

2. PROPOSED WITNESSES (s. 590AH(2)(c)(i)(B) Criminal Code):

No.	Name

3. AFFECTED CHILD WITNESSES (s. 590AH(2)(c)(ii) Criminal Code):

The following conditions must be met before a witness can be considered an affected child pursuant to Division 4A of the *Evidence Act 1977* 'Evidence of affected children'.

1. The proceeding must be a relevant proceeding for a relevant offence, pursuant to section 21AC of the *Evidence Act 1977*.
2. The proceeding must concern:
 - (i) an offence of a sexual nature as defined in s. 21AC of the *Evidence Act 1977*; or
 - (ii) an offence involving violence as defined in s. 21AC of the *Evidence Act 1977*; and the child and the defendant have or had a prescribed relationship pursuant to section 21AC of the *Evidence Act 1977*.
3. The child witness is under 16, or a child aged 16 or 17 who also satisfies the definition of a special witness under section 21A of the *Evidence Act 1977*.
4. The child is a witness and NOT the defendant in this proceeding.

No.	Name of 'Affected Child'	Reasons witness is considered an 'Affected Child'

4. STATEMENTS OF PERSONS WHO ARE DEAD OR INCAPABLE OF TESTIFYING (s. 590AH(2)(c)(iii) Criminal Code):

(delete whichever does not apply)

- (a) At this point, all witnesses are believed to be capable of testifying.
- (b) The prosecution intends to adduce evidence under s. 93B of the *Evidence Act 1977* in relation to the following:

Name of person making the representation.	Reason person is unable to testify.	Name of person who saw/heard/perceived the representation.	Details of representation and the circumstances in which it was made.

5. TEST OR FORENSIC PROCEDURES (s. 590AH(2)(d) Criminal Code):

Eg. DNA analysis, fingerprint analysis, handwriting analysis, competency of child, ballistics, drug/chemical analysis.

No.	Test or Forensic Procedure	Date Provided	Receiver's Initials	Test or Forensic Procedure Pending

6. EXHIBITS (Original Evidence) (s. 590AH(2)(e) Criminal Code):

No.	Description

In accordance with section 590AS of the Criminal Code the prosecution may, on request allow an appropriate person to view or examine a thing that is original evidence that is not sensitive evidence, subject to the following conditions:

1. under the supervision of the prosecution; and
2. under any further conditions the prosecution considers necessary to protect the integrity of the thing.

Conditions for viewing of original evidence that is not sensitive evidence:

7. ANY OTHER THING THE PROSECUTION INTENDS TO RELY ON (s. 590AH(2)(f) Criminal Code):

No.	Description	Copy Provided (Y/N)	Date	Receiver's Initials

8. ANY OTHER THING IN THE POSSESSION OF THE PROSECUTION PRESCRIBED UNDER A REGULATION (s. 590AH(2)(g) Criminal Code):

No.	Description	Copy Provided (Y/N)	Date	Receiver's Initials

I _____ acknowledge receipt of the above-mentioned items and have placed my initials next to each item received.

(Person receiving items)

(Prosecutor)

(Date)

(Date)

**INDICTMENT MANDATORY DISCLOSURE
CHECKLIST**

Section 590AH *Criminal Code*

ONE FORM FOR EACH ACCUSED

(This form is to be completed by the officer preparing the indictment and is to be certified by that officer at or before the signing of the indictment)

ACCUSED NAME:

FILE NUMBER:

CYPHER:

PART A

If YES to any of the questions below: The mandatory disclosure procedure required pursuant to Part 5 sub B (Sections 590AD and following) of the Criminal Code is not required. Do not complete Part B of this checklist. Certify as required below and place this checklist on file.

If NO to all questions: Complete Part B of this checklist and take any required action before the indictment is signed.

- | | | | |
|----|---|-----|----|
| 1. | Has the accused been committed for sentence? | Yes | No |
| 2. | Has defence advised in writing this is a definite plea of guilty? | Yes | No |
| 3. | Has defence advised in writing that disclosure is not required? | Yes | No |

I certify that mandatory disclosure pursuant Part 5 Sub B of the Criminal Code is NOT required.

Case Lawyer or Crown Prosecutor NAME and SIGNATURE

Date:

9. If any evidence is considered to be "sensitive evidence" within the meaning of Section 590AF of the *Criminal Code* - Has the defence been advised in writing of:
- the description of the thing considered to be "sensitive evidence".
 - the fact that the prosecution considers the thing to be sensitive evidence.
 - In respect of things that may be tendered as exhibits - the place where an "an appropriate person" may view and examine the thing under the supervision of the prosecution and subject to any other conditions considered appropriate.
 - In respect of anything other than things that may be tendered as exhibits - the place where the accused may view the thing.

Yes No Not Applicable

10. If there is any thing that disclosure of is considered to be contrary to the public interest - Has the defence been advised in writing that the prosecution is not required to disclose the thing other than as required under Section 590AQ of the *Criminal Code*?

Yes No Not Applicable

11. If there is any other thing that it is intended to rely upon - Has the defence been provided with a copy of that thing?

Yes No Not Applicable

I certify that the mandatory disclosure requirements of Part 5 Sub B of the *Criminal Code* have been complied with.

Case Lawyer or Crown Prosecutor NAME and SIGNATURE

Date:

NOTES:

IF YOU ARE NO LONGER ACTING IN MATTER

- (1) Please note that **Practice Direction No. 1 of 1992, CRIMINAL JURISDICTION OF DISTRICT COURT** indicates that Solicitors who acted for an accused person at a committal hearing (unless they have advised that they have ceased to act), or who commence to act for an accused person at any time after committal hearing, are expected to appear at the callover during the sittings to which the accused was committed unless they have been told that an indictment will not be presented on that date.

IF OTHER CHARGES ARE PENDING

- (2) If your client(s) has other charges pending which you are instructed may proceed by ex officio indictment, please advise the Maroochydore office as soon as possible giving details of the charges and the name and Station of the Arresting Officer in respect of those charges.

IF A PLEA OF GUILTY IS INTENDED

- (3) **THE PENALTIES AND SENTENCES ACT 1992** provides that a Court may when imposing a sentence have regard to the time at which the offender informed the relevant law enforcement agency of his or her intention to plead guilty (sec. 13(2)(b)). If your client(s) intends to plead guilty to the charge(s) in the indictment, please advise the Maroochydore office in writing as soon as possible.

IF YOU WISH TO MAKE A SUBMISSION

- (4) If your client(s) wishes to make a submission regarding reduction or discontinuance of the charge(s) in the indictment, whether before presentation of the indictment or after presentation, please forward the submission in writing to the Solicitor for Prosecutions at this Office as soon as possible. There is no need to await the allocation of a Crown Prosecutor to the case. The Director of Prosecutions will ensure the sufficiency of evidence is reviewed and where appropriate charges may be reduced or discontinued at an early time following receipt of a submission. Written submissions are preferred.

