

# SUPREME COURT OF QUEENSLAND

## PRACTICE DIRECTION NUMBER 5 OF 2024

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### CRIMINAL LIST – BRISBANE

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#### Purpose and Application

1. The Supreme Court maintains a Criminal List for management of all criminal proceedings in Brisbane. The purpose of this Practice Direction is to facilitate the procedurally fair, efficient, timely, and cost-effective resolution of criminal proceedings, by setting out the procedures to be adopted, from indictment presentation to the conclusion of a prosecution, of all matters on the Criminal List.
2. This Practice Direction:
  - (a) applies to all criminal proceedings commenced by presentation of an indictment in Brisbane or transferred to the Brisbane Registry. A criminal proceeding commenced in another region will be subject to case management as appropriate in that region;
  - (b) applies to existing and future proceedings on the Criminal List of the Supreme Court in Brisbane; and
  - (c) commences operation on 28 February 2024.
3. This Practice Direction is to be read with:
  - (a) the [Criminal Practice Rules 1999](#) (Qld) (references in this Practice Direction to rules are to the *Criminal Practice Rules*); and
  - (b) Practice Direction 4 of 2024.

#### Definitions

4. In this Practice Direction:
  - (a) “defendant” means the accused person, or, where that person is legally represented, the lawyer acting for the defendant;
  - (b) “listing request form” means a Sentence Request Form (Form S), Pre-trial Hearing Request Form (Form P) or Trial Request Form (Form T);

- (c) “prosecution” means the person in charge of the prosecution, being:
  - (i) the Director of Public Prosecutions (Queensland), or an officer appointed under s 23 of the *Director of Public Prosecutions Act 1984* (Qld); or
  - (ii) the Director of Public Prosecutions (Commonwealth) or a member of staff of the Office of the Director of Public Prosecutions who is a legal practitioner; and
- (d) “trial” means a trial on indictment before a jury or a trial before a judge alone.

### **Criminal List**

- 5. The Chief Justice in consultation with the Senior Judge Administrator may from time to time assign a Judge to manage the Criminal List (the **Criminal List Judge**).
- 6. The Criminal List Judge has the responsibility for supervising the listing and case management of proceedings on the Criminal List.
- 7. The Criminal Resolution Registrar assists with the case management of proceedings on the Criminal List, including through a process of early case conferencing.
- 8. The Criminal Resolution Registrar has authority, with the consent of the parties:
  - (a) to list reviews, arraignments, sentences, contested sentences, pre-trial hearings and trials; and
  - (b) to make other orders for the progress of a proceeding after indictment presentation.
- 9. If the Criminal Resolution Registrar is not persuaded to make an order sought, the Criminal Resolution Registrar will refer the matter to the Criminal List Judge for consideration.
- 10. The Criminal List Manager provides administrative support for the management of the Criminal List and is the first point of contact for enquiries about criminal listings and availability of dates.
- 11. Contact with the Criminal Resolution Registrar and the Criminal List Manager is to be by email to the following addresses:
  - (a) Criminal Resolution Registrar:  
[Criminal.ResolutionRegistrar@justice.qld.gov.au](mailto:Criminal.ResolutionRegistrar@justice.qld.gov.au); and
  - (b) Supreme Court’s Criminal List Manager:  
[SCCrime@justice.qld.gov.au](mailto:SCCrime@justice.qld.gov.au)

### **Forms**

- 12. The procedures in this Practice Direction are regulated by the use of written forms, to ensure there is a record of steps taken in a proceeding, consistent with the overarching

purpose of this Practice Direction.

13. Forms required to be completed for the purpose of a step contemplated by this Practice Direction are to be accessed, completed and submitted using the electronic hyperlinks provided in this Practice Direction.
14. Forms submitted for the purposes of this Practice Direction do not form part of the court file for a proceeding.<sup>1</sup>

### **Case Conference**

15. Case conferences are meetings between the prosecution and the defendant, convened and facilitated by the Criminal Resolution Registrar. The parties may be directed, by a Judge or by the Criminal Resolution Registrar, to participate in a case conference at any time. In addition, either party may request that a case conference be convened at any time.
16. The parties must appear at a case conference. Leave to appear at a case conference by telephone or video may be granted where circumstances prevent a party from attending in person. Any application for leave to appear remotely must be made, by email to the Criminal Resolution Registrar, by 1:00 pm on the last business day before the conference.
17. Where a case conference is convened prior to listing of a contested sentence or pre-trial hearing:
  - (a) the purpose of the case conference is to facilitate discussion between the parties with a view to simplifying and reducing the relevant issues and, where possible, resolve the matter;
  - (b) any agreements reached during the case conference will be reduced to writing, in a Case Conference Certificate prepared by the Criminal Resolution Registrar, to be certified by Counsel appearing in the matter;
  - (c) once the Case Conference Certificate has been certified by Counsel appearing in the matter, and the Criminal Resolution Registrar is satisfied the matter is ready to proceed, the Criminal Resolution Registrar will list the sentence or pre-trial hearing, as the case may be, and make the accompanying order (if by consent) or refer the order to the Criminal List Judge to be made in chambers; and
  - (d) if the Case Conference Certificate is not certified by Counsel appearing in the matter within seven (7) days of the case conference, the matter will be set down for further review before the Criminal List Judge.
18. Nothing in this Practice Direction is to be taken as requiring a defendant to reveal the nature of their defence before being called on at the trial.

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<sup>1</sup> See [rule 57\(2\) of the Criminal Practice Rules 1999](#).

## Notice of Indictment Presentation

19. The prosecution is to provide to the defendant or the lawyers acting for the defendant advance notice, of at least one calendar week, of the date of presentation of an indictment.<sup>2</sup> This period may be shortened by agreement between the prosecution and the defendant (for example, in the case of an *ex officio* indictment).
20. The prosecution must provide an electronic copy of this Practice Direction when providing notice of the indictment presentation.

## Application for Legal Aid

21. Applications for Legal Aid should be made at the earliest opportunity and in all cases prior to the presentation of the indictment.<sup>3</sup>

## Lawyer acting for accused person (defendant)

22. Lawyers acting for accused persons are reminded of the obligation to provide written notice to the Court and the prosecution advising that the lawyer acts for a defendant. This notification must be provided under [rule 18](#).
23. By [rule 18\(4\)](#), a lawyer acting for an accused person at committal is taken to continue to act for that person until the earliest of the following:
  - (a) another lawyer gives notice under [rule 18](#) that they are acting for the defendant;
  - (b) the original lawyer acting gives notice under [rule 19\(1\)](#), within the time provided under rule 19(2), that they are no longer instructed; or
  - (c) the original lawyer acting is granted leave by the court to withdraw under [rule 19\(4\)](#).
24. A lawyer who seeks leave to withdraw must demonstrate compliance with [rule 19](#).

## Indictment Presentation

25. When an indictment is presented to the Court:
  - (a) if the defendant is legally represented, the lawyer acting for the defendant (or a town agent on their behalf) is required to attend court;
  - (b) if the defendant is not legally represented, the defendant must attend court in person.

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<sup>2</sup> [Section 27 of the Bail Act 1980](#) (Qld) provides for the giving of notice in certain circumstances if it is intended to present an indictment.

<sup>3</sup> An application for Legal Aid funding for higher court matters should be made to Legal Aid Queensland as soon as the matter is committed. Legal representatives need not wait for the presentation of the indictment to make an application. For further details, see the [Legal Aid Queensland Grants Handbook](#).

26. By 1.00 pm the business day before the indictment presentation, the parties must **each** submit<sup>4</sup> one of the forms referred to in paragraph 31 below.
27. Upon presentation of the indictment, subject to any submissions made by the parties, the presiding Judge will make an order based on the information contained in the forms submitted the previous day.
28. Following presentation of the indictment, the proceeding will be allocated a date for the next court event (whether that is a sentence, pre-trial hearing, prerecording of evidence or review). This will be repeated at each court event until the matter is finalised. A criminal matter will not be adjourned to a date to be fixed.

### **Prerecording of evidence**

29. The prosecution must inform the Court at the time of presentation of an indictment of any need to prerecord evidence of an affected child, under part 2, division 4A of the [Evidence Act 1977](#) (Qld). At that time, all parties must be prepared to indicate readiness to proceed with the prerecording of evidence and supply a realistic estimate of time for the proposed hearing.<sup>5</sup>

### **Use of Forms and Draft Orders**

30. It is consistent with the interests of justice and the efficient use of public resources that criminal listings (whether for sentence, pre-trial hearing or trial) should be sought at the earliest opportunity and that adjournments should be avoided.
31. Prior to indictment presentation, and at every subsequent step in the listing process, whether that step is taken in Court or administratively, parties are required to submit one of the following forms:
  - (a) [Sentence Request Form \(Form S\)](#); or
  - (b) [Pre-trial Hearing Request Form \(Form P\)](#); or
  - (c) [Trial Request Form \(Form T\)](#); or
  - (d) [Adjournment Form \(Form A\)](#).
32. Separate forms must be submitted by each party by 1.00 pm the business day before the allocated court event. An electronic copy of a form submitted is to be provided to the opposing party.<sup>6</sup>
33. If, at the indictment presentation or at any subsequent court event, a listing request form

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<sup>4</sup> See paragraph 13 above.

<sup>5</sup> See also Practice Direction 4 of 2024, in relation to prerecording of evidence.

<sup>6</sup> For example, to the prosecution if submitted by a defendant; or to the defendants if submitted by the prosecution. Where there are multiple defendants, a form submitted by one defendant need not be provided to another defendant (which may be particularly relevant where a defendant wishes to communicate to the Court that they wish to proceed under s 13A of the *Penalties and Sentences Act 1992*).

has not been submitted, the parties must submit an [Adjournment Form \(Form A\)](#), setting out the reasons why no listing request can be made.

34. Subsequent adjournments, and any other orders sought, will generally be made administratively unless the Criminal List Judge or Criminal Resolution Registrar considers a court review is necessary to ensure the matter is progressing in accordance with the expected timelines set out in this Practice Direction.
35. Draft orders submitted pursuant to this Practice Direction must be comprehensive, adapted to the case, and specify dates for compliance with each step set out in the order. Draft orders must be in Microsoft Word format and emailed to the Criminal Resolution Registrar and Criminal List Manager.
36. Time estimates given by legal representatives when requesting any type of hearing (sentence, pre-trial hearing or trial) must be made responsibly and, in the case of a pre-trial application, allow time for the Judge to read the material during the hearing, hear any evidence, hear submissions from all parties and deliver *ex tempore* reasons if possible. If Counsel has been briefed at the time the time estimate is given, the estimate is to be that Counsel's estimate.
37. Both parties are responsible for notifying the Criminal Resolution Registrar about any non-compliance with agreed or directed timelines, or with any other requirement in this Practice Direction or an order.

### **Statement of Facts**

38. The prosecution should try to ensure that a draft statement of facts is provided to a defendant or to lawyers acting for the defendant at the time they are provided with the indictment.
39. If a draft statement of facts is not provided with a copy of the indictment, a draft statement of facts must be made available within 14 days of the indictment presentation unless otherwise ordered by the Court. If the prosecution wishes to apply for a longer period, it must submit an [Adjournment Form \(Form A\)](#) which outlines the reasons why more time is needed.

### **Disclosure**

40. If it has not already been provided, the prosecution must, within 28 days of the indictment presentation, make available for collection by the defendant all relevant material that is in its possession.<sup>7</sup>

### **Instructions**

41. Lawyers acting for a defendant should take instructions from the defendant at the earliest opportunity.
42. It is expected that the lawyer acting for an accused person at committal will have advised

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<sup>7</sup> See [s 590AI\(2\)\(b\) of the Criminal Code](#).

that person about the possibility of being committed for sentence and in any event taken at least preliminary instructions.

43. Within 28 days of receipt of the indictment, draft statement of facts, disclosure of the brief or Legal Aid funding approval (whichever is later), the lawyer acting for the defendant must confirm instructions and inform the prosecution and the Court how the matter is expected to proceed. This notification may be by email to the Criminal Resolution Registrar, or by submitting the appropriate form (for example, a sentence or trial request form).
44. If it is not possible to comply with this time frame, the defendant must submit an [Adjournment Form \(Form A\)](#), setting out the reason<sup>8</sup> for non-compliance, together with an indication as to the expected date for compliance.
45. Any person appearing before the Court upon a review hearing, or attending a case conference convened by the Criminal Resolution Registrar, for either the defendant or the prosecution, must be appropriately informed about the proceeding, and hold the necessary instructions, to ensure the progress of the proceeding consistent with the purpose of this Practice Direction.

### **Briefing Counsel**

46. If it is intended to brief Counsel, Counsel should be briefed as soon as practicable. If Counsel is not briefed prior to the indictment presentation, they should be briefed within 14 days of the indictment presentation.

### **Allocation of Crown Prosecutor**

47. The Crown Prosecutor responsible for signing the indictment is presumed to be the Crown Prosecutor responsible for the prosecution from the time of signing. If the matter is allocated to another Legal Officer or Crown Prosecutor:
  - (a) the prosecution must advise the lawyers acting for the defendant, in writing, of the name and contact details of the new Legal Officer or Crown Prosecutor, within seven (7) days of the change occurring; and
  - (b) any allocation changes must be recorded in any listing request or adjournment forms submitted.

### **Submissions**

48. Nothing in this Practice Direction should prevent or discourage lawyers acting for a defendant from engaging with the prosecution, at the earliest opportunity, in an effort to resolve a matter at a point in time that is earlier than any of the requirements imposed by this Practice Direction.
49. If the defendant wishes the prosecution to consider any change to the indictment or the statement of facts, the defendant should make a written submission to the prosecution.

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<sup>8</sup> If the reasons include availability of Counsel, the identity of Counsel should be provided.

50. Any such submission should be provided to the prosecution no later than 28 days after the presentation of the indictment or disclosure of the statement of facts, whichever is the later.
51. If a submission cannot be provided within that time frame, then prior to the expiry of the time frame:
  - (a) the parties must submit an [Adjournment Form \(Form A\)](#), setting out the reasons why; and
  - (b) the defendant, in consultation with the prosecution, must prepare a draft [Order for a Submission](#) and provide the draft order, by email, to the Criminal Resolution Registrar and the Criminal List Manager.
52. The draft [Order for a Submission](#) must include:
  - (a) the date by which the defendant will send the submission and confirm receipt by the prosecution;
  - (b) a requirement for the prosecution to inform the Criminal Resolution Registrar if the submission is not received by that date;
  - (c) the date by which the prosecution will consider and respond to the submission;
  - (d) a requirement for the defendant to notify the Criminal Resolution Registrar if the response is not received by that date; and
  - (e) a requirement for the defendant to submit a listing request, or [Adjournment Form \(Form A\)](#), within 14 days of receipt of the submission response.
53. Any submissions should be sent to the Legal Officer noted on the coversheet of the indictment, who must bring it to the attention of the allocated Crown Prosecutor.
54. When responding to a submission, the prosecution is required to identify the Crown Prosecutor who is responsible for the decision.

## **Sentence**

55. When a matter is ready to list for sentence, a [Sentence Request Form \(Form S\)](#) must be completed by each of the parties.
56. Where an accused person has been committed for sentence, and there is no change to the charge or charges committed, a [Sentence Request Form \(Form S\)](#) should be submitted to the Court at the indictment presentation.
57. If a sentence listing was not sought at the indictment presentation, and a conference with Counsel was the reason specified in the submitted [Adjournment Form \(Form A\)](#), a [Sentence Request Form \(Form S\)](#) should be submitted within 14 days of the conference unless a further [Adjournment Form \(Form A\)](#) or a listing request form is submitted.
58. Unless otherwise ordered, sentences will be listed administratively on the basis of the information in the Sentence Request Forms submitted by the parties.



59. Subject only to the availability of Judges, confirmed sentences will be listed within three (3) months of indictment presentation unless the party seeking delay justifies why the adjournment is necessary in the interests, or for the administration, of justice.
60. Unless otherwise ordered, where it is proposed that summary offences will be dealt with at the sentence pursuant to [s 651 of the Criminal Code](#) the date requested for the sentence must allow sufficient time for compliance with Practice Direction 4 of 2024.
61. Unless otherwise approved by a Judge, a lawyer acting for the defendant must not request a date for sentence unless the lawyer acting considers the matter will be ready for sentence by that date and has ascertained from the prosecution that the date is acceptable.<sup>9</sup>
62. Before a matter is listed for sentence, the prosecution must inform the defendant of any evidence or submission as to a matter of fact, not detailed in the statement of facts, to be relied on at sentence. Where it is not possible to provide that information by that time then that fact should be made clear in the [Sentence Request Form \(Form S\)](#).
63. The identity of the Judge listed to hear a sentence will ordinarily be known by 1:00 pm the day prior to the listed date for sentence. The Criminal List Manager will email a draft law list to the prosecutor and any members of the profession who have requested inclusion on the circulated draft list. A request for inclusion may be made by email to the Criminal Resolution Registrar.
64. Prior to 3:00 pm the business day before the sentence, the prosecution and the defendant must each provide the sentencing Judge with copies of any reports, references or other exhibits to be tendered at sentence, together with any written submissions and any comparable authorities on which reliance will be placed. This material may be provided by email to the associate to the sentencing Judge.

### Cooperation with Law Enforcement Authorities

65. If submissions are to be made under [s 13A of the Penalties and Sentences Act 1992](#) (Qld), [s 13B of the Penalties and Sentences Act](#) or [s 16AC of the Crimes Act 1914](#) (Cth), the parties must advise the associate to the sentencing Judge of that fact prior to the sentence hearing. The evidence and written submissions to be relied upon may be provided to the sentencing Judge in advance. Parties should contact the associate to the sentencing Judge the day prior to the hearing to make appropriate arrangements for delivery of such material.

### Contested Sentences

66. Where the defendant does not admit or challenges any allegation of fact<sup>10</sup> relied upon by the prosecution (a **contested sentence**), this must be identified on the [Sentence Request Form \(Form S\)](#).
67. At the time the Sentence Request Form is submitted, the defendant must also provide a

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<sup>9</sup> For example, where a psychological or psychiatric report is to be relied on by the defendant at sentence, the appointment for the defendant with the psychologist or psychiatrist must have been made and sufficient time allowed for the preparation of the report before the listed date for sentence.

<sup>10</sup> See [s 132C of the Evidence Act 1977](#) (Qld).

draft [Order for Contested Sentence](#), prepared in consultation with the prosecution, by email to the Criminal Resolution Registrar and the Criminal List Manager. All requests for a contested sentence will be referred to the Criminal Resolution Registrar for case management.

68. The draft [Order for Contested Sentence](#) must include:
  - (a) a date by which the defendant will file an application identifying the allegation(s) of fact not admitted or challenged;
  - (b) a date by which the defendant and the prosecution will agree upon the identity of the prosecution witnesses, if any, to be called at the contested sentence hearing and how the evidence will be presented (for example, by calling oral evidence, or tendering statements or other documents);
  - (c) the agreed hearing dates sought; and
  - (d) the agreed time estimate for hearing the contested sentence.
69. Within seven (7) days of the sentence request and draft order being submitted, the Criminal Resolution Registrar will contact the parties to advise:
  - (a) if the matter has been listed in accordance with the draft order, as made by the Resolution Registrar (if by consent) or otherwise by the Criminal List Judge; or
  - (b) whether a case conference is required prior to listing.
70. The parties may also be directed to attend a case conference at any time to ensure the readiness of the matter to proceed as a contested sentence. Where a case conference is convened, paragraph 17 above applies.

### **Pre-trial Hearing**

71. In any case where a party wishes to apply for a pre-trial direction or ruling,<sup>11</sup> a [Pre-trial Hearing Request Form \(Form P\)](#) must be submitted.
72. At the time the Pre-trial Hearing Request Form is submitted, the defendant must also provide a draft [Order for Pre-trial Hearing](#), prepared in consultation with the prosecution, by email to the Criminal Resolution Registrar and the Criminal List Manager.
73. A Pre-trial Hearing Request Form, and draft order, may be submitted to the Court at the time of the indictment presentation, or submitted electronically after that time. Where the request for a pre-trial hearing is not made at the indictment presentation, the request should be made within 28 days of the indictment presentation, unless a further [Adjournment Form \(Form A\)](#) is submitted.
74. The draft [Order for Pre-trial Hearing](#) must contain a timeline for the preparation and hearing of the application. Unless otherwise ordered, the draft order should provide for:

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<sup>11</sup> See [s 590AA of the Criminal Code](#).

- (a) the applicant to file and serve an application, identifying with precision the order, direction or ruling that is sought,<sup>12</sup> within seven (7) days of submission of the draft order;
- (b) the applicant to file and serve an outline of submissions no later than 14 days after the application is filed; and
- (c) the respondent to file and serve an outline of submissions no later than 14 days after service of the applicant's outline,

in each case, specifying a date for compliance with the order.

- 75. A request to extend the default timeframes referred to in paragraph 74 is to be made in the [Pre-trial Hearing Request Form \(Form P\)](#).
- 76. If the pre-trial hearing has not been listed at the indictment presentation, then within seven (7) days of the pre-trial hearing request and draft order being submitted, the Criminal Resolution Registrar will contact the parties to advise:
  - (a) if the application can be listed in accordance with the draft order, as made by the Resolution Registrar (if by consent) or otherwise by the Criminal List Judge; or
  - (b) whether a case conference is required prior to listing.
- 77. The Criminal Resolution Registrar will monitor compliance with the pre-trial hearing order to ensure the application is ready for hearing. The parties may also be directed to attend a case conference, at any time, to ensure compliance with the orders made and the readiness of the application to proceed to hearing. Where a case conference is convened, paragraph 17 above applies.

### **Arraignment**

- 78. If the parties have not, prior to the first review hearing, otherwise listed the matter for sentence, pre-trial hearing or trial, using the listing request forms, the Criminal List Judge may list the matter for arraignment, followed by further review.

### **Reviews and adjournments**

- 79. If, upon presentation of the indictment, a matter is adjourned for further review, the parties are to make every effort to ensure that the further review becomes unnecessary, by filing a [Sentence Request Form \(Form S\)](#), [Pre-trial Hearing Request Form \(Form P\)](#) or [Trial Request Form \(Form T\)](#).
- 80. Any time an adjournment is requested, at the indictment presentation, subsequent review or administratively, an [Adjournment Form \(Form A\)](#) must be completed by each of the parties.
- 81. Orders for adjournments may be made administratively unless the Criminal Resolution Registrar or Criminal List Judge consider a review hearing necessary to ensure the

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<sup>12</sup> For example, if the ruling sought is for the exclusion of evidence of a witness, the relevant evidence should be identified, by reference to paragraph numbers of the statement of the witness.

matter is progressing in accordance with the expected timelines set out in this Practice Direction.

### **Trial Listings**

82. To obtain a trial date a [Trial Request Form \(Form T\)](#) must be submitted by each of the prosecution and the defendant.
83. The Criminal Resolution Registrar will contact the parties within seven (7) days of submitting the Trial Request Form to arrange a case conference.
84. If a trial request is made upon presentation of the indictment, the matter will be given a date for further review pending the outcome of the case conference.

### **Trial Case Conference**

85. The Criminal Resolution Registrar will conduct a case conference with the parties, prior to listing a proceeding for trial.
86. The purpose of the case conference is to ensure timely preparation of the trial by both the prosecution and the defendant, to minimise the waste of available court time and other public resources, avoid late adjournments and ensure overall trial readiness.
87. Prior to the case conference, the prosecution must prepare and provide to the defendant and the Criminal Resolution Registrar a draft [Trial Plan](#)<sup>13</sup> and a draft [Trial Conference Certificate](#), addressing the following:
  - (a) the parties' best estimate of the likely duration of the trial;
  - (b) the extent to which disclosure under chapter 62, division 3 of the *Criminal Code* by the prosecution has been completed and any further disclosure by the prosecution required or envisaged;
  - (c) whether particulars of the charges set out on the indictment have been provided;
  - (d) a summary of the alleged facts, matters and circumstances upon which the prosecution relies;
  - (e) whether any pre-trial applications are still to be made;
  - (f) any uncontentious or undisputed facts in respect of which formal admissions will be made;
  - (g) whether the parties intend to use the eTrial document management system at the trial and, if so, whether the parties have arranged a conference with the eTrial Registrar;
  - (h) whether the parties will require other technological facilities to be available at trial, and, in particular, what is required (for example, evidence from remote

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<sup>13</sup> The sample Trial Plan may be accessed using this hyperlink and is also annexed to this Practice Direction.

locations);

- (i) the list of witnesses the prosecution intends to call at trial, which has been settled by the trial prosecutor, and witness availability;
  - (j) whether any expert evidence is to be called and, if so, the area(s) of expertise and expert witness availability;
  - (k) whether an interpreter(s) will be required for the trial;
  - (l) whether there are any security or media issues; and
  - (m) any other matters relevant to the conduct of the trial.
88. During the case conference the Criminal Resolution Registrar will facilitate discussion between the parties based on the information provided in the [Trial Request Form \(Form T\)](#) and the prosecution's draft [Trial Plan](#) and Trial Conference Certificate, with a view to simplifying and reducing the issues to be determined at the trial and ensuring the proceeding is ready to be listed.
89. Any agreements reached during the case conference will be reduced to writing, in a Trial Conference Certificate prepared by the Criminal Resolution Registrar, to be certified by Counsel appearing in the matter. The draft [Trial Plan](#) should also be revised to reflect the outcomes of the case conference.
90. Once the Trial Conference Certificate is certified by Counsel appearing in the matter, and the Criminal Resolution Registrar is satisfied the matter is ready to proceed to trial, the Criminal Resolution Registrar will list the matter for trial, subject only to confirmation by the Criminal List Judge (which may occur administratively or at a further review).
91. If the Trial Conference Certificate is not certified by Counsel appearing in the matter within seven (7) days of the case conference, the listing will be dealt with at a further review by the Criminal List Judge.

### **Trial Allocation and Review**

92. Where possible, the Trial Judge for a proceeding will be allocated no later than eight weeks before the commencement of the trial.
93. Once allocated to a Trial Judge, a proceeding will generally be managed from that time by the Trial Judge. The Trial Judge will list the matter for review on such dates as considered necessary by the Judge. An updated Trial Plan should be provided to the Trial Judge at the first review and at such other times as necessary or as required by the Trial Judge.
94. Unless otherwise ordered by the Trial Judge, a trial review will be listed three weeks prior to commencement of the trial, and at such other times as considered necessary by the Court or requested by a party. The Criminal List Judge will review the matter if the Trial Judge is not available.

## **After Listing for Trial or Hearing**

95. Where a trial or pre-trial application has been listed:
  - (a) the Court expects that the matter will proceed on the allocated day(s) for the estimated time; and
  - (b) the prosecution and/or the defendant must advise the Criminal List Manager immediately upon becoming aware:
    - (i) there is to be a change of plea;
    - (ii) the time allocated may be inadequate or excessive; and/or
    - (iii) the matter may not be ready to proceed on the allocated day(s).
96. If either the prosecution or the defendant seeks to have a court listing vacated they must notify the other party and advise the Criminal Resolution Registrar the basis for the adjournment by submitting an [Adjournment Form \(Form A\)](#). Parties should not assume that, if they agree to a date being vacated, the Court will accede to their request.
97. The Criminal Resolution Registrar will consider any unopposed applications for adjournment, and notify the parties:
  - (a) whether the date will be vacated;
  - (b) if so, the new hearing or trial date;
  - (c) whether the matter will be listed for review before the Criminal List Judge or Trial Judge; or
  - (d) otherwise, as the Criminal List Judge or Trial Judge directs.
98. Where there has been a late request for an adjournment of a trial or hearing, a legal representative may be directed to file an affidavit of justification and to appear before a Judge.

## **Short Notice List**

99. The Criminal Resolution Registrar will maintain a list of matters that may be brought on at short notice.
100. The parties can indicate, on the relevant listing request forms, whether the proceeding is suitable to be brought on at short notice. If this indication is given, the Criminal Resolution Registrar may contact the parties and, with their agreement, bring the listing forward.
101. Counsel are encouraged to contact the Criminal Resolution Registrar if their availability changes and they are briefed in matters that could be brought forward at short notice.

## **Repeal**

102. Practice Directions 5 of 2014 and 6 of 2013 are repealed.



**H Bowskill**  
Chief Justice  
14 February 2024

**THE KING V [NAME OF DEFENDANT]**

**INDICTMENT NO. [INSERT]**

**SAMPLE TRIAL PLAN**

Day of trial	Step in the trial				Time estimate			Total time
Day 1	Crown opening							
	Prosecution witnesses – name (and qualification if expert)	How witness will give their evidence	Relevance/relationship of witness	Issue to which witness’ evidence is relevant	Estimate of time:			
					EIC	XXN	RXN	
	Defence opening (if any)							
	Defence witnesses – name (and qualification if expert) <sup>14</sup>	How witness will give their evidence	Relevance/relationship of witness	Issue to which witness’ evidence is relevant	EIC	CXN	RXN	
	<b>Closing Addresses<sup>15</sup></b>							
	Crown closing address							
	Defence closing address							

<sup>14</sup> See paragraph 18 of the Practice Direction – this is not to be taken as requiring a defendant to reveal the nature of their defence before being called on at the hearing of the trial.

<sup>15</sup> Whichever order is appropriate, having regard to s 619 of the *Criminal Code Act 1899* (Qld).