

To be inserted by Court

Case Number:

Date Signed:

FDN:

SEARCH WARRANT

Customs Act 1901 (Cth)

[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

To **[name and/or position]/other**

Recitals

An Application has been made on [date] by [authorised person], [name and/or office] under section[s] [198/199A/203/[and 203M]] for the issue of a warrant.

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

- (a) there are reasonable grounds for suspecting that
- default selected if section 198 selected above there is, or within the next 72 hours will be, evidential material described below, not being evidential material that is also a forfeited good, relating to [description of offence].
 - default selected if section 199A selected above the person described below has in their possession, or will within the next 72 hours have in their possession, any computer, or data storage device that is evidentiary material relating to [description of offence].
 - default selected if section 203 selected above the goods described below are forfeited goods within the meaning of section 203 of the *Customs Act 1901* (Cth), are or within the next 72 hours will be, on or in the premises and has demonstrated the necessity, in all the circumstances, for the seizure of the goods.
- (b) there are proper grounds for the issue of the warrant under section [198/199A/203] for the issue of a warrant.
- (c) mandatory if application under section 203M a warrant in the terms of the application should be issued urgently.
- (d) mandatory if application under section 203M the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.
- (e) [other].

Warrant

This warrant authorises the person to whom this warrant addresses with such assistants and by such force as is necessary and reasonable to:

- mandatory if section 199B selected above search [full name, date of birth], and any recently used conveyance for [kind of computers or data storage devices].
- mandatory if section 199 or 203 selected above enter and search:
 - mandatory if section 199 selected above [description of premises, address] for:
 - default selected is section 199 selected above [description of evidential material] found on or in the premises
 - default selected if section 199 selected above and to record fingerprints found on or in the premises, and take samples of things (other than human biological fluid or tissue) found on or in the premises described above
 - mandatory if section 203 selected above [description of premises, address] for [description of goods].
- mandatory seizure
 - mandatory if section 199 selected above evidential material of the kind referred to above found on or in [description of premises, address].
 - mandatory if section 199 selected above other things that the executing officer or a person assisting believes on reasonable grounds to be evidential material in relation to the offence described above, or to another offence, or to be evidential material or tainted property within the meaning of the *Proceeds of Crimes Act 2002* (Cth), and not to be forfeited goods; if the executing officer or person assisting believes on reasonable grounds that seizure of the things is necessary to prevent their concealment, loss or destruction or their use in committing an offence.
 - optional if section 199 selected above any such materials or items found in the course of the search of [description of premises, address].
 - mandatory if section 199B selected above [kind of computers or data storage devices].
 - mandatory if section 199B selected above other things found on or in the possession of [full name, date of birth] or in the conveyance in the course of the search that the executing officer or person assisting believes on reasonable grounds to be, prohibited goods that are unlawfully carried by the person or seizable items.
 - mandatory if section 203 selected above [description of goods].
 - mandatory if section 203 selected above other goods found on or in [description of premises, address] in the course of searching for the goods the subject of the warrant that the executing officer or a person assisting believes on reasonable grounds to be special forfeited goods.
 - optional if section 203 selected above any relevant evidential material found in the course of the search of [description of premises, address].
- optional if section 199 or 203 selected above Conduct an ordinary search of a frisk search of a person at or near [description of premises, address] if the executing officer or a person assisting suspects on reasonable grounds that the person has any [goods that are subject of the warrant or special forfeited goods/evidential material] or seizable items in his or her possession.
- mandatory if section 199 or section 199B selected above 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;
 - (v) 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.
- mandatory if section 199B selected above record fingerprints from computers or data storage devices, found in the course of the search of [full name, date of birth], and any recently used conveyance.
- mandatory if section 199B selected above take samples for forensic purposes from computers or data storage devices, found in the course of the search of [full name, date of birth], and any recently used conveyance.
- [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

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Signature of Judicial Officer

[title and name]