Form P21

Summons to attend

|  |  |
| --- | --- |
| **Case Number** |  |

# PARTIES

|  |  |
| --- | --- |
| Applicant |  |
| Respondent |  |
| Other Party |  |

# Summons recipient

|  |  |
| --- | --- |
| Name |  |
| Address |  |
| Phone |  |

# Summons to attend

This is the approved form for requiring a person to attend proceedings in the South Australian Employment Tribunal.

YOU ARE DIRECTED to attend before the South Australian Employment Tribunal to

☐ give evidence;

OR

☐ participate in a compulsory conciliation conference,

at the date and time set out below, and to remain until excused by the Tribunal

# Date, Time and address for compliance

|  |  |  |  |
| --- | --- | --- | --- |
| Date to attend / produce |  | Time |  |
| Address | South Australian Employment Tribunal  Riverside Centre  North Terrace, Adelaide SA 5000  (Postal address: PO Box 3636, Rundle Mall SA 5000)  (insert other address if applicable) | | |
| Registrar’s signature |  | | |
| Date issued |  | | |

# Requesting party

This summons is prepared and issued at the request of the (tick relevant box):

|  |  |  |
| --- | --- | --- |
| ☐ Applicant ☐ Respondent ☐ Other (specify): | |  |
| Representative |  | |
| Contact person |  | |
| Address |  | |
| Phone |  | |
| Email |  | |

### See the last page for information about this summons and how to comply with it.

# Information about Summons to attend

### Compliance with the summons

The purpose of this information is to provide you with general information only. It may not necessarily inform you of everything you may need to know about your rights and obligations in respect of the summons. If you feel you need more information you should seek the advice of a lawyer.

This document is called a Summons to Attend. It is an important document that requires you to attend the SAET and either give evidence in a hearing, or participate in a compulsory conciliation conference, about a certain matter involving the parties named above. Disobedience to this summons may result in you being guilty of contempt of the Tribunal.

When you attend at the Tribunal, you will need to locate the room in the building where the proceedings are taking place and how to get to that room. That room may not be known until shortly before you have to attend. There are “case lists” in The Advertiser and posted up each day in the Tribunal’s premises. The case list will contain the name of the cases listed for hearing/conference that day and the room number and floor level. If you have difficulties, see the Registry reception counter.

### Giving Evidence in a Hearing

The progress of the hearing may be such that you will not be called to give evidence until after the time shown on the summons. If you do not wish to wait outside the room until it is your turn to give evidence, you can contact the person at whose request the summons was issued (contact details appear above) who may be able to arrange a later time for you to attend. Otherwise you must attend at the date and time shown. As the case progresses the person who summonsed you may also contact you and advise that you won’t be actually required until a later time.

### Objection to Summons

If you object to the summons you must try to resolve the objection with the party who applied for the summons to be issued before the time for compliance.

If the objection cannot be resolved informally, you must, before the time for compliance:

a) in writing inform a registrar and the party who applied for the summons of the basis for the objection; and

b) unless otherwise directed by the Tribunal, attend the Tribunal on the date for compliance to explain the basis for the objection.

### Allowances and Expenses of Complying with Summons

A party who applied for a summons to be issued will be liable to pay:

a) reasonable witness allowances and expenses to the person named in the summons; and

b) if other loss or expense is incurred in complying with a summons, a reasonable amount for that loss or expense.

You need not comply with the requirements of this summons unless the party pays you your reasonable witness allowances and expenses and other reasonable costs of complying with the summons a reasonable time before attendance is required.

The amount to be paid for allowances, expenses or losses is either as agreed between you and the party who applied for the summons or, if you cannot agree, as determined by the Tribunal under these Rules. Where the amount cannot be agreed you should write to the Registrar setting out your claim and how it has been calculated.

### Failure to give evidence

The Tribunal has the power to require a person to attend the Tribunal to give evidence.

If you refuse to appear, or fail to appear without reasonable excuse in response to a summons you are guilty of an offence under section 33(4) of the *South Australian Employment Tribunal Act 2014* and will be subject to a maximum penalty of $25,000 or one year in prison.