**PRIVATE PROSECUTION**

(Common informer to insitute criminal proceedings in the Local Court of NSW)

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| **PROPOSED PRIVATE PROSECUTOR DETAILS** | | | |
| Full Name |  | | |
| Residential Address |  | | |
| Postal Address |  | | |
| Email: |  | Telephone: |  |
| **PROPOSED ACCUSED/DEFENDANT DETAILS** | | | |
| Full Name |  | | |
| Gender |  | | |
| Date of birth (approx. age) |  | | |
| Residential Address |  | | |
| Service/Postal Address |  | | |
| **LIST OF OFFENCE(S)**  *(List offence(s))* | | | |
| Offence 1. |  | | |
| Offence 2. |  | | |
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| **OFFENCE STATEMENT(S)** | | | | | | |
| In addition to the proposed Court Attendance Notice(s) the following statement of offence contains:   1. A factual statement that summarises the events surrounding each offence named in the Court Attendance Notice; and sets out: 2. How each legal proof in respect of the offence(s) is said to be met; | | | | | | |
| **Offence no.** | | | **Details of the offence** *(Any additional statements for further offences to be attached)* | | | |
| **e.g Offence 1** | | | What happened, where did it happen date/location/time) who is alleged to have done it | | | |
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| **WITNESS SCHEDULE**  *(Any further witnesses to be attached)* | | | | | | |
| *Please provide the following details in the witness schedule:*   1. A list of witnesses that have provided signed witness statements in the prosecution case. 2. A summary of the evidence that each witness will give to include how that evidence will assist in establishing the requisite proofs of an offence(s) named in the Court Attendance Notice. | | | | | | |
| Witness Name | | | | Summary of witness evidence | | |
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| **RELATIONSHIP TO DEFENDANT** | | | | | |
| *Please provide answers to the following questions:* | | | | **YES**  (√ ) | **NO**  ( X ) |
| **1.** | Is there or has there ever been existing relationship (commercial or otherwise) between you and the proposed accused/defendant?  ***If yes, provide details:*** | | |  |  |
| **2.** | Do you owe the proposed accused/ defendant any money?  ***If yes, provide details:*** | | |  |  |
| **3.** | Do you owe any other financial debt to the proposed accused/ defendant?  ***If yes, provide details:*** | | |  |  |
| **4.** | Does the proposed accused/ defendant owe you any money?  ***If yes, provide details:*** | | |  |  |
| **5.** | Does the proposed accused/ defendant owe any other financial debt to you?  ***If yes, provide details:*** | | |  |  |
| **6.** | Is there or has there ever been any court case or legal proceedings which involved you and the proposed accused/ defendant?  ***If yes, provide details:*** | | |  |  |
| **7.** | Have the factual circumstances that give rise to the alleged offence(s) been reported to NSW Police or another law enforcement agency for investigation?  ***If no, provide details:*** | | |  |  |

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| **UNDERTAKING BY COMMON INFORMANT** |
| *I understand that by filing and signing this application for a CAN to issue against \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  *I have a full understanding of the following:* |
| * I am seeking to be a Common Informer as provided for in [section 14 of the](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#sec.14) [Criminal Procedure Act 1986](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#sec.14) in respect of the attached Court Attendance Notice(s) |
| * I have read and understood the relevant provisions of the Criminal Procedure Act 1986 as they relate to the commencement of a private prosecution, namely [section](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#sec.49) [49](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#sec.49) for indictable offences and [section 174](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#sec.174) in respect of summary offences |
| * I have read and understood the costs provisions contained within the Criminal Procedure Act 1986 as they relate to the possibly of costs being awarded against me personally in respect of these proceedings. (See [Chapter 3, Part 2, Division 11](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#ch.3-pt.2-div.11) of the Criminal Procedure Act 1986 for prosecutions involving indictable offences and [Chapter 4, Part 2, Division 4](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1986-209#ch.4-pt.2-div.4) of that Act for prosecutions in respect of summary offences). |
| * I understand that the material and/or information provided will be used to assist in determining if there is anything that would preclude a registrar signing the attached Court Attendance Notice pursuant to [Rule 8.4 of the Local Court Rules 2009 .](https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2009-0589#sec.8.4) |
| * I understand that any material and/or information provided to the Registrar will be provided to the Office of the Director of Public Prosecutions for the relevant determination to be made in relation to taking over proceedings pursuant to [S.9 of the Director of Public Prosecutions Act 1986 No 207](https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1986-207#sec.9) |
| * I further understand that if a registrar does refuse to sign the attached Court Attendance Notice(s) that I will be provided with written reasons why and that I can seek a review of that decision by a magistrate |
| * I acknowledge that giving false or misleading information is a serious offence and may render me liable to criminal prosecution |
| * I also acknowledge that this document and any material/information I have supplied with it, may be produced in proceedings or a recommendation for proceedings pursuant to the [Vexatious Proceedings Act 2008.](https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-2008-080) |
| * Fees are payable for the filing and issuing of a Court Attendance Notice and any such fee will be paid as requested by the Registrar. |
| **COMMON INFORMANT SIGNATURE** |
| Name of Common informant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Common informant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |