

NOTICE TO ACCOMPANY SUBPOENA SERVED INTERSTATE

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT] Select one
COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

NOTICE TO WITNESS

THIS NOTICE IS VERY IMPORTANT

PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENT OR DOCUMENTS VERY CAREFULLY.

IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM, YOU SHOULD ASK TO RECEIVE LEGAL ADVICE AS SOON AS POSSIBLE.

Attached to this Notice is a Subpoena ('the attached Subpoena') that is a Subpoena for the purposes of Part 3 of the *Service and Execution of Process Act 1992* (Cth) issued by the [name of court] Court of South Australia.

Service of the attached Subpoena outside South Australia is authorised by the *Service and Execution of Process Act 1992* (Cth).

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 the date you are required to attend/produce documents 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) either:
 - (i) you received the attached Subpoena at least 14 days before the date you are required to attend/produce documents; or
 - (ii) you received the attached Subpoena less than 14 days before the date you are required to attend/produce documents and you received with the attached Subpoena a copy of an order made by the [name of court] Court of South Australia permitting the attached Subpoena to be served at that time.

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 you are required to attend/produce documents to the Registrar of the relevant Court of South Australia.

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, intensive correction 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 to the police, your supervisor is any police officer at the police station at which you are required to report. If you are on bail, and your bail is subject to a condition that you report periodically to a correction service officer, that officer is your supervisor. In any other case, your supervisor is the person who supervises your compliance with the restriction.

Also, you must, as soon as practicable, inform the [*name of Court*] Court of South Australia and [*Party issuing Subpoena*] 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 [*name of Court*] Court of South Australia and the Party issuing the Subpoena either:

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