



Australian Capital Territory

Australian Crime Commission (ACT) Regulations 2004

Subordinate Law SL2004-21

The Australian Capital Territory Executive makes the following regulations under the *Australian Crime Commission (ACT) Act 2003*.

Dated 18 June 2004.

JON STANHOPE
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

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1 Name of regulations

These regulations are the *Australian Crime Commission (ACT) Regulations 2004*.

2 Commencement

These regulations commence on the commencement of the *Australian Crime Commission (ACT) Act 2003*, section 53.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Service of summons on individuals—Act, s 26 (1) and (3)

- (1) A summons may be served on an individual by—
 - (a) giving a copy of the summons to the individual; or
 - (b) if on the giving of the summons the individual refuses to accept it—
 - (i) putting it down in the presence of the individual; or
 - (ii) leaving it at or on the place or premises where the individual is.
- (2) If service under subregulation (1) is not practicable, a copy of the summons may be served on an individual by—
 - (a) leaving it at the last-known or usual place of residence or business of the individual with someone else who is, or is reasonably believed to be—
 - (i) over 16 years old; and
 - (ii) living, or employed, at that place; or
 - (b) sending it by registered post or certified mail to the individual at the last-known or usual place of residence or business, or postal address, of the individual.
- (3) A judge may direct that a summons may be served on an individual by—
 - (a) leaving a copy of the summons with another individual identified in the direction, who in the judge's opinion is a

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- person likely to bring the contents of the summons to the notice of the individual; or
- (b) sending a copy of the summons by registered post or certified mail to an address stated in the direction, that the judge has reasonable grounds to believe to be the address of a place frequented by the individual.
- (4) However, a judge must not give a direction under subregulation (3) unless the judge is satisfied, based on information given in writing by an examiner, that—
- (a) service of the summons on the individual under subregulation (1) or (2) has not been, or is not likely to be, successful; and
- (b) service of the summons in accordance with the direction is likely to result in the summons coming to the notice of the individual.
- (5) In this regulation:

judge includes a judge of the Federal Court.

Note ***Judge*** is defined in the Legislation Act to mean a resident judge, additional judge or acting judge under the *Supreme Court Act 1933* (see Legislation Act, dict, pt 1).

5 Service of summons on corporations—Act, s 26 (1) and (3)

A summons may be served on a corporation by—

- (a) giving a copy of the summons to a person, at the head office, a registered office, a principal office or a principal place of business of the corporation, who is, or is reasonably believed to be—
- (i) an officer of, or in the service of, the corporation; and
- (ii) over 16 years old; or

- (b) if the person refuses to accept a copy of the summons—leaving it at or on the premises where the person is; 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, or postal address, of the corporation.

6 Approved forms

- (1) The Minister may, in writing, approve forms for the Act.

Note For other provisions about forms, see Legislation Act, s 255.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Endnotes

1 Notification

Notified under the Legislation Act on 22 June 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
