

EXTRAORDINARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, FRIDAY, 26 APRIL 2002

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TAXATION (RECIPROCAL POWERS) ACT 1989 SECTION 3 (3): CORRESPONDING LAWS AND CORRESPONDING COMMISSIONERS

Proclamation By The Governor

(L.S.) MARJORIE JACKSON-NELSON

PURSUANT to section 3 (3) of the *Taxation (Reciprocal Powers) Act 1989* and with the advice and consent of the Executive Council, I—

- (a) revoke the proclamation declaring corresponding laws and corresponding commissioners made on 16 December 1999 (see *Gazette* 16 December 1999 p. 3326);
- (b) declare that an Act (as amended from time to time) listed in column 1 of the Schedule is a law corresponding to the South Australian Taxation Act or Acts appearing opposite in column 3;
- (c) declare that the corresponding Commissioner in relation to a corresponding law listed in column 1 of the Schedule is the person who, for the time being, is the holder of, or is acting in, the office appearing opposite in column 2.

SCHEDULE

Corresponding Law	Corresponding Commissioner	South Australian Taxation Act
<i>New South Wales</i>		
Debits Tax Act 1990	Chief Commissioner of State Revenue	• Debits Tax Act 1994
Land Tax Act 1956	Chief Commissioner of State Revenue	• Land Tax Act 1936
Land Tax Management Act 1956	Chief Commissioner of State Revenue	• Land Tax Act 1936
Premium Property Tax Act 1998	Chief Commissioner of State Revenue	• Land Tax Act 1936
Pay-roll Tax Act 1971	Chief Commissioner of State Revenue	• Pay-roll Tax Act 1971
Stamp Duties Act 1920	Chief Commissioner of State Revenue	• Financial Institutions Duty Act 1983
Duties Act 1997	Chief Commissioner of State Revenue	• Stamp Duties Act 1923
Taxation Administration Act 1996	Chief Commissioner of State Revenue	• Taxation Administration Act 1996
<i>Victoria</i>		
Business Franchise (Tobacco) Act 1974	Commissioner of State Revenue	• Tobacco Products Regulation Act 1997
Business Franchise (Petroleum Products) Act 1979	Commissioner of State Revenue	• Petroleum Products Regulation Act 1995
Debits Tax Act 1990	Commissioner of State Revenue	• Debits Tax Act 1994
Duties Act 2000	Commissioner of State Revenue	• Taxation Administration Act 1996
Financial Institutions Duty Act 1982	Commissioner of State Revenue	• Stamp Duties Act 1923
		• Financial Institutions Duty Act 1983
		• Taxation Administration Act 1996
Land Tax Act 1958	Commissioner of State Revenue	• Land Tax Act 1936
Pay-roll Tax Act 1971	Commissioner of State Revenue	• Pay-roll Tax Act 1971
Taxation Administration Act 1997	Commissioner of State Revenue	• Taxation Administration Act 1996
<i>Queensland</i>		
Debits Tax Act 1990	Commissioner of State Revenue	• Debits Tax Act 1994
		• Taxation Administration Act 1996
Duties Act 2001	Commissioner of State Revenue	• Stamp Duties Act 1923
Land Tax Act 1915	Assistant Commissioner of Land Tax	• Land Tax Act 1936
Pay-roll Tax Act 1971	Assistant Commissioner of Pay-roll Tax	• Pay-roll Tax Act 1971
Stamp Act 1894	Assistant Commissioner of Stamp Duties	• Stamp Duties Act 1923
Taxation Administration Act 2001	Commissioner of State Revenue	• Taxation Administration Act 1996
Tobacco Products (Licensing) Act 1988	Assistant Commissioner of Tobacco Products Licensing	• Tobacco Products Regulation Act 1997
<i>Western Australia</i>		
Debits Tax Assessment Act 1990	Commissioner of State Revenue	• Debits Tax Act 1994
		• Taxation Administration Act 1996
Financial Institutions Duty Act 1983	Commissioner of State Revenue	• Financial Institutions Duty Act 1983
		• Taxation Administration Act 1996

Corresponding Law	Corresponding Commissioner	South Australian Taxation Act
Land Tax Assessment Act 1976	Commissioner of State Revenue	• Land Tax Act 1936
Pay-roll Tax Assessment Act 1971	Commissioner of State Revenue	• Pay-roll Tax Act 1971
Stamp Act 1921	Commissioner of State Revenue	• Stamp Duties Act 1923
<i>Northern Territory</i>		
Business Franchise Act	The Commissioner of Taxes	• Petroleum Products Regulation Act 1995
		• Tobacco Products Regulation Act 1997
Debits Tax Act	The Commissioner of Taxes	• Debits Tax Act 1994
Financial Institutions Duty Act	The Commissioner of Taxes	• Financial Institutions Duty Act 1983
Pay-roll Tax Act	The Commissioner of Taxes	• Pay-roll Tax Act 1971
Stamp Duty Act	The Commissioner of Taxes	• Stamp Duties Act 1923
Taxation (Administration) Act	The Commissioner of Taxes	• Stamp Duties Act 1923
		• Taxation Administration Act 1996
		• Financial Institutions Duty Act 1983
<i>Australian Capital Territory</i>		
Tobacco Licensing Act 1984	Commissioner for Australian Capital Territory Revenue	• Petroleum Products Regulation Act 1995
		• Tobacco Products Regulation Act 1997
Financial Institutions Duty Act 1987	Commissioner for Australian Capital Territory Revenue	• Financial Institutions Duty Act 1983
		• Taxation Administration Act 1996
Pay-roll Tax Act 1987	Commissioner for Australian Capital Territory Revenue	• Pay-roll Tax Act 1971
Duties Act 1999	Commissioner for Australian Capital Territory Revenue	• Stamp Duties Act 1923
Duties (Consequential and Transitional Provisions) Act 1999		
Stamp Duties and Taxes Act 1987		
Insurance Levy Act 1998	Commissioner for Australian Capital Territory Revenue	• Stamp Duties Act 1923
Taxation Administration Act 1999	Commissioner for Australian Capital Territory Revenue	• Petroleum Products Regulation Act 1995
Taxation Administration (Consequential and Transitional Provisions) Act 1999		• Tobacco Products Regulation Act 1997
		• Taxation Administration Act 1996
Debits Tax Act 1997	Commissioner for Australian Capital Territory Revenue	• Debits Tax Act 1994
		• Taxation Administration Act 1996
<i>Tasmania</i>		
Debits Duties Act 2001	The Commissioner of State Revenue	• Debits Tax Act 1994
Duties Act 2001	The Commissioner of State Revenue	• Stamp Duties Act 1923
		• Debits Tax Act 1994
Financial Institutions Duty Act 1986	The Commissioner of State Revenue	• Financial Institutions Duty Act 1983
		• Taxation Administration Act 1996
Land Tax Act 2000	The Commissioner of State Revenue	• Land Tax Act 1936
Pay-roll Tax Act 1971	The Commissioner of State Revenue	• Pay-roll Tax Act 1971
Stamp Duties Act 1931	The Commissioner of Stamp Duties	• Stamp Duties Act 1923
		• Debits Tax Act 1994
Taxation Administration Act 1997	Commissioner of State Revenue	• Taxation Administration Act 1996

Given under my hand and the Public Seal of South Australia, at Adelaide, 26 April 2002.

By command,

J. W. WEATHERILL, for Premier

STATE CLOTHING CORPORATION ACT 1977 SECTION 13:
EXPIRY OF ACT*Proclamation By The Governor*

(L.S.) MARJORIE JACKSON-NELSON

PURSUANT to section 13 of the *State Clothing Corporation Act 1977* and with the advice and consent of the Executive Council, I fix 27 April 2002 as the day on which the State Clothing Corporation Act 1977 will expire.

Given under my hand and the Public Seal of South Australia, at Adelaide, 26 April 2002.

By command,

J. W. WEATHERILL, for Premier

MAS 02/022 CS

Department of the Premier and Cabinet
Adelaide, 26 April 2002

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Public and Environmental Health Council, pursuant to the provisions of the Public and Environmental Health Act 1987:

Member: (from 26 April 2002 until 25 April 2005)
John Lynton Coombe

Deputy Member: (from 26 April 2002 until 25 April 2005)
David Rowe (Deputy to Coombe)

By command,

J. W. WEATHERILL, for Premier

MHEA 003/02CS

Department of the Premier and Cabinet
Adelaide, 26 April 2002

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the River Murray Catchment Water Management Board, pursuant to the provisions of the Water Resources Act 1997:

Member: (from 26 April 2002 until 25 April 2006)
The Honourable David Charles Wotton

Presiding Member: (from 26 April 2002 until 25 April 2006)
The Honourable David Charles Wotton

By command,

J. W. WEATHERILL, for Premier

MEC 0009/02CS

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I JOHN HILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929, is committed DO HEREBY:

1. Resume the land defined in The First Schedule.

2. Dedicate the Crown Land defined in The Second Schedule as a Public Road.

3. Dedicate the Crown Land defined in The Third Schedule as a Conservation and Recreation Reserve and declare that such land shall be under the care, control and management of the City of Victor Harbor.

THE FIRST SCHEDULE

Stone Reserve, now numbered as section 756, Hundred of Encounter Bay, the proclamation of which was published in the *Government Gazette* of 23 December 1897 at page 1799, being the whole of the land comprised in Crown Record Volume 5756 Folio 544.

THE SECOND SCHEDULE

Allotment 22 of DP 58732, Hundred of Encounter Bay, County of Hindmarsh, being within the municipality of Victor Harbor.

THE THIRD SCHEDULE

Allotment 21 of DP 58732, Hundred of Encounter Bay, County of Hindmarsh, exclusive of all necessary roads.

Dated 24 April 2002.

J. HILL, Minister for Environment and Conservation
DEHAA 12/0746

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I JOHN HILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929, is committed DO HEREBY:

1. Resume the land defined in The First Schedule.

2. Dedicate the Crown Land defined in The Second Schedule as a Recreation Reserve and declare that such land shall be under the care, control and management of The Corporation of the City of Campbelltown.

THE FIRST SCHEDULE

Portion of Recreation Reserve, allotment 1 of Filed Plan No. 4901, Hundred of Adelaide, County of Adelaide, the notice of which, together with other land was published in the *Government Gazette* of 1 September 1994 at pages 616 and 617, The Second Schedule, being portion of the land contained in Crown Record Volume 5807 Folio 946.

THE SECOND SCHEDULE

Allotment 16 of DP 59153, Hundred of Adelaide, County of Adelaide, exclusive of all necessary roads:

1. Subject nevertheless to an existing easement to the Minister for Infrastructure more particularly described and set forth in Transfer 4429875 over that portion of allotment 16 marked 'A' on DP 59153.

2. Together with an existing right of way over the land marked 'C' and 'D' more particularly set forth in GRO Memorial No. 35 Book 141.

Dated 24 April 2002.

J. HILL, Minister for Environment and Conservation
DEHAA 17/1152

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2001

	\$		\$
Agents, Ceasing to Act as.....	32.75	Firms:	
Associations:		Ceasing to Carry on Business (each insertion)	21.80
Incorporation	16.70	Discontinuance Place of Business	21.80
Intention of Incorporation	41.25	Land—Real Property Act:	
Transfer of Properties	41.25	Intention to Sell, Notice of.....	41.25
Attorney, Appointment of.....	32.75	Lost Certificate of Title Notices	41.25
Bailiff's Sale	41.25	Cancellation, Notice of (Strata Plan).....	41.25
Cemetery Curator Appointed.....	24.50	Mortgages:	
Companies:		Caveat Lodgment.....	16.70
Alteration to Constitution	32.75	Discharge of	17.60
Capital, Increase or Decrease of	41.25	Foreclosures.....	16.70
Ceasing to Carry on Business	24.50	Transfer of	16.70
Declaration of Dividend.....	24.50	Sublet.....	8.40
Incorporation	32.75	Leases—Application for Transfer (2 insertions) each.....	8.40
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	24.50
First Name.....	24.50	Licensing	48.75
Each Subsequent Name	8.40	Municipal or District Councils:	
Meeting Final.....	27.50	Annual Financial Statement—Forms 1 and 2	462.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	327.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	65.50
First Name.....	32.75	Each Subsequent Name.....	8.40
Each Subsequent Name	8.40	Noxious Trade	24.50
Notices:		Partnership, Dissolution of.....	24.50
Call.....	41.25	Petitions (small)	16.70
Change of Name.....	16.70	Registered Building Societies (from Registrar-	
Creditors.....	32.75	General).....	16.70
Creditors Compromise of Arrangement	32.75	Register of Unclaimed Moneys—First Name.....	24.50
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name	8.40
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	41.25	Rate per page (in 8pt)	209.00
Release of Liquidator—Application—Large Ad	65.50	Rate per page (in 6pt)	276.00
—Release Granted	41.25	Sale of Land by Public Auction.....	41.75
Receiver and Manager Appointed	38.25	Advertisements	2.30
Receiver and Manager Ceasing to Act.....	32.75	Advertisements, other than those listed are charged at \$2.30 per	
Restored Name.....	31.00	column line, tabular one-third extra.	
Petition to Supreme Court for Winding Up.....	57.00	Notices by Colleges, Universities, Corporations and District	
Summons in Action.....	48.75	Councils to be charged at \$2.30 per line.	
Order of Supreme Court for Winding Up Action	32.75	Where the notice inserted varies significantly in length from	
Register of Interests—Section 84 (1) Exempt.....	74.00	that which is usually published a charge of \$2.30 per column line	
Removal of Office.....	16.70	will be applied in lieu of advertisement rates listed.	
Proof of Debts	32.75	South Australian Government publications are sold on the	
Sales of Shares and Forfeiture.....	32.75	condition that they will not be reproduced without prior	
Estates:		permission from the Government Printer.	
Assigned	24.50		
Deceased Persons—Notice to Creditors, etc.....	41.25		
Each Subsequent Name	8.40		
Deceased Persons—Closed Estates	24.50		
Each Subsequent Estate.....	1.05		
Probate, Selling of	32.75		
Public Trustee, each Estate	8.40		

All the above prices include GST

GOVERNMENT GAZETTE NOTICES

ALL private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to **Government Publishing SA** so as to be **received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@saugov.sa.gov.au.** Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged.

MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 JULY 2001

Acts, Bills, Rules, Parliamentary Papers and Regulations					
Pages	Main	Amends	Pages	Main	Amends
1-16	1.85	0.80	497-512	27.00	26.00
17-32	2.60	1.65	513-528	27.75	26.50
33-48	3.35	2.40	529-544	28.50	27.50
49-64	4.25	3.20	545-560	29.25	28.50
65-80	5.00	4.10	561-576	30.00	29.25
81-96	5.75	4.80	577-592	31.00	29.75
97-112	6.60	5.60	593-608	31.75	30.75
113-128	7.40	6.45	609-624	32.50	31.75
129-144	8.30	7.30	625-640	33.25	32.25
145-160	9.10	8.05	641-656	34.00	33.00
161-176	9.95	8.90	657-672	34.50	33.75
177-192	10.70	9.75	673-688	36.00	34.50
193-208	11.50	10.60	689-704	36.75	35.50
209-224	12.30	11.30	705-720	37.25	36.50
225-240	13.00	12.10	721-736	38.50	37.00
241-257	13.90	12.80	737-752	39.00	38.00
258-272	14.80	13.60	753-768	40.00	38.50
273-288	15.60	14.60	769-784	40.50	39.75
289-304	16.30	15.30	785-800	41.25	40.50
305-320	17.10	16.10	801-816	42.00	41.00
321-336	17.90	16.90	817-832	43.00	42.00
337-352	18.80	17.80	833-848	43.75	42.75
353-368	19.60	18.60	849-864	44.50	43.50
369-384	20.40	19.50	865-880	45.25	44.50
385-400	21.10	20.20	881-896	45.75	45.00
401-416	21.90	20.90	897-912	47.25	45.75
417-432	22.90	21.80	913-928	47.75	47.25
433-448	23.60	22.60	929-944	48.75	47.75
449-464	24.50	23.40	945-960	49.50	48.25
465-480	25.00	24.20	961-976	50.25	49.25
481-496	26.00	24.90	977-992	51.25	49.75

Legislation—Acts, Regulations, etc:

\$

Subscriptions:

Acts	166.90
All Bills as Laid	398.60
Rules and Regulations	398.60
Parliamentary Papers	398.60
Bound Acts	184.25
Index	89.20

Government Gazette

Copy	4.40
Subscription	220.20

Hansard

Copy	11.90
Subscription—per session (issued weekly)	345.35
Cloth bound—per volume	148.30
Subscription—per session (issued daily)	345.35

Legislation on Disk

Whole Database	2 551.00
Annual Subscription for fortnightly updates	784.30
Individual Act(s) including updates	POA

Compendium

Subscriptions:

New Subs	1 513.50
Updates	540.25

(All the above prices include GST)

All Legislation, Government Gazette, Hansard and Legislation on disk are available from:

**Counter Sales
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S.A. Country Customer Free Call: 1800 182 234
TTY (Hearing Impaired): (08) 8204 1923

Subscriptions and Standing Orders:
Phone: (08) 8207 0908, (08) 8207 0910. Fax: (08) 8207 1040
Box 9, Plaza Level, Riverside Centre, North Terrace, Adelaide, S.A. 5000.

The Magistrates Court of South Australia Amendment No 19 to the Magistrates Court (Civil) Rules 1992

Pursuant to section 49 of the Magistrates Court Act 1991 and all other enabling powers, we the undersigned do make the following amendments to the Magistrates Court (Civil) Rules 1992:

Rule 2 is amended by deleting the definition of “action” or “claim” and replacing it with the following:

“action” or “claim” means an action or claim (at law or in equity), defence, counterclaim, set-off, interpleader, third and subsequent party action or claim, any other originating application or appellate action or claim and a mediation and expert opinion arranged by the court in relation to an intended claim, respectively within the jurisdiction of the Civil Divisions of the Court.

Rule 13 is deleted and replaced with the following:

- 13 (1) A solicitor is taken to be acting for a party in an action when he or she files and serves notice in writing of that fact on all other parties and must continue to act until the Court orders that he or she may cease to act, or his or her client has filed a notice in writing that the solicitor is no longer acting.
- (2) A firm or company of solicitors must nominate a person within the firm or company as the contact person and that person is a person acting for the party for the purpose of these rules unless the firm or company advises the court in writing that a different person is the contact person, or the firm or company ceases to act in accordance with these Rules.
- (3) Subject to any Act a party may do any act or thing under these Rules by his/her solicitor.
- (4) In deciding whether a party would be unfairly disadvantaged in a minor civil action, if not represented by a legal practitioner, the Court must have regard to whether –
- (a) the party has a judgment in his/her favour in the action,
 - (b) the party will suffer undue expense or inconvenience in attending,
 - (c) the party is unable to attend due to ill health,
 - (d) any other proper cause exists.

Rule 20A is amended by the addition of the following sub rule:

- (5) The Registrar must give an action number to any action in which the Court arranges a mediation or expert opinion before a claim is filed by a party.

Rule 61(1) is deleted and replaced with the following:

61(1) Where a party signs judgment for a claim:

- (a) for a debt or liquidated sum; or
- (b) for the cost of repairs to, or the loss of, property and any other consequential loss;

the party will have judgment for the claim, plus costs on the scale applicable to the claim, but the party has no entitlement to pre-judgment interest except if it is awarded by the Court on an Application.

Rule 67 is deleted and replaced with the following:

67(1) The Court may permit or require a party to attend any hearing by being available at a designated telephone, a video link at a nominated facility, or by E-mail.

- (2) A request by a party to attend by telephone, video link or E-mail must be made the Trial Court sufficiently prior to the hearing to allow the Court to decide whether to allow the request, and if it is granted, to put appropriate arrangements in place.
- (3) If the Court is unable to contact the party at any time within fifteen minutes after the time appointed for the hearing, at the phone number given by the party, or by video link at the nominated facility or at the computer to which the E-mail attendance is applicable, rule 85 applies.
- (4) The Court may of its own motion contact a party or any other person by telephone, video link or E-mail.

Rule 95 is amended by the addition of the following sub rule:

- (3) Where the Court accepts as evidence for any purpose a document that records the delivery of goods, the Court may accept the document as prima facie evidence of that delivery.

Rule 106 is amended:

in sub rule (3) by deleting the dollar amount \$2,500 and replacing it with the dollar amount \$3,000,

and by the addition of the following new sub rule:

- (10) Where a person has been served with a notice of claim under rule 20A s/he may serve on the plaintiff a consent to judgment, and file a copy with a copy of the notice of the intended claim, to which the Registrar will give an action number, and if the plaintiff subsequently obtains judgment, its entitlement to costs will be a matter for the discretion of the Court.

Rule 124(1) is deleted and replaced with the following:

124(1) Subject to any order of the court to the contrary, interest for the purpose of section 35 must be calculated at the rate of 5% per annum.

The Second Schedule is amended by the deletion of Forms 2, 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 8, 9, 23A, 23B, 23C, and the replacement of them with the following forms and the addition of a new form 23J in the following form:

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)-CLAIM**

FORM 2

Trial Court:

Action No.:

Address:

Telephone:

Fax No.:

Amount Claimed (if any)

Court Fee on Filing

Service and Other Fee

Solicitor's Fee

TOTAL CLAIMED

OFFICE USE ONLY

Date of Filing:

Date of Posting:

PI MVA - Served SGIC:

\$

\$

\$

\$

\$

TYPE OF CLAIM (tick):

Building

Criminal Assets Confiscation

Motor Vehicle Property

Equity

Other (specify)

☐
☐
☐
☐
☐

Contract

De Facto Relationship

Personal Injury Motor Vehicle

Retail & Commercial Lease

☐
☐
☐
☐

Corporations Law

Debt

Other Personal Injury

Workers Lien

☐
☐
☐
☐
METHOD OF SERVICE (tick):

Registrar

☐

Sheriff

☐

Plaintiff's Solicitor

☐

Party

☐**PLAINTIFF/S:**

Full Name:

Address/es:

Registered Office, if Body Corporate:

Telephone No.:

Fax No.:

DX No.:

E-Mail:

Solicitor for Plaintiff/s (name):

If firm or company, contact person:

Address:

Telephone No.:

Fax No.:

DX No.:

E-Mail:

DEFENDANT/S:

Full Name:

Address/es:

Registered Office, if Body Corporate:

Telephone No.:

Fax No.:

DX No.:

Solicitor for Defendant/s (name):

Address:

Telephone No.:

Fax No.:

DX No.:

DEFENDANT/S - If you have a defence or counterclaim you must, within 21 days from receiving this claim, go to your nearest court and file a defence and/or counterclaim.

**** TAKE THIS FORM WITH YOU ****

If you do nothing, the plaintiff may get judgment against you.

If you consent to judgment, please sign and return this form to the Trial Court (address above).

I, _____ consent to judgment for the total claimed.

Date: / /

Signature: _____

(Defendant/s)

PARTICULARS: State what you want from the Court. Briefly state the date, place and circumstances from which the claim arose. Where the claim is for damages the amount claimed for each head of damages must be given (e.g. an amount for pain and suffering or economic loss etc.). The plaintiff or his/her solicitor must sign and date each page. There are cost penalties for making an unsuccessful claim or counterclaim.

Date: / /

Signature:

AFFIDAVIT OF PROOF OF SERVICE

I, of

Occupation:

MAKE OATH AND SAY that:

I. I did on the day of 20..... between the
hours of and duly serve the within named
defendant with this claim and form 17.

(Please tick the appropriate box)

- ☐ By personal service on the person.
- ☐ By service on the solicitor acting for the person.
- ☐ By leaving it for the person at the address of the place of dwelling or business of the person with someone apparently above the age of 14 years.
- ☐ By depositing it for the person at the DX addressed to the DX number of the person or the solicitor acting for the person.
- ☐ By leaving it at the registered office of the body corporate.
- ☐ By sending it by prepaid post addressed to the strata corporation at its site or its post office box.
- ☐ By prepaid post addressed to the community corporation or to the presiding officer, treasurer or secretary at the postal address of the community corporation or by placing it in the community corporation's letterbox.
- ☐ By fax directed to the fax number of the person or the solicitor acting for the person during normal business hours on a business day.
- ☐ By service on one partner or at the principal place of business of the firm.
- ☐ By sending it by prepaid post addressed to the address of the person at -

(note - unless the court is satisfied that the document served by this method came to the attention of the defendant the plaintiff is not entitled to costs thrown away if the judgment is set aside-rule 106(8))

- ☐ By E-Mail to the E-Mail address given by that person during normal business hours on a normal business day.
- ☐ By
(here describe any other authorised means of service)

II. I served the person at (state the address, DX number, fax number etc.)

III. I necessarily made trips and travelled kilometres for the purpose of effecting the service.

SWORN before me at
day of 20 .

the

Signature:
(Person authorised to take Affidavits
(e.g. Justice of the Peace))

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 3**MINOR CIVIL ACTION - CLAIM**

Trial Court:
Action No.:

Address:

Telephone:

Amount Claimed (if any)

Court Fee on Filing

Service and Other Fee

Solicitor's Fee

TOTAL CLAIMED

Fax No.:

\$

\$

\$

\$

\$

OFFICE USE ONLY

Date of Filing:

Date of Posting:

PI MVA - Served SGIC:

TYPE OF CLAIM (tick):Building ☐De Facto Relationship ☐Personal Injury Motor Vehicle ☐Contract ☐Debt ☐Other Personal Injury ☐Corporations Law ☐Motor Vehicle Property ☐Other (specify) ☐**METHOD OF SERVICE (tick):**Registrar ☐Sheriff ☐☐Plaintiff's Solicitor ☐☐Party ☐☐**PLAINTIFF/S:**

Full Name:

Address/es:

Registered Office, if Body Corporate:

Telephone No.:

Fax No.:

DX No.:

E-Mail:

Solicitor for Plaintiff/s (*A solicitor is not required. The solicitor cannot appear at the trial*):

Name:

Address:

Telephone No.:

Fax No.:

DX No.:

E-Mail:

DEFENDANT/S:Full Name (*if known*):

Address/es:

Registered Office, if Body Corporate:

Telephone No.:

Fax No.:

DX No.:

DEFENDANT/S - If you have a defence or counterclaim, you must, within 21 days from receiving this claim, go to your nearest court and file a defence and/or counterclaim.

**** TAKE THIS FORM WITH YOU ******If you do nothing, the plaintiff may get judgment against you.****If you consent to judgment, please sign and return this form to the Trial Court (address above).**

I, consent to judgment for the total claimed.

Date: / /

Signature:

(Defendant/s)

PARTICULARS: State what you want from the Court. Briefly state the date, place and circumstances from which the claim arose. Where the claim is for damages the amount claimed for each head of damages must be given (e.g. an amount for pain and suffering or economic loss etc.). The plaintiff or his/her solicitor must sign and date each page.

Date: / /

Signature:

AFFIDAVIT OF PROOF OF SERVICE

I, _____ of _____

Occupation: _____

MAKE OATH AND SAY that:

I. I did on the _____ day of _____ 20_____ between _____ the
hours of _____ and _____ duly serve the within named
defendant _____ with this claim and form 17.

(Please tick the appropriate box)

- ☐ By personal service on the person.
- ☐ By service on the solicitor acting for the person.
- ☐ By leaving it for the person at the address of the place of dwelling or business of the person with someone apparently above the age of 14 years.
- ☐ By depositing it for the person at the DX addressed to the DX number of the person or the solicitor acting for the person.
- ☐ By leaving it at the registered office of the body corporate.
- ☐ By sending it by prepaid post addressed to the strata corporation at its site or its post office box.
- ☐ By prepaid post addressed to the community corporation or to the presiding officer, treasurer or secretary at the postal address of the community corporation or by placing it in the community corporation's letterbox.
- ☐ By fax directed to the fax number of the person or the solicitor acting for the person during normal business hours on a business day.
- ☐ By service on one partner or at the principal place of business of the firm.
- ☐ By sending it by prepaid post addressed to the address of the person at -

(note - unless the court is satisfied that the document served by this method came to the attention of the defendant the plaintiff is not entitled to costs thrown away if the judgment is set aside-rule 106(8))

- ☐ By E-Mail to the E-Mail address given by that person during normal business hours on a normal business day.
- ☐ By
(here describe any other authorised means of service)

II. I served the person at (state the address, DX number, fax number etc.)

III. I necessarily madetrips and travelled..... kilometres for the purpose of effecting the service.

SWORN before me at _____
day of _____ 20_____

the

Signature: _____
(Person authorised to take Affidavits
(e.g. Justice of the Peace)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 3A

Application - Fences Act 1975

Trial Court:

Action No.:

Address:

Telephone:

Fax No.:

OFFICE ONLY	USE
Date of Filing:	
Date of Posting:	

Amount Claimed (if any)

\$

Court Fee on Filing

\$

Service and Other Fee

\$

Solicitors Fee

\$

Total

\$

PLAINTIFF

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

E-mail:

Solicitor (if any):

DEFENDANT

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

Solicitor (if any):

You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$6,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$6,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will apply.

This is an application for a determination of a difference or dispute in relation to a fence/proposed fence between:

Plaintiff's Land (Address):**Defendant's Land** (Address):

Attach a copy of any notice of intention to perform fencing work, cross notice and notice of objection to a counter proposal in the cross notice which has been given.

Date:

Signature:

(Plaintiff **must** sign this form)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)****FORM 3B****Application - Neighbourhood Dispute**

Trial Court: Action No.:

Address:

Telephone:

Fax No.:

Amount Claimed (if any)

\$

Court Fee on Filing

\$

Service and Other Fee

\$

Solicitors Fee

\$

Total

\$

OFFICE USE ONLY

Date of Filing:

Date of Posting:

PLAINTIFF

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

E-mail:

Solicitor (if any):

DEFENDANT

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

Solicitor (if any):

You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$6,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$6,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will apply.

Briefly state the facts giving rise to this application:

Date:

Signature:

(Plaintiff **must** sign this form)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 3C

Application - Retail and Commercial Leases Act 1995 - Sections 12, 15 and 49(2)(b)

Trial Court: _____ Action No.: _____

Address: _____

Telephone: _____ Fax No.: _____

Amount Claimed (if any) \$ _____

Court Fee on Filing \$ _____

Service and Other Fee \$ _____

Solicitors Fee \$ _____

Total \$ _____

OFFICE USE ONLY

Date of Filing: _____

Date of Posting: _____

LESSEE/TENANT

Full Name: _____

Address/Registered Office: _____

Telephone: _____ Fax No.: _____ E-Mail: _____

Solicitor (if any): _____

LESSOR/LANDLORD

Full Name: _____

Address/Registered Office: _____

Telephone: _____ Fax No.: _____

Solicitor (if any): _____

You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$6,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$6,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s.38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will apply.

This is an application by the lessee under (delete as appropriate):

- s.12 - false or misleading disclosure statement
- s.15 - recovery of premium paid in connection with the granting of a retail shop lease
- s.49(2)(b) - recovery of a premium paid in connection with the renewal or extension of a retail shop lease

The relevant retail shop lease is dated the _____ day of _____ 20____ and is for a shop at (please state the name and address of shopping centre) - _____

Briefly state the facts giving rise to this claim.

Date: Signature:
(Lessee **must** sign this form)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 3D

Retail and Commercial Leases Act 1995, Section 20(6) - Referral

Trial Court: Action No.:

Address:

Telephone: Fax No.:

Amount of Bond \$
 Court Fee on Filing \$
 Service and Other Fee \$ _____

Total \$

OFFICE USE ONLY

Date of Filing:

Date of Posting:

LESSOR/LANDLORD

Full Name:

Address/Registered Office:

Telephone: Fax No.:

Solicitor (if any):

LESSEE/TENANT

Full Name:

Address/Registered Office:

Telephone: Fax No.: E-Mail:

Solicitor (if any):

You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$6,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$6,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s38(4)(a) of the Magistrates Court Act 19 and the minor civil cost scale will apply.

This is a referral by the Commissioner for Consumer Affairs of a dispute over a security bond.

The relevant retail shop lease is dated the _____ day of _____ 20 _____ and is for a shop at (please state the name and address of shopping centre) -

Briefly state the facts giving rise to this application:

Date:

Signature:

(Signed on behalf of Commissioner)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 3E

**Application - Retail and Commercial Leases Act 1995 - Sections 68, 76(8) and 77(2);
Landlord and Tenant Act 1936 (other than applications to which sections 12 & 20
of the Retail and Commercial Leases Act 1995 apply)**

Trial Court:

Action No.:

Address:

Telephone:

Fax No.:

OFFICE USE ONLY

Date of Filing:

Date of Posting:

Amount Claimed (if any)

\$

Court Fee on Filing

\$

Service and Other Fee

\$

Solicitors Fee

\$

Total

\$

APPLICANT

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

E-mail:

Solicitor (if any):

OTHER PARTY

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

Solicitor (if any):

You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$6,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$6,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s.38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will apply.

This is an application by the *lessor/lessee for an order under:

- s.68 *Retail and Commercial Leases Act* - General Jurisdiction
- s.76(8) *Retail and Commercial Leases Act* - dispute about abandoned goods*
- s.77(2) *Retail and Commercial Leases Act* - exemption from provisions of the Act*
- the *Landlord and Tenant Act* and Regulation 13 of the *Retail Shop Leases Regulations 1995*

The relevant retail shop lease is dated the _____ day of _____ 20____ and is for a shop at
(please state the name and address of shopping centre) - _____

Briefly state the facts giving rise to this application and the remedy you want:

Date:

Signature:

* Delete as appropriate

(Applicant **must** sign this form)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 3F**APPLICATION - Second-Hand Vehicle Dealers Act 1995**

Trial Court: Action No.:

Address:

Telephone:

Fax No.:

Amount Claimed (if any)

\$

Court Fee on Filing

\$

Service and Other Fee

\$

Solicitors Fee

\$

Total

\$

OFFICE USE ONLY

Date of Filing:

Date of Posting:

PURCHASER

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

E-Mail:

Solicitor (if any):

DEALER

Full Name:

Address/Registered Office:

Telephone:

Fax No.:

Solicitor (if any):

You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$6,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$6,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will apply.

The vehicle is a (type/model), registration number
purchased from the dealer on the day of 20 .

Has the Commissioner of Consumer Affairs recorded an agreement? *Yes/No
If the answer is "yes", please attach a copy of the agreement to this form

Do you want the dealer to repair defects in the vehicle? *Yes/No
If the answer is "yes", please attach a list of those defects.

Do you want compensation for the cost of someone else fixing the defects in
the vehicle and/or any other loss or damage? *Yes/No
If the answer is "yes", please attach a summary of the amounts claimed together with relevant
invoices/quotes.

Date:

Signature:

* Delete as appropriate

(Purchaser **must** sign this form)

FORM 3G

\$

(Applicant **must** sign this form)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 8

**APPLICATION - Commercial Arbitration Act 1986, Unclaimed Goods Act 1987,
Warehouse Liens Act 1990, or Second-Hand Dealers and Pawnbrokers Act 1996**

Trial Court:

Action No.:

Address:

Telephone:

Fax No.:

Commercial Arbitration Act 1986

☐

Unclaimed Goods Act 1987 (up to \$80,000)

☐

Warehouse Liens Act 1990

☐

Second-Hand Dealers & Pawnbrokers Act 1996

☐

Value of Property in Dispute

\$

Court Fee on Issue

\$

Service and Other Fee

\$

Solicitor's Fee

\$

PLAINTIFF(S)/APPLICANT(S):

Full Name:

Address/es:

Registered Office, if Body Corporate:

Telephone No.:

Fax No.:

DX No.:

E-mail:

Solicitor for Plaintiff(s)/Applicant(s)

Name:

Address:

Telephone No.:

Fax No.:

DX No.:

E-Mail:

DEFENDANT(S)/BAILOR(S)/SECOND-HAND DEALER:

Full Name

Address/es:

Registered Office, if Body Corporate:

Telephone No.:

Fax No.:

DX No.:

Solicitor for Defendant(s)/Bailor(s)/Second-Hand Dealer:

Name:

Address:

Telephone No.:

Fax No.:

DX No.:

PARTICULARS OF ACTION AND REMEDY:

1. Briefly state the date, place and circumstances from which the action arose:
2. State remedy or relief sought:

Date: / /

Signature:

Plaintiff/Applicant (or his/her solicitor) must sign and date each page

I certify that I have served a copy of the Application on the defendant(s)/bailor(s) at the address shown above.

Unclaimed Goods Act 1987 - I certify that I have served a copy of the Application and this notice on the Commissioner of Police.

Date: / /

Signature:

Registrar - Trial Court

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 9

Application - Consumer Transactions Act 1972 - sections 13, 15 and 18

Trial Court:

Action No.:

Address:

Telephone:

Fax No.:

Amount Claimed (if any)

\$

Court Fee on Filing

\$

Service and Other Fee

\$

Solicitor's Fee

\$

TOTAL CLAIMED

\$

I (applicant's full name)

of (address)

Telephone:

Fax No.:

E-mail:

Solicitor (if any)

NATURE OF APPLICATION (tick appropriate box)

- ☐ Section 13 - Dispute arising out of Rescission
- ☐ Section 15 - Extension of Time
- ☐ Section 18 - Relief against the consequences of contravention of or non-compliance with a provision of the Act

Briefly state the reasons for this application:

State the Relief Requested:

Give the name, address, phone/fax/e-mail number of any person whose interests may be affected by the grant of the relief requested. State if that person is a supplier:

- Notes: (a) If this is a section 18 application, the Registrar must serve a copy on the Commissioner for Consumer Affairs and any person whose interests may be affected. A supplier must be specially served (section 19).
- (b) If the claim is for an amount of money not exceeding \$6,000 and for no other relief, it is a Small Claim.

Date: / /

Signature: _____

(Applicant must sign this form)

OFFICE USE ONLY

Date of Filing

Commissioner Served:

Other Persons Served

Supplier Served - Method:

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)****FORM 23A****Notice of Directions Hearing**
Minor Civil Action (other than minor statutory proceedings)

Trial Court:

Action No.:

Address:

Telephone: Fax No.:

TO:

.....
and.....
and

You are required to attend at a Directions Hearing at the COURT at

at a.m./p.m. on the day of 20

If you fail to attend within 15 minutes of the appointed time, the action may be determined in your absence.

The purpose of this Directions Hearing is to ascertain the status of the action and to explore any possible avenues of achieving a negotiated settlement of the matters in dispute and, if the action cannot be settled, to set a date for mediation; or to define and resolve the issues between the parties and to set a date for trial.

You should attend with all documentation you have about the dispute. You do not need to bring your witnesses. You should think about how you could settle this dispute.

The parties must attend in person. If you are unable to attend due to remoteness or other proper cause, you must make prior arrangements with the Registrar of the Trial Court to be available at the appointed time by telephone. An insurer, which is subrogated to the rights of the party, may attend on behalf of that party.

If you need an INTERPRETER, you must immediately advise the Trials/Listings Section of the TRIAL COURT of the language and dialect you require. Give your name, action number and the date of hearing.

I certify that I have given a copy of this Notice to the parties shown above.

Date: / /

.....
(Registrar - Trial Court)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)**

FORM 23B

Notice of Directions Hearing
General Claim and Statutory Application

Trial Court:

Action No.:

Address:

Telephone: Fax No.:

TO:

.....
and

.....
and

You are required to attend at a Directions Hearing at the COURT at
..... on

the day of 20

If you fail to attend within 15 minutes of the appointed time, the action may be determined in your absence.

The purpose of this Directions Hearing is to ascertain the status of the action and whether it should be referred for mediation or to make such orders as are necessary to expedite the prosecution of the action and to define and resolve the issues between the parties and to set a timetable for the conduct of the action.

The parties do not need to attend if their legal representatives attend. If you are unable to attend due to remoteness or other proper cause you must make prior arrangements with the Registrar of the Trial Court to be available at the appointed time by telephone. An insurer, which is subrogated to the rights of the party, may attend on behalf of that party.

If you need an INTERPRETER, you must immediately advise the Trials/Listings Section of the TRIAL COURT of the language and dialect you require. Give your name, action number and the date of hearing.

I certify that I have given a copy of this Notice to the parties shown above.

Date: / /

.....
(Registrar - Trial Court)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)****FORM 23C****Notice of Directions Hearing**
Minor Statutory Proceedings or Neighbourhood Dispute

Trial Court:

Action No.:

Address:

Telephone: Fax No.:

TO:

and
.....and
.....

You are required to attend at a Directions Hearing at the COURT at

..... a.m./p.m. on the day of

20

If you fail to attend within 15 minutes of the appointed time, the action may be determined in your absence.

The purpose of this Directions Hearing is to ascertain the status of the action and to explore any possible avenues of achieving a negotiated settlement of the matters in dispute and, if the action cannot be settled, to set a date for mediation; or to define and resolve the issues between the parties and to set a date for trial.

If this claim involves a monetary claim for more than \$6,000 or a claim for relief in the nature of an order to carry out work of a value of more than \$6,000, at the Directions Hearing, either of you may elect to exclude this dispute from the Rules governing minor civil actions.

The parties must attend in person. If you are unable to attend due to remoteness or other proper cause, you must make prior arrangements with the Registrar of the Trial Court to be available at the appointed time by telephone.

If you need an INTERPRETER, you must immediately advise the Trials/Listings Section of the TRIAL COURT of the language and dialect you require. Give your name, action number and the date of hearing.

I certify that I have given a copy of this Notice to the parties shown above.

Date: / /

.....
(Registrar - Trial Court)

**MAGISTRATES COURT OF SOUTH AUSTRALIA
(CIVIL DIVISION)
Notice of Directions Hearing**

FORM 23J

TELEPHONE

Trial Court:

Action No.:

Address:

Telephone: Fax No.:

TO:

.....
and

.....
and

.....
You are required to be available at the telephone, the number of which you supplied to the court, for a Directions Hearing at on the day of and for 15 minutes after that time. If you fail to be available to receive a phone call at that phone number, within 15 minutes of the appointed time the action may be determined in your absence.

The purpose of this hearing is to ascertain the status of the action, to make such orders as are necessary to expedite the progress of the action, and if appropriate set a date for mediation or court expert appraisal.

You do not need to attend the court and the parties need not be present. If a contact person has been nominated that is the person the Court will try to contact.

I certify that I have given a copy of this Notice to the parties shown above.

Date: / /

.....
(Registrar - Trial Court)

The Third Schedule is deleted and replaced with the following:

THIRD SCHEDULE: COSTS
SCALE 1: ROUTINE ACTIONS

ITEM	\$1 - \$20,000	\$20,001 - \$80,000
1 Application in the nature of an application for an interim injunction.	70% of the Supreme Court scale	90% of the Supreme Court scale
2 Pre-action Application.	100	170
3 (a) Notice of Demand and registration of Lien and registration and Notice of Demand under the <i>Workers Liens Act</i> , 1893 and other notices of a like nature.	110	220
(b) Notice of withdrawal/ satisfaction of Lien and registration.	55	110
4 Filing an action (other than under Rules 37 and 38) including where necessary attending the first Directions Hearing. A defence and counterclaim will only be allowed as one item on the higher scale applicable.	4.4% of the judgment sum	4.4% of the judgment sum up to a maximum of \$1,760
5 Filing an action under Rules 37 and 38.	As allowed by the Court.	
6 Any and all activity after the first directions hearing until the trial date is set or the last pre-trial conference or hearing whichever is the latter.	10%	10% up to a maximum of \$4,000
7 All aspects not otherwise specified of and incidental to preparing for trial including proofing witnesses, advice on evidence and law (solicitor and counsel) and delivering brief to counsel.	11% of the judgment sum	11% of the judgment sum up to a maximum of \$4,400
8 Arranging witnesses for trial - per witness (includes obtaining and filing and serving expert reports).	35	55
9 Issuing and serving summons to witness.	35	55
10 Filing request (Form 18) not otherwise provided for.	35	35

11 Request for Investigation or Examination Summons including attendance at the hearing.	60	70
12 Service of any document which is not in the usual course served by the Court and is not otherwise specified -		
(a) Personal where required	65	65
(b) Other	35	35
13 Preparing bill for taxation (includes attendance).	165	220

ATTENDANCE AND COUNSEL FEES

ITEM	\$1 - \$20,000	\$20,001 - \$80,000
14 To advise on compromise or settlement for a person under disability -		
(a) Where quantum only is in dispute;	165	350
(b) Where quantum and liability are in dispute;	220	450
15 Attendance as counsel at trial (includes fee on brief and refreshers)		
first day	900	1,100
subsequent day(s)	600	700
attendance for judgment	70	140
16 Attendance on an application to set aside a warrant.	30	30
17 Any other attendance where the costs are not within items 4, 6 or 7	\$70	\$80

NOTES:

- A** The Court may allow any larger or lesser amount for any item and any amount in respect of any other matter that the Court allowed at the time of making any order.
- B** All the above items are all inclusive of all costs for all incidental and necessary activity and advice for each item to the intent that no costs will be allowed in addition to the costs set forth for each item nor for anything not itemised.
- C** For the purposes of items 4, 6 and 7 the costs calculated must be rounded to the nearest \$10.

- D** For the purpose of determining the applicable scale, any cents must be rounded up to the next dollar and unless the Court orders to the contrary any interest component in the judgment sum will be excluded.

WITNESS FEES AND DISBURSEMENTS

Professional scientific or other expert witnesses per day	\$450 or such amount ordered by the Court
Other adult person per day	\$220
Persons under 18 years of age per day	\$80
Travel expenses	Where the witness is normally resident more than 50 km from the trial Court at the rate of 50 cents per km or the least expensive return air fare whichever is the lesser or the cheapest combination of both.
Accommodation expenses	In the discretion of the taxing officer where the witness is required to be absent from his or her normal place of residence overnight for accommodation and sustenance per night \$180 or such larger amounts allowed by the Court at the time of or before judgment.
Photocopying	50 cents per page
STD calls	The actual cost.
Expert Reports	\$400 or such other amount ordered by the Court
Other	All Court fees, search fees, and other fees and payments to the extent to which they have been properly and reasonably incurred and paid; but excluding the usual and incidental expenses and overheads of a legal practice and in particular excluding postage, telephone charges (non STD) and courier expenses.

NOTE :

- A** If a witness is released before or is required to first attend after the luncheon break on any day, half a day will be allowed.
- B** Where a party intends to serve a claim by means other than post, e-mail or fax a disbursement of \$19.00 is allowed, but if the process is returned to the Court unserved, or is served by post, e-mail or fax, the disbursement must be disallowed unless a Registrar is satisfied that the party made reasonable efforts to serve the claim by means other than post, e-mail or fax.

SCALE 2: COMPLEX ACTIONS

ITEM	\$1 - \$20,000	\$20,001 - \$80,000
1 Application in the nature of an application for an interim injunction.	70% of the Supreme Court scale	Other than actions to which Item 5 applies, costs in actions of this class will be allowed on the basis of 90% of the Supreme Court scale
2 Pre-action Application.	100	
3 (a) Notice of Demand and registration of Lien and registration and Notice of Demand under the <i>Workers Liens Act</i> , 1893 and other notices of a like nature. (b) Notice of withdrawal/ satisfaction of Lien and registration.	110 55	
4 Filing an action (other than under Rules 37 and 38) including where necessary attending the first directions hearing. A defence and counterclaim will only be allowed as one item on the higher scale applicable.	6.5% of the judgment sum	
5 Filing an action under Rules 37 and 38.	As allowed by the Court	
6 Any and all activity after the first directions hearing until the trial date is set or the last pre-trial conference whichever is the latter.	12%	
7 All aspects not otherwise specified of and incidental to preparing for trial including proofing witnesses, advice on evidence and law (solicitor and counsel) and delivering brief to counsel.	16.5% of the judgment sum	
8 Arranging witnesses for trial - per witness (includes obtaining and filing and serving expert reports).	35	

9	Issuing and serving summons to witness.	35	
10	Filing request (Form 18) not otherwise provided for.	35	
11	Request for Investigation or Examination Summons including attendance at the hearing.	60	
12	Service of any document which is not in the usual course served by the Court and is not otherwise specified:		
	(a) Personal where required	65	
	(b) Other	35	
13	Preparing bill for taxation (includes attendance)	165	

ATTENDANCE AND COUNSEL FEES

ITEM		\$1 - \$20,000	\$20,001 - \$80,000
14	To advise on compromise or settlement for a person under disability -		
	(a) Where quantum only is in dispute	165	
	(b) Where quantum and liability are in dispute	220	
15	Attendance as counsel at trial (includes fee on brief and refreshers) -		
	- first day	1,100	
	- subsequent day	700	
	- attendance for judgment	140	
16	Attendance on an application to set aside a warrant.	30	
17	Any other attendance where the costs are not within items 4, 6 or 7	\$80	

NOTES :

- A** The Court may allow any larger or lesser amount for any item and any amount in respect of any other matter that the Court allowed at the time of making any order.
- B** All the above items are all inclusive of all costs for all incidental and necessary activity and advice for each item to the intent that no costs will be allowed in addition to the costs set forth for each item nor for anything not itemised.
- C** For the purposes of items 4, 6 and 7 the costs calculated must be rounded to the nearest \$10.
- D** For the purpose of determining the applicable scale, any cents must be rounded up to the next dollar and unless the Court orders to the contrary any interest component in the judgment sum will be excluded.

WITNESS FEES AND DISBURSEMENTS

Professional scientific or other expert witnesses per day	\$400 or such amount ordered by the Court
Other adult person per day	\$200
Persons under 18 years of age per day	\$80
Travel expenses	Where the witness is normally resident more than 50 km from the trial Court at the rate of 50 cents per km or the least expensive return air fare whichever is the lesser or the cheapest combination of both.
Accommodation expenses	In the discretion of the taxing officer where the witness is required to be absent from his or her normal place of residence overnight for accommodation and sustenance per night \$160 or such larger amounts allowed by the Court at the time of or before judgment.
Photocopying	50 cents per page
STD calls	The actual cost
Expert Reports	\$350 or such other amount ordered by the Court
Other	All Court fees, search fees, and other fees and payments to the extent to which they have been properly and reasonably incurred and paid; but excluding the usual and incidental expenses and overheads of a legal practice and in particular excluding postage, telephone charges (non STD) and courier expenses.

NOTE :

- A** If a witness is released before or is required to first attend after the luncheon break on any day, half a day will be allowed.
- B** Where a party intends to serve a claim by means other than post, e-mail or fax a disbursement of \$19.00 is allowed, but if the process is returned to the Court unserved, or is served by post, e-mail or fax, the disbursement must be disallowed unless a Registrar is satisfied that the party made reasonable efforts to serve the claim by means other than post, e-mail or fax.

SCALE 3: MINOR CIVIL ACTIONS

ITEM	\$0 - \$1,000	\$1,001 - \$3,000	\$3,001 - \$6,000
1 Filing an action (if prepared and filed by a solicitor)	\$20 plus 11%		
2 P I particulars	35	\$60	\$100
3 Any attendance at Court by party or solicitor (where solicitor is entitled to attend)	\$35	\$40	\$50
4 Witness fees	\$30	\$40	\$50
	[or actual charge by witness if allowed by Court]		
5 Filing and serving a summons to witness	\$30	\$30	\$30
6 Request for Investigation/ Examination summons including attendance at the hearing	\$30	\$40	\$50
7 Any other request (Form18) for enforcement of judgment	\$30	\$30	\$30
8 All other Court fees	As allowed by the Court		
9 Other disbursements	As allowed by the Court		
10 To advise on a compromise or settlement for a person under disability -			
(a) Where quantum only is in dispute	110	110	110
(b) Where quantum and liability are in dispute	220	220	220

NOTES :

- A** For the purpose of item 1 the costs calculated must be rounded up to the nearest dollar.
- B** Debt collecting fees in addition to the above amounts are not allowed.
- C** Where a party intends to serve a claim by means other than post, e-mail or fax a disbursement of \$19.00 is allowed, but if the process is returned to the Court unserved, or is served by post, e-mail or fax, the disbursement must be disallowed unless a Registrar is satisfied that the party made reasonable efforts to serve the claim by means other than post, e-mail or fax.

Dated this *18th* day of *April* 2002



Alan Peter Moss
Chief Magistrate



Kelvyn John Prescott
Deputy Chief Magistrate



Andrew James Cannon
Supervising Magistrate



Garry Francis Hiskey
Stipendiary Magistrate

REGULATIONS UNDER THE LIQUOR LICENSING ACT 1997

No. 22 of 2002

At the Executive Council Office at Adelaide, 26 April 2002

PURSUANT to the *Liquor Licensing Act 1997* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

M. J. ATKINSON, Minister for Consumer Affairs

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of Sched. 1—Long Term Dry Areas

Citation

1. The *Liquor Licensing (Dry Areas—Long Term) Regulations 1997* (see *Gazette* 6 November 1997 p. 1217), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of Sched. 1—Long Term Dry Areas

3. Schedule 1 of the principal regulations is varied—

- (a) by striking out from the column headed "*Period*" in the item headed "**Hallett Cove—Area 1**" "2002" and substituting "2005";
- (b) by striking out from the column headed "*Period*" in the item headed "**Hallett Cove—Area 2**" "2002" and substituting "2005";
- (c) by striking out from the column headed "*Period*" in the item headed "**Hallett Cove—Area 3**" "2002" and substituting "2005";
- (d) by striking out from the column headed "*Period*" in the item headed "**Hallett Cove—Area 4**" "2002" and substituting "2005";
- (e) by striking out from the column headed "*Period*" in the item headed "**Oaklands Park—Area 1**" "2002" and substituting "2005".

LLCS10/97

R. D. DE PALMA, Clerk of the Council