

Case Number:

Date Signed:

FDN:

SEARCH WARRANT
Proceeds of Crime Act 2002 (Cth)

COMMONWEALTH OF AUSTRALIA

PROCEEDS OF CRIME ACT 2002: Section [225/225 and 229]

SEARCH WARRANT

TO: *[full name]*

an authorised officer of an enforcement agency within the meaning of the *Proceeds of Crime Act 2002*, who is the executing officer in relation to this warrant;

AND to any other authorised officer of an enforcement agency whose name may be written on this warrant in accordance with section 227(1)(e) of the *Proceeds of Crime Act 2002*, in which event that officer shall be the executing officer in relation to this warrant:

WHEREAS I, _____ a Magistrate within the meaning of the *Proceeds of Crime Act 2002*, am satisfied by *[information on oath/information by electronic means]* provided to me by an authorised officer of an enforcement agency that there are reasonable grounds for suspecting that *[there is/there will be within the next 48 hours/there will be within the next 72 hours]* at the following premises:

[address and/or description of the premises]

Tainted property of the following kind:

[full description]

Evidential material of the following kind:

[full description]

AND WHEREAS I am satisfied that *[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 effect execution of the warrant]*.

I HEREBY issue this search warrant which authorises you to enter and search the premises described above.

By virtue of section 228(1) of the *Proceeds of Crime Act 2002* this warrant authorises the executing officer or a person assisting to do all of the following;

- to enter the premises described above *[between the hours of xx and xx/at any time]*;
- to search for and record fingerprints found at the premises and to take samples of things found at the premises for forensic purposes;

- to search the premises for the kinds of tainted property or evidential material described above and to seize things of that kind found at the premises;
- to seize other things found at the premises in the course of the search that the executing officer or a person assisting believes on reasonable grounds to be:
 - tainted property to which this warrant relates;
 - evidential material in relation to property to which this warrant relates;
 - evidential material (within the meaning of the *Crimes Act 1914*) relating to an indictable offence;

if he or she 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.

By virtue of section 228(2) of the *Proceeds of Crime Act 2002* this warrant authorises the executing officer to make things seized under the warrant available to officers of other enforcement agencies if it is necessary to do so for the purpose of:

- investigating or prosecuting an offence to which the things relate; or
- recovering proceeds of an offence or an instrument of an offence.

THIS WARRANT also authorises the executing officer or a person assisting who is an authorised officer of an enforcement agency to conduct [*an ordinary search/a frisk search/an ordinary search and frisk search*] of a person who is at or near the premises if the executing officer or the person assisting suspects on reasonable grounds that the person has tainted property or evidential material in his or her possession.

Note that, by virtue of section 237 of the *Proceeds of Crime Act 2002*, a search of a person under this warrant must, if practicable, be conducted by a person of the same sex as the person being searched.

THIS WARRANT does not authorise the executing officer or a person assisting to conduct a search of a person who is at or near the premises.

AND, by virtue of section 238 of the *Proceeds of Crime Act 2002*, in executing this warrant:

- the executing officer may obtain such assistance and use such force against persons and things as is necessary and reasonable in the circumstances;
- an authorised officer of an enforcement agency who is assisting in the execution of this warrant may use such force against persons and things as is necessary and reasonable in the circumstances; and
- a person who is not an authorised officer of an enforcement agency but who has been authorised to assist in executing this warrant may use such force against things as is necessary and reasonable in the circumstances.

AND the executing officer or a person assisting may exercise such other of the powers available under sections 242 to 247 of the *Proceeds of Crime Act 2002* as are appropriate in the circumstances of the case.

AND if you exercise the power under section 247 of the *Proceeds of Crime Act 2002* to secure electronic equipment on the premises, and if you then leave the premises, this warrant authorises a further entry to the premises to allow an expert to operate the equipment, provided that the further entry is made within 24 hours or that period is extended under section 247(4) of the Act.

The nature of the property in respect of which action has been or could be taken under the *Proceeds of Crime Act 2002* and the nature of that action is as follows:

[*details*]

Legal professional privilege

Note: This warrant is issued in recognition that a claim for legal professional privilege may be made in respect of documents covered by this warrant and on the understanding that, if that occurs, the executing officer will, as far as is reasonably practicable, follow the course of action set out in the document entitled "General Guidelines between the Australian Federal Police and the Law Council of Australia as to the Execution of Search Warrants on lawyer's premises, Law Societies and like institutions in circumstances where a claim of legal professional privilege is made" a copy of which is attached to this warrant.

Note: This warrant is issued in recognition that a claim for legal professional privilege may be made in respect of documents covered by this warrant and on the understanding that, if that occurs, the executing officer will, as

far as is reasonably practicable, follow the course of action set out in the document entitled "Claims for Legal Professional Privilege: Premises other than those of a Lawyer, Law Society or Like Institution" a copy of which is attached to this warrant.

Public interest immunity

Note: This warrant is issued in recognition that a claim for public interest immunity may be made in respect of documents covered by this warrant and on the understanding that, if that occurs, the executing officer will, as far as is reasonably practicable, follow the course of action set out in the document entitled "Claims for Public Interest Immunity" a copy of which is attached to this warrant.

A statement setting out the rights and obligations of the person is attached to this warrant.

This warrant may be executed at *[any time of the day or night/between the hours of xx and xx]*.

- The time at which this warrant expires is midnight at the end of the seventh day after the day on which the warrant is issued (or lesser period).
- This warrant remains in force for a period of 47 hours (or lesser period) from the time of issue.

Given under my hand at *[court/location]*

in the State of South Australia

this *[day]* day of *[month and year]* at *[time – if 48/72 hr warrant]*

A Magistrate in and for the State of South Australia