

# MENTAL HEALTH COURT

## PRACTICE NOTE No 1 of 2004

### Subpoenas to Produce Documents

1. Pursuant to s 399 of the *Mental Health Act 2000*, the registrar may issue a subpoena requiring the addressee to produce a stated or described document.
2. A subpoena to produce must require production to the Mental Health Court –
  - (a) at the hearing of a proceeding; or
  - (b) at some other time.
3. A subpoena to produce will –
  - (a) identify the document or thing to be produced; and
  - (b) specify the date, time and place for production.
4. The addressee of a subpoena to produce must comply with it -
  - (a) by attending at the date, time and place specified for production and producing the document to the Court; or
  - (b) by delivering or sending to the registrar at the address specified in the subpoena –
    - (i) the subpoena or a copy of it;
    - (ii) the document; and
    - (iii) notice in writing whether the addressee objects to the document being inspected by a party to the proceeding and the grounds of any objection

so that they are received not less than 2 clear days before the date specified for production.
5. Upon issuing a subpoena for production the registrar will write to the parties to the proceeding-
  - (a) informing them of the issue of the subpoena including the date, time and place for production of the document; and
  - (b) inquiring whether any party objects to inspection of the document by other parties;
  - (c) advising the parties they should write to the registrar before the date and time specified for production of the document informing the Court if they object to the document being inspected by a party to the proceeding and the grounds of any objection.
6. The registrar will refer any objection to inspection to the Court for hearing and determination.
7. In the absence of any objection to inspection received before the date and time for production, the registrar may permit the parties to inspect the document.

8. The registrar must not permit any document produced to be copied or removed from the registry except pursuant to a direction by the Court.

  
JUSTICE MARGARET WILSON

**Date:** 27 July 2004