**INTERLOCUTORY APPLICATION FOR SPECIAL ARRANGEMENTS**

**Evidence Act 1929 s 13A**

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT*] **Select One** COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

**[*FULL NAME*]**

**Informant/R**

**v**

**[*FULL NAME*]**

**Defendant/Youth**

|  |  |  |
| --- | --- | --- |
| **Lodging party** |  |  |
|  | **Party title** | **Full Name of party** |
| Name of law firm/office |  |  |
| **If applicable** | **Law firm/office** | **Responsible Solicitor** |
| Name of authorised officer |  |
| **If body corporate and no law firm/office** | **Full Name** |

|  |
| --- |
| **Application details**This is an application for special arrangements in relation to [*full name*], who is to give evidence in these criminal proceedings.This Application is made under section 13A of the *Evidence Act 1929*.This Application relates to* the whole of the witness’ evidence.
* the examination in chief of the witness.
* the cross-examination of the witness.
* the re-examination of the witness.

The applicant seeks the following orders: * 1. That the evidence of the witness be given outside of the trial court
* and transmitted to the trial court by means of audiovisual link.
* and that an audiovisual record of the evidence be made and replayed in the trial court.
* 2. That the [*Defendant/Youth*] select one [*full name*] be excluded from the place where the witness’ evidence is taken.
* 3. That measures be taken to prevent the witness and the [*Defendant/Youth*] **select one** [*full name*] from directly seeing or hearing each other before, during or after the hearing, namely [*Enter measures*].
* 4. That while the witness’ evidence is being taken, the presiding judicial officer and any lawyer present in the Court not wear a
	+ - wig [*; or*]
		- gown.
* 5. That an additional allowance be made for breaks during, and time to be given for, the taking of evidence, namely [*enter details of breaks proposed*].
* 6. That the evidence be taken in a way that facilitates the taking of evidence from the witness or minimises the witness’s embarrassment or distress, namely [*Enter manner of taking evidence*].
* 7. That the witness be accompanied at the hearing by [*Enter name of support person*] for the purpose of providing emotional support.
* 7A. That the witness be accompanied at the hearing by [*Enter name and/or description of animal*] for the purpose of providing comfort or support.
* 8. That the evidence be taken with the following communication assistance due to the witness’s complex communication needs, namely [*Enter nature of communication assistance*] provided by [*full name of provider*], who: **if communication assistance is to be provided by a person**
* [*is/is not*] **select one** to be called as a witness in the trial of the charge.
* is a communication partner for the purposes of the *Evidence Act 1929*.
* [*should be/is*] **select one** approved by the Court to provide such assistance because [*Enter details*].
* 9. That the evidence be taken with the following communication assistance due to the witness’s complex communication needs, namely [*Enter communication assistance*]. if communication assistance is to be provided other than by a person, eg by a device
* 10. That an audiovisual record of the witness’s evidence be made.
* 11. That the following directions be given about questioning of the witness: [*enter directions sought*]].
* 12. [*Enter other*].

This Application is made on the grounds that:1. The witness is a vulnerable witness within the meaning of section 13A of the *Evidence Act 1929* because the witness
* is a child under the age of 16 years.
* is cognitively impaired *[enter details]*
* is the alleged victim of a serious offence against the person.
* is the alleged victim and would be specially disadvantaged if not treated as a vulnerable witness because of the circumstances of the [*witness/case*].
* has been subjected to threats of violence or retribution in connection with the proceeding.
* has reasonable grounds to fear violence or retribution in connection with the proceeding.
* will only consent to being a witness in the proceeding, being a proceeding for a serious and organised crime offence within the meaning of the *Criminal Law Consolidation Act 1935*, if treated as a vulnerable witness.
1. [*Enter other grounds*]. **provision for multiple numbered subparagraphs**

**Complete if applicable delete if inapplicable** This Application is urgent on the grounds * set out in the accompanying Affidavit sworn by[*name*] on[*date*].
* that

**Enter grounds in numbered paragraphs**This Application is made* with the consent of the [*Enter party title*] [*full name*] as evidenced by [*Enter evidence*]**eg letter or email from party’s solicitor,** **provision for multiple**
* without the consent of the [*Enter party title*] [*full name*]. **provision for multiple**
 |

|  |
| --- |
| **To the other parties: WARNING**If you wish to oppose the Application or make submissions about it you **must file and serve a Notice of Objection within 14 days of this Application being served on you**. If you do this, the Application may be determined by the Court without a hearing or may be listed for a hearing in which case the parties will be notified by the Court of the time and date of the hearing.If you do not do so, **the Application may be determined by the Court without a hearing and may be granted** without further warning. |

|  |
| --- |
| **Service**The party filing this document is required to serve it on all other parties in accordance with the Rules of Court. |

|  |
| --- |
| **Accompanying Documents**Accompanying this Application is a:* Supporting Affidavit **optional**
* If other additional document(s) please list them below:
 |