

NORTHERN TERRITORY OF AUSTRALIA
AUSTRALIAN CRIME COMMISSION (NORTHERN TERRITORY)
REGULATIONS

Regulations No. 10 of 2005

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Regulations No. 10 of 2005*

Australian Crime Commission (Northern Territory) Regulations

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Australian Crime Commission (Northern Territory) Act*.

Dated 6 May 2005.

E. J. EGAN
Administrator

By His Honour's Command

PETER TOYNE
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 18 May 2005.

1. Citation

These Regulations may be cited as the *Australian Crime Commission (Northern Territory) Regulations*.

2. Commencement

These Regulations come into operation on the commencement of the *Australian Crime Commission (Northern Territory) Act 2005*.

3. Definitions

In these Regulations –

"Commonwealth regulations" means the *Australian Crime Commission Regulations 2002* (Cth);

"judge" means –

- (a) a Judge of the Federal Court; or
- (b) a Judge of the Supreme Court.

4. Service of summons to appear before examiner

(1) For section 23(1) and (2) of the Act, each manner of serving a summons set out in this regulation is prescribed.

(2) If the person named in the summons is a natural person, the summons must be served –

- (a) by –
 - (i) tendering a copy of the summons to the person; or
 - (ii) if, on tender of the copy, the person refuses to accept it – putting it down in the presence of the person or leaving it at or upon the place or premises where the person is;
- (b) if service in the manner specified in paragraph (a) is not practicable, by –
 - (i) leaving a copy of the summons at the last known or usual place of residence or business of the person with another person who is, or is reasonably believed to be, over the age of 16 years and is, or is reasonably believed to be, residing or employed at that place; or

- (ii) sending a copy of the summons by registered post or certified mail to the person at the last known or usual place of residence or business of the person or at the last known or usual postal address of the person; or
- (c) if a judge has, subject to subregulation (4), given a direction that the summons should be served in this manner, by –
 - (i) leaving a copy of the summons with another person identified in the direction, being a person who, in the opinion of the judge, is likely to bring the contents of the summons to the notice of the person; or
 - (ii) sending it by registered post or certified mail to an address specified in the direction, being the address of a place that the judge has reasonable grounds to believe to be a place frequented by the person.
- (3) If the person named in the summons is a body corporate, the summons must be served by –
 - (a) tendering a copy of the summons to a person who is, or is reasonably believed to be, an officer of, or in the service of, the body corporate and is, or is reasonably believed to be, over the age of 16 years at the head office, a registered office, a principal office or a principal place of business of the body corporate;
 - (b) if on tender of the copy the person refuses to accept it – leaving it at or on the premises; or
 - (c) sending a copy of the summons by registered post or certified mail to the head office, a registered office, a principal office or a principal place of business of the body corporate or at the last postal address of the body corporate.
- (4) A judge must not give a direction referred to in subregulation (2)(c) in relation to the service of a summons on a person unless the judge is satisfied on information given in writing by the examiner that –
 - (a) service of the summons on the person in a manner specified in subregulation (2)(a) or (b) has not been, or is not likely to be, successful; and
 - (b) there is a likelihood that service of the summons in a manner specified in subregulation (2)(c) would result in the summons coming to the notice of the person.

5. Warrant for arrest of witness

A warrant issued pursuant to section 24(1) of the Act for the apprehension of a person must be in the same form, with the necessary changes, as the form of warrant prescribed from time to time under regulation 8 of the Commonwealth regulations.

6. Search warrants

A warrant issued by an issuing officer pursuant to section 29 of the Act must be in the same form, with the necessary changes, as the form of warrant prescribed from time to time under regulation 3 of the Commonwealth regulations.
