

Case Number:

Date Signed:

FDN:

MONITORING WARRANT
Education Services for Overseas Students Act 2000 (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 person[s] [name(s)], being an authorised officer of the ESOS agency for a registered provider [name the provider], pursuant to section 130 of the *Education for Overseas Students Act 2000* (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] 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] 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 the following are being complied with:
 - a provision [provision number] of the *Education for Overseas Students Act 2020*.
 - a provision [provision number] of the *National Code of Practice for Providers of Education and Training to Overseas Students* under Part 4 of the *Education for Overseas Students Act 2020*.
 - a provision [provision number] of the ELICOS Standards or Foundation Program Standards.
 - an offence provision [provision number] of the *Crimes Act 1914* or the *Criminal Code* that relates to the *Education for Overseas Students Act 2020*.
 - (ii) it is reasonably necessary that the authorised officer[s] should have access to the premises described below to assess whether information given in compliance, or purported compliance, with the following is correct:
 - a provision [provision number] of the *Education for Overseas Students Act 2020*.
 - a provision [provision number] of the *National Code of Practice for Providers of Education and Training to Overseas Students* under Part 4 of the *Education for Overseas Students Act 2020*.
 - a provision [provision number] of the ELICOS Standards or Foundation Program Standards.
 - (iii) it is reasonably necessary that the authorised officer[s] should have access to the premises described below to determine whether a registered provider, because of financial difficulty, or any other reason might not be able to provide courses to its accepted students or refund amounts to its accepted students.
 - (iv) there are proper grounds for the issue of the warrant under section 130 of the *Education for Overseas Students Act 2000* (Cth) and section 32 of the *Regulatory Powers (Standard Provisions) Act 2014* .

Warrant

This warrant is issued under s 130 of the *Education Services for Overseas Students Act 2000* 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* 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]