Form CP44

Federal Court (Criminal Proceedings) Rule 8.12

Subpoena – Notice and declaration by addressee

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for summary criminal proceedings (Form CP2) or criminal appeal proceedings (Form CP3)]

The **addressee** is the person to whom the subpoena is addressed, and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals.

Even if the subpoena requires you to produce an original of any document, you may produce a copy if the issuing party gives you consent to do so.

A copy of a document may be:

(a) a photocopy; or

(b) in an electronic form that the issuing party (the party that issued the subpoena) has indicated to you will be acceptable.

**You must complete the Declaration below, attach it to the subpoena or a copy of the subpoena and return them with the documents or things you provide to the Court under the subpoena.**

If you declare that the material you produce is copies of documents, a Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address specified by you in the Declaration below unless you state in the Declaration that you do not require the documents to be returned when they are no longer required by the Court.

**Declaration by addressee (subpoena recipient)**

[tick the relevant option below, (provide your address as appropriate), sign and date]

**All copied documents**

All of the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court may destroy the copies once they are no longer required, without further notice to me.

**Some original documents (return not required)**

Some or all of the material I am providing to the Court in compliance with the attached subpoena are original documents. I do not require the documents to be returned. The Court may destroy the documents once they are no longer needed by the Court, without further notice to me.

**Some original documents (return required)**

Some or all of the material I am providing to the Court in compliance with the attached subpoena are original documents. Once the documents are no longer required by the Court, all of the documents should be returned to me at the following address:

|  |
| --- |
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|  |

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name of addressee]  Addressee |

*Note*

This notice and declaration by addressee must be attached to the front of a subpoena to produce. (see CP Rule 8.12 (3))