

Case Number:

Date Signed:

FDN:

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 further information provided at the hearing that:
- (i) 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) (ii) or (iii) mandatory if remote application a warrant should be issued urgently;
 - (iii) (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;
 - (iv) 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]