Magistrates' Court Criminal Procedure Rules 2019

Rule 27

# Form 13A

**APPLICATION FOR LEAVE TO ISSUE SUBPOENA OR TO PRODUCE OR ADDUCE EVIDENCE**

In the Magistrates' Court

of Victoria at *[venue]*

In the matter of:

Court Reference : \_

Informant: *[full name]*

Accused: *[full name]*

The form is filed on behalf of:

Legal representative: Name of legal practice/agency:

Telephone: Email address: - - - - - - - - - - - - - - - - - - - - - - - - - -

The charges are listed on:

# TAKE NOTICE THAT

Pursuant to section 32C of the **Evidence (Miscellaneous Provisions) Act 1958 *(the Act),*** the applicant intends to make an application on *[date]* at *[time]* in the Magistrates' Court at *[place]* to seek leave to issue a subpoena for production of documents containing confidential communication. The protected evidence sought is:

*[insert* a *description of the material sought, confined to relevant dates and times and restricting where possible the number and nature of documents sough*

A draft subpoena is attached to this application.

You may, if you wish, be heard on this issue in court on the application hearing date. You may appear in person or be legally represented.

Pursuant to section 32D of the Act, the applicant will submit that the protected material contains evidence that has substantial probative value to a fact in issue on the following grounds:

*[insert grounds]*

Signature of applicant:

Date:

# NOTE:

This notice must be served on-

* The other party *[prosecutor or accused];*
* The Informant; and
* The medical practitioner or counsellor (as the case requires}­ not less than 14 days before the date for the hearing of the application.