

Form 6.26

Trans-Tasman proceedings— application for leave to serve in New Zealand

Court Procedures Rules 2006

(see r 6865 (1) (Trans-Tasman proceedings—application for leave to serve subpoena in New Zealand))

In the *[Supreme/Magistrates/Coroner's] Court of the Australian Capital
Territory

No *[SC/SCC/MC/CC] of (year)

Trans-Tasman Proceedings Act 2010 (Cwlth), section 31

*[(for a civil matter)

(name)

Plaintiff

and

(name)

Defendant]

Filed for the *[(party)/other (specify)] by:
(the person's address for service and telephone number (if any) or, if the person
is represented by a solicitor and the solicitor is the agent of another solicitor,
the name and place of business of the other solicitor)

**[(for a criminal matter)*
(name of prosecuting entity)
and
(name of defendant)]

Take notice that the Court will hear an application by the *(name of party or person making application)* on *(date)*, at *(time)* (or as soon after that as this application can be heard), to make the following orders:

- 1 the *(name of party or person making application)* be granted leave to serve a subpoena on *(name of person to be served)* in New Zealand;
- 2 any other orders that the Court considers appropriate.

Grounds of application

The orders are sought on the grounds stated in the affidavit of *(name)*
**[sworn/affirmed]* on *(date)*.

(The affidavit must state the following:

- (a) the name, occupation and address of the person to be served (the addressee);*
- (b) whether the addressee is at least 18 years old;*
- (c) the nature and significance of the evidence to be given, or the document or thing to be produced, by the addressee;*
- (d) details of the steps taken to find out whether the evidence, document or thing could be obtained by other means without significantly greater expense, and with less inconvenience, to the addressee;*
- (e) the date by which it is intended to serve the subpoena in New Zealand;*
- (f) details of the amounts to be given to the addressee to meet the addressee's reasonable expenses of complying with the subpoena;*
- (g) details how the amounts mentioned in paragraph (f) are to be given to the addressee;*

- (h) if the subpoena is a subpoena to give evidence—an estimate of the time that the addressee will be required to attend to give evidence;*
- (i) any facts or circumstances known to the person making the affidavit that may give cause for the subpoena to be set aside under the Trans-Tasman Proceedings Act 2010 (Cwlth), section 36 (2) or (3) (Setting aside Australian subpoenas).)*

Date:

(signature of person making application/person's solicitor)

(name of person making application/person's solicitor)

To: *(party)*

**[And to: (list each interested person's name and address)]*

***Address for service of documents**

(complete this section if person making application is not an active party)

(set out person's address for service)

(if represented by a solicitor the following information may be given)

***Document exchange box no:**

(if postal address different from address for service)

***Postal address:**

**delete if, or whichever is, inapplicable*