Form 102AUI

To be inserted by Court
Case Number:
Date Signed:
FDN:

INVESTIGATION WARRANT
Education Services for Overseas Students Act 2000 (Cth)

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 person[*s*] [*name(s)*], being an authorised officer of the ESOS agency for a registered provider [*name the provider*], pursuant to section 131 of the *Education for Overseas Students Act 2000* (Cth) and section 70 [*and section 71*] of the *Regulatory Powers (Standard Provisions) Act 2014* for the issue of a warrant addressed to [*name(s)*] being [*an*] authorised officer of the ESOS agency for a registered provider [*name the provider*] ("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 contained in or the commission of an offence against the *Education for Overseas Students Act 2000* (Cth) or the *Tertiary Education Quality Standards Agency Act 2011* or the commission of an offence against the *Crimes Act 1914* (Cth) or the *Criminal Code* that relates to the *Education for Overseas Students Act 2000* or that relates to the *Tertiary Education Quality Standards Agency Act 2011*, namely [*details of the offence or suspected offence*].

(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 131 of the *Education for Overseas Students Act 2000* and section 70 [*and section 71*] of the *Regulatory Powers (Standard Provisions) Act 2014*).

Warrant

This warrant is issued under section 131 of the *Education for Overseas Students Act 2000* 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 contained in or the commission of an offence against section(*s*) [*insert the provision to which the warrant relates*] of the *Education for Overseas Students Act 2000* or *Tertiary Education Quality Standards Agency Act 2011* or of *Crimes Act 1914* or the *Criminal Code* which relate to the *Education for Overseas Students Act 2000* or which relate to the *Tertiary Education Quality Standards Agency Act 2011*.

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 131 of the *Education for Overseas Students Act 2000*) in relation to the premises described above for the purposes of section 131 of the *Education for Overseas Students Act 2000*.

(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 Judicial Officer
[*title and name*]