



Summons

To request a summons complete this form and attach to the 'Application for summons to be issued' form.

PERSON MAKING THE REQUEST

Division: ☐ Administrative & Equal Opportunity ☐ Consumer & Commercial
☐ Guardianship ☐ Occupational ☐ Appeal Panel

NCAT File Number:

PARTY NAMES

Applicant:

Respondent:

Other:

ISSUING PARTY

Issued at request of: ☐ Applicant ☐ Respondent ☐ Other (*please specify*)

Name:

Address:

Contact number: Home

Work

Mobile

ORDER TO PERSON NAMED BELOW

Provide details of the proceedings in which you require support or assistance and NCAT file number (if known).

Full name:

Address:

YOU ARE ORDERED (Select only one of the following options)

- ☐ **A To attend and to give evidence** - use Section A of this form.
- ☐ **B To produce** the documents or things specified in the schedule and a copy of this summons to the Tribunal - use Section B of this form.
- ☐ **C To attend and to give evidence and to produce** the documents or things specified in the schedule and a copy of this summons to the Tribunal - use Section C of this form.

NOTICE TO PERSON ORDERED TO COMPLY

1. Failure to comply with this summons without reasonable excuse may be dealt with as contempt of the Tribunal.
2. The last day for service of this summons is:

OFFICE USE ONLY:

3. Please read notes 1 to 12 at the end of this summons

Complete only one of the sections below (A, B or C)

SECTION A: Summons to attend to give evidence only

Date, time and place at which you must attend to give evidence:

Date:

Time:

Place:

(hearing location)

You must continue to attend from day to day:

- Unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or
- Until the hearing of the proceedings are completed.

SECTION B: Summons to produce only

You must comply with this summons by:

- Attending to produce the documents or things specified in the Schedule on page 4 and a copy of this summons at the time, date and place specified for compliance below, or
- Delivering or sending the documents or things specified in the Schedule on page 4 (including required number of copies) and a copy of this summons to the address of the NCAT Registry below so they are received not less than 2 clear days before the specified date for compliance.

Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it:

Date:

Time:

Place:

(hearing location)

OR

Address to which the documents or things and a copy of the summons may be delivered or posted is:

Address of NCAT Registry:

Note: It is not necessary for you to attend in person on the compliance date, unless otherwise advised by the Tribunal.

SECTION C: Summons both to attend to give evidence and to produce

In so far as you are required by this summons to produce the documents or things and this summons or a copy of it, you must comply with this summons by:

- Attending to produce the documents or things specified in the Schedule on page 4 and a copy of this summons at the time, date and place specified for compliance below, or
- Delivering or sending the documents or things specified in the Schedule on page 4 (including required number of copies) and a copy of this summons to the address of the NCAT Registry below so they are received not less than 2 clear days before the specified date for compliance.

Date, time and place at which you must attend to give evidence:

Date:

Time:

Place:

(hearing location)

You must continue to attend from day to day:

- Unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or
- Until the hearing of the proceedings are completed.

Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it:

Date:

Time:

Place:

(hearing location)

OR

Address to which the documents or things and a copy of the summons may be delivered or posted is:

Address of NCAT Registry:

SCHEDULE

List the documents or things. Attach another sheet if there is insufficient space.

The documents or things you must produce are as follows:

OFFICE USE ONLY

Registrar:

Date:

Signature and Tribunal seal

NOTES

Last day for service

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

Informal service

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

Addressee a corporation

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

Payment of witness expenses in relation to summons

4. You need not comply with the summons unless witness expenses sufficient to meet your reasonable expenses of attending as required by the summons are handed or tendered to you a reasonable time before the date on which your attendance is required. The prescribed scale of allowances and expenses for witnesses required to appear or give evidence before the Tribunal is set out in Part 2 of the *Civil and Administrative Tribunal Regulation 2013*.

Production of summons or copy of it and documents or things by delivery or post

5. In so far as this summons requires production of the summons or a copy of it and a document or thing, instead of attending to produce the summons or a copy of it and the document or thing, you may comply with the summons by delivering or sending the summons or a copy of it and the document or thing to the address of the NCAT Registry specified in the summons so that they are received not less than 2 clear days before the date specified in the summons for attendance and production.
6. If you object to a document or thing produced in response to this summons being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Tribunal otherwise orders, if you do not object to a document or thing produced by you in response to the summons being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

Production of a number of documents or things

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

9. Unless an original has been specifically requested you should produce a copy rather than the original of the document requested. The Tribunal will destroy the documents produced by you at the conclusion of the hearing unless you request that they are returned to you below.

Applications in relation to summons

10. You have the right to apply to the Tribunal, if appropriate:
 - (a) for an order setting aside the summons (or a part of it) for relief in respect of the summons, and
 - (b) for an order with respect to a claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the summons.

Non-compliance without any explanation

11. Failure to comply with a summons without a reasonable excuse may be dealt with as contempt of the Tribunal.

Return of original documents or things

12. If you want original documents or things produced by you to be returned after the conclusion of proceedings, you can use this declaration.

DECLARATION

I declare that the documents or things produced with this summons are original documents. I request that the Registrar return them to me when they are no longer required.

Signature of person producing documents or things: