

District Court Criminal Practice Note 5

Management of Prescribed Sexual Offence Proceedings

The purpose of this Practice Note is to ensure the timely management and expeditious hearing of trials for prescribed sexual offences, by requiring orders relating to the hearing to be made prior to the trial date wherever possible.

1. Children's evidence

1.1 The following issues are to be addressed before the day of trial – the way in which the child is to give evidence; the editing of the recording of the child's statement; and, any other matters relating to the rights of the child prescribed under the *Evidence (Children) Act 1997*. The prosecution is to identify the issues to be addressed and raise these with the defence prior to the trial date being set.

1.2 At the time of setting a trial date, the prosecution is to advise the court or callover registrar (for circuit sittings) of any pre-trial orders sought, including any request relating to the use of CCTV or other technology. If a pre-trial application cannot be dealt with at the time of setting a trial date, the pre-trial application will be listed on a date prior to the trial date. Where a pre-trial order is sought before a callover registrar, the registrar will contact the Manager, Criminal Listings and Judicial Arrangements, to seek instructions for arranging a pre-trial hearing.

1.3 To enable the provisions of the *Criminal Procedure Amendment (Sexual Offence Management) Act 2005* to apply to a pre-trial order, an indictment is to be presented before a pre-trial order is made.

2. Adult complainants

2.1 The procedure outlined in paragraphs 1.2 and 1.3 above also applies to an adult complainant in proceedings for a prescribed sexual offence.

3. Managing exhibits where CCTV used (for child or adult)

3.1 Where a witness is to give evidence via CCTV and a party proposes to have the witness physically examine an exhibit, that party is to make arrangements with the court officer to facilitate this. Any defence exhibit provided to the court officer may be sealed to preserve confidentiality until such time as it is required to be shown to the witness.

3.2 The arrangements referred to above should be made before the trial commences.

The Hon. Justice R.O. Blanch
Chief Judge
19 December, 2005