

**IN THE SUPREME COURT OF VICTORIA
CRIMINAL DIVISION**

S E C R

BETWEEN:

DIRECTOR OF PUBLIC PROSECUTIONS

- and -

APPLICATION FOR PRE TRIAL CROSS-EXAMINATION s198B

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

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 complainant 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

Name of witness	Issue	Purpose & Justification	Does the DPP oppose
<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) & (4)</i>	<i>Yes/No 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