Defence Proposal for

(Defendant name): Click here to enter defendant’s name.

Prepared by: Click here to enter name.

Please answer each and every question

**A.** The listed date of the voire dire (if appropriate) and the trial is:

Voire Dire (date) Click here to enter date.

Trial (date) Click here to enter date.

**B.** PURSUANT TO SECTION 6.2.1 OF THE EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

The names of the legal representative (s) to whom the Commission has assigned the case are:

Solicitor Click here to enter name.

Lead Counsel Click here to enter name.

Junior Counsel Click here to enter name. (if authorised)

**C.** PURSUANT TO SECTION 6.2.2 OF THE EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT (Please note each item must be addressed)

**C. (1)** A copy of the information upon which the defendant has been arraigned is enclosed.

YES

**C. (2)** The name of the court in which the matter is to be heard:

Click here to enter name of the court.

**C. (3) (a)** the number of witnesses who have provided declaration statements is:

Click here to enter number.

**C. (3) (b)** is any expert testing and evidence needed, and if so, in relation to what issues and for what purpose:

Click here to enter text.

**C. (3) (c)** is it proposed to use an expert witness whose fees or expenses exceed Commission scale fees, or who is from outside South Australia. Please provide the reasons why this is necessary:

Click here to enter text.

**C. (3) (d)** if the case entails the use of an expert witness from outside Australia, please provide the details of the enquiries made to identify any expert within Australia. Please provide the reasons why any Australian expert is not available to the defence:

Click here to enter text.

**C. (3) (e)** where documentary evidence is significant, an accurate indication of its volume:

Click here to enter text.

**C. (3) (f)** your estimate as to the length of any pre-trial proceedings/applications:

Click here to enter text.

**C. (3) (g)** Your estimate as to the length of the trial:

Click here to enter text.

**C. (3) (h)** Please provide any legal issues which are considered likely to impact upon the length of the trial:

Click here to enter text.

**C. (3) (i)** if the case requires senior or multiple counsel, the reasons why this is necessary. Please advise whether full-time junior counsel is required or whether some solicitor assistance would suffice.

Click here to enter text.

**C. (3) (j)** whether the case requires travel, viewing time or has any other features likely to add to the cost; and

Click here to enter text.

**C. (3) (k)** if the case entails travel outside South Australia, the reasons.

Click here to enter text.

**D.** PURSUANT TO SECTION 6.2.4 OF THE EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT PLEASE PROVIDE YOUR ADVICE AS TO WHETHER IT IS PROPOSED:

(*please note the transcript of anything said by the Court about this course of action, and the reasons why such a course of action is necessary for the defence must be provided)*

**D.(a)** to use expert evidence from outside Australia; or

Click here to enter text.

**D.(b)** to require repeat forensic testing or examination of evidence already so tested or examined; or

Click here to enter text.

**D.(c)** to proof distant expert witnesses other than by telephone, video-link, e-mail or other methods of long distance communication; or

Click here to enter text.

**D.(d)** to prove formally any aspect of the defence case which the prosecution will agree;

Click here to enter text.

**D.(e)** to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence.

Click here to enter text.

(Please note that the Attorney-General must be satisfied that any of the proposals in paragraph D above are necessary for the proper defence of the accused and amounts to a proper use of public funds.)

**E.** PURSUANT TO SCHEDULE 1 OF THE EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT- a written undertaking by defence counsel is required, stating that he/she will:

(a) present the defendant’s case as quickly and simply as may be consistent with its advancement;

(b) avoid unnecessary delay or unnecessary complication or prolongation of the proceedings;

(c) inform the defendant about the reasonably available alternatives to fully contested adjudication of the case;

(d) advise the defendant to agree matters as to which the prosecution case is overwhelming and the defence has no countervailing evidence, or matters which are purely formal;

(e) encourage consultation between defence and prosecution experts with a view to defining and confining the issues in dispute.

Attached is an undertaking for each defence counsel to sign. (It must be annexed to this letter and returned to the Commission with this completed document)

The signed Counsel undertaking/s is/are attached

YES

**F.** PURSUANT TO 6.2.4 OF THE EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT you must provide a memorandum identifying measures taken or to be taken to minimise costs or reduce the length of the trial. Please complete here or attach your memorandum.

Click here to enter text.

**G.** PURSUANT TO THE EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

please provide your estimate of the requirements and reasons for so seeking;

**G.(a)** solicitor preparation hours (please outline whether this funding is for taking instructions or conferences etc).

Click here to enter text.

**G.(b)** solicitor reading hours (please provide the number of pages to be read and/or the hours of footage, DVD’s and CD ROMS etc to be viewed/listened to).

Click here to enter text.

**G. (c)** counsel preparation hours (please outline whether this funding is for taking instructions or conferences etc).

Click here to enter text.

**G. (d)** counsel reading hours (please provide the number of pages to be read and/or the hours of footage, DVD’s and CD ROMS etc to be viewed/listened to).

Click here to enter text.

**G. (e)** estimated length of pre-trial applications.

Click here to enter text.

**G. (f)** estimated number of Directions Hearings.

Click here to enter text.

**G. (g)** estimated disbursements for expert evidence.

Click here to enter text.

**G. (h)** estimated disbursements for travel.

Click here to enter text.

**G. (i)** estimated other disbursements (eg investigators fees, psychiatric reports etc)

Click here to enter text.

**G. (j)** your estimate as to any other anticipated costs not directly addressed from (a) – (i) above

Click here to enter text.

Attached: Counsel’s Undertaking

**Written Undertaking Pursuant to Schedule 1 Of the Expensive Criminal Cases Funding Agreement**

Pursuant to Schedule 1 of the Expensive Criminal Cases Funding Agreement

I……………………………………………………………undertake to the Commission that I will:

(Name of Counsel)

(a) present the defendant’s case as quickly and simply as may be consistent with its advancement;

(b) avoid unnecessary delay or unnecessary complication or prolongation of the proceedings;

(c) inform the defendant about the reasonably available alternatives to fully contested adjudication of the case;

(d) advise the defendant to agree matters as to which the prosecution case is overwhelming and the defence has no countervailing evidence, or matters which are purely formal;

(e) encourage consultation between defence and prosecution experts with a view of defining and confining the issues in dispute.

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Name of Counsel

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel’s signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

(Please ensure that each Counsel completes an Undertaking. Thank you)