

# Subpoena for Production and to Give Evidence

To (*name*): Write the name of the person you want to attend court. If the subpoena is for a company or organisation, write "The Proper Officer".

of (*address*): Write the address of the person, company or organisation.

You are hereby 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, and attend for the purpose of giving evidence -

(a) before the Court;

(b) at (*Court location*) Write the name of the Local Court where your hearing is listed.

(c) on (*date*) Write the date of the hearing. If you are filling out a Subpoena for Production only, you may want to write an earlier date for the documents to be returned but check with the court staff first.

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 attend or produce to the Court by a police officer or public officer, the costs of attendance/production may be reimbursed to you after the date of attendance/production.

(ii) you need not comply with this subpoena if it is served on you after (*date*)  
The court staff will fill out this section.

## Schedule

List the document or things you want the witness to produce, for example:

- CCTV footage from a particular location at a particular time and date
- transactions on a particular account during a particular date range
- medical report of a particular person during a particular date range.

You can attach a separate document if you wish.

Parties: (name of prosecutor/applicant) If you have been charged with an offence write "NSW Police" v (name of defendant/respondent) Write your full name.

Proceedings (*short description of Proceedings*): Write what you have been charged with, for example, Drive with Low Range PCA.

Your attendance is required on behalf of the (*select one*) (prosecutor/applicant or defendant/respondent): Cross out prosecutor/applicant and respondent and leave defendant.

Contact details (*name, address & telephone number of prosecutor/applicant or defendant/respondent issuing the subpoena*): Write your name, street address and best phone number to contact you on.

### **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 court staff will fill out this section.

**Name:** The court staff will fill out this section.

**Address:** The court staff will fill out this section.

**Police Officer /Public Officer/Registrar (select one)**

**Date:**        [The court staff will fill out 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** [The witness will fill out this section.](#)

The document is (tick below):

- An original  
 A copy

I elect to have the documents (tick below):

- Returned to me  
 Disposed of by a Registrar

Signed:        Date:

Name:        Address:

### Statement of Service

[If you have used a process server, they should fill out this section. If you served the subpoena you should fill out this section after you have served it.](#)

I (name)        [Your name \(if you served the subpoena\)](#) of [Your](#)  
[address \(occupation\)](#)        [Your occupation](#)

I am aged 16 years or more

I did serve a copy of this subpoena on the witness on (date)        [Write the date](#)  
[you served the subpoena](#) by delivering a copy (state manner of service):

[Write how you served the subpoena, for example:](#)

- [handed the document to the witness](#)

- left it in the presence of the witness and explained it is a subpoena
- left it with a person who appears to be over 16 years and asked them to give it to the witness
- mailed the document to the address of the witness, then write the address (for companies and organisations only).

Signed:            Your signature (if you served the subpoena).

Name:            Print your name.

Witness:           Signature of witness.

Name:            Name of witness.

## **Registry address**

Street address:

Postal address:

Telephone: