

Form 6.10 Subpoena to give evidence

Court Procedures Rules 2006

(see r 6602 (Form of subpoena))

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

No *[SC/MC] of (year)

*(for a civil matter)

(name)
Plaintiff

(name)
Defendant

*(for a criminal matter)

*[The Queen/name of informant]

and

(name of accused person)

*omit if, or whichever is, inapplicable

To *[name of addressee/description of addressee's position]
(address)

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)

You are ordered:

to attend to give evidence—see section A

Failure to comply with this subpoena without lawful excuse is a contempt of court and you may be dealt with accordingly.

The last date for service of this subpoena is: *(see note 1)*

Please read notes 1 to 9 at the end of this subpoena.

(seal or stamp of the Court)

Date:

Issued at the request of *(name of party)*, whose address for service is:

A. Details of subpoena to attend to give evidence

Date, time and place where you must attend to give evidence (unless you are given notice under rule 6603A of a later date or time to attend)—

Date:

Time:

Place:

If you are given notice under rule 6603A stating a date or time for attendance or production or both, you must attend at the date or time stated in the notice.

You must continue to attend from day-to-day unless excused by the Court or the person authorised to take evidence in this proceeding, or until the hearing of the matter is completed.

Notes

Last day for service

- 1 You need not comply with this subpoena unless it is served on you on or before the date stated in the subpoena as the last date for service of the subpoena.

Informal service

- 2 Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and its requirements.

Addressee a corporation

- 3 If this subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

- 4 You need not comply with this subpoena unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date when your attendance is required.

Applications in relation to subpoena

- 5 You have the right to apply to the Court for an order setting aside this subpoena (or a part of it) or for relief in relation to the subpoena.

Loss or expense of compliance

- 6 If you are not a party to the proceeding or arbitration, you may apply to the Court for an order that the issuing party pay (in addition to any conduct money and any witness expenses) the amount of any reasonable loss or expense, including legal costs, incurred in complying with this subpoena.

Contempt of court

- 7 Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

- 8 Note 7 does not affect any power of the Court to enforce compliance with a subpoena, including the power to issue a warrant for the arrest of an addressee who does not comply with a subpoena.
- 9 Failure to comply with a subpoena may also be a criminal offence (see Criminal Code, s 719 (Failing to attend)).