

File Number

ACT CIVIL AND ADMINISTRATIVE TRIBUNAL



SUBPOENA

see attached statement under s.41 ACT Civil and Administrative Tribunal Act 2008

Applicant

Respondent

To _____ (Name)

of _____ (Address)

* You are subpoenaed to attend and give evidence at _____ on the _____ day of _____ 20__ at _____ am/pm.

* Your are subpoenaed to attend and give evidence at _____ on the _____ day of _____ 20__ at _____ am/pm and to produce the following document or thing:

* You are subpoenaed in these proceedings to produce the following document or thing at _____ on or before the _____ day of _____ 20__ at _____ am/pm.

Date:

This subpoena is issued at the request of the: Applicant/ Respondent/ Other*

Registrar/Deputy Registrar*

*Strike out if not applicable

STATEMENT TO RECIPIENT OF A SUBPOENA

Section 41 ACT Civil and Administrative Tribunal Act 2008

Producing Documents

Section 41(2) of the ACT Civil and Administrative Tribunal Act 2008 (the Act) provides that a person is taken to have complied with a subpoena if the person gives the document or other thing to the tribunal before the date stated in the subpoena for its production.

Section 41(3) of the ACT Civil and Administrative Appeals Tribunal Act 2008 provides that the tribunal may give a party leave to inspect a document or make a copy of a document produced under a subpoena.

If you object to the tribunal granting leave in accordance with section 41(3), you should attend the tribunal at the time and date shown on the subpoena to provide the details of your objection.

In the absence of any objection the tribunal may grant the leave referred to in section 41(3) if requested by a party to do so.

Giving Evidence

If this subpoena requires you to give evidence you may be represented at the time and place you are required to appear before the tribunal by a lawyer or someone else.

The tribunal may stop a person representing you in accordance with any Rule made under section 25(1)(b) of the Act.

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

You may apply to the tribunal for a direction under section 45 of the Act to permit you to give evidence other than in person.

Setting Aside a Subpoena

Section 41(6) of the Act provides that the tribunal may completely or partly set aside a subpoena on the application of a party or someone else having a sufficient interest.

Failing to Appear

A presidential member of the tribunal may issue a warrant to arrest a person who does not appear when subpoenaed to do so in the circumstances set out in section 42 of the Act.