**INVESTIGATION WARRANT**

**Aged Care Act 1997 (Cth)**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

**[*FULL NAME*]**

**Applicant**

|  |
| --- |
| **To [*name(s) of the authorised person(s)*]****Recitals**(a) An Application has been made on [*date*] by [*an*] authorised officer[*s*] [*name(s)*], being [*an*] APS employee[*s*] of the Department appointed by the Secretary, pursuant to section 92-3 of the *Aged Care Act* *1997* (Cth) and section 70[*and section 71*]of the *Regulatory Powers (Standard Provisions) Act 2014* (Cth) for the issue of a warrant addressed to [*name(s)*] being [*an*] APS employee[s] of the Department appointed by the Secretary (“the authorised persons”).(b) The Magistrate is satisfied on information given [*on oath/by affirmation*] [*in person/by electronic means/by telephone*] and furtherinformation provided at the hearing that: |
|  |  | there are reasonable grounds for suspecting that there is, or may within the next 72 hours be, at the premises described below, a thing with respect to, that may afford evidence of, or will be used in a contravention of a civil penalty provision under the *Aged Care Act 1997* (“evidential material”), namely [*details of the contravention or reasonably suspected contravention*]; |
|  |  | **(ii) or (iii) mandatory if remote application** a warrant should be issued urgently; |
|  |  | **(ii) or (iii) mandatory if remote application** the delay that would occur if an application were made in person would frustrate the effective execution of the warrant; |
|  |  | there are proper grounds for the issue of the warrant under section 92-3 of the *Aged Care Act 1997* and section 70[*and section 71*]of the *Regulatory Powers (Standard Provisions) Act 2014*)*.* |
|  |  |  |

|  |
| --- |
| **Warrant**This warrant is issued under section 92-3 of the *Aged Care Act 1997* and Part 3 Division 6 of the *Regulatory Powers (Standard Provisions) Act 2014* for the purpose of investigating a suspected contravention of section(s) [*insert the civil penalty provision to which the warrant relates*] of the *Aged Care Act 1997*.This warrant authorises the authorised persons, with such assistants and by such force as is necessary and reasonable in the circumstances, to: |
|  | (a) enter [*description of premises, address*], search for and seize the following kinds of evidential material [*description of the evidential material*]. |
|  | (b) exercise the powers set out in Part 3 of the *Regulatory Powers (Standard Provisions) Act 2014* (as modified by section 92-4 of the *Aged Care Act* 1997) in relation to the premises described above for the purposes of section 92-3 of the *Aged Care Act 1997*.  |
|  | (c) seize any other thing found in the course of executing this warrant if the person executing the warrant believes on reasonable grounds that:  (i) the thing is evidential material of a kind not specified in paragraph (a); (ii) a related provision has been contravened with respect to the thing; (iii) the thing is evidence of the contravention of a related provision; or (iv) the thing is intended to be used for the purpose of contravening a related provision. |
|  | (d) [*other – specify*]. |
| This warrant:* may be executed at any time of day.
* must not be executed between the hours of [*time*] and [*time*].
* may be executed between the hours of [*time*] and [*time*].
* [*other*].

**Expiration** This warrant expires on [*date/time*], being a date not more than 7 days after the issue of this warrant.  |

|  |
| --- |
| **Authentication**…………………………………………Signature of Magistrate[*title and name*] |