**IN THE SUPREME COURT OF VICTORIA**

**AT**

**CRIMINAL DIVISION**

 **S ECR**

BETWEEN:

|  |  |
| --- | --- |
| DIRECTOR OF PUBLIC PROSECUTIONS |  |

- and –

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## APPLICATION FOR ACCUSED TO CONDUCT LIMITED PREPARATORY CROSS-EXAMINATION

Date of document: Solicitor’s code:

Filed on behalf of: DX:

[name of solicitor] Telephone:

[name of legal practice] Ref:

[professional address] Email:

1. Pursuant to s 198B of the *Criminal Procedure Act 2009* the accused makes application for an Order to conduct limited preparatory cross-examination of the following witness or witnesses, on the following issues:

|  |  |  |
| --- | --- | --- |
| **Name of witness** | **Issue**  | **Purpose & Justification** |
| *Name and \*hand-up brief/\*depositions page number* | *Indicate the issues identified by the accused to which the proposed questioning relates* | *Indicate the purpose of the proposed questioning, and the justification for the Order having regard to ss 198B(3) & (4)* |
|  |  |  |
|  |  |  |

*\*Delete/insert rows as required*

1. Does the DPP oppose the application in whole or in part? **\*Yes / No**

\*If yes, name all witnesses and/or issues in respect of which the prosecution opposes the application, and the basis of such opposition:

1. Are any of the witnesses under 18 years of age or cognitively impaired? **\*Yes / No**

\*If yes, name all such witnesses:

\*If yes, is an intermediary sought for such witness(es)? **\*Yes / No**

1. Are there any s18 *Evidence Act 2008* (‘Evidence Act’)issues? **\*Yes / No**

\*If yes, name all witnesses in respect of which there are s18 Evidence Act issues:

1. Are there any s128 Evidence Act issues? **\*Yes / No**

\*If yes, name all witnesses in respect of which there are s128 Evidence Act issues:

1. Do any of the witnesses have unavailable dates within the next 3 months? **\*Yes / No**

\*If yes, provide details of the unsuitable dates (including reasons for unavailability):

|  |  |  |
| --- | --- | --- |
| **Name of Witness** | **Unsuitable Date(s)** | **Reason(s) for Unavailability** |
|  |  |  |
|  |  |  |

1. Do any of the witnesses require an interpreter? **\*Yes / No**

\*If yes, name which witnesses require an interpreter & the applicable language:

1. What is the total estimated duration of the hearing of the s198B examinations?

**Dated**:

|  |  |
| --- | --- |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Name:Solicitor/Counsel for the Accused  | Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Name:Solicitor/Counsel for the DPP  |

*\*Delete if not applicable*