

Case Number:

Date Signed:

FDN:

## MONITORING WARRANT

**Aged Care Act 1997 (Cth)**

A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**To [name 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 92-1 of the *Aged Care Act 1997 (Cth)* and section 32 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] and further information provided at the hearing that:
- (i) it is reasonably necessary that the authorised officer[s] should have access to the premises described below to assess whether:
    - an approved provider is complying with its obligations under ss 25-3, 27-3 or 27-5 of the *Aged Care Act 1997*;
    - information given in compliance, or purported compliance, with a provision under Chapter 3 of the *Aged Care Act 1997* or Chapter 3 of the *Aged Care (Transitional Provisions) Act 1997* is correct;
    - a matter subject to monitoring under Part 2 of the *Regulatory Powers (Standard Provisions) Act 2014*;
  - (ii) there are proper grounds for the issue of the warrant under section 92-1 of the *Aged Care Act 1997* and section 32 of the *Regulatory Powers (Standard Provisions) Act 2014* .

**Warrant**

This warrant is issued under s 92-1 of the *Aged Care Act 1997* and section 32 of the *Regulatory Powers (Standard Provisions) Act 2014* for the purpose *[insert purpose]*.

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]* and exercise the monitoring powers under Part 2 of the *Regulatory Powers (Standard Provisions) Act 2014* (as modified by section 92-2 of the *Aged Care Act 1997*) for the purpose of *[description of purpose]*.
- (b) *[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 3 months after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
*[title and name]*