

(insert front sheet)

APPLICATION FOR ADMISSION OF AUDIOVISUAL RECORD (PRE-TRIAL SPECIAL HEARING)

TO THE *(INSERT ROLE): (insert name of other party)*.....

AND TO *(insert names of any others to whom notice of the application is to be given)*.....

.....

Application

The Director of Public Prosecutions/Defendant *(insert name)*
..... *(delete whichever is inapplicable)* seeks an order
that the audio visual record of evidence of *(insert name)* made on *(insert date)* pursuant to
section 12AB of the *Evidence Act 1929* be admitted in evidence at trial.

Endorsements

Application made pursuant to rule 57B of the *District Court Criminal Rules 2014* and
section 13BA of the *Evidence Act 1929*.

Grounds

The grounds relied upon are as follows: *(set out sufficient particulars to give proper notice of
the issues to be raised so that the other party may determine whether there will be a dispute
on the relevant facts)*

1. The audio visual record of the witness was made pursuant to section 12AB at a pre-trial
special hearing on *(insert date)* before *(insert name of judicial officer)*.
2. The witness' capacity to give sworn/unsworn *(delete whichever is inapplicable)*
evidence at the time the recording was made is evidenced by *(insert details)*.

3. The party/parties (*delete whichever is inapplicable*) against whom it is sought that the evidence be admitted has/have (*delete whichever is inapplicable*) been given a reasonable opportunity to view the recording, namely:
 - (*insert name*) was notified on (*insert date*) by (*insert details of notification*) that the audio visual record was available for viewing at a time convenient;
 - (*insert name*) viewed the audio visual record on (*insert date*);
 - a copy of the audio visual record was provided to (*insert name*) on (*insert date*).

(*delete whichever is inapplicable*).
4. The witness will be available, if required, during the course of the trial for further examination, cross-examination and re-examination.
5. It is proposed that the audiovisual record be edited to exclude evidence that is or may be inadmissible in the following manner, namely (*insert details*).

Date:

(*signed*)

Director of Public Prosecutions

(*or*)

Defendant

(*or*)

Solicitor for the defendant

(*delete whichever is inapplicable*)

Hearing

(*When the application is to be given a separate listing date, the following will be completed by the Registry*)

This application will be heard before..... in the District Court at on at or so soon afterwards as the business of the Court allows.

The courtroom in which the application will be heard will be published:

- on the Courts Administration Authority website the day before;
- in the Advertiser on the day; and
- on the notice board at the Courts Building.

The parties and all persons served with this application are required then to attend if they wish to be heard on the application and, in their absence, the Court may make such order as it thinks fit.

Date:

(*signed*)
Registrar