

NOTICE TO ACCOMPANY SUBPOENA SERVED ON INTERSTATE PRISONER

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT*] Delete all but one
COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

NOTICE TO WITNESS

THIS NOTICE IS VERY IMPORTANT

PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENT OR DOCUMENTS VERY CAREFULLY.

IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM, YOU SHOULD ASK TO RECEIVE LEGAL ADVICE AS SOON AS POSSIBLE.

Attached to this notice is a Subpoena ('the attached Subpoena') that is a Subpoena for the purposes of Part 3 of the *Service and Execution of Process Act 1992* (Cth) issued by the [name of court] Court of South Australia.

Service of the attached Subpoena outside South Australia is authorised by the *Service and Execution of Process Act 1992* (Cth).

An order, called an Order for Production, based on the attached Subpoena has been served on the person in charge of the institution or place in which you are held. Under this order you will be taken to the [name of court] Court of South Australia [hearing location], unless you are released before [date on which Subpoena returnable]. A copy of the Order for Production is required to be served on you by the person in charge of the institution or place in which you are held.

YOUR RIGHTS

The person in charge of the institution or place in which you are held must provide any assistance that you reasonably require to:

- (a) apply to set aside or obtain other relief from the attached Subpoena; or
- (b) apply to set aside or vary the order for production relating to the attached Subpoena; or
- (c) obtain legal advice.

You may be able to apply to a Court or Authority to set aside or obtain other relief in respect of the attached Subpoena or the Order for Production. If you would like to make an Application you should ask for assistance to obtain legal advice as soon as possible. If you make an Application to set aside or vary the Order for Production, you must, within 24 hours, give a copy to the person in charge of the institution or place in which you are held. If you make an Application to set aside or obtain other relief in respect of the attached Subpoena or the Order for Production, you must, within 24 hours, give a copy to [Party issuing Subpoena].

You will only be able to apply for the Order for Production to be varied or set aside if complying with it would have a substantial detrimental effect on your health or safety.

If the person in charge of the institution or place in which you are held makes an Application to set aside or vary the Order for Production, you must be given a copy of that application within 24 hours of its being made.

YOUR OBLIGATIONS ON RELEASE FROM CUSTODY

If you are released from the institution or place where you are held before [*date on which Subpoena returnable*], you must obey the attached Subpoena yourself if:

- (a) there is sufficient time between when you are released and [*date on which Subpoena returnable*] for it to be reasonably practicable for you to comply with the attached Subpoena; and
- (b) a copy of the Order for Production was served on you with the attached Subpoena; and
- (c) within a reasonable time after you were released 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.

THIS IS MOST IMPORTANT

If, after your release, 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, intensive correction 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 to the police, your supervisor is any police officer at the police station at which you are required to report. If you are on bail, and your bail is subject to a condition that you report periodically to a correction service officer, that officer is your supervisor. In any other case, your supervisor is the person who supervises your compliance with the restriction.

Also, you must, as soon as practicable, inform the [*name of court*] Court of South Australia and [*Party issuing Subpoena*] 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 [*name of court*] Court of South Australia and [*Party issuing Subpoena*] either:

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

whichever is the case.