



# Summons to give evidence for interstate service

To request a summons for interstate service complete this form and attach to the 'Application for leave to serve summons interstate' form.

## CASE DETAILS

**Division:**  Administrative & Equal Opportunity  Consumer & Commercial  
 Guardianship  Occupational  Appeal Panel

**NCAT File Number:**

## PARTY NAMES

**Applicant:**

**Respondent:**

**Other:**

## ISSUING PARTY

**Issued at request of:**  Applicant  Respondent  Other (*please specify*)

**Name:**

**Address:**

**Contact number:** Home Work Mobile

## ORDER TO PERSON NAMED BELOW

**Full name:**

**Address:**

**YOU ARE ORDERED** (Select only one of the following options)

- A To attend and to give evidence** - use Section A of this form.
- B To produce** the documents or things specified in the schedule and a copy of this summons to the Tribunal - use Section B of this form.
- C To attend and to give evidence and to produce** the documents or things specified in the schedule and a copy of this summons to the Tribunal - use Section C of this form.

## NOTICE TO PERSON ORDERED TO COMPLY

1. Failure to comply with this summons without reasonable excuse may be dealt with as contempt of the Tribunal.
2. The last day for service of this summons is:

OFFICE USE ONLY:

3. Please read notes 1 to 14 at the end of this summons

Complete only one of the sections below (A, B or C)

## **SECTION A: Summons to attend to give evidence only**

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**Date, time and place at which you must attend to give evidence:**

**Date:**

**Time:**

**Place:**

(hearing location)

You must continue to attend from day to day:

- Unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or
- Until the hearing of the proceedings are completed.

## **SECTION B: Summons to produce only**

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You must comply with this summons by:

- Attending to produce the documents or things specified in the Schedule on page 4 and a copy of this summons at the time, date and place specified for compliance below, or
- Delivering or sending the documents or things specified in the Schedule on page 4 (including required number of copies) and a copy of this summons to the address of the NCAT Registry below so they are received not less than 2 clear days before the specified date for compliance (see notes 7-14).

**Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it:**

**Date:**

**Time:**

**Place:**

(hearing location)

OR

**Address to which the documents or things and a copy of the summons may be delivered or posted is:**

**Address of NCAT Registry:**

Note: It is not necessary for you to attend in person on the compliance date, unless otherwise advised by the Tribunal.

## **SECTION C: Summons both to attend to give evidence and to produce**

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In so far as you are required by this summons to produce the documents or things and this summons or a copy of it, you must comply with this summons by:

- Attending to produce the documents or things specified in the Schedule on page 4 and a copy of this summons at the time, date and place specified for compliance below, or
- Delivering or sending the documents or things specified in the Schedule on page 4 (including required number of copies) and a copy of this summons to the address of the NCAT Registry below so they are received at least 24 hours before the specified date for compliance.

### **Date, time and place at which you must attend to give evidence:**

**Date:**

**Time:**

**Place:**

(hearing location)

You must continue to attend from day to day:

- Unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or
- Until the hearing of the proceedings are completed.

### **Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it:**

**Date:**

**Time:**

**Place:**

(hearing location)

OR

### **Address to which the documents or things and a copy of the summons may be delivered or posted is:**

**Address of NCAT Registry:**

## SCHEDULE

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List the documents or things. Attach another sheet if there is insufficient space.

**The documents or things you must produce are as follows:**

### OFFICE USE ONLY

**Registrar:**

Signature and Tribunal seal

**Date:**

## NOTES

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### Last day for service

1. You need not comply with the summons unless it is served on you on or before the date specified in the summons as the last date for serving the summons

### Informal service

2. Even if this summons has not been served personally on you in accordance with the *Civil and Administrative Tribunal Rules 2014*, you must comply with its requirements if you have actual knowledge of the summons by the last date for service.

### Addressee a corporation

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

### Payment of witness expenses in relation to summons

4. You need not comply with the summons unless witness expenses sufficient to meet your reasonable expenses of attending as required by the summons are provided to you in a reasonable time before the compliance date. The prescribed scale of allowances and expenses for witnesses required to attend and give evidence before the Tribunal is the same as for a witness giving evidence in proceedings in the District Court (reg 7(1), *Civil and Administrative Tribunal Regulation 2022*).
5. However, if this summons was issued at the Tribunal's own motion for proceedings in the Guardianship Division, you are not entitled to payment of witness allowances and expenses (reg 7(2), *Civil and Administrative Tribunal Regulation 2022*).

### Attendance at hearing

6. You must attend at the time, date and place specified in the summons, unless advised otherwise by the Tribunal. You must attend until excused by the Tribunal from further attendance.

### Production of documents or things by delivery or post

7. In so far as this summons requires production of documents or things, you may comply with the summons by delivering or sending a copy of the summons and copies of the document or thing to the address of the NCAT Registry specified in the summons, at least 24 hours before the date for compliance specified in the summons for production.
8. If you object to a document or thing produced in response to this summons being inspected by a party to the proceeding or any other person, you must notify the Registrar in writing of your objection and of the grounds of your objection as soon as possible after being served with the summons.
9. Unless the Tribunal otherwise orders, if you do not object to a document or thing produced by you in response to the summons being inspected by any party to the proceeding, the Registrar or the Tribunal may permit the parties to the proceeding to inspect the document or thing.

### Production of a number of documents or things

10. 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

11. Unless an original has been specifically requested you should produce a copy rather than the original of the document requested.

### Applications in relation to summons

12. You have the right to apply to the Tribunal, if appropriate:
  - (a) for an order setting aside the summons (or a part of it) for relief in respect of the summons, and
  - (b) for an order with respect to a claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the summons.

### Non-compliance without any explanation

13. Failure to comply with a summons without a reasonable excuse may be dealt with as contempt of the Tribunal.

### Return of original documents or things

14. If you want original documents or things produced by you to be returned after the conclusion of proceedings, you can use this declaration.

#### DECLARATION

I declare that the documents or things produced with this summons are original documents. I request that the Registrar return them to me when they are no longer required.

**Signature of person producing documents or things:**

*Service and Execution of Process Act 1992 (Cth)*

Notice to witness (the person ordered to comply with the summons)

**This notice is very important**

**Please read it and the attached documents very carefully**

**If you have any trouble understanding them you should get legal advice as soon as possible**

Attached to this notice is a summons ("the attached subpoena") that is a subpoena for the purposes of the *Service and Execution of Process Act 1992* issued by the Civil and Administrative Tribunal of New South Wales (NCAT). Service of the attached subpoena outside New South Wales is authorised by:

OFFICE USE ONLY:

*Insert name of judicial officer who gave leave to serve the summons*

under that Act.

**Your rights**

You may be able to apply to NCAT or to the Supreme Court of New South Wales to set aside or obtain other relief in respect of the attached subpoena. If you would like to make an application you should get legal advice as soon as possible.

**Your obligations**

You must obey the attached subpoena if:

- (a) at the time of service or at some reasonable time before the return date of the summons 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; and
- (b) you received with the attached subpoena a copy of an order from a court in New South Wales permitting the attached subpoena to be served outside New South Wales and specifying the day before which it must be served.

If the attached subpoena only requires production of documents or things you may comply with the attached subpoena by delivering the documents or things at least 24 hours before the date for compliance specified on the attached subpoena to the relevant Divisional Registrar of NCAT.

**This is most important**

If 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 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, your supervisor is the police officer or correction service officer that you report to. If you are not on bail, or if you are on bail but are not required to report periodically, your supervisor is the person who supervises your compliance with an order or restriction.

Also you must, as soon as practicable, inform NCAT and the person at whose request the subpoena has issued 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 NCAT and the person at whose request the subpoena was issued either:

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