

**Amendments to the**

**Criminal Division Practice Note: PNCR 1-2015**

**(Effective 12 July 2019)**

**Amendments effective:**

|  |  |  |
| --- | --- | --- |
| **Topic** | **Amendment** | **Relevant Section** |
| Electronic Indictments | Amendment to enable the filing of signed indictments electronically through eLodgement.  Consequential amendments to require the Prosecution to file a signed indictment rather than a draft indictment. | 1.3, 6.3, 7.5, Attachment 2 |
| Special Hearings Procedure – Melbourne Matters | New procedure for sexual offence matters involving a complainant who is a child or person with a cognitive impairment, including amendments to enable applications for preparatory cross-examination pursuant to s 198A *Criminal Procedure Act 2009*.  New Form 198A – Application for Pre-Trial Cross-Examination.  New requirement for the prosecution to file the indictment, prosecution opening, depositions, family violence checklist, witness information sheet, *Jury Directions Act* notices and *Evidence Act* notices (including tendency and coincidence evidence notices) no later than 14 days after the date of committal.  New requirement for the prosecution and defence to jointly file Form 198 – Application for Pre-Trial Cross- Examination no later than 7 days before the IDH.  New requirement for defence to file s 32C Notices, if confidential communications are sought for special hearing matters, no later than 7 days before the IDH. | 2.4, 3.1 – 3.14, 5.3, Attachment 3, Attachment 7 |
| Special Hearings Procedure – Circuit Matters | Amendment to include the procedure for applications for preparatory cross-examination pursuant to s 198A *Criminal Procedure Act 2009* for special hearing matters.  New requirement for the prosecution to file the indictment, prosecution opening, depositions, family violence checklist, witness information sheet, *Jury Directions Act* notices and *Evidence Act* notices (including tendency and coincidence evidence notices) no later than 14 days after the date of committal. | 4.4 – 4.7, 4.17, 5.3, Attachment 7 |
| Appearances via Video link – Circuit Matters | Amendment to provide practitioners with guidance as to when video links are arranged for circuit directions hearings, and when leave is required to appear via video link. | 4.10 – 4.14 |
| At the Conclusion of the Circuit Directions Hearing | Amendment to provide practitioners with guidance as to what may occur at the conclusion of a circuit directions hearing. | 4.15 – 4.18 |
| Subpoenas relating to Confidential Communications | Amendment to filing requirements for s 32C applications in sexual offence matters involving a complainant who is a child or person with a cognitive impairment. | 3.7, 26.1(c) |
| Section 198B Procedure | New chapter for the procedure for making an application for preparatory cross-examination pursuant to s198B *Criminal Procedure Act 2009*.  Amendment to include relevant questions parties must be prepared to answer at the IDH regarding s 198B *Criminal Procedure Act 2009* applications. | 2.11 (d), 12.1-12.3 |
| Application for Bail | Amendment to the applicable threshold – substitute ‘show cause’ for ‘compelling reasons’.  Amendment to the Bail Application Form to include the question of whether the accused is an Aboriginal and/or Torres Strait Islander and if yes, whether s 3A *Bail Act 1977* will be relied upon. | 8.1 (c)(i)  8.1(c)(ii) |