



## **Service and Execution of Process Regulations 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 July 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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# Contents

<b>Part 1—Preliminary</b>	1
1    Name.....	1
2    Commencement .....	1
3    Authority.....	1
4    Schedule 2.....	1
5    Definitions .....	1
<b>Part 2—Notices, warrants and correction services</b>	2
6    Required notices for service.....	2
7    Additional authorities that may issue warrants .....	2
8    Person taken to be in charge of the correction service of a State .....	3
<b>Schedule 1—Forms</b>	5
<b>Form 1—Notice when serving initiating process in civil proceedings</b>	5
<b>Form 2—Notice when serving subpoena</b>	7
<b>Form 3—Notice when serving subpoena addressed to person in prison</b>	10
<b>Form 4—Notice when serving initiating process in tribunal proceedings</b>	13
<b>Form 5—Notice when serving tribunal subpoena</b>	15
<b>Form 6—Notice when serving tribunal subpoena addressed to person in prison</b>	18
<b>Schedule 2—Repeals</b>	21
<i>Service and Execution of Process Regulations 1993</i>	21



## Part 1—Preliminary

### 1 Name

This instrument is the *Service and Execution of Process Regulations 2018*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	20 July 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Service and Execution of Process Act 1992*.

### 4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including State.

In this instrument:

*Act* means the *Service and Execution of Process Act 1992*.

## Section 6

**Part 2—Notices, warrants and correction services****6 Required notices for service**

For the purposes of a provision of the Act specified in column 1 of an item in the following table, a notice in the form specified in column 2 of the item is prescribed.

<b>Required notices for service</b>		
<b>Item</b>	<b>Column 1 Provision of Act</b>	<b>Column 2 Form of notice</b>
1	section 16	Form 1 in Schedule 1
2	paragraph 31(a)	Form 2 in Schedule 1
3	section 41	Form 3 in Schedule 1
4	section 51	Form 4 in Schedule 1
5	paragraph 59(a)	Form 5 in Schedule 1
6	section 69	Form 6 in Schedule 1

**7 Additional authorities that may issue warrants**

- (1) For the purposes of subparagraph (a)(vi) of the definition of **authority** in section 81A of the Act, an intensive correction order is prescribed.
- (2) For the purposes of paragraph (b) of the definition of **authority** in section 81A of the Act, the bodies and persons mentioned in column 2 of the following table are prescribed.

<b>Additional authorities that may issue warrants</b>		
<b>Item</b>	<b>Column 1 State</b>	<b>Column 2 Person or body</b>
1	New South Wales	the State Parole Authority constituted by section 183 of the <i>Crimes (Administration of Sentences) Act 1999</i> (NSW)
2	Victoria	(a) the Adult Parole Board established by section 61 of the <i>Corrections Act 1986</i> (Vic.); (b) the Youth Parole Board mentioned in section 442 of the <i>Children, Youth and Families Act 2005</i> (Vic.); (c) a member of the Youth Parole Board mentioned in section 442 of the <i>Children, Youth and Families Act 2005</i> (Vic.)
3	Queensland	(a) the chief executive mentioned in section 263 of the <i>Corrective Services Act 2006</i> (Qld); (b) the Parole Board Queensland established by section 216 of the <i>Corrective Services Act 2006</i>

<b>Additional authorities that may issue warrants</b>		
<b>Item</b>	<b>Column 1 State</b>	<b>Column 2 Person or body (Qld)</b>
4	Western Australia	(a) the Prisoners Review Board established by section 102 of the <i>Sentence Administration Act 2003</i> (WA); (b) the Mentally Impaired Accused Review Board established by section 41 of the <i>Criminal Law (Mentally Impaired Accused) Act 1996</i> (WA); (c) the Supervised Release Review Board established under section 151 of the <i>Young Offenders Act 1994</i> (WA); (d) the Secretary (within the meaning of the <i>Young Offenders Act 1994</i> (WA)); (e) the Director General of the Western Australian Department of Justice
5	Tasmania	the Parole Board established by section 62 of the <i>Corrections Act 1997</i> (Tas.)
6	Australian Capital Territory	the Sentence Administration Board established by section 171 of the <i>Crimes (Sentence Administration) Act 2005</i> (ACT)

## 8 Person taken to be in charge of the correction service of a State

For the purposes of section 84 of the Act, the holder of an office specified in column 2 of an item in the following table in the State specified in column 1 of the item is taken to be the person in charge of the correction service of the State.

<b>Person taken to be in charge of the correction service of a State</b>		
<b>Item</b>	<b>Column 1 State</b>	<b>Column 2 Office</b>
1	New South Wales	Commissioner (within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> (NSW))
2	Victoria	Commissioner mentioned in section 8A of the <i>Corrections Act 1986</i> (Vic.)
3	Queensland	chief executive mentioned in section 263 of the <i>Corrective Services Act 2006</i> (Qld)
4	Western Australia	CEO within the meaning of the <i>Sentence Administration Act 2003</i> (WA)
5	South Australia	chief executive of the Department (within the meaning of the <i>Correctional Services Act 1982</i> (SA))
6	Tasmania	Director of Corrective Services mentioned in section 5 of the <i>Corrections Act 1997</i> (Tas.)
7	Australian Capital Territory	director-general within the meaning of the <i>Crimes (Sentence Administration) Act 2005</i> (ACT)

Section 8

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<b>Person taken to be in charge of the correction service of a State</b>		
<b>Item</b>	<b>Column 1 State</b>	<b>Column 2 Office</b>
8	Northern Territory	(a) if the person under restraint is a youth (within the meaning of the <i>Youth Justice Act</i> (NT)) other than one sentenced to a term of imprisonment—CEO (within the meaning of that Act); or (b) otherwise—Commissioner of Correctional Services mentioned in section 17 of the <i>Correctional Services Act</i> (NT)
9	Norfolk Island	police officer in charge in Norfolk Island

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## Schedule 1—Forms

Note: See section 6.

### Form 1—Notice when serving initiating process in civil proceedings

Note: This form is to be used when serving an initiating process in civil proceedings in a court: see section 16 of the Act.

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

#### Notice to defendant<sup>1</sup>

Please read this notice and the attached document very carefully

If you have any trouble understanding them you should get legal advice as soon as possible

Attached to this notice is a [*name of process*] (“the attached process”) issued out of the [*issuing court*].

Service of the attached process outside [*State or Territory of issue*] is authorised by the *Service and Execution of Process Act 1992*.

#### Your rights

If a court of a State or Territory other than [*State or Territory of issue*] is the appropriate court to determine the claim against you set out in the attached process, you may be able to [<sup>2</sup>*have the proceeding stayed by applying to the [issuing court] / <sup>3</sup>apply to the Supreme Court in [State or Territory of issue] to have the proceeding transferred to another Supreme Court or a federal court*].

If you think the proceeding should be stayed or transferred you should get legal advice as soon as possible.

#### Contesting this claim

If you want to contest this claim, you must take any action set out in the attached process as being necessary to contest the claim.

<sup>4</sup>If you want to contest this claim, you must also file an appearance<sup>5</sup> in the [*issuing court*]. You have only 21<sup>6</sup> days after receiving the attached process to do so.

The appearance<sup>5</sup> must contain [<sup>7</sup>*an address in Australia where documents can be left for you or sent to you / <sup>8</sup>your address*].

**Schedule 1** Forms

**Form 1** Notice when serving initiating process in civil proceedings

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<sup>1</sup>If the person to be served is not described in the process as a “defendant”, substitute the correct description.

<sup>2</sup>Include if the court of issue is not a Supreme Court.

<sup>3</sup>Include if the court of issue is a Supreme Court.

<sup>4</sup>If the defendant need not enter an appearance (as defined in section 14 of the Act) in order to contest the claim, omit this paragraph and the remainder of the form.

<sup>5</sup>If the document that must be filed is not called an appearance, substitute the correct name.

<sup>6</sup>If the issuing court has allowed a shorter period for filing an appearance, substitute that shorter period and disregard the next paragraph.

If the law of the State or Territory of issue would allow a longer period than 21 days for filing an appearance in the case of service within the State or Territory, substitute that longer period. If that law would allow different periods for service within the State or Territory, depending on the distance of the place of service from another place, and the period based on the longest distance would be longer than 21 days, substitute that period.

*Note: This note is a summary, for guidance only, of subsections 17(1) and (1A) of the Act. The applicable period under those provisions must be stated.*

<sup>7</sup>Include if the appearance is required to set out an address for service.

<sup>8</sup>Include if the appearance is not required to set out an address for service.

## Form 2—Notice when serving subpoena

Note: This form is to be used when serving a subpoena issued by a court or an authority that is addressed to a person who is not in prison, or who is in prison but who does not need to attend or give oral evidence: see paragraph 31(a) of the Act.

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

#### Notice to witness

This notice is very important

Please read it and the attached document or 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<sup>1</sup> (“the attached subpoena”) that is a subpoena for the purposes of Part 3 of the *Service and Execution of Process Act 1992* issued by the [issuing court or authority].

Service of the attached subpoena outside [State or Territory of issue] is authorised by that Act.

#### 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 [date for compliance] 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<sup>2</sup> days before [date for compliance]; or
  - (ii) you received the attached subpoena less than 14<sup>2</sup> days before [date for compliance] and you received with the attached subpoena a copy of an order made by [issuing court or authority] 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 [*date for compliance*] to the Registrar<sup>3</sup> of [*issuing court or the court to which the issuing authority belongs*].

### 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 [*issuing court or authority*] [<sup>4</sup>*and [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 [*issuing court or authority*] [<sup>4</sup>*and [person at whose request the subpoena was issued]*] 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.

<sup>1</sup>If the process to be served is not called a subpoena, substitute the name of the process.

<sup>2</sup>If the law of the State or Territory requires a longer period than 14 days from the service of a subpoena until the return date, substitute that period.

<sup>3</sup>Or “Clerk”, as appropriate.

<sup>4</sup>Include if the subpoena was issued at the request of a person.

## Form 3—Notice when serving subpoena addressed to person in prison

Note: This form is to be used when serving a subpoena issued by a court or an authority that is addressed to a person who is in prison and who is required to attend or give oral evidence: see section 41 of the Act.

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

#### Notice to witness

This notice is very important

Please read it 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<sup>1</sup> (“the attached subpoena”) that is a subpoena for the purposes of Part 3 of the *Service and Execution of Process Act 1992* issued by the [issuing court or authority].

Service of the attached subpoena outside [State or Territory of issue] is authorised by that Act.

An order, called an order for production, based on the attached subpoena has been served on the person in charge of the institution or place in which you are held. Under this order you will be taken to [name and location of the court, authority or person before which compliance is required], unless you are released before [date for compliance]. A copy of the order for production is required to be served on you by the person in charge of the institution or place in which you are held.

#### Your rights

The person in charge of the institution or place in which you are held must provide any assistance that you reasonably require to:

- (a) apply to set aside or obtain other relief from the attached subpoena; or
- (b) apply to set aside or vary the order for production relating to the attached subpoena; or
- (c) obtain legal advice.

You may be able to apply to a court or authority to set aside or obtain other relief in respect of the attached subpoena or the order for production. If you would like to make an application you should ask for assistance to obtain legal advice as soon as possible. If you make an application to set aside or vary the order for production, you must, within 24 hours, give a copy to the person in charge of the institution or place in

which you are held. [<sup>2</sup>*If you make an application to set aside or obtain other relief in respect of the attached subpoena or the order for production, you must, within 24 hours, give a copy to [person at whose request the subpoena was issued].*]

You will only be able to apply for the order for production to be varied or set aside if complying with it would have a substantial detrimental effect on your health or safety.

If the person in charge of the institution or place in which you are held makes an application to set aside or vary the order for production, you must be given a copy of that application within 24 hours of its being made.

### Your obligations on release from custody

If you are released from the institution or place where you are held before [*date for compliance*], you must obey the attached subpoena yourself if:

- (a) there is sufficient time between when you are released and [*date for compliance*] for it to be reasonably practicable for you to comply with the attached subpoena; and
- (b) a copy of the order for production was served on you with the attached subpoena; and
- (c) within a reasonable time after you were released 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.

### This is most important

If, after your release, 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.

**Schedule 1** Forms

**Form 3** Notice when serving subpoena addressed to person in prison

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If you are under a restriction of that kind, you must, as soon as practicable after you are released, 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 [*issuing court or authority*] [<sup>2</sup>*and 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 [*issuing court or authority*] [<sup>2</sup>*and person at whose request the subpoena was issued*]] 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.

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<sup>1</sup>If the process to be served is not called a subpoena, substitute the name of the process.

<sup>2</sup>Include if the subpoena was issued at the request of a person.



## **Form 4—Notice when serving initiating process in tribunal proceedings**

Note: This form is to be used when serving an initiating process for certain proceedings in a tribunal: see section 51 of the Act.

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

#### Notice to respondent

Please read this notice and the attached document very carefully

If you have any trouble understanding them you should get legal advice as soon as possible

Attached to this notice is a [*name of process*] (“the attached process”) issued out of the [*issuing tribunal*].

Service of the attached process outside [*State or Territory of issue*] is authorised by the *Service and Execution of Process Act 1992* if the claim made against you concerns:

- (a) real property within [*State or Territory of issue*]; or
- (b) a contract, wherever made, for the supply of goods or the provision of services of any kind (including financial services) within [*State or Territory of issue*]; or
- (c) an act or omission within [*State or Territory of issue*]; or
- (d) the carrying on of a profession, trade or occupation within [*State or Territory of issue*]; or
- (e) a pension or benefit under a law of [*State or Territory of issue*]; or
- (f) the validity of an act or transaction under a law of [*State or Territory of issue*].

The attached process is served in reliance on item(s) [*letter(s) corresponding to ground(s) relied on*].

#### Your rights

If you think that none of the above items applies in this case, you should get legal advice as soon as possible on what to do to stop the [*issuing tribunal*] dealing with this claim against you.

#### Contesting this claim

If you want to contest this claim, you must take any action set out in the attached process as being necessary to contest the claim.

**Schedule 1** Forms

**Form 4** Notice when serving initiating process in tribunal proceedings

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<sup>1</sup>If you want to contest this claim, you must also file an appearance<sup>2</sup> in the [*issuing tribunal*]. You have only 21<sup>3</sup> days after receiving the attached process to do so.

The appearance<sup>2</sup> must contain [<sup>4</sup>*an address in Australia where documents can be left for you or sent to you /*<sup>5</sup>*your address*].

<sup>1</sup>If the respondent need not enter an appearance (as defined in section 49 of the Act) in order to contest the claim, omit this paragraph and the remainder of the form.

<sup>2</sup>If the document that must be filed is not called an appearance, substitute the correct name.

<sup>3</sup>If the issuing tribunal has allowed a shorter period, substitute that period.

<sup>4</sup>Include if the appearance is required to set out an address for service.

<sup>5</sup>Include if the appearance is not required to set out an address for service.

## Form 5—Notice when serving tribunal subpoena

Note: This form is to be used when serving a subpoena issued by a tribunal that is addressed to a person who is not in prison, or who is in prison but who does not need to attend or give oral evidence: see paragraph 59(a) and subsection 77(1) of the Act.

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

#### Notice to witness

This notice is very important

Please read it and the attached document or 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<sup>1</sup> (“the attached subpoena”) that is a subpoena for the purposes of the *Service and Execution of Process Act 1992* issued by the [issuing tribunal].

Service of the attached subpoena outside [State or Territory of issue] is authorised by [court or person that gave leave to serve the subpoena] under that Act.

#### Your rights

You may be able to apply to the [<sup>2</sup>issuing tribunal] or to a court / <sup>3</sup>Supreme Court of [State or Territory of issue] 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 [date for compliance] 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) you received with the attached subpoena a copy of an order from [<sup>2</sup>a court in / <sup>3</sup>the Supreme Court of] [State or Territory of issue] permitting the attached subpoena to be served outside [State or Territory of issue] 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 [*date for compliance*] to the Secretary<sup>4</sup> of the [*issuing 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:

- (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 [*issuing tribunal*] [<sup>5</sup>*and [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 [*issuing tribunal*] [<sup>5</sup>*and [person at whose request the subpoena was issued]*] 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.

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<sup>1</sup>If the process to be served is not called a subpoena, substitute the name of the process.

<sup>2</sup>Include if the subpoena is issued in the performance of an adjudicative function.

<sup>3</sup>Include if the subpoena is issued in the performance of an investigative function.

<sup>4</sup>If the proper officer is not called the Secretary, substitute the correct title.

<sup>5</sup>Include if the subpoena was issued at the request of a person.

## Form 6—Notice when serving tribunal subpoena addressed to person in prison

Note: This form is to be used when serving a subpoena issued by a tribunal that is addressed to a person who is in prison and who is required to attend or give oral evidence: see section 69 and subsection 80(1) of the Act.

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

#### Notice to witness

This notice is very important

Please read it 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<sup>1</sup> (“the attached subpoena”) that is a subpoena for the purposes of the *Service and Execution of Process Act 1992* issued by the [issuing tribunal].

Service of the attached subpoena outside [State or Territory of issue] is authorised by that Act.

An order, called an order for production, based on the attached subpoena has been served on the person in charge of the institution or place in which you are held. Under this order you will be taken to [name and location of the tribunal before which compliance is required], unless you are released before [date for compliance]. A copy of the order for production is required to be served on you by the person in charge of the institution or place in which you are held.

#### Your rights

The person in charge of the institution or place in which you are held must provide any assistance that you reasonably require to:

- (a) apply to set aside or obtain other relief from the attached subpoena; or
- (b) apply to set aside or vary the order for production relating to the attached subpoena; or
- (c) obtain legal advice.

You may be able to apply to the [<sup>2</sup>issuing tribunal] or to a court / <sup>3</sup>Supreme Court of [State or Territory of issue] to set aside or obtain other relief in respect of the attached subpoena or the order for production. If you would like to make an application you should ask for assistance to obtain legal advice as soon as possible. If

you make an application to set aside or vary the order for production, you must, within 24 hours, give a copy to the person in charge of the institution or place in which you are held. [<sup>4</sup>*If you make an application to set aside or obtain other relief in respect of the attached subpoena or the order for production, you must, within 24 hours, give a copy to [person at whose request the subpoena was issued].*]

You will only be able to apply for the order for production to be varied or set aside if complying with it would have a substantial detrimental effect on your health or safety.

If the person in charge of the institution or place in which you are held makes an application to set aside or vary the order for production, you must be given a copy of that application within 24 hours of its being made.

### Your obligations on release from custody

If you are released from the institution or place where you are held before [*date for compliance*], you must obey the attached subpoena yourself if:

- (a) there is sufficient time between when you are released and [*date for compliance*] for it to be reasonably practicable for you to comply with the attached subpoena; and
- (b) a copy of the order for production was served on you with the attached subpoena; and
- (c) within a reasonable time after you were released 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.

### This is most important

If, after your release, 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 are released, 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 [*issuing tribunal*] [<sup>4</sup>and [*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 [*issuing tribunal*] [<sup>4</sup>and [*person at whose request the subpoena was issued*]] 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.

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<sup>1</sup>If the process to be served is not called a subpoena, substitute the name of the process.

<sup>2</sup>Include if the subpoena is issued in the performance of an adjudicative function.

<sup>3</sup>Include if the subpoena is issued in the performance of an investigative function.

<sup>4</sup>Include if the subpoena was issued at the request of a person.



## **Schedule 2—Repeals**

### *Service and Execution of Process Regulations 1993*

#### **1 The whole of the instrument**

Repeal the instrument.