

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1995, No. 17*

Regulations under the *National Crime Authority (Territory Provisions) Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *National Crime Authority (Territory Provisions) Act*.

Dated 31 May 1995.

K.J.A. ASCHE
Administrator

NATIONAL CRIME AUTHORITY
(TERRITORY PROVISIONS) REGULATIONS

1. CITATION

These Regulations may be cited as the National Crime Authority (Territory Provisions) Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *National Crime Authority (Territory Provisions) Amendment Act 1994*.

3. SEARCH WARRANT

A warrant issued under section 12 of the Act may be in accordance with Form 1 in the Schedule.

4. SERVICE OF SUMMONS TO APPEAR BEFORE AUTHORITY

(1) For the purposes of section 19(1) or (2) of the Act, each of the manners of serving a summons specified in this regulation is prescribed.

* Notified in the *Northern Territory Government Gazette* on 1 June 1995.

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(2) Where the person named in the summons is a natural person a summons may be served by -

- (a) tendering a copy of the summons to the person or, 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 -

- (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 (3), given a direction that the summons should be so served -

- (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) A Judge shall 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 upon information furnished in writing by a member or an acting member of the Authority 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.

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(4) Where the person named in the summons is a body corporate, a summons may be served by -

(a) tendering a copy of the summons to a person who is, or is reasonably believed to be -

(i) an officer of, or in the service of, the body corporate; and

(ii) above 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 or, if on tender of the copy the person refuses to accept it, leaving it at or upon the premises; or

(b) 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 a postal address of the body corporate.

(5) In this regulation "Judge" means -

(a) a Judge of the Federal Court; or

(b) a Judge of the Court of a State or Territory.

5. WARRANT FOR ARREST OF WITNESS

A warrant issued under section 20(1) of the Act may be in accordance with Form 2 in the Schedule.

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SCHEDULE

Regulation 3

FORM 1

National Crime Authority (Territory Provisions) Act

WARRANT UNDER SECTION 12

TO: (name)

* a member of the Australian Federal Police.

* a member of the Police Force of the (insert "Northern Territory" or name of State, as case requires).

WHEREAS -

(a) an application has been made -

* under section 12(1)

* by telephone under section 13(1)

of the National Crime Authority (Territory Provisions) Act for the issue of a warrant under section 12 of the Act in relation to -

* land situated at

* premises situated at

* the vessel (insert name) owned by (insert name and address)

* aircraft (special identifying marks) owned by (insert name and address)

* vehicle registration number _____ a (specify type of vehicle) owned by (insert name and address); and

(b) I, (full name) _____, a Judge of (specify court), am satisfied, on information given to me -

* by affidavit

* orally

* both by affidavit and orally

that there are reasonable grounds for issuing this warrant under that section for the purpose of preventing

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the concealment, loss, mutilation or destruction of any -

(description of the particular kind of thing or things the seizure of which is to be authorised by the warrant)

that there may be on -

(insert date of the day that is, in relation to the application, the relevant day for the purposes of section 12 of the National Crime Authority (Territory Provisions) Act or, if that day is the day on which, or a day before the day on which, the warrant is issued, insert "this day")

* upon
* in

the abovementioned (land, premises, vessel &c.) and that are connected with the matter relating to a relevant criminal activity specified in the Schedule, being a matter into which the National Crime Authority is conducting a special investigation:

YOU ARE HEREBY AUTHORISED, with such assistance as you think necessary and if necessary by force -

(c) to enter -

* upon
* into

the abovementioned (land, premises, vessel &c.) -

* between the hours of and
* at any time of the day or night;

(d) to search the (land, premises, vessel &c.) for (description of the particular kind of thing or things the seizure of which is to be authorised by the warrant) connected with the matter specified in the Schedule; and

(e) to seize any (description of the particular kind of thing or things the seizure of which is to be authorised by the warrant) connected with the matter specified in the Schedule, found -

* upon
* in

the (land, premises, vessel &c.) and deliver them to the Authority.

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SCHEDULE

(Specify matter relating to relevant criminal activity into which Authority is conducting special investigation and with which the thing or things the seizure of which is to be authorised are connected)

THIS WARRANT ceases to have effect on (insert date not being later than one month after the date of issue of the warrant).

Issued on 19 .

.....
(Signature and designation of Judge issuing warrant)

(3) This warrant is issued for the following reasons * :

(To be completed by the Judge issuing the warrant where the warrant is issued upon an application made by telephone in accordance with section 13 of the National Crime Authority (Territory Provisions) Act).

* omit if inapplicable

FORM 2

Regulation 5

National Crime Authority (Territory Provisions) Act

* IN THE FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY
DIVISION No. of 19

OR

* IN THE SUPREME COURT OF
THE NORTHERN TERRITORY No. of 19

The application of
WARRANT TO APPREHEND

TO:

WHEREAS, upon the application made by [if required: (full name) on behalf of] the National Crime Authority in this matter.

I (full name) -

- * a Judge of the Federal Court, sitting in Chambers;
- OR
- * a Judge of the Supreme Court -

