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SERVICE OF SUBPOENA

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Subpoena may be issued to a medical practitioner from a court or tribunal. Each court/tribunal may be subject to slightly different rules, as set out below.

Supreme Court of Victoria, County Court of Victoria, and Magistrates Court of Victoria

SERVICE REQUIREMENTS – SUBPOENA

- Service to a *natural person* (rule 42.05(1): A subpoena must be served personally on the addressee. Personal service is affected by:
 - Service is effected by leaving a copy of the document with the person to be served or if the person does not accept the copy, by putting the copy down in the person's presence and telling the person the nature of the document. (Rule 6.03(1)(a)) or
 - By delivering a copy of the document to the place of residence of the person to be served. (Rule 6.03(1)(b))
 - By delivering a copy of the document to the place of business of the person to be served, if that person conducts a business. (Rule 6.03(1)(c))
 - By sending by registered post a copy of the document addressed to that person at the persons last known place of residence or business. (Rule 6.03(1)(d))

When serving someone, the original document does not need to be shown (Rule 6.03(3)).

CONDUCT MONEY

A person named in a subpoena may be excused from attending unless conduct money is handed or tendered (rule 42.06(1)).

“Conduct money” means a sum of money or its equivalent, such as pre-paid travel, sufficient to meet the reasonable expenses of the addressee of attending court as required by the subpoena and returning after so attending.

COST OF COMPLIANCE

The Court may order the issuing party to pay the amount of any reasonable loss or expense incurred in complying with the subpoena. If the Court makes such an order, the Court shall fix the amount or direct that it be fixed in accordance with the Court's usual procedure in relation to costs. (rule 42.11).

COMPLIANCE WITH A SUBPOENA

An addressee need not comply with a subpoena unless:

- The subpoena was served on the addressee, or the addressee had actual knowledge of the subpoena and its requirements; and
- Conduct money has been provided a reasonable time before the day on which attendance is required; and
- The subpoena is served on or before the last day for service as specified in the subpoena.

RELEVANT REGULATIONS

Supreme Court (General Civil Procedure) Rules 2015 (Vic)

County Court Civil Procedure Rules 2018 (Vic)

Magistrates' Court General Civil Procedure Rules 2020 (Vic)