



FOREWORD

The gestation of this Benchbook began in 1999. In April that year, the Judges of the Supreme Court, in the course of their Annual pre-Easter Seminar, resolved to compile a contemporary version of the manual prepared by the Judges in the 1980s with the assistance of former District Court Judge RF Carter. The Judges of the District Court were of the same view, adopting the recommendation of that Court's Strategic Planning and Budget Committee.

A committee of Judges comprising McPherson JA, Thomas JA, Mackenzie J and Robertson DCJ coordinated much of the early work, with many Judges of the Supreme and District Courts providing drafts on particular topics.

Over the years, the membership of the Benchbook committee has changed. It has included Holmes CJ, Byrne SJA, McMurdo JA, Philippides JA and Burns J from the Supreme Court and Shanahan, Robertson and Dick DCJJ from the District Court. Retired Justices Peter Lyons and Alan Wilson were engaged to review several of the draft directions in 2017.

The current Benchbook committee consists of Henry J, Ryan J (Chair), Rafter SC DCJ and Moynihan QC DCJ. The current committee is very capably assisted by Dr Robyn Blewer, a lecturer at the Griffith Law School and a member of the Griffith Criminology Institute.

The committees have derived great assistance from other Benchbooks, especially the New South Wales Benchbook, which was made available by courtesy of the Judicial Commission of New South Wales, and the Benchbook published by the New Zealand Institute of Judicial Studies, provided by the Honourable Justice Goddard of the High Court of New Zealand.

The valuable contributions of many Judges of the Courts of Queensland are greatly appreciated, as is the conscientious application of the committee. The current committee welcomes suggestions for improvements. In addition to providing timely updates, the current committee is considering improvements to the Benchbook's format and functionality.

The Benchbook is intended to provide guidance to Judges, not to establish any inflexible or mandatory regime.¹ Its purpose is to assist a Judge to draft for a criminal trial a summing up appropriate to the particular case, while at the same time reminding the Judge of the necessary framework for a summing up and matters which must be covered.

Referring to the Benchbook should not only lessen the prospect of error but also streamline summings-up so as to better inform juries and generally promote the interests of justice.

The Judges consider it appropriate for the Benchbook to be available to all participants in the criminal justice process. To that end, the Benchbook is available to all via the Court's website.

The Hon C E Holmes
Chief Justice

Chief Judge K J O'Brien

¹ *R v Khaled* [2014] QCA 349 at [31]; *R v Francis* [2017] QCA 182 at p. 5; *R v Douglas* [2019] QCA 215 at [2], [65].