Form 43A

Rule 24.13(1)(a)

Subpoena to give evidence

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and [another/others] named in the schedule"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and [another/others] named in the schedule"]

Respondent[s]

To: [name], [address]

**You are ordered to attend 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 to 8 at the end of this subpoena.

The last date for service of this subpoena is [date]. *(See Note 1)*

Date:

|  |
| --- |
| Signed by an officer acting with the authority of the District Registrar |

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

Place: [see rule 11.01]

Email:

**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 this proceeding or until the hearing of the matter is completed.

***Notes***

**Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

**Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

**Addressee a corporation**

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

**Conduct money**

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

**Applications in relation to subpoena**

5. You have the right to apply to the Court:

(a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and

(b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

6. 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 addition to conduct money and any witness’s expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of court - arrest**

7. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

8. Note 7 is without prejudice to any power of the Court under any rules of the Court (including any rules of the 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.

[\* If more than one applicant, respondent, cross-claimant or cross-respondent, insert names of the second, third, fourth etc as required in this schedule. Delete schedule if not required.]

**Schedule**

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

[\*]**Applicants**

Second Applicant: [Name]

[\* etc]

[\*]**Respondents**

Second Respondent: [Name]

[\* etc]

[\*]**Cross-claimants**

Second Cross-claimant: [Name]

[\* etc]

[\*]**Cross-respondents**

Second Cross-respondent: [Name]

[\* etc]

Date:

[\*delete if inapplicable]