**First Nations Voice Court of Disputed Returns (Reinstated) Rules 2024**

**SOUTH AUSTRALIA**

**The Chief Judge of the District Court of South Australia makes the following rules for the Court of Disputed Returns pursuant to clause 27 of schedule 1 of the *First Nations Voice Act 2023.***

**1—Introduction**

#### **1.1—Title**

These Rules may be cited as the “First Nations Voice Court of Disputed Returns (Reinstated) Rules 2024”.

#### **1.2—Commencement**

These Rules come into effect on the date of their publication in the Gazette.

**2—Interpretation**

#### **2.1—Definitions**

In these Rules:

**“*the Act*”** means the *First Nations Voice Act 2023*;

**“*the Court*”** means the Court of Disputed Returns;

***“the Uniform Civil Rules”*** means the *Uniform Civil Rules 2020*.

**3—Proceedings in the Court**

#### **3.1—Petition**

A petition under section 21(1) of the Act is to be generally in Form 1 below.

#### **3.2—Reply**

1. A reply under section 21(4) of the Act is to be generally in Form 2 below.
2. A reply lodged by one of multiple respondents is to be served by that respondent on all other respondents.

#### **3.3—Application of the Uniform Civil Rules**

1. Except as is expressly or impliedly otherwise provided by the Act or these Rules, and subject to any contrary directions of the Court, all proceedings under part 8 of schedule 1 of the Act will be governed by the Uniform Civil Rules.
2. For the purposes of applying the Uniform Civil Rules to proceedings under part 8 of schedule 1 of the Act:
3. a petitioner is the equivalent of an applicant.
4. a respondent is the equivalent of a respondent.
5. a petition is the equivalent of an originating application.
6. a reply is the equivalent of a reply.
7. lodge is the equivalent of file.

#### **4—Fees**

The fees payable are:

|  |  |
| --- | --- |
| **FEE** | **AMOUNT** |
| 1. On lodging a petition | $170.00 |
| 1. For each request to search and/or inspect a record of the Court | $28.00 |
| 1. For copy of any other document – per page – including: 2. a copy of evidence 3. a copy of transcript | $5.65 |

Form 1

**PETITION**

SOUTH AUSTRALIA

IN THE COURT OF DISPUTED RETURNS

No of

AB

petitioner

and

CD and EF

respondents

This is the petition under part 8 of schedule 1 of the First Nations Voice Act 2023 of (set out full name and address of petitioner) which alleges:

(Set out in separate numbered paragraphs each of the facts relied on to invalidate the election.)

AND on the above allegations the petitioner seeks the following relief:

(Set out the relief to which the petitioner claims to be entitled).

DATED

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

(Signed by the petitioner)

It is intended to serve this petition on: (Set out the names and addresses of each of the respondents).

The address for service of the petitioner is (Set out an address for service to comply with the Uniform Civil Rules).

(Where the petition is filed by a solicitor acting for the petitioner). This petition is filed by of , solicitor for the petitioner.

Form 2

**REPLY**

SOUTH AUSTRALIA

IN THE COURT OF DISPUTED RETURNS

No of

AB

petitioner

and

CD and EF

respondents

In answer to the petition the respondent (set out full name) relies on the following facts:

(Set out in separate numbered paragraphs each of the facts relied upon by the respondent)

The respondent (set out full name) seeks the following relief:

(Set out any relief to which the respondent claims to be entitled)

DATED

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

(Signed by or on behalf of the respondent)

The address for service of the respondent (set out name) is (set out an address for service to comply with the Uniform Civil Rules)

(Where the reply is filed by a solicitor acting for the respondent) This reply is filed by of , solicitor for the respondent (insert name).

In accordance with the *First Nations Voice Act 2023*, and all other enabling powers, the *First Nations Voice Court of Disputed Returns (Reinstated) Rules 2024* have been made as rules of the Court of

Disputed Returns by the Chief Judge of the District Court and such rules will apply to and in relation to the Court in accordance with their terms.

Dated this 16th day of September 2024.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CHIEF JUDGE EVANS**