

Subpoena Procedure

Section 1 - Purpose

(1) To assist with the timely response to a Subpoena served on the University.

Scope

(2) This Procedure requires actions by the following:

- a. Staff member; and
- b. General Counsel.

Section 2 - Policy

(3) Nil.

Section 3 - Procedures

Responsibilities and Required Actions

Produce Documents

(4) The University receives Subpoenas requiring it to Produce Documents. The Office of the General Counsel accepts service of Subpoenas to Produce on behalf of the University.

(5) If a Subpoena to Produce is served on the University, but not on the Office of the General Counsel, it must immediately be sent to the Office of the General Counsel to ensure that appropriate procedures are followed.

Attend to Give Evidence

(6) The Office of the General Counsel does not accept service of Subpoenas to Attend to Give Evidence. Those Subpoenas must be served directly on the individual required to give evidence.

Staff Member

(7) Comply with the Subpoena within the time frame specified in the document. Failure to comply with the Subpoena is a contempt of court unless the recipient has been successful in having the Subpoena set aside.

(8) If a Subpoena to Attend to Give Evidence is relevant to University litigation or to the University generally, the recipient of the Subpoena to Attend to Give Evidence should contact the Office of the General Counsel for advice and assistance regarding that Subpoena.

General Counsel

(9) Provide advice and assistance to staff who have been served a Subpoena.

Section 4 - Guidelines

(10) Nil.

Section 5 - Definitions

(11) Commonly defined terms are located in the University [Glossary](#). The following definitions apply for the purpose of this Procedure:

- a. Subpoena means an order from a court or tribunal requiring the party named in the subpoena to:
 - i. attend the court or tribunal to give oral evidence; and / or
 - ii. produce documents or other evidence to that court or tribunal.

Status and Details

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Effective Date	22nd February 2021
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Responsible Executive	James Lonsdale General Counsel
Responsible Officer	James Lonsdale General Counsel
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