

PD Annexure 2: Prosecution Listing Certificate (PD 9)

LISTING CERTIFICATE – PROSECUTION

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

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- (b) Has there been any discussion with the accused as to facts that might be agreed or evidence that might be admitted at trial by consent?

Yes No

If the answer to either question is "no", specify why not:

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2. DISCLOSURE

- (a) Has the State 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

If the answer to any of questions 2(a) to (d) is “no”, specify what remains to be disclosed:

3. RECORDS OF INTERVIEW

In respect of any proposed records of interview:

(a) Does the disc / tape 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 are reminded of the need to comply with paragraph 9.7 of Practice Direction 9 ‘Criminal Listings’ in relation to edits to video evidence.

4. OTHER VIDEO EVIDENCE

In respect of any visually recorded evidence or other video evidence:

(a) Does the disc / tape 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 are reminded of the need to comply with paragraph 9.7 of Practice Direction 9 'Criminal Listings' in relation to edits to video evidence.

5. TRIAL LISTING

(a) Estimated trial length (in days)

(b) Number of counts

(c) Number of accused

(d) Number of lay 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) Dates on which prosecution witnesses are not available (due to overseas travel or other specified reason):

6. TRIAL PREPARATION

(a) Are there any disputes as to the admissibility of evidence?

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

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(b) Is a *Criminal Procedure Act* s 98 directions hearing required?

Yes No

If “yes”, specify the issues to be determined:

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

Yes No

If “yes”, specify the issues:

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7. TRIAL ARRANGEMENTS

(a) Is this a “serious sexual offence” matter under *Evidence Act 1906* s 106A?

Yes No

(b) Does the prosecution intend to seek orders that any witness be declared a “special witness” pursuant to *Evidence Act 1906* s 106A?

Yes No

If “yes”, specify:

Witness' name	Date of birth	When application will be made

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(c) Does the prosecution intend to seek orders that any witness give evidence by audiolink or videolink?

Yes No

If “yes”, specify:

Witness' name	Date of birth	When application will be made

(d) Does any witness require an interpreter?

Yes No

If an interpreter is required, the prosecution must advise the criminal registry not less than 14 days before the trial is due to commence.

(e) Is the trial going to require audio visual or electronic arrangements beyond the use of a DVD player, CD player or VHS video player (eg presentation of documentary evidence on computer screens or digital photos)?

Yes No

If “yes”, the prosecution must advise the criminal registry in writing of its requirements not less than 21 days prior to the commencement of the trial.

The Court’s capabilities as regards electronic evidentiary material are set out in the document entitled “Submission of Electronic Evidentiary Materials in Western Australian Courts” which is available on the Court’s website.

(f) 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”, the practitioners should comply with the directions in Circular to Practitioners 15 ‘Management of Trials – Offence Relating to Pornography and Objectionable Material’.

8. CONTACT DETAILS

Case manager	
Direct phone number	
Fax	
Email	

9. CERTIFICATION

I am the case manager / solicitor with the conduct of this prosecution.

I certify that:

- (a) in all respects *or* in all respects other than those noted in this certificate (*delete inapplicable*) 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