

To be inserted by Court

Case Number:

Date Filed:

FDN:

INTERLOCUTORY APPLICATION FOR SPECIAL ARRANGEMENTS

Evidence Act 1929 s 13A

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT] Select One
 COURT OF SOUTH AUSTRALIA
 CRIMINAL JURISDICTION

[FULL NAME]
 Informant/R

v

[FULL NAME]
 Defendant/Youth

Lodging party	<small>Party title</small>	<small>Full Name of party</small>
Name of law firm/office		
<small>If applicable</small>	<small>Law firm/office</small>	<small>Responsible Solicitor</small>
Name of authorised officer		
<small>If body corporate and no law firm/office</small>	<small>Full Name</small>	

Application details

This is an application for special arrangements in relation to [full name], who is to give evidence in these criminal proceedings.

This Application is made under section 13A of the *Evidence Act 1929*.

This Application relates to

- the whole of the witness' evidence.
- the examination in chief of the witness.
- the cross-examination of the witness.
- the re-examination of the witness.

The applicant seeks the following orders:

- 1. That the evidence of the witness be given outside of the trial court
 - and transmitted to the trial court by means of audiovisual link.
 - and that an audiovisual record of the evidence be made and replayed in the trial court.

2. That the [Defendant/Youth] select one [full name] be excluded from the place where the witness' evidence is taken.
3. That measures be taken to prevent the witness and the [Defendant/Youth] select one [full name] from directly seeing or hearing each other before, during or after the hearing, namely [Enter measures].
4. That while the witness' evidence is being taken, the presiding judicial officer and any lawyer present in the Court not wear a
- wig [; or]
- gown.
5. That an additional allowance be made for breaks during, and time to be given for, the taking of evidence, namely [enter details of breaks proposed].
6. That the evidence be taken in a way that facilitates the taking of evidence from the witness or minimises the witness's embarrassment or distress, namely [Enter manner of taking evidence].
7. That the witness be accompanied at the hearing by [Enter name of support person] for the purpose of providing emotional support.
- 7A. That the witness be accompanied at the hearing by [Enter name and/or description of animal] for the purpose of providing comfort or support.
8. That the evidence be taken with the following communication assistance due to the witness's complex communication needs, namely [Enter nature of communication assistance] provided by [full name of provider], who: if communication assistance is to be provided by a person
- [is/is not] select one to be called as a witness in the trial of the charge.
- is a communication partner for the purposes of the *Evidence Act 1929*.
- [should be/is] select one approved by the Court to provide such assistance because [Enter details].
9. That the evidence be taken with the following communication assistance due to the witness's complex communication needs, namely [Enter communication assistance]. if communication assistance is to be provided other than by a person, eg by a device
10. That an audiovisual record of the witness's evidence be made.
11. That the following directions be given about questioning of the witness: [enter directions sought].
12. [Enter other].

This Application is made on the grounds that:

1. The witness is a vulnerable witness within the meaning of section 13A of the *Evidence Act 1929* because the witness
- is a child under the age of 16 years.
- is cognitively impaired [enter details]
- is the alleged victim of a serious offence against the person.
- is the alleged victim and would be specially disadvantaged if not treated as a vulnerable witness because of the circumstances of the [witness/case].
- has been subjected to threats of violence or retribution in connection with the proceeding.
- has reasonable grounds to fear violence or retribution in connection with the proceeding.
- will only consent to being a witness in the proceeding, being a proceeding for a serious and organised crime offence within the meaning of the *Criminal Law Consolidation Act 1935*, if treated as a vulnerable witness.
2. [Enter other grounds]. provision for multiple numbered subparagraphs

Complete if applicable delete if inapplicable

This Application is urgent on the grounds

- set out in the accompanying Affidavit sworn by [name] on [date].
- that

Enter grounds in numbered paragraphs

1.

This Application is made

- with the consent of the [Enter party title] [full name] as evidenced by [Enter evidence] eg letter or email from party's solicitor, provision for multiple
- without the consent of the [Enter party title] [full name]. provision for multiple

To the other parties: WARNING

If you wish to oppose the Application or make submissions about it you **must file and serve a Notice of Objection within 14 days of this Application being served on you**. If you do this, the Application may be determined by the Court without a hearing or may be listed for a hearing in which case the parties will be notified by the Court of the time and date of the hearing.

If you do not do so, **the Application may be determined by the Court without a hearing and may be granted** without further warning.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying Documents

Accompanying this Application is a:

- Supporting Affidavit optional
- If other additional document(s) please list them below: