Personal Protection Order Final Hearing: What is a subpoena?

This factsheet is for you if you are representing yourself at a Personal Protection Final Hearing. This factsheet explains:

- What is a subpoena?
- How do I write and submit a subpoena to the Court?
- What happens after I submit a subpoena to the Court?

This factsheet does not explain:

- What happens at a 'Final Hearing'?
- How do I prepare for a 'Final Hearing'?

This factsheet gives general legal information. It is not legal advice. *Last updated on 2 March 2026.*

Key Terms

- **Applicant** – the person who applied for a Personal Protection Order and started the court case
- **Respondent** – the person defending the court case
- **Protected Person(s)** – the person or people who are protected by the Personal Protection Order
  Magistrate – another name for the Judge that will listen and make decisions
- **Deputy Registrar** – like a Magistrate or Judge who can listen and make decisions in some situations
- **Parties** – another name for both the Applicant and the Respondent
- **Hearing** – a court date when a Deputy Registrar or Magistrate listens and makes a decision about one part of the case or the final outcome of the case.
- **Addressee** – the person or organisation the subpoena is sent to and follows what it asks

What is a subpoena?

A subpoena is a type of court order.

There are two types of subpoenas:

1. Subpoena to produce documents (to get documents);
2. Subpoena to give evidence (to get a person to be a witness in your case by coming to court on the day of the final hearing).

Personal Protection Order Final Hearing: What is a subpoena?

Subpoena to produce documents

A 'subpoena to produce documents' is ordering a person or organisation to give the records you want to the Court. You need to include the documents you are asking for in the subpoena.

Examples of documents you may want for your case are:

- Police case summaries, statements of facts or the criminal history of a person;
- Medical and social work notes; or
- Records made by Child, Youth and Families (Child Protection).

There may be other documents you need to support your case. It is important to get legal advice about what documents may be helpful or hurtful to your case. There are also restrictions about what sort of documents you can request. If you are thinking of requesting records held by Child, Youth and Families, or records about counselling, it is very important to talk to a lawyer before you do it.

You can talk to a lawyer for free at the Domestic Violence and Personal Protection Unit (DVU) in the ACT Magistrates Court. The DVU is open Monday to Friday 9am to 3pm.

Subpoena to give evidence

A 'subpoena to give evidence' is ordering a person to come to the Final Hearing to be a witness. If they do not follow the subpoena and come to Court, there can be negative consequences because they are not following a type of court order. This is called 'contempt of court' and is very serious.

If your witness is willing to come to Court and is likely to show up, you do not have to use a subpoena. A 'subpoena to give evidence' is a way of forcing a person to show up.

How do I write and submit a subpoena to the Court?

There are a few steps to issue a subpoena. This factsheet will focus on a 'subpoena to produce documents' in this part.

Step 1: Complete the form

You can get the subpoena forms from the ACT Magistrates Court Registry. They are also on the ACT Magistrates Court website. You need to clearly list the documents or things you want to get, or who you want to give evidence.

Personal Protection Order Final Hearing: What is a subpoena?

An example 'subpoena to produce documents' to the ACT Police is located at the end of this factsheet. You will need to fill in the details highlighted in yellow.

The section of a subpoena to produce documents titled 'Schedule' is where you put the documents you want to get from the organisation. The example subpoena to the AFP at the end of this Factsheet includes a schedule with the types of documents you may request from the AFP. The Schedule will be different depending on what documents you want and which organisation you are trying to get them from.

A subpoena must also:

- Identify the person you are asking to give you over certain documents or appear in court as a witness. If you are asking an organisation to give you documents, you need to find out who at that organisation is allowed to hand over this information. At the AFP, this person is called the 'Proper Officer'.
- Ask for documents that exist. You cannot ask for someone or an organisation to create a document using a subpoena.
- Be very clear about what documents you want. The person or organisation who gets the subpoena shouldn't need to try and figure out what documents you do or don't want. If they must make these sorts of decisions, you have not been clear enough.
- List the date that you wish for the material to be returned/the date you wish for a person to appear to give evidence.

Important: If you are asking for material about a specific person, such as a Respondent, the subpoena schedule will normally require that you list their name and date of birth e.g. *The Respondent John Smith (DOB 01/01/1999)*. If you do not know a party's date of birth, you can substitute it with their address e.g. *The Respondent John Smith of 2 Allsop Street Canberra ACT 2601.*

Step 2: Submit the subpoena

After you complete the form, you need to give it to the ACT Magistrates Court. This is called 'filing'. There is no cost to submit documents in a Family Violence Order or Personal Protection Order court case.

You need to give the ACT Magistrates Court Registry:

1. The original subpoena
2. A copy for each person you are sending the subpoena to
3. A copy for each party in your case (usually 2, one for you and one for the other party)

For example, if you are only submitting one subpoena wanting documents from the ACT Police, then you will need the original subpoena and 3 additional copies: one for the ACT Police, one for the other party, and one for you.

Personal Protection Order Final Hearing: What is a subpoena?

The Court will keep the original and give you back the copies. The copies the Court gives back to you will have the Court's stamp on it.

What happens after I submit a subpoena?

This part of the factsheet will also focus on 'subpoena to produce documents'.

Step 3: Serve the subpoena

You will then need to give a copy of the stamped subpoena to the person or organisation you want to give you certain documents (called the 'addressee'). This process for how to do this called 'service'. There are rules about how to serve a subpoena that you need to follow.

The rules state that you need to serve the subpoena on the addressee personally. Not the other party, just the organisation or person you are wanting documents from.

The last date to serve is 5 business days before the date in the subpoena for compliance. This means you need to serve the document at least 5 business days before the date the document or thing needs to be given to the Court. For example, if you want material returned to the Court by Thursday, you must file & serve the subpoena by close-of-business Wednesday the previous week.

If you miss this deadline, you need to ask the court's permission to serve late. This is called 'an application for leave'. You can do this by giving the Court:

- A draft of the subpoena; and
- An affidavit in support of the court doing this.

An affidavit is a written document of your evidence. There is an affidavit form (Form 6.11) attached to the end of this resource. It is also available on the ACT Magistrates Court website: https://www.courts.act.gov.au/magistrates/forms/witnessing-documents

The affidavit in support of leave being granted needs to include:

- Why it is important the person gives evidence or produce a document/thing;
- Why you didn't do this earlier;
- If you have told the person they will be need to give evidence on a certain date or produce a document/thing;
- If they will be able to come to court on this date or produce the document/thing; and
- The earliest date you will be able to serve the subpoena if the court grants you leave to do this late.

Personal Protection Order Final Hearing: What is a subpoena?

Important: Pay attention to the Directions made in your case. The Directions generally include a deadline to file subpoenas by. If you miss this deadline, you will need to file an Application in a Proceeding to ask for further time and an affidavit explaining why.

You can talk to a lawyer for free at the Domestic Violence and Personal Protection Unit (DVU) in the ACT Magistrates Court. The DVU is open Monday to Friday 9am to 3pm.

Step 4: Go to the return date for the subpoena

There will be a return date for the subpoena. This is the deadline for the person or organisation to give the documents in your subpoena schedule to the Court Registry.

If it is a subpoena to produce a document, you will need to go to Court on the return date to find out if the documents have been given to the Court. This is when you ask for permission to access the documents. The 'return of subpoenas list' is held every Thursday from 2:15pm.

The 'return of subpoenas list' happens inside a courtroom. Wait for your name to be called inside the courtroom. The Deputy Registry will usually say your surname and the other parties surname. After this happens, you can walk to the table towards the front of the courtroom.

The Deputy Registrar will then tell you if the person or organisation has given documents to the Court. If they have not, the Deputy Registrar will ask you questions to confirm that you served everyone correctly. Have this information ready with the dates and how service happened.

If they have given documents to the Court, the Deputy Registrar will want to know from you:

1. Which party should get first access; and
2. For how long that party gets first access.

Which party gets first access usually depends on who the documents are about. For example, if you have asked for the Respondent's criminal records from Police, then the Respondent will usually get access first. This is because the Respondent should have the opportunity to look the documents first. When the Final Hearing is scheduled is relevant to this decision. The 'usual order' is that one party gets access for 5 days, then the other party afterwards. You can ask for quicker access. The Deputy Registrar will want to know the reason. Who gets access is a decision for the Deputy Registrar to make at the Return of Subpoena List.

You can talk to a lawyer for free at the Domestic Violence and Personal Protection Unit (DVU) in the ACT Magistrates Court. The DVU is open Monday to Friday 9am to 3pm.

Personal Protection Order Final Hearing: What is a subpoena?

Objecting to a subpoena

A Magistrate can set aside a subpoena completely or partly. 'Set aside' means that they cancel all of it or part of it.

To object, you need to tell the Court you are objecting. Examples of reasons you might object are:

- If the subpoena doesn't follow the time constraints for production;
- If the records being requested are confidential or sensitive;
- If the document is irrelevant to the court case;
- If the document being requested is not in your possession.

At the 'return of subpoenas list', you can tell the Deputy Registrar that you want to object. You can also object in writing before or after the return date. We strongly recommend you talk to a lawyer before objecting.

If an objection is done in writing, you need to submit an 'Application in Proceeding'. The Court will then schedule a court date to listen to your objection and the reasons why. The other party will also get a chance to say why they want the subpoena complied with.

If you object, the Court can:

- Support you and prevent documents being disclosed;
- Support some of your objection and only allow certain things to be disclosed in a document;
- Put limitations on the use and distribution of information;
- Decide the subpoena invalid and set it aside so it doesn't have be complied with;
- Dismiss your objection.

Step 5: Make an appointment to get the documents

To see the documents when it is your time, you can make an appointment. This is called a 'subpoena copy appointment'. You can do this by emailing or calling the ACT Magistrates Court Protection Unit: (02) 6205 4939 or protection@courts.act.gov.au

You can talk to a lawyer for free at the Domestic Violence and Personal Protection Unit (DVU) in the ACT Magistrates Court. The DVU is open Monday to Friday 9am to 3pm.

Personal Protection Order Final Hearing: What is a subpoena?

Where can I get help?

If you are in any immediate danger, please call the Police on 000.

Domestic Violence and Personal Protection Unit – Legal Aid ACT

- Phone: (02) 6173 5436
- Location: ACT Magistrates Court, 4 Knowles Place Canberra ACT
- Open: Monday to Friday, 9am to 3pm
- Email: dv@legalaidact.org.au

www.legalaidact.org.au/what-we-do/dv-unit

Legal Aid ACT

- Phone: 1300 654 314 (Monday to Thursdays, 8.30am – 7pm, Fridays 8.30am – 5pm)
- www.legalaidact.org.au

ACT Magistrates Court Protection Unit

- Phone: (02) 6205 4939
- Email: protection@courts.act.gov.au
- www.courts.act.gov.au/magistrates/law-and-practice/family-violence-and-protection-orders

Canberra Rape Crisis Centre

- Phone: (02) 6247 2525
- www.dvcs.org.au/

Victim Support ACT

- Phone: 1800 8222 72 or (02) 6205 2066
- www.dvcs.org.au/

Other useful factsheets by Legal Aid ACT

- *I am self-represented at a Personal Protection Order Final Hearing*
- *FVO and PPO: What happens at Court?*

These factsheets are on our website: www.legalaidact.org.au/what-we-do/information-education

Personal Protection Order Final Hearing: What is a subpoena?

The Law

Personal Violence Act 2016 (ACT)
Family Violence Act 2016 | HTML view

Court Procedure Rules 2006 (ACT)
Court Procedures Rules 2006 | HTML view