

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 \_\_\_\_\_  
Informant \_\_\_\_\_  
Station \_\_\_\_\_ Phone \_\_\_\_\_

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

**READINESS FOR HEARING**

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

**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 \_\_\_\_\_

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

If Accused is self-represented, has an order been made for VLA limited representation? (s.357 Criminal Procedure Act 2009) ☐ Yes ☐ No

If yes, has VLA confirmed representation? ☐ Yes ☐ No

Has the accused been given any warnings required by s.357 Criminal Procedure Act 2009? ☐ Yes ☐ No

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  
☐ 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  
☐ Other \_\_\_\_\_

Is competence to give sworn evidence in issue? ☐ Yes ☐ No

**Protected Witness(es) (s.357 Criminal Procedure Act 2009) (only to be completed if accused is self represented)**Name of  
Witness(es)Category of  
protection**SPECIAL ARRANGEMENTS****Intermediaries**

Name of Witness(es)

Child  
Cognitively Impaired☐  
☐Name of Intermediary  
(if known)Profession of  
Intermediary (if  
known)**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 Magistrates' 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?

Is the ROI in issue?

☐ Yes ☐ No

**S. 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?

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 (eg 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?

**Tendency and/or Coincidence evidence**

Is it proposed to give notice seeking to adduce evidence under s.97 or 98 of the Evidence Act 2008?

☐ Yes ☐ No

**S. 342 Criminal Procedure Act 2009**

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)

**S.128 Evidence Act 2008**

Does s.128 potentially apply to any witnesses?

☐ Yes ☐ No

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

### ***Witness summonses***

*(See Magistrates' Court Practice Directions 5 of 2005 and 5 of 2007 and Children's Court Practice Direction 2 of 2007)*

**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

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## **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

☐ Tendency/Coincidence evidence

☐ 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** at the \_\_\_\_\_ Court  
on (date) \_\_\_\_\_ to address the following issues:

☐ The matter be listed for further **ground rules hearing**  
at the \_\_\_\_\_

\_\_\_\_\_ Court



on (date) \_\_\_\_\_ to address the following issues:

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### ***NOTATIONS***

**Dated** \_\_\_\_\_

*Signed* \_\_\_\_\_  
Signature of prosecutor

\_\_\_\_\_  
Name of prosecutor

*Signed* \_\_\_\_\_  
Signature of solicitor/counsel for accused

\_\_\_\_\_  
Name of solicitor/counsel for accused

### **NOTE**

**A NOTICE OF READINESS FOR HEARING – (for summary contested hearings) Form B must be filed with the Court at the contest mention or special mention listed not later than 14 days before the summary contested hearing date.**

