* **Cross boxes where applicable**
* **Clearly print or type all answers**
* **Please prepare one Request for Leave to Issue Subpoena for each addressee**
* **Attach an extra page if you need more space for any of the details requested**

## Details of the proceeding

|  |  |  |
| --- | --- | --- |
| * 1. Title of proceeding: |  | |
|  |  |  |
| * 1. Proceeding number: | [No. of ] | |

## Details of person making the Request

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | |  |  | |  | | | | | |
| * 1. I am: | | |  | a party to the above proceeding: | | | [eg. Applicant] | | | | |
|  | | |  |  | | |  | | | | |
|  | | |  | the Lawyer for: | | | [eg. Applicant] | | | | |
|  | | | | | | | | | | | |
| * 1. Contact details of person making the Request: | | | | | | | | | | | |
|  | Name & Position  *[if applicable]* | | | |  | | | | | | |
|  |  |  | | |  | | | | | | |
|  | Organisation/Firm: | | | | *[If applicable]* | | | | | | |
|  |  |  | | |  | | |  | |  | |
|  | Telephone: | | | |  | | | Mobile: | |  | |
|  |  |  | | |  | | | | | | |
|  | Email: | | | |  | | | | | | |
|  |  |  | | |  | | | | | | |
|  | Address: | | | |  | | | | | | |
|  |  | | | |  | | | | | | |
|  | Signature:  *[an electronic signature can be used, provided this is done by or at the direction of the person completing this Request]* | | | |  | | | | Date: | |  |

## Request for leave (“Request”)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| * 1. (a) Is the Request urgent? | | | |  |  | No |  | Yes |
| **OR** (b) Is an abridged period of service sought on the addressee (short service)? | | | |  |  | No |  | Yes |
| If “yes” to either 3.1 (a) or (b), briefly explain the urgency and/or basis for short service being requested: | | | | | | | | |
|  | | | | | | | | |
| [eg. trial commences within the time for service] | | | | | | | | |
|  | | | |  |  |  |  |  |
| * 1. Are the other parties to the proceeding aware of this Request? | | | |  |  | No |  | Yes |
| * 1. Has the Request (or a similar request) previously been raised with or addressed by the Court? | | | |  |  | No |  | Yes |
| If “yes” to 3.3 , provide details: | | | |  |  |  |  |  |
|  | | | |  |  |
|  |  | | | | | | | | |
|  | |  |  | | | | | | |
| * 1. Is it intended that the subpoena will be issued for service outside Australia [ie. Outside of the jurisdiction]? | | | |  |  | No |  | Yes |

If “yes” to 3.2, set out where, outside Australia the subpoena is to be served:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |

|  |  |
| --- | --- |
| * 1. Name of person to be subpoenaed (“**Addressee**”): |  |
| * 1. I request leave of the Court to issue a subpoena requiring the Addressee to: | |

|  |  |  |  |
| --- | --- | --- | --- |
|  | | Attend at Court to give evidence (Form 43A, r 24.13(1)(a) of the *Federal Court Rules*); or | |
|  | | Produce a document or thing (Form 43B, r 24.13(1)(b) of the *Federal Court Rules*); or | |
|  | | Attend at Court to give evidence and produce a document or thing (Form 43C, r 24.13(1)(c) of the *Federal Court Rules*), | |
| I request leave for the following **reasons**: | |
| *[Concisely list the reasons in support of the Request. Include details of the relevance of the person to give evidence and/or documents to be subpoenaed and the reasonableness of the Request - see Part 3 of GPN-SUBP]*  *[NOTE: you may be directed by the Court to provide further information in addition to the reasons you set out below, including an affidavit to further support the Request]* | |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| * 1. I request that the subpoena be made returnable: |  | Before the hearing - preferred return date: |  |
|  |  |  |
|  | At the hearing of the matter *[if known]* on: |  |
|  | | | |

|  |  |
| --- | --- |
|  | **Attached** is the draft subpoena *(Form 43A, Form 43B or Form 43C, r 24.13 of the Federal Court Rules 2011)* |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***For Court Use only*** | | | | |
| **Considered/Issued by:** |  | |  |  |
|  | *(Judge)* | |  | *(Signature)* |
| **Comments:** |  | Accept | | |
|  |  | Reject | | |
|  |  | Other: | | |
|  |  | | | |
|  |  | | | |
|  |  | | | |
|  |  | | | |
|  |  | | | |
|  |  | | | |
|  |  | | | |