

(insert front sheet)

**APPLICATION FOR ADMISSION OF AUDIOVISUAL RECORD
(SUMMARY OFFENCES ACT)**

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 74EB of the *Summary Offences Act 1953* 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 74BE at an interview
on *(insert date)* by *(insert name(s) of interviewer(s))*.

2. The witness's capacity to give sworn/unsworn (*delete one if only one form of giving evidence is applicable*) 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. The witness was born on (*insert date*).
6. The witness has a disability that adversely affects his/her capacity to give a coherent account of his/her experiences or to respond rationally to questions, namely (*insert disability*).
7. The evidence of the witness is relevant to the trial of the charge of (*insert offence*) against (*insert name of defendant*).

Note —

The offence must be a “serious offence against the person”.

8. The interview was conducted in accordance with section 74EB of the *Summary Offences Act 1953* except (*insert details of any non-compliance*).

Note —

The application must be supported by an affidavit deposing as to compliance with section 74EB of the *Summary Offences Act 1953*.

9. Notwithstanding such non-compliance, it is contended that the interests of Judge require the admission of the evidence.

(delete if inapplicable)

Note —

If there is any non-compliance, the application must be supported by an affidavit deposing to the facts by reason is which the interests of justice require the admission of the evidence despite the non-compliance.

10. 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