

# Supreme Court Rules 1937—Form 4.8

(see o 80 r 20)

## Pre-trial questionnaire

In the Supreme Court of the Australian Capital Territory  
Criminal jurisdiction

No                      of (*year*)

The Queen

and

(*name of accused person*)

Date of committal:

Charges:

Accused person's solicitor:

Name of solicitor handling matter:

Solicitor's address:

Solicitor's telephone no:

Solicitor's fax no:

Solicitor's email address:

Current address of accused person:

Accused person's counsel for trial (if known):

Counsel's address:

Counsel's telephone no:

Counsel's fax no:

Counsel's email address:

Prosecution lawyer handling matter:

Prosecuting counsel:

If it is intended to brief counsel but this has not been done, give reasons:

Accused person:

DPP:

Completed by:

Accused person

DPP

<b>Item</b>	<b>Question</b>	<b>Accused person</b>	<b>DPP</b>
1	Are there co-accused? If so, identify them.		
2	Have the prosecution and the accused person or accused person's representatives conferred?		
3	Is there a possibility that the matter will be resolved by the acceptance of a plea of guilty to a lesser or other charge(s)?		
4	Is there likely to be any change in the indictment?		
5	Is there likely to be any challenge to the indictment? If so, provide particulars.		
6	Is there to be an application to sever the indictment?		
7	Is there to be an application for a separate trial?		
8	Has a statement of the prosecution case been given to the accused person?		

<b>Item</b>	<b>Question</b>	<b>Accused person</b>	<b>DPP</b>
9	(a) Has the prosecution provided to the accused person: (i) a list of witnesses it proposes to call? (ii) all statements of those witnesses? (b) If not, when will they be supplied?	(a) (i) (ii) (b)	(a) (i) (ii) (b)
10	(a) Does the prosecution propose to call additional evidence? (b) If so, has the prosecution told the accused person or the accused person's representatives? (c) If so, have copies of the additional evidence been supplied to the accused person? (d) If not, when will they be supplied?	(a) (b) (c) (d)	(a) (b) (c) (d)
11	Are there any issues relating to disclosure that require resolution?		

<b>Item</b>	<b>Question</b>	<b>Accused person</b>	<b>DPP</b>
12	(a) Has any legal aid application on behalf of the accused person been dealt with? (b) Has legal aid been granted? (c) Is it anticipated that there will be difficulty in obtaining legal aid?	(a) (b) (c)	(a) (b) (c)
13	(a) Have admissions of fact been sought by the prosecution? If so, a copy of the admissions sought must be attached. (b) By reference to the copy attached, what additional admissions should be made?	(a) (b)	(a) (b)
14	(a) Have admissions of fact been sought by the accused person? If so, a copy of the admissions sought must be attached. (b) By reference to the copy attached, what additional admissions should be made?	(a) (b)	(a) (b)
15	Is there likely to be any issue as to the accused		

Item	Question	Accused person	DPP
	person's fitness to plead?		
16	<p>(a) Will any of the following defences be raised:</p> <p>(i) alibi</p> <p>(ii) self-defence</p> <p>(iii) substantial impairment of mental responsibility</p> <p>(iv) automatism</p> <p>(v) claim of right</p> <p>(vi) duress (identifying the source)</p> <p>(vii) non self-induced intoxication leading to inability to form the required intention.</p> <p>(b) Will any other defence be raised? If so, state the defence.</p>	<p>(a)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p> <p>(v)</p> <p>(vi)</p> <p>(vii)</p> <p>(b)</p>	<p>(a)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p> <p>(v)</p> <p>(vi)</p> <p>(vii)</p> <p>(b)</p>

<b>Item</b>	<b>Question</b>	<b>Accused person</b>	<b>DPP</b>
17	How long is the trial likely to take?		
18	(a) Is this a matter that could be brought on for trial at short notice to fill a gap in the trial list?  (b) If so, how much notice do you need?	(a)  (b)	(a)  (b)
19	Has there been an election for trial by judge alone?		
20	Are there any preliminary issues or applications that should be dealt with before the jury is empanelled? If yes, provide details and an estimate of time.		
21	(a) Will there be an application to set aside, or for a stay of, proceedings?  (b) If so, on what grounds?	(a)  (b)	(a)  (b)

Item	Question	Accused person	DPP
22	Will there be an application for— (a) use of closed-circuit television? (b) use of a witness screen? (c) use of video equipment? (d) use of audio equipment? (e) evidence to be taken by telephone? (f) a view?	(a) (b) (c) (d) (e) (f)	(a) (b) (c) (d) (e) (f)
23	Will an interpreter be required?	(a) the accused person's language (b) witness's language	(a) the accused person's language (b) witness's language
24	State any limits on prosecution witnesses' availability.		
25	State any limits on defence witnesses' availability.		



<b>Item</b>	<b>Question</b>	<b>Accused person</b>	<b>DPP</b>
26	State any limits on availability of counsel.		
27	State any dates counsel cannot appear.		
28	Any general comments		

## Endnote

- 1 This form was originally in the *Supreme Court Rules 1937*. Under the *Court Procedures Act 2004* A2004-59, pt 8, the form became a form approved under that Act.

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