

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (SUBPOENA) RULES 2011

Subordinate Legislation No. 61 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 61 of 2011*

Supreme Court Amendment (Subpoena) Rules 2011

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 25 November 2011

T. J. RILEY J

D. MILDREN J

S. R. SOUTHWOOD J

J. BLOKLAND J

J. KELLY J

P. BARR J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 1 February 2012.

1 Citation

These Rules may be cited as the *Supreme Court Amendment (Subpoena) Rules 2011*.

2 Rules amended

These Rules amend the *Supreme Court Rules*.

3 Rule 42.03 amended

Rule 42.03(8)

omit

of service for

insert

for service of

4 Rule 42.05 amended

After rule 42.05(1)

insert

- (1A) The issuing party must attach to the front of a subpoena to produce to be served on the addressee a notice and declaration in accordance with Form 42B.

5 Rule 42.06 amended

After rule 42.06(4)

insert

- (4A) The addressee must also complete the notice and declaration mentioned in rule 42.05(1A) and attach it to the subpoena or copy of the subpoena that accompanies the document or thing produced to the Court under the subpoena.
- (4B) Unless a subpoena to produce specifically requires production of the original, the addressee may produce a copy of any document required to be produced by the subpoena.
- (4C) A copy of a document may be:
- (a) a photocopy; or
 - (b) a PDF file on a CD-ROM.

6 Rule 42.07 amended

Rule 42.07(4) and (5)

omit

7 Rule 42.10 amended

After rule 42.10(2)

insert

- (3) Subject to subrule (4), the Registrar may, 4 months after the conclusion of the proceeding, destroy all documents that were:
 - (a) produced in the proceeding in compliance with a subpoena; and
 - (b) declared by the addressee under rule 42.06(4A) to be copies.
- (4) The Registrar may, when they are no longer required in connection with the proceeding, including on any appeal, destroy those documents that:
 - (a) have become exhibits in the proceeding; and
 - (b) were declared by the addressee under rule 42.06(4A) to be copies.

8 Schedule 1 amended

- (1) Schedule 1, Form 42A, note 9

omit, insert

- 9. If the subpoena requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
- 9A. A copy of a document may be:
 - (a) a photocopy; or
 - (b) a PDF file on a CD-ROM.

(2) Schedule 1, after Form 42A

insert

FORM 42B

rule 42.05

SUBPOENA – NOTICE AND DECLARATION

[heading as in originating process]

Notice to Addressee

The **addressee** is the person to whom the subpoena is addressed.

You may produce copies of any subpoenaed documents unless the subpoena specifically requires you to produce originals. A copy of a document may be:

- (a) a photocopy; or
- (b) a PDF file on a CD-ROM.

You must complete the Declaration below, attach it to the subpoena or a copy of the subpoena and return them with the documents or things you produce to the Court under the subpoena.

If you declare that the material you produce is copies of documents, the Registrar may, without further notice to you, destroy the copies 4 months after the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all the material to you at the address specified by you in the Declaration below.

Declaration by Addressee (subpoena recipient)

(Tick the relevant option and complete as appropriate)

- All** the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court will destroy the copies when they are no longer required, without further notice to me.
- Some or all** of the material I am providing to the Court in compliance with the attached subpoena is an **original** document. When the

material is no longer required, all the material should be returned to me
at the following address:

[Signature of addressee]

[Name of addressee]

[Date]