



SUMMONS TO GIVE EVIDENCE FOR SERVICE INTERSTATE

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 15 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.]

ORDER FOR SERVICE OF INTERSTATE SUMMONS

Leave has been granted pursuant to section 57 of the *Service and Execution of Process Act (Cth) 1992* to serve the attached summons outside the state of New South Wales and in the state of *(insert the state or territory in which the summons is to be served)*

A copy of the Form 5 Notice to Witness is attached to the summons.

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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

ORDER FOR SERVICE INTERSTATE

An application to serve the summons must be made and leave granted before the summons will be issued.

Form 5

Service and Execution of Process Act 1992 (Cth)

Notice to witness

This notice is very important

Please read it and the attached documents very carefully

If you have any trouble understanding them you should get legal advice as soon as possible

Attached to this notice is a summons ("the attached subpoena") that is a subpoena for the purposes of the *Service and Execution of Process Act 1992* issued by the Administrative Decisions Tribunal. Service of the attached subpoena outside New South Wales is authorised by the Administrative Decisions Tribunal under that Act.

Your rights

You may be able to apply to the: Administrative Decisions Tribunal or to the Supreme Court of New South Wales to set aside or obtain other relief in respect of the attached subpoena. If you would like to make an application you should get legal advice as soon as possible.

Your obligations

You must obey the attached subpoena if:

- (a) at the time of service or at some reasonable time before the return date of the summons you were offered or given:
 - (i) enough money to meet your reasonable expenses in obeying it, including any travel and accommodation costs; or
 - (ii) a combination of money, travel tickets and vouchers to meet those expenses; and
- (b) you received with the attached subpoena a copy of an order from a court in New South Wales permitting the attached subpoena to be served outside New South Wales and specifying the day before which it must be served.

If the attached subpoena only requires production of documents or things you may comply with the attached subpoena by delivering the documents or things at least 24 hours before the return date on the summons to the Registrar of the Administrative Decisions Tribunal.

This is most important

If you are subject to a restriction on your movements that you might breach if you comply with the attached subpoena, there are some additional actions you must take for your own protection.

The restriction on you could be imposed as:

- (a) conditions of bail; or
- (b) conditional release from prison; or
- (c) conditions of probation; or
- (d) home or periodic detention; or
- (e) a community service order, community based order, attendance order or work and development order; or
- (f) some other restriction on your movements imposed by law or by order of a court.

If you are under a restriction of that kind, you must, as soon as practicable after you receive the attached subpoena, inform your supervisor of the service of the attached subpoena. If you are on bail, and your bail is subject to a condition that you report periodically, your supervisor is the police officer or correction service officer that you report to. If you are not on bail, or if you are on bail but are not required to report periodically, your supervisor is the person who supervises your compliance with an order or restriction.

Also you must, as soon as practicable, inform the Administrative Decisions Tribunal and the person at whose request the subpoena has issued of the restriction to which you are subject.

You must take all reasonable steps to have the restriction varied so that you can comply with the attached subpoena. If the restriction is not varied you must inform the Administrative Decisions Tribunal and the person at whose request the subpoena was issued either:

- (a) of the steps you took to have the restriction or obligation varied, and that the restriction or obligation has not been varied; or
- (b) that the law does not permit that variation; whichever is the case.