

**SUPPLEMENTARY GAZETTE**



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

**PUBLISHED BY AUTHORITY**

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ADELAIDE, WEDNESDAY, 21 AUGUST 2024

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**

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# RULES OF COURT

SUPREME COURT ACT 1935

DISTRICT COURT ACT 1991

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

MAGISTRATES COURT ACT 1991

YOUTH COURT ACT 1993

SOUTH AUSTRALIA

*Joint Criminal (No 4) Amending Rules 2024*

By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Environment, Resources and Development Court Act 1993*, the *Magistrates Court Act 1991* and the *Youth Court Act 1993*, and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court, the Senior Judge of the Environment, Resources and Development Court, the Chief Magistrate of the Magistrates Court, and the Judge of the Youth Court make the following *Joint Criminal (No 4) Amending Rules 2024*.

1. These Rules may be cited as the *Joint Criminal (No 4) Amending Rules 2024*.
2. The amendments made by these rules come into effect on the later of—
  - (a) Monday 26 August 2024; or
  - (b) the date of their publication in the Gazette.
3. In these Rules—

the **commencement date** means the date on which these Rules come into effect under rule 2;
4. The *Juries Rules 1996* are repealed.
5. The *Joint Criminal Rules 2022* (“the Rules”) are amended as set out below.
6. The definition of **judicial officer** in rule 2.1 is deleted and substituted as follows:

“**judicial officer** means—

  - (a) in respect of the Supreme Court—a Justice or Auxiliary Justice of the Court;
  - (b) in respect of the District Court—a Judge or Auxiliary Judge of the Court or an Associate Judge or Judicial Registrar exercising power of the Court conferred by rule 11.2;
  - (c) in respect of the Environment, Resources and Development Court—a Judge of the Court or an Associate Justice or Judicial Registrar exercising power of the Court conferred by rule 11.3;
  - (d) in respect of the Youth Court—the Judge or a Magistrate of the Court or a Special Justice exercising power of the Court conferred by rule 11.4; and
  - (e) in respect of the Magistrates Court—a Magistrate of the Court or a Judicial Registrar, Special Justice or two Justices of the Peace exercising power of the Court conferred by rule 11.5;”
7. Rule 11.2 is deleted and substituted as follows:

“**11.2—Original jurisdiction—District Court**

  - (1) The jurisdiction of the District Court may be exercised by a Judge in court or in chambers in all proceedings.

**Note—**

Section 23 of the *District Court Act 1991* provides that, subject to any Act or rule to the contrary, the court’s proceedings must be open to the public.

  - (2) The jurisdiction of the District Court to hear and determine an interlocutory application or make interlocutory orders (which for the avoidance of doubt do not include a variation or enforcement application or order governed by Chapter 8) may be exercised by an Associate Judge or Judicial Registrar in court or in chambers in proceedings to the extent that the Chief Judge directs.

**Note—**

Section 20(1)(b) of the *District Court Act 1991* provides that, subject to that section, if a matter lies within a jurisdiction of the Court conferred by any statute or the rules on Associate Judges, the Court may be constituted of an Associate Judge. Section 51(1)(b) empowers the Court to make rules authorising Associate Judges or Judicial Registrars to exercise any part of the jurisdiction of the Court. Section 16C(1) provides that Judicial Registrars may exercise such jurisdiction of the Court as assigned by the Chief Judge or the rules.”
8. Subrule 16.2(5) is renumbered as (4), and the words “subrule (3) or (4)” are substituted by “subrule (2) or (3)”.  
9. Subrule 16.2(6) is renumbered as (5).

10. In Schedule 2, Form 21B—Interlocutory Application for Review of Bail by Telephone is deleted and substituted as follows:

Form 21B

## INTERLOCUTORY APPLICATION FOR REVIEW OF BAIL BY TELEPHONE

**Bail Act 1985 s 15**

**[FULL NAME]**

**Defendant/Youth**

**[FULL NAME]**

**Police Contact**

**Name of Magistrate contacted:**

**Date of Application:** *[date]*

**Time of Application:** *[time]*

<b>Applicant for bail review</b>		
	Party title	Full Name of party
Name of law firm/office		
If applicable	Law firm/office	Name of responsible solicitor

### Application details

The Applicant is charged with *[list offences at least by reference to name and Act and section if statutory offences]*.

**Result of Application**

Result of review: Bail [*refused/granted*] select one

Decision on review:

.....  
Signature of Magistrate

.....  
Date and Time

11. In Schedule 2, Form 21C—Interlocutory Application to Vary or Revoke Bail Agreement is deleted and substituted as follows:

Form 21C

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
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## INTERLOCUTORY APPLICATION TO VARY OR REVOKE BAIL AGREEMENT

**Bail Act 1985 s 6(4)**

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
CRIMINAL JURISDICTION

**[FULL NAME]**

**Informant/R**

**v**

**[FULL NAME]**

**Defendant/Youth**

<b>Lodging party</b>		
	<small>Party title</small>	<small>Full Name of party</small>
Name of law firm/office <small>If applicable</small>	<small>Law firm/office</small>	<small>Name of responsible Solicitor</small>
Name of authorised officer <small>If body corporate and no law firm/office</small>	<small>Full Name</small>	

**Application details**

The [*Defendant/Youth*] [*full name*], [*phone number*]

- is charged with the charge(s) set out in the Information dated [*date*]
- has been convicted of the charge(s) being count number(s) in the Information dated [*date*]

The [*Defendant/Youth*] was granted bail on [*date*]

Complete the following if the Defendant has multiple files in any Court

The Court case number[s] for any other criminal matters the Defendant has before any other Court are:

- [*Court case number*]

**Guarantor**

- [*full names of guarantors*]

who is a Guarantor in respect of the Bail Agreement

- has not consented to this Application.
- consents to this Application as evidenced by eg letter or email from Guarantor [*details of evidence*]

**Application**

The applicant [*full name*], applies to the [*name of Court*] at [*Registry location*] to:

- vary the conditions of the Bail Agreement
  - to vary the bail address.
  - for permission to travel.
  - [*other*]
- revoke the Bail Agreement.

Complete only if application being made to vary bail

If the Application is granted, the applicant would prefer to sign the varied Bail Agreement at [*Registry/Police location*].

**Grounds of Application**

Complete only if application is to vary bail address

This Application is made on the grounds that:

- 1. The applicant wishes to live at *[full address]* from *[date]*.
- 2. If applicable The applicant's landlord at the new address would be *[full name]*, whose telephone number is *[phone number]*.
- 3. The applicant is seeking to change address because *[reason(s)]*.

Complete only if application is 'for permission to travel'

This Application is made on the grounds that:

- 1. The applicant wishes to travel within Australia/overseas delete one between *[date]* and *[date]*.
- 2. The applicant proposes to travel to the following destinations: location(s) and address(es) with corresponding dates
  - a.
- 3. The applicant is seeking to travel because *[reason(s)]*.

Complete if application is 'other' variation of to 'revoke the Bail Agreement'

This Application is made on the grounds

- set out in the accompanying affidavit sworn by *[full name]* on *[date]*.
- that: grounds in separately numbered paragraphs
  - 1. ....
  - 2. ....

**Proposed Address for Bail Variation**

The Defendant/Youth *[is applying for home detention bail to the proposed address/is on home detention bail]*

- Yes
- No

Details of Proposed Address

Proposed address: *[address]*

Phone number at proposed address: *[phone number]*

Contact person at proposed address: *[full name]*

Relationship to the Applicant? e.g. mother *[relationship]*

The property is

- owned by the Applicant
- a Housing Trust property
- rented by the Applicant
- owned by someone else, namely: *[full name]*
- rented by someone else, namely: *[full name]*
- other, namely: *[details and full name]*

The current people living at the proposed address are:

1. *[full names]*

#### **To the Other Parties: WARNING**

If a date and time is set out at the top of this document, this Application will be considered at the hearing at that date and time.

If no date or time is set out at the top of this document, this Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If you wish to oppose the Application or make submissions about it, **you must go to the hearing.**

If you do not do so, the Court **may proceed without you being present**, and orders may be made **finally determining** this application without further warning.

#### **Service**

The party filing this document is required to serve it on all other parties in line with the Rules of Court.

If the Application is made by a Defendant/Youth the Application must be served on the prosecution and any Guarantors.

If the Application is made by the prosecution, the Application must be served on the Defendant/Youth and any Guarantors.

#### **Accompanying Documents**

Accompanying this Application is a

- Supporting Affidavit optional
- Evidence of consent of Guarantor if applicable
- If other additional document(s) please list them below:



12. In Schedule 7, Form 23E—Report Request Form—Progress Report is inserted as follows:

Form 23E

## REPORT REQUEST FORM

To	Department for Correctional Services		
Address	c/- Courts Unit, 260-280 Victoria Square		
	Street Address (including unit or level number and name of property if required)		
	Adelaide	SA	5000
	City/town/suburb	State	Postcode
	DCSCourtsReportRequests@sa.gov.au		
	Email address		
Type of Report	Progress Report		
	Name of report		
Court	[Supreme/District/Magistrates/Youth/Environment, Resources and Development] Court of South Australia		
	Court ordering report		
Sitting At	Location of court		
Registry Address	Registry Address		
	City/town/suburb	State	Postcode
Contact Details	Phone number		Fax number
	Court File Number		
	Court file number		
Presiding Officer	Name of Presiding Officer		
Prosecuting Authority	Prosecuting Authority		

<b>[Defendant/Youth] Particulars</b>			
<b>[Defendant/Youth]</b>	<b>Full Name</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
<b>Date of Birth/Licence No</b>	<b>Date of Birth</b>		<b>Driver's Licence no</b>
	<b>Type (eg. Home; work; mobile) - Number</b>		<b>Another number</b>
<b>Phone Details</b>	<b>Yes/No</b>		
<b>In Custody</b>	<b>Offence(s) Charged</b>		
<b>Offence(s) Charged</b>	<b>Offence(s) Charged</b>		

<b>Legal Representative Particulars</b>			
<b>Name of law firm / solicitor If any</b>	<b>Law Firm</b>		<b>Solicitor</b>
	<b>Street Address (including unit or level number and name of property if required)</b>		
<b>Address for service</b>	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
<b>Phone Details</b>	<b>Email address</b>		
	<b>Type (eg. home; work; mobile) - Number</b>		

<b>Report Particulars</b>		
Date Report Ordered		
	Date	
Date Report Required		
	Date	
Report to be Provided		
	Written/Orally	
Other Reports Ordered		
	List	
Next Hearing Date		
	Date and time	
Address to be Reported On		
	Residential Address	
Contact Person		
	Contact Person Name	Contact Person Phone Number

**Special Aspects to be Reported on**

[enter free text special aspects here]

**IMPORTANT NOTICE**

Please forward the completed report to the Registry of the [Jurisdiction of Court Ordering Report] at [Sitting Location of Court Ordering Report].

REPORTS SHOULD BE FORWARDED IN TIME TO REACH THE COURT NOT LESS THAN TWO WORKING DAYS PRIOR TO THE DATE REPORT REQUIRED BY.

13. In Schedule 2, Form 25—Bail Agreement is deleted and substituted as follows:

Form 25

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## BAIL AGREEMENT

**Bail Act 1985 s 6**

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
CRIMINAL JURISDICTION

[*FULL NAME*]

**Informant/R**

**v**

[*FULL NAME*]

**Defendant/Youth**

Defendant/Youth	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth/Licence No	Date of Birth	Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile) - Number	Another number	

**Bail Agreement**

I, the [*Defendant/Youth*] of the above address, having been

- charged with the [*offence/offences*] listed in the Information dated [*date*],
- convicted of the [*offence/offences*] [*being count/counts* [*number(s)*]] listed in the Information dated [*date*],

agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

**I may be arrested by the police** with or without a warrant; and

**I may have to pay any money** that I have agreed to pay to the Court if I break this agreement; and

**I may be convicted of an offence** against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

**Rules (Conditions)****General**

- 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 2. I must pay to the Court \$[*amount*] if I break any terms or conditions of this Bail Agreement.
- 3. I must provide security by personally depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 4. I must come to Court
  - a. [*on date, at time, at location, in court*]
  - b. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

**Supervision**

- 5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- 7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.

8. [BLANK]

9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.

10. [BLANK]

11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
12. Adult Only I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
13. Youth Only I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
14. Adult Only I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
15. Youth Only I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
16. Adult Only I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
17. Youth Only I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

### Travel

19. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
20. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].

- 22. I must give up any passport I have to the Registrar of the [Court] at [location] and must not apply for a new passport.
- 23. I must not enter any point of international departure such as an airport or seaport.

### Firearms

- 24. mandatory unless cogent reasons and no undue risk I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 25. mandatory unless cogent reasons and no undue risk I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [location] Police Station.

### Home Detention

- 27. Adult Only I must live at [address] and stay there while on bail. I must not leave at any time except for:
  - a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
- 28. Mandatory if serious and organised crime suspect I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
  - A. necessary medical or dental treatment for me
  - B. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - C. any other purpose approved by the Chief Executive of the Department [for *Correctional Services/of Human Services*].

29. accommodation support program selected I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
  - b. necessary medical or dental treatment;
  - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
33. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].



34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
  - b. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - e. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - g. I must comply with any direction given by my Supervising Officer.
35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

- 37. I must live at [address]
- 38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- 39. I must live where my Supervising Officer directs.
- 40. Youth Only I must live where [my Supervising Officer/the Department for Child Protection] directs, at first with [name].
- 41. I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
- 42. Youth only I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of [name/an adult approved by my Supervising Officer].
- 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- 44. default selected if general residential condition selected If an emergency requires me to move to another address:
  - a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- 45. I must not live at [address(es)].
- 46. I must not live with [name(s)].

**Monitoring**

47. When I am released from Court, I:
- a. default selected must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
  - b. youth only must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

**Programs**

48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
49. Adult Only I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.

50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - b. educational, vocational or recreational programs;
  - c. intervention program;
  - d. programs and projects,
- that my Supervising Officer reasonably directs.
51. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

### Communication

52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
54. I must not:
- a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
  - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

### Association

55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.

- 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [number] metres of [person(s) and/or class(es) of persons]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 58. I must not go or stay within [number] metres of the boundary of any place where [name] may live or work.
- 59. I must not [go to [location] [or] go or stay within the area [description of area, including boundaries]]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 60. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work as defined in the *Child Sex Offenders Registration Act 2006* and I must not apply for child related work except [specify exception(s)].
- 61. I must not assault, harass, threaten or intimidate [name].
- 62. I must obey the terms of any active Intervention Order.

### Employment

- 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

### Drugs and Alcohol

- 64. I must not use
  - a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. [other]

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

### Driver's Licence

- 66. I must not drive, or sit in the driver's seat of a motor vehicle, [unless I hold a current driver's licence].

**Other Conditions**

- 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [*nominated place/address*].
- 68. [*other conditions*] provision for multiple additional conditions

**Guarantee**

- 69. I must give the Court a written guarantee from [*name, address, date of birth*], in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

- 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

**[Defendant/Youth]**

I agree to this bail agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of [Defendant/Youth]

.....  
Name printed

**Witness**

.....  
Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Defendant/Youth is in a training centre, the person in charge of a prison if the Defendant/Youth is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

.....  
Printed name and title of witness (if not Judicial Officer granting bail) stamp here if applicable

.....  
Date

14. In Schedule 2, Form 25A—Bail Agreement Variation is deleted and substituted as follows:

Form 25A

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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**BAIL AGREEMENT VARIATION**

**Bail Act 1985 s 6**

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
 CRIMINAL JURISDICTION

[*FULL NAME*]

Informant/R

v

[*FULL NAME*]

Defendant/Youth

Defendant/Youth	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Date of Birth/Licence No	Date of Birth		Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile) - Number		Another number	



**Bail Agreement**

I, the [*Defendant/Youth*] of the above address, having been

- charged with the [*offence/offences*] listed in the Information dated [*date*],
- convicted of the [*offence/offences*] [*being count/counts* [*number(s)*]] listed in the Information dated [*date*],

agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

**I may be arrested by the police** with or without a warrant; and

**I may have to pay any money** that I have agreed to pay to the Court if I break this agreement; and

**I may be convicted of an offence** against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

**Rules (Conditions)****General**

- 75. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 76. I must pay to the Court \$[*amount*] if I break any terms or conditions of this Bail Agreement.
- 77. I must provide security by personally depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 78. I must come to Court
  - a. [*on date, at time, at location, in court*]
  - b. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

**Supervision**

- 79. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 80. [BLANK]
- 81. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.

82.	[BLANK]
<input type="checkbox"/>	83. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
84.	[BLANK]
<input type="checkbox"/>	85. <small>default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected</small> I must report [ <i>within 2 working days of signing this Bail Agreement/immediately</i> ] to the offices of the Community Corrections Centre at [ <i>location</i> ] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
<input type="checkbox"/>	86. <small>Adult Only</small> I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
<input type="checkbox"/>	87. <small>Youth Only</small> I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
<input type="checkbox"/>	88. <small>Adult Only</small> I must report [ <i>within 2 working days of signing this Bail Agreement/immediately</i> ] to my Supervising Officer in person at [ <i>location</i> ] or by telephone on [ <i>insert correct phone number</i> ] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
<input type="checkbox"/>	89. <small>Youth Only</small> I must report [ <i>within 2 working days of signing this Bail Agreement/immediately</i> ] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
<input type="checkbox"/>	90. <small>Adult Only</small> I must report to the police at [ <i>police station location</i> ] police station between [ <i>time</i> ] and [ <i>time</i> ] every [ <i>reporting day(s)</i> ] starting on [ <i>date</i> ].
<input type="checkbox"/>	91. <small>Youth Only</small> I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
<input type="checkbox"/>	92. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

**Travel**

93. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
94. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
95. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
96. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
97. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

98. mandatory unless cogent reasons and no undue risk I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
99. mandatory unless cogent reasons and no undue risk I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
100. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

**Home Detention**

101. Adult Only I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.

102. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes:
- A. necessary medical or dental treatment for me
  - B. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - C. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
103. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
104. **Youth only** I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
  - b. necessary medical or dental treatment;
  - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
105. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
106. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
107. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].

108. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device.
  - b. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - e. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - g. I must comply with any direction given by my Supervising Officer.
109. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
110. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

- 111. I must live at *[address]*
- 112. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- 113. I must live where my Supervising Officer directs.
- 114. *Youth Only* I must live where *[my Supervising Officer/the Department for Child Protection]* directs, at first with *[name]*.
- 115. I must stay at the required address between the hours of *[time]* and *[time]* and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
- 116. *Youth only* I must stay at the required address between the hours of *[time]* and *[time]* and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of *[name/an adult approved by my Supervising Officer]*.
- 117. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- 118. default selected if general residential condition selected If an emergency requires me to move to another address:
  - a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- 119. I must not live at *[address(es)]*.
- 120. I must not live with *[name(s)]*.

**Monitoring**

121. When I am released from Court, I:
- a. default selected must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
  - b. youth only must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

**Programs**

122. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
123. Adult Only I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.

124. I must go to an assessment and, if assessed as suitable, go to and complete any:
- psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - educational, vocational or recreational programs;
  - intervention program;
  - programs and projects,
- that my Supervising Officer reasonably directs.
125. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

### Communication

126. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
127. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
128. I must not:
- possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
  - use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - use any social media, networking or chat based applications on the internet or any electronic devices.

### Association

129. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
130. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
131. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.



- 132. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- 133. I must not [*go to [location]*] [*or*] go or stay within the area [*description of area, including boundaries*]]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 134. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work as defined in the *Child Sex Offenders Registration Act 2006* and I must not apply for child related work except [*specify exception(s)*].
- 135. I must not assault, harass, threaten or intimidate [*name*].
- 136. I must obey the terms of any active Intervention Order.

### Employment

- 137. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

### Drugs and Alcohol

- 138. I must not use:
  - a. Alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. [*other*].

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- 139. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

### Driver's Licence

- 140. I must not drive, or sit in the driver's seat of a motor vehicle, [*unless I hold a current driver's licence*].

### Other Conditions

- 141. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [*nominated place/address*].
- 142. [*other conditions*] provision for multiple additional conditions

**Guarantee**

- 143. I must give the Court a written guarantee from [*name, address, date of birth*], in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 144. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 145. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

- 146. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- 147. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- 148. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

**[Defendant/Youth]**

I agree to this bail agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of [Defendant/Youth]

.....  
Name printed

**Witness**

.....  
Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Defendant/Youth is in a training centre, the person in charge of a prison if the Defendant/Youth is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

.....  
Printed name and title of witness (if not Judicial Officer granting bail) stamp here if applicable

.....  
Date

15. In Schedule 2, Form 142E—Release Order and Recognizance is deleted and substituted as follows:

Form 142E

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## RELEASE ORDER AND RECOGNIZANCE

### Crimes Act 1914 s 20(1)(b)

[*SUPREME/DISTRICT/MAGISTRATES*] Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

**[FULL NAME]**

**Informant/R**

**v**

**[FULL NAME]**

**Defendant**

Defendant	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth/Licence no	Date of Birth	Driver's Licence no (if any)	
Phone Details	Type (eg. Home; work; mobile) – Number	Another number	

**Recognizance Release Order under paragraph 20(1)(b)**

The Court orders the release of the Defendant under paragraph 20(1)(b) of the *Crimes Act 1914* (Cth)

- after serving [*no of years*] [*no of months*] [*no of days*] of the term of imprisonment if  
Commonwealth child sex offence included and court not satisfied special circumstances, minimum period prescribed by s 19AE(2)
- immediately

upon the Defendant giving security [*with surety/sureties of \$[amount]*] by recognizance of \$[*amount*] to obey the conditions set out below.

This order has been issued because

- a. the Defendant was charged with the following federal offence[s] on the Information dated [*date*]
- i. [*counts in numbered sub-paragraphs*]; and provision for multiple
- b. the Court has sentenced the Defendant to a total term of imprisonment of not more than 3 years, namely [*no of years*] [*no of months*] [*no of days*]; and
- c. the Court has decided that the Defendant be released
- after serving [*no of years*] [*no of months*] [*no of days*] of the sentence
- immediately
- if the Defendant complies with the conditions of this order.

Order made on [*date*]

.....  
Signature of Court Officer  
[*title and name*]

**Recognizance Release Order****Rules (Conditions)****General**

1. The Defendant must be of good behaviour for [*no of years*] [*no of months*] [*no of days*]. cannot exceed 5 years
2. The Defendant must [*make reparation/make restitution/pay compensation*] of \$[*amount*] to [*payee*] [*by date*]/[*by instalments of [details of instalments]*].
3. The Defendant must pay costs of the prosecution for the offence[s] specified below of \$[*amount*] to [*payee*] [*by date*]/[*by instalments of [details of instalments]*].
4. The Defendant must pay to the Commonwealth a pecuniary penalty of \$[*amount*] to [*payee*] [*by date*]/[*by instalments of [details of instalments]*].

5. The Defendant must comply with the conditions set out below for [*no of years*] [*no of months*] [*no of days*] cannot exceed 2 years.

### Supervision

6. Mandatory if Commonwealth child sex offence included The Defendant must be supervised by a Department for Correctional Services Community Corrections Officer ('the Probation Officer') and the Defendant must obey their lawful directions.
7. Mandatory if Commonwealth child sex offence included The Defendant must be supervised by a Department for Correctional Services Community Corrections Officer ('the Probation Officer') [for a period of [*no of years*] [*no of months*] [*no of days*]] and the Defendant must obey their lawful directions.
8. The Defendant must report [*within 2 working days of this Order/immediately on release*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
9. The Defendant must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
10. The Defendant must report [*within 2 working days of this Order/immediately on release*] to the Probation Officer in person at [*location*] or by telephone on [*1800 621 425*] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
11. The Defendant must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
12. The Probation Officer, or a delegate of that Officer, is authorised to reveal that the Defendant is subject to the Order to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Order.

### Travel

13. Mandatory The Defendant must not leave South Australia for any reason without the written permission of the Chief Executive of the Department for Correctional Services; or the Defendant's Probation Officer.
14. The Defendant can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. The Defendant must report to [*location*] by no later than [*time*] on [*date*].
15. The Defendant must give up any passport they have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
16. The Defendant must not enter any point of international departure such as an airport or seaport.

**Firearms**

- 17. The Defendant must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 18. The Defendant must submit to such tests (including testing without notice) for gunshot residue as may be required by the Probation Officer or a member of the South Australian Police.
- 19. The Defendant must hand in any firearm, ammunition or any part of a firearm owned or possessed by the Defendant as soon as possible at the [*location*] Police Station.

**Residence (place of living)**

- 20. The Defendant must live at [*address*].
- 21. The Defendant must live where the Probation Officer directs.
- 22. The Defendant must stay at the required address between the hours of [*time*] and [*time*] and the Defendant must be at an entrance to that address if asked to by the Probation Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to themselves or another or for any other reason approved by the Probation Officer;
  - b. in line with the terms and conditions of this Order.
- 23. default selected if general residential condition selected If an emergency requires the Defendant to move to another address:
  - a. The Defendant must not move until they have obtained the permission of the Probation Officer; and
  - b. The Defendant must apply to the Court for a variation of the conditions of this Order within 2 working days; and
  - c. the conditions of this Order will continue to apply as though the new address were specified in this Order.
- 24. The Defendant must not live at [*address(es)*].
- 25. The Defendant must not live with [*name(s)*].

**Monitoring**

26. When the Defendant is released from Court, the Defendant:
- a. default selected must go straight to [address], so the Defendant can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when the Defendant gets there, the Defendant must contact the Home Detention Unit of the Department for Correctional Services by telephone on 1300 796 199.
  - b. default selected must wear the electronic transmitter and obey the Department for Correctional Services rules of electronic monitoring, including charging the transmitter daily, for the term of this Order.
  - c. must always be contactable by mobile telephone [*that does not provide access to the internet*]. The Defendant must give their contact details to the Probation Officer so they can use it to get in touch with the Defendant at all times while electronically monitored.
  - d. must not do any water related sport or activity at any time unless this has been approved beforehand by the Probation Officer.
  - e. must answer straight away to any calls or text messages from the Department for Correctional Services on the mobile phone number the Defendant has given.
27. When the Defendant is released from Court, the Defendant:
- a. must go straight to the offices of the Department for Correctional Services at [location] and report to a [Community Corrections/Home Detention] Officer so the Defendant can have an electronic transmitter fitted and then go straight to [address].
  - b. must wear the electronic transmitter and obey the Department for Correctional Services rules of electronic monitoring, including charging the transmitter daily, for the term of the Order.
  - c. must always be contactable by mobile telephone [*that does not provide access to the internet*]. The Defendant must give their contact details to the Probation Officer working with the Defendant so they can use it to get in touch with the Defendant at all times while electronically monitored.
  - d. must not do any water related sport or activity at any time unless this has been approved beforehand by the Probation Officer.
  - e. must answer straight away to any calls or text messages from the Department for Correctional Services on the mobile phone number the Defendant has given.



**Programs**

- 28. The Defendant must go to an assessment at Owenia House as directed by the Probation Officer. The Defendant must do what is asked of them, including taking part in treatment that is advised after the assessment.
- 29. The Defendant must:
  - a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- 30. The Defendant must go to an assessment and, if assessed as suitable, go to and complete any:
  - a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - b. educational, vocational or recreational programs;
  - c. intervention program;
  - d. programs and projects,that the Probation Officer reasonably directs.
- 31. Mandatory if Commonwealth child sex offence included The Defendant must undertake such treatment or rehabilitation programs that the Probation Officer reasonably directs.
- 32. The Defendant must contribute [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by the Defendant under the condition[s] above.

**Communication**

- 33. The Defendant must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and the Defendant must only use permitted device(s) for communication reasons.
- 34. The Defendant must not:
  - a. possess (have) or use any device that lets the Defendant communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless the Defendant has permission beforehand from the Probation Officer;
  - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

**Association**

- 35. The Defendant must not go near or stay near a child or person under the age of *[number]* years unless the Defendant is with a person approved by the Probation Officer. The Defendant must sign all required forms and obey the directions of the Probation Officer about the choice and approval of the approved person.
- 36. The Defendant must not go or stay within *[500 metres (half a kilometre)/other distance]* of any school, kindergarten or childcare centre.
- 37. The Defendant must not directly or indirectly approach, communicate with, contact, or go or stay within *[number]* metres of *[person(s) and/or class(es) of persons]* unless the Defendant has permission beforehand from the Probation Officer.
- 38. The Defendant must not go or stay within *[number]* metres of the boundary of any place where *[name]* may live or work.
- 39. The Defendant must not *[go to [location] [or] go or stay within the area [description of area, including boundaries]]* unless the Defendant:
  - a. is with a person approved by the Probation Officer; or
  - b. has permission beforehand from the Probation Officer.
- 40. The Defendant must not do any child related work and must not apply for child related work except *[specify exception(s)]*.
- 41. The Defendant must not assault, harass, threaten or intimidate *[name]*.
- 42. The Defendant must obey the terms of any active Intervention Order.

**Employment**

- 43. The Defendant must tell the Probation Officer of any change of employment within 2 working days of the change.

**Drugs and Alcohol**

- 44. The Defendant must not use:
  - a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. *[other]*

and the Defendant must have any tests that are needed to check if the Defendant is obeying these orders as directed by the Probation Officer. The Defendant must sign all needed forms and obey all of the testing procedures.

- 45. The Defendant must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in the Defendant's blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

**Driver's Licence**

46. The Defendant must not drive, or sit in the driver's seat of a motor vehicle, [*unless the Defendant holds a current driver's licence*].

**Other conditions**

47. The Defendant must not be released from custody until appropriate transport is arranged to facilitate their immediate transportation to [*nominated place/address*].
48. [*other conditions*] provision for multiple additional conditions

**Sureties**

49. The Defendant must give the Court a written surety from [*name, address, date of birth*], in terms acceptable to the Court, in the sum of \$[*amount*] that they know the Defendant and they are confident that the Defendant will obey the conditions of this Order.
50. The Defendant must give the Court a written surety from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[*amount*] that they know the Defendant and they are confident that they will obey the conditions of this Order.

**Recognizance**

I, [*name of Defendant*], the Defendant:

- 1. have had explained to me:
  - a. the reason and effect of this order; and
  - b. the consequences that may follow if I fail, without reasonable excuse, to obey the conditions of this order; and
  - c. that this order may be discharged or varied under section 20AA of the *Crimes Act 1914* (Cth); and
- 2. agree that I am bound in line with this order; and
- 3. agree that I have been given a copy of this order.

.....  
Signature of Defendant

.....  
Name printed

.....  
Date

**Witness**

.....  
Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Respondent is in a training centre, the person in charge of a prison if the Respondent is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is sentencing Judicial Officer

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

**Undertaking by Surety/Sureties**

I undertake (promise) to pay to the Commonwealth of Australia the amount specified in this order if the Defendant fails to obey a condition of this order. I agree that I have been given a copy of this order.

Surety:

Name: *[name]*

Address: *[address]*

.....  
Signature of Surety

.....  
Name printed

.....  
Date

**Witness**

.....  
Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Respondent is in a training centre, the person in charge of a prison if the Respondent is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is sentencing Judicial Officer

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

16. In Schedule 2, Form 148—Notice of Penalty Imposed is deleted and substituted as follows:

Form 148

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## NOTICE OF PENALTY IMPOSED

[*MAGISTRATES/YOUTH/ENVIRONMENT, RESOURCES AND DEVELOPMENT*] **Select one COURT OF SOUTH AUSTRALIA**

CRIMINAL JURISDICTION

[*FULL NAME*]

**Informant**

**v**

[*FULL NAME*]

**Defendant/Youth**

<b>Defendant/Youth</b>	<b>Full Name</b>		
Address	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
Date of Birth/Licence no	<b>Date of Birth</b>	<b>Driver's Licence no (if any)</b>	
Phone Details	<b>Type (eg. Home; work; mobile) – Number</b>	<b>Another number</b>	
<p><b>To [the] [Defendant/Youth] [number] [name]: WARNING</b></p> <p><b>You were convicted in your absence on [date] of:</b></p> <p><input type="checkbox"/> the charge in the Information dated [date].</p> <p><input type="checkbox"/> all of the charges in the Information dated [date].</p> <p><input type="checkbox"/> count[s] [number(s)] in the Information dated [date].</p> <p><b>Monetary Penalties</b></p> <p><input type="checkbox"/> (a) The Court has imposed on you the following fine[s] on [date]:</p> <p style="padding-left: 40px;">i. count [number] a fine of \$[amount] <small>provision for multiple</small></p> <p><input type="checkbox"/> (b) The Court has ordered that you pay \$[amount] in costs.</p> <p><input type="checkbox"/> (c) The Court has ordered that you pay the following victims of crime [levy/levies]:</p> <p style="padding-left: 40px;">i. count [number]: \$[amount] <small>provision for multiple</small></p> <p><input type="checkbox"/> (d) The Court has ordered that you pay \$[amount] to [full name of victim] by way of compensation.</p> <p>The total amount the Court has ordered that you pay is \$[amount].</p> <p>Each amount must be paid within 28 days of the date that it was imposed. You will need to pay the amount[s] or enter into a payment arrangement with the Chief Recovery Officer of the Fines Enforcement and Recovery Unit. For all payment options, contact the Fines Enforcement and Recovery Unit by telephone on 1800 659 538 or by visiting <a href="http://www.fines.sa.gov.au">www.fines.sa.gov.au</a>.</p>			

**Disqualification Penalties**

- 
- You have been
- disqualified**
- from holding or obtaining a licence to drive a motor vehicle commencing on [date] and ending at midnight on [date].

**You must not, under any circumstances, drive** any form of motor vehicle on a road or street, or in any place that members of the public can access, during this time. Driving while disqualified is a serious offence. If you do this you will be guilty of an offence and may be **imprisoned** for up to **12 months** for a first offence, and up to **3 years** for a second offence. Imprisonment is the most common penalty for this offence.

- 
- Your existing licence has also been automatically
- cancelled**
- by operation of legislation made by the Parliament of South Australia. If you wish to drive after the period of disqualification, you must reapply for your licence after the period of disqualification has ended.

**Possibility of re-hearing**

Section 76A of the *Criminal Procedure Act 1921* provides that the Court may, on its own initiative or on the application of any party, set aside a conviction or order provided the Court is satisfied that:

- (a) the parties consent to have it set aside; or
- (b) the conviction or order was made in error; or
- (c) it is in the interest of justice to set aside the conviction or order.

If the Court sets aside a conviction, the Court will arrange to re-hear the proceedings.

If you wish to make an application for re-hearing, you must complete a Form 172A Interlocutory Application for Set Aside and Re-hearing **within 14 days of receiving this Notice**. This can be done through the CourtSA portal or by returning the completed Form to the Registry of the Court within this time period.

After you have filed your application, the Court will tell you of a date, time and location to hear your application. You or your solicitor must then go to the hearing to support your application.

**Accompanying Documents**

Accompanying this notice is the Information dated [date].

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In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Environment, Resources and Development Court Act 1993*, the *Magistrates Court Act 1991* and the *Youth Court Act 1993*, and all other enabling powers, the *Joint Criminal (No 4) Amending Rules 2024* have been made—

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Acting Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates; and
- as rules of the Environment, Resources and Development Court by the Senior Judge and 1 other Judge; and
- as rules of the Youth Court by the Judge and the magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated this 7<sup>th</sup> day of August 2024.

ACTING CHIEF JUSTICE LIVESSEY  
ACTING CHIEF JUDGE SOULIO  
SENIOR JUDGE DURRANT  
CHIEF MAGISTRATE HRIBAL  
JUDGE ELDRIDGE

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## SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL ACT 2014

*South Australian Employment Tribunal (Amendment No 1) Rules 2022*

The President and a Deputy President of the South Australian Employment Tribunal after consultation with the Minister make the following rules under the *South Australian Employment Tribunal Act 2014*.

**1. Name of Rules**

These Rules may be referred to as the *South Australian Employment Tribunal (Amendment No 1) Rules 2022*.

**2. Commencement**

These Rules will take effect from the date of publication in the Gazette.

**3. Interpretation**

In these Rules, “principal Rules” means the *South Australian Employment Tribunal Rules 2022* which commenced operation on 3 February 2022.

**4. A new rule 171A is inserted immediately after rule 171 of the principal Rules as follows:****171A. Work health and safety disputes**

- (1) Terms defined in Part 5, Division 7A of the *Work Health and Safety Act 2012* have that meaning in this Part.
- (2) Written notice of a dispute about a WHS matter given to the Tribunal under s 102B(2) of the *Work Health and Safety Act 2012* must be in the approved form A54.
- (3) Written notice given under sub-rule (2) must be served by the applicant on all named parties to the dispute.
- (4) The Tribunal may direct that written notice given under sub-rule (2) be served on a person or body that is not a party to the dispute.
- (5) On receipt of written notice given under sub-rule (2) the Tribunal may deal with the dispute as thought appropriate, including by conciliation, mediation, or arbitration, and may make any order necessary to achieve prompt resolution of the dispute.
- (6) The Tribunal website is prescribed for the purpose of s 102B(4) of the *Work Health and Safety Act 2012*.

Dated: 20 August 2024

JUSTICE DOLPHIN  
President

JUDGE CALLIGEROS  
Deputy President

SUPREME COURT ACT 1935  
DISTRICT COURT ACT 1991  
MAGISTRATES COURT ACT 1991  
YOUTH COURT ACT 1993  
ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993  
MINING ACT 1971  
LOCAL GOVERNMENT (ELECTIONS) ACT 1999  
FIRST NATIONS VOICE ACT 2023  
SOUTH AUSTRALIA

*Uniform Civil (No 11) Amending Rules 2024*

By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Magistrates Court Act 1991*, the *Youth Court Act 1993*, the *Environment, Resources and Development Court Act 1993*, the *Mining Act 1971*, the *Local Government (Elections) Act 1999*, the *First Nations Voice Act 2023* and all other enabling powers, we, the Acting Chief Justice of the Supreme Court, the Acting Chief Judge of the District Court (in respect of the District Court and the Court of Disputed Returns), the Chief Magistrate of the Magistrates Court, the Judge of the Youth Court, the Senior Judge of the Environment, Resources and Development Court and the Senior Warden of the Warden's Court, make the following Uniform Civil (No 11) Amending Rules 2024.

1. These Rules may be cited as the *Uniform Civil (No 11) Amending Rules 2024*.
2. The amendments made by these Rules come into effect on the later of—
  - (a) Monday 26 August 2024; or
  - (b) the date of their publication in the Gazette.
3. In these Rules—

the **commencement date** means the date on which these Rules come into effect under rule 2;

the **Previous Rules** means—

  - (a) the *Environment, Resources and Development Court Rules 2003*;
  - (b) the *Environment, Resources and Development Court (Native Title) Rules 2001*;
  - (c) the *First Nations Voice Court of Disputed Returns Rules 2024*; and
  - (d) the *Warden's Court Rules 2016*.

the **Rules** means the *Uniform Civil Rules 2020*.
4. The Previous Rules are repealed.
5. Unless the Environment, Resources and Development Court otherwise orders—
  - (a) these Rules apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken,

in the Environment, Resources and Development Court on or after the commencement date; and

  - (b) the Previous Rules continue to govern a step in a proceeding taken before the commencement date.
6. Unless the Warden's Court otherwise orders—
  - (a) these Rules apply to—
    - (i) a proceeding commenced; and
    - (ii) a step in a proceeding taken,

in the Warden's Court on or after the commencement date; and

  - (b) the Previous Rules continue to govern a step in a proceeding taken before the commencement date.
7. In case of doubt or difficulty about whether these Rules or the Previous Rules apply to a step in a proceeding or any other aspect of a proceeding, the Court may order that either these Rules or the Previous Rules do apply regardless of the operation of rule 5 or rule 6.
8. The Rules are amended as set out below.
9. The preamble of the Rules is amended and substituted as follows:

“By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Magistrates Court Act 1991*, the *Youth Court Act 1993*, the *Environment, Resources and Development Court Act 1993*, the *Mining Act 1971*, the *Local Government (Elections) Act 1999*, the *First Nations Voice Act 2023* and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court (in respect of the District Court and the Court of Disputed Returns), the Chief Magistrate of the Magistrates Court, the Judge of the Youth Court, the Senior Judge of the Environment, Resources and Development Court and the Senior Warden of the Warden's Court make the following *Uniform Civil Rules 2020*.”
10. The list of Acts under which the Rules are made immediately before the Table of Contents is amended to insert “*Environment, Resources and Development Court Act 1993*”, “*Mining Act 1971*”, “*Local Government (Elections) Act 1991*” and “*First Nations Voice Act 2023*” immediately after “*Youth Court Act 1993*”.
11. Subrule 1.4(5) is amended by substituting “Chapter 29” for “Chapter 24” wherever it appears.
12. Subrule 1.6(1) is deleted and substituted as follows:

“(1) Subject to the following subrules, these Rules apply to all proceedings in the Supreme Court, District Court, Magistrates Court, Youth Court, Environment, Resources and Development Court, Warden's Court and Court of Disputed Returns other than an excluded proceeding.”

13. The definition of *the Act* in rule 2.1 is deleted and substituted as follows:  
“*the Act* means—
  - (a) in the context of or in respect of the Supreme Court—the *Supreme Court Act 1935*;
  - (b) in the context of or in respect of the District Court—the *District Court Act 1991*;
  - (c) in the context of or in respect of the Magistrates Court—the *Magistrates Court Act 1991*;
  - (d) in the context of or in respect of the Youth Court—the *Youth Court Act 1993*;
  - (e) in the context of or in respect of the Environment, Resources and Development Court—the *Environment, Resources and Development Court Act 1993*;
  - (f) in the context of or in respect of the Warden’s Court—the *Mining Act 1971*;”
14. A new definition of *associate judge* is inserted in rule 2.1 in alphabetical order as follows:  
“*associate judge* includes an auxiliary associate judge;”
15. A new definition of *associate justice* is inserted in rule 2.1 in alphabetical order as follows:  
“*associate justice* includes an auxiliary associate justice;”
16. The definition of *Chief Judicial Officer* in rule 2.1 is deleted and substituted as follows:  
“*Chief Judicial Officer* means—
  - (a) in respect of the Supreme Court—the Chief Justice;
  - (b) in respect of the District Court—the Chief Judge;
  - (c) in respect of the Magistrates Court—the Chief Magistrate;
  - (d) in respect of the Youth Court—the Judge of the Youth Court;
  - (e) in respect of the Environment, Resources and Development Court—the Senior Judge of the Environment, Resources and Development Court;
  - (f) in respect of the Warden’s Court—the Senior Warden;
  - (g) in respect of the Court of Disputed Returns—the Chief Judge of the District Court;”
17. A new definition of *commissioner* is inserted in rule 2.1 in alphabetical order as follows:  
“*commissioner* includes an auxiliary commissioner;”
18. The definition of *the Court* in rule 2.1 is deleted and substituted as follows:  
“*the Court* means the Supreme Court, District Court, Magistrates Court, Youth Court, Environment, Resources and Development Court, Warden’s Court or Court of Disputed Returns as applicable and, when the context indicates, means a judicial officer having power to act in the manner the subject of the relevant provision of these Rules;”
19. A new definition of *court officer* is inserted in rule 2.1 in alphabetical order as follows:  
“*court officer* means a judicial officer or a non-judicial officer of the Court;”
20. A new definition of *ERD Court* or *Environment, Resources and Development Court* is inserted in rule 2.1 in alphabetical order as follows:  
“*ERD Court* or *Environment, Resources and Development Court* means the Environment, Resources and Development Court of South Australia;”
21. A new definition for *judge* is inserted in rule 2.1 in alphabetical order as follows:  
“*judge* includes an auxiliary judge;”
22. The definition for *judicial officer* in rule 2.1 is deleted and substituted as follows:  
“*judicial officer* means—
  - (a) in respect of the Supreme Court—a Justice, Auxiliary Justice, Associate Justice, Auxiliary Associate Justice or Judicial Registrar of the Court or a Registrar exercising power of the Court conferred by rule 11.1;
  - (b) in respect of the District Court—a Judge, Auxiliary Judge, Associate Judge, Auxiliary Associate Judge or Judicial Registrar of the Court or a Registrar exercising power of the Court conferred by rule 11.2;
  - (c) in respect of the Magistrates Court—a Magistrate, Auxiliary Magistrate or Judicial Registrar of the Court or a Registrar exercising power of the Court conferred by rule 11.3;
  - (d) in respect of the Youth Court—the Judge, Auxiliary Judge, Magistrate, Auxiliary Magistrate or Judicial Registrar of the Court or a Registrar exercising power of the Court conferred by section 14(7) of the *Youth Court Act 1993*;
  - (e) in respect of the ERD Court—a Judge, Auxiliary Judge, Associate Judge, Auxiliary Associate Judge, Commissioner or Judicial Registrar of the Court or a Registrar exercising judicial power of the Court conferred by rule 11.5;
  - (f) in respect of the Warden’s Court—a Magistrate, Auxiliary Magistrate or Judicial Registrar of the Court or a Registrar exercising power of the Court conferred by rule 11.6;
  - (g) in respect of the Court of Disputed Returns—a Judge or Auxiliary Judge;””
23. A new definition of *justice* is inserted into rule 2.1 in alphabetical order as follows:  
“*justice* includes an auxiliary justice;”
24. A new definition of *magistrate* is inserted into rule 2.1 in alphabetical order as follows:  
“*magistrate* includes an auxiliary magistrate;”
25. A new definition of *Probate Registrar* is inserted into rule 2.1 in alphabetical order as follows:  
“*Probate Registrar* means Registrar of Probates or an acting Registrar, a deputy Registrar of Probates or an acting deputy Registrar;”

26. The definition of *a Registrar* in rule 2.1 is deleted and substituted as follows:
- “*a Registrar* means—
- (a) in respect of the Supreme Court—the Registrar, a Deputy Registrar or a person acting as the Registrar or a Deputy Registrar of the Court;
  - (b) in respect of the District Court—the Registrar, a Deputy Registrar, or a person acting as the Registrar or a Deputy Registrar of the Court;
  - (c) in respect of the Magistrates Court—the Principal Registrar, a Registrar, a Deputy Registrar or a person acting as the Principal Registrar, a Registrar or a Deputy Registrar of the Court;
  - (d) in respect of the Youth Court—the Registrar, a Deputy Registrar, or a person acting as the Registrar or a Deputy Registrar of the Court;
  - (e) in respect of the ERD Court—the Registrar, a Deputy Registrar, or a person acting as the Registrar or a Deputy Registrar of the Court;
  - (f) in respect of the Warden’s Court—the Registrar, a Deputy Registrar, or a person acting as the Registrar or a Deputy Registrar of the Court;
  - (g) in respect of the Court of Disputed Returns—the Registrar, a Deputy Registrar, or a person acting as the Registrar or a Deputy Registrar of the District Court;”
27. The definition of *the Registrar* in rule 2.1 is deleted and substituted as follows:
- “*the Registrar* means—
- (a) in respect of the Supreme Court—the Registrar of the Court and includes a person to whom a function of the Registrar has been delegated;
  - (b) in respect of the District Court—the Registrar of the Court and includes a person to whom a function of the Registrar has been delegated;
  - (c) in respect of the Magistrates Court—the Principal Registrar of the Court and includes a person to whom a function of the Principal Registrar has been delegated;
  - (d) in respect of the Youth Court—the Registrar of the Court and includes a person to whom a function of the Registrar has been delegated;
  - (e) in respect of the ERD Court—the Registrar of the Court and includes a person to whom a function of the Registrar has been delegated;
  - (f) in respect of the Warden’s Court—the Registrar of the Court and includes a person to whom a function of the Registrar has been delegated;
  - (g) in respect of the Court of Disputed Returns—the Registrar of the District Court and includes a person to whom a function of the Registrar has been delegated;”
28. A new definition of *Senior Judge* is inserted into rule 2.1 in alphabetical order as follows:
- “*Senior Judge* means the Senior Judge of the ERD Court;”
29. A new definition of *Senior Warden* is inserted into rule 2.1 in alphabetical order as follows:
- “*Senior Warden* means the Senior Warden of the Warden’s Court;”
30. Rule 11.1 is deleted and substituted as follows:
- “**11.1—Original jurisdiction—Supreme Court**
- (1) Subject to section 48(2)(a) of the *Supreme Court Act 1935* and these Rules, the jurisdiction of the Supreme Court may be exercised by a Judge in all proceedings.
  - (2) The jurisdiction of the Supreme Court exercisable by a Judge, except the jurisdiction to hear a contempt charge or when a statute otherwise provides, may be exercised by an Associate Justice or Judicial Registrar in all proceedings, except that a trial of a claim can only be heard and determined by an Associate Justice or Judicial Registrar if—
    - (a) the Chief Justice so directs; or
    - (b) all parties consent.

**Note—**

Section 7(2) of the *Supreme Court Act 1935* provides that, subject to any statute, the associate justices and judicial registrars have the power, authority and jurisdiction conferred on them under any statute and under the rules of court. Section 48(2)(c) provides that the jurisdiction vested in the court may be exercised by an associate justice or judicial registrar to the extent authorised by any statute or by the rules of court.
  - (3) The testamentary causes jurisdiction of the Supreme Court 24 may be exercised by the Probate Registrar.
  - (4) The jurisdiction of the Supreme Court—
    - (a) to tax costs under Chapter 16 Part 5 may be exercised by a Registrar in a proceeding or class of proceedings if the Chief Justice so directs;
    - (b) to tax costs under Chapter 20 Part 12 Division 2 may be exercised by a Registrar in a proceeding or class of proceedings if the Chief Justice so directs;
    - (c) to make orders under the *Enforcement of Judgments Act 1991* may be exercised by a Registrar; or
    - (d) to make orders or judgments by consent may be exercised by a Registrar.

**Notes—**

Section 72(1)(i) of the *Supreme Court Act 1935* provides that rules of court may be made for conferring on the registrar or other member of the non-judicial staff of the court the power to adjudicate costs.

Clause 41(1) of Schedule 3 to the *Legal Practitioners Act 1981* provides that the power of the Court to adjudicate and settle a bill for costs may be exercised by the Registrar.

Section 18(1) of the *Enforcement of Judgments Act 1991* provides that a court may, by its rules, delegate any of its powers under that Act to officers of a class designated in the delegation.

- (5) A Registrar may refer a matter in respect of which they have jurisdiction to an Associate Justice.
- (6) An Associate Justice may refer a matter in respect of which the Associate Justice has jurisdiction to a Judge.
- (7) The jurisdiction of the Supreme Court to finally hear and determine—
  - (a) an application to admit a person as a solicitor and barrister of the Court under section 15 of the *Legal Practitioners Act*; or
  - (b) a disciplinary proceeding under section 89 of the *Legal Practitioners Act* or in the inherent jurisdiction of the Court, is to be exercised by 3 Judges of the Court sitting in banco.
- (8) A Judge may order that the jurisdiction of the Supreme Court to hear and determine all or part of a proceeding exercisable by a Judge is to be exercised instead by 3 Judges of the Court sitting in banco.

**Note—**

A single judge can make interlocutory orders or interim orders.”

31. In rule 11.2 the word “Master” is deleted and substituted with the words “Associate Judge” and the word “Masters” is deleted and substituted with the words “Associate Judges” wherever they appear.
32. Rules 11.4 and 11.5 are deleted.
33. New rules 11.4 to 11.11 are inserted as follows:

**“11.4—Original jurisdiction—Youth Court**

The jurisdiction of the Youth Court, except the jurisdiction to hear a contempt charge or when a statute otherwise provides, may be exercised by a Judicial Registrar in all proceedings.

**Notes—**

Section 15(1) of the *Youth Court Act 1993* provides that, subject to the Act, the Court, when sitting to adjudicate on any matter, must be constituted of the Judge of the Court, a magistrate or a judicial registrar.

Section 10C of the *Youth Court Act 1993* provides that judicial registrars may exercise such jurisdiction of the Court as assigned by the Judge of the Court or the rules.

Section 14(7) of the *Youth Court Act 1993* provides that a registrar may issue summonses and warrants on behalf of the Court; adjourn proceedings or exercise any procedural or non-judicial powers assigned by the rules.

**11.5—Original jurisdiction—ERD Court**

- (1) In addition to any other powers conferred upon an Associate Judge by these Rules or otherwise, an Associate Judge of the Court has jurisdiction to—
  - (a) with the consent of all parties to the action, make any order which the Court is empowered to make in that action;
  - (b) make an interim or interlocutory order or issue an interim or interlocutory injunction;
  - (c) make an order requiring a party to produce particulars, a list of relevant documents or specified documents pursuant to Part 4 of Chapter 15;
  - (d) make an order for substituted service or any other order relating to the service of documents;
  - (e) when the Court has made an order for costs against a party, tax the costs to be paid pursuant to such order;
  - (f) order any party to a proceeding before the Court to give security for the payment of costs or make any other order in relation thereto or pursuant to section 39 of the *Environment, Resources and Development Court Act 1993*;
  - (g) make an order remitting or reducing any court fees to be paid by a party in accordance with subsection 45(2) of the *Environment, Resources and Development Court Act 1993*;
  - (h) preside at a conference conducted pursuant to section 16 of the *Environment, Resources and Development Court Act 1993*, and may, whilst so presiding, refer any question of law to a Judge of the Court for determination;
  - (i) adjourn any matter set for hearing or list any matter for hearing, including making an order for the early hearing of any matter;
  - (j) settle an order of the Court (either final, interlocutory or interim) and direct that such order be sealed.
- (2) When exercising any of the powers conferred by this rule or by any of these Rules, an Associate Judge shall constitute the Court.

**Note—**

Section 14(1) of the *Environment, Resources and Development Court Act 1993* provides that, subject to that section the Senior Judge may determine that the Court be constituted of a Judge, Magistrate, Commissioner or Judicial Registrar sitting alone; or by two or more Commissioners sitting together; or by a Judge, a Commissioner and a Magistrate or another Commissioner.

**11.6—Original jurisdiction—Warden’s Court**

**Note—**

Section 64(2) of the *Mining Act 1971* provides that the jurisdiction of the Warden’s Court is exercisable by a warden.

The jurisdiction of the Warden’s Court to issue a summons may, with the concurrence of a Warden, be exercised by a Registrar.

**11.7—Original jurisdiction—Court of Disputed Returns**

**Notes—**

Section 67(2) of the *Local Government (Elections) Act 1993* provides that the Court of Disputed Returns is constituted of a District Court Judge.

Clause 18(2) of Schedule 1 to the *First Nations Voice Act 2023* provides that the Court of Disputed Returns is constituted of a District Court Judge.

#### **11.8—Exercise of jurisdiction**

The jurisdiction of the Court may be exercised in chambers in all proceedings.

**Note—**

Rule 15.3 addresses the exercise of the discretion to hear a matter in court or in chambers.

#### **11.9—Allocation of jurisdiction**

The Chief Judicial Officer may determine that certain types of proceedings or hearings will ordinarily be heard by certain types of judicial officers.

**Note—**

Appellate jurisdiction is addressed in Chapter 18 Part 2.

#### **11.10—Assessors and arbitrators—Supreme, District and Magistrates Courts**

The Court may make orders in a proceeding for the appointment of—

- (a) an assessor when a statute authorises or requires the appointment of an assessor, including the manner in which the assessor is to assist in the decision-making function of the Court;
- (b) an arbitrator, including the scope of the matter referred to the arbitrator for trial and the powers of the Court that may be exercised by the arbitrator;

**Notes—**

Section 71 of the *Supreme Court Act 1935* provides that the Court may in any matter call in the aid of one or more assessors and try and hear such matter wholly or partially with the assistance of such assessors. Section 20(4) of the *District Court Act 1991* and section 7B of the *Magistrates Court Act 1991* address the appointment of assessors when an Act conferring jurisdiction provides that the Court is to sit with assessors in exercising that jurisdiction.

Section 66 of the *Supreme Court Act 1935*, section 33 of the *District Court Act 1991* and section 28 of the *Magistrates Court Act 1991* provide that the Court may refer a civil proceeding or any issues arising in a civil proceeding for trial by an arbitrator.

34. A new rule 11.11 is inserted immediately after 11.10 as follows:

#### **11.11—Experts—Supreme, District, Magistrates and ERD Courts**

The Court may make orders in a proceeding for the appointment of an expert, including the scope of the matter referred to the expert for investigation and report and the powers of the Court that may be exercised by the expert.

**Notes—**

Section 67 of the *Supreme Court Act 1935*, section 34 of the *District Court Act 1991*, section 29 of the *Magistrates Court Act 1991* and section 27 of the *Environment, Resources and Development Act 1993* provide that the Court may refer any question arising in a proceeding for investigation and report by a referee who is an expert in the relevant field.”

35. Further notes are inserted in subrule 13.1(3) immediately after the existing Notes as follows:

“Section 10(1) of the *Youth Court Act 1993* provides that the Judge is responsible for the administration of the Court. Section 10(8) provides for the Governor to appoint a District Court Judge as Acting Judge of the Court.

Section 8(3) of the *Environment, Resources and Development Act 1993* provides that the Senior Judge is responsible for the administration of the Court. Section 8(7) provides for the Governor to appoint a District Court Judge as Acting Judge of the Court.”

36. Further notes are inserted into subrule 13.2(1) immediately after the existing Notes as follows:

“Section 12(1) of the *Youth Court Act 1993* provides that the Registrar is the Court’s principal administrative officer. Section 13 provides that the administrative staff are responsible to the Judge of the Court.

Section 14(1)(a) of the *Environment, Resources and Development Act 1993* provides that the Registrar is the Court’s chief administrative officer. Section 14(4) provides that the administrative staff are responsible to the Senior Judge for the proper and efficient discharge of their duties.”

37. The word “Master” is deleted and substituted with the words “Associate Judge” in the following:

1. The notes in Subrule 13.4(2);
2. Subrule 151.2(2) wherever it appears;
3. The notes in subrule 212.2(1);

38. Subrule 13.4(4) is deleted and substituted as follows:

“(4) Unless the Court otherwise orders and subject to subrule (5), an application for review under subrule (2) will be listed for hearing before—

- (a) a Magistrate in the Magistrates Court;
- (b) an Associate Judge in the District Court;
- (c) an Associate Justice in the Supreme Court;
- (d) a Magistrate in the Youth Court;
- (e) an Associate Judge in the ERD Court;
- (f) a Warden in the Warden’s Court;
- (g) a Judge in the Court of Disputed Returns.”

39. In subrule 31.3(3) the words “Chapter 28” are substituted for the words “Chapter 23”.

40. Rule 32.2 is deleted and substituted as follows:

**“32.2—Filing of documents on restricted access basis**

(1) In this rule—

**chambers access basis** means that, unless the Court otherwise orders, access to view, download or copy a document is limited to judicial officers and their chambers staff;

**court access basis** means that, unless the Court otherwise orders, access to view, download or copy a document is limited to judicial and non-judicial officers;

**excluded access basis** means that, unless the Court otherwise orders, access to view, download or copy a document is excluded for the judicial officer assigned or expected to hear and determine the proceeding;

**judiciary access basis** means that, unless the Court otherwise orders, access to view, download or copy a document is limited to judicial officers;

**lawyer access basis** means that, unless the Court otherwise orders, access to view, download or copy a document is limited to court officers together with counsel or solicitors for the parties who have undertaken not, without leave of the Court, to disclose the content of the document to any person other than one entitled to access;

**party access basis** means that, unless the Court otherwise orders, access to view, download or copy a document is limited to court officers together with the parties, counsel or solicitors for the parties who have undertaken not, without leave of the Court, to disclose the content of the document to any person other than one entitled to access.

**Note—**

If a document is filed on a lawyer access basis or party access basis, the document will not be available for viewing on the Electronic System other than by court officers. A party seeking access to the document will need to seek it from the filing party or to seek a copy from registry on providing evidence of entitlement to view, copy or download.

(2) The Court may order that a document to be filed, or if already filed be treated as filed, on a chambers access basis, a court access basis, an excluded access basis, a judiciary access basis, a lawyer access basis, or a party access basis.

(3) A formal offer (other than one expressed to be open) filed under rule 132.4 or a pre-action document filed under rule 61.7, 61.9 or 61.10 is to be treated as filed on an excluded access basis.

(4) A party may, at the same time as filing a document, apply by interlocutory application for an order that the document be treated as filed on a restricted access basis, specifying the access basis sought.

(5) If a party files a document under subrule (4) and makes a request for interim treatment under this subrule at the same time, it will be treated on an interim basis as filed on the specified restricted access basis until the Court hears and determines the application under subrule (4).”

41. Subrule 51.3(2) is deleted and substituted as follows:

“(2) Chapters 19, 20, 22 to 26 and 28 require certain types of actions to be instituted as originating applications.”

42. The Note in rule 81.1 is deleted and substituted as follows:

**“Note—**

This rule does not apply to minor civil actions. Rule 362.2 requires an applicant in a minor civil action instituted by claim or originating application to serve before action a written notice of intention to commence the action and rule 362.3 requires a response to be served.”

43. In subrules 83.1(1) and 83.2(1), the words “Unless these Rules otherwise provide, if” are substituted for the word “If”.

44. Rule 84.4 is deleted and substituted as follows:

**“84.4—Costs of amendment**

Unless the Court otherwise orders, in a proceeding in which costs are generally recoverable by a successful party, a party who amends an Originating Application or response under rule 84.1 must pay the costs thrown away by another party as a result of the amendment on the standard costs basis fixed and payable after the proceeding is determined by judgment.”

45. In subrule 102.1(4), 103.1(2), 203.16(1) and (2), 203.18(1), 204.1(1) and 253.1(2), the words “as an editable Word document” are inserted immediately after the words “in the prescribed form”.

46. Rule 113.2 is deleted and substituted as follows:

**“113.2—Application for transfer out of a court**

An application for transfer of a proceeding—

(a) from the Supreme Court—

(i) to the District Court under section 24(1)(b) of the *District Court Act 1991*;

(ii) to the Magistrates Court under section 19(2a) of the *Magistrates Court Act 1991*; or

(iii) to the ERD Court under section 6 of the *Native Title (South Australia) Act 1994*;

(b) from the District Court—

(i) to the Supreme Court under section 24(2) of the *District Court Act 1991*; or

(ii) to the Magistrates Court under section 19(1)(b) of the *Magistrates Court Act 1991*;

(c) from the Magistrates Court to the District Court under section 19(2) of the *Magistrates Court Act 1991*;

(d) from the ERD Court to the Supreme Court under section 6 of the *Native Title (South Australia) Act 1994*;

(e) from the Warden’s Court to the ERD Court under section 66A of the *Mining Act 1971*; or

(f) from the Court to another court under any other statutory provision,

must be made by filing an interlocutory application and supporting affidavit in accordance with rule 102.1.”

47. Rule 113.3 is deleted and substituted as follows:

**“113.3—Application for transfer into a court**

An application for transfer of a proceeding—

- (a) into the Supreme Court—
    - (i) from the District Court under section 24(1)(a) of the *District Court Act 1991*; or
    - (ii) from the ERD Court of South Australia under section 20A(2) of the *Environment, Resources and Development Court Act 1993*;
  - (b) into the District Court from the Magistrates Court under section 19(1)(a) of the *Magistrates Court Act 1991*;
  - (c) into the ERD Court from the Warden’s Court under section 66A of the *Mining Act 1971*; or
  - (d) into the Court from another court under any other statutory provision,
- must be instituted by filing an Originating Application and supporting affidavit in accordance with rule 82.1.”

48. Rule 116.1 is deleted and substituted as follows:

**“116.1—Application and order**

- (1) The Court may make an order under subrule (2) if satisfied, on application by a party to a proceeding, that a non-party against whom the order is sought may be in possession of evidentiary material relevant to a cause of action the subject of the proceeding.
- (2) An application under subrule (1) must be served on the non-party (as well as the other parties).
- (3) If the Court is satisfied under subrule (1), the Court may order that the non-party—
  - (a) discover whether the non-party has or has had possession or custody of, or power over, evidentiary material relevant to the cause of action and if so provide full particulars of the material;
  - (b) produce any evidentiary material relevant to the cause of action to the Court or for inspection or copying by the parties;
  - (c) make discovery as if the non-party were a party, in which case Chapter 7 Part 13 applies, with any necessary changes; or
  - (d) verify the non-party’s discovery, production or list of documents by affidavit.”

49. Subrule 117.4(1) is deleted and substituted as follows:

“(1) Unless the Court otherwise orders, in a proceeding in which costs are generally recoverable by a successful party, the costs of proving an assertion that was not admitted in a response to a notice to admit must be paid by the responding party.”

50. The title of subrule 131.3(7) is deleted and substituted as follows:

“*Supreme Court, District Court and ERD Court*”

51. Subrule 132.4(1) is deleted and substituted as follows:

- (1) A party (the *offeror*) may file a document making a formal offer to another party (the *offeree*) in the prescribed form to resolve a proceeding or any part of a proceeding (*formal offer*)—
  - (a) in terms of a judgment to be entered upon acceptance (*a judgment offer*); or
  - (b) in terms of a contract to come into existence upon acceptance including terms for the disposition of the proceeding (*a contract offer*); or
  - (c) in terms of both a judgment to be entered upon acceptance and a contract to come into existence upon acceptance including terms for the disposition of the proceeding (*a hybrid offer*).

**Prescribed form—**

Form 121 Formal Offer”

52. Rule 132.10 is deleted and substituted as follows:

**“132.10—Relevant offer not accepted**

- (1) In this rule—
 

*relevant offer* means a formal offer in compliance with rule 132.4 that—

  - (a) was filed and served on the offeree at least 21 days before the commencement of the trial or final hearing of the proceeding or such later date as the Court orders on an application made before the expiration of that period;
  - (b) was and remained open for acceptance at least 14 days after service;
  - (c) relates to an entire action and not merely to part of it;
  - (d) involves genuine compromise;
  - (e) contains a term that the respondent to the action is to pay the costs of the applicant on the standard costs basis up to acceptance of the offer or 14 days after service of the offer (whichever is earlier) or that the parties will submit to any order that the Court may make in the exercise of its discretion; and
  - (f) if it is a contract offer or to the extent that a hybrid offer is a contract offer—
    - (i) provides that the consideration payable by one party to the other (disregarding costs) is the payment of money; and
    - (ii) if made by the party who is to pay the money—provides that the money is payable under the terms of the offer within 28 days after acceptance and the party is ready, willing and able to pay the money in accordance with the terms of the offer.

**Note—**

If the trial or final hearing is vacated or adjourned without being part heard, the original trial date is to be ignored for the purpose of subrule (1)(a).



- (2) When—
- (a) a relevant offer is made by an applicant in an action;
  - (b) the offer is not accepted by a respondent; and
  - (c) the applicant obtains judgment that is no less favourable to the applicant than the terms of the offer, then—
  - (d) the costs incurred in respect of the action up to 14 days after service of the formal offer are unaffected by the making of the formal offer; and
  - (e) subject to the overriding discretion of the Court, in a proceeding in which costs are generally recoverable by a successful party, the applicant is entitled to an order against the respondent for the applicant's costs of the action to which the relevant offer relates thereafter on an indemnity basis.
- (3) When—
- (a) a relevant offer is made by a respondent in an action;
  - (b) the offer is not accepted by an applicant; and
  - (c) either—
    - (i) the respondent obtains judgment dismissing the action; or
    - (ii) the applicant obtains judgment that is less favourable to the applicant than the terms of the offer,
 then—
  - (d) the costs incurred in respect of the action up to 14 days after service of the formal offer are unaffected by the making of the formal offer; and
  - (e) subject to the overriding discretion of the Court, in a proceeding in which costs are generally recoverable by a successful party, the respondent is entitled to an order against the applicant for the respondent's costs of the action to which the relevant offer relates thereafter on an indemnity basis.
- (4) When a party makes a relevant offer for damages to be assessed or a proportion of damages to be assessed, this rule does not apply to costs incurred in relation to the assessment of the damages.
- (5) For the purposes of this rule, if a formal offer is filed during a moratorium under rule 64.5, the formal offer will be treated as having been filed on the first day after the moratorium ends.”
53. Subrule 132.11(2) is deleted and substituted as follows:
- “(2) When—
- (a) a party has made a formal offer;
  - (b) the offer was not accepted; and
  - (c) judgment is granted in respect of the action or part of an action the subject of the offer on terms no less favourable to the offeror than the terms of the offer,
- in a proceeding in which the Court is contemplating making an order for costs of the action or proceeding, the Court is to take these matters into account on the question of costs.”
54. The word “Master” is deleted and substituted with the words “Associate Justice” in the following:
1. Subrule 151.2(1) wherever it appears;
  2. Subrule 214.6
55. Subrules 151.2(4), (5), (6) and (7) are inserted immediately after subrule 151.2(3) as follows:
- “Youth Court*
- (4) The Court constituted of the Judge, a Magistrate or Judicial Registrar may order that a trial proceed before the Judge, a Magistrate or Judicial Registrar.
- ERD Court*
- (5) Subject to rule 11.5, the Court constituted of the Senior Judge, or a Judge, Magistrate, Commissioner, Associate Judge or Judicial Registrar acting in accordance with a direction by the Senior Judge under section 15 of the Act, may order that a trial proceed before—
- (a) a Judge, Magistrate, Commissioner or Judicial Registrar;
  - (b) two or more Commissioners;
  - (c) if so determined by the Senior Judge under section 15(2) of the Act—a Judge and two or more Commissioners; or
  - (d) if so determined by the Senior Judge under section 15(2) of the Act—a Judge, a Magistrate and one or more Commissioners.
- Warden’s Court*
- (6) The Court constituted of a Warden may order that a trial proceed before a Warden.
- Court of Disputed Returns*
- (7) The Court constituted of a Judge may order that a trial proceed before a Judge.”
56. In the heading to subrule 151.3(1), the words “, *District Court, Youth Court, ERD Court and Court of Disputed Returns*” are substituted for the words “and *District Court*”.
57. Rule 151.4 is deleted and substituted as follows:
- “151.4—Referral to expert—Supreme Court, District Court and Magistrates Court**
- The Court may refer an issue in a proceeding for investigation and report by an expert referee.”

58. Rule 151.8 is deleted and substituted as follows:

**“151.8—Application of Division**

- (1) Unless the Court otherwise orders, this Division applies to—
- (a) all proceedings in the Magistrates Court;
  - (b) proceedings by way of originating application when the Court orders that there be a trial;
  - (c) proceedings in the Commercial Dust Diseases, Fast Track or Special Classification List under Chapter 28;
  - (d) proceedings when a litigation plan has been made under rule 101.7; and
  - (e) other proceedings when the Court so orders.”

59. Rule 154.1 is deleted and substituted as follows:

**“154.1—Application of Divisions 2, 3 and 4**

*Supreme Court and District Court*

- (1) Unless the Court otherwise orders, Divisions 2, 3 and 4 apply in a proceeding by way of claim.  
(2) The Court may order that Divisions 2, 3 or 4 apply in a proceeding by way of originating application.

*Other Courts*

- (3) The Court may order that Divisions 2, 3 or 4 apply in a proceeding.”

60. The title of Part 5, Chapter 13 is amended to “Part 5—Evidence adduced before examiner—Supreme Court, District Court and Magistrates Court”.

61. Subrule 156.3(1) is deleted and substituted as follows:

“(1) A subpoena must be in accordance with the prescribed form—

**Prescribed forms—**

**Supreme Court, District Court, ERD Court and Court of Disputed Returns**

Form 105A Subpoena to Attend to Give Evidence (Sup and Dist Courts)

Form 106A Subpoena to Produce Documents (Sup and Dist Courts)

Form 107A Subpoena to Attend and Produce (Sup and Dist Courts)

**Magistrates Court, Youth Court, Warden’s Court**

Form 105B Subpoena to Attend to Give Evidence (Mag Court)

Form 106B Subpoena to Produce Documents (Mag Court)

Form 107B Subpoena to Attend and Produce (Mag Court)”

62. Subrules 156.7(1) and (2) are deleted and substituted as follows:

*Supreme Court, District Court, ERD Court and Court of Disputed Returns*

- (1) An addressee need not comply with the requirements of a subpoena to attend to give evidence if conduct money has not been handed or tendered to the addressee a reasonable time before the date on which attendance is required.

*Magistrates Court, Youth Court and Warden’s Court*

- (2) An addressee need not comply with the requirements of a subpoena to attend to give evidence—

- (a) if served out of the State—if conduct money has not been handed or tendered to the addressee a reasonable time before the date on which attendance is required; or
- (b) if served in the State—if the addressee—
  - (i) has, a reasonable time before the date for attendance, requested payment in advance of conduct money from the issuing party nominating a reasonable amount required or provision of tickets or vouchers or both for travel and any accommodation; and
  - (ii) has not received such payment or provision in sufficient time to enable compliance.”

63. In the Note in subrule 157.1(2), the following words are inserted after the third sentence:

“Section 21 of the *Youth Court Act 1993* empowers the issue of a warrant or summons to produce a person held in custody in the State. Section 25 of the *Environment, Resources and Development Court Act 1993* empowers the issue of a warrant or summons to produce a person held in custody in the State.”

64. The definition of *taxing officer* in rule 191.1 is deleted and substituted as follows:

“*taxing officer* means the officer responsible for taxing costs and—

- (a) in the Supreme Court will usually be an Associate Justice or a Judicial Registrar, but may be the Registrar exercising power of the Court conferred by rule 11.1 or a Judge;
- (b) in the District Court will usually be an Associate Judge or a Judicial Registrar, but may be the Registrar exercising power of the Court conferred by rule 11.2 or a Judge;
- (c) in the Magistrates Court will usually be a Judicial Registrar, but may be the Registrar exercising power of the Court conferred by rule 11.3 or a Magistrate.”

65. The title of Part 4, Chapter 14 is amended to “Part 4—Trial by arbitrator—Supreme Court, District Court and Magistrates Court”.

66. The title of rule 193.1 is amended to “Scale of costs in a proceeding—Supreme Court, District Court and ERD Court”.

67. The title of rule 193.2 is amended to “193.2—Scale of costs in a proceeding—Magistrates Court and Warden’s Court”.

68. Subrule 194.4(1) is deleted and substituted as follows:
- “(1) Subject to an order of the Court to the contrary (which, to avoid doubt, may be made at any time in the course a proceeding), the following rules apply in any proceeding before the Court in which costs are ordered.”
69. The title of rule 194.5 is amended to “194.5—General costs principles when costs ordered”.
70. In rule 195.7 the words “Associate Justices and Associate Judges” are substituted for the word “Masters”.
71. The Note in subrule 196.1(2) is deleted and substituted as follows:
- “**Note—**  
See rule 212.”
72. The title of Part 3, Chapter 17 is amended to “Part 3—Enforcement of monetary judgments—Supreme Court, District Court, Magistrates Court, Warden’s Court”.
73. The title of Part 5, Chapter 17 is amended to “Part 4—Enforcement of non-monetary judgments (except contempt)—Supreme Court, District Court, Magistrates Court, Warden’s Court”.
74. Rule 212.1 is deleted and substituted as follows:
- “**212.1—Jurisdiction of Associate Justice**  
Unless a Judge or Associate Justice otherwise orders, the jurisdiction of the Supreme Court to hear and determine a review of a decision of a Registrar of the Supreme Court under rule 195.12(3), rule 201.4 or rule 262.3 is to be exercised by an Associate Justice.”
75. The words “a Master” are deleted and substituted with the words “an Associate Justice” in the following:
1. Paragraph 212.2(1)(a);
  2. Paragraph 216.2(1)(c);
  3. Paragraph 264.2(1);
  4. Rule 314.2 wherever it appears;
  5. Rule 319.2 wherever it appears;
  6. Subrule 320.3(3).
76. Subparagraph 212.3(1)(a)(i) is deleted and substituted as follows:
- “(i) a final decision (judgment or order) by an Associate Justice, Associate Judge or Judicial Registrar of the Court, except a judgment or order under Chapter 16 Part 6 or Chapter 19 Part 3, 5, 11, 12, 13, 15, 16 or 17;”
77. Rule 212.5 is deleted and substituted as follows:
- “**212.5—Interlocutory and ancillary orders in Court of Appeal matter**
- (1) Subject to any statute to the contrary and subrule (3), when the jurisdiction to hear and determine an appellate proceeding is vested in, or to be exercised by, the Court of Appeal, a single Judge may make interlocutory orders and other orders ancillary to the hearing and determination of the appellate proceeding.
  - (2) For example, a Judge may make orders relating to—
    - (a) the constitution of an appellate proceeding;
    - (b) the filing, service or amendment of an appellate document;
    - (c) striking out an appellate document or summarily dismissing an appellate proceeding if—
      - (i) the appellate proceeding is incompetent or has not been validly commenced;
      - (ii) none of the grounds has a reasonable prospect of succeeding; or
      - (iii) the appellant has not obeyed these Rules or any order made under them;
    - (d) striking out any ground that does not have a reasonable prospect of succeeding or does not comply with these Rules or any order made under them;
    - (e) the identification of issues in an appellate proceeding;
    - (f) security for costs;
    - (g) evidence that is or may be adduced on the appellate proceeding;
    - (h) conduct of and preparation for hearing of an appellate proceeding;
    - (i) the grant or referral to the Court of Appeal of leave to appeal;
    - (j) the grant or referral to the Court of Appeal of an extension of time to appeal; or
    - (k) the hearing by the Court of Appeal of the appellate proceeding or any issue related to it (including leave to appeal, or an extension of time to appeal or to seek leave to appeal).
  - (3) This rule does not derogate from the power of the Court of Appeal constituted under rule 212.4 to make interlocutory orders and other orders ancillary to the hearing and determination of the appellate proceeding.”
78. Rule 212.6 is deleted and substituted as follows:
- “**212.6—Jurisdiction of Associate Judge**  
Unless a Judge or an Associate Judge otherwise orders, the jurisdiction of the District Court to hear and determine a review of a decision of a Registrar of the District Court under rule 195.12(3) or rule 201.4 is to be exercised by an Associate Judge.”
79. The word “master” is deleted and substituted with “associate judge” in the Notes in subrule 212.7.

80. Division 4 is inserted in Chapter 18, Part 2 after Division 3 as follows:

**“Division 4—Youth Court**

**212.9—Jurisdiction of Magistrate**

Unless the Judge otherwise orders, the jurisdiction of the Youth Court to hear and determine a review of a decision of a Registrar of the Youth Court under rule 195.12(3) is to be exercised by a Magistrate.

**212.10—Jurisdiction of single Judge**

Subject to any statute to the contrary and to rule 212.9, the jurisdiction of the Youth Court to hear and determine an appeal is to be exercised by the Judge.

**Note—**

Section 22(2)(b) of the *Youth Court Act 1993* provides that an appeal against an interlocutory judgment of a Magistrate lies to the Judge.”

81. Division 5 is inserted in Chapter 18, Part 2 after Division 4 as follows:

**“Division 5—ERD Court**

**212.11—Jurisdiction of Associate Judge**

Unless a Judge or Associate Judge otherwise orders, the jurisdiction of the ERD Court to hear and determine a review of a decision of a Registrar of the ERD Court under rule 195.12(3) is to be exercised by an Associate Judge.

**212.12—Jurisdiction of single Judge**

Subject to any statute to the contrary and to rule 212.11, the jurisdiction of the ERD Court to hear and determine an appeal is to be exercised by a Judge.

**Note—**

Section 65(3) of the *Mining Act 1971* provides that an appeal against a judgment or order of the Warden’s Court lies to the ERD Court.”

82. The words “a Master” is deleted and substituted with “an Associate Judge” in the following:

1. Subrule 213.1A(1);
2. Paragraph 216.2(1)(b);
3. Rule 312.2;
4. Subrule 318.2(1).

83. Rule 213.3 is deleted and substituted as follows:

**“213.3—Leave sought from Associate Judge, Associate Justice or Judge at first instance**

- (1) An application for leave to appeal against an order or judgment of an Associate Judge of the District Court, Associate Justice of the Supreme Court or Judge of the Supreme Court may be made in the first instance to that Associate Judge, Associate Justice or Judge by oral application either—
  - (a) if the order is made in court or in chambers in the presence of the parties—when the order is made; or
  - (b) in any other case—at the next hearing of the proceeding.
- (2) If leave to appeal is—
  - (a) refused—the party may institute an appeal by filing a notice of appeal in accordance with rule 214.2, seeking leave to appeal and setting out the grounds on which leave should be granted; or
  - (b) granted—the party may institute an appeal by filing a notice of appeal in accordance with rule 214.2.
- (3) To avoid doubt, a party may elect not to seek leave to appeal under this rule and instead proceed directly under rule 214.2 and seek leave from the appellate court.”

84. Rule 214.1 is deleted and substituted as follows:

**“214.1—Time to appeal or review**

- (1) Subject to any statute or rule to the contrary and the following subrules, an appeal must be instituted within 21 days after the date of the judgment or order the subject of the appeal.

**Note—**

Under rules 103.2 and 182.2, unless the Court otherwise orders, an order or judgment takes effect, when the Court pronounces it orally in court, at the end of the hearing when the pronouncement is made or, if the Court pronounces it other than at a hearing, when the Court communicates its terms to the parties. Time to appeal begins to run when the order or judgment takes effect under those rules. It does not begin to run if the Court merely delivers reason or judgment but does not yet make orders.

- (2) If leave to appeal is sought under rule 213.3, an appeal must be instituted within the later of—
  - (a) 21 days after the making of the judgment, order or decision subject of the appeal; or
  - (b) 7 days after the grant or refusal of leave (as the case may be).
- (3) If an extension of time to appeal is required, the appeal must be instituted in the ordinary way in accordance with rule 214.2 and the notice of appeal must seek the necessary extension of time.
- (4) The Court may order that the question of an extension of time to appeal be heard before the hearing of the appeal.
- (5) Unless an order is made under subrule (4), the application for an extension of time to appeal and the appeal will be heard at the same time.”

85. A new rule 215.6 is inserted immediately after rule 215.5 as follows:

**“215.6—Discontinuance—ERD Court**

- (1) An appellant may at any time file and serve a notice of discontinuance of appeal in the prescribed form and upon its being filed the appeal shall be abandoned.

**Prescribed form—**

Form 125 Notice of Discontinuance

- (2) A notice of discontinuance filed under subrule (1) by one of several appellants shall not affect any other appellant in the appeal.
- (3) Unless the Court otherwise orders, if a party files a notice of discontinuance under subrule (1), each party shall bear their own costs of the appeal.”

86. A new rule 215.7 is inserted immediately after rule 215.6 as follows:

**“215.7—Dismissal of Appeal as Incompetent—ERD Court**

- (1) A respondent to an appeal may apply on notice at any time to a Judge for an order dismissing an appeal as incompetent or for want of prosecution.

(2) Upon the hearing of the application, the burden of establishing the competency of the appeal is on the appellant.”

87. The title of Part 7 in Chapter 18 is deleted and substituted with: “Part 7—Appeal or review to Judge—Supreme Court, District Court, Youth Court and ERD Court”.

88. The title of Part 3 in Chapter 19 is deleted and substituted with: “Part 3—Arbitration-related proceedings—Supreme Court, District Court and Magistrates Court”.

89. The title of Part 4 in Chapter 19 is deleted and substituted with: “Part 4—Building contract progress claim—Supreme Court, District Court and Magistrates Court”.

90. The title of Part 6 in Chapter 19 is deleted and substituted with: “Part 6—Confiscation proceedings—Supreme Court, District Court and Magistrates Court”.

91. The title of Part 7 in Chapter 19 is deleted and substituted with: “Part 7—Corporations, consumer and competition legislation proceedings—Supreme Court, District Court and Magistrates Court”.

92. The title of Part 8 in Chapter 19 is deleted and substituted with: “Part 8—Family Relationship Declarations—Supreme Court, District Court and Magistrates Court”.

93. The title of Part 9 in Chapter 19 is deleted and substituted with: “Part 9—Housing improvement tenancy disputes—Supreme Court, District Court and Magistrates Court”.

94. The title of Part 10 in Chapter 19 is deleted and substituted with: “Part 10—Interpleader—Supreme Court, District Court and Magistrates Court”.

95. The title of Part 11 in Chapter 19 is deleted and substituted with: “Part 11—Possession of land—Supreme Court, District Court and Magistrates Court”.

96. The title of Part 15 in Chapter 19 is deleted and substituted with: “Part 15—Registration of judgments, orders and adjudications—Supreme Court, District Court and Magistrates Court”.

97. The title of Part 16 in Chapter 19 is deleted and substituted with: “Part 16—Taking evidence for foreign court—Supreme Court, District Court and Magistrates Court”.

98. The title of Part 13 in Chapter 20 is deleted and substituted with: “Part 13—Senior and King’s Counsel”.

99. A new rule 254.8A is inserted immediately after rule 254.8 as follows:

**“254.8A—Grants *pendente lite***

- (1) An application for a grant to preserve the estate assets pending a contested proceeding over a grant in solemn form in a probate action must be made by filing an interlocutory application in the prescribed form supported by an affidavit in the prescribed form.

(2) The supporting affidavit must—

- (a) identify the probate action;
- (b) identify why the limited grant is required;
- (c) identify who is the proposed administrator of the limited grant and why.”

100. Subrule 254.11(1) is deleted and substituted as follows:

**“254.11—Institution**

- (1) A family provision action must be instituted by filing an Originating Application and a supporting affidavit in accordance with rule 82.1.

**Prescribed form—**

Form 2X Originating Application—Family Provision Act”

101. In subrule 282.1(1) (before its renumbering), the words “as an editable Word document” are inserted immediately after the words “in the prescribed form”.

102. Part 15 of Chapter 20 is deleted.

103. Part 16 of Chapter 20 is deleted.

104. Rule 263.1 is deleted and substituted as follows:

**“263.1—Introduction**

- (1) This Part deals with persons appointed as Senior Counsel and King’s Counsel in South Australia.
- (2) In this Part, unless the contrary intention appears—

*King’s Counsel* means a person appointed by the Governor as King’s Counsel or Queen’s pursuant to the Prerogative or section 92 of the *Legal Practitioners Act 1981* regardless of whether the Sovereign is now a King or a Queen;

*Senior Counsel* means a person appointed by the Court as Senior Counsel pursuant to the former rules of the Supreme Court or section 91 of the *Legal Practitioners Act 1981*.”

105. The words “King’s Counsel” are substituted for the words “Queen’s Counsel” wherever they appear except in rule 263.13.

106. The word “Masters” is substituted with the words “Associate Justices” in the following:

1. Subparagraph 263.6(1)(a)(ii);
2. Paragraph 263.6(1)(c);
3. Subrule 263.7(1).

107. The word “Masters” is substituted with the words “Associate Judges” in subparagraph 263.6(2)(c)(iii).

108. Rule 263.13 is deleted and substituted as follows:

**“263.13—Interstate Senior Counsel**

- (1) Senior Counsel and King’s Counsel appointed elsewhere in Australia are to be accorded in the courts of this State the title under which they practise in the jurisdiction in which they were appointed and the status and privileges of Senior Counsel and King’s Counsel in this State.
- (2) Such persons rank in seniority according to their date of appointment as Senior Counsel or King’s Counsel in the first jurisdiction in which they were so appointed.”

109. Rule 264.2 is deleted and substituted as follows:

**“264.2—Hearing**

- (1) An application under rule 264.1 will usually be heard by an Associate Justice, but may be heard by a Judge.
- (2) An applicant must attend personally at the hearing, even if represented by a lawyer.”

110. Part 7 of Chapter 23 (before renumbering of the Chapter) is deleted.

111. Rule 313.2 (before renumbering) is deleted and substituted as follows:

**“313.2—Management of proceedings**

- (1) A proceeding in the Commercial List may be case managed by an Associate Judge or Judge as directed by the Chief Judge or managing Judge.
- (2) A proceeding in the Commercial List will be governed generally by the following principles:
  - (a) The proceeding will be actively managed by the Court with the aim of getting the matter ready for and listed for trial at the earliest practical possibility. Matters may be listed for trial before interlocutory steps are finalised.
  - (b) The parties, Associate Judges, Judges, and Registrars will seek to achieve the aim of facilitating the just, efficient, timely and cost-effective resolution of the real issues in dispute in a proceeding.
  - (c) Trials will be allocated to an appropriate judicial officer.
  - (d) The Court will take into account on any application for adjournment of a trial date that an aim of the Commercial List is the expeditious and cost-effective resolution of disputes.”

112. Rule 331.3 (before renumbering) is deleted and substituted as follows:

**“331.3—Other rules that apply to minor civil actions**

The following rules in other Chapters of these Rules apply in minor civil actions—

- (a) Chapter 1 (general rules);
- (b) Chapter 2 (rules about the Court);
- (c) Chapter 3 except Part 4 (rules as to parties);
- (d) Chapter 4 except Part 3 (rules as to documents);
- (e) Chapter 5 (rules as to service);
- (f) Chapter 6 (rules as to constitution of proceedings);
- (g) Rule 61.3, 63.3, 63.4, 65.5, 65.6, 82.3 and 82.4 (rules as to documents to be served and manner of service);
- (h) Rule 61.4 in Chapter 7 (rule as to confidentiality of pre-action communications);
- (i) Rule 62.2 in Chapter 7 (rule as to Enforceable Payment Agreements);
- (j) Chapter 7 Part 4 (rules as to time to serve a claim);
- (k) Chapter 7 Part 14 Divisions 1, 3 and 4 (rules as to experts);
- (l) Chapter 9 Part 3 (rules as to interlocutory orders);
- (m) Chapter 10 Part 1 and Part 2 Divisions 4 and 5 (rules as to injunctions and preservation of property and assets);
- (n) Chapter 11 Part 1, 3 and 4 (rules as to alternative dispute resolution);
- (o) Chapter 12 Part 1 and Part 2 (rules as to discontinuance and judgment in default of defence);
- (p) Chapter 12 Parts 3, 4, 5 and 6 (rules as to summary or default judgment or judgment for failure to disclose a basis for claim or defence);

- (q) Chapter 13 Part 6 (rules as to subpoenas);
  - (r) Chapter 15 (rules as to judgment);
  - (s) Chapter 16 insofar as it refers to costs in the minor civil jurisdiction;
  - (t) Chapter 17 (rules as to enforcement of judgments);
  - (u) Chapter 18 Part 2 Division 3 and Part 6 (rules as to reviews of Registrar’s decisions);
  - (v) Chapter 22 Parts 2, 3, 4, 7 and 8 (rules as to building work contractor disputes, fence disputes, fines enforcement and debt recovery, retail and commercial lease disputes and second-hand vehicle dealer disputes);
  - (w) any rule that specifically applies to the Magistrates Court; and
  - (x) any other rule, as may be modified to fit the circumstance, that a Magistrate or Judicial Registrar determines appropriate to apply.”
113. Rule 341.1 (before renumbering) is deleted and substituted as follows:
- “341.1—Costs**
- (1) A successful party in a minor civil action is ordinarily entitled to costs on the Minor Civil costs scale in Schedule 6 Part 4.
  - (2) Subrule (1) is subject to the discretion of the Court under rule 193.2.
  - (3) Subrule (1) is subject to the Court finding proper cause exists to make no order as to costs for failure to comply with Part 2 of this Chapter.”
114. Chapter 21 is renumbered as Chapter 22, and renamed as “Chapter 22—Specific kinds of proceedings—District Court” and each rule in the renamed Chapter 22 is renumbered by adding 20 to the rule number.
- Example—**
- Existing rule 281.1 is renumbered as rule 301.1.
115. Where another rule (“the cross-referring rule”) refers to a rule (“the referred rule”) within renamed Chapter 22, the cross-referring rule is amended by adding 20 to the number of the referred rule within the cross-referring rule.
116. Chapter 22 is renumbered as Chapter 28, and renamed as “Chapter 28—Specific kinds of proceedings—Magistrates Court” and each rule in the renamed Chapter 28 is renumbered by adding 80 to the rule number.
- Example—**
- Existing rule 291.1 is renumbered as rule 371.1.
117. Where another rule (“the cross-referring rule”) refers to a rule (“the referred rule”) within renamed Chapter 28, the cross-referring rule is amended by adding 80 to the number of the referred rule within the cross-referring rule.
118. Chapter 23 is renumbered as Chapter 30, and renamed as “Chapter 30—Lists” and each rule in the renamed Chapter 30 is renumbered by adding 100 to the rule number.
- Example—**
- Existing rule 311.1 is renumbered as rule 411.1.
119. Where another rule (“the cross-referring rule”) refers to a rule (“the referred rule”) within renamed Chapter 30, the cross-referring rule is amended by adding 100 to the number of the referred rule within the cross-referring rule.
120. Chapter 24 is renumbered as Chapter 29, and renamed as “Chapter 29—Minor Civil Actions—Magistrates Court” and each rule in the renamed Chapter 29 is renumbered by adding 60 to the rule number.
- Example—**
- Existing rule 331.1 is renumbered as rule 391.1.
121. Where another rule (“the cross-referring rule”) refers to a rule (“the referred rule”) within renamed Chapter 29, the cross-referring rule is amended by adding 60 to the number of the referred rule within the cross-referring rule.
122. A new chapter, “Chapter 21—Reserved” is inserted immediately after Chapter 20 as follows:
- “Chapter 21—Reserved**
- ”
123. A new chapter, “Chapter 23—Specific kinds of proceedings—Court of Disputed Returns”, is inserted immediately after Chapter 22 as follows:
- “Chapter 23—Specific kinds of proceedings—Supreme Court and Court of Disputed Returns**
- 311.1—Interpretation**
- (1) In this Chapter, unless the contrary intention appears—
- Act* means the *Electoral Act 1985*, the *Local Government (Elections) Act 1999* or the *First Nations Voice Act 2023* as applicable;
- Court* means—
- (a) in respect of a proceeding under the *Electoral Act 1985*—the Supreme Court sitting as the Court of Disputed Returns under section 103 of the *Electoral Act 1985*;
  - (b) in respect of a proceeding under the *Local Government (Elections) Act 1999*—the Court of Disputed Returns constituted by section 67 of the *Local Government (Elections) Act 1999*;
  - (c) in respect of a proceeding under the *First Nations Voice Act 2023*—the Court of Disputed Returns constituted by clause 18 of Schedule 1 to the *First Nations Voice Act 2023*;
- Electoral Act* means the *Electoral Act 1985*;
- Local Government Act* means the *Local Government (Elections) Act 1999*;
- Voice Act* means the *First Nations Voice Act 2023*.

- (2) In this Chapter, unless the contrary intention appears, in respect of a proceeding governed by this Chapter—
- (a) when the Act refers to a petitioner, a reference in these Rules to an applicant is to be understood as a reference to a petitioner;
  - (b) when the Act refers to a petition, a reference in these Rules to an Originating Application—Petition is to be understood as a reference to a petition;
  - (c) when the Act refers to a reply, a reference in these Rules to a Response—Reply is to be understood as a reference to a reply.

### 311.2—Institution of proceeding

- (1) A proceeding under Division 1 of Part 12 of the Electoral Act, Part 13 of the Local Government Act or Part 8 of Schedule 1 to the Voice Act must be instituted by filing an Originating Application—Petition in the prescribed form in accordance with rule 82.1.

#### Prescribed form—

Form 2V Originating Application Petition—Court of Disputed Returns

Form 2W Originating Application Petition—Court of Disputed Returns—State Parliamentary Election

- (2) The applicant must join as respondents—
- (a) any person declared elected in the disputed election;
  - (b) in the case of an election conducted pursuant to the Electoral Act—the Electoral Commissioner.
  - (c) in the case of an election conducted pursuant to the Local Government Act or the Voice Act—
    - (i) if it is alleged that the election is invalid on account of an act or omission of an electoral officer or electoral official—the returning officer; and
    - (ii) the relevant council or Local First Nations Voice as applicable.
- (3) An originating application—petition must be accompanied by a supporting affidavit in the prescribed form.

#### Prescribed forms—

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (4) A supporting affidavit must—
- (a) comprise evidence admissible at the final hearing of the originating application—petition; and
  - (b) set out the facts on which the applicant relies in relation to the orders sought.
- (5) The application must be accompanied by payment into Court of the prescribed amount as security for costs in accordance with the Act.

#### Prescribed form—

Form 85 Notice of Payment into Court

### 311.3—Reply

- (1) If a respondent proposes to contest the petition, they must, within the time fixed by the Act, or if not so prescribed, within 14 days, file a Response—Reply in the prescribed form.

#### Prescribed form—

Form 56A Response—Reply—Court of Disputed Returns

Form 56B Response—Reply—Court of Disputed Returns—State Parliamentary Election

- (2) If a respondent wishes to rely on any facts in addition to or contrary to those relied on by the applicant, they must within the time for filing a Response—Reply file a responding affidavit in the prescribed form.

#### Prescribed forms—

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (3) A responding affidavit must—
- (a) comprise evidence admissible at the final hearing of the Originating Application—Petition; and
  - (b) set out the facts on which the respondent relies in relation to the orders sought.
- (4) A respondent who files a Response—Reply must serve it as soon as practicable on each other party.

### 311.4—Further evidence by applicant

If an applicant wishes to rely on any facts in response to a responding affidavit, they must within 14 days after service of the responding affidavit file a reply affidavit in the prescribed form.

#### Prescribed forms—

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

### 311.5—Court fees

- (1) Court fees payable in respect of a proceeding under Part 13 of the *Local Government (Elections) Act 1999* are to be the equivalent of the fees charged in the Administrative and Disciplinary Division of the District Court.
- (2) The fees set out in Division 2 of Part 7 of Schedule 6 are charged in respect of a proceeding under Part 8 of Schedule 1 to the *First Nations Voice Act 2023*.”



124. A new chapter, “Chapter 24—Specific kinds of proceedings—ERD Court” is inserted immediately after Chapter 23 as follows:

**“Chapter 24—Specific kinds of proceedings—ERD Court**

**Part 1—General**

**Division 1—General**

**321.1—Introduction**

- (1) This Chapter contains rules relating to specific kinds of proceedings in the ERD Court.
- (2) Except to the extent that a rule in this Chapter excludes, modifies or is inconsistent with the other provisions of these Rules, the other provisions of these Rules applicable to an originating application apply to a proceeding the subject of this Chapter.

**Notes—**

Proceedings in the ERD Court’s mining jurisdiction (other than involving native title) are addressed in Chapter 25.

Proceedings in the ERD Court’s native title jurisdiction are addressed in Chapter 26.

**321.2—Interpretation**

- (1) In this Chapter, unless the contrary intention appears—  
the *Act* means the *Environment, Resources and Development Court Act 1993*;  
***appeal against an administrative decision*** means an appeal to the Court against, or application to the Court for review of, an administrative decision instituted pursuant to—

(a) any of the following provisions of the *Planning, Development and Infrastructure Act 2016*, namely—

- (i) section 142(5);
- (ii) section 155(11);
- (iii) section 157(10);
- (iv) section 202(1)(a), (b), (c), (d), (e), (f) or (g);
- (v) section 213(8);
- (vi) section 231(5);

(b) section 106(1) of the *Environment Protection Act 1993*;

(c) sections 20(1), 20(1a) or 39A(7) of the *Heritage Places Act 1993*;

(d) sections 79(9), 112(15), 113(10), 115(6), 124(4), 131(4), 136(5), 137(1)(h), 138(2), 143(4), 144(h), 145(2), 151(4), 155(6), 157(4), 174(4), 216(1) or 216(2) of the *Landscape South Australia Act 2019*;

(e) sections 55(1) or 57(1) of the *Irrigation Act 2009*;

(f) section 48(1) of the *South Eastern Water Conservation and Drainage Act 1992*;

(g) sections 38(1), 38(2) or 65(1) of the *Ground Water (Qualco-Sunlands) Control Act 2000*;

(h) section 32(1) of the *Local Nuisance and Litter Control Act 2016*;

(i) any other statutory provision that confers a right of appeal or review to the Court in respect of an administrative decision, but excluding an appeal or review governed by Chapter 25 or Chapter 26;

***application*** means an application to the Court instituted pursuant to—

(a) any of the following provisions of the *Planning, Development and Infrastructure Act 2016*:

- (i) section 125(6);
- (ii) section 125(8);
- (iii) section 139(2)(e);
- (iv) section 140(4);
- (v) section 141(1);
- (vi) section 223(5);
- (vii) section 225(1);
- (viii) section 230(4);

(b) sections 42(1), 49(8) or 89(4) of the *Environment Protection Act 1993*;

(c) sections 30(3) or 35 of the *Heritage Places Act 1993*;

(d) the power of the Court to make a declaration of right pursuant to section 28 of the Act;

(e) sections 31F(4) or 31F(5) of the *Native Vegetation Act 1991*;

(f) the *Landscape South Australia Act 2019*;

(g) any other statutory provision that confers a right of application to the Court,

but excluding an appeal against an administrative decision, an enforcement application, an interlocutory application or an application governed by Chapter 25 or Chapter 26;

***Authority*** includes—

(a) a relevant authority under Part 6 of the *Planning, Development and Infrastructure Act 2016*;

(b) a designated authority under section 212(1) of the *Planning, Development and Infrastructure Act 2016*;

(c) a designated entity under sections 225(17) or 230(14) of the *Planning, Development and Infrastructure Act 2016*;

- (d) a Council;
- (e) the Environment Protection Authority;
- (f) the South Australian Heritage Council;
- (g) the Native Vegetation Council;
- (h) an irrigation trust constituted under the *Irrigation Act 2009*;
- (i) a Minister of the Crown or a public authority against whose decision an appeal or review to the Court may be instituted;

**building referee** and **building referees** mean a Commissioner or Commissioners to whom a building reference is referred for determination as a building referee or building referees;

**building reference** means an appeal—

- (a) under sections 152(10), 152(11) and 202(1)(e) against a refusal under section 152 of the *Planning, Development and Infrastructure Act 2016*;
- (b) under sections 153(3), 153(4) and 202(1)(e) against a refusal under section 153 of the *Planning, Development and Infrastructure Act 2016*;
- (c) under section 202(1)(f) of the *Planning, Development and Infrastructure Act 2016* in respect of a building dispute of a type specified therein;

**certificate of title** means a certificate of title issued pursuant to the *Real Property Act 1886* or a memorandum of lease issued pursuant to the *Crown Land Management Act 1929*, the *Pastoral Land Management and Conservation Act 1989* or the *Irrigation Act 2009*;

**conference** means a conference conducted pursuant to section 16 of the Act;

**Council** means a municipal or district council constituted under the *Local Government Act 1999*;

the **Court** means the ERD Court and includes a Judge, Commissioner, Associate Judge, Magistrate or Judicial Registrar of the Court;

**decision** means a decision, assessment, request, declaration, direction, restriction, order or other act against which an appeal or review may be instituted or which may be the subject of a building reference;

**development appeal** means an appeal to the Court against, or application to the Court for review of, an administrative decision instituted pursuant to section 202(1)(b), (c) or (d) of the *Planning, Development and Infrastructure Act 2016*;

**District Registry** means a Registry of the Court other than the Principal Registry of the Court;

**enforcement application** means an application to the Court for an order pursuant to—

- (a) section 214 of the *Planning, Development and Infrastructure Act 2016*;
- (b) section 104 of the *Environment Protection Act 1993*;
- (c) section 215 of the *Landscape South Australia Act 2019*;
- (d) section 31A of the *Native Vegetation Act 1991*;
- (e) section 33 of the *Local Nuisance and Litter Control Act 2016*;
- (f) any other statutory provision that confers a right of application to the Court to enforce a direction or decision by an administrative body or person or to remedy or restrain a breach of the statute but excluding an application governed by Chapter 25 or Chapter 26;

**final hearing** means the ultimate substantive hearing of an originating application as opposed to a directions hearing, conference or other interlocutory hearing;

**interim injunction** means an injunction or other order of the Court issued pursuant to section 34 of the Act;

**interlocutory application** means an application for an interlocutory order of the Court;

**interlocutory order** means an injunction, interim injunction, interlocutory order or other order made by the Court which does not finally dispose of the rights of parties, pursuant to or as contemplated by—

- (a) sections 17(1), 28, 34 or 35 of the Act;
- (b) sections 155(12), 157(11), 213(9) or 214(10) of the *Planning, Development and Infrastructure Act 2016*;
- (c) sections 106(4) or 107(2) of the *Environment Protection Act 1993*;
- (d) Part 4 of this Chapter; or
- (e) sections 31C, 31E(7) or 31F(1), (4) or (5) of the *Native Vegetation Act 1991*;
- (f) any other statutory provision that confers a right of application to the Court for an order does not finally dispose of the rights of parties;

**Registrar** means the Registrar of the Court and includes a Deputy Registrar, an acting Registrar, and an acting Deputy Registrar;

**registry** means the Principal Registry and any District Registry of the Court;

**related decision** means a decision made or issued by the same Authority and relating to the same development, land, watercourse or other subject.

- (2) The rules applicable to a proceeding in the Court must be construed, interpreted and applied in a manner that will best ensure the attainment of the following objects—
  - (a) the simplification of practice and procedure;
  - (b) the identification and clarification of material issues between the parties;
  - (c) the saving of expense;
  - (d) the fair and expeditious disposal of the business of the Court.

- (3) It is acknowledged that the business of the Court will include proceedings involving parties who will not be represented by a lawyer or other qualified representative familiar with these Rules. These Rules are not intended to frustrate the presentation of a case in good faith by a party not so represented, and the Rules are to be construed and applied accordingly, having regard to the duty of the Court, expressed in section 21(1)(c) of the Act.

### **321.3—Non-compliance with Rules or court order**

If a party fails to comply with—

- (a) these Rules in relation to the production of a statement or other material on which the party intends to produce or rely on at the final hearing; or
- (b) an order pursuant to subrule 328.2(1),

the Court may order that any statement (including oral testimony of an expert witness whose statement should have been produced) or document not be admitted into evidence at the final hearing.

## **Division 2—Administration**

### **321.4—Registries of the Court**

- (1) The Principal Registry of the Court shall be at the same place as the Principal Registry of the District Court.
- (2) The District Registries of the Court shall be at the same places as the District Registries of the District Court, namely at Berri, Mount Gambier, Port Lincoln, Port Pirie and Whyalla.

## **Division 3—Service**

### **321.5—Service on particular parties**

- (1) This rule applies subject to the provisions of the *Electronic Transactions Act 2000* and the other provisions of these Rules permitting service in other manners.
- (2) A document required to be served or notice given by the Act or these Rules may be served upon or given to the State Planning Commission, the Environment Protection Authority, the South Australian Heritage Council, the Native Vegetation Council, a Minister of the Crown, an instrumentality of the Crown, or a State public authority against whose decision an appeal to the Court may be instituted by—
  - (a) delivering it to the office of the Crown Solicitor;
  - (b) posting it in an envelope addressed to the Crown Solicitor at its office; or
  - (c) sending it to the email address identified by the Crown Solicitor for that purpose.
- (3) A document required to be served or notice given by the Act or these Rules may be served upon or given to an assessment panel or assessment manager constituting a relevant authority under section 82 of the *Planning, Development and Infrastructure Act 2016* by—
  - (a) delivering it to the office of the chief executive officer of the designated authority who appointed the relevant authority;
  - (b) posting it in an envelope addressed to the office of the chief executive officer of the designated authority who appointed the relevant authority; or
  - (c) sending it to the email address identified by the designated authority who appointed the relevant authority for that purpose.
- (4) A document required to be served or notice given by the Act or these Rules may be served upon or given to a Council by—
  - (a) delivering it to the office of the chief executive officer of the Council;
  - (b) posting it in an envelope addressed to the chief executive officer at their office; or
  - (c) sending it to the email address identified by the Council for that purpose.

**Note—**

Service on parties not mentioned in this rule (such as accredited professionals constituting a relevant authority) is governed by Chapter 5.

## **Division 4—Practice Directions**

### **321.7—Practice directions**

- (1) The Registrar may issue practice directions, not inconsistent with these Rules, with respect to the business of the Court, for the information and guidance of parties and their representatives.
- (2) If the Registrar issues practice directions, the Registrar must cause them to be published on the CAA website.

## **Part 2—Appeals against administrative decisions**

**Note—**

Building references fall within the definition of an appeal against an administrative decision and are governed by this Part except to the extent that a provision in this Part is inconsistent with a provision in Part 3, which specifically governs building references.

## **Division 1—Institution**

### **322.1—Institution**

- (1) A development appeal must be instituted by filing an Originating Application in the prescribed form.

**Prescribed forms—**

Form 5G—Originating Application—Appeal Against Administrative Decision—Development

- (2) An application under section 202(1)(g) of the *Planning, Development and Infrastructure Act 2016* for review of a matter with respect to a decision as to the nature of a development under Part 7 Division 2 Subdivision 1, Subdivision 2 or Subdivision 3 of the *Planning, Development and Infrastructure Act 2016* must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 5G—Originating Application—Appeal Against Administrative Decision—Development

- (3) In any other case, if the statute calls the proceeding an “appeal”, an appeal against an administrative decision must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 5—Originating Application—Appeal Against Administrative Decision

- (4) In any other case, if the statute calls the proceeding a “review”, an appeal against an administrative decision must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 4 Originating Application—Review

- (5) A proceeding governed by this rule must—
- (a) identify the land, watercourse, building or other subject matter to which the appeal or review relates;
  - (b) if the appeal or review relates to the issue or refusal of a development authorisation, specify whether the applicant—
    - (i) was the applicant for the development authorisation; or
    - (ii) is a person who made a representation and to whom notice was given pursuant to section 110(6) of the *Planning, Development and Infrastructure Act 2016*.
- (6) A proceeding governed by this rule must have affixed to the originating application or exhibited to a supporting affidavit (if filed)—
- (a) a copy of any notice or document constituting or evidencing the decision, order or notice of the Authority whose decision is the subject of the appeal or review; and
  - (b) in the case of a development appeal—a copy of written notice or other evidence of the decision provided to the applicant or otherwise a copy of the minutes of the meeting or similar document prepared by the Authority which identifies the date upon which the Authority made its decision.

**322.2—Amendment to proposed development**

- (1) This rule applies in respect of a development appeal.
- (2) If, following the closure of the conference in accordance with rule 316.6, the applicant for development authorisation intends to amend the proposed development in any respect, they must file and serve on the other parties details of the proposed amendment—
  - (a) in accordance with a timetable ordered by the Court; or
  - (b) if a timetable has not been set, at least 21 days before the final hearing.

**Division 2—Parties**

**322.3—Joint parties**

An Originating Application may be brought by or on behalf of one or more applicants if—

- (a) the appeal or review relates to one decision, order or notice or to related decisions, orders or notices; and
- (b) the Originating Application specifies one address for service at or to which documents or notices may be served or delivered upon all applicants or may be deemed to have been so served.

**322.4—Appeals by representors—joinder of applicant for development authorisation**

- (1) When an appeal is instituted pursuant to section 202(1)(d) of the *Planning, Development and Infrastructure Act 2016* or section 113, 137 or 144 of the *Landscape South Australia Act 2019* by a person who is or was entitled to be given notice of a decision under the relevant Act, the person must join the applicant for development authorisation as a respondent.

**Note—**

Section 110(8) of the *Planning, Development and Infrastructure Act 2016* provides that the applicant for the relevant development authorisation is a party to the appeal. It also requires the Registrar to notify the applicant for the relevant development authorisation of the appeal.

- (2) When a review is instituted pursuant to section 202(1)(g) of the *Planning, Development and Infrastructure Act 2016* by a person other than the applicant for development authorisation, the applicant for development authorisation may apply to be joined as a respondent.

**322.5—Appeals by applicants for development authorisation—joinder of persons who made a representation**

- (1) When an appeal is instituted pursuant to section 202(1)(b) or (c) of the *Planning, Development and Infrastructure Act 2016* by an applicant for development authorisation, the Registrar must give notice to each person who made a representation to the relevant Authority and whose name and address has been given to the Court pursuant to section 110(6)(b)(iii) of the *Planning, Development and Infrastructure Act 2016*—
  - (a) of the fact that an appeal has been instituted; and
  - (b) that a person who made a representation in respect of the application for development authorisation may apply, in accordance with the provisions of this rule, to be joined as a party to the appeal.
- (2) When an appeal is instituted pursuant to section 216 of the *Landscape South Australia Act 2019* by an applicant for a permit or approval, the Registrar must give notice to each person who made a representation to the relevant Authority and whose name and address has been given to the Court pursuant to section 113, 137 or 144 of the *Landscape South Australia Act 2019*—
  - (a) of the fact that an appeal has been instituted; and
  - (b) that a person who made a representation in respect of the application for a permit or approval may apply, in accordance with the provisions of this rule, to be joined as a party to the appeal.

- (3) When a representation was made by two or more persons, notice need only be given to the person nominated as the person making the representation, or (when no such nomination has been made) to the first person named in the representation, who shall be deemed to be the person who made the representation.
- (4) Any person to whom the Registrar has given notice pursuant to subrules (1) or (2) may, within seven days of the giving of such notice, apply to the Court in the prescribed form to be joined as a party to the appeal to which such notice relates.

**Prescribed form—**

Form 771 Interlocutory Application to be Joined

- (5) The Court may, after hearing such application, join the person to whom such notice has been given.
- (6) If all parties consent to an application by a representor under subrule (3), the Court or the Registrar may order the joinder of the applicant administratively without a hearing.

**Division 3—Statement of facts issues and contentions**

**322.6—Statement of facts issues and contentions**

- (1) The Court may of its own motion or on application by a party order that the applicant file and serve a statement of facts issues and contentions in the prescribed form.

**Prescribed form—**

Form 11 Statement of Facts Issues and Contentions Standalone

- (2) If the Court makes an order under subrule (1), the respondent and any interested party who wishes to be heard in the proceeding must file a response to the statement of facts issues and contentions in the prescribed form—
  - (a) in accordance with a timetable ordered by the Court; or
  - (b) if a timetable has not been set, within 28 days after service of the statement of facts issues and contentions.

**Prescribed form—**

Form 57 Response to Statement of Facts Issues and Contentions

**Part 3—Building References**

**323.1—Building referees**

A building referee determining a building reference must be a Commissioner with practical knowledge of, and experience in, architecture, civil engineering, building, building safety or building regulation.

**Note—**

Section 202(2) of the *Planning, Development and Infrastructure Act 2016* requires building references to be referred to a commissioner or commissioners of the Court acting as a building referee or building referees under section 206.

**323.2—Institution**

- (1) A building reference must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 4 Originating Application—Review of Administrative Decision

- (2) The Originating Application must—
  - (a) identify the building work (current or proposed) to which the reference relates;
  - (b) specify the decision, direction or dispute the subject of the reference;
  - (c) briefly set out the order, direction or modification which the party seeking the reference is requesting the Court to make or give.
- (3) The supporting affidavit must exhibit any plans, specifications or other documents (including any order or notice of refusal) either the subject of or relating to the reference.
- (4) The applicant must join the Authority or other person who made the order or direction or is the other party to the dispute as a respondent.

**323.3—Additional powers of building referees**

For the purpose of expediting the hearing and determination of a building reference and without limiting any other power of the Court, a building referee may—

- (a) waive the filing of a document or payment of the prescribed fees until the commencement of the final hearing of the building reference;
- (b) conduct a hearing at any place (including upon the land or within the building the subject of the reference), at any time and in such form or manner as the referee thinks will be conducive to the expeditious determination of the issues between the parties;
- (c) keep or cause to be kept such transcript or other record of the hearings of the reference as the referee thinks fit.

**Part 4—Enforcement Applications**

**324.1—Institution of application**

- (1) An enforcement application must be instituted by filing the following documents—
  - (a) an Originating Application in the prescribed form seeking leave to serve a summons (and where the applicant requires leave to bring the application, seeking leave to bring the application);
  - (b) a summons in the prescribed form in respect of which leave is sought;
  - (c) a supporting affidavit made in accordance with subrule (2);
  - (d) if the applicant brings the application in a representative capacity—a memorandum exhibited to the supporting affidavit in accordance with subrule (3).

**Prescribed forms—**

Form 2AD Originating Application  
Form 84D Summons  
Form 12 Affidavit  
Form 14 Exhibit to Affidavit

- (2) The supporting affidavit must set out—
- (a) the facts and circumstances upon which the applicant relies; and
  - (b) the name (and, as far as is known, the address, email address and telephone number) of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land or other subject of the application.
- (3) A memorandum must specify all the people or organisations on whose behalf the proceeding is brought and be signed by all the people or organisations in such manner as shows that all the people or organisations consent to the proceeding being brought on their behalf.

**324.2—Leave to serve summons**

- (1) The Court, on the hearing of an application for leave to serve a summons, may refuse to grant the application or may amend or strike out part of the proposed summons when, on the evidence before the Court, there is no reasonable prospect that the Court would make any order of the nature sought.
- (2) Unless the Court extends such period, a summons in respect of which leave has been granted by the Court—
  - (a) shall not be issued by the Court after one month of such leave being granted;
  - (b) remains in force for three months only after the date of such issue,
- (3) As soon as is reasonably practicable after a summons and accompanying affidavits have been served upon a person (including an Authority, where such service is required), the applicant must file an affidavit of proof of service in the prescribed form.

**Prescribed form—**

Form 42 Affidavit of Proof Service

**324.3—Notice of Acting**

- (1) A person served with a summons who wishes to be heard by the Court in response must file a Notice of Acting in the prescribed form within fourteen days of the date of service.
- (2) The Notice of Acting must specifically acknowledge service of the summons, set out the name of the person who desires to be heard in response to the summons and specify an address for service.

**Prescribed form—**

Form 23 Notice of Acting

**324.4—Affidavit of merits**

A person (other than an Authority) who has filed a Notice of Acting must, at least fourteen days prior to the final hearing, file and serve on all other parties to the summons an affidavit setting out such facts and circumstances as they may ask the Court to take into account upon the final hearing of the summons.

**324.5—Persons with legal or equitable interest**

- (1) When an affidavit filed pursuant to subrule 324.2(b) sets out the name of a person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land or other subject of the application, the Court may order that notice of the summons in the prescribed form be given by the applicant to that person.
- (2) When, in the opinion of the Court, a person has or may have a legal or equitable interest in the land or other subject of the application, the Court may order that notice of the summons in the prescribed form be given by the applicant to that person.

**Prescribed form—**

Form 47 Notice of Summons

- (3) A notice given to a person in consequence of an order made pursuant to subrule (1) or (2) must have attached to it a copy of the summons.
- (4) When an order is made that notice be given to a person in consequence of an order pursuant to subrule (1) or (2), an affidavit in the prescribed form verifying that notice has been given must be filed by the applicant as soon as is reasonably practicable after the notice has been given.

**Prescribed form—**

Form 42 Affidavit of Proof Service

- (5) A person to whom notice is given pursuant to this rule who desires to be heard by the Court upon the hearing of the summons must file a Notice of Interest in the prescribed form, within fourteen days of being served with such notice.

**Prescribed form—**

Form 59 Notice of Interest

- (6) A Notice of Interest filed pursuant to subrule (5) must give an address for service and must contain a brief statement of the person's interest in the land or other subject of the proceeding.

**324.6—Setting down for conference**

- (1) The summons will be set down for a conference as soon as is practicable after the time for filing of a Notice of Acting has expired.
- (2) The Registrar must give notice of the time appointed for the conference to—
  - (a) the applicant;
  - (b) any respondent who has filed a Notice of Acting;
  - (c) any person who has filed a Notice of Interest pursuant to and meeting the requirements of subrule 324.5(5) and (6); and
  - (d) any Authority which has been served.

**Part 5—Other applications****325.1—Institution**

- (1) Subject to subrule (5), an application to the Court other than an appeal against an administrative decision, building reference, enforcement application or interlocutory application must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 2AD Originating Application

- (2) An application governed by this rule must—
  - (a) briefly state the facts, circumstances and other relevant matters upon which the application is based;
  - (b) identify the land, building, watercourse or other subject to which the application relates.
- (3) The applicant must join the Authority or person against whom the declaration or orders are sought as a respondent.
- (4) When an application seeks an order pursuant to section 141 of the *Planning, Development and Infrastructure Act 2016*—
  - (a) the applicant must join the owner and (if different) occupier of the land to which the application relates as a respondent;
  - (b) the Originating Application must also set out the name, address and interest of any other person who (as far as is known by the applicant) has a material interest in the application;
  - (c) the Originating Application must have affixed to it a copy of the certificate of title of the land to which the application relates.
- (5) When an order is sought pursuant to section 30(3) of the *Heritage Places Act 1993*, the Originating Application must be accompanied by an affidavit in the prescribed form setting out the facts in support thereof.

**Prescribed forms—**

Form 12 Affidavit

Form 14 Exhibit to Affidavit

- (6) In case of urgency, or in any other circumstances in which the Court considers it appropriate, the Court may—
  - (a) hear an oral application; or
  - (b) hear an application and make an order by audio visual link, telephone or email.

**Part 6—Conferences and post-conference steps****326.1—Matters to be referred to a conference****Note—**

Sections 204(2) and 214(5) of the *Planning, Development and Infrastructure Act 2016*; sections 104(12) and 106(5) of the *Environment Protection Act 1993*; section 38 (4) of the *Ground Water (Qualco-Sunlands) Control Act 2000* and section 31A(5) of the *Native Vegetation Act 1991* require proceedings referred to therein to be referred to a conference governed by section 16 of the Act.

In addition to the matters that must be referred to a conference pursuant to legislation, the following proceedings must at first instance be referred to a conference—

- (a) an appeal against an administrative decision pursuant to section 231(5) of the *Planning, Development and Infrastructure Act 2016*;
- (b) an appeal against an administrative decision pursuant to section 48 of the *South Eastern Water Conservation and Drainage Act 1992*;
- (c) an appeal against an administrative decision pursuant to section 20 of the *Heritage Places Act 1993*;
- (d) an appeal against an administrative decision pursuant to section 55(1) or section 57(1) of the *Irrigation Act 2009*;
- (e) an appeal against an administrative decision pursuant to section 32(3) of the *Local Nuisance and Litter Control Act 2016*;
- (f) an application pursuant to section 141(1) or section 139(2)(e) of the *Planning, Development and Infrastructure Act 2016*;
- (g) an application pursuant to section 35 of the *Heritage Places Act 1993*;
- (h) an application pursuant to sections 29(1) or 31A of the *Native Vegetation Act 1991*;
- (i) an application pursuant to section 33 of *Local Nuisance and Litter Control Act 2016*;
- (j) an application pursuant to section 215(10) of the *Landscape South Australia Act 2019*.

**326.2—Presiding member**

A Judge, Commissioner, Associate Judge or Magistrate of the Court may preside at any conference.

**326.3—Preparation for conference**

- (1) When the decision of an Authority is the subject of a proceeding to be referred to a conference, the Authority must, at least 7 days before the scheduled conference date, provide to the Court and to each party to the proceeding a book of documents comprising a copy of—
  - (a) each of the application documents, together with any additional information provided subsequently to the Authority by the applicant, whether in response to a request by the Authority, in response to representations or otherwise;
  - (b) any representation, submission or report with respect to the application (including a report by staff of, and any consultant engaged by, the Authority) submitted to the Authority or any person or committee acting under delegation from the Authority prior to its decision;
  - (c) if the proceeding is a development appeal—any response of a prescribed body pursuant to s 122(1)(b) of the *Planning, Development and Infrastructure Act 2016* and any additional documents or information provided to a prescribed body by the applicant pursuant to s 122(3)(a);
  - (d) any report by an Authority or an officer, delegate or employee of the Authority;
  - (e) if the proceeding is a development appeal—a copy of the Planning Rules relevant to the application;
  - (f) any advice or report provided prior to the decision of the Authority by a consultant engaged to advise upon the application or aspects of the application;
  - (g) the minutes of any meeting of the Authority at which the application was considered;
  - (h) the notification of the decision of the Authority;
  - (i) the reasons for the Authority's decision.
- (2) It is not necessary to include more than one copy of a document in a book of documents produced pursuant to this rule.

**Example—**

Where a document which is included in the book of documents was also an attachment, for example, to an agenda for a meeting of the authority or a committee, or to the report of an officer, it will be sufficient to insert a note following the reproduced agenda, report or other document, identifying the document and indicating the numbers of the pages of the book of documents where the document has been reproduced.

- (3) A book of documents produced pursuant to this rule must—
  - (a) be in chronological order for each category of documents;
  - (b) have pages that are sequentially numbered;
  - (c) have an index at the front.
- (4) Nothing in this rule derogates from the duty of an Authority to provide notice to the Court of persons who made representations pursuant to section 110(6)(b)(iii) of the *Planning, Development and Infrastructure Act 2016*.
- (5) The parties must be prepared in advance of the conference to be able to—
  - (a) identify and discuss the issues or matters in dispute at the conference;
  - (b) attend with a person who is able to negotiate with authority;
  - (c) participate and comply with rules 316.4 and 316.6.

**326.4—The conference**

- (1) The purpose of a conference is to enable the presiding member at the conference to assist the parties to explore any possible resolution of the matters in dispute without resorting to a formal hearing.
- (2) To that end, it is expected that—
  - (a) the issues or matters in dispute, from the perspective of each party, will be aired and discussed openly at the conference, with a view to a fair and reasonable exchange of views in good faith;
  - (b) each party or their representative(s) attending the conference will attend in good faith, and the representative(s) will have obtained authority to discuss, negotiate and authorise a settlement of the proceeding, or agree on such issues or part of the proceeding as may be agreed;
  - (c) each party or their representative(s) will be prepared at the conference to discuss its case, identify the issues it proposes to argue, and the grounds therefor and respond as best it then can to the case of each other party.
- (3) Summaries of expert reports may be produced at a conference provided that—
  - (a) the reports are not summarised in a way that they may be inaccurate or misleading;
  - (b) a copy of the summary is provided to the Court and to each other party at least 24 hours before the commencement of the conference.

**326.5—Adjournment of conference**

- (1) If, during the course of a conference, the presiding member concludes that the parties have reached or may reach a settlement which will or may prejudice any person not represented at the conference but who has a direct or material interest in the proceeding to which the conference relates, the presiding member may adjourn the conference and direct the Registrar to give notice of the conference and of the proposed or probable settlement to such person and the Registrar must give notice accordingly.
- (2) Any person to whom a notice has been given pursuant to subrule (1) may—
  - (a) attend at the adjourned conference and participate in it;
  - (b) apply to be joined as a party to the proceeding the subject of the conference.



**326.6—Closure of conference**

- (1) At the request of a party the Chairperson may close the conference and list the matter for directions.
- (2) Upon the closure of the conference, the parties may be asked to—
  - (a) express their views concerning the composition of the bench to hear and determine the matter;
  - (b) identify the issues and inform the chairperson whether there is a legal issue to be determined, and if so, the nature of the legal issue.
- (3) When the Chairperson considers it appropriate, the chairperson may list the matter for a directions hearing.

**326.7—Order for costs**

When the presiding member at a conference makes an order for costs pursuant to section 16(7)(h) of the Act, the amount of costs so ordered will be determined by reference to Part 9.

**326.8—Directions hearing**

- (1) This rule applies to the directions hearing convened after the close of a conference and any adjourned directions hearing.
- (2) At the directions hearing, the parties will be expected to inform the Court with respect to—
  - (a) the issues for determination including whether there is a legal issue to be determined, and if so, the nature of the legal issue;
  - (b) if not already determined, the composition of the bench to hear and determine the matter;
  - (c) any proposed amendments to the development proposal where applicable;
  - (d) the exchange of expert reports and meetings of experts;
  - (e) the availability of witnesses and counsel;
  - (f) the estimated duration of the final hearing; and
  - (g) any other matters relevant to the listing of the appeal.
- (3) At the directions hearing, to the extent that a timetable has not already been set, the Court may set a timetable for—
  - (a) the provision of particulars of a party's case;
  - (b) the filing and service of any amended development proposal when applicable;
  - (c) the exchange of expert reports;
  - (d) any meeting of proposed expert witnesses having similar expertise, for the purpose of identifying differences in opinion between them.
- (4) Following consultation with the Listings Co-ordinator, the Court will inform the parties of the date or dates for the final hearing of the matter.

**326.9—Re-opening of conference or referral to Mediation**

The parties, by agreement, may request the Court—

- (a) at any time before the scheduled hearing date to reconvene the conference of the parties;
- (b) at any time to appoint a mediator to endeavour to achieve a negotiated settlement of the matter.

**Part 7—Mediation****327.1—Mediation**

'Mediation' is a process voluntarily entered into by the parties whereby a neutral third party assists and encourages the parties in dispute as to one or more matters in a proceeding, to achieve their own negotiated settlement of the matter or matters in dispute.

**327.2—Mediation pursuant to section 28B of the Act**

- (1) Mediation may be conducted at any stage of a proceeding.
- (2) The Court may appoint a mediator with the consent of the parties.

**327.3—Settlement resulting from mediation**

- (1) If a mediation results in the settlement of any of the matters in dispute between the parties, the outcome shall be reduced to writing, signed by the mediator and the parties (the mediation report) and filed in a registry of the Court.
- (2) Following receipt of a mediation report, the Court may record a settlement and make any decision or order it considers appropriate.

**Part 8—Subsequent steps before final hearing****Division 1—Restraining orders****328.1—Restraining orders**

Where an interlocutory application is for a restraining order pursuant to section 28A of the Act, and the Court considers it appropriate to exercise its powers under section 28A(5) of the Act, the Court may—

- (a) direct the Registrar to issue and cause to be served a summons directing the respondent to appear before the Court at a specified time and place to be examined concerning the identification of property the subject of the proposed restraining order; or
- (b) issue a warrant for the arrest of the respondent under the hand of a Judge, directed to the Sheriff, ordering the Sheriff to take the person into custody and to hold them in custody until they can be brought before the Court to be examined concerning the identification of property the subject of the proposed restraining order.

**Division 2—Particulars and discovery****328.2—Particulars and discovery**

The Court may, at any time prior to or in the course of the hearing of a proceeding, order a party to produce to the Court and to each other party—

- (a) further particulars of that party's case;
- (b) full particulars of the reasons for decision of the relevant Authority;
- (c) a list of documents in the possession of that party and directly relevant to the proceeding;
- (d) a specified document in the possession of that party which is directly relevant to the proceeding.

**Division 3—section 21(2) Documents****328.3—Documents requested under section 21(2)**

- (1) The Court may make a request for documents pursuant to section 21(2) of the Act on application by a party or of its own motion.
- (2) Unless the Court otherwise orders, when any documents have been delivered or sent to the Court as a consequence of a request made pursuant to section 21(2) of the Act, the Registrar must make them available for inspection by the parties or their representatives at a registry of the Court.
- (3) Subject to any statutory provision, unless the Court otherwise orders, the Registrar may provide a copy of such documents as may reasonably be copied in the Registry to any party or their representative upon their paying the relevant fee or, where there is no fee, an amount sufficient to cover the cost of producing the copy.

**Division 4—Amendment to proposed development****328.4—Amendment to proposed development**

- (1) This rule applies in respect of a development appeal.
- (2) If, for the purpose of the final hearing, the applicant intends to amend the proposed development in any respect, they must file and serve on the other parties details of the proposed amendment—
  - (a) in accordance with a timetable ordered by the Court; or
  - (b) if a timetable has not been set—at least 14 days before the final hearing.

**Division 5—Expert evidence****328.5—Expert evidence**

- (1) Subject to subrule (2), the provisions of Chapter 7 Part 14 apply to a proceeding governed by this Chapter.
- (2) Rules 74.2, 74.3 and 74.8 do not apply to a proceeding governed by this Chapter.
- (3) A party who requests an expert to provide an expert report must, within 7 days of arranging for the expert to provide an expert report, send to the expert a copy of in accordance with Divisions 3 and 4 of Chapter 7 Part 14.
- (4) If a party intends to adduce expert evidence at the final hearing, the party must, at least 7 days before the final hearing, obtain an expert report complying with rule 74.10 from each intended expert.
- (5) Unless the Court otherwise orders, an expert's evidence in chief at the final hearing must be given only by tendering the report from the expert and the expert giving evidence that the report is correct.
- (6) If a party wishes to adduce expert evidence of which notice should have been, but was not, given by an expert report from the witness (including evidence outside the scope of an expert report served under this rule)—
  - (a) the party must first obtain leave of the Court; and
  - (b) if a party fails to comply with this rule 328.5—the Court may order that the party pay the incremental costs of each other party caused by the failure to comply with this rule.

**Division 6—Book of documents for final hearing****328.6—Enforcement applications**

- (1) This rule applies to enforcement applications.
- (2) The applicant must provide to the Court and each other party any proposed interim or other order of the Court relevant to the final hearing in sufficient numbers, having regard to whether the matter is to be heard by a full bench or Judge or Commissioner sitting alone, subject to any order of the Court, to each party at least 7 days before the commencement of the final hearing.

**328.7—Appeals against administrative decisions**

- (1) This rule applies to each appeal against an administrative decision.
- (2) Subject to subrule (3), the Authority whose decision is the subject of an must produce a book of documents in accordance rule 326.3 (whether or not rule 326.3 applies to the proceeding).
- (3) If a book of documents has already been prepared pursuant to rule 326.3—
  - (a) if no further documents would be included in a book of documents prepared in accordance with the timing required by subrule (6)—the Authority need not prepare a further book of documents;
  - (b) if further documents would be included in a book of documents prepared in accordance with the timing required by subrule (6)—the Authority must prepare (at its option) either a supplementary book of documents containing the further documents or a fresh book of documents.
- (4) The applicant for development authorisation under the *Planning, Development and Infrastructure Act 2016*, whether the applicant or respondent, must produce a full set of the plans or drawings, with dimensions, and drawn to an identified scale, which relate to the development as proposed at the time of the final hearing.

- (5) A party who plans to use, in the course of the final hearing, a diagram, specification, photograph or other documentary material which is reasonably capable of being copied without undue expense, must produce a book containing a copy of the material in preparation for the final hearing.
- (6) A party required by this rule to produce copy documents must provide to each other party and the Court the copy documents in sufficient numbers having regard to whether the matter is to be heard by a full bench or Judge or Commissioner sitting alone and allowing for one copy to be available to any person giving evidence at the final hearing, at least 7 days before the commencement of the final hearing subject to any order of the Court.

#### **Part 9—Costs**

##### **329.1—Scale of costs**

- (1) The Scale of Costs prescribed by the Court for the purposes of sections 29 and 44 of the Act is the Higher Courts costs scale.
- (2) Subrule (1) is subject to the rules contained in Chapter 16.

##### **329.2—Witness fees**

- (1) When a witness has attended the Court for the purpose of giving evidence, the Court may allow fees payable to such witness upon any of the following bases—
  - (a) if the witness was accepted by the Court as an expert witness in a recognised profession or trade, or would have been likely to have been accepted if called—a fee will be allowed of such amount per hour necessarily attended at Court as is reasonable having regard to the profession or trade;
  - (b) if a witness was accepted by the Court as an expert witness in a recognised profession or trade, or would have been likely to have been so accepted if called—the Court may allow any reasonable costs properly incurred by a party in obtaining from such witness any report on matters relevant to the proceeding before the Court;
  - (c) if a witness is not an expert witness but attends the Court for the purpose of giving evidence relevant to the proceeding before the Court—the witness shall be allowed a fee of \$30.00 per hour necessarily attended or such greater amount as is reasonable;
  - (d) if a witness incurs travelling expenses for the purpose of attending Court—the fee payable to such witness may include such amount as the Court thinks reasonable to reimburse to the witness such expenses.

##### **329.3—Costs of subpoenaed witness**

- (1) When the Court, on the application of a party to the proceeding, issues a subpoena requiring a person to appear before the Court, the Court may, either at the time of the issue of the subpoena or at any time before the conclusion of the proceeding, order the party who applied for the issue of the subpoena to pay to the person required to appear the cost of that person attending before the Court.
- (2) When determining the amount to be paid pursuant to subrule (1), the Court will have regard to—
  - (a) the principles applicable to witness fees in rule 329.2;
  - (b) any travelling, accommodation or other costs actually incurred or likely to be incurred by the person in attending at court.
- (3) The Court may make an order pursuant to this rule either upon application by the person required to appear or a party to the proceeding, or of its own motion.
- (4) When an order is made pursuant to this rule, the amount ordered to be paid shall be a debt payable to the person required to attend by the party against whom the order is made.”

125. A new chapter, “Chapter 25—Specific kinds of proceedings—Mining” is inserted immediately after Chapter 24 as follows:

#### **“Chapter 25—Specific kinds of proceedings—Mining**

##### **Part 1—Preliminary**

##### **331.1—Introduction**

- (1) This Chapter contains rules relating to mining actions.
- (2) Except to the extent that a rule in this Chapter excludes, modifies or is inconsistent with the other provisions of these Rules, the other provisions of these Rules applicable to an originating application apply to an action the subject of this Chapter.

##### **331.2—Interpretation**

- (1) In this Chapter, unless the contrary intention appears—
 

*Mining Act* means the *Mining Act 1971*;

*Mining Regulations* means the *Mining Regulations 2020*;

*Opal Mining Act* means the *Opal Mining Act 1995*;

*Opal Mining Regulations* means the *Opal Mining Regulations 2012*.

##### **Part 2—Wardens Court**

###### **Note—**

Actions in which the Warden’s Court has concurrent jurisdiction with the Supreme Court and ERD Court are governed by Part 4.

##### **Division 1—General**

##### **332.1—Interpretation**

- (1) The rules applicable to a proceeding in the Court must be construed, interpreted and applied, to the fullest extent that their context will allow, in a manner that will best ensure the attainment of the following objects:
  - (a) the simplification of practice and procedure;

- (b) the identification and clarification of material issues between the parties;
- (c) the saving of expense;
- (d) the expeditious disposal of the business of the Court.

**332.2—Fees**

The fees set out in Division 1 of Part 7 of Schedule 6 are charged in respect of the matters referred to in the Schedule.

**332.3—Service on Director**

Unless the Court otherwise orders, an applicant must serve the documents initiating an action on the Director of Mines whether or not the Director is named as a party.

**Division 2—Institution****Note—**

Under the former *Wardens Court Rules 2016* a proceeding was instituted by a plaint note. An originating application under these Rules is the replacement for and equivalent of a plaint note.

**332.4—Forfeiture and cancellation**

- (1) This rule applies to an application—
  - (a) for adjudgment of liability to and recommendation for forfeiture under section 70 of the Mining Act;
  - (b) for forfeiture of a tenement under section 75 of the Opal Mining Act;
  - (c) for cancellation of, or prohibition from holding or obtaining, a precious stones prospecting permit under section 72 of the Opal Mining Act;
  - (d) for cancellation of a pegging under section 74 of the Opal Mining Act;
  - (e) for cancellation of an amalgamation under regulation 15(4) of the Opal Mining regulations;
  - (f) for cancellation of a tenement under regulation 19(2) of the Opal Mining regulations;
  - (g) relating to forfeiture or cancellation in respect of which jurisdiction is otherwise vested in the Court.
- (2) An action governed by this rule must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 2AA Originating Application—Wardens Court—Forfeiture or Cancellation.

- (3) The application must be accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Note—**

Regulation 62 of the Mining regulations requires an application under section 70 of the Mining Act to be supported by specified evidence.

- (4) The applicant must join the holder of the tenement, permit or pegging as a respondent.

**332.5—Objection**

- (1) This rule applies to an objection—
  - (a) to use of declared equipment under section 34(8) of the Opal Mining Act; or
  - (b) relating to entry or use in respect of which jurisdiction is otherwise vested in the Court.
- (2) An action governed by this rule must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 3C Originating Application—Objection Mining

- (3) The application may but is not required to be accompanied by a supporting affidavit.
- (4) The applicant must join the person who served the relevant notice of intention as a respondent.

**332.6—Review of administrative decision**

- (1) This rule applies to an application for review of an administrative decision—
  - (a) of the Mining Registrar to cancel a claim under regulation 21 of the Mining regulations;
  - (b) of the Opal Mining Registrar in relation to a precious stones prospecting permit under section 10A of the Opal Mining Act;
  - (c) of the Opal Mining Registrar in relation to a precious stones tenement under section 18A of the Opal Mining Act;
  - (d) of the Director in relation to a precious stones prospecting tenement under section 18B of the Opal Mining Act;
  - (e) of the Opal Mining Registrar in relation to a precious stones tenement application under section 19A of the Opal Mining Act;
  - (f) of the Opal Mining Registrar to cancel a tenement under section 27 of the Opal Mining Act; or
  - (g) in respect of which jurisdiction is otherwise vested in the Court.
- (2) An action governed by subrule (1) must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 4 Originating Application for Review.

- (3) This rule also applies to an application by way of appeal against an administrative decision—
  - (a) of the Director in relation to a draft mine operations plan under section 73G(6) or (12) of the Mining Act;
  - (b) of the Director or an authorized officer to issue a compliance, rectification or emergency order under section 73L of the Mining Act;

- (c) of the Mining Registrar to cancel a claim under regulation 21 of the Mining regulations;
  - (d) of the Opal Mining Registrar refusing approval in relation to a precious stones prospecting permit under section 11 of the Opal Mining Act;
  - (e) of the Opal Mining Registrar in relation to an agreement under section 45 of the Opal Mining Act; or
  - (f) in respect of which jurisdiction is otherwise vested in the Court.
- (4) An action governed by subrule (3) must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 5 Originating Application—Appeal against Administrative Decision.

- (5) An application governed by this rule may but is not required to be accompanied by a supporting affidavit.
- (6) The applicant—
- (a) must join any person who has a direct interest in supporting the decision or action as a respondent; and
  - (b) must join the decision maker as an interested party or, if the decision maker has a direct interest in supporting the decision or action, as a respondent.
- (7) Unless the Court otherwise orders or this rule provides, an application governed by this rule is governed by Part 14 of Chapter 8.

**332.7—Other proceedings**

- (1) This rule applies to an action—
- (a) concerning a right claimed in, under, or in relation to a mineral tenement or purported mineral tenement under section 67(1) of the Mining Act;
  - (b) concerning a right claimed in, under, or in relation to a tenement or purported tenement or precious stones permit under section 72(1) of the Opal Mining Act;
  - (c) a monetary claim arising in relation to a contract, partnership or joint venture arrangement under section 67(1a) of the Mining Act;
  - (d) a monetary claim arising in relation to a contract, partnership or joint venture arrangement under section 72(1a) of the Opal Mining Act;
  - (e) in respect of working conditions on a claim under regulation 14(1) or regulation 16(1) of the Opal Mining regulations;
  - (f) for approval in respect of a road or pipeline under regulation 24(1) of the Opal Mining regulations;
  - (g) for rectification of a tenement description under regulation 20(1) of the Opal Mining regulations; or
  - (h) in respect of which jurisdiction is otherwise vested in the Court other than one governed by rule 332.4, 332.5 or 332.6.

**Note—**

The jurisdiction of the Warden's Court under (c) and (d) is subject to a monetary limit of \$150,000.

- (2) An action governed by this rule must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 2 Originating Application

- (3) The application must be accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.
- (4) The applicant must join as a respondent any person against whom final relief is sought in the action or whose interests may be directly and adversely affected by the orders sought in the action.
- (5) The applicant must join as an interested party any person who should be given the opportunity to be heard in relation to the action or who must be joined to be bound by the result.

**332.8—General**

Unless the Court otherwise orders or this Division otherwise provides, the institution of the application is governed by Part 2 of Chapter 8.

**Division 3—Response and subsequent steps****332.9—Response****Note—**

Under the former *Wardens Court Rules 2016* the document filed by a respondent in response to an action was called an objection. A response under these Rules is the replacement for and equivalent of an objection.

- (1) If a respondent or interested party wishes to oppose or make submissions about an originating application, they must, within 14 days after service of the Originating Application documents, file a Response in the prescribed form setting out—
- (a) the party's response to facts alleged in support of the application;
  - (b) other facts the party contends are relevant to the application;
  - (c) the party's attitude to any application for an extension of time; and
  - (d) the party's response to the orders sought in the application.

**Prescribed form—**

Form 56 Response

- (2) A respondent or interested party who files a Response must serve it as soon as practicable on each other party to the action.

**332.10—Subsequent steps**

- (1) The Court may, at any stage of any proceeding, order a party to provide to another party particulars or further and better particulars.
- (2) Unless the Court otherwise orders or this Part otherwise provides, subsequent steps are governed by Parts 3 to 8 of Chapter 8.

**Division 4—Hearing and evidence****332.11—Extract from Mining Register**

- (1) The Court may, if satisfied that a survey is necessary—
  - (a) for the prevention or rectification of differences as to the boundaries of land included in a tenement or permit;
  - (b) for securing a proper definition of an area included in a tenement or permit; or
  - (c) in connection with an action before the Court,give to the holder of the tenement or permit a notice in writing that a survey is required to be made of the land included in the tenement or permit.
- (2) The holder of the tenement or permit must, within the time specified by the Court, furnish to the Court a detailed plan of the land in question.
- (3) The Court may require that the plan be prepared by a surveyor licensed under the *Survey Act 1992*, at the expense of the holder of the tenement or permit, and may require the licensed surveyor to furnish a report on all matters incidental to preparation of the plan.

**332.12—Extract from Mining Register**

The Court may at any time during the course of a proceeding require the Mining Registrar or Opal Mining Registrar to produce an extract from the Register to the Court and the Court may take judicial notice of its contents.

**332.13—Subpoena**

- (1) A subpoena can only be issued by order of a warden.
- (2) Unless the Court otherwise orders, subpoenas are governed by Part 6 of Chapter 13.

**332.14—Hearing**

- (1) The Court in its discretion may, in appropriate circumstances, direct that a matter be heard *ex parte*.
- (2) The Court in its discretion may, in appropriate circumstances, permit evidence to be given by affidavit.
- (3) The Court may, if it thinks it just, hear concurrently 2 or more actions if they arise out of the same set of circumstances.

**Division 5—Contempt****332.15—Contempt**

- (1) Proceedings for contempt may be taken, and the Court may make findings of and impose punishment for contempt, as if sections 45 and 46 of the *Magistrates Court Act 1991* applied to proceedings in the Court.

**Note—**

Section 66(2) of the Mining Act empowers the rules to provide for punishment for contempt and in particular that appropriate provisions of the *Magistrates Court Act 1991* may apply.

- (2) Unless the Court otherwise orders, proceedings for contempt are governed by Part 5 of Chapter 17.

**Division 6—Enforcement****332.16—Enforcement**

- (1) Steps to enforce a judgment or order of the Court may be taken, and the Court may make enforcement orders, as if the *Enforcement of Judgments Act 1991* applied to judgments and orders of the Court.

**Note—**

Section 66(2) of the Mining Act empowers the rules to provide for enforcement of judgments and orders.

- (2) Unless the Court otherwise orders, proceedings for contempt are governed by Chapter 17.

**Part 3—ERD Court****Notes—**

Actions involving native title under Part 9B of the Mining Act or Part 7 of the Opal Mining Act are governed by Chapter 26 Part 4.

Actions in which the ERD Court has concurrent jurisdiction with the Supreme Court and Warden's Court are governed by Part 4.

**Division 1—Institution****333.1—Review of administrative decision**

- (1) This rule applies to an application for review of an administrative decision—
  - (a) of the Minister concerning approval of a program under section 70B(6) or 70C(6) of the Mining Act;
  - (b) of the Minister or an approved officer concerning a direction under section 70G of the Mining Act; or
  - (c) in respect of which jurisdiction is otherwise vested in the Court.

- (2) An action governed by subrule (1) must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 4 Originating Application for Review.

- (3) This rule also applies to an application for appeal against a decision—
- (a) of the Treasurer in relation to a royalty assessment under section 17B(6) of the Mining Act;
  - (b) of the Minister in relation to a condition of an exploration licence under section 30(6) of the Mining Act;
  - (c) of the Minister in relation to a term of a tenement under section 56(4) of the Mining Act;
  - (d) of the Minister in relation to cancellation or suspension of a tenement under section 56W(7) of the Mining Act;
  - (e) of the Minister in relation to extension of a tenement under section 56Y(5) of the Mining Act;
  - (f) of the Opal Mining Registrar to cancel or suspend a precious stones tenement under section 27A(6) of the Opal Mining Act;
  - (g) of the Minister in relation to an agreement under section 59(6) of the Opal Mining Act; or
  - (h) in respect of which jurisdiction is otherwise vested in the Court.
- (4) An action governed by subrule (3) must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 5 Originating Application—Appeal against Administrative Decision.

- (5) An application governed by this rule may but is not required to be accompanied by a supporting affidavit.
- (6) The applicant—
- (a) must join any person who has a direct interest in supporting the decision or action as a respondent; and
  - (b) must join the decision maker as an interested party or, if the decision maker has a direct interest in supporting the decision or action, as a respondent.
- (7) Unless the Court otherwise orders or this rule otherwise provides, the application is governed by Part 14 of Chapter 18.

**333.2—Other proceedings**

- (1) This rule applies to an action—
- (a) by the Director for a civil penalty under section 70HE of the Mining Act;
  - (b) for a civil remedy under section 74 of the Mining Act;
  - (c) by the Minister for enforcement of an undertaking under section 74AA(4) of the Mining Act;
  - (d) for a compliance order under section 74A of the Mining Act;
  - (e) for a compliance order under section 86 of the Opal Mining Act; or
  - (f) in respect of which jurisdiction is otherwise vested in the Court other than one governed by rule 331.1.
- (2) An action governed by this rule must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 2 Originating Application

- (3) The application must be accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**333.3—General**

- (1) If an application relates to an order, declaration, assessment or another document, the document or documents must be annexed to or filed with the application.
- (2) Unless the Court otherwise orders or this Division otherwise provides, the institution of the application is governed by Part 2 of Chapter 8.

**Division 2—Referral to conference**

**333.4—Referral to conference**

- (1) The following actions must at first instance be referred to a conference—
- (a) an appeal against an administrative decision pursuant to the Mining Act;
  - (b) a compliance application pursuant to section 74 of the Mining Act or section 86 of the Opal Mining Act;
  - (c) a mining application which involves a party other than the applicant.
- (2) Rule 316 applies to a conference under this rule.

**Division 3—Subsequent steps**

**333.5—Subsequent steps**

- (1) Unless the Court otherwise orders or this Part otherwise provides, subsequent steps are governed by Parts 2 to 8 of Chapter 8.

**Part 4—Supreme, Environment Resources and Development and Warden’s Courts**

**Note—**

The Supreme Court, ERD Court and Wardens Court are defined to be an “appropriate court” and are vested with concurrent jurisdiction to hear certain applications by the Mining Act and the Opal Mining Act.

The jurisdiction of the Warden’s Court as an appropriate court is subject to a monetary limit of \$250,000 in respect of monetary claims.

**Division 1—Institution****334.1—Objection**

- (1) This rule applies to an objection—
  - (a) to entry on or use of land under section 58A(9) of the Mining Act;
  - (b) to entry on or use of land under section 32(4) of the Opal Mining Act; or
  - (c) relating to entry or use in respect of which jurisdiction is otherwise vested in the Court.
- (2) An action governed by this rule must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 3C Originating Application—Objection Mining

- (3) The application may but is not required to be accompanied by a supporting affidavit.
- (4) The applicant must join the person who served the relevant notice of intention as a respondent.

**334.2—Other proceedings**

- (1) This rule applies to an action—
  - (a) in relation to waiver of the section 9 exemption under section 9A(7) or (8a) of the Mining Act;
  - (b) in relation to a registered mortgage under section 15AD of the Mining Act;
  - (c) for the payment of compensation under section 30AB(2) of the Mining Act;
  - (d) for the payment of compensation under section 61(3) of the Mining Act;
  - (e) in relation to waiver of the section 6 exemption under section 6(5)(b) of the Opal Mining Act;
  - (f) for the payment of compensation under section 38(5) of the Opal Mining Act;
  - (g) for enforcement of an agreement under section 47 of the Opal Mining Act; or
  - (h) in respect of which jurisdiction is vested in the Court other than one governed by rule 334.1.
- (2) An action governed by this rule must be instituted by filing an Originating Application in the prescribed form.

**Prescribed form—**

Form 2 Originating Application

- (3) The application must be accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**334.3—General**

Unless the Court otherwise orders or this Division otherwise provides, the institution of the application is governed by Part 2 of Chapter 8.

**Division 2—Subsequent steps****334.4—Subsequent steps**

Unless the Court otherwise orders, subsequent steps are governed by Parts 2 to 8 of Chapter 8.”

126. A new chapter, “Chapter 26—Specific kinds of proceedings—Native Title—Supreme and Environment, Resources and Development Courts” is inserted immediately after Chapter 25 as follows:

**“Chapter 26—Specific kinds of proceedings—Native Title—Supreme and Environment, Resources and Development Courts****Part 1—Preliminary****341.1—Introduction**

- (1) This Chapter contains rules relating to actions involving native title.
- (2) Except to the extent that a rule in this Chapter excludes, modifies or is inconsistent with the other provisions of these Rules, the other provisions of these Rules applicable to an originating application apply to an action the subject of this Chapter.

**341.2—Interpretation**

- (1) In this Chapter, unless the contrary intention appears—
 

*Acquisition Act* means the *Land Acquisition Act 1969*;

the *Act* means the *Native Title (South Australia) Act 1994*;

*Mining Act* means the *Mining Act 1971*;

*Opal Mining Act* means the *Opal Mining Act 1995*;

*register* means the State Native Title Register;

*Registrar* means the Registrar of the ERD Court;

*Regulations* means the *Native Title (South Australia) Regulations 1996*.
- (2) In this Chapter, unless the contrary intention appears, words defined in the Acquisition Act, Mining Act, Opal Mining Act or the Act, when used in the context of an application under that Act, have the same meaning as in that Act.

**341.3—Cultural or customary concerns**

- (1) At any time in a proceeding, the Court may make an order that it considers appropriate to take account of the cultural or customary concerns of a party to the proceeding or another person.

**Example—**

The Court might make a ruling on the naming of recently deceased people.

- (2) In considering orders to be made, the Court may seek any information it considers appropriate from a party to the proceeding.



**341.4—Transfer of proceedings between courts**

- (1) An application to the Supreme Court under section 6(4) of the Act or section 20(2) of the *Environment, Resources and Development Court Act 1993* to remove a proceeding into the Supreme Court must be made or be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed form—**

Form 2 Originating Application

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) An application to the ERD Court under section 6(3) of the Act or section 20(1) of the *Environment, Resources and Development Court Act 1993* to refer a proceeding to the Supreme Court must be made or be instituted by filing an Interlocutory Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 102.1 or, with leave of the Court, by oral application at a hearing.

**Prescribed form—**

Form 77 Interlocutory Application

Form 12 Affidavit

- (3) An application to the Supreme Court under section 6(1) of the Act to refer a proceeding to the ERD Court must be made by filing an Interlocutory Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 102.1 or, with leave of the Court, by oral application at a hearing.

**Prescribed form—**

Form 77 Interlocutory Application

Form 12 Affidavit

- (4) If a proceeding is transferred to the Court under section 6 of the Act or section 20 of the *Environment, Resources and Development Court Act 1993* before the pleadings are completed, the parties must, unless the Court otherwise orders, complete the pleadings in accordance with the rules applicable to the court in which the proceeding originated.

- (5) The Court may exercise interlocutory powers that could have been exercised by the court in which the proceeding originated.

**341.5—Serving documents and giving notice**

- (1) If a document is required by these rules to be served on the holders of or claimants to native title, it must be served in accordance with—

(a) Chapter 5; or

(b) to the extent applicable, section 28 or 29 of the Act.

**Note—**

Sections 28 and 29 of the Act provide that, if native title or a claim to native title is registered under the law of the Commonwealth or the State, a notice or other document is validly served on the holders or claimants if it is given personally or by post to their registered representative and the relevant representative Aboriginal body for the land.

- (2) If notice is required by these rules or an order of the Court to be served on the holders of, or claimants to, native title, the notice must be—

(a) in writing; or

(b) in any other form that the Court considers appropriate; and

it must be given—

(c) by ordinary pre-paid post; or

(d) in any other way that the Court considers appropriate.

- (3) The Court may direct an applicant or the Registrar to give public notice of a hearing before the Court, or an order of the Court, in the manner and at the time the Court considers appropriate.

**Part 2—Native Title Act****Note—**

The Supreme Court and ERD Court are vested by section 5 of the Act with concurrent jurisdiction to hear and determine native title questions under the Act.

**Division 1—State Native Title Register****342.1—Title of register**

The register kept by the Registrar under section 17 of the Act will be called the “State Native Title Register”.

**342.2—Matters to be recorded****Note—**

Section 17 of the Act and regulation 6 of the regulations specify the information that must be recorded in the register. That includes all decisions by competent authorities under the law of the Commonwealth about the existence of native title in land in the State or the nature of rights conferred over land in the State by native title.

The Registrar may accept a certified extract of the National Native Title Register kept under the *Native Title Act 1993* (Cth) as a basis for entering decisions of competent authorities under the law of the Commonwealth about the existence of native title in land in the State or the nature of rights conferred over land in the State by native title.

**342.3—Inspection of register****Note—**

Section 17(3) of the Act requires the register to be kept available for inspection during normal business hours on payment of the fee fixed by the regulations.

- (1) The register will be available for inspection at the Principal Registry of the Court.
- (2) The Registrar may make the register, or part of the register, available for inspection at District Registries of the Court on terms and conditions determined by the Registrar.

**342.4—Confidential part of register****Note—**

Section 17(4) of the Act requires a part of the register to be set aside for the inclusion of information and materials of a nature that cannot be publicly disclosed without contravening Aboriginal tradition. The confidential part is to include information and materials determined by the Court or the Registrar. The confidential part is only to be inspected as authorised by the Court or the Registrar.

- (1) The part of the register set aside for the inclusion of information and materials of a nature that cannot be publicly disclosed without contravening Aboriginal tradition (the confidential part of the register) must be kept as directed by a Judge.
- (2) The Court or the Registrar may specify conditions on which a person is authorised to have access to the confidential part of the register, including conditions restricting the information or materials to which the person is to have access.
- (3) The Registrar must keep a written record of each decision of the Court or the Registrar authorising a person to have access to the confidential part of the register, including details of the name and address of the person and the information or materials to which the person was authorised to have access (but that record is not to be made available for inspection by members of the public).

**Division 2—Applications for native title declarations and/or compensation****342.5—Scope of Division**

This Division applies to applications for a native title declaration under Part 4 and for compensation for acts adversely affecting native title under Part 4A of the Act.

**342.6—Application for native title declaration or revocation or variation**

- (1) A claimant application under section 18 of the Act for a declaration that native title exists in land made on behalf of an Aboriginal group must be instituted by filing an Originating Application in accordance with rule 82.1 in the prescribed form.

**Prescribed form—**

Form 2P Originating Application—Native Title Declaration Claimant Application

- (2) An application under subrule (1) must be supported by a statutory declaration in the prescribed form in accordance with section 18A(2)(k) of the Act.

**Prescribed form—**

Form 13 Statutory Declaration

- (3) A non-claimant application under section 18 of the Act for a native title declaration must be instituted by filing an Originating Application in accordance with rule 82.1 in the prescribed form.

**Prescribed form—**

Form 2Q Originating application—Native Title Declaration Non-Claimant Application

- (4) An application under subrule (3) must be supported by a statutory declaration in the prescribed form in accordance with section 18A(4)(e) of the Act.

**Prescribed form—**

Form 13 Statutory Declaration

- (5) An application under section 25 of the Act for variation or revocation of a native title declaration must be made by filing an interlocutory application in the prescribed form supported by an affidavit in accordance with rule 102.1(2).

**Prescribed forms—**

Form 77B Interlocutory Application—Native Title

Form 77C Schedule to Interlocutory Application—Native Title

**Note—**

The Forms reflect the forms prescribed by the regulations for applications under Part 4 of the Act.

**342.7—Claim for compensation**

A claim under section 27A of the Act for compensation for an act extinguishing or otherwise affecting native title must be instituted by filing a Claim in the prescribed form in accordance with rule 63.1.

**Prescribed form—**

Form 1D Claim—Native Title Compensation

**342.8—Supporting affidavit or statutory declaration**

- (1) If the applicant is an individual, the application or claim must be signed, and the accompanying statutory declaration or affidavit sworn or affirmed, by the applicant.

- (2) If the applicant is a body corporate, the application or claim must be signed, and the accompanying statutory declaration or affidavit sworn or affirmed, by a director, secretary or other principal officer of the body corporate, or by a person employed by the body corporate who is authorised to sign the application or claim and make the statutory declaration or affidavit.

#### **342.9—Amendment of application**

- (1) A person applying under regulation 8 of the regulations to amend an application made under Part 4 or Part 4A of the Act must file the application and each map and other accompanying document with the Court.

##### **Note—**

An application may be amended under Parts 4 and 4A of the Act and the regulations or in any other way as ordered by the Court.

- (2) If the application is a claimant application and the Registrar has not yet decided whether it is to be registered, the Registrar may if the Registrar thinks fit join an additional party.
- (3) Subject to subrule (2), the application will be determined by the Court.
- (4) The Court may give the directions and make the orders it considers appropriate, including (but without limiting the generality of this power) an order that claimant applications be combined.

#### **342.10—Review of decision not to accept claim**

- (1) An application under section 19B of the Act for review of a decision by the Registrar in relation to registration or de-registration of a claim must be made by filing an Originating Application in the prescribed form.

##### **Prescribed form—**

Form 4 Originating Application for Review

- (2) The application must be filed within 42 days from the date of notification of the decision under section 19A(7) of the Act.
- (3) On a review, the Judge may give directions to the Registrar or the applicant.

#### **342.11—Joinder of additional parties**

- (1) A person who seeks to be joined as a party to an application governed by this Division must file an application in the prescribed form setting out the nature of the person's interests in the proceeding.

##### **Prescribed form—**

Form 771 Interlocutory Application to be Joined

- (2) The applicant for joinder must serve the joinder application on the applicant and any other party to the proceeding.
- (3) If the application is a claimant application and the Registrar has not yet decided whether it is to be registered, the Registrar may if the Registrar thinks fit join an additional party.
- (4) Subject to subrule (3), the application will be determined by the Court.
- (5) If the Court make an order for joinder, notice of the decision must be given to the applicant and to any other party to the proceedings.

### **Division 3—Other applications**

#### **342.12—Scope of Division**

This Division applies to applications under the Act other than those governed by Division 2.

#### **342.13—Institution**

- (1) An application governed by this Division must be instituted by filing an Originating Application in the prescribed form.

##### **Prescribed form—**

Form 2 Originating Application

- (2) The application must be accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.
- (3) If the applicant is an individual, the supporting affidavit must be sworn or affirmed by the applicant.
- (4) If the applicant is a body corporate, the supporting affidavit must be sworn or affirmed by a director, secretary or other principal officer of the body corporate, or a person employed by the body corporate who is authorised to make the application and the affidavit.
- (5) Unless the Court otherwise orders, the applicant must join as a respondent—
  - (a) the Minister responsible for administration of the Act; and
  - (b) if the application relates to native title the subject of a claim under the Act—the registered holder of the native title or otherwise the claimant or person registered as representative of the claimants.

#### **342.14—Joinder of additional parties**

- (1) If a respondent believes that another person has an interest in the application, they applicant, or the State Minister may, within 14 days of being served with the application, notify the Court of the name and address of the person believed to have an interest.
- (2) The Court may order that any person that the Court is satisfied has an interest in the application be joined as an additional respondent or interested party.
- (3) Nothing in this rule affects any right a person may otherwise have to be joined as a party to a proceeding, or the power of the Court, on its own initiative or at the request of a party, to order that a person be joined as a party to a proceeding.
- (4) In this Rule, person includes a group of persons or an organisation.

**Part 3—Acquisition Act, Mining Act and Opal Mining Act****Note—**

Jurisdiction in relation to native title under the Acquisition Act, Mining Act and Opal Mining Act is prima facie vested in the ERD Court.

However, section 5(1) of the Act vests jurisdiction in the Supreme Court and ERD Court to determine native title questions and section 20A of the *Environment, Resources and Development Court Act 1993* vests jurisdiction in the Supreme Court if the Supreme Court removes a proceeding into the Supreme Court or the ERD Court transfers a proceeding to the Supreme Court.

**Division 1—Mediation****Note—**

Sections 19(3) and 23(3) of the Acquisition Act, section 63P(3) of the Mining Act and section 58(3) of the Opal Mining Act provide for the ERD Court to mediate between the parties to assist in obtaining their agreement.

**343.1—Request for mediation**

- (1) An application requesting the Court to mediate between parties to assist in obtaining their agreement about a native title question must be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 2 Originating Application

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The application or affidavit must—
  - (a) include an outline of the circumstances of the case and the matters in dispute; and
  - (b) be accompanied by a copy of the notice initiating negotiations between the parties.
- (3) The applicant must join as a respondent each other party to the proposed agreement.
- (4) If mediation has been requested, it may continue even after an application for a native title declaration has been made to the Court seeking a resolution of the matters in dispute.

**Division 2—Determination in absence of agreement****Note—**

Section 20 of the Acquisition Act, section 63S of the Mining Act and section 61 of the Opal Mining Act provide for the ERD Court to make determinations if agreement cannot be reached.

**343.2—Application for determination**

- (1) An application for a native title determination following the failure of negotiating parties to reach agreement must, subject to subrule (4), be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 2AK Originating Application—Native Title Determination

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The application or affidavit must—
  - (a) identify the land subject of the negotiations;
  - (b) identify the other parties with whom negotiations have taken place;
  - (c) identify the representative Aboriginal body for the area in which the land is situated;
  - (d) identify any person who holds an interest in the land (including an authority or tenement authorising mining or other operations on the land) but has not been a party to the negotiations and give details of the nature of the interest;
  - (e) include a statement of the effect of the proposed acquisition or operations on—
    - (i) the enjoyment of native title rights and interests by the native title parties;
    - (ii) the way of life, culture and traditions of the native title parties;
    - (iii) the development of the social, cultural and economic interests of the native title parties;
    - (iv) the freedom of access by any of the native title parties to the land and their freedom to carry out rites, ceremonies or other activities of cultural significance on the land in accordance with their traditions;
    - (v) any area or site on the land of particular significance to the native title parties in accordance with their traditions;
    - (vi) the natural environment of the land;
  - (f) set out the terms of the determination sought;
  - (g) if it is made by a person other than a native title party—
    - (i) describe the interest (including any authority or tenement authorising proposed operations on the land) that the applicant holds or has applied to hold in the land;
    - (ii) describe the general nature of the operations proposed to be carried out on the land or the purpose for which the land is to be acquired;

- (iii) exhibit a copy of the notice initiating the negotiations;
- (iv) set out to whom, when and how that notice was given;
- (h) if it is made by a native title party—
  - (i) give details of the nature of the rights conferred by native title in the land held or claimed by the applicant and the basis on which native title is held or claimed;
  - (ii) give details of any request for non-monetary compensation.
- (3) The applicant must join as a respondent—
  - (a) each other party to the negotiations;
  - (b) the representative Aboriginal body for the area in which the land is situated;
  - (c) the Minister responsible for administration of the Act under which the determination is sought.
- (4) However, if the Court has mediated between the parties to assist in obtaining their agreement, a party to the mediation may apply for a native title determination in the proceeding in which the mediation occurred by filing an interlocutory application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 77 Interlocutory Application

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (5) If a party proceeds under subrule (4), the application or affidavit must address the matters and exhibit the documents referred to in subrule (2).

**Division 3—Summary determination**

**343.3—Application when no registered native title parties**

**Note—**

Section 63N of the Mining Act provides for the ERD Court to make determinations if, four months after notice is given, there are no native title parties in relation to the land to which the notice relates.

Section 56 of the Opal Mining Act provides for the ERD Court to make determinations if, two months after notice is given, there are no native title parties in relation to the land to which the notice relates.

- (1) An application for a determination authorising entry to and mining operations on land when there are no native title parties must be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 7D Originating Application Ex Parte— Summary Determination Authorising Operations on Native Title Land

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The application or affidavit must—
  - (a) identify and describe the land on which the proposed operations are to be carried out;
  - (b) describe the interest (including any authority or tenement authorising the proposed operations) that the applicant holds or has applied to hold in the land;
  - (c) describe the general nature of the proposed operations that are to be carried out on the land;
  - (d) set out the terms of the determination sought;
  - (e) exhibit a copy of the notice initiating negotiations with native title parties in relation to the proposed operations given by the applicant;
  - (f) identify to whom, when and how that notice was given.

**343.4—Application for expedited procedure**

**Note—**

Section 63O of the Mining Act and section 57 of the Opal Mining Act provide for the ERD Court to make summary determination if operations are of a kind attracting the expedited procedure.

- (1) An application for a determination authorising entry to and mining operations on land when the applicant is relying on the expedited procedure must be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 7D Originating Application Ex Parte— Summary Determination Authorising Operations on Native Title Land

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The application or affidavit must—
  - (a) identify and describe the land on which the proposed operations are to be carried out;
  - (b) describe the interest (including any authority or tenement authorising the proposed operations) that the applicant holds or has applied to hold in the land;
  - (c) describe the general nature of the proposed operations that are to be carried out on the land;
  - (d) set out the terms of the determination sought;

- (e) set out the grounds on which the applicant alleges that the expedited procedure applies to the proposed operations;
  - (f) exhibit a copy of the notice initiating negotiations with native title parties in relation to the proposed operations given by the applicant;
  - (g) identify to whom, when and how that notice was given;
  - (h) exhibit a copy of any objections to reliance on the expedited procedure received by the applicant.
- (3) The applicant must give a copy of the application and supporting affidavit, together with notice of the effect of section 63O(4) of the Mining Act or section 57(4) of the Opal Mining Act as applicable, to any person who has objected to reliance on the summary procedure.

#### **Division 4—Review of determination for compensation**

##### **Note—**

Section 63ZB of the Mining Act and section 70 of the Opal Mining Act provide for the ERD Court to review a determination insofar as it fixed compensation payable in the event that a native title declaration is later made establishing who are the holders of native title in the land.

#### **343.5—Application for review**

- (1) Subject to subrule (4), an application for review of the provisions of a native title determination providing for the payment of compensation following a native title declaration must be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

##### **Prescribed forms—**

Form 2 Originating Application

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The application or affidavit must identify—
- (a) the date and case number of the original declaration by the Court;
  - (b) the land to which the declaration relates;
  - (c) if native title is declared to exist in the land—
    - (i) the persons declared to be the common law holders of native title;
    - (ii) the body declared to be the registered representative of the common law holders of native title;
    - (iii) the nature and extent of the rights and interests conferred by the native title;
    - (iv) the nature and extent of other interests in the land that may affect the native title rights and interests deriving from the native title;
  - (d) the operations authorised by the determination and the authorities or tenements under which the operations authorised by the determination may be carried out;
  - (e) if the applicant is a person who is liable to pay compensation under the determination—the operations that have been carried out under the determination;
  - (f) any person who holds an interest in the land but who was not a party to the negotiations leading to the determination and give details of the nature of the interest;
  - (g) the proposed changes to the provisions of the determination for payment of compensation;
  - (h) the reasons for changing the provisions of the determination for payment of compensation.
- (3) The applicant must join as a respondent—
- (a) each other party bound by the determination;
  - (b) the representative Aboriginal body for the area in which the land is situated;
  - (c) the Minister responsible for administration of the Act under which the determination is sought.
- (4) However, a party to the determination may apply for a native title determination in the proceeding in which the mediation occurred by filing an interlocutory application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

##### **Prescribed forms—**

Form 77 Interlocutory Application

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (5) If a party proceeds under subrule (4), the application or affidavit must address the matters referred to in subrule (2).

#### **Division 5—Fixing basis for compensation**

##### **Note—**

Section 63Q(2) of the Mining Act and section 59(2) of the Opal Mining Act provide for the ERD Court to fix compensation payable when an agreement provides for payment based on profits or income derived from mining operations on the land or the quantity of minerals produced on a basis to be fixed by the Court.

#### **343.6—Application for determination**

- (1) An application requesting the Court to determine the basis of payment to native title parties under a native title agreement (as required by the agreement) must be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 2 Originating Application

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The supporting affidavit must exhibit a copy of the native title agreement.
- (3) The applicant must join as a respondent—
  - (a) each other party to the agreement;
  - (b) the Minister responsible for administration of the Act under which the determination is sought.

**Division 6—Appeal against prohibition of registration—ERD Court****Note—**

Section 63Q(5) of the Mining Act and section 59(5) of the Opal Mining Act empower the Minister, if there is reason to believe that a native title agreement may not have been negotiated in good faith, to prohibit registration of the agreement.

Section 63Q(6) of the Mining Act and section 59(6) of the Opal Mining Act provide that a prohibition decision is subject to appeal to the ERD Court.

**343.7—Application by way of appeal**

- (1) An application by way of appeal against a decision of the Minister prohibiting registration of a native title agreement must be instituted by filing an Originating Application in the prescribed form accompanied by a supporting affidavit in the prescribed form in accordance with rule 82.1.

**Prescribed forms—**

Form 5 Originating Application—Appeal against Administrative Decision

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (2) The application or affidavit must—
  - (a) give an outline of the circumstances of the case;
  - (b) give details of the decision the subject of the appeal;
  - (c) set out the grounds of appeal;
  - (d) set out the terms of the order sought;
  - (e) exhibit a copy of the native title agreement;
  - (f) exhibit a copy of the order of the Minister prohibiting registration of the agreement and any separate reasons given for the decision.
- (3) The applicant must join—
  - (a) each other party to the agreement as a respondent; and
  - (b) the Minister as an interested party.

**Part 4—Directions hearings****Note—**

Directions hearings generally are governed by Chapter 9.

**344.1—Conduct of directions hearing**

- (1) A directions hearing will ordinarily be convened before a Judge of the Court.
- (2) A particular matter raised at a directions hearing may be referred to an Associate Judge for direction or decision.
- (3) A directions hearing may be convened, if a Judge so directs, before an Associate Judge or Commissioner.

**344.2—Additional directions**

Without affecting the directions that may be given under Chapter 9, directions may be given to the parties or the Registrar—

- (a) to define and clarify the issues between the parties;
- (b) to facilitate the efficient and expeditious hearing and determination of the issues raised by the proceeding;
- (c) about the giving of notice of the proceeding (see section 16(1) of the Act);
- (d) inviting or requiring a person (or representative of a group) to be joined as a party to the proceedings or to introduce evidence, or make submissions, relevant to the proceeding;
- (e) about service of a notice or other document;
- (f) about whether the proceeding should be heard in the ERD Court or the Supreme Court;
- (g) about whether the proceeding should be heard together with another proceeding before the Court relating to the same land (see section 26 of the Act);
- (h) if the proceeding has been referred or removed to the Court from another court—
  - (i) giving interested persons a specified time within which to apply for registration of a claim to native title in land or for a native title declaration;
  - (ii) about the procedure for the completion of pleadings, if not completed;
- (i) requiring a party to undertake investigations, make inquiries or ascertain facts that may be relevant to the proceeding;
- (j) requiring a party to provide (to the Court or another party) reports, maps, records or any other documents that may be relevant to the proceeding;

- (k) requiring a party to provide particulars of their case, including a written summary of the evidence intended to be introduced;
- (l) about the convening of a conference of the parties, including—
  - (i) the selection of a mediator;
  - (ii) the procedure, place, timing and other arrangements for the conference.

#### **344.3—Overlapping applications**

- (1) If a party has knowledge of the existence of another proceeding before the Court that relates to a native title question that covers (in whole or in part) the same area as the application, the party must immediately give notice to the Court identifying the other proceeding.
- (2) If the Court receives notice under subrule (1), the Court will convene a directions hearing in both proceedings together to consider the future conduct of the proceedings.
- (3) The Court may make the orders pursuant to section 26(2) of the Act that it considers proper for the future conduct of the proceedings.

#### **344.4—Adjournment for negotiation**

- (1) The Court may, at any time in a proceedings (including after commencement of the final hearing), on its own initiative or at the request of a party, order an adjournment to allow the parties time for negotiation.
- (2) Negotiations for which an adjournment may be allowed may relate to an agreement about matters other than native title.
- (3) This rule does not limit the general power of the Court in relation to mediation or adjournments.

### **Part 5—Native title conferences**

#### **Note 1—**

Section 8 of the Act requires the Court to call a conference of the parties to a contested proceeding involving a native title question, unless the Court is of the opinion that no useful purpose would be served by a conference between the parties before the hearing of the matter or there is some other adequate reason for dispensing with a conference.

#### **Note 2—**

Mediations generally are governed by Chapter 11 Part 1.

#### **345.1—Appointment of mediator and assistant**

##### **Note—**

Section 9 of the Act requires the Court to select a mediator from among the Judges and the native title commissioners to preside at the conference in accordance with the rules.

- (1) The mediator to preside at a conference under section 8 of the Act is to be selected by the Judge having responsibility for the management of the proceeding or another Judge of the Court and will ordinarily be a native title commissioner but may, if the Court thinks fit, be a Judge of the Court
- (2) The Court may appoint a native title commissioner to assist the mediator if considered appropriate for reasons of Aboriginal tradition or for other reasons.
- (3) A person appointed to assist a mediator—
  - (a) must do so in the manner requested by the mediator;
  - (b) is, unless all parties agree to the contrary, disqualified from taking further part in the proceeding (as is the mediator under section 12 of the Act).

#### **345.2—Purpose of conference and conduct of parties**

- (1) The purpose of a conference is to enable the mediator to assist the parties to explore the possibility of resolving the matters in dispute by agreement and without resorting to a formal hearing (see section 8(1) of the Act).
- (2) It is expected that as far as possible the issues or matters in dispute, from the perspective of each party, will be aired and discussed openly at the conference, with a view to a fair and reasonable exchange of views in good faith.
- (3) A party or the representative of a party attending the conference should attend in good faith.
- (4) A party or the representative of a party should have the authority to discuss, negotiate and authorise a settlement of the proceedings or, if a settlement cannot be achieved, to agree on issues or parts of the proceeding.
- (5) A party or the representative of a party should be prepared at the conference to discuss the party's case and its grounds, identify the issues proposed to be argued and respond to the case of each other party to the best of their ability.

#### **345.3—Powers of mediator**

##### **Note—**

Section 9(4) of the Act allows the mediator to exercise powers of the Court delegated by the rules.

The mediator may, at any time in the course of the conference—

- (a) exercise the delegated powers of the Court to make orders—
  - (i) requiring a party to undertake investigations, make inquiries or ascertain facts or matters;
  - (ii) requiring a party to provide (to the Court or another party) reports, maps, records or other documents that may be relevant to the proceeding;
  - (iii) requiring a party to provide particulars of their case, including a written summary of the evidence intended to be introduced;
  - (iv) about the procedure, place, timing and other arrangements for the conference;
- (b) with the consent of all parties to the proceeding, take and record evidence which may be admissible in proceedings before the Court (see section 11 of the Act).



**345.4—Conclusion of conference****Note—**

Section 10 of the Act provides that if a settlement is reached at a conference, the Court may make orders to give effect to the terms of agreement.

Section 10 also provides that if it appears that there is no reasonable prospect of reaching a negotiated settlement within a reasonable time, the mediator must close the conference and report the failure to reach agreement to the Court.

- (1) If a settlement is reached at a conference, the mediator must, as soon as reasonably practicable, close the conference and give a written report of the terms of agreement (including the terms of any proposed orders of the Court) to the presiding member of the Court.
- (2) If it is proposed that the Court make an order to give effect to the terms of agreement, the Court—
  - (a) will have regard to the views of the mediator who presided at the conference;
  - (b) will, if the order is a final order in the proceeding, give the parties an opportunity to make submissions about the terms of the order.

**Part 6—Final hearing and evidence****Note—**

Trials generally are governed by Chapter 14.

**Division 1—Evidence****346.1—Directions concerning evidence**

- (1) Without affecting the general powers of the Court, the Court may, at any time in a proceeding, make any order it considers appropriate relating to evidentiary matters.
- (2) Without affecting the generality of subrule (1), the Court may make orders—
  - (a) relating to the manner in which evidence may be presented to the Court;
  - (b) relating to the time when and the place where certain evidence is to be taken;
  - (c) relating to the presentation of evidence about a cultural or customary subject.

**346.2—Evidence not in the ordinary course**

- (1) If evidence of a cultural or customary subject is to be given by way of singing, dancing, storytelling or in any other way other than in the normal course of giving evidence, the party intending to adduce the evidence must inform the Court, within a reasonable time before the evidence is proposed to be given—
  - (a) of the evidence intended to be so adduced;
  - (b) where, when and in what form it is proposed to adduce the evidence;
  - (c) of any issues of secrecy or confidentiality relating to the evidence or part of the evidence.
- (2) If the Court considers that a person's evidence should be given at a time other than when such evidence would normally be given, the Court may give directions as to how, when and in what form the evidence is to be given.
- (3) Subrule (2) applies even if the proceeding has been referred to mediation.

**346.3—Evidence given in consultation with others**

- (1) The Court may, if it considers that it is in the interests of justice to do so, receive into evidence—
  - (a) a statement from a group of witnesses, or
  - (b) a statement from a witness after that witness has consulted with other persons.
- (2) If a statement is made by a witness after consultation with other persons, the identity of the persons may, at the direction of the Court, be recorded in the transcript.

**346.4—Secrecy and confidentiality**

- (1) Without affecting the generality of rule 346.1, the Court may make orders—
  - (a) restricting access to the content of any pleading or any other document on the Court file;
  - (b) relating to the manner of identifying and referring to evidence about specified subject matters;
  - (c) restricting access to the transcript of a hearing.
- (2) If a party claims that a document to be used in a proceeding refers to a cultural or customary subject that is of a confidential or secret nature—
  - (a) the party must give written notice of the claim on the front page of the document including a short description of the material and the reason for its confidential or secret nature;
  - (b) place the material in a sealed envelope attached to the document marked "not be opened except by leave of the Court";
  - (c) the sealed envelope must not be opened except by leave of the Court;
  - (d) leave to inspect the document may be conditional on an undertaking of non-disclosure of the material or part of the material.

**346.5—Notice of intention to adduce evidence or inspect document**

- (1) This rule applies if the adducing of evidence or inspection of a document in a proceeding might disclose evidence or information relating to the culture, genealogy, customs or traditions of Aboriginal peoples or Torres Strait Islanders contrary to a direction or order of a court or tribunal.
- (2) In this rule, a court or tribunal includes the Aboriginal Land Commissioner and any other body or entity with jurisdiction under a law of the Commonwealth or a State or Territory to hear and determine, or make findings and recommendations, or mediate or otherwise act in relation to, indigenous land proceedings.

- (3) A person who wishes to adduce evidence or inspect a document referred to in subrule (1) must give reasonable notice to—
- the court or tribunal that gave the direction or made the order;
  - the person, or the representative of the person, who gave the evidence or produced the information; and
  - any other person as the Court may direct.
- (4) Notice may be given under subrule 2(a) by giving notice to the registrar of the court or tribunal, or a person performing the duties of a registrar or holding a similar office.

#### Division 2—Hearing

##### 346.6—Inspection of a place

- To enable the proper determination of any matter in question in a proceeding, the Court may make orders for the inspection of any place, including about the method, manner and means of inspection.
- Without affecting the generality of subrule (1), the Court may make orders, including orders relating to—
  - the provision of maps;
  - the obtaining of permission of owners and occupiers of land;
  - the giving of notice;
  - travel and accommodation details;
  - arrival and departure times;
  - the type, number and description of motor vehicles;
  - route description (for example the physical features of the route including condition of road surfaces);
  - distances to be travelled and estimated times of travel and inspection;
  - details of any third party controlling the inspection and any related costs.

##### 346.7—Practical outcomes of native title determination

Before the Court makes a final declaration as to native title, the Court may, at the request of a party or on its own initiative, direct the parties to confer, with the aim of reaching agreement about the practical management of any aspect of the rights and interests to be the subject of the final declaration.”

127. A new chapter, “Chapter 27—Reserved” is inserted immediately after Chapter 26 as follows:

**“Chapter 27—Reserved**

”

128. A Note is inserted immediately after existing Note in clause 2(b) of Part 2 of Schedule 2 immediately after existing notes:

“Form 79 Draft Order is to be lodged as an editable Word document”.

129. A Note is inserted immediately after existing Note in clause 2(b) of Part 2 of Schedule 3:

“Form 79 Draft Order is to be lodged as an editable Word document”.

130. The words “subrule (4)” in clause 7(1) of Part 4 of Schedule 6 are deleted and substituted with “subrule (5)”.

131. The words “subrule (4)” in clause 7(2) of Part 4 of Schedule 6 are deleted and substituted with “subrule (5)”. The words “on or after 29 August 2022” are deleted and substituted with the words “between 29 August 2022 and 31 December 2022”.

132. The words “subrule (4)” in clause 7(3) of Part 4 of Schedule 6 are deleted and substituted with “subrule (5)”. The words “on or after 1 January 2023” are deleted and substituted with the words “between 1 January 2023 and 25 August 2024”.

133. Clause 7(4) of Part 4 of Schedule 6 is renumbered to clause 7(5).

134. A new subrule (4) is inserted immediately after clause 7(3) of Part 4 of Schedule 6, as follows:

“(4) Subject to subrule (5), the Minor Civil costs scale in respect of from on or after 26 August 2024 is set out in the following table.

Minor Civil costs scale		
Item	Description	Amount
1	Filing a claim, originating application, defence or response (when prepared and filed by a lawyer), including: <ol style="list-style-type: none"> <li>a supporting affidavit or opposing affidavit; and</li> <li>attending the first directions hearing or hearing (as applicable).</li> </ol>	\$20 plus 5% of quantum (up to a maximum of \$500).
2	Having a lawyer prepare and file personal injury particulars.	2% of quantum.
3	Any and all activity after the first directions hearing or hearing by solicitor and counsel (when the Court permits it due to special circumstances ( <i>Magistrates Court Act 1991</i> section 38(5)) until: <ol style="list-style-type: none"> <li>if the action is to proceed to trial—the last hearing before trial, whether a directions hearing, hearing or pre-trial conference; or</li> <li>the final determination of an originating application;               <ol style="list-style-type: none"> <li>when determined at a hearing; and</li> <li>when the action is not listed for trial.</li> </ol> </li> </ol>	1.4% of quantum.
4	Filing and serving a subpoena.	\$50.

<b>Minor Civil costs scale</b>		
<b>Item</b>	<b>Description</b>	<b>Amount</b>
5	When permitted by the Court in accordance with section 38(5) of the <i>Magistrates Court Act 1991</i> , preparation of a trial plan.	3% of quantum.
6	When permitted by the Court in accordance with section 38(5) of the <i>Magistrates Court Act 1991</i> , attendance as counsel at trial, including fee on brief.	Either: (a) when only the amount is in dispute—\$1,000; or (b) when liability and amount are in dispute—\$1,500.
7	Notice of Demand and registration of Lien under the <i>Worker's Liens Act 1893</i> .	Either: (a) for claims of \$1 up to and including \$10,000—\$250; or (b) for claims above \$10,000—\$450.
8	Notice of Demand and registration of Lien under the <i>Worker's Liens Act 1893</i> .	Either: (a) for claims of \$1 up to and including \$10,000—\$95; or (b) for claims above \$10,000—\$140.
<b>Enforcement</b>		
9	Request for Investigation or Examination summons including attendance at the hearing.	\$50.
10	Any other request for enforcement of judgment.	\$50.
11	Preparing and registering a warrant of sale against real property.	Either: (a) for claims of \$1 up to and including \$10,000—\$140; or (b) for claims above \$10,000—\$175.
12	Discharging a warrant of sale.	Either: (a) for claims of \$1 up to and including \$10,000—\$95; or (b) for claims above \$10,000—\$140.
13	Applying for and obtaining a charging order over real property and registering it.	Either: (a) for claims of \$1 up to and including \$10,000—\$220; or (b) for claims above \$10,000—\$450.
14	Discharging a charging order at the Lands Titles Office.	Either: (a) for claims of \$1 up to and including \$10,000—\$95; or (b) for claims above \$10,000—\$140.
<b>Disbursements</b>		
	Service of originating process.	Either: (a) personal service on an individual—\$100; or (b) other—\$50.
16	Witness fees generally.	\$80—per day or such other amount ordered by the Court.
17	Professional witness.	\$500—per day or such other amount ordered by the Court.
18	All other Court fees.	As allowed by the Court.
19	Other disbursements.	As allowed by the Court.

135. Clause 7(5) of Part 4 of Schedule 6 is deleted and substituted as follows:

“(5) The tables in subrules (1), (2), (3), and (4) are subject to the notes in rule 8.”

136. A new Part 7 is inserted into Schedule 6, immediately after Part 6, as follows:

**“Part 7—Fees**

**Division 1—Warden’s Court**

Item	Description	Amount
1	Taking out a forfeiture or cancellation application under section 70 of the <i>Mining Act 1971</i> or section 73, 74 or 75 of the <i>Opal Mining Act 1995</i> or an application for a determination in accordance with the provisions of section 67(1) of the <i>Mining Act 1971</i> or section 72(1) of the <i>Opal Mining Act 1995</i> .	\$46
2	Taking out an application (all other matters).	\$18

**Division 2—Court of Disputed Returns**

Item	Description	Amount
1	On lodging a petition.	\$170

137. In Schedule 7, the following forms are amended by inserting the words “/ENVIRONMENT, RESOURCES AND DEVELOPMENT/ YOUTH/WARDENS” immediately after the words “[SUPREME/DISTRICT/MAGISTRATES”:

- Form 2—Originating Application
- Form 14—Exhibit front sheet to Affidavit or Statutory Declaration
- Form 21—Authorisation
- Form 22—Deauthorisation
- Form 23—Notice of Acting
- Form 24—Notice of Cessation of Acting
- Form 25—Notice of Change of Address for Service
- Form 26—Guardian Certificate
- Form 34—Notice to Party Served—Interstate
- Form 35—Notice to Party Served—New Zealand
- Form 42—Affidavit of Proof Service
- Form 43—Affidavit of Proof Service
- Form 56—Response
- Form 58—Notice of Objection
- Form 76—Application to Registrar
- Form 77—Interlocutory Application
- Form 78—Notice from Court (generic)
- Form 78A—Notice of Directions Hearing
- Form 78C—Notice of ADR Conference
- Form 78E—Notice of Hearing
- Form 79—Draft Order
- Form 80—Consent to Order
- Form 81—Record of Outcome
- Form 82—Order
- Form 87—Certificate (generic)
- Form 89—Summary of Argument
- Form 90—Written Submissions
- Form 91—List of Authorities
- Form 127—Draft Judgment
- Form 128—Record of Outcome
- Form 129—Judgment
- Form 200—Generic

138. In Schedule 7, the following forms are amended by deleting the words “SUPREME COURT OF SOUTH AUSTRALIA” and substituting with the words “[SUPREME/ENVIRONMENT RESOURCES AND DEVELOPMENT] COURT OF SOUTH AUSTRALIA”:

- Form 2N—Originating Application—Arbitration Leave to Appeal Against Award
- Form 2P—Originating Application—Native Title Declaration Claimant Application
- Form 2Q—Originating Application—Native Title Declaration Non-Claimant Application

139. In Schedule 7, the following forms are amended by inserting the words “*ENVIRONMENT RESOURCES AND DEVELOPMENT*” immediately after the words “[*SUPREME/DISTRICT/MAGISTRATES*”:
- Form 4—Originating Application
  - Form 5—Originating Application—Appeal Against Administrative Decision
  - Form 11—Statement of Facts Issues and Contentions Standalone
  - Form 13—Statutory Declaration
  - Form 57—Response to Statement of Facts Issues and Contentions
  - Form 77B—Interlocutory Application—Native Title
  - Form 77C—Schedule to Interlocutory Application—Native Title
140. In Schedule 7, the following forms are amended by inserting the words “*ENVIRONMENT RESOURCES AND DEVELOPMENT*” immediately after the words “[*SUPREME/DISTRICT*”:
- Form 105A—Subpoena to Attend to Give Evidence (Sup and Dist Courts)
  - Form 106A—Subpoena to Produce Documents (Sub and Dist Courts)
  - Form 107A—Subpoena to Attend and Produce (Sup and Dist Courts)
141. In Schedule 7, the following forms are amended by inserting the words “*ENVIRONMENT RESOURCES AND DEVELOPMENT*” immediately after the words “[*SUPREME/DISTRICT/MAGISTRATES*”:
- Form 7—Originating Application Ex Parte
  - Form 76A—Application to Registrar—Remission or Reduction of Court Fees
142. In Schedule 7, the following forms are amended by inserting the words “*ENVIRONMENT RESOURCES AND DEVELOPMENT/ YOUTH/WARDEN’S*” immediately after the words “[*SUPREME/DISTRICT/MAGISTRATES*”:
- Form 73A—List of Documents—Physical Protocol
  - Form 73B—List of Documents—Simple Electronic Protocol
  - Form 109—Notice to Accompany Subpoena Served
  - Form 110—Notice to Accompany Subpoena Served—New Zealand
  - Form 112—Summons to a Witness—section 59F Evidence Act 1929
  - Form 113—Summons to Produce Person in Custody
  - Form 114—Warrant of Apprehension of Witness
  - Form 115—Warrant to Produce Person in Custody
  - Form 125—Notice of Discontinuance
  - Form 126—Notice of and Consent to Discontinuance
  - Form 156—Warrant of Apprehension—Contempt or Breach of Condition
  - Form 162—Warrant of Commitment—Contempt
143. In Schedule 7, the following forms are amended by deleting the words “*MAGISTRATES COURT OF SOUTH AUSTRALIA*” and substituting with the words “[*MAGISTRATES/WARDEN’S/YOUTH*] *COURT OF SOUTH AUSTRALIA*”:
- Form 105B—Subpoena to Attend to Give Evidence (Mag Court)
  - Form 106B—Subpoena to Produce Documents (Mag Court)
  - Form 107B—Subpoena to Attend and Produce Documents (Mag Court)
144. In Schedule 7, the following forms are amended by inserting the words “*ENVIRONMENT RESOURCES AND DEVELOPMENT/ WARDEN’S*” immediately after the words “[*SUPREME/DISTRICT/MAGISTRATES*”:
- Form 122—Withdrawal of Formal Offer
  - Form 123—Acceptance of Formal Offer
  - Form 124—Response to Formal Offer
  - Form 130—Record of Monetary Judgment
  - Form 136—Claim for Costs—Record of Monetary Judgment
  - Form 137—Response to Claim for Costs
  - Form 141—Application to Enforce Judgment
  - Form 142—Consent to Order for Payment
  - Form 143—Investigation Summons
  - Form 144—Investigation Summons—Witness
  - Form 145—Questionnaire
  - Form 146—Examination Summons
  - Form 147—Examination Summons—Fines Enforcement and Debt Recovery Act
  - Form 148—Interim Garnishee Order
  - Form 149—Final Garnishee Order

- 
- Form 150—Charging Order
  - Form 151—Summons to Judgment Debtor
  - Form 152—Summons to Potential Judgment Debtor
  - Form 153—Summons for Contempt or Breach of Condition
  - Form 154—Warrant of Apprehension
  - Form 155—Warrant of Apprehension—Judgment Debtor
  - Form 163—Warrant of Sale
  - Form 164—Notice of Claim
  - Form 165—Notice of Claim to Money Subject Execution
145. In Schedule 7, the following forms are amended by inserting the words “*ENVIRONMENT RESOURCES AND DEVELOPMENT/ YOUTH*” immediately after the words “[*SUPREME/DISTRICT*”:
- Form 181—Notice of Appeal
  - Form 183—Appeal or Review Grounds—Standalone
  - Form 184—Notice of Cross Appeal
  - Form 186—Cross Appeal or Review Grounds—Standalone
  - Form 187—Notice of Alternative Contention
  - Form 190—Written Submissions

146. In Schedule 7, Form 2AA—Originating Application—Wardens Court—Forfeiture or Cancellation is inserted as follows:  
Form 2AA

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

## ORIGINATING APPLICATION – FORFEITURE OR CANCELLATION

WARDENS COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one.

First Applicant

First Respondent

First Interested Party

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

Duplicate panel if multiple Applicants

Next box not applicable if application for revocation/variation

<b>Respondent</b>	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
<b>Address</b>	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
<b>Phone Details</b>	Type - Number		
<b>Service</b>	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'		

Duplicate panel if multiple Respondents

<b>Interested Party</b>	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
<b>Address</b>	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
<b>Phone Details</b>	Type - Number		
<b>Service</b>	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'		

Duplicate panel if multiple Interested Parties

<p><b>Application Details</b>                  Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is for</p> <p> <input type="checkbox"/> amalgamation  <input type="checkbox"/> suspension  <input type="checkbox"/> forfeiture  <input type="checkbox"/> revocation/variation of a private mine  <input type="checkbox"/> other [specify nature of application]                 </p> <p>Provide relevant number below (if applicable)</p> <p>Precious Stones Claim No.:</p> <p>Exploration Lease No.:</p> <p>Mining Lease No.:</p> <p>Private Mine No.:</p> <p>This Application is made under                  Act and section or other particular provision</p>
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The Applicant seeks the following orders:

Orders sought in separate numbered paragraphs. If there is a monetary sum state the amount being claimed.

1.

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

Mark with an 'x' if applicable

[ ] This application is urgent.

If applicable

### Extension of time

The Applicant seeks an extension of time to institute this action pursuant to:

[ ] section 48 of the Limitation of Actions Act 1936

[ ] other:

State section and Act

The grounds for seeking an extension are set out in the accompanying affidavit.

### To the other parties: WARNING

If a hearing date and time appears at the top of this document, this Application will be considered at the hearing at that date and time.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 14 days after service of the Application** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an Affidavit within 14 days after service of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

### Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [ ] Multilingual Notice (mandatory)
- [ ] Supporting Affidavit (mandatory)
- [ ] Notice to Respondent Served Interstate (mandatory if address of one respondent or interested party is interstate)
- [ ] Notice to Respondent Served in New Zealand (mandatory if address of one party to be served is in New Zealand)

Notice to Respondent Served outside Australia (mandatory if address of one party served is outside Australia but not in New Zealand)

If other additional document(s) please document below:

**Note to Parties**

There may be cost penalties for making an unsuccessful application or resisting a successful application.

147. In Schedule 7, Form 2AD—Originating Application—ERD Court is inserted as follows:  
Form 2AD

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

## ORIGINATING APPLICATION

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Applicant/s

Respondent/s

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

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Duplicate panel if multiple Respondents

**Application details**

The Applicant is:

- the applicant for the development authorisation
- an interested person (owner/occupier of subject land or adjacent land)
- the relevant authority
- other, please specify

This Application is for:

This Application is brought under  
Act and section or other particular provision

**Grounds of application**  
Grounds of application in separate numbered paragraphs

1.

**Facts, circumstances and other relevant matters**  
Briefly set out any matters relevant to the application (if any)

1.

**Orders sought**  
Orders sought in addition to or in place of the orders made in separate numbered paragraphs

1.

**Receipt of judgment**  
The Applicant prefers to receive judgment/decision via:

- email
- post

If applicable

**Consent to joinder**

- The Applicant consents to the applicant for development authorisation being joined as a party to the proceeding.

If applicable

**Extension of time**

The Applicant seeks an extension of time to bring this Appeal pursuant to  
Act and section or other particular provision

on the grounds that:

Grounds in separate numbered paragraphs

1.

If applicable

**Hearing**

This Application is urgent on the grounds that:

1.

The Applicant requests that the hearing be by written submissions only because:

Reasons in separate numbered paragraphs

Note: The hearing will only proceed by written submissions if the Court so orders. The Court will consider any request for such a hearing and determine whether the matter is suitable for proceeding without an oral hearing.

1.

**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- Supporting Affidavit
- Draft Order
- Draft Summons
- If other additional document(s) please list them below:

**Note to Parties**

Once stamped, you must provide a copy of the Court sealed 'Originating Appeal' to the relevant authority/Respondent as soon as practicable.

148. In Schedule 7, Form 2X—Originating Application—Family Provision Act is inserted as follows:

**Form 2X**

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

**ORIGINATING APPLICATION**

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

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		
	Email address		
Phone Details	Type - Number		

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Service	[.....] Sheriff service requested for this Respondent If requested mark with an 'x'		

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Service	[.....] Sheriff service requested for this Interested Party If requested mark with an 'x'		

Duplicate panel if multiple Interested Parties

**Application Details**

Mark appropriate sections below with an 'x'

Matter Type:

This Application is for

Nature of application in one sentence

This Application is made under

Act and section or other particular provision

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs. If there is a monetary sum state the amount being claimed.

1.

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

**Extension of time**

If applicable

The Applicant seeks an extension of time to institute this action pursuant to:

[.....] section 48 of the Limitation of Actions Act 1936

[.....] other:

State section and Act

The grounds for seeking an extension are set out in the accompanying affidavit.

**To the other parties: WARNING**

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 28 days after service** of the Application and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must file and serve on all parties an Affidavit within 28 days after service** of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.



**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

[.....] Multilingual Notice (mandatory)

[.....] Supporting Affidavit (mandatory)

[.....] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)

[.....] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)

[.....] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)

[.....] If other additional document(s) please list below:

**Note to Parties**

There are usually cost penalties for making an unsuccessful application or resisting a successful application.

S

149. In Schedule 7, Form 3C—Originating Application—Objection Mining is inserted as follows:  
Form 3C

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

## ORIGINATING APPLICATION – OBJECTION MINING

WARDENS COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one.

First Applicant

First Respondent

First Interested Party

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

Duplicate panel if multiple Applicants

<b>Respondent</b>	<b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b>			
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>			
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>	<b>Country</b>
	<b>Email address</b>			
<b>Phone Details</b>	<b>Type - Number</b>			
<b>Service</b>	[ <input type="checkbox"/> ] Sheriff service requested for this Respondent <b>If requested mark with an 'x'</b>			

Duplicate panel if multiple Respondents

<b>Interested Party</b>	<b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b>			
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>			
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>	<b>Country</b>
	<b>Email address</b>			
<b>Phone Details</b>	<b>Type - Number</b>			
<b>Service</b>	[ <input type="checkbox"/> ] Sheriff service requested for this Interested Party <b>If requested mark with an 'x'</b>			

Duplicate panel if multiple Interested Parties

**Objection**

This Objection is made in relation to *[identify order or other subject of objection and Act and section or other provision under which the order or other subject of objection was made]* dated *[date]*.

The Objector objects to the

*Identify order or particular parts of the order or other subject to which objection is taken.*

Provide relevant number below (if applicable)

Precious Stones Claim No.:

Exploration Lease No.:

Mining Lease No.:

Private Mine No.:

This Objection is made under

Mark appropriate section below with an 'x'

section 58A of the Mining Act 1971

section 59 of the Mining Act 1971

regulation 63 of the Mining Regulations 2011

other *[specify Act and section or other particular provision]*

The grounds of objection are:

Grounds in detail in separate numbered paragraphs

1.

If applicable

The Objector seeks an extension of time to lodge this Objection because:

Grounds in separate numbered paragraphs

1.

If applicable

The Objector requests that the hearing be by written submissions only because:

Grounds in separate numbered paragraphs

1.

This application must be listed by *[date]*.

Note: the matter must be listed before the expiry of 21 days from service of the notice of entry.

**To the other parties: WARNING**

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 14 days after service of the Application** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an Affidavit within 14 days after service of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- Multilingual Notice (mandatory)
- Supporting Affidavit (mandatory) (must be filed and served)
- Copy of notice of entry (mandatory)
- Notice to Respondent Served Interstate (mandatory if address of one respondent or interested party is interstate)
- Notice to Respondent Served in New Zealand (mandatory if address of one party to be served is in New Zealand)
- Notice to Respondent Served outside Australia (mandatory if address of one party served is outside Australia but not in New Zealand)
- If other additional document(s) please document them below:

**Note to Parties**

There can be cost penalties for making an unsuccessful application or resisting a successful application.

150. In Schedule 7, Form 5G—Originating Application—Appeal Against Administrative Decision—Development is inserted as follows:  
Form 5G

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

**ORIGINATING APPLICATION - APPEAL AGAINST  
ADMINISTRATIVE DECISION - DEVELOPMENT**

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant/s

Respondent/s

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

Duplicate panel if multiple Applicants

<b>Respondent</b>	<b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type - Number</b>		

Duplicate panel if multiple Respondents

<b>Interested Party</b>	<b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type - Number</b>		

Duplicate panel if multiple Interested Parties

**Appeal details**

The Applicant is:

- the applicant for the development authorisation
- a representor/person entitled to be given notice
- the relevant authority
- other, please specify

The Applicant appeals to the Court against the decision/notice/judgment:

Summary of decision/notice/judgment in one sentence

This Appeal is brought under

Act and section or other particular provision

**Proposed Development subject of appeal**

Description of Proposed Development:

Location of Proposed Development:

Name and contact details of Proposed Developer: if not the applicant

Reference Number, Notice Number or Development Application Number:

**Date of decision**

Date of decision:

Date notice of decision received:

**Grounds of appeal**

Grounds of appeal in separate numbered paragraphs

1.

**Facts, circumstances and other relevant matters**

Briefly set out any matters relevant to the appeal (if any)

1.

**Orders sought**

Orders sought in addition to or in place of the orders made in separate numbered paragraphs

1.

**Receipt of judgment**

The Applicant prefers to receive judgment/decision via:

- email
- post

If applicable

**Extension of time**

The Applicant seeks an extension of time to bring this Appeal pursuant to

Act and section or other particular provision

on the grounds that:

Grounds in separate numbered paragraphs

1.



If applicable

### Hearing

This Appeal is urgent on the grounds that:

1.

The Applicant requests that the hearing be by written submissions only because:

Reasons in separate numbered paragraphs

Note: The hearing will only proceed by written submissions if the Court so orders. The Court will consider any request for such a hearing and determine whether the matter is suitable for proceeding without an oral hearing.

1.

### To the other parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 14 days after service** of the Application and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must file and serve on all parties an Affidavit within 14 days after service** of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

### Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

A copy of the original decision/notice/judgment the subject of this Appeal (mandatory) (must be filed and served)

Supporting Affidavit

Draft Order

Draft Summons

If other additional document(s) please list them below:

### Note to Parties

Once stamped, you must provide a copy of the Court sealed 'Originating Appeal' to the relevant authority/Respondent as soon as practicable.

151. In Schedule 7, Form 12—Affidavit is deleted and substituted as follows:  
 Form 12

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

**AFFIDAVIT OF [FULL NAME OF DEPONENT] MADE ON [DATE]**

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/WARDENS] Delete all but one COURT OF SOUTH AUSTRALIA  
 [COURT OF APPEAL] If applicable  
 CIVIL JURISDICTION  
 [MINOR CIVIL] If applicable  
 [NAME OF LIST] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

**[FULL NAME]**  
 First [Applicant/Appellant]

**[FULL NAME]**  
 First Respondent

**[FULL NAME]**  
 First Interested Party

<b>Lodging Party</b>	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

<b>Deponent</b> the person who is making the affidavit			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. Home; work; mobile) - Number		Another number

**Affidavit**  
 Mark appropriate section below with an 'x'

I, *[full name]*,

swear on oath that:

do truly and solemnly affirm that:  
Enter text in separate numbered paragraphs  
 If the Affidavit relates to an Application, identify the Application, and state the material facts relevant to the Application

1.

[Sworn/Affirmed] select one by the Deponent

At *[place]*

On *[date]*

.....  
 Signature of Deponent

before me .....  
 Signature of attesting witness  
Must be an authorised witness – see rule 31.9

.....  
 Printed name of witness

.....

Qualification as authorised witness under section 27A(3) of the *Oaths Act 1936*.

Stamp here if applicable

.....

Identification of witness if applicable

(ID number of Justice of the Peace; rank, identification number and "South Australia Police" for police officer)

Next box not displayed on completed affidavit

Please ensure you have complied with instructions for completing an affidavit

### Instructions

- Please review the Code of Practice in relation to Affidavits published by the Attorney-General under s 33 of the *Oaths Act 1936* before completing this form.
- The person who makes the affidavit is called the deponent. The deponent makes the affidavit by taking an oath or affirmation in the presence of an authorised witness.
- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- A single 'front page' must be inserted in front of the exhibit(s) in Form 14.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- The declaration should be confined to facts and should not include submissions.
- The declaration should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An affidavit is to be sworn or affirmed in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
  - (a) a Commissioner for taking affidavits in the Supreme Court;
  - (b) a justice of the peace;
  - (c) a police officer, other than a police officer who is a probationary constable;
  - (d) a person admitted and enrolled as a notary public of the Supreme Court;
  - (e) any other person of a class prescribed by regulation.
- The contents of the affidavit cannot be altered after the affidavit has been sworn or affirmed.
- If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7).

### Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

152. In Schedule 7, Form 15B—Election—Moratorium on Steps is deleted and substituted as follows:

Form 15B

To be inserted by Court

Case Number:

Date Filed:

FDN:

## ELECTION

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

CIVIL JURISDICTION

[*MINOR CIVIL*] If applicable

[*NAME OF LIST*] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one.

First Applicant

First Respondent

Interested Party

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

Duplicate panel if multiple Applicants

<b>Election</b>	
The Applicant elects to place this proceeding under a moratorium and does not intend to take any further steps in this proceeding while it remains under the moratorium.	
Reason for placing proceeding under moratorium:	
Expected moratorium timeframe:	

**To the Respondent: WARNING**

If you wish to bring a claim against the Applicant or another party in this proceeding and that claim is subject to a time limit under the Limitation of Actions Act 1936 or for any other reason, **TIME WILL NOT CEASE TO RUN** merely because the proceeding is in the list of inactive cases.

**Application to remove proceeding from inactive list**

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

- (a) file a Notice of Acting; and
- (b) file and serve on the Applicant an Interlocutory Application seeking an order that the proceeding be removed from the list of inactive cases.

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

**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court. An Affidavit of Service of this document is required to be filed with the Court to prevent the proceeding from entering the list of inactive cases.

**Note to Parties**

1. The proceeding, by reason of the service of this notice and the Rules of Court, will not be entered in the list of inactive cases.
2. The proceeding will remain under a moratorium until the Court orders its removal on application by a party having given to all parties at least 14 calendar days written notice.
3. While the proceeding remains under a moratorium, the Respondent is not required to file a Defence or to take any other step in the action.
4. While the proceeding remains under a moratorium, no party is entitled without the leave of the Court to take any step in the proceeding (other than applying to remove it from the list of inactive cases).

153. In Schedule 7, Form 47—Notice of Summons (ERD Court) is inserted as follows:  
 Form 47

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## NOTICE OF SUMMONS

### ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant/s

Respondent/s

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

Duplicate panel if multiple Applicants



**Potential Respondent or Interested Party**

Potential Party

Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))

Duplicate panel if multiple Respondents/Interested Parties

**Notice**

The Applicant has filed an enforcement alleging breaches of obligations by and seeking orders from the Court against the Respondent.

The Court, on the application of the Applicant, has issued the attached Summons to the Respondent. The Summons sets out the alleged breaches by and orders sought against the Respondent.

The Summons is returnable on the date and at the time and place set out in the Summons.

**WARNING**

This Application will be considered at the hearing at the date and time set out in the Summons.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties within 14 days after service** of this Notice a **Notice of Interest** containing an address for service at which documents and communications can be directed to you and containing a brief statement of your interest in this proceeding and/or in the land to which it relates.

If you do not do so, the Court may make orders **finally determining** this proceeding without further warning.

154. In Schedule 7, Form 59—Notice of Interest is inserted as follows:  
Form 59

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## NOTICE OF INTEREST

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant/s

Respondent/s

Lodging Party	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		

**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

**Notice of Interest****1. Attitude to the Proceeding**

Identify whether you support or oppose the Application/Appeal

**2. Interest in the Proceeding and/or Land to which Proceeding relates**

Identify your interest

155. In Schedule 7, Form 77I—Application to be Joined is inserted as follows:  
Form 77I

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

## INTERLOCUTORY APPLICATION TO BE JOINED

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant/s

Respondent/s

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

Duplicate panel if multiple Applicants

**Joinder Application details**

This is an Application to be joined as a party to the proceeding. It is made under [section] of the [act]:

The Proposed Party has an interest in this proceeding because:

**If the Proposed Party is not the development applicant, the physical location of your residence/place of interest in relation to the subject land must be identified**

If joined, the Proposed Party intends to:

- give evidence
- call expert evidence, please specify nature of expert evidence
- make submissions to the Court
- other, please specify

**If Applicable**

This Application is urgent on the grounds that:

**If Applicable**

This application is by consent. The consent is evidenced as attached.

**If Applicable**

This application is made ex parte because:

**Accompanying Documents**

If Applicable

Accompanying this Application is a:

- [  ] Supporting Affidavit  
[  ] If other document(s) please list them below:

**To the Other Parties: WARNING**

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the application or make submissions about it:

- **you must attend the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an affidavit at least 2 days before the hearing date unless ordered otherwise.

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

156. In Schedule 7, Form 78D—Notice of Trial is deleted and substituted as follows:

Form 78D

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

## NOTICE OF TRIAL

[*SUPREME/DISTRICT/MAGISTRATES/ERD/YOUTH/WARDENS*] Delete all but one COURT OF SOUTH AUSTRALIA CIVIL JURISDICTION  
[*MINOR CIVIL*] if applicable  
[*NAME OF LIST*] LIST if applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

### Notice of Trial

The trial of this proceeding will be heard commencing at the date and time set out above. If the hearing is scheduled for more than one day, it may continue from day to day until it has concluded.

**To the parties: WARNING**

You **must** attend the hearing. If you do not attend within 15 minutes of the scheduled time, orders may be made **finally determining** this proceeding against you, including orders as to costs. This will allow the person obtaining judgment to take enforcement steps. This may include orders to sell your property.

If you will not be ready by the hearing date or you will be unable to attend the hearing, you should apply to the Court for an adjournment prior to the hearing date and as soon as possible. If you leave it until the hearing date, any application for an adjournment may be denied or you may be ordered to pay costs.

**Prior to the Hearing****Supreme and District Court only**

If a pleadings book has not yet been filed, it must be filed by the party having the carriage of the proceeding immediately.

**All Courts**

If you need an interpreter, you must advise the Court immediately of the language and dialect you require.

Parties under the age of 18 years must appoint a litigation guardian and advise all other parties and the Court of the name and address of the litigation guardian.

**Attending the Hearing**

**You are expected to have any witnesses and all relevant documents available and ready at the date and time set out above.**

**Magistrates Court – Personal Injury only**

You must bring any medical reports and proof of any loss of wages, medical and other expenses. Copies of medical reports must be given to the other parties within the time fixed by the Rules of Court.

**Magistrates Court – Motor Vehicle Damages only**

You must bring repair quotes, tow receipts and, if the vehicle was a write off, proof of the vehicle value before the accident.

When attending at the Court, you will need to go to a particular courtroom. You can find this information:

- online by checking the case list on the Courts Administration Authority website after 5:00 pm on the day before the hearing; or
- in person by checking the notice board displayed at the Court on the date of the hearing.

On arriving in the courtroom, you must tell the Court staff that you are there and you must answer your name when it is called.



157. In Schedule 7, Form 82B—Freezing Order is deleted and substituted as follows:  
Form 82B

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
---

## FREEZING ORDER

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

[*COURT OF APPEAL*] If applicable

CIVIL JURISDICTION

[*MINOR CIVIL*] If applicable

[*NAME OF LIST*] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

**Introduction****Hearing**

Hearing Location: [*suburb*]  
[*Hearing date*] [*Listed starting time*]

[*Presiding Officer*]

Application made by:

**Appearances**

[*Applicant Appearance Information*]  
[*Respondent Appearance Information*]  
[*Third Party Appearance Information*]  
[*Interested Party Appearance Information*]

**Recitals**

This is a freezing order made against [*Party title*] [*name of person against whom order is made*] at a hearing without notice after the Court was given the undertakings set out in Schedule A to this order and after the Court read the affidavits listed in Schedule B to this order.

**Date of Order:**

**Terms of Order**

It is ordered that:

**Introduction**

- 1 (a) The application for this order is made returnable immediately.  
(b) The time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by *[time and date]*.<sup>1</sup>
2. Subject to paragraph 3 below, this order has effect up to and including *[date]* (***the Return Date***). On the Return Date at *[time]*, there will be a further hearing in respect of this order in the in the *[name]* Court of South Australia *[address]*.<sup>2</sup>
- 3 Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
- 4 In this order:
  - (a) ***applicant***, if there is more than one applicant, includes all the applicants;
  - (b) ***you***, when there is more than one of you, includes all of you and includes you if you are a corporation;
  - (c) ***third party*** means a person other than you and the applicant; and
  - (d) ***unencumbered value*** means value free of mortgages, charges, liens or other encumbrances.
- 5 (a) If you are ordered to do something, you must do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.  
(b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

For order limited to assets in Australia

**Freezing of assets**

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

If the Court makes a worldwide order, the following additional paragraph (c) also applies

- (c) If the unencumbered value of your Australian assets is less than the Relevant Amount, and you have assets outside Australia (***ex-Australian assets***):
  - (i) you must not dispose of, deal with or diminish the value of any of your Australian assets and ex-Australian assets up to the unencumbered value of your Australian and ex-Australian assets of the Relevant Amount; and
  - (ii) you may dispose of, deal with or diminish the value of any of your ex-Australian assets, so long as the unencumbered value of your Australian assets and ex-Australian assets still exceeds the Relevant Amount.
- 7 For the purposes of this order:
  - (a) your assets include:
    - (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
    - (ii) any assets that you have the power, directly or indirectly, to dispose of or deal with as if they were your own (you are to be regarded as having such power if a third

- party holds or controls the asset in accordance with your direct or indirect instructions); and
- (iii) the following assets in particular:
- [ ] the property known as [*title/address*] or, if it has been sold, the net proceeds of the sale;
  - [ ] the assets of your business (known as [*name*]) (carried on at [*address*]) or, if any or all of the assets have been sold, the net proceeds of the sale; and
  - [ ] any money in account number [*number*] in the name of [*name*] at [*name of bank*] [*name and address of branch*];
- (b) the value of your assets is the value of the interest you have individually in your assets.

### Provision of information<sup>3</sup>

- 8 Subject to paragraph 9, you must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing of all your assets [*in Australia/world wide*], giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
  - (b) within [*number*] business days after being served with this order, swear and serve on the applicant an affidavit setting out the above information.
- 9
- (a) This paragraph 9 applies if you are not a corporation and you wish to object that compliance with paragraph 8 may tend to incriminate you or make you liable to a civil penalty.
  - (b) This paragraph 9 also applies if you are a corporation and all of the persons who are able to comply with paragraph 8 on your behalf and with whom you have been able to communicate wish to object that compliance may tend to incriminate them respectively or make them respectively liable to a civil penalty.
  - (c) You must, at or before the further hearing on the Return Date (or within such further time as the Court may allow), notify the applicant in writing that you or all the persons referred to in (b) wish to take such objection and identify the extent of the objection.
  - (d) If you give such notice, you need comply with paragraph 8 only to the extent, if any, that it is possible to do so without disclosure of the material in respect of which the objection is taken.
  - (e) If you give such notice, the Court may give directions as to the filing and service of affidavits setting out such matters as you or the persons referred to in (b) wish to place before the Court in support of the objection.

### Exceptions to this order

- 10 This order does not prohibit you from:
- (a) paying up to \$[*amount*] a week/day on your ordinary living expenses;
  - (b) paying \$[*amount*] on your reasonable legal expenses;
  - (c) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
  - (d) in relation to matters not falling within (a), (b) or (c), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two business days written notice of the particulars of the obligation.
- 11 You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of the proposed consent order recording the variation signed by or

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

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

<sup>3</sup> See Uniform Civil Rules Schedules, Schedule 3, Part 3, rule 6(7).

on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.

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

### Costs

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

### Persons other than the applicant and respondent

- 14 **Set off by banks**  
This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.
- 15 **Bank withdrawals by the respondent**  
No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

#### For worldwide order

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

#### For worldwide order

- 17 **Assets located outside Australia**

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

**To the parties against whom orders are made: WARNING**

If you disobey this order, you will be in **contempt of court** and liable to **imprisonment and/or a fine** or other punishment and any other person who knows of this order and does anything that helps or permits you to disobey this order may be similarly punished.

Court use only

.....  
Registrar

**SCHEDULE A****UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT**

1. The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. As soon as practicable, the applicant will file and serve upon the respondent copies of:
  - (a) this order;
  - (b) the application for this order for hearing on the Return Date;
  - (c) the following material insofar as it was relied on by the applicant at the hearing when the order was made:
    - (i) affidavits (or draft affidavits);
    - (ii) exhibits capable of being copied;
    - (iii) any written submission; and
    - (iv) any other document that was provided to the Court;
  - (d) a transcript, or if none is available a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put to the Court;
  - (e) the originating process, or if none was filed any draft originating process produced to the Court.
3. As soon as practicable, the applicant will cause anyone notified of this order to be given a copy of it.
4. The applicant will pay the reasonable costs of anyone other than the respondent that have been incurred as a result of this order, including the costs of finding out whether that person holds any of the respondent's assets.
5. If this order ceases to have effect<sup>4</sup> the applicant will promptly take all reasonable steps to inform in writing anyone who has been notified of this order, or whoever the applicant has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
6. The applicant will not, without permission of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
7. The applicant will not, without permission of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.
8. The applicant will:
  - (a) on or before [date] cause an irrevocable undertaking to pay in the sum of \$[amount] to be issued by a bank with a place of business within Australia, in respect of any order the Court may make pursuant to undertaking paragraph 1. above; and
  - (b) immediately upon issue of the irrevocable undertaking, cause a copy of it to be served on the respondent.<sup>5</sup>

<sup>4</sup> For example, if the respondent pays money into Court or provides security, as provided for in paragraph 12 of this Order.

<sup>5</sup> See Uniform Civil Rules Schedules, Schedule 3, Part 2, rule 4(3).

**SCHEDULE B<sup>6</sup>**

**AFFIDAVITS RELIED ON**

Name of Deponent  [name]	Date affidavit made  [date]
Provide for multiple affidavits	

**Name and address of applicant's solicitors**

The Applicant's solicitors are:

Name of firm	[name]	[F Code]
Name of individual solicitor responsible	[name] (Provide for multiple solicitors)	[L Code]
Address for service	[street] (include unit or level number and/or name of property where necessary)	
	[city/town/suburb]	[state] [postcode]
	[email address] Provide for multiple email addresses	
Telephone	[preferred phone no]	[after hours phone number]  Provide for multiple numbers
	Provide for multiple numbers	

<sup>6</sup> Schedule B is appropriate only in the case of an order made without notice.



158. In Schedule 7, Form 84D—Draft Summons is inserted as follows:  
Form 84D

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## DRAFT SUMMONS

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant/s

Respondent/s

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

Duplicate panel if multiple Applicants

<b>Respondent</b>	<b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
<b>Phone Details</b>	<b>Email address</b>		
	<b>Type - Number</b>		

Duplicate panel if multiple Respondents

**To the Respondent: WARNING**

An application has been made by the Applicant/Appellant for the following orders:

Orders sought in separately numbered paragraphs

1.

The application is made on the following grounds:

Details of alleged obligation(s) and breach(es) in respect of which enforcement or compliance application is made in separately numbered paragraphs

1.

The facts on which the Applicant relies are set out in the affidavit of [*full name*] served with this Summons.

The Court will hear the application, or make orders for the hearing of the application, at a hearing.

If you wish to be heard or to oppose the making of any of these orders, you or your solicitor must file a Notice of Acting within 14 days after service of this Summons on you.

This Notice of Acting must be filed at a Registry of the Court. A list of the Registry addresses is available at <https://www.courts.sa.gov.au/going-to-court/court-locations/environment-resources-and-development-court>.

If you do not have a solicitor, you may attend personally at a Registry to do this.

If you do not file a Notice of Acting or do not appear at the hearing or on any day to which this matter is adjourned, the Court may proceed in your absence.

**Notes to Applicant**

- Set out in numbered paragraphs the orders that you are seeking from the Court and the grounds for your application.
- You should use plain English language.
- If a summons is issued, give the Respondent a copy of any affidavit that you filed in the Court.
- After giving the Respondent the summons and accompanying documents, you must file an affidavit in the Court confirming that you have done so.

159. In the index to Schedule 7, the words “Form 105A—Subpoena to Attend to Give Evidence (Sup and Dist Courts)” are deleted and substituted with the words “Form 105A—Subpoena to Attend to Give Evidence (Sup, Dis and ERD Courts)”.
160. In the index to Schedule 7, the words “Form 105B—Subpoena to Attend to Give Evidence (Mag Court)” are deleted and substituted with the words “Form 105B—Subpoena to Attend to Give Evidence (Mag, Ward and Youth Court)”.
161. In the index to Schedule 7, the words “Form 106A—Subpoena to Produce Documents (Sup and Dist Courts)” are deleted and substituted with the words “Form 106A—Subpoena to Produce Documents (Sup, Dis and ERD Courts)”.
162. In the index to Schedule 7, the words “Form 106B—Subpoena to Produce Documents (Mag Court)” are deleted and substituted with the words “Form 106B—Subpoena to Produce Documents (Mag, Ward and Youth Court)”.
163. In the index to Schedule 7, the words “Form 107A—Subpoena to Attend and Produce (Sup and Dist Courts)” are deleted and substituted with the words “Form 107A—Subpoena to Attend and Produce (Sup, Dis and ERD Courts)”.
164. In the index to Schedule 1, the words “Form 107B—Subpoena to Attend and Produce (Mag Court)” are deleted and substituted with the words “Form 107B—Subpoena to Attend and Produce (Mag, Ward and Youth Court)”.
165. In Schedule 7, Form 121—Formal Offer is deleted and substituted as follows:

#### Form 121

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

## FORMAL OFFER

[*SUPREME/DISTRICT/MAGISTRATES/WARDENS*] **Delete all but one COURT OF SOUTH AUSTRALIA**

[*COURT OF APPEAL*] **If applicable**

CIVIL JURISDICTION

[*MINOR CIVIL*] **If applicable**

[*NAME OF LIST*] **LIST If applicable**

**Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for party. Each party should include a party number if more than one party of the same type.**

First Applicant

First Respondent

First Interested Party

Lodging Party	<b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b>	
Name of law firm / solicitor <b>If any</b>	<b>Law Firm</b>	<b>Solicitor</b>

**Formal Offer**

**Mark appropriate sections below with an 'x'**

1. Offer made by the following parties ('the Offeror')

**List the Party title and names**

to the following parties ('the Offeree')

**List the Party title and names**

(collectively 'the parties').

2. Offer to

settle the entire matter (all claims between the parties).

settle only the

claim

counterclaim

third party claim

contribution notice

appeal

cross appeal

notice of alternative contention

other [*specify*]

between the parties.

settle part only of the

claim

counterclaim

third party claim

contribution notice

appeal

cross appeal

notice of alternative contention

other [*specify*]

between the parties, namely

**Claim offered to be settled by reference to pleading or otherwise**

**Offer basis**

3. This offer is

without prejudice save as to costs.

an open offer.

other [*specify basis*].

**Offer type**

4. This offer is a  
 judgment offer.  
 contract offer.  
 hybrid offer.

**Terms of Offer**

5. The Offeror offers to  
 consent to judgment  
 enter into an agreement  
 consent to judgment and enter into an agreement  
on the following terms:

**Terms of judgment that would be entered/agreement that would be entered into if offer accepted in numbered paragraphs**

1.

6. The offer is made on the terms that the  
 judgment  
 agreement  
 judgment and agreement

include the following term as to costs:

- the Offeree pay the costs of the Offeror  
 on a party/party basis in respect of the period :  
 on a solicitor/ client basis in respect of the period :  
 on an indemnity basis in respect of the period :  
 in the fixed amount of \$[amount]
- the Offeror pay the costs of the Offeree  
 on a party/party basis in respect of the period:  
 on a solicitor/ client basis in respect of the period:  
 on an indemnity basis in respect of the period :  
 in the fixed amount of \$[amount]
- the Offeror will submit to any order the Court may make in the exercise of its discretion.  
 there be no order as to costs.  
 [specify other term]

**If applicable**

7. The offer is subject to the following conditions:

**Conditions in numbered paragraphs**

1.

**Expiry of offer**

8. This offer expires:  
 [date or method by which expiry date is to be ascertained]  
 if and when withdrawn.

and in any event unless the Court otherwise orders will expire 7 clear calendar days before the first day of trial.

.....  
Signature of party / solicitor (if represented)

.....  
Name printed

.....  
Date

**Note to Parties**

The offer must be either a judgment offer or a contract offer: see rule 132.4(1).

If the offer is intended to be a “relevant offer” within the meaning of rule 132.10(1), it must comply with the definition of that term contained therein: see rule 132.10.

**Service**

The party filing this document is required to serve this document on all other parties in accordance with the Rules of Court.

**Note to Offeree**

If you do not wish to accept this offer but wish to make a counter offer, you are required to file and serve your own Formal Offer.

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In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991* and the *Magistrates Court Act 1991*, and all other enabling powers, the *Uniform Civil (No 11) Amending Rules 2024* have been made—

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
  - as rules of the District Court by the Acting Chief Judge and 2 or more other Judges of that Court; and
  - as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates,
- and such rules will apply to and in relation to the Court in accordance with their terms.

Dated the 7<sup>th</sup> day of August 2024.

ACTING CHIEF JUSTICE LIVESEY  
ACTING CHIEF JUDGE SOULIO  
CHIEF MAGISTRATE HRIBAL  
JUDGE ELDRIDGE  
JUDGE DURRANT  
WARDEN FOTHERINGHAM

SUPREME COURT ACT 1935  
DISTRICT COURT ACT 1991  
MAGISTRATES COURT ACT 1991  
YOUTH COURT ACT 1993  
SOUTH AUSTRALIA

*Uniform Special Statutory (No 3) Amending Rules 2024*

By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Magistrates Court Act 1991* and the *Youth Court Act 1993*, and all other enabling powers, we, the Acting Chief Justice of the Supreme Court, the Acting Chief Judge of the District Court, the Chief Magistrate of the Magistrates Court, and the Judge of the Youth Court make the following Uniform Special Statutory (No 3) Amending Rules 2024.

1. These Rules may be cited as the *Uniform Special Statutory (No 3) Amending Rules 2024*.
2. The *Uniform Special Statutory Rules 2022* (“the Rules”) are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
  - (a) Monday 26 August 2024; or
  - (b) the date of their publication in the Gazette.
4. A new rule 1.7 is inserted immediately after rule 1.6 as follows:

**“1.7—Persona designata matters**

  - (1) This rule applies to applications that under the relevant legislation are to be made to a person holding a designated judicial office within one or more of the Courts in that person’s individual capacity (a *designated person*) rather than to a court.
  - (2) A provision in these Rules (including a template or prescribed form) relating to an application governed by this rule is not mandatory, but merely serves as a template that may or may not be used.”
5. The definition of *judicial officer* in rule 2.1 is deleted and substituted as follows:

**“judicial officer** means the following, and includes such a person on whom jurisdiction is conferred personally by reason of their judicial office—

  - (a) in respect of the Supreme Court—a Justice, Auxiliary Justice, Associate Justice, Auxiliary Associate Justice or Judicial Registrar of the Court;
  - (b) in respect of the District Court—a Judge, Auxiliary Judge, Associate Judge, Auxiliary Associate Judge or Judicial Registrar of the Court;
  - (c) in respect of the Youth Court—a Judge, Auxiliary Judge, Magistrate, Auxiliary Magistrate, Special Justice or Judicial Registrar of the Court;
  - (d) in respect of the Magistrates Court—a Magistrate, Auxiliary Magistrate, Special Justice or Judicial Registrar of the Court;”
6. The definition of *original service* in rule 2.1 is deleted and substituted as follows:

**“original service**—has the meaning given by rule 42.11 of the Uniform Civil Rules;”
7. A new rule 5.7 is inserted immediately after rule 5.6 as follows:

**“5.7—Persona designata matters**

  - (1) This rule applies to applications that under the relevant legislation are to be made to a designated person.
  - (2) The templates for a generic application to a designated person that is to be made *ex parte* are as follows.

**Templates—**

Form 4PD Originating Application Ex Parte Persona Designata

Form 5PD Originating Application Ex Parte—Warrant Persona Designata
  - (3) The template for a generic application to a designated person that is to be made *inter partes* is as follows.

**Template—**

Form 1PD Originating Application Persona Designata
  - (4) The template for a generic application and notice to a designated person that is to be made *inter partes* is as follows.

**Template—**

Form 2PD Originating Application and Notice Persona Designata
  - (5) The template for an affidavit as follows.

**Template—**

Form 7PD Affidavit Persona Designata
  - (6) The template for a record of outcome on an application to a designated person is as follows.

**Template—**

Form 91PD Record of Outcome Persona Designata
  - (7) The template for a generic order on an application to a designated person is as follows.

**Template—**

Form 92PD Order Persona Designata



- (8) The template for a generic search warrant on an application to a designated person is as follows.
- Template—**  
Form 101PD Search Warrant Persona Designata
- (9) Use of a template referred to in this rule is not mandatory.”
8. Rule 81.1 is deleted and substituted as follows:
- “81.1—Scope of Part**
- (1) Subject to subrules (2) and (3), this Part applies to all proceedings under the *Intervention Orders (Prevention of Abuse) Act 2009*.
- (2) This Part does not apply to the making or variation of an intervention order in a criminal proceeding under section 28 of the *Sentencing Act 2017* which is governed instead by Chapter 7 Part 4 Division 4 and Chapter 8 Part 1 Division 7 respectively of the Joint Criminal Rules.
- (3) This Part does not apply to criminal proceedings, which are governed by the Joint Criminal Rules.”
9. A new rule 86.6 is inserted immediately after rule 86.5 as follows:
- “86.6—Affidavit evidence before trial**
- The Court may, if it thinks fit, order that evidence intended to be adduced at trial by a party or the parties be contained in an affidavit or affidavits, to be filed and served in accordance with a time frame fixed by the Court.”
10. Rule 87.3 is deleted and substituted as follows:
- “87.3—Summary of facts and argument**
- (1) The applicant must, at least 28 days before the trial date, file and serve on the other parties a summary of facts and argument on which the applicant intends to rely at trial.
- (2) The respondent must, at least 14 days before the trial date, file and serve on the other parties a summary of facts and argument on which the respondent intends to rely at trial.
- (3) The summary must outline—
- (a) the facts that are agreed;
- (b) the issues that are in dispute;
- (c) a list of documents that will be relied on at trial (if any);
- (d) a list of witnesses who may be called to give evidence at trial;
- (e) a summary of relevant legislation, common law and authorities with citations;
- (f) whether the Court will need to have any information technology (software or hardware) available for the presentation of evidence; and
- (g) the name of counsel who will appear at trial (if applicable).
- (4) Any documents or witness statements referred to in the summary must be served (but not, unless the Court otherwise orders, filed) with the summary.
- (5) The applicant must not include the address, telephone number or other contact details of any person in any material provided to the respondent under this rule.”
11. A new Part 18 is added to Chapter 3, immediately after Part 17:
- “Part 18—Community safety orders: Supreme Court**
- Division 1—General**
- 166.1—Scope of Part**
- This Part applies to all proceedings under Part 9.10 of the Code.
- 166.2—Definitions**
- In this Part—
- Code* means the Criminal Code enacted by the *Criminal Code Act 1995* (Cth);
- detention order* means a community safety supervision order made under section 395.12 of the Code;
- supervision order* means a community safety supervision order made under section 395.12 of the Code.
- Division 2—Supervision and detention orders**
- 167.1—Supervision orders**
- The template for a supervision order is as follows.
- Template—**  
Form 92CS Order—Community Safety Supervision Order
- 167.2—Detention orders**
- The template for a detention order is as follows.
- Template—**  
Form 92CD Order—Community Safety Detention Order”

12. The definition of “monitoring order” in rule 181.1 is deleted and substituted as follows:  
“**monitoring order** means a monitoring order under—
  - (a) section 165 of the *Criminal Assets Confiscation Act 2005*; or
  - (b) section 219 of the *Proceeds of Crime Act 2002* (Cth).”
13. The definitions of “trust account” and “trust money” in rule 181.1 are deleted.
14. A definition is inserted into rule 181.1 of “unexplained wealth monitoring order” as follows:  
“**unexplained wealth monitoring order** means a monitoring order under section 14 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.”
15. The Note in Chapter 4, Part 3 Division 2 is deleted and substituted as follows:  
“**Notes—**  
Jurisdiction is conferred by the legislation on a Judge (rather than upon the Court) to make a monitoring order.  
Section 165 of the *Criminal Assets Confiscation Act 2005* provides that an application for a monitoring order under that section must be made to a District Court Judge.”
16. Rule 182.1 is deleted and substituted as follows:  
“**182.1—Application.**  
The non-mandatory templates in respect of applications for a monitoring order are as follows.  
**Templates—**  
Form 4PD Originating Application Ex Parte Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 104AC Monitoring Order—Asset Confiscation Commonwealth  
Form 104AS Monitoring Order—Asset Confiscation State”
17. Rules 182.2, 183.2 and 184.2 are deleted.
18. Rule 183.1 is deleted and substituted as follows:  
“**183.1—Application**  
The non-mandatory templates in respect of an application for a production order are as follows.  
**Templates—**  
Form 4PD Originating Application Ex Parte Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92EC Order—Asset Confiscation Production Order Commonwealth  
Form 92ES Order—Asset Confiscation Production Order State”
19. Rule 184.1 is deleted and substituted as follows:  
“**184.1—Application**  
The non-mandatory templates in respect of an application for a freezing order are as follows.  
**Templates—**  
Form 4PD Originating Application Ex Parte Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92AU Order—Asset Confiscation Freezing Order—Commonwealth  
Form 92AT Order—Asset Confiscation Freezing Order—State”
20. A new Division 5 is inserted immediately after Division 4, Part 3, Chapter 4, as follows:  
“**Division 5—Unexplained wealth monitoring orders**  
**185.1—Application monitoring order**
  - (1) An application for an unexplained wealth monitoring order must be—
    - (a) in the prescribed form; and
    - (b) supported by an affidavit in the prescribed form.  
**Prescribed forms—**  
Form 4 Originating Application Ex Parte  
Form 7 Affidavit
  - (2) The supporting affidavit must—
    - (a) verify the grounds of the application;
    - (b) depose to the facts forming the basis for the application;
    - (c) identify any matter of which the deponent is aware that is relevant to the decision whether to make the order;
    - (d) identify the proposed expiration date of the order and why that date is proposed; and
    - (e) identify how long the applicant proposes that the Court retain documents associated with the application before destruction.

(3) The application must be accompanied by a draft order in the prescribed form.

**Prescribed form—**

Form 104B Monitoring Order—Serious and Organised Crime (Unexplained Wealth) Act

**185.2—Order**

An unexplained wealth monitoring order must be in the prescribed form.

**Prescribed form—**

Form 104B Monitoring Order—Serious and Organised Crime (Unexplained Wealth) Act”

21. Subrule 186.1(2) is deleted and substituted as follows:

“(2) Unless otherwise ordered, this Part does not apply to applications for search warrants governed by Chapter 6.”

22. Rule 187.1 is deleted and substituted as follows:

**“187.1—Application**

The non-mandatory templates in respect of an application for a search warrant are as follows.

**Templates—**

Form 5G Originating Application Ex Parte—Search Warrant

Form 5H Originating Application Ex Parte—Search Warrant—Authorise Reasonable Force in Undertaking Search

Form 5I Originating Application Ex Parte—Search Warrant—Seize Motor Vehicle

Form 7PD Affidavit Persona Designata

See also rule 187.2”

23. Rule 187.2 is deleted and substituted as follows:

**“187.2—Issue of warrant**

The non-mandatory templates in respect of a search warrant are as follows.

**Templates—**

**Generic**

Form 101PD Search Warrant

**Specific State**

Form 101AA Search Warrant—Adelaide Dolphin Sanctuary Act

Form 101AB Search Warrant—Agricultural and Veterinary Products (Control of Use) Act

Form 101AC Search Warrant—Air Transport (Route Licensing—Passenger Services) Act

Form 101AD Search Warrant—Animal Welfare Act

Form 101AE Search Warrant—Architectural Practice Act

Form 101AF Search Warrant—Australian Crime Commission Act

Form 101AG Search Warrant—Authorised Betting Operations Act

Form 101AH Search Warrant—Burial and Cremation Act

Form 101AI Search Warrant—Children and Young People (Safety) Act

Form 101AJ Search Warrant—Collections for Charitable Purposes Act

Form 101AK Search Warrant—Controlled Substances Act

Form 101AL Search Warrant—Co-operatives National Law (South Australia) Act

Form 101AM Search Warrant—Criminal Assets Confiscation Act

Form 101AN Search Warrant—Criminal Investigation (Extraterritorial Offences) Act—made personally

Form 101AO Search Warrant—Criminal Investigation (Extraterritorial Offences) Act—made by telephone

Form 101AP Search Warrant—Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act

Form 101AQ Search Warrant—Dangerous Substances Act

Form 101AR Search Warrant—Education and Early Childhood Services (Registration and Standards) Act

Form 101AS Search Warrant—Electoral Act

Form 101AT Search Warrant—Electricity Act

Form 101AU Search Warrant—Energy Products (Safety and Efficiency) Act

Form 101AV Search Warrant—Environment Protection Act

Form 101AW Search Warrant—Fire and Emergency Services Act

Form 101AX Search Warrant—Firearms Act

Form 101AY Search Warrant—First Home and Housing Construction Grants Act

Form 101AZ Search Warrant—Fisheries Management Act

Form 101BA Search Warrant—Food Act

Form 101BB Search Warrant—Gas Act

Form 101BC Search Warrant—Gene Technology Act  
Form 101BD Search Warrant—Health and Community Services Complaints Act  
Form 101BE Search Warrant—Health Practitioner Regulation National Law (South Australia) Act  
Form 101BF Search Warrant—Heavy Vehicle National Law (South Australia) Act  
Form 101BG Search Warrant—Heritage Places Act  
Form 101BH Search Warrant—Historic Shipwrecks Act  
Form 101BI Search Warrant—Housing Improvement Act  
Form 101BJ Search Warrant—Hydroponics Industry Control Act  
Form 101BK Search Warrant—Independent Commissioner Against Corruption Act  
Form 101BL Search Warrant—Independent Commissioner Against Corruption Act Inspector  
Form 101BM Search Warrant—Landscape South Australia Act  
Form 101BN Search Warrant—Legal Practitioners Act  
Form 101BO Search Warrant—Livestock Act  
Form 101BP Search Warrant—Local Government Act  
Form 101BQ Search Warrant—Local Nuisance and Litter Control Act  
Form 101BR Search Warrant—Lottery and Gaming Act  
Form 101BS Search Warrant—Marine Parks Act  
Form 101BT Search Warrant—Marine Safety (Domestic Commercial Vessel) National Law (Application) Act  
Form 101BU Search Warrant—Motor Vehicles Act  
Form 101BV Search Warrant—National Electricity (South Australia) Act  
Form 101BW Search Warrant—Offshore Minerals Act  
Form 101BX Search Warrant—Passenger Transport Act  
Form 101BY Search Warrant—Petroleum (Submerged Lands) Act  
Form 101BZ Search Warrant—Petroleum Products Regulation Act  
Form 101CA Search Warrant—Planning and Development Infrastructure Act  
Form 101CB Search Warrant—Primary Produce (Food Safety Schemes) Act  
Form 101CC Search Warrant—Prohibition of Human Cloning for Reproduction Act and Research Involving Human Embryos Act  
Form 101CD Search Warrant—Rail Safety National Law (South Australia) Act  
Form 101CE Search Warrant—River Murray Act  
Form 101CF Search Warrant—Road Traffic Act  
Form 101CG Search Warrant—Safe Drinking Water Act  
Form 101CH Search Warrant—Second-hand Dealers and Pawnbrokers Act  
Form 101CI Search Warrant—Serious and Organised Crime (Unexplained Wealth) Act  
Form 101CJ Search Warrant—South Australian Public Health Act  
Form 101CK Search Warrant—Tattooing Industry Control Act  
Form 101CL Search Warrant—Taxation Administration Act  
Form 101CM Search Warrant—Tobacco and E-Cigarette Products Act  
Form 101CN Search Warrant—Transplantation and Anatomy Regulations  
Form 101CO Search Warrant—Veterinary Practice Act  
Form 101CP Search Warrant—Water Industry Act  
Form 101CQ Search Warrant—Work Health and Safety Act

**Specific Commonwealth**

Form 102AAI Investigation Warrant—Aged Care Act (Cth)  
Form 102AAM Monitoring Warrant—Aged Care Act (Cth)  
Form 102AB Search Warrant—Agricultural and Veterinary Chemicals (Administration) Act (Cth)  
Form 102AC Search Warrant—Agricultural and Veterinary Chemicals Code Act (Cth)  
Form 102AD Search Warrant—Airports Act (Cth)  
Form 102AE Search Warrant—Anti-money Laundering and Counter-terrorism Financing Act (Cth)  
Form 102AF Search Warrant—Anti-personnel Mines Convention Act (Cth)  
Form 102AG Search Warrant—Australian Crime Commission Act (Cth)—s 22  
Form 102AI Search Warrant—Australian Meat and Live-stock Industry Act (Cth)  
Form 102AJ Search Warrant—Australian Radiation Protection and Nuclear Safety Act (Cth)  
Form 102AK Search Warrant—Australian Securities and Investments Commission Act (Cth)  
Form 102AL Search Warrant—Automotive Transformation Scheme Act (Cth)

Form 102AMAP Adjacent Premises Warrant—Biosecurity Act (Cth)  
 Form 102AMCO Control Order Warrant—Biosecurity Act (Cth)  
 Form 102AMCP Conveyance Possession Warrant—Biosecurity Act (Cth)  
 Form 102AMI Investigation Warrant—Biosecurity Act (Cth)  
 Form 102AMM Monitoring Warrant—Biosecurity Act (Cth)  
 Form 102AMMZ Monitoring Zone Warrant- Biosecurity Act (Cth)  
 Form 102AMPP Premises Possession Warrant- Biosecurity Act (Cth)  
 Form 102AMRA Risk Assessment Warrant—Biosecurity Act (Cth)  
 Form 102AMRZ Response Zone Warrant- Biosecurity Act (Cth)  
 Form 102AN Search Warrant—Building Energy Efficiency Disclosure Act (Cth)  
 Form 102AO Search Warrant—Carbon Credits (Carbon Farming Initiative) Act (Cth)  
 Form 102AP Search Warrant—Chemical Weapons (Prohibition) Act (Cth)  
 Form 102AQ Search Warrant—Civil Aviation Act (Cth)  
 Form 102AR Search Warrant—Competition and Consumer Act (Cth)  
 Form 102AS Search Warrant—Crimes Act (Cth)  
 Form 102AT Search Warrant—Customs Act (Cth)  
 Form 102AUI Investigation Warrant—Education Services for Overseas Students Act (Cth)  
 Form 102AUM Monitoring Warrant—Education Services for Overseas Students Act (Cth)  
 Form 102AV Search Warrant—Environment Protection and Biodiversity Conservation Act (Cth)  
 Form 102AW Search Warrant—Excise Act (Cth)  
 Form 102AXAP Adjacent Premises Warrant—Export Control Act (Cth)  
 Form 102AXI Investigation Warrant—Export Control Act (Cth)  
 Form 102AXM Monitoring Warrant—Export Control Act (Cth)  
 Form 102AY Search Warrant—Extradition Act (Cth)—s 14(1)  
 Form 102AZ Search Warrant—Extradition Act (Cth)—s 31(1)  
 Form 102BA Search Warrant—Fisheries Management Act (Cth)  
 Form 102BB Search Warrant—Fuel Quality Standards Act (Cth)  
 Form 102BC Search Warrant—*Gene Technology Act 2000* (Cth)  
 Form 102BD Search Warrant—Human Services (Medicare) Act (Cth)  
 Form 102BF Search Warrant—Migration Act (Cth)  
 Form 102BG Search Warrant—Mutual Assistance in Criminal Matters (Cth)  
 Form 102BH Search Warrant—National Vocational Education and Training Regulator Act (Cth)  
 Form 102BI Search Warrant—Ozone Protection and Synthetic Greenhouse Gas Management Act (Cth)  
 Form 102BJ Search Warrant—Proceeds of Crime Act (Cth)  
 Form 102BK Search Warrant—Protection of Movable Cultural Heritage Act (Cth)  
 Form 102BM Search Warrant—Renewable Energy (Electricity) Act (Cth)  
 Form 102BN Search Warrant—Seafarers Rehabilitation and Compensation Levy Collection Act (Cth)  
 Form 102BO Search Warrant—Therapeutic Goods Act (Cth)  
 Form 102BP Search Warrant—Water Efficiency Labelling and Standards Act (Cth)  
 Form 102BQ Investigation Warrant—Radiocommunications Act (Cth)  
 Form 102BR Monitoring Warrant—Radiocommunications Act (Cth)  
 Form 102BS Transmitter Access Warrant—Radiocommunications Act (Cth)\*\*

24. Rule 188.1 is deleted and substituted as follows:

**“188.1—Application**

**Note—**

Section 176 of the *Criminal Assets Confiscation Act 2005* and section 246 of the *Proceeds of Crime Act 2002* (Cth) empower a magistrate to make an order requiring a person to provide information or assistance to allow access to computer data obtained under a search warrant.

The non-mandatory templates in respect of an application for an order requiring a person to provide information or assistance to allow access to computer data obtained under a mandatory search are as follows.

**Templates—**

Form 4A Originating Application Ex Parte—Assets Confiscation—Assist Execution of Warrant

Form 7PD Affidavit Persona Designata

Form 92C Order—Asset Confiscation Assist Executing a Warrant\*\*

25. Rule 188.2 is deleted.

26. Division 4 of Part 4, Chapter 4 is deleted and substituted as follows:

**“Division 4—Extend period of retention of things seized****189.1—Extension of period of retention****Notes—**

Section 32 of the *Independent Commission Against Corruption Act 2012* provides for retention of things for the “designated period”, being 2 years or such longer period as a Judge of the Supreme Court may, on application, allow.

Section 26 of the *National Electricity Law* (enacted by the *National Electricity (South Australia) Act 1996*) empowers a magistrate to extend how long the Australian Energy Regulator may retain a document or thing seized under a search warrant.

Section 40 of the *National Gas Law* (enacted by the *National Gas (South Australia) Act 2008*) empowers a magistrate to extend how long the Australian Energy Regulator may retain a document or thing seized under a search warrant.

The non-mandatory templates in respect of an application for an order extending the period of retention of a thing seized in undertaking a mandatory search or the subject of a retention order are as follows.

**Templates—**

Form 1AD Originating Application—Warrant—Extend Retention Period for Things Seized

Form 7PD Affidavit Persona Designata

Form 92PD Order Persona Designata”

27. Rule 192.1 is deleted and substituted as follows:

**“192.1—Application**

The non-mandatory templates in respect of an application for a surveillance warrant are as follows.

**Templates—**

Form 5J Originating Application Ex Parte—Surveillance Warrant

Form 7PD Affidavit Persona Designata

Form 103A Surveillance Warrant—Surveillance Devices Act

**Note—**

Section 19 of the *Surveillance Devices Act 2016* governs the content of surveillance warrants.”

28. Rule 192.2 is deleted.

29. Rule 193.2 is deleted and substituted as follows:

**“193.2—Application**

The non-mandatory templates in respect of an application for variation or renewal of a surveillance warrant are as follows.

**Templates—**

Form 111PD Originating Application to Vary or Revoke Order Persona Designata

Form 7PD Affidavit Persona Designata

Form 103B Surveillance Warrant—Surveillance Devices Act—Varied or Extended

**Note—**

Section 19 governs the content of surveillance warrants.”

30. Rule 194.2 is deleted and substituted as follows:

**“194.2—Application**

The non-mandatory templates in respect of an application for confirmation of a surveillance authority and, if applicable, issue of a replacement warrant are as follows.

**Templates—**

Form 5J Originating Application Ex Parte—Surveillance Warrant

Form 7PD Affidavit Persona Designata

Form 92PD Order Persona Designata

Form 103A Surveillance Warrant—Surveillance Devices Act

**Note—**

Section 19 governs the content of surveillance warrants.”

31. Rule 194.3 is deleted.

32. Rule 196.3 is deleted and substituted as follows:

**“196.3—Application**

The non-mandatory templates in respect of an application under section 11 of the Act for authorisation of the use, communication or publication of information or material derived from the use of a listening device or optical surveillance device are as follows.

**Templates—**

Form 4PD Originating Application Ex Parte Persona Designata

Form 7PD Affidavit Persona Designata

Form 92PD Order Persona Designata

33. Rule 196.4 is deleted.
34. The title of Part 7 of Chapter 4 is amended to “Part 7—Telecommunications (Intercept and Access) Act warrants: Magistrates Court”.
35. The Note in Part 7 of Chapter 4 is deleted and substituted as follows:  
“**Note—**  
Jurisdiction is conferred by the legislation on a magistrate of the Court appointed by the Commonwealth Attorney-General to issue a warrant under the Act (rather than upon the Court). (Jurisdiction is also conferred on certain Judges and tribunal members.)”
36. Rule 202.1 is deleted and substituted as follows:  
“**202.1—Application**  
The non-mandatory templates in respect of an application for a stored communication warrant are as follows.  
**Templates—**  
Form 4PD Originating Application Ex Parte Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 107B Stored Communication Warrant—Domestic  
Form 107C Stored Communication Warrant—International”
37. Rule 202.2 is deleted.
38. Rule 203.1 is deleted and substituted as follows:  
“**203.1—Application**  
The non-mandatory templates in respect of an application for a journalist information warrant are as follows.  
**Templates—**  
Form 4PD Originating Application Ex Parte Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 107A Journalist Information Warrant”
39. Rule 203.2 is deleted.
40. Rule 206.3 is deleted and substituted as follows:  
“**206.3—Application**  
The non-mandatory templates in respect of an application under section 3(5) or (6) of the Act for an investigative authorisation confirmation are as follows.  
**Templates—**  
Form 4E Originating Application Ex Parte—Terrorism Police Powers Act—Special Powers Authorisation or Special Area Declaration Confirmation  
Form 7PD Affidavit Persona Designata  
Form 92PD Order Persona Designata”
41. Rule 206.4 is deleted.
42. A Note is added at the beginning of Part 10, Division 1, Chapter 4 as follows:  
“**Note—**  
Jurisdiction is conferred by the legislation on a magistrate (rather than upon the Magistrates Court) to make an order.”
43. Rule 215.1 is deleted and substituted as follows:  
“**215.1—Application**  
The non-mandatory templates in respect of an application for an order under section 74BR of the *Summary Offences Act 1953* requiring a specified person to provide information or assistance in respect of computer data are as follows.  
**Templates—**  
Form 4G Originating Application Ex Parte Order to Access Data  
Form 7PD Affidavit Persona Designata  
Form 92AP Order—Order to Provide Information or Assistance to Access Data  
**Note—**  
Section 74BR of the *Summary Offences Act 1953* empowers a magistrate to make an order requiring a specified person to provide information or assistance that is reasonable or necessary to allow a police officer to access, examine, copy or reproduce computer data.”
44. Rule 215.2 is deleted.
45. Rule 223.3 is deleted and substituted as follows:  
“**223.3—Application**  
The non-mandatory templates in respect of an application under section 81(4a)(b) of the Act for authorisation to undertake a forensic procedure are as follows.  
**Templates—**  
Form 4PD Originating Application Ex Parte Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92AI Order—Summary Offences Act—Authorisation to Undertake Forensic Activity”

46. Rule 223.4 is deleted.
47. The definition of “subject” in rule 226.2 is deleted.
48. Rule 226.3 is deleted and substituted as follows:  
**“226.3—Application**  
The non-mandatory templates in respect of an application under section 23D or 23DE of the Act for an extension of the investigation period are as follows.  
**Templates—**  
Form 1PD Originating Application Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92L Order—Crimes Act—Extend Period of Detention”
49. Rule 226.4 is deleted.
50. The definition of “subject” in rule 227.2 is deleted.
51. Rule 227.3 is deleted and substituted as follows:  
**“227.3—Application for detention**  
The non-mandatory templates in respect of an application under section 219T of the Act for a detention order or under section 219U of the Act for a further detention order are as follows.  
**Templates—**  
Form 1PD Originating Application Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92M Order—Customs Act—Detention  
Form 92N Order—Customs Act—Renewal of Detention”
52. Rule 227.4 is deleted.
53. The definition of “subject” in rule 228.2 is deleted.
54. Rule 228.3 is deleted and substituted as follows:  
**“228.3—Application**  
The non-mandatory templates in respect of an application under section 78 of the Act for a detention extension order or a temporary removal order are as follows.  
**Templates—**  
Form 1PD Originating Application Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92AJ Order—Summary Offences Act—Extend Period of Detention Prior to Delivery to Police Station  
Form 92AL Order—Summary Offences Act—Temporary Removal from Custody”
55. Rule 228.4 is deleted.
56. A definition of “Commonwealth Anti-Corruption Act” is inserted into rule 231.1 as follows:  
**“Commonwealth Anti-Corruption Act** means the *National Anti-Corruption Act 2022* (Cth);”
57. The definition of “examiner” in rule 231.1 is deleted.
58. The definition of “ICAC Act” in rule 231.1 is deleted.
59. A definition of “State Anti-Corruption Act” is inserted into rule 231.1 as follows:  
**“State Anti-Corruption Act** means the *Independent Commission Against Corruption Act 2012*;
60. The definition of “witness” in rule 231.1 is deleted and substituted as follows:  
**“witness** means—  
(a) in Division 3—a witness within the meaning of clause 18(1) of Schedule 2 to the State Anti-Corruption Act;  
(b) in Division 4—a witness within the meaning of clause 9 of Schedule 2 to the State Anti-Corruption Act or section 7 of the National Anti-Corruption Act or a person referred to in paragraph (a), (b) or (c) of section 24(1) of the State ACC Act or paragraph (a), (b) or (c) of section 31(1) of the Commonwealth ACC Act as the case may be;  
(c) in Division 5—the person the subject of an application for evidence or production of documents or other materials under section 15 of the Unexplained Wealth Act.”
61. Rule 232.1 is deleted and substituted as follows:  
**“232.1—Application**  
The non-mandatory templates in respect of an application under section 76 of the *Service and Execution of Process Act 1992* (Cth) for leave to serve outside South Australia a subpoena issued by a tribunal in connection with the performance of an investigative function by the tribunal are as follows.  
**Templates—**  
Form 4 Originating Application Ex Parte  
Form 7 Affidavit  
Form 92 Order”



62. Rule 233.1 is deleted and substituted as follows:

**“233.1—Application**

The non-mandatory templates in respect of an application by an examiner under clause 18(1) of Schedule 2 to the State Anti-Corruption Act for an order that a witness appear before a Judge to show cause why they should not be ordered to deliver their passport to the examiner are as follows.

**Templates—**

Form 1PD Originating Application Persona Designata  
Form 7PD Affidavit Persona Designata”

63. Rule 233.2 is deleted.

64. Rule 233.3 is deleted.

65. Rule 233.4 is renumbered as rule 233.2, and substituted as follows:

**“233.2—Application to revoke or extend order**

The non-mandatory templates in respect of an application under clause 18(3) of Schedule 2 to the State Anti-Corruption Act to extend time for retention of a passport or clause 18(4) of Schedule 2 to the State Anti-Corruption Act to revoke an order for retention of a passport are as follows.

**Templates—**

Form 1PD Originating Application Persona Designata  
Form 7PD Affidavit Persona Designata  
Form 92PD Order Persona Designata”

66. Rule 234.1 is deleted and substituted as follows:

**“234.1—Application**

The non-mandatory templates in respect of an application by an examiner under clause 9 of Schedule 2 to the State Anti-Corruption Act or section 90 of the Commonwealth Anti-Corruption Act or section 31(1) of the Commonwealth ACC Act or section 24(1) of the State ACC Act for a warrant of arrest of a witness are as follows.

**Templates—**

Form 5PD Originating Application Ex Parte—Warrant  
Form 7PD Affidavit Persona Designata  
Form 105ES Apprehension Warrant—State Anti-Corruption Act  
Form 105EC Apprehension Warrant—Commonwealth Anti-Corruption Act  
Form 105F Warrant of Apprehension—State ACC Act  
Form 105G Warrant of Apprehension—Commonwealth ACC Act”

67. Subrule 236.1 is deleted and substituted as follows:

**“236.1—Application for contempt**

An application by an examiner under clause 13 of Schedule 2 to the State Anti-Corruption Act or section 83 of the Commonwealth Anti-Corruption Act or section 26B of the State ACC Act or section 34B of the Commonwealth ACC Act for a person to be dealt with in relation to a contempt is governed by Chapter 17 Part 5 of the Uniform Civil Rules.

**Note—**

Clause 14(2) of Schedule 2 to the State Anti-Corruption Act, section 84 of the Commonwealth Anti-Corruption Act, section 26C of the State ACC Act and section 34C of the Commonwealth ACC Act provide that contempt proceedings are to be instituted, heard and determined in accordance with the laws (including rules of court) applicable to punishment of contempt of the Supreme Court. Those rules are contained in Chapter 17 Part 5 of the Uniform Civil Rules.”

68. Rule 236.2 is deleted.

69. Part 4 of Chapter 6 is deleted and substituted as follows:

**“Part 4—Extraditions international: Magistrates Court**

**Division 1—General**

**266.1—Scope of Part**

This Part applies to all proceedings under Part II or Part III or section 49 of the *Extradition Act 1988* (Cth).

**Note—**

Jurisdiction is conferred by the legislation on a magistrate of the Court (rather than upon the Court).

**266.2—Definitions**

In this Part—

*Act* means the *Extradition Act 1988* (Cth);

*Regulations* means the *Extradition Regulations 1988* (Cth).

**266.3—Summons to give evidence or produce documents**

The non-mandatory templates in respect of an application for a summons requiring a person to attend to give evidence and produce documents or articles under regulation 4 of the Regulations are as follows.

**Templates—**

Form 71C Summons to Witness—Extradition International—Witness

Form 70A Warrant of Apprehension—Extradition International—Witness

**266.4—Persons escaping from custody**

(1) If a person is apprehended under section 49(1) of the Act, the person who apprehended them may give notice to a Magistrate of the apprehension and taking the person before a Magistrate under section 49(2) using the following template.

**Template—**

Form 2B Notice—Extradition International—Escape from Custody

(2) It is not mandatory to use the template referred to in subrule (1) and notice may be given to a Magistrate in another form (including oral notice).

(3) The non-mandatory template for a warrant authorising a police officer to return the person apprehended to previous custody under section 49(3) of the Act is as follows.

**Template—**

Form 70E Warrant to Return Person to Custody—Extradition International

**Division 2—Extradition to an extradition country****267.1—Arrest warrant**

The non-mandatory templates in respect of an application under section 12 of the Act for an arrest warrant are as follows.

**Templates—**

Form 5B Originating Application Ex Parte—Arrest Warrant Extradition International

Form 7PD Affidavit Persona Designata

Form 105A Arrest Warrant—Extradition International

**267.2—Search warrant**

The non-mandatory templates in respect of an application under section 14 of the Act for a search warrant are as follows.

**Templates—**

Form 5PD Originating Application Ex Parte—Persona Designata (when an arrest warrant has not been issued by a Magistrate of the Court)

Form 61PD Interlocutory Application Persona Designata (when an arrest warrant has been issued by a Magistrate of the Court)

Form 7PD Affidavit Persona Designata

Form 102AY Search Warrant—Extradition Act (Cth)—s 14(1)

**267.3—Remand**

The non-mandatory templates in respect of remand under section 15 of the Act are as follows.

**Templates—**

Form 65 Bail Agreement—Extradition (Interim)

Form 66 Guarantee of Bail—Extradition (Interim)

Form 67 Order—Bail—Grant of Bail (Extradition) (Interim)

**267.4—Remand to interstate magistrate or Judge**

The non-mandatory template in respect of an order under section 15(4) of the Act under the direction by warrant of the Attorney-General for the release of a person into the custody of a police officer authorising the person to be taken in custody to appear before a magistrate or Judge in another State is as follows.

**Template—**

Form 92AR Order—Extradition International—Transfer Interstate

**267.5—Release and discharge**

The non-mandatory template in respect of an order under section 15B(4), 17(2A) or (3) or 19(10) of the Act that a person be released from custody or the recognisances on which bail was granted be discharged is as follows.

**Template—**

Form 92R Order—Extradition International—Release and Discharge

**267.6—Waiver of extradition**

The non-mandatory template in respect of a warrant under section 15A(4) of the Act that a person be committed to prison pending determination by the Attorney-General whether the person is to be surrendered is as follows.

**Template—**

Form 93A Warrant of Commitment—Extradition International—To Await Surrender (Section 15A)

**267.7—Consent to surrender**

- (1) The non-mandatory template in respect of a warrant under section 18(2)(b) of the Act that a person be committed to prison pending determination by the Attorney-General whether the person is to be surrendered is as follows.

**Template—**

Form 93B Warrant of Commitment—Extradition International—To Await Surrender (Section 18(2))

- (2) The non-mandatory templates in respect of an order under section 18(2)(b) of the Act that a person be released on bail pending determination by the Attorney-General whether the person is to be surrendered are as follows.

**Templates—**

Form 92S Order—Extradition International—Surrender by Consent and Bail

Form 94A Bail Agreement—Extradition International

Form 95A Guarantee of Bail—Extradition

**267.8—Determination that eligible for surrender**

- (1) The non-mandatory template in respect of a warrant under section 19(9)(a) of the Act that a person be committed to prison pending determination by the Attorney-General whether the person is to be surrendered is as follows.

**Template—**

Form 93C Warrant of Commitment—Extradition International—To Await Surrender (Section 19)

- (2) The non-mandatory templates in respect of an order under section 19(9)(a) of the Act that a person be released on bail pending determination by the Attorney-General whether the person is to be surrendered are as follows.

**Templates—**

Form 92Q Order—Extradition International—Determination of Eligibility for Surrender

Form 94A Bail Agreement—Extradition International

Form 95A Guarantee of Bail—Extradition

**Division 3—Extradition to New Zealand****268.1—Arrest warrant**

The non-mandatory templates in respect of an application under section 29 of the Act for an arrest warrant or under section 28 of the Act for indorsement of a New Zealand warrant are as follows.

**Templates—**

Form 5C Application under Section 29 for Provisional Arrest Warrant

Form 5D Application under Section 28 for Indorsement of New Zealand Warrant

Form 7PD Affidavit Persona Designata

Form 105B Apprehension Warrant—Extradition—New Zealand

**268.2—Search warrant**

The non-mandatory templates in respect of an application under section 31 of the Act for a search warrant are as follows.

**Templates—**

Form 5G Originating Application Ex Parte—Search Warrant

Form 7PD Affidavit Persona Designata

Form 102AZ Warrant under subsection 31(1) in relation to Search and Seizure

**268.3—Remand**

The non-mandatory templates in respect of remand under section 32 of the Act are as follows.

**Templates—**

Form 65 Bail Agreement—Extradition (Interim)

Form 66 Guarantee of Bail—Extradition (Interim)

Form 67 Order—Bail—Grant of Bail (Extradition) (Interim)

**268.4—Release and discharge**

The non-mandatory template in respect of an order under section 33 or 34 of the Act that a person be released from custody or the recognisances on which bail was granted be discharged is as follows.

**Template—**

Form 92AS Order—Extradition New Zealand- Release and Discharge

**268.5—Consent to surrender**

The non-mandatory templates in respect of warrants under section 33A(2)(b) of the Act that a person be surrendered to New Zealand and committed to prison pending execution of the surrender warrant are as follows.

**Templates—**

Form 93EA Surrender Warrant under Subsection 33A(2)

Form 93EB Warrant of Committal under Subsection 33A(2)

**268.6—Determination of surrender**

The non-mandatory templates in respect of warrants under section 34(1) of the Act that a person be surrendered to New Zealand and committed to prison pending execution of the surrender warrant are as follows.

**Templates—**

Form 93FA Surrender Warrant under Subsection 34(1)

Form 93FB Warrant of Committal under Subsection 34(1)”

70. Part 5 of Chapter 6 is deleted and substituted as follows:

**“Part 5—Extradition interstate: Magistrates Court and Youth Court****Division 1—General****276.1—Scope of Part**

This Part applies to all proceedings under Part 5 Division 1 or Division 3 of the *Service and Execution of Process Act 1992* (Cth) other than—

- (a) an application under section 86 for review of a bail decision, which is governed by Chapter 9 Part 3 of the Joint Criminal Rules; or
- (b) an appeal under sections 101 and 102 of the Act, which is governed by Chapter 9 of these Rules.

**Note—**

Jurisdiction is conferred by the legislation on a magistrate of the Court (rather than upon the Court).

**276.2—Definitions**

In this Part—

*Act* means the *Service and Execution of Process Act 1992* (Cth).

**Division 2—Arrest and adjournments****277.1—Notice**

(1) If a person is apprehended under section 82 of the Act, the person who apprehended them under section 82(3) may give notice to a Magistrate of the apprehension and taking the person before a Magistrate under section 83(1) using the following template.

**Template—**

Form 2D Notice—Extradition Interstate

(2) It is not mandatory to use the template referred to in subrule (1) and notice may be given to a Magistrate in another form (including oral notice).

**277.2—Adjournments**

The non-mandatory templates in respect of adjournments under section 83 of the Act are as follows.

**Templates—**

Form 72PD Warrant of Remand or Mandate

Form 61A Interlocutory Application for Bail—Extradition

Form 65 Bail Agreement—Extradition (Interim)

Form 66 Guarantee of Bail—Extradition (Interim)

Form 67 Order—Grant of Bail—Extradition (Interim)

Form 70B Warrant of Apprehension—Extradition Interstate

**Division 3—Hearing and determination****278.1—Orders**

The non-mandatory templates in respect of final orders are as follows.

**Templates—**

Form 92U Order—Extradition Interstate—Subject to be Taken in Custody to Another State

Form 94A Bail Agreement—Extradition

Form 95A Guarantee of Bail—Extradition

Form 92T Order—Extradition Interstate—Subject to be Remanded on Bail to Appear in Another State

Form 92PD Order Persona Designata”

71. Part 6 of Chapter 6 is deleted and substituted as follows:

**“Part 6—Extraditions to or through Australia: Magistrates Court****Division 1—General****281.1—Scope of Part**

This Part applies to all proceedings under Part IV and Part V of the *Extradition Act 1988* (Cth).

**Note—**

Jurisdiction is conferred by the legislation on a magistrate of the Court (rather than upon the Court).

**281.2—Definitions**

In this Part—

*Act* means the *Extradition Act 1988* (Cth).

**Division 2—Extradition to Australia****282.1—Taking evidence**

The non-mandatory template in respect of a certificate in relation to the taking of evidence under section 43(2) of the Act is as follows.

**Template—**

Form 96A Certificate—Extradition International—Evidence taken in Australia

**Division 3—Extradition through Australia****283.1—Application for transport in custody**

The non-mandatory template in respect of an application under section 48(1)(b)(iii) of the Act for a warrant ordering the holding of a person in custody to facilitate transporting them is as follows.

**Template—**

Form 5E Originating Application Ex Parte—Transport in custody

**283.2—Warrant**

The non-mandatory templates in respect of a warrant issued under section 48(1)(b)(iii) or (iv) of the Act are as follows.

**Templates—**

Form 93G Warrant of Commitment—Extradition International—For Transport Through Australia

Form 93H Warrant of Commitment—Extradition International—For Transport through Australia—Extension of Period”

72. The definition of “subject” in rule 330.2 is deleted.

73. Rule 330.3 is deleted and substituted as follows:

**“330.3—Application**

The non-mandatory templates in respect of an application for a certificate for identity theft under section 375 of the Code are as follows.

**Templates—**

Form 1PD Originating Application Persona Designata

Form 7PD Affidavit Persona Designata”

74. Rule 330.4 is deleted.

75. In Schedule 1, the following forms are amended by deleting “To be inserted by Court” from the filing box, inserting the words “A DESIGNATED MAGISTRATE OF THE” immediately before “MAGISTRATES COURT OF SOUTH AUSTRALIA”, and deleting the words “Signature of Judicial Officer” and substituting with “Signature of Magistrate”:

- Form 101AA Search Warrant—Adelaide Dolphin Sanctuary Act
- Form 101AB Search Warrant—Agricultural and Veterinary Products (Control of Use) Act
- Form 101AC Search Warrant—Air Transport (Route Licensing—Passenger Services) Act
- Form 101AD Search Warrant—Animal Welfare Act
- Form 101AE Search Warrant—Architectural Practice Act
- Form 101AH Search Warrant—Burial and Cremation Act
- Form 101AI Search Warrant—Children and Young People (Safety) Act
- Form 101AJ Search Warrant—Collections for Charitable Purposes Act
- Form 101AL Search Warrant—Co-operatives National Law (South Australia) Act
- Form 101AQ Search Warrant—Dangerous Substances Act
- Form 101AR Search Warrant—Education and Early Childhood Services (Registration and Standards) Act
- Form 101AS Search Warrant—Electoral Act
- Form 101AT Search Warrant—Electricity Act
- Form 101AU Search Warrant—Energy Products (Safety and Efficiency) Act
- Form 101AUI Investigation Warrant—Education Services for Overseas Students Act (Cth)
- Form 101AV Search Warrant—Environment Protection Act
- Form 101AW Search Warrant—Excise Act (Cth)
- Form 101AW Search Warrant—Fire and Emergency Services Act
- Form 101AY Search Warrant—First Home and Housing Constructions Grant
- Form 101BA Search Warrant—Food Act
- Form 101BB Search Warrant—Gas Act
- Form 101BC Search Warrant—Gene Technology Act

- Form 101BE Search Warrant—Health Practitioner Regulation National Law (South Australia) Act
- Form 101BF Search Warrant—Heavy Vehicle National Law (South Australia) Act
- Form 101BG Search Warrant—Heritage Places Act
- Form 101BH Search Warrant—Historic Shipwrecks Act
- Form 101BI Search Warrant—Housing Improvement Act
- Form 101BJ Search Warrant—Hydroponic Industry Control Act
- Form 101BL Search Warrant—Independent Commissioner Against Corruption Act Inspector
- Form 101BM Search Warrant—Landscape South Australia Act
- Form 101BN Search Warrant—Legal Practitioners Act
- Form 101BO Search Warrant—Livestock Act
- Form 101BP Search Warrant—Local Government Act
- Form 101BQ Search Warrant—Local Nuisance and Litter Control Act
- Form 101BR Search Warrant—Lottery and Gaming Act
- Form 101BS Search Warrant—Marine Parks Act
- Form 101BT Search Warrant—Marine Safety (Domestic Commercial Vessel) National Law (Application) Act
- Form 101BU Search Warrant—Motor Vehicles Act
- Form 101BV Search Warrant—National Electricity (South Australia) Act
- Form 101BX Search Warrant—Passenger Transport Act
- Form 101BY Search Warrant—Petroleum (Submerged Lands) Act
- Form 101BZ Search Warrant—Petroleum Products Regulation Act
- Form 101CA Search Warrant—Planning and Development Infrastructure Act
- Form 101CB Search Warrant—*Primary Produce (Food Safety Schemes) Act 2004*
- Form 101CD Search Warrant—Rail Safety National Law (South Australia) Act
- Form 101CE Search Warrant—River Murray Act
- Form 101CG Search Warrant—Safe Drinking Water Act
- Form 101CH Search Warrant—Second-hand Dealers and Pawnbrokers Act
- Form 101CI Search Warrant—Serious and Organised Crime (Unexplained Wealth) Act
- Form 101CJ Search Warrant—South Australian Public Health Act
- Form 101CK Search Warrant—Tattooing Industry Control Act
- Form 101CL Search Warrant—Taxation Administration Act
- Form 101CM Search Warrant—Tobacco and E-Cigarette Products Act
- Form 101CN Search Warrant—Transplantation and Anatomy Regulations
- Form 101CO Search Warrant—Veterinary Practice Act
- Form 101CP Search Warrant—Water Industry Act
- Form 101CQ Search Warrant—Work Health and Safety Act
- Form 102AAM Monitoring Warrant—Aged Care Act (Cth)
- Form 102AB Search Warrant—Agricultural and Veterinary Chemicals (Administration) Act (Cth)
- Form 102AC Search Warrant—Agricultural and Veterinary Chemical Code Act (Cth)
- Form 102AD Search Warrant—Airports Act (Cth)
- Form 102AF Search Warrant—*Anti-personnel Mines Convention Act 1998* (Cth)
- Form 102AI Search Warrant—Australian Meat and Live-stock Industry Act (Cth)
- Form 102AJ Search Warrant—Australian Radiation Protection and Nuclear Safety Act (Cth)
- Form 102AK Search Warrant—Australian Securities and Investments Commission Act (Cth)
- Form 102AL Search Warrant—Automotive Transformation Scheme Act (Cth)
- Form 102AN Search Warrant—Building Energy Efficiency Disclosure Act (Cth)
- Form 102AO Search Warrant—Carbon Credits (Carbon Farming Initiative) Act (Cth)
- Form 102AP Search Warrant—Chemical Weapons (Prohibition) Act (Cth)
- Form 102AQ Search Warrant—Civil Aviation Act (Cth)
- Form 102AR Search Warrant—Competition and Consumer Act (Cth)
- Form 102AUM Monitoring Warrant—Education Services for Overseas Students Act (Cth)
- Form 102AV Search Warrant—Environment Protection and Biodiversity Conservation Act (Cth)
- Form 102BA Search Warrant—Fisheries Management Act (Cth)
- Form 102BB Search Warrant—Fuel Quality Standards Act (Cth)
- Form 102BD Search Warrant—Human Services (Medicare) Act (Cth)
- Form 102BF Search Warrant—Migration Act (Cth)

- Form 102BH Search Warrant—National Vocational Education and Training Regulator Act (Cth)
  - Form 102BI Search Warrant—Ozone Protection and Synthetic Greenhouse Gas Management Act (Cth)
  - Form 102BK Search Warrant—Protection of Movable Cultural Heritage Act (Cth)
  - Form 102BM Search Warrant—Renewable Energy (Electricity) Act (Cth)
  - Form 102BN Search Warrant—Seafarers Rehabilitation and Compensation Levy Collection Act (Cth)
  - Form 102BO Search Warrant—Therapeutic Goods Act (Cth)
  - Form 102BP Search Warrant—Water Efficiency Labelling and Standards Act (Cth)
76. In Schedule 1, the following forms are amended by deleting “To be inserted by Court” from the filing box, deleting the words “[MAGISTRATES/YOUTH]” and substituting with “A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH]”, and deleting the words “Signature of Judicial Officer” and substituting with “Signature of Magistrate”:
- Form 101AP Search Warrant—Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act
  - Form 101CF Search Warrant—Road Traffic Act
77. In Schedule 1, the following forms are amended by deleting “To be inserted by Court” is from the filing box, deleting the words “[SUPREME/DISTRICT/MAGISTRATES]” and substituting with “[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES]”:
- Form 101BW Search Warrant—Offshore Minerals Act
  - Form 102AMAP Adjacent Premises Warrant—Biosecurity Act (Cth)
  - Form 102AMCO Control Order Warrant—Biosecurity Act (Cth)
  - Form 102AMCP Conveyance Possession Warrant—Biosecurity Act (Cth)
  - Form 102AMI Investigation Warrant—Biosecurity Act (Cth)
  - Form 102AMM Monitoring Warrant—Biosecurity Act (Cth)
  - Form 102AMMZ Monitoring Zone Warrant—Biosecurity Act (Cth)
  - Form 102AMPP Premises Possession Warrant—Biosecurity Act (Cth)
  - Form 102AMRA Risk Assessment Warrant—Biosecurity Act (Cth)
  - Form 102AMRZ Response Zone Warrant—Biosecurity Act (Cth)
  - Form 102AXAP Adjacent Premises Warrant—Export Control Act (Cth)
  - Form 102AXI Investigation Warrant—Export Control Act (Cth)
78. In Schedule 1, the following forms are amended by deleting “To be inserted by Court” from the filing box, deleting the words “[SUPREME/DISTRICT/MAGISTRATES/YOUTH]” and substituting with “[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES/YOUTH]”:
- Form 101AK Search Warrant—Controlled Substances Act
  - Form 101AM Search Warrant—Criminal Assets Confiscation Act
  - Form 101AN Search Warrant—Criminal Investigation (Extraterritorial Offences) Act—made personally
  - Form 101AO Search Warrant—Criminal Investigation (Extraterritorial Offences) Act—made by telephone
  - Form 101BD Search Warrant—Health and Community Services Complaint Act
  - Form 101CC Search Warrant—Prohibition of Human Cloning for Reproduction Act and Research Involving Human Embryos Act
  - Form 102 Search Warrant—Cth
  - Form 102AAI Investigation Warrant—Aged Care Act (Cth)
  - Form 102BC Search Warrant—Gene Technology Act 2000 (Cth)

79. In Schedule 1, Form 1AD—Originating Application—Warrant—Extend Retention Period for Things Seized is deleted and substituted as follows:

Form 1AD

Case Number: Date Filed: FDN:
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Hearing Date and Time: Hearing Location:
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**ORIGINATING APPLICATION—WARRANT—EXTEND RETENTION PERIOD FOR THINGS SEIZED**

[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED MAGISTRATE OF THE MAGISTRATES] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent



<b>Applicant</b>	<b>Full Name</b>		
<b>Name of law firm/solicitor</b> <small>If any</small>	<b>Law Firm</b>	<b>Responsible Solicitor</b>	
<b>Address for service</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type (eg. home; work; mobile)—Number</b>		<b>Another number (optional)</b>

Duplicate panel if multiple Respondents

<b>Respondent</b>	<b>Full Name</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type (eg. Home; work; mobile)—Number</b>		<b>Another number (optional)</b>

**Application Details**

Matter type:

This Application is for an extension of the period for which the *[Australian Energy Regulator/Independent Commissioner Against Corruption]* may retain *[description of document/thing]*.

This Application is made under *[section 26 of the National Electricity Law enacted by the National Electricity (South Australia) Act 1996/section 40 National Gas Law enacted by the National Gas (South Australia) Act 2008/section 32 of the Independent Commissioner Against Corruption Act 2012]*.

The Applicant seeks the following orders:  
orders sought in separately numbered paragraphs

1. An extension to retain the *[document/thing description]* as retained on *[date]* to *[description of purpose]* until *[date]*

2. *[other]*

This Application is made on the grounds

set out in the accompanying Affidavit sworn by [*name*] on [*date*].

that

grounds in separately numbered paragraphs

1.

If applicable

The Application is urgent because

grounds in separately numbered paragraphs where more than one

1.

### To the Other Parties: WARNING

This Application will be considered at the Hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it, you must attend the hearing..

If you do not do so, the Judicial Officer may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.

For instructions on how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

### Accompanying Documents

Accompanying this Application is a:

Supporting Affidavit

If other additional document(s) please list below:

- 80. In the index to Schedule 1, the words “Form 1PD—Originating Application—Persona Designata” are inserted immediately after the words “Form 1P—Originating Application—Licence disqualification (End)—s 172 Road Traffic Act”.
- 81. In Schedule 1, Form 1PD—Originating Application—Persona Designata is inserted as follows:

Form 1PD

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
--

**ORIGINATING APPLICATION PERSONA DESIGNATA**

[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

Duplicate panel if multiple Applicants

Applicant	<small>Full Name</small>		
Name of law firm/solicitor <small>If any</small>	<small>Law Firm</small>	<small>Responsible Solicitor</small>	
Address for service	<small>Street Address (including unit or level number and name of property if required)</small>		
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>
	<small>Country</small>		
	<small>Email address</small>		
Phone Details	<small>Type (eg. home; work; mobile)—Number</small>		<small>Another number (optional)</small>

Duplicate panel if multiple Respondents

<b>Respondent</b>	<b>Full Name</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type (eg. Home; work; mobile)—Number</b>		<b>Another number (optional)</b>

Next box to only appear if applicable  
 Duplicate panel if multiple Interested Parties

<b>Interested Party</b>	<b>Full Name</b>		
<b>Address</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type (eg. Home; work; mobile)—Number</b>		<b>Another number (optional)</b>

**Application Details**

This Application is for

This Application is made under

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 [name] on [date].  
 that

grounds in separately numbered paragraphs

- 2.

If applicable  
 The Application is urgent because  
 grounds in separately numbered paragraphs where more than one

- 2.

**To the Other Parties: WARNING**

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it, you should attend the hearing.

If you do not do so, the Judicial Officer may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.

For instructions on how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

**Accompanying Documents**

Accompanying this Application is a:

- Supporting Affidavit
- If other additional document(s) please list below:

82. In Schedule 1, Form 2B—Originating Application and Notice—Extradition International is deleted and substituted as follows:

Form 2B

<p>Case Number:</p>  <p>FDN:</p>
--

## NOTICE—EXTRADITION INTERNATIONAL—ESCAPE FROM CUSTODY

**Extradition Act 1988 s 49**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

Applicant	Full Name		
Name of law firm/solicitor <small>If any</small>	Law Firm	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		Another number (optional)

Respondent	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. Home; work; mobile)—Number		Another number (optional)	

**Notice**

The Applicant gives notice of the arrest under section 49(1) and bringing before a Magistrate under section 49(2) of the *Extradition Act 1988* of the Respondent.

- 83. In Schedule 1, Form 2C—Originating Application and Notice—Extradition International—Authorise Taking Evidence in Australia is deleted.
- 84. In Schedule 1, Form 2D—Originating Application and Notice—Extradition Interstate is deleted and substituted as follows:

Form 2D

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## NOTICE—EXTRADITION INTERSTATE

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA  
 SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

Applicant	<b>Full Name</b>		
Name of responsible officer	<b>Full Name</b>		
Responsible officer details	<b>Rank/position</b>	<b>Number/identifier</b>	
Name of law firm/solicitor <small>If any</small>	<b>Law Firm</b>	<b>Responsible Solicitor</b>	
Address for service	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
Phone Details	<b>Type (eg. home; work; mobile)—Number</b>		<b>Another number (optional)</b>



Respondent	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. Home; work; mobile)—Number		Another number (optional)	

**Notice**

The Applicant gives notice of the arrest under section 82(1) and bringing before a Magistrate under section 83 of the *Service and Execution of Process Act 1992* of the Respondent.

**Accompanying Documents**

Accompanying this Application is a:

- Warrant
- If other additional document(s) please list below:

- 85. In the index to Schedule 1, the words “Form 2PD—Originating Application and Notice—Persona Designata” are inserted immediately after the words “Form 2E—Originating Application and Notice—Police Issued Interim Intervention Order”.
- 86. In Schedule 1, Form 2PD—Originating Application and Notice—Persona Designata is inserted as follows:

Form 2PD

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
--

**ORIGINATING APPLICATION AND NOTICE PERSONA DESIGNATA**

[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

Applicant	<b>Full Name</b>		
Name of law firm/solicitor <small>If any</small>	<b>Law Firm</b>	<b>Responsible Solicitor</b>	
Address for service	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
Phone Details	<b>Type (eg. home; work; mobile)—Number</b>		<b>Another number (optional)</b>

Respondent	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type (eg. home; work; mobile)—Number		Another number (optional)	

### Application and Notice Details

The Applicant gives notice of [*Enter details*].

This Application is for [*enter details*].

This Notice and Application is given and made [*enter section and Act*].

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1. [*enter orders sought*]

This Application is made on the grounds

set out in the accompanying Affidavit sworn by [*name*] on [*date*].

that

grounds in separately numbered paragraphs

- 1.

### To the Other Parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it, you should attend the hearing.

If you do not do so, the Judicial Officer may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.

For instructions on how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

### Accompanying Documents

Accompanying this Application and Notice is a:

- Supporting Affidavit
- If other additional document(s) please list below:

87. In Schedule 1, Form 4A—Originating Application Ex Parte—Asset Confiscation—Assist Execution of Warrant is deleted and substituted as follows:

Form 4A

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## ORIGINATING APPLICATION EX PARTE—ASSET CONFISCATION— ASSIST EXECUTION OF WARRANT

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**First Applicant**

Applicant	Full Name		
Name of responsible officer <small>If applicable</small>	Full Name		
Responsible officer details <small>If applicable</small>	Rank/position	Number/identifier	
Name of law firm/solicitor <small>If any</small>	Law Firm	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		Another number (optional)

**Application Details**

This Application is for an order requiring a person to provide information or assistance that is reasonable or necessary to allow an authorised officer to:

- access data held in or accessible from a computer that is on the premises specified in the warrant
- copy the data to a data storage device
- convert the data into documentary form

This Application is made under section 176(1) of the *Criminal Assets Confiscation Act 2005*.

The Applicant seeks the following orders:

Enter 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 [date].
- that

Enter grounds in separately numbered paragraphs

1.

**Accompanying Documents**

Accompanying this Application is a:

- Supporting Affidavit
- Draft order
- If other additional document(s) please list below:

**Retention of Documents**

The Applicant proposes that the Court retain this Application and the associated documents for [Enter period] and then:

- return the documents to the Applicant.
- destroy the documents.

88. In Schedule 1, Form 4G—Originating Application Ex Parte—Application for Order to Provide Information or Assistance to Access Data is deleted and substituted as follows:

Form 4G

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## ORIGINATING APPLICATION EX PARTE—APPLICATION FOR ORDER TO PROVIDE INFORMATION OR ASSISTANCE TO ACCESS DATA

**Summary Offences Act 1953 s 74BR**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Applicant	Full Name		
Name of responsible officer <small>If applicable</small>	Full Name		
Responsible officer details <small>If applicable</small>	Rank/position	Number/identifier	
Name of law firm/solicitor <small>If any</small>	Law Firm	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		Another number (optional)

**Application Details**

This Application is made under section 74BR of the *Summary Offences Act 1953* in connection with a child exploitation offence that is suspected to have been committed, and in relation to which the order is required:

State the nature of the offence.

This Application is for an order requiring that [*Specified Person*], date of birth (*date*), provide information or assistance that is reasonable or necessary in relation to a computer or data storage device ('the Device'), to allow a police officer to:

- (a) [*access/examine/specify function*] in relation to data held on the Device;
- (b) copy data held on the Device to another computer or data storage device;
- (c) reproduce or convert data held on the Device into documentary form or another form that enables it to be understood.

The Applicant seeks the orders set out in the draft order:

This Application is made on the grounds set out in the accompanying Affidavit sworn by [*full name*] on [*date*].

**Accompanying Documents**

Accompanying this Application is a:

- Supporting Affidavit
- Draft order
- If other additional document(s) please list below:

**Retention of Documents**

The Applicant proposes that the Court retain this Application and the associated documents for [*enter period*] and then:

- return the documents to the Applicant.
- destroy the documents.

- 89. In the index to Schedule 1, the words “Form 4PD—Originating Application Ex Parte—Persona Designata” are inserted immediately after the words “Form 4G—Originating Application Ex Parte—Application for Order to Provide Information or Assistance to Access Data”.
- 90. In Schedule 1, Form 4PD—Originating Application Ex Parte—Persona Designata is inserted as follows:

Form 4PD

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
--

**ORIGINATING APPLICATION EX PARTE PERSONA DESIGNATA**

[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Duplicate panel if multiple Applicants

<b>Applicant</b>	<small>Full Name</small>		
<b>Name of law firm/solicitor</b> <small>If any</small>	<small>Law Firm</small>	<small>Responsible Solicitor</small>	
<b>Address for service</b>	<small>Street Address (including unit or level number and name of property if required)</small>		
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>
	<small>Country</small>		
	<small>Email address</small>		
<b>Phone Details</b>	<small>Type (eg. home; work; mobile)—Number</small>		<small>Another number (optional)</small>



**Application Details**

This Application is for

Enter nature of application in one sentence

This Application is made under

Enter Act and section or other particular provision

The Applicant seeks the following orders:

Enter orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds

set out in the accompanying Affidavit sworn by [name] on [date].

that

grounds in separately numbered paragraphs

1.

Only complete if applicable otherwise delete

The Application is urgent because

Enter grounds in separately numbered paragraphs where more than one

1.

Only complete if applicable otherwise delete

**Accompanying Documents**

Accompanying this Application is a:

Supporting Affidavit

Draft order

Draft warrant

If other additional document(s) please list below:

Complete next panel if application not be filed

**Retention of Documents**

The Applicant proposes that this Application and the associated documents be retained for [Enter *period*] and then:

the documents be returned to the Applicant.

the documents be destroyed.

91. In Schedule 1, Form 5B—Originating Application Ex Parte—Arrest Warrant Extradition International is deleted and substituted as follows:

Form 5B

Case Number:  FDN:
--------------------------

**Commonwealth of Australia**

*Extradition Act 1988*

To a magistrate within the meaning of the *Extradition Act 1988*.

I, [applicant], of [address] apply under subsection 12(1) of the *Extradition Act 1988* on behalf of [name of country], an extradition country, for the issue of a warrant under that subsection for the arrest of [name of person].

The affidavit attached to this application and marked ..... sets out information that [name of person] is an extraditable person for the purposes of the Act in relation to that extradition country.

Dated

[Signature and designation of applicant]

92. In Schedule 1, Form 5C—Originating Application Arrest Warrant Extradition New Zealand is deleted and substituted as follows:

Form 5C

Case Number:  FDN:
--------------------------

**Commonwealth of Australia**

*Extradition Act 1988*

**APPLICATION UNDER SECTION 29 FOR PROVISIONAL ARREST WARRANT**

To *[name and designation of magistrate or eligible Judge]*, a magistrate or eligible Judge within the meaning of the *Extradition Act 1988*.

I, *[name of applicant]*, of *[address of applicant]*, apply under section 29 of the *Extradition Act 1988* on behalf of New Zealand for the issue of a warrant in relation to *[name of person]* under that section.

The affidavit annexed to this application and marked ..... provides information that a New Zealand warrant has been issued in relation to *[name of person]*.

Dated

*[Signature and designation of applicant]*

93. In Schedule 1, Form 5D—Originating Application Arrest Warrant Indorsement Extradition New Zealand is deleted and substituted as follows:

Form 5D

Case Number:  FDN:
--------------------------

**Commonwealth of Australia**

*Extradition Act 1988*

**APPLICATION UNDER SECTION 28 FOR INDORSEMENT OF NEW ZEALAND WARRANT**

To *[name and designation of magistrate or eligible Judge]*, a magistrate or eligible Judge within the meaning of the *Extradition Act 1988*.

I, *[name of applicant]*, of *[address of applicant]*, apply under section 28 of the *Extradition Act 1988* on behalf of New Zealand for the indorsement of the New Zealand warrant annexed to this application and marked ....., being a warrant for the arrest of *[name of person]*. The affidavit annexed to this application and marked ..... sets out information that *[name of person]*, for whose arrest the warrant is in force, is, or is suspected of being, in or on *[his/her]* way to Australia.

Dated

*[Signature and designation of applicant]*

94. In Schedule 1, Form 5E—Originating Application Ex Parte—Detention Warrant is deleted and substituted as follows:

Form 5E

Case Number:

FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

To a magistrate within the meaning of the *Extradition Act 1988* (the **Act**).

I, [name], of [address] , on behalf of [New Zealand or name of extradition country] (in this application called the **receiving country**) apply for the issue under subsection 48(1) of the Act of a warrant ordering [insert name of person who is to have custody] to hold in custody [insert name of person who is to be held in custody], being a person whom the receiving country wishes to transport in custody through Australia to be surrendered to the receiving country by [insert name of other country], for such period or periods as you consider necessary to facilitate the transporting of that person in custody through Australia.

Dated

[Signature and designation of applicant]

95. In Schedule 1, Form 5G—Originating Application Ex Parte—Search Warrant is deleted and substituted as follows:

Form 5G

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

### ORIGINATING APPLICATION EX PARTE—SEARCH WARRANT

A DESIGNATED [*JUDGE/MAGISTRATE*] OF THE [SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
 SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Applicant	<b>Full Name</b>		
Name of law firm/solicitor <small>If any</small>	<b>Law Firm</b>	<b>Responsible Solicitor</b>	
Address for service	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
Phone Details	<b>Type (eg. home; work; mobile)—Number</b>		<b>Another number (optional)</b>

**Application Details**

Matter type:

This Application is for a Search Warrant.

This Application relates to an investigation by *[Enter name of body]* into *[Enter details of the investigation]*.

This Application is made under  
Enter Act and section or other particular provision

The Applicant seeks the following orders:

Enter orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds

set out in the accompanying Affidavit sworn by *[name]* on *[date]*.

that

Enter grounds in separately numbered paragraphs

1.

**Accompanying Documents**

Accompanying this Application is a:

- Draft Search Warrant
- Supporting Affidavit
- If other additional document(s) please list below:

**Retention of Documents**

The Applicant proposes that the Court retain this Application and the associated documents for *[Enter period]* and then:

- return the documents to the Applicant.
- destroy the documents.

- 96. In the index to Schedule 1, the words “Form 5PD—Originating Application Ex Parte—Warrant Persona Designata” are inserted immediately after the words “Form 5J—Originating Application Ex Parte—Surveillance Warrant.
- 97. In Schedule 1, Form 5PD—Originating Application Ex Parte—Warrant Persona Designata is inserted as follows:

Form 5PD

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
--

## ORIGINATING APPLICATION EX PARTE—WARRANT

A DESIGNATED [*JUDGE/MAGISTRATE*] OF THE [SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one  
 COURT OF SOUTH AUSTRALIA  
 SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**First Applicant**

Duplicate panel if multiple Applicants

Applicant	<b>Full Name</b>		
Name of law firm/solicitor <small>If any</small>	<b>Law Firm</b>	<b>Responsible Solicitor</b>	
Address for service	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
Phone Details	<b>Type (eg. home; work; mobile)—Number</b>		<b>Another number (optional)</b>



**Application Details**

This Application is for the issue of a [*enter specified typed*] warrant.

This Application is made under  
Enter Act and section or other particular provision

The Applicant seeks the following orders:  
Enter 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 [*date*].

that

Enter grounds in separately numbered paragraphs

1.

**Accompanying Documents**

Accompanying this Application is a:

Draft warrant

Supporting Affidavit

If other additional document(s) please list below:

- 98. In the index to Schedule 1, the words “Form 7PD—Affidavit—Persona Designata” are inserted immediately after the words “Form 7P—Affidavit of Protected Person”.
- 99. In Schedule 1, Form 7PD—Affidavit—Persona Designata is inserted as follows:

Form 7PD

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

**AFFIDAVIT [FULL NAME OF DEPONENT] MADE ON [DATE]**

A DESIGNATED [JUDGE/MAGISTRATE] OF THE [SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

<b>Lodging party</b>	<small>Party title</small>	<small>Full Name of party</small>
<small>Name of law firm/office</small>		
<small>If applicable</small>	<small>Law firm/office</small>	<small>Responsible Solicitor</small>
<small>Name of authorised officer</small> <small>If body corporate and no law firm/office</small>	<small>Full Name</small>	

<b>Deponent</b> <small>the person who is making the affidavit</small>			
Deponent	<small>Full Name</small>		
Address	<small>Street Address (including unit or level number and name of property if required)</small>		
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>

**Affidavit**

I, *[full name]*,

swear on oath that

do truly and solemnly affirm that:

Enter text in separate numbered paragraphs

If the Affidavit relates to an application, identify the application and state the material facts relevant to the application

1.

[*Sworn/Affirmed*] select one by the Deponent

At *[place]*

On *[date]*

.....  
Signature of Deponent

before me .....

Signature of attesting witness

Must be an authorised witness—see rule 31.9 from the Uniform Civil Rules 2020

.....  
Printed name of witness

.....  
Qualification as authorised witness under section 27A(3) of the *Oaths Act 1936*.  
Stamp here if applicable

.....  
Identification of witness if applicable  
(ID number of Justice of the Peace; rank, identification number and "South Australia Police" for police officer)

100. In Schedule 1, Form 22—Notice to Party Served Interstate is deleted and substituted as follows:

Form 22

## NOTICE TO PARTY SERVED INTERSTATE

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

This Notice constitutes a Form 1 Notice as prescribed by the *Service and Execution of Process Act 1992* and *Service and Execution of Process Regulations 2018*.

### NOTICE TO PARTY

**PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENTS VERY CAREFULLY.**

**IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM, YOU SHOULD GET LEGAL ADVICE AS SOON AS POSSIBLE.**

Attached to this notice is a proceeding ('the attached process') issued out of the Magistrates, Youth, District or Supreme Court of South Australia ('the Court').

Service of the attached process outside South Australia is authorised by the *Service and Execution of Process Act 1992*.

### YOUR RIGHTS

If a Court of a State or Territory other than South Australia is the appropriate Court to determine the claim against you set out in the attached process, you may be able to—

- if the issuing court is not the Supreme Court—have the proceedings stayed by applying to the issuing Court of South Australia; or
- if the issuing court is the Supreme Court—apply to the Supreme Court of South Australia to have the proceeding transferred to another Supreme Court, or a federal court.

If you think the proceeding should be stayed or transferred, you should get legal advice as soon as possible.

### CONTESTING THIS CLAIM

If you want to contest this proceeding, you must take any action set out in the attached process as being necessary to contest the proceeding.

If you want to contest this proceeding, you must also file a Notice of Acting in the Court. You have only 28 days after receiving the attached process to do so.

The Notice of Acting must contain an address in Australia where documents can be left for you or sent to you at your address.

101. In Schedule 1, Form 23—Notice to Party Served in New Zealand is deleted and substituted as follows:

Form 23

## NOTICE TO PARTY SERVED IN NEW ZEALAND

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

### NOTICE TO PARTY

**PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENTS VERY CAREFULLY.**

**IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM, YOU SHOULD GET LEGAL ADVICE AS SOON AS POSSIBLE.**

The Applicant has commenced a proceeding against you in the Magistrates, Youth, District or Supreme Court of South Australia ('the Court').

Attached to this Notice is/are [name(s) of document(s)] ('the attached documents') filed in the Court.

Service of the attached documents in New Zealand is authorised by the *Trans-Tasman Proceedings Act 2010* (Cth).

### CONSEQUENCES OF THE ATTACHED DOCUMENTS BEING SERVED ON YOU

The Court's decision in this proceeding (its judgment) may be enforced in Australia or New Zealand.

The Court can consider, and make a decision on, any claim set out in the attachment documents.

### YOUR RIGHTS TO APPLY FOR THE PROCEEDING TO BE STAYED

If a court in New Zealand is the more appropriate court to decide the claim set out in the attached documents, you may be able to have the proceeding stayed by applying to the Court. If the proceeding is stayed, the claim cannot proceed in the Court.

You have 30 working days from the day on which you are served with the attached documents to apply for the proceeding to be stayed.

If you think the proceeding should be stayed, it is recommended you get legal advice as soon as possible.

### CONTESTING THIS CLAIM

If you want to contest this claim, you must take any action set out in the attached documents as being necessary to contest the claim. You must also file a Notice of Acting in the Court. You have 30 working days, after the day on which you are served with the attached documents, to respond.

The Notice of Acting must contain an address in Australia or New Zealand where documents can be left for you or sent to you.

- 102. In Schedule 1, Form 33B—Order—Asset Confiscation Freezing Order is deleted.
- 103. In Schedule 1, Form 61A—Interlocutory Application for Bail—Extradition is deleted.
- 104. In the index to Schedule 1, the words “Form 61PD—Interlocutory Application—Persona Designata” are inserted immediately after the words “Form 61—Interlocutory Application”.
- 105. In Schedule 1, Form 61PD—Interlocutory Application—Persona Designata is inserted as follows:

**Form 61PD**

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b></p>
--

**INTERLOCUTORY APPLICATION**

A DESIGNATED [*JUDGE/MAGISTRATE*] OF THE [*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
 SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

<b>Lodging party</b>	<b>Party title</b>	<b>Full Name of party</b>
Name of law firm/office	Law firm/office	Responsible Solicitor
If applicable Name of authorised officer If body corporate and no law firm/office	Full Name	

**Application Details**

This Application is for

Nature of application in one sentence

If applicable

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.

If applicable

This Application is made on the grounds set out in the accompanying Affidavit sworn by *[full name]* on *[date]*.

If applicable

This Application is made on the grounds that:

Grounds in detail in separate numbered paragraphs

1.

Delete unless applicable

This Application is urgent on the grounds set out in the accompanying Affidavit sworn by *[full name]* on *[date]*.

Delete unless applicable

This Application is urgent on the grounds that:

Grounds in detail in separate numbered paragraphs

1.

**To the Other Parties: WARNING**

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the application or make submissions about it, **you must attend the hearing.**

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

**Accompanying Documents**

Accompanying this Application is a:

- Supporting Affidavit
- If other additional document(s) please list them below:

106. In Schedule 1, Form 64—Record of Outcome (Interim Order) is deleted and substituted as follows:

Form 64

Case Number:

Date Filed:

FDN:

## RECORD OF OUTCOME (INTERIM ORDER)

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[*FULL NAME*]  
Applicant

[*FULL NAME*]  
Respondent

### Introduction

#### Hearing

Hearing Location: [*suburb*]  
[*Hearing date*] [*Listed starting time*]

Hearing type:

Supreme and District Court only  
[*Actual hearing start time*]—[*Actual hearing end time*]

[*Presiding Officer*]

#### Appearances

[*Applicant Appearance Information*]  
[*Respondent Appearance Information*]

#### Remarks

[*Notes*]



**Order**

**Date of Order:** *[date]*

**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1.

**Authentication**

.....  
Signature of Judge/Magistrate  
*[title and name]*

107. In Schedule 1, Form 65—Bail Agreement—Extradition (Interim) is deleted and substituted as follows:

Form 65

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## BAIL AGREEMENT—EXTRADITION (INTERIM)

**Service and Execution of Process Act 1992 s 83(12)(a)/85  
Extradition Act 1988 s 15(2)/32**

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth	Date of Birth	Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile)—Number		Another number

**Bail Agreement****Rules (Conditions)****General**

- 149. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 150. I must pay \$[*amount*] if I break any terms or conditions of this Bail Agreement.
- 151. I must provide security by personally depositing cash in the amount of \$[*amount*] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 152. I must appear before the Magistrate
  - c. [*on date, at time, at location*]
  - d. and at any other time when called on.I must stay until my matter has been heard.

**Supervision**

- 153. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 154. [BLANK]
- 155. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 156. [BLANK]
- 157. [BLANK]
- 158. [BLANK]
- 159. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 160. Adult Only I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 161. Youth Only I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in court.
- 162. Adult Only I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 163. Youth Only I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- 164. Adult Only I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].

165. [BLANK]
166. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm compliance with any condition of this Bail Agreement.

**Travel**

167. I must not leave South Australia for any reason without the permission of the Magistrate.
168. [BLANK]
169. [BLANK]
170. I must give up any passport I have to *[insert]* and must not apply for a new passport.
171. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

172. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
173. I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
174. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the *[location]*.

**Home Detention**

175. Adult Only I must live at *[address]* and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. [BLANK];
  - d. [BLANK];
  - e. [BLANK];
  - f. [BLANK];
  - g. any other reason approved or directed by my Supervising Officer.
176. I must reside at *[address]* and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
  - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - c. any other purpose approved by the Chief Executive of the Department *[for Correctional Services/of Human Services]*.
177. accommodation support program selected I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;

- b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
178. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- d. remunerated (paid) employment;
  - e. necessary medical or dental treatment;
  - f. any activity as required by my bail conditions or as approved or directed by my Supervising Officer.
179. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
180. When I am released, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
181. When I am released, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
182. When I am released:
- h. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device.
  - i. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - j. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - k. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - l. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.

m. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.

n. I must comply with any direction given by my Supervising Officer.

183. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.

184. If an emergency requires me to move to another address:

d. I must not move until I have obtained the permission of my Supervising Officer; and

e. I must apply for a variation of the conditions of this Bail Agreement within 2 working days; and

f. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

185. I must live at [address]

186. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.

187. I must live where my Supervising Officer directs.

188. *Youth Only* I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [name].

189. I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:

c. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;

d. in line with the terms and conditions of this Bail Agreement.

190. *Youth only* I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:

d. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;

e. in line with the terms and conditions of this Bail Agreement;

f. in the company of [name/an adult approved by my Supervising Officer].

191. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.

192. *default selected if general residential condition selected* If an emergency requires me to move to another address:

- d. I must not move until I have obtained the permission of my Supervising Officer; and
- e. I must apply for a variation of the conditions of this Bail Agreement within 2 working days; and
- f. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.

193. I must not live at [address(es)].

194. I must not live with [name(s)].

### Monitoring

195. When I am released, I:

- a. default selected must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
- b. youth only must remain in custody pending the availability of an electronic monitoring device;
- c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
- d. must always be contactable by mobile telephone [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
- e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

### Programs

196. [BLANK]

197. [BLANK]

198. [BLANK]

199. [BLANK]

### Communication

200. I must not communicate with any person other than [*specify person or class*].

201. I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.

202. [BLANK].

203. [BLANK]

- 204. [BLANK]
- 205. [BLANK]
- 206. [BLANK]
- 207. [BLANK].
- 208. [BLANK]
- 209. [BLANK]
- 210. [BLANK]
- 211. [BLANK]

**Drugs and Alcohol**

- 212. I must not use
  - d. alcohol
  - e. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - f.[*other*]and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.
- 213. [BLANK]
- 214. [BLANK]

**Other Conditions**

- 215. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [*nominated place/address*].
- 216. [*other conditions*] provision for multiple additional conditions

**Guarantee**

- 217. I must give a written guarantee from [*name, address, date of birth*], in acceptable terms, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 218. I must give a written guarantee from an acceptable person, in acceptable terms, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 219. I must obtain security from the Guarantor by depositing cash in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.
- 220. [BLANK]
- 221. [BLANK]
- 222. [BLANK]



**Respondent**

I agree to this Bail Agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of Respondent

.....  
Name printed

**Witness**

.....  
Signature of witness

next item not displayed if witness is Magistrate granting bail

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

**Authentication**

.....  
Signature of Magistrate  
[title and name]

108. In Schedule 1, Form 66—Guarantee of Bail—Extradition is deleted and substituted as follows:

Form 66

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## GUARANTEE OF BAIL—EXTRADITION (INTERIM)

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

<b>Respondent entering into bail agreement</b>			
Respondent	Full Name		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email address			
Date of Birth and Licence number	Date of Birth		Driver's Licence No
Phone Details	Type (eg. home; work; mobile)—Number		Another number

Guarantor entering into Guarantee			
Guarantor	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		Another number

### Guarantee

1. I, the Guarantor, GUARANTEE that the Respondent will comply with
  - all of the terms and conditions of the Respondent's Bail Agreement dated [date].
  - condition[s] [number(s)] of the Respondent's Bail Agreement dated [date].
2. I UNDERTAKE that if the Respondent fails to comply with a term or condition of the bail agreement to which this Guarantee relates, I will forfeit to the Crown the sum of \$[amount].
3. I DECLARE that:
  - (a) I know the Respondent;
  - (b) I am of or above the age of 18 years;
  - (c) I have been given a copy of the Bail Agreement in relation to which this Guarantee is given;
  - (d) I am confident that the Respondent will comply with the terms and conditions of that Bail Agreement; and
  - (e) I will ensure that the Respondent will comply with the terms and conditions of that Bail Agreement.
4. I UNDERSTAND that:
  - (a) if I know or have reasonable grounds to suspect, that the Respondent has failed to comply with a term or condition of the Bail Agreement in relation to which this Guarantee is given, then I am required to take reasonable steps to inform a member of the police force that the failure has, or may have, occurred, and that if I fail to do so then **I may be liable to a fine of up to \$1,250**; and
  - (b) that this guarantee is in force for so long as the person is on bail, subject to the terms of this Guarantee being varied or the Guarantee being revoked.

.....  
Signature of Guarantor

.....  
Name printed

before me .....  
Signature of witness

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

109. In Schedule 1, Form 67—Order—Bail—Grant of Bail (Extradition) (Interim) is deleted and substituted as follows:

Form 67

Case Number:
Date Filed:
FDN:

## ORDER—BAIL—GRANT OF BAIL (EXTRADITION) (INTERIM)

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]  
Applicant

[FULL NAME]  
Respondent

<b>Introduction</b>
<b>Hearing</b> Hearing Location: [suburb] [Hearing date]  [Presiding Officer]
<b>Appearances</b> [Applicant Appearance information] [Respondent Appearance information]
<b>Remarks</b> [Notes]

**Order****Date of Order:** *[date]***Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1. The Respondent be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.
2. *[other orders]*.

**Bail Agreement****Rules (Conditions)****General**

- 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 2. I must pay \$*[amount]* if I break any terms or conditions of this Bail Agreement.
- 3. I must provide security by personally depositing cash in the amount of \$*[amount]* to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 4. I must appear before the Magistrate
  - a. *[on date, at time, at location]*
  - b. and at any other time when called on.

I must stay until my matter has been heard.

**Supervision**

- 5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- 7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. [BLANK]
- 9. [BLANK]
- 10. [BLANK]

11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
12. Adult Only I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
13. Youth Only I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in court.
14. Adult Only I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
15. Youth Only I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
16. Adult Only I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
17. [BLANK]
18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm compliance with any condition of this Bail Agreement.

**Travel**

- c 19. I must not leave South Australia for any reason without the permission of the Magistrate.
20. [BLANK]
21. [BLANK]
22. I must give up any passport I have to [*insert*] and must not apply for a new passport.
23. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

24. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
25. I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*].

**Home Detention**

27. Adult Only I must live at [address] and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. [BLANK];
  - d. [BLANK];
  - e. [BLANK];
  - f. [BLANK];
  - g. any other reason approved or directed by my Supervising Officer.
28. I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
  - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - c. any other purpose approved by the Chief Executive of the Department [for Correctional Services/of Human Services].
29. accommodation support program selected I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.



30. *Youth only* I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
  - b. necessary medical or dental treatment;
  - c. any activity as required by my bail conditions or as approved or directed by my Supervising Officer.
31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
32. When I am released, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for *Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
33. When I am released, I must go straight to the offices of the Department [for *Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
34. When I am released:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for *Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device.
  - b. I must wear the electronic transmitter and obey the Department [for *Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - e. I must come to an entrance to the required address at the request of my Supervising Officer [or a *Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - g. I must comply with any direction given by my Supervising Officer.

- 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- 36. If an emergency requires me to move to another address:
  - a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

- 37. I must live at [*address*]
- 38. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- 39. I must live where my Supervising Officer directs.
- 40. *Youth Only* I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
- 42. *Youth only* I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of [*name/an adult approved by my Supervising Officer*].
- 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.

44. default selected if general residential condition selected If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
45. I must not live at [address(es)].
46. I must not live with [name(s)].

### Monitoring

47. When I am released, I:
- a. default selected must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914];
  - b. youth only must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [for Correctional Services/of Human Services] on the mobile phone number I have given.

### Programs

48. [BLANK]
49. a. [BLANK]
50. [BLANK]
51. [BLANK]

### Communication

- 52. I must not communicate with any person other than [*specify person or class*].
- 53. I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- 54. a. [BLANK].
- 55. [BLANK]
- 56. [BLANK]
- 57. [BLANK]
- 58. [BLANK]
- 59. [BLANK].
- 60. [BLANK]
- 61. [BLANK]
- 62. [BLANK]
- 63. [BLANK]

**Drugs and Alcohol**

- 64. I must not use
  - a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. [*other*]and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.
- 65. [BLANK]
- 66. [BLANK]

**Other Conditions**

- 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [*nominated place/address*].
- 68. [*other conditions*] provision for multiple additional conditions

**Guarantee**

- 69. I must give a written guarantee from [*name, address, date of birth*], in acceptable terms, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.

- 70. I must give a written guarantee from an acceptable person, in acceptable terms, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 71. I must obtain security from the Guarantor by depositing cash in the amount of \$[amount] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.
- 
- 72. [BLANK]
- 73. [BLANK]
- 74. [BLANK]

**Authentication**

.....  
Signature of Magistrate  
[title and name]

110. In Schedule 1, Form 70A—Warrant of Apprehension—Extradition International—Witness is deleted and substituted as follows:

Form 70A

Case Number:

FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### WARRANT OF ARREST

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) I am satisfied that [*name and address of person*] was summoned to attend before me, a magistrate within the meaning of the *Extradition Act 1988*, being a magistrate in relation to whom an arrangement is in force under section 46 of the Act, as a witness on [*date*], and then from day to day unless excused or released from so attending;
- (b) the witness has failed to attend on [*date*] as required by the summons; and
- (c) I am satisfied that the summons was duly served on the witness and that a reasonable sum for [*his/her*] attendance was [*paid/tendered*] to the witness;

NOW THEREFORE I, [*name and designation of magistrate*], under regulation 6 of the Extradition Regulations, authorise and request you to arrest the witness in any State or Territory of the Commonwealth and to bring the witness before me to [*give evidence/answer questions/and/produce/documents/and/other/articles*] as required by the summons, and to detain the witness in custody for that purpose.

Dated

*[Signature and designation of magistrate issuing warrant]*

111. In Schedule 1, Form 70B—Warrant of Apprehension—Extradition Interstate is deleted and substituted as follows:

Form 70B

Case Number:

Date Filed:

FDN:

**Commonwealth of Australia**

*Extradition Act 1988*

**WARRANT OF ARREST**

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) I am satisfied that [*name and address of person*] was summoned to attend before me, a magistrate within the meaning of the *Extradition Act 1988*, being a magistrate in relation to whom an arrangement is in force under section 46 of the Act, as a witness on [*date*], and then from day to day unless excused or released from so attending;
- (b) the witness has failed to attend on [*date*] as required by the summons; and
- (c) I am satisfied that the summons was duly served on the witness and that a reasonable sum for [*his/her*] attendance was [*paid/tendered*] to the witness;

NOW THEREFORE I, [*name and designation of magistrate*], under regulation 6 of the Extradition Regulations, authorise and request you to arrest the witness in any State or Territory of the Commonwealth and to bring the witness before me to [*give evidence/answer questions/and/produce/documents/and/other/articles*] as required by the summons, and to detain the witness in custody for that purpose.

Dated

*[Signature and designation of magistrate issuing warrant]*

112. In the index to Schedule 1, the words “Form 70E—Warrant to Return Person to Custody—Extradition International” are inserted immediately after the words “Form 70D—Warrant of Apprehension of Witness”.
113. In Schedule 1, Form 70E—Warrant to Return Person to Custody—Extradition International is inserted as follows:

## Form 70E

Case Number:
FDN:

**Commonwealth of Australia***Extradition Act 1988***WARRANT TO RETURN PERSON TO CUSTODY**

To all police officers within the meaning of the *Extradition Act 1988*.

## WHEREAS:

- (a) I am satisfied that [*name and address of person*] has escaped from custody authorised by the *Extradition Act 1988*, namely [*description of custody*];
- (b) I am satisfied that a warrant should be issued returning that person to custody;

NOW THEREFORE I, [*name and designation of magistrate*], under section 49 of the *Extradition Act 1988*, authorise you to return [*name and address of person*] to that custody.

Dated

[*Signature and designation of magistrate issuing warrant*]



114. In the index to Schedule 1, the words “Form 71C—Summons to Witness—Extradition International” are inserted immediately after the words “Form 71B—Warrant to Produce Person in Custody”.
115. In Schedule 1, Form 71C—Summons to Witness—Extradition International is inserted as follows:

## Form 71C

Case Number:

FDN:

**Commonwealth of Australia**  
*Extradition Act 1988*

## SUMMONS

In the Matter of proceedings relating to  
under the *Extradition Act 1988*.

To: *[name and address of witness]*

YOU ARE HEREBY summoned under regulation 4 of the Extradition Regulations to appear at *[place, date and time]* and to attend from day to day unless you are excused or released from so attending to *[give evidence/answer questions/and/to produce the following/ documents/and/other/articles]*:

*[specify]*

Dated

*[Signature]*  
*[Description]*

Note: If a person who has been served with a summons under the Extradition Regulations and has been paid or tendered a reasonable sum for his or her expenses then fails to attend as required by the summons, the person:

- (a) is guilty of an offence and is liable, on conviction, to a fine not exceeding \$500; and
- (b) is liable without further notice to be arrested and brought before a magistrate or an eligible Judge.

- 116. In the index to Schedule 1, the words “Form 71PD—Summons to Witness—Persona Designata” are inserted immediately after the words “, Form 71C—Summons to Witness—Extradition International”.
- 117. In Schedule 1, Form 71PD—Summons to Witness—Persona Designata is inserted as follows:

Form 71PD

Case Number:
Date Filed:
FDN:

<b>Hearing Date and Time:</b>
<b>Hearing Location:</b>

**SUMMONS TO WITNESS**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

To: *[full name]* of *[address]*

YOU ARE HEREBY summoned under regulation 4 of the Extradition Regulations 1988 (Cth) to appear at *[Place, Date and Time]* and to attend from day to day unless excused or released from so attending to:

- a) give evidence
- b) answer questions
- c) produce the following documents *[specify]*
- d) produce the following articles *[specify]*

Dated: *[date]*

.....  
Signature of Magistrate  
*[title and name]*

**WARNING**

Note: If a person who has been served with a summons under the Extradition Regulations and has been paid or tendered a reasonable sum for their expenses then fails to attend as required by the summons, the person:

- (a) is guilty of an offence and is liable, on conviction, to a fine not exceeding \$500; and
- (b) is liable without further notice to be arrested and brought before a magistrate or an eligible Judge.

- 118. In the index to Schedule 1, the words “Form 72PD—Warrant of Remand or Mandate—Persona Designata” are inserted immediately after the words “Form 72—Warrant of Remand or Mandate”.
- 119. In Schedule 1, Form 72PD—Warrant of Remand or Mandate—Persona Designata is inserted as follows:

Form 72PD

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## WARRANT OF REMAND OR MANDATE

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA  
 SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

<b>Respondent Subject of Remand or Mandate</b>			
Respondent	Full Name		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email address			
Date of Birth and Licence number	Date of Birth		Driver's Licence No
Phone Details	Type (eg. home; work; mobile)—Number		Another number

Next box displayed if warrant issued under other specific statutory provision

**To: The Sheriff**

**The Commissioner of Police for the State of South Australia and each member of the Police Force for the State**

*[The Minister for Health and Wellbeing]*

*[The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice]]*

**[Other]**

**Introduction**

- (a) The Magistrate named below has determined that a *[warrant/mandate]* should issue.
- (b) The Magistrate has remanded the Respondent to appear on *[date]* at *[time]* at the *[name of court]* at *[location]*.

**[Warrant/Mandate]**

- 1. *[terms of warrant/mandate]*. provision for multiple

**Authentication**

.....  
Signature of Magistrate  
*[title and name]*

Date *[warrant/mandate]* signed: *[date]*

120. In the index to Schedule 1, the words “Form 91PD—Record of Outcome—Persona Designata” are inserted immediately after the words “Form 91—Record of Outcome”.
121. In Schedule 1, Form 91PD—Record of Outcome—Persona Designata is inserted as follows:

Form 91PD

Case Number:

Date Filed:

FDN:

## RECORD OF OUTCOME PERSONA DESIGNATA

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**

**Applicant**

**[FULL NAME]**

**Respondent**

### Introduction

#### Hearing

Hearing Location: *[suburb]*

*[Hearing date]* *[Listed starting time]*

Hearing type:

Supreme and District Court only

*[Actual hearing start time]*—*[Actual hearing end time]*

*[Presiding Officer]*

#### Appearances

*[Applicant Appearance Information]*

*[Respondent Appearance Information]*

#### Remarks

*[Notes]*

**Order**

**Date of Order:** *[date]*

**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1.

**Authentication**

.....

Signature of Magistrate

*[title and name]*

122. In Schedule 1, Form 92AI—Order—Summary Offences Act—Authorisation to Undertake Forensic Activity is deleted and substituted as follows:

Form 92AI

Case Number:

Date Filed:

FDN:

## ORDER—SUMMARY OFFENCES ACT—AUTHORISATION TO UNDERTAKE FORENSIC ACTIVITY

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]  
Applicant

### Introduction

#### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

#### Appearances

[Applicant Appearance Information]

#### Remarks

The Magistrate is satisfied that:

- (a) [full name] of [address] ('the Subject') is in lawful custody and that it is proper in all the circumstances to conduct the activities identified below for the purpose of identifying the person in custody as the person who committed [description of offence under investigation].



**Order****Date of Order:** [date]**Orders**

It is ordered that:

Orders in separately numbered paragraphs.

1. The following activities are authorised in the manner as set out in section 81(4)(a) of the *Summary Offences Act 1953*:

- Photographs of the Subject
- Prints of hands of the Subject
- Prints of fingers of the Subject
- Prints of feet of the Subject
- Prints of toes of the Subject
- Impressions of teeth of the Subject
- Recording of voice of the Subject
- Sample of handwriting of the Subject

**Authentication**

.....  
Signature of Magistrate  
[title and name]

123. In Schedule 1, Form 92AP—Order—To Provide Information or Assistance to Access Data is deleted and substituted as follows:

Form 92AP

Case Number:

Date Filed:

FDN:

## ORDER—TO PROVIDE INFORMATION OR ASSISTANCE TO ACCESS DATA

Summary Offences Act 1953 s 74BR

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

### Introduction

### Hearing

Hearing Location: *[location]*

*[Hearing date]*

*[name of judicial officer]*

### Appearances

*[Applicant Appearance Information]*

### Remarks

The Magistrate is satisfied that:

- (b) there are reasonable grounds to suspect that data held on a computer or data storage device, namely *[describe device specifically or generically]* ('the Device'), may afford evidence of a child exploitation offence;
- (c) *[Full Name of Specified Person]*, date of birth *[date]*, ('the Specified Person') is:
- reasonably suspected of having committed a child exploitation offence in relation to which the order is sought.
  - the *[owner/lessee]* of the Device;

- an employee of the [owner/lessee] of the Device;
- a person engaged under a contract for services by the [owner/lessee] of the Device;
- a person who [uses/has used] the Device;
- a person who [is/was] a system administrator for the system including the Device;

(d) the Specified Person has relevant knowledge of:

- [the Device/a computer network of which the Device forms/formed a part].
- measures applied to protect data held on the device.

## Order

**Date of Order:** [date]

### Terms of Order

Pursuant to s 74BR(1) of the *Summary Offences Act 1953*, it is ordered that:

1. The Specified Person provide to the applicant or another police office in conjunction with the applicant.
  - [specify information and/or assistance]
  - any information or assistance that is reasonable or necessary.
 to allow the applicant or another police office in conjunction with the applicant to:
  - o (a) [access/examine/specify function] in relation to data held on the Device;
  - o (b) copy data held on the Device to another computer or data storage device;
  - o (c) reproduce or convert data held on the Device into documentary form or another form that enables it to be understood.
2. The Specified Person provide the information and/or assistance at [address of location].
3. ~~Delete if not applicable~~ The Specified Person provide the information and/or assistance within [specified period].
4. ~~Delete if not applicable~~ [Other conditions to which the requirement to provide information or assistance is subject]

### To the Specified Person: WARNING

If you fail to comply with this order without reasonable excuse, you will be guilty of an offence which carries a maximum penalty of imprisonment for 5 years.

### Authentication

.....  
Signature of Magistrate  
[title and name]

124. In the index to Schedule 1, the words “Form 92AR—Order—Extradition International—Transfer Interstate” are inserted immediately after the words “Form 92AP—Order—To Provide Information or Assistance to Access Data”.
125. In Schedule 1, Form 92AR—Order—Extradition International—Transfer Interstate is inserted as follows:

Form 92AR

Case Number:

Date Signed:

FDN:

## ORDER—EXTRADITION INTERNATIONAL—TRANSFER INTERSTATE

Extradition Act 1988 s 15(4)

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]  
Applicant

[FULL NAME]  
Respondent

### Introduction

#### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

#### Appearances

[Applicant Appearance information]

[Respondent Appearance information]

#### Remarks

- (a) The Attorney-General has issued a warrant under section 15(4) of the *Extradition Act 1988* directing the making of this order.

**Order****Date of Order:** *[date]***Terms of Order**

It is ordered that:

1. The Respondent be released into the custody of *[name and rank of police officer]*.
2. The recognisances on which bail was granted to the Respondent be discharged.
3. *[Name and rank of police officer]*.is authorised to take the Respondent in custody to appear before a magistrate or eligible Judge in *[State/Territory]*.
4. *[other orders]*

**Authentication**

.....

Signature of Magistrate  
*[title and name]*

- 126. In the index to Schedule 1, the words “Form 92AS—Order—Extradition New Zealand—Release and Discharge” are inserted immediately after the words “Form 92AR—Order—Extradition International—Transfer Interstate”.
- 127. In Schedule 1, Form 92AS—Order—Extradition New Zealand—Release and Discharge is inserted as follows:

Form 92AS

Case Number:
Date Signed:
FDN:

**ORDER—EXTRADITION NEW ZEALAND—RELEASE AND DISCHARGE**

**Extradition Act 1988 s 33/34**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

<b>Introduction</b>
<b>Hearing</b>
Hearing Location: [ <i>suburb</i> ]
[ <i>Hearing date</i> ]
[ <i>Presiding Officer</i> ]
<b>Appearances</b>
[ <i>Applicant Appearance information</i> ]
[ <i>Respondent Appearance information</i> ]

**Remarks**

- (a) The Respondent. has been remanded after being arrested under a provisional arrest warrant; an indorsed New Zealand warrant has not been obtained in relation to the respondent and the Magistrate is satisfied that there has been reasonable time for such a warrant to be obtained.
- (b) The Magistrate is satisfied that, because [*the offence in relation to which an indorsed New Zealand warrant in relation to the Respondent was issued is of a trivial nature/ the accusation of the offence of which the Respondent is accused was not made in good faith or in the interests of justice/ a lengthy period has elapsed since the offence was committed or allegedly committed*], it would be unjust, oppressive or too severe a punishment to surrender the Respondent to New Zealand,.

**Order**

**Date of Order:** [date]

**Terms of Order**

It is ordered that:

1. **select if respondent in custody** The Respondent be released from custody
1. **select if respondent on bail** The recognisances on which bail was granted to the Respondent be discharged.
2. [*other orders*].

**Authentication**

.....  
Signature of Magistrate  
[title and name]

128. In Schedule 1, Form 92AT—Order—Asset Confiscation Freezing Order—State is inserted as follows:

Form 92AT

Case Number:

Date Filed:

FDN:

## ORDER—ASSET CONFISCATION FREEZING ORDER

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

### Remarks

- (a) The Magistrate has heard an Application under section 17 of the *Criminal Assets Confiscation Act 2005* and is satisfied that a Freezing Order should be made in the following terms. The grounds on which the order was sought are set out in the Originating Application and supporting affidavit filed by the Applicant which accompany this order.
- (b) The Magistrate is satisfied that there are reasonable grounds to suspect that *[name]*:
- is the person in whose name the specified account is held.
  - is a person with an interest in the specified account.
  - has *[committed]* *[been involved in]* *[derived a benefit from]* a serious offence.
  - is about *[commit]* *[be involved in]* *[derive a benefit from]* a serious offence.
- (c) The Magistrate is satisfied that an Application for a Restraining Order is likely to be made in respect of property in which:
- the person in whose name the specified account is held
  - the person who has an interest in the specified account has an interest.
- (d) The Magistrate is satisfied that it is otherwise appropriate to make this order having had regard to the amount of money in the specified account, the persons in whose name the account is held, and any hardship that may reasonably be expected to be caused to any person by the operation of this order.
- (e) default selected if telephone application The facts which justify the making of this order are *[facts]*.  
The Applicant has undertaken to make an Affidavit verifying these facts.



**Order**

**Date of Order:** [date]

**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

- 1. Pursuant to section 17 of the *Criminal Assets Confiscation Act 2005*, the financial institution must not, subject to section 20(2), allow any person to make transfers or withdrawals from the below mentioned account.
  - except in the following manner and circumstances:
    - set out circumstances in numbered paragraphs
    - i.
- 2. It is noted that, under section 19(1) of the *Criminal Assets Confiscation Act 2005*, this order takes effect on the date and at the time that notice of the order is given to the financial institution.
- 3. It is noted that, under section 19(3) of the *Criminal Assets Confiscation Act 2005*, if notice of this order is not given to the relevant financial institution within 72 hours after this order was made, this order will be of no force or effect.
- 4. It is noted that, under section 21 of the *Criminal Assets Confiscation Act 2005*, subject to any extension under section 21(2) this order ceases to have effect on the making of a Restraining Order in respect of the money in the specified account or 7 days after the time when this order takes effect, whichever occurs first.
- 5. [other orders].

**To the Financial Institution: WARNING**

If you disobey this order without reasonable excuse, you will be guilty of an offence and liable to pay a fine of up to \$20,000.

**Authentication**

.....  
Signature of Magistrate  
[title and name]

129. In Schedule 1, Form 92AU—Order—Asset Confiscation Freezing Order—Commonwealth is inserted as follows:

Form 92AU

Case Number:
Date Filed:
FDN:

**COMMONWEALTH OF AUSTRALIA**

***PROCEEDS OF CRIME ACT 2002: SECTION 15B***

**ORDER TO NOT ALLOW A WITHDRAWAL**

**TO:** [*name and address of financial institution*]

Whereas an application has been made under section 15C of the *Proceeds of Crime Act 2002*, by Federal Agent [*full name*], an authorised officer within the meaning of the *Proceeds of Crime Act 2002* in respect of:

Bank	Account name	Number	Type

Whereas I am satisfied that:

- There are reasonable grounds for suspecting that the balance of the [*account listed above is/accounts listed above are*] [*proceeds of an indictable offence/wholly or partly an instrument of a serious offence*].

AND

- Unless this order is made, there is a risk that the balance of the [*account/accounts*] will be reduced so that a person will not be deprived of [*all or some of the proceeds of crime/an instrument of crime*].

I hereby order as follows:

1. That the [*name of financial institution*] not allow a withdrawal from the [*account/accounts*] identified above; and
2. This order remains in force for a period of three (3) working days from when a copy of this order is provided to the [*name of financial institution*].

Dated: [*date*]

---

A Magistrate in and for the State of South Australia

130. In the index to Schedule 1, the words “Form 92CD—Community Safety Detention Order” are inserted immediately after the words “Form 92C—Order—Asset Confiscation Assist Executing a Warrant”.
131. In Schedule 1, Form 92CD—Community Safety Detention Order is inserted as follows:

Form 92CD

To be inserted by Court

Case Number:

Date Signed:

FDN:

## ORDER—COMMUNITY SAFETY DETENTION ORDER

Criminal Code (Cth) s 395.12

SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

v

**[FULL NAME]**  
Respondent

### Introduction

#### Hearing

Hearing Location: *[suburb]*

*[Hearing date]*

*[Presiding Officer]*

#### Appearances

*[Applicant Appearance Information]*

*[Respondent Appearance Information]*

#### Remarks

1. The Court is satisfied that the Respondent is a serious offender as referred to under 395.5 of the Criminal Code (Cth).

2. An application has been made in accordance with section 395.8 of the Criminal Code (Cth) for a community safety detention order in relation to the Respondent.
3. After having regard to matters in accordance with section 395.11 of the Criminal Code (Cth), the Court is satisfied to a high degree of probability, on the basis of admissible evidence, that the Respondent poses an unacceptable risk of seriously harming the community community by committing a serious violent or sexual offence.
4. The Court is satisfied that there is no less restrictive measure available under Division 395 of the Criminal Code (Cth) that would be effective in protecting the community from serious harm by addressing the unacceptable risk
5. The Respondent is a holder under the Migration Act 1958 of a visa that is subject to conditions and the Court is satisfied that the conditions would not be effective in protecting the community from serious harm by addressing the unacceptable risk.
6. [other remarks]

### Order

**Date of Order:** [date]

### Terms of Order

The Court:

1. orders that the Offender be committed to detention pursuant to section 395.12 of the Criminal Code (Cth).
2. fixes a term of [no of years] [no of months] commencing from [date] during which the community safety detention order is to be in force. *Criminal Code Act 1995 s 395.12(5) cannot exceed 3 years.*
3. [other orders] provision for multiple

### Authentication

.....  
Signature of Court Officer  
[title and name]

132. In the index to Schedule 1, the words “Form 92CS—Community Safety Supervision Order” are inserted immediately after the words “Form 92CD—Community Safety Detention Order”.
133. In Schedule 1, Form 92CS—Community Safety Supervision Order is inserted as follows:

Form 92CS

Case Number:

Date Signed:

FDN:

## **ORDER—COMMUNITY SAFETY SUPERVISION ORDER REVISION**

**Criminal Code (Cth) s 395.20, 395.21, 395.6**

SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**

**Applicant**

**v**

**[FULL NAME]**

**Respondent**

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

## Remarks

1. The Court previously made a community safety supervision order under 395.13 of the Criminal Code (Cth) ('the supervision order').
2.  An application has been made in accordance with sections 395.19 and 321.20 of the Criminal Code (Cth) to vary the supervision order.  
 An application has been made in accordance with section [395.23/395.24]. of the Criminal Code (Cth) to review the supervision order.  
 An application has been made in accordance with sections 395.19 and 395.21 of the Criminal Code (Cth) to vary the supervision order by consent.
3. Displayed if first option selected at 2 and a condition is added or varied Insofar as a condition is added or varied, the Court is satisfied on the balance of probabilities that each condition added or varied is reasonably necessary, and reasonably appropriate and adapted, for the purpose of protecting the community from serious harm by addressing the unacceptable risk of the Respondent committing a serious violent or sexual offence.
4. Displayed if first option selected at 2 and a condition is removed Insofar as a condition is removed, the Court is not satisfied on the balance of probabilities that each condition removed is reasonably necessary, and reasonably appropriate and adapted, for the purpose of protecting the community from serious harm by addressing the unacceptable risk of the Respondent committing a serious violent or sexual offence.
5. Displayed if second option selected at 2 The Court is satisfied that:
  - (a) written consent to the variation has been given;
  - (b) the variation does not involve adding any conditions to the order; and
  - (c) the variation is appropriate in the circumstances.
6. Displayed if third option selected at 2 and period shortened The Court:
  - (a) is satisfied that the supervision order should be affirmed;
  - (b) is not satisfied that the period currently specified is reasonably necessary to protect the community from serious harm by addressing the unacceptable risk of the Respondent committing a serious violent sexual offence.

7. Displayed if third option selected at 2 and a condition changed The Court:

- (a) is satisfied that the supervision order should be affirmed;
- (b) insofar as a condition is removed, is not satisfied that the condition is reasonably necessary, and reasonably appropriate and adapted, for the purpose of protecting the community from serious harm by addressing the unacceptable risk of the Respondent committing a serious violent or sexual offence;
- (c) insofar as a condition is removed and varied, is satisfied that the condition is, after the variation, reasonably necessary, and reasonably appropriate and adapted, for the purpose of protecting the community from serious harm by addressing the unacceptable risk of the Respondent committing a serious violent or sexual offence;
- (d) insofar as a condition is added, is satisfied that the condition is reasonably necessary, and reasonably appropriate and adapted, for the purpose of protecting the community from serious harm by addressing the unacceptable risk of the offender committing a serious violent or sexual offence.

8. [other remarks]

## Order

**Date of Order:** [date]

### Terms of Order

The Court:

1. varies the term of the supervision order such that its term is now [no of years] [no of months] commencing from [date] Criminal Code Act 1995 s 395.13(5)(d) cannot exceed 3 years.
2. removes the following conditions of the supervision order, namely:  
[conditions removed].
3. adds the following conditions to the supervision order, namely:  
[conditions added].
4. varies the following conditions of the supervision order, such that the following conditions are now as follows:  
[condition number and new wording].
5. Notes that the conditions of the supervision order are now as set out below.
6. notes that the Respondent's lawyer may request a copy of this Order.
7. [other orders] provision for multiple



**Conditions of Supervision Order****General**

1. The Respondent must be of good behaviour and obey the conditions of this Order.

**Supervision**

2. The Respondent be supervised by a Department for Correctional Services Community Corrections Officer ('the Supervising Officer') and must obey their reasonable directions.
3. The Respondent must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
4. The Respondent must report [*within 2 working days of this Order/immediately*] to the Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.

**Residence (place of living)**

5. The Respondent must reside at an address nominated or approved by the Supervising Officer and must not change residence without prior approval from the Supervising Officer.
6. The Respondent must stay at the required address between the hours of [*time*] and [*time*] and the Respondent must be at an entrance to that address if asked to by the Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to the Defendant or another; or
  - b. for any other reason approved by the Supervising Officer.
- Criminal Code Act 1995 s 395.14(4) cannot exceed 12 hours within any 24 hours*
7. The Respondent must allow any Police Officer to enter [*specified premises*] and:
- a. search the Respondent; and
  - b. search the Respondent's residence or any premises which the Respondent intends to be the Respondent's residence; and
  - c. search any other premises under the Respondent's control; and
  - d. seize any item found during those searches, including to allow the item to be examined forensically.

**Monitoring**

- 8. The Respondent must wear an electronic transmitter and obey the Department for Correctional Services rules of electronic monitoring, including charging the transmitter daily and any other lawful directions given to them by the Supervising Officer, for the term of the Order.
- 9. The Respondent must always be contactable by mobile telephone. The Respondent must give their contact details to the Supervising Officer so they can use it to get in touch with them at all times while electronically monitored.
- 10. The Respondent must have, maintain and keep charged a mobile telephone.  

The Respondent must give their mobile telephone number to the Supervising Officer so they can use it to get in touch with the Respondent at all times.

The Respondent must answer any calls or text messages from the Supervising Officer straight away on the mobile phone number the Respondent has given.

If the Respondent misses answering a call from the Supervising Officer, the Respondent must return the call immediately or, if between [time] and [time], immediately after [time].

**Programs**

- 11. The Respondent must obey the reasonable directions of the Supervising Officer with respect to attending:
  - a. Counselling;
  - b. Psychological or psychiatric assessment or treatment;
  - c. Treatment or rehabilitation programs;
  - d. Intervention programs;
- 12. The Respondent must attend and participate in interviews or assessments (including for the purposes of condition 12) as directed by [specified authority].
- 13. The Respondent must allow the results of the interviews and assessments referred to in condition 13 and any other specified information is to be disclosed to [specified authority].

**Firearms/Offensive Weapons**

- 14. The Respondent is prohibited from possessing a firearm (gun of any sort), ammunition (both within the meaning of the *Firearms Act 2015*) or any part of a firearm.
- 15. The Respondent must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the Supervising Officer or a member of the South Australian Police.
- 16. The Respondent is prohibited from applying or possessing a firearm licence or any kind of licence to possess a weapon.
- 17. The Respondent must not possess an offensive weapon.

**Travel**

- 18. The Respondent must not leave or attempt to leave South Australia for any reason without obtaining the written approval of the Supervising Officer at least seven (7) days prior to travel.

**Association**

19. The Respondent must not go to or stay within the [*the following locations or areas/the locations or areas delineated on Map(s) [x] annexed and bordered by the following roads*]:
- [*description of location(s) or area(s), including boundaries/roads*]
- a. on any day other than one specific day per [*week/fortnight/month/year*] that day being [*i.e. first day of each month*]; and
- b. other than for the reasons of:
- attending educational, recreational or therapeutic programs as directed by the Defendant's Supervising Officer;
  - passing through continuously on public or private transport; visiting [*insert place/address*].
20. The Respondent must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*].

**Internet and Communication**

21. The Respondent must not possess (have) any telephone, mobile phone, computer or other telecommunication device that lets them communicate with any other person, including on the internet, or freely browse or search on the internet except [*specify device(s)*] and providing they have permission beforehand from the Supervising Officer.
22. The Respondent must facilitate access (including by providing passwords or in any other way) to one or more of the following:
- a. electronic equipment or technology;
- b. any data held within, or accessible from, any electronic equipment or technology owned or controlled by the Respondent, for the purposes of a Police Officer searching and seizing any such equipment or accessing such data or both.

**Other Conditions**

23. The Respondent must not use, possess (have), or consume:
- a. [*specified article*]
- b. any drug, including any narcotic or psychotropic drug, that is not prescribed by a medical doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
- c. [*other*]
- and the Defendant must have any tests that are needed to check if they are obeying these orders as directed by the Supervising Officer.
- The Defendant must sign all needed forms and obey all of the testing procedures.
24. The Respondent must not without the prior permission of the Supervising Officer engage in:
- a. [*specified work*];
- b. [*specified classes of work*];
- c. [*specified activities relating to specified work or classes of work*]
- d. any training or education

- 25. The Respondent must allow [*specified authority*] to photograph the Respondent.
- 26. The Respondent must allow [*specified authority*] to take impressions of the Respondent's fingerprints.
- 27. The Respondent must not change his name or use any name that is not specified in this order.
- 28. The Respondent must allow visits at [*specified premises*] from, and entry to [*specified premises*] by, [*specified authority*] at any time for the purpose of compliance with condition 6.
- 29. The Respondent must provide [*specified authority*] with a schedule setting out the Respondent's proposed movements for [*specified period*] and comply with that schedule during that period.
- 30. The Respondent must attend at places, and report to persons, at times, specified:
  - a. in the order; or
  - b. by [*specified authority*].
- 31. The Respondent must not be present at one or more of the following:
  - a. [*specified areas or places*];
  - b. [*specified classes or areas or places*];
  - c. [*an area or place determined by a specified authority*].
- 32. [*Other conditions*] option to enter free text, provision for multiple entries

**To the Respondent: WARNING**

Fail to obey the conditions of this order is an **offence** under section 395.38 or 395.39 of the Criminal Code (Cth), punishable by **imprisonment for up to 35 years and/or up to 500 penalty units**. In addition, it may result in an **application for review of the supervision order or for a detention order**.

You have a right under section 395.19(2) of the Criminal Code (Cth) to apply to remove, vary or add to the conditions of this Order.

You have a right under section 395.24 of the Criminal Code (Cth) to apply for a review of this Order.

**Authentication**

.....  
Signature of Court Officer  
[*title and name*]

**Acknowledgement by Respondent**

I acknowledge that I have received a copy of this order.

- I understand its conditions and I understand what will happen if I fail to comply with these conditions.

.....

Signature of Respondent

.....

Name printed

**Witness**

.....

Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Defendant/Youth is in a training centre, the person in charge of a prison if the Defendant/Youth is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial making order

.....

Printed name and title of witness stamp here if applicable

.....

Date

134. In the index to Schedule 1, the words “Form 92E—Order—Asset Confiscation Production Order” are deleted and substituted with the words “Form 92EC—Order—Asset Confiscation Production Order Commonwealth”.
135. In Schedule 1, Form 92E—Order—Asset Confiscation Production Order is deleted and Form 92EC—Order—Asset Confiscation Production Order Commonwealth substituted as follows:

Form 92EC

Case Number:

Date Filed:

FDN:

**COMMONWEALTH OF AUSTRALIA**

***PROCEEDS OF CRIME ACT 2002 (Cth): Section 202***

**PRODUCTION ORDER**

---

**TO:** [*name of financial institution*]

1. WHEREAS I, [*name*], a Magistrate in and for the State of South Australia am satisfied by information on oath provided to me by an authorised officer of an enforcement agency within the meaning of the *Proceeds of Crime Act 2002* (Cth) that there are reasonable grounds for suspecting that you have possession or control of property tracking documents within the meaning of that Act.
  - AND WHEREAS I am satisfied that there are special circumstances that make the issue of a production order appropriate even though you are in another State.
2. You are hereby required to
  - produce property tracking documents specified in the Schedule
  - make the property tracking documents specified in the Schedule available for inspection

to the authorised officer named below.

Federal Agent [*name*]

3. The documents are to be produced to the authorised officer on [*date*] between [*time*] and [*time*]:  
[*address*]

Or as otherwise arranged with the Australian Federal Police.

4. Information about this production order must not be disclosed.
5. Where a production order specifies that information about the order must not be disclosed, it is an offence against section 210 of the *Proceeds of Crime Act 2002* (Cth) to disclose the existence or nature of the order to another person, or to disclose information to another person from which the person could infer the existence or nature of the order, except in circumstances specified in section 210(3).

The maximum penalty is imprisonment for two years or 120 penalty units or both.

#### SCHEDULE

[*details*]

6. Federal Agent [*name*]an authorised officer is responsible for giving this order to the entity named above, unless Federal Agent [*name*] inserts the name of another authorised officer into the order.
7. For the purpose of paragraph 6 above, the authorised officer whose name is inserted into this order pursuant to section 203(1)(d) is:

[*name*]

8. Under section 211(1) of the *Proceeds of Crime Act 2002* (Cth) it is an offence for a person who is given a production order in relation to a property tracking document to fail to comply with the order unless the person has been notified of sufficient compliance under section 211(2).

The maximum penalty is imprisonment for two years or 120 penalty units or both.

9. Under section 212 of the *Proceeds of Crime Act 2002* (Cth) it is an offence for a person to destroy, deface or otherwise interfere with a property tracking document if there is a production order in force requiring the document to be produced or made available.

The maximum penalty is imprisonment for six months or 30 penalty units or both.

A copy of Part 3.2 of the *Proceeds of Crime Act 2002* is attached. Those provisions set out the rights and obligations of a person who is given a production order.

Given under my hand at [*court/location*]  
in the State of South Australia

this [*day*] day of [*month and year*]

---

A Magistrate in and for the State of South Australia

136. In the index to Schedule 1, the words “Form 92ES—Order—Asset Confiscation Production Order State” are inserted immediately after the words “Form 92EC—Order—Asset Confiscation Production Order”.
137. In Schedule 1, Form 92ES—Order—Asset Confiscation Production Order State is inserted as follows:

## Form 92ES

Case Number:

Date Filed:

FDN:

**ORDER—ASSET CONFISCATION PRODUCTION ORDER**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**Remarks**

The Magistrate is satisfied that:

- (a) the Applicant has made an Application under section 150 of the *Criminal Assets Confiscation Act 2005* dated [date] for an order for [production/inspection] of the documents described in the schedule to this order (‘the Documents’);
- (b) based on information given [on oath/by affirmation] [by/on behalf of] the Applicant, [name] of [address] (‘the Subject’) is reasonably suspected of having possession or control of the Documents and that the Documents comprise property-tracking documents within the meaning of section 149 of the *Criminal Assets Confiscation Act 2005*;
- (c) the Documents are “property-tracking documents” within the meaning of section 149 of the *Criminal Assets Confiscation Act 2005*;
- (d) requiring the Documents to be [produced/made available for inspection] on the date specified below, being less than 14 days after the making of this order, will not cause hardship to the Subject.



**Order**

**Date of Order:** [date]

**Orders**

It is ordered that:

Orders in separately numbered paragraphs.

1. The Subject must [produce the Documents to/make the Documents available for inspection by] [name and position of authorised officer] at [location] on [date] between the hours of [time] and [time]. must be at least 14 days from the date of the Order, unless satisfied under the criteria in section 151(2) and (3) that is should be a lesser period
2. Information about this order must not be disclosed.
3. [the Applicant/name of alternative authorised officer] is to serve this order on the Subject.
4. [other]

**To the Subject: WARNING**

- If you disobey this order and are not excused from complying under section 158(2) of the Criminal Assets Confiscation Act 2005, you will be guilty of an offence and liable to [imprisonment/detention] not exceeding 6 months or a fine not exceeding \$2,500.
- You may not refuse to comply with this order on the grounds that doing so would tend to incriminate you. However, any evidence given in the course of complying with this order cannot be used against you if you are charged with an offence. The exception to this is where you are charged with an offence based on knowingly providing false or misleading evidence in respect of this order.
- only display if order includes non-disclosure If you disclose information about the existence or nature of this order or disclose information to another person from which the other person could infer the existence or nature of this order, you will be guilty of an offence and liable to [imprisonment/detention] not exceeding 2 years or a fine not exceeding [\$10,000/\$2,500]. This does not apply to disclosure made for a purpose set out in section 157(2) of the Criminal Assets Confiscation Act 2005.

**Authentication**

.....  
Signature of Magistrate  
[title and name]

<b>Schedule (The Documents)</b>		
No	Date	Description

138. In Schedule 1, Form 92F—Order—Bail Grant is deleted and substituted as follows:

Form 92F

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## ORDER—BAIL GRANT

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[*FULL NAME*]  
Applicant

[*FULL NAME*]  
Respondent

<p><b>Introduction</b></p> <p><b>Hearing</b> Hearing Location: [<i>suburb</i>] [<i>Hearing date</i>]  [<i>Presiding Officer</i>]</p> <p><b>Appearances</b> [<i>Applicant Appearance Information</i>] [<i>Respondent Appearance Information</i>]</p> <p><b>Remarks</b>  [<i>Notes</i>].</p>
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**Order****Date of Order:** [date]**Orders**

It is ordered that:

Orders in separately numbered paragraphs.

1. The [Applicant/Respondent] [name] be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.
2. The [Applicant/Respondent] next words displayed if guarantee box below is selected singular or plural according to number specified there [and the guarantor[s]] may enter into the Bail Agreement before any person listed in section 6(3) of the *Bail Act 1985* or any delegate of any such person.
3. if applicable The prosecution having indicated that it will seek a review of bail under section 16 of the *Bail Act 1985*, the release of the [Applicant/Respondent] be deferred until the review is completed or a period of 72 hours from the date of this order or when a police officer or counsel on behalf of the Crown files with the Court a notice that the crown does not desire to proceed with the review, whichever occurs first.
4. [other orders].

**Bail Agreement****Rules (Conditions)****General**

- 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 4. I must come to Court
  - c. [on date, at time, at location, in court]
  - d. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

**Supervision**

- 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. [BLANK]
- 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 10. [BLANK]
- 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 14. **Adult Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 15. **Youth Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- 16. **Adult Only** I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

**Travel**

- 19. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- 20. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee

- 21. I can leave South Australia to travel to *[location]* between *[date]* and *[date]*, both dates inclusive. I must report to *[location]* by no later than *[time]* on *[date]*.
- 22. I must give up any passport I have to the Registrar of the *[Court]* at *[location]* and must not apply for a new passport.
- 23. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

- 24. *mandatory unless cogent reasons and no undue risk* I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 25. *mandatory unless cogent reasons and no undue risk* I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the *[location]* Police Station.

**Home Detention**

- 27. *Adult Only* I must live at *[address]* and stay there while on bail. I must not leave at any time except for:
  - a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
- 28. *Mandatory if serious and organised crime suspect* I must reside at *[address]* and remain at that place of residence while on bail, not leaving it except for one of the following purposes
  - a. necessary medical or dental treatment for me
  - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - c. any other purpose approved by the Chief Executive of the Department *[for Correctional Services/of Human Services]*.
- 29. *accommodation support program selected* I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
  - a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);

- c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
  - b. necessary medical or dental treatment;
  - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].
33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
  - b. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - e. I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - g. I must comply with any direction given by my Supervising Officer.

- 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- 36. If an emergency requires me to move to another address:
  - a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

- 37. I must live at [*address*]
- 38. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- 39. I must live where my Supervising Officer directs.
- 40. *Youth Only* I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
- 42. *Youth only* I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of [*name/an adult approved by my Supervising Officer*].
- 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- 44. default selected if general residential condition selected If an emergency requires me to move to another address:
  - a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- 45. I must not live at [*address(es)*].



46. I must not live with *[name(s)]*.

### Monitoring

47. When I am released from Court, I:
- a. *default selected* must go straight to *[address]*, so I can have an electronic transmitter fitted following text displayed if *address* is home address rather than *Department address* and when I get there, I must contact the Home Detention Unit of the Department *[for Correctional Services/of Human Services]* by telephone on *[1300 796 199/1800 814 914]*;
  - b. *youth only* must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department *[for Correctional Services/of Human Services]* rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words *default selected* if *class 1* or *class 2* offence or *serious and organised crime suspect* selected *[that does not provide access to the internet]*. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department *[for Correctional Services/of Human Services]* on the mobile phone number I have given.

### Programs

48. I must go to an assessment at *[Owenia House/Child and Adolescent Mental Health Service]* as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
49. *Adult Only* I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- e. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - f. educational, vocational or recreational programs;
  - g. intervention program;
  - h. programs and projects,
- that my Supervising Officer reasonably directs.
51. *Adult Only* I must pay *[amount in dollars or percentage of cost]* towards the cost of *[any course or treatment/specify courses or treatments]* required to be undertaken by me under the condition[s] above.

### Communication

- 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- 54. I must not:
  - a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
  - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

### Association

- 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- 59. I must not [*go to [location] [or] go or stay within the area [description of area, including boundaries]*]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work as defined in the *Child Sex Offenders Registration Act 2006* and I must not apply for child related work except [*specify exception(s)*].
- 61. I must not assault, harass, threaten or intimidate [*name*].
- 62. I must obey the terms of any active Intervention Order.

**Employment**

63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

**Drugs and Alcohol**

64. I must not use
- a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

**Driver's Licence**

66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

**Other Conditions**

67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
68. *[other conditions]* provision for multiple additional conditions

**Guarantee**

69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of *[\$amount]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

Next box not displayed if District or Supreme Court and only displayed if selected in Magistrates or Youth Court when conditions 4 or 5 not selected, or if bail relates to class 1 or 2 offence and condition 23 not selected or condition 23 selected with exceptions added, or other variation required.

Next box can be used as alternative to transcript of oral reasons for refusal.

## Reasons for varying ordinarily mandatory conditions

### Condition of bail to be varied or revoked

The following standard conditions of bail under section 11(1) of the *Bail Act 1985* to be varied or revoked are: (11(1c) displayed below)

- a condition prohibiting the possession of a firearm, ammunition or any part of a firearm
- a condition requiring the applicant to submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the bail authority, or a person or class of persons or body specified by the bail authority.

The following standard conditions of bail under section 11(2ab) of the *Bail Act 1985* to be varied or revoked are: (11(2ad) displayed below)

- a condition that the [Applicant/Respondent] agrees not to engage in child related work as defined in the *Child Sex Offenders Registration Act 2006*.
- a condition that the [Applicant/Respondent] agrees not to apply for child related work as defined in the *Child Sex Offenders Registration Act 2006*.

### Details of variation if condition is to be varied if applicable

The varied condition[s] [is/are] as follows:

- varied condition prohibiting the possession of a firearm, ammunition or any part of a firearm.
- varied condition requiring the [Applicant/Respondent] to submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the Court, or a person or class of persons or body specified by the Court.
- varied condition that the [Applicant/Respondent] must not engage in child related work as defined in the *Child Sex Offenders Registration Act 2006*.
- varied condition that the [Applicant/Respondent] must not apply for child related work as defined in the *Child Sex Offenders Registration Act 2006*.

### Reasons

The standard conditions of bail are [varied/revoked] under section [11(1c)/11(2ad)] of the *Bail Act 1985* as the Court is satisfied that:

1. there are cogent reasons for the condition[s] to be [varied/revoked], namely:
  - a. [reasons in numbered subparagraphs].
2. displayed if section 11(1) condition selected above the possession of a firearm, ammunition or part of a firearm by the [Applicant/Respondent] does not represent an undue risk to the safety of the public because:
  - a. [reasons in numbered subparagraphs].
3. displayed if section 11(2ab) condition selected above the [Applicant/Respondent] engaging in child-related work as defined in the *Child Sex Offenders Registration Act 2006* will not pose a risk to the safety and wellbeing of children because:
  - a. [reasons in numbered subparagraphs].

**Authentication**

.....  
Signature of Court Officer  
[*title and name*]

139. In Schedule 1, Form 92H—Order—Bail Variation is deleted and substituted as follows:

Form 92H

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## ORDER—BAIL VARIATION

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[*FULL NAME*]  
Applicant

[*FULL NAME*]  
Respondent

<p><b>Introduction</b></p> <p><b>Hearing</b> Hearing Location: [<i>suburb</i>] [<i>Hearing date</i>]  [<i>Presiding Officer</i>]</p> <p><b>Appearances</b> [<i>Applicant Appearance Information</i>] [<i>Respondent Appearance Information</i>]</p> <p><b>Remarks</b> [<i>Notes</i>].</p>
---

**Order****Date of Order:** [date]**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1. The conditions of the bail granted to the [Applicant/Respondent] on [date] be varied such that the conditions of bail are now as listed below, subject to the [Applicant/Respondent] entering into the Bail Agreement Variation containing those conditions.
2. [any other orders].

**Bail Agreement****Rules (Conditions)****General**

1. I must be of good behaviour and obey the conditions of this Bail Agreement.
2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
4. I must come to Court
- a. [on date, at time, at location, in court]
- b. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

**Supervision**

5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community

Corrections Centre at *[location]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.

- 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 14. **Adult Only** I must report *[within 2 working days of signing this Bail Agreement/immediately]* to my Supervising Officer in person at *[location]* or by telephone on *[insert correct phone number]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 15. **Youth Only** I must report *[within 2 working days of signing this Bail Agreement/immediately]* to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- 16. **Adult Only** I must report to the police at *[police station location]* police station between *[time]* and *[time]* every *[reporting day(s)]* starting on *[date]*.
- 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

#### Travel

- 19. **default selected if no supervision condition selected** I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- 20. **default selected if supervision condition selected** I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department *[for Correctional Services/of Human Services]* or nominee
- 21. I can leave South Australia to travel to *[location]* between *[date]* and *[date]*, both dates inclusive. I must report to *[location]* by no later than *[time]* on *[date]*.
- 22. I must give up any passport I have to the Registrar of the *[Court]* at *[location]* and must not apply for a new passport.
- 23. I must not enter any point of international departure such as an airport or seaport.

#### Firearms

- 24. **mandatory unless cogent reasons and no undue risk** I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 25. **mandatory unless cogent reasons and no undue risk** I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the *[location]* Police Station.

#### Home Detention

- 27. **Adult Only** I must live at *[address]* and stay there while on bail. I must not leave at any time except



for:

- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
28. *Mandatory if serious and organised crime suspect* I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
  - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
29. *accommodation support program selected* I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
30. *Youth only* I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
  - b. necessary medical or dental treatment;
  - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.

32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].
33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
  - b. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - e. I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - g. I must comply with any direction given by my Supervising Officer.
35. I give permission for the Department [for Correctional Services/of Human Services] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

- 37. I must live at [address]
- 38. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- 39. I must live where my Supervising Officer directs.
- 40. *Youth Only* I must live where [my Supervising Officer/the Department for Child Protection] directs, at first with [name].
- 41. I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
- 42. *Youth only* I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
  - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of [name/an adult approved by my Supervising Officer].
- 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- 44. default selected if general residential condition selected If an emergency requires me to move to another address:
  - a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- 45. I must not live at [address(es)].
- 46. I must not live with [name(s)].

**Monitoring**

47. When I am released from Court, I:
- a. *default selected* must go straight to [*address*], so I can have an electronic transmitter fitted following text displayed if *address* is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [*1300 796 199/1800 814 914*];
  - b. *youth only* must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words *default selected* if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

**Programs**

48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
49. *Adult Only* I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - b. educational, vocational or recreational programs;
  - c. intervention program;
  - d. programs and projects,
- that my Supervising Officer reasonably directs.
51. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

**Communication**

- 52. Mandatory if serious and organized crime suspect I must not communicate with any person other than [*specify person or class*].
- 53. mandatory if serious and organised crime suspect I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- 54. I must not:
  - a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
  - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

**Association**

- 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- 59. I must not [*go to [location] [or] go or stay within the area [description of area, including boundaries]*]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 60. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work as defined in the *Child Sex Offenders Registration Act 2006* and I must not apply for child related work except [*specify exception(s)*].
- 61. I must not assault, harass, threaten or intimidate [*name*].
- 62. I must obey the terms of any active Intervention Order.

**Employment**

63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

**Drugs and Alcohol**

64. I must not use
- a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

**Driver's Licence**

66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

**Other Conditions**

67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
68. *[other conditions]* provision for multiple additional conditions

**Guarantee**

69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of *[\$amount]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

**Authentication**

.....  
Signature of Court Officer  
*[title and name]*

140. In Schedule 1, Form 92L—Order—Crimes Act—Extend Period of Detention is deleted and substituted as follows:

Form 92L

Case Number:

Date Filed:

FDN:

## ORDER—CRIMES ACT—EXTEND PERIOD OF DETENTION

Crimes Act 1914 (Cth)

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]  
Applicant

[FULL NAME]  
Respondent

### Introduction

### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

### Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

### Remarks

- Pursuant to section 23DA of the *Crimes Act 1914* (Cth), the Magistrate is satisfied that:
- an Application has been made under section 23D(1) of the *Crimes Act 1914* (Cth) for the extension of the investigation period in relation to the Respondent.
  - the offence under investigation is a serious Commonwealth offence, namely [description of offence].
  - further detention of the Respondent is necessary to preserve or obtain evidence or to complete the investigation into the offence or into another serious Commonwealth offence.



- (d) the investigation into the offence is being conducted properly and without delay.
- (e) the Respondent, or their legal representative, has been given the opportunity to make representations about the Application.

- Pursuant to section 23DF of the *Crimes Act 1914* (Cth), the Magistrate is satisfied that:
  - (a) an Application has been made under section 23E(2) of the *Crimes Act 1914* (Cth) for the extension of the investigation period in relation to the Respondent.
  - (b) the offence under investigation is a terrorism offence, namely [*description of offence*].
  - (c) further detention of the Respondent is necessary to preserve or obtain evidence or to complete the investigation into the offence or into another terrorism offence.
  - (d) the investigation into the offence is being conducted properly and without delay.
  - (e) the Application has been authorised by an Authorising Officer.
  - (f) the Respondent, or their legal representative, has been given the opportunity to make representations about the Application.
- The Respondent appears to be under 18.
- The Respondent appears to be an Aboriginal person or a Torres Strait Islander.
- The outcome of a previous application under this section in relation to the Respondent was [*outcome*], and the investigation period was [*investigation period*].
- The investigation period has been reduced by [*time*] under subsection 23C(6) of the *Crimes Act 1914* (Cth).
- [*time*] has been disregarded under subsection 23C(7) of the *Crimes Act 1914* (Cth) in ascertaining the investigation period under subsection 23C(4).
- The maximum amount of time by which the investigation period could be extended is [*time*].
- The investigation period should be extended because [*reasons*].
- The investigation period should be extended by [*time*].

## Order

**Date and time of Order:** [*date*] [*time*]

### Terms of Order

Pursuant to section [23DA/23DF] of the *Crimes Act 1914* (Cth), it is ordered that:

Orders in separately numbered paragraphs.

1. A [*number of hours*] hour extension on the investigation period which commenced at [*date/time*] when the Respondent was arrested by the [*Applicant/a member of the Australian Federal Police Force*] is authorised.

Reasons for granting the extension:

Reasons in separately numbered paragraphs.

- 1.

**Authentication**

.....

Signature of Magistrate  
[*title and name*]

141. In Schedule 1, Form 92M—Order—Customs Act—Detention is deleted and substituted as follows:

Form 92M

Case Number:

Date Filed:

FDN:

## ORDER—CUSTOMS ACT—DETENTION

Customs Act 1901 (Cth)

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

### Introduction

### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

### Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

### Remarks

- (a) The Magistrate is [not] satisfied that there are reasonable grounds for suspecting that the Respondent, a detainee [to whom section 219P of the Customs Act 1901 (Cth) applies/pursuant to section 219Q of the Customs Act 1901 (Cth)] is internally concealing a suspicious substance.
- (b) The Magistrate is [not] satisfied that the Respondent is in need of protection.

**Order****Date of Order:** [date]**Orders**

It is ordered that:

Orders in separately numbered paragraphs.

1. the Respondent [full name] of [address] born on [date], passport number [number].
  - be detained under section 219T of the *Customs Act 1901* (Cth) for a period of 48 hours from [date/time] being the time [at which detention under section 219S of the *Customs Act 1901* (Cth) began/at which this order is made].
  - be released immediately.
2. [full name], (not being an officer of Customs or a police officer) be appointed to represent the Respondent's interests in relation to Part XII Division 1B of the *Customs Act 1901* (Cth) until the Respondent is no longer in need of protection.

**Authentication**

.....  
Signature of Magistrate  
[title and name]

142. In Schedule 1, Form 92N—Order—Customs Act—Renewal of Detention is deleted and substituted as follows:

Form 92N

Case Number:

Date Filed:

FDN:

## ORDER—CUSTOMS ACT—RENEWAL OF DETENTION

Customs Act 1901 (Cth)

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

### Introduction

#### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

#### Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

#### Remarks

The Magistrate is [not] satisfied that:

- (a) there are reasonable grounds for suspecting that the Respondent, a detainee pursuant to an unexpired order under section 219T of the *Customs Act 1901* (Cth) on [date/time] by a [Judge/Magistrate], is internally concealing a suspicious substance.

**Order**

**Date of Order:** *[date]*

**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1.

**Authentication**

.....

Signature of Magistrate

*[title and name]*

- 143. In the index to Schedule 1, the words “Form 92PD—Order—Persona Designata” are inserted immediately after the words “Form 92P—Order—Extradition International—Commitment to Await Transfer (Section 34)”.
- 144. In Schedule 1, Form 92PD—Order—Persona Designata is inserted as follows:

Form 92PD

Case Number:
Date Filed:
FDN:

**ORDER**

A DESIGNATED [JUDGE/MAGISTRATE] OF THE [SUPREME/DISTRICT/MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

<b>Remarks</b>  [Notes].
--------------------------------

**Order**

**Date of Order:** *[date]*

**Orders**

It is ordered that:

Orders in separately numbered paragraphs.

1.

**Authentication**

.....  
Signature of *[Judge/Magistrate]*  
*[title and name]*



145. In Schedule 1, Form 92Q—Order—Extradition International—Determination of Eligibility for Surrender is deleted and substituted as follows:

Form 92Q

Case Number:

Date Signed:

FDN:

## ORDER—EXTRADITION INTERNATIONAL—DETERMINATION OF ELIGIBILITY FOR SURRENDER

Extradition Act 1988 s 19(1)

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

### Introduction

#### Hearing

Hearing Location: *[suburb]*

*[Hearing date]*

*[Presiding Officer]*

#### Appearances

*[Applicant Appearance Information]*

*[Respondent Appearance Information]*

#### Particulars of Offence alleged to have been committed by the Respondent:

Offence Description:

Date of offence:

Offence location:

Section and Act:

Other charges:

**Remarks**

- (a) The Respondent was arrested on [date] pursuant to a warrant issued on [date] under section 12(1) of the *Extradition Act 1988*.
- (b) The Respondent is an extraditable person within the meaning of the *Extradition Act 1988*.
- (c) The Respondent is on remand under section 15 of the *Extradition Act 1988*.
- (d) The Attorney-General has given a notice under subsection 16(1) in relation to the Respondent.
- (e) The Respondent and the extradition country have had reasonable time in which to prepare for the conduct of proceedings to be conducted in relation to the Respondent under section 19 of the *Extradition Act 1988*.
- (f) The supporting documents in relation to the offence have been produced before the Magistrate.

**Order**

**Date of Order:** [date]

**Terms of Order**

It is ordered that:

1. The Respondent is eligible for surrender to [country] in relation to the extradition offences.
2. [other].

**Authentication**

.....  
Signature of Magistrate  
[title and name]

146. In Schedule 1, Form 92R—Order—Extradition International—Release and Discharge is deleted and substituted as follows:

Form 92R

Case Number:

Date Signed:

FDN:

## ORDER—EXTRADITION INTERNATIONAL—RELEASE AND DISCHARGE

Extradition Act 1988 s 15B(4)/17(2A) & 17(3)/19(10)

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**

**Applicant**

**[FULL NAME]**

**Respondent**

### **Introduction**

#### **Hearing**

Hearing Location: *[suburb]*

*[Hearing date]*

*[Presiding Officer]*

#### **Appearances**

*[Applicant Appearance information]*

*[Respondent Appearance information]*

**Remarks**

- (a) The Attorney-General considers that the remand of the Respondent under section 15(B)(4) of the *Extradition Act 1988* (Cth) should cease and has directed the Court to make orders for the Respondent's release.
- (b) The Magistrate is satisfied under section 17(3)(a)(i) and (b) that an extradition request under subparagraph section 17(2A)(a)(ii) of the *Extradition Act 1988* (Cth) was likely to be received in relation to the Respondent within a particular period but the request was not received within the period.
- (c) The Magistrate is satisfied under section 17(3)(a)(ii) and (b) that under section 17(2A)(a)(iii) or (2A)(b) of *Extradition Act 1988* (Cth) a decision was likely to be made to give, or not to give, a notice under subsection 16(1) in relation to the Respondent within a particular period but the decision was not made within the period.
- (d) The Magistrate is satisfied under section 19(10)(a) of the *Extradition Act 1988* (Cth) that the Respondent is not eligible for surrender to the extradition country seeking surrender.

**Order**

**Date of Order:** [date]

**Terms of Order**

It is ordered that:

- 1. **select if respondent in custody** The Respondent be released from custody.
- 1. **select if respondent on bail** The recognisances on which bail was granted to the Respondent be discharged.
- 2. [other orders].

**Authentication**

.....  
Signature of Magistrate  
[title and name]

147. In Schedule 1, Form 92S—Order—Extradition International—Surrender by Consent and Bail is deleted and substituted as follows:

Form 92S

To be inserted by Court

Case Number:

Date Signed:

FDN:

## ORDER—EXTRADITION INTERNATIONAL—SURRENDER BY CONSENT AND BAIL

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

Introduction

Hearing

Hearing Location: [*suburb*]

[*Hearing date*]

[*Presiding Officer*]

Appearances

[*Applicant Appearance information*]

[*Respondent Appearance information*]

Remarks

- (c) The Respondent is on remand under section 15 of the *Extradition Act 1988* (Cth).
- (d) The Attorney General has been given a notice under section 16(1) in relation to the Respondent.
- (e) The Respondent has consented to being surrendered to the extradition country concerned in relation to the extradition offences for which surrender of the Respondent is sought by that country.
- (f) There are special circumstances justifying the release of the Respondent on bail.

**Order****Date of Order:** *[date]***Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1. The Respondent be released on bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions to await surrender under a surrender warrant or temporary surrender warrant or release, or the discharge of the recognisances on which bail was granted, under an order under section 22(5) of the *Extradition Act 1988* (Cth).
2. *[other orders]*.

**Authentication**

.....  
 Signature of Magistrate  
*[title and name]*

**Bail Agreement****Rules (Conditions)****General**

1. I must be of good behaviour and obey the conditions of this Bail Agreement.
2. I must pay to the Court \$*[amount]* if I break any terms or conditions of this Bail Agreement.
3. I must provide security by personally depositing cash with the Court in the amount of \$*[amount]* to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- If agreement for International Extradition – to await surrender:
4. I must appear, if and when I am required to surrender, to be conveyed to the extraditing country
5. If agreement for Interstate Extradition – to appear interstate
- I must travel to *[State]* and appear at the *[Court]* at *[location]* on *[date]* at *[time]* at the hearing of the proceeding referred to in the warrant for my arrest issued by that Court.

**Supervision**

- 6. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 9. I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 10. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 11. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 12. **Adult Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 13. **Youth Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- 14. **Adult Only** I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- 15. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (e.g. being sick).
- 16. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

**Travel**

- 17. **default selected if no supervision condition selected** I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- 18. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- 19. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

- 20. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 21. I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- 22. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [location] Police Station.

**Home Detention**

- 23. **Adult Only.** I must live at [address] and stay there while on bail. I must not leave at any time except for:
  - e. necessary medical or dental treatment;
  - f. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - g. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - h. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - i. going to an intervention program as approved or directed by my Supervising Officer;
  - j. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - k. any other reason approved or directed by my Supervising Officer.
- 24. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
  - A. necessary medical or dental treatment for me
  - B. averting or minimising a serious risk of death or injury (whether to me or some other person);
  - C. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- 25. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
  - h. necessary medical or dental treatment;
  - i. avoiding or reducing a serious risk of death or injury (whether to me or some other person);



- j. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - k. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - l. going to an intervention program as approved or directed by my Supervising Officer;
  - m. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - n. any other reason approved or directed by my Supervising Officer.
26. Youth only I must live at [address] and stay there while on bail. I must not leave at any time except for:
- g. remunerated (paid) employment;
  - h. necessary medical or dental treatment
  - i. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
27. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
28. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].
29. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
30. When I am released from Court:
- o. I agree to be fitted with a device of a kind approved by the Chief Executive Officer of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device.
  - p. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - q. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - r. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.

- s. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - t. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - u. I must comply with any direction given by my Supervising Officer.
31. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
32. If an emergency requires me to move to another address:
- g. I must not move until I have obtained the permission of my Supervising Officer; and
  - h. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - i. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

33. I must live at [*address*].
34. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
35. I must live where my Supervising Officer directs.
36. *Youth Only* I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
37. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- e. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - f. in line with the terms and conditions of this Bail Agreement.
38. *Youth only* I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- g. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - h. in line with the terms and conditions of this Bail Agreement;
  - i. in the company of [*name/an adult approved by my Supervising Officer*].

39. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
40. default selected if general residential condition selected If an emergency requires me to move to another address:
- g. I must not move until I have obtained the permission of my Supervising Officer; and
  - h. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - i. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
41. I must not live at [address(es)].
42. I must not live with [name(s)].

### Monitoring

43. When I am released from Court, I:
- a. default selected must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
  - b. youth only must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

### Employment

44. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

**Drug and Alcohol**

45. I must not use
- g. alcohol
  - h. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - i. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

46. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

**Drivers Licence**

47. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

**Other Conditions**

48. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
49. *[other conditions]*

**Guarantee**

50. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
51. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
52. I must obtain security from the Guarantor by depositing cash with the Court in the amount of *[\$amount]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

53. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
54. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
55. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

148. In Schedule 1, Form 92U—Order—Extradition Interstate—Subject to be Taken in Custody to Another State is deleted and substituted as follows:

Form 92U

Case Number:

Date Signed:

FDN:

## ORDER—EXTRADITION INTERSTATE—SUBJECT TO BE TAKEN IN CUSTODY TO ANOTHER STATE

Service and Execution of Process Act 1992 s 83

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

### Introduction

#### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

#### Appearances

[Applicant Appearance information]

[Respondent Appearance information]

#### Remarks

(a) The Respondent was brought before [name of Judicial Officer].

(b) A warrant has been issued for the apprehension of the Respondent by the [Court] in [State/Territory] and the Respondent is the person named in the warrant.

**Order**

**Date of Order:** [date]

**Terms of Order**

It is ordered that:

1. The Respondent is to be taken into custody to appear at the [Court] in [State/Territory] and remain in custody until such time as they appear before that Court.
2. The Respondent is to be committed into the custody of [police officer] to appear at the [Court] in [State/Territory] on [date] at [time].
3. The police officer named in this order, or any other member of the police force of the State or Territory to which the Respondent is to be returned to safely, is authorised to convey the Respondent to the [Court], and there bring the Respondent before the Court to be further dealt with according to law.
4. Pursuant to the provision of sections 83(11) and (12) of the *Service and Execution of Process Act 1992* the Respondent is not to be taken from the State of South Australia before [time] on [date] and until that time the Respondent is to be held in custody at an appropriate custodial institution in the State of South Australia.

[other orders]

**Authentication**

.....

Signature of Magistrate

[title and name]

149. In Schedule 1, Form 93A—Warrant of Commitment—Extradition International—To Await Surrender (Section 15A) is deleted and substituted as follows:

Form 93A

Case Number:

FDN:

**Commonwealth of Australia**

*Extradition Act 1988*

**WARRANT UNDER SUBSECTION 15A(4) IN RELATION TO WAIVER OF EXTRADITION**

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of [*name of prison*] in [*name of State or Territory*]

WHEREAS:

- (a) [*name of person*] is on remand under section 15 of the *Extradition Act 1988*;
- (b) I am satisfied that [*name of person*] has voluntarily informed a magistrate or eligible Judge under subsection 15A(3) of that Act that [*he/she*] wishes to waive extradition in relation to the following extradition [*offence/offences*]: [*specify offence or offences*]
- (c) I have informed [*name of person*] of the following in accordance with paragraph 15A(5)(B) of that Act:
  - (i) once the order below is made, [*he/she*] cannot apply for the order to be revoked;
  - (ii) the consequences of the fact that the extradition country concerned may not have given, and if the order is made will not be required to give, a speciality assurance;
  - (iii) certain requirements in that Act that would otherwise apply in respect of the person will not apply if the order is made (including, but not limited to, requirements relating to extradition objections);
  - (iv) after the order is made, [*he/she*] will be surrendered to the extradition country if the Attorney-General determines under subsection 15B(2) of that Act [*he/she*] is to be surrendered;
- (d) I am satisfied in accordance with paragraph 15A(5)(c) of that Act that [*he/she*] has confirmed that [*he/she*] wishes to waive extradition;
- (e) I am satisfied that [*he/she*] is legally represented or was given adequate opportunity to be legally represented

NOW THEREFORE I, [*name and designation of magistrate*], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 15A(4) of that Act hereby order you to commit [*name of person*] to await, in relation to [*that offence/those offences*], surrender under a surrender warrant or temporary surrender warrant, or release under an order under subsection 15B(4) of that Act.

Dated

[*Signature and designation of magistrate*]

150. In Schedule 1, Form 93B—Warrant of Commitment—Extradition International—To Await Surrender (Section 18(2)) is deleted and substituted as follows:

Form 93B

Case Number:
FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### WARRANT UNDER SUBSECTION 18(2) IN RELATION TO CONSENT TO BEING SURRENDERED

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of [*name of prison*] in [*name of State or Territory*].

WHEREAS:

- (a) [*name of person*] is on remand under section 15 of the *Extradition Act 1988*;
- (b) the Attorney-General has given a notice under subsection 16(1) of that Act in relation to [*name of person*];
- (c) [*name of person*] has informed me that [*he/she*] consents to being surrendered to [*name of country*], an extradition country, in relation to the following extradition [*offence/offences*], being all the extradition offences for which surrender of [*name of person*] is sought by that country: [*specify offence or offences*];
- (d) I have no reason to believe that consent was not given voluntarily;
- (e) I have advised [*him/her*] in accordance with paragraph 18(2)(a) of that Act;
- (f) after being so advised, [*name of person*] has again consented to being so surrendered;

NOW THEREFORE I, [*name and designation of magistrate*], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 18(2) of that Act, hereby order you to commit [*name of person*] to await, in relation to [*that offence/those offences*], surrender under a surrender warrant or temporary surrender warrant or release pursuant to an order under subsection 22(5) of that Act.

Dated

[*Signature and designation of magistrate*]



151. In Schedule 1, Form 93C—Warrant of Commitment—Extradition International—To Await Surrender (Section 19) is deleted and substituted as follows:

Form 93C

Case Number:
FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### WARRANT UNDER SUBSECTION 19(9) ORDERING COMMITTAL TO PRISON TO AWAIT SURRENDER

To all police officers within the meaning of the *Extradition Act 1988*

AND to the person in charge of [*name of prison*] in [*name of State or Territory*].

#### WHEREAS:

- (a) proceedings have been conducted pursuant to subsection 19(1) of the *Extradition Act 1988* to determine whether [*name of person*] is eligible for surrender in relation to the extradition [*offence/offences*] of [*specify offence or offences*] for which the surrender of [*name of person*] is sought by [*name of country*], an extradition country;
- (b) the supporting documents in relation to [*that offence/those offences*], within the meaning of subsection 19(3) of that Act, have been produced to me;
- (ba) omit if not applicable other documents have been produced to me as required by limitations, conditions, exceptions or qualifications subject to which that Act applies in relation to [*name of extradition country*]
- (c) I am satisfied that, if the [*conduct/conduct equivalent to the conduct*] of [*name of person*] constituting the offence in relation to [*name of extradition country*] had taken place in [*specify*], being the part of Australia where the proceedings are being conducted and at the time at which the extradition request in relation to [*name of person*] was received, that [*conduct/equivalent conduct*] would have constituted an extradition offence in relation to that part of Australia;
- (d) [*name of person*] does not satisfy me that there are substantial grounds for believing there is an extradition objection in relation to the following [*offence/offences*] for which [*his/her*] surrender is sought: [*specify offence or offences*];
- (e) having determined that [*name of person*] is eligible for surrender to [*name of person*] in relation to the extradition [*offence/offences*] of [*description of offence or offences*];

NOW THEREFORE I, [*name and designation of magistrate*], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 19(9) of that Act, hereby order you to commit [*name of person*] to [*name of prison*] to await, in relation to [*that offence/those offences*], surrender under a surrender warrant or temporary surrender warrant or release pursuant to an order under subsection 22(5) of that Act.

Dated

*[Signature and designation of magistrate issuing warrant]*

152. In Schedule 1, Form 93D—Warrant of Commitment—Extradition International—Transfer Interstate and Form 93E—Warrant of Commitment—Extradition—New Zealand—To Await Transfer (Section 33A) are deleted.
153. In the index to Schedule 1, the words “Form 93EA—Surrender Warrant under Subsection 33A(2)” are inserted immediately after the words “Form 93C—Warrant of Commitment—Extradition International—To Await Surrender (Section 19)”.
154. In Schedule 1, Form 93EA—Surrender Warrant under Subsection 33A(2) is inserted as follows:

**Form 93EA**

Case Number:
FDN:

**Commonwealth of Australia*****Extradition Act 1988*****SURRENDER WARRANT UNDER SUBSECTION 33A(2)**

To all police officers within the meaning of the *Extradition Act 1988*

AND to [name of escort] (in this warrant called ‘the escort’).

I, [name and designation of magistrate], a magistrate within the meaning of the *Extradition Act 1988*, acting under subparagraph 33A(2)(b)(i) of that Act, by this warrant, order that the prisoner be surrendered to New Zealand as soon as practicable, and for this purpose I:

- (a) I authorise you, the abovementioned police officers:
  - (i) to take the prisoner into custody; and
  - (ii) to transport the prisoner in custody; and
  - (iii) if necessary or convenient, to detain the prisoner in custody;  
for the purpose of enabling the prisoner to be placed in the custody of the escort and transported out of Australia; and
- (b) authorise you, the escort, to transport the prisoner in custody out of Australia to a place in New Zealand for the purpose of surrendering the prisoner to a person appointed by New Zealand to receive the prisoner.

Dated

*[Signature and designation of magistrate issuing warrant]*

155. In the index to Schedule 1, the words “Form 93EB—Warrant of Committal under Subsection 33A(2)” are inserted immediately after the words “Form 93EA—Surrender Warrant under Subsection 33A(2)”.
156. In Schedule 1, Form 93EB—Warrant of Committal under Subsection 33A(2) is inserted as follows:

## Form 93EB

Case Number:
FDN:

**Commonwealth of Australia***Extradition Act 1988***WARRANT OF COMMITTAL UNDER SUBSECTION 33A(2)**

To all police officers within the meaning of the *Extradition Act 1988* in [State or Territory]

AND to the person in charge of [prison] in [State or Territory] (in this warrant called the ‘designated’ prison).

I, [name and designation of magistrate], a magistrate within the meaning of the *Extradition Act 1988*, acting under subparagraph 33A(2)(b)(ii) of that Act, by this warrant, order that, pending the execution of the warrant issued by me under subparagraph 33A(2)(b)(i) of that Act ordering that the prisoner be surrendered to New Zealand, the prisoner be committed to prison, and for this purpose I:

- (a) authorise you, the abovementioned police officers:
- (i) to take the prisoner to the designated prison; and
  - (ii) to deliver the prisoner to the person in charge of the designated prison;
- and
- (b) authorise and request you, the person in charge of the designated prison:
- (i) to receive the prisoner into your custody; and
  - (ii) to keep the prisoner safely in that prison pending the execution of the abovementioned warrant ordering that the prisoner be surrendered to New Zealand.

Dated

[Signature and designation of magistrate issuing warrant]

157. In the index to Schedule 1, the words “Form 93FA—Surrender Warrant under Subsection 34(1)” are inserted immediately after the words “Form 93F—Warrant of Commitment—Extradition—New Zealand—To Await Transfer (Section 34)”.
158. In Schedule 1, Form 93FA—Surrender Warrant under Subsection 34(1) is inserted as follows:

## Form 93FA

Case Number:

FDN:

**Commonwealth of Australia***Extradition Act 1988***SURRENDER WARRANT UNDER SUBSECTION 34(1)**

To all police officers within the meaning of the *Extradition Act 1988*

AND to *[name of escort]* (in this warrant called ‘the escort’).

## WHEREAS:

- (a)
- [name of person]* has been remanded after being arrested under an indorsed New Zealand warrant *[identify warrant]*;
  - [name of person]* has been remanded after being arrested under a provision arrest warrant *[identify warrant]* and an indorsed New Zealand warrant *[identify warrant]* has been obtained in relation to *[him/her]*; and
- (b) a request has been made to me *[by/on behalf of]* *[name of person/New Zealand]* for proceedings to be conducted under section 34 of the *Extradition Act 1988*;

NOW THEREFORE I, *[name and designation of magistrate]*, a magistrate within the meaning of the *Extradition Act 1988*, under subsection 34(1) of that Act, by this warrant, order that prisoner be surrendered to New Zealand, and for this purpose I:

- (c) authorise you, the abovementioned police officers, to take *[name of person]* into custody, to transport *[him/her]* in custody, and if necessary or convenient, to detain *[him/her]* in custody, for the purpose of enabling *[him/her]* to be placed in the custody of the escort and transported out of Australia; and
- (d) authorise you, the escort, to transport *[name of person]* in custody out of Australia to a place in New Zealand for the purpose of surrendering *[him/her]* to a person appointed by New Zealand to receive *[name of person]*.

Dated

*[Signature and designation of magistrate issuing warrant]*

159. In the index to Schedule 1, the words “Form 93FB—Warrant of Committal under Subsection 33A(2)” are inserted immediately after the words “Form 93FA—Surrender Warrant under Subsection 34(1)”.
160. In Schedule 1, Form 93FB—Warrant of Committal under Subsection 33A(2) is inserted as follows:

## Form 93FB

Case Number:

FDN:

**Commonwealth of Australia***Extradition Act 1988***WARRANT OF COMMITTAL UNDER SUBSECTION 34(1)**

To all police officers within the meaning of the *Extradition Act 1988* in [State or Territory]

AND to the person in charge of [name of prison] in [State or Territory]

WHEREAS:

- (a)
- [name of person] has been remanded after being arrested under an indorsed New Zealand warrant [identify warrant];
  - [name of person] has been remanded after being arrested under a provisional arrest warrant [identify warrant], and an indorsed New Zealand warrant [identify warrant] has been obtained in relation to [him/her];
- (b) a request has been made to me [by/on behalf of] [name of person/New Zealand] for proceedings to be conducted under section 34 of the *Extradition Act 1988*;
- (c) a warrant has been issued by me under subsection 34(1) of that Act ordering that [name of person] be surrendered to New Zealand;

NOW THEREFORE I, [name and designation of magistrate], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 34(1) of that Act, by this warrant, ordering that, pending the execution of the warrant referred to in paragraph (c), the prisoner be committed to prison, and for this purpose I:

- (d) authorise and request you, police officers in [name of State or Territory] to take [name of prison] in [State or Territory] and deliver [him/her] to the person in charge of that prison together with this warrant; and
- (e) authorise and request you, the person in charge of [name of prison] in [State or Territory] to receive [name of person] into your custody and keep [him/her] safely in that prison pending execution of the abovementioned warrant ordering that [he/she] be surrendered to New Zealand.

Dated

[Signature and designation of magistrate issuing warrant]

161. In Schedule 1, Form 93G—Warrant of Commitment—Extradition International—For Transport Through Australia is deleted and substituted as follows:

**Form 93G**

Case Number:
FDN:

**Commonwealth of Australia***Extradition Act 1988***WARRANT UNDER SUBSECTION 48(1) TO HOLD IN CUSTODY PERSON BEING TRANSPORTED THROUGH AUSTRALIA**

To the person designated to hold [*name of person to be transported through Australia*] in custody to be transported through Australia.

**WHEREAS:**

- (a) [*name of country*], an extradition country wishes to transport in custody through Australia, [*name of person*], a person who is being surrendered to that country [*name of other country*].
- (b) application has been made to me [*by/on behalf of*] [*name of country*] under subsection 48(1) of the *Extradition Act 1988* for the issue of a warrant ordering you to hold [*name of person to be transported through Australia*] in custody for such period or periods as I consider necessary to facilitate the transporting of that person in custody in Australia.

NOW THEREFORE I, [*name and designation of magistrate*], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 48(1) of that Act, order you to commit [*name of person*], to hold [*name of person*] in your custody for [*specify period or periods*], being such [*period/periods*] as I consider necessary to facilitate the transporting of that person in custody through Australia.

Dated

*[Signature and designation of magistrate issuing warrant]*

162. In Schedule 1, Form 93H—Warrant of Commitment—Extradition International—For Transport Through Australia—Extension of Period is deleted and substituted as follows:

Form 93H

Case Number:
FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### WARRANT UNDER SUBSECTION 48(1) TO HOLD PERSON IN CUSTODY FOR SPECIFIED PERIOD

To the person designated to hold [*name of person to be transported through Australia*] in custody for a further period to be transported through Australia.

#### WHEREAS:

- (a) a warrant [*identify warrant*] has been issued by a magistrate or eligible Judge under subsection 48(1) of the *Extradition Act 1988* ordering [*name of person*] in custody for [*specify period or periods*], being such [*period/periods*] as that magistrate or Judge has considered necessary to facilitate the transport of [*name of person to be transported through Australia*] in custody through Australia for the purpose of being surrendered to [*name of country*], [*an extradition country/New Zealand/by another country*].
- (b) [*name of country*] has applied to the Attorney-General of the Commonwealth of Australia to authorise a magistrate or eligible Judge to issue a warrant ordering you to hold [*name of person to be transported through Australia*] in custody for a further period in order to facilitate the transporting of [*name of person to be transported through Australia*] in custody through Australia.
- (c) the Attorney-General of the Commonwealth of Australia has, in writing, authorised me to issue the warrant accordingly;

NOW THEREFORE I, [*name and designation of magistrate*], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 48(1) of that Act, by this order, authorise you, [*name of person*], to hold in your custody [*name of person to be transported through Australia*], a person held in custody for [*specify period or periods*], for the further period of [*specify period*] in order to facilitate the transporting of that person in custody through Australia.

Dated

[*Signature and designation of magistrate issuing warrant*]



163. In Schedule 1, Form 93K—Warrant To Return Person to Custody is deleted.

164. In Schedule 1, Form 94—Bail Agreement is deleted and substituted as follows:

Form 94

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## BAIL AGREEMENT

Bail Act 1985 s 6

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[*FULL NAME*]  
Applicant

[*FULL NAME*]  
Respondent

Subject entering into bail agreement			
Subject	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth/Licence No	Date of Birth	Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile)—Number	Another number	

**Bail Agreement**

I, the Subject of the above address agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

**I may be arrested by the police** with or without a warrant; and

**I may have to pay any money** that I have agreed to pay to the Court if I break this agreement;  
and

**I may be convicted of an offence** against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

**Rules (Conditions)****General**

- 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 2. I must pay to the Court \$[*amount*] if I break any terms or conditions of this Bail Agreement.
- 3. I must provide security by personally depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 4. I must come to Court
  - c. [*on date, at time, at location, in court*]
  - d. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

**Supervision**

- 5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- 7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. [BLANK]
- 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 10. [BLANK]
- 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.

- 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 14. **Adult Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 15. **Youth Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- 16. **Adult Only** I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

**Travel**

- 19. **default selected if no supervision condition selected** I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- 20. **default selected if supervision condition selected** I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- 23. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

- 24. **mandatory unless cogent reasons and no undue risk** I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 25. **mandatory unless cogent reasons and no undue risk** I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

**Home Detention**

27. **Adult Only** I must live at [address] and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
28. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
  - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
29. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.

30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- remunerated (paid) employment;
  - necessary medical or dental treatment;
  - going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].
33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
34. mandatory if serious and organised crime suspect When I am released from Court:
- I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
  - I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - I must comply with any direction given by my Supervising Officer.
35. I give permission for the Department [for Correctional Services/of Human Services] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.

36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

37. I must live at [address]
38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
39. I must live where my Supervising Officer directs.
40. Youth Only I must live where [my Supervising Officer/the Department for Child Protection] directs, at first with [name].
41. I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
42. Youth only I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of [name/an adult approved by my Supervising Officer].
43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
44. default selected if general residential condition selected If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
45. I must not live at [address(es)].
46. I must not live with [name(s)].

**Monitoring**

47. When I am released from Court, I:
- a. **default selected** must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for *Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
  - b. **youth only** must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [for *Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words **default selected** if class 1 or class 2 offence or serious and organised crime suspect **selected** [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [for *Correctional Services/of Human Services*] on the mobile phone number I have given.

### Programs

48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
49. **Adult Only** I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - b. educational, vocational or recreational programs;
  - c. intervention program;
  - d. programs and projects,
- that my Supervising Officer reasonably directs.
51. **Adult Only** I must pay [amount in dollars or percentage of cost] towards the cost of [any course or treatment/specify courses or treatments] required to be undertaken by me under the condition[s] above.

**Communication**

- 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- 54. I must not:
  - a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
  - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

**Association**

- 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- 59. I must not [*go to [location] [or] go or stay within the area [description of area, including boundaries]*]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work as defined in the *Child Sex Offenders Registration Act 2006* and I must not apply for child related work except [*specify exception(s)*].
- 61. I must not assault, harass, threaten or intimidate [*name*].
- 62. I must obey the terms of any active Intervention Order.



**Employment**

63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

**Drugs and Alcohol**

64. I must not use
- a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

**Driver's Licence**

66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

**Other Conditions**

67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
68. *[other conditions]* provision for multiple additional conditions

**Guarantee**

69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of *[\$amount]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

**Subject**

I agree to this bail agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of Subject

.....  
Name printed

**Witness**

.....  
Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Subject is in a training centre, the person in charge of a prison if the Applicant is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer granting bail

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

165. In Schedule 1, Form 94A—Bail Agreement—Extradition is deleted and substituted as follows:

Form 94A

Case Number:
Date Filed:
FDN:

## BAIL AGREEMENT—EXTRADITION

Extradition Act 1988 s 18(2)(b), 19(9)

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

<b>Respondent subject of bail agreement</b>			
Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile)—Number	Another number	

**Bail Agreement****Rules (Conditions)****General**

- 1. I must appear, if and when I am required to surrender, to be conveyed to the extraditing country.
- 2. I must pay \$[*amount*] if I break any terms or conditions of this Bail Agreement.
- 3. I must provide security by personally depositing cash in the amount of \$[*amount*] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.

**Firearms**

- 4. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 5. I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the Australian Federal Police.
- 6. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at [*location*].

**Monitoring**

- 7. Until I surrender in accordance with condition 1, I:
  - a. must wear an electronic transmitter and obey the [*insert*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - b. must always be contactable by mobile telephone. I must give my contact details to [*insert*] so they can use it to get in touch with me at all times while electronically monitored.
  - c. must not do any water related sport or activity at any time unless this has been approved beforehand by [*insert*].
  - d. must answer straight away to any calls or text messages [*insert*] on the mobile phone number I have given.

**Other Conditions**

- 8. [*other conditions*]
- 9. I must give a written guarantee from [*name, address, date of birth*], in acceptable terms, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement
- 10. I must give a written guarantee from an acceptable person, in acceptable terms, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- 11. I must obtain security from the Guarantor by depositing cash in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Respondent**

I agree to this Bail Agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of Respondent

.....  
Name printed

**Witness**

.....  
Signature of authorised witness  
witness must be the Magistrate granting bail or the person who prepared the bail agreement

next item not displayed if witness is Magistrate granting bail

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

**Authentication**

.....  
Signature of Magistrate  
[title and name]

- 166. In the index to Schedule 1, the words “Form 94B—Bail Agreement—Extradition Interstate” are inserted immediately after the words “Form 94A—Bail Agreement—Extradition”.
- 167. In Schedule 1, Form 94B—Bail Agreement—Extradition Interstate is inserted as follows:

Form 94B

<p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

## BAIL AGREEMENT—EXTRADITION INTERSTATE

**Service and Execution of Process Act 1992 s 83(8)(a)**

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**[FULL NAME]**  
**Respondent**

<b>Respondent subject of bail agreement</b>			
Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email address			
Date of Birth and Licence number	Date of Birth		Driver's Licence No
Phone Details	Type (eg. home; work; mobile)—Number		Another number

**Bail Agreement****Rules (Conditions)****General**

1. I must travel to *[State/Territory]* and appear at the *[Court]* at *[location]* on *[date]* at *[time]* in the proceeding the subject of the primary warrant and obey the conditions of this Bail Agreement.
- 2.
3. I must pay \$*[amount]* if I break any terms or conditions of this Bail Agreement.
4. I must provide security by personally depositing cash in the amount of \$*[amount]* to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.

**Firearms**

5. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
6. I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
7. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the *[location]* Police Station.

**Monitoring**

8. Until I leave South Australia in accordance with condition 1, I:
  - a. must wear an electronic transmitter and obey the Department *[for Correctional Services/of Human Services]* rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - b. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected *[that does not provide access to the internet]*. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - c. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - d. must answer straight away to any calls or text messages from the Department *[for Correctional Services/of Human Services]* on the mobile phone number I have given.

**Other Conditions**

9. *[other conditions]*
10. I must give a written guarantee from *[name, address, date of birth]*, in acceptable terms, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement
11. I must give a written guarantee from an acceptable person, in acceptable terms, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.

- 12. I must obtain security from the Guarantor by depositing cash in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Respondent**

I agree to this Bail Agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of Respondent

.....  
Name printed

**Witness**

.....  
Signature of authorised witness  
witness must be the Magistrate granting bail or the person who prepared the bail agreement

next item not displayed if witness is Magistrate granting bail

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

**Authentication**

.....  
Signature of Magistrate  
[*title and name*]



168. In Schedule 1, Form 95A—Guarantee of Bail—Extradition is deleted and substituted as follows:

Form 95A

Case Number:
Date Filed:
FDN:

## GUARANTEE OF BAIL—EXTRADITION

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]  
Applicant

[FULL NAME]  
Respondent

Respondent entering into bail agreement			
Respondent	Full Name		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile)—Number	Another number	

Guarantor entering into Guarantee			
Guarantor	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. home; work; mobile)—Number		Another number

**Guarantee**

1. I, the Guarantor, GUARANTEE that the Respondent will comply with

- all of the terms and conditions of the Respondent’s Bail Agreement dated [date].
- condition[s] [number(s)] of the Respondent’s Bail Agreement dated [date].

2. I UNDERTAKE that if the Respondent fails to comply with a term or condition of the bail agreement to which this Guarantee relates, I will forfeit to the Crown the sum of \$[amount].

3. I DECLARE that:

- (a) I know the Respondent;
- (b) I am of or above the age of 18 years;
- (c) I have been given a copy of the Bail Agreement in relation to which this Guarantee is given;
- (d) I am confident that the Respondent will comply with the terms and conditions of that Bail Agreement; and
- (e) I will ensure that the Respondent will comply with the terms and conditions of that Bail Agreement.

4. I UNDERSTAND that:

- (a) if I know or have reasonable grounds to suspect, that the Respondent has failed to comply with a term or condition of the Bail Agreement in relation to which this Guarantee is given, then I am required to take reasonable steps to inform a member of the police force that the failure has, or may have, occurred, and that if I fail to do so then **I may be liable to a fine of up to \$1,250**; and
- (b) that this guarantee is in force for so long as the person is on bail, subject to the terms of this Guarantee being varied or the Guarantee being revoked.

.....  
Signature of Guarantor

.....  
Name printed

before me .....  
Signature of authorised witness

witness must be the Magistrate granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Respondent is in a training centre, the person in charge of a prison if the Respondent is in a prison, or a delegate of any of these persons

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

169. In Schedule 1, Form 96A—Certificate—Extradition International—Evidence taken in Australia is deleted and substituted as follows:

Form 96A

Case Number:
FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### CERTIFICATE UNDER SUBSECTION 43(2) IN RELATION TO TAKING OF EVIDENCE IN AUSTRALIA

I, [*name and designation of magistrate*], a magistrate within the meaning of the *Extradition Act 1988*:

- (a) hereby certify under subsection 43(2) of that Act that the evidence in writing marked ..... to which this certificate is attached is, reduced to writing, the evidence taken on [*oath/affirmation/oath or affirmation*] of [*the witness/each witness, namely:*] [*name of witness/name of each witness*] appearing before me at [*place*] to give evidence in relation proceedings, for the surrender of [*name of person*] to Australia, being evidence taken in Australia for use in those proceedings pursuant to authorisation [*authorisation*] by the Attorney-General of the Commonwealth of Australia under subsection 43(1) of that Act;
- (b) hereby certify that the [*document/documents*] to which this certificate is attached, being [*a document/documents*] forming part of evidence taken in Australia for use in the abovementioned proceedings for the surrender of [*name of person*] to Australia, [*is/are*] the original [*document/documents*] and [*a true copy/true copies*] of the [*document/documents*] received by me as part of that evidence;
- (c) hereby certify that the [*article/articles/thing/things/document/documents*] accompanying this certificate and labelled ..... being [*an article/articles/a thing/things/a document/documents*] relating to [*an article/articles*] and [*a thing/things*] forming part of evidence taken in Australia for use in the abovementioned proceedings for the surrender of [*name of person*] to Australia [*is/are*]:
- the original [*article/articles*] and the original [*thing/things*]
  - [*a true reproduction/a true representation/true reproductions/representations*] of the the original [*article/articles*] and the original [*thing/things*]; received by me as part of that evidence.

Dated

[*Signature and designation of magistrate*]

170. In Schedule 1, Form 101AF—Search Warrant—Australian Crime Commission Act is deleted and substituted as follows:

Form 101AF

Case Number:

FDN:

**SEARCH WARRANT**  
**Australian Crime Commission (South Australia) Act 2004—s 29**

To *[full name of police officer]*, *[a member of the Australian Federal Police/a member of the police force of (name of State)/any other person]* who is the executing officer for this warrant:

On the basis of:

(a) an application made *[under subsection 22(1)/by telephone under subsection 23(1)]* of the *Australian Crime Commission Act 2002* for the issue of a warrant under section 22 of the Act in relation to:

- land situated at *[address]*;
- premises situated at *[address]*;
- the vessel *[name]* owned by *[name and address of owner]*;
- the vehicle, the registration number of which is *[registration number of vehicle]*, a *[type of vehicle]* that is owned by *[name and address of owner]*; and

(b) information given to me *[by affidavit/by affidavit and orally]* that there are reasonable grounds for issuing this warrant under section 22 of the *Australian Crime Commission Act 2002* for the purposes of seizing and preventing the concealment, loss, mutilation or destruction of any of the things specified in Schedule 1, that may be in or on the *[land/premises/vessel/aircraft]* on *[date of application/date within 1 month after the date of application]* and that are connected with the special ACIC *[operation/investigation]* specified in Schedule 2;

I, *[full name of issuing officer]*, a Judge of *[name of court]*, being satisfied that there are reasonable grounds for issuing a warrant, authorise you, with such assistance as you think necessary and using no more force than is reasonably necessary for the execution of this warrant:

- (c) *[at any time of the day or night/between the hours of ... and ...]* to enter *[on/into]* the *[land/premises/vessel/aircraft/vehicle]*; and
- (d) to search the *[land/premises/vessel/aircraft/vehicle]* for things of a relevant kind specified in Schedule 1 that are connected with the special ACIC *[operation/investigation]* specified in Schedule 2; and

(e) to seize things of a relevant kind specified in Schedule 1 that are connected with the special ACIC [operation/investigation] specified in Schedule 2 found [on/in] the [land/premises/vessel/aircraft/vehicle] and to deliver them to any person participating in the special ACIC [operation/investigation].

**Warrant**

THIS WARRANT ceases to have effect at the end of [date that is not later than 1 month after the date of issue of the warrant].

Issued on [date of issue].

Dated

[Signature]  
[Designation]

The following statement is to be completed by the issuing officer if the warrant is issued on an application made by telephone under section 23 of the *Australian Crime Commission Act 2002 (Cth)*

This warrant is issued for the following reasons: [reasons].

**Schedule 1**

[description of the particular thing or things, connected with the special ACIC operation/investigation specified in Schedule 2, that is, or are, authorised to be seized by the executing officer under this warrant].

**Schedule 2**

1. The special ACIC [operation/investigation] is [description of the special ACIC operation/investigation].
2. The federally relevant criminal activity that is the subject of the ACIC special [operation/investigation] is [description of the federally relevant criminal activity, specifying the relevant crime to which the activity relates].
3. The ACIC is conducting a special [operation/investigation], in accordance with a determination by the Board of the ACIC under paragraph 7C(1)(d) of the *Australian Crime Commission Act 2002 (Cth)* that the [intelligence operation/investigation into matters relating to federally relevant criminal activity] is a special [operation/investigation]. The determination of the Board is: [details of the determination of the Board].

- 171. In the index to Schedule 1, the words “Form 101PD—Search Warrant—Persona Designata” are inserted immediately after “Form 101CQ—Search Warrant—Work Health and Safety Act”.
- 172. In Schedule 1, Form 101PD—Search Warrant—Persona Designata is inserted as follows:

Form 101PD

<p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
---

### SEARCH WARRANT PERSONA DESIGNATA

[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>			
<b>Subject</b>	<small>Full Name</small>		
<b>Address</b>	<small>Street Address (including unit or level number and name of property if required)</small>		
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>

To *[[name and/or position]/other]*

**Recitals**

An Application has been made on *[date]* by *[Inspector/authorised person/authorised officer/other]* *[name and/or office]* under *[Act and provision empowering application for warrant]* for the issue of a warrant.

The Judicial Officer named below is satisfied on information given *[on oath/orally/by affirmation/by Affidavit/by electronic means/other]* *[and further information/affidavit/other]* that:

- (i) there are reasonable grounds to suspect that there are, or may be within the next *[days/hours]* on the *[premises/ship/other]* *[[description of things]/[evidential material relating to [description of offence/civil penalty provision]/other]*.
- (ii) there are reasonable grounds to suspect that the subject has in their possession or will within the next *[days/hours]* have in their possession *[[description of things]/[evidential material relating to] [description of offence/civil penalty provision]/other]*.
- (iii) it is reasonably necessary that the *[applicant/one or more [insert name and or titles]]* should have access to the premises described below to *[description of purpose]*.
- (iv) there are *[proper/reasonable/other legislative criterion- specify]* grounds for the issue of the warrant under *[Act and provision empowering issue of warrant]*.
- (v) optional if remote application a warrant in the terms of the application should be issued urgently.
- (vi) optional if remote application the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.
- (vii) *[other]*
- if applicable The grounds relied upon to justify the issue of this warrant are  
provision for numbered paragraphs  
1. *[description of grounds]*
- if applicable The reasons for issuing the warrant are  
provision for numbered paragraphs  
1. *[description of reasons]*



**Warrant**

This warrant authorises *[the person and persons to whom this warrant addresses/[and] any [accompanying] police officer/other]* *[with such assistants as he or she considers necessary in the circumstances/other]* to:

- enter *[description of place or thing]* *[for the purpose of [description of purpose]]*.
- search *[description of premises, address or description of person or description of vehicle, licence plate number]* for *[description of thing or things of particular kind]*.
- enter and search *[description of premises, address or description of vehicle, licence plate number]* for *[description of thing or things of particular kind]*.
- inspect *[description of place or thing]* *[for the purpose of [description of purpose]]*.
- enter and *[inspect/examine/other]* *[description of place or thing]* *[for the purpose of [description of purpose]]*.
- seize *[and remove]* *[description of thing or things of a particular kind]* found *[thereon/therein/on or in [particular place or thing]/anywhere]*.
- break into *[and enter]* *[description of place or thing]* *[for the purpose of [description of purpose]]*.
- for the purposes of exercising the above powers use *[use [reasonable/necessary] force]*.
- provision for multiple Use *[reasonable/necessary] force [if necessary]* for the purposes of *[exercising the powers conferred by [Act and provision number]/other specified power]*.
- [other]*.

This warrant:

- may be executed at any time of day.
- must not be executed between the hours of *[time]* and *[time]*.
- may be executed between the hours of *[time]* and *[time]*.
- [other]*.

**Expiration**

This warrant expires on *[date/time]*, being a date not more than *[days/hours]* after the issue of this warrant.

**Authentication**

.....  
Signature of Judicial Officer  
*[title and name]*

173. In Schedule 1, Form 102AE—Search Warrant—Anti-money Laundering and Counter-terrorism Financing Act (Cth) is deleted and substituted as follows:

Form 102AE

Case Number:
Date Filed:
FDN:

## SEARCH WARRANT

### Anti-money Laundering and Counter-terrorism Financing Act 2006 (Cth)

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>				
Subject	Full Name			
Address for service	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

**To *[[name and/or position]/other]***

#### Recitals

An Application has been made on *[date]* by authorised officer, *[name and/or office]* under section 159 of the *Anti-money Laundering and Counter-terrorism Financing Act 2006 (Cth)* for the issue of a warrant.

The Magistrate is satisfied on information given *[on oath/by affirmation/by electronic means]* *[and further information/affidavit/other]* that:

- (viii) it is reasonably necessary that the one or more authorised officers should have access to the premises described below for the purposes of determining whether the provisions of the *Anti-money Laundering and Counter-terrorism Financing Act 2006 (Cth)*, the *Anti-money Laundering and Counter-terrorism Financing (Prescribed Foreign Countries) Regulations 2018 (Cth)*, or the *Anti-money Laundering and Counter-terrorism Financing Rules* have been or are being complied with.
- (ix) there are proper grounds for the issue of the warrant under section 159 of the *Anti-money Laundering and Counter Terrorism Financing Act 2006 (Cth)*.

**Warrant**

This warrant authorises one or more authorised officers with such assistants and by such force as is necessary and reasonable to:

- enter [*description of premises, address*] for [*description of premises*].
- exercise the powers set out in section 148 of the *Anti-money Laundering and Counter-terrorism Financing Act 2006* (Cth).

This warrant:

- may be executed at any time of day.
- must not be executed between the hours of [*time*] and [*time*].
- may be executed between the hours of [*time*] and [*time*].

**Expiration**

This warrant expires on [*date/time*], being a date not more than 6 months after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
[*title and name*]

174. In Schedule 1, Form 102AG—Search Warrant—Australian Crime Commission Act (Cth)—s 22 is deleted and substituted as follows:

## Form 102AG

Case Number:

FDN:

**COMMONWEALTH OF AUSTRALIA**

*Australian Crime Commission Act 2002 (Cth)*

SEARCH WARRANT UNDER SECTION 22 OF THE ACT

TO *[full name of police officer]*, *[a member of the Australian Federal Police]*/*[a member of the police force of the State of South Australia]*/*[any other person]* who is the executing officer for this warrant:

On the basis of:

(x) an application made *[under subsection 22(1)]*/*[by telephone under subsection 23(1)]* of the *Australian Crime Commission Act 2002 (Cth)* for the issue of a warrant under section 22 of the Act in relation to:

- land situated at *[address]*
- premises situated at *[address]*
- the vessel *[name]* owned by *[name of owner, address of owner]*
- the aircraft *[identifying marks]* owned by *[name of owner, address of owner]*
- the vehicle, the registration number of which is *[registration number]*, a *[type]* that is owned by *[name of owner, address of owner]* and

(xi) information given to me *[by affidavit/by affidavit and orally]* that there are reasonable grounds for issuing this warrant under section 22 of the *Australian Crime Commission Act 2002 (Cth)* for the purposes of seizing and preventing the concealment, loss, mutilation or destruction of any of the things specified in Schedule 1, that may be in or on the *[land/premises/vessel/aircraft/vehicle]* on *[date of application or a date within 1 month after the date of application]* and that are connected with the special ACIC *[operation/investigation]* specified in Schedule 2;

I, *[full name of issuing officer]*, a Judge of *[name of court]*, being satisfied that there are reasonable grounds for issuing a warrant, authorise you, with such assistance as you think necessary and using no more force than is reasonably necessary for the execution of this warrant:

- (a) *[at any time of the day or night/between the hours of [number] and [number]]* to enter *[on/into]* the *[land/premises/vessel/aircraft/vehicle]*; and
- (b) to search the *[land/premises/vessel/aircraft/vehicle]* for things of a relevant kind specified in Schedule 1 that are connected with the special ACIC *[operation/investigation]* specified in Schedule 2; and

(c) to seize things of a relevant kind specified in Schedule 1 that are connected with the special ACIC [operation/investigation] specified in Schedule 2 found [on/in] the [land/premises/vessel/aircraft/vehicle] and to deliver them to any person participating in the special ACIC [operation/investigation].

### Warrant

This warrant ceases to have effect at the end of [date that is not later than 1 month after the date of issue of the warrant].

Issued on [date of issue].

Dated

[Signature]

[Designation]

The following statement is to be completed by the issuing officer if the warrant is issued on an application made by telephone under section 23 of the Australian Crime Commission Act 2002 (Cth)

This warrant is issued for the following reasons: [reasons].

### Schedule 1

[description of the particular thing or things, connected with the special ACIC operation/investigation specified in Schedule 2, that is, or are, authorised to be seized by the executing officer under this warrant].

### Schedule 2

4. The special ACIC [operation/investigation] is [description of the special ACIC operation/investigation].
5. The federally relevant criminal activity that is the subject of the ACIC special [operation/investigation] is [description of the federally relevant criminal activity, specifying the relevant crime to which the activity relates].
6. The ACIC is conducting a special [operation/investigation], in accordance with a determination by the Board of the ACIC under paragraph 7C(1)(d) of the Australian Crime Commission Act 2002 (Cth) that the [intelligence operation/investigation into matters relating to federally relevant criminal activity] is a special [operation/investigation]. The determination of the Board is: [details of the determination of the Board].

175. In Schedule 1, Form 102AH—Search Warrant—Australian Crime Commission Act (Cth)—s 31 is deleted.

176. In Schedule 1, Form 102AS—Search Warrant—Crimes Act (Cth) is deleted and substituted as follows:

## Form 102AS

Case Number:
Date Signed:
FDN:

**SEARCH WARRANT****Crimes Act 1914**

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]  
Applicant

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>			
Subject	Full Name		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode

<p><b>To [name]</b></p> <p><b>Recitals</b></p> <p>An Application has been made on [date] by the applicant under section [3E/3R] for the issue of a warrant.</p> <p>The Magistrate is satisfied on information given [on oath/by affirmation] that:</p> <p><input type="checkbox"/> (a) the applicant seeks that a constable conduct a search of the [premises/person] described below.</p> <p><input type="checkbox"/> (b) <small>mandatory for warrant in relation to premises</small> there are reasonable grounds to suspect that there are, or will within the next 72 hours be on the premises described below evidential material, in relation to [description of offence].</p>
---

- (c) *mandatory for warrant in relation to a person* there are reasonable grounds to suspect that the person described below has in his or her possession or will within the next 72 hours have in their possession any evidential material in relation to [description of offence].
- (d) there are proper grounds for the issue of the warrant under section [3E/3R] of the *Crimes Act 1914*.
- (e) *if remote application* a warrant in the terms of the application should be issued urgently.
- (f) *if remote application* [a warrant in the terms of the application should be issued urgently/the delay that would occur if an application were made in person would frustrate the effective execution of the warrant].
- (g) [any other information to be considered by Magistrate under section 3E or 3R]

### Warrant

This warrant authorises the constable to whom this warrant is addressed, unless the name of another constable to be responsible for the warrant is inserted in the warrant:

- 1 *mandatory for warrant in relation to premises* to enter and search [description of premises, address] for and seize [description evidential material of a particular kind];
- 2 *mandatory for warrant in relation to person* to search [person full name, date of birth] and things found in the possession of that person and any conveyance recently used by the person for and seize [description of evidential material of a particular kind];
- 3 *optional if warrant in relation to premises* to conduct [a/an] [ordinary/[or]frisk] search of a person who is at or near the premises when the warrant is executed if the executing officer or a constable assisting suspects on reasonable grounds that the person has any evidential material or seizable items in their possession;
- 4 *mandatory if warrant in relation to premises* to seize:
- a thing (other than the kind of evidential material described above) found at the premises in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be:
    - (i) evidential material in relation to an offence to which the warrant relates; or
    - (ii) a thing relevant to another offence that is an indictable offence; or
    - (iii) evidential material (within the meaning if the *Proceeds of Crimes Act 2002* (Cth)) or tainted property within the meaning of that Act,
 if the executing officer or a constable assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence other things found at the premises in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be seizable items;
- other things found at the premises in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be seizable items;
- 5 *mandatory for warrant in relation to person* to seize:
- a thing (other than the kind of evidential material described above) found, in the course of the search, on or in the possession of the person, or in a recently used conveyance, being a thing that the executing officer or a constable assisting believes on reasonable grounds to be:
    - (iv) evidential material in relation to an offence to which the warrant relates; or
    - (v) a thing relevant to another offence that is an indictable offence; or
    - (vi) evidential material (within the meaning if the *Proceeds of Crimes Act 2002* (Cth)) or tainted property within the meaning of that Act,

if the executing officer or a constable assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence;

other things found in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be seizable items;

6 *mandatory for warrant in relation to premises* to search for and record fingerprints found at the premises and take samples of things found at the premises for forensic purposes;

7 *mandatory for warrant in relation to person* to record fingerprints from things found in the course of the search and take forensic samples from things found in the course of the search;

8 *mandatory (a) to use*

(i) a computer, of data storage device found in the course of a search authorised under this warrant; or

(ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or

(iii) any other electronic equipment; or

(iv) a data storage device;

for the purpose of obtaining access to data that is held in the computer or device mentioned in subparagraph (i) at any time when the warrant is in force, in order to determine whether the relevant data is evidential material of the kind specified in the warrant;

(b) if necessary to achieve the purpose mentioned in paragraph (a)—to add, copy, delete or alter other data in the computer or device mentioned in subparagraph (a)(i); and

(c) if, having regard to other methods (if any) of obtaining access to the relevant data which are likely to be as effective, it is reasonable in all the circumstances to do so:

(i) to use any other computer or a communication in transit to access the relevant data; and

(ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the computer or the communication in transit; and

(d) to copy any data to which access has been obtained, and that:

(i) appears to be relevant for the purposes of determining whether the relevant data is evidential material of a kind specified in the warrant; or

(ii) is evidential material of a kind specified in the warrant; and

(e) to do any other thing reasonably incidental to any of the above;

9 *mandatory (a) to use*

(i) a computer found in the course of a search authorised under this warrant; or

(ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or

(iii) any other electronic equipment,

for the purpose of obtaining access to data (“the relevant account-based data”) that is account based data in relation to:

(a) a person who is the owner or lessee of the computer mentioned in subparagraph (i); or

(b) a person who uses or has used the computer mentioned in subparagraph (i); or

(c) a deceased person who, before the person’s death, was the owner or lessee of the computer mentioned in subparagraph (i); or

(d) the deceased person who, before the person’s death, used the computer mentioned in subparagraph (i);

in order to determine whether the relevant account-based data is evidential material of the kind specified above;

(b) necessary to achieve the purpose mentioned in paragraph (a)—to add, copy, delete or alter other data in the computer mentioned in subparagraph (a)(i); and



(c) if, having regard to other methods (if any) of obtaining access to the relevant account-based data which are likely to be as effective, it is reasonable in all the circumstances to do so:

(i) to use any other computer or a communication in transit to access the relevant account-based data; and

(ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the computer or the communication in transit; and

(d) to copy any data to which access has been obtained, and that:

(i) appears to be relevant for the purposes of determining whether the relevant account-based data is evidential material of a kind specified in the warrant; or

(ii) is evidential material of a kind specified in the warrant; and

(e) to do any other thing reasonably incidental to any of the above.

10 [*other—specify*].

This warrant:

may be executed at any time of day.

must not be executed between the hours of [*time*] and [*time*].

may be executed between the hours of [*time*] and [*time*].

[*other*].

**Expiration**

This warrant expires on [*date/time*], being a date not more than [*7 days/48 hours*] after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
[*title and name*]

177. In Schedule 1, Form 102AY—Search Warrant—Crimes Act (Cth)—s 14(1) is deleted and substituted as follows:

Form 102AY

Case Number:

FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### WARRANT UNDER SUBSECTION 14(1) IN RELATION TO [SEARCH/SEIZURE]

#### WHEREAS:

To [name of police officer] within the meaning of the *Extradition Act 1988*.

#### WHEREAS:

- (a) I have been informed by affidavit that there are reasonable grounds for suspecting that there may be in [specify place] a thing, namely, [description of thing]:
- that may be material as evidence in proving the [offence/offences] of [reference to nature of offence/offence],
  - in relation to which an extradition arrest warrant for the arrest of [name of person] was issued as follows: [details of warrant]
  - for which the surrender of [name of person] is sought by [name of country] as a result of the [offence/offences] of [reference to nature of offence/offence]
  - in relation to which an extradition arrest warrant for the arrest of [name of person] was issued as follows: [details of warrant]
  - for which the surrender of [name of person] is sought by [name of country], an extradition country;
- (b) the affidavit sets out those grounds;
- (ba) **if applicable** there has been given to me by affidavit such further information as I require concerning the grounds on which the issue of the warrant is being sought;
- (c) I am satisfied that there are reasonable grounds for issuing the warrant;

NOW THEREFORE I, *[name and designation of magistrate]*, a magistrate within the meaning of the *Extradition Act 1988*, under subsection 14(1) of that Act, hereby authorise you, a police officer, for the purpose of *[purpose for issue of warrant]* in relation to the above mentioned *[offence/offences]* of *[reference to nature of offence/offence]*, with such assistance, and by such force, as is necessary and reasonable:

- between the hours of *[time]* and *[time]*,
- at any time of the day or night,
- to seize any thing of the following kind: *[description of kind of things authorised to be seized]*s
- to enter *[upon/into]* *[place]* and to seize any thing of the following kind: *[description of kind of things authorised to be seized]*
- to enter *[upon/into]* *[place]*, to search that place for anything of the following kind: *[description of kind of things authorised to be seized]*; and to seize any thing of that kind found in that place.

THIS WARRANT ceases to have effect on *[date not being later than one month after the issue of the warrant]*.

Dated

*[Signature and designation of magistrate issuing warrant]*

178. In Schedule 1, Form 102AZ—Search Warrant—Crimes Act (Cth)—s 31(1) is deleted and substituted as follows:

Form 102AZ

<p>Case Number:</p>   <p>FDN:</p>
--

## Commonwealth of Australia

### *Extradition Act 1988*

#### WARRANT UNDER SUBSECTION 31(1) IN RELATION TO [SEARCH/SEIZURE/SEARCH AND SEIZURE]

To [name of police officer], a police officer within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) I have been informed by affidavit that there are reasonable grounds for suspecting there may be in [specify place] a thing, namely, [description of thing]:
- that may be material as evidence in proving the [offence/offences] of [name of person] in relation to which [an indorsed New Zealand warrant/a provisional arrest warrant] [identify warrant] was issued;
  - that has been acquired by [name of person] as a result of the [offence/offences] of [name of person] in relation to which [an indorsed New Zealand warrant/a provisional arrest warrant] was issued;
- (b) the affidavit sets out those grounds;

#### **If applicable**

- (ba) there has been given to me by affidavit such further information as I require concerning the grounds on which the issue of warrant is being sought;
- (c) I am satisfied that there are reasonable grounds for issuing the warrant;

NOW THEREFORE I, [name and designation of magistrate], a magistrate within the meaning of the *Extradition Act 1988*, under subsection 31(1) of that Act, hereby authorise you, a police officer, for the purpose of [purpose of issue of warrant] in relation to the abovementioned [offence/offences] of [name of person], with such assistance, and by such force, as is necessary and reasonable:

- between the hours of [time] and [time],
- at any time of the day or night
- to seize any thing of the following kind: [description of kind of things authorised to be seized]
- to enter [upon/into] [specify place] and to seize any thing of the following kind: [description of kind of things authorised to be seized]
- to enter [upon/into] [specify place], to search that place for any thing of the following kind: [description of kind of things authorised to be seized], and to seize any thing of that kind found in that place.

THIS WARRANT ceases to have effect on *[date not being later than one month after the issue of the warrant]*.

Dated

*[Signature and designation of magistrate issuing warrant]*

179. In Schedule 1, Form 102BE—Search Warrant—Law Enforcement Integrity Commissioner Act (Cth) is deleted.

180. In Schedule 1, Form 105BG—Search Warrant—Mutual Assistance in Criminal Matters (Cth) is deleted and substituted as follows:

Form 102BG

<p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
---

## SEARCH WARRANT

### Mutual Assistance in Criminal Matters Act 1987 (Cth)

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>				
Subject	Full Name			
Address for service	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

To *[name and/or position of applicant or other nominated police officer]*

### Recitals

An Application has been made on *[date]* by police officer, *[name and/or office]* under section[s] *[38C(1)/38C(2)/[and] 38H]* of the *Mutual Assistance in Criminal Matters Act 1987* (Cth) for the issue of a warrant.

The Magistrate is satisfied on information given *[on oath/by affirmation/by electronic means]* *[and further information/affidavit/other]* that:

- (a) default selected if section 38C(1) selected above that there are reasonable grounds for suspecting that the evidential material referred to below is on the premises described below or will within *[48/72]* hours be on the premises described below.
- (b) default selected if section 38C(2) selected above that there are reasonable grounds for suspecting that the person described below has in his or her possession the evidential material referred to below or will within *[48/72]* hours be in possession of the evidential material.
- (c) optional if section 38H selected above a warrant in the terms of the application should be issued urgently.
- (d) optional if section 38H selected above the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.
- (e) there are proper grounds for the issue of the warrant under section[s] *[38C(1)/38C(2)/[and]/38H]* of the *Mutual Assistance in Criminal Matters Act 1987* (Cth).

### Warrant

This warrant authorises the person and persons to whom this warrant addresses with such assistants and by such force as is necessary and reasonable to:

- default selected if section 38C(2) selected above search *[full name, date of birth]* *[in specified manner ordinary or frisk not being a strip search or a search of a person's body cavities]* and things found in the possession of the person and any vehicle recently for the purposes of *[description of purpose including reference to the nature of the criminal matter to which the relevant proceeding or investigation relates]* for *[description of evidential material]*.
- default selected if section 38C(1) selected above enter and search *[description of premises, address]* for the purposes of *[description of purpose including reference to the nature of the criminal matter to which the relevant proceeding or investigation relates]* for *[description of kind of evidential material]*.
- default selected Seize:
  - default selected evidential material of the kind referred to above found in the course of the search.
  - default selected other things found at the premises described below in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be seizable items.

- default selected if section 38C(2) selected above seize other things found at the premises described above in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be evidential material relating to [*description of relevant proceeding or investigation*] or things relevant to an indictable offence against an Australian law, if the executing officer or officer assisting believes on reasonable grounds that seizure of the things is necessary to prevent their concealment, loss or destruction or their use in committing an indictable offence against an Australian law.
- default selected if section 38C(1) selected above seize other things found in the possession of the person describe above or in or on any vehicle recently used by that person in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be evidential material relating to [*description of relevant proceeding or investigation*] or things relevant to an indictable offence against an Australian law, if the executing officer or officer assisting believes on reasonable grounds that seizure of the things is necessary to prevent their concealment, loss or destruction or their use in committing an indictable offence against an Australian law.
- optional if section 38C(1) selected above conduct an [*ordinary/ [or] frisk*] search of a person at or near [*description of premises, address*], if the executing officer or an officer assisting suspects on reasonable grounds that the person has in his or her possession any evidential material relating to [*description of relevant proceeding or investigation*].
- exercise [*powers*].
- [*other—specify*].

This warrant:

- may be executed at any time of day.
- must not be executed between the hours of [*time*] and [*time*].
- may be executed between the hours of [*time*] and [*time*].
- [*other*].

### Expiration

This warrant expires on [*date/time*], being a date not more than [*48 hours/7 days*] after the issue of this warrant.

### Authentication

.....  
Signature of Magistrate  
[*title and name*]



181. In Schedule 1, Form 102BJ—Search Warrant—Proceeds of Crimes Act (Cth) is deleted and substituted as follows:

Form 102BJ

Case Number:

Date Signed:

FDN:

## SEARCH WARRANT

Proceeds of Crime Act 2002 (Cth)

COMMONWEALTH OF AUSTRALIA

***PROCEEDS OF CRIME ACT 2002: Section [225/225 and 229]***

## SEARCH WARRANT

**TO:** *[full name]*

an authorised officer of an enforcement agency within the meaning of the *Proceeds of Crime Act 2002*, who is the executing officer in relation to this warrant;

AND to any other authorised officer of an enforcement agency whose name may be written on this warrant in accordance with section 227(1)(e) of the *Proceeds of Crime Act 2002*, in which event that officer shall be the executing officer in relation to this warrant:

WHEREAS I, \_\_\_\_\_ a Magistrate within the meaning of the *Proceeds of Crime Act 2002*, am satisfied by *[information on oath/information by electronic means]* provided to me by an authorised officer of an enforcement agency that there are reasonable grounds for suspecting that *[there is/there will be within the next 48 hours/there will be within the next 72 hours]* at the following premises:

*[address and/or description of the premises]*

Tainted property of the following kind:

[full description]

Evidential material of the following kind:

[full description]

AND WHEREAS I am satisfied that [a warrant in the terms of the application should be issued urgently/the delay that would occur if an application were made in person would frustrate the effect execution of the warrant].

I HEREBY issue this search warrant which authorises you to enter and search the premises described above.

By virtue of section 228(1) of the *Proceeds of Crime Act 2002* this warrant authorises the executing officer or a person assisting to do all of the following;

- to enter the premises described above [between the hours of xx and xx/at any time];
- to search for and record fingerprints found at the premises and to take samples of things found at the premises for forensic purposes;
- to search the premises for the kinds of tainted property or evidential material described above and to seize things of that kind found at the premises;
- to seize other things found at the premises in the course of the search that the executing officer or a person assisting believes on reasonable grounds to be:
  - tainted property to which this warrant relates;
  - evidential material in relation to property to which this warrant relates;
  - evidential material (within the meaning of the *Crimes Act 1914*) relating to an indictable offence;

if he or she believes on reasonable grounds that seizure of the things is necessary to prevent their concealment, loss or destruction or their use in committing an offence.

By virtue of section 228(2) of the *Proceeds of Crime Act 2002* this warrant authorises the executing officer to make things seized under the warrant available to officers of other enforcement agencies if it is necessary to do so for the purpose of:

- investigating or prosecuting an offence to which the things relate; or
- recovering proceeds of an offence or an instrument of an offence.

THIS WARRANT also authorises the executing officer or a person assisting who is an authorised officer of an enforcement agency to conduct [*an ordinary search/a frisk search/an ordinary search and frisk search*] of a person who is at or near the premises if the executing officer or the person assisting suspects on reasonable grounds that the person has tainted property or evidential material in his or her possession.

Note that, by virtue of section 237 of the *Proceeds of Crime Act 2002*, a search of a person under this warrant must, if practicable, be conducted by a person of the same sex as the person being searched.

THIS WARRANT does not authorise the executing officer or a person assisting to conduct a search of a person who is at or near the premises.

AND, by virtue of section 238 of the *Proceeds of Crime Act 2002*, in executing this warrant:

- the executing officer may obtain such assistance and use such force against persons and things as is necessary and reasonable in the circumstances;
- an authorised officer of an enforcement agency who is assisting in the execution of this warrant may use such force against persons and things as is necessary and reasonable in the circumstances; and
- a person who is not an authorised officer of an enforcement agency but who has been authorised to assist in executing this warrant may use such force against things as is necessary and reasonable in the circumstances.

AND the executing officer or a person assisting may exercise such other of the powers available under sections 242 to 247 of the *Proceeds of Crime Act 2002* as are appropriate in the circumstances of the case.

AND if you exercise the power under section 247 of the *Proceeds of Crime Act 2002* to secure electronic equipment on the premises, and if you then leave the premises, this warrant authorises a further entry to the premises to allow an expert to operate the equipment, provided that the further entry is made within 24 hours or that period is extended under section 247(4) of the Act.

The nature of the property in respect of which action has been or could be taken under the *Proceeds of Crime Act 2002* and the nature of that action is as follows:

[*details*]

### **Legal professional privilege**

Note: This warrant is issued in recognition that a claim for legal professional privilege may be made in respect of documents covered by this warrant and on the understanding that, if that occurs, the executing officer will, as far as is reasonably practicable, follow the course of action set out in the document entitled "General Guidelines between the Australian Federal Police and the Law Council of Australia as to the Execution of Search Warrants on lawyer's premises, Law Societies and like institutions in circumstances where a claim of legal professional privilege is made" a copy of which is attached to this warrant.

Note: This warrant is issued in recognition that a claim for legal professional privilege may be made in respect of documents covered by this warrant and on the understanding that, if that occurs, the executing officer will, as far as is reasonably practicable, follow the course of action set out in the document entitled "Claims for Legal Professional Privilege: Premises other than those of a Lawyer, Law Society or Like Institution" a copy of which is attached to this warrant.

### **Public interest immunity**

Note: This warrant is issued in recognition that a claim for public interest immunity may be made in respect of documents covered by this warrant and on the understanding that, if that occurs, the executing officer will, as far as is reasonably practicable, follow the course of action set out in the document entitled "Claims for Public Interest Immunity" a copy of which is attached to this warrant.

A statement setting out the rights and obligations of the person is attached to this warrant.

This warrant may be executed at [*any time of the day or night/between the hours of xx and xx*].

- The time at which this warrant expires is midnight at the end of the seventh day after the day on which the warrant is issued (or lesser period).
- This warrant remains in force for a period of 47 hours (or lesser period) from the time of issue.

Given under my hand at [*court/location*]

in the State of South Australia

this [*day*] day of [*month and year*] at [*time—if 48/72 hr warrant*]

---

A Magistrate in and for the State of South Australia

182. In Schedule 1, Form 102BL—Search Warrant—Radiocommunications Act (Cth) is deleted.
183. In the index to Schedule 1, the words “Form 102BQ—Investigation Warrant—Radiocommunications Act (Cth)” are inserted immediately after the words “Form 102BP—Search Warrant—Water efficiency Labelling and Standards Act (Cth)”.
184. In Schedule 1, Form 102BQ—Investigation Warrant—Radiocommunications Act (Cth) is inserted as follows:

## Form 102BQ

Case Number:

Date Signed:

FDN:

**INVESTIGATION WARRANT****Radiocommunications Act 1992 (Cth)**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]****Applicant****To [name(s) of the authorised person(s)]****Recitals**

(a) An Application has been made on [date] by [an] authorised inspector[s] [name(s)], within the meaning of section 284 *Radiocommunications Act 1992* (Cth), pursuant to section 284B of the *Radiocommunications Act 1992* (Cth) (‘the Act’) and section[s] 70 [and 71] of the *Regulatory Powers (Standard Provisions) Act 2014* (Cth) for the issue of an investigation warrant.

(b) The Magistrate is satisfied on information given [on oath/by affirmation] [in person/by electronic means/by telephone] and further information provided at the hearing that:

- (i) there are reasonable grounds for suspecting that there is, or may within the next 72 hours be, at the premises described below, a thing with respect to, that may afford evidence of, or will be used in a contravention of a[n] [offence / civil penalty] provision under the *Radiocommunications Act 1992* (“evidential material”), namely [details of the contravention or reasonably suspected contravention];
- (ii) (ii) or (iii) mandatory if remote application a warrant should be issued urgently;
- (iii) (ii) or (iii) mandatory if remote application the delay that would occur if an application were made in person would frustrate the effective execution of the warrant;
- (iv) there are proper grounds for the issue of the warrant under section 284B of the *Radiocommunications Act 1992* and section 70 [and section 71] of the *Regulatory Powers (Standard Provisions) Act 2014*.

**Warrant**

This warrant is issued under section 284B of the *Radiocommunications Act 1992* and Part 3 Division 6 of the *Regulatory Powers (Standard Provisions) Act 2014* for the purpose of investigating a suspected contravention of section(s) *[insert the provision to which the warrant relates]* of the *Radiocommunications Act 1992*.

This warrant authorises the authorised persons, with such assistants and by such force as is necessary and reasonable in the circumstances, to:

(a) enter *[description of premises, address]*, search for and seize the following kinds of evidential material *[description of the evidential material]*.

(b) exercise the powers set out in Part 3 of the *Regulatory Powers (Standard Provisions) Act 2014* (as modified by section 284B of the *Radiocommunications Act 1992*) in relation to the premises described above for the purposes of section 284B of the *Radiocommunications Act 1992*.

(c) seize any other thing found in the course of executing this warrant if the person executing the warrant believes on reasonable grounds that:

- (i) the thing is evidential material of a kind not specified in paragraph (a);
- (ii) a related provision has been contravened with respect to the thing;
- (iii) the thing is evidence of the contravention of a related provision; or
- (iv) the thing is intended to be used for the purpose of contravening a related provision.

(d) *[other—specify]*.

This warrant:

- may be executed at any time of day.
- must not be executed between the hours of *[time]* and *[time]*.
- may be executed between the hours of *[time]* and *[time]*.
- [other]*.

**Expiration**

This warrant expires on *[date/time]*, being a date not more than 7 days after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
*[title and name]*

185. In the index to Schedule 1, the words “Form 102BR—Monitoring Warrant—Radiocommunications Act (Cth)” are inserted immediately after the words “Form 102BQ—Investigation Warrant—Radiocommunications Act (Cth)”.
186. In Schedule 1, Form 102BR—Monitoring Warrant—Radiocommunications Act (Cth) is inserted as follows:

## Form 102BR

Case Number:

Date Signed:

FDN:

**MONITORING WARRANT****Radiocommunications Act 1992 (Cth)**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]****Applicant****To [name of the authorised person(s)]****Recitals**

(a) An Application has been made on [date] by [an] authorised inspector[s] [name(s)], within the meaning of section 284 *Radiocommunications Act 1992 (Cth)*, pursuant to section 284A of the *Radiocommunications Act 1992 (Cth)* (‘the Act’) and section 32 of the *Regulatory Powers (Standard Provisions) Act 2014 (Cth)* for the issue of a monitoring warrant.

(b) The Magistrate is satisfied on information given [on oath/by affirmation] and further information provided at the hearing that:

- (i) it is reasonably necessary that the authorised officer[s] should have access to the premises described below to assess whether:
- there has been an offence against a [provision / civil penalty provision] of Part 4.1 of the Act;
  - there has been an offence against section 284J(8) of the Act;
  - there has been compliance or purported compliance with a provision of Part 4.1 of the Act;
  - there has been compliance or purported compliance with section 284J(8) of the Act.
- (ii) there are proper grounds for the issue of the warrant under section 284A *Radiocommunications Act 1992* and section 32 of the *Regulatory Powers (Standard Provisions) Act 2014*.

**Warrant**

This warrant is issued under section 284A *Radiocommunications Act 1992* and section 32 of the *Regulatory Powers (Standard Provisions) Act 2014* for the purpose [insert purpose].

This warrant authorises the authorised persons, with such assistants and by such force as is necessary and reasonable in the circumstances to:

- (a) enter [description of premises/address] and exercise the monitoring powers under Part 2 of the *Regulatory Powers (Standard Provisions) Act 2014* (as modified by section 284A of the *Radiocommunications Act 1992*) for the purpose of [description of purpose].
- (b) [other—specify].

This warrant:

- may be executed at any time of day.
- must not be executed between the hours of [time] and [time].
- may be executed between the hours of [time] and [time].
- [other].

**Expiration**

This warrant expires on [date/time], being a date not more than 3 months after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
[title and name]



187. In the index to Schedule 1, the words “Form 102BS—Transmitter Access Warrant—Radiocommunications Act (Cth)” are inserted immediately after the words “Form 102BR—Monitoring Warrant—Radiocommunications Act (Cth).”
188. In Schedule 1, Form 102BS—Transmitter Access Warrant—Radiocommunications Act (Cth) is inserted as follows:

## Form 102BS

Case Number:

Date Signed:

FDN:

**TRANSMITTER ACCESS WARRANT****Section 284KB Radiocommunications Act 1992 (Cth)**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

**To [name(s) of the authorised person(s)]**

**Recitals**

(a) An Application has been made on [date] by [an] authorised inspector[s] [name(s)], pursuant to section 284 of the *Radiocommunications Act 1992* (Cth) (‘the Act’), for the issue of a transmitter access warrant pursuant to section 284KB Chapter 5 Part 5.5 Division 6 of the Act.

(b) The Magistrate is satisfied on information given [on oath/by affirmation] [in person/by electronic means/by telephone] and further information provided at the hearing (if applicable) that:

- (iii) a transmitter is operating on any land, or on or in the premises, vessel, aircraft, space object or vehicle;
- (iv) the land, premises, vessel, aircraft, space object or vehicle is or are unoccupied;
- (v) the operation of the transmitter is causing substantial loss or damage;
- (iv) entry is required in circumstances of such seriousness and urgency as to require and justify entry to prevent the operation of the transmitter causing substantial loss or damage.

**Warrant**

This warrant is issued under section 284KB Chapter 5 Part 5.5 Division 6 of the *Radiocommunications Act 1992* for the purpose of taking action to prevent the operation of a transmitter causing substantial loss or damage within the meaning of s 284KB(4)(c) and (6).

This warrant authorises the authorised inspector[s], with such force as is necessary and reasonable in the circumstances, to:

- (a) enter [*description of land, premises, vessel, aircraft, space object or vehicle*].
- (b) take such action as the inspector considers necessary to cause the transmitter to:
  - (i) cease operating; or
  - (ii) operate in such a way as to no longer give rise to the consequence set out in s 284KB(4)(c).

This warrant:

- may be executed at any time of day.
- must not be executed between the hours of [*time*] and [*time*].
- may be executed between the hours of [*time*] and [*time*].
- [*other*].

**Expiration**

This warrant expires on [*date/time*], being a date not more than 7 days after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
[*title and name*]

189. In Schedule 1, Form 103A—Surveillance Warrant—Surveillance Devices Act is deleted and substituted as follows:

Form 103A

Case Number:
Date Signed:
FDN:

## SURVEILLANCE WARRANT—SURVEILLANCE DEVICES ACT

### Surveillance Devices Act 2016

A DESIGNATED JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>			
Subject	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode

**To *[[name and/or position]/other]***

#### Recitals

An Application has been made on *[date]* by *[inspector/authorised person/authorised officer/other]*, *[name and/or office or code name]* under section 17 of the *Surveillance Devices Act 2016* for the issue of a surveillance warrant.

The Judge of the Supreme Court of South Australia is satisfied that:

- (a) an investigating agency within the meaning of the *Surveillance Devices Act 2016* is conducting an investigation of a matter.
- (b) the agency seeks to deploy and use surveillance devices for the purposes of the investigation;
- (c) entry to and interference with the premises is reasonably required for the purposes of installing, using, maintaining or retrieving the surveillance devices.
- (d) interference with the *[vehicles or things]* is reasonably required for the purposes of installing, using, maintaining or retrieving the surveillance devices.

- (e) the person specified in this warrant is suspected on reasonable grounds [*of having committed/being likely to commit*] a serious offence namely, [*particulars of offence*].
- (f) there are, in the circumstances of the case, reasonable grounds for the issue of the warrant under section 19 of the *Surveillance Devices Act 2016*.

**Warrant**

This warrant authorises the person and persons to whom this warrant is addressed [*with such assistants as they consider necessary in the circumstances*] to:

- to use [*number*] of [*type*] surveillance [*device/s*].
- to enter and interfere with premises situated at [*address*] for the purposes of installing, using, maintaining and retrieving [*number*] of [*type*] surveillance [*device/s*].
- to interfere with [*description of vehicle*] for the purposes of installing, using, maintaining and retrieving [*number*] of [*type*] surveillance [*device/s*].
- to interfere with [*description of thing*] for the purposes of installing, using, maintaining and retrieving [*number*] of [*type*] surveillance [*device/s*].
- to use the surveillance [*device/s*] in respect of the [*conversations/activities/geographical location*] of
  - if name of person unknown a person of unknown name, [*general description of person*].
  - if name of person known [*name of person*].

The powers conferred by the warrant are subject to the following conditions/limitations:

- [*conditions or limitations*]

**Expiration**

This warrant was issued on [*date/time*].

This warrant expires on [*date/time*].

**Authentication**

.....  
Signature of Judge  
[*title and name*]

190. In Schedule 1, Form 103B—Surveillance Warrant—Surveillance Devices Act—Varied or Extended is deleted and substituted as follows:

Form 103B

Case Number:
Date Signed:
FDN:

## SURVEILLANCE WARRANT—SURVEILLANCE DEVICES ACT— VARIED OR EXTENDED

Surveillance Devices Act 2016

A DESIGNATED JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>			
Subject	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode

**To *[[name and/or position]/other]***

### Recitals

An Application has been made on *[date]* by *[inspector/authorised person/authorised officer/other]*, *[name and/or office or code name]* under section 17 of the *Surveillance Devices Act 2016* for the variation or extension of a surveillance warrant.

The Judge of the Supreme Court of South Australia is satisfied that:

- (a) an investigating agency within the meaning of the *Surveillance Devices Act 2016* is conducting an investigation of a matter.
- (b) the agency seeks to deploy and use surveillance devices for the purposes of the investigation.
- (c) entry to and interference with the premises is reasonably required for the purposes of installing, using, maintaining or retrieving the surveillance devices.
- (d) interference with the *[vehicles or things]* is reasonably required for the purposes of installing, using, maintaining or retrieving the surveillance devices.

- (e) the person specified in this warrant is suspected on reasonable grounds [*of having committed/being likely to commit*] a serious offence namely, [*particulars of offence*].
- (f) there are, in the circumstances of the case, reasonable grounds for the variation or extension of the warrant under section 19 of the *Surveillance Devices Act 2016*.

### Warrant

This warrant authorises the person and persons to whom this warrant is addressed [*with such assistants as they consider necessary in the circumstances*] to:

- to use [*number*] of [*type*] surveillance [*device/s*].
- to enter and interfere with premises situated at [*address*] for the purposes of installing, using, maintaining and retrieving [*number*] of [*type*] surveillance [*device/s*].
- to interfere with [*description of vehicle*] for the purposes of installing, using, maintaining and retrieving [*number*] of [*type*] surveillance [*device/s*].
- to interfere with [*description of thing*] for the purposes of installing, using, maintaining and retrieving [*number*] of [*type*] surveillance [*device/s*].
- to use the surveillance [*device/s*] in respect of the [*conversations/activities/geographical location*] of
- if name of person unknown a person of unknown name, [*general description of person*].
- if name of person known [*name of person*].

The powers conferred by the warrant are subject to the following conditions/limitations:

- [*conditions or limitations*]

### Expiration

This warrant was issued on [*date/time*].

This warrant expires on [*date/time*].

### Authentication

.....  
Signature of Judge  
[*title and name*]

191. In Schedule 1, Form 104AC—Monitoring Order—Asset Confiscation Commonwealth is inserted as follows:

Form 104AC

Case Number:
Date Signed:
FDN:

[*Supreme/District*] Court of South Australia

## COMMONWEALTH OF AUSTRALIA

### ***PROCEEDS OF CRIME ACT 2002 (CTH): Section 219***

#### **MONITORING ORDER**

TO [*name of the financial institution*] a financial institution within the meaning of the *Proceeds of Crime Act 2002*;

WHEREAS I am satisfied that there are reasonable grounds to suspect that:

- a person who holds an account or accounts at the above financial institution has committed, or is about to commit, a serious offence within the meaning of the *Proceeds of Crime Act 2002* (Cth);
- a person who holds an account or accounts at the above financial institution was involved in the commission, or is about to be involved in the commission, of a serious offence within the meaning of the *Proceeds of Crime Act 2002* (Cth);
- a person who holds an account or accounts at the above financial institution has benefited directly or indirectly, or is about to benefit directly or indirectly, from the commission of a serious offence within the meaning of the *Proceeds of Crime Act 2002* (Cth);
- an account or accounts held by a person at the above financial institution is being used to commit an offence against Part 10.2 of the Criminal Code (money laundering).

AND WHEREAS an authorised officer of an enforcement agency has applied for a monitoring order in relation to the relevant account;

I HEREBY order as follows:

- 1 That you provide information to the Australian Federal Police (or other agency) about transactions conducted through the following accounts:

[Account number] [Cheque/savings/term deposit] [Name of account holder]

For the period commencing on the day on which notice of the monitoring order is given to you and ending three months after the date of this order (or other period ending no later than three months after the date of the order).

- 2 That you provide in relation to each transaction the date, the nature of the transaction, the parties to the transaction, the value of the transaction, and the current balance of account (or other details as appropriate).
- 3 That you provide the information in the following form and manner [*details of who the information should be given to and where, in what form it should be given, and when it should be given eg by notifying XX by telephone or fax of any transaction on the account as soon as possible after close of normal business on the day on which the transaction occurs*]

Information about this monitoring order must not be disclosed.

Under section 223(1) of the *Proceeds of Crime Act 2002* (Cth) it is an offence for a person to disclose the existence or operation of a monitoring order to another person except to a person specified in section 223(4) for a purpose specified in section 223(4). The maximum penalty is imprisonment for five years or 300 penalty units.

Under section 224 of the *Proceeds of Crime Act 2002* (Cth) it is an offence for a person given a monitoring order to fail to comply with the monitoring order. The maximum penalty is imprisonment for six months or 30 penalty units, or both.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Signature

\_\_\_\_\_ Name

A Judge of the \_\_\_\_\_



192. In Schedule 1, Form 104AS—Monitoring Order—Asset Confiscation State is inserted as follows:

Form 104AS

Case Number:
Date Signed:
FDN:

## MONITORING ORDER—ASSET CONFISCATION

### Criminal Assets Confiscation Act 2005

A DESIGNATED JUDGE OF THE [SUPREME/DISTRICT] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

Duplicate panel if multiple parties

<b>Financial institution the subject of this order</b>			
Financial institution	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode

<p><b>Introduction</b></p> <p><b>Hearing</b></p> <p>Hearing Location: [suburb] [Hearing date] [Listed starting time]</p> <p>Hearing type:</p> <p>[Actual hearing start time]—[Actual hearing end time]</p> <p>[Presiding Officer]</p> <p><b>Appearances</b></p> <p>[Applicant Appearance Information]</p> <p><b>Recitals</b></p>
--

An Application has been made on [date] by the Applicant for a monitoring order.

The Judge is satisfied that:

- (a) there are reasonable grounds for suspecting that [name] (*“the account holder”*):
- has committed, or is about to commit, a serious offence.
  - was involved in the commission, or is about to be involved in the commission, of a serious offence.
  - has benefited directly or indirectly, or is about to benefit directly or indirectly, from the commission of a serious offence.
- (b) there are proper grounds for making a Monitoring Order under [section 165 of the Criminal Assets Confiscation Act 2005/section 219 of the Proceeds of Crime Act 2002 (Cth)].

## Order

**Date of Order:** [date]

### Terms of Orders

It is ordered that:

1. The Financial Institution must provide information about transactions conducted during the period [date] to [date] through an account identified below by the account holder as soon as practicable.  
Financial Institution name: [Financial Institution Name]  
Financial Institution address: [Financial Institution Address]  
Name of account/s with Financial Institution: [Account Name]
2. The kind of information that the Financial Institution is required to give about these transactions is [description of information].
3. This information is to be provided to [name of enforcement agency] by way of [communication method].
4. The form and manner in which this information is to be given is [method of reporting].
5. The Financial Institution must not disclose the existence or nature of this order, or disclose information to another person from which the other person could infer the existence or nature of this order, except a disclosure that is:
  - (a) authorised by this order;
  - (b) necessary to comply with this order;
  - (c) made for the purpose of obtaining legal advice or legal representation in relation to this order;or
  - (d) made for the purposes of, or in the course of, legal proceedings.
6. This monitoring order commences on [date] no earlier than the day on which notice of the monitoring order is given to the financial institution and expires on [date] no later than 3 months after the date of the order

**To the Financial Institution: WARNING**

If you disclose the existence or nature of this order to another person or disclose information to another person from which the other person could infer the existence or nature of this order, you will be guilty of an offence and may be liable for imprisonment for 4 years or a \$20,000 fine.

If you otherwise fail to comply with this order, you will be guilty of an offence and may be liable for imprisonment for 6 months or a \$2,500 fine.

**Authentication**

.....  
Signature of Judge  
*[title and name]*

193. In Schedule 1, Form 104B—Monitoring Order—Serious and Organised Crime (Unexplained Wealth) Act is deleted and substituted as follows:

Form 104B

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
---

**MONITORING ORDER—SERIOUS AND ORGANISED CRIME  
(UNEXPLAINED WEALTH) ACT 2009**

**Serious and Organised Crime (Unexplained Wealth) Act 2009**

[*SUPREME/ DISTRICT/ MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Duplicate panel if multiple parties

<b>Deposit holder the subject of this order</b>			
Deposit Holder	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode

**Introduction****Hearing**

Hearing Location: [*suburb*]  
[*Hearing date*] [*Listed starting time*]

Hearing type:

Supreme and District Court only

[*Actual hearing start time*]—[*Actual hearing end time*]

[*Presiding Officer*]

**Appearances**

[*Applicant Appearance Information*]

**Recitals**

The Court is satisfied that:

- (a) the transactions to which this order relates are relevant to identifying, tracing, locating or valuing the wealth of [*full name*].
- (b) there are proper grounds for making a Monitoring Order under section 14 of the *Serious and Organised Crime (Unexplained Wealth) Act 2009*.

**Order**

**Date of Order:** [*date*]

**Terms of Order**

It is ordered that:

1. The Deposit Holder, the subject to this order, must report as soon as practicable, [*description of transactions*].
2. The kind of information that the Deposit Holder is required to give about these transactions is [*description of information*].
3. The form and manner in which this information is to be given is [*method of reporting*].
4. The Deposit Holder must not disclose the existence or nature of this order, or disclose information to another person from which the other person could infer the existence or nature of this order, except a disclosure that is:
  - (a) authorised by this order;
  - (b) necessary to comply with this order;
  - (c) made for the purpose of obtaining legal advice or legal representation in relation to this order;  
or
  - (d) made for the purposes of, or in the course of, legal proceedings.

**To the Deposit Holder: WARNING**

If you disclose the existence or nature of this order to another person or disclose information to another person from which the other person could infer the existence or nature of this order, you will be guilty of an offence and may be liable for imprisonment for 2 years or a \$10,000 fine.

If you otherwise fail to comply with this order, you will be guilty of an offence and may be liable for *imprisonment* for 1 year or a \$5,000 fine.

**Authentication**

.....  
Signature of Judge/Magistrate  
[*title and name*]

194. In Schedule 1, Form 105B—Apprehension Warrant—Extradition—New Zealand is deleted and substituted as follows:

Form 105B

Case Number:

FDN:

## Commonwealth of Australia

### *Extradition Act 1988*

#### PROVISIONAL ARREST WARRANT UNDER SECTION 29

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) an application has been made to me under section 29 of the *Extradition Act 1988*, in the statutory form, on behalf of New Zealand for the issue of a warrant in relation to [*name of person*] under that section 29;
- (b) I am informed by the affidavit annexed to that application and marked ..... that a New Zealand warrant has been issued in relation to that person;
- (c) no application is before me under section 28 of that Act for the indorsement of such a warrant in relation to that person; and
- (d) I consider that the issue of a warrant in relation to [*name of person*] under that section 29 is, having regard to such information as I consider relevant, justified in all the circumstances;

NOW THEREFORE I, [*name and designation of magistrate or eligible Judge*], a magistrate or eligible Judge within the meaning of the *Extradition Act 1988*, under section 29 of that Act, hereby authorise and request you to arrest [*name of person*] and to bring [*him/her*], as soon as practicable, before a magistrate or eligible Judge in the State or Territory in which [*he/she*] is arrested to be dealt with according to law.

Dated

*[Signature and designation of magistrate or eligible Judge issuing warrant]*

195. In Schedule 1, Form 105C—Apprehension Warrant—Extradition—New Zealand—Warrant Indorsement is deleted.
196. In the index to Schedule 1, the words “Form 105E—Apprehension Warrant—ICAC Act” are deleted and substituted with “Form 105EC—Apprehension Warrant—Commonwealth Anti-Corruption Act”.
197. In Schedule 1, Form 105EC—Apprehension Warrant—Commonwealth Anti-Corruption Act is deleted and substituted as follows:

## Form 105EC

Case Number:
Date Signed:
FDN:

## APPREHENSION WARRANT—COMMONWEALTH ANTI-CORRUPTION ACT

### National Anti-Corruption Commission Act 2022

A DESIGNATED JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

Person subject to warrant			
Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile)—Number	Another number	



**To the National Anti-Corruption Commissioner, each National Anti-Corruption Deputy Commissioner and each authorised officer appointed under section 267 of the *National Anti-Corruption Commission Act 2022* (Cth)**

**Recitals**

The Court being satisfied on [date] by evidence on oath that there are reasonable grounds to believe that:

- that the Person the subject of this warrant has been ordered, under section 89 of the *National Anti-Corruption Commission Act 2022* to deliver his or her travel document to the examiner and is likely to leave Australia for the purpose of avoiding giving evidence before the examiner
- that the Person the subject of this warrant has been issued with a summons under section 63 of the *National Anti-Corruption Commission Act 2022* and [has absconded/is likely to abscond].
- that the Person the subject of this warrant has been issued with a summons under section 63 of the *National Anti-Corruption Commission Act 2022* and is [attempting/likely to attempt] to evade service of the summons.
- the Person the subject of this warrant [has committed/ is likely to commit] an offence under section 68 of the *National Anti-Corruption Commission Act 2022*.

**Warrant**

YOU ARE DIRECTED to arrest the Person the subject of this warrant and bring the Person before the Supreme Court as soon as reasonably possible to be dealt with by order of the Court.

YOU ARE AUTHORISED to arrest the Person the subject of this warrant.

- only during normal Court hours.
- at any time and if the person the subject of this warrant is arrested outside normal Court hours the Person is to be kept in police custody until the Person the subject of this warrant can be brought before the Court.

This warrant expires on: [date]

**Warrants issued pursuant to section 91 of the *National Anti-Corruption Commission Act 2022***

**Note 1 –**

If a person is apprehended under this warrant, he or she must be brought, as soon as practicable, before a Judge of the Supreme Court and the Judge may –

- (a) grant the person bail, on such security as the Judge thinks fit, on such conditions as he or she thinks necessary to ensure the appearance of the person as a witness before the examiner; or
- (b) order the continued detention of the person for the purposes of ensuring his or her appearance as such a witness; or
- (c) order the release of the person.

**Note 2 –**

If a person is under detention under section 91 of the *National Anti-Corruption Commission Act 2022*, he or she must, within 14 calendar days after he or she was brought, or last brought, before a Judge of the Supreme Court in accordance with that clause, or within such shorter or longer time as a Judge has fixed upon the last previous appearance of the person before a Judge under that clause, be again brought before a Judge.

.....  
Signature of Judge  
*[title and name]*

198. In the index to Schedule 1, the words “Form 105ES—Apprehension Warrant—State Anti-Corruption Act” are inserted immediately after the words: “Form 105EC—Apprehension Warrant—Commonwealth Anti-Corruption Act”.
199. In Schedule 1, Form 105ES—Apprehension Warrant—State Anti-Corruption Act is inserted as follows:

## Form 105ES

Case Number:
Date Signed:
FDN:

**APPREHENSION WARRANT—STATE ANTI-CORRUPTION ACT****Independent Commission Against Corruption Act 2012**

A DESIGNATED JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
**Applicant**

Person subject to warrant			
Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details			
	Type (eg. home; work; mobile)—Number		Another number

**To the Commissioner of Police for the State of South Australia and each member of the Police Force for the State of South Australia**

if applicable Police reference number: *[number]*

**Recitals**

The Court being satisfied on *[date]* by evidence on oath that there are reasonable grounds to believe that:

- that the Person the subject of this warrant has been ordered, under clause 18 of Schedule 2 to the Independent Commissioner against Corruption Act 2012, to deliver his or her passport to the examiner and is likely to leave Australia for the purpose of avoiding giving evidence before the examiner
- that the Person the subject of this warrant has been issued with a summons under clause 4(1) of Schedule 2 to the Independent Commissioner against Corruption Act 2012 and *[has absconded/is likely to abscond]*.
- that the Person the subject of this warrant has been issued with a summons under clause 4(1) of Schedule 2 to the Independent Commissioner against Corruption Act 2012 and is *[attempting/likely to attempt]* to evade service of the summons.
- the Person the subject of this warrant *[has committed/ is likely to commit]* an offence under clause 8(1) of Schedule 2 to the Independent Commissioner against Corruption Act 2012.

**Warrant**

YOU ARE DIRECTED to arrest the Person the subject of this warrant and bring the Person before the Supreme Court as soon as reasonably possible to be dealt with by order of the Court.

YOU ARE AUTHORISED to arrest the Person the subject of this warrant

- only during normal Court hours.
- at any time and if the person the subject of this warrant is arrested outside normal Court hours the Person is to be kept in police custody until the Person the subject of this warrant can be brought before the Court.

This warrant expires on: *[date]*

**Warrants issued pursuant to clause 9 of Schedule 2 of the Independent Commissioner Against Corruption Act 2012**

Note 1 –

If a person is apprehended under this warrant, he or she must be brought, as soon as practicable, before a Judge of the Supreme Court and the Judge may –

- (d) admit the person to bail, with such security as the Judge thinks fit, on such conditions as he or she thinks necessary to ensure the appearance of the person as a witness before the examiner; or
- (e) order the continued detention of the person for the purposes of ensuring his or her appearance as such a witness; or
- (f) order the release of the person.

Note 2 –

If a person is under detention under clause 9 of Schedule 2 to the Independent Commissioner Against Corruption Act 2012, he or she must, within 14 calendar days after he or she was brought, or last brought, before a Judge of the Supreme Court in accordance with that clause, or within such shorter or longer time as a Judge has fixed upon the last previous appearance of the person before a Judge under that clause, be again brought before a Judge.

.....  
Signature of Judge  
[title and name]

200. In Schedule 1, Form 105F—Apprehension Warrant—ACC Act is deleted and substituted as Form 105F—Apprehension Warrant—State ACC Act as follows:

Form 105F

Case Number:

Date Filed:

FDN:

## APPREHENSION WARRANT

A DESIGNATED JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**

**Applicant**

TO *[full name of person to whom warrant is issued]*, *[a member of the Australian Federal Police and member of the staff of the ACC/a member of the Police Force of the State/any other person]*:

On the basis of—

- (a) The application made by *[full name of applicant]*, an examiner appointed under section 46B(1) of the *Australian Crime Commission Act 2002* of the Commonwealth ('the examiner'), in this matter; and
- (b) my satisfaction by evidence on oath that there are reasonable grounds to believe that *[full name and address of person to be apprehended]*—

- who has been ordered, under section 28 of the *Australian Crime Commission (South Australia) Act 2004* to deliver *[his/her]* passport to the examiner is nevertheless likely to leave Australia for the purpose of avoiding giving evidence before the examiner;
- in relation to whom a summons has been issued under section 19(1) of the *Australian Crime Commission (South Australia) Act 2004*—
  - (i) has absconded or is likely to abscond; or
  - (ii) is otherwise attempting, or is otherwise likely to attempt, to evade service of the summons;

has committed an offence under section 23(1) of the *Australian Crime Commission (South Australia) Act 2004*, or is likely to do so;

I, *[full name of Judge]*, a designated Judge of the Supreme Court of South Australia, acting under section 24 of the *Australian Crime Commission (South Australia) Act 2004*, and being satisfied that there are reasonable grounds for issuing a warrant, authorise you, using no more force than is reasonably necessary for the execution of this warrant—

- (a) if necessary, to break into and enter any premises, vessel, aircraft or vehicle to execute the warrant; and

(b) to apprehend [*full name of person to be apprehended*],

to bring [*him/her*], as soon as practicable, before a Judge of the Supreme Court of South Australia to be dealt with according to law.

**Authentication**

Issued at: [*place of issue*]

on: [*date of issue*]

.....  
Signature of Judge  
[*title and name*]

201. In Schedule 1, Form 105G—Apprehension Warrant—Commonwealth ACC Act is inserted as follows

Form 105G

Case Number:

FDN:

**COMMONWEALTH OF AUSTRALIA**

*Australia Crime Commission Act 2002*

WARRANT UNDER SECTION 31

TO *[full name of police officer]*, *[a member of the Australian Federal Police/a member of the Police Force of the [name of state]/any other person]*:

On the basis of:

- (a) the application made by *[full name of applicant]*, an examiner appointed under subsection 46B(1) of the *Australian Crime Commission Act 2002* (the **examiner**), in this matter; and
- (b) my satisfaction by evidence on oath or affirmation that there are reasonable grounds to believe that *[full name and address of person to be apprehended]*:
  - who has been ordered, under section 24 of the *Australian Crime Commission Act 2002*, to deliver *[his/her]* passport to the examiner is nevertheless likely to leave Australia for the purpose of avoiding giving evidence before the examiner;
  - in relation to whom a summons has been issued under subsection 28(1) of the *Australian Crime Commission Act 2002*:
    - i) has absconded or is likely to abscond; or
    - ii) is otherwise attempting, or is otherwise likely to attempt, to evade service of the summons;
  - has committed an offence under subsection 30(1) of the *Australian Crime Commission Act 2002*, or is likely to do so;

I, *[full name of Judge]*, a Judge of *[name of court]*, sitting in chambers and acting under section 31 of the *Australian Crime Commission Act 2002*, and being satisfied that there are reasonable grounds for issuing a warrant, authorise you, or any member of the Australian Federal Police or of the Police Force of a State or Territory, using no more force than is reasonably necessary for the execution of this warrant:

- (c) if necessary, to break into and enter any premises, vessel, aircraft or vehicle to execute the warrant; and
- (d) to apprehend *[full name of person to be apprehended]*:

to bring *[him/her]*, as soon as practicable, before a Judge of the Federal Court or the Supreme Court of a State or Territory to be dealt with according to law.



Dated

*[Signature and designation of Judge]*

202. In Schedule 1, Form 107A—Journalist Information Warrant is deleted and substituted as follows:

## Form 107A

Case Number:
FDN:

## Commonwealth of Australia

## Telecommunications (Interception and Access) Act 1979

## JOURNALIST INFORMATION WARRANT

<b>Person/persons in respect of whom warrant is issued</b>	[Full known name, other known names, other known identifying information (e.g. date of birth or Australian Business Number)]
--	--

<b>Applicant enforcement agency</b>	[Name]
<b>Person making application on behalf of applicant enforcement agency</b>	[Full Name]

Note: See subsection 180U(5) of the Act in relation to issuing a further warrant in relation to a person or persons in respect of whom a warrant has, or warrants have, previously been issued.

<p><b>1. Authorisation</b></p> <p>(1) I, [name], a Part 4-1 issuing authority within the meaning of the <i>Telecommunications (Interception and Access) Act 1979</i> (Cth) ('the Act'), acting under section 180T of the Act, authorise the making of one or more authorisations under section[s] [178/178A/179/180] of the Act in relation to the particular person[s] mentioned above, and;</p> <p>(2) I am satisfied, on the basis of the information given to me by the applicant enforcement agency, that:</p> <p><input type="checkbox"/> this warrant is reasonably necessary for the following purpose[s]:</p> <p>(a) if the warrant authorises the making of authorisations under section 178 of the Act for the enforcement of the criminal law.</p> <p>(b) if the warrant authorises the making of authorisations under section 178A of the Act to find a person who the Australian Federal Police, or a Police Force of a State, has been notified is missing.</p>
--

(c) if the warrant authorises the making of authorisations under section 179 of the Act for the enforcement of a law imposing a pecuniary penalty or the protection of the public revenue.

(d) if the warrant authorises the making of authorisations under section 180 of the Act for the investigation of an offence of a kind referred to in subsection 180(4) of the Act.

- the public interest in issuing this warrant outweighs the public interest in protecting the confidentiality of the source in connection with whom authorisations would be made, having regard to the matters set out in paragraph 180T(2)(b) of the Act.

*[short particulars of each other matter to which regard was had, as allowed by subparagraph 180T(2)(b)(vi)]*

## **2. Persons who may exercise this authority**

The authority conferred by this warrant may be exercised by an authorised officer of the applicant enforcement agency.

## **3. Duration of warrant**

- (a) Under section 180V of the Act, this warrant comes into force when it is issued.  
(b) Under subsection 180U(3) of the Act, this warrant remains in force until *[a date that is not more than 90 days away]*.

## **4. Conditions only if applicable**

The accessing of stored communications under this warrant is subject to the following conditions:

- (a) *[details of conditions in numbered paragraphs]*.

## **5. Restrictions only if applicable**

The accessing of stored communications under this warrant is subject to the following restrictions:

- (a) *[details of conditions in numbered paragraphs]*.

Dated

.....  
Part 4-1 Issuing Authority

203. In Schedule 1, Form 107B—Stored Communication Warrant—Domestic is deleted and substituted as follows:

Form 107B

<p>Case Number:</p>  <p>FDN:</p>
--

**Commonwealth of Australia**

**Telecommunications (Interception and Access) Act 1979**

**STORED COMMUNICATIONS WARRANT**

Duplicate panel if multiple parties

<p><b>Person in respect of whom warrant is issued</b></p>	<p><small>[Full known name, other known names, other known identifying information (e.g. date of birth)]</small></p>
---	--

<p><b>Person making application on behalf of applicant criminal law-enforcement agency</b></p>	<p><small>[Name]</small></p>
--	------------------------------

Note: See subsections 119(5) and (5) of the Act in relation to issuing a further warrant in respect of a person in respect of whom a previous warrant was issued.

<p><b>1. Authorisation</b></p> <p>(1) I, <i>[name]</i>, an issuing authority within the meaning of the <i>Telecommunications (Interception and Access) Act 1979</i> (Cth) ('the Act'), acting under section 116 of the Act, authorise the accessing of any stored communication:</p> <ul style="list-style-type: none"> <li>(a) that was made by the person mentioned above, or that another person has and for which the intended recipient is the person mentioned above; and</li> <li>(b) that becomes, or became, a stored communication before the warrant is first executed in relation to the carrier that holds the communication.</li> </ul> <p>(2) I am satisfied, on the basis of the information given to me under Part 3-3 of the Act in connection with the application for this warrant, that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (a) Division 1 of Part 3-3 of the Act has been complied with in relation to the application for this warrant.</li> <li><input type="checkbox"/> (b) because of urgent circumstances, it was necessary to make the application by telephone.</li> </ul>
--

- (c) there are reasonable grounds for suspecting that [a] particular carrier[s] hold[s] stored communications:
  - i. that the person mentioned above has made; or
  - ii. that another person has made and for which the person mentioned above is the intended recipient.
- (d) information that would be likely to be obtained by accessing those stored communications under a stored communications warrant would be likely to assist in connection with the investigation by the applicant criminal law enforcement agency of the following serious contravention[s] in which the person mentioned above is involved:
  - *[short particulars of each serious contravention]*.
- (e) the person mentioned above is a victim of a serious contravention and:
  - i. the person is unable to consent; or
  - ii. it is impracticable for the person to consent;to those stored communications being accessed
- (f) the warrant should be issued having regard to the following matters only:
  - i. how much the privacy of any person or persons would be likely to be interfered with by accessing those stored communications under a stored communications warrant;
  - ii. the gravity of the conduct constituting each serious contravention;
  - iii. how much the information referred to in paragraph (d) would be likely to assist in connection with the investigation by the applicant criminal law enforcement agency of each serious contravention;
  - iv. to what extent the methods of investigating each serious contravention that do not involve the use of a stored communications warrant in relation to the person mentioned above have been used by, or are available to, the applicant criminal law enforcement agency;
  - v. how much the use of such methods would be likely to assist in connection with the investigation by the applicant criminal law enforcement agency of each serious contravention;
  - vi. how much the use of such methods would be likely to prejudice the investigation by the applicant criminal law enforcement agency of each serious contravention, whether because of delay or for any other reason.

## 2. Persons who may exercise this authority

Under section 127 of the Act, the authority conferred by this warrant may be exercised by an officer or staff member of the applicant criminal law enforcement agency, or another criminal law enforcement agency, in relation to whom an approval under subsection 127(2) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3. Duration of warrant

- (a) Under section 125 of the Act, this warrant comes into force when it is issued
- (b) Complete this subclause only if the warrant relates to 1 or more telecommunication services that are all operated by the same carrier Under subsection 119(1) of the Act, this warrant remains in force until the occurrence of the sooner of the following:
  - i. the warrant is first executed;
  - ii. the end of the period of 5 days after the day on which it was issued

- (c) Complete this subclause only if the warrant relates to 2 or more telecommunications services that are not all operated by the same carrier  
Under subsection 119(2) of the Act, this warrant remains in force, to the extent that it relates to a telecommunications service operated by a particular carrier, until the occurrence of the sooner of the following:
  - i. the warrant is first executed in relation to a telecommunications service operated by that particular carrier;
  - ii. the end of the period of 5 days after the day on which it was issued

**4. Conditions only if applicable**

The accessing of stored communications under this warrant is subject to the following conditions:

(b) *[details of conditions in numbered paragraphs]*

**5. Restrictions only if applicable**

The accessing of stored communications under this warrant is subject to the following restrictions:

(b) *[details of conditions in numbered paragraphs]*

Dated

.....  
Issuing Authority

204. In Schedule 1, Form 107C—Stored Communication Warrant—International is deleted and substituted as follows:

Form 107C

<p>Case Number:</p>  <p>FDN:</p>
--

**Commonwealth of Australia**

**Telecommunications (Interception and Access) Act 1979**

**STORED COMMUNICATIONS WARRANT—INTERNATIONAL**

<b>Person in respect of whom warrant is issued</b>	[Full known name, other known names, other known identifying information (e.g. date of birth)]
--	--

Applicant criminal law-enforcement agency	[Name]
Person making application on behalf of criminal law-enforcement agency	[Full Name]

Note: See subsections 119(4) and (5) of the Act in relation to issuing a further warrant in respect of a person in respect of whom a previous warrant was issued.

<p><b>1. Authorisation</b></p> <p>(1) I, [name], an issuing authority within the meaning of the <i>Telecommunications (Interception and Access) Act 1979</i> (Cth) ('the Act'), acting under section 116 of the Act, authorise the accessing of any stored communication:</p> <p>(a) that was made by the person mentioned above, or that another person has and for which the intended recipient is the person mentioned above; and</p> <p>(b) that becomes, or became, a stored communication before the warrant is first executed in relation to the carrier that holds the communication.</p> <p>(2) I am satisfied, on the basis of the information given to me under Part 3-3 of the Act in connection with the application for this warrant, that:</p> <p><input type="checkbox"/> (a) Division 1 of Part 3-3 of the Act has been complied with in relation to the application for this warrant.</p> <p><input type="checkbox"/> (b) because of urgent circumstances, it was necessary to make the application by telephone.</p>
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- (c) there are reasonable grounds for suspecting that [a] particular carrier[s] hold[s] stored communications:
  - i. that the person mentioned above has made; or
  - ii. that another person has made and for which the person mentioned above is the intended recipient.
- (d) information that would be likely to be obtained by accessing those stored communications under a stored communications warrant would be likely to assist in connection with the investigation by the applicant criminal law enforcement agency of the following serious foreign contravention[s] in which the person mentioned above is involved:
  - [short particulars of each serious foreign contravention].
- (e) the warrant should be issued having regard to the following matters only:
  - i. how much the privacy of any person or persons would be likely to be interfered with by accessing those stored communications under a stored communications warrant;
  - ii. the gravity of the conduct constituting each serious contravention;
  - iii. how much the information referred to in paragraph (d) would be likely to assist in connection with the investigation, investigative proceeding, or proceeding by [name of entity to which the application relates], of each serious foreign contravention, to the extent that this is possible to determine from information obtained from [name of entity to which the application relates].

## 2. Persons who may exercise this authority

Under section 127 of the Act, the authority conferred by this warrant may be exercised by an officer or staff member of the applicant criminal law enforcement agency, or another criminal law enforcement agency, in relation to whom an approval under subsection 127(2) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3. Duration of warrant

- (a) Under section 125 of the Act, this warrant comes into force when it is issued
- (b) Complete this subclause only if the warrant relates to 1 or more telecommunication services that are all operated by the same carrier Under subsection 119(1) of the Act, this warrant remains in force until the occurrence of the sooner of the following:
  - iii. the warrant is first executed;
  - iv. the end of the period of 5 days after the day on which it was issued
- (c) Complete this subclause only if the warrant relates to 2 or more telecommunications services that are not all operated by the same carrier Under subsection 119(2) of the Act, this warrant remains in force, to the extent that it relates to a telecommunications service operated by a particular carrier, until the occurrence of the sooner of the following:
  - iii. the warrant is first executed in relation to a telecommunications service operated by that particular carrier;
  - iv. the end of the period of 5 days after the day on which it was issued

## 4. Conditions only if applicable

The accessing of stored communications under this warrant is subject to the following conditions:

- (a) [details of conditions in numbered paragraphs]

## 5. Restrictions only if applicable

The accessing of stored communications under this warrant is subject to the following restrictions:

- (a) [details of conditions in numbered paragraphs]

Dated



..... <b>Issuing Authority</b>
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205. In Schedule 1, Form 116—Bail Agreement Variation is deleted and substituted as follows:

Form 116

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## BAIL AGREEMENT VARIATION

**Bail Act 1985 s 6**

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

Person entering into bail agreement			
Subject	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth	Date of Birth	Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile)—Number	Another number	

**Bail Agreement**

I, the Subject of the above address agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

**I may be arrested by the police** with or without a warrant; and

**I may have to pay any money** that I have agreed to pay to the Court if I break this agreement;  
and

**I may be convicted of an offence** against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

**Rules (Conditions)****General**

- 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- 2. I must pay to the Court \$[*amount*] if I break any terms or conditions of this Bail Agreement.
- 3. I must provide security by personally depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- 4. I must come to Court
  - e. [*on date, at time, at location, in court*]
  - f. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

**Supervision**

- 5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- 7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. [BLANK]
- 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 10. [BLANK]
- 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 12. Adult only I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.

- 13. *Youth Only* I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 14. *Adult Only* I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 15. *Youth Only* I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- 16. *Adult Only* I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- 17. *Youth Only* I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

**Travel**

- 19. *default selected if no supervision condition selected* I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- 20. *default selected if supervision condition selected* I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- 23. I must not enter any point of international departure such as an airport or seaport.

**Firearms**

- 24. *mandatory unless cogent reasons and no undue risk* I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 25. *mandatory unless cogent reasons and no undue risk* I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

**Home Detention**

27. **Adult Only** I must live at [address] and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.
28. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
  - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
  - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
29. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
  - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
  - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
  - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
  - e. going to an intervention program as approved or directed by my Supervising Officer;
  - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
  - g. any other reason approved or directed by my Supervising Officer.

30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
  - b. necessary medical or dental treatment;
  - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].
33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
  - b. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
  - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - e. I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
  - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
  - g. I must comply with any direction given by my Supervising Officer.
35. I give permission for the Department [for Correctional Services/of Human Services] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.

36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

**Residence (place of living)**

37. I must live at [address]
38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
39. I must live where my Supervising Officer directs.
40. Youth Only I must live where [my Supervising Officer/the Department for Child Protection] directs, at first with [name].
41. I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement.
42. Youth only I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
  - b. in line with the terms and conditions of this Bail Agreement;
  - c. in the company of [name/an adult approved by my Supervising Officer].
43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
44. default selected if general residential condition selected If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
  - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
  - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
45. I must not live at [address(es)].
46. I must not live with [name(s)].

**Monitoring**

47. When I am released from Court, I:
- a. **default selected** must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for *Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
  - b. **youth only** must remain in custody pending the availability of an electronic monitoring device;
  - c. must wear the electronic transmitter and obey the Department [for *Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
  - d. must always be contactable by mobile telephone following words **default selected** if class 1 or class 2 offence or serious and organised crime suspect **selected** [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
  - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
  - f. must answer straight away to any calls or text messages from the Department [for *Correctional Services/of Human Services*] on the mobile phone number I have given.

### Programs

48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
49. **Adult Only** I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - b. educational, vocational or recreational programs;
  - c. intervention program;
  - d. programs and projects,
- that my Supervising Officer reasonably directs.
51. **Adult Only** I must pay [amount in dollars or percentage of cost] towards the cost of [any course or treatment/specify courses or treatments] required to be undertaken by me under the condition[s] above.



**Communication**

- 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- 54. I must not:
  - a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
  - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

**Association**

- 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- 59. I must not [*go to [location] [or] go or stay within the area [description of area, including boundaries]*]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work as defined in the *Child Sex Offenders Registration Act 2006* and I must not apply for child related work except [*specify exception(s)*].
- 61. I must not assault, harass, threaten or intimidate [*name*].
- 62. I must obey the terms of any active Intervention Order.

**Employment**

63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

**Drugs and Alcohol**

64. I must not use
- a. alcohol
  - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
  - c. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

**Driver's Licence**

66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

**Other Conditions**

67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
68. *[other conditions]* provision for multiple additional conditions

**Guarantee**

69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of *[\$amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of *[\$amount]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

**Youth Aboriginal Community Court Adelaide Conditions**

72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

**Subject**

I agree to this Bail Agreement. I have been provided with a copy of this Bail Agreement.

.....  
Signature of person entering into bail agreement

.....  
Name printed

**Witness**

.....  
Signature of authorised witness  
witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the person entering into the bail agreement is in a training centre, the person in charge of a prison if the person entering into the bail agreement is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer granting bail

.....  
Printed name and title of witness stamp here if applicable

.....  
Date

206. In Schedule 1, Form 131—Generic is deleted and substituted as follows:

Form 131

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

**{TITLE}**

**[SUPREME/DISTRICT/MAGISTRATES/YOUTH]** Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

<b>Lodging party</b>	<small>Party title</small>	<small>Full name of party</small>
Name of law firm/office		
<small>If applicable</small>	<small>Law firm/office</small>	<small>Responsible Solicitor</small>
Name of authorised officer <small>If body corporate and no law firm/office</small>	<small>Full name</small>	

<p><b>[Substantive Title]</b> Substance of the form</p>
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**Service**

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

**Accompanying Documents**

Accompanying this Document is a:

If applicable identify document(s)

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In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991*, the *Magistrates Court Act 1991* and the *Youth Court Act 1993* and all other enabling powers, the *Uniform Special Statutory Rules (No 3) Amending 2024* have been made—

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Acting Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates; and
- as rules of the Youth Court by the Judge and the magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated this 7<sup>th</sup> day of August 2024.

ACTING CHIEF JUSTICE LIVESSEY  
ACTING CHIEF JUDGE SOULIO  
CHIEF MAGISTRATE HRIBAL  
JUDGE ELDRIDGE

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**