

SOUTH AUSTRALIA

CRIMES (CONFISCATION OF PROFITS) REGULATIONS, 1987

**REGULATIONS UNDER THE CRIMES (CONFISCATION OF PROFITS)
ACT, 1986**

Crimes (Confiscation of Profits) Regulations, 1987

being

No. 29 of 1987: *Gaz.* 26 February 1987, p. 538¹

as varied by

No. 213 of 1991: *Gaz.* 10 October 1991, p. 1046

¹ Came into operation 1 March 1987: reg. 2.

2.

1. These regulations may be cited as the *Crimes (Confiscation of Profits) Regulations, 1987*.

2. These regulations will come into operation on 1 March, 1987.

3. In these regulations, unless the contrary intention appears—

"the Act" means the *Crimes (Confiscation of Profits) Act, 1986*.

4. A search warrant issued by a magistrate under section 7 of the Act, on the personal application of a member of the police force, must be in the form of Form 1 of the schedule.

5. A search warrant issued by a magistrate under section 7 of the Act, on the telephone application of a member of the police force, must be in the form of Form 2 of the schedule.

6. A notice under section 8(6) of the Act must be in the form of Form 3 of the schedule.

SCHEDULE

Form 1

Crimes (Confiscation of Profits) Act 1986

(section 7)

SEARCH WARRANT

(personal application)

WHEREAS

1. I.....a magistrate have received an application made personally and verified by affidavit for a search warrant from:

(name).....(rank).....(number)....., a member of the police force.

2. On the application I am satisfied that there are reasonable grounds to believe that a search of—

*(a)
Name of person to whom search warrant is applicable

*(b)
Address of premises to which search warrant is applicable

would reveal—

*(i) forfeitable property;

or

*(ii) a document or other material relevant to identifying, tracing, locating or quantifying forfeitable property,

I AUTHORIZE any member of the police force, with such assistants as the member thinks necessary—

*(a) to search the person named above;

*(b) to enter and search the premises described above and anything in those premises.

* This warrant must not be executed between the hours of 7 o'clock in the evening and 7 o'clock in the following morning.

* This warrant may be executed between the hours of 7 o'clock in the evening and 7 o'clock in the following morning.

This warrant will expire at the expiration of one month from the date appearing below.

Dated thisday of.....19.....

.....
Signature of magistrate issuing warrant

*Strike out if inapplicable

Crimes (Confiscation of Profits) Act 1986
(section 7)

SEARCH WARRANT
(application by telephone)

WHEREAS

1. I.....a magistrate have received an application by telephone for a search warrant in accordance with section 7(5) of the Act from:

(name).....(rank)..... (number)....., a member of the police force.

2. On the information furnished by the applicant I am satisfied that there are reasonable grounds to believe that a search of—

*(a)
Name of person to whom search warrant is applicable

*(b)
Address of premises to which search warrant is applicable

would reveal—

*(i) forfeitable property;

or

*(ii) a document or other material relevant to identifying, tracing, locating or quantifying forfeitable property,

I AUTHORIZE any member of the police force, with such assistants as the member thinks necessary—

*(a) to search the person named above;

*(b) to enter and search the premises described above and anything in those premises.

* This warrant must not be executed between the hours of 7 o'clock in the evening and 7 o'clock in the following morning.

* This warrant may be executed between the hours of 7 o'clock in the evening and 7 o'clock in the following morning.

This warrant will expire at the expiration of one month from the date appearing below.

Dated this.....day of.....19.....

.....
Signature of magistrate issuing warrant

*Strike out if inapplicable

Notation by magistrate of facts justifying issue of warrant (section 7(5)(d)):

.....

Crimes (Confiscation of Profits) Act 1986

(section 8(6))

NOTICE OF SEIZURE

*TO:.....
Name and address of person to whom search warrant is applicable

or

*TO: The occupier of premises situated at.....

TAKE NOTICE that....., magistrate,
Name of magistrate

did at.....*a.m./p.m. on theday of 19...., issue a search warrant—

*(a) to search the abovenamed person;

or

*(b) to enter and search premises situated at:

.....
address

and that I.....
Name, rank and number of police officer

did on the.....day of.....19.....,

carry out the search.

* No property was seized.

* The following items of property were seized in pursuance of the warrant:

.....
.....
.....

Dated this.....day.....19....

.....
Signature of abovenamed police officer

*Strike out whichever is inapplicable

6.

APPENDIX

LEGISLATIVE HISTORY

Schedule:

substituted by 213, 1991, reg. 2