

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

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All public Acts appearing in this gazette are to be considered official, and obeyed as such

RULES OF COURT

MAGISTRATES COURT OF SOUTH AUSTRALIA

Amendment 22 to the Magistrates Court (Civil) Rules 2013

PURSUANT to section 49 of the *Magistrates Court Act 1991* and all other enabling powers, we, the undersigned, do hereby make the following amendments to the ***Magistrates Court (Civil) Rules 2013*** as amended.

1. These Rules may be cited as the ‘Magistrates Court (Civil) Rules 2013 (Amendment 22)’.
2. The *Magistrates Court (Civil) Rules 2013* (‘the Rules’) as amended by these amendments apply to and govern all actions commenced in the civil division of the Court on and after the date on which these amendments are gazetted.
3. Rule 24(1)(c) is amended to delete the word ‘pretrial’.
4. Rule 37(1) is amended to delete:
Marriage Act 1961 (Cth) Form as approved by the Attorney General (Cth)
and replace it with:
Marriage Act 1961 (Cth) Form 7
5. Rule 37(2) is amended to delete ‘An application’ and replace it with ‘Any application’.
6. The following is inserted after rule 37(2):
 - (3) An application pursuant to section 56B of the *Criminal Assets Confiscation Act 2005* must also annex all certificates of record required to show that a person is a prescribed drug offender.
 - (4) An application pursuant to section 219 of the *Criminal Assets Confiscation Act 2005* must also annex draft minutes of order.
7. Rule 37(3) is renumbered Rule 37(5).
8. Rule 37(4) is renumbered Rule 37(6).
9. Rule 37(5) is renumbered Rule 37(7).
10. Rule 37(6) is renumbered Rule 37(8).
11. Rule 37(7) is renumbered Rule 37(9).
12. Rule 37(8) is renumbered Rule 37(10).
13. Rule 37(9) is renumbered Rule 37(11).
14. Rule 37(10) is renumbered Rule 37(12).
15. Rule 37(11) is renumbered Rule 37(13).
16. The following is inserted after Rule 37(13):
 - (14) An application pursuant to sections 12 or 16 of the *Marriage Act 1961* (Cth) must comply with the requirements of part 2 of the *Marriage Regulations 2017* (Cth).
17. Rule 51 is amended to delete ‘Division 3 of the *Supreme Court Civil Rules 2006*’ and replace it with ‘with the rules in the *Supreme Court Civil Rules 2006* that deal with service under that convention’.
18. Form 2 is deleted and replaced with Form 2.
19. Form 3 is deleted and replaced with Form 3.
20. Form 3G is deleted and replaced with Form 3G.
21. Form 9A is deleted and replaced with Form 9A.
22. Form 51 is deleted and replaced with Form 51.
23. Form 53 is deleted and replaced with Form 53.

Dated: 27 September 2018

MARY-LOUISE HRIBAL
Chief Magistrate

BRETT JONATHON DIXON
Magistrate

GREGORY CHARLES FISHER
Magistrate

SIMON HUGH MILAZZO
Magistrate

Form 2

CLAIM
Magistrates Court of South Australia (Civil Division)
www.courts.sa.gov.au

Court Use
Date Filed
Date of Posting
PI MVA – Served Allianz:

Trial Court				Action No	
Address	Street		Telephone	Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address	

Amount Claimed (if any)	\$
Court Fee on Filing	\$
Service and Other Fee	\$
Solicitor's Fee	\$ _____
TOTAL CLAIMED	\$ _____

Type of claim (tick)		
<input type="checkbox"/> Building	<input type="checkbox"/> Contract	<input type="checkbox"/> Corporations Law
<input type="checkbox"/> Criminal Assets Confiscation	<input type="checkbox"/> Debt	<input type="checkbox"/> Equity
<input type="checkbox"/> Motor Vehicle Property	<input type="checkbox"/> Personal Injury Motor Vehicle	<input type="checkbox"/> Other Personal Injury
<input type="checkbox"/> Retail and Commercial Lease	<input type="checkbox"/> Workers Lien	<input type="checkbox"/> Debt – Tribunal Order
<input type="checkbox"/> Detinue	<input type="checkbox"/> Construction Contract Payment	<input type="checkbox"/> Other (specify)

This claim is liquidated unliquidated

Method of service (tick)

Registrar Sheriff Plaintiff's Solicitor Party

Plaintiff/s

Full Name					
Address <small>(Registered Office, if Body Corporate)</small>	Street		Telephone	Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address	
Solicitor for Plaintiff/s (name)					
Address	Street		Telephone	Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address	

Defendant/s

Full Name					
Address <small>(Registered Office, if Body Corporate)</small>	Street		Telephone	Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address	
Solicitor for Defendant/s (name)					
Address	Street		Telephone	Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address	

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

.....
PLAINTIFF

DEFENDANT/S - If you have a defence or counterclaim you must, within 21 days from service of 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

.....
DEFENDANT

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 and any applicable form under the <i>Service and Execution of Process Act 1992 (Cth).</i>	
(Please tick the appropriate box)	
<input type="checkbox"/> By personal service on the person.	
<input type="checkbox"/> By service on the solicitor acting for the person.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> By depositing it for the person at the DX addressed to the DX number of the person or the solicitor acting for the person.	
<input type="checkbox"/> By leaving it at the registered office of the body corporate.	
<input type="checkbox"/> By sending it by prepaid post addressed to the strata corporation at its site or its post office box.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> By service on one partner or at the principal place of business of the firm.	
<input type="checkbox"/> By sending it by prepaid post addressed to 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))	
<input type="checkbox"/> 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 _____ on the _____ day of _____ 20____ Signature (Person authorised to take Affidavits) (e.g. Justice of the Peace)	..... SERVER

Form 3

MINOR CIVIL ACTION - CLAIM
Magistrates Court of South Australia (Civil Division)

www.courts.sa.gov.au

Court Use
Date Filed
Date of Posting
PI MVA – Served Allianz:

Trial Court					Action No		
Address	Street			Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address			

Amount Claimed (if any)	\$
Court Fee on Filing	\$
Service and Other Fee	\$
Solicitor's Fee	\$ _____
TOTAL CLAIMED	\$

Type of claim (tick)							
<input type="checkbox"/> Building	<input type="checkbox"/> Contract	<input type="checkbox"/> Corporations Law					
<input type="checkbox"/> Debt	<input type="checkbox"/> Motor Vehicle Property	<input type="checkbox"/> Personal Injury Motor Vehicle					
<input type="checkbox"/> Other Personal Injury	<input type="checkbox"/> Debt – Tribunal Order	<input type="checkbox"/> Construction Contract Payment					
<input type="checkbox"/> Other (specify)							
Method of service (tick)							
<input type="checkbox"/> Registrar	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Plaintiff's Solicitor	<input type="checkbox"/> Party				
Plaintiff/s							
Full Name							
Address <small>(Registered Office, if Body Corporate)</small>	Street			Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address			
Solicitor for Plaintiff/s (name) <small>(A solicitor is not required – the solicitor cannot appear at trial)</small>							
Address	Street			Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address			
Defendant/s							
Full Name							
Address <small>(Registered Office, if Body Corporate)</small>	Street			Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address			
Solicitor for Defendant/s (name) <small>(A solicitor is not required – the solicitor cannot appear at trial)</small>							
Address	Street			Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address			

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

.....
PLAINTIFF

DEFENDANT/S - If you have a defence or counterclaim you must, within 21 days from service of 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

.....
DEFENDANT

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 and any applicable form under the <i>Service and Execution of Process Act 1992 (Cth)</i> .	
(Please tick the appropriate box)	
<input type="checkbox"/> By personal service on the person.	
<input type="checkbox"/> By service on the solicitor acting for the person.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> By depositing it for the person at the DX addressed to the DX number of the person or the solicitor acting for the person.	
<input type="checkbox"/> By leaving it at the registered office of the body corporate.	
<input type="checkbox"/> By sending it by prepaid post addressed to the strata corporation at its site or its post office box.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> 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.	
<input type="checkbox"/> By service on one partner or at the principal place of business of the firm.	
<input type="checkbox"/> By sending it by prepaid post addressed to 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))	
<input type="checkbox"/> 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 _____ on the _____ day of _____ 20____ Signature (Person authorised to take Affidavits) (e.g. Justice of the Peace)	..... SERVER

Form 3G

FAIR TRADING ACT 1987 APPLICATION

Magistrates Court of South Australia (Civil Division)

www.courts.sa.gov.au

Section 8A(7)

Court Use

Date Filed:
Date Posted:
Service on the
Commissioner for
Consumer Affairs:

Trial Court					Action No		
Address	Street			Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address		

Amount Claimed (if any)	\$
Court Fee on Filing	\$
Service and Other Fee	\$
Solicitor's Fee	\$
TOTAL CLAIMED	\$ _____

Commissioner for Consumer Affairs (if Applicant)							
Address	Street			Telephone		Facsimile	
	City/Town/Suburb		State	Postcode	Email Address		
Solicitor (if any)							

Consumer							
Full Name							
Address <i>(Registered Office, if Body Corporate)</i>	Street			Telephone		Facsimile	
	City/Town/Suburb		State	Postcode	Email Address		
Solicitor (if any)							

Trader							
Full Name							
Address <i>(Registered Office, if Body Corporate)</i>	Street			Telephone		Facsimile	
	City/Town/Suburb		State	Postcode	Email Address		
Solicitor (if any)							

If you do not attend at the Trial Court for the Directions Hearing this application may be decided without you. If the amount claimed is more than \$12,000, 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 \$12,000 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.

A written agreement from a conciliation conference with the Commissioner for Consumer Affairs was signed by the Commissioner, and the above named consumer and trader on the _____ day of _____ 20____.							
A copy of the written agreement must be attached.							

Briefly state the facts giving rise to this application:	
..... Date	..... APPLICANT

Form 9A

**CRIMINAL ASSETS CONFISCATION ACT 2005
APPLICATION**

Magistrates Court of South Australia (Civil Division)

www.courts.sa.gov.au

Court Use
Date Filed:
Date of Posting

Trial Court				Action No		
Address	Street		Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address		

Value of property or sum claimed (if any) \$ _____
 Court Fee on filing \$ _____
 TOTAL \$ _____

Applicant/s						
Full Name						
Address <i>(Registered Office, if Body Corporate)</i>	Street		Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address		

Defendant/s / Other Party/ies						
Full Name						
Address <i>(Registered Office, if Body Corporate)</i>	Street		Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address		
Solicitor (name)						
Address	Street		Telephone	Facsimile	DX	
	City/Town/Suburb	State	Postcode	Email Address		

Particulars of action and remedy						
1. Briefly state the date, place and circumstances from which the action arose:						
2. State remedy or relief sought:						
3. If the applicant wishes to proceed without notification to any other part, please state why:						

..... Date APPLICANT
---------------	--------------------

Hearing details	Registry	Date
	Address	Time am/pm
	Telephone	Facsimile Email Address

..... Date MAGISTRATES COURT
---------------	----------------------------

NOTICE TO APPLICANT
 An application for an order under the *Criminal Assets Confiscation Act 2005* must be accompanied by an attached schedule specifying the property relevant to the application or the property-tracking documents if required.

Form 51

APPLICATION
Magistrates Court of South Australia (Civil Division)
www.courts.sa.gov.au
National Credit Code

Court Use

Date Filed:

Trial Court				Action No		
Address	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		

Amount claimed (if any)	\$
Court Fee on filing	\$
Service and Other Fee	\$
Solicitor's Fee	\$
TOTAL CLAIMED	\$

Applicant						
Full Name						
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		
Solicitor (name)						
Respondent						
Full Name						
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		
Solicitor (name)						
Particulars of action and remedy						
1. Briefly state the date, place and circumstances from which the claim arose:						
2. State the applicable section/s of the Code and remedy or relief sought:						
3. Give the name, address, phone, fax, e-mail address of any person whose interests may be affected by the grant of the relief requested. State if that person is a supplier:						
<p>.....</p> <p style="display: flex; justify-content: space-between;"> Date APPLICANT </p>						

Form 53

HOUSING IMPROVEMENT TENANCY DISPUTE APPLICATION

Magistrates Court of South Australia (Civil Division)

www.courts.sa.gov.au
Housing Improvement Act 2016
Section 35(3)

Court Use
Date Filed
Date of Posting

Trial Court					Action No		
Address	Street			Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address		

Amount Claimed	\$	
Court Fee on Filing	\$	
Service and Other Fee	\$	
Solicitor's Fee	\$	
TOTAL CLAIMED	\$	

Applicant/s							
Full Name							
Address <small>(Registered Office, if Body Corporate)</small>	Street			Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address		
Solicitor for Applicant/s							
Address	Street			Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address		
Respondent/s / Other Party/ies							
Full Name							
Address <small>(Registered Office, if Body Corporate)</small>	Street			Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address		
Solicitor for Respondent/s							
Address	Street			Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address		

Particulars of Housing Improvement Tenancy Dispute	
Briefly state the facts giving rise to this application:	
State remedy or relief sought pursuant to section 38 of the Act:	

<input type="checkbox"/> I have attached a copy of the applicable residential tenancy agreement to this form.	
..... Date	..... APPLICANT
I certify that I have served a copy of the Application and supporting documentation provided by the Applicant/s on the Respondent/s / Other Party/ies at the address shown above.	
..... Date	..... REGISTRAR
IMPORTANT NOTICE TO THE APPLICANT Monetary claims under the Act for less than \$40,000 must be brought in the South Australian Civil and Administrative Tribunal. Applications over \$40,000 may also be brought to SACAT if the parties to the proceedings consent in writing.	
IMPORTANT NOTICE TO THE APPLICANT If the applicant is the landlord, a copy of the applicable rent records kept pursuant to s 57 of the Residential Tenancies Act 1995 must be attached to this form.	
IMPORTANT NOTICE TO THE REGISTRAR The Minister for Human Services must be notified of this application. All respondents and/or other parties must be served with a copy of this application.	

RULES OF COURT

MAGISTRATES COURT OF SOUTH AUSTRALIA

Amendment 68 to the Magistrates Court Rules 1992

PURSUANT to section 49 of the *Magistrates Court Act 1991* and all other enabling powers, we, the undersigned, do hereby make the following amendments to the *Magistrates Court Rules 1992* as amended.

1. These Rules may be cited as the 'Magistrates Court Rules 1992 (Amendment 68)'.
2. The *Magistrates Court Rules 1992* ('the Rules') as amended by these amendments apply to and govern all actions commenced in the criminal division of the Court on and after the date on which these amendments are gazetted.
3. The following is inserted after rule 27.01:

27A.00 POLICE ISSUED SUMMONSES

- 27A.01 A summons to a defendant to attend the Magistrates Court in relation to a summary offence may be issued by a member of SA Police acting in the execution of his or her duty.
 - 27A.02 A summons issued by a member of SA Police must be in triplicate and comply with Form 4A. The summons must be completed by the issuing member of SA Police. The copies of the summons must be distributed as follows:
 - (a) one copy must be retained by SA Police; and
 - (b) one copy must be personally served on the defendant; and
 - (c) one copy must be filed in the Court no later than 10 working days prior to the hearing date on the summons.
 - 27A.03 An information complying with rule 12 relating to the offence(s) listed in the summons and a Certificate of Service must be filed at the same time as the copy of the summons in the Court.
 - 27A.04 The hearing date and location on the summons will be selected by SA Police from a set of dates and locations that have been provided by the Registrar to SA Police. The hearing date selected will be no less than 1 month and no more than 3 months from the date of issue of the summons.
 - 27A.05 Any summons purportedly issued with a hearing date and location that has not been provided by the Registrar will be void and of no effect.
 - 27A.06 The number of summonses issued by SA Police bearing the same hearing date and location must not be more than 20.
4. Rule 41.08 is amended to delete 'Minister for Correctional Services' and replace it with 'Minister for Police, Emergency Services and Correctional Services'.
 5. The following is inserted after rule 47.06:
 - 47.07 The issuing authority or Chief Recovery Officer is not required to attend the hearing if the applicant has not applied for a review of the enforcement determination with the Chief Recovery Officer pursuant to section 22 of the *Fines Enforcement and Debt Recovery Act 2017* on the grounds specified in section 22(10)(b) or 22(10)(c) of the *Fines Enforcement and Debt Recovery Act 2017*.
 - 47.08 If the issuing authority or Chief Recovery Officer does not attend the hearing pursuant to rule 47.07, it must file an affidavit complying with Form 115 outlining the reasons for its non-attendance.
 6. Rule 47.07 is renumbered Rule 47.09.
 7. Rule 61.04 is amended to delete 'Minister for Children's Protection' and replace it with 'Minister for Child Protection'.
 8. Rule 61.05 is amended to delete 'Minister for Disabilities' and replace it with 'Minister for Human Services'.
 9. Rules 63 and 64 are renumbered to appear as follows:

63.00 RECORDING EVENTS IN COURT

- 63.01 Subject to this rule and to any contrary direction of the Court, the making of a record of persons, things, or events in court is not permitted.
- 63.02 Rule 63.01 does not apply to Courts Administration Authority staff acting in the course of their office or employment.
- 63.03 Despite rule 63.01:
 - (a) a party to a proceeding which is being heard by the Court, a legal practitioner, law clerk, student or a bona fide member of the media may make a handwritten or electronic note of persons, things or events in court; and
 - (b) a bona fide member of the media may make an audio recording of proceedings for the sole purpose of verifying notes and for no other purpose.
- 63.03a A party to proceedings must seek leave of the Court prior to using an electronic device.
- 63.04 Any record made in court permitted by this rule must:
 - (a) be made in a manner which does not interfere with court decorum, not be inconsistent with court functions, not impede the administration of justice, and not interfere with the proceedings;
 - (b) not interfere with the Court's sound system or other technology; and
 - (c) not generate sound or require speaking into a device.
- 63.05 Any audio recording made by a member of the media under rule 63.03(b):
 - (a) must not record any private conversation occurring in court;
 - (b) must not be made available to any other person or used for any other purpose; and
 - (c) must be erased entirely within 48 hours of the recording.
- 63.06 For the purpose of this Rule, 'record' means a record by any means whatsoever, including by handwriting, other physical means, audio and/or visual recording or electronic record.

- 63.07 For the purpose of this Rule, 'electronic note' means a text based note.
- 64.00 ELECTRONIC COMMUNICATIONS IN COURT**
- 64.01 Subject to this rule and to any contrary direction of the Court, communication by means of an electronic device to and from a court room during the conduct of proceedings is not permitted.
- 64.02 Rule 64.01 does not apply to Courts Administration Authority staff acting in the course of their office or employment.
- 64.03 Despite rule 64.01 and subject to rules 64.04 and 64.05, a party to a proceeding which is being heard by the Court, a legal practitioner or a bona fide member of the media may communicate by means of an electronic device to and from a court room during the conduct of proceedings.
- 64.04 Any electronic communication permitted by this rule must:
- (a) be made in a manner which does not interfere with court decorum, not be inconsistent with court functions, not impede the administration of justice, and not interfere with the proceedings;
 - (b) not interfere with the Court's sound system or other technology; and
 - (c) not generate sound or require speaking into a device.
- 64.05 A communication of evidence adduced or a submission made in proceedings, whether in full or in part, must not be made until at least 15 minutes have elapsed since the evidence or submission in question, or until the Court has ruled on any application for suppression or objection made in relation to the evidence or submission within that period of 15 minutes, whichever occurs last.
- 64.06 For the purpose of this rule, 'electronic device' means any device capable of transmitting and/or receiving information, audio, video or other matter (including, cellular phones, computers, personal digital assistants, digital or analogue audio and/or visual cameras or similar devices).
10. The following is inserted after rule 76:
- 77.00 CRIMINAL ASSETS CONFISCATION ACT 2005**
- 77.01 An application pursuant to s 59A of the *Criminal Assets Confiscation Act 2005* shall comply with Form 23.
- 77.02 An affidavit complying with Form 115 must be filed with the application.
- 77.03 A copy of the Declaration of the Deemed Forfeiture Order obtained by the Director of Public Prosecutions must also be filed with the application, if available.
- 77.04 Where practicable, the application will be listed before the Criminal Magistrate who imposed the conviction for the conviction offence.
- 77.05 If the Director of Public Prosecutions wishes to contest the application, it must file and serve on the applicant a copy of the Declaration of the Deemed Forfeiture Order, if it has not already been filed by the applicant.
11. Form 4A is inserted.
12. Form 9 is deleted and replaced with Form 9.
13. Form 55 is deleted and replaced with Form 55.
14. Form 62 is deleted and replaced with Form 62.
15. Form 73 is deleted and replaced with Form 73.
16. Form 110 is deleted and replaced with Form 110.
17. Form 123 is deleted and replaced with Form 123.
18. Form S15 is deleted and replaced with Form S15.

Dated: 27 September 2018

MARY-LOUISE HRIBAL
Chief Magistrate
BRETT JONATHON DIXON
Magistrate
GREGORY CHARLES FISHER
Magistrate
SIMON HUGH MILAZZO
Magistrate

Form 4A



SUMMONS
POLICE ISSUED
Magistrates Court of South Australia
www.courts.sa.gov.au
Criminal Procedure Act 1921
 Section 57

Court Use
Date Filed:

Defendant			
Name			DOB <i>dd/mm/yyyy</i>
Address	<i>Street</i>	<i>Telephone</i>	<i>Licence Number</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i> <i>Email Address</i>
You are accused of the following offence(s):			
Offence	Offence Location	Section and Act	Particulars of the offence
You must attend Court according to the Hearing Details below.			
Hearing details	Registry		Date
	Address		Time am/pm
	Telephone	Facsimile	Email Address
..... Date		..... ISSUING SA POLICE OFFICER	
SAPol References	<i>Reference Number</i>	<i>Instant Loss of Licence Number</i>	
IMPORTANT NOTICES TO THE DEFENDANT			
<ul style="list-style-type: none"> If you fail to appear on the hearing date set out above or on any day to which this matter is adjourned the Court may: <ul style="list-style-type: none"> o Proceed in your absence; or o Issue a warrant for your arrest. If you are unable to attend on the hearing date set out above, you should contact the registry by telephone or email to request another hearing date to be fixed. 			
Proof of Service			
Name and ID of Issuing Police Officer:			
Address where handed to defendant:			
Time handed to defendant: Date Time am/pm			
I certify that I personally issued this Police Issued Summons and handed it to the abovenamed defendant in accordance with the details recorded in this certificate.			
..... Date		..... ISSUING SA POLICE OFFICER	

Form 9



WRITTEN PLEA ADMITTING CHARGE
Magistrates Court of South Australia
www.courts.sa.gov.au
Criminal Procedure Act 1921
 Section 113(1)(a)

Court Use
Date Filed:

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Informant					
Name				Reference No:	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Defendant					
Name				DOB <i>dd/mm/yyyy</i>	
Address	Street		Telephone		Licence Number
	City/Town/Suburb	State	Postcode	Email Address	
I admit all charges in the attached information and understand that I may be committed to a superior court for sentence.					
Defendant's Solicitor					
Name:					
Telephone:		Facsimile:		Email:	
Defendant's Counsel					
Name:					
Telephone:		Facsimile:		Email:	
Note to Defendant					
If your contact details have changed, please provide details below:					
Address:					
Telephone:		Facsimile:		Email:	
I certify that the defendant has had legal advice in respect of this plea.					
..... SOLICITOR		..... DEFENDANT		..... Date	
NOTE					
(1) If you complete this form, it must be lodged with the Court before the date set for your appearance A copy of the INFORMATION to which this form relates must be attached when it is filed.					
(2) You must attend at the Magistrates Court hearing in person unless your attendance has been excused by the Court. If you seek to be excused, please complete the back of this form.					
If you do not attend, a WARRANT for YOUR ARREST may be issued without further notice.					

Do you seek to be excused from personally attending the next Magistrates Court hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please provide your reason(s) for seeking to be excused:	
If you seek to be excused from personally attending, you must file this Form in the Magistrates Court at least 14 days before your next hearing date. If you are informed by the Court that you are excused from attending, your legal practitioner must represent you at the next hearing.	
PROSECUTION USE ONLY	
Does the prosecuting authority consent to the defendant's non-attendance at the next hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
..... Date	..... PROSECUTION
COURT USE ONLY	
The defendant is excused from personally attending the next hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No	
..... Date	..... MAGISTRATE
The Registrar must inform the defendant and the prosecuting authority of the Magistrate's decision.	

Form 55



**REVIEW OF REFUSAL TO REVOKE
ENFORCEMENT DETERMINATION**
Magistrates Court of South Australia
www.courts.sa.gov.au
Fines Enforcement and Debt Recovery Act 2017
 Section 23

Court Use

Fee Paid:
 Date Filed:
 Service on
 Issuing Authority:
 Service on CRO:

Registry				File No		
Address	Street		Telephone		Facsimile	DX
	City/Town/Suburb		State	Postcode	Email Address	
Applicant						
Full Name					DOB	
Address	Street		Telephone		Facsimile	
	City/Town/Suburb		State	Postcode	Email Address	
Issuing Authority						
Full Name						
Address	Street		Telephone		Facsimile	
	City/Town/Suburb		State	Postcode	Email Address	
Enforcement Determination Particulars						
Expiation Notice No.			Date of Offence			
Vehicle Registration			Date of Enforcement Determination			
Date of Notice of Determination						
Date of Refusal to Revoke Enforcement Determination by Chief Recovery Officer						
Offence Particulars						
Details of Application						
I apply for a review of the Chief Recovery Officer's decision to refuse to revoke an enforcement determination. The initial application to have the enforcement determination revoked by the Chief Recovery Officer was made on the grounds that:						
<input type="checkbox"/> I did not have a reasonable opportunity to elect under section 8 of the <i>Expiation of Offences Act 1996</i> to be prosecuted for any offence to which the original expiation notice relates (other than because I did not receive an expiation notice or expiation reminder notice under the <i>Expiation of Offences Act 1996</i>); or						
<input type="checkbox"/> I did not have a reasonable opportunity to apply for review of the expiation notice to which the determination relates under section 8A of the <i>Expiation of Offences Act 1996</i> (other than because I did not receive an expiation notice or expiation reminder notice under the <i>Expiation of Offences Act 1996</i>).						
Please briefly set out the facts relevant to your ground of review:						
<input type="checkbox"/> I confirm that I have first applied to the Chief Recovery Officer to have the enforcement determination revoked.						
Please indicate if the application is made out of time:						
<input type="checkbox"/> I make an application out of time.						
<i>This checkbox must be completed if the review is being made more than 30 days after notice of the decision of the Chief Recovery Officer refusing to revoke the enforcement determination under section 22(5)(b).</i>						

You must file and serve an affidavit explaining why either of the above grounds is satisfied and if you are applying more than 30 days after notice of the decision of the Chief Recovery Officer refusing to revoke the enforcement determination under section 22(5)(b) you must explain the reason for delay.

Please attach the affidavit to this application and any documentary evidence supporting the application. If available, attach a copy of the enforcement determination, the application to the Chief Recovery Officer for revocation of the enforcement determination, the decision of the Chief Recovery Officer refusing the application and expiation notice.

..... Date APPLICANT

Hearing details	Registry		Date	
	Address		Time	am/pm
	Telephone	Facsimile	Email Address	

IMPORTANT NOTICE TO THE REGISTRAR
The Registrar must serve a copy of the application on the Chief Recovery Officer and the Issuing Authority.

Notice of Intention
(To be completed by the Issuing Authority or the Chief Recovery Officer)
I,
hereby give notice that I intend to oppose the application.

..... Date ON BEHALF OF THE CHIEF RECOVERY OFFICER OR ISSUING AUTHORITY

IMPORTANT NOTICE TO THE CHIEF RECOVERY OFFICER OR ISSUING AUTHORITY
The Issuing Authority or the Chief Recovery Officer must file and serve the Notice of Intention on the applicant no later than 7 days before the hearing.

Form 62



**NOTICE OF COMMUNITY SERVICE
ORDER OR APPROVED TREATMENT
PROGRAM ORDER**
Magistrates Court of South Australia
www.courts.sa.gov.au
Fines Enforcement and Debt Recovery Act 2017
 Section 46

Court Use
Date Filed:
Date Posted:

Registry				File No		
Address	Street		Telephone		Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address		

Details of the person against whom the order has been made

Full Name				DOB	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	

Details of the offence(s)/penalties to which the order relates

File No.	Count No.	Offence

Order

The court has considered the application pursuant to section 46 of the *Fines Enforcement and Debt Recovery Act 2017* and is satisfied that you do not have and are not likely within a reasonable time to have, the means to satisfy a monetary amount without you or your dependents suffering hardship. You are not to leave the State for any reason except with the written permission of the Chief Recovery Officer.

The court has ordered you this day as follows:

- You are to perform _____ hours of community service within _____ months from the date of this order, and you must, until such time as you have finished working the required number of hour, obey the lawful directions of the community corrections officer to whom you are assigned for the purposes of the community service.
- You are to be under the supervision of a community corrections officer for a period of _____ months from the date of this order and during that period must obey the lawful directions that are given to you by the community corrections officer to whom you are assigned for the purposes of supervision.
- You are to report, within 2 working days of service, at the office of the Department for Correctional Services closest to your place of residence.

NOTE: You need not report, within the 2 day period, if you receive notice from the Department advising that you do not have to comply with this requirement.

- You are to perform _____ hours of an approved treatment program within _____ months from the date of this order, and you must, until such a time as you have finished the required number of hours, obey the lawful directions of the community corrections officer to whom you are assigned for the purposes of the approved treatment program.

The Court has also ordered:	
Date of Order:	
..... Date	..... RECEIPT ACKNOWLEDGED
What can happen if you fail to comply with this order	
If you fail to comply with any part of the order, you can be sentenced to imprisonment.	
<input type="checkbox"/> Duplicate notice handed to the above named person on the date set out hereunder.	

Form 73



ORDER FOR DETENTION
Magistrates Court of South Australia
www.courts.sa.gov.au
Criminal Law Consolidation Act 1935
 Part 8A

Registry				File No		
Address	Street			Telephone	Facsimile	DX
	City/Town/Suburb	State	Postcode	Email Address		
Informant:						
Defendant						
Full Name					DOB	dd/mm/yyyy
Address	Street					
	City/Town/Suburb	State		Postcode		
Details of Offence						
Offence location:						
Section and Act:						
Terms of detention ordered:						
Total period of detention to be served:						
Detention commencement date:						
Date order made by Court:						
Date warrant issued:						
<p>To the Sheriff, the Commissioner of Police and Members of the Police Force and the Minister for Health and Wellbeing.</p> <p>The defendant named in this warrant has been dealt with by a Court and, having been declared liable to supervision, committed for a term of detention pursuant to Part 8A of the <i>Criminal Law Consolidation Act 1935</i>. Particulars of the Court that imposed the penalty, the charges against the defendant and the detention imposed appear on this warrant.</p> <p>You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, are directed to convey the defendant to a mental health institution and you, the Minister for Health and Wellbeing, are directed to detain the defendant for such period of time as this warrant directs.</p>						
..... Date				..... MAGISTRATE		

<p>Details of Exemption Application</p> <p>The applicant is applying to have the following spent conviction/s exempt:</p> <p>First offence</p> <p>Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded:</p> <p>Date the conviction was recorded:</p> <p>Penalty that was imposed:</p> <p>For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6)</p> <p><input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7)</p> <p><input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p> <p>Second offence</p> <p>Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded:</p> <p>Date the conviction was recorded:</p> <p>Penalty that was imposed:</p> <p>For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6)</p> <p><input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7)</p> <p><input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p> <p><i>Space for additional offences is available in the attachment to this Form</i></p> <p>Details of any further information that the applicant would like to submit in support of the application (circumstances and seriousness of offence, the circumstances of the applicant etc.)</p>			
<p>Has an application been made to exempt any of the above spent convictions in the preceding 2 years? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide the following details:</p> <p>The conviction the application was in regard to:</p> <p>The application was made on the day of 20</p> <p>The application was refused on the day of 20</p> <p>Any further information the applicant considers relevant</p>			
<p>.....</p> <p>Date</p>		<p>.....</p> <p>APPLICANT</p>	
Hearing details	Registry		Date
	Address		Time am/pm
	Telephone	Facsimile	Email Address
<p>NOTICE TO APPLICANT</p> <p>If you have any transcript or sentencing remarks made in connection with the above conviction/s these must be attached to the application. You do not need to attend the hearing unless you are notified to do so by the Registrar.</p>			

NOTICE TO THE ATTORNEY-GENERAL, COMMISSIONER OF POLICE AND DESIGNATED MINISTER

If you wish to intervene and request a hearing in these proceedings you must notify the applicant and the Registrar in writing 7 days before the hearing date.

IMPORTANT NOTICE TO THE REGISTRAR

A copy of this application must be served on the Attorney-General and the Commissioner of Police at least 4 weeks before the day appointed for hearing the application.

If an exemption order application is made for the purpose of working with, or caring for children, or working with or caring for vulnerable people, the designated Minister must also be served with a copy of this application at least 4 weeks before the day appointed for hearing the application.

Where a qualified Magistrate requires the attendance of the applicant, all potential parties must be notified at least 7 days prior to the hearing date.

<p>Additional Details of Exemption Application</p> <p>Offence Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded: Date the conviction was recorded: Penalty that was imposed: For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6) <input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7) <input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p>
<p>Offence Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded: Date the conviction was recorded: Penalty that was imposed: For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6) <input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7) <input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p>
<p>Offence Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded: Date the conviction was recorded: Penalty that was imposed: For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6) <input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7) <input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p>
<p>Offence Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded: Date the conviction was recorded: Penalty that was imposed: For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6) <input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7) <input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p>
<p>Offence Offence (including the statutory provision of the offence):</p> <p>Court name where the conviction was recorded: Date the conviction was recorded: Penalty that was imposed: For the purpose/s of:</p> <p><input type="checkbox"/> working with, or caring for, children (sch 1, cl 6) <input type="checkbox"/> working with, or caring for, vulnerable people (sch 1, cl 7) <input type="checkbox"/> activities associated with a character test (sch 1, cl 8)</p>

Form 123



**APPLICATION FOR REDUCTION/
REMISSION OF FEE**

Magistrates Court of South Australia

www.courts.sa.gov.au

Court Use
Date Filed:

Registry				File No		
Address	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		
Applicant						
Full Name						
Address <i>(Registered Office, if Body Corporate)</i>	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		
<p>I, the abovenamed Applicant MAKE OATH AND SAY:</p> <ol style="list-style-type: none"> The information in the annexure marked "A" is true and correct. (Complete questionnaire attached to Civil Form 25) I hereby apply for a reduction/remission of the following fee: \$ I know the facts herein and declare them to be true and correct. 						
SWORN before me at						
on the	day of	20				
Signature	..... (Person authorised to take Affidavits) (e.g. Justice of the Peace)			..... APPLICANT		
REGISTRAR						
Fee of \$	<input type="checkbox"/> reduced to \$ or <input type="checkbox"/> remitted in full or <input type="checkbox"/> not reduced/remitted					

Annexure 'A'

PLEASE COMPLETE STATEMENT AND BRING TO COURT WITH PROOF OF INCOME (e.g. recent pay slip or Centrelink statement) You will be asked to swear that the information is correct and it may be shown to the creditor Court File No:			
Family Name:		Date of Birth :	
Other Names:			
Address:			
Phone Nos	Home:	Work:	Mobile:
Dependants:			
Bank where accounts held:			
Employer's name/address:			
A INCOME		B EXPENSES	
	\$ per fortnight		\$ per fortnight
Wage / Salary (after tax)		Rent / Board	
Spouse income		Mortgage (home loan)	
Income from Rent or Board		Food	
Child Support		Household (Groceries, cleaning, maintenance)	
Self Employed		Health (Medicine, Chemist, health fund)	
Investments/dividends		Clothing	
Pensions, Benefits and Allowances (specify)		Children (nappies, formula, sport, child care, etc)	
Other (name)		Education (fees, books, uniforms etc)	
Other (name)		Energy (electricity, gas, heating fuel etc)	
		Phone and internet	
		Rates (Council and SA Water)	
Total Income (A)	\$	Insurance (house, contents)	
		Vehicle Expenses (petrol, registration, insurance, repairs and maintenance)	
ASSETS AND LIABILITIES		Other transport (bus, taxi)	
ASSETS:		Other (e.g. haircare, glasses, dentist, leisure, bank fees, emergency services levy)	
	Value of Asset	Judgment Debts	
Real Estate	\$	Fines	
Vehicle	\$	Car Loan	
Savings	\$	Credit Card	
Other (name)	\$		
Other (name)	\$		
Total Assets	\$		
LIABILITIES:			
	Balance owed on debts		
Judgment debts	\$	Other (name)	
Fines (outstanding with Court)	\$	Other (name)	
Mortgage	\$		
Car loan	\$	Total Expenses (B)	\$
Credit Card	\$		
Centrelink	\$	SUMMARY	
Other (name)	\$	TOTAL INCOME (A)	\$
Other (name)	\$	minus TOTAL EXPENSES (B)	\$
Other (name)	\$		
Total Liabilities	\$	BALANCE	\$
I,			
by evidence on oath/affirmation swear the information on this form is true and correct.			
Signature		Date	

Form S15



APPLICATION TO VARY A COMMUNITY SERVICE ORDER

Magistrates Court of South Australia

www.courts.sa.gov.au

Sentencing Act 2017

Section 110(2)

Court Use
Date filed:
Date served on respondent:
Date served on Minister for Police, Emergency Services and Correctional Services:

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Applicant					
Name	Surname		Given name/s		
Address	Street		Facsimile	Telephone	
	City/Town/Suburb	State	Postcode	Email Address	
Person subject to the Community Service Order					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street		Telephone		
	City/Town/Suburb	State	Postcode	Email Address	
Community Service Order					
Date of the order:					
Court in which the order was made:					
Charge/s relating to the order:					
Details of the order are:					
To perform _____ hours of community service within _____ months from the date of order.					
<input type="checkbox"/> The Community Service Order has not expired at the date of the application.					
Number of community service hours performed in respect of the order:					
I now make an application to the court to:					
<input type="checkbox"/> vary the terms of the order					
<input type="checkbox"/> vary or revoke an ancillary order, namely:					
..... Date			..... APPLICANT		
Hearing details	Registry		Date		
	Address		Time		am/pm
	Telephone	Facsimile	Email Address		
..... Date			..... MAGISTRATE / REGISTRAR / JUSTICE OF THE PEACE		
IMPORTANT NOTICE TO THE APPLICANT					
You are required to attend on this date to support your application.					
IMPORTANT NOTICE TO THE REGISTRAR					
A copy of this application must be served on the Minister for Police, Emergency Services and Correctional Services or the person subject to the Community Service Order.					