

Case Number:

Date Signed:

FDN:

## SEARCH WARRANT

### Crimes Act 1914

A DESIGNATED MAGISTRATE OF THE [MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

Duplicate panel if multiple parties

Person the subject of this warrant			
Subject	Full Name		
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		

**To [name]**

#### Recitals

An Application has been made on [date] by the applicant under section [3E/3R] for the issue of a warrant.

The Magistrate is satisfied on information given [on oath/by affirmation] that:

- (a) the applicant seeks that a constable conduct a search of the [premises/person] described below.
- (b) mandatory for warrant in relation to premises there are reasonable grounds to suspect that there are, or will within the next 72 hours be on the premises described below evidential material, in relation to [description of offence].
- (c) mandatory for warrant in relation to a person there are reasonable grounds to suspect that the person described below has in his or her possession or will within the next 72 hours have in their possession any evidential material in relation to [description of offence].
- (d) there are proper grounds for the issue of the warrant under section [3E/3R] of the *Crimes Act 1914*.
- (e) if remote application a warrant in the terms of the application should be issued urgently.
- (f) if remote application [a warrant in the terms of the application should be issued urgently/the delay that would occur if an application were made in person would frustrate the effective execution of the warrant].
- (g) [any other information to be considered by Magistrate under section 3E or 3R]

**Warrant**

This warrant authorises the constable to whom this warrant is addressed, unless the name of another constable to be responsible for the warrant is inserted in the warrant:

- 1 **mandatory for warrant in relation to premises** to enter and search [*description of premises, address*] for and seize [*description of evidential material of a particular kind*];
- 2 **mandatory for warrant in relation to person** to search [*person full name, date of birth*] and things found in the possession of that person and any conveyance recently used by the person for and seize [*description of evidential material of a particular kind*];
- 3 **optional if warrant in relation to premises** to conduct [*a/an*] [*ordinary/[or]frisk*] search of a person who is at or near the premises when the warrant is executed if the executing officer or a constable assisting suspects on reasonable grounds that the person has any evidential material or seizable items in their possession;
- 4 **mandatory if warrant in relation to premises to seize:**
- a thing (other than the kind of evidential material described above) found at the premises in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be:
    - (i) evidential material in relation to an offence to which the warrant relates; or
    - (ii) a thing relevant to another offence that is an indictable offence; or
    - (iii) evidential material (within the meaning if the *Proceeds of Crimes Act 2002* (Cth)) or tainted property within the meaning of that Act,
 if the executing officer or a constable assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence
- other things found at the premises in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be seizable items;
- other things found at the premises in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be seizable items;
- 5 **mandatory for warrant in relation to person to seize:**
- a thing (other than the kind of evidential material described above) found, in the course of the search, on or in the possession of the person, or in a recently used conveyance, being a thing that the executing officer or a constable assisting believes on reasonable grounds to be:
    - (iv) evidential material in relation to an offence to which the warrant relates; or
    - (v) a thing relevant to another offence that is an indictable offence; or
    - (vi) evidential material (within the meaning if the *Proceeds of Crimes Act 2002* (Cth)) or tainted property within the meaning of that Act,
 if the executing officer or a constable assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence;
- other things found in the course of the search that the executing officer or a constable assisting believes on reasonable grounds to be seizable items;
- 6 **mandatory for warrant in relation to premises** to search for and record fingerprints found at the premises and take samples of things found at the premises for forensic purposes;
- 7 **mandatory for warrant in relation to person** to record fingerprints from things found in the course of the search and take forensic samples from things found in the course of the search;
- 8 **mandatory (a) to use**
- (i) a computer, of data storage device found in the course of a search authorised under this warrant; or
  - (ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or
  - (iii) any other electronic equipment; or
  - (iv) a data storage device;
- for the purpose of obtaining access to data that is held in the computer or device mentioned in subparagraph (i) at any time when the warrant is in force, in order to determine whether the relevant data is evidential material of the kind specified in the warrant;
- (b) if necessary to achieve the purpose mentioned in paragraph (a)—to add, copy, delete or alter other data in the computer or device mentioned in subparagraph (a)(i); and

- (c) if, having regard to other methods (if any) of obtaining access to the relevant data which are likely to be as effective, it is reasonable in all the circumstances to do so:
  - (i) to use any other computer or a communication in transit to access the relevant data; and
  - (ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the computer or the communication in transit; and
- (d) to copy any data to which access has been obtained, and that:
  - (i) appears to be relevant for the purposes of determining whether the relevant data is evidential material of a kind specified in the warrant; or
  - (ii) is evidential material of a kind specified in the warrant; and
- (e) to do any other thing reasonably incidental to any of the above;

9 *mandatory* (a) to use

- (i) a computer found in the course of a search authorised under this warrant; or
- (ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or
- (iii) any other electronic equipment,

for the purpose of obtaining access to data (“the relevant account-based data”) that is account based data in relation to:

- (a) a person who is the owner or lessee of the computer mentioned in subparagraph (i); or
- (b) a person who uses or has used the computer mentioned in subparagraph (i); or
- (c) a deceased person who, before the person’s death, was the owner or lessee of the computer mentioned in subparagraph (i); or
- (d) the deceased person who, before the person’s death, used the computer mentioned in subparagraph (i);

in order to determine whether the relevant account-based data is evidential material of the kind specified above;

(b) necessary to achieve the purpose mentioned in paragraph (a)—to add, copy, delete or alter other data in the computer mentioned in subparagraph (a)(i); and

(c) if, having regard to other methods (if any) of obtaining access to the relevant account-based data which are likely to be as effective, it is reasonable in all the circumstances to do so:

(i) to use any other computer or a communication in transit to access the relevant account-based data; and

(ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the computer or the communication in transit; and

(d) to copy any data to which access has been obtained, and that:

(i) appears to be relevant for the purposes of determining whether the relevant account-based data is evidential material of a kind specified in the warrant; or

(ii) is evidential material of a kind specified in the warrant; and

(e) to do any other thing reasonably incidental to any of the above.

10 [*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/48 hours*] after the issue of this warrant.

**Authentication**

.....

Signature of Magistrate

*[title and name]*