

Case Number:

Date Signed:

FDN:

**SEARCH WARRANT****Environment Protection and Biodiversity Conservation Act 1999 (Cth)**A DESIGNATED MAGISTRATE OF THE MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION**[FULL NAME]****Applicant**

Duplicate panel if multiple parties

<b>Person the subject of this warrant</b>			
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 and/or position]/other]****Recitals**

An Application has been made on [date] by [inspector/authorised person/authorised officer], [name and/or office] under section[s] [409 [and 409A]/413(1)/413(2) [and] 416] of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for the issue of a warrant.

The Magistrate is satisfied on information given [on oath/by affirmation/by electronic means] [and further information/affidavit/other] that:

- ☐ (a) default selected if section 409 selected above that it is reasonably necessary that the authorised officer should have access to the premises described below for the purpose finding out whether any or all of the provisions of an environmental law have been, are being or will be complied with.
- ☐ (b) default selected if section 413(1) selected above there are reasonable grounds for suspecting that there is, or there will be within the next [72/48] hours, at the premises described below, evidential material in relation to [an offence against an environmental law [and]/the contravention of an environmental penalty provision] namely [description of offence/contravention of penalty provision/both].
- ☐ (c) default selected if section 413(2) selected above that there are reasonable grounds for suspecting that the person described below has in his or her possession, or will within the next [72/48] hours have in his or her possession, any evidential material in relation to [an offence against an environmental law [and]/ the contravention of an environmental penalty provision] namely [description of offence/contravention of penalty provision/both].
- ☐ (d) default selected if section 409A or 416 selected above [a [monitoring] 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].

(e) there are grounds for the issue of the warrant under section[s] [409 [and 409A]/413(1)/413(2)[and] 416] of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

if applicable

The grounds relied upon to justify the issue of this warrant are:

Provision for numbered paragraphs

1. [description of grounds]

Mandatory if section 165(2) or 165(3) selected above

The reasons for issuing this warrant are:

Provision for numbered paragraphs

1. [description of reasons]

## Warrant

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

- ☐ mandatory if section 409 selected above enter [description of premises, address] to [description of purpose].
- ☐ search [description of premises, address or description of person] for [description of thing or things of particular kind].
- ☐ mandatory if section 413(1) selected above enter and search [description of premises, address] for [description of kind of evidential material].
- ☐ mandatory if 413(2) selected above carry out an [ordinary search/frisk search] of [[full name, date of birth]/[a person who is at or near [description of premises, address]] [[for description of evidential material]/[if the executing officer or an officer assisting suspects on reasonable grounds that the person has in his or her possession [any evidential material in relation to an offence against an environmental law, in relation to a contravention of an environmental penalty provision or in relation to both]/any eligible seizable items]]].

A frisk search means a search of a person conducted by quickly running the hands over the person's outer garments and an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person. An ordinary search may include requiring the person to remove his or her overcoat, coat or jacket and any gloves shoes and hat and examination of those items

- ☐ mandatory if section 413(1) selected above **Seize:**
  - ☐ mandatory if section 413(1) selected above a thing, other than evidential material of the kind described above, found in the course of the search.
  - ☐ mandatory if section 413(2) selected above a thing, other than evidential material of the kind described above found, in the course of the search, on or in the possession of [full name, date of birth], or in an aircraft, vehicle or vessel that that person had operated or occupied at any time within 24 hours before the search began, being a thing.

that the executing officer or an officer assisting believes on reasonable grounds to be evidential material in relation to an officer, or in relation to a contravention of an environmental penalty provision, to which the warrant relates, or evidential material in relation another indictable offence against an environmental law, or evidential material in relation to another contravention of an environmental penalty provision, if the executing officer or an officer 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 against an offence against an environmental law or in contravening an environmental penalty provision
- ☐ mandatory if section 409 selected above **exercise:**
  - ☐ mandatory if section 409 selected above monitoring powers in relation to the premises [description of premises, address].
  - ☐ mandatory if section 409 selected above powers of seizure conferred by section 444A or 445 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

☐ [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 [48 hours/7 days/6 months] after the issue of this warrant.

**Authentication**

.....  
Signature of Magistrate  
[*title and name*]