



NOTICE TO THE PARTY REQUESTING THE SUMMONS TO PRODUCE DOCUMENTS

Please find enclosed the original, signed and sealed summons as requested by you.

WHAT YOU MUST DO

It is your responsibility to arrange to give the summons to the person summoned as soon as practicable. You must also give the person summoned a copy of the enclosed **NOTICE TO THE PERSON SUMMONED TO PRODUCE DOCUMENTS** at the time you serve the summons.

How can the summons be given to the person?

You can give a person a summons in the ways that are set out in section 12 of the *Administrative Appeals Tribunal Regulation 2015* (AAT Regulation 2015). They are:

- (a) in a way mentioned in section 17 of the AAT Regulation 2015 (see Attachment A to this notice for more information);
- (b) in a way agreed between you and the person summoned;
- (c) in any other way, if you receive from the person summoned a written acknowledgement that they have been given the summons.

Allowances payable to a person summoned

You are required to pay a person summoned (but not a party unless the AAT orders otherwise) the reasonable expenses of producing the documents or things: subsections 13(6) and 14(1) of the AAT Regulation 2015. Such expenses will usually include the copying and delivery costs associated with the documents.

The allowances must be paid when the person is given the summons or within a reasonable time before the day the person is required to attend the AAT: section 15 of the AAT Regulation 2015.

A person summoned is not excused from complying with a summons just because they think an amount paid for reasonable expenses is not sufficient: subsection 13(8) of the AAT Regulation 2015. If you and the person summoned cannot agree on the amount of the reasonable expenses, the person summoned can apply to the AAT for a determination of the amount of the allowances that are payable: subsection 13(7) of the AAT Regulation 2015.

GIVING DOCUMENTS UNDER SECTION 17 OF THE AAT REGULATION 2015

Section 17 of the *Administrative Appeals Tribunal Regulation 2015* provides that a document may be given to a person for the purposes of an application before the AAT:

- (a) in accordance with an order of the AAT; or
- (b) in any of the following ways.

Giving documents to a party or other person who has given the AAT an address for documents in the application

A document may be given to the person by:

- (a) leaving the document in a sealed envelope addressed to the person at the address for documents; or
- (b) sending the document by pre-paid post addressed to the person at that address; or
- (c) sending the document to a DX address, fax number, email address or other electronic address included in the person's address for documents.

Giving documents to individuals

A document may be given to an individual by:

- (a) handing the document to the individual; or
- (b) putting the document down in the person's presence and telling the individual the general nature of the document; or
- (c) sending the document by pre-paid post addressed to the individual to the last known address of the place of residence or business of the individual; or
- (d) leaving the document in a sealed envelope addressed to the individual at the last known address of the place of residence or business of the individual.

Giving documents to corporations

A document may be given to a corporation:

- (a) by leaving the document in a sealed envelope addressed to the corporation at the head office, a registered office or a principal office of the corporation; or
- (b) by sending the document by pre-paid post addressed to the corporation to the head office, a registered office or a principal office of the corporation; or
- (c) if the corporation is a company within the meaning of section 9 of the *Corporations Act 2001*—in any way allowed by section 109X of that Act; or
- (d) in any other way that is allowed under:
 - (i) a law of the Commonwealth or of the State in which the document is to be given; or
 - (ii) a Norfolk Island enactment if the document is to be given in Norfolk Island.

Giving documents to government agencies

A document may be given to a government agency by:

- (a) sending the document by pre-paid post addressed to the agency; or
- (b) leaving the document in a sealed envelope addressed to the agency at an office of the agency.

Giving documents to unincorporated associations

A document may be given to a person representing an unincorporated association by:

- (a) sending the document by pre-paid post addressed to the association; or
- (b) leaving the document in a sealed envelope addressed to the association:
 - (i) at the association's principal place of business or principal office; and
 - (ii) with a person who is apparently an officer of, or in the service of, the association.