

## Subpoena for Production

To (name): Write the name of the person you want to produce documents. If it is an organisation, you should write 'The Proper Officer' followed by the name of the organisation

of (address): Write the address of the person or organisation

You are required to attend and produce this subpoena and such of the documents and things described in the schedule as are in your possession or control:

- (a) before the Court; Write the name of the Local Court
- (b) at (Court location) Write the address of the Local Court
- (c) on (date) Write the return of subpoena date

and until you are excused from further attending; but

- (i) you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you; If you are requested to produce to the Court by a police officer or public officer, the costs of production may be reimbursed to you after the date of production.
- (ii) you need not comply with this subpoena if it is served on you after (date): The court will give the date
- (iii) if you are not a party to these proceedings, instead of so attending you may produce this subpoena and such of the documents and things described in the schedule as are in your possession or control to the registrar of this court not later than the day before the first day on which you are required to attend.

### Schedule

Write the documents or things you are asking the person or organisation to produce.

Parties: (name of prosecutor/applicant) v (name of defendant/respondent)

Proceedings (short description of Proceedings): Write the name of the parties in the proceedings

This subpoena is issued on behalf of the (select one) (prosecutor/applicant or defendant/respondent) Select either applicant or respondent

Contact details (name, address & telephone number of prosecutor/applicant or defendant/respondent issuing the subpoena): Write your name, address and telephone number. Write either 'applicant' or 'defendant'

**Declaration of issuing party:**

*(To be completed by the issuing party by ticking the boxes below)*

Tick the first box only if the documents requested do not contain any counselling communications made by, to or about an alleged victim of sexual assault.

Tick the second box only if the court has granted leave (given permission) to issue a subpoena to produce documents containing counselling communications made by, to or about alleged victim of sexual assault.

Tick the third box only if the proceedings relate to a protected confider that has consented to the release of protected counselling communications, and you have attached a copy of the consent.

The material sought to be produced are not documents that contain a protected confidence\* as defined in s296 of the *Criminal Procedure Act 1986*, or

Leave has been granted to issue this subpoena to produce a document/s recording a protected confidence (s298 *Criminal Procedure Act 1986*). *The order granting leave was made on [insert date], or*

The principal protected confider to whom these proceedings relate has consented to the production of the document/s sought under this subpoena (s300(1) *Criminal Procedure Act 1986*). *A copy of the consent from the protected confider is attached to this subpoena.*

\*A protected confidence means a counselling communication that is made by, to or about a victim to alleged victim of a sexual assault offence.

**Name of issuing party:**

**Legal representative:**

**Signature:**

**Date:**

**This subpoena was issued by:** The Local Court will complete this section

**Name:** The Local Court will complete this section

**Address:** The Local Court will complete this section

**Police Officer/Public Officer/Registrar (select one)** The Local Court will complete this section

**Date:** The Local Court will complete this section

Notes:

1. A public officer or police officer commencing proceedings may sign and issue a subpoena.
2. A registrar may issue a subpoena at the request of any other party to proceedings.
3. Where this subpoena requires you to produce a document, you may comply with the subpoena by producing a **clean sharp photocopy** of the document.
4. If you do not comply with this subpoena you may be arrested.
5. The person who produces a document pursuant to a subpoena must advise the registrar as to whether the document is an original document or a copy and must elect whether the document is to be disposed of by registrar or returned to the person.

**Election by named in Subpoena on return of documents** [Leave this section blank. To be completed by the subpoena recipient.](#)

The document is (tick one):

- An original  
 A copy

I elect to have the documents (tick one):

- Returned to me  
 Disposed of by a Registrar

Signed:            Date:  
Name:            Address:

**Statement of Service** [This section is to be completed by the person who serves the subpoena on the recipient](#)

I (name)            of (occupation)

I am aged 16 years or more

I did serve a copy of this subpoena on the witness on (date)            by delivering a copy (state manner of service):

Signed:  
Name:

Witness:  
Name:

## Registry address

Street address: Write the street address of the Local Court

Postal address: Write the postal address of the Local Court

Telephone: Write the telephone number of the Local Court