

Form 6.23 Affidavit in support of application for leave to serve ACAT subpoena outside ACT

Court Procedures Rules 2006

(see r 6615 (Subpoena issued by ACAT—leave to serve outside ACT))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

(name)
Applicant

(name)
Respondent

On (date), I (full name of person making affidavit) of (home or business address), *[say on oath/solemnly affirm]—

1. I am a party to a proceeding in the ACT Civil and Administrative Tribunal (the *tribunal*).
2. The proceeding relates to (give brief outline of the proceeding, eg a claim for \$5 000 arising from a contractual dispute, or a residential tenancy matter).
3. At my request, the tribunal has issued a subpoena *[to give evidence/to produce documents/to give evidence and to produce documents] addressed to (state name of person subpoena addressed to) of (state person's address) (the *witness*) (a copy of which is attached and marked 'annexure A').

Filed for the *[plaintiff/defendant/other (specify)] by:
(the person's address for service and telephone number (if any) or, if the person is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)

- *4. The witness is expected to give evidence about (*set out the evidence the witness is expected to give*).
- *5. The witness's evidence is necessary to prove (*explain why the evidence is necessary*).
- *6. The witness is requested to produce the documents or things set out in the subpoena.
- *7. The witness's documents or things are necessary to prove (*explain why the documents are necessary*).
8. The proceeding is listed for hearing on (*set out hearing date*).
9. (*state any contact the party has made with the subpoenaed person*).

*[Sworn/Affirmed] by (*full name*):

(*signature of person making affidavit*)

at (*place*) in the presence of:

(*signature of person before whom affidavit is made*)

(*full name of person before whom affidavit is made*) of (*address*)

*[Justice of the Peace/Barrister/Solicitor/(*other*)]

Note If the affidavit extends over more than 1 page, the person making the affidavit and the person taking the affidavit must sign or initial each page of the affidavit (see r 6715 (1) (Affidavit—taking of)).

**omit if, or whichever is, inapplicable*