

## Form 4.10

## Supreme Court criminal proceeding—pre-trial questionnaire

*Court Procedures Rules 2006*

(see r 4733 (Supreme Court criminal proceedings—appearance when committed for trial))

In the Supreme Court of the Australian Capital Territory

No SCC                      of (*year*)

(*name of prosecuting entity*)

and

(*name of accused person*)

Completed by:

Accused person

Prosecuting entity

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Filed for the (*party*) by:

(*name of party's representative; the party's address for service, email address and telephone number or, if the party is represented by a solicitor who is the agent of another solicitor, the name and place of business of the other solicitor*)

Item	Question	Prosecuting entity	Accused
<b>Parties details</b>			
1	Name of solicitor handling matter ( <i>if accused person is self-represented, state self-represented</i> )		
2	Solicitor's email address ( <i>if accused person is self-represented, accused person's email address</i> )		
3	Name of counsel		
4	Counsel's email address		
<b>Trial duration</b>			
5	Are there co-accused? If so, identify them.		
6	Will there be an application for a separate trial from other accused? (see r 4751)		
7	Will there be an application to sever the indictment? (see r 4751)		
8	Will there be an election for trial by judge alone?		
9	How long is the trial likely to take?		

Item	Question	Prosecuting entity	Accused
<b>Significant pre-trial applications (<i>other than severance in item 7 above</i>)</b>			
10	<p>Are there any objections to evidence/applications (eg tendency, coincidence) to be heard and likely to occupy more than 2 hours pre-trial?</p> <p><i>(if not addressed in items 11-14, please specify)</i></p>		
11	<p>Will there be an application by the accused to set aside or stay the proceeding?</p> <p><i>(see r 4750)</i></p>		
12	<p>Will there be a pre-trial application in relation to tendency evidence?</p> <p>If so, what is the estimated time required?</p> <p><i>(see Evidence Act 2011 (ACT), s 97 and r 6752)</i></p>		
13	<p>Will there be a pre-trial application in relation to coincidence evidence?</p> <p>If so, what is the estimated time required?</p> <p><i>(see Evidence Act 2011 (ACT), s 98 and rule 6753)</i></p>		

Item	Question	Prosecuting entity	Accused
14	<p>(1) Will there be a pre-trial application:</p> <p>(a) about admissibility of evidence?</p> <p>(b) about any other question of law affecting the conduct of the trial?</p> <p>(c) about editing of pre-recorded evidence (if yes, see items 21 and 22 below)</p> <p>(d) that could postpone or delay the trial if the application were granted?</p> <p>(e) that should otherwise be heard before the start of the trial?</p> <p>(see r 4752 about requirements for pre-trial applications)</p> <p>(2) If so:</p> <p>(a) what is the nature of the pre-trial application?</p> <p>(b) what is the estimated time required?</p>	<p>(1)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(2)</p> <p>(a)</p> <p>(b)</p>	<p>(1)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(2)</p> <p>(a)</p> <p>(b)</p>

Item	Question	Prosecuting entity	Accused
<b>Witness matters</b>			
15	Number of proposed witnesses for the prosecuting entity: (a) police (b) civilian (c) expert	(a) (b) (c)	(a) (b) (c)
16	Number of proposed witnesses for the accused: (a) civilian (b) expert	(a) (b)	(a) (b)
17	(a) Has the prosecuting entity served all statements of each witness it proposes to call? (b) If not, when will they be served?	(a) (b)	(a) (b)
18	(a) Is there any evidence that the prosecuting entity proposes to call or tender that has not been served on the accused? (b) If so, what is the evidence? (c) When will the evidence be served?	(a) (b) (c)	(a) (b) (c)
19	(a) Will an interpreter be required for any witnesses? (b) If so, in what language?	(a) (b)	(a) (b)

Item	Question	Prosecuting entity	Accused
20	<p>(a) Is an intermediary required to be appointed? (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 4AK)</p> <p>(b) If so, has one been appointed?</p> <p>(c) Will an application be made for an intermediary to be appointed for a witness with a communication difficulty? (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 4AJ)</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>
21	<p>Does the prosecuting entity intend to play a police interview audiovisual recording (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 52 (1) and div 4.3.3):</p> <p>(a) If so, has a s 53 notice been served?</p> <p>(b) Is there any objection to the admissibility of all or parts of the audiovisual recording which may require an order for editing? (see s 51 (3) (b), s 52 (2))</p> <p>(c) How long will the interview(s) take to play at trial?</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>

Item	Question	Prosecuting entity	Accused
22	<p>Does the prosecuting entity intend to play a recorded statement of police interview (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 81B (1))?</p> <p>(a) If so, is there any objection to the admissibility of all or parts of the recorded statement pursuant to s 81B (2)?</p> <p>(b) How long will the interview(s) take to play at trial?</p>	<p>(a)</p> <p>(b)</p>	<p>(a)</p> <p>(b)</p>
23	<p>Will there be an application for evidence of a witness to be taken by audiovisual link or telephone? (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, pt 3.4)</p>		
24	<p>Will there be an application for a view? (see <i>Evidence Act 2011</i>, s 53)</p>		
25	<p>Do any of the witnesses giving evidence from the court room have any special needs (eg assistance animal)?</p>		

Item	Question	Prosecuting entity	Accused
<b>Remote Witness information</b>			
26	<p>(a) Will evidence be given at a pre-trial hearing? (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 43 and div 4.3.4)</p> <p>(b) If so, list name(s), basis of eligibility (and age if a child) and estimated time required for each proposed witness</p> <p>(c) Are any of these witnesses subject to an application mentioned in item 23 (to give evidence from a place not within the Court precinct eg NSW Court, other remote facility) If so, who?</p> <p>(d) What is the total estimated time for use of the remote witness facilities at pre-trial?</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p>

Item	Question	Prosecuting entity	Accused
27	<p>(a) Will the remote witness room be required at trial?</p> <p>(b) If so, list name(s), basis of eligibility (and age if a child) and estimated time for each proposed witness</p> <p>(c) Are any of these witnesses subject to an application mentioned in item 23 (to give evidence from a place not within the Court precinct eg NSW Court, other remote facility)? If so, who?</p> <p>(d) Is recording of evidence required? (<i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 69</p> <p>(e) What is the total estimated time for use of the remote witness facilities at trial?</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p>
28	<p>At pre-trial hearing or at trial, will the prosecuting entity seek an order under the <i>Evidence (Miscellaneous Provisions) Act 1991</i> about:</p> <p>(a) screening of a witness in court? (s 47)</p> <p>(b) having a witness otherwise required to give evidence by audiovisual link give evidence in the courtroom instead? (s 68)</p>	<p>(a)</p> <p>(b)</p>	<p>(a)</p> <p>(b)</p>

Item	Question	Prosecuting entity	Accused
29	Is this a proceeding for which there is a prohibition on a self-represented accused cross-examining a witness?		
30	Do any of the witnesses giving evidence remotely have any special needs (eg assistance animal)?		
<b>Other facilities at trial</b>			
31	Are any other requirements needed as part of this trial?		
32	Will the prosecuting entity be seeking to use their own transcription equipment?		
33	Will any other equipment be relied on by the parties? If so, please specify (eg security safe)		
<b>Matters pertaining to accused</b>			
34	At time of filing, is the accused on bail or in custody?		
35	Is there likely to be any issue as to the accused's fitness to plead? (see <i>Crimes Act 1900</i> , div 13.2)		
36	(a) Will an interpreter be required for the accused?	(a)	(a)
	(b) If so, in what language?	(b)	(b)

Item	Question	Prosecuting entity	Accused
37	Which, if any, of the following defences will be raised? (a) alibi (b) self-defence (c) mental impairment (d) automatism (e) claim of right (f) duress (identifying the source) (g) non self-induced intoxication leading to inability to form the required intention	(a) (b) (c) (d) (e) (f) (g)	(a) (b) (c) (d) (e) (f) (g)
<b>Trial listings</b>			
38	The next Central Criminal Trial callover that this matter will likely be placed into is: This covers the following trial dates:		
39	State any known unavailable dates during the sittings for counsel or witnesses		