

PDM-A1.1 PROSECUTION (STATE) LISTING CERTIFICATE (PDM 5)

LISTING CERTIFICATE – PROSECUTION (STATE)

	District Court of Western Australia At: Number:
Parties	THE STATE OF WESTERN AUSTRALIA -and-

1. COMMUNICATION WITH THE ACCUSED

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

If 'no', specify why not and the future date for compliance:

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

If 'no', specify why not and the date by which discussion will take place:

2. DISCLOSURE

- (a) Has the prosecution complied with *Criminal Procedure Act 2004* s 95?
Yes No
- (b) Has the prosecution disclosed statements for each witness it currently intends to call at trial?
Yes No
- (c) Has the prosecution disclosed witness statements or reports for each expert it currently intends to call at trial?
Yes No
- (d) Has the prosecution disclosed all forensic evidence it intends to rely on at trial?
Yes No
- (e) If the answer to any of questions 2(a)-(d) is 'no', specify what remains to be disclosed and the anticipated date of disclosure:

3. TRIAL LISTING

- (a) Estimated trial length (in days): _____
- (b) Number of counts: _____
- (c) Number of accused: _____
- (d) Number of prosecution witnesses:
(including complainant and police) _____
- (e) Number of expert witnesses: _____

(f) Will any witness be required to travel from interstate or overseas? Yes No

(g) If a witness is overseas, are any applications required, such as a *Mutual Assistance in Criminal Matters Act 1987* application? Yes No

Specify the dates on which prosecution witnesses are not available (due to overseas travel or other specified reason):

4. PRE - TRIAL PREPARATION

(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 2004* s 98 directions hearing required? Yes No

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

(c) If a *Criminal Procedure Act 2004* s 98 directions hearing application has not been filed, on what date is it intended to be filed?

(d) If a *Criminal Procedure Act 2004* s 98 directions hearing is required, does it need to be listed prior to the taking of evidence at a special hearing? Yes No

(e) Are there any other issues that need to be attended to prior to trial? Yes No

If 'yes', please specify:

5. RECORDS OF INTERVIEW - ACCUSED

In respect of any proposed records of interview:

(a) Does the record of interview need editing? Yes No

(b) Has the prosecution provided the accused 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. OTHER VISUALLY RECORDED EVIDENCE

In respect of visually recorded evidence:

(a) Does the evidence need editing? Yes No

(b) Has the prosecution provided the accused 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.

7. WITNESS ARRANGEMENTS

(a) Is this a ‘serious sexual offence’ matter under the *Evidence Act 1906* s 106A? Yes No

(b) Does the prosecution 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 prosecution intend to seek orders that any witness give evidence at a special hearing or that special measures are 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

(f) If 'yes', specify:

Witness name	Date of birth	When application will be made

8. SPECIAL REQUIREMENTS

(a) Does any 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.

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

Yes No

- If 'yes', the prosecution 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'.*

(c) 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'*

9. OTHER ISSUES

(a) Are there any other issues that need to be attended to prior to trial?

Yes No

If 'yes', please specify:

--

10. CONTACT DETAILS

CASE MANAGER:	
DIRECT PHONE NUMBER:	
EMAIL:	

11. CERTIFICATION

I am the file manager responsible for the conduct of this prosecution. I certify that:

(a) Select applicable:

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

(b) to the best of my belief the answers in this Certificate are correct; and

(c) it is not anticipated that a notice discontinuing the prosecution will issue.

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