

Notice of Non-Party Production of Documents

FORM 12 Family Law Rules ~ Division 13.4.2

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any question/s.

This Notice is to be used by a party to a case to request the production of documents from a person who is not a party to a case.

Use of documents produced under this Notice

A party seeking production of a document may copy the document produced under this Notice but must use the copy for the purposes of the case only and not for any other purpose unless the consent of the non-party or an order of the Court is obtained.

PLEASE COMPLETE BEFORE SERVING

Full name of requesting party _____

File number _____

Court _____

Location _____

This Notice must be served on the other parties to the case, the child representative, if any, and any person named in Part C at least 14 days before being served on the non-party in Part A. At the time of service of the Notice on the non-party you must:

- advise the non-party in writing that service on the other persons identified above has occurred; and
- serve the brochure entitled 'Production of Documents by a Person who is not a Party to a Case'.

Part A

To the non-party from whom the documents are sought

TO

Name / description of office or position. (If this Notice is to be served on an organisation, it must be addressed to and served on a person authorised to accept service on behalf of the organisation.)

		State	Postcode

Address of registered business office

1

You must:

- (a) comply with this Notice not earlier than 7 days and not later than 21 days after being served with it (see Item 2); or
- (b) object to complying with it not later than 21 days after being served with it (see Item 3); or
- (c) not comply with it if you have received a notice of objection from any person within 7 days of receiving it.

2

To comply with this Notice you must produce the documents listed in Part F (page 5) for inspection by the person in Part D (requesting party) during ordinary business hours at the following address:

		State	Postcode

or at such other time and place as is agreed with the requesting party.

- You are only obliged to produce the documents if:
 - (a) the documents sought are directly relevant to an issue identified at Part E, Item 16 of this Notice;
 - (b) there is no other reasonably simple and inexpensive way of proving this issue;
 - (c) the documents are in your possession or control;
 - (d) the documents may be required to be produced at the trial;
 - (e) the requesting party has
 - ~ served a copy of this Notice on each other party to the case, the independent children's lawyer if any and any other person they believe will be affected by the production of these documents, at least 14 days before serving you with the notice; and
 - ~ advised you in writing that such service has taken place.
- You are entitled to be paid the reasonable costs of producing the documents.
- The requesting party is entitled to copy any of the documents produced upon payment to you of the reasonable costs of copying.

3 To object to compliance with this Notice you must complete the objection at Part G (page 6) and serve it on the party in Part D (requesting party). Service of a written objection stays this Notice until the Court orders otherwise (Rule 13.40).

If:

- 4** ■ you do not comply with this Notice; or
 ■ a person objects to this Notice;
 the requesting party may apply to the Court for an order that you produce the documents (Rule 13.41).

Part B To the other parties and the independent children's lawyer (if any)

5 Husband/father

Family name as used now

Given names

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Wife/mother

Family name as used now

Given names

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Other

Family name as used now

Given names

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6 The requesting party in Part D intends to require the non-party in Part A to produce to the requesting party the documents listed in Part F (page 5) for inspection. The requesting party may then request a copy of some or all of the documents.

7 You may object to the production of some or all of the documents by completing and serving the written objection in Part G (page 6) on the requesting party, the non-party and each other party including the independent children's lawyer, if any, within 21 days of you being served with this Notice. Service of an objection will stay this Notice until the Court orders otherwise.

8 If:
 ■ the non-party does not comply with this Notice or
 ■ a person objects to this Notice,
 the requesting party may apply to the court for an order that the documents be produced (Rule 13.41).

Part C To any other person affected by this Notice

9

Name/description of office or position

State	Postcode

Address or registered business office

10

Name/description of office or position

State	Postcode

Address or registered business office

11 The requesting party in Part D intends to require the non-party in Part A to produce to the requesting party the documents listed in Part F of this Notice for inspection. The requesting party may then request a copy of some or all of the documents produced.

12 You may object to the production of some or all of the documents by completing and serving the written objection in Part G (page 6) on the requesting party and the non-party within 21 days of you being served with this Notice. Service of an objection will stay this Notice until the Court orders otherwise.

13 If:
■ the non-party does not comply with this Notice, or
■ a person objects to this Notice,
the requesting party may apply to the court for an order that the documents be produced (Rule 13.41).

Part D About the requesting party

14 Family name as used now Given names

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15 What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Email*	Lawyer's code

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

Part E

Certificate by requesting party

16 I certify that

(a) the documents sought are directly relevant to the following issue/s in the case [set out the issue/s to which you say the documents are relevant and why you say they are relevant to that issue/s]:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

(b) there is no other reasonably simple and inexpensive way of proving this issue/s;

(c) the documents are in the possession or under the control of the non-party;

(d) the non-party may be required to produce the documents at the trial.

Signature of requesting party or lawyer

Date

	/	/
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Privacy Statement

The Family Court recognises the right to privacy for persons who use our services and is committed to protecting that right. We understand and appreciate that when people have Family Court proceedings they are concerned about the confidentiality and security of the personal information they provide to us. The *Family Law Act* and the *Privacy Act* protect our clients as they prescribe the manner in which we may store, use and provide access to personal information.

Part F Documents to be produced

Part F Documents to be produced

[illegible]

Part G

Objection to Notice of Non-Party Production of Documents

Served by:

Full name: _____

MARK [X] IN THE BOX THAT APPLIES TO YOU

☐

Non-party

☐

Husband/father

☐

Wife/mother

☐

Other _____

(specify - for example independent children's lawyer or affected person)

PLEASE COMPLETE BEFORE SERVING

File number _____

Court _____

Location _____

This form must be used by a person who wishes to object to the production of documents required under a Notice of Non-Party Production of Documents (Form 12). An objection must be made within 21 days of service of the Notice:

- if by a non-party, it must be served on the requesting party;
- if by any person named in Parts B or C, it must be served on all persons named in Parts A, B, C and D.

Insert the name and address of each person to whom this notice of objection must be given.

TO

State

Postcode

TO

State

Postcode

TO

State

Postcode

Continued next page

I object to the production of the following documents for the reasons set out:

[illegible]

Note: The service of this Notice operates as a stay of the obligation of the non-party to produce documents unless the Court orders otherwise.

Signed

Date

Signed	Date
	/ /