

I certify that this is a copy of the authorised version of this Statutory Rule as at 24 March 2021, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 24 March 2021.

K Woodward
Deputy Chief Parliamentary Counsel
Dated 25 March 2021

TASMANIA

SUPREME COURT FORMS RULES 2000

STATUTORY RULES 2000, No. 26

CONTENTS

1. Short title
 2. Commencement
 3. Forms
- Schedule 1 – Forms

SUPREME COURT FORMS RULES 2000

IN THE SUPREME COURT OF TASMANIA

Dated 20 April 2000.

We, the Honourable William John Ellis Cox, AC, RFD, ED, Chief Justice, and the Honourable Peter George Underwood, the Honourable Ewan Charles Crawford and the Honourable Peter Ethrington Evans, Puisne Judges of the Supreme Court of Tasmania, on the recommendation of the Rule Committee, make the following Rules of Court under the *Supreme Court Civil Procedure Act 1932*.

1. Short title

These Rules of Court may be cited as the *Supreme Court Forms Rules 2000*.

2. Commencement

These Rules of Court take effect on 1 May 2000.

3. Forms

- (1) The forms set out in Schedule 1 are prescribed for the purposes of the *Supreme Court Rules 2000*.
- (2) Each form is to include such title, heading and footer from Form 1 as is appropriate in the circumstances.
- (3) A reference in a form to a rule is a reference to the rule of that number in the *Supreme Court Rules 2000*.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

SCHEDULE 1 – FORMS

Rule 3

PART 1 – TABLE OF FORMS

Form 1	Title, heading and footer
Form 2	Writ
Form 3	Originating application intended to be served
Form 4	Originating application requiring an appearance intended to be served out of the State
Form 5	Originating application not intended to be served
Form 6	Notice to be given to persons ordered to be served with notice of an application
Form 7	Notice of change or appointment of practitioner
Form 8	Notice of change of agent
Form 9	Notice of party acting in person
Form 10	Notice of change of address for service
Form 11	Notice of intention to cease to act as practitioner
Form 12	Notice of ceasing to act as practitioner
Form 13	Letter of request for service of document
Form 14	Notice of appearance
Form 15	Notice of conditional appearance
Form 16	Notice of appearance limited as to land
Form 17	Notice of counterclaim [or cross-application]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 18	Third party notice
Form 19	Judgment for plaintiff after confession of defence
Form 20	Notice of payment into court
Form 21	Acceptance of sum paid into court
Form 22	Affidavit for entry of appearance as litigation guardian
Form 22A	Notice accompanying the originating process in representative proceedings
Form 22B	Opt-out notice
Form 23	Judgment by consent
Form 24	Notice of discontinuance or finalisation
Form 25	Judgment for defendant on discontinuance
Form 26	List of documents
Form 27	Affidavit verifying list of documents
Form 28	Receiver's recognisance
Form 29	Receiver's bond
Form 30	Receiver's security by undertaking
Form 31	Affidavit verifying receiver's account
Form 32	Short order for issue of commission to examine witnesses
Form 33	Long order for commission to examine witnesses
Form 34	Commission to examine witnesses
Form 35	Order for letter of request to judicial authority out of Tasmania
Form 36	Letter of request for examination of witness

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 37	Subpoena to give evidence
Form 38	Subpoena to produce documents or things
Form 39	Subpoena to give evidence and produce documents or things
Form 41	Interlocutory application
Form 42	Certificate of readiness
Form 43	Notice of intention to appear
Form 44	Notice of submission
Form 48	Notice of discontinuance of appeal
Form 49	Citation to see proceedings
Form 50	Citation to bring in grant
Form 51	Writ and statement of claim in action at the suit of the Attorney-General for forfeiture
Form 52	Notice of filing of writ and statement of claim for condemnation of property seized as forfeited
Form 53	Claim as to property seized
Form 54	Judgment in default of claim
Form 55	Judgment of forfeiture where claim filed but no defence filed
Form 56	Judgment of forfeiture where trial had
Form 57	Judgment for claimant
Form 57A	Notice of intention to appear upon return of application
Form 57B	Notice of submission to order upon return of application
Form 57BA	Notice of intention to apply for admission

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57BB	Affidavit in support of application for admission (Local Applicants or Qualified Overseas Applicants)
Form 57BC	Affidavit as to character
Form 57BD	Affidavit in support of application for admission (Overseas Practitioner)
Form 57BE	Affidavit in support of application for declaration of suitability
Form 57BF	Affidavit of service on Legal Profession Board and Law Society
Form 57BG	Oath for barristers and members of legal profession
Form 57C	Notice of intention to apply for admission by interstate practitioner
Form 57D	Certificate of compliance with Commonwealth Act
Form 57E	Oath or affirmation and form of roll where interstate practitioner or barrister elects not to appear in person
Form 58	Final judgment in default of appearance or defence
Form 59	Interlocutory judgment in default of appearance or defence
Form 60	Judgment after trial with jury
Form 61	Judgment after trial without jury or pursuant to an order
Form 62	General form of order
Form 63	Writ of fieri facias
Form 64	Writ of veditiōni exponas
Form 65	Writ of possession
Form 66	Writ of restitution

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 67	Writ of delivery
Form 68	Writ of delivery or assessed value
Form 69	Affidavit and application for provisional garnishee order attaching a debt
Form 70	Provisional garnishee order attaching a debt (incorporating notices to debtor garnishee)
Form 71	Final garnishee order attaching debt where garnishee has paid amount owing into court
Form 72	Final garnishee order attaching debt
Form 73	Affidavit and application for provisional garnishee order attaching earnings
Form 74	Provisional garnishee order attaching earnings (incorporating notices to debtor and garnishee)
Form 75	Final garnishee order attaching earnings
Form 76	Affidavit as to stock
Form 77	Notice as to stock
Form 78	Writ of attachment
Form 79	Writ of sequestration
Form 80	Advertisement for creditors
Form 81	Advertisement for claimants other than creditors
Form 82	Notice to creditors or other claimants to produce documents
Form 83	Affidavit of service of foreign process
Form 83A	Request for service abroad of judicial documents and certificate

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 83B	Summary of document to be served
Form 83C	Notice to defendant served outside of Australia
Form 84	Certificate as to examination and depositions

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

FOOTER (on first page of document)

Filed on behalf of: AB

Firm Name

Firm Address

DX of firm

Tel:

Fax:

Name of Practitioner

Agent's Name

Agent's Address

DX of Agent

Tel:

Fax:

Name of Agent Practitioner

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 2

Rule 104

WRIT

To *[name and address of each defendant]*

ENDORSEMENT OF CLAIM

The plaintiff(s)' claim against you is for *[set out endorsement of claim or, if the action is for a debt or liquidated demand, the amount claimed and brief particulars of that amount]*

*and costs to be taxed.

***IF** you pay the amount claimed plus the sum of *[insert amount]* for costs to the plaintiff or to the practitioner for the plaintiff within *[insert number of days limited for appearance]* days, this action will be at an end.

[Signature of plaintiff's practitioner or of plaintiff in person]

The plaintiff's address is *[state residential address or, if a corporation, its registered office]*

The plaintiff's address for service of documents is *[state address for service]*

Take notice that –

- (1) If you wish to dispute the plaintiff's claim or any part of it or for any reason wish to take part in this action, you or your practitioner must, within *[insert number of days limited for appearance]* days following the service of this writ on you, lodge a notice of appearance at a Registry of the Supreme Court and serve a sealed copy of the notice on the plaintiff at the address for service of documents.
- (2) Forms of notice of appearance may be obtained from any Registry of the Court. These are located at Salamanca Place, Hobart, Cameron Street, Launceston and Alexander Street, Burnie.
- (3) If you fail to lodge and serve a notice of appearance within the time stated, the plaintiff may obtain a judgment without further notice to you.

Filed *[date]*

Registrar *[or District Registrar]*

* delete whichever is inapplicable.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 3

Rule 118(1)

ORIGINATING APPLICATION INTENDED TO BE SERVED

To *[name and address of each respondent]* and any other person served with this application

[Name and address of applicant, stating capacity if relevant] applies for the following orders *[or for the determination of the following questions]*:
[specify]

[Signature of practitioner for the applicant or applicant in person]

The applicant's address for service of documents is *[state address for service]*

NOTICE OF HEARING

This application has been set down for hearing in Court *[or in Chambers]* at the Supreme Court, *[address]* on *[date]* at *[time]*.

Filed *[date]*

Registrar *[or District Registrar]*

***NOTICE TO PERSON SERVED**

Take notice that –

1. If you wish to participate in these proceedings, you should, within *[insert number of days limited for appearance]* days following service of this application on you, lodge a notice of appearance at a Registry of the Supreme Court and serve a sealed copy on the applicant at the address for service. Service may be effected by prepaid post.
2. Forms of notice of appearance may be obtained from any Registry of the Court. These are located at Salamanca Place, Hobart, Cameron Street, Launceston, and Alexander Street, Burnie.
3. If you fail to lodge, and serve on the applicant, a notice of appearance within the time stated, or thereafter fail to attend personally or by practitioner at the hearing, such orders may be made and proceedings taken as the Court *[or judge]* may think just and appropriate without further notice to you.

* Where the rules do not require a notice of appearance, the 'Notice to Person Served' is to be omitted or struck out.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 4

Rule 118(1)

**ORIGINATING APPLICATION REQUIRING AN APPEARANCE
INTENDED TO BE SERVED OUT OF THE STATE**

To *[name and address of each respondent]* and any other person served with this application

[Name and address of applicant, stating capacity if relevant] applies for the following orders *[or for the determination of the following questions]*:
[specify]

[Signature of practitioner for the applicant or applicant in person]

The applicant's address for service of documents is *[state address for service]*

Filed *[date]*

Registrar *[or District Registrar]*

NOTICE TO PERSON SERVED

Take notice that –

1. If you wish to participate in these proceedings, you should, within *[insert number of days limited for appearance]* days following service of this application on you, lodge a notice of appearance at a Registry of the Supreme Court and serve a sealed copy of the notice on the applicant at the address for service. Service may be effected by prepaid post.
2. Forms of notice of appearance may be obtained from any Registry of the Court. These are located at Salamanca Place, Hobart, Cameron Street, Launceston, and Alexander Street, Burnie.
3. If you fail to lodge, and serve on the applicant(s), a notice of appearance within the time stated, or thereafter fail to attend personally or by practitioner or counsel at the hearing, such orders may be made and proceedings taken as the Court *(or judge)* may think just and appropriate without further notice to you.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 5

Rule 118(2)

ORIGINATING APPLICATION NOT INTENDED TO BE SERVED

In the Matter of

and

In the Matter of

[Name and address of applicant, stating capacity if relevant] applies for the following orders *[or for the determination of the following questions]*:

[specify]

[Signature of practitioner for the applicant or applicant in person]

The applicant's address for service of documents is *[state address for service]*

NOTICE OF HEARING

This application has been set down for hearing in Court *[or in Chambers]* at the Supreme Court, *[address]* on *[date]* at *[time]*.

Filed *[date]*

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 6

Rule 122

**NOTICE TO BE GIVEN TO PERSONS ORDERED TO BE SERVED
WITH NOTICE OF AN APPLICATION**

To *[name and address of person to be served]*

The abovenamed *[name of applicant]* having made the application to the Supreme Court *[or a judge]* of which a copy is annexed and the Court *[or judge]* having ordered that you be given notice of the application, please note the following information:

1. If you wish to participate in these proceedings, you should, within *[insert number of days limited for appearance]* days following service of this notice on you, lodge a notice of appearance at a Registry of the Supreme Court and serve a sealed copy of the notice on the applicant at the address for service. Service may be effected by prepaid post.
2. Forms of notice of appearance may be obtained from any Registry of the Court. These are located at Salamanca Place, Hobart, Cameron Street, Launceston, and Alexander Street, Burnie.
3. If you fail to lodge, and serve on the applicant(s), a notice of appearance within the time stated, such orders may be made and proceedings taken as the Court *(or judge)* may think just and appropriate without further notice to you.

Dated

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 7

Rule 129(1)(a)(c)

NOTICE OF CHANGE OR APPOINTMENT OF PRACTITIONER

Take notice that –

1. [name] of [address] has been appointed to act as the practitioner of the abovenamed [description and name of party] in the place of [name of original practitioner].

or

1. [name] of [address] has been appointed to act as the practitioner of the abovenamed [description and name of party].
2. The address for service of the abovenamed [description and name of party] is [address].

Dated

[Signature of party or practitioner]

Form 8

Rule 129(1)(b)

NOTICE OF CHANGE OF AGENT

Take notice that –

1. [name] of [address] has been appointed to act as the agent for the practitioner of the abovenamed [description and name of party] in the place of [name of original agent].
2. The address for service of the abovenamed [description and name of party] is [address].

Dated

[Signature of agent]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 9

Rule 129(1)(d)

NOTICE OF PARTY ACTING IN PERSON

1. I, *[name]* the abovenamed *[description and name of party]* intend to act in person in this action in the place of *[name of former practitioner]*.
2. My address for service in Tasmania is *[address]*.

Dated

[Signature of party]

Form 10

Rule 129(1)(e)

NOTICE OF CHANGE OF ADDRESS FOR SERVICE

Take notice that the address for service of the abovenamed *[description and name of party]* has been changed to *[new address for service]*.

Dated

[Signature of party or practitioner]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 11

Rule 130(1)(b)

**NOTICE OF INTENTION TO CEASE TO ACT AS
PRACTITIONER**

To *[name and address of party]*

Take notice that at the expiration of 7 days from the date of service of this notice I intend to file in the Supreme Court a notice that I have ceased to act as your practitioner in these proceedings.

You must file in the *[set out name and address of the registry in which the matter is proceeding]* and serve upon the defendant *[or the practitioner for the defendant, or the plaintiff or the practitioner for the plaintiff, or as the case may be]* a notice advising the name and address for service of documents, in Tasmania.

In the event that you fail to do so further documents will be deemed to be served on you if filed in the registry.

Dated

Practitioner
(Address)

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 12

Rule 130(1)(a)

NOTICE OF CEASING TO ACT AS PRACTITIONER

Take notice that I have now ceased to act as practitioner for the abovenamed plaintiff *[or as the case may be]* and I have notified him *[or her or it]* of my intention to file this notice.

The last address of the plaintiff *[or as the case may be]* known to me is *[insert address]*.

Dated

[Signature of practitioner]

To the Registrar *[or district registrar]*
Supreme Court of Tasmania
[insert place of registry]

And to *[insert name and address of practitioner for each other party and name of each other party acting in person]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 13

Rule 151(2)

LETTER OF REQUEST FOR SERVICE OF DOCUMENT

To *[the competent judicial authority]* of

Whereas a civil proceeding is now pending in the Supreme Court of Tasmania in which *[name]* is plaintiff *[or applicant]* and *[name]* is defendant *[or respondent]* and in which the plaintiff *[or applicant]* claims *[set out short particulars of the claim]*

And whereas in order that the matters in dispute between the parties in the proceeding may be duly determined it is necessary that *[describe the document]* be served on *[name]* and it has been made to appear that *[name]* is a national of _____ and is domiciled or resident in _____ at *[address]*

I, _____, the Registrar of the Supreme Court of Tasmania request that for those reasons and for the assistance of the Court you will be pleased to cause the *[describe the document]* *[and a translation of it]*, *[both of]* which I send to you with this request, to be served on *[name]* of *[address]*

Proper arrangements have been made by the Court and by the Commonwealth of Australia for the reimbursement of any expenses incurred in carrying out the service requested.

Legal assistance with respect to the service of documents in the State of Tasmania can be given by this Court at the request of a foreign court if that request is duly transmitted to the Attorney-General of the State of Tasmania.

Dated

Registrar of the Supreme Court
of the State of Tasmania

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 14

Rule 154(3)

NOTICE OF APPEARANCE

Take notice that this appearance has been filed by or on behalf of *[name of party or person filing appearance]*, the defendant *[or respondent or third party or as the case may be]* whose address for service of documents is *[specify address with particularity]*.

Dated

[Signature of party or person or practitioner for party or person]

Sealed *[date]*

To *[plaintiff or applicant or the practitioner for such party and address]*

Form 15

Rule 168(2)

NOTICE OF CONDITIONAL APPEARANCE

Take notice that this conditional appearance has been filed by or on behalf of *[name of party or person filing appearance]*, the defendant *[or respondent or third party]* who denies the jurisdiction of the Court (or disputes the validity of the originating process or its service) and reserves the right to apply to the Court or a judge to set aside that process or its alleged service on the following grounds: *[specify grounds]*.

The defendant's *[or respondent's or third party's]* address for service of documents is *[specify address with particularity]*.

Dated

[Signature of party or practitioner for party]

Sealed *[date]*

To *[plaintiff or applicant or the practitioner for such party and address]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 16

Rule 166(2)(a)

NOTICE OF APPEARANCE LIMITED AS TO LAND

Take notice that this appearance has been filed by or on behalf of [*name of party filing appearance*], the defendant, and that the defendant limits his [*or her or its*] defence to part only of the land mentioned in the writ, namely, to [*specify land*].

The defendant's address for service of documents is [*specify address with particularity*].

Dated

[*Signature of party or practitioner for party*]

Sealed [*date*]

To [*plaintiff or the practitioner for the plaintiff and address*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 17

Rules 195(2)(c) and 196(2)(b)

NOTICE OF COUNTERCLAIM [OR CROSS-APPLICATION]

To the within-named [*name of defendant to counterclaim or respondent to the cross-application*]

1. If you wish to dispute the counterclaim [*or cross-application*] or any part of it or for any reason wish to take part in the counterclaim [*or cross-application*] you or your practitioner(s) must, within [*specify number*] days following the service of this defence and counterclaim [*or cross-application*] on you, lodge a notice of appearance at a Registry of the Supreme Court and serve a sealed copy of the notice on the defendant[s] [*or respondent*] at the address for service of documents.
2. Forms of notice of appearance may be obtained from any Registry of the Court. These are located at Salamanca Place, Hobart, Alexander Street, Burnie, and Cameron Street, Launceston.

If you fail to lodge and serve a notice of appearance within the time stated, you may be liable to have judgment given [*or orders made*] against you in your absence.

Dated

[*Signature of party or practitioner for party*]

Sealed [*date*]

To [*plaintiff or the practitioner for the plaintiff and address*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 18

Rule 203(1)(c)

THIRD PARTY NOTICE

Filed *[date]*

To *[name and address of third party]*

1. Take notice that this action has been brought by the plaintiff against the defendant for the claim set out in the writ and statement of claim, copies of which are served with this notice.
2. The defendant *[identify which, if more than one]* claims to be indemnified by you against the claim on the following grounds: *[set out grounds]*.

OR

2. The defendant *[identify which, if more than one]* claims to be entitled to contribution from you against the claim to the extent of *[set out proportion]* on the following grounds: *[set out grounds]*.
3. And the defendant *[identify which, if more than one]* claims to be indemnified by you against liability for any costs which the plaintiff may recover against the defendant in defending this action to the extent of the whole *[or as the case may be]* of such costs, and further claims against you the costs of these third-party proceedings.
4. If you wish to dispute the plaintiff's claim in this action as against the defendant *[identify which, if more than one]*, or your liability to the defendant *[identify which, if more than one]*, you must, within *[insert number]* days following service of this notice on you, lodge a notice of appearance at a Registry of the Supreme Court and serve a sealed copy of the notice on that defendant at the address for service. Service may be effected by prepaid post.
5. Forms of notice of appearance may be obtained from any Registry of the Court. These are located at Salamanca Place, Hobart, Cameron Street, Launceston, and Alexander Street, Burnie.
6. If you fail to lodge and serve on the defendant *[identify which, if more than one]* a notice of appearance within the time stated, you will be deemed to admit the validity of any judgment obtained against the defendant and your own liability to contribute or indemnify to the extent claimed in this notice, and that judgment may be summarily enforced against you.

Dated

*[Name and address for service of practitioner
for the defendant or of a defendant in person]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 19

Rules 252(5) and 822

**JUDGMENT FOR PLAINTIFF AFTER CONFESSION OF
DEFENCE**

DATED AND ENTERED THE *[date]*.

The defendant having by the defence alleged a ground of defence which arose after the commencement of the action and the plaintiff having on *[date]* delivered a confession of that defence

IT IS THIS DAY ADJUDGED that the plaintiff recover against the defendant *[amount]* for costs.

By the Court

Registrar *[or District Registrar]*

Form 20

Rules 268(4)(a) and 776(2)

NOTICE OF PAYMENT INTO COURT

Take notice that the defendant has paid into Court *[state sum]* and says that that sum is enough to satisfy *[the plaintiff's claim]* *[or, the plaintiff's claim for etc]*.

Dated

(Signature of defendant *[or practitioner for the defendant]*)

To the Registrar *[or District Registrar]*
Supreme Court of Tasmania
[specify registry]

And to the plaintiff *[or practitioner for the plaintiff]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 21

Rule 269

ACCEPTANCE OF SUM PAID INTO COURT

Take notice that the plaintiff accepts the sum of *[specify sum paid in]* paid into Court by the defendant *[name of defendant who made the payment]* in satisfaction of the claim in respect of which it was paid in *[or in satisfaction of the claim against that defendant]*.

Dated

Plaintiff *[or practitioner for the plaintiff]*

To the Registrar *[or District Registrar]*
Supreme Court of Tasmania
[specify registry]

And to the defendant *[or practitioner for the defendant]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 22

Rule 293(3)

**AFFIDAVIT FOR ENTRY OF APPEARANCE AS LITIGATION
GUARDIAN**

I, *[name and address of practitioner making the affidavit]* the practitioner for the abovenamed defendant *[or respondent, adding the name of the defendant or respondent under disability]*, an infant *[or as the case may be]*, make oath and say –

1. That *[name, address and description of guardian]* is a fit and proper person to act as litigation guardian of that defendant *[or respondent]*.

OR

1. I am informed and verily believe that *[name, address and description of guardian]* is a fit and proper person to act as litigation guardian of that defendant *[or respondent]*.
2. The consent of *[name of guardian]* to act as such litigation guardian is annexed to this affidavit.
3. *[name of guardian]* has no interest in the matters in question in this action *[or matter]* adverse to that of the defendant *[or respondent]*.

Sworn etc.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 22A

Rule 335B(2)

**NOTICE ACCOMPANYING THE ORIGINATING PROCESS IN
REPRESENTATIVE PROCEEDINGS**

The applicant [*or plaintiff as the case may be*] brings the proceeding as a representative party under Part VII of the *Supreme Court Civil Procedure Act 1932*.

1. [*Description or other identification of the group members*]
2. [*The nature of claim or claims specified in the originating process*]
3. [*Questions of law or fact specified in the originating process common to the claims of the group members*]

Dated

[*Signature of practitioner for the applicant or plaintiff*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 22B

Rule 335C(2)

OPT-OUT NOTICE

[Name, address and occupation of person opting out]

I, a group member in these representative proceedings, opt out of the proceedings.

I understand that in opting out:

1. I forgo the right to share in any relief obtained by the representative party in the representative proceedings; and
2. I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
3. to the extent that I have a claim against the *[defendant(s)/respondents(s)]*, any limitation period suspended by the commencement of the representative proceedings recommences to run.

Dated:

[Signature of person opting out or legal representative of person opting out]

Notice to person opting out:

You must, before the opt-out date fixed under section 71 of the *Supreme Court Civil Procedure Act 1932*:

1. file this form in the Supreme Court of Tasmania; and
2. serve a copy of this form on the representative party.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 23

Rules 340(4) and 341(6)

JUDGMENT BY CONSENT

DATED AND ENTERED THE [date].

UPON the consent of the parties and by order of a judge [*or of the Court*]
[*or UPON the filing of a memorandum of consent dated [date]*] IT IS THIS
DAY ADJUDGED that –

- 1.
2. [*Terms of judgment*]
- 3.

By the Court

Registrar [*or District Registrar*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 24

Rules 34A(2) and 376

NOTICE OF DISCONTINUANCE OR FINALISATION

Take notice that the plaintiff [*or applicant as the case may be*]

*wholly discontinues this action

*wholly discontinues this action against the defendant [*name*] [*or as the case may be*]

*withdraws so much of the claim in this action as relates to [*specify*]

*withdraws so much of the claim in this action as relates to [*specify*] against the defendant [*name*] [*or as the case may be*]

*wholly discontinues the proceeding

*discontinues that part of the proceeding as relates to [*specify*]

*certifies that this action [*or proceeding*] has come to an end

Dated

[*Signature of practitioner for the plaintiff or applicant, or of plaintiff or applicant in person*]

*Delete whichever is inapplicable.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 25

Rules 378(4) and 822

JUDGMENT FOR DEFENDANT ON DISCONTINUANCE

DATED AND ENTERED THE *[date]*.

The plaintiff *[or applicant]* having by notice dated *[date]* wholly discontinued this action *[or withdrawn the claim in this action for, or withdrawn so much of the claim in this action as relates to, or as the case may be]* and the costs recoverable by the defendant *[or respondent]* having been taxed and allowed in accordance with rule 378.

IT IS THIS DAY ADJUDGED that the defendant *[or respondent]* recover against the plaintiff *[or applicant]* *[amount]* for costs.

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 26

Rule 384(1)(a)

LIST OF DOCUMENTS

The following is a list of the documents relating to the matters in question in this action [*or matter*] which are or have been in the possession, custody or power of the abovenamed plaintiff [*or defendant or as the case may be*] and which is served in compliance with the Supreme Court Rules [*or the order made on, specify date*].

1. The party making this list has in his [*or her or its*] possession, custody or power the documents relating to the matters in question in this action [*or matter*] set out in the first schedule.
2. The party making this list objects to produce the documents set out in Part II of the first schedule on the ground that [*state the ground of objection*].
3. The party making this list has had, but has not now, in his [*or her or its*] possession, custody or power the documents relating to the matters in question in this action [*or matter*] set out in the second schedule.
4. The documents in the second schedule –
 - (a) were last in the possession, custody or power of the party making this list on the dates following; and
 - (b) have been dealt with in the manner following; and
 - (c) now are in the possession of the persons stated below –

[state as to each of the said documents when it was last in the possession, custody or power of the party making the list, what has become of it and in whose possession it now is].
5. Neither the party making this list nor his [*or her or its*] practitioner nor any other person on his [*or her or its*] behalf has now, or ever had, in his [*or her or its*] possession, custody or power any document of any description whatever relating to any matter in question in this action [*or matter*], other than the documents set out in the first and second schedules.

THE FIRST SCHEDULE

PART I

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

[Set out in a convenient order the documents (or bundles of documents if of the same nature, such as invoices) in the possession, custody or power of the party that the party does not object to produce, with a short description of each document or bundle sufficient to identify it]

PART II

[Set out in a convenient order the documents in the possession, custody or power of the party that the party objects to produce]

THE SECOND SCHEDULE

[Set out in a convenient order the documents (or bundles of documents if of the same nature, such as invoices) that have been, but at the date of service of the list are not, in the possession, custody or power of the party]

Dated

[Party making list or the practitioner for that party]

NOTICE TO INSPECT

Take notice that the documents listed in Part I of the First Schedule may be inspected at *[address of place where documents may be inspected]* on *[specify date]* between the hours of *[specify hours]*.

Dated

[Party making list or the practitioner for that party]

To *[specify party on whom the list is served or the practitioner for that party]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 27

Rule 384(4)

AFFIDAVIT VERIFYING LIST OF DOCUMENTS

I, [*name, address and description of deponent*], make oath and say as follows:

1. I am the abovenamed plaintiff [*or defendant as the case may be*].

OR [where the party making the list is a corporation]

1. I am the secretary [*or other office held by the deponent in the corporation*] of the abovenamed plaintiff [*or defendant as the case may be*] and am duly authorised to make this affidavit on its behalf.
2. The statements made in paragraphs 1, 2, 3 and 4 of the list of documents now produced and shown to me marked "A" are true.

OR [where the party making the list is a corporation]

2. The statements made in paragraphs 1, 2, 3 and 4 of the list of documents now produced and shown to me marked "A" are true to the best of my knowledge, information and belief.
3. The statements made in paragraph 5 of the said list are true to the best of my knowledge, information and belief, as formed following a reasonable search.

Sworn etc.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 28

Rule 448(2)(b)

RECEIVER'S RECOGNISANCE

The Honourable [*name of judge*] has approved of and allowed this recognisance this [*date*].

Registrar

[*Name, address and description of the receiver*] "the receiver" and [*name, address and description of each personal surety*] "the surety" who now personally appear before the Supreme Court of Tasmania –

1. Jointly and severally acknowledge themselves to owe to the State Crown the sum of [*amount of recognisance*] to be paid to the State Crown; and
2. Grant for themselves and for their executors and administrators, that in default of payment the said sum of [*amount of recognisance*] is to be levied, recovered and received, of them and their property of whatever kind and wherever situated.

Whereas, by an order of the Supreme Court of Tasmania made by the Honourable [*name of judge*] on [*date of order*] in [*describe proceedings and the parties to them*] it was ordered that [*recite so much of order as may be necessary*].

And whereas the judge has approved of –

1. the receiver as a proper person to be such receiver [*or such receiver and manager*]; and
2. the surety as surety for the receiver; and
3. the above-written recognisance with the underwritten condition [*or, if there is to be a bond as well as a recognisance, add, together with a bond of the receiver and the surety and bearing the same date as this recognisance*] as a proper security to be entered into by the receiver and the surety in accordance with the said order in respect of the period for which the receiver has been appointed receiver [*or receiver and manager*] and of any extended or further period during which the receiver may be continued or appointed such receiver [*or receiver and manager*].

And whereas by way of confirmation of such approval the Registrar of the Supreme Court has signed in the margin of this notice [*and of the bond*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

The condition of the above-written recognisance is such that if the receiver –

1. duly accounts for all money or other property which the receiver receives or is liable to pay on account of the *[follow words of order]* in respect of the period for which the receiver has been appointed such receiver *[or receiver and manager]* and of any extended or further period during which the receiver may be continued or appointed such receiver *[or receiver and manager]*; and
2. duly pays the balance which from time to time is to be certified to be due from the receiver as the Court or a judge may direct; and
3. gives immediate notice to the Court if any of the receiver and the surety is to become bankrupt *[or, if a surety is a corporation, become insolvent, go into liquidation or be dissolved]* –

then the above recognisance is to be void and of no effect, otherwise it is to be and remain in full force.

(Signatures)

Taken and acknowledged by the abovenamed at *[place at which recognisance taken]* this *[date]*

Before me,

A Justice of the Peace

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 29

Rule 448(2)(c)

RECEIVER'S BOND

The Honourable [*name of judge*] has approved of and allowed this bond this [*date*].

Registrar

1. We [*name, address and description of receiver*] "the receiver" and [*name, address and description of sureties*] "the surety" are jointly and severally bound unto the State Crown in the sum of [*amount of bond*] to be paid to the State Crown; and
2. We and each of us, for ourselves, our executors and administrators [*or, if a surety is a corporation, for its successors*], do bind and oblige ourselves for the whole of the said payment.

Sealed with our seals.

Dated

Whereas, by an order of the Supreme Court of Tasmania made by the Honourable [*name of judge*] on [*date of order*] in [*describe proceedings and the parties thereto*] it was ordered that [*recite so much of order as may be necessary*].

And whereas the judge –

1. has approved of the receiver as a proper person to be such receiver [*or receiver and manager*]; and
2. has directed the surety to give security in the sum of [*amount*]; and
3. has approved of the surety as sureties for the receiver in the said sum of [*amount of bond*], and has also approved of the above bond with the underwritten conditions [*if a recognisance also is required, together with a recognisance entered into by the receiver and the surety in the penal sum of [amount] and bearing date [date]*], as a proper security to be entered into by the receiver and the surety in accordance with the said order in respect of the period for which the receiver has been appointed such receiver [*or receiver and manager*] and of any extended or further period during which the receiver may be continued or appointed such receiver [*or receiver and manager*].

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

And whereas by way of confirmation of such approval the Registrar of the Supreme Court has signed in the margin of this notice *[and of the said recognisance]*.

The conditions of the above-written bond are as follows:

1. If the receiver –
 - (a) duly accounts for all money or other property which the receiver receives or is liable to pay on account of the *[follow words of order]* in respect of the period for which the receiver has been appointed such receiver *[or receiver and manager]* and of any extended or further period during which the receiver may be continued or appointed such receiver *[or receiver and manager]*; and
 - (b) duly pays the balance which from time to time is to be certified to be due from the receiver as the Court or a judge may direct; and
 - (c) gives immediate notice to the Court if any of the receiver and the surety is to become bankrupt *[or, if a surety is a corporation, become insolvent, go into liquidation or be dissolved]* –

then it is to be void and of no effect, otherwise it is to be and remain in full force.

2. If the receiver is to not for every successive term of 12 months, to be computed from the *[specify date]* within 15 days after *[specify day and month]* in each and every year pay, to *[name of relevant surety]* the annual premium of *[specify amount]* then, after such default in payment, a judge, on the application of *[name of relevant surety]* may order that all further liability of *[name of relevant surety]* is to cease and determine from such time as the judge may direct, save and except in respect of any loss or damage occasioned by any earlier act or default of the receiver in relation to the duties as receiver *[or receiver and manager]*.
3. A certificate under the hand of the Registrar of the amount which the receiver as such receiver *[or receiver and manager]* is liable to pay and has not paid and stating that this bond has become forfeited to the amount of the sum stated in such certificate is to be sufficient and conclusive evidence against any person liable on this bond and as between such persons and is to form a valid and binding charge against them and each of them without it being necessary for any of them first to take legal or other proceedings for the recovery of that amount.

It is agreed between the receiver and the surety –

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

1. That on being discharged from office or on ceasing to act as receiver [or receiver and manager], the receiver will forthwith give notice of that fact in writing to the surety and furnish to the surety an office copy of any order discharging the receiver from office as such receiver [or receiver and manager]; and
2. That the receiver and the executors and administrators of the receiver, at all times is to protect the surety and the property of the surety from and against all loss and damage, costs and expenses which the surety at any time may sustain or be put into, by reason or in consequence of the surety having entered into this bond for and at the request of the receiver.

In witness etc

[Signatures and seals]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 30

Rule 449(2)(a)

RECEIVER'S SECURITY BY UNDERTAKING

I, *[name, address and description of receiver]* ("the receiver") the receiver *[or receiver and manager]* appointed by the order dated *[date]* *[or proposed to be appointed]* in this action, undertake with the Court –

1. to duly account for all moneys and property received by me as receiver *[or receiver and manager]* or for which I may be held liable; and
2. to pay the balances from time to time found due from me, and to deliver any property received by me as receiver *[or receiver and manager]* at such times and in such manner in all respects as the Court or a judge is to direct.

[Name, address and description of each guarantor] –

1. *[if more than one, jointly and severally]* undertake to the Court to be answerable for any default by the receiver as receiver *[or receiver and manager]* and, upon such default, to pay to any person or otherwise as the Court or a judge is to direct any sum or sums not exceeding in the whole *[amount]* that may from time to time be certified by the Registrar or a district registrar of the Supreme Court to be due from the receiver; and
2. submits *[or submit]* to the jurisdiction of the Court in any proceeding to determine any claim made under this undertaking.

Dated

[Signatures]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 31

Rule 454(b)

AFFIDAVIT VERIFYING RECEIVER'S ACCOUNT

I, *[name, address and description of receiver]*, the receiver appointed in this proceeding, make oath and say as follows:

1. The account now produced and shown to me marked with the letter "A" and purporting to be my account of *[specify matters to which the account relates]* for the period *[specify period]*, contains a true account of all and every sum of money received by me or by any other person or persons by my order or, to my knowledge or belief, for my use on account or in respect of those matters, except what is included as received in any earlier account sworn by me.
2. The several sums of money stated in the account to have been paid and allowed have been actually and truly so paid and allowed for the purposes stated in the account.
3. To the best of my knowledge and belief the account is just and true as to every particular contained in it.
4. Each of *[names of sureties]* the sureties named in the recognisance dated *[date]* is alive and is not bankrupt or insolvent *[if a surety is a corporation, has not been wound up, become insolvent or been dissolved]*.

[Additional paragraphs as to wages and petty cash to be added when necessary]

Sworn etc.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 32

Rule 476(3)

**SHORT ORDER FOR ISSUE OF COMMISSION TO EXAMINE
WITNESSES**

ORDER

BEFORE – [eg. *The Chief Justice the Honourable Justice*
or
the Honourable Justice
or
the Honourable Associate Justice]

DATE MADE –

ORIGINATING PROCESS – [eg. *Writ filed 20 or Originating Application filed 20*]

HOW OBTAINED – [eg. *on the hearing of the Originating Application or of the interlocutory application filed by the plaintiff*
on 20]

OTHER MATTERS – [State any undertaking of a party or other matters as directed by the Court]

THE COURT ORDERS THAT –

1. the [specify party] be at liberty to have issued a commission for the examination of witnesses on his [or her or its] behalf at [place]; and

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

2. the trial of this action [*or proceeding*] be stayed until the return of the commission; and
3. the usual long order be drawn up as agreed upon by the parties or, in default of agreement within 7 days, as settled by the Registrar [*or as the case may be*]; and
4. the costs of this application be costs in the cause [*or as the case may be*].

Dated

Registrar [*or District Registrar*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 33

Rule 476(3)

LONG ORDER FOR COMMISSION TO EXAMINE WITNESSES

ORDER

BEFORE – *[eg. The Chief Justice the Honourable Justice
or
the Honourable Justice
or
the Honourable Associate Justice]*

DATE MADE –

ORIGINATING PROCESS – *[eg. Writ filed 20 or Originating Application filed 20]*

HOW OBTAINED – *[eg. on the hearing of the Originating Application or of the interlocutory application filed by the plaintiff
on 20]*

OTHER MATTERS – *[State any undertaking of a party or other matters as directed by the Court]*

THE COURT ORDERS THAT –

1. A commission may issue directed to –
 - (a) *[names, addresses and descriptions]* commissioners named by and on behalf of the *[party]*; and

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

(b) [*names, addresses and descriptions*] commissioners named by and on behalf of the [*party*] –

for the examination of witnesses on behalf of the [*parties*] before them or any 2 of them, being one commissioner on each side.

2. Each of the [*parties*] is to be at liberty to examine –

(a) orally; and

(b) upon interrogatories; and

(c) orally on the subject matter of any interrogatory or arising out of an answer to it –

each witness produced on behalf of the party and, if a witness is cross-examined, to re-examine the witness orally.

3. Each of the [*parties*] is to be at liberty to cross-examine –

(a) orally; and

(b) upon cross-interrogatories; and

(c) orally on the subject matter of any interrogatory or arising out of an answer to it –

each witness produced on behalf of any other party.

4. Each oral question and the answer to it is to be recorded in writing and returned with the commission.

5. Within [*number*] days of this order, the practitioners or agents of the [*parties*] are to exchange any interrogatories which they propose to administer to any witness they intend to produce.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

6. Within [*number*] days from the exchange of interrogatories, if any, the practitioners or agents of the [*parties*] to exchange any cross-interrogatories which they propose to administer to any witness another party intends to produce.

7. [*Number*] days before the examination of a witness, notice in writing –
 - (a) signed by any one of the commissioners of the party on whose behalf the witness is to be examined; and
 - (b) stating the time and place of the intended examination; and
 - (c) stating the name of the witness intended to be examined –

is to be given to each of the commissioners of the other party by delivering it personally or by leaving it at the usual place of abode or business of the commissioner.

8. If the commissioners of a party neglect to attend in accordance with a notice under paragraph 7, one of the commissioners of the party on whose behalf the notice was given may –
 - (a) proceed with and take the examination of the witness or witnesses *ex parte*; and
 - (b) adjourn the examination; and
 - (c) after an adjournment of the examination, continue it without giving notice.

9. If a witness produces a document and, for good cause to be stated in the deposition, refuses to part with the original, a copy of it or extract from it, certified by each commissioner present to be true and correct, is to be annexed to the deposition of the witness.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

10. Each witness to be examined under the commission is to be examined on oath, affirmation or otherwise in accordance with the law of the place at which the examination is conducted.
11. If a witness does not understand the English language –
 - (a) any interrogatories and cross-interrogatories are to be translated into a language with which the witness is conversant before the examination; and
 - (b) the examination is to be taken in English through the medium of an interpreter to be appointed.
12. An interpreter acting for the purposes of paragraph 11 is to take an oath, affirmation or promise in accordance with the law of the place at which the examination is conducted to truly interpret the questions to be put to the witness and the answers of the witness to such questions.
13. A deposition is to be signed by the witness and by each commissioner who took it.
14. Any interrogatories and cross-interrogatories, the depositions and any other documents referred to in them, or certified copies of them or extracts from them, are to be sent to the Registrar on or before [*specify date*] or such other date as may be ordered, enclosed in a cover under the seal of each commissioner.
15. An office copy of a document transmitted in accordance with paragraph 14 may be given in evidence on the trial of the proceeding by and on behalf of any of the [*parties*], saving all just exceptions, without any other proof of the absence from this State of the relevant witness other than an affidavit of the practitioner of the party attesting to a belief as to the absence.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

16. The trial of this proceeding is to be stayed until the return of the commission or earlier order.
17. The costs of this order and of the commission to be issued and the proceedings pursuant to the order are to be costs in the cause [*or as otherwise ordered*].

Dated

Registrar [*or District Registrar*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 34

Rule 476(3)

COMMISSION TO EXAMINE WITNESSES

To *[names and addresses of commissioners]* named by *[specify party]* and to *[names and addresses of commissioners]* named by *[specify party]*

With trust in your integrity, the Supreme Court of Tasmania has appointed you to have the power and authority to examine witnesses on behalf of the *[parties at whose instance commissioners appointed]* at *[place]* before you or any 2 of you, so that one commissioner only on each side be present and act at the examination.

You are ordered and authorised as follows:

1. Each of the *[parties]* is to be at liberty to examine –
 - (a) orally; and
 - (b) upon interrogatories; and
 - (c) orally on the subject matter of any interrogatory or arising out of an answer to it –

each witness produced on behalf of the party and, if a witness is cross-examined, to re-examine the witness orally.
2. Each of the *[parties]* is to be at liberty to cross-examine –
 - (a) orally; and
 - (b) upon cross-interrogatories; and
 - (c) orally on the subject matter of any interrogatory or arising out of an answer to it –

each witness produced on behalf of any other party.
3. Each oral question and its answer is to be recorded in writing and returned with the commission.
4. Any clerk who makes the record referred to in paragraph 3 is to first take the clerk's oath in the form set out below or make an affirmation or promise to similar effect in accordance with the law of the place where the examination is conducted.
5. At least *[number]* days before the examination of a witness, notice in writing –

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

- (a) signed by one of the commissioners of the party on whose behalf the witness is to be examined; and
 - (b) stating the time and place of the intended examination; and
 - (c) stating the name of the witness intended to be examined –
- is to be given to each of the commissioners of the other party by delivering it personally or by leaving it at the usual place of abode or business of the commissioner.
- 6. If the commissioners of a party neglect to attend in accordance with a notice under paragraph 5, one of the commissioners of the party on whose behalf the notice was given may –
 - (a) proceed with and take the examination of the witness or witnesses *ex parte* or adjourn the examination; and
 - (b) after an adjournment of the examination, continue it without giving notice.
 - 7. If a witness produces a document and, for good reason to be stated in the deposition, refuses to part with the original of it, then a copy of it or extract from it, certified by each commissioner present to be true and correct, is to be annexed to the deposition of the witness.
 - 8. Each witness to be examined under the commission is to first take the witness's oath in the form set out below or make an affirmation or promise to similar effect in accordance with the law of the place where the examination is conducted.
 - 9. If a witness does not understand the English language –
 - (a) any interrogatories and cross-interrogatories are to be translated into a language with which the witness is conversant before the examination; and
 - (b) the examination is to be taken in English through the medium of an interpreter to be appointed.
 - 10. An interpreter acting for the purposes of paragraph 9 is to take an interpreter's oath in the form set out below or make an affirmation or promise to similar effect in accordance with the law of the place where the examination is conducted.
 - 11. A deposition is to be signed by the witness and by each commissioner who took it.
 - 12. Any interrogatories and cross-interrogatories, the depositions and any documents referred to in them, or certified copies of them or extracts from them, are to be sent to the Registrar on or before

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

[*specify date*] or such further date as may be ordered, enclosed in a cover under the seal of each commissioner.

13. Before a commissioner acts in accordance with this commission that commissioner must take the commissioner's oath in the form set out below or make an affirmation or promise to similar effect in accordance with the law of the place where the examination is conducted.
14. Each commissioner has authority to administer such oath, affirmation or promise to the other or others of them and each other oath, affirmation or promise provided for by this commission.
15. In the absence of any other commissioner a commissioner may himself take the oath or make the affirmation or promise.

Dated

[*Seal of the Court and signature of Registrar*]

OATH BY WITNESS

You swear that you will answer all such questions asked of you, without favour or affection to either party, and that your answers will be the truth, the whole truth and nothing but the truth. So help you God. (Witness) I swear.

OATH BY COMMISSIONER

You swear that you will, according to the best of your skill and knowledge, truly and faithfully, and without partiality to any party in this proceeding, take the examinations and depositions of each witness produced and examined by virtue of the commission. So help you God. (Commissioner) I swear.

OATH BY INTERPRETER

You swear that you will truly and faithfully, and without partiality to any party in this proceeding, and to the best of your ability, interpret and translate the oath or oaths, affirmation or affirmations, which are to be administered, and all the questions exhibited or put to each witness produced before and examined by the commissioners, as far as you are directed and employed by the commissioners, to interpret and translate the same out of the English language into the language of such witness or witnesses, and to interpret and translate the depositions taken and made to such questions out of the language of such witness or witnesses into the English language. So help you God. (Interpreter) I swear.

OATH BY CLERK

You swear that you will truly, faithfully and without partiality to any party in this proceeding, take, write down, transcribe and engross each

*Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26*

sch. 1

question which is to be exhibited or put to each witness, and also the depositions of each witness produced before and examined by the commissioners, as far as you are directed and employed by the commissioners to take, write down, transcribe or engross the questions and depositions. So help you God. (Clerk) I swear.

(NOTE - A commission to one commissioner or to two or more alternative commissioners can be framed on the above form, but in that case the commission will authorise the commissioner who executes the commission to administer the commissioner's oath to himself.)

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 35

Rule 476(4)

**ORDER FOR LETTER OF REQUEST TO JUDICIAL AUTHORITY
OUT OF TASMANIA**

ORDER

BEFORE – [eg. *The Chief Justice the Honourable Justice*
or
the Honourable Justice
or
the Honourable Associate Justice]

DATE MADE –

ORIGINATING PROCESS – [eg. *Writ filed 20 or Originating Application filed 20*]

HOW OBTAINED – [eg. *on the hearing of the Originating Application or of the interlocutory application filed by the plaintiff*
on 20]

OTHER MATTERS – [State any undertaking of a party or other matters as directed by the Court]

THE COURT ORDERS THAT –

1. A letter of request issue directed to the proper judicial authority for the examination of the following witnesses, namely:

[name] of [address]

[name] of [address]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

2. The depositions taken of the examination be filed in the Principal Registry [*or as the case may be*].
3. The trial of the action [*or the hearing of the application*] be stayed until the depositions are filed or further order.
4. The costs of this application and of the letter of request and examination be costs in the cause.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 36

Rule 476(4)

LETTER OF REQUEST FOR EXAMINATION OF WITNESS

To *[the competent judicial authority]* of

WHEREAS a civil proceeding is pending in the Supreme Court of Tasmania in which *[name and address]* is plaintiff *[or applicant]* and *[name and address]* is defendant *[or respondent]* and in which the plaintiff *[or applicant]* claims *[set out short particulars of the claim]*

AND WHEREAS it has been represented to the Court that it is necessary for the purposes of justice and for the due determination of the questions in dispute between the parties in the proceedings that the following persons should be examined as witnesses upon oath or affirmation touching such questions, namely *[name and address of each witness to be examined]*, and it appears that such witnesses are resident within your jurisdiction

Now I, the Honourable *[name of judge]*, a judge of the Supreme Court of the State of Tasmania, request that for the reasons set out above and for the assistance of the Court you will be pleased to summon the said witnesses *[, and such other witnesses as the agents of the parties request you in writing so to summon,]* to attend at such time and place as you appoint before you, or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witnesses to be examined orally, *[or upon the interrogatories which accompany this letter of request,]* touching the said questions in the presence of the agents of the parties or such of them as attend the examination on due notice given.

And I further request that you will permit the agents of the parties or such of them as are present to examine *[, upon interrogatories and orally upon the subject matter of them or arising out of the answers to them,]* such witnesses as are, after due notice in writing, produced on their behalf, and the other party to cross-examine the said witnesses *[, upon cross-interrogatories and orally,]* and the party producing the witness for examination to re-examine the witness orally.

And I further request that you will be pleased to cause the evidence of the said witnesses *[, or the answers of the said witnesses and all additional oral questions, whether on examination, cross-examination or re-examination,]* to be recorded in writing and all books, documents and things produced on such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal or in such other way as is in accordance with your procedure and to return it together with *[the interrogatories and cross-interrogatories and]* a note of the charges and expenses payable in respect

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

of the execution of this request through the authority from whom the same was received for transmission to the Supreme Court of the State of Tasmania.

And I further request that you cause the agents of the parties if appointed, or in default of appointment cause me, to be informed of the date and place where the examination will take place.

Dated

[signature of judge]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 37

Rule 496

SUBPOENA TO GIVE EVIDENCE

To: [name]
[address]

You are ordered to give evidence. See next page for details.

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

Please read Notes 1 – 6 at the end of this subpoena.

[Seal or Stamp of the Court]

Dated:

.....
Signed by an officer acting with the authority of the Registrar

Issued at the request of [name of party], whose address for service is:

.....
Details of subpoena

Date, time and place at which you must attend to give evidence, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

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

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Notes:

Informal service

1. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements if you have actual knowledge of the subpoena and of its requirements.

Addressee a corporation

2. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena through its appropriate or proper officer.

Applications in relation to subpoena

3. You have the right to apply to the Court –
 - a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
 - b) for an order with respect to your claim for privilege, public interest immunity, or confidentiality, in relation to any document or thing that is the subject of the subpoena.

Loss or expense of compliance

4. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Contempt of court – arrest

5. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
6. Note 5 is without prejudice to any power of the Court under any Rules of Court (including any Rules of Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena, or otherwise) to enforce compliance with a subpoena.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 38

Rule 496 and 500C(3)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS

To: [name]
[address]

You are ordered to produce this subpoena (or a copy of it) and the documents or things specified in the Schedule of documents. See next page for details.

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

Please read Notes 1 – 14 at the end of this subpoena.

[Seal or Stamp of the Court]

Dated:

.....
Signed by an officer acting with the authority of the Registrar

Issued at the request of [name of party], whose address for service is:

.....

Details of subpoena

You must comply with this subpoena –

- a) by attending to produce this subpoena (or a copy of it) and the documents or things specified in the Schedule of documents below, at the date, time and place specified for attendance and production; or
- b) by delivering or sending this subpoena (or a copy of it) and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or, if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and productions (*see Notes 3 – 7*).

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Date, time and place at which you must attend to produce the subpoena (or a copy of it) and the documents or things specified in the Schedule of documents, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

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

.....

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Schedule of documents

The documents or things you must produce are as follows:

[List the documents or things. Attach list if insufficient space]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Notes:

Informal service

1. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements if you have actual knowledge of the subpoena and of its requirements.

Addressee a corporation

2. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena through its appropriate or proper officer.

Production of subpoena, or copy of it, and documents or things by delivery or post

3. If this subpoena requires production of the subpoena (or a copy of it) and documents or things, instead of attending to produce the subpoena (or a copy of it) and the documents or things, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the documents or things to the Registrar –
 - a) at the address specified in the subpoena for the purpose; or
 - b) if more than one address is specified, at any of the addresses –so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and productions or, if you receive notice of a later date or time from the issuing party, before the later date or time.

Objection to inspection

4. If you object to a document or thing, that is produced in response to the subpoena, being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and the grounds of your objection.
5. Unless the Court otherwise orders, if you do not object to a document or thing, that is produced by you in response to the subpoena, being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

Materials produced to the Court

6. If the material you produce to the Court is or includes any original document, the Court will return all of the material to you. You must complete the Declaration which is attached to this subpoena and specify your address for the return of this

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

material. If you have elected to produce copies of any subpoenaed documents and declare this when completing the Declaration, those copies will be destroyed, without further notice, 4 months after the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

Production of a number of documents or things

7. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

8. Unless the subpoena specifically requires you to produce an original, you are encouraged to produce only a copy of any document that the subpoena requires you to produce, and, if possible, to do this in electronic form.
9. Electronic copies of documents can be provided on a portable storage device in any of the formats mentioned in paragraph 10 below.
10. The copy of a document may be in any of the following formats:
- a) a photocopy;
 - b) any of the following electronic formats:
 - i. .doc and .docx – Microsoft Word documents
 - ii. .pdf – Adobe Acrobat documents
 - iii. .xls and .xlsx – Microsoft Excel spreadsheets
 - iv. .jpg – image files
 - v. .rtf – rich text format
 - vi. .gif – graphics interchange format
 - vii. .tif – tagged image format

Applications in relation to subpoena

11. You have the right to apply to the Court –
- a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
 - b) for an order with respect to your claim for privilege, public interest immunity, or confidentiality, in relation to any document or thing that is the subject of the subpoena.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Loss or expense of compliance

12. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Contempt of court – arrest

13. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
14. Note 13 is without prejudice to any power of the Court under any Rules of Court (including any Rules of Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena or otherwise) to enforce compliance with a subpoena.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS

NOTICE TO ADDRESSEE

The **addressee** is the person to whom the subpoena is addressed, and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of a document may be –

- a) a photocopy; or
- b) in an electronic form that the issuing party (the party that issued the subpoena) has indicated to you will be acceptable.

You must complete the Declaration below, attach it to the subpoena (or a copy of the subpoena) and return them with the documents or things that you provide to the Court under the subpoena.

If you declare that the material you produce is 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 proceeding, or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

If the material you produce to the Court 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.

DECLARATION BY ADDRESSEE

[tick the relevant option below, (provide your address as appropriate), sign and date]

All copied documents

All of the material I am providing to the Court in compliance with the attached subpoena is 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 to the Court in compliance with the attached subpoena is in the form of original documents. Once the material is no longer required, all the material should be returned to me at the following address:

.....

Signed by:[insert full name of addressee]

..... Dated:

Addressee

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 39

Rule 496 and 500C(3)

SUBPOENA TO GIVE EVIDENCE AND PRODUCE DOCUMENTS OR THINGS

To: [name]
[address]

You are ordered to attend to give evidence and produce this subpoena (or a copy of it) and the documents or things specified in the Schedule of documents. See next page for details.

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

Please read Notes 1 – 14 at the end of this subpoena.

[Seal or Stamp of the Court]

Dated:

.....
Signed by an officer acting with the authority of the Registrar

Issued at the request of [name of party], whose address for service is:

.....

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Details of subpoena

In so far as you are required by this subpoena to attend to give evidence, you must attend as follows, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

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

In so far as you are required by this subpoena to produce this subpoena (or a copy of it) and documents or things, you must comply with this subpoena –

- a) by attending to produce this subpoena (or a copy of it) and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- b) by delivering or sending this subpoena (or a copy of it) and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production (*see Notes 3 – 7*).

Date, time and place at which you must attend to produce the subpoena (or a copy of it) and the documents or things specified in the Schedule of documents, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

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

.....

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Schedule of documents

The documents or things you must produce are as follows:

[List the documents or things. Attach list if insufficient space]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Notes:

Informal service

1. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements if you have actual knowledge of the subpoena and of its requirements.

Addressee a corporation

2. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena through its appropriate or proper officer.

Production of subpoena, or copy of it, and documents or things by delivery or post

3. If this subpoena requires production of the subpoena (or a copy of it) and documents or things, instead of attending to produce the subpoena (or a copy of it) and the documents or things, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the documents or things to the Registrar –
 - a) at the address specified in the subpoena for the purpose; or
 - b) if more than one address is specified, at any of the addresses –so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and productions, or, if you receive notice of a later date or time from the issuing party, before the later date or time.

Objection to inspection

4. If you object to a document or thing, that is produced in response to the subpoena, being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and the grounds of your objection.
5. Unless the Court otherwise orders, if you do not object to a document or thing, that is produced by you in response to the subpoena, being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

Materials produced to the Court

6. If the material you produce to the Court is or includes any original document, the Court will return all of the material to you. You must complete the declaration which is attached to this subpoena and specify your address for the return of this material. If you have elected to produce copies of any subpoenaed documents and

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

declare this when completing your declaration, those copies will be destroyed, without further notice, 4 months after the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

Production of a number of documents or things

7. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

8. Unless the subpoena specifically requires you to produce an original, you are encouraged to produce only a copy of any document that the subpoena requires you to produce, and, if possible, to do this in electronic form.
9. Electronic copies of documents can be provided on a memory card or stick in any of the formats mentioned in paragraph 10 below.

10. The copy of a document may be in any of the following formats:

- a) a photocopy;
- b) any of the following electronic formats:
 - i. .doc and .docx – Microsoft Word documents
 - ii. .pdf – Adobe Acrobat documents
 - iii. .xls and .xlsx – Microsoft Excel spreadsheets
 - iv. .jpg – image files
 - v. .rtf – rich text format
 - vi. .gif – graphics interchange format
 - vii. .tif – tagged image format

Applications in relation to subpoena

11. You have the right to apply to the Court –
- a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
 - b) for an order with respect to your claim for privilege, public interest immunity, or confidentiality, in relation to any document or thing that is the subject of the subpoena.

Loss or expense of compliance

12. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Contempt of court – arrest

13. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

14. Note 13 is without prejudice to any power of the Court under any Rules of Court (including any Rules of Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena or otherwise) to enforce compliance with a subpoena.

SUBPOENA TO GIVE EVIDENCE AND PRODUCE DOCUMENTS OR THINGS

NOTICE TO ADDRESSEE

The **addressee** is the person to whom the subpoena is addressed, and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of a document may be –

- a) a photocopy; or
- b) in an electronic form that the issuing party (the party that issued the subpoena) has indicated to you will be acceptable.

You must complete the Declaration below, attach it to the subpoena (or a copy of the subpoena) and return them with the documents or things that you provide to the Court under the subpoena.

If you declare that the material you produce is 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 proceeding, or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court 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.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

DECLARATION BY ADDRESSEE

[tick the relevant option below, (provide your address as appropriate), sign and date]

All copied documents

All of the material I am providing to the Court in compliance with the attached subpoena is 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 to the Court in compliance with the attached subpoena is in the form of original documents. Once the material is no longer required, all the material should be returned to me at the following address:

.....

Signed by:[insert full name of addressee]

.....

Dated:

Addressee

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 41

Rule 525(1)(a)

INTERLOCUTORY APPLICATION

The [*party making application*] applies for the following orders [*or determination of the following questions*]:

[*specify orders sought or questions sought to be determined*]

Applicant [*or practitioner for the applicant*]

NOTICE OF HEARING

This application has been set down for hearing before a judge [*or the Court or the Associate Judge or the Full Court*] in Court [*or in Chambers*] at the Supreme Court [*specify place*] on [*date*] at [*time*].

Filed [*date*]

Registrar [*or District Registrar*]

This application is lodged by [*name of practitioner for the applicant or applicant in person*].

To [*name of practitioner for respondent or respondent in person*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 42 – Certificate of Readiness

Rule 544(2)(a)

CERTIFICATE OF READINESS

Certified matters

1. We, [*set out the names of the individual practitioners having the conduct of the matter on behalf of each of the parties and the names of the parties in person*] certify to the Court that –
 - (a) we are the practitioners having the conduct of the matter on behalf of the parties [*or as the case may be*]; and
 - (b) the pleadings are closed and complete and no further particulars or amendments are required by any party; and
 - (c) accompanying this certificate is a set of the pleadings, including the pleadings in any third party or co-defendant proceedings and all further particulars of any pleading; and
 - (d) no party intends to take any further third party or co-defendant proceedings; and
 - (e) the provisions of the rules as to discovery have been complied with by the parties; and
 - (f) no further interrogatories are intended to be delivered by any party; and
 - (g) any interrogatories which have been delivered have been answered to the extent required; and
 - (h) on [*specify date(s)*] the parties held a compulsory conference in accordance with the rules and at that conference –
 - (i) the parties considered the adequacy of the pleadings to raise all necessary issues; and

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

- (ii) the parties considered whether there was a need for any further particulars; and
 - (iii) the parties considered what documentary evidence will be required for the trial; and
 - (iv) the parties considered the content of an agreed bundle of documents to be placed before the trial judge without formal proof; and
 - (v) where relevant, the parties considered whether any expert witnesses retained by different parties ought to be requested to confer before trial; and
 - (vi) the parties seriously explored the possibility of settlement of the action; and
 - (vii) the matters, if any, specified in Annexure A were agreed upon, in addition to those specified below; and
- (i) the action is in all respects ready for trial.

Place of trial

2. *The parties desire that the action be set down for trial at [*specify place*].
- *The parties cannot agree on the place of trial and request that the matter be dealt with at a pre-trial conference.
- *(Strike out whichever is inapplicable.)

Mode of trial

3. *The parties desire that the action be set down for trial before a judge without a jury.
- *The action is within rule 557 and the [*specify party*] requires a trial by jury.
- *The [*specify party*] desires, in accordance with rule 556, to invoke the discretion of the judge to order a trial by jury and

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

requests that the matter be dealt with at a pre-trial conference. An affidavit is filed with this certificate.

*The [*specify party*] desires, in accordance with rule 558, to invoke the discretion of the judge to order a trial without a jury and requests that the matter be dealt with at a pre-trial conference. An affidavit is filed with the certificate.

*The parties desire that the action be set down for trial before the Associate Judge.

*The [*specify party*], desires to invoke the discretion of the judge to order a trial before the Associate Judge and requests that the matter be dealt with at the pre-trial conference.

*(Strike out whichever is inapplicable.)

Admission of fact

4. *The parties specified in the annexed statement marked "B" agree to admit the facts set out in that statement.

*The request(s) to admit facts specified in the annexed statement marked "C" have been made by the party or parties specified in that statement but the party or parties to whom the request(s) has or have been directed, as specified in that statement, has or have failed to admit them.

*No party has made any request for admission of facts.

*(Strike out whichever is inapplicable.)

Expert witnesses

5. *No party proposes to call any expert witness.

*The following expert witnesses are proposed to be called:

[Specify names, general nature of the evidence and by whom to be called.]

*Proofs of evidence of expert witnesses have been delivered.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

*Proofs of evidence of expert witnesses have been delivered except those of the witnesses specified below as to which the party proposing to call the witness has agreed to deliver a proof by the date set out against the name of that witness –

[Specify name and date.]

*The parties agree that all statements of expert evidence delivered comply with rule 516(2) except those specified below –

[Specify statements in respect of which there is not agreement as to compliance with rule 516(2).]

*(Strike out whichever is inapplicable.)

Hospital records

6. *The plaintiff and the defendant agree that the hospital records, except for the sheets in the records referred to in the annexed list marked "D", relating to the plaintiff's injuries and hospitalisation should be produced at the trial without formal proof as evidence of the matters of fact and opinion recorded in those records.

*The plaintiff has authorised the defendant to inspect the hospital records relating to the plaintiff.

NOTE – Where there is a counterclaim for personal injuries sustained by a defendant, this paragraph is applicable to the defendant as if he or she were the plaintiff.

*(Strike out if inapplicable.)

Agreed documents

7. *The [*specify parties*] have agreed to the production and admission into evidence at the trial without formal proof of the documents described in the list annexed and marked "E".

*(Strike out if inapplicable.)

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Business records

8. (a) *In addition to the documents, if any, agreed to be admitted into evidence by paragraphs 6 and 7, it is proposed to tender the business records referred to in the annexed list marked "F" in accordance with section 69 of the *Evidence Act 2001*. (The list must indicate particulars of the records and who proposes to tender them.)
- (b) *The other party or parties consent(s) to the admission of those business records into evidence, unless otherwise specified in the annexed list marked "F".

NOTE – Where the parties do not agree under paragraph 6 to production of hospital records, a party intending to rely on section 69 to have such records admitted into evidence must refer to them here.

*(Strike out if inapplicable.)

Documents

9. The parties in their respective lists annexed and marked "G1", "G2", etc., set out all documents numbered seriatim which they intend to produce at the trial. The other party or parties admit(s) the authenticity without formal proof of all those documents except those marked with a cross.

NOTES –

- (a) If a party does not intend to produce any documents at the trial, the word "nil" is to be written in the appropriate list; and
- (b) Documents referred to in paragraphs 6, 7 and 8 are not to be included in these lists; and
- (c) A party acknowledging authenticity of a document may nevertheless object to its admissibility at the trial.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Applications to be made to a judge at the pre-trial conference

10. **[Specify any application on the part of a party intended to be dealt with at a pre-trial conference.]*

*(Strike out if inapplicable.)

Transcript of proceedings

11. *The *[specify parties]* request the Registrar to direct that a transcript be provided to each of them during the course of the proceedings.

*No party requests the Registrar to direct that a transcript be provided during the course of the proceedings.

*(Strike out whichever is inapplicable.)

Date of trial

12. The parties can be ready for trial for the sittings commencing on *[specify date]*.

Length of trial

13. *The parties estimate the length of the trial will be *[specify number]* days.

*The parties are not in agreement as to the estimated length of the trial and provide the following separate estimates:

[Set out the estimate of each party.]

*(Strike out whichever is inapplicable.)

Dated

(Signatures)

(NOTE – This certificate is to be signed by the individual practitioners having the control of the litigation and by any party in person.)

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 43

Rules 626(2) and 629(8)

NOTICE OF INTENTION TO APPEAR

[Name and address of person giving notice] intends to appear upon the return of the general order to show cause.

The address for service of *[name of person giving notice]* is *[specify address]*.

Dated

[Signature of person giving notice or practitioner for such person]

To the Registrar *[or District Registrar]*
Supreme Court of Tasmania
[place]

And to *[name of prosecutor or practitioner for the prosecutor]*

Form 44

Rule 626(4)

NOTICE OF SUBMISSION

[Name and address of person giving notice] submits to any order the Court or a judge may make upon the return of the general order to show cause.

The address for service of *[name of person giving notice]* is *[specify address]*

Dated

[Signature of person giving notice or the practitioner for that person]

To the Registrar *[or District Registrar]*
Supreme Court of Tasmania
[place]

And to *[name of prosecutor or the practitioner for the prosecutor]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 48

Rule 675(2)

NOTICE OF DISCONTINUANCE OF APPEAL

Take notice that the appellant discontinues this appeal [*or as the case may be*].

Dated

[*Signature of appellant's practitioner or of appellant in person*]

To the Registrar

And to [*practitioners for the respondent or respondent in person*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 49

Rule 730(2)(a)

CITATION TO SEE PROCEEDINGS

To *[name and address of person to whom citation addressed]*

WHEREAS it appears by the affidavit of *[name of deponent]* sworn on *[date]* that –

1. In this action the plaintiff is proceeding to prove in solemn form the alleged last will and testament dated *[date]* of *[name of deceased]* who died on *[date]*; and
2. You are the *[set out relationship]* and one of the next of kin of the deceased

YOU ARE GIVEN NOTICE to lodge for filing and serve a notice of appearance in this action should you think it to be in your interest so to do and before final judgment is to be given in this action. In default of you so doing the Court will proceed to hear the will proved in solemn form of law and pronounce judgment in this action in your absence.

Dated

Registrar

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 50

Rule 730(2)(a)

CITATION TO BRING IN GRANT

To *[name and address of person to whom citation addressed]*

WHEREAS it appears from the affidavit of *[name of deponent]* sworn on *[date]* that –

1. Probate of the alleged last will and testament *[or letters of administration of the estate or as the case may be]* of *[name, address and description of deceased]*, deceased, was granted to *[name of executor or administrator]* by the Court on *[date]*; and
2. The deceased made and duly executed a last will and testament dated *[date]* and appointed *[name]* executor *[or as the case may be]*

NOW YOU ARE COMMANDED, within 7 days of the service of this citation upon you, to bring into and leave in the Registry of the Supreme Court of Tasmania the probate of the alleged last will and testament *[or letters of administration of the estate or as the case may be]* in order that the said *[name]* may proceed for its revocation.

Dated

Registrar

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 51

Rule 744(3)

**WRIT AND STATEMENT OF CLAIM IN AN ACTION AT THE SUIT
OF THE ATTORNEY-GENERAL FOR FORFEITURE**

Her Majesty's Attorney-General for the State of
Tasmania on behalf of Her Majesty

Plaintiff

BETWEEN - and-

The owners and all other parties interested in [*specify
the property which is the subject of the action*]

Defendant

To each person served with this writ

STATEMENT OF CLAIM

*[State concisely and in numbered paragraphs the material facts on which
the Attorney-General relies for the claim but not the evidence by which such
facts are to be proved.]*

The Attorney-General claims to have it adjudged that the [*specify
property*] remain forfeited [*or be condemned as forfeited*] to Her Majesty on
the ground that [*state concisely ground on which forfeiture is claimed*].

[Signature of practitioner for the plaintiff]

The plaintiff's address for service of documents is [*specify address*]

Take notice that –

1. If you wish to maintain your claim to the property the subject of this action you must within 10 days of the delivery of this writ to you, or within such further period as the Court or a judge may allow, file a defence in the registry in which this action is proceeding and deliver a copy of the defence to the plaintiff at the address for service of documents.
2. If you fail to lodge and serve a defence within the time stated, the plaintiff may obtain judgment as claimed without further notice to you.

Filed [*date*]

Registrar [*or District Registrar*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 52

Rule 745(1)

**NOTICE OF FILING OF WRIT AND STATEMENT OF CLAIM FOR
CONDEMNATION OF PROPERTY SEIZED AS FORFEITED**

Whereas on *[date]* *[specify property]* was seized by the State of Tasmania as forfeited *[or liable to forfeiture or condemnation]*

And whereas on *[date]* Her Majesty's Attorney-General for the State of Tasmania filed in the Supreme Court of Tasmania a writ and statement of claim claiming to have it adjudged that the *[specify property]* remain forfeited *[or be condemned as forfeited]* on the ground that *[state concisely ground on which forfeiture is claimed]*

Notice is given that every person who intends to claim the *[specify property]* or to contest its forfeiture or its liability to forfeiture or condemnation is required, within 30 days after *[specify the date of filing of writ and statement of claim]* *[or, within the time allowed by an order under rule 745(3)]*, to file in the registry of the Court at *[specify place of registry]* a notice setting out that claim.

Dated

(Signature of the Attorney-General for the State of Tasmania)

Attorney-General for the State of Tasmania

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 53

Rule 746(2)(b)

CLAIM AS TO PROPERTY SEIZED

[*Name, address and description of claimant*] appears here in Court by [*name*] his [*or her or its*] practitioner [*or in person*] and claims as to the [*specify property claimed*] mentioned in the statement of claim filed in this matter –

1. that it is his [*or her or its*] property;

or

1. that he [*or she or it*] has a proprietary interest in it, having [*state nature of proprietary interest*] by virtue of [*state how it arises*]; and

2. that it is not liable to forfeiture because [*state why the property is not liable to forfeiture*] –

and he [*or she or it*] claims the property.

Dated

[*Signature of claimant*]

To the Registrar [*or District Registrar*]

And to the Attorney-General for the State of Tasmania.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 54

Rule 753(3)

JUDGMENT OF FORFEITURE IN DEFAULT OF CLAIM

DATED AND ENTERED THE *[date]*

Whereas on *[date]* a writ and statement of claim was filed by the plaintiff in the Court claiming to have it adjudged that *[specify property mentioned in the statement of claim]* should remain *[or be condemned as]* forfeited to Her Majesty on the ground that *[specify grounds]*

And whereas notice of the filing of the writ and statement of claim was published as required by law as appears by the affidavit of *[name]* filed on *[date]*

And whereas no claim has been filed to the property

Therefore it is adjudged that the *[specify property mentioned in statement of claim]* remains forfeited *[or be condemned as forfeited and the property is, by this judgment, so condemned]* to Her Majesty and that the same be delivered to *[specify office or name]* to be disposed of according to law.

By the Court

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 55

Rule 756(2)

**JUDGMENT OF FORFEITURE WHERE CLAIM FILED
BUT NO DEFENCE FILED**

DATED AND ENTERED THE *[date]*

Whereas on *[date]* a writ and statement of claim was filed by the plaintiff in the Court claiming to have it adjudged that *[specify property mentioned in the statement of claim]* should remain *[or be condemned as]* forfeited to Her Majesty on the ground that *[specify grounds]*

And whereas notice of the filing of the writ and statement of claim was published as required by law as appears by the affidavit of *[name]* filed on *[date]*

And whereas on *[date]* a claim was filed by *[name]* to *[specify property claimed]*

And whereas the plaintiff delivered a copy of the writ and statement of claim to the said *[name]* as appears by the affidavit of *[name]* filed on *[date]*

And whereas the said *[name]* has not filed a defence to the statement of claim

Therefore it is adjudged that the *[specify property mentioned in statement of claim]* do remain forfeited *[or be condemned as forfeited and the property is, by this judgment, so condemned]* to Her Majesty and that the property be delivered to *[specify office or name]* to be disposed of according to law and that the plaintiff do recover against the said *[name]* the costs occasioned by the making of the claim to be taxed.

By the Court

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 56

Rule 757(a)

JUDGMENT OF FORFEITURE AFTER TRIAL

DATED AND ENTERED THE [date]

Whereas on [date] a writ and statement of claim was filed by the plaintiff in the Court claiming to have it adjudged that [specify property mentioned in the statement of claim] should remain [or be condemned as] forfeited to Her Majesty on the ground that [specify grounds]

And whereas notice of the filing of the said writ and statement of claim was published as required by law as appears by the affidavit of [name] filed on [date]

And whereas on [date] a claim was filed by [name] to [specify property claimed]

And whereas the plaintiff delivered a copy of the writ and statement of claim to the said [name] as appears by the affidavit of [name] filed on [date]

And whereas the said [name] filed a defence to the statement of claim

And whereas on the action coming on for trial the [specify goods claimed] was found to be forfeited to Her Majesty

Therefore it is adjudged that the [specify property mentioned in statement of claim] do remain forfeited [or be condemned as forfeited and the property is, by this judgment, so condemned] to Her Majesty and that the same be delivered to [specify office or name] to be disposed of according to law and that the plaintiff do recover against the said [name] the costs occasioned by the making of the claim to be taxed.

By the Court

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57

Rule 757(b)

JUDGMENT OF FORFEITURE FOR CLAIMANT

DATED AND ENTERED THE *[date]*

Whereas on *[date]* a writ and statement of claim was filed by the plaintiff in the Court claiming to have it adjudged that *[specify property mentioned in the statement of claim]* should remain *[or be condemned as]* forfeited to Her Majesty on the ground that *[specify grounds]*

And whereas notice of the filing of the said writ and statement of claim was published as required by law as appears by the affidavit of *[name]* filed on *[date]*

And whereas on *[date]* a claim was filed by *[name]* to *[specify property claimed]*

And whereas the plaintiff delivered a copy of the said writ and statement of claim to the said *[name]* as appears by the affidavit of *[name]* filed on *[date]*

And whereas the said *[name]* filed a defence to the said statement of claim

And whereas on the action coming on for trial the *[specify property claimed]* was found not to have been forfeited

Therefore it is adjudged that the *[specify property claimed]* be delivered to *[name]* and that *[name]* do recover from the plaintiff the costs of the defence to be taxed.

By the Court

Registrar *[or District Registrar]*

Form 57A

Rule 777F(2)

**NOTICE OF INTENTION TO APPEAR UPON
RETURN OF APPLICATION**

[Name and address of person giving notice] intends to appear upon the return of the application.

The address for service of *[name of person giving notice]* is *[specify address]*.

Dated

[Signature of person giving notice or practitioner representing that person]

To: The Registrar *[or District Registrar]*
Supreme Court of Tasmania
[place]

And to: *[name of applicant or practitioner for applicant]*

*Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26*

sch. 1

Form 57B

Rule 777G(2)

**NOTICE OF SUBMISSION TO ORDER UPON
RETURN OF APPLICATION**

[Name and address of person giving notice] submits to any order the Court or a judge may make upon the return of the application.

The address for service of *[name of person giving notice]* is *[specify address]*.

Dated

[Signature of person giving notice or practitioner representing that person]

To: The Registrar *[or District Registrar]*
Supreme Court of Tasmania
[place]

And to: *[name of applicant or practitioner for applicant]*

Form 57BA

Rule 783AC

Legal Profession Act 2007

NOTICE OF INTENTION TO APPLY FOR ADMISSION

I, (*full name*), of
..... (*address*),
give notice that I intend to apply to the Supreme Court of Tasmania on
..... (*date*) for admission as a barrister/practitioner*
under section 31 of the *Legal Profession Act 2007*.

Dated

Signed

*Delete whichever is inapplicable.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57BB

Rule 783AE(1)(a) and 783AE(2)(a)

Legal Profession Act 2007

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
ADMISSION**

(Local Applicants or Qualified Overseas Applicants)

I, [*name, address and occupation*] make oath and say:

1. I am aged [*number*] years, having been born at [*place of birth*] on [*date of birth*].
2. I have caused a notice of my intention to be admitted to be published in the *Mercury* and the *Examiner/Advocate** newspapers and *that advertisement/a copy of that advertisement** is annexed and marked "A".
3. I have received *a certificate/certificates** from the Board of Legal Education relating to my qualifications which *is/are** annexed to this affidavit and marked [*"B"/"C"/"D"*].
4. I have received a report from the police in relation to my criminal record for *all Australian jurisdictions/the overseas jurisdiction where I received my qualifications and training** which is annexed to this affidavit and marked [*"C"/"D"/"E"*].

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

5. I make the following statements in respect of the suitability matters referred to in section 9 of the *Legal Profession Act 2007*:
 [address each of the suitability matters stating any relevant particulars in respect of each].

6. *There are no/I disclose the following** relevant matters, as referred to in rule 783AB of the *Supreme Court Rules 2000*, that the Court might regard as not being favourable to a consideration of whether I am a fit and proper person to be admitted to the legal profession:
 [state any relevant matters here].

Sworn etc.

*Delete whichever is inapplicable.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57BC

Rule 783AE(1)(b), 783AE(2)(b),
783AE(3)(b) and 783AF(3)(b)

Legal Profession Act 2007

AFFIDAVIT AS TO CHARACTER

I, *[name, address and occupation]*, make oath and say:

1. I have known *[name of applicant]* of *[address of applicant]* ("the applicant") for *[number]* years.
2. The circumstances in which I have known the applicant throughout that time are *[details of the nature of acquaintance of deponent with applicant]*.
3. I have read the applicant's affidavit in support of the application for admission made by
and *[state, with reasons, whether you believe the applicant is of good reputation and character]*.

Sworn etc.

Form 57BD

Rule 783AE(3)(a)

Legal Profession Act 2007

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
ADMISSION**

(Overseas Practitioner)

I, [*name, address and occupation*], make oath and say:

1. I am aged [*number*] years, having been born at [*place of birth*] on [*date of birth*].
2. On [*date*] I was admitted to practice in [*jurisdiction*].
3. *I am still practising as [a legal practitioner or as the case may be] [*give particulars*].

*I ceased to practise as [a legal practitioner or as the case may be] on [*date*].
4. I have caused a notice of my intention to be admitted to be published in the *Mercury* and the *Examiner/Advocate** newspapers and *that advertisement/a copy of that advertisement** is annexed and marked "A".
5. I have received *a certificate/certificates** from the Board of Legal Education relating to my qualifications which *is/are** annexed to this affidavit and marked "B".

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

6. I have received a report from the police in [*the overseas jurisdiction where the applicant was or is a legal practitioner*] in respect of my criminal record which is annexed to this affidavit and marked "C".

7. I make the following statements in respect of the suitability matters referred to in section 9 of the *Legal Profession Act 2007*:
 [*address each of the suitability matters stating any relevant particulars in respect of each*].

8. *There are no/I disclose the following** relevant matters, as referred to in rule 783AB of the *Supreme Court Rules 2000*, that the Court might regard as not being favourable to a consideration of whether I am a fit and proper person to be admitted to the legal profession:
 [*state any relevant matters here*].

Sworn etc.

*Delete whichever is inapplicable.

Form 57BE

Rule 783AF(3)(a)

Legal Profession Act 2007

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
DECLARATION OF SUITABILITY**

No.
of [year]

I, [*name, address and occupation*], make oath and say:

1. I am aged [*number*] years, having been born at [*place of birth*] on [*date of birth*].
2. I make the following statements in respect of the suitability matters referred to in the *Legal Profession Act 2007*:
[*address each of the suitability matters stating any relevant particulars in respect of each*].
3. *There are no/I disclose the following** relevant matters, as referred to in rule 783AB of the *Supreme Court Rules 2000*, that the Court might regard as not being favourable to a consideration of whether I am a fit and proper person to be admitted to the legal profession:
[*state any relevant matters here*].

Sworn etc.

*Delete whichever is inapplicable.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57BF

Rule 783AH

Legal Profession Act 2007

**AFFIDAVIT OF SERVICE ON LEGAL PROFESSION BOARD
AND LAW SOCIETY**

No.
of [year]

I, [name, address and occupation], make oath and say:

1. On [date], at [time], at [place] I served a sealed copy of the documents listed at paragraph 3 of this affidavit on the Legal Profession Board by [method of service] and an acknowledgment of such service is annexed to this affidavit and marked "A".
2. On [date], at [time], at [place] I served a sealed copy of the documents listed at paragraph 3 of this affidavit on the Law Society by [method of service] and an acknowledgment of such service is annexed to this affidavit and marked "B".
3. The documents referred to in paragraph 1 and 2 of this affidavit are:
[identify the documents in a list numbered a., b. and following here].

Sworn etc.

*Delete whichever is inapplicable.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57BG

Rule 783AJ

Legal Profession Act 2007

**OATH FOR BARRISTERS AND MEMBERS OF LEGAL
PROFESSION**

I,, do
**swear/*solemnly and sincerely declare and affirm* that I will honestly
conduct myself in the practice of a **barrister/*member of the legal
profession* according to the best of my knowledge and ability.

**Delete if inapplicable.*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57C

Supreme Court Civil Procedure Act 1932

**NOTICE OF INTENTION TO APPLY FOR ADMISSION UNDER
MUTUAL RECOGNITION**

IN THE SUPREME COURT OF TASMANIA

TO: The Registrar
Supreme Court of Tasmania
Salamanca Place
HOBART Tas 7000

I, *[full name, address and occupation]*, seek admission to the legal profession, under the **Mutual Recognition Act 1992* of the Commonwealth/**Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

(Signed)

(Date)
(State clearly Mr. Ms. Mrs. Miss)

Business telephone number:

As required by the Commonwealth Act, I supply the following information:

1. I am duly admitted and am at the present time entitled to practise as a **barrister/*Australian legal practitioner* in the *[Supreme Court of [State] or as a legal practitioner of the High Court of New Zealand]*. The date of my admission was *[date]*.
2. The date of admission and the names of every other jurisdiction in which I have been admitted are as follows:

Jurisdiction	Date of admission
.....
.....
.....

(If not admitted elsewhere, state "None".)

*Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26*

sch. 1

-
3. I am not the subject of disciplinary proceedings, or any preliminary investigations or action that might lead to disciplinary proceedings, in any State or New Zealand.
 4. My registration in any State or New Zealand is not cancelled or currently suspended as a result of disciplinary action.
 5. I am not otherwise personally prohibited from carrying on an occupation in any State or New Zealand, and am not subject to any special conditions in carrying on an occupation, as a result of criminal, civil or disciplinary proceedings in any State or New Zealand.
 6. In carrying on my occupation in any State or New Zealand, I am subject to the following special conditions:
.....
.....
.....
(State special conditions, if any, otherwise state "No special conditions".)
 7. I consent to the making of inquiries of, and the exchange of information with, the authorities of any State or New Zealand regarding my activities as a **barrister/*Australian legal practitioner/*legal practitioner* regarding matters relevant to the notice.
 8. I annex **the original/*a certified true copy* of my first **certificate/*court order* admitting me to practise and **an original/*a certified true copy* of my current practising certificate.

Statutory Declaration

I, *[full name, address and occupation]*, the applicant, do solemnly and sincerely declare that all the information set out in this application is, to the best of my knowledge and belief, true and correct in every particular, and that the accompanying documents are what they purport to be.
(The Declaration should be made, executed, witnessed, &c., strictly in accordance with the requirements of the law relating to Statutory Declarations in force at the time in the jurisdiction in which it is made.)

**Delete if inapplicable.*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57D

Rule 783E(3)

**CERTIFICATE OF COMPLIANCE WITH
COMMONWEALTH ACT**

I, _____ Registrar of the Supreme Court of Tasmania, certify that a notice was lodged with the Supreme Court on *[date]* by *[name of applicant]* and that the applicant has complied with the provisions of the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth and Division 2A of Part 32 of the *Supreme Court Rules 2000* and appears to be entitled to be admitted as a **barrister / legal practitioner* of this Honourable Court.

(Signed)

(Date)

*Strike out one

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 57E

Rule 783F(2)(b) and (4)(b)

**OATH OR AFFIRMATION AND FORM OF ROLL WHERE
INTERSTATE PRACTITIONER OR BARRISTER ELECTS NOT TO
APPEAR IN PERSON**

The form of the oath you are required to swear is as follows:

"I,, do swear that I will truly and honestly conduct myself in the practice of a **barrister/*member of the legal profession* according to the best of my knowledge and ability, so help me God."

If affirming:

"I,, do solemnly and sincerely declare and affirm that I will truly and honestly conduct myself in the practice of a **barrister/*member of the legal profession* according to the best of my knowledge and ability."

**ROLL OF *BARRISTERS/*PRACTITIONERS OF THE SUPREME COURT OF
TASMANIA**

I,[*full name*], hereby sign the Roll of **Barristers/*Practitioners*.

..... [*date*]

.....
[*Signature*]

Adhesive label DO NOT DETACH LABEL

**Oath/*Affirmation administered and signing of Roll witnessed*

Signed Date
**Principal Registrar/*Person designated*
**Supreme Court of/*High Court of New Zealand*

SEAL/STAMP

**Delete if inapplicable.*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 58

Rule 822

**FINAL JUDGMENT IN DEFAULT OF APPEARANCE OR
DEFENCE**

DATED AND ENTERED THE [date]

The defendant [name of defendant] not having lodged a notice of appearance [or not having delivered any defence]

IT IS THIS DAY ADJUDGED that the plaintiff recover against the said defendant [amount of judgment sum] and [amount of costs] [or costs to be taxed].

OR

IT IS THIS DAY ADJUDGED that the plaintiff have a return of the following chattels [describe chattels as in writ or statement of claim] and [amount of costs] [or costs to be taxed].

OR

IT IS THIS DAY ADJUDGED that the plaintiff recover possession of the following land [describe land as in writ or statement of claim] and [amount of costs] [or costs to be taxed].

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 59

Rule 822

**INTERLOCUTORY JUDGMENT IN DEFAULT OF APPEARANCE
OR DEFENCE**

DATED AND ENTERED THE *[date]*

The defendant *[name of defendant]* not having lodged a notice of appearance *[or not having delivered any defence]*

IT IS THIS DAY ADJUDGED that the plaintiff recover against the said defendant damages to be assessed.

OR

IT IS THIS DAY ADJUDGED that the plaintiff have a return of the following chattels *[describe chattels as in writ or statement of claim]* or recover against the defendant their value to be assessed and damages for their value to be assessed.

[Where the amount of the damages and or value has been assessed, add -]

The amount found due to the plaintiff under this judgment having been certified at the sum of *[amount]* as appears by the certificate of *[specify]* filed the *[date]*

IT IS THIS DAY ADJUDGED that the plaintiff recover against the defendant *[amount]* and costs to be taxed.

OR

The value of the chattels having been certified at the sum of *[amount]* and the damages found due to the plaintiff under this judgment having been certified at the sum of *[amount]* as appears by the certificate of *[specify]* filed the *[date]*

IT IS THIS DAY ADJUDGED that the plaintiff recover against the defendant the chattels or *[amount]* their value, damages of *[amount]* and costs to be taxed.]

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 60

Rule 822

JUDGMENT AFTER TRIAL WITH JURY

JUDGMENT

BEFORE – [eg. *The Chief Justice the Honourable Justice with a jury*
or
the Honourable Justice with a jury]

DATE MADE –

ORIGINATING PROCESS – [eg. *Writ filed 20* or *Originating Application filed 20*]

HOW OBTAINED – [eg. *Trial of the action which commenced on 20*]

OTHER MATTERS – [State any undertaking of a party or other matters as directed by the Court]

THE JUDGMENT OF THE COURT IS –

- 1.
2. [Terms of judgment]
- 3.

By the Court

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 61

Rule 822

**JUDGMENT AFTER TRIAL WITHOUT JURY OR PURSUANT TO
AN ORDER**

Dated

JUDGMENT

BEFORE – [eg. *The Chief Justice the Honourable Justice*
or
the Honourable Justice
or
the Honourable Associate Justice]

DATE MADE –

ORIGINATING PROCESS – [eg. *Writ filed 20 or Originating Application filed 20*]

HOW OBTAINED – [eg. *Trial of the action which commenced on 20 or application under rule 365 filed on 20*]

OTHER MATTERS – [*State any undertaking of a party or other matters as directed by the Court*]

THE JUDGMENT OF THE COURT IS –

- 1.
2. [Terms of judgment]
- 3.

By the Court

Registrar [*or District Registrar*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 62

Rule 822

GENERAL FORM OF ORDER

Dated

ORDER

BEFORE – [eg. *The Chief Justice the Honourable Justice*
or
the Honourable Justice
or
the Honourable Associate Justice]

DATE MADE –

ORIGINATING PROCESS – [eg. *Writ filed 20 or Originating Application filed 20*]

HOW OBTAINED – [eg. *on the hearing of the Originating Application or of the interlocutory application filed by the plaintiff*
on 20]

OTHER MATTERS – [State any undertaking of a party or other matters as directed by the Court]

THE COURT ORDERS THAT-

- 1.
2. [Terms of order]
- 3.

By the Court

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 63

Rule 900(3)

WRIT OF FIERI FACIAS

TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF THE
SHERIFF

You are commanded –

1. that of the lands, goods and chattels of [*name and address of judgment debtor*] you cause to be made the sum appearing in the Schedule to this writ in accordance with a judgment [*or order*] in these proceedings dated [*insert date of judgment or order*]; and
2. that you pay that sum to me immediately after the execution of this writ to be paid to the [*name and address of judgment creditor*] in accordance with the judgment [*or order*]; and
3. that you inform me in what manner you have executed this writ immediately after its execution.

Dated

Registrar [*or District Registrar*]

THE SCHEDULE

Judgment amount	\$
Costs ordered or as taxed	
Total of judgment amount and costs	
Less amounts paid (if any) [<i>attach list of dates and amounts of payments</i>]	
Balance	\$
Add interest accrued on judgment amount [<i>attach particulars of calculations</i>]	
Add interest accrued on costs [<i>attach particulars of calculations</i>]	
Balance due as at [<i>date</i>]	
Add costs of execution	

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Add sheriff's poundage, officer's fees, costs of
levying and all other incidental expenses

Total amount to be levied

TOGETHER WITH interest on [set out total of judgment and ordered and
taxed costs amounts less any payments made other than those appropriated
to interest] at the rate of [insert appropriate percentage rate] from [insert
date up to which interest has been calculated in the above schedule] until
payment.

Form 64

Rule 900(3)

WRIT OF VENDITIONI EXPONAS

**TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF THE
SHERIFF**

Whereas on [date] you informed me that by virtue of a writ of fieri facias
dated [date] you had taken lands, goods and chattels [or as the case may
be] of the said [name of judgment debtor] which remained in your hands
unsold for want of buyers –

You are commanded to sell the said lands, goods and chattels [or as the
case may be] for the best price you can obtain and to pay the money arising
from the sale to me immediately after the execution of this writ to be paid
to the said [name of judgment creditor] in accordance with the judgment
[or order] in this matter.

Dated

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 65

Rule 900(3)

WRIT OF POSSESSION

**TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF THE
SHERIFF**

Whereas by a judgment [or order] dated [date] it was adjudged [or ordered] –

1. that [name of party in whose favour judgment entered or order made] recover possession of the land described in the Schedule to this writ; and
2. that [name of party against whom judgment entered or order made] pay [name of party in whose favour judgment entered or order made] certain costs [or certain damages and costs, or as the case may be] the [total] amount of which [damages and] costs appears in the Schedule to this writ

You are commanded –

1. that you enter the said land and cause [name of party in whose favour judgment entered or order made] to have possession of it; and
- *2. that of the lands, goods and chattels of [name of party against whom judgment entered or order made] you cause to be made the sum appearing in the Schedule to this writ in accordance with the judgment [or order]; and
- *3. that you pay that sum to me immediately after the execution of this writ to be paid to the [name of party in whose favour judgment entered or order made] in accordance with the judgment [or order]; and
4. that you inform the Registrar in what manner you have executed this writ immediately after its execution.

SCHEDULE

Description of land –

[Set out description of land as it appears in the judgment or order]

***Particulars of amount to be levied –**

§

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

*Judgment amount

*Costs ordered or taxed

*Total of judgment amount and costs

*Less amounts paid (if any) [*attach list of dates and amounts of payments*]

*Balance

*Add interest accrued on judgment amount [*attach particulars of calculations*]

*Add interest on costs [*attach particulars of calculations*]

*Balance due as at [*date*]

Add costs of execution

Add sheriff's poundage, officer's fees, costs of levying and all other incidental expenses

Total amount to be levied

TOGETHER WITH interest on [*set out total of judgment amount and ordered or taxed costs less any payments made other than those appropriated to interest*] at the rate of [*insert appropriate percentage rate*] from [*insert date up to which interest has been calculated in the above schedule*] until payment.

[* *delete if writ for possession only*]

Dated

Registrar [*or District Registrar*]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 66

Rule 900(3)

WRIT OF RESTITUTION

TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF THE
SHERIFF

Whereas –

1. by a judgment *[or order]* dated *[date]* it was adjudged *[or ordered]* that *[name of party in whose favour judgment entered or order made]* recover possession of the land described in the Schedule to this writ;
2. by a writ of possession dated *[date]* and issued in accordance with the judgment *[or order]* you were ordered to give possession of that land to the said *[name of party in whose favour judgment entered or order made]*;
3. possession was given accordingly;
4. a certain person or persons other than the said *[name of party in whose favour judgment entered or order made]* has or have assumed possession of that land

You are commanded that you enter that land and cause *[name of party in whose favour judgment entered or order made]* to have restitution of the land.

Dated

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 67

Rule 900(3)

WRIT OF DELIVERY

**TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF THE
SHERIFF**

Whereas by a judgment [*or order*] dated [*date*] it was adjudged [*or ordered*] –

1. that [*name of party against whom judgment entered or order made*] deliver the goods described in the Schedule to this writ to [*name of party in whose favour judgment entered or order made*]; and
2. that [*name of party against whom judgment entered or order made*] pay [*name of party in whose favour judgment entered or order made*] certain costs [*or certain damages and costs, or as the case may be*] the [*total*] amount of which appears in the Schedule to this writ

You are commanded –

1. that you cause the goods to be delivered to [*name of party in whose favour judgment entered or order made*]; and
- *2. that, if the goods cannot be found in the State of Tasmania, you distrain all the lands and chattels in the State of the said [*name of party against whom judgment entered or order made*] so that the said [*name of party against whom judgment entered or order made*] may not have possession of those lands and chattels until delivery is made of the goods; and
- *3. that of the lands, goods and chattels of [*name of party against whom judgment entered or order made*] you cause to be made the sum appearing in the Schedule to this writ in accordance with the judgment [*or order*]; and
- *4. that you pay that sum to me immediately after the execution of this writ to be paid to the [*name of party in whose favour judgment entered or order made*] in accordance with the judgment [*or order*]; and
5. that you inform the Registrar in what manner you have executed this writ immediately after its execution.

SCHEDULE

*Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26*

sch. 1

Description of goods –

[Set out description of land as it appears in the judgment or order]

***Particulars of amount to be levied –**

\$

*Judgment amount

* Costs ordered or taxed

*Total of judgment amount and costs

*Less amounts paid (if any) *[attach list of dates
and amounts of payments]*

*Balance

*Add interest accrued on judgment amount *[attach
particulars of calculations]*

*Add interest on costs *[attach particulars of
calculations]*

* Balance due as at *[date]*

Add costs of execution

Add sheriff's poundage, officer's fees, costs of
levying and all other incidental expenses

Total amount to be levied

TOGETHER WITH interest on *[set out total of judgment amount and
ordered or taxed costs less any payments made other than those
appropriated to interest]* at the rate of *[insert appropriate percentage rate]*
from *[insert date up to which interest has been calculated in the above
schedule]* until payment.

[delete if inapplicable]*

Dated

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 68

Rule 900(3)

WRIT OF DELIVERY OR ASSESSED VALUE

TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF THE
SHERIFF

Whereas by a judgment *[or order]* dated *[date]* it was adjudged *[or ordered]* –

1. that *[name of party against whom judgment entered or order made]* deliver the goods described in the Schedule to this writ to *[name of party in whose favour judgment entered or order made]* or pay *[amount]* their assessed value; and
2. that *[name of party against whom judgment entered or order made]* pay *[name of party in whose favour judgment entered or order made]* certain costs *[or certain damages and costs, or as the case may be]* the *[total]* amount of which appears in the Schedule to this writ

You are commanded –

1. that you cause the goods to be delivered to *[name of party in whose favour judgment entered or order made]*; and
2. that, if the goods cannot be found in the State of Tasmania, of the lands, goods and chattels of *[name of party against whom judgment entered or order made]* you cause to be made the sum of *[insert amount of assessed value]*; and
- *3. that of the lands, goods and chattels of *[name of party against whom judgment entered or order made]* you further cause to be made the sum appearing in the Schedule to this writ in accordance with the judgment *[or order]*; and
- *4. that you pay any sum made to me immediately after the execution of this writ to be paid to the *[name of party in whose favour judgment entered or order made]* in accordance with the judgment *[or order]*; and
5. that you inform the Registrar in what manner you have executed this writ immediately after its execution.

SCHEDULE

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Description of goods -

[Set out description of land as it appears in the judgment or order]

***Particulars of amount to be levied -**

\$

*Judgment amount

*Costs ordered or taxed

*Total of judgment amount and costs

*Less amounts paid (if any) *[attach list of dates and amounts of payments]*

*Balance

*Add interest accrued on judgment amount *[attach particulars of calculations]*

*Add interest accrued on costs *[attach particulars of calculations]*

*Balance due as at *[date]*

Add costs of execution

Add sheriff's poundage, officer's fees, costs of levying and all other incidental expenses

Total amount to be levied

TOGETHER WITH interest on *[set out total of judgment amount and ordered or taxed costs less any payments made other than those appropriated to interest]* at the rate of *[insert appropriate percentage rate]* from *[insert date up to which interest has been calculated in the above schedule]* until payment.

[delete if writ for delivery or assessed value only]*

Dated

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 69

Rule 912(1)

**AFFIDAVIT AND APPLICATION FOR PROVISIONAL
GARNISHEE ORDER ATTACHING A DEBT**

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

I [name, address and description of the judgment creditor or practitioner or agent] make oath and say as follows:

1. I am the abovenamed judgment creditor [or as the case may be].
2. On [date] judgment was entered for the judgment creditor against the judgment debtor for:

\$	judgment debt
\$	interest
\$	costs.
3. \$ is due and unpaid in respect of the judgment, being:

\$	balance owing on judgment
\$	interest
\$	costs.
4. [Name, address and description of garnishee] is indebted to the judgment debtor and is within the jurisdiction of the Court.

Sworn, etc

APPLICATION

The judgment creditor applies for a provisional garnishee order to attach all debts owing and accruing to the judgment debtor from the garnishee.

Dated:

Judgment creditor or practitioner
for judgment creditor

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 70

Rule 912(2)

**PROVISIONAL GARNISHEE ORDER ATTACHING A DEBT
(INCORPORATING NOTICES TO DEBTOR AND GARNISHEE)**

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

On the application of the judgment creditor and on reading the affidavit in support I ORDER that all debts owing or accruing due from [name and address], the garnishee, to the judgment debtor are attached to answer the sum remaining unpaid under a judgment [or order] recovered against the judgment debtor by the judgment creditor in the Supreme Court of Tasmania on [date], namely [amount outstanding under the judgment or order, including costs and interest, if any] together with [amount] for the costs of these garnishee proceedings, a total of \$.

Dated

Registrar [or District Registrar]

To the abovenamed garnishee and the abovenamed judgment debtor

NOTICE TO GARNISHEE

1. Service of this provisional garnishee order on you binds all debts owing or accruing due from you to the judgment debtor in your hands.
2. You must hold all debts owing or accruing due from you to the judgment debtor until this provisional garnishee order is made final or is discharged.
3. If, within 21 days after the service of this provisional garnishee order on you, you pay into Court the amount due from you to the judgment debtor, or an amount equal to the total amount outstanding under the judgment [or order] as set out above and the costs of the garnishee proceedings as set out above (whichever is the lesser), the order may be made final, and the amount so paid in ordered to be paid out to the judgment creditor.
4. If, within 21 days after the service of this provisional garnishee order upon you, you do not –

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

- (a) pay into Court the amount due from you to the judgment debtor, or an amount equal to the amount outstanding under the judgment *[or order]* as set out above and the costs of the garnishee proceedings as set out above (whichever is the lesser); or
- (b) file in the Court a notice disputing the debt due or claimed to be due from you to the debtor –

the order may be made final, and execution may issue against you for the said amount and costs without further order.

- 5. Where 2 or more garnishee orders in respect of a debt have been served on you –
 - (a) those orders have priority according to the order in which they were served on you; and
 - (b) the first to be served on you is to be satisfied in full before payment is made on any garnishee order which is later served on you.

NOTICE TO JUDGMENT DEBTOR

- 1. Within 21 days of the service of this provisional garnishee order on you, you may file a notice disputing the debt due or claimed to be due to you from the garnishee.
- 2. If you do not file such a notice, this provisional garnishee order may be made final.
- 3. Where 2 or more garnishee orders in respect of a debt have been served on a garnishee –
 - (a) those orders have priority according to the order in which they were served on the garnishee; and
 - (b) the first to be served on the garnishee is to be satisfied in full before payment is made by the garnishee on any garnishee order which is served later.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 71

Rule 914(7)

**FINAL GARNISHEE ORDER ATTACHING DEBT WHERE
GARNISHEE HAS PAID AMOUNT OWING INTO COURT**

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

IT IS ORDERED that the provisional garnishee order dated [date] is made final and that the sum of \$ paid into Court by the garnishee be paid out to the judgment creditor.

Dated

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 72

Rule 914(7)

FINAL GARNISHEE ORDER ATTACHING DEBT

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

IT IS ORDERED that the provisional garnishee order dated [date] is made final and that the garnishee forthwith pay to the judgment creditor the debt due from the garnishee to the judgment creditor, or so much as is sufficient to satisfy the amount outstanding under the judgment [or order], namely \$ together with \$ for the costs of the garnishee proceedings, a total of \$.

AND IT IS FURTHER ORDERED that, in default of such payment, execution for it may issue against the garnishee.

Dated

Registrar [or District Registrar]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 73

Rule 921(1)

**AFFIDAVIT AND APPLICATION FOR PROVISIONAL
GARNISHEE ORDER ATTACHING EARNINGS**

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

I [name, address and description of the judgment creditor or practitioner or agent] make oath and say as follows:

1. I am the abovenamed judgment creditor [or as the case may be].
2. On [date] judgment was entered for the judgment creditor against the judgment debtor for:
 - \$ judgment debt
 - \$ interest
 - \$ costs.
3. \$ is due and unpaid in respect of the judgment, being:
 - \$ balance owing on judgment
 - \$ interest
 - \$ costs.
4. The judgment debtor is employed by the garnishee, [name], of [address] as a [occupation].
5. The garnishee carries on business within the jurisdiction of the Court.

Sworn, etc

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

APPLICATION

The judgment creditor applies for a provisional garnishee order to attach the earnings of the judgment debtor.

Dated:

Judgment creditor or practitioner
for judgment creditor

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 74

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Rule 921(2)

**PROVISIONAL GARNISHEE ORDER ATTACHING
EARNINGS (INCORPORATING NOTICES TO DEBTOR AND
GARNISHEE)**

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

On the application of the judgment creditor and on reading the affidavit in support I ORDER that –

1. From time to time as often as any salary, wages, pay or sum of money payable periodically becomes due and payable from the abovenamed garnishee to the abovenamed judgment debtor, the garnishee is to make deductions in accordance with paragraph 2 of this order until the sum remaining unpaid under a judgment recovered against the judgment debtor in favour of the judgment creditor in *[or an order made against the judgment debtor in favour of the judgment creditor by]* the Supreme Court of Tasmania on *[date]*, namely *[amount outstanding under the judgment or order, including costs and interest, if any]* together with *[amount]* for the costs of these garnishee proceedings, a total of \$ _____, has been so deducted.
2. The amount to be deducted is 20% of the net salary, wages, pay or sum of money payable periodically to the judgment debtor after taking into account the following deductions:
 - (i) income tax instalments required to be deducted from those earnings under Division 2 of Part VI of the *Income Tax Assessment Act 1936* of the Commonwealth;
 - (ii) premiums to a medical or hospitals benefits fund;
 - (iii) superannuation contributions due and payable;
 - (iv) periodical payments due and payable by the judgment debtor to the garnishee;
 - (v) other attachment orders made by any court having jurisdiction in the State, according to their priority.

130

Dated

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Registrar [or *District Registrar*]

NOTICE TO GARNISHEE

1. Service of this provisional garnishee order on you binds any salary, wages, pay or sum of money payable periodically by you to the judgment debtor, as and when it is earned, or becomes due and owing, in your hands.
2. You must make the deductions required by the provisional garnishee order and hold all amounts deducted until the order is made final or discharged. On your being served with a final garnishee order, the amounts deducted and to be deducted in the future will be payable by you to the judgment creditor and you should therefore pay them to [*name and address*]. If instead you are served with an order discharging the provisional garnishee order, the amounts deducted will no longer be affected by it and will not be payable by you to the judgment creditor.
3. If you dispute that any salary, wages, pay or sum of money is payable by you periodically to the debtor, you must, within 21 days of the service of this provisional garnishee order on you, file in the Court a notice to that effect.
4. If you fail to file a notice under paragraph 3, this provisional garnishee order may be made final and, in the event of default in payment to the judgment creditor of the amounts required to be deducted by you, execution may issue against you for those amounts without any previous writ or process.
5. Where 2 or more garnishee orders in respect of a judgment debtor have been served on you, those orders have priority according to the order in which they were served on you, subject to the following:
 - (a) where 2 or more orders are served on the same day, each order is to have the same priority and you are to deduct one prescribed amount only and make an equal distribution of that amount to each relevant judgment creditor;
 - (b) in any other case, you are to comply with any later order as if the net earnings to which that order relates were the residue of the judgment debtor's earnings after the deduction of the prescribed amount under any earlier order.

NOTICE TO JUDGMENT DEBTOR

1. If you dispute that any salary, wages, pay or sum of money is payable to you periodically by the garnishee, you must, within 21 days after the service of this provisional garnishee order on you, file in the Court a notice to that effect.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

2. If you claim that in view of your family circumstances or financial position, there ought to be a reduction of the amount ordered to be deducted by this provisional garnishee order, you must, within 21 days after the service of the order on you, file in the Court a notice of objection.
3. If you do not file a notice under paragraph 1 or paragraph 2 within the period of 21 days after the service of the order upon you, the order may be made final and execution may issue to enforce it without any previous writ or process.
4. Where 2 or more provisional orders in respect of you have been served on the garnishee, those orders have priority according to the order in which they were served on the garnishee subject to the following:
 - (a) where 2 or more orders are served on the same day, each order is to have the same priority and the garnishee is to deduct one prescribed amount only and make an equal distribution of that amount to each relevant judgment creditor;
 - (b) in any other case, the garnishee is to comply with any later order as if the net earnings to which that order relates were the residue of your earnings after the deduction of the prescribed amount under any earlier order.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 75

Rule 923(7)

FINAL GARNISHEE ORDER ATTACHING EARNINGS

[Name] Judgment Creditor

[Name] Judgment Debtor

[Name] Garnishee

IT IS ORDERED that the provisional garnishee order dated [date] is made final and that the abovenamed garnishee make deductions in accordance with the note below from any salary, wages, pay or sum of money payable periodically which is to become due and payable from the garnishee to the abovenamed judgment debtor until the amount of the judgment debt and costs noted below which remain outstanding are paid, and that the garnishee pay the amounts deducted to the abovenamed judgment creditor by paying them to [name and address].

AND IT IS FURTHER ORDERED that in default of such deductions and payments execution may issue for the amount outstanding.

Dated

Registrar [or District Registrar]

NOTE

1. The amount to be deducted is 20% of net earnings after any usual deductions made in respect of the following:
 - (i) income tax instalments required to be deducted from those earnings under Division 2 of Part VI of the *Income Tax Assessment Act 1936* of the Commonwealth;
 - (ii) premiums to a medical or hospitals benefits fund;
 - (iii) superannuation contributions due and payable;
 - (iv) periodical payments due and payable by the judgment debtor to the garnishee;
 - (v) other attachment orders made by any court having jurisdiction in the State, according to their priority.
2. The amount outstanding is –

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

\$	balance owing on judgment
\$	costs of garnishee proceedings
\$	TOTAL

Form 76

Rule 936(1)(a)

AFFIDAVIT AS TO STOCK

In the matter of *[here identify the stock and state the nature of the document, if any, which comprises the stock, adding the date and other particulars, so far as are known to the deponent, sufficiently to identify the document]*

and

In the matter of the *Supreme Court Civil Procedure Act 1932, Part IX*

I, *[name, address and description of deponent]* make oath and say that, according to the best of my knowledge, information and belief, I am *[or, if the affidavit is made by a practitioner, name and address of person having interest is]* beneficially interested in the following stock, namely *[identify the stock and state the nature of the document, if any, which comprises the stock, adding the date and other particulars, so far as are known to the deponent, sufficiently to identify the document]*, which stock, according to the best of my knowledge and belief, now consists of the stock specified in the notice annexed to this affidavit.

Sworn, etc

This affidavit is filed on behalf of *[name of person having interest]* whose address for service is *[address for service]*.

[The relevant form 73 should be attached to this affidavit.]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 77

Rule 936(1)(b)

NOTICE AS TO STOCK

To *[name and address of company]*

Take notice that the stock referred to in the affidavit to which this notice is annexed consists of the *[specify the stock, stating the name in which it stands]*.

This notice is intended to stop the transfer of the stock only and not the receipt of dividends *[or the receipt of the dividends on the stock as well as the transfer of the stock]*.

Dated

[Signature of the deponent of the affidavit to which the notice is annexed]

NOTE – Service of this notice and the affidavit to which it is attached prevents any dealing with the relevant stock until the notice is withdrawn or discharged in accordance with rule 936 of the *Supreme Court Rules 1999*.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 78

Rule 943(1)

WRIT OF ATTACHMENT

**TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF
THE SHERIFF**

You are commanded to attach [*name and address of person against whom allegation is made*] and bring him [*or her*] before the Court there to answer a contempt that he [*or she*] is alleged to have committed and there and then to perform and abide any order of the Court.

And you are further commanded to bring this writ with you.

Dated

Registrar [*or District Registrar*]

[*If the writ is issued for a default in payment of money under section 3 of the Debtors Act 1870, add "This writ does not authorise imprisonment for any longer period than 6 months"*].

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 79

Rule 945(1)

WRIT OF SEQUESTRATION

**TO THE SHERIFF AND THE OFFICERS AND ASSISTANTS OF
THE SHERIFF**

Whereas by a judgment *[or order]* dated *[date]* it was ordered that *[name and address of party in default]* *[set out terms of relevant judgment or order]*

You are commanded at convenient times, and are given full power and authority –

1. to enter on all the real property whatsoever of the said *[name of party in default]*; and
2. to collect, receive and sequester into your hands all the rents and profits of that real property; and
3. to collect, receive and sequester into your hands all the goods, chattels and personal estate of the said *[name of party in default]*.

And you are further commanded to detail and keep the same under sequestration in your hands until the said *[name of party in default]* is to *[specify act or acts required]* to clear the contempt and the Court makes an order to the contrary.

Dated

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 80

Rule 955(e)

ADVERTISEMENT FOR CREDITORS

[Name and description of deceased], deceased

In accordance with a judgment *[or an order]* of the Supreme Court of Tasmania dated *[date]* and made in an action *[or a proceeding]* between *[specify parties]* concerning the estate of *[name and description of deceased]*, deceased, who died on *[date]*, the creditors of the deceased are required, on or before *[date]*, to send by prepaid post to *[specify name and address of person to whom claims are to be sent]* their full names, addresses, descriptions, full particulars of their claims, a statement of their accounts and the nature of the securities (if any) held by them.

In default of complying with the terms of this advertisement, a creditor will be excluded from the benefit of the said judgment *[or order]* unless the Court or a judge on application otherwise orders.

Every claimant holding any security is to produce the same before the Court *[or a judge]* at *[place]* on *[date]* at *[time]* being the time appointed for adjudicating on the claims.

A claimant not residing in Tasmania must send with the particulars of claim the name and address of a person in Tasmania to whom notices to the claimant can be sent. If such a claimant does not do so the claimant will not be entitled to receive any further notice. A notice sent to such a person will be equivalent to a notice sent to the claimant.

Dated

[Signature and address of the practitioner of the party prosecuting the judgment or order, stating on whose behalf the practitioner is acting or, if the party has no practitioner, signature of the Registrar or District Registrar.]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 81

Rule 955(e)

ADVERTISEMENT FOR CLAIMANTS OTHER THAN CREDITORS

[Name and description of deceased], deceased

In accordance with a judgment *[or an order]* of the Supreme Court of Tasmania dated *[date]* and made in an action *[or proceeding]* between *[specify parties]* concerning the estate of *[name and description of deceased]*, deceased, who died on *[date]*, the following inquiries were directed:

[Set out inquiries]

Notice is given that all persons claiming to be entitled under the said inquiry *[or inquiries]* are required, on or before *[date]*, to send by prepaid post to *[specify name and address of person to whom claims are to be sent]* their full names, addresses, descriptions and full particulars of their claims.

In default of complying with the terms of this advertisement, a claimant will be excluded from the benefit of the judgment *[or order]* unless the Court or a judge on application otherwise orders.

Every claimant is to attend personally or by practitioner before the Court *[or a judge]* at *[place]* on *[date]* at *[time]* being the time appointed for adjudicating upon the claims.

A claimant not residing in Tasmania must send with the particulars of claim the name and address of a person in Tasmania to whom notices to the claimant can be sent. If such a claimant does not do so the claimant will not be entitled to receive any further notice. A notice sent to such a person will be equivalent to a notice sent to the claimant.

Dated

Registrar *[or District Registrar]*

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 82

Rule 956(3)

**NOTICE TO CREDITOR OR OTHER CLAIMANT TO PRODUCE
DOCUMENTS**

To *[name and address]*

You are required to produce in support of the claim sent in by you in the matter of the estate of *[name of deceased]*, deceased, *[describe the documents required to be produced]* before the Court *[or a judge]* at *[place]* on *[date]* at *[time]*.

Dated

[Signature of practitioner of party giving notice or of party acting in person]

Form 83

Rule 969(2)(a)

AFFIDAVIT OF SERVICE OF FOREIGN PROCESS

I, *[name, address and description of deponent]*, make oath and say as follows:

- 1 I did, on *[date]* at *[time]* at *[place]*, serve *[identify document, copy, letter of request and any translation which were served]* by delivering them to him *[or her or it]* personally *[or, as the case may be, otherwise describe the mode of service]*.
- 2 I identified the person served as *[name]* by *[explain the manner of identification]*.

Sworn, etc

Dated

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 83A

Rules 970D(2)(a), 970F(2)(a), 970M(2) and 970P(4)(a) and (b)

**REQUEST FOR SERVICE ABROAD OF JUDICIAL
DOCUMENTS AND CERTIFICATE**

PART 1 – REQUEST FOR SERVICE ABROAD OF JUDICIAL DOCUMENTS

**Convention on the Service Abroad of Judicial and Extrajudicial
Documents in Civil or Commercial Matters, done at The Hague, the 15th
November 1965**

Identity and address of the forwarding
authority requesting service

Identity and address of receiving
authority [*Central
Authority/additional authority*]

The undersigned forwarding authority (on the application of [*name and
address of applicant on whose behalf forwarding authority requests service*])
has the honour to transmit - in duplicate - the documents listed below and, in
conformity with Article 5 of the abovementioned Convention, requests prompt
service of one copy thereof on the addressee, i.e.:

- (identity and address)
- (a) in accordance with the provisions of subparagraph (a) of the first
paragraph of Article 5 of the Convention*; or
- (b) in accordance with the following particular method (subparagraph (b) of
the first paragraph of Article 5*):
.....; or
- (c) by delivery to the addressee, if the addressee accepts it voluntarily
(second paragraph of Article 5)*.

The receiving authority [*Central Authority/additional authority*] is requested to
return or to have returned to the forwarding authority a copy of the documents -
and of the annexes* - with a certificate as provided in *Part 2 of this Form on
the reverse side.

List of documents

.....
.....

Done at, the

Signature or stamp (or both) of forwarding authority.

*Delete if inappropriate.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

PART 2 – CERTIFICATE

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15th November 1965

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention:

- (1) that the documents listed in Part 1 have been served*
- the (date)
 - at (place, street, number)
 -
 - in one of the following methods authorised by Article 5:
 - (a) in accordance with the provisions of subparagraph (a) of the first paragraph of Article 5 of the Convention*,.....
 -
 - (b) in accordance with the following particular method*,.....
 -
 - (c) by delivery to the addressee, who accepted it voluntarily*.

The document referred to in the request, has been delivered to:

- (identity and description of person).....
-
- relationship to the addressee (family, business or other)
-
- in one of the following methods authorised by Article 5:.....
-

- (2) that the documents have not been served, by reason of the following facts*
-

In conformity with the second paragraph of Article 12 of the Convention, the forwarding authority is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes

Documents returned:

.....

In appropriate cases, documents establishing the service:

.....

.....

Done at, the
Signature or stamp (or both).

*Delete if inappropriate.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 83B

Rules 970D(2)(a) and 970M(2)(b)

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15th November 1965

Identity and address of the addressee [*person to be served*]:

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE SUMMARY OF THE DOCUMENT TO BE SERVED WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:.....

SUMMARY OF THE DOCUMENT TO BE SERVED

Name and address of the forwarding authority
.....
Particulars of the parties
.....

****JUDICIAL DOCUMENT**

Nature and purpose of the document.....
.....
Nature and purpose of the proceedings and, when appropriate, the amount in dispute
.....
.....
Date and Place for entering appearance
.....
Court in which proceedings pending/judgment given.....
.....
**Date of judgment (if applicable).....
Time limits stated in the document
.....

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 83C

Rule 147D

NOTICE TO DEFENDANT SERVED OUTSIDE OF AUSTRALIA

To the Defendant:

1. You have been served with an originating process outside of Australia under Rules 147A to 147H of the *Supreme Court Rules 2000* of the Supreme Court of Tasmania. A copy of those Rules is enclosed for your information. They show the scope of the jurisdiction of the Court in respect of claims against persons who are served outside of Australia.
2. The grounds alleged by the plaintiff to support its claim to be entitled to serve you outside of Australia are:
[specify grounds]
3. The Court may, on application made by you in accordance with the Rules of Court, dismiss or stay the proceeding or set aside the service on you of this originating process. Without limiting the Court's powers in this regard, the Court may dismiss or stay the proceeding, or set aside the service on you, if satisfied that —
 - a) the service was not authorised by the Rules of Court; or
 - b) this Court is an inappropriate forum for the trial of the proceeding; or
 - c) the claim has insufficient prospects of success to warrant putting you to the time, expense and trouble of defending the claim.
4. Alternatively, you may file an unconditional appearance (in the form prescribed by the Rules of Court) within the time required under the Rules of Court.
5. If you file an unconditional notice of appearance, additional procedural obligations (such as an obligation to file a defence or an affidavit) may apply to you in accordance with the Rules of Court.
6. If you do not make an application to set aside service, referred to in paragraph 3, or file an unconditional notice of appearance, the Court may give leave to the plaintiff to proceed against you without further notice.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

sch. 1

Form 84

Rule 975(d)(i)

CERTIFICATE AS TO EXAMINATION AND DEPOSITIONS

I, *[name]*, the Registrar of the Supreme Court of Tasmania, certify that the documents annexed to this certificate are –

1. The original order of the Supreme Court of Tasmania dated *[date]*, made in the matter of *[describe nature of proceedings]* pending in the *[identify court or tribunal concerned]*, directing the examination of certain witnesses to be taken before *[names]*; and
2. The examination and depositions taken by the said *[names]* in accordance with the order, and duly signed and completed by him *[or her or them]* on *[date]*.

Dated

[Great Seal of the Court]

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

W. J. E. COX
Chief Justice

P. G. UNDERWOOD
Puisne Judge

E. C. CRAWFORD
Puisne Judge

P. E. EVANS
Puisne Judge

Countersigned,

I. G. RICHARD
Registrar

Printed and numbered in accordance with the *Rules
Publication Act 1953*.

Notified in the *Gazette* on 26 April 2000.

These Rules of Court are administered in the Department of
Justice and Industrial Relations.

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

NOTES

The foregoing text of the *Supreme Court Forms Rules 2000* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 24 March 2021 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<i>Supreme Court Forms Rules 2000</i>	S.R. 2000, No. 26	1.5.2000
<i>Supreme Court Amendment Rules 2001</i>	S.R. 2001, No. 100	12.9.2001
<i>Supreme Court Forms Amendment Rules 2002</i>	S.R. 2002, No. 24	17.4.2002
<i>Supreme Court Forms Amendment Rules 2004</i>	S.R. 2004, No. 58	21.7.2004
<i>Supreme Court Forms Amendment Rules (No. 2) 2004</i>	S.R. 2004, No. 120	15.12.2004
<i>Supreme Court Forms Amendment Rules 2005</i>	S.R. 2005, No. 101	31.8.2005
<i>Supreme Court Forms Amendment Rules 2007</i>	S.R. 2007, No. 24	2.5.2007
<i>Supreme Court Forms Amendment Rules 2008</i>	S.R. 2008, No. 45	28.5.2008
<i>Supreme Court Forms Amendment Rules (No. 3) 2008</i>	S.R. 2008, No. 142	31.12.2008
<i>Supreme Court Forms Amendment Rules (No. 2) 2008</i>	S.R. 2008, No. 129	31.12.2008
<i>Supreme Court Forms Amendment Rules 2009</i>	S.R. 2009, No. 53	24.6.2009
<i>Supreme Court Forms Amendment Rules 2010</i>	S.R. 2010, No. 58	30.6.2010
<i>Supreme Court Forms Amendment Rules 2009</i>	S.R. 2009, No. 53	1.11.2010
<i>Supreme Court Forms Amendment Rules 2011</i>	S.R. 2011, No. 27	20.4.2011
<i>Supreme Court Forms Amendment Rules 2012</i>	S.R. 2012, No. 57	11.7.2012
<i>Supreme Court Forms Amendment Rules (No. 2) 2012</i>	S.R. 2012, No. 92	17.10.2012
<i>Supreme Court Forms Amendment Rules 2017</i>	S.R. 2017, No. 103	20.12.2017

Supreme Court Forms Rules 2000
Statutory Rules 2000, No. 26

Citation	Serial Number	Date of commencement
<i>Supreme Court Forms Amendment Rules 2019</i>	S.R. 2019, No. 52	9.9.2019
<i>Supreme Court Forms Amendment Rules 2021</i>	S.R. 2021, No. 19	24.3.2021

TABLE OF AMENDMENTS

Provision affected	How affected
Part 1 of Schedule 1	Amended by S.R. 2002, No. 24, S.R. 2004, No. 58, S.R. 2004, No. 120, S.R. 2008, No. 142, S.R. 2010, No. 58, S.R. 2011, No. 27, S.R. 2017, No. 103 and S.R. 2019, No. 52
Part 2 of Schedule 1	Amended by S.R. 2001, No. 100, S.R. 2002, No. 24, S.R. 2004, No. 58, S.R. 2004, No. 120, S.R. 2008, No. 45, S.R. 2008, No. 129, S.R. 2008, No. 142, S.R. 2009, No. 53, S.R. 2010, No. 58, S.R. 2011, No. 27, S.R. 2012, No. 57, S.R. 2012, No. 92, S.R. 2017, No. 103, S.R. 2019, No. 52 and S.R. 2021, No. 19
