

Subpoena for Production and to Give Evidence

To (*name*):

of (*address*):

You are hereby required to attend and produce this subpoena and such of the documents and things described in the schedule as are in your possession or control, and attend for the purpose of giving evidence -

- (a) before the Court;
- (b) at (*Court location*)
- (c) on (*date*)

and until you are excused from further attending; but

- (i) you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you; If you are requested to attend or produce to the Court by a police officer or public officer, the costs of attendance/production may be reimbursed to you after the date of attendance/production.
- (ii) you need not comply with this subpoena if it is served on you after (*date*)

Schedule

Parties: (name of prosecutor/applicant) v (name of defendant/respondent)
Proceedings (*short description of Proceedings*):

Your attendance is required on behalf of the (*select one*) (prosecutor/applicant or defendant/respondent):

Contact details (*name, address & telephone number of prosecutor/applicant or defendant/respondent issuing the subpoena*):

Declaration of issuing party:

(To be completed by the issuing party by ticking the boxes below)

- The materials sought to be produced are not documents that contain a protected confidence* as defined in s 296 of the *Criminal Procedure Act 1986*, or
- Leave has been granted to issue this subpoena to produce a document/s recording a protected confidence (s 298 *Criminal Procedure Act 1986*). The order granting leave was made on [insert date], or
- The principal protected confider to whom these proceedings relate has consented to the production of the document/s sought under this subpoena (s 300(1) *Criminal Procedure Act 1986*). A copy of the consent from the protected confider is attached to this subpoena.

*A protected confidence means a counselling communication that is made by, to or about a victim to alleged victim of a sexual assault offence.

Name of issuing party:

Legal representative:

Signature:

Date:

This subpoena was issued by:

Name:

Address:

Police Officer /Public Officer/Registrar (*select one*)

Date:

Notes:

1. A public officer or police officer commencing proceedings may sign and issue a subpoena.
2. A registrar may issue a subpoena at the request of any other party to proceedings.
3. Where this subpoena requires you to produce a document, you may comply with the subpoena by producing a **clean sharp photocopy** of the document.

4. If you do not comply with this subpoena you may be arrested.
5. The person who produces a document pursuant to a subpoena must advise the registrar as to whether the document is an original document or a copy and must elect whether the document is to be disposed of by registrar or returned to the person.

Election by named in subpoena on return of documents

The document is (tick below):

- An original
 A copy

I elect to have the documents (tick below):

- Returned to me
 Disposed of by a Registrar

Signed:

Date:

Name:

Address:

Statement of Service

I (name) _____ of (occupation)

I am aged 16 years or more

I did serve a copy of this subpoena on the witness on (date) _____ by delivering a copy
(state manner of service):

Signed:

Name:

Witness:

Name:

Registry address

Street address:

Postal address:

Telephone: