NTCAT
Northern Territory Civil and Administrative Tribunal

FORM 5 Matter No.

EVIDENCE SUMMONS

Northern Territory Civil and Administrative Tribunal Act s89(1)

PARTIES

APPLICANT/S:

RESPONDENT/S:

READ THIS DOCUMENT CAREFULLY. IT IMPOSES IMPORTANT OBLIGATIONS UPON YOU BUT ALSO CONTAINS INFORMATION ABOUT YOUR RIGHTS

To:[1] _____ ('the recipient')

YOU ARE REQUIRED TO APPEAR before the Northern Territory Civil and Administrative Tribunal ('NTCAT') at the hearing room, NTCAT Office, Darwin / Alice Springs at AM/PM on / / to:

- give evidence
- produce evidentiary material[2]

in this proceeding.

Evidentiary material to be produced (if applicable):[3]

NOTE: **a person served with a summons to produce evidentiary material may comply with it at any time prior to the time and date specified above by delivering the material to the Registry at the nominated NTCAT office**.

Date of Issue:

[1] Person to be summonsed. Note that 'person' may include the Crown or a body corporate (see *Interpretation Act* s 17).
[2] Delete as appropriate.
[3] Delete if summons is to give evidence. Provide summary of evidentiary material required to be produced. The summary should make clear to the person what material is required. Only material relevant to issues in the proceeding should be summonsed. NTCAT may refuse to issue a summons that is too broad, or may amend the summary.

CONDITIONS

(NTCAT TO COMPLETE)

This summons is issued by NTCAT on the following condition(s):[4]

By serving this evidence summons _____ *undertakes to NTCAT*[5] *and to the recipient to pay the costs and expenses reasonably incurred by the recipient in complying with it (which costs, if they cannot be agreed, shall be in an amount fixed by NTCAT).*

_____*shall, at the time of serving this evidence summons, also provide the recipient with the sum of $*_____ *on account of the recipient's costs of complying with this evidence summons.*

IMPORTANT MATTERS
1. The evidence summons must be served (see NTCAT rule 9.5) on the recipient by giving the original sealed copy to: • if the recipient is a person – the person; or • if the recipient is a body – an executive officer of the body; or • a person authorised to accept service of documents on behalf of the recipient. 2. This evidence summons is an **ORDER** of NTCAT. A failure to comply with it may constitute an offence (see NTCAT Act s 90). 3. If this evidence summons was issued on conditions, the recipient does not need to comply with it unless the conditions have been complied with. 4. The recipient may apply to the NTCAT (under NTCAT rule 9.6) for orders: • setting aside or allowing extra time to comply with an evidence summons; • limiting the scope of evidentiary material required to be produced under an evidence summons; or • requiring the party who applied for the evidence summons to meet or contribute to the costs of complying with it (whether or not the summons was issued on a condition regarding such costs).

[4] Conditions other than those listed may be imposed. See Important Matters, item 3.
[5] Failure to comply with an undertaking to NTCAT may constitute contempt (NTCAT Act s 87(4)).

NTCAT OFFICES	
NTCAT DARWIN OFFICE Level 1, The Met Building 13 Scaturchio Street Casuarina NT 0810	NTCAT ALICE SPRINGS OFFICE Westpoint Building 1 Stott Terrace ALICE SPRINGS NT 0870