

DISTRICT COURT OF QUEENSLAND
SEXUAL VIOLENCE CASE MANAGEMENT
CASE REVIEW FORM

If you are going to court because you have been charged with a criminal offence, you are known as the **'Defendant'**. If you do not have a lawyer representing you or have chosen to represent yourself, you are known as a **'Self-Represented Defendant'**.

If you are a self-represented defendant, do not answer these questions. Please return to the website and click on the 'Self-represented defendant' option which will provide information about the process to assist you.

NOTE FOR PRACTITIONERS

This document is provided as an overview of the questions contained in the Case Review Form to support practitioners to complete the online form. Please **DO NOT** attempt to complete this document and submit it to the Court as it will not be accepted and you will be directed by the Sexual Violence Case Manager to complete the [Case Review Form online](#).

Matter Details

1. Matter of R -v- (Defendant name):
2. Matter number (Court file or indictment):
3. Date of Indictment Presentation:
4. Date of Case Review Hearing:
5. Matter Jurisdiction (Brisbane or Ipswich)
6. Party completing this form
 - 6.1. Prosecution Go to question 7
 - 6.2. Defence Go to question 8

Legal Representative Details

7. Prosecution

- 7.1. Crown/ Senior Prosecutor contact details (*name, title, email and phone number, briefed out*)
- 7.2. Legal Officer contact details (*name, title, email and phone number*)
- 7.3. Has the Prosecution conferred with the complainant? (Yes/No)
- 7.4. Victim Liaison Officer contact details (*name, email, phone number*)

8. Defence

- 8.1. Instructing Solicitor's contact details (*Firm, name of solicitor, email and phone number*)
- 8.2. Counsel briefed in the matter (*name, email and phone number*)
 - 8.2.1. When was the brief delivered to Counsel?
 - 8.2.2. Date Counsel conferred with the defendant:

8.3. How is this matter funded? (*Legal Aid/ Private*)

8.3.1. If Legal Aid - Has an appropriate grant of aid been issued? (*Yes/No*)

8.3.2. Is there a likelihood that funding issues will arise in this matter? (*Yes/No*)

Priority Listing Factors

9. Do any priority features, listed below, apply to this matter? (*Yes/No*)

9.1. If Yes – please state:

9.1.1. Affected Child Witness

9.1.2. Defendant in custody (on this charge)

9.1.2.1. Is the Defendant on remand or subject to a parole suspension/
cancellation? (*Yes/No*)

9.1.2.2. Date defendant was remanded in custody:

9.1.2.3. Is there likely to be a Bail application or application to vary Bail?
(*Yes/No*)

9.1.3. Medical urgency

9.1.4. Other (*specify*)

Defendant Details

10. Does the defendant require an interpreter (*Yes/No*)

10.1. If Yes – please specify which language and dialect (if indicated)

11. Has the fitness of the defendant to stand trial become an issue? (*Yes/No*)

11.1. If Yes - will Defence be referring the defendant to the Mental Health Court?
(*Yes/No*)

11.2. Has a fitness report been obtained from a psychiatrist? (*Yes/No*)

11.3. If No, is a grant of aid required for the report? (*Yes/No*)

12. Are there any co-accused defendants? (*Yes/No*)

12.1. If Yes - provide name and status of the Prosecution

Plea status (to be completed by Defence)

13. Is there an intention to plead guilty? (*Yes/No*)

13.1. If Yes – Are the facts agreed? (*Yes/No*)

13.2. Is the matter ready to be listed for sentence? (*Yes/No*)

13.3. If Yes – provide availability for sentence

13.4. If No – provide details of pre-sentence matters to be finalised, for example:
requires report from Probation and Parole, medical/ psychiatric report, defendant
completing a course for treatment/ rehabilitation and timeframe.

If matter is ready to proceed to sentence the rest of the form does not need to be completed.

Disclosure¹ (to be completed by Defence and the Prosecution)

14. Please indicate whether each of the below items has been provided by the Prosecution:

- 14.1. Copy of the bench charge sheet, complaint or indictment containing the charge against the person;
- 14.2. Copy of the defendant person's criminal history in the possession of the Prosecution;
- 14.3. Copy of any statement of the defendant person in the possession of the Prosecution;
- 14.4. Written notices naming and describing why a proposed witness is, or may be, an affected child;
- 14.5. Written notice of the Prosecution intention to adduce evidence of a representation under the Evidence Act 1977, section 93B, including the details which must be included on the notice as per Criminal Code Act 1899, section 590C.
- 14.6. Copy of the Prosecution other witness statements in their possession, or if the Prosecution do not have a written statement in their possession, written notice naming the witness;
- 14.7. Copy of report(s) of any test or forensic procedure relevant to the proceeding in the Prosecution's possession;
- 14.8. A written notice describing any test or forensic procedure, including a test or forensic procedure that is not yet completed, on which the Prosecution intends to rely;
- 14.9. Written notice describing any original evidence on which the Prosecution intends to rely upon at the proceeding;
- 14.10. Criminal histories of all civilian witness Prosecution intends to rely upon at the proceeding;
- 14.11. A copy of anything else on which the Prosecution intends to rely at the proceeding (whether or not in the possession of the Prosecution)
- 14.12. A written notice or copy of anything else in possession of the Prosecution prescribed under a regulation
- 14.13. If defendant person is charged with a domestic violence offence, a copy of the defendant's domestic violence history in the possession of the Prosecution.

15. Has Defence made a request for disclosure that the Crown has not yet answered? (Yes/No)

- 15.1. Details of disclosure sought by defence:
- 15.2. For any outstanding disclosure, please identify:
 - 15.2.1. Why is disclosure outstanding?
 - 15.2.2. Are there grounds for an objection to disclose?
 - 15.2.3. What is the expected timeframe for providing disclosure?

¹ *Criminal Code Act 1899* (Qld) sections 590AB and s590AH (1) – (4).

16. Has defence filed and served notice of alibi²? (Yes/No)
17. Has defence filed and served a notice of expert evidence³? (Yes/No)
18. Has defence filed and served a notice of intention to rely on expert evidence under s348A⁴? (Yes/No)
19. Has defence filed and served a notice of representation if person who made it is unavailable⁵? (Yes/ No)

Ongoing Investigations

20. Are there any ongoing investigations relevant to this trial being undertaken by the Queensland Police Service? (Yes/No)

20.1. If Yes - provide details of ongoing/outstanding investigations

Discussion between parties

21. Have there been negotiations⁶ between Defence and the Prosecution in relation to admissions and issues the parties agree are relevant to the trial?⁷ (Yes/No)

21.1. If Yes - Is any court ruling or direction required arising from this discussion?

21.2. If No – please provide details as why no negotiation has occurred

22. Have there been negotiations⁸ between Defence and the Prosecution in relation to any other administrative arrangement to assist the speedy disposition of the trial?⁹ (Yes/No)

22.1. If Yes - Is any court ruling or direction required arising from this discussion?

22.2. If No – please provide details as why no negotiation has occurred

23. Has Defence made written submissions to the Prosecution?¹⁰ (Yes/No)

23.1. If Yes - (date of submission)

23.2. Name and position of decision maker

Pre-Trial directions and rulings¹¹

24. Has there been a request for particulars? (Yes/No)

24.1. Have particulars of the charges been provided? (Yes/No)

24.2. Is it intended to make an application for further and better particulars to be provided? (Yes/No)

25. Do the parties intend to make a pre-trial application in relation to any of the below?

² *Criminal Code Act 1899 (Qld)* s590A

³ *Criminal Code Act 1899 (Qld)* s590B

⁴ *Criminal Code Act 1899 (Qld)* s590BA

⁵ *Criminal Code Act 1899 (Qld)* s590C

⁶ DPP Guideline 17. Charge Negotiations, pg 23.

⁷ *Criminal Code Act 1899*, section 590AA(2)(d)

⁸ DPP Guideline 17. Charge Negotiations, pg 23.

⁹ *Criminal Code Act 1899*, section 590AA(2)(m)

¹⁰ DPP Guideline 18. Submissions, pg 25.

¹¹ *Criminal Code Act 1899* section 590AA

- 25.1. The quashing or staying of the indictment.
- 25.2. The joinder of defendant or joinder of charges.
- 25.3. Disclosure under chapter division 3 or 4 of the *Criminal Code Act 1899*.
- 25.4. The provision of a statement, report, proof of evidence or other information.
- 25.5. Noting of admissions and issues the parties agree are relevant to the trial or sentence.
- 25.6. Judge alone trial.
- 25.7. Decision on questions of law including the admissibility of evidence and any step that must be taken if any evidence is not to be admitted.
- 25.8. Ascertaining whether a defence of insanity or diminished responsibility or any other question of a psychiatric nature is to be raised.
- 25.9. The psychiatric or other medical examination of the defendant and/or the complainant or another witness.
- 25.10. Exchange of medical, psychiatric and other expert reports.
- 25.11. Referring the defendant to the Mental Health Court.
- 25.12. Application to access 'Protected Counselling Communications'.
- 25.13 Other (provide details).
- 25.14 Out of time application for leave to give notice that defendant intends to adduce expert evidence under section s348A(6).
- 25.15 Out of time application for leave to give notice of particulars of the alibi.

26. Is DNA a fact in issue? (Yes/No)

- 26.1. Date that DNA and/or other forensic evidence will be provided:

27. Applications in relation to complainant and witness requirements

27.1. Can a pre-record be listed? (Yes/No)

27.1.1. If No - Is listing the pre-record dependent upon the resolution of any of the pre-trial issues referred to above? (Yes/No)

27.1.2. If Yes – please indicate which pre-trial issue(s) require resolution before the pre-record can be listed.

27.2. Are affected child witness arrangements required pursuant to Part 2, Division 4A of the Evidence Act 1977? (Yes/No)

Party seeking the ACW arrangements is to attend Case Review Hearing with a Draft Order for pre-recording of evidence.

Prior to Case Review Hearing, parties are to liaise with the Sexual Violence Case Manager to confirm available dates for pre-record.

27.3. Are Special witness arrangements required pursuant to Division 4 of the Evidence Act 1977? (Yes/No)

27.3.1. Are the special witness measures opposed by Defence?

Party to advise the court if special arrangements for a witness to give evidence may be requested and the timing of this application.

27.4. Is an intermediary required pursuant to Division 4C of the Evidence Act 1977?
(Yes/No)

Party seeking appointment of an intermediary must apply at the Case Review Hearing. The application must be accompanied by a draft Order addressing the matters listed in paragraph 5 of Practice Direction 7 of 2021.

28. Will you be filing an application for the direction, order or ruling at the Case Review Hearing?
(Yes/No)

The party seeking Orders should provide the court with draft Orders (preferably Orders drafted with the consent of the other party), in relation to each of the pre-trial applications.

Alternatively, if the pre-trial application requires an exercise of discretion, the applicant is to attend the Case Review Hearing:

- *with an application for the pre-trial directions, orders or rulings sought. If appropriate the court may consider the application(s) at the Case Review Hearing; or*
- *with the intention of obtaining a pre-trial application hearing date, and directions for the filing of applications and outlines.*

Future Court Events

29. The parties are to liaise with each other and the Sexual Violence Case Manager to identify suitable dates for filing and listing any pre-trial court event dates¹²

Please refer to any relevant Practice Direction for standard timing of orders. If the parties are unable to reach agreement on dates, etc, these matters will be raised with the Sexual Violence Listings Judge.

29.1. Date of Directions Hearing (for evidence of a witness):

29.2. Date of Pre-recorded Evidence Hearing:

29.3. Date of Trial Readiness Hearing (3 months prior to trial):

29.4. Trial duration estimate:

29.5. Date of Trial Review (10 days prior to trial):

29.6. Date of Trial (no longer than 7 months from the Case Review Hearing):

30. Have you booked the Mediated Case Conference? (Yes/No)

30.1. If not, please provide details as to why this has not been booked

Date form completed:

This information has been completed by (name and title) on behalf of Defendant/Prosecution.

¹² The Sexual Violence Case Manager will contact parties to negotiate alternative court event dates if the dates provided are not available.