

Western Australia

National Crime Authority (State Provisions) Regulations 1989

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National Crime Authority (State Provisions) Regulations 1989

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Schedule

NOTES

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT 1985

National Crime Authority (State Provisions) Regulations 1989

MADE by His Excellency the Governor in Executive Council.

1. Citation

These regulations may be cited as the National Crime Authority (State Provisions) Regulations 1989.

2. Commencement

These regulations shall come into operation on the day on which the *National Crime Authority (State Provisions) Amendment Act 1988* comes into operation.

3. Search warrant

A warrant issued by a Judge under section 12 of the Act shall be in the form of Form 1 in the Schedule.

[4. Repealed by Gazette 14 November 1995 p.5310.]

5. Service of summons to appear before Authority

- (1) For the purposes of section 19 of the Act, each of the following manners of serving a summons is prescribed —
 - (a) where the person named in the summons is a natural person —

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- (i) 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;
 - (ii) if the service in the manner specified in subparagraph (i) is not practicable — 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 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;
 - (iii) if a Judge has, subject to subregulation (2), given a direction that the summons should be so served — 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 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;
- (b) Where the person named in the summons is a body corporate —
 - (i) 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, 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;

- (ii) 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 a postal address of the body corporate.

- (2) A Judge shall not give a direction referred to in subparagraph (1) (a) (iii) 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, that —

- (a) service of the summons on the person in a manner specified in subparagraph (1) (a) (i) or (ii) 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 subparagraph (1) (a) (iii) would result in the summons coming to the notice of the person.

- (3) In this regulation, “**Judge**” means —

- (a) a Judge of the Federal Court; or
- (b) a Judge of a court of a State or Territory.

6. Warrant for arrest of witness

A warrant issued under section 20 of the Act for the apprehension of a person shall be in accordance with Form 3 in the Schedule.

Sch.

Schedule

Form 1

[Regulation 3]

Western Australia

National Crime Authority (State Provisions) Act 1985

WARRANT UNDER SECTION 12

To: (name)

*a member of the Australian Federal Police.

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

Whereas —

- (a) an application has been made *under section 12/*by telephone under section 13/of the *National Crime Authority (State Provisions) Act 1985* 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 (specify identifying marks) owned by (insert name and address):

*vehicle Registration No. , (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 the concealment, loss, mutilation or destruction of any ¶ 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 (State Provisions) Act 1985* or, if that day is the day on which, the warrant is issued, insert “this day”) *upon/*in/the abovementioned# 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 authorized, with such assistance as you think necessary and if necessary by force —

- (c) to enter *upon/*into/the abovementioned#
 *between the hours of and :/
 *at any time of the day or night:/
- (d) to search the# for‡ connected with the matter specified
 in the Schedule; and
- (e) to seize any‡ connected with the matter specified in the
 Schedule found *upon/*in the# and deliver them to the
 Authority.

Schedule

(Specify matter relating to relevant criminal activity into which Authority is
 conducting special investigation and with which the things the seizure of
 which is to be authorized 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)

§ This warrant is issued for the following reasons —

.....

* Omit if inapplicable

‡ Insert in blank space a description of the particular kind of things the seizure
 of which is to be authorized by the warrant.

Insert in blank space “land”, “premises”, “vessel”, “aircraft” or “vehicle”, as
 the case requires.

§ 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 (State Provisions) Act 1985*, omit if
 inapplicable.

[Form 2 deleted]

Sch.

Form 3

[Regulation 6]

Western Australia

National Crime Authority (State Provisions) Act 1985

(Section 20)

WARRANT TO APPREHEND

To:

Whereas, upon the application made by *[(full name) on behalf of] the National Crime Authority in this matter, I, (full name), a Judge of the Federal Court of Australia, sitting in Chambers, am satisfied by evidence on oath that there are reasonable grounds to believe that (full name and address of person to be apprehended) —

who has been ordered, under section 15 of the *National Crime Authority (State Provisions) Act 1985*, to deliver ** his/ ** her/passport to the Authority is nevertheless likely to leave Australia for the purpose of avoiding giving evidence before the Authority. ‡

in relation to whom a summons has been issued under section 17 (1) of the *National Crime Authority (State Provisions) Act 1985*—

- (i) has absconded or is likely to abscond; or
- (ii) is otherwise attempting, or is otherwise likely to attempt, to evade service of the summons. ‡

These are therefore to command you to apprehend (full name of person to be apprehended) and to bring ‡him/ ‡her/, as soon as practicable, before a Judge of the Federal Court to be dealt with according to law.

Dated

19 .

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

* Add words within brackets, if necessary.

‡ Omit if inapplicable.

[Schedule amended by Gazette 14 November 1995 p.5310.]

Notes

- ^{1.} This is a compilation of the *National Crime Authority (State Provisions) Regulations 1989* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>National Crime Authority (State Provisions) Regulations 1989</i>	2 Jun 1989 pp.1608-11	2 Jun 1989
<i>National Crime Authority (State Provisions) Amendment Regulations 1995</i>	14 Nov 1995 pp.5309-10	14 Nov 1995