

Queensland



National Crime Authority (State Provisions) Act 1985

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) REGULATION 1986

**Reprinted as in force on 22 August 1996
(includes amendments up to SL No. 199 of 1996)**

Reprint No. 1 *

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

**NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2003 Act No. 83 s 54**

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This regulation is reprinted as at 22 August 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- use appropriate names for provision units (s 32)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit the words of notification (s 42A).

Also see endnotes for information about when provisions commenced.

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NATIONAL CRIME AUTHORITY (STATE PROVISIONS) REGULATION 1986

[as amended by all amendments that commenced on or before 22 August 1996]

1 Short title

This regulation may be cited as the *National Crime Authority (State Provisions) Regulation 1986*.

1A Definition

In this regulation—

“**approved form**” see section 2.

2 Forms

The chief executive may approve forms for use under the Act.

3 Search warrant

A warrant issued by a judge under section 12 of the Act shall be in the approved form.¹

5 Notice to produce

A notice under section 18(1) of the Act requiring a person to attend before a specified person and to produce a document or thing shall be in the approved form.²

1 Section 12(5) of the Act states what information the form must contain.

2 Section 18(1) of the Act states what information the form must contain.

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6 Service of summons or notice

(1) For the purposes of this Act, a summons or notice shall be served in the following manner—

- (a) where the person named in the summons or notice is a natural person—
 - (i) by tendering a copy of the summons or notice to the person, or, if on tender of the copy the person refuses to accept it, by putting it down in the presence of that person or by leaving it at or upon the place or premises where that person is;
 - (ii) if service in the manner specified in subparagraph (i) is not practical—by leaving a copy of the summons or notice 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 by sending a copy of the summons or notice by security post or certified mail to the person at the last known or usual place of residence or business of the person;
 - (iii) if a judge has, subject to subsection (2), given a direction that the summons or notice should be so served—by leaving a copy of the summons or notice 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 or notice to the attention of the person, or by sending it by security 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 or notice is a body corporate—
 - (i) by tendering a copy of the summons or notice 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, or if the person to whom tender of the copy is made refuses to accept it, by putting it

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down in the presence of that person or by leaving it at or upon the place or premises where that person is;

- (ii) by sending a copy of the summons or notice by security 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 to a postal address of the body corporate.

(2) A judge shall not give a direction referred to in subsection (1)(a)(iii) in relation to the service of a summons or notice on a person unless the judge is satisfied upon information furnished in writing that—

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

(3) In this section—

“judge” means a Federal Court judge or a Supreme Court judge.

7 Warrant for arrest of witness

(1) A warrant issued under section 20(1) of the Act for the apprehension of a person shall be in the approved form.

(2) An approved form for a warrant for the apprehension of a person must include provision for the following—

- (a) a statement that the judge is satisfied, by evidence given on oath, that there are reasonable grounds to believe that the person to be apprehended—
 - (i) has been ordered under section 15 of the Act to give the person’s passport to the authority and, whether or not the person has complied with the order, is likely to leave Australia to avoid giving evidence before the authority; or
 - (ii) has been issued with a summons to appear before the authority to give evidence and to produce documents or other things and—
 - (A) has absconded or is likely to abscond; or

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- (B) is otherwise attempting, or likely to attempt, to evade service of the summons; or
 - (iii) has committed, or is likely to commit, an offence under section 19(1) of the Act;
 - (b) the full name of the person to whom it is addressed;
 - (c) the full name and address of the person to be apprehended;
 - (d) the full name of the applicant for the warrant;
 - (e) the full name of the judge issuing it;
 - (f) a direction to apprehend the person and bring the person, as soon as practicable, before a judge of the court to be dealt with according to law.
- (3) The warrant must also be signed by the judge issuing it and state the judge's designation.

8 Transitional provision about forms

- (1) This section applies if—
- (a) immediately before its commencement, there was a prescribed form for a matter; and
 - (b) on the commencement, there is to be an approved form for the matter.
- (2) The form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter until there is an approved form for the matter or this section expires, whichever happens first.
- (3) This section expires 6 months after it commences.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 August 1996. Future amendments of the National Crime Authority (State Provisions) Regulation 1986 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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4 List of legislation

National Crime Authority (State Provisions) Regulation 1986

made by the Governor in Council on 5 June 1986
 pubd gaz 7 June 1986 pp 1127–32
 commenced on date of publication
exp 30 June 2003 (see SIA s 56(1) and SIR s 5 sch 3)
 amending legislation—

National Crime Authority (State Provisions) Amendment Regulation (No. 1) 1996 SL No. 199

notfd gaz 2 August 1996 pp 1642–3
 commenced on date of notification

5 List of annotations

Definition

s 1A ins 1996 SL No. 199 s 3

Forms

s 2 sub 1996 SL No. 199 s 4

Search warrant

s 3 amd 1996 SL No. 199 s 5

Summons to appear before Authority

s 4 om 1996 SL No. 199 s 6

Notice to produce

s 5 amd 1996 SL No. 199 s 7

Service of summons or notice

s 6 amd 1996 SL No. 199 s 8

Warrant for arrest of witness

s 7 amd 1996 SL No. 199 s 9

Transitional provision about forms

s 8 ins 1996 SL No. 199 s 10
exp 2 February 1997 (see s 8(3))

SCHEDULE

om 1996 SL No. 199 s 11