**FORM 32A

CASE DIRECTION NOTICE AND
CERTIFICATE OF COMMITTAL READINESS**Criminal Procedure Act 2009 s.123 Committal Proceedings

**IN THE MAGISTRATES’ COURT
OF VICTORIA
AT** *[venue]***Case No:**

**IN THE MATTER OF**

 *[Informant]*

*And*

*[Accused]*

***Forensic and E-crime material***

1. Any ‘E-Crime’ material described in the hand up brief has been completed and served on the accused.

 **Yes** **[ ]  No** **[ ]  N/A – Go to Question 2 [ ]**

If the answer to Question 1. is ‘No’, the informant is to advise of the following:

1. Does the ‘E-Crime’ material contain evidence directly relevant to a charge against a child/cognitively impaired complainant? (i.e not stand-alone child abuse material offence/s)

**Yes [ ]  No [ ]**

1. Has E-Crime (VicPOL) or Digital Forensics (AFP) been informed that the evidence is required for a sexual offence where the complainant is a child/cognitively impaired?

**Yes [ ]  No [ ]**

1. Where relevant, has E-Crime or Digital Forensics been informed that the complainant is a child under the age of 12 years?

**Yes [ ]  No [ ]**

|  |  |
| --- | --- |
| **Disclosure outstanding:** | **Timeframes for provision/grounds for objection:** |
|       |       |

1. Any forensic procedure, examination or test described in the hand up brief has been completed and served on the accused.

**Yes [ ]  No [ ]  N/A – Go to Question 3 [ ]**

If the answer to Question 2 is ‘No’, the informant is to advise of the following:

1. Has the Forensic Services Department or Commonwealth Forensics been informed the complainant is a child/cognitively impaired complainant?

**Yes [ ]  No [ ]**

1. Where relevant, has the Forensic Services Department or Commonwealth Forensics been informed that the complainant is a child under the age of 12 years?

**Yes [ ]  No [ ]**

|  |  |
| --- | --- |
| **Disclosure outstanding:** | **Timeframes for provision/grounds for objection:** |
|       |       |

If the answer to Question 1 or 2 is ‘No’, is the accused prepared to proceed with the committal hearing while that forensic procedure, examination or test described in the hand up brief remains uncompleted?

**Yes [ ]  No [ ]**

***Material in the possession of police***

1. Has the informant served the standard disclosure material\* on the accused with the hand up brief?

**Yes [ ]  No [ ]**

***\*The standard disclosure material is set out in the attached appendix***

If the answer to Question 3 is ‘No’, the informant is to advise of the following:

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| **Disclosure outstanding:** | **Timeframes for provision/grounds for objection:** |
|       |       |

If the answer to Question 3 is ‘No’, is the accused prepared to proceed with the committal hearing while the production of those items remains outstanding?

**Yes [ ]  No [ ]**

1. Has a request been made for further disclosure material specific to this case?

**Yes [ ]  No [ ]**

1. If the answer to Question 4. is yes, has the material been provided?

**Yes [ ]  No [ ]**

1. If the answer to Question 4 (a) is no, on what date was the request to the informant made? *[insert date]*
2. If the answer to Question 4 (a) is no, the informant is to advise of the following:

|  |  |
| --- | --- |
| **Material outstanding:** | **Timeframes for provision/grounds for objection:** |
|       |       |

1. Have all witness statements that are intended to be relied upon by the prosecution at trial been served on the accused?

**Yes [ ]  No [ ]**

If the answer to Question 5 is ‘No’, the informant is to advise of the following:

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| --- | --- |
| **Statement outstanding:** | **Timeframes for provision:** |
|       |       |

|  |
| --- |
| **Informant**  |
| Name: |
| Signature: |
| Dated: |

***Material not in the possession of the police***

1. Are there any documents which may need to be produced at the trial which will need to be the subject of a subpoena to be issued in the County Court, including where leave is required before the subpoena can be issued or documents produced (s 32C)?

**Yes [ ]  No [ ]**

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| **Details of subpoena/ s. 32C application for leave:** |
|       |

***Case Directions***

1. The accused and the DPP or informant have discussed whether this matter can be resolved by a plea\*/pleas of guilty

**Yes [ ]  No [ ]**

1. Will the accused submit at the committal mention that the evidence is not of sufficient weight to support a conviction?

**Yes [ ]  No [ ]**

 If the answer to Question 7 is yes, the submission will relate to charge/charges *[list]*:

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| --- |
|  |

1. (a) Will the accused apply for a summary hearing of any of the charges?

**Yes [ ]  No – go to question 10 [ ]**

If yes, in relation to which charges?

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|  |

(b) is the application for summary jurisdiction opposed?

 **Yes [ ]  No [ ]**

\*10. The Court should determine the committal proceeding at the committal mention hearing and commit the accused to trial.

When committed for trial, the accused intends to plead \*Guilty/\*Not guilty/\*Not applicable (charge to be withdrawn) to the charge/charges *[list]*:

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\*11. The accused and the DPP seek an adjournment of the committal proceeding.

Reason(s) for the adjournment *[indicate the reason(s) for the proposed adjournment]*

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|  |

\*delete if not applicable.

 ***Certificate completed by:***

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| --- |
| **For the Director of Public Prosecutions** |
| Name: |
| Signature: |
| Dated: |

|  |
| --- |
| **Accused/ Representative for the accused** |
| Name: |
| Signature: |
| Dated: |