

Protocol for Criminal List Reviews in the Supreme Court

The Supreme Court of Queensland wishes to ensure that Criminal List reviews are conducted in a manner protective of the health and safety of all participants.

This protocol is designed to assist in the management of risks associated with Coronavirus (COVID-19) and, in particular, to avoid the need for any appearance in court, where that is at all possible and, instead, facilitate appearances by telephone, using chorus call. It is otherwise intended to reduce the number of people in the courtroom at any given time.

However, if complying with this protocol may prove difficult for any party or practitioner (e.g., it may be considered preferable, although by no means mandatory, that the representatives from the Office of the Director of Public Prosecutions and the Legal Aid Office appear in person) you should attend court in person in the ordinary way, and follow the “social distancing” and other guidelines issued by the Government. Please keep up to date with any changes to these guidelines as they are constantly evolving.

The protocol is as follows:

1. Wherever possible, in order to avoid physical attendance at court, the legal representatives for the parties are encouraged to take active steps to agree on the orders or directions that should be made in a timely way (to avoid the need for any appearance) and otherwise to cooperate to narrow the scope of the issues in dispute (to facilitate a telephone appearance). The court recognises that this will not be possible in the case of self-represented defendants.
2. Where the legal representatives for the parties are agreed on the orders or directions that should be made, that agreement must be communicated by 3.30 pm on the day prior to the review by emailing the criminal list judge’s associate (associate.burnsj@courts.qld.gov.au) and copying in the Supreme Court criminal list manager (SCCrime@justice.qld.gov.au). Where it is agreed that an order is required (e.g., for the uplift of lower court counts), a draft order complying with the rules and in Word format should also be emailed. All such matters will be dealt with administratively unless the list judge determines that there is a need to hear from the parties. Either way, the legal representatives for the parties will be advised by email from the associate (with the list manager copied in) of the outcome.
3. In all cases where an appearance is required at the review, and by 3.30 pm on the day prior to that review, the persons appearing by telephone must email to the associate (and copying in the list manager) the usual particulars that would appear on an appearance slip if the appearance was in person. This may be done in bulk for persons appearing in more than one matter. Any material that either party wishes to refer to or rely on at the review must also be emailed to the associate by this time, with a copy to the other party and the list manager.
4. By 5.00 pm on the day prior to the review, the associate will forward an email to all persons appearing by telephone to advise a designated number to call as well as a case reference number.
5. The reviews will be conducted at 9.15 am, by telephone, using chorus call. The legal representatives for the parties as well as any self-represented defendants must dial the designated number and enter the reference number at 9.10 am and remain on the phone line

until their matter is called over. Please take your telephone off “speaker” and mute it until your matter is reached, to minimise background noise.

6. Otherwise, matters will be dealt with at the reviews in the usual way, or by making arrangements for video conferencing (using the Cisco Webex Teams app). Details about the Cisco Webex Teams app can be found on the Court website – <https://www.courts.qld.gov.au/courts/supreme-court/covid-19-response-supreme-court>

Burns J

Criminal List Judge

24 March 2020