



Children's Court
of Victoria

Practice Direction

No. 2 of 2007

**SEXUAL OFFENCES LIST –
- COUNTRY CHILDREN'S COURTS
WITNESS SUMMONSES – CONFIDENTIAL COMMUNICATIONS**

PRACTICE DIRECTION ISSUED PURSUANT TO SECTION 592 OF THE
CHILDREN, YOUTH AND FAMILIES ACT 2005

This practice direction applies with respect criminal proceedings which relate wholly or partly to a charge of a sexual offence and which are listed in country Children's Courts.

1. Leave is required for the issue of a witness summons that seeks to compel production of a document containing a 'confidential communication' as defined in section 32B of the *Evidence Act 1958* ('the Act') with respect to proceedings which:
 - a. were commenced on or after 1 December 2006, or
 - b. were commenced before 1 December 2006 but the hearing had not begun or evidence had not been led prior to that date.
2. An application seeking leave for the issue of a witness summons referred to in paragraphs 1 and 2 shall be heard in the sexual offences list following compliance with the notification provisions of section 32C(2) of the Act unless the Court otherwise orders.
3. Notice under section 32C(2) of the Act must include the return date of the application and inform the protected confider, medical practitioner or counsellor that on the return date they may seek leave to make submissions to Court.
4. If leave is granted, the witness summons should be made returnable before, where possible, the President or the Magistrate as the case may be who granted leave and on a date not less than 14 days prior to the date fixed for hearing of evidence in the proceeding.
5. On the return date the issue of whether the documents subject of the witness summons are to be produced will be determined and parties should be in a position to make submissions relevant to this issue, including the legitimate forensic purpose for production and matters specified in section 32D of the Act.

This Practice Direction commences on 1 July 2007

JUDGE PAUL GRANT
PRESIDENT
29 June 2007