

Magistrates Courts

Practice Direction No. 8 of 2017

Court Link

Issued: 29 November 2017

1. The purpose of this Practice Direction is to assist with the case management of criminal matters commenced in the Queensland Magistrates Courts where a Court Link program is available.
2. It applies to all criminal matters heard after Court Link commences on 29 November 2017.
3. Nothing in this Practice Direction is to be taken as removing or limiting the discretion of the Court.
4. *Court Link* is a 12-week bail-based program for Defendants. It is guided by principles of therapeutic jurisprudence.
5. Court Link staff will:
 - (a) make an assessment of a Defendant's for suitability for Court Link;
 - (b) case manage a Defendant through Court Link;
 - (c) provide the Court with reports about the Defendant's engagement with Court Link and the Defendant's response to assistance and services offered.

ELIGIBILITY, ASSESSMENT AND REFERRAL PROCEDURE

6. Any Defendant charged with a criminal offence may request or be referred by another person (including a Magistrate) for assessment.
7. A person is eligible if:
 - (a) The person is an adult at the time the alleged offence/s were committed i.e. the Defendant is a person to whom the *Youth Justice Act 1992* does not apply;
 - (b) The Defendant is eligible for bail; and
 - (c) The Defendant has been provided information about Court Link and has provided written consent to participate in the Court Link process and to the exchange of information about the Defendant.

8. Court Link staff will assess the Defendant for suitability for acceptance into the Court Link program.
9. Where a Defendant is accepted into Court Link, the Defendant's bail will include conditions requiring participation in Court Link.
10. Where a Defendant is refused bail or is not accepted into Court Link the Defendant will be dealt with according to usual criminal court processes.

COURT LINK REPORTS

11. *Triage Assessment Report* – After initial assessment, Court Link staff must provide to the Defendant and their legal representative, a Triage Assessment Report informing them whether the person is:
 - (a) suitable for community referral; or
 - (b) suitable for Court Link and further assessment is required to develop a Treatment Pathway Report.

If a Defendant is not admitted to Court Link they may seek referral by the Magistrate.

12. *Treatment Pathway Report* - After further assessment, Court Link staff must provide to the Court a Treatment Pathway Report. This report informs the Court about how the Court Link program will benefit the Defendant and include details of proposed services to be provided to the Defendant.
13. *Progress Report* – Court Link staff will, from time to time, provide to the Court a Progress Report detailing the Defendant's participation with Court Link. This report will make any further recommendation/s for consideration by the Court.
14. *Final Report* – Court Link staff will provide to the Court a Final Report detailing the Defendant's response to Court Link. This report will include any recommendation/s for consideration by any sentencing Court.

WITHDRAWAL FROM COURT LINK, NON-COMPLIANCE AND INCARCERATION

15. A Defendant may be ordered at any time during the Court Link program to appear before a Magistrate to show cause why the Defendant should not be excluded from further participation in Court Link.
16. Where the Defendant:
 - (a) Has advised Court Link staff that the Defendant withdraws consent and no longer wishes to participate in Court Link; or
 - (b) is sentenced to a term of imprisonment during the period of the Defendant's participation in Court Link; or
 - (c) has been refused bail or has had bail revoked - participation in Court Link will cease automatically and immediately and the Defendant's matter will be listed according to usual criminal court processes.

Court Link staff will provide to the Court a Final Report for consideration by the Court.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Judge Orazio Rinaudo
Chief Magistrate
29 November 2017