

PRE-HEARING DISCLOSURE NOTICE FOR MATTERS TO BE DETERMINED SUMMARILY

Section 13 of the **Criminal Procedure Act 2009**, Magistrates' Court Criminal Procedure Rules 2009 Form 8 Rule 17

You have been charged with an offence that can be heard summarily. You should speak to a legal practitioner (a lawyer) immediately.

How can you get more information about your charge:

Your charge-sheet will have some information about the charge. If you want more information, at any time you or your legal practitioner can make a request in writing to the informant (the person who charged you) for -

- a preliminary brief;
- a full brief (if you have been served with a Notice to Appear, you can ask only for a full brief after a summary case conference); and
- information or copies of what is listed in the preliminary or full brief at least 7 days (or more) before the next court date.

What the informant must do:

When the informant receives a request for more information from you or your legal practitioner he or she has -

- 14 days to give you a preliminary brief; or
- at least 14 days to give you a full brief before your contest mention or summary hearing; and
- 7 days to respond to your request.

The informant also must give you a list or copy of any new information that is relevant to the charge as soon as it is available to him or her.

In some cases, the informant can refuse to give you information. The informant must give you a notice in writing that explains why your request has been refused. Some of the reasons the informant may refuse your request are that disclosure of the information would -

- prejudice the investigation, enforcement or proper administration of the law; or
- prejudice a fair hearing of a charge or impartial adjudication of a particular case; or
- enable a person to ascertain the identity of a confidential source of information in relation to the enforcement or administration of law; or
- disclose methods or procedures of preventing, detecting, investigating contraventions or evasions of the law, the disclosure of which would be reasonably likely to prejudice the effectiveness of those methods or procedures; or
- endanger the life or physical safety of persons or their families, engaged in, or in connection with, law enforcement or persons who have provided confidential information in relation to the enforcement or administration of the law; or
- endanger the life or physical safety of a person referred to in section 43(1)(a) of the **Criminal Procedure Act 2009** or of a family member, as defined in the **Family Violence Protection Act 2008**, of such a person; or
- result in the disclosure of child abuse material to the accused personally; or
- the informant may refuse disclosure of any information, document or thing that is requested under section 43(1)(d) of the **Criminal Procedure Act 2009** on any ground for refusal of a witness summons; or
- the informant may refuse to disclose the particulars of any previous conviction of any witness who the informant intends to call at the hearing if the previous conviction because of its character is irrelevant to the proceeding.

What can you do if the informant refuses to give you the information?

You can apply to the Magistrates' Court for an order if you -

- get a written notice from the informant that they refuse to give you the requested information; or
- believe there is information that has not been disclosed that is relevant to your case.

Your legal practitioner can advise of how to apply for an order of the Magistrates' Court that the information be disclosed.

Get legal advice before you go to court

A legal practitioner can help you understand the charges and decide what steps you need to take. For free legal information or to speak to a legal practitioner call:

Victoria Legal Aid 1300 792 387
Federation of Community Legal Centres to find the centre closest to you (03) 9652 1500
Victoria Aboriginal Legal Service on 1800 064 865

If you are eligible you have a right to legal aid under the **Legal Aid Act 1978**. Contact Victoria Legal Aid Level 9, 570 Bourke St. Melbourne Vic. 3000 Phone: 1300 792 387.