *District Court Criminal Rules 2014* and section 12AB of the *Evidence Act 1929*.

## **Grounds**

The grounds relied upon are as follows: (*set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether to object and whether there will be a dispute on the relevant facts*).

1. The evidence of the witness is necessary for the purpose of the trial of the offence of (*insert offence*) because (*insert reasons*).

**Note: the offence must be:**

- a “serious offence against the person”;
- contravening or failing to comply with an intervention order under the *Intervention Orders (Prevention of Abuse) 2009*; or
- contravening or failing to comply with a restraining order under the *Criminal Procedure Act 1921*.

2. The witness is a witness to whom section 12AB applies because he/she is:
- a child under the age of 14 years having been born on *(insert date of birth)*;
  - a person with a disability that adversely affects his/her capacity to give a coherent account of his/her experiences or to respond rationally to questions.

*(delete whichever is inapplicable).*

**Note: if the application is made on the ground of disability, the application must be supported by an affidavit addressing the disability.**

3. The application is made for the witness to give evidence at a pre-trial special hearing because *(insert why order is sought)*.
4. The witness has a physical disability or cognitive impairment, namely *(insert details)* *(delete if inapplicable)*.
5. The witness has complex communication needs and requires communication assistance, namely *(insert details)* *(delete if inapplicable)*.

It is proposed that the communication assistance be provided by *(insert name)*, who:

- is/is not *(delete whichever is inapplicable)* to be called as a witness in the trial of the charge;
- is a communication partner for the purposes of the *Evidence Act 1929*;
- should be/is *(delete whichever is inapplicable)* approved by the Court to provide such assistance because *(insert details)*

*(delete whichever is inapplicable).*

**Date:**

*(signed)* .....

Director of Public Prosecutions

*(or)*

Defendant

*(or)*

Solicitor for the defendant

**IMPORTANT NOTICE TO RESPONDENT**

If you wish to oppose the application, you **MUST** file and serve a Notice of Objection (form 13B) within 14 days of service of this application on you. Otherwise the Court must make the order sought without reference to you.

If you file and serve a Notice of Objection within 14 days of service of this application on you, the application will be listed for hearing before a Judge. You will be notified by the Court of the date and time of the hearing.

(insert front sheet)

**NOTICE OF OBJECTION TO PRE-TRIAL SPECIAL HEARING**

**Objection**

(name of person objecting) .....  
of .....  
.....

objects to the witness (insert name) being permitted to give evidence at a pre-trial special hearing.

The grounds of the objection are: (insert a brief statement of the grounds of objection)

.....  
.....  
.....

**Date:**

(signed) .....  
Director of Public Prosecutions/Defendant/Solicitor for the Defendant (delete whichever is inapplicable)

**Hearing**

(When the application is to be given a separate listing date, the following will be completed by the Registry)

The application for a pre-trial special hearing will be heard before ..... in the District Court at ..... 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 parties and all persons served with the application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

**Date:**

*(signed)* .....

Registrar

*(insert front sheet)*

**APPLICATION FOR ADMISSION OF AUDIOVISUAL RECORD (PRE-TRIAL SPECIAL HEARING)**

TO THE *(INSERT ROLE)*: *(insert name of other party)*.....

AND TO *(insert names of any others to whom notice of the application is to be given)*.....

.....

**Application**

The Director of Public Prosecutions/Defendant *(insert name)* .....  
*(delete whichever is inapplicable)* seeks an order that the audio visual record of evidence of *(insert name)*  
made on *(insert date)* pursuant to section 12AB of the *Evidence Act 1929* be admitted in evidence at trial.

**Endorsements**

Application made pursuant to rule 57B of the *District Court Criminal Rules 2014* and section 13BA of  
the *Evidence Act 1929*.

**Grounds**

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the issues  
to be raised so that the other party may determine whether there will be a dispute on the relevant facts)*

1. The audio visual record of the witness was made pursuant to section 12AB at a pre-trial special hearing on *(insert date)* before *(insert name of judicial officer)*.
2. The witness' capacity to give sworn/unsworn *(delete whichever is inapplicable)* evidence at the time the recording was made is evidenced by *(insert details)*.



3. The party/parties (*delete whichever is inapplicable*) against whom it is sought that the evidence be admitted has/have (*delete whichever is inapplicable*) been given a reasonable opportunity to view the recording, namely:
  - (*insert name*) was notified on (*insert date*) by (*insert details of notification*) that the audio visual record was available for viewing at a time convenient;
  - (*insert name*) viewed the audio visual record on (*insert date*);
  - a copy of the audio visual record was provided to (*insert name*) on (*insert date*).

(*delete whichever is inapplicable*).
4. The witness will be available, if required, during the course of the trial for further examination, cross-examination and re-examination.
5. It is proposed that the audiovisual record be edited to exclude evidence that is or may be inadmissible in the following manner, namely (*insert details*).

**Date:**

(*signed*) .....  
 Director of Public Prosecutions

(*or*)

Defendant

(*or*)

Solicitor for the defendant

(*delete whichever is inapplicable*)

**Hearing**

(*When the application is to be given a separate listing date, the following will be completed by the Registry*)

This application will be heard before..... in the District Court at ..... 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 parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

**Date:**

(*signed*) .....  
Registrar

*(insert front sheet)*

**APPLICATION FOR ADMISSION OF AUDIOVISUAL RECORD (SUMMARY OFFENCES ACT)**

TO THE *(INSERT ROLE)*: *(insert name of other party)*.....

AND TO *(insert names of any others to whom notice of the application is to be given)*.....

.....

**Application**

The Director of Public Prosecutions/Defendant *(insert name)* .....  
*(delete whichever is inapplicable)* seeks an order that the audio visual record of evidence of *(insert name)*  
made on *(insert date)* pursuant to section 74EB of the *Summary Offences Act 1953* be admitted in  
evidence at trial.

**Endorsements**

Application made pursuant to rule 57B of the *District Court Criminal Rules 2014* and section 13BA of  
the *Evidence Act 1929*.

**Grounds**

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the issues  
to be raised so that the other party may determine whether there will be a dispute on the relevant facts)*

1. The audio visual record of the witness was made pursuant to section 74BE at an interview on *(insert  
date)* by *(insert name(s) of interviewer(s))*.

2. The witness's capacity to give sworn/unsworn (*delete one if only one form of giving evidence is applicable*) evidence at the time the recording was made is evidenced by (*insert details*)
3. The party/parties (*delete whichever is inapplicable*) against whom it is sought that the evidence be admitted has/have (*delete whichever is inapplicable*) been given a reasonable opportunity to view the recording, namely:
  - (*insert name*) was notified on (*insert date*) by (*insert details of notification*) that the audio visual record was available for viewing at a time convenient;
  - (*insert name*) viewed the audio visual record on (*insert date*);
  - a copy of the audio visual record was provided to (*insert name*) on (*insert date*).

(*delete whichever is inapplicable*).
4. The witness will be available, if required, during the course of the trial for further examination, cross-examination and re-examination.
5. The witness was born on (*insert date*).
6. The witness has a disability that adversely affects his/her capacity to give a coherent account of his/her experiences or to respond rationally to questions, namely (*insert disability*).
7. The evidence of the witness is relevant to the trial of the charge of (*insert offence*) against (*insert name of defendant*).

**Note** —

**The offence must be a “serious offence against the person”.**

8. The interview was conducted in accordance with section 74EB of the *Summary Offences Act 1953* except (*insert details of any non-compliance*).

**Note** —

The application must be supported by an affidavit deposing as to compliance with section 74EB of the *Summary Offences Act 1953*.

9. Notwithstanding such non-compliance, it is contended that the interests of Justice require the admission of the evidence.

*(delete if inapplicable)*

**Note —**

If there is any non-compliance, the application must be supported by an affidavit deposing to the facts by reason is which the interests of justice require the admission of the evidence despite the no-compliance.

10. It is proposed that the audiovisual record be edited to exclude evidence that is or may be inadmissible in the following manner, namely *(insert details)*.

**Date:**

*(signed)* .....  
Director of Public Prosecutions

*(or)*

Defendant

*(or)*

Solicitor for the defendant

*(delete whichever is inapplicable)*

**Hearing**

*(When the application is to be given a separate listing date, the following will be completed by the Registry)*

This application will be heard before..... in the District Court at ..... 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 parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

**Date:**

*(signed)*

.....

Registrar

(insert front sheet)

**ORIGINATING APPLICATION FOR RELEASE ON BAIL**

*Bail Act 1985 s 8(1)*

I, (insert full name of applicant) ..... apply for bail.

Signature of applicant: .....

Date of birth of applicant: .....

Date of application: .....

Time of application: .....

**Additional information if application made to a court**

Court applied to (if known): .....

Location of court (if known): .....

Court file number (if known): .....

Police file number (if known): .....

Offences in respect of which bail is applied for (if known): .....

Representation at hearing: YES/NO

(provide details if YES): .....

**Decision of bail authority (other than court)**

*Tick appropriate box*

- Bail refused (the bail authority must make a written record or reasons for its decision)
- Bail granted (Form 4 *Bail Agreement* must be completed)

Bail Authority:

- If the bail authority is a police officer – the police officer’s surname, rank and police identification number:
  
- If the bail authority is not a police officer – the full name of the bail authority:

**Date:**

**Time:**

(signed) .....

Bail Authority



(insert front sheet)

**APPLICATION FOR DIRECTIONS TO RECEIVE EVIDENCE OR SUBMISSIONS BY AUDIOVISUAL LINK**  
*Evidence Act 1929 s 59IE/59IQ*

TO THE (INSERT ROLE): (insert name of other party) .....

AND TO (insert names of others to whom notice of the application is to be given) .....

.....

**Application**

The Director of Public Prosecutions/Defendant (*delete whichever is inapplicable*) applies for the following orders or directions:

1. an order that

- the evidence of (*identify the witness*).....
- submissions by (*identify the person and subject matter*) .....

(*delete whichever is inapplicable*)

at the

- hearing of the application for (*identify the application*).....
- directions hearing on (*insert date*) .....
- trial on (*insert date*) .....

(*delete whichever is inapplicable*)

be conducted with the aid of an audio link/audiovisual link (*delete whichever is inapplicable*).

11. (*set out any other order(s) or direction(s) sought*)

**Particulars**

- 1. It is proposed that the link be utilised in relation to the whole of the proceeding/portion only of the proceeding, namely ..... *(delete whichever is inapplicable)*
- 2. The persons proposed appear before the Court or give evidence by the proposed link are as follows: *(names and roles)*
- 3 The link is required from *(originating city/town)* to *(receiving city/town)*.
- 4. The time proposed for the commencement of the link is *(time and date)*.
- 5. The estimated duration of the link is *(period)*.
- 6. The application is made with/without *(delete whichever is inapplicable)* the consent of all parties to the proceedings.

*(If all parties do not consent, identify any non-consenting party and the nature of the objection raised)*

**Grounds**

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of the issues to be raised so that the other party may determine whether there will be a dispute on the relevant facts)*

.....  
.....  
.....  
.....

**Date:**

*(signed)* .....

Director of Public Prosecutions/Defendant/Solicitor for the defendant *(delete whichever is inapplicable)*

**Hearing**

*(When the application is to be given a separate listing date, the following will be completed by the*

*Registry)*

This application will be heard before.....in the District Court at  
..... at ..... 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 parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it sees fit.

**Date:**

*(signed)* .....

Registrar

(insert front sheet)

**NOTICE OF INTENTION BY DIRECTOR TO ADDUCE DISCREDITABLE CONDUCT EVIDENCE**  
*Evidence Act 1929 s 34P(4)*

TO THE DEFENDANT: *(insert name of defendant)* .....

**Notice**

The Director of Public Prosecutions intends at trial to seek to adduce evidence of discreditable conduct of *(insert name)* .....

**Particulars of evidence of conduct**

A. In respect of the first item of discreditable conduct:

A1. The nature of the discreditable conduct is

.....  
.....

A2. The witness from whom the evidence is to be led, whether in examination-in-chief or in cross-examination, is

.....  
.....

A3. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count *(identify the first count to which the evidence is said to be relevant)* is

.....  
.....  
.....

A4. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count *(identify the second count to which the evidence is said to be relevant)* is

.....  
.....  
.....

*(Repeat number 4 for each further count to which the evidence is said to be relevant)*

B. *(Repeat A1 to A4 for each additional item of discreditable conduct alleged)*

**Action required**

If you wish to object to the admission of the evidence of discreditable conduct proposed to be adduced by the Director of Public Prosecutions you must, within 28 calendar days after the filing of this Notice, file in the Court and serve on all other parties to the proceeding a Notice using form 17 which sets out the grounds of your objection.

**Date:**

*(signed)* .....

Director of Public Prosecutions

**Note**

This Notice must be filed in the Court and served on all other parties to the proceedings within 21 calendar days after the date on which proceeding is listed for trial.

(insert front sheet)

**NOTICE OF INTENTION BY DEFENDANT TO ADDUCE DISCREDITABLE CONDUCT EVIDENCE**  
*Evidence Act 1929 s 34P(4)*

TO THE DEFENDANT: *(insert name of co-defendant)* .....

AND TO THE DIRECTOR OF PUBLIC PROSECUTIONS

**Notice**

The defendant *(insert name)*..... intends at trial to seek to adduce evidence of discreditable conduct of *(insert name)* .....

**Particulars of evidence of conduct**

A. In respect of the first item of discreditable conduct:

A1. The nature of the discreditable conduct is

.....  
.....

A2. The witness from whom the evidence is to be led, whether in examination-in-chief or in cross-examination, is

.....  
.....

A3. The use of the evidence said to be permissible under section 34P(2)(b) in respect of count *(identify the first count to which the evidence is said to be relevant)* is

.....  
.....

A4. The use of the evidence said to be permissible under section 34P(2)(b) in respect of

count (*identify the second count to which the evidence is said to be relevant*) is

.....  
.....  
.....

(Repeat number 4 for each further count to which the evidence is said to be relevant)

B. (Repeat A1 to A4 for each additional item of discreditable conduct alleged)

**Action required**

If you wish to object to the admission of the evidence of discreditable conduct proposed to be adduced by your co-defendant you must, at least 5 clear business days before the listed trial date, file in the Court and serve on all other parties to the proceeding a Notice using form 17 that sets out the grounds of your objection.

**Date:**

(signed) .....

Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)

**Note**

This Notice must be filed in the Court and served on all other parties to the proceeding at least 21 clear calendar days before the listed trial date.

(insert front sheet)

**NOTICE OF INTENTION TO OBJECT TO PROPOSED DISCREDITABLE CONDUCT EVIDENCE**

*Evidence Act 1929 s 34P(4)*

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

AND TO THE DEFENDANT: *(insert name of co-defendant if applicable)*.....

.....

**Notice**

TAKE NOTICE that *(insert role and name of party objecting)* .....

will object to the evidence of discreditable conduct proposed to be adduced by *(insert role and name of relevant party)* .....

The evidence of discreditable conduct to which objection is taken is *(specify the particular proposed evidence of discreditable conduct to which and the counts in respect of which objection is taken)*

.....

**Grounds**

The grounds of objection are as follows:

1. *(set out, separately in relation to each allegation of discreditable conduct, the grounds of objection)*

2.

*(etc)*

**Date:**

*(signed)* .....



Director of Public Prosecutions/Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)

**Note**

This Notice must be filed in the Court and served on all other parties to the proceeding:

- if in response to evidence proposed to be led by the Director of Public Prosecutions—no later than 28 calendar days after the Director of Public Prosecutions filed a Notice of Intention to Adduce Discreditable Conduct;
- otherwise— at least 5 clear business days before the listed trial date.

(insert proceeding heading)

**ORDER REQUIRING NOTIFICATION WHETHER DEFENCE DISPENSES WITH CALLING PROSECUTION WITNESSES**

*Criminal Procedure Act 1921 s 134(4)*

TO THE DEFENDANT: (insert name of defendant) .....

**Order**

The Court requires you to notify the Director of Public Prosecutions whether you consent to dispensing with calling the following prosecution witnesses (names of witnesses).....

.....  
to establish the admissibility of evidence of the following: (description of evidence).....

.....  
.....  
.....

**Action required**

YOU ARE REQUIRED to give a written reply to this Notice in form 19 of the *Criminal Supplementary Rules 2014* within ..... days of the service of this Order on you or your solicitor.

**Warning**

If you fail to reply within this time, your consent to the tender of the evidence specified in this Notice for the purposes specified in this Notice will be conclusively presumed.

**Date:**

(signed) .....

Judge (insert name)

(insert front sheet)

**NOTIFICATION WHETHER DEFENCE CONSENTS TO DISPENSING WITH CALLING PROSECUTION WITNESSES**

*Criminal Procedure Act 1921 s 134(4)*

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

**Response**

In response to the order dated .....of Judge .....,  
the defendant (*insert name of defendant*) .....

- consents to the prosecution dispensing with the need to call witnesses to establish the admissibility of the following evidence (*description of evidence*)

.....  
.....  
.....

- does not consent to the prosecution dispensing with the need to call witnesses to establish the admissibility of the evidence/other evidence (*delete whichever is inapplicable*) identified in the order.

(*delete whichever is inapplicable*)

**Date:**

(*signed*) .....

Defendant/Solicitor for the defendant (*delete whichever is inapplicable*)

Form 20 – There is no Form 20 (deleted by Amendment No. 5 effective 1 June 2018)

Form 21 – There is no Form 21 (deleted by Amendment No. 5 effective 1 June 2018)

*(insert proceeding heading)*

**ORDER REQUIRING DEFENCE TO GIVE PROSECUTION NOTICE OF INTENTION TO ADDUCE EVIDENCE**  
*Criminal Procedure Act 1921 s 134(1)*

TO THE DEFENDANT: *(insert name of defendant)*.....

**Order**

The Court requires you to give to the Director of Public Prosecutions notice of an intention to introduce at trial evidence of the following kind: *(description of the kind of evidence)*

.....  
.....

**Action required**

YOU MUST give written notice in form 23 of the *Criminal Supplementary Rules 2014* of your intention to call evidence of the kind set out above within ..... days of service of this Order on you or your solicitor.

**Warning**

Non-compliance with this order does not render evidence inadmissible, but the prosecutor or the Judge (or both) may comment on the non-compliance to the jury.

**Date:**

*(signed)* .....

Judge *(insert name)*

*(insert front sheet)*

**NOTICE OF INTENTION TO ADDUCE EVIDENCE**  
*Criminal Procedure Act 1921 s 134(1)*

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

**Response**

In response to the order dated .....of Judge .....,  
the defendant (*name of defendant*) .....  
intends to introduce at the trial evidence of the following kind:

.....  
.....  
.....  
.....  
.....

**Date:**

*(signed)* .....

Solicitor for the defendant/Defendant (*delete whichever is inapplicable*)

(insert front sheet)

**NOTICE OF INTENTION TO INTRODUCE EXPERT OR ALIBI EVIDENCE**  
*Criminal Procedure Act 1921 s 124*

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

**Written statement – Expert evidence**

The defendant (*name of defendant*) .....  
intends to introduce expert evidence  
at trial/during submissions on sentence (*delete whichever is inapplicable*)  
from (*insert name and field of expertise of expert*)  
.....  
.....

The witness will give the following evidence: (*set out concisely the general nature of the evidence and what it tends to establish*)  
.....  
.....  
.....

**Written statement – Alibi evidence**

The defendant (*name of defendant*) .....  
intends to introduce alibi evidence at trial from (*insert name*)  
.....  
.....

The address of the person to give alibi evidence is (*delete if inapplicable*)  
.....  
.....

The witness will give the following evidence: (*set out concisely the general nature of the evidence and what it tends to establish*)  
.....



.....  
.....

**Declaration**

I verify and declare that the statements contained in this notice are true to best of my knowledge and belief.

**Date:**

(signed) .....  
Defendant (*where the defendant is unrepresented*)

(signed) .....  
Solicitor for the defendant in the presence of the defendant (*where the defendant is represented by a legal practitioner*)

**Warning**

The Court determining proceedings for an indictable offence may refuse to admit evidence in the proceedings that is sought to be adduced by a party who has failed to comply with section 124 of the *Criminal Procedure Act 1921*.

**Note**

Section 124 of the *Criminal Procedure Act 1921* requires that this notice be signed by the defendant personally or be signed, in the presence of the defendant, by a legal practitioner representing the defendant or, in the case of a body corporate, by a legal practitioner representing the body corporate.

**Note**

If the Director of Public Prosecutions is not provided with notice of intention to introduce expert evidence within the timeframe provided for in section 124 of the *Criminal Procedure Act 1921*, the Court may, on application by the prosecutor, adjourn the case to allow the prosecution a reasonable opportunity to obtain expert advice on the proposed evidence if the defendant is to be permitted to adduce the evidence.

(insert proceeding heading)

**LETTER OF REQUEST**  
*Evidence Act 1929 s 59E(1)(c)*

TO THE COMPETENT JUDICIAL AUTHORITY OF (insert place).....  
..... in (insert country).....

**Background**

An action has been commenced in the District Court of South Australia, in which  
(insert name of party) .....of (insert address).....  
is the (insert role of party) .....

and (insert name of party).....of (insert address).....  
is the (insert role of party) .....

It is necessary, for the determination of the matters in dispute, that the following person, resident within  
your jurisdiction, be examined as a witness upon oath or affirmation concerning those matters: (insert  
name, address of proposed witness and state concisely the matters to which the witness is required to  
testify)

.....  
.....

**Request**

I (name)....., the Registrar of the District Court of South Australia,  
request pursuant to section 59E of the *Evidence Act 1929* that, for the assistance of the Court, you  
summon the witness to attend, at a time and place you appoint, before a person who according to your  
procedure is competent to take examinations of witnesses, and that you cause the witness to be  
examined orally with regard to the matters in question, in the presence of the agents of the parties, or  
such of them as, on due notice given, attend the examination.

I request that you permit the agents of the (*insert name of party seeking that witness be called*)..... to examine the witness, and permit any other party to cross examine the witness and the party producing the witness for examination to re-examine the witness orally.

I request that the evidence of the witness be reduced into writing and all documents and things produced upon the examination be duly marked for identification, and that you authenticate the examination by the seal of your Court or in another way in accordance with your procedure, and return them to me together with a note of the charges and expenses payable in respect of this request through the Attorney-General of South Australia from whom this request was received for transmission to the District Court of South Australia.

I request that you cause me, and the agents of the parties if appointed, to be informed of the date and time when and place where the examination is to take place.

**Date:**

(*signed*) .....

Registrar

Form 26 – There is no Form 26 (deleted by Amendment No. 1 effective 1 May 2016)

*(insert proceeding heading)*

**SUBPOENA**

TO: *(name of addressee)*

*(address)*

**You are ordered to attend to give evidence – see below 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 Judge *(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: District Court, Sir Samuel Way Building, 241-259 Victoria Square 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 in so far 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)

*(insert proceeding heading)*

**SUBPOENA**

TO: *(name of addressee)*

*(address)*

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule – see below 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 Judge *(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: District Court, Sir Samuel Way Building, 241-259 Victoria Square Adelaide

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

District Court Criminal 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. if insufficient space attach list)*



## 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. 4.

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

5. In so far 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 No. 4.

11. Deleted by Amendment No. 4.

### **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)

*(insert proceeding heading)*

**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 – see below 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 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: District Court, Sir Samuel Way Building, 241-259 Victoria Square 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.

---

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: District Court, Sir Samuel Way Building, 241-259 Victoria Square Adelaide

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

District 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. if insufficient space attach list)*

## 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 in so far 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. In so far 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 No. 4.

11. Deleted by Amendment No. 4.

#### **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)

*(insert proceeding heading)*

**NOTICE AND DECLARATION BY ADDRESSEE OF SUBPOENA**

TO: *(name of addressee)*

*(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)* .....



*(insert proceeding heading)*

**ORIGINATING APPLICATION TO FIX NON-PAROLE PERIOD**

*Sentencing Act 2017 s 47(3)*

TO THE PAROLE BOARD

TO THE PRISONER: *(insert name)*

.....

*(delete whichever is inapplicable)*

AND THE DIRECTOR OF PUBLIC PROSECUTIONS

**Application**

*(name of applicant)* .....

applies under section 47(3) of the *Sentencing Act 2017* for an order fixing a non-parole period in respect of a sentence imposed in the *(insert Court)* ..... on *(insert date)*.....

of imprisonment for *(insert sentence imposed)*

.....

with a non-parole period of *(insert non-parole period imposed)*.....

*(delete if inapplicable)*

- On *(insert date)*.....the Parole Board of South Australia cancelled the applicant’s release on parole and directed that the applicant serve the balance of the sentence being *(insert period)*.....which commenced on *(insert date)*.
- The applicant is serving a term of imprisonment of one year or more, and has not had a non-parole period fixed in respect of that sentence  
*(delete whichever is inapplicable)*

The applicant’s sentence will expire on *(insert date)*.....

**Relevant matters**

The applicant would like the sentencing Court to consider the following facts when it fixes the non-parole period:

.....  
.....  
.....

**Applicant’s address**

The applicant’s address for service is:

Place: .....

.....

Email: .....

The applicant’s address is (*place of residence or business*):

.....  
.....

**Date:**

(*signed*) .....

Prisoner/Solicitor for the prisoner/Parole Board of South Australia (*delete whichever is inapplicable*)

**Hearing**

*(When the application is to be given a separate listing date, the following will be completed by the Registry)*

This application will be heard before ..... in the District Court at ..... 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 parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it sees fit.

**Date:**

*(signed)* .....

Registrar

(insert front sheet)

**ORIGINATING APPLICATION**

TO THE (INSERT ROLE): (insert name of other party).....

AND TO (insert names of others to whom notice of the application is to be given).....

**Application**

The Director of Public Prosecutions/Parole Board/Public Advocate/Attorney-General/Defendant/ Applicant (delete whichever is inapplicable) (insert name and address where application made by or on behalf of the defendant or another individual) seeks the following orders:

- 1. (state briefly but specifically the orders sought)

**Grounds**

The grounds relied upon by the applicant are as follows: (set out sufficient particulars to give proper notice of the basis of the orders sought)

.....  
.....

**Applicant's address**

The applicant's address for service is:

Place: .....  
.....

Email: .....

The applicant's address is (place of residence or business):

.....  
.....

**Date:**

*(signed)* .....

Director of Public Prosecutions/Parole Board/Public Advocate/Attorney-  
General/Defendant/Applicant (*delete whichever is inapplicable*)

**Hearing**

*(When the application is to be given a separate listing date, the following will be completed by the Registry)*

This application will be heard before.....in the District Court  
at.....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 parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

**Date:**

*(signed)* .....

Registrar

(insert proceeding heading)

**WARRANT FOR DETENTION**  
*Criminal Law Consolidation Act 1935 s 269O/269P/269U*

**Particulars of Defendant**

Name: .....  
Date of Birth: .....  
Address: .....  
.....

**Particulars of supervision order**

Offence charged: .....  
Section and Act under which offence charged: .....  
Court which made supervision order: .....  
Terms of Supervision Order: .....  
Date of Supervision Order: .....  
Period of limiting term: .....  
Date Warrant issued: .....

**Warrant**

TO THE SHERIFF  
AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE  
AND THE MINISTER OF HEALTH.

- The defendant named in this warrant has been dealt with by the Court and, having been declared liable to supervision, committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*.
- The defendant named in this warrant was committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*. The defendant was subsequently released on licence but on (date) ..... the Court cancelled the release.

(delete whichever is inapplicable)

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to James Nash House and you, the Minister of Health are directed to detain the defendant in accordance with the supervision order.

**Date:**

*(signed)* .....

Judge (*name*)

(insert proceeding heading)

**WARRANT OF REMAND IN CUSTODY PENDING INVESTIGATION**

*Criminal Law Consolidation Act 1935 s 269X(1)*

**Particulars of Defendant**

Name: .....

Date of Birth: .....

Address: .....

**Particulars of investigation and institution**

Offence charged: .....

Section and Act under which offence/s charged: .....

Investigation into the mental fitness of the defendant to stand trial on the offence charged/the mental competence of the defendant to commit the offence charged (*delete whichever is inapplicable*)

Institution defendant is to be taken to: .....

**Warrant**

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE MINISTER OF HEALTH/THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONAL SERVICES (*delete whichever is inapplicable*)

The defendant named in this warrant is subject of an investigation into his/her (*delete whichever is inapplicable*) fitness to stand trial/mental competence (*delete whichever is inapplicable*) pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to the institution referred to above.

The defendant is to be taken to the institution referred to above until a placement at a secure mental



health facility is available and then the defendant is to be transferred to the care of the Minister of Health.

You, the/the Chief Executive of the Department of Correctional Services/Minister of Health (*delete whichever is inapplicable*) are directed to detain the defendant until the conclusion of the investigation.

**Date:**

(*signed*) .....

Judge (*name*)

(insert proceeding heading)

**WARRANT OF REMAND IN CUSTODY AFTER DECLARED LIABLE TO SUPERVISION**

*Criminal Law Consolidation Act 1935 s 269X(2), 269U(3)*

**Particulars of Defendant**

Name: .....

Date of Birth: .....

Address: .....

**Particulars of declaration and institution**

Offence charged: .....

Section and Act under which offence charged: .....

Court which made declaration liable to supervision: .....

Date declared liable to supervision: .....

Institution defendant is to be taken to: .....

Date and time to which remanded: .....

**Warrant**

TO THE SHERIFF

AND TO THE COMMISSIONER OF POLICE AND MEMBERS OF THE POLICE FORCE

AND TO THE CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONAL SERVICES

The defendant named in this warrant has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935*.

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to the correctional institution referred to above.

- The defendant is to be taken to the institution referred to above until a placement at a secure mental health facility is available and then the defendant is to be transferred to the care of the Minister of Health.
- You, the Chief Executive, Department of Correctional Services/ Minister of Health, are directed to detain the defendant until such time as the Court makes all orders which are required to be made pursuant to s 269O of the Act.
- The defendant named in this warrant was committed to detention with a limiting term pursuant to Part 8A of the *Criminal Law Consolidation Act 1935*. The defendant was subsequently released on licence but on..... the Court on an application for review of the supervision order under section 269U made an order that the defendant be detained until the application is determined.

*(delete whichever is inapplicable)*

**Date:**

*(signed)* .....

Judge (*name*)

## History of Amendment

New entries appear in **bold**

Rules	Amendments	Date of Operation
am = amended; del = deleted; ins = inserted; ren = renumbered; sub = substituted		
Form 3	am am 5 sub am 6	1 June 2018 1 May 2019
Form 3A	ins am 3	1 December 2016
Form 3B	ins am 3	1 December 2016
Form 4	am am 5	1 June 2018
Form 11A	ins am 3 am am 5	1 December 2016 1 June 2018
Form 13A	ins am 2 am am 5	27 June 2016 1 June 2018
Form 13B	ins am 2	27 June 2016
Form 13C	ins am 2	27 June 2016
Form 13D	ins am 2 sub am 3	27 June 2016 1 December 2016
<b>Form 13E</b>	<b>ins am 8</b>	<b>1 January 2021</b>
Form 18	am am 5	1 June 2018
Form 19	am am 5	1 June 2018
Form 20	del am 5	1 June 2018
Form 21	del am 5	1 June 2018
Form 22	am am 5	1 June 2018
Form 23	am am 5	1 June 2018
Form 24	sub am 5	1 June 2018
Form 26	del am 1	1 May 2016
Form 26A	ins am 1	1 May 2016
Form 26B	ins am 1 am am 4	1 May 2016 1 December 2017
Form 26C	ins am 1 am am 4	1 May 2016 1 December 2017
Form 27	sub am 1	1 May 2016
Form 28	am am 5	1 June 2018