

# Form 6.10 Subpoena to give evidence

*Court Procedures Rules 2006*

(see r 6602 (Form of subpoena))

No of 20

In the (*name of court*) of the Australian Capital Territory

\*[(*for a civil matter*)

(*Name of party*) \*[and (*another/others*) named in the schedule of parties]

\*[Plaintiff/Appellant/other (*specify*)]

and

(*Name of party*) \*[and (*another/others*) named in the schedule of parties]

\*[Defendant/Respondent/other (*specify*)]]

\*[(*for a criminal matter*)

(*Name of prosecuting entity*)

and

(*Name of defendant*) \*[and (*another/others*) named in the schedule of parties]]

To: (*full name of addressee*), (*address of addressee*)

**You are ordered to attend to give evidence.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

The last date for service of this subpoena is (*date*).

Please read notes 1 to 10 at the end of this subpoena.

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Filed for the \*[plaintiff/prosecuting entity/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*)

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Date:

(seal or stamp of the court)

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

Place:

Email:

**Note:** Everything above this line must be included on page 1

*\*delete if, or whichever is, inapplicable*

## Details of subpoena

This subpoena requires you to attend to give evidence.

You must comply with this subpoena by attending to give evidence on the following date and at the following time and place:

Date:

Time:

Place:

However, if the issuing party gives you notice of a later date or time, the later date or time is the date or time when you must attend to give evidence.

You must continue to attend each subsequent day of the hearing until you are—

- (a) excused by the court or the person authorised to take evidence in this proceeding; or
- (b) the hearing of the matter is completed.

You must produce the subpoena or a copy of it when you attend to give evidence.

## **^Schedule of parties**

*\*[(for a civil matter)*

**(Name of party)** *\*[and (another/others) named in the schedule of parties]*

*\*[Plaintiff/Appellant/other (specify)]*

and

**(Name of party)** *\*[and (another/others) named in the schedule of parties]*

*\*[Defendant/Respondent/other (specify)]]*

*\*[(for a criminal matter)*

**(Name of prosecuting entity)**

and

**(Name of defendant)** *\*[and (another/others) named in the schedule of parties]]*

*^delete schedule of parties if all parties are named on page 1*

*\*delete if, or whichever is, inapplicable*

## Notes

### Last day for service

- 1 You need not comply with the 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 You must comply with the requirements of the subpoena even if it has not been served personally on you if, by the last date for service of the subpoena, you have actual knowledge of the subpoena and its requirements.

### Addressee a corporation

- 3 If the 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 the subpoena unless conduct money is handed or tendered to you a reasonable time before the date when your attendance is required.

### Applications about complying with the subpoena

- 5 You have the right to apply to the court—
  - (a) for an order setting aside all or part of the subpoena or for relief in respect of the subpoena; and
  - (b) for an order with respect to any claim for privilege, public interest immunity or confidentiality.

### Loss or expense of compliance

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

### Contempt of court—arrest

- 7 Failure to comply with this subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 8 The court may take steps to enforce compliance with the subpoena, including by issuing a warrant for your arrest.
- 9 Failure to comply with this subpoena may also be a criminal offence (see Criminal Code, section 719 (Failing to attend)).

### Arbitration under the *Commercial Arbitration Act 2017*

- 10 If the subpoena is issued under the *Commercial Arbitration Act 2017*, modifications apply to the subpoena and its notes (see *Court Procedures Rules 2006*, rule 6614).