

## Online applications for Supreme and District Court consent listings in the criminal jurisdiction



### *Information for Practitioners*

1. From Monday, 22 February 2021, practitioners may apply online for the consent listing of hearings in the criminal jurisdiction of the Brisbane Supreme and District Courts.
2. To that end, a web-based portal has been established and it will be trialled in Brisbane over the coming months. It will **not** be available for cases in the Childrens Court.
3. The web address for the portal is – <https://www.courts.qld.gov.au/services/do-it-online/brisbane-supreme-and-district-courts-online-application-for-a-court-listing/supreme-and-district-courts-form>.
4. Online applications may be made in any adult criminal case provided a number of preconditions are fulfilled: **first**, an indictment must have already been presented (or transferred) to the court in Brisbane (it cannot be used for the presentation of indictments); **second**, the case must have a current listing (at least for review); **third**, all parties must be legally represented (cases involving a self-represented accused will not be eligible); **fourth**, the parties must be agreed as to the listing sought and the reasons for that listing; and, **fifth**, where supporting material is required, the parties must be in a position to upload it.
5. In addition, online applications will **not** be processed if they are received any later than 1.00 pm on the last business day before the current listing.

*Example 1: A case involving one accused is listed for review on 26 February. The accused is legally represented. Both parties are agreed that a sentence date should be sought but they fail to complete the online application by 1.00 pm on 25 February. The application will not be processed and the case will remain listed for review the following day, at which time the parties may request a sentence listing from the list judge.*

6. Online applications can be made to change a current review listing (forward or back) or to seek a listing for trial, sentence, breach hearing, pre-trial application, pre-record, arraignment or directions, as well as to change any such listing. Where an online application is successful, it will result in either an administrative listing (by the relevant criminal list manager) or an order in chambers (by the criminal list judge).
7. The portal has been designed to be user-friendly and presents as a sequence of fields calling for the provision of information and/or supporting material. The categories of information and supporting material sought in this way will be familiar to all experienced practitioners – it is much the same as that currently required in the Supreme Court for the

completion of a Form 1 (trial listings) or Form 2 (sentence and breach hearing listings). Thus, if a sentence date is sought, the fields interrogate whether the case is ready to be listed for sentence by requiring practitioners to specify, for example, whether the legal and factual bases for the sentence have been agreed, whether there will be any material tendered on sentence that might impact on the accuracy of the agreed schedule of facts and whether summary charges are to be brought up.

8. All mandatory fields must be completed before the application will be regarded as having been made.
9. Once an application is made, the information conveyed in it is used to populate a report that is provided to the relevant list manager along with any supporting material.
10. The criminal list manager will then consider the application and, where necessary, consult with the criminal list judge. The outcome will then be notified to the parties by email. Unless and until any such notification is received, the current listing will remain unaffected.

***Example 2:** The parties are legally represented and are agreed that the case is ready to be set down for trial. Two days prior to the current listing (a review), application is made online in which an estimate of the length of the trial in excess of five days is given. The list manager considers the application but decides that the list judge should be consulted before allocating dates for a trial of that length. For one reason or another, that could not be achieved before 1.00 pm on the day before the listed review. No notification is sent to the parties. The case therefore remains listed for review the following day, but the list judge will use the online application report (and any supporting material) to assist in the allocation of trial dates at the review.*

11. It is expected that the portal will substantially reduce the need for practitioners to appear at criminal list reviews and, so, in any case where the parties are legally represented and agreement is reached as to a future listing (including a change to an existing listing), the portal should be used. If this occurs, it will go a long way towards ensuring that the only cases that are reviewed are those that truly require the oversight or assistance of the court.
12. The trial of the portal as a facility does not otherwise affect the listing practice of either court. As such, and by way of example, the Supreme Court criminal list will continue to be managed in accordance with *Practice Direction No 6 of 2013*, *Practice Direction No 4 of 2014* and *Practice Direction No 5 of 2014*.
13. During the trial, all stakeholders are encouraged to provide feedback regarding the operation of the portal to one or other of the criminal list managers, especially if there an issue that requires attention or where it is thought that the portal might be improved in some respect. Their contact details are:
  - Supreme Court criminal list manager: [SCCrime@justice.qld.gov.au](mailto:SCCrime@justice.qld.gov.au), 3738 7969 or 1800 497 117
  - District Court criminal list manager: [DCCrime@justice.qld.gov.au](mailto:DCCrime@justice.qld.gov.au), 3738 7967 or 1800 497 117