

Information: Subpoenas

Issuing a subpoena

A subpoena for production must be issued on:

General Manager or Public Officer.

Subpoenas not addressed in this manner will be rejected.

A **subpoena to give evidence** must be issued on the specific Council employee relevant for the matter in respect of which the subpoena relates.

Service of subpoenas

A subpoena for production in proceedings in the District Court or Local Court can be served by delivering or mailing the subpoena to:

Public Officer
Level 4, 218-232 Molesworth Street
Lismore NSW 2480

If the subpoena is not delivered to this address there will be a delay in processing the subpoena. If the subpoena is mailed, it should be done through registered post.

When a subpoena is served on a Council employee in their capacity as an officer of the Council, the Public Officer will accept service of the subpoena (see address for service above).

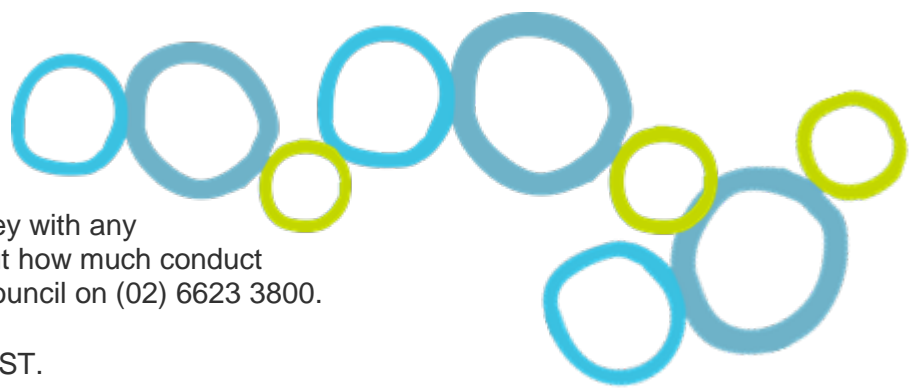
Compliance time/return date

To ensure your subpoena is complied with, you must allow a minimum of 14 days for Council to contact each relevant area within the organisation and seek documents that fall within the scope of the subpoena.

If Council is unable to produce the documents on time, we will contact you prior to the return date to seek an extension.

Description of documents

A precise description of the documents you are seeking can save considerable time in searching and retrieving records within Council. Wide requests for information may take a considerable time to comply with and this will have associated cost implications.



Conduct money

Council is to receive conduct money with any subpoena issued. You can find out how much conduct money is payable by contacting Council on (02) 6623 3800.

Conduct money does not attract GST.

You will be asked to sign an undertaking for reasonable costs for work done in complying with a subpoena; this will include, but is not limited to, searching, reviewing and collating files/documents, plus photocopying charges. An example of these costs are set out below.

Cost for production of documents

Refer to Council's Fees and Charges in its Operational Plan for costs associated with photocopying.

Pay rates for staff will vary depending on the grading of the Council employee involved in the production of the documents.

Costs for subpoenas to give evidence

The salary of any Council employee attending court and any additional expenses associated with their attendance, including travel time (to and from) and accommodation, may be required to be paid.

Oppressive requests and fishing expeditions

Council reserves the right to make application to have a subpoena set aside if it is of the view that compliance is oppressive, or on such other grounds as it considers appropriate.

Enquiry details

Questions regarding subpoenas should be directed to:

Public Officer

Phone: (02) 6623 3800

Email: water@rouswater.nsw.gov.au