

# Magistrates Courts

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## Practice Direction No. 8 of 2017(amended) Court Link

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Issued: 29 November 2017  
Amended: 4 December 2019

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### PURPOSE

1. The purpose of this Practice Direction is to assist case management of a defendant facing prosecution for criminal charges and who appears before the Queensland Magistrates Courts (“the Court”) where a Court Link program is available.
2. Nothing in this Practice Direction is to be taken as removing or limiting the discretion of the Court.
3. The Court Link program is:
  - (a) a bail-based program integrating assessment, referral, support and reports to the Court for a defendant waiting trial or sentence;
  - (b) generally to operate over 12 weeks from a defendant’s admission to the Court Link program; and
  - (c) guided by principles of therapeutic jurisprudence.

### ELIGIBILITY ASSESSMENT AND REFERRAL PROCEDURES

4. A person is eligible if:
  - (a) The defendant is an adult at the time the alleged offence/s were committed
  - (b) The defendant is eligible for bail.
  - (c) The defendant has provided written consent to participate in the Court Link process and to the exchange of information about the Defendant.
5. It is the duty of Court Link staff to:
  - (a) Conduct the suitability assessment;
  - (b) provide a defendant with information about the Court Link program and its expectations;

- (c) make a written Triage Outcome Report for a defendant which recommends for either:
  - (i) community referral; or
  - (ii) Court Link program participation;  
and provide a copy to the defendant.
- 6. Upon consideration of the Triage Outcome Report and any submissions of the prosecutor and the defendant, the Court shall order a defendant is, or is not, admitted onto the Court Link program.
- 7. A defendant not admitted onto the Court Link program or who withdraws their consent to participate in the program is to be remanded to appear before the Court according to usual criminal court processes.

### **PROGRAM PROCEDURES**

- 8. A defendant admitted to the Court Link program is to be remanded to appear before the Court for review mention from time to time.
- 9. It is the duty of Court Link staff to:
  - (a) case manage a defendant through the Court Link program;
  - (b) produce to the defendant and the Court, at each review mention, a written and / or oral Progress Report about a defendant's engagement with the Court Link program and their response to assistance and services the defendant is linked to, and any recommendation/s for consideration by the Court; and
  - (c) produce to the defendant and the Court a Final Report on the defendant's response to the Court Link program and any recommendation/s about the defendant.
- 10. At any time during the Court Link program the court may order a defendant to appear to show cause why the defendant should not be excluded from further participation in the Court Link program.

### **END PROCEDURES**

- 11. Where a defendant is remanded to appear at the Supreme Court or the District Court the Progress Reports and Final Report are to be attached to the file/s or charges transferred.

  
Judge Terry Gardiner  
Chief Magistrate  
4 December 2019