

To be inserted by Court

Case Number:

Date Filed:

FDN:

SUBPOENA TO PRODUCE DOCUMENTS

[SUPREME/DISTRICT] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Informant/R

v

[FULL NAME]
Defendant/Youth

Person subject to Subpoena				
Person	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
	Phone Details			
Type (eg. Home; work; mobile) - Number				

Details of Subpoena

YOU ARE ORDERED to **produce this Subpoena or a copy of it and the documents or things specified in the Subpoena/Schedule of Documents attached. You must comply with this Subpoena by one of the following two methods:**

(1) Physical attendance at the date, time and place specified for attendance and production;

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

(2) Delivering or sending the documents or things specified to the Registrar

You may comply with this Subpoena by delivering or sending this Subpoena or a copy of it and the documents or things specified in the **Subpoena/Schedule of Documents** to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for production above. (see Notes 4-10 below).

Address, or any address, to which the Subpoena (or a copy of it) and documents or things may be delivered or posted:

[Enter Court] of South Australia Criminal Registry

[Enter address] provision for multiple addresses

Failure to comply with this Subpoena without lawful excuse is a contempt of court and may result in your arrest.

You should read all the Notes set out at the end of this Subpoena. **You must complete the Declaration by Addressee (Subpoena Recipient) set out at the end of this Subpoena.**

The last date for service of this Subpoena is [date]. (see Note 1)

Only complete if applicable

The last date for service was fixed by order made by [title of Judicial Officer] [name] on [date].

Subpoena issued at the request of the following party

Party Title	Full Name		
Name of law firm/office	Law firm/office	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. Home; work; mobile) - Number		

Documents and Things

The documents and things you must produce

☐ are included in the Schedule attached to this Subpoena.

☐ are as follows:

Enter list of documents or things

1.

Notes**Last day for service**

- Subject to Note 2, you need not comply with the Subpoena unless it is served on you on or before the date specified in the Subpoena as the last date for service of the Subpoena.

Informal service

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

Addressee a corporation

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

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

4. Instead of attending to produce the Subpoena (or a copy of it) and the document or thing, you may comply with the Subpoena by delivering or sending the Subpoena (or a copy of it) and the document or thing to the Registrar:
 - a. at the address specified in the Subpoena for the purpose; or
 - b. if more than one address is so specified, at any one of those addresses;so that they are received not less than 2 clear business days before the date specified in the Subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
5. If you object to a document or thing produced in response to this Subpoena 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.
6. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the Subpoena 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

7. 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

8. Unless the Subpoena specifically requires you to produce an original, you may produce a copy of any document that the Subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.
9. Electronic copies of documents can be provided on a memory card or USB device in any of the formats referred to in paragraph 10 below.
10. A copy of a document may be:
 - (a) a photocopy;
 - (b) in any of the following electronic formats:
 - .doc and .docx – Microsoft Word documents
 - .pdf – Adobe Acrobat documents
 - .xls and .xlsx – Microsoft Excel spreadsheets
 - .jpg – image files
 - .rtf – rich text format
 - .gif – graphics interchange format
 - .tif – tagged image format
 - any other format which is agreed with the issuing party; or
 - (c) a digital link through which the document can be downloaded.

Applications in relation to Subpoena

11. You have the right to apply to the Court:
 - (a) for an order setting aside the Subpoena (or a part of it) or for relief in respect of the Subpoena; 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 Subpoena.

Loss or expense of compliance

12. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the Subpoena.

Contempt of court – arrest

13. Failure to comply with a Subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
14. Note 13 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a Subpoena) or otherwise, to enforce compliance with a Subpoena.

For more information regarding attending Court, Court services and translation services visit www.courts.sa.gov.au.

Notes to Lodging Party

If the recipient is to be served interstate, a Form 113A Notice must be served with the Subpoena.

If the recipient is a prisoner to be served interstate, a Form 113B Notice must be served with the Subpoena.

If the recipient is to be served in New Zealand a Form 113C Notice must be served with the Subpoena.

DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)

You must sign and date this Declaration and return it as part of this Subpoena with the documents or things you are required to provide to the Court under this Subpoena.

Unless you declare that some or all of the documents or things that you are producing **to the Court under this Subpoena** are original materials of which you seek return, by signing and dating this Declaration you acknowledge that those materials may be destroyed once they are no longer required by the Court, without further notice to you.

Return of documents or things

Complete only if applicable

Some or all of the documents or things that I am providing to the Court are original materials of which I seek return. I request that the original materials identified in the **Schedule of documents or things to be returned** (on the next page) are returned to me at the following address: *[Enter address for return of material]*

.....
Signature of Addressee

.....
Full name of addressee

.....
Date

SCHEDULE OF DOCUMENTS OR THINGS TO BE RETURNED

1. *[Enter list of documents or things]*