

PRACTICE DIRECTION NUMBER 10 OF 2019

DISTRICT COURT OF QUEENSLAND

SUBMISSIONS BY REPRESENTATIVES OF COMMUNITY JUSTICE GROUPS IN THE SENTENCING OF ABORIGINAL OR TORRES STRAIT ISLANDER PERSONS

1. Practice Direction number 3 of 2001 is repealed.
2. When taking instructions from an accused person the legal representative may consider enquiring whether he or she is a person to whom section 9(2)(p) of the *Penalties and Sentences Act 1992* (PSA) or section 150(1)(g) of the *Youth Justice Act 1992* (YJA) may apply and, if instructed to do so, shall take reasonable steps to notify an appropriate community justice group, if any, as may be identified by the client.
3. If a community justice group advises the legal representative of an accused person or the Director of Public Prosecutions (Director) that the community justice group wishes to make a submission pursuant to section 9(2)(p) of the PSA or s150(1)(g) of the YJA at the hearing of a sentence of an accused person, the legal representative or the Director, as the case may be, shall thereupon notify in writing the Registrar of the court at the centre where the indictment has been or is to be presented that the community justice group wishes to make a submission to the court at the hearing of the sentence of the accused person.
4. Such notification shall be given at least seven days before the date appointed for the hearing subject to abridgement of such time as the court sees fit.
5. Such notification shall also advise the Registrar of the manner in which it is proposed that a representative of the community justice group will make the submission (e.g. by written statement, orally, by telephone link, or by some other means).
6. Where such notification has been given, the Director or the legal representative of the accused person, as the case may be, shall inform the community justice group of:
 - (a) if the accused person intends to plead guilty, the date for hearing the sentence; or
 - (b) if the accused person intends to plead not guilty, the expected date of the trial and any information concerning the trial's anticipated duration (and, where necessary, shall keep the community justice group informed of any changes to that date or information).

7. The following rules apply when a community justice group representative wishes to make submissions at the sentence of an accused person:
- (a) When the representative of the community justice group intends to attend Court personally to make the submission, the representative of the community justice group shall ensure that he or she is present in person:
- if the accused person intends to plead guilty, at the time appointed for the hearing of the sentence; or
 - if the accused person intends to plead not guilty, when the verdict is returned, so that the sentence may proceed immediately in the event of conviction.
- (b) When the representative of the community justice group intends to make the submission in writing, such submission must be delivered by mail, facsimile or other means to the Registrar no later than noon of the day prior to:
- if the accused person intends to plead guilty, the date appointed for the hearing of the sentence; or
 - if the accused person intends to plead not guilty, the date appointed for the commencement of the trial.
- (c) If the Director and the legal representative of the accused person agree that a submission may be made by video or telephone link, or if the Court so directs, the representative of the community justice group shall ensure that he or she is available by video or telephone link:
- if the accused person intends to plead guilty, at the time appointed for the hearing of the sentence; or
 - if the accused person intends to plead not guilty, when the verdict is returned, so that the sentence may proceed immediately in the event of conviction.



Chief Judge KJ O'Brien
16 August 2019