

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**Hearing Date and Time:****Hearing Location:****SUBPOENA TO ATTEND TO GIVE EVIDENCE****[MAGISTRATES /YOUTH] COURT OF SOUTH AUSTRALIA****CIVIL JURISDICTION****[MINOR CIVIL]** If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

**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			
	Telephone			
	Type - Number			

YOU ARE ORDERED to **attend to give evidence at the date, time and location set out above** unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

You must continue to attend from day to day unless you are excused by the Court or the person authorised to take evidence in this matter or until the hearing of the matter is completed.

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

You should read all of the Notes set out at the end of this subpoena.

The last date for service of this subpoena is [*date*] (see Note 2).

If applicable

The last date for service was fixed by order made by [*title and name of judicial officer*] on [*date*].

### Subpoena issued at the request of the following party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if required

### Notes

#### Is this Subpoena valid?

1. This Subpoena is only valid if it has the Court seal.
2. Unless you actually knew of this Subpoena before the last date for service, this Subpoena must have been served on you before the last date for service set out at the top of this Subpoena.
3. If this Subpoena does not comply with notes 1 or 2, you need not comply with it.

#### Addressee a corporation

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

#### Applications in relation to the Subpoena

5. You may apply to the Court for an order setting aside the Subpoena (or a part of it) or for other relief in respect of the Subpoena.

#### Cost of complying with this Subpoena

6. You are entitled to be paid by the party who requested this Subpoena to be issued:
  - a. your reasonable expenses of attending Court, including travel expenses;
  - b. your reasonable expenses of complying with this Subpoena, including an appropriate witness fee; and
  - c. any other expense incurred or loss suffered in complying with this Subpoena, including legal fees.

7. If you need your reasonable expenses of attending Court paid before you come to Court, you should as soon as practicable contact the party who requested this Subpoena to be issued.
8. If you will need to travel from **outside of South Australia**, you are entitled to be paid your expenses of attending Court 14 days before the date of the hearing. If this does not happen, you do not need to obey this Subpoena.
9. You may apply to the Court for an order for payment of these expenses, if required.

#### **Consequences of not complying with this Subpoena**

10. If you fail to comply with this Subpoena without a lawful excuse, any of the following might happen:
  - a. **you may be arrested** and brought before the Court.
  - b. you may be found to be in **contempt of court and may be liable for a fine or imprisonment**.
  - c. the Court may make any other order within its powers to ensure compliance with this Subpoena.

#### **Attending Court**

11. If you need an interpreter, or if you have a disability that affects your ability to give evidence, you must advise the Court as soon as practicable of any assistance you require. If you need an interpreter, this includes advising the Court of the language and dialect you require.
12. For general information about attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au)

#### **Questions**

13. If you have any questions about what you must do, or if you cannot comply with the Subpoena, you should contact:
  - a. the Registrar of the Court; or
  - b. the party who requested this Subpoena to be issued; or
  - c. a solicitor to obtain your own legal advice.

#### **Notes to Lodging Party**

If the recipient is to be served interstate, a Form 108 Notice must be served with the Subpoena.

If the recipient is a prisoner to be served interstate, a Form 109 Notice must be served with the Subpoena.

If the recipient is to be served in New Zealand a Form 110 Notice must be served with the Subpoena.