

# PRACTICE DIRECTION NUMBER 5 OF 2023

## DISTRICT COURT OF QUEENSLAND

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### SENTENCING PROCEEDINGS – OUTLINE OF SUBMISSIONS

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1. The Judges of the District Court encourage the growing practice of practitioners providing written outlines of submissions in sentence proceedings. These can be particularly helpful in more lengthy or complex matters or where time is short, such as at 9:00am or lunchtime listings where the sentencing Judge is engaged in a continuing trial. This practice direction sets out guidelines for their preparation and submission and is subject to an individual judge's request of the parties.

#### **Purpose of outline**

2. The purpose of a written outline of submissions is:
  - (a) to assist the Court to a better understanding of each party's contentions before the hearing and to enhance the utility of oral argument at the hearing
  - (b) to inform each party broadly of the contentions of the other party and
  - (c) to ensure the real issues are understood by the parties and the Court beforehand - it is not intended to replace but may reduce oral argument at the hearing.

#### **Contents of Outline**

3. Brevity and clarity are encouraged. An outline will more likely fulfil its purpose if it:
  - (a) provides a concise **summary** (i.e. not every word the practitioner wishes to say) of the submissions
  - (b) highlights any particularly relevant aspect of the matter (aggravating or mitigating) including, for example
    - (i) the facts
    - (ii) the defendant's antecedents, including criminal history

- (iii) victim impacts
  - (iv) particularly relevant legislative provisions
  - (v) comparable decisions
  - (vi) a sentencing range and the penalty/order contended for
- (c) in the usual case, does not exceed four pages<sup>1</sup>
- (d) is formulated after discussion with the opponent such that areas of dispute, including as to the appropriate sentence, may be narrowed.

### **Timing**

4. Outlines are more likely to be of assistance if received sufficiently in advance of the hearing. The advocate may send the outline by email to the associate to the Judge hearing the sentence. The timing thereof should:
- Meet any request by the sentencing Judge
  - Generally be no later than 4 pm the previous day (or as soon thereafter as the identity of the sentencing Judge is published)

The email must be copied at the same time to the opposing advocate. A clean copy of the outline is to be handed to the Judge at the commencement of the hearing, to be filed in court.



**Brian Devereaux**  
**Chief Judge**  
19 June 2023

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<sup>1</sup> Unless otherwise arranged, outlines should, when printed, be double sided on A4 paper in a font no smaller than 12 point in Times New Roman or 11 point in Arial and no less than single line spacing