



Queensland

*Australian Crime Commission (Queensland) Act 2003*

# **Australian Crime Commission (Queensland) Regulation 2016**

**Current as at 1 September 2016**





Queensland

# Australian Crime Commission (Queensland) Regulation 2016

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# Australian Crime Commission (Queensland) Regulation 2016

## 1 Short title

This regulation may be cited as the *Australian Crime Commission (Queensland) Regulation 2016*.

## 2 Commencement

This regulation commences on 1 September 2016.

## 3 Definition

In this regulation—

***Commonwealth regulation*** means the *Australian Crime Commission Regulations 2002* (Cwlth).

## 4 Service of summons to appear before an examiner

- (1) This section prescribes the ways of serving a summons for section 23(1) and (2) of the Act.
- (2) If the person named in the summons is a natural person—
  - (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; or
  - (b) if service in the way mentioned 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, more than 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 subsection (4), given a direction that the summons should be served in this way—
  - (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 stated 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—
  - (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, more than 16 years at the head office, a registered office, a principal office or a principal place of business of the body corporate; or
  - (b) if on tender of the copy under paragraph (a) the person refuses to accept it, leaving it at or upon 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 a postal address of the body corporate.
- (4) A judge must not give a direction referred to in subsection (2)(c) in relation to the service of a summons on a person unless the judge is satisfied upon information given in writing by an examiner, that—

- (a) service of the summons on the person in a way mentioned in subsection (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 way mentioned in subsection (2)(c) would result in the summons coming to the notice of the person.
- (5) In this section—
- judge* means—
- (a) a judge of the Federal Court; or
  - (b) a judge of a court of the State.

## **5 Warrant for arrest of witness—Act, s 24**

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

## **6 Search warrant—Act, s 29**

A warrant issued by an issuing officer under section 29 of the Act must be in the same form, with necessary changes, as the form of warrant prescribed under the Commonwealth regulation, regulation 4.

## 1 Index to endnotes

- 2 Key
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## 2 Key

Key to abbreviations in list of legislation and annotations

| Key           | Explanation                    | Key             | Explanation         |
|---------------|--------------------------------|-----------------|---------------------|
| <b>AIA</b>    | = Acts Interpretation Act 1954 | <b>(prev)</b>   | = previously        |
| <b>amd</b>    | = amended                      | <b>proc</b>     | = proclamation      |
| <b>amd t</b>  | = amendment                    | <b>prov</b>     | = provision         |
| <b>ch</b>     | = chapter                      | <b>pt</b>       | = part              |
| <b>def</b>    | = definition                   | <b>pubd</b>     | = published         |
| <b>div</b>    | = division                     | <b>R[X]</b>     | = Reprint No. [X]   |
| <b>exp</b>    | = expires/expired              | <b>RA</b>       | = Reprints Act 1992 |
| <b>gaz</b>    | = gazette                      | <b>reloc</b>    | = relocated         |
| <b>hdg</b>    | = heading                      | <b>renu m</b>   | = renumbered        |
| <b>ins</b>    | = inserted                     | <b>rep</b>      | = repealed          |
| <b>lap</b>    | = lapsed                       | <b>(retro )</b> | = retrospectively   |
| <b>notf d</b> | = notified                     | <b>rv</b>       | = revised version   |
| <b>num</b>    | = numbered                     | <b>s</b>        | = section           |
| <b>o in c</b> | = order in council             | <b>sch</b>      | = schedule          |

| Key  | Explanation | Key  | Explanation                             |
|------|-------------|------|-----------------------------------------|
| om   | = omitted   | sdiv | = subdivision                           |
| orig | = original  | SIA  | = Statutory Instruments Act 1992        |
| p    | = page      | SIR  | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL   | = subordinate legislation               |
| prec | = preceding | sub  | = substituted                           |
| pres | = present   | unnu | = unnumbered                            |
|      |             | m    |                                         |
| prev | = previous  |      |                                         |

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Current as at    | Amendments included | Notes |
|------------------|---------------------|-------|
| 1 September 2016 | none                |       |

## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

### **Australian Crime Commission (Queensland) Regulation 2016 SL No. 120**

made by the Governor in Council on 21 July 2016

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 22 July 2016

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2016 (see s 2)

exp 1 September 2026 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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