

FORM 5

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

Service of the attached subpoena outside Victoria is authorised by the Victorian Civil and Administrative Tribunal under that Act.

YOUR RIGHTS

You may be able to apply to the:

- Victorian Civil and Administrative Tribunal

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) you were offered or given at the time of service or at some reasonable time

before / /

[insert date of compliance dd/mm/yyyy]

- 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 a court in Victoria permitting the attached subpoena to be served outside Victoria and specifying the date 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 / / to the principal registrar of the Victorian Civil and Administrative Tribunal. [insert date of compliance dd/mm/yyyy]

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 Victorian Civil and Administrative Tribunal
- and _____
[the 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:

- the Victorian Civil and Administrative Tribunal
- and _____
[the 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.