

Form 6.28 Trans-Tasman proceedings— certificate of noncompliance with subpoena

Court Procedures Rules 2006

(see r 6867 (3) (Trans-Tasman proceedings—noncompliance with subpoena served in New Zealand))

Trans-Tasman Proceedings Act 2010 (Cwlth), section 38

To: The High Court of New Zealand

The *[Supreme/Magistrates/Coroner's] Court of the Australian Capital Territory certifies that—

- (a) leave to serve (*identify the subpoena*) in New Zealand was given by a *[Judge/Magistrate] of the *[Supreme/Magistrates/Coroner's] Court of the Australian Capital Territory under the *Trans-Tasman Proceedings Act 2010* of the Commonwealth of Australia on (*date of leave*); and
- (b) the person named in the subpoena failed to comply with the subpoena.

Accordingly the Court respectfully requests you to exercise your powers under the *Evidence Act 2006* of New Zealand, section 165.

A copy of the subpoena and a copy of the order giving leave to serve it in New Zealand are attached to this certificate.

*No application has been made for the subpoena to be set aside in whole or part.

*An application for the subpoena to be set aside in whole or in part was dismissed by order made on (*date*). A copy of the order is attached to this certificate.

Date:

By the Court

(signature of Registrar and seal of Court)

**omit if, or whichever is, inapplicable*