Rule 496

Form 37

[Title and heading of proceeding]

**SUBPOENA TO GIVE EVIDENCE**

To: [name]

 [address]

**You are ordered to give evidence**. See next page for details.

**Failure to comply with this subpoena without lawful excuse is a contempt of Court and may result in your arrest.**

Please read Notes 1 – 6 at the end of this subpoena.

[seal or stamp of the Court]

Dated:

………………………………………………

Signed by an officer acting with the authority of the Registrar

Issued at the request of [name of party], whose address for service is:

**Details of subpoena**

Date, time and place at which you must attend to give evidence, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in the proceeding, or until the hearing of the matter is completed.

*Notes:*

**Informal service**

1. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements if you have actual knowledge of the subpoena and of its requirements.

**Addressee a corporation**

1. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena through its appropriate or proper officer.

**Applications in relation to subpoena**

1. You have the right to apply to the Court -
2. for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
3. for an order with respect to your claim for privilege, public interest immunity, or confidentiality, in relation to any document or thing that is the subject of the subpoena.

**Loss or expense of compliance**

1. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of Court – arrest**

1. Failure to comply with a subpoena without lawful excuse is a contempt of Court and may be dealt with accordingly.
2. Note 5 is without prejudice to any power of the Court under any Rules of Court (including any Rules of Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena, or otherwise) to enforce compliance with a subpoena.