

Service and Execution of Process Act 1992

NOTICE TO DEFENDANT*1*

PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENT VERY CAREFULLY

IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM YOU SHOULD GET LEGAL ADVICE AS SOON AS POSSIBLE

Attached to this notice is a (*name of process*)("the attached process") issued out of the(*issuing court*).
Service of the attached process outside (*State or Territory of issue*) is authorised by the Service and Execution of Process Act 1992.

YOUR RIGHTS

If a court of a State or Territory other than (*State or Territory of issue*) is the appropriate court to determine the claim against you set out in the attached process, you may be able to:

*2*have the proceeding stayed by applying to the (*issuing court*).

*3*apply to the Supreme Court in (*State or Territory of issue*) to have the proceeding transferred to another Supreme Court or a federal court.

If you think the proceeding should be stayed or transferred you should get legal advice as soon as possible.

CONTESTING THIS CLAIM

If you want to contest this claim, you must take any action set out in the attached process as being necessary to contest the claim.

*4*If you want to contest this claim, you must also file an appearance*5* in the (*issuing court*). You have only 21*6* days after receiving the attached process to do so.

The appearance*5* must contain

*7*an address in Australia where documents can be left for you or sent to you.

*8*your address.

*1*If the person to be served is not described in the process as a "defendant" substitute the correct description.

*2*Omit if the court of issue is a Supreme Court.

*3*Omit if court of issue is not a Supreme Court.

*4*If the defendant need not enter an appearance (as defined in section 14 of the Act) in order to contest the claim, omit this paragraph and the remainder of the form.

*5*If the document that must be filed is not called an appearance, substitute the correct name.

*6*If the issuing court has allowed a shorter period than 21 days for filing an appearance, substitute that shorter period and disregard the next paragraph.

If the law of the State or Territory of issue would allow a longer period than 21 days for filing an appearance in the case of service within the State or Territory, substitute that longer period. If that law would allow different periods for service within the State or Territory, depending on the place of service, and at least one of those periods would be longer than 21 days, substitute the longest of those periods.

NB: This note is a summary, for guidance only, of subsections 17 (1) and (1A) of the Act. The applicable period under those provisions must be stated.

*7*Include if the appearance is required to set out an address for service.

*8*Include if the appearance is not required to set out an address for service.