

IN THE SUPREME COURT OF VICTORIA  
CRIMINAL DIVISION

S ECR

BETWEEN:

DIRECTOR OF PUBLIC PROSECUTIONS

- and -

**APPLICATION FOR PRE TRIAL CROSS-EXAMINATION s198B**

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Date of document:	Solicitor's code:
Filed on behalf of:	Telephone:
[name of solicitor]	Ref:
[name of legal practice]	Attention:
[professional address]	Email:

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1. Pursuant to **s 198B** of the *Criminal Procedure Act 2009* the accused makes application for an Order to cross-examine the witnesses set out in Table A.
2. Are any of the witnesses a complaint in a criminal proceeding to which 123 of the Criminal Procedure Act applies? \*Yes / No  
\*If yes, name all such witnesses:
3. Are any of the witnesses under 18 years of age or cognitively impaired (specified witness see s 124(5) *Criminal Procedure Act 2009*)? \*Yes / No  
\*If yes, name all such witnesses and whether an intermediary is sought:
4. 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

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

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

6. 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:

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

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

8. What is the total estimated duration of the hearing of the cross-examinations?

*\*delete if not applicable*

**Table A**

<b>Name of witness</b>	<b>Issue</b>	<b>Purpose &amp; Justification</b>	<b>Does the DPP oppose</b>
<i>Name and *hand-up brief/*depositions page number</i>	<i>Indicate the issues identified by the accused to which the proposed questioning relates. Issues can be separated into rows.</i>	<i>Indicate the purpose of the proposed questioning, and the justification for the Order having regard to ss 198B(3) &amp; (4)</i>	<i>Yes/No</i> <i>If yes outline the basis of opposition</i>
1.			
2.			

*\*Delete/insert rows as required*

**Dated:**

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Solicitor/Counsel for the Accused \_\_\_\_\_ Solicitor/Counsel for the DPP \_\_\_\_\_