

GENERAL ORDER W1

WARRANTS

The previous General Order W1 – Warrants, gazetted on 26 November 1998 and as amended from time to time, is hereby revoked and replaced by the following General Order W1 with effect on and from 01 March 2003.

1. INTRODUCTION

- 1.1 A warrant is an order signed by a Justice of the Peace (this includes a Judge or Magistrate) requiring a member of the Force to take the action specified in the warrant.
- 1.2 Every warrant must be under the hand and seal of the Justice issuing it and must state shortly the matter of the information or complaint on which it is founded, and name, or otherwise describe, the person against whom it is issued.
- 1.3 Warrants may be issued and executed on any day.

2. WARRANTS OF ARREST

- 2.1 Warrants of Arrest are issued specifically to compel a defendant's appearance before a Court. They include Bail Warrants, Mense Warrants and Summons Disobeyed Warrants. Warrants of Arrest are generally issued for the apprehension of persons accused or suspected of serious crimes. On information being laid before a Justice that any person has committed any offence, the Justice may, according to the circumstances of the case, issue a summons to be served upon the defendant citing the defendant to appear, or may issue a warrant for the defendant's apprehension in the first instance. In most cases of serious offences a warrant will probably be issued at once. In minor offences, especially those punishable on summary conviction, a warrant will not in general be issued except against a party who has disobeyed a summons. But even in these cases, a Justice may, if he/she thinks fit, issue in the first instance a warrant for apprehending the defendant. Also, where an indictment has been found against a person who is at large, a warrant may be issued for the defendant's apprehension.
- 2.2 A warrant may also be issued for bringing before the court a person who has refused to attend as a witness when summonsed; or, if a Justice is satisfied, by evidence upon oath or affirmation, that such person will not attend to give evidence without being compelled to do so, the Justice may issue his/her warrant for that purpose in the first instance.

- 2.3 Power is also given to courts having jurisdiction in bankruptcy to grant warrants for the apprehension of bankrupts about to abscond.
- 2.4 For further information relating to arrests members should refer to Part 11 of the Custody Manual or General Order A7 - Arrests.

3. WARRANTS OF COMMITMENT

- 3.1 Although Northern Territory Warrants of Commitment issued before 1 January 2002 must not be executed, in certain instances from 1 January 2002, Warrants of Commitment may still be issued by the Courts and must be actioned accordingly.

- 3.2 Warrants of Commitment require a person to be imprisoned in default of payment of monies owed to the Crown. Despite the functions and responsibilities of the Fines Recovery Unit (FRU) under *the Fines and Penalties (Recovery) Act*, the Courts still have the power to issue Warrants of Commitment in certain circumstances for non-payment of a fine imposed by the Court. These circumstances are specified within section 86 of the *Fines and Penalties (Recovery) Act*, and also in the provisions of section 26 of the *Sentencing Act* as follows:

- Section 86 of the *Fines and Penalties (Recovery) Act* provides for the issuing of a Warrant of Commitment following the revocation of a Community Work Order. The Warrant will specify a period of imprisonment in default based on the amount of monies in owing.
- Section 26 of the *Sentencing Act* empowers a court to issue a Warrant of Commitment in lieu of actioning by the FRU, and outlines the means of calculating the period of imprisonment in default based on the amount of monies owed.

- 3.3 Where a Warrant of Commitment has been issued under section 86 of the *Fines and Penalties (Recovery) Act* or section 26 of the *Sentencing Act*, members are to execute the Warrant by arrest. The only exception to arrest is for the offender to pay the amount stated in the Warrant or a recalculated amount following serving a day or more of imprisonment pursuant to section 89 of the *Fines and Penalties (Recovery) Act* and Regulation 15 of *Fines and Penalties (Recovery) Regulations*.

4. INTERSTATE WARRANTS OF APPREHENSION

- 4.1 Interstate Warrants of Apprehension originate through court processes in other jurisdictions and as such, is not subject to the provisions of the Northern Territory's *Fines and Penalties (Recovery) Act*.

- 4.2 When actioning Interstate Warrants of Apprehension members are reminded that they must request all the outstanding amount. There is no provision for part payment under the Commonwealth's *Services and Execution of Process Act 1992*. After receiving the full amount of the warrant, members are to receipt and endorse the warrant accordingly.
- 4.3 In the event that the person is unable to pay the amount in full, that person is to be apprehended and brought before a Magistrate as soon as practicable.
- 4.4 For execution of Interstate Warrants of Apprehension refer paragraph 17.

5. CENTRAL WARRANTS SECTION

- 5.1 The Central Warrants Section (CWS) is established at the Information Bureau, Peter McAulay Centre (PMC) for the purpose of receiving and processing Northern Territory and interstate warrants, with the exception of warrants of remand, warrants committing for trial, warrants where imprisonment has been ordered and where the defendant is en-route from court to gaol.
- 5.2 Every other Station/Section with access to the computer system may use IJIS and PROMIS to:
- 5.2.1 ascertain a warrant is in existence; and
- If a criminal history entry indicates 'a warrant to issue' this does not automatically ensure that the said warrant has been received by police. Even if a warrant appears to be outstanding on IJIS, police may NOT have the warrant. Members must not assume that a warrant is in existence. If the warrant appears as outstanding on PROMIS then police (CWS) have physical possession of the warrant.
- 5.2.2 enter receipt, movement or execution particulars of a warrant in IJIS and PROMIS.
- 5.3 If any difficulties are encountered when executing a warrant, contact CWS for assistance.

6. RECORDING AND RECEIPTING WARRANTS

- 6.1 Mesne Warrants and Warrants of Apprehension that are issued by Northern Territory Courts and not of an urgent nature, are forwarded direct to the CWS. There is no need for members of Police Stations where the Courthouses are situated to sign for these warrants.
- 6.2 Members collecting a warrant from the Supreme Court are required to sign for the warrant.

7. REPORT OF WARRANT HELD FORMS

- 7.1 Upon receipt of a warrant from a Court, the CWS will acknowledge receipt to the appropriate Clerk of Court, process the warrant by entering details in PROMIS and print a 'Warrant Details Form' (blue form) which remains attached to the warrant until the warrant is executed.
- 7.2 If a Station/Section receives a warrant issued by a Northern Territory Court or from an interstate Court, the Officer in Charge (OIC) will immediately forward such warrant to the CWS for processing and filing. However, if the warrant is received from interstate, or if the warrant is a Northern Territory warrant and has not been signed for by a member at a Courthouse, details of the receipt and movement of the warrant is to be recorded in the Station/Section's correspondence book.
- 7.3 The CWS is not responsible for executing or carrying out inquiries on any warrants.

8. RECORDING AND RECEIPTING INSTRUCTIONS NOT TO APPLY TO CERTAIN WARRANTS

- 8.1 It will not be necessary to record particulars for commitment warrants issued on the date of a defendant's appearance at Court, ie, Warrants of Remand, Committing for Trial, Warrants where imprisonment has been ordered and warrants for non-payment of penalty where time to pay has been refused and where the defendant is en route from Court to the gaol. In such cases police will sign for the warrants in the special book held for that purpose by the Clerk of the Courts, and deliver the warrants to the gaoler with the prisoners, obtaining the gaoler's receipts for same. The receipts are to be filed at the Police Station in date order, in a separate file for such receipts.
- 8.2 Members should comply with the specific instructions contained in this General Order regarding Search Warrants (paragraph 18), Warrants of Distress (paragraph 19), Ejectment and Possession Warrants (paragraph 20), Local Court Warrants (paragraph 21), Interstate Warrants for Defence Force Deserters, Aliens and Prohibited Immigrants (paragraph 22), and Family Law Court Warrants (paragraph 23). Except for Family Law Court warrants for execution in the Darwin area which are filed and processed at CWS, the other above mentioned warrants are not handled by CWS. It is not necessary to notify CWS when such a warrant is received at a Station/Section.

9. WITHHOLDING EXECUTION

- 9.1 **A member must not withhold execution of any warrant because of personal consideration for a defendant.**

- 9.2 Members must not execute any warrants on persons held under section 128 of the *Police Administration Act (PAA)*. Warrants can only be executed after a person has been released from protective custody. However, the time of apprehension under section 128 is the time of arrest for the purpose of the warrant.
- 9.3 The time that a person held pursuant to the provisions of section 137 of the PAA was taken into custody is the actual time of arrest for the execution of any warrants. This means that a person being detained pursuant to the provisions of section 137 must be processed on warrants as soon as those warrants are discovered.

10. ALTERATION OF WARRANTS AND COURT ORDERS

- 10.1 Warrants and Orders issued by Courts may only be altered or amended by the authorised person who issued that warrant or Order.
- 10.2 Members are to ensure that they do not act on any warrant or Court Order unless there is evidence that any alteration or amendment to the warrant or Order has been made by the authorised person who issued the warrant or Order.

11. EXECUTING TWO OR MORE WARRANTS FOR THE SAME PERSON

- 11.1 Where two or more warrants are in existence for the same offender, they are to be executed at the same time. Police are not justified in executing only one of the warrants and holding the remaining warrant until expiration of the sentence on the first.

12. CARE TO BE TAKEN WHEN EXECUTING WARRANTS

- 12.1 A member may, without the warrant, arrest any person whom the member has reasonable cause to believe is a person for whose apprehension or committal a warrant has been issued and is in force. However, it must be produced to the person as soon as practicable thereafter.

13. IDENTIFICATION OF PERSONS HELD UNDER A WARRANT

- 13.1 Where a person has been arrested under a warrant, and that warrant refers to an arrest matter, verification of that person's identity will be sought through the Fingerprint section as soon as possible. For all Police Stations other than the PMC this will require a facsimile of the inked impression being sent to the OIC, Fingerprint section.

- 13.2 In the case of a warrant that relates to an offence that was dealt with as a summons or as a traffic infringement notice, caution should be used before executing the warrant as there are not original sets of fingerprints to refer to. Verification can only be done by other means, eg, first hand knowledge of the identity of the offender and the offence committed by that person, descriptive information on PROMIS and through questioning of the person.
- 13.3 ***In every instance where a warrant is executed by arrest, PROMIS must be interrogated to ensure that the correct person has been arrested.***
- 13.4 If the arrested person disputes that they are the person for whom the warrant is issued, other reasonable checks should be implemented. If the matter cannot be resolved by further checking then the matter is to be referred to the Watch Commander, Duty Superintendent or senior member on duty for resolution.
- 13.5 In any case, no action should be taken to execute a warrant until confirmation of identity has been received from the Fingerprint Section. Outside the hours of 0800 – 1600, a member from the Fingerprints Section is available for call out to confirm identity.

14. WARRANTS KNOWN TO BE IN EXISTENCE INTERSTATE

- 14.1 Where a member suspects that warrants are in existence in another state, for a person who is currently in the Northern Territory, the member should contact the CWS to arrange conversion of the warrants, for execution in the Northern Territory.

15. WARRANTS EXECUTED AT NT PRISONS

- 15.1 Warrants for persons in custody that require their attendance in court will now be forwarded directly to the appropriate Prosecution Section by the CWS.
- 15.1.1 The appropriate Prosecution Section will liaise with the Clerk of Court who will obtain the court file and arrange a suitable court date. The Clerk of Court will issue a call up notice to prison staff to bring the person to Court so that the matter may be resolved. The Prosecution Section is to arrange with the Clerk of Court for the call up notice to be dated to give the prison staff 7 days notice, if practicable, to produce the prisoner at the court.
- 15.1.2 A member who has to execute a warrant upon a person in custody at a Correctional Services prison will do so in the presence of the Prison Reception/Discharge Officer.
- 15.1.3 If a member is required to deliver a call up notice to a prison, he/she will deliver the call up notice to the Prison Reception/Discharge Officer.

Rank and Registered No

- 16.5 With regards to the endorsements shown in paragraph 16.4, the method of payment (a) or (b) marked * which is not applicable is to be crossed out and the relevant details inserted by the member executing the warrant.
- 16.6 A member executing a warrant upon a person in Prison custody shall make an endorsement on the back of the warrant in ink or biro in the following manner:

The within warrant was executed by me at _____ Prison

at hours on _____ 19

on the within named _____

Signature (of member) _____

Rank and Registered No. _____

(See also paragraph 15.1.2)

- 16.7 When a Warrant is satisfied by receiving payment in full, having first checked the CWS to confirm the existence of the warrant, the member collecting the cash, money order or bank cheque, will immediately issue a receipt to the person concerned. If payment is received at a Police Station, a receipt will be issued from the Station General Receipt Book. If payment is received where a General Receipt Book is not available, an Interim Receipt shall be issued.
- 16.7.1 When an interim receipt has been issued, the member who executed the warrant and issued the interim receipt shall, immediately on return to the Station, pay to the Receiver of Territory Monies (usually the OIC of the Police Station) the money, bankers draft or bank cheque so collected, together with the endorsed warrant and tender the interim receipt for endorsement.
- 16.7.2 The Receiver will accept the money, bankers draft or bank cheque, and issue a general receipt to the member concerned in the name of the person from whom the amount was collected, endorse the general receipt number on the duplicate interim receipt and initial the duplicate interim receipt.
- 16.7.3 The member concerned shall give or forward the general receipt to the person from whom the money, bankers draft or bank cheque was collected when the warrant was executed.
- 16.7.4 An interim receipt is an accountable form.

- 16.8 The cash, money order or bank cheque, collected on a Northern Territory warrant (with a remittance and the endorsed warrant) shall be paid to the nearest Clerk of Courts for transmission to the office of issue. (When a Northern Territory Apprehension or Commitment Warrant is executed by the defendant serving all the time shown on the warrant at a Police Station, or if paragraph 16.5 applies after the warrant has been suitably endorsed, the warrant is to be sent to the office of issue).
- 16.9 A member will not take payment for a Northern Territory Commitment Warrant by cash, money order or bank cheque unless they have possession of the warrant or have confirmed with the CWS that there is a warrant in existence.
- 16.10 Having executed a warrant by arrest or payment the member is to ensure that the execution details (similar to the endorsement on the back of the warrant as required by paragraph 16.1 or 16.4) are entered on IJIS and PROMIS. This is to occur for each warrant executed.
- 16.10.1 The member must also take action to have the warrant forwarded to the member's station, and the cash, money order or bank cheque is to be held in safe custody until the warrant is received. (NOTE: A phone call to the CWS inquiring as to the existence of the warrant will not automatically ensure that warrant is dispatched to that location. The dispatch of the warrant will require a facsimile message, e-mail message or attendance at the CWS to collect same.)

As well, the member must comply with paragraphs 16.7 and 16.8, when and if appropriate.

- 16.10.2 When a Commitment Warrant has been executed by receiving payment in full (members must have complied with paragraph 12 before accepting payment) and subsequently should the warrant be unable to be located, the OIC of the Police Station where the payment was received will complete a Statutory Declaration, in duplicate, stating that:
- (a) the warrant has been executed and the defendant issued with a receipt and advised to retain it for 12 months;
 - (b) due and diligent searches have failed to unearth the missing warrant; and
 - (c) the warrant has been recorded as being executed at the Police Station and notice given to the CWS in Darwin.

- 16.10.3 The CWS will transfer details of the warrant to the PROMIS 'Executed Warrant' file. The OIC, Information Bureau will complete a Statutory Declaration, in duplicate, stating that:
- (a) the warrant has been recorded as having been executed in PROMIS; and
 - (b) where applicable, that a search has been carried out and the warrant has not been located.
- 16.10.4 This Statutory Declaration will then be forwarded to the OIC of the Police Station holding the payment.
- 16.10.5 The OIC of the Station, will then deliver the payment and the original copies of the Statutory Declarations, to the appropriate Clerk of Courts. When this has been done, the duplicate Statutory Declarations, together with a covering report giving brief details of the action taken, including receipt numbers, will be forwarded through the usual command channels for filing at the Registry, PMC.
- 16.11 When a person attends at a police station to pay a Warrant of Commitment, the matter is to be dealt with there and then, bearing in mind the relevant provisions of this General Order.

17. EXECUTION AND ENDORSEMENT OF INTERSTATE WARRANTS OF APPREHENSION

- 17.1 As well as the foregoing instructions regarding warrants a member must comply with the following instructions when executing an interstate Warrant of Apprehension issued under the *Service and Execution of Process Act* (Commonwealth).
- 17.1.1 If the member has reason to believe the person is under the age of 18 years the member must not arrest the person.
 - 17.1.2 If the person is arrested he/she must be brought before a nearby Court as soon as practicable unless the person pays the whole of the amount owing. The person must not be lodged in Northern Territory Police cells to serve the default period ordered on the warrant.
 - 17.1.3 A member arresting a person shall produce the warrant to that person at the time of, or within 48 hours of the arrest, unless such longer time has been allowed by a Justice.
 - 17.1.4 An interstate warrant for execution on a person believed to be in the Northern Territory will be held at the CWS.

- 17.1.5 When a person wanted on an interstate warrant is located at a locality outside Darwin, the warrant together with a covering report will be forwarded by CWS for inquiry.
- 17.1.6 The same procedures for executing the interstate warrant and updating the computer system will apply to interstate warrants.
- 17.1.7 The cash, money order or bank cheque, collected on an interstate warrant is to be remitted in accordance with the relevant instructions in the Accounting and Property Manual. The endorsed warrant, together with a copy of the general receipt is to be forwarded to the Accounting Officer, PO Box , Winnellie, NT 0821.
- 17.1.8 When a person has been arrested and dealt with as in paragraph 17.1.2 the following endorsement should be used.

Warrant executed by arresting the defendant at

on

and taking him/her before the court at

on

Mr./Mrs./Ms/ S.M. heard the matter and ordered

..... (released the defendant and given time to pay, or, sentenced defendant to imprisonment to serve term of default, or any other such order that the Magistrate deems fit).

48. ~~SEARCH WARRANTS~~ Refer New General Order - Search Warrants

- ~~18.1 A search warrant is obtained as required, usually from a Justice or Magistrate. When application is made for a search warrant, an Information is required to be presented to the Justice or Magistrate, and depending upon the type of warrant sought, the information may be verbal or written. The search warrant normally forms part of a Prosecution file and is not required to be recorded in the Station/Section's Correspondence Book or have receipts issued in respect of it. A report of Warrant Held form is not required nor is it necessary to advise CWS of its existence.~~
- ~~18.2 Police when executing a Search Warrant should where practicable, first demand admittance to the premises. Where entry is denied, only force which is necessary in the circumstances should be used to effect entry.~~
- ~~18.3 Where practicable, the owner or occupier of the premises should be present when premises are searched under the authority of a Search Warrant. The owner or occupier shall, where practicable and appropriate be provided with a copy of the relevant search warrant prior to the commencement of any search.~~

- ~~18.4 Any property seized pursuant to the warrant should be properly recorded and dealt with in accordance with General Order E4 Exhibits and Property.~~
- ~~18.5 Search Warrants will only be sought from a Justice or Magistrate with the approval of a Commissioned Officer, unless the matter is urgent and a Commissioned Officer is not available. In most cases, Search Warrants will be sought and issued under the provisions of sections 117 and 120B of the PAA. Members are to pay particular attention to and comply with the provisions of the PAA. Likewise, where search warrants are applied for in respect of offences covered by other Acts, members are to ensure they comply with the relevant provisions of those Acts.~~
- ~~18.6 It should be noted that 'offence' referred to under the provisions of sections 117 (7)(1) and (2) includes a Crime, Simple Offence, Regulatory Offence and offences able to be determined summarily, and offence against a law of the Commonwealth or of the Territory or the Common Law.~~
- ~~18.7 Information and Search Warrant pro-formas are at Appendices 'A', 'B' and 'C'. When a Search of Land, a vehicle or vessel is to be conducted, an Information and Warrant as per Appendix 'A' must be used. When a search is to be conducted on a person, an Information and Warrant as per Appendix 'B' must be used. When a search for Dangerous Drugs is to be conducted, a warrant as per Appendix 'C' must be used.~~

19. WARRANTS OF DISTRESS

- 19.1 A Warrant of Distress issued under the *Justices Act* shall be treated as correspondence. Particulars of the warrant shall be recorded in the Station Correspondence Book. A warrant receipt is not to be issued, it is not necessary to notify the CWS or to complete a Report of Warrant Held form.
- 19.1.1 The member executing a Warrant of Distress is to do so strictly in the terms laid down in the warrant.
- 19.1.2 The member is empowered to seize goods and corporeal chattels, including money, belonging only to the defendant named in the warrant. Cheques, promissory notes, bankcards, etc. are not to be seized, nor are those goods specifically exempted from seizure under the warrant and/or section 87 of the *Justices Act*.
- 19.1.3 The member seizing the goods and chattels is to ensure that such are not under hire purchase or encumbered in any way but belong completely to the defendant.

- 19.1.4 Such member will make out a list of the items seized, in triplicate, and show on the list the time and date the items were taken and the names of persons present. The member, and any other member present, will sign the list and include rank(s) and registered number(s). The defendant named in the warrant will be invited to sign the list, but whether or not he/she signs, the duplicate copy will be given to that person.
- 19.1.5 The goods are to be taken, with the endorsed warrant and the original list of items seized, to the relevant Clerk of Court and the Clerk is to be requested for written directions as to how the goods, etc., are to be disposed of. The goods will be disposed of as directed and a receipt, on the triplicate copy of the list, will be obtained from the person in charge of the place (ie. licensed auctioneer's office, Courthouse, etc.) where the goods are left. If the property is handed over to a licensed auctioneer, the instructions provided by sub-paragraphs 3.1 to 3.2 inclusive, of General Order E4 - Exhibits and Property, will be followed.
- 19.1.6 If there are no goods, etc., to seize to satisfy the execution of the warrant, the member who attempted execution is to comply with section 90 of the *Justices Act*.
- 19.1.7 The triplicate copy of the list will be filed at the Station of the member who seized the goods and chattels.

20. EJECTMENT AND POSSESSION WARRANTS

- 20.1 There are occasions when a Warrant of Ejectment or a Warrant of Possession under the *Tenancy Act* will be addressed by a Court to police for execution and action must follow accordingly. Generally, this will only occur in remote areas where there are no bailiffs or other appropriate persons to execute the warrants. As such, a warrant is normally addressed to the Commissioner of Police and all Constables of the Northern Territory Police Force. Such a warrant is to be treated as correspondence and details shall be recorded in the Station Correspondence Book. A warrant receipt is not to be issued; it is not necessary to notify the Information Bureau; or to complete a Report of Warrant Held form.
- 20.1.1 A Warrant of Ejectment or a Warrant of Possession under the *Tenancy Act* is required to be executed within the period specified in such warrant and as a matter of policy should be executed on a day within such period which meets the convenience of the landlord and the OIC of the Police Station. Execution should not be withheld until the date of expiry merely for the purpose of meeting the convenience of the tenant. Under no circumstances can the warrant be executed after the date of expiry.
- 20.1.2 A Warrant of Ejectment or Possession can only be executed between 0900 hours and 1600 hours.

- 20.1.3 Upon receipt of a Warrant of Ejectment or Possession, police should, as soon as practicable, visit the premises specified in the warrant and inform the lessee, and any sub-lessees or persons in occupation, of the date on which the warrant will be executed. Any persons claiming to be sub-lessees, etc., who have not been heard at the proceedings for possession of the premises should be advised to immediately contact the Clerk of Court in connection with the matter.
- 20.1.4 Having taken this action, police have no other responsibility in regard to the alleged rights of any person claiming to be sub-tenants; it is the responsibility of such persons to have the warrant withdrawn or endorsed to exclude them from eviction, and if they have not done so, police should proceed to execute the warrant.
- 20.1.5 Where it is known that the tenant, or a dependent of the tenant is ill, or there is likely to be conflict between the police and the public, or when there are exceptional circumstances, a member, before executing a Warrant of Ejectment or a Warrant of Possession, should contact his/her Commissioned Officer for advice. A Warrant of Ejectment or a Warrant of Possession must be executed with tact and discretion.
- 20.2 In the majority of occasions, a Warrant of Ejectment or Warrant of Possession will not be addressed to police, but to a Bailiff or other appropriate person. From time to time these persons may have cause to fear that offences may be carried out whilst they are executing the warrants. In these circumstances, they may ask police to 'stand by'.
- 20.2.1 The person requesting the 'stand by' should satisfy the member(s) that there are grounds for believing that there might be violence whilst they execute the warrant before they agree to undertaking the 'stand by'.
- 20.2.2 Members should ensure that persons requesting police 'stand by' understand what this entails. That is, the police will 'stand by' to ensure that there is no breach of the peace whilst actions necessary to execute the warrant are undertaken.
- 20.2.3 As the circumstances surrounding a police 'stand by' can vary so much, members should use common sense and initiative. If members are unsure of how to proceed in a particular situation they should contact their supervisor or Commissioned Officer for advice.
- 20.2.4 Spouses retrieving property from the matrimonial home during a marital dispute where the partner has been or can be expected to be violent can also ask police to attend as a 'stand by'. Refer to General Order D7 - Domestic Violence.

21. LOCAL COURT WARRANTS

- 21.1 A Local Court Warrant will be treated as correspondence. At a Station where a special book is provided by the Clerk of the Local Court for Local Court warrants, particulars will be entered in such book. At every other Station particulars will be entered in the Correspondence Book. A warrant receipt is not to be issued and it is not necessary to notify the CWS or to complete a Report of Warrant Held form.

22. INTERSTATE WARRANTS FOR DEFENCE FORCES DESERTERS, ALIENS AND PROHIBITED IMMIGRANTS

- 22.1 Every warrant for a deserter from the Navy, Army or Air Force, and every warrant for an alien or a prohibited immigrant is held at the CWS. Before apprehending a person on such a warrant, an inquiry shall be made at the CWS to ensure the warrant is in existence and the OIC, Bureau of Criminal Intelligence, PMC, shall be contacted for instructions so that information may be passed to the appropriate authority. Australian Defence Force warrants remain in force for 6 months only. International Defence Force warrants stay current until either executed or withdrawn by the issuing authority.
- 22.2 Police may arrest when it is known that a warrant is in existence for the arrest of a deserter or absentee from a Defence Force. When it is not known if a warrant is in existence, police may arrest on suspicion a member of the Navy and RAAF but not the Army.

23. FAMILY LAW COURT WARRANTS

- 23.1 Under the present system, a solicitor for one of the parties in a Family Law Court matter requests the issue of a warrant. The number of warrants, all originals, depends on where the defendant may be located. All the warrants are sent to the solicitor, who then distributes them to the relevant destinations. Because of this duplication, and to avoid a warrant being executed more than once, before any action on the warrant is taken by a member it is essential to ascertain from the Master or Registrar of the Family Law Court from where the warrant was issued, that the warrant has not been previously executed.
- 23.1.1 In the Darwin area arrangements have been made with the Australian Federal Police (AFP) for its members to execute Family Law Court warrants. Any such warrant received at a Police Station in the Darwin area is to be forwarded to the CWS for processing and filing.
- 23.1.2 Where a member of this Force executes a Family Law Court warrant that member shall notify the Master or Registrar of the Family Law Court and, if executed in the Darwin area, the Officer in Charge, AFP, Darwin, as soon as practicable. The warrant, suitably endorsed, is to be returned to the court of issue.

23.1.3 If a Family Law Court warrant cannot be executed for any reason the warrant, with a covering report, is to be returned to the court of issue.

Northern Territory of Australia

Police Administration Act, Section 117(2)

SEARCH WARRANT

TO SEARCH LAND, VEHICLE OR VESSEL

~~TO: a member of the Police Force:~~

~~WHEREAS I, _____, a Justice within the meaning of the Police Administration Act, pursuant to Section 117(2) of that Act, being satisfied by information on oath placed before me on the 10th day of July 1998, that there are reasonable grounds for believing that there is in or upon land described as:-~~

~~the following _____:~~

~~being _____ related to or in connection with an offence against a law in force in the Northern Territory, namely an offence of~~

~~AUTHORISE YOU, with such assistance as you think necessary to enter into or upon and search the land described above, if necessary by force, and to seize the described above, that is found in or upon the land:~~

~~This Warrant expires on the 10th day of July, 1998 unless sooner executed:~~

~~DATED THE 10th DAY OF July 1998~~

Signed _____

JUSTICE OF THE PEACE

Northern Territory of Australia

Police Administration Act, Section 117(2)

INFORMATION FOR A SEARCH WARRANT

TO SEARCH LAND, VEHICLE OR VESSEL

I, _____, a member of the Police Force, in pursuance of Section 117(2) of the ~~Police Administration Act~~ make oath and say that I have reasonable ground for believing that there is:-

± In or upon land, described as:-

the following :-

being :- related to, or connected with, an offence against a law in force in the Northern Territory, namely an offence of:-

and the reasonable grounds upon which I rely are:

Upon the above reasonable grounds I ask that a Search warrant be issued to enter into or upon and search the land described above for the said _____ and to seize the said _____ that is found in or upon the land.

SIGNATURE

Sworn before me at _____ this 10th day of July, 1998.

Signed _____
JUSTICE OF THE PEACE

CERTIFICATE OF JUSTICE

Pursuant to Section 117(4) of the ~~Police Administration Act~~, I certify that the reasonable grounds stated above are the grounds I relied upon to justify issuing a Warrant.

Signed _____
JUSTICE OF THE PEACE

Northern Territory of Australia
Police Administration Act, Section 117(1)

SEARCH WARRANT
TO SEARCH A PERSON

~~TO: a member of the Police Force:~~

~~WHEREAS I, _____, a Justice within the meaning of the *Police Administration Act*, pursuant to Section 117(1) of that Act, being satisfied by information on oath placed before me on the 10th day of July 1998, that there are reasonable grounds for believing that there is:-~~

~~* Concealed on the person of, in the clothing that is being worn by, or in the property in the immediate control of~~

~~the following thing:-~~

~~being a thing related to or in connection with an offence against a law in force in the Northern Territory, namely an offence of~~

~~AUTHORISE YOU, with such assistance as you think necessary~~

~~* To search the person of, the clothing that is being worn by, and the property in the immediate control of~~

~~if necessary by force, and to seize the _____ described above, which you may find in the course of the search.~~

~~This Warrant expires on the 10th day of July, 1998 unless sooner executed.~~

~~DATED THE 10th DAY OF July 1998~~

Signed _____
JUSTICE OF THE PEACE

Northern Territory of Australia

Police Administration Act, Section 117(1)

INFORMATION FOR A SEARCH WARRANT

TO SEARCH A PERSON

I, _____, a member of the Police Force, in pursuance of Section 117(1) of the *Police Administration Act* make oath and say that I have reasonable ground for believing that there is*:-

* Concealed on the person of, in the clothing that is being worn by, or in the property in the immediate control of

the following :

being a thing related to, or connected with, an offence against a law in force in the Northern Territory, namely an offence of:-

and the reasonable grounds upon which I rely are:

Upon the above reasonable grounds I ask that a Search warrant be issued to enter into or upon and search the person, the clothing that is worn by, and the property in the immediate control of _____ for the said _____ and to seize the said _____ that are found in the course of the search.

SIGNATURE _____

Sworn before me at _____ this 10th day of July, 1998.

Signed _____
JUSTICE OF THE PEACE

CERTIFICATE OF JUSTICE

Pursuant to Section 117(4) of the *Police Administration Act*, I certify that the reasonable grounds stated above are the grounds I relied upon to justify issuing a Warrant.

Signed _____
JUSTICE OF THE PEACE

SCHEDULE
Form 1

~~NORTHERN TERRITORY OF AUSTRALIA~~

~~Police Administration Act~~

Section 120B(1)(a)

~~SEARCH WARRANT FOR DANGEROUS DRUGS~~

~~TO:~~

~~(full name, rank, Reg No)~~

~~a member of the Police Force of the Northern Territory.~~

~~WHEREAS, on application on oath under the Police Administration Act, in relation to land at:~~

~~<<>>~~

~~(give address or otherwise identify the land)~~

~~or and aircraft <<>>~~

~~(identify aircraft)~~

~~or a vehicle <<>>~~

~~(identify vehicle)~~

~~or a ship <<>>~~

~~(identify ship)~~

~~I, <<>>~~

~~(full name of justice)~~

~~am satisfied that there are reasonable grounds for believing that there is on or in that land, aircraft, vehicle or ship a dangerous drug.~~

~~YOU ARE HEREBY AUTHORISED, with such assistance as you think necessary, to search-~~

- ~~(a) The land, aircraft, vehicle or ship;~~
- ~~(b) Any person found on or in the land, aircraft, vehicle or ship;~~
- ~~(c) Any person who enters the land, aircraft, vehicle or ship while the search is in progress;~~
- ~~(d) The clothing worn by a person referred to in paragraph (b) or (c); or~~
- ~~(e) The property in the immediate control of a person referred to in paragraph (b) or (c);~~

- ~~(f) To use such reasonable force as is necessary to break into, enter and search the land, aircraft, vehicle or ship to be searched;~~
- ~~(g) To use such reasonable force as is necessary to open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in the land, aircraft, vehicle or ship;~~
- ~~(h) To use such reasonable force as is necessary to carry out a search of any person found on or in the land, aircraft, vehicle or ship or who enters the land, aircraft, vehicle or ship while a search is in progress;~~
- ~~(i) if necessary, to direct a person referred to in paragraphs (b) and (c) to remain on or in the land, vehicle or ship* for as long as is reasonably required for the purposes of the search of the land, aircraft or ship* and of the person; and~~
- ~~(j) To do or perform such other acts as the *Police Administration Act* permits.~~

~~AND for so doing, this shall be your sufficient warrant.~~

~~The authority granted by this warrant expires on the <<>> day of <<>> 2007~~

~~Issued at <<>> o'clock in the <<>> (forenoon / afternoon), this <<>> day of <<>> 2007~~

~~<<>>~~

~~JUSTICE OF THE PEACE~~