

Subpoena

Subpoena No:
(ACAT use only)

ACAT file number:

APPLICANT:

RESPONDENT:

OTHER PARTY:
(If any)

This subpoena is issued to:

(Individual name OR office holder and position title)

Of:

(street address for service of documents)

Instruction to requesting party: Complete section A, B or C below and delete or strike through unused sections

A. TO PRODUCE DOCUMENTS OR OTHER THINGS

You are subpoenaed in these proceedings to produce the following document or thing (Attach page if insufficient space):

at the ACT Civil and Administrative Tribunal (ACAT) located at Level 4, 1 Moore Street, Canberra ACT 2601

On time, day and date:
(completed by ACAT)

B. TO GIVE EVIDENCE AT THE HEARING

You are subpoenaed to attend and give evidence at the ACT Civil and Administrative Tribunal located at Level 4, 1 Moore Street, Canberra ACT 2601

On time, day and date:
(enter your hearing date here)

C. TO GIVE EVIDENCE AND PRODUCE DOCUMENTS AT THE HEARING

You are subpoenaed to attend and give evidence at the ACT Civil and Administrative Tribunal located at Level 4, 1 Moore Street, Canberra ACT 2601

On time, day and date:
(enter your hearing date here)

and to produce the following document or thing (Attach page if insufficient space):

Registrar/Deputy Registrar:

Date:

Subpoena

This subpoena is issued at the request of the Applicant/Respondent/Other party whose contact details are:

Name:

Phone Number:

Email:

STATEMENT TO RECIPIENT OF A SUBPOENA

Section 41 *ACT Civil and Administrative Tribunal Act 2008*

Failing to comply with a subpoena

A presidential member of the tribunal may issue a warrant to arrest a person who does not attend the tribunal when required by a subpoena.

You may not be required to comply with this subpoena if it has not been served on you in accordance with the tribunal's rules and procedural directions. If you think you do not need to comply with this subpoena you should immediately contact the party who issued the subpoena. You should also seek independent legal advice.

Producing Documents or other things

You may comply with a subpoena to produce by giving the subpoenaed document or other thing to the tribunal on or before the date stated in the subpoena for its production. You must fill in the Declaration by Addressee attached to the subpoena, and give it to the tribunal together with the subpoena, and the subpoenaed document or thing.

If you object to producing a document or thing named in the subpoena you should attend the tribunal at the time and date shown on the subpoena to explain your objection.

The tribunal may give a party to the proceedings leave to inspect a document or make a copy of a document produced under a subpoena.

If you object to the tribunal granting leave another person to inspect or copy a document you have produced, you should attend the tribunal at the time and date shown on the subpoena to explain your objection.

Giving Evidence

If this subpoena requires you to give evidence you should attend the tribunal in person at the time and place specified. You may be represented at that time by a lawyer or someone else in accordance with the rules of the tribunal.

If you object to giving evidence you should attend the tribunal at the time and date shown on the subpoena to explain your objection.

You may apply to the tribunal for a direction under section 45 of the *ACT Civil and Administrative Tribunal Act 2008* to permit you to give evidence other than in person. The application must be made before the date you are required to attend and give evidence.

You may wish to obtain legal advice in relation to the subpoena.

Interstate Subpoenas

If you are not in the ACT when this subpoena is served upon you, the subpoena should have attached a notice and order in accordance with the *Service and Execution of Process Act 1992 (Cth)*.

Declaration by Addressee/Subpoena Recipient

ACAT file number:

Subpoena No:

This form is to be completed and provided to the Tribunal with the subpoena and subpoenaed documents or things.

Please tick the relevant option below, provide your postal address as appropriate, sign and date

- All** of the material I am providing to the ACT Civil & Administrative Tribunal in response to the attached subpoena are copies of documents. I acknowledge that the ACT Civil and Administrative Tribunal will destroy these copies once they are no longer required, without further notice to me.
- Some or all** of the material I am providing to the ACT Civil and Administrative Tribunal in response to the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

Postal address :

Signature of addressee:

Name of addressee:

Date:

Please note: If this document is not returned to the ACAT, the subpoenaed materials will be destroyed in accordance with ACAT records management practices.