



Administrative Decisions Tribunal
New South Wales

SUMMONS TO GIVE EVIDENCE

CASE DETAILS

Division

File number

PARTIES

Applicant

Respondent

ISSUING PARTY

Issued at request of *please circle one* Applicant / Respondent

Address

Telephone

ORDER TO THE WITNESS

Name of witness

Address of witness

YOU ARE ORDERED

**** to give evidence** – see section A of this form.

**** to produce** the document or things specified in the schedule and this summons or a copy of it to the Tribunal – see section B of this form.

**** to give evidence and produce** the documents or things specified in the schedule and this summons or a copy of it to the Tribunal – see section C of this form.

****SELECT ONLY ONE OF THESE OPTIONS (A, B OR C) AND DELETE THE PARTS THAT DO NOT APPLY**

Failure to comply with this summons without reasonable excuse is an offence (maximum penalty \$11,000) and may be dealt with as contempt of the Tribunal.

The last day for service of this summons is

Please read notes 1 to 14 at the end of this summons.

Registrar *(signature stamp and Tribunal seal)*

Date

**** A. SUMMONS TO ATTEND TO GIVE EVIDENCE ONLY**

Date, time and place at which you must attend to give evidence

Date

Time

Place **Level 15, 111 Elizabeth Street SYDNEY**

You must continue to attend from day to day

- unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or
- until the hearing of the proceedings are completed.

**** B. SUMMONS TO PRODUCE ONLY**

You must comply with this summons:

- By attending to produce the document or things specified in the Schedule below and this summons or a copy of it to the address below at the time, date and place specified for production, or
- By delivering or sending the documents or things specified in the Schedule below and this summons or a copy of it to the address below so that they are received not less than 2 clear days before the date specified for production. (See notes 5 – 11)

Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it

Date

Time **9.30am**

Place **Level 15, 111 Elizabeth Street SYDNEY**

Address to which the summons (or copy) and documents or things may be delivered or posted is: **Level 15, 111 Elizabeth Street SYDNEY or DX 1523 SYDNEY**

**** C. SUMMONS BOTH TO ATTEND TO GIVE EVIDENCE AND TO PRODUCE**

In so far as you are required by this summons to attend to give evidence, you must attend as follows

Date

Time

Place **Level 15, 111 Elizabeth Street SYDNEY**

You must continue to attend from day to day

- unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or
- until the hearing of the proceedings are completed.

In so far as you are required by this summons to produce the documents or things and this summons or a copy of it, you must comply with this summons:

- By attending to produce the document or things specified in the Schedule below and this summons or a copy of it to the address below at the time, date and place specified for attendance and production, or
- By delivering or sending the documents or things specified in the Schedule below to the address below and this summons or a copy of it to the address below so that they are received not less than 2 clear days before the date specified for attendance and production. (See notes 5 – 11)

Date, time and place at which you must attend to produce the document or things and this summons or a copy of it

Date

Time

Place

Level 15, 111 Elizabeth Street SYDNEY

Address to which the documents or things and the summons (or copy) may be delivered or posted is: **Level 15, 111 Elizabeth Street SYDNEY or DX 1523 SYDNEY**

**** SCHEDULE**

The documents or things you must produce are as follows

[List the documents or things. Attach another sheet if there is insufficient space.]

NOTES

Last day for service

1 You need not comply with the summons unless it is served on you on or before the date specified in the summons as the last date for serving the summons.

Informal service

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

Addressee a corporation

3 If the summons is addressed to a corporation, it must comply with the summons by its appropriate or proper officer.

Payment of witness expenses

4 You need not comply with the summons in so far as it requires you to attend to give evidence unless witness expenses sufficient to meet your reasonable expenses of attending as required by the summons is handed or tendered to you a reasonable time before the date on which your attendance is required. The prescribed scale of allowances and expenses for witnesses required to appear or give evidence before the Tribunal is set out in Part 6 of the *Administrative Decisions Tribunal (General) Regulation 2004*.

Production of summons or copy of it and documents or things by delivery or post

5 In so far as this summons requires production of the summons or a copy of it and a document or thing, instead of attending to produce the summons or a copy of it and the document or thing, you may comply with the summons by delivering or sending the summons or a copy of it and the document or thing to the address specified in the summons for the purpose so that they are received not less than 2 clear days before the date specified in the summons for attendance and production.

6 If you object to a document or thing produced in response to this summons being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the registrar in writing of your objection and of the grounds of your objection.

7 Unless the Tribunal otherwise orders, if you do not object to a document or thing produced by you in response to the summons being inspected by any party to the proceeding, the registrar may permit the parties to the proceeding to inspect the document or thing.

Production of a number of documents or things

8 If you produce more than one document or thing, you must, if requested by the registrar, produce a list of the documents or things produced.

Production of copy instead of original

9 You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the summons requires you to produce.

Return or destruction of documents or copies

10 You may, at the time of production, inform the Tribunal that any document or copy of a document produced need not be returned and may be destroyed.

11. If you have so informed the Tribunal, the registrar may destroy the document or copy instead of returning it to you. Tick the appropriate box below to inform the Tribunal whether the documents or copies of documents are to be returned to you or destroyed.

	The documents and things produced with this summons are copies of original documents. I authorise the registrar to destroy these copies when they are no longer required.
	The documents and things produced with this summons are original documents. I request that the registrar return them to me when they are no longer required.
Signature of witness	

Applications in relation to summons

12 You have the right to apply to the Tribunal:

- (a) for an order setting aside the summons (or a part of it) or for relief in respect of the summons, and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the summons.

Loss or expense of compliance

13 Where the person named is required to produce only, the amount paid must be sufficient to obtain, reproduce (if necessary) and deliver the document to the Tribunal registry (or other venue).

Non-compliance without any explanation

14 Failure to comply with a summons without a reasonable excuse is an offence with a maximum penalty of \$11,000 and may be dealt with as contempt of the Tribunal.

REGISTRY DETAILS

Level 15, St James Centre, 111 Elizabeth St Sydney 2000
DX 1523 Sydney
Phone 02 9223 4677 Freecall 1800 060 410
Facsimile 02 9233 3283
TTY 02 9235 2674 www.lawlink.nsw.gov.au/adt

HOW TO COMPLETE THIS FORM

THESE INSTRUCTIONS ARE NOT TO BE FILED

Do not include any information about the proceedings on this part of the form.

** OPTIONAL INFORMATION

Some information in this form may not be relevant to your proceedings. An item marked with ** may be omitted if it is not relevant to your proceedings.

CASE DETAILS / PARTIES

Copy this information from the originating process.

ISSUING DETAILS

Include details of the party or the name of the person on whose behalf this summons is being issued.

Include the address of the party or person who is issuing the summons. For example, the following information should be included if the summons is being issued by the solicitors for a party.

Address	[Name of firm] Solicitors [ACN if relevant] [Street address] [DX address] [Telephone number] [Fax number] [Email address] [Solicitor's file reference]
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ORDER TO THE WITNESS

Include details of the type of summons that is to be issued.

Include details of the last day for serving the summons. See Administrative Decisions Tribunal Practice Note 07 for information about the last day for serving a summons.

SUMMONS DETAILS

Include details that are relevant to the type of summons that is to be issued.

SCHEDULE

List the documents or things that are to be produced under this summons.