

FORM A

SEXUAL OFFENCES LIST

CONTEST MENTION INFORMATION FORM
(for summary contested hearings)

This form is to be completed by practitioners in criminal proceedings which relate wholly or partly to a charge of a sexual offence where the matter is to be listed for a summary contested hearing.

Court Ref _____

PARTIES

Accused(s) _____

Informant _____

Station _____ Phone _____

Are there any related proceedings? If yes, state court reference number, parties names and how related.

Empty rectangular box for related proceedings information.

READINESS FOR HEARING

Is the matter ready to proceed to hearing? Yes No If not, why not:

Empty rectangular box for reasons if not ready for hearing.

LEGAL REPRESENTATION

The court must be advised of the name of the legal representatives who will appear for the parties not later than 2 weeks prior to the date of hearing

Accused's Solicitors _____

Has legal representation for the accused been confirmed? Yes No

Accused's barrister who will appear at the contested hearing (if known) _____

Prosecutor who will prosecute at the contested hearing (if known) _____

WITNESSES

Total number of witnesses _____

Has witness availability been confirmed for the listing period? Yes No

If not, witness availability must be confirmed NOT LATER than one month prior to the date of hearing and the Court advised accordingly

Prosecution

Complainant(s) _____

Expert _____

Non-Expert _____

Police _____

Defence

Accused _____
Expert _____
Non-Expert _____

Child Witness(es)

Name of witness(es) DOB

What, if any, support has been arranged? Child Witness Service Witness Assistance Service
 Intermediary Other _____
Is competence to give sworn evidence in issue? Yes No

Cognitively Impaired Witness(es)

Name of witness(es) Nature of Impairment

What, if any, support has been arranged? Child Witness Service Witness Assistance Service
 Intermediary Other _____
Is competence to give sworn evidence in issue? Yes No

SPECIAL ARRANGEMENTS

Interpreters

Name of witness(es) Language

Remote facilities/video conferencing/other alternative arrangements

Name of witness(es) Arrangement

Other special needs of any party(ies)/Witness(es)

Name of witness(es) Need

Technology requirements

What equipment is required, e.g. DVD, video, cassette, etc.

OTHER ISSUES WHICH MAY AFFECT THE HEARING

Plea

The accused intends to plead not guilty to all charges Yes No

If no: The accused intends to plead guilty to the following charges:

The accused intends to plead not guilty to the following charges:

Indictable charges

Does the accused consent to the jurisdiction of the Children's Court to hear any indictable charges? Yes No

Record of Interview ("ROI")

Has the ROI been transcribed? Yes No

If not, what is the earliest date it can be served on the accused/s? _____

Is the ROI in issue? Yes No

S. 366 and 367 Criminal Procedure Act 2009/VARE

Has any witness given a VARE statement? Yes No

If yes, has the VARE been transcribed? Yes No

If not, what is the earliest date it can be served on the accused/s? _____

Is it proposed to admit the VARE as evidence in chief? Yes No

If, yes, what are the witness(es)' name(s)

Does the accused object to the admissibility of all or part of the VARE? Yes No

Special defences and related (e.g. mental impairment, alibi)

Disclosure issues

Has the accused sought additional material from the prosecution which has not yet been provided? Yes No

If not, why not? _____

What is outstanding and when will it be served?

S.342 Criminal Procedure Act

Will the accused be seeking leave pursuant to s.342? Yes No

S.18 Evidence Act 2008

Does s.18 potentially apply to any witness? Yes No

If, yes, what are the witness(es)' name(s)

Witness summonses

(Refer to Children's Court Practice Direction No. 5 of 2018)

Confidential communications – Has leave been sought/is it proposed to seek leave to issue a confidential communications witness summons? Yes No

If, yes, to whom

Other – Is it proposed to issue any other witness summonses/summonses to produce documents? Yes No

If, yes, to whom

What if any facts/issues are agreed between the parties?

Legal Issues

Is it anticipated that preliminary legal submissions and/or rulings will need to be made: Yes No

If, yes, what are the issues

How long is it expected to take? _____

Are there any other issues which may affect the hearing?

Estimated length of hearing _____ days

THE FOLLOWING ORDERS ARE SOUGHT:

By the Informant By the Accused

On or before (date) _____

The informant/accused serve upon the accused/informant the following

On or before (date) _____

The Application by the informant/accused be filed with respect to:

Witnesses Summonses

S.342

Other _____

On or before (date) _____

Any summons to produce be filed with a return date sought of not later than (date) _____

The matter be listed for further **mention** or **special mention** at the _____ Court

on (date) _____ to address the following issues:

The matter be listed for a **ground rules hearing** at the _____ Court

on (date) _____

The matter be listed for **final contested hearing** at the _____ Court

on (date) _____

Other Orders

NOTATIONS

Dated: _____

Signed _____
Signature of prosecutor

Name of prosecutor

Signed _____
Signature of solicitor/counsel for accused

Name of solicitor/counsel for accused