**FORM 5**

**(section 59)**

***Service and Execution of Process Act 1992***

**NOTICE TO WITNESS**

THIS NOTICE IS VERY IMPORTANT

PLEASE READ IT AND THE ATTACHED DOCUMENTS VERY CAREFULLY

IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM YOU SHOULD GET LEGAL ADVICE AS SOON AS POSSIBLE

Attached to this notice is a subpoena("the attached subpoena") that is a subpoena for the purposes of the *Service and Execution of Process Act 1992* issued by the ACT Civil and Administrative Tribunal.

Service of the attached subpoena outside the Australian Capital Territory is authorised by the ACT Magistrates Court under that Act*.*

**YOUR RIGHTS**

You may be able to apply to the:

ACT Civil and Administrative Tribunal or to a court

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:

1. at the time of service or at some reasonable time before ***[insert date for compliance]*** you were offered or given:
2. enough money to meet your reasonable expenses in obeying it, including any travel and accommodation costs; or
3. a combination of money, travel tickets and vouchers to meet those expenses; and
4. you received with the attached subpoena a copy of an order from a court in the Australian Capital Territory permitting the attached subpoena to be served outside the Australian Capital Territory and specifying the day before which it must be served.

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 ***[insert date for compliance]*** to the Registrar of the ACT Civil and Administrative Tribunal.

**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:

1. conditions of bail; or
2. conditional release from prison; or
3. conditions of probation; or
4. home or periodic detention; or
5. a community service order, community based order, attendance order or work and development order; or
6. 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, your supervisor is the police officer or correction service officer that you report to.

If you are not on bail, or if you are on bail but are not required to report periodically, your supervisor is the person who supervises your compliance with an order or restriction.

Also you must, as soon as practicable, inform:

the ACT Civil and Administrative Tribunal

and ***[insert person at whose request the subpoena was issued]****;*

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 ACT Civil and Administrative Tribunal

and ***[person at whose request the subpoena was issued];***

either:

1. of the steps you took to have the restriction or obligation varied, and that the restriction or obligation has not been varied; or
2. that the law does not permit that variation;

whichever is the case.