

South Australia

Warden's Court Rules 2016

under section 66 of the *Mining Act 1971*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 2A Transition
- 3 Interpretation

Part 2—General procedure

- 3A Powers of Court
- 3B Electronic court management system
- 3C Registered users
- 3D Originals of documents uploaded into Electronic System
- 3E Official record of the Court
- 4 Failure to comply with rules
- 4A Prescribed forms
- 5 Commencement of action
- 6 Review or appeal of decision
- 7 Procedure on receipt of plaint note
- 8 Practice on hearing of suit
- 9 Adjournments
- 10 Representation at hearing of proceeding
- 11 Particulars
- 12 Survey
- 13 Extract from Mining Register

Part 3—Special applications

- 14 Objection by owner to entry by mining operator
- 15 Objection by owner to use of declared equipment
- 16 Application for amalgamation or suspension of working conditions
- 17 Objection to application for amalgamation or suspension of working conditions

Part 4—Miscellaneous

- 18 Contempt of Court
- 19 Subpoenas
- 20 Service
- 21 Fees
- 22 Record of warden's order or decision
- 23 Seal
- 24 Enforcement of orders

Schedule 1—Forms

Schedule 2—Fees

Legislative history

Part 1—Preliminary

1—Short title

These rules may be cited as the *Warden's Court Rules 2016*.

2—Commencement

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

2A—Transition

- (1) Unless the Court otherwise orders—
 - (a) these rules as varied by the *Warden's Court (Miscellaneous) Variation Rules 2020* (the **current rules**) apply to—
 - (i) a proceeding commenced; and
 - (ii) a step in a proceeding taken,
on or after the commencement date; and
 - (b) these rules before they were varied by the *Warden's Court (Miscellaneous) Variation Rules 2020* (the **former rules**) continue to govern a step in a proceeding taken before the commencement date.
- (2) If the time to commence or take a step in a proceeding under the former rules has not expired as at the commencement date, the time to commence or take a step in the proceeding continues to be governed by the former rules (unless the current rules provide for a longer time).
- (3) In this rule—

commencement date means the day on which the *Warden's Court (Miscellaneous) Variation Rules 2020* come into operation.

3—Interpretation

- (1) In these rules, unless the contrary intention appears—

Act means the *Mining Act 1971*;

Court means the Warden's Court;

Registrar means the Registrar of the Court;

regulations means the regulations made under the Act and for the time being in force;

Senior Warden means the Senior Warden of the Court;

suit includes application or objection.
- (2) Nothing in these rules may be construed to diminish or take away any power or authority conferred on the Court or a warden by an Act.

- (3) These rules must be construed, interpreted and applied, to the fullest extent that their context will allow, in a manner that will best ensure the attainment of the following objects:
- (a) the simplification of practice and procedure;
 - (b) the identification and clarification of material issues between the parties;
 - (c) the saving of expense;
 - (d) the expeditious disposal of the business of the Court.

Part 2—General procedure

3A—Powers of Court

- (1) The Court may on its own initiative, or on application by any person, make any order that it considers appropriate in the interests of justice.
- (2) For example, the Court may—
- (a) order that a provision of these rules not apply or apply in a modified way or dispense with compliance with these rules (whether before or after compliance is or was required); or
 - (b) make an order that is inconsistent with or in lieu of a provision of these rules; or
 - (c) fix a time within which something is required or permitted to be done or vary the time fixed by or under a provision of these rules or a court order; or
 - (d) make an order subject to conditions; or
 - (e) specify consequences of an event referred to in, or of non-compliance with, an order; or
 - (f) make or refuse any order sought by a person or make a different order; or
 - (g) make an order on its own initiative; or
 - (h) set aside a step taken in a proceeding in breach of these rules or an order, or for other cause; or
 - (i) direct the Registrar to do or not to do a thing; or
 - (j) give a direction when uncertainty is expressed about the effect of these rules; or
 - (k) make an order regarding a proceeding not yet instituted; or
 - (l) make an order regarding the form of a document to be filed, including imposing additional requirements about the filing or form of documents; or
 - (m) order the amendment of, or itself amend, a document; or
 - (n) order that a document be uplifted and removed from the file; or
 - (o) order production of a document notwithstanding that a lawyer or other person claims a lien over it; or
 - (p) order the stay of a proceeding, of a step in or order made in a proceeding, or of enforcement of a judgment or order; or

- (q) make any order as to costs.
- (3) Without affecting the generality of subrule (1), the Court may give directions about the procedure to be followed in a proceeding—
 - (a) when these rules do not address or address fully a procedural matter that arises in a proceeding; or
 - (b) to resolve uncertainty about the correct procedure to be adopted, including commencing a proceeding or appellate proceeding; or
 - (c) in any other case, when the Court thinks fit.
- (4) If these rules are silent in relation to a particular procedure or other matter, unless the Court otherwise orders, that matter is governed by the *Uniform Civil Rules 2020*.
- (5) The conferral by these rules of specific powers on the Court does not affect the generality of the power conferred by this rule.

3B—Electronic court management system

- (1) The Registrar must establish an electronic court management system (the ***Electronic System***) to perform such of the Registrar's general functions as the Registrar determines and for use by judicial and non-judicial officers of the Court and such external users as the Registrar determines.
- (2) For example, the Electronic System may enable—
 - (a) the creation, filing or service of documents in electronic form; or
 - (b) the use of electronic signatures by parties, lawyers or other persons; or
 - (c) the electronic issue of the Court's process; or
 - (d) the use of electronic signatures by judicial or non-judicial officers, sheriff's officers or other persons performing functions on behalf of the Court; or
 - (e) communications between users and the Court in electronic form; or
 - (f) the electronic listing of hearings, directions hearings and trials; or
 - (g) the creation, retention or deletion of electronic records of the Court's proceedings; or
 - (h) the receipt, retention or deletion of electronic documents tendered in proceedings, produced in response to a subpoena or otherwise produced to the Court; or
 - (i) controlled access by internal or external users to court records.
- (3) The Registrar may determine that it is mandatory that all or specified classes of documents lodged for filing by all or specified classes of persons be filed electronically via the Electronic System and to that extent the Registry will not accept physical documents for filing.
- (4) The Electronic System may be established by the Registrar in conjunction with other courts.
- (5) If it is mandatory for a person to file a document electronically via the Electronic System, the Registrar or the Court may waive that requirement if and to such extent and on such conditions as the Registrar or the Court thinks fit.

3C—Registered users

- (1) The Registrar may only permit a person other than a judicial or non-judicial officer of a court participating in the Electronic System to have access to the Electronic System if the person is a registered user.
- (2) The Registrar may establish a system for a person to become a registered user and may exercise a general discretion whether to admit a person as a registered user.
- (3) The Registrar may impose conditions on the use of the Electronic System by registered users, a class of registered users or individual registered users.
- (4) The Registrar may cancel the registration of a person if, in the opinion of the Registrar, the person—
 - (a) is not a fit and proper person to be a registered user; or
 - (b) should not have been admitted as a registered user; or
 - (c) has breached a condition of the terms of use of the Electronic System published by the Registrar on the Electronic System's portal.

3D—Originals of documents uploaded into Electronic System

- (1) A party who uploads a document electronically to the Electronic System (whether self-represented or represented by a law firm) undertakes to the Court that the document uploaded is identical to the original document.
- (2) A law firm who uploads a document electronically to the Electronic System undertakes to the Court that the document uploaded is identical to the original document.
- (3) A document comprising or including an affidavit or statutory declaration uploaded electronically to the Electronic System must be uploaded by scanning the original bearing the original signature of the deponent and attesting witness and not by scanning a copy.
- (4) A registered user who uploads a document comprising or including an affidavit or statutory declaration electronically to the Electronic System undertakes to the Court—
 - (a) that the document uploaded is the original document bearing the original signature of the deponent and attesting witness and not a copy; and
 - (b) to retain possession of the original document until finalisation of the proceeding and any appeal and expiration of any appeal period; and
 - (c) to produce the original document upon request by the Court.

3E—Official record of the Court

- (1) If a document is filed with, or issued by, the Court in electronic form or converted by the Court by scanning or otherwise into electronic form, the document in electronic form represents the official record.
- (2) If no electronic version of a document is created by the Court, the physical document is the official record.

4—Failure to comply with rules

- (1) Subject to any statutory requirements, non-compliance with any 1 or more of these rules does not, unless the Court directs, render void the proceeding to which the rule or rules relates or relate.
- (2) However, that proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner, on such terms (if any), as the Court deems just.

4A—Prescribed forms

- (1) The forms contained in Schedule 1 prescribe the form and content of defined types of documents to be filed at court.
- (2) If a form is required to be filed or served for which no form is prescribed in Schedule 1, then a form prescribed under the *Uniform Civil Rules 2020* is to be used.
- (3) The Senior Warden may—
 - (a) modify or delete a form contained in Schedule 1; or
 - (b) prescribe the form and content of additional defined types of documents to be filed at court.

5—Commencement of action

- (1) Subject to rules 6, 14 and 15, a suit is commenced by lodging a plaint note in Form 2AA set out in Schedule 1.
- (2) A plaint note may be drawn up by or under the direction of a warden in any case where the warden considers it appropriate to do so.

6—Review or appeal of decision

- (1) An application for review of a decision of the Mining Registrar to cancel registration of a mineral claim is made by lodging a plaint note in Form 4E set out in Schedule 1.
- (2) An appeal against a decision of the Director of Mines to issue a compliance order or a rectification order is made by lodging a plaint note in Form 5D set out in Schedule 1.

7—Procedure on receipt of plaint note

- (1) On the receipt of a plaint note, the Court must conduct a preliminary examination for the purpose of—
 - (a) making any necessary interlocutory orders; and
 - (b) setting a closing date for the lodgement with the Registrar of any objection to an application; and
 - (c) fixing the day, hour and place of the hearing; and
 - (d) such other matters as may be appropriate in the particular action.
- (2) The Court must, at least 7 days before the day on which a hearing is to take place, cause a copy of the plaint note to be given or sent by post to the respondent and to all persons who may be affected by the proceeding together with notice of the time and place of the hearing.

- (3) On an application for an injunction whether ancillary to another remedy claimed or not, the Court may, where reasonable cause exists, dispense with any rule relating to the service of the proceeding and may give to the applicant such direction as to service or the time for effecting service as the circumstances of the matter may require.

8—Practice on hearing of suit

- (1) Subject to these rules, the practice generally on the hearing of a suit must, as far as practicable, conform to the practice of a court of summary jurisdiction.
- (2) The Court may, at any stage of a hearing, direct or allow any departure from the practice that appears to it to be desirable having regard to the nature of the case and the circumstances generally.
- (3) The Court at its discretion may, in appropriate circumstances, direct that any matter be heard *ex parte*.
- (4) The Court at its discretion may, in appropriate circumstances, permit evidence to be given by affidavit.
- (5) The Court may, if it thinks it just, hear concurrently 2 or more complaints if they arise out of the same set of circumstances.

9—Adjournments

The Court may adjourn the hearing of a suit to any other time or place, and may, either at the original hearing or at any adjournment, proceed in the absence of any party.

10—Representation at hearing of proceeding

A party to a proceeding is entitled to be represented at the hearing of the proceeding by legal counsel or, with leave of the Court, by another person.

11—Particulars

The Court may, at any stage of any proceeding, order any party to provide another party with particulars or further and better particulars.

12—Survey

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

13—Extract from Mining Register

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

Part 3—Special applications

14—Objection by owner to entry by mining operator

A notice of objection lodged by an owner pursuant to section 58A(3) of the Act must—

- (a) be in Form 3C set out in Schedule 1; and
- (b) include full particulars of the objection; and
- (c) have annexed to it—
 - (i) a copy of the written notice given to the owner by the mining operator pursuant to section 58A(1) of the Act; and
 - (ii) a supporting affidavit as to the relevant facts; and
- (d) be lodged with the Registrar.

15—Objection by owner to use of declared equipment

A notice of objection lodged by an owner pursuant to section 59(3) of the Act must—

- (a) be in Form 3C set out in Schedule 1; and
- (b) include full particulars of the objection; and
- (c) have annexed to it—
 - (i) a copy of the written notice given to the owner by the mining operator pursuant to section 59(2) of the Act; and
 - (ii) a supporting affidavit as to the relevant facts; and
- (d) be lodged with the Registrar.

16—Application for amalgamation or suspension of working conditions

- (1) An application for amalgamation or suspension of working conditions pursuant to the regulations must—
 - (a) be in Form 2AA set out in Schedule 1; and
 - (b) contain particulars of the persons who may be affected by the relevant order.
- (2) On receipt of an application for amalgamation or suspension of working conditions, notice of the application must be publicly displayed in the office of the Registrar and in the offices of the Mining Registrar.
- (3) The Court may give notice of the application to any person who may be affected by an order made by the Court on the application or may, by notice to the applicant, direct that notice of the application be published in a newspaper or in such other manner as the Court may direct.

17—Objection to application for amalgamation or suspension of working conditions

- (1) An objection to an application for amalgamation or suspension of working conditions must be made within 7 days of the publication of the notice of application or within such longer period as the Court may allow in the circumstances of the particular case.
- (2) On receipt of an objection, the Court must give to all persons who may be affected by the application notice of—
 - (a) the hearing of the application; and
 - (b) the particulars of any objection.

Part 4—Miscellaneous

18—Contempt of Court

Sections 45 and 46 of the *Magistrates Court Act 1991* apply, with such modifications as may be necessary, with respect to any suit which is or has been before the Court.

19—Subpoenas

- (1) A subpoena can only be issued by order of a warden.
- (2) A subpoena to attend to give evidence issued by the Court must be in Form 105E set out in Schedule 1.
- (3) A subpoena to produce documents issued by the Court must be in Form 106E set out in Schedule 1.
- (4) A subpoena to attend and produce issued by the Court must be in Form 107E set out in Schedule 1.

20—Service

- (1) Service of a document may be effected by serving the document on the solicitor of a party.
- (2) If the solicitor for a party is a member of, or entitled to use, a document exchange, entitling the solicitor to the exclusive use of a box or receptacle for the deposit and collection of documents, any document of the kind referred to in subrule (1) may be left in the box or receptacle.
- (3) In the event of a document being left in a box or receptacle of the kind referred to in subrule (2), that document will be taken to have been served at the address for service of the party represented by the solicitor entitled to use of the box or receptacle on the day following the day on which the document was left in the box.

21—Fees

The fees set out in Schedule 2 are charged in respect of the matters referred to in the Schedule.

22—Record of warden's order or decision

- (1) A warden's order or decision need not be formally drawn up unless the warden otherwise directs.

- (2) However, the warden must maintain a warden's book in which a record is kept of all decisions and orders of the Court.
- (3) Record of an order or decision in the warden's book is conclusive evidence of the order or decision.

23—Seal

The Court will have such seals as are necessary for the transaction of its business (and may use such seals as it thinks appropriate).

24—Enforcement of orders

- (1) The provisions of the *Enforcement of Judgments Act 1991* apply in respect of an order of the Court as if the order were an order of the District Court or Magistrates Court (as appropriate).
- (2) On receipt of an affidavit from a person seeking to enforce an order of the Court setting out full particulars of the order sought to be enforced, the warden must—
 - (a) in the case of an order for payment of a monetary amount in excess of \$100 000, transmit the order to the Registrar of the District Court;
 - (b) in the case of any other order, transmit the order to the Registrar of the Magistrates Court nearest to the place at which the Court made the order,and a proceeding may then be taken on the order, or any other action taken, as if it were a judgement or order of the Court to which it has been transmitted.
- (3) In this Rule, *order* includes injunction.

Schedule 1—Forms

Form 2AA—Plaint note—originating application

Form 2AA

<p><i>To be inserted by Court</i></p> <p>Case number:</p> <p>Date filed:</p> <p>FDN:</p>
<p>Hearing date and time:</p> <p>Hearing location:</p>

PLAINT NOTE—ORIGINATING APPLICATION

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Applicant	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>		<i>Solicitor</i>	
Address for service	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if multiple Applicants

Next box not applicable if application for revocation/variation

Respondent	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Respondents

Interested Party	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Interested Parties

<p>Application details</p> <p><i>Mark appropriate sections below with an 'x'</i></p> <p>Matter type:</p> <p>This application is for</p> <p><input type="checkbox"/> amalgamation</p> <p><input type="checkbox"/> suspension</p> <p><input type="checkbox"/> forfeiture</p>

revocation/variation of a private mine
 other *[specify nature of application]*
Provide relevant number below (if applicable)

Precious Stones Claim No.:

Exploration Lease No.:

Mining Lease No.:

Private Mine No.:

This application is made under

Act and section or other particular provision

The Applicant seeks the following orders:

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

1.

This application is made on the grounds set out in the accompanying affidavit sworn by *[full name]* on the *[day]* day of *[month and year]*.

Mark with an 'x' if applicable

This application is urgent.

If applicable

Extension of time

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

section 48 of the *Limitation of Actions Act 1936*

other:

State section and Act

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

To the other parties: WARNING

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

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

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

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

Service

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

Accompanying documents

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

Multilingual Notice (*mandatory*)

Supporting Affidavit (*mandatory*)

Notice to Respondent Served Interstate (*mandatory if address of 1 respondent or interested party is interstate*)

Notice to Respondent Served in New Zealand (*mandatory if address of 1 party to be served is in New Zealand*)

Notice to Respondent Served outside Australia (*mandatory if address of 1 party served is outside Australia but not in New Zealand*)

If other additional document(s) please document below:

Note to parties

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

Form 3C—Plaint note—originating application—notice of objection

Form 3C

To be inserted by Court

Case number:

Date filed:

FDN:

Hearing date and time:

Hearing location:

PLAINT NOTE—ORIGINATING APPLICATION—NOTICE OF OBJECTION

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Applicant (Objector)	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>	
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>	<i>Solicitor</i>
Address for service	<i>Street address (including unit or level number and name of property if required)</i>	

	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if multiple Applicants

Respondent	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	[] Sheriff service requested for this Respondent <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Respondents

Interested Party	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	[] Sheriff service requested for this Interested Party <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Interested Parties

<p>Objection</p> <p>This objection is made in relation to <i>[identify order or other subject of objection and Act and section or other provision under which the order or other subject of objection was made]</i> dated <i>[date]</i>.</p> <p>The Objector objects to the</p> <p><i>Identify order or particular parts of the order or other subject to which objection is taken.</i></p> <p><i>Provide relevant number below (if applicable)</i></p> <p>Precious Stones Claim No.:</p> <p>Exploration Lease No.:</p> <p>Mining Lease No.:</p> <p>Private Mine No.:</p> <p>This objection is made under</p> <p><i>Mark appropriate section below with an 'x'</i></p> <p>[] section 58A of the <i>Mining Act 1971</i></p> <p>[] section 59 of the <i>Mining Act 1971</i></p> <p>[] regulation 63 of the <i>Mining Regulations 2011</i></p>

other *[specify Act and section or other particular provision]*

The grounds of objection are:

Grounds in detail in separate numbered paragraphs

1.

If applicable

The Objector seeks an extension of time to lodge this objection because:

Grounds in separate numbered paragraphs

1.

If applicable

The Objector requests that the hearing be by written submissions only because:

Grounds in separate numbered paragraphs

1.

This application must be listed by *[date]*.

Note: the matter must be listed before the expiry of 21 days from service of the notice of entry.

To the other parties: WARNING

This application will be considered at the hearing at the date and time set out at the top of this document.

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

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

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

Service

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

Accompanying documents

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

Multilingual Notice *(mandatory)*

Supporting Affidavit *(mandatory) (must be filed and served)*

Copy of notice of entry *(mandatory)*

Notice to Respondent Served Interstate *(mandatory if address of 1 respondent or interested party is interstate)*

Notice to Respondent Served in New Zealand *(mandatory if address of 1 party to be served is in New Zealand)*

Notice to Respondent Served outside Australia *(mandatory if address of 1 party served is outside*

Australia but not in New Zealand)

If other additional document(s) please document them below:

Note to parties

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

Form 4E—Plaint note—originating application for review

Form 4E

To be inserted by Court

Case number:

Date filed:

FDN:

Hearing date and time:

Hearing location:

PLAINT NOTE—ORIGINATING APPLICATION FOR REVIEW

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Applicant	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>		<i>Solicitor</i>	
Address for service	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if multiple Applicants

Respondent	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			

Phone details	<i>Type - Number</i>
Service	[] Sheriff service requested for this Respondent <i>If requested mark with an 'x'</i>

Duplicate panel if multiple Respondents

Interested Party	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	[] Sheriff service requested for this Interested Party <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Interested Parties

<p>Application details</p> <p>Matter type:</p> <p>This application is for review of the decision identified below that</p> <p><i>Summary of decision in 1 sentence</i></p> <p>This application is made under regulation 15 of the <i>Mining Regulations 2011</i>.</p> <p><i>Act and section or other source of jurisdiction</i></p> <p>Decision subject of application</p> <p>Date of decision:</p> <p>Date notice of decision received:</p> <p>Tribunal/agency/decision maker being reviewed: Mining Registrar</p> <p>Name of individual decision maker <i>If known/applicable</i>:</p> <p>Reference number of tribunal/agency/decision maker <i>If known</i>:</p> <p>Orders challenged:</p> <p><i>Only the orders sought to be reviewed in separate numbered paragraphs</i></p> <p>1.</p> <p>Orders sought</p> <p><i>Orders sought in addition to or in place of the orders made in separate numbered paragraphs</i></p> <p>1.</p> <p>This application is made on the grounds set out in the accompanying affidavit sworn by <i>[full name]</i> on the <i>[day]</i> day of <i>[month and year]</i>.</p> <p><i>Mark with an 'x' if applicable</i></p> <p>[] This application is urgent.</p>
--

If applicable

Extension of time

The Applicant seeks an extension of time to bring this review pursuant to

Act and section or other particular provision

on the grounds that:

Grounds in separate numbered paragraphs

1.

To the other parties: WARNING

This application will be considered at the hearing at the date and time set out at the top of this document.

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

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

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

Service

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

Accompanying documents

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

- Multilingual Notice (*mandatory*)
- Supporting Affidavit (*mandatory unless application is of a specified type in which case it is optional*)
- A copy of the original decision that is the subject of this review (*mandatory—may be exhibited to the supporting affidavit*) (*must be filed and served*)
- Notice to Respondent Served Interstate (*mandatory if address of 1 respondent or interested party is interstate*)
- Notice to Respondent Served in New Zealand (*mandatory if address of 1 party to be served is in New Zealand*)
- Notice to Respondent Served outside Australia (*mandatory if address of 1 party served is outside Australia but not in New Zealand*)
- If other additional document(s) please document them below:

Note to parties

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

Form 5D—Plaint note—originating application—appeal against administrative decision

Form 5D

<p><i>To be inserted by Court</i></p> <p>Case number:</p> <p>Date filed:</p> <p>FDN:</p>
<p>Hearing date and time:</p> <p>Hearing location:</p>

PLAINT NOTE—ORIGINATING APPLICATION—APPEAL AGAINST ADMINISTRATIVE DECISION

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Applicant	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>		<i>Solicitor</i>	
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if multiple Applicants

Respondent	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Respondents

Interested Party	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			
Service	<input type="checkbox"/> Sheriff service requested for this Interested Party <i>If requested mark with an 'x'</i>			

Duplicate panel if multiple Interested Parties

<p>Appeal details</p> <p>Matter type:</p> <p>The Applicant appeals to the Court against the decision identified below that</p> <p><i>Summary of decision in 1 sentence</i></p> <p>This appeal is brought under section 73L of the <i>Mining Act 1971</i>.</p> <p><i>Act and section or other particular provision</i></p> <p>Decision subject of appeal</p> <p>Date of decision:</p> <p>Date notice of decision received:</p> <p>Tribunal/agency/decision maker being reviewed: Director of Mines</p> <p>Name of individual decision maker <i>If known/applicable</i>:</p> <p>Reference number of tribunal/agency/decision maker <i>If known</i>:</p> <p>Orders challenged:</p> <p><i>Only the orders sought to be reviewed in separate numbered paragraphs</i></p> <p>1.</p> <p>Orders sought</p> <p><i>Orders sought in addition to or in place of the orders made in separate numbered paragraphs</i></p> <p>1.</p> <p>This Application is made on the grounds set out in the accompanying affidavit sworn by <i>[full name]</i> on the <i>[day]</i> day of <i>[month and year]</i>.</p> <p><i>If applicable</i></p> <p>Extension of time</p> <p>The Applicant seeks an extension of time to bring this review pursuant to</p> <p><i>Act and section or other particular provision</i></p> <p>on the grounds that:</p> <p><i>Grounds in separate numbered paragraphs</i></p> <p>1.</p>

To the other parties: WARNING

This application will be considered at the hearing at the date and time set out at the top of this document.

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

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

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

Service

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

Accompanying documents

Mark appropriate section below with an 'x'

Accompanying service of this application is a:

- Multilingual Notice (*mandatory*)
- Supporting Affidavit (*mandatory*) (*must be filed and served*)
- A copy of the original decision that is the subject of this appeal (*mandatory—may be exhibited to the supporting affidavit*) (*must be filed and served*)
- Notice to Respondent Served Interstate (*mandatory if address of 1 respondent or interested party is interstate*)
- Notice to Respondent Served in New Zealand (*mandatory if address of 1 party to be served is in New Zealand*)
- Notice to Respondent Served outside Australia (*mandatory if address of 1 party served is outside Australia but not in New Zealand*)
- If other additional document(s) please document them below:

Note to parties

There can be cost penalties for making an unsuccessful appeal or resisting a successful appeal.

Form 105E—Subpoena to attend to give evidence

Form 105E

To be inserted by Court

Case number:

Date filed:

FDN:

Hearing date and time:

Hearing location:

SUBPOENA TO ATTEND TO GIVE EVIDENCE

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Person subject to subpoena				
Person	<i>Full name</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Telephone	<i>Type - Number</i>			

YOU ARE ORDERED to **attend to give evidence at the date, time and location set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

You must continue to attend from day to day unless you are excused by the Court or the person authorised to take evidence in this matter or until the hearing of the matter is completed.

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

You should read all of the Notes set out at the end of this subpoena.

The last date for service of this subpoena is *[date]* (see Note 2).

If applicable

The last date for service was fixed by order made by *[title and name of judicial officer]* on *[date]*.

Subpoena issued at the request of the following party				
Party title	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>		<i>Solicitor</i>	
Address for service	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if required

Notes

Is this subpoena valid?

- (1) This subpoena is only valid if it has the Court seal.
- (2) Unless you actually knew of this subpoena before the last date for service, this subpoena must have been served on you before the last date for service set out at the top of this subpoena.
- (3) If this subpoena does not comply with Notes 1 or 2, you need not comply with it.

Addressee a corporation

- (4) If this subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Applications in relation to the subpoena

- (5) You may apply to the Court for an order setting aside the subpoena (or a part of it) or for other relief in respect of the subpoena.

Cost of complying with this subpoena

- (6) You are entitled to be paid by the party who requested this subpoena to be issued:
 - (a) your reasonable expenses of attending Court, including travel expenses; and
 - (b) your reasonable expenses of complying with this subpoena, including an appropriate witness fee; and
 - (c) any other expense incurred or loss suffered in complying with this subpoena, including legal fees.
- (7) If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this subpoena to be issued.
- (8) If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this subpoena.
- (9) You may apply to the Court for an order for payment of these expenses, if required.

Consequences of not complying with this subpoena

- (10) If you fail to comply with this subpoena without a lawful excuse, any of the following might happen:
 - (a) **you may be arrested** and brought before the Court;
 - (b) you may be found to be in **contempt of court and may be liable for a fine or imprisonment**;
 - (c) the Court may make any other order within its powers to ensure compliance with this subpoena.

Attending Court

- (11) If you need an interpreter, or if you have a disability that affects your ability to give evidence, you must advise the Court as soon as practicable of any assistance you require. If you need an interpreter, this includes advising the Court of the language and dialect you require.
- (12) For general information about attending Court, Court services and translation services visit www.courts.sa.gov.au.

Questions

- (13) If you have any questions about what you must do, or if you cannot comply with the subpoena, you should contact:
 - (a) the Registrar of the Court; or

- (b) the party who requested this subpoena to be issued; or
(c) a solicitor to obtain your own legal advice.

Form 106E—Subpoena to produce documents

Form 106E

To be inserted by Court

Case number:

Date filed:

FDN:

Hearing date and time:

Hearing location:

SUBPOENA TO PRODUCE DOCUMENTS

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Person subject to subpoena				
Person	Full name			
Address	Street address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Telephone	Type - Number			

YOU ARE ORDERED to attend to produce this subpoena or a copy of it and the documents or things specified in the subpoena/schedule of documents attached to this subpoena at the date, time and location set out above unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Alternatively, you may comply with this subpoena by delivering or sending this subpoena or a copy of it and the documents or things specified in the **subpoena/schedule of documents** to the Registrar at the address below, or if there is more than 1 address below, at any 1 of those addresses, so that they are received not less than 2 clear business days before the date specified for production (see Notes 5-9 below).

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

[Court] of South Australia Civil Registry

Address

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in

your arrest.

You should read all of the Notes set out at the end of this subpoena. **You must complete the Declaration by Addressee (Subpoena Recipient) set out at the end of this subpoena.**

The last date for service of this subpoena is *[date]* (see Note 2).

If applicable

The last date for service was fixed by order made by *[title and name of judicial officer]* on *[date]*.

Subpoena issued at the request of the following party

Party title	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>		<i>Solicitor</i>	
Address for service	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if required

Documents and things

Mark appropriate section below with an 'x'

The documents and things you must produce

are included in the schedule attached to this subpoena

are as follows *[list of documents or things]*:

1.

Notes

Is this subpoena valid?

- (1) This subpoena is only valid if it has the Court seal.
- (2) Unless you actually knew of this subpoena before the last date for service, this subpoena must have been served on you before the last date for service set out at the top of this subpoena.
- (3) If this subpoena does not comply with Notes 1 or 2, you need not comply with it.

Addressee a corporation

- (4) If this subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Sending documents and things by post

- (5) You can comply by sending the required documents to the Registrar of Court as set out earlier in this subpoena. The documents must arrive at the Registry no later than 2 clear business days before the date for attending Court. **If you do this, you will still need to attend Court to give evidence.**
- (6) If you object to any documents or things produced being inspected by the parties, you must notify the Registrar in the way described in Note 10.

Producing documents and things generally

- (7) Unless the subpoena says that you must produce an original document, you are required to produce copies (either hard copy or digital copy) of the documents the subject of this subpoena rather than originals.
- (8) If you are producing copies, you are encouraged to do so by producing digital copies rather than hard copies. This can be done by producing a USB or memory card containing the documents in any of the following document formats:
 - (a) .doc and .docx—Microsoft Word documents
 - (b) .pdf—Adobe Acrobat documents
 - (c) .xls and .xlsx—Microsoft Excel spreadsheets
 - (d) .jpg—image files
 - (e) .rtf—rich text format
 - (f) .gif—graphics interchange format
 - (g) .tif—tagged image format
 - (h) any other format which is agreed with the issuing party.
- (9) If you produce more than 1 document or thing, you must, if requested by the Court, produce a list of the documents or things produced.

Objections and applications in relation to documents and things

- (10) You may object on recognised grounds to the parties or a party inspecting some or all of the documents or things produced. **You must notify the Registrar in writing of any objection at the time you produce the documents or things.** The objection must state:
 - (a) the documents or things the subject of the objection; and
 - (b) whether you object to all other parties inspecting the documents or things, or if you only object to some parties inspecting the documents or things; and
 - (c) why you are objecting, which may include different reasons for different documents or things.
- (11) You may apply to the Court:
 - (a) for an order setting aside the subpoena (or a part of it) or for other relief in respect of the subpoena; or
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing produced.

Cost of complying with this subpoena

- (12) You are entitled to be paid by the party who requested this subpoena to be issued:
 - (a) your reasonable expenses of attending Court, including travel expenses; and
 - (b) your reasonable expenses of complying with this subpoena, including an appropriate witness fee; and
 - (c) any other expense incurred or loss suffered in complying with this subpoena, including legal fees.
- (13) If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this subpoena to be issued.
- (14) If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this subpoena.

(15) You may apply to the Court for an order for payment of these expenses, if required.

Consequences of not complying with this subpoena

- (16) If you fail to comply with this subpoena without a lawful excuse, any of the following might happen:
- (a) **you may be arrested** and brought before the Court;
 - (b) you may be found to be in **contempt of court and may be liable for a fine or imprisonment**;
 - (c) the Court may make any other order within its powers to ensure compliance with this subpoena.

Attending Court

(17) For general information about attending Court, Court services and translation services visit www.courts.sa.gov.au.

Questions

- (18) If you have any questions about what you must do, or if you cannot comply with the subpoena, you should contact:
- (a) the Registrar of the Court; or
 - (b) the party who requested this subpoena to be issued; or
 - (c) a solicitor to obtain your own legal advice.

Schedule to subpoena

[list of documents or things]

DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)

You must complete the declaration below and produce it at the same time as the subpoena with the copy of the documents or things required by the subpoena.

If you declare that the material you produce are copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the matter or, if the documents become exhibits in the matter, when they are no longer required in connection with the matter, including on any appeal.

If you declare that the material you produce is or includes any original document, the Court will return all of the material to you at the address specified by you in the declaration below.

Mark appropriate section below with an 'x'

All copied documents

All of the material I am providing in compliance with this subpoena comprises copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

Some original documents

Some or all of the material I am providing in compliance with this subpoena is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:

Address for return of material.

Signature of addressee:

Name printed:

Date:

Form 107E—Subpoena to attend and produce

Form 107E

<i>To be inserted by Court</i> Case number: Date filed: FDN:
Hearing date and time: Hearing location:

SUBPOENA TO ATTEND AND PRODUCE

WARDENS COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the full name including capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable) for each party. Each party should include a party number if more than 1.

First Applicant

First Respondent

First Interested Party

Person subject to subpoena				
Person	<i>Full name</i>			
Address	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Telephone	<i>Type - Number</i>			

YOU ARE ORDERED to attend to produce this subpoena or a copy of it and the documents or things specified in the subpoena/schedule of documents attached to this subpoena at the date, time and location set out above unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Insofar as you are required to produce this subpoena or a copy of it and documents or things, you may comply with this requirement by delivering or sending this subpoena or a copy of it and the documents or things specified in the **subpoena/schedule of documents** to the Registrar at the address below, or if there is more than 1 address below, at any 1 of those addresses, so that they are received not less than 2 clear business days before the date specified for production (see Notes 5-9 below).

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

[Court] of South Australia Civil Registry

Address

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

You should read all of the Notes set out at the end of this subpoena. **You must complete the Declaration by Addressee (Subpoena Recipient) set out at the end of this subpoena.**

The last date for service of this subpoena is *[date]* (see Note 2).

If applicable

The last date for service was fixed by order made by *[title and name of judicial officer]* on *[date]*.

Subpoena issued at the request of the following party

Party title	<i>Full name (including also known as, capacity (eg administrator, liquidator, trustee) and litigation guardian name (if applicable))</i>			
Name of law firm/solicitor <i>If any</i>	<i>Law firm</i>		<i>Solicitor</i>	
Address for service	<i>Street address (including unit or level number and name of property if required)</i>			
	<i>City/town/suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Country</i>
	<i>Email address</i>			
Phone details	<i>Type - Number</i>			

Duplicate panel if required

Documents and things

Mark appropriate section below with an 'x'

The documents and things you must produce

are included in the schedule attached to this subpoena

are as follows *[list of documents or things]*:

1.

Notes

Is this subpoena valid?

- (1) This subpoena is only valid if it has the Court seal.
- (2) Unless you actually knew of this subpoena before the last date for service, this subpoena must have been served on you before the last date for service set out at the top of this subpoena.
- (3) If this subpoena does not comply with Notes 1 or 2, you need not comply with it.

Addressee a corporation

- (4) If this subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Sending documents and things by post

- (5) For the part of this subpoena requiring you to produce documents, you can comply by sending the required documents to the Registrar of Court as set out earlier in this subpoena. The documents must arrive at the Registry no later than 2 clear business days before the date for attending Court.
If you do this, you will still need to attend Court to give evidence.
- (6) If you object to any documents or things produced being inspected by the parties, you must notify the Registrar in the way described in Note 10.

Producing documents and things generally

- (7) Unless the subpoena says that you must produce an original document, you are required to produce copies (either hard copy or digital copy) of the documents the subject of this subpoena rather than originals.

- (8) If you are producing copies, you are encouraged to do so by producing digital copies rather than hard copies. This can be done by producing a USB or memory card containing the documents in any of the following document formats:
- (a) .doc and .docx—Microsoft Word documents
 - (b) .pdf—Adobe Acrobat documents
 - (c) .xls and .xlsx—Microsoft Excel spreadsheets
 - (d) .jpg—image files
 - (e) .rtf—rich text format
 - (f) .gif—graphics interchange format
 - (g) .tif—tagged image format
 - (h) any other format which is agreed with the issuing party.
- (9) If you produce more than 1 document or thing, you must, if requested by the Court, produce a list of the documents or things produced.

Objections and applications in relation to documents and things

- (10) You may object on recognised grounds to the parties or a party inspecting some or all of the documents or things produced. **You must notify the Registrar in writing of any objection at the time you produce the documents or things.** The objection must state:
- (a) the documents or things the subject of the objection; and
 - (b) whether you object to all other parties inspecting the documents or things, or if you only object to some parties inspecting the documents or things; and
 - (c) why you are objecting, which may include different reasons for different documents or things.
- (11) You may apply to the Court:
- (a) for an order setting aside the subpoena (or a part of it) or for other relief in respect of the subpoena; or
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing produced.

Cost of complying with this subpoena

- (12) You are entitled to be paid by the party who requested this subpoena to be issued:
- (a) your reasonable expenses of attending Court, including travel expenses; and
 - (b) your reasonable expenses of complying with this subpoena, including an appropriate witness fee; and
 - (c) any other expense incurred or loss suffered in complying with this subpoena, including legal fees.
- (13) If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this subpoena to be issued.
- (14) If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this subpoena.
- (15) You may apply to the Court for an order for payment of these expenses, if required.

Consequences of not complying with this subpoena

- (16) If you fail to comply with this subpoena without a lawful excuse, any of the following might happen:

- (a) **you may be arrested** and brought before the Court;
- (b) you may be found to be in **contempt of court and may be liable for a fine or imprisonment**;
- (c) the Court may make any other order within its powers to ensure compliance with this subpoena.

Attending Court

- (17) If you need an interpreter, or if you have a disability that affects your ability to give evidence, you must advise the Court as soon as practicable of any assistance you require. If you need an interpreter, this includes advising the Court of the language and dialect you require.
- (18) For general information about attending Court, Court services and translation services visit www.courts.sa.gov.au.

Questions

- (19) If you have any questions about what you must do, or if you cannot comply with the subpoena, you should contact:
 - (a) the Registrar of the Court; or
 - (b) the party who requested this subpoena to be issued; or
 - (c) a solicitor to obtain your own legal advice.

Schedule to subpoena

[list of documents or things]

DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)

You must complete the declaration below and produce it at the same time as the subpoena with the copy of the documents or things required by the subpoena.

If you declare that the material you produce are copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the matter or, if the documents become exhibits in the matter, when they are no longer required in connection with the matter, including on any appeal.

If you declare that the material you produce is or includes any original document, the Court will return all of the material to you at the address specified by you in the declaration below.

Mark appropriate section below with an 'x'

All copied documents

All of the material I am providing in compliance with this subpoena comprises copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

Some original documents

Some or all of the material I am providing in compliance with this subpoena is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:

Address for return of material.

Signature of addressee:

Name printed:

Date:

Schedule 2—Fees

1	Taking out a plaint seeking forfeiture of a mining tenement or a determination in accordance with the provisions of section 67(1) of the Act	\$46
2	Taking out a plaint (all other matters)	\$18

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal rules and variations

New entries appear in bold.

Year	No	Reference	Commencement
2016	16	<i>Gazette 25.2.2016 p711</i>	25.2.2016: r 2
2020	201	<i>Gazette 4.6.2020 p3076</i>	8.6.2020: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2A	inserted by 201/2020 r 4	8.6.2020
r 3		
r 3(1)		
Senior Warden	inserted by 201/2020 r 5	8.6.2020
Pt 2		
rr 3A to 3E	inserted by 201/2020 r 6	8.6.2020
r 4		
r 4(1)	varied by 201/2020 r 7(1)	8.6.2020
r 4(2)	varied by 201/2020 r 7(2)	8.6.2020
r 4A	inserted by 201/2020 r 8	8.6.2020
r 5	<i>deleted by 201/2020 r 9</i>	8.6.2020
r 5	r 6 redesignated as r 5 by 201/2020 r 10(2)	8.6.2020
r 5(1)	substituted by 201/2020 r 10(1)	8.6.2020
r 6	inserted by 201/2020 r 11	8.6.2020
r 7		
r 7(2)	varied by 201/2020 r 12(1), (2)	8.6.2020
r 7(3)	varied by 201/2020 r 12(3)	8.6.2020
r 10	substituted by 201/2020 r 13	8.6.2020
r 11	varied by 201/2020 r 14	8.6.2020
r 13	varied by 201/2020 r 15	8.6.2020
Pt 3		
rr 14 & 15	substituted by 201/2020 r 16	8.6.2020
r 16		
r 16(1)	substituted by 201/2020 r 17	8.6.2020

Pt 4		
r 19	substituted by 201/2020 r 18	8.6.2020
r 24		
r 24(2)	varied by 201/2020 r 19	8.6.2020
Sch 1	substituted by 201/2020 r 20	8.6.2020