

**Application for a Summons**

**Section 104 of the *Tasmanian Civil and Administrative Tribunal Act* 2020**

To request a summons, complete this form

**PERSON MAKING THE REQUEST**

**Stream 🞎** Guardianship **🞎** Mental Health

 **🞎** Resource & Planning **🞎** Personal Compensation **🞎** Anti-Discrimination

 **🞎** Health Practitioners **🞎** Forestry Practices

|  |  |
| --- | --- |
| **TASCAT File Number** |  |
| **Party Names** |  |
| **Applicant:** |  |
| **Respondent:** |  |
| **Other:** |  |

**ISSUING PARTY**

|  |  |  |
| --- | --- | --- |
| **Issued at request of** | **🞎 Applicant 🞎 Respondent 🞎Other** *(please specify)* |  |
| **Name:** |  |
| **Address:** |  |
| **Contact Number:** |  |
| **Email:** |  |

**ORDER TO PERSON NAMED BELOW**

|  |  |
| --- | --- |
| **Full Name:** |  |
| **Address:** |  |

**YOU ARE ORDERED** (Select only one of the following options)

**🞎 A To attend and to give evidence** – use Section A of this form.

**🞎 B To produce** the documents or things specified in the schedule and a copy of this summons to the Tribunal – use Section B of this form.

**🞎 C To attend and to give evidence and to produce** the documents or things specified in the schedule and a copy of this summons to the Tribunal – use Section C of this form. **(Do not deliver materials the subject of this summons to anyone other than the Tribunal)**

**NOTICE TO PERSON ORDERED TO COMPLY**

1. Failure to comply with this summons without reasonable excuse may constitute an offence pursuant to Section 104(4) of the *Tasmanian Civil and Administrative Act* 2020.
2. The last day for service of this summons is:

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| *OFFICE USE ONLY:*  |

1. Please read notes 1 to 10 at the end of this summons.

**Complete only one of the sections below (A, B or C)**

**SECTION A: Summons to attend to give evidence only**

**Date, time and place at which you must attend to give evidence:**

|  |  |
| --- | --- |
| **Date:**  |  |
| **Time:** |  |
| **Place (hearing location):** |  |

You must continue to attend from day to day:

🞎Unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or

🞎Until the hearing of the proceedings are completed.

**SECTION B: Summons to produce only**

You must comply with this summons by:

🞎 Attending to produce the documents or things specified in the Schedule on page 4 and a copy of this summons at the time, date and place specified for compliance below; or

🞎 Delivering or sending the documents or things specified in the Schedule on page 4 (including required number of copies) and a copy of this summons to the address of the TASCAT Registry below so they are received not less than 2 clear days before the specified date for compliance (see Subrule 20(6)(b) of the Tasmanian Civil and Administrative Rules 2021).

**Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it:**

|  |  |
| --- | --- |
| **Date:**  |  |
| **Time:** |  |
| **Place (hearing location):** |  |

**OR**

Address to which the documents or things and a copy of the summons may be delivered or posted to is:

**Postal/delivery address: 38 Barrack Street, Hobart, Tasmania 7000**

**Email:** **tascat@tascat.tas.gov.au**

Note : It is not necessary for you to attend in person on the compliance date, unless otherwise advised by the Tribunal.

**SECTION C: Summons both to attend and to give evidence and to produce**

Insofar as you are required by this summons to produce the documents or things and this summons or a copy of it, you must comply with this summons by:

🞎 Attending to produce the documents or things specified in the Schedule on page 4 and a copy of this summons at the time, date and place specified for compliance below; or

🞎 Delivering or sending the documents or things specified in the Schedule on page 4 (including required number of copies) and a copy of this summons to the address of the TASCAT Registry below so they are received not less than 2 clear days before the specified date for compliance (see Subrule 20(6)(b) of the Tasmanian Civil and Administrative Rules 2021).

**Date, time and place at which you must attend to give evidence:**

|  |  |
| --- | --- |
| **Date:**  |  |
| **Time:** |  |
| **Place (hearing location):** |  |

You must continue to attend from day to day:

🞎Unless excused by the Tribunal or the person authorised to take evidence in the proceedings, or

🞎Until the hearing of the proceedings are completed.

**Date, time and place at which you must attend to produce the documents or things and this summons or a copy of it:**

|  |  |
| --- | --- |
| **Date:**  |  |
| **Time:** |  |
| **Place (hearing location):** |  |

**OR**

Address to which the documents or things and a copy of the summons may be delivered or posted to is:

**Postal/delivery address: 38 Barrack Street, Hobart, Tasmania 7000**

**Email:** **tascat@tascat.tas.gov.au**

**SCHEDULE**

List the document or things. Attach another sheet if there is insufficient space:

**The document or things you must produce are as follows:**

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| --- |
|  |

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| **OFFICE USE ONLY:****Registrar:**Signature and Tribunal seal |

**INFORMATION**

**Service requirements**

1. A summons must be served upon the person named in the summons at least 5 days prior to the return date. A Registrar may vary this timeframe, or the person named in the summons may agree to the later service of the summons (see Subrule 20(3) of the *Tasmanian Civil and Administrative Tribunal Rules* 2021).
2. A sealed copy of the summons must be served on each other party to the proceedings, but not if the party is the party who requested the summons or is the person named in the summons.

**Addressee a corporation**

1. If the summons is addressed to a corporation, the corporation must comply with the summons by its proper officer.

**Production of summons or copy of it and documents or things by delivery or post**

1. Insofar as this summons requires production of the summons or a copy of it and a document or thing, instead of attending to produce the summons or a copy of it and the document or thing, you may comply with the summons by delivering or sending the summons or a copy of it and the document or thing to the address of the TASCAT Registry specified in the summons so that they are received not less than 2 clear days before the date specified in the summons for attendance and production (see Subrule 20(6)(b) of the *Tasmanian Civil and Administrative Tribunal Rules* 2021).
2. If you object to a document or thing produced in response to this summons being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
3. Unless the Tribunal otherwise orders, if you do not object to a document or thing produced by you in response to the summons being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

**Production of copy instead of original**

1. Unless an original has been specifically requested you should produce a copy rather than the original of the document requested. The Tribunal will determine if it must destroy the documents produced by you at the conclusion of the hearing unless you request that they are returned to you below.

**Applications in relation to summons**

1. You have the right to apply to the Tribunal, if appropriate:
2. for an order setting aside the summons (or a part of it) for relief in respect of the summons, and
3. for an order with respect to a claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the summons. (See Sections 105 and 106 of the *Tasmanian Civil and Administrative Tribunal Act* 2020)

**Non-compliance without any explanation**

1. Failure to comply with a summons without a reasonable excuse may constitute an offence pursuant to Section 104(4) of the *Tasmanian Civil and Administrative Tribunal Act* 2020. If found guilty the penalty may be a fine not exceeding 30 penalty units or imprisonment for a term not exceeding one year.

**Return of original documents or things**

1. If you want original documents or things produced by you to be returned after the conclusion of proceedings, you can use this declaration.

**Expenses and allowances responding to a summons**

1. Section 104(6) of the Tasmanian Civil & Administrative Tribunal Act 202 establishes an entitlement to be paid expenses and allowances for persons required to appear before the Tribunal. Rule 20A of the Tasmanian Civil & Administrative Tribunal Rules 2021 are the relevant provisions related to those expenses and entitlements.

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| --- |
| **DECLARATION**I declare that the documents or things produce with this summons are original documents. I request that the Registrar return them to me when they are no longer required.**Signature of person producing documents or things:** |