

Year	Date	Title	Note
1999	9 Jul 1999	Issue of subpoenas for production in the civil list	

**SUPREME COURT OF THE AUSTRALIAN CAPITAL
TERRITORY**

Notice to Practitioners

ISSUE OF SUBPOENAS FOR PRODUCTION IN THE CIVIL LIST

This notice amends the Notice to Practitioners dated 15 February 1990 to the extent that that Notice dealt with the issue of subpoenas prior to the filing of a certificate of readiness. That notice advised practitioners that, subject to any order of the court, a subpoena for production would not be issued prior to the filing of a certificate of readiness.

Since the making of O 34B in 1977 practitioners have had the option of obtaining early access to documents in the hands of a non party by way of the Notice for Non party Production.

Despite the availability of this rule, applications continue to be made in the Master's list on a regular basis for the issue of an early subpoena for production of documents in the hands of a non party notwithstanding the absence of a certificate of readiness.

Order 34B was intended to provide an effective method of obtaining this material, without the need to apply to the court for the exercise of discretion to issue a subpoena. Practitioners should avail themselves of this procedure and should expect that a party making an application for the issue of a subpoena for production to a non party notwithstanding the absence of a certificate of readiness will be expected to explain why the material was not obtained using the alternative procedure set out in O 34B.

Sgd J E CIRCOSTA
Deputy Registrar

9 July 1999