

### 3. Service of summons to appear before an examiner

- (1) This regulation prescribes the manners in which a summons may be served on a person (the “**witness**”) for the purposes of section 23(1) and (2) of the Act.
- (2) Service may be effected by —
  - (a) tendering a copy of the summons to the witness; or
  - (b) if on tender of the copy the witness refuses to accept it, putting it down in the presence of the witness or leaving it at or upon the place or premises where the witness is.
- (3) If service in the manner specified in subregulation (2) is not practicable, service may be effected by —
  - (a) leaving a copy of the summons at the last known or usual place of residence or business of the witness with another person who is, or is reasonably believed to be —
    - (i) over 16 years of age; and
    - (ii) residing or employed at that place;or
  - (b) sending a copy of the summons by registered post to the witness at his or her last known or usual postal address.
- (4) If a Judge has, subject to subregulation (5), given a direction that the summons should be so served, service may be effected by —
  - (a) 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 witness; or
  - (b) sending a copy of the summons by registered post 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 witness.
- (5) A Judge must not give a direction referred to in subregulation (4) unless the Judge is satisfied upon information furnished in writing by an examiner that —
  - (a) service of the summons on the witness in a manner specified in subregulation (2) or (3) 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 (4) would result in the summons coming to the notice of the witness.
- (6) In this regulation “**Judge**” means —
  - (a) a Judge of the Federal Court; or
  - (b) a Judge of a court of the State.