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Statutory Rules 1995 No. 1 250

International War Crimes Tribunals Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, make the following Regulations under the *International War Crimes Tribunals Act 1995*.

Dated 1995.

 22 August /
Governor-General BILL HAYDEN /

By His Excellency's Command,

Attorney-General

M. LAVARCH /

Citation

1. These Regulations may be cited as the International War Crimes Tribunals Regulations.

Commencement

2. These Regulations commence on the day on which the provisions of the Act, other than sections 1 and 2, commence.

Interpretation

3. (1) In these Regulations, unless the contrary intention appears:

“Act” means the *International War Crimes Tribunals Act 1995*.

(2) In these Regulations, a reference to a form by number is a reference to the form bearing that number in the Schedule.

[NOTE: The effect of section 25C and subsection 46 (1) of the *Acts Interpretation Act 1901* is that, unless the contrary intention appears, strict compliance with a form is not required and substantial compliance is sufficient.]

Statutory forms

4. For the purposes of a provision of the Act specified in column 2 of an item in the following table, the statutory form mentioned in that provision is set out in the form specified in column 3 of the item:

Column 1	Column 2	Column 3
Item	Provision of the Act and description of form	Form
1	subsection 9 (1) notice	1
2	subsection 10 (1) application for warrant for arrest	2
3	subsection 10 (1) warrant for arrest	3

Column 1	Column 2	Column 3
Item	Provision of the Act and description of form	Form
4	paragraph 10 (2) (a) application for warrant for arrest	4
5	subsection 10 (2) warrant for arrest	5
6	section 11 notice	6
7	section 13 notice	7
8	section 17 notice	10
9	subsection 18 (2) surrender warrant	11
10	subsection 26 (2) notice	12

Other forms

5. An application or authorisation, or a warrant, of a kind specified in column 2 of an item in the following table that is mentioned in a provision of the Act specified in that column of the item must be made or given, as each case requires, in the form specified in column 3 of the item:

Column 1	Column 2	Column 3
Item	Provision of the Act and description of form	Form
1	subsection 15 (1) application for warrant to search premises	8
2	subsection 15 (2) application for warrant to search person	9
3	subsection 33 (1) authorisation to apply for search warrant	13
4	subsection 34 (1) application for warrant to search premises	14
5	subsection 34 (2) application for warrant to search person	15
6	subsection 47 (1) warrant to search premises	16
7	subsection 47 (2) warrant to search person	17
8	subsection 58 (7) application to extend period	18
9	subsection 78 (3) warrant for return to custody	19

Power of magistrates to send for witnesses and documents

6. (1) A magistrate who performs a function under the Act may issue a summons in accordance with Form 20 that requires the person named in the summons:

- (a) to attend as a witness before the magistrate in connection with the performance by the magistrate of the function; and
- (b) to give evidence, answer questions and produce to the magistrate such documents and other articles in the person's custody or control as are referred to in the summons.

(2) Service on a person of a summons:

- (a) may be effected in any State or Territory; and
- (b) must be effected by:
 - (i) showing the summons to the person; and
 - (ii) personal delivery of a copy of the summons to the person.

Duty of witness to attend

7. A person summoned as a witness must attend at the place and time, and on the date, specified in the summons unless excused, or until released, from attending by a magistrate.

Witness fees and allowances

8. (1) A person who attends as a witness before a magistrate in a State or Territory in accordance with a summons is entitled to be paid:

- (a) fees and allowances as if the person were attending a court of summary jurisdiction in the State or Territory to give evidence before the court as a witness; or
- (b) in special circumstances, such fees and allowances as the magistrate directs.

(2) Fees and allowances are payable to a witness under subregulation (1) subject to the deduction of any amount previously paid to the witness for the expenses that he or she has incurred to attend before a magistrate as a witness.

(3) Fees and allowances are payable by the person at whose request the witness was summoned.

Power to examine on oath or affirmation

9. A magistrate may:
- (a) administer an oath to a person appearing as a witness before the magistrate; and
 - (b) examine the witness on oath.

[Note: Under paragraph 27 (b) of the *Acts Interpretation Act 1901*, the word “oath” is taken to include affirmation in the case of a person who is allowed by law to affirm.]

Protection in relation to functions under the Act

10. (1) A magistrate who performs a function under the Act in a State or Territory has the same protection and immunity as a Judge of the Supreme Court of the State or Territory has in the performance of his or her duty as a Judge of the Supreme Court.

(2) A legal practitioner appearing before a magistrate in a State or Territory in connection with the performance by the magistrate of a function under the Act has the same protection and immunity as a legal practitioner has in representing a party in proceedings in the Supreme Court of the State or Territory.

(3) If a person who is not represented by a legal practitioner appears before a magistrate in a State or Territory in connection with the performance by the magistrate of a function under the Act, the person has the same protection and immunity as a party to proceedings in the Supreme Court of the State or Territory has when appearing before that Court when not so represented.

(4) A witness summoned to attend or appearing before a magistrate who performs a function under the Act in a State or Territory has the same protection and immunity as a witness in proceedings in the Supreme Court of the State or Territory.

SCHEDULE

Subregulation 3 (2)

FORMS

Form 1

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

**NOTICE UNDER SUBSECTION 9 (1) IN RELATION
TO RECEIPT OF A SURRENDER REQUEST BY (*INSERT NAME
OF INTERNATIONAL WAR CRIMES TRIBUNAL*)**

TO a magistrate within the meaning of the *International War Crimes Tribunals Act 1995* before whom the person named in this notice is brought:

On the basis of:

- (a) a request made in accordance with subsection 8 (1) of the *International War Crimes Tribunals Act 1995*, by (*insert name of the International War Crimes Tribunal*) in relation to the surrender of (*insert name of person*); and
- (b) *[an arrest warrant issued by the Tribunal in relation to that person]*[a copy of an arrest warrant authenticated by the Tribunal in relation to that person] accompanying the request;

I,, Attorney-General of the Commonwealth of Australia:

- (c) enclose with this notice a copy of the arrest warrant issued by the Tribunal; and
- (d) under subsection 9 (1) of the *International War Crimes Tribunals Act 1995*, state that a request from the Tribunal in relation to the surrender of (*insert name of person*) has been received.

SCHEDULE—continued

Dated

Attorney-General

**Omit if inapplicable.*

Form 2

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

APPLICATION UNDER SUBSECTION 10 (1) FOR ARREST
WARRANT

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name of applicant*), (*insert capacity in which application is made*), apply under subsection 10 (1) of the *International War Crimes Tribunals Act 1995* on behalf of (*insert name of International War Crimes Tribunal*) for issue of a warrant, pursuant to a notice under section 9 of that Act, for the arrest of (*insert name of person*) .

Dated

.....
(*Signature of the applicant and the capacity in which the application is made*)

SCHEDULE—continued

Form 3

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

WARRANT FOR ARREST UNDER SUBSECTION 10 (1)

TO all police officers within the meaning of the *International War Crimes Tribunals Act 1995*:

On the basis of:

- (a) a notice from the Attorney-General of the Commonwealth of Australia under subsection 9 (1) of the *International War Crimes Tribunals Act 1995* stating that a request has been received from (*insert name of International War Crimes Tribunal*) for the surrender of (*insert name of person*); and
- (b) an application made on behalf of the Tribunal for issue of a warrant pursuant to the notice for the arrest of that person;

I, (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*, authorise you under subsection 10 (1) of that Act to arrest (*insert name of person*) and to bring *[him]*[her], as soon as practicable, before a magistrate in the State or Territory in which *[he]*[she] is arrested to be dealt with according to law.

Dated

.....
(*Signature and designation of magistrate issuing warrant*)

**Omit if inapplicable.*

SCHEDULE—continued

Form 4

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

APPLICATION UNDER SUBSECTION 10 (2) FOR ARREST
WARRANT

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name of applicant*), (*insert capacity in which application is made*), apply under subsection 10 (2) of the *International War Crimes Tribunals Act 1995* on behalf of (*insert name of International War Crimes Tribunal*) for issue of a warrant, otherwise than pursuant to a notice under section 9 of that Act, for the arrest of (*insert name of person*).

Because of the following circumstances of urgency, it is necessary to issue a warrant before receiving a notice from the Attorney-General under that section (*insert statement of the urgent circumstances*).

Attached to this application is a copy of the arrest warrant issued by the Tribunal in relation to that person.

Dated

.

.....
(*Signature of the applicant and the capacity in which the application is made*)

SCHEDULE—continued

Form 5

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

WARRANT FOR ARREST UNDER SUBSECTION 10 (2)

TO all police officers within the meaning of the *International War Crimes Tribunals Act 1995*:

On the basis of:

- (a) an application made on behalf of (*insert name of International War Crimes Tribunal*) for issue of a warrant for the arrest of (*insert name of person*); and
- (b) a statement in the application of circumstances of urgency that require the issue of the warrant before receipt of a notice under section 9 of that Act;

I, (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*, authorise you under subsection 10 (2) of that Act to arrest (*insert name of person*) and to bring *[him]*[her], as soon as practicable, before a magistrate in the State or Territory in which *[he]*[she] is arrested to be dealt with according to law.

Dated

.....
(*Signature and designation of magistrate issuing warrant*)

**Omit if inapplicable.*

SCHEDULE—continued

Form 6

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

NOTICE UNDER SECTION 11 DIRECTING MAGISTRATE TO
CANCEL ARREST WARRANT

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

On the basis of:

- (a) my having become aware of the issue of a warrant by a magistrate under section 10 of the *International War Crimes Tribunals Act 1995* for the arrest of (*insert name of person*); and
- (b) that person not having been arrested under that warrant; and
- * (c) my being satisfied that a request will not be received from (*insert name of International War Crimes Tribunal*) that would oblige me to issue a notice under section 9 of that Act;
- * (c) my considering that the warrant should be cancelled;

I,, Attorney-General of the Commonwealth of Australia, direct you under section 11 of the *International War Crimes Tribunals Act 1995* to cancel the warrant.

Dated

Attorney-General

* *Omit if inapplicable*

SCHEDULE—continued

Form 7

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

**NOTICE UNDER SECTION 13 TO ORDER
RELEASE FROM REMAND**

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

On the basis of:

- (a) my having become aware that (*insert name of person*), a person arrested under a warrant issued under section 10 of the *International War Crimes Tribunals Act 1995* has been remanded *[in custody]*[on bail] by a magistrate under section 12 of the Act; and
- *(b) my being satisfied that a request will not be received from (*insert name of International War Crimes Tribunal*) that would oblige me to issue a notice under section 9 of that Act;
- *(b) my considering that the remand should cease;

I,, Attorney-General of the Commonwealth of Australia, direct you under section 13 of the *International War Crimes Tribunals Act 1995* to order the *[release of (*insert name of person*) from custody]*[discharge of the recognisances on which bail was granted to (*insert name of person*)].

Dated .

Attorney-General

**Omit if inapplicable.*

SCHEDULE—continued

Form 8

Regulation 5

COMMONWEALTH OF AUSTRALIA

*International War Crimes Tribunals Act 1995*APPLICATION UNDER SUBSECTION 15 (1) FOR WARRANT
TO SEARCH PREMISES

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name and designation of police officer*), a police officer within the meaning of the *International War Crimes Tribunals Act 1995*:

- (a) being aware that (*insert name of person*) has been arrested under a warrant issued under section 10 of the *International War Crimes Tribunals Act 1995*; and
- (b) having reasonable grounds for suspecting that evidential material relating to a Tribunal offence in respect of which the warrant was issued is, or within *[48 hours (*in the case of an application by telephone, fax or other electronic means*)]*[72 hours (*in the case of any other application*)] will be, *[on]*[in]*[at] premises, being (*insert address or description of premises*);

by information on *[oath]*[affirmation]:

- (c) set out under subsection 15 (1) of that Act the following grounds for that suspicion:
(*insert statement of grounds for suspicion*);and
- *(d) set out under subsection 47 (4) of the Act the following grounds for suspecting that use of firearms will be necessary to execute the warrant:
(*insert statement of grounds for suspicion*); and

SCHEDULE—continued

Form 8—continued

- ***(e)** state under subsection 47 (5) of the Act that I am a member or special member of the Australian Federal Police and have previously applied for a warrant relating to these premises the particulars, including the outcome of any application, of which are as follows:
(insert particulars of any previous application and its outcome); and
- (f)** apply for the issue of a warrant under subsection 15 (1) of the Act to search the premises for the following evidential material:
(insert description of the kinds of evidential material to which this application relates).

Dated

.....
(Signature and designation of police officer)

**Omit if inapplicable.*

SCHEDULE—continued

Form 9

Regulation 5

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

APPLICATION UNDER SUBSECTION 15 (2) FOR WARRANT
TO SEARCH PERSON

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name and designation of police officer*), a police officer within the meaning of the *International War Crimes Tribunals Act 1995*:

- (a) being aware that (*insert name of person*) has been arrested under a warrant issued under section 10 of the *International War Crimes Tribunals Act 1995*; and
- (b) having reasonable grounds for suspecting that evidential material relating to a Tribunal offence in respect of which the warrant was issued is, or within *[48 hours (*in the case of an application by telephone, fax or other electronic means*)]*[72 hours (*in the case of any other application*)] will be, in the possession of (*insert name of person*);

by information on *[oath]*[affirmation]:

- (c) set out under subsection 15 (2) of that Act the following grounds for that suspicion:
(*insert statement of grounds for suspicion*); and
- *(d) set out under subsection 47 (4) of the Act the following grounds for suspecting that use of firearms will be necessary to execute the warrant:
(*insert statement of grounds for suspicion*); and

SCHEDULE—continued

Form 9—continued

- ***(e)** state under subsection 47 (5) of the Act that I am a member or special member of the Australian Federal Police and have previously applied for a warrant relating to this person the particulars, including the outcome of any application, of which are as follows:
(insert particulars of any previous application and its outcome); and
- (f)** apply for the issue of a warrant under subsection 15 (2) of the *International War Crimes Tribunals Act 1995*, to search *(insert name of person)* for the following evidential material:
(insert description of the kinds of evidential material to which this application relates).

Dated .

.....
(Signature and designation of police officer)

**Omit if inapplicable.*

SCHEDULE—continued

Form 10

Regulation 4

COMMONWEALTH OF AUSTRALIA*International War Crimes Tribunals Act 1995***DIRECTION UNDER SECTION 17
TO ORDER RELEASE FROM REMAND**

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

Having determined not to surrender (*insert name of person*) to (*insert name of International War Crimes Tribunal*), I,, Attorney-General of the Commonwealth of Australia, direct you under section 17 of the *International War Crimes Tribunals Act 1995* to order the *[release of (*insert name of person*) from custody]*[discharge of the recognisances on which bail was granted to (*insert name of person*)].

Dated .

Attorney-General

*Omit if inapplicable

SCHEDULE—continued

Form 11

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

SURRENDER WARRANT UNDER SECTION 18

TO the person in whose custody (*insert name of person*) is held

AND TO all police officers within the meaning of the *International War Crimes Tribunals Act 1995*

AND TO (*insert name of escort*), *[an officer of (*insert name of International War Crimes Tribunal*)]*[a person authorised by the (*insert name of International War Crimes Tribunal*) for the purposes of this warrant] (in this warrant called “**the escort**”):

On the basis of:

- (a) a request by (*insert name of International War Crimes Tribunal*) for the surrender of (*insert name of person to be surrendered*), a person remanded under section 12 of the *International War Crimes Tribunals Act 1995*, to the Tribunal in relation to (*insert Tribunal offence*); and
- (b) *[having considered documents provided to me by (*insert name of person to be surrendered*)]*[not having been provided with any documents by (*insert name of person to be surrendered*)] after a reasonable opportunity]; and
- (c) being satisfied that there are no special circumstances that justify refusing the request and having determined under section 16 of the Act that (*insert name of person to be surrendered*) is to be surrendered to the Tribunal; and
- (d) acting under section 18 of the Act*[and being satisfied that the Tribunal has, in relation to (*insert name of person to be surrendered*), who is imprisoned for an offence against, or subject to detention under, an Australian law, given adequate undertakings in relation to the person’s custody and return];

SCHEDULE—continued

Form 11—continued

I,, Attorney-General of the Commonwealth of Australia, authorise the surrender of (*insert name of person to be surrendered*) to the Tribunal in accordance with the following provisions:

- (e) the person in whose custody (*insert name of person to be surrendered*) is held is required to release *[him]*[her] into the custody of a police officer;
- (f) the police officer into whose custody (*insert name of person to be surrendered*) is released is authorised to transport *[him]*[her] in custody, and, if necessary or convenient, to detain *[him]*[her] in custody to enable *[him]*[her]:
 - (i) to be placed in the custody of the escort and
 - (ii) to be transported to a place specified by the Tribunal (which may be a place within or outside Australia[†]);
- (g) the escort is authorised to transport (*insert name of person to be surrendered*) in custody to a place specified by the Tribunal for the purpose of surrendering *[him]*[her] to a person appointed by the Tribunal to receive *[him]*[her].

Dated

Attorney-General

** Omit if inapplicable*

[†]*see subsection 21 (2) of the Act*

SCHEDULE—continued

Form 12

Regulation 4

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

**AUTHORISATION TO TAKE EVIDENCE OR PRODUCE
DOCUMENTS OR OTHER ARTICLES UNDER
SUBSECTION 26 (2)**

On the basis of a request made by (*insert name of International War Crimes Tribunal*) under the *International War Crimes Tribunals Act 1995* that **[evidence as set out in the Schedule be taken in Australia]*[and]*[documents or other articles in Australia as described in the Schedule be produced]* for the purposes of a proceeding before, or an investigation conducted by, the Tribunal;

I,, Attorney-General of the Commonwealth of Australia, under subsection 26 (2) of the *International War Crimes Tribunals Act 1995*, authorise:

- (a) **[the taking of the evidence]*[and]*[the production of the documents or other articles];* and
- (b) the transmission of the **[evidence]*[and]*[documents or other articles]* to (*insert name of International War Crimes Tribunal*).

Dated

Attorney-General

**Omit if inapplicable*

SCHEDULE—continued

Form 12—continued

Schedule

[EVIDENCE][DOCUMENTS OR OTHER ARTICLES]

(insert general nature of the evidence to be taken, description of the document(s) or other article(s) to be produced and the name(s) and, if known, the address(es) of the person(s) who are to give evidence or who have custody of the document(s) or article(s))

SCHEDULE—continued

Form 13

Regulation 5

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

**AUTHORISATION TO APPLY FOR SEARCH WARRANT
UNDER SUBSECTION 33 (1)**

TO (*insert name and designation of police officer*), a police officer within the meaning of the *International War Crimes Tribunals Act 1995*:

On the basis of:

- (a) a request made by (*insert name of International War Crimes Tribunal*) compliance with which may involve the issue of a search warrant in relation to evidential material, being (*insert description of material, or, if necessary set out description in a Schedule to this Form*); and
- (b) there being reasonable grounds to believe that the material is in Australia;

I,, Attorney-General of the Commonwealth of Australia, authorise you under subsection 33 (1) of the *International War Crimes Tribunals Act 1995* to apply to a magistrate of (*insert the name of the State or Territory*), being the *[State]*[Territory] in which the material is believed to be located for a search warrant in relation to that material.

Dated

Attorney-General

**Omit if inapplicable*

SCHEDULE—continued

Form 14

Regulation 5

COMMONWEALTH OF AUSTRALIA*International War Crimes Tribunals Act 1995***APPLICATION UNDER SUBSECTION 34 (1) FOR WARRANT
TO SEARCH PREMISES**

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name and designation of police officer*):

- (a) being a police officer within the meaning of the *International War Crimes Tribunals Act 1995* who is authorised under section 33 of that Act to apply to a magistrate of (*insert name of State or Territory*) for a search warrant in relation to evidential material, being (*insert description of material, or, if necessary set out description in a Schedule to this Form*); and
- (b) having reasonable grounds for suspecting that the material is, or within *[48 hours (*in the case of an application by telephone, fax or other electronic means*)]*[72 hours (*in the case of any other application*)] will be, *[on]*[in]*[at] premises, being (*insert address or description of premises*);

by information on *[oath]*[affirmation]:

- (c) set out under subsection 34 (1) of that Act the following grounds for that suspicion:
(*insert statement of grounds for suspicion*); and
- *(d) set out under subsection 47 (4) of the Act the following grounds for suspecting that use of firearms will be necessary to execute the warrant:
(*insert statement of grounds for suspicion*); and

SCHEDULE—continued

Form 14—continued

- ***(e)** state under subsection 47 (5) of the Act that I am a member or special member of the Australian Federal Police and have previously applied for a warrant relating to these premises the particulars, including the outcome of any application, of which are as follows:
(insert particulars of any previous application and its outcome); and
- (f)** apply for the issue of a warrant under subsection 34 (1) of the Act to search the premises for the following evidential material:
(insert description of the kinds of evidential material to which the application relates).

Dated

.....
(Signature and designation of police officer)

**Omit if inapplicable.*

SCHEDULE—continued

Form 15

Regulation 5

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

APPLICATION UNDER SUBSECTION 34 (2) FOR WARRANT
TO SEARCH PERSON

TO (*insert name and designation of magistrate*), a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name and designation of police officer*):

- (a) being a police officer within the meaning of the *International War Crimes Tribunals Act 1995* who is authorised under section 33 of that Act to apply to a magistrate of (*insert name of State or Territory*) for a search warrant in relation to evidential material, being (*insert description of material, or, if necessary set out description in a Schedule to this Form*); and
- (b) having reasonable grounds for suspecting that the material is, or within *[48 hours (*in the case of an application by telephone, fax or other electronic means*)]*[72 hours (*in the case of any other application*)] will be, in the possession of (*insert name of person*);

by information on *[oath]*[affirmation]:

- (c) set out under subsection 34 (2) of the Act the following grounds for that suspicion:
(*insert statement of grounds for suspicion*); and
- *(d) set out under subsection 47 (4) the following grounds for suspecting that use of firearms will be necessary to execute the warrant:
(*insert statement of grounds for suspicion*); and

SCHEDULE—continued

Form 15—continued

- ***(e)** state under subsection 47 (5) of the Act that I am a member or special member of the Australian Federal Police and have previously applied for a warrant relating to these premises the particulars, including the outcome of any application, of which are as follows:
(insert particulars of any previous application and its outcome); and
- (f)** apply for the issue of a warrant under subsection 34 (2) of the Act to search *(insert name of person)* for the following evidential material:
(insert description of the kinds of evidential material to which this application relates).

Dated

.....
(Signature and designation of police officer)

**Omit if inapplicable.*

SCHEDULE—continued

Form 16

Regulation 5

COMMONWEALTH OF AUSTRALIA

*International War Crimes Tribunals Act 1995*WARRANT UNDER SUBSECTION 47 (1) TO SEARCH
PREMISES

TO (*insert name and designation of police officer*), a police officer within the meaning of the *International War Crimes Tribunals Act 1995* who is to be responsible for executing this warrant

AND TO any other police officer whose name may be inserted in the warrant in accordance with paragraph 48 (1) (d) of the Act:

On the basis of:

- (a) a request made by (*insert name of International War Crimes Tribunal*) in relation to (*insert nature of request, including relevant Tribunal offence and the name of the person to whom it relates*); and
- (b) an application made under subsection 15 (1) or 34 (1) of the *International War Crimes Tribunals Act 1995* for the issue of a warrant to search premises, being (*insert address or description of premises*); and
- (c) my being satisfied by information on *[oath]*[affirmation] set out in the application that there are reasonable grounds for suspecting that there is, or within *[48 hours (in the case of an application by telephone, fax or other electronic means)]*[72 hours (in the case of any other application)] will be, *[on]*[in]*[at] the premises the following evidential material:
(*insert description of the kinds of evidential material to which the application for this warrant relates*);

SCHEDULE—continued

Form 16—continued

I, (*insert name and designation of magistrate*), a magistrate within the meaning of that Act, authorise *[at any time]*[between the hours of and]:

- (d) the execution of this warrant in relation to those premises in accordance with the Act; and
- *(e) if the executing officer, or the officer assisting, suspects on reasonable grounds that a person who is at or near the premises when this warrant is executed has any evidential material in his or her possession—*[an ordinary]*[and]*[a frisk] search of that person; and
- (f) if the executing officer, or the officer assisting, believes on reasonable grounds, that a thing found at the premises in the course of the search is:
 - (i) evidential material that is not referred to in this warrant; or
 - (ii) a thing relevant to an indictable offence against an Australian law;

and that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing a Tribunal offence or an indictable offence against an Australian law—seizure of the evidential material or thing.

This warrant ceases to have effect on (*insert date of day that is not later than the end of the relevant period specified in subparagraph 48 (1) (e) (i) or (ii) of the Act after the day on which this warrant is issued*).

.....
(*Signature and designation of magistrate issuing warrant*)

*Omit if inapplicable.

SCHEDULE—continued

Form 17

Regulation 5

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

WARRANT UNDER SUBSECTION 47 (2) TO SEARCH A
PERSON

TO (*insert name and designation of police officer*), a police officer within the meaning of the *International War Crimes Tribunals Act 1995* who is to be responsible for executing this warrant

AND TO any other police officer whose name may be inserted in this warrant in accordance with paragraph 48 (1) (d) of the Act:

On the basis of:

- (a) a request made by (*insert name of International War Crimes Tribunal*) in relation to (*insert nature of request, including relevant Tribunal offence and the name of the person to whom it relates*); and
- (b) an application made under subsection 15 (2) or 34 (2) of the *International War Crimes Tribunals Act 1995* for the issue of a warrant to search (*insert name of person*); and
- (c) my being satisfied by information on *[oath]*[affirmation] set out in the application that there are reasonable grounds for suspecting that there is, or within *[48 hours (in the case of an application by telephone, fax or other electronic means)]*[72 hours (in the case of any other application)] will be, in the possession of (*insert name of person*) the following evidential material:
(*insert description of the kinds of evidential material to which the application for this warrant relates*);

SCHEDULE—continued

Form 17—continued

I, (*insert name and designation of magistrate*), a magistrate within the meaning of that Act, authorise *[at any time]*[between the hours of and]:

- (d) the execution of this warrant in relation to (*insert name of person*) in accordance with the Act; and
- (e) *[an ordinary]*[and]*[a frisk] search of that person; and
- (f) if the executing officer, or the officer assisting, believes on reasonable grounds that a thing found in the possession of the person, or in or on a recently used conveyance, in the course of the search is:
 - (i) evidential material that is not referred to in this warrant; or
 - (ii) a thing relevant to an indictable offence against an Australian law;

and that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing a Tribunal offence or an indictable offence against an Australian law—seizure of the evidential material or thing.

This warrant ceases to have effect on (*insert date of day that is not later than the end of the relevant period specified in subparagraph 48 (1) (e) (i) or (ii) of the Act after the day on which this warrant is issued*).

.....
(*Signature and designation of magistrate issuing warrant*)

*Omit if inapplicable.

SCHEDULE—continued

Form 18

Regulation 5

COMMONWEALTH OF AUSTRALIA

*International War Crimes Tribunals Act 1995*APPLICATION UNDER SUBSECTION 58 (7) FOR EXTENSION
OF TIME

TO (*insert name and designation of magistrate*), the magistrate who issued the warrant under subsection 47 (1) of the *International War Crimes Tribunals Act 1995* to search premises, being (*insert address or description of premises*):

I, (*insert name and designation of executing officer, or officer assisting*):

- (a) being an *[executing officer]*[officer assisting] within the meaning of the *International War Crimes Tribunals Act 1995* who is authorised to search premises under a warrant issued under subsection 47 (1) of that Act; and
- (b) having reasonable grounds to believe that the expert assistance that is required to operate electronic equipment *[at]*[on]*[in] the premises will not be available within 24 hours;

apply under subsection 58 (7) of that Act for an extension of the period in which electronic equipment *[at]*[on]*[in] the premises may be secured:

- (c) for up to (*insert number of hours*) hours; or
- (d) until the equipment has been operated by the expert;

whichever happens first.

Dated

.....
(*Signature and designation of executing officer or officer assisting*)

*Omit if inapplicable.

SCHEDULE—continued

Form 19

Regulation 5

COMMONWEALTH OF AUSTRALIA

International War Crimes Tribunals Act 1995

WARRANT UNDER SUBSECTION 78 (3) TO RETURN
ESCAPED PERSON TO CUSTODY

TO (*insert name and designation of police officer*), a police officer within the meaning of the *International War Crimes Tribunals Act 1995*:

I, (*insert name and designation of magistrate*), being:

- (a) a magistrate within the meaning of the *International War Crimes Tribunals Act 1995*; and
- (b) satisfied that (*insert name of person*) has escaped from custody authorised by that Act;

authorise you under subsection 78 (3) of the Act to return *[him]*[her] to custody authorised by the Act.

Dated

.....
(*Signature and designation of magistrate issuing warrant*)

**Omit if inapplicable.*

SCHEDULE—continued

Form 20

Subregulation 6 (1)
and regulation 7

COMMONWEALTH OF AUSTRALIA

*International War Crimes Tribunals Act 1995***SUMMONS**

In the Matter of *(insert description of nature of proceedings)* under
the *International War Crimes Tribunals Act 1995*

TO *(insert name and address of witness)*:

You are summoned under regulation 6 of the International War
Crimes Tribunals Regulations to appear at *(insert address of place
where attendance is required)* at *(insert time or times when
attendance is required)* on *(insert date or dates when attendance is
required)* unless excused, or until released, by a magistrate from
attending to **[give evidence]*[and]*[answer
questions]*[and]*[produce the following]*[documents]*[and other
articles:]*

(insert description of documents or articles).

Dated

.....
(Signature and designation of magistrate issuing summons)

**Omit if inapplicable.*

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

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1995.

24 August/