

Case Number:

Date Signed:

FDN:

INVESTIGATION WARRANT

Biosecurity Act 2015 (Cth)

[A DESIGNATED JUDGE OF THE SUPREME/A DESIGNATED JUDGE OF THE DISTRICT/A DESIGNATED MAGISTRATE OF THE MAGISTRATES] Select one 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 [a] biosecurity enforcement officer[s], pursuant to section 484 of the *Biosecurity Act 2015* (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 [a] biosecurity enforcement officer[s] (“the authorised persons”).
- (b) The [Judge/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 or the commission of an offence against the *Biosecurity Act 2015*, or the commission of an offence against the *Crimes Act 1914* (Cth) or the *Criminal Code* (Cth) that relates to the *Biosecurity Act 2015* (“evidential material”), namely [details of the contravention or reasonably suspected contravention or offence];
 - (ii) if the authorised person intends to be accompanied by or make use of a specified animal, that:
 - 1. the person is authorised by the Director of Biosecurity to handle animals in the performance of his or her functions or duties or in the exercise of his or her powers under the Act; and
 - 2. the animal is to be under the effective control of the person;
 - (iii) (iii) or (iv) mandatory if remote application a warrant should be issued urgently;
 - (iv) (iii) or (iv) mandatory if remote application the delay that would occur if an application were made in person would frustrate the effective execution of the warrant;
 - (v) there are proper grounds for the issue of the warrant under section 484 of the *Biosecurity Act 2015* and section 70 [and section 71] of the *Regulatory Powers (Standard Provisions) Act 2014*.

Warrant

This warrant is issued under section 484 of the *Biosecurity Act 2015* and Part 3 Division 6 of the *Regulatory Powers (Standard Provisions) Act 2014* for the purpose of investigating a suspected contravention of a civil penalty provision or the commission of an offence against *[insert the provision to which the warrant relates]* of the *Biosecurity Act 2015* or an offence against *[insert provisions to which the warrant relates]* of the *Crimes Act 1914* or the *Criminal Code* which relate to the *Biosecurity Act 1995*.

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 485 of the *Biosecurity Act 2015*) in relation to the premises described above for the purposes of section 484 of the *Biosecurity Act 2015*;
 - (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) *if applicable* be accompanied by and make use of a specified kind of animal in the exercise of the authority granted by this warrant, namely *[specify the kind of animal]*.
- (e) *[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 Judicial Officer
[title and name]