

Magistrates Courts

Practice Direction No. 8 of 2017 (amended)

Issued: 29 November 2017

Amended: 4 December 2019

Amended: 7 February 2025

Court Link

PURPOSE

1. The purpose of this Practice Direction is to assist case management of a defendant facing prosecution for criminal charges and who appears before the Queensland Magistrates Courts (“the Court”) where a Court Link program is available.
2. Nothing in this Practice Direction is to be taken as removing or limiting the discretion of a Magistrate.
3. The Court Link Case Management program is:
 - (a) a bail-based program integrating assessment, referral and support and reports to the Court for a defendant waiting trial or sentence;
 - (b) generally to operate over 12 weeks from a defendant’s admission to the Court Link program; and
 - (c) guided by principles of therapeutic jurisprudence.

ELIGIBILITY ASSESSMENT AND REFERRAL PROCEDURES

4. Any defendant charged with a criminal offence may request or be referred by another person (including a Magistrate) for assessment.
5. A defendant is eligible if:
 - (a) the defendant is an adult at the time the alleged offence/s were committed; and
 - (b) the defendant is eligible for bail; and
 - (c) the defendant has provided consent to participate in the Court Link process and to the exchange of information about the defendant.
6. It is the duty of Court Link staff to:
 - (a) conduct the suitability assessment (known as a triage assessment);
 - (b) provide a defendant with information about the Court Link program and its expectations;
 - (c) make a written Triage Outcome Report for a defendant which recommends for:
 - (i) No Action (for a defendant who is unwilling or unable to engage with support); or
 - (ii) Community Referral (one-off referral/s to services in the community with no further involvement from the Court Link team); or

(iii) Case Management (12 weeks of support attending the Court Link for professional case management using brief interventions and referrals to services with periodic judicial monitoring).

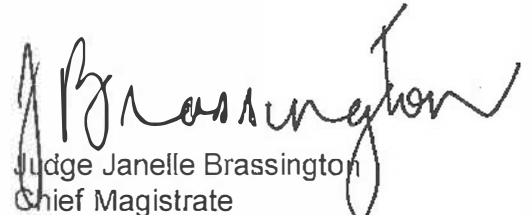
7. Copies of the Triage Outcome Report will be provided to the defendant, their legal representative (if they have one), and the prosecutor.
8. Upon consideration of the Triage Outcome Report and any submissions of the prosecutor and the defendant, the Court shall order a defendant is, or is not, admitted to the Court Link Case Management program.
9. If the Court admits the defendant to Court Link Case Management, a bail condition can be added to the bail undertaking to engage with the Court Link program to reinforce the Court's expectation on the defendant to participate. Non-participation will not result in an offence under the *Bail Act 1980* for the breach of the defendant's bail due to the voluntary nature of the program: see sections 11(9) and 29(2)(b) of the *Bail Act 1980*.
10. A defendant not admitted to the Court Link Case Management program or who withdraws their consent to participate in the program is to be remanded to appear before the Court according to usual criminal court processes.
11. A defendant can be admitted to the Court Link program if they plead not guilty and/or they face charges that can only be dealt with on indictment. However, to ensure that matters progress in a timely manner, without prejudice to other parties, the proceedings will be managed in accordance with the ordinary practice for summary or committal proceedings. The Magistrate conducting the Court Link callover may require, in accordance with relevant Practice Directions, the defendant indicate a plea to the charges, any elections as made, directions for disclosure are given, and applications to cross-examine are made.

PROGRAM PROCEDURES

12. A defendant admitted to the Court Link program is to be remanded to appear before the Court for review at the Court Link callover mention Court, unless there is a local agreed process with either the Murri Court and/or specialist Domestic and Family Violence Court whereby the matter may be adjourned to that callover for mention.
13. It is the duty of Court Link staff to:
 - (a) case manage a defendant through the Court Link program;
 - (b) produce to the defendant and the Court, at each progress mention, a written and/or oral Progress Report about the defendant's engagement with the Court Link program especially (but not exclusively), related to any conduct underlying the charges the defendant is facing and their response to assistance and services the defendant is linked to, and any recommendation/s for consideration by the Court;
 - (c) produce to the defendant and the Court, a Final Report on the defendant's response to the Court Link program and any recommendation/s about the defendant; and
 - (d) ensure a Court Link case manager attends at every Court Link callover.
14. At any time during the Court Link program the Court may order the defendant to appear to show cause why the defendant should not be excluded from further participation in the Court Link Case Management program.

END PROCEDURES

15. Where a defendant is remanded to appear at the Supreme Court or the District Court, the Progress Reports and Final Report are to be attached to the file/s or charges transferred.



Judge Janelle Brassington
Chief Magistrate
7 February 2025