

**From:** [REDACTED]  
**To:** [Criminal Procedure Review Team](#)  
**Subject:** General feedback to Criminal Procedure Review  
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**Attachments:** [REDACTED]

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Dear Reader

Here are some common points that I think would assist the QLD Criminal System in point form

1. When the QPS charge and provide a QP9, body worn camera footage material should always be mandatory with the QP9. This will speed the process with pleas of guilty or summary trial dates. Too often, defence needs to adjourn the matter to request the BWC material which can take weeks and clog the system. Further, costs on the prosecuting department should follow in the event that material is not supplied to defence on the first occasion or arguments be permitted as to why the matter should be discontinued with the investigating officer present. Too many frivolous charges that when sentenced are clearly needless. Further, I have had officers ordered to attend Court only to be told they are on holidays and then to further adjourn the matter.
2. Any breaches of bail or probation reported to the Parole Board, should also be supplied with BWC. Allegations made by police to the board allows the board to issue a return to prison warrant. No warrants should be issued by any court or JP without ensuring the BWC material is supplied, not necessarily the content but certainly the disclosure of the BWC. I have no doubt, that if BWC footage was also supplied when breached are alleged, that plenty of warrants would not have been issued. This is procedural fairness as having someone incarcerated on a breach, to then not be charged and have to serve the balance of a previous sentence is unfair. It also adds pressure to the court system.
3. QP9, lacking any basis should also have the opportunity for the Court to NETO the charge in the first instance. This will ensure that charges brought, will have substantial basis if tested at trial and properly prepared rather than frivolous baseless reports.
4. Alternatively, for minor matters, a plea of guilty on the first occasion without admission may be dealt with by way of a fine and no criminal conviction but subject to previous like history not present.
5. There needs to be some sort of portal for the upload of material specific to actual law firms to reduce the amount of paperwork, CD drives, USB keys being used. That way, when uploaded by the relevant prosecuting department, the legal firm is notified that material is uploaded and we can gain access.
6. Allow filing of affidavits and relevant material for proceedings and trails the same way but directly to the court.
7. With Notice to Appear, if a client has retained a law firm, as officers of the court, we should be able to state that we are in contact with the accused and are retained, therefore eliminate the client's appearance in the first instance.
8. Further mentions, should be permitted for appearance by telephone, similar to the current Supreme and District Court process. This reduces fees for client as we are able to charge less for phone appearance rather than physically having to appear. Also travel costs become irrelevant.
9. On line adjournments by consent of the QPS is also an issue. If defence ask for an adjournment, currently we need consent and must be with two days' notice. However,

what if prosecutions don't reply? We have no option, and this is unfair. What should happen is if we request an online adjournment and no response from prosecution is forthcoming, we should be able to still request an adjournment by attaching a copy of the request not answered.

10. With Adult Restorative Justice Mediation, many matters can resolve and the concept is good. However, having to obtain instructions from your client that they must agree to all the facts as is, at times, prohibits this mediation to progress. Many times, I have client agree they did wrong, accept responsibility and want to apologise, but accepting the facts as they are, when in some cases are not accurate stalls the mediation process. Further, when the mediator pushes for monetary compensation with no basis or yard stick for an amount, is a further concern. Mediation should be just that. That parties agree and can come together for the purpose of mediation. That is, that they may discuss the facts, perhaps come to an understanding and or if compensation is involved, this may also be mediated. This will definitely help with court back log.
11. Provide more opportunity for offences related to this day and age to be dealt with by way of infringement tickets rather than having to negotiate such a result that ties up the court process and cost to the client with case conference submissions.
12. Any charges that require the authorities to report a charge to BlueCard, should be by way of application to the court. Currently, assault charges are reported, and defendants are unable to even drive a taxi which prohibits them from obtaining private funding. This is a human rights issue whereby too many defendants are unable to work or provide for their family, sometimes for years.
13. There should be an anonymous complaint process form practitioners that they may mail complaints and then appear before a Senior Magistrate or Chief Magistrate to have the complaint anonymously heard. Should the complaint be made, then the complainant solicitor has to then divulge who they are.
14. Simplify the language

At the end of the day, there can be no issue with anyone undertaking to perform their duties regardless of what position you hold or side you represent. We all want what is fair and equitable regardless. However, we all need to be held to accountability. One issue I also see is that Police Prosecutors, are not officers of the court. Too many times, matters are arraigned, indicted to only conclude by a Crown Prosecutor that the matter should have been resolved. Having Police Prosecutors who are actual lawyers, will determine matters in a different light with a view to case conference charges and or facts to speed the court process.

I hope this helps somewhat and apologise it is not in actual submission form. (Time poor).

Kind regards

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