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NOTES

(1) If you are no longer acting in the matter:

Please note that practice direction 19 of the *Criminal Practice Rules 1999* sets out the requirements if a lawyer wants to withdraw from acting for an accused person.

(2) If other charges are pending:

If your client(s) has other charges pending which you are instructed may proceed by ex officio indictment, please advise this office as soon as possible giving details of the charges and the name and station of the arresting officer in respect of those charges.

(3) If a plea of guilty is intended:

The *Penalties and Sentences Act 1992* provides that a court may, when imposing a sentence, have regard to the time at which the offender informed the relevant law enforcement agency of his or her intention to plead guilty. If your client(s) intends to plead guilty to the charge(s) in the indictment, please advise this office in writing as soon as possible.

(4) If you wish to make a submission:

If your client(s) wishes to make a submission regarding reduction or discontinuance of the charge(s) in the indictment, whether before presentation of the indictment or after presentation, please forward the submission in writing to the Manager Operations at this office as soon as possible. Written submissions are preferred.

(5) If you wish to receive a copy of the depositions or exhibits:

If you wish to receive a copy of the depositions, these are available upon request from the Depositions Officer (phone +61 7 3035 1122).

All physical exhibits can be made available for inspection upon request from the Exhibits Officer (phone +61 7 3035 1122).



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VLO Correspondence



08/10



09/10



10/10



If the matter is a committal proceeding, all copies of written statements are being made available with the intention they be admitted under s. 110A *Justices Act 1886*, unless advised otherwise: s. 110A(6C)(b) *Justices Act 1886*.

For relevant proceedings only, details of: **affected child witnesses** [s. 590AH(2)(d)] are at [6]; **representations by persons dead or incapable of giving evidence** [s. 590AH(2)(f)] are at [7]; and **witnesses who would tend to help the case of the accused person** (and are not proposed prosecution witnesses) [s. 590AB(2)(b)] are at [8].

3. Interpreters

| Defendant No. | Defendant Name | Interpreter Name | Accreditation (if applicable) | Contact details (if applicable) | Language |
|---------------|----------------|------------------|-------------------------------|---------------------------------|----------|
| | | | | | |
| | | | | | |

| Witness No. | Witness Name | Interpreter Name | Accreditation (if applicable) | Contact details (if applicable) | Language |
|-------------|--------------|------------------|-------------------------------|---------------------------------|----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| Victim Impact Statement (VIS) | | | | |
|-------------------------------|-----|-----|----------|-------|
| Name | VIS | Y/N | Due Date | Notes |
| | | | | |
| | | | | |

Exhibits

4. Defendant's statement [s. 590AH(2)(c); and s.438(2) PPRA]

| No. | [Complete for each defendant] | Conducted Y/N | If provided to defendant--DATE | Comments |
|-----|-------------------------------------|---------------|--------------------------------|----------|
| | Audio/video recording--field | | | |
| | Audio recording—record of interview | | | |
| 1 | Video recording—record of interview | Y | | |
| | Transcript | | | |
| | Written | | | |

5. **Defendant's history**—Provided with Court Brief (QP9) at first appearance [s. 590AH(2)(b)]

6. **Original evidence on which the prosecution intends to rely** [s. 590AH(2)(i)]

Copies of anything on which the prosecution intends to rely [s. 590AH(2)(j)]

Copy of report of test or forensic procedure (or description if not available) [s. 590AH(2)(g) & (h)]

Anything else in possession of the prosecution prescribed under a regulation [s. 590AH(2)(k)]



[s. 590AB(2)(b)]

| No. | Name | Role | Statement attached Y/N | Number of pages |
|-----|------|------|------------------------|-----------------|
| | | | | |

I, _____, acknowledge receipt of the above-mentioned items or copies.

Signatures: _____ (Person receiving items) _____ (Date)

_____ (Prosecutions) _____ (Date)



IN-CONFIDENCE

| | Arresting officer | | | Brief checker | | | Prosecutor agrees | | |
|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Yes | No | N/A | Yes | No | N/A | Yes | No | N/A |
| Exhibits—property (Cont.) | | | | | | | | | |
| 26. Medical/Other documents subpoenaed | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. Without warrant | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Person(s) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vehicle(s) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Premise(s) – Emergent search conducted | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. Magisterial order re emergent search | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 29. Purpose of search explained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. Reasonable suspicion substantiated | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. Search Warrant explained and executed | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Copy of warrant and Notice to Occupier served | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Warrant endorsed | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Copy of warrant attached | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. Person(s) detained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 33. Officer's details provided | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. Crime Scene Warrant obtained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. Notice to Produce obtained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. Surveillance Warrant obtained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 37. Covert Search Warrant obtained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. Protection of methodologies applicable | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Interviews and standard safeguards | | | | | | | | | |
| 39. Suspect voluntarily accompanied police | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 40. Lawful arrest made pursuant to S.365 PPRA | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 41. Removal order (QP 0720) of person from correction/detention centre obtained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. Detention period provisions correctly applied | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Extension obtained | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 43. Friend or relative/lawyer notified | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Friend or relative/lawyer present | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. Persons unreasonably interfering excluded | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rights of vulnerable suspects | | | | | | | | | |
| 45. Child's interview friend present | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 46. Requisite capacity establishment | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. Interview friend for ATSI adult person present | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. Support person for an impaired person present | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. Interpreter present | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 50. Consular office/embassy notified | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 51. Warning administered before questioning re indictable offence(s) commenced | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



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NOTICE TO DEFENDANT AFTER REGISTRY COMMITTAL FOR TRIAL OR FOR SENTENCE

Under the Registry Committal process, the Clerk of the Court is required to give the defendant notice that the defendant must do the following:

1. Appear, or be represented by the defendant's counsel or solicitor, before the

Court: DISTRICT COURT
Place: MARYBOROUGH

in accordance with any notice the defendant may receive given by or on behalf of the Director of Public Prosecutions or the Deputy Director of Public Prosecutions advising the defendant of the date and the time when and the place where an indictment will be presented against the defendant.

2. If the notice states that it is intended to ask the Court to proceed with the trial at the time stated in the notice, the defendant shall surrender into custody at the time and the place stated in the notice and shall not depart from the Court unless the defendant's bail is enlarged.

3. Upon the presentation of an indictment against the defendant, the defendant shall obey the directions of the Court, whether given to the defendant personally or to the defendant's counsel or solicitor, with respect to any further appearance by the defendant and, if the defendant is directed to appear personally, the defendant shall surrender into custody and not depart from the Court unless their bail is enlarged.

4. The defendant will immediately give written notice to the Director of Public Prosecutions or, as the case may be, the Deputy Director of Public Prosecutions, of any change of the defendant's address for service of notices or their residential address other than the change that arises if the defendant surrenders into custody.

Note to Defendant:

In the case of a prosecution by the Director of Public Prosecutions, this notice may be given by -

- (a) mail sent to G.P.O. Box 2403, Brisbane Qld, 4001; or
- (b) facsimile message sent to number (07) 3220 0035.

In the case of a prosecution by the Deputy Director of Public Prosecutions, this notice may be given by -

- (a) mail sent to G.P.O. Box 847, Brisbane Qld, 4001; or
- (b) facsimile message sent to number (07) 3229 4124.

Where the defendant is committed by way of Registry Committal for trial, the defendant is warned that the defendant may not be permitted at that trial to give evidence of an alibi or to call witnesses in support of an alibi unless the defendant gives to the Crown Solicitor written notice in the prescribed form of that alibi and of those witnesses within the time prescribed by the *Criminal Code*, section 590A.



NOTICE TO DEFENDANT OF UNDERTAKING AS TO BAIL

If you fail to appear and surrender into custody in accordance with the undertaking without reasonable cause or break any other condition of the undertaking you will commit an offence that is punishable by fine or imprisonment. A warrant may issue for your apprehension.

Where a Court is satisfied that you failed to appear and surrender into custody before the Court in accordance with the undertaking, the Court may declare the undertaking to be forfeited. If forfeiture is declared, any deposit of money or other security provided by you as stated in the undertaking may be forfeited and paid to Her Majesty. In addition, any deposit of money or other security provided by the surety or sureties as a condition of bail may become forfeited and paid to Her Majesty.

It is lawful for a police officer to arrest you, without warrant, if a police officer reasonably suspects -

- (i) you are likely to contravene, are contravening or have contravened a condition of the undertaking;
- (ii) a surety has given to a police officer written notice stating the surety wishes to be relieved of the obligation of being a surety for you because the surety believes you are likely to contravene the condition of your appearance;
- (iii) you are directly or indirectly harassing or interfering with a person who may be required to give evidence relating to the offence for which you have been released on bail.

A surety may, with the assistance of a police officer, at any time before you are required to appear and surrender into custody in accordance with your undertaking apprehend you and bring you before the Court before which you are required to appear if the surety is concerned you may not honour your undertaking as to bail or has become aware of a breach by you of a condition of your undertaking.

NOTICE TO SURETY OR SURETIES OF UNDERTAKING AS TO BAIL

[This section only applies to matters involving a surety or sureties.]

The custody of the defendant has been entrusted to you on the essential obligation to produce him/her before the Court to answer the complaint or charge. It is a serious obligation and one that should not be treated lightly. If you fail to take all reasonable steps to secure the attendance of the defendant before the Court, any deposit of money or other security provided by you as a surety may become forfeited and paid to Her Majesty.

Where a Court is satisfied that the defendant has failed to appear and surrender into custody before the Court in accordance with the undertaking, the Court may declare the undertaking to be forfeited. If forfeiture is declared, any deposit of money or other security provided by you as a surety may become forfeited and paid to Her Majesty.

If you are seeking to be discharged from liability with respect to the undertaking you may apply to the Court at any time before a condition of the undertaking is broken by the defendant, or the defendant is arrested pursuant to section 367 of the *Police Powers and Responsibilities Act 2000*.

If you are concerned that the defendant may not honour his/her undertaking as to bail or you become aware of a breach by the defendant of a condition of his/her undertaking you may, at any time before the defendant is required to appear and surrender into custody in accordance with his/her undertaking apprehend the defendant and bring the defendant before the Court before which the defendant is required to appear. A police officer shall, if required by the surety to do so, assist the surety in the apprehension.