

MAGISTRATES' COURT ACT 1989 - SECT 57

Warrants

(1) The following warrants may be issued—

- (a) warrant to arrest;
- (b) remand warrant;
- (c) search warrant;
- (d) warrant to seize property;
- (e) warrant to imprison;

(1AA) A warrant may be issued in paper form or electronically in accordance with this Division.

(1A) A warrant may be issued electronically by the person issuing the warrant causing the warrant, or the prescribed particulars of the warrant, to be transmitted electronically to the person to whom the warrant is issued in accordance with the regulations, if any.

(1B) A warrant issued in accordance with subsection (1A)—

(a) directs and authorises the person to whom it is issued to do all things that the person would have been directed or authorised to do if a warrant containing the particulars referred to in subsection (1A) had been issued in paper form under subsection (1) by the person issuing the warrant; and

(2) The person issuing a warrant must cause the prescribed particulars of the warrant to be entered in the register.

(3) A warrant must name or otherwise describe the person or property against whom or which it is issued.

(4) All warrants, other than a search warrant, may be issued by a registrar, a judicial registrar or a magistrate.

(5) A search warrant may only be issued by a magistrate.

(8) A warrant must be executed by the use of a copy of the warrant, known as the execution copy, or by the use of a copy of the execution copy, including a copy transmitted by facsimile machine or other means of electronic communication.

(9) The execution copy of a warrant must be in writing and, subject to subsection (1A), must be signed or otherwise authenticated by the person issuing it.

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Search warrants

- (1) A search warrant may be issued as authorised by any Act other than this Act.
- (2) An application for a search warrant must be supported by evidence on oath or by affirmation or by affidavit.
- (3) An affidavit supporting an application for a search warrant may be a copy of an affidavit transmitted by facsimile machine or other means of electronic communication.

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Authority conferred by search warrant

- (1) A search warrant authorises the person to whom it is directed—
 - (a) if the warrant is to search for a person—
 - (i) to break, enter and search any place where the person named or described in the warrant is suspected to be; and
 - (ii) to arrest the person named or described in the warrant; and
 - (b) if the warrant is to search for any thing—
 - (i) to break, enter and search any place or vehicle named or described in the warrant for any article, thing or material of any kind named or described in the warrant; and
 - (ii) to bring the article, thing or material before the Court so that the matter may be dealt with according to law; and
 - (iii) to arrest any person apparently having possession, custody or control of the article, thing or material.
- (2) The person to whom a search warrant is directed must cause the person named or described in the warrant, or apparently having possession, custody or control of any article, thing or material named or described in the warrant, when arrested—
 - (a) to be brought before a bail justice or the Court within a reasonable time of being arrested to be dealt with according to law;
- (6) The Court may direct that any article, thing or material seized under a search warrant be returned to its owner, subject to any condition that the Court thinks fit, if in the opinion of the Court it can be returned consistently with the interests of justice.