Form CP48

Federal Court (Criminal Proceedings) Rule 9.06

Warrant for arrest

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for summary criminal proceedings (Form CP2) or criminal appeal proceedings (Form CP3)]

To the Sheriff and to all police officers

Arrest the following person: [name, address (if known), date of birth (if known)]

And bring [him / her] before the Federal Court of Australia at a registry of the Court

The person named above is required before the Court for the following reason: [Insert reason; eg he/she] is charged with [state charge] in that [give particulars].

Date:

|  |
| --- |
| Judge |

*Notes*

1. Section 4 of the *Federal Court of Australia Act 1976* defines “police officer” to mean any member or special member of the Australian Federal Police and any member of the police force or police service of a State or Territory.
2. The powers that can be exercised by a person executing this warrant, and the rights of an arrested person, are set out in section 55A of the *Federal Court of Australia Act 1976.*
A copy of that section is attached to this warrant.

**Attachment to Warrant for Arrest**

**Section 55A of the *Federal Court of Australia Act 1976***

**Application**

(1) This section applies to any of the following persons (the ***arrester*)** who is authorised by this Act, or a warrant issued under this Act or the Rules of Court, to arrest another person (the ***arrestee***):

(a) the Sheriff of the Court;

(b) a Deputy Sheriff of the Court;

(c) the Sheriff of a court of a State or Territory;

(d) a Deputy Sheriff of a court of a State or Territory;

(e) a police officer.

**Power to enter premises**

(2) If the arrester reasonably believes the arrestee is on premises, the arrester may enter the premises, using such force as is necessary and reasonable in the circumstances, at any time of the day or night for the purpose of searching the premises for the arrestee or arresting the arrestee.

(3) However, the arrester must not enter a dwelling house between 9 pm one day and 6 am the next day unless he or she reasonably believes that it would not be practicable to arrest the arrestee there or elsewhere at another time.

**Use of force**

(4) In the course of arresting the arrestee, the arrester:

(a) must not use more force, or subject the arrestee to greater indignity, than is necessary and reasonable to make the arrest or to prevent the arrestee’s escape after the arrest; and

(b) must not do anything that is likely to cause the death of, or grievous bodily harm to, the arrestee unless the arrester reasonably believes that doing that thing is necessary to protect life or prevent serious injury to another person (including the arrester); and

(c) if the arrestee is attempting to escape arrest by fleeing—must not do a thing described in paragraph (b) unless:

(i) the arrester reasonably believes that doing that thing is necessary to protect life or prevent serious injury to another person (including the arrester); and

(ii) the arrestee has, if practicable, been called on to surrender and the arrester reasonably believes that the arrestee cannot be arrested in any other way.

**Informing the arrestee of grounds for arrest**

(5) When arresting the arrestee, the arrester must inform the arrestee of the grounds for the arrest.

(6) It is sufficient if the arrestee is informed of the substance of those grounds, not necessarily in precise or technical language.

(7) Subsection (5) does not apply if:

(a) the arrestee should, in the circumstances, know the substance of the grounds for the arrest; or

(b) the arrestee’s actions make it impracticable for the arrester to inform the arrestee of those grounds.