

SUBPOENA

ACAT file number

Subpoena number
(ACAT use only)

1. PARTY NAMES

Applicant/s

Respondent/s

Other party

2. ISSUING PARTY

This subpoena is issued at the request of the ☐ Applicant ☐ Respondent ☐ Other _____
(specify)

Name

Telephone

Email

3. ADDRESSEE (PERSON TO WHOM SUBPOENA IS ADDRESSED)

This subpoena is issued to:

Name

Person's name OR office
holder and position title
(example: proper officer)

Address

Cannot be a PO Box
or email address.
If a company, address
must be the registered
office.

YOU ARE ORDERED TO:

(Issuing party: select **one** of the following options)

- ☐ Produce a document or thing – see **SECTION A**
- ☐ Give evidence at the hearing – see **SECTION B**
- ☐ Give evidence and produce a document or thing at the hearing – see **SECTION C**

SECTION A

PRODUCE A DOCUMENT OR THING

You are subpoenaed to produce the following document or thing to the ACT Civil and Administrative Tribunal (ACAT): *(attach separate page if insufficient space)*

You may produce the document or thing by *either*:

- (1) **Attending ACAT on the date below** (return date) and producing the document or thing specified in the subpoena, a copy of this subpoena and the completed declaration (on page 5):

Time, day and date
(completed by ACAT)

Location
(completed by ACAT)

OR

- (2) **Delivering or sending** the document or thing, a copy of this subpoena and the completed declaration (on page 5) to one of the addresses below so that they are received by ACAT *no later than 2 days before* the return date:

Postal address

ACAT
GPO Box 370
CANBERRA ACT 2601

Registry address
(completed by ACAT)

SECTION B

GIVE EVIDENCE AT THE HEARING

You are subpoenaed to attend and give evidence at the ACT Civil and Administrative Tribunal (ACAT). You must attend the ACAT on:

Time, day and date
(completed by ACAT)

Location
(completed by ACAT)

SECTION C GIVE EVIDENCE AND PRODUCE A DOCUMENT OR THING AT THE HEARING

You are subpoenaed to attend and give evidence at the ACT Civil and Administrative Tribunal (ACAT). You must attend the ACAT on:

Time, day and date
(completed by ACAT)

Location
(completed by ACAT)

And to produce the following document or thing: *(attach a separate page if insufficient space)*

4. SERVICE

LAST DAY FOR SERVICE

The issuing party must:

- (1) personally serve a copy of this subpoena and conduct money on the addressee **on or before the last day for service**, which is:

Date
(completed by ACAT)

AND

- (2) give a copy of this subpoena to every other party as soon as possible after the subpoena has been served on the addressee.

The subpoena must be served in person (not by post or email) by giving the subpoena and conduct money to the addressee. The addressee may not need to comply with the subpoena unless it is served on or before the last day for service. The addressee must comply with the subpoena if they have actual knowledge of the subpoena and its contents by the last day for service. There is information about conduct money and reasonable costs on the ACAT website (www.acat.act.gov.au).

INTERSTATE SUBPOENA

If the addressee is not in the ACT, the subpoena should have attached a notice and order from the ACT Magistrates Court in accordance with the *Service and Execution of Process Act 1992 (Cth)*.

Please read the information sheet on the next page.

5. ISSUED BY (ACAT USE ONLY)

Registrar / Deputy Registrar

Date

IMPORTANT INFORMATION FOR ADDRESSEE OF SUBPOENA

Section 41 of the *ACT Civil and Administrative Tribunal Act 2008*

There is more information on the ACAT website (www.acat.act.gov.au) about subpoenas at the ACT Civil and Administrative Tribunal (ACAT).

Failing to comply with a subpoena

A presidential member of the ACAT may issue a warrant to arrest a person who does not attend the ACAT when required by a subpoena.

You may not be required to comply with this subpoena if it has not been served on you in accordance with the ACAT Rules. If you think you do not need to comply with this subpoena you should immediately contact the party who issued the subpoena. You should also seek independent legal advice.

Producing a document or thing

You may comply with a subpoena to produce a document or thing by giving the subpoenaed document or thing to the ACAT on or before the return date stated in the subpoena for its production. You must fill in the *declaration by addressee* attached to the subpoena, and give it to the ACAT together with the subpoenaed document or thing.

If you object to producing a document or thing named in the subpoena you should attend the ACAT at the time and date shown on the subpoena to explain your objection.

The ACAT may give a party to the proceedings leave to inspect a document or make a copy of a document produced under a subpoena.

If you object to the ACAT granting leave to another person to inspect or copy a document or thing you have produced, you should attend the ACAT at the time and date shown on the subpoena (the return date) to explain your objection.

Giving evidence

If this subpoena requires you to give evidence you should attend the ACAT in person at the time and place specified. You may be represented at that time by a lawyer or someone else in accordance with the ACAT Rules.

If you object to giving evidence you should attend the ACAT at the time and date shown on the subpoena to explain your objection.

You may apply to the ACAT for a direction under section 45 of the *ACT Civil and Administrative Tribunal Act 2008* to permit you to give evidence other than in person. The application must be made before the date you are required to attend and give evidence.

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

Interstate subpoenas

If you are not in the ACT when this subpoena is served on you, the subpoena should have attached a notice and order from the ACT Magistrates Court in accordance with the *Service and Execution of Process Act 1992 (Cth)*.

More information

Visit our website www.acat.act.gov.au for information about:

- What to expect
- Hearings: Subpoenas (including conduct money and reasonable costs)
- Lodge and serve documents
- The ACAT Rules

Contact ACAT

Telephone	(02) 6207 1740
Email	tribunal@act.gov.au
Post	ACAT GPO BOX 370 CANBERRA ACT 2601

DECLARATION BY ADDRESSEE

(SUBPOENA TO PRODUCE DOCUMENT OR THING ONLY)

ACAT file number

Subpoena number
(ACAT use only)

Complete this declaration and give it to ACAT when you produce the document or thing.

DECLARATION

I understand that the ACAT will dispose of my document or thing once the proceedings have been finalised. If I do not ask for the documents or things to be returned to me, it will be destroyed in accordance with ACAT records management practices.

I want the subpoenaed material to be: *(select one)*

☐ **DESTROYED**

☐ **RETURNED TO ME**

Once the material is no longer required, I will collect it from ACAT. I can be contacted as follows:

Email

Postal address

Telephone

If I do not collect it within 28 days of being notified by ACAT, it will be destroyed.

SIGNATURE

**Signature of
addressee**

Name

Date