

South Australia

## **Criminal Investigation (Extraterritorial Offences) Regulations 2010**

under the *Criminal Investigation (Extraterritorial Offences) Act 1984*

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#### **1—Short title**

These regulations may be cited as the *Criminal Investigation (Extraterritorial Offences) Regulations 2010*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Interpretation**

In these regulations—

*Act* means the *Criminal Investigation (Extraterritorial Offences) Act 1984*.

#### **4—Issue of search warrants (section 4 of Act)**

For the purposes of section 4 of the Act, the form of a search warrant issued by a magistrate is—

- (a) if the application for the warrant was made personally—as set out in Schedule 1 Form 1; and
- (b) if the application for the warrant was made by telephone—as set out in Schedule 1 Form 2.

#### **5—Authority conferred by, and other incidents of, a search warrant (section 5 of Act)**

For the purposes of section 5(6)(a) of the Act, the prescribed form for a notice is as set out in Schedule 1 Form 3.

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## Schedule 1—Forms

### Form 1—Warrant—application made personally

#### *Criminal Investigation (Extraterritorial Offences) Act 1984, section 4*

##### WHEREAS

- 1 I, *[insert name of magistrate]*, a magistrate, have received an application made personally and verified by affidavit for a search warrant from *[insert name, rank and number of police officer]*, a police officer.
- 2 I am satisfied that there are reasonable grounds to believe that—
  - (a) an offence to which the *Criminal Investigation (Extraterritorial Offences) Act 1984* applies has been, or is intended to be, committed; and
  - (b) there is an object relevant to the investigation of that offence on the following premises: *[insert address or description of premises]*

I AUTHORISE any police officer, with such assistants as the officer thinks necessary, to enter and search the premises described above and anything on those premises.

\*This warrant must not be executed between the hours of 7pm and 7am.

\*This warrant may be executed between the hours of 7pm and 7am.

\*This warrant may be executed during the following hours between 7pm and 7am: *[insert specified hours]*

\**[Strike out whichever is inapplicable]*

This warrant will expire 1 month after its date of issue.

Date of issue:

Time of issue:

Place of issue:

Signature of magistrate issuing warrant:

### Form 2—Warrant—application made by telephone

#### *Criminal Investigation (Extraterritorial Offences) Act 1984, section 4*

##### WHEREAS

- 1 I, *[insert name of magistrate]*, a magistrate, have received an application by telephone in accordance with section 4(5) of the Act for a search warrant from *[insert name, rank and number of police officer]*, a police officer.
- 2 I am satisfied that there are reasonable grounds to believe—
  - (a) that an offence to which the *Criminal Investigation (Extraterritorial Offences) Act 1984* applies has been, or is intended to be, committed; and
  - (b) there is an object relevant to the investigation of that offence on the following premises: *[insert address or description of premises]*
- 3 It appears to me that the following facts, furnished to me by the applicant, constitute proper grounds for the issue of a search warrant in respect of the premises described above: *[insert facts]*

- 4 I have informed the applicant of those facts and the applicant has undertaken to verify those facts.

I AUTHORISE any police officer, with such assistants as the officer thinks necessary, to enter and search the premises described above and anything on those premises.

\*This warrant must not be executed between the hours of 7pm and 7am.

\*This warrant may be executed between the hours of 7pm and 7am.

\*This warrant may be executed during the following hours between 7pm and 7am: *[insert specified hours]*

\**[Strike out whichever is inapplicable]*

This warrant will expire 1 month after its date of issue.

Date of issue:

Time of issue:

Place of issue:

Signature of magistrate issuing warrant:

### **Form 3—Notice of seizure of objects**

#### ***Criminal Investigation (Extraterritorial Offences) Act 1984, section 5(6)(a)***

#### **NOTICE TO OCCUPIER (to be completed and signed by police officer executing search warrant):**

Please note that premises occupied by you have been searched pursuant to a search warrant issued under the *Criminal Investigation (Extraterritorial Offences) Act 1984* and objects have been seized as follows:

Address or description of premises:

Description of objects or things seized:

Location(s) in which objects were found on premises:

Details of search warrant—

- Name of magistrate who issued warrant:
- Date, time and place of issue of warrant:

Name and rank of police officer:

Signature of police officer:

Date:

### **Schedule 2—Revocation of *Criminal Investigation (Extraterritorial Offences) Regulations 1986***

The *Criminal Investigation (Extraterritorial Offences) Regulations 1986* are revoked.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 26 August 2010

No 193 of 2010

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