

Notice to Legal Practitioners in Relation to Criminal Proceedings during the COVID-19 Pandemic

In relation to criminal proceedings in the Trial Division of the Supreme Court and the District Court, this Notice takes the place of the Notice issued on 18 March 2020.

Trials

Provided public health considerations permit the foreshadowed move on 12 June 2020 to stage 2 of the COVID-19 restrictions in Queensland, it is considered that jury trials can be resumed, with limitations and precautions, in the second half of the year. On that basis, it is presently contemplated that in Brisbane, one District Court Judge will be listed to preside over jury trials in the week commencing 22 June 2020. Depending on any difficulties encountered in that sittings, the numbers of trials listed will be gradually increased to the extent possible within the constraints imposed by the limited number of suitably large courtrooms. It is anticipated that the Supreme Court in Brisbane will begin to consider listing trials after the mid-year court closure.

Subject to the same considerations, the Supreme and District Courts in regional centres will also recommence listing jury trials to the extent possible in the second half of the year.

Adjustments will be made to give jurors greater space than is presently available in conventional jury boxes and existing jury rooms. The Sheriff's policy in relation to jury excusals will be amended so as to emphasise flexibility on the basis of health considerations during the pandemic. The amended policy will be made available to the profession.

Sentencing

Given the lack of infections in the correctional centres to date and some reduction in the number of prisoners held, it is contemplated that in most centres, including Brisbane, the listing of sentences for persons currently on bail and facing actual imprisonment can be increased on a gradual basis. Local difficulties in transporting and housing prisoners will continue to be taken into account.

21/5/2020