

**Form 6.10A Subpoena to produce documents***Court Procedures Rules 2006*

(see r 6602 (Form of subpoena))

In the Supreme Court of the Australian Capital Territory  
Criminal Jurisdiction

**No SCC 264 of 2022** |

**DARREN** [REDACTED]  
Informant

and

**BRUCE LEHRMANN**  
The Accused

To The Chief Police Officer  
Australian Federal Police  
C/ - City Police Station  
Canberra City ACT 2601



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Filed for the **Accused** by Kamy Saeedi Law:  
Level 1, 1 University Avenue  
GPO Box 487  
Canberra ACT 2601

Telephone: [REDACTED]  
Facsimile: [REDACTED]

**You are ordered:**

to produce this subpoena or a copy of it and the documents or things stated in the schedule—see section A

**Failure to comply with this subpoena without lawful excuse is a contempt of court and you may be dealt with accordingly.**

The last date for service of this subpoena is: 15 June 2022

**Please read notes 1 to 16 at the end of this subpoena.**

Date: 15 June 2022

Issued at the request of Defendant, whose address for service is:

C/- Kamy Saeedi Law  
Level 1, 1 University Avenue  
Canberra ACT 2601



## **A. Details of subpoena to produce**

You must comply with this subpoena—

- (a) by attending to produce this subpoena or a copy of it and the documents or things stated in the schedule below at the date, time and place stated for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things stated in the schedule below to the Registrar (*or, for an arbitration under the Commercial Arbitration Act 2017, the arbitral tribunal*) at the address below so that they are received not less than 2 days before the date stated for attendance and production. (*see notes 5-12*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things (unless you are given notice under rule 6603A of a later date or time to attend)—

Date: 23 June 2022

Time: 9:00am

Place: ACT Supreme Court

Address where the subpoena (or copy) and documents or things may be delivered or posted—

4 Knowles Place, Canberra City ACT 2601

If you are given notice under rule 6603A stating a date or time for attendance or production or both, you must attend at the date or time stated in the notice.



## Schedule

The documents and things you must produce are as follows:

1. Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between police and the complainant, **Brittany Higgins** from the period between 25 March 2019 to 14 June 2022 inclusive.
2. Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, **Brittany Higgins** from the period between 25 March 2019 to 14 June 2022 inclusive.



## Notes

### Last day for service

- 1 You need not comply with this subpoena unless it is served on you on or before the date stated in the subpoena as the last date for service of the subpoena.

### Informal service

- 2 Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and its requirements.

### Addressee a corporation

- 3 If this subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### Conduct money

- 4 You need not comply with this subpoena unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date when your attendance is required.

### Production of subpoena or copy of it and documents or things by delivery or post

- 5 If this subpoena requires you to produce this subpoena or a copy of it and a document or thing, instead of attending to produce the subpoena or a copy of it and the document or thing, you may comply with the subpoena by delivering or sending the subpoena or a copy of it and the document or thing to the Registrar (*or, for an arbitration under the Commercial Arbitration Act 2017, the arbitral tribunal*) at the address stated for the purpose in the subpoena so that they are received not less than 2 days before the date stated in the subpoena for attendance and production or, if you are given notice under rule 6603A, before the later date stated in the notice.





- 6 If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or anyone else, you must tell the Court about your objection and the grounds of your objection either orally on the return date for this subpoena or in writing before or after the return date.
- 7 Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to this subpoena being inspected by any party to the proceeding, the Registrar may allow the parties to the proceeding to inspect the document or thing.
- 8 If the material you produce to the Court is or includes any original document, the Court will return all of the material to you. You must complete the declaration which is attached to this subpoena and specify your address for return of this material. If you have elected to produce copies of any subpoenaed documents and declare this when completing your declaration, those copies will be destroyed, without further notice, 4 months after the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

#### **Production of a number of documents or things**

- 9 If you produce more than 1 document or thing, you must, if asked by the Registrar (*or, for an arbitration under the Commercial Arbitration Act 2017, the arbitral tribunal*), produce a list of the documents or things produced.

#### **Production of copy instead of original**

- 10 If the subpoena requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
- 11 The copy of the document may be—
- (a) a photocopy; or
  - (b) in PDF format on a CD-ROM; or
  - (c) in any other electronic form that the issuing party has indicated will be acceptable.



### **Applications in relation to subpoena**

- 12 You have the right to apply to the Court—
- (a) for an order setting aside this subpoena (or a part of it) or for relief in relation to the subpoena; and
  - (b) for an order in relation to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

### **Loss or expense of compliance**

- 13 If you are not a party to the proceeding or arbitration, you may apply to the Court for an order that the issuing party pay (in addition to any conduct money and any witness expenses) the amount of any reasonable loss or expense, including legal costs, incurred in complying with this subpoena.

### **Contempt of court**

- 14 Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 15 Note 14 does not affect any power of the Court to enforce compliance with a subpoena, including the power to issue a warrant for the arrest of an addressee who does not comply with a subpoena.
- 16 Failure to comply with a subpoena may also be a criminal offence (see Criminal Code, s 719 (Failing to attend) and s 720 (Failing to produce document or other thing)).



**Form 6.10C          Subpoena—declaration by  
addressee**

*Court Procedures Rules 2006*

(see r 6610 (Disposal of subpoenaed documents and things produced))

In the Supreme Court of the Australian Capital Territory  
Criminal Jurisdiction

**No SCC 264 of 2021**

**THE QUEEN**

and

**BRUCE LEHRMANN**  
the Accused

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Filed for **the Accused** by **Kamy Saeedi Law**  
Level 1, Kamy Saeedi Law Building  
1 University Avenue  
GPO Box 487  
Canberra ACT 2601

Telephone: [REDACTED]  
Facsimile: [REDACTED]

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AF2017-154

Approved form under  
Court Procedures Act 2004, s 8

Unauthorised version prepared by ACT Parliamentary Counsel's Office





## Notice to addressee

The *addressee* is the person to whom the subpoena is addressed, and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of the document may be—

- (a) a photocopy; or
- (b) in PDF format on a CD-ROM; or
- (c) in any other electronic form that the issuing party (the party that issued the subpoena) has indicated to you will be acceptable.

**You must complete the declaration below, attach it to the subpoena or a copy of the subpoena and return them with the documents or things you provide to the Court under the subpoena.**

If you declare that the material you produce is copies of documents, the Registrar may, without further notice to you, destroy the copies at the end of 4 months after the end of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in relation to the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address stated by you in the declaration below.

### Declaration by addressee (subpoena recipient)

*(tick the relevant option below, provide your address as appropriate, sign and date)*

- All** of the material I am providing to the Court in response to the attached subpoena is copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.



- Some or all** of the material I am providing to the Court in response to the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

*(state address)*

*(signature of addressee)*

*(name of addressee)*

Date:

