

IMPORTANT NOTE FROM THE CRIMINAL LIST MANAGER SUPREME COURT

Dear Practitioners,

Your attention is drawn to the Notice to Legal Practitioners published by the Chief Justice yesterday (<https://www.courts.qld.gov.au/about/news#a643041>) and, in particular, to the following:

“The Queensland Supreme and District Courts will continue to conduct court matters to the extent, and for as long as, possible, consistent with medical advice. Practitioners are asked to help in the following ways.

...

Trial Division - Criminal Matters

In addition to the imperative to reduce physical attendance at court, regard should be had to the pressure likely to be placed on prisoner transports and the prison system itself. In particular, in the interests of public health and the reduction of infection risk, it is important to reduce to the extent possible the number of occasions for prisoners to enter and leave remand and correctional centres. For those reasons, until the crisis has passed, practitioners should:

1. *identify trials which are urgent because defendants in custody have spent time on remand approaching the period likely to be served on any sentence, and take instructions as to whether application should be made for a judge-alone trial;*
2. *in relation to sentence hearings,*
 - a. *refrain from seeking to list and consider seeking adjournment of listed matters where clients who face the prospect of a custodial sentence are complying with bail conditions;*
 - b. *liaise with prosecutors to identify those matters when no issue of prisoner transfer to or from a custodial institution is likely to arise, and list accordingly;*
 - c. *advise criminal list managers of those matters requiring priority, particularly those defendants whose time on remand is approaching the period likely to be served on any sentence;*
 - d. *be prepared for the likely move to the exclusive use of audiovisual facilities for sentencing;*
3. *on mentions and reviews, appear, where possible, by telephone;*
4. *consider what matters not requiring witnesses or the presence of defendants in court, for example s 590 AA applications, can be brought on.*

...

General

Within courtrooms, safe distances should be maintained, and practitioners should not be present in court other than when their matters are being dealt with.”

Consistently with the clear intent of the Notice from the Chief Justice, please be advised of the following:

- A. Criminal reviews and Indictment presentations (as you will see from the Law List for tomorrow) will be staggered in groups. Where possible I have endeavoured to group matters by reference to the identity of the legal representatives for the defence.

Telephone appearances are encouraged.

- B. All upcoming jury trials for the first half of the year are delisted. They will be reviewed next Wednesday (25 March 2020), commencing at 9.00 am.
- C. Where adjournments are sought in regard to listed sentences (see paragraph 2a of the Notice from the CJ), that can be done administratively **provided** both parties agree that there is a real prospect that a sentence involving actual custody might be imposed **and** the accused is complying with his or her bail conditions. To seek an adjournment in any such case, email is the preferred mode of communication.
- D. Please advise if any matters require priority (see paragraph 2c of the notice form the CJ). One example is where the accused's time on remand is approaching a period which the parties agree is likely to be served on any sentence that might be imposed. Another example would be where it is agreed that there is **no** real possibility that, on sentence, a period of actual custody will be imposed. A revised Form 2 has been prepared to help identify these matters (see the new questions 6 and 7. A copy is attached. Please use this revised version, for all matters, from now on;
- E. Lastly, and wherever possible, bail applications will be fast tracked. For example, where bail has been refused in the Magistrates Court, the Supreme Court will most likely have capacity to hear an application on the same day. Similarly, second applications to this court on the basis of changed circumstances will be given priority and heard without any delay.

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Criminal List Manager