

### LISTING CERTIFICATE – DEFENCE

	District Court of Western Australia At: Number:
<b>Parties</b>	THE STATE OF WESTERN AUSTRALIA / THE KING -and-

#### 1. STATUS OF ACCUSED

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(a) Is the accused:

- On bail
- Remanded in custody
- Sentenced prisoner

(b) Has the accused been advised of:

(i) The discount that may be available under s 9AA of the *Sentencing Act 1995* if a plea of guilty is entered at the first reasonable opportunity (*N/A to Commonwealth matters*);

Yes  No

(ii) That the extent of the discount available under s 9AA of the *Sentencing Act 1995* will generally be reduced the longer the delay in entering a plea of guilty.

Yes  No

(c) In relation to the current charges, does the accused intend to:

- Plead guilty?
- Plead not guilty?
- Enter another plea? (*Please specify*) \_\_\_\_\_

(d) Is there any possibility of the accused pleading guilty to any lesser charges?

Yes  No

(e) Have you complied with *Criminal Procedure Rules 2005* r 10 on the accused's behalf? Yes  No

(f) Does the accused intend to apply for Legal Aid? Yes  No

If 'yes', specify the current status of any Legal Aid application:

(g) If the accused maintains a plea of not guilty, has the accused instructed that they would prefer to delay the trial date until counsel of choice is available rather than receive the earliest available listing? Yes  No

## 2. COMMUNICATION WITH THE PROSECUTION

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*If the accused wishes to enter a guilty plea, it is not necessary to complete Parts 2 to 8.*

(a) Have all the accused's requests for information, clarification or better disclosure concerning this prosecution been complied with? Yes  No

If 'no', specify the nature of the outstanding request and when it was made:

(b) Has there been any discussion with the prosecution as to a possible resolution of the matter, or of facts that might be agreed, or evidence that might be admitted at trial by consent? Yes  No

If 'no', specify the date by which you intend to communicate with the prosecution's file manager/case officer about these issues:

### 3. TRIAL LISTING

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- (a) Estimated trial length (in days): \_\_\_\_\_
- (b) Number of defence witnesses: \_\_\_\_\_
- (c) Will any witness be required to travel from interstate or overseas? Yes  No
- (d) If a witness is overseas, are any applications required, such as a *Mutual Assistance in Criminal Matters Act 1987* application? Yes  No

Dates on which accused's witnesses are not available (due to overseas travel or other specified reason):

- (e) Does the accused intend to make any application that may affect whether the matter can be listed for trial (e.g. for separate trials)? Yes  No

If 'yes', specify the nature of the proposed application and when it will be made:

### 4. RECORDS OF INTERVIEW

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In respect of any proposed records of interview:

- (a) Does the record of interview need editing? Yes  No
- (b) Has the accused provided the prosecution with any proposed edits? Yes  No
- (c) Has the editing been agreed? Yes  No

Practitioners must comply with PDM 6 'Objections to Video and Prerecorded Evidence' in relation to edits to video evidence.

## 5. OTHER VISUALLY RECORDED EVIDENCE

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In respect of visually recorded evidence:

(a) Does the evidence need editing? Yes  No

(b) Has the defence provided the prosecution with any proposed edits?  
Yes  No

(c) Has the editing been agreed? Yes  No

Practitioners must comply with PDM 6 – 'Objections to Video and Prerecorded Evidence' in relation to edits to video evidence.

## 6. PRE - TRIAL HEARINGS

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(a) Are there any disputes as to the admissibility of evidence? Yes  No

If 'yes', specify the evidence in issue and nature of the dispute:

(b) Is a *Criminal Procedure Act s 98* directions hearing required? Yes  No

If 'yes', specify the issues to be determined:

(c) Does a s 98 directions hearing need to be listed prior to the taking of evidence at a special hearing? Yes  No

- (d) Does the accused intend to call expert evidence at trial? Yes  No
- (e) Does the accused intend to call or give evidence or adduce alibi evidence?  
Yes  No
- (f) Does the defence intend to obtain an expert report for any matters?  
Yes  No

## 7. CRIMINAL PROCEDURE ACT 2004

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- (a) Has s 96 of the *Criminal Procedure Act 2004* and r 21 of the *Criminal Procedure Rules 2005* been complied with? Yes  No

If 'no', specify the date by which you will comply:

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## 8. WITNESS ARRANGEMENTS

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- (b) Does the defence intend to seek orders that any witness be declared a 'special witness'?  
Yes  No

If 'yes', specify:

Witness name	Date of birth	When application will be made

- (c) Does the defence intend to seek orders that any witness give evidence at a special hearing or are any special measures required under the *Evidence Act 1906* ss 106, 106K, 106R or 106RA? Yes  No

If 'yes', specify:

Witness name	Date of birth	When application will be made

(d) Does a ground rules hearing need to be listed? Yes  No

- If the witness is aged 6 years or under, or has a significant disability, the Ground Rules Hearing may be listed not less than 7 days before the listed special hearing.
- If the witness is aged over 6 years, but under 12 years or has a disability, the Ground Rules Hearing may be listed on the morning of, but prior to, the listed special hearing.
- *If yes, practitioners must comply with CPM 9 – ‘Children & Persons with Mental Disability Guidelines for Cross Examination’ and CPM 10 – ‘Ground Rules Hearing’.*

(e) Does the prosecution intend to seek orders that any witness give evidence by audio link or video link? Yes  No

If ‘yes’, specify:

Witness name	Date of birth	When application will be made

## 9. SPECIAL REQUIREMENTS

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(a) Does any accused person require an interpreter? Yes  No

If ‘yes’, specify which language is required:

(b) Does any defence witness require an interpreter? Yes  No

If ‘yes’, specify which language is required:

*If yes, practitioners must comply with CPG 5 – ‘Language Services and Communication Support’ and advise the registry by lodging an Interpreter Booking Request Form not less than 28 days before the trial is due to commence.*

(c) Is the trial going to require special audio visual or electronic arrangements?

Yes  No

- If 'yes', the defence must advise the registry in writing of its requirements not less than 28 days prior to the commencement of the trial.
- *If yes, practitioners must comply with CPG 2 – 'Use of Technology'.*

(d) Does the offence relate to pornography or objectionable material under legislation such as the *Classification (Publications, Films & Computer Games) Enforcement Act 1996* and *Censorship Act 1996*?

Yes  No

- *If 'yes', practitioners must comply with PDM 8 – 'Dealing with Secure and Sensitive Matters'.*

## 10. CONTACT DETAILS

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*If a notice of acting has been filed indicating the solicitor is not counsel, a notice of acting is also required to be filed by counsel for the trial.*

<b>SOLICITOR:</b>	
<b>DIRECT PHONE NUMBER:</b>	
<b>EMAIL:</b>	
<b>COUNSEL:</b>	
<b>DIRECT PHONE NUMBER:</b>	
<b>EMAIL:</b>	

## 11. CERTIFICATION

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I am the solicitor with the conduct of the defence in this matter. I certify that:

(a) Select applicable:

- In all respects the defence is ready for the trial of this matter; or
- In all respects other than those noted in this certificate the defence is ready for the trial of this matter;

(b) the answers in this certificate are correct to the best of my knowledge and instructions;

(c) it is not anticipated the accused will change their intention as set out in the answer to question 1(c).

**I undertake that I will inform the Court as soon as is reasonably practicable after I become aware of any change in circumstances which results in a change to any of my answers on this Listing Certificate.**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE