

DISTRICT COURT OF QUEENSLAND
SEXUAL VIOLENCE CASE MANAGEMENT
TRIAL READINESS FORM

If you are going to court because you have been charged with a criminal offence, you are known as the '**Defendant**'. If you do not have a lawyer representing you or have chosen to represent yourself, you are known as a '**Self-Represented Defendant**'.

If you are a self-represented defendant, do not answer these questions. Please return to the website and click on the 'Self-represented defendant' option which will provide information about the process to assist you.

NOTE FOR PRACTITIONERS

This document is provided as an overview of the questions contained in the Trial Readiness Form to support practitioners to complete the online form. Please **DO NOT** attempt to complete this document and submit it to the Court as it will not be accepted and you will be directed by the Sexual Violence Case Manager to complete the [Trial Readiness Form online](#).

Matter Details

1. Matter of R -v- (Defendant name):
2. Matter number (Court file or indictment):
3. Date of Trial Readiness Hearing:
4. Date of trial:
5. Trial estimate (number of days):
6. Matter Jurisdiction (Brisbane or Ipswich)
7. Party completing this form
 - 7.1. Prosecution Go to Question 8
 - 7.2. Defence Go to Question 9

Legal Representative Details

8. Prosecution

- 8.1. Crown/ Senior Prosecutor contact details (*name, title, email and phone number, briefed out*)
- 8.2. Legal Officer contact details (*name, title, email and phone number*)
- 8.3. Have arrangements been made to minimise the chance of the complainant (and their friends and family) coming into contact with the defendant (and their friends and family), when they attend Court for the trial? (*Yes/No*)
 - 8.3.1. If Yes – what are the arrangements?
 - 8.3.2. Who is responsible for ensuring these arrangements are made? (*Please provide name and contact details*)
- 8.4. Are there any co-accused? (*Yes/No*)

8.4.1. If Yes – provide name and status of the Prosecution

9. Defence

9.1. Trial Counsel (*name, email and phone number*)

9.2. Instructing Solicitor's contact details (*Firm, name of solicitor, email and phone number*)

9.3. How is this matter funded? (*Legal Aid/Private*)

9.3.1. If Legal Aid – has an appropriate grant of aid been issued?

9.3.2. If Private – Are there any outstanding issues with regard to funding? (*Yes/No*)

9.3.2.1. If Yes – provide details:

Defendant Details

10. Does the defendant require an Interpreter (*Yes/No*)

10.1. If Yes – has an application been filed to appoint an interpreter? (*Yes/No*)

11. Has the fitness of the defendant to stand trial become an issue? (*Yes/No*)

11.1. If Yes - will Defence be referring the defendant to the Mental Health Court? (*Yes/No*)

11.1.1. Has a fitness report been obtained from a psychiatrist? (*Yes/No*)

11.1.1.1. If No - Is a grant of aid required for the report? (*Yes/No*)

11.1.1.2. If Yes - does the trial date need to be vacated? (*Yes/No*)

Disclosure (*to be completed by Defence and the Prosecution*)

12. Is there any outstanding material to be disclosed by the Prosecution?¹ (*Yes/No*)

12.1. If Yes - provide details of the material outstanding:

Ongoing Investigations

13. Are there any ongoing investigations being undertaken by Queensland Police Service or other organisations relevant to this matter? (*Yes/No*)

13.1. If Yes - provide details of the ongoing/ outstanding investigation including estimated timeframes for finalisation.

Protected Counselling Communications

14. Are there any outstanding issues related to protected counselling communications (PCC)? For example, will there be a further PCC application?

14.1. If Yes – please provide details of outstanding application(s), expected timeframes for filing and ensure the complainant's legal representative has been advised.

14.2. Do either of the parties need to make an application to adduce evidence from PCC material? (*Yes/No*)

Pre-trial issues

15. Have all pre-trial issues been identified and resolved? (*Yes/No*)

¹ *Criminal Code 1899 (Qld)* s590AB and s590AH

15.1. If No – what are the outstanding pre-trial issues?

15.1.1. Will you be applying for a ruling, direction or order on the issue? (Yes/No)

15.1.1.1. If Yes - Are you ready to proceed with the application to the court? (Yes/No)

15.1.1.2. If Yes – What is the estimated length of time for the matter to be determined by the court?

15.1.1.3. If Yes - Will the pre-trial application hearing require witnesses to provide evidence?

15.1.1.4. If you are not ready to proceed with the application, when do you expect to file an application to the court?

15.2. Have all edits, and admissibility issues related to s93A *Evidence Act* 1977 statements, pre-recorded evidence and associated transcripts been finalised and accepted? (Yes/No)

15.2.1. If No – Are the parties confident that edits and decisions about admissibility will be resolved by consent prior to empanelment of the jury on day 1 of the listed trial date? (Yes/No)

15.2.1.1. If No – when will there be an application for a ruling or order of the court?

16. Will either party be seeking leave to admit evidence and/or cross examine the complainant as to sexual activities (other than those to which the charge relate)?² (Yes/No)

16.1. If Yes - when will the application to seek leave be made?

17. Has the Prosecution received and responded to all written submissions? (Yes/No)

17.1. If No - provide details of what is outstanding and why

18. Have the parties engaged in Mediated Case Conferencing? (Yes/No)

18.1. If No - why not?

19. Have the parties engaged in negotiations about the matter?

19.1. If No - why not?

Trial Documentation

20. Prosecution only to complete:

20.1. Has the Prosecution completed and provided the other party with a copy of their trial plan?³

20.2. Has the complainant been advised that they can provide a victim impact statement? (Yes/No)

² Repeal of the *Criminal Law (Sexual Offences) Act 1978*, and insertion of s103Z1 of the *Evidence Act 1977*, which provides that written leave to be sought 14 days before the trial or special hearing.

³ An example of a 'trial plan' which is used by the Supreme Court Criminal List, annexed to the SC Practice Direction 5 of 2024 is available on the Courts Website. (This form is provided as a guide only and there is no requirement for Defence to fill in whether or not the defendant is giving evidence, nor to reveal the nature of their defence before being called on at the hearing of the trial.) If the Prosecution do not use this 'trial plan', Prosecution should, at a minimum provide Defence with a list of the witnesses, list of exhibits and indication as to sentence.

21. Defence only to complete⁴:

- 21.1. Has defence filed and served notice of alibi? (Yes/No)
- 21.2. Has defence filed and served expert witness statement(s) (or written notice of intention to rely on expert) in accordance with s590B, and/or s590BA of the *Criminal Code* 1899? (Yes/No/N/A)
- 21.3. Has defence filed and served notice that person who made representation is unavailable? (Yes/No)

22. Outstanding pre-trial orders and/or directions

- 22.1. Indicate if the parties will be seeking orders and/or directions at the Trial Review regarding any of the following:
 - 22.1.1. Special witness requirements
 - 22.1.2. Communication needs of a witness and recommendations of the most effective way to communicate with the witness based upon information obtained by an intermediary⁵
 - 22.1.3. Procedure for cross-examination of protected witness if person charged has no legal representative⁶ (s.21O Application)
 - 22.1.4. Jury requirements
 - 22.1.4.1. Will there be a Jury view?
 - 22.1.4.1.1. If yes – provide details of arrangements that will need to be made.
 - 22.1.4.2. Will the Jury have access to, and retain transcripts of the trial?

23. Trial Readiness

The District Court of Queensland acknowledges that complainants for sexual violence matters may experience high levels of stress in anticipation of the date they will be expected to give evidence, and this may be exacerbated if that date is adjourned, postponed or delayed.

Accordingly, the District Court of Queensland's practice is to list sexual violence matters as number one trials where possible.

In keeping with Practice Direction 3 of 2024 every endeavour should be made to ensure matters are ready to proceed on the dates set and that delays are minimised.

- 23.1. Are parties in agreement that the matter is in a state of readiness for empanelment on day one of the listed trial date? (Yes/No)
 - 23.1.1. If Yes, do parties agree to request the de-listing of the Trial Readiness Hearing?
 - 23.1.2. If No, do parties agree the outstanding issues may be resolved in time for the matter to be in a state of readiness for empanelment on day one of the listed trial date? (Yes/No)
 - 23.1.3. If No, what is the main issue that is impacting trial readiness?

⁴ *Criminal Code Act 1899* (Qld) Chapter division 4 Disclosure by an accused person

⁵ *Evidence Act 1977* (Qld) s21AZS

⁶ *Evidence Act 1977* (Qld) s21O

Note: If prior to the trial date, parties become aware of an issue that means the matter will not be in a state of readiness for empanelment on day one of the listed trial date, parties must immediately contact the SV Case Manager to list the matter before the SV List Judge for review of the outstanding pre-trial matters.

**This information has been completed by (name and title) on behalf of Defendant/
Prosecution on (date)**