

*Service and Execution of Process Act 1992*  
(section 59 Form 5)

## NOTICE TO PRODUCER / WITNESS

**THIS NOTICE IS VERY IMPORTANT - PLEASE READ IT AND THE ATTACHED DOCUMENTS VERY CAREFULLY. IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM YOU SHOULD GET LEGAL ADVICE AS SOON AS POSSIBLE**

Attached to this notice is a direction for production/summons that is a subpoena for the purposes of the *Service and Execution of Process Act 1992* issued by the Workers Compensation Commission of New South Wales ("the Commission"). Service of the attached direction for production/summons outside the State of New South Wales has been authorised as required by the Act.

### YOUR RIGHTS

You may be able to apply to the Commission or to a court to set aside or obtain other relief in respect of the attached direction for production/summons. If you would like to make an application you should get legal advice as soon as possible.

### YOUR OBLIGATIONS

You must obey the attached direction for production/summons if:

- (a) at the time of service or at some reasonable time before the date for production of documents or to attend before the Commission you were offered or given:
  - (i) enough money to meet your reasonable expenses in obeying it, including any travel and accommodation costs; or
  - (ii) a combination of money, travel tickets and vouchers to meet those expenses; and
- (b) you received with the attached direction for production/summons a copy of an order from the Commission or the District Court of New South Wales permitting the attached direction for production/summons to be served outside the State of New South Wales and specifying the day by which it must be served.

If the attached is a direction for production which only requires production of documents or things you may comply with the attached direction for production by delivering the documents or things by the return date to the Registrar of the Workers Compensation Commission of New South Wales.

### THIS IS MOST IMPORTANT

If you are subject to a restriction on your movements that you might breach if you comply with the attached direction for production/summons, there are some additional actions you must take for your own protection.

The restriction on you could be imposed as:

- (a) conditions of bail; or
- (b) conditional release from prison; or
- (c) conditions of probation; or
- (d) home or periodic detention; or
- (e) a community service order, community based order, attendance order or work and development order; or
- (f) some other restriction on your movements imposed by law or by order of a court.

If you are under a restriction of that kind, you must, as soon as practicable after you receive the attached direction for production/summons, inform your supervisor of the service of the attached direction for production/summons. If you are on bail, and your bail is subject to a condition that you report periodically, your supervisor is the police officer or correction service officer that you report to. If you are not on bail, or if you are on bail but are not required to report periodically, your supervisor is the person who supervises your compliance with an order or restriction.

Also you must, as soon as practicable, inform the Commission and the requesting party of the restriction to which you are subject. You must take all reasonable steps to have the restriction varied so that you can comply with the attached direction for production/summons.

If the restriction is not varied you must inform the Commission and the requesting party either:

- (a) of the steps you took to have the restriction or obligation varied, and that the restriction or obligation has not been varied; or
  - (b) that the law does not permit that variation;
- whichever is the case.