

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**Hearing Date and Time:****Hearing Location:****SUBPOENA TO ATTEND AND PRODUCE****[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 each 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 produce this Subpoena or a copy of it and the documents or things specified in the Subpoena/Schedule of documents attached to this Subpoena 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.

Insofar as you are required to produce this Subpoena or a copy of it and documents or things, you may comply with this requirement 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. (see Notes 5-9 below)

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

[~~Court~~] of South Australia Civil Registry

Address

**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. **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 2).

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 (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		
	Email address		
Phone Details	Type - Number		

Duplicate panel if required

#### Documents and things

Mark appropriate section below with an 'x'

The documents and things you must produce

[ ] are included in the Schedule attached to this Subpoena.

[ ] are as follows

List documents or things

1.

## 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.

### Sending documents and things by post

5. For the part of this Subpoena requiring you to produce documents, you can comply by sending the required documents to the Registrar of Court as set out earlier in this Subpoena. The documents must arrive at the Registry no later than 2 clear business days before the date for attending Court. If you do this, you will still need to attend Court to give evidence.
6. If you object to any documents or things produced being inspected by the parties, you must notify the Registrar in the way described in Note 10.

### Producing documents and things generally

7. Unless the Subpoena says that you must produce an original document, you are required to produce copies (either hard copy or digital copy) of the documents the subject of this Subpoena rather than originals.
8. If you are producing copies, you are encouraged to do so by producing digital copies rather than hard copies. This can be done by producing a USB or memory card containing the documents in any of the following document formats:
  - (a) .doc and .docx – Microsoft Word documents
  - (b) .pdf – Adobe Acrobat documents
  - (c) .xls and .xlsx – Microsoft Excel spreadsheets
  - (d) .jpg – image files
  - (e) .rtf – rich text format
  - (f) .gif – graphics interchange format
  - (g) .tif – tagged image format
  - (h) any other format which is agreed with the issuing party.
9. If you produce more than one document or thing, you must, if requested by the Court, produce a list of the documents or things produced.

### Objections and Applications in relation to documents and things

10. You may object on recognised grounds to the parties or a party inspecting some or all of the documents or things produced. You must notify the Registrar in writing of any objection at the time you produce the documents or things. The objection must state:
  - (a) the documents or things the subject of the objection;
  - (b) whether you object to all other parties inspecting the documents or things, or if you only object to some parties inspecting the documents or things;
  - (c) why you are objecting, which may include different reasons for different documents or things.
11. You may apply to the Court:
  - (a) for an order setting aside the Subpoena (or a part of it) or for other relief in respect of the Subpoena; or
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing produced.

### **Cost of complying with this Subpoena**

12. 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.
13. 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.
14. 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.
15. You may apply to the Court for an order for payment of these expenses, if required.

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

16. 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**

17. 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.
18. For general information about attending Court, Court services and translation services visit [www.courts.sa.gov.au](http://www.courts.sa.gov.au).

### **Questions**

19. 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.

## **SCHEDULE TO SUBPOENA**

*[list of documents or things]*

**DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)**

**You must complete the Declaration below and produce it at the same time as the Subpoena with the copy of the documents or things required by the Subpoena.**

If you declare that the material you produce are copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the matter or, if the documents become exhibits in the matter, when they are no longer required in connection with the matter, including on any appeal.

If you declare that the material you produce is or includes any original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

Mark appropriate section below with an 'x'

☐ **All copied documents**

All of the material I am providing in compliance with this Subpoena comprises copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

☐ **Some original documents**

Some or all of the material I am providing in compliance with this Subpoena is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:

Address for return of material.

.....  
Signature of Addressee

.....  
Name printed

.....  
Date