

*Service and Execution of Process Act 1992***NOTICE TO WITNESS**

THIS NOTICE IS VERY IMPORTANT PLEASE READ IT AND THE ATTACHED DOCUMENT OR 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 subpoena^{*1*} ("*the attached subpoena*") that is a subpoena for the purposes of Part 3 of the Service and Execution of Process Act 1992 issued by the (*name of the issuing court or authority*). Service of the attached subpoena outside (*State or Territory of issue*) is authorised by that Act.

YOUR RIGHTS

You may be able to apply to a court or authority 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 (*date for compliance*) you were offered or given either:
 - (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) either:
 - (i) you received the attached subpoena at least 14^{*2*} days before (*date for compliance*); or
 - (ii) you received the attached subpoena less than 14^{*2*} days before (*date for compliance*) and you received with the attached subpoena a copy of an order made by (*issuing court or authority*) permitting the attached subpoena to be served less than 14^{*2*} days before (*date for compliance*).

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 (*date for compliance*) to the Registrar^{*3*} of (*issuing court or the court to which the issuing authority belongs*).

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 this 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 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:

the (*issuing court or authority*)
^{*4*}and (*person at whose request the subpoena was 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:

the (*issuing court or authority*)
^{*4*}and (*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.
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*¹If the process to be served is not called a subpoena, substitute the name of the process for the word "subpoena".

*²If the law of the State or Territory requires a longer period than 14 days from the service of a subpoena until the return date, substitute that period.

*³Or "Clerk", as appropriate.

*⁴Omit if the subpoena was not issued at the request of a person.