



Queensland Sentencing
Advisory Council

Inform. Engage. Advise.

Court reporting guide for Journalists

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Published by Queensland Sentencing Advisory Council, June 2019
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ISBN-13: 978-0-9871456-8-0

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The content of this guide is for information only. If you have a legal problem, you should seek legal advice from a lawyer. The guide should not be relied upon as legal advice and if you have a specific legal problem, you should seek legal advice about your own particular circumstances.

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The Queensland Sentencing Advisory Council is established by section 198 of the *Penalties and Sentences Act 1992 (Qld)*. Its functions are detailed in section 199 of the *Penalties and Sentences Act 1992 (Qld)*.

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With thanks to Anne Stanford, Principal Information Officer, Queensland SDC, and Tony Keim, Queensland Law Society, for their contributions.

Media guide to Court Reporting

HOW QUEENSLAND CRIMINAL COURTS WORK

The most basic principle of our criminal justice system is that a person is presumed innocent until proven guilty. To reflect this, if a plea has been entered, it must be reported.

Queensland has three tiers of courts which sentence adults. Generally, the more serious the offence is, the higher the court that will hear it. The three levels of court – called ‘jurisdictions’ – are:

01 Magistrates Court

This is the first level of the Queensland Courts system and hears about 95 per cent of court cases.

All criminal cases are first heard in this court in some form.

Anyone charged with a criminal offence must appear in the Magistrates Court as soon as possible after being charged. This first appearance will usually be a brief mention and/or a bail application. In the case of indictable offences such as rape, armed robbery or murder, the Magistrates Court may hold a committal hearing, to decide whether there is enough evidence to refer the case for trial before a jury in the District or Supreme Court.

Being committed to stand trial DOES NOT imply guilt and your reporting should not suggest this. In the simplest terms, it means there is enough evidence to take a closer look. A jury will still need to be convinced beyond reasonable doubt.

02 District Court

The District Court is the second tier of the court system, dealing with serious criminal offences such as rape, child sex offending, and armed robbery. In a criminal trial with a jury, the jury decides whether or not a person is guilty, and the judge imposes the sentence. (In some circumstances an offender can have a judge-only trial, in which case the judge determines both guilt and penalty).

03 Supreme Court

The Supreme Court is the highest court in Queensland and includes the trial division and the Court of Appeal. Murder and manslaughter trials can only be heard in the Supreme Court. Similar to the District Court, the Supreme Court can hear criminal trials with or without a jury.

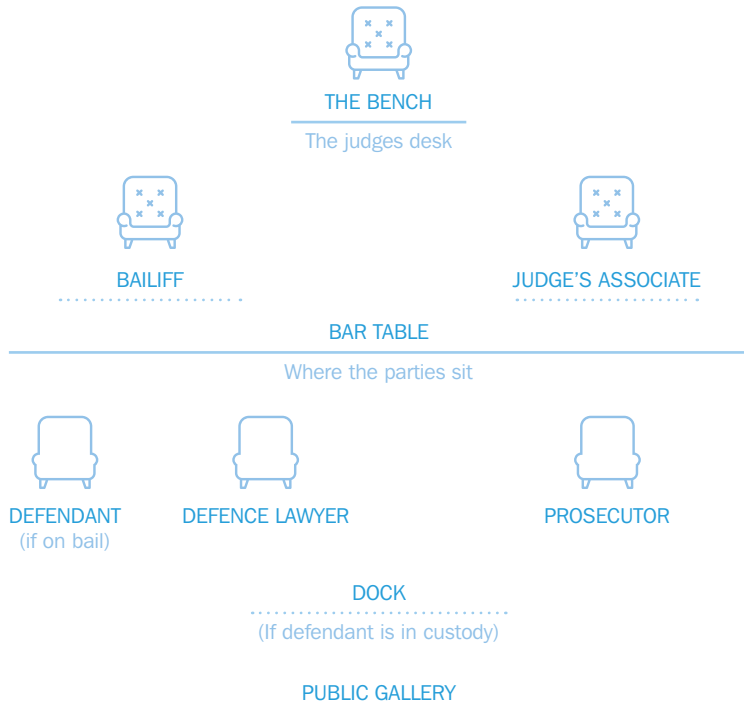
The Court of Appeal

The Court of Appeal is a division of the Supreme Court that hears all appeals from the Supreme and District Courts, and many tribunals. Appeals from the Magistrates' Court are heard by the District Court.

The court doesn't hear entire cases or have a jury. It deals only with the subject of the appeal. The Court of Appeal can dismiss the appeal and uphold the decision – in which case, nothing changes – or allow the appeal, set aside the decision of the lower court, and make a different order in its place or order a retrial. Appellants not happy with a Court of Appeal decision can seek leave to appeal to the High Court of Australia. The Queensland Attorney-General has the right to appeal against the inadequacy of a sentence.

Inside the court room

The lay-out of a court room



Some courts still have dedicated benches for “the press”. Otherwise, you need to sit in the public gallery. Be aware you may be sitting next to victims’ or defendants’ family or friends.

When a magistrate or judge enters or leaves a courtroom you should stand and bow your head as a sign of respect (The Bailiff or Clerk will call “All Rise”). If a court is already in session, you must bow your head every time you enter or leave the courtroom.

Switch your phone to silent.

Who's who in a court room

The Prosecutor

The Prosecutor makes the case against the defendant. In a Magistrates Court you will see Police Prosecutors (some of these are sworn officers, some are civilians). In District and Supreme Courts there are Crown Prosecutors from the Office of the Director of Public Prosecutions. You can also refer to them as "The Crown".

In a trial, the prosecutor will make an opening statement to the jury, call witnesses, cross-examine defence witnesses, and make a closing statement to the jury.

When it comes to sentencing they will provide the judge or magistrate with all the facts such as the criminal history of the defendant, any aggravating factors (circumstances which add to someone's culpability), present victim's impact statements, and make submissions about an appropriate penalty based on similar cases sentenced.

The Defence

In a trial, the defence lawyer might also make an opening statement, call witnesses (the defendant can decide not to give evidence), cross-examine prosecution witnesses, and make a closing statement to the jury.

A Queen's Counsel (QC) or Senior Counsel (SC) is a senior barrister, often referred to as a silk. It is uncommon for a silk to be involved in a matter before the Magistrates Court.

The Judge/Magistrate

You refer to a Magistrate as “Magistrate John Smith” or “Magistrate, Mr Smith”.

A District Court Judge is “Judge John Smith” or “Judge Smith”.

A Supreme Court Justice is “Justice John Smith” or “Justice Smith”.

You cannot photograph or film a judge in or outside the courtroom. You can only use file vision/images of them robed and in court, or official portrait photographs provided by the courts.

The Defendant

This is the person accused of the crime. They may or may not appear as a witness. Their decision to give evidence or not cannot be interpreted as any admission of guilt.

Once a person is convicted, it is acceptable to refer to them just by their surname.

Occasionally a defendant on trial is also on bail. They must NOT be approached by media for the duration of the trial. Any media comment by the defendant, benign or banal, could abort the trial because it was made in the absence of the jury. Vision or photographs from a distance is acceptable.

Contempt of court

Privilege

You are protected from defamation proceedings, provided you accurately and fairly report statements and events during the court proceedings, and make it clear that these statements were made in the court. Handy phrases such as “The court was told” “The prosecutor said” and “the jury heard” are vital in court reporting. As much as possible, coverage must be balanced. This can be tricky on days when you only hear the prosecution case. At the bare minimum, you must then report that a person has pleaded not guilty, and that the trial is continuing.

You must take great care not to be in contempt of court. The sub judice contempt period begins as soon as a person is charged with a crime. Media reports (and headlines) must not prejudice proceedings, particularly in a jury trial. Prejudice essentially means potentially influencing the outcome of a case, thus denying a person a fair trial. For legal reasons, not everything you know about a case, or about a defendant, is allowed to be presented to a jury during a trial, so stick to the golden rule: **Do not report anything said in the absence of the jury.** Prejudicial reporting can also result in a judge declaring a mistrial – at best, an enormous expense for courts; at worst, resulting in a miscarriage of justice. You and your media organisation may face hefty penalties. Sub judice can also apply to pre-trial hearings close to a trial starting. Juries need to be selected without prior knowledge of a case.

Day to day Reporting

How to check the court list

The Queensland law lists – the schedule of the next day’s events - are updated daily (no later than 6.00pm). They can be found at www.courts.qld.gov.au/daily-law-lists

Are all courts open to the media?

Queensland has an open judicial system, but in special cases the judge may order the court room to be closed, such as to protect a vulnerable witness, in which case you won’t be allowed in.

Cases in the Childrens Court (Magistrates Court) are always held in a closed courtroom to protect the accused child’s identity, although the child’s immediate family are allowed in court to support them. If a juvenile appears on an indictable offence in a higher court, even if the court is open to the public, they still cannot be identified. In Queensland, this applies to anyone aged 17 and under.

Can I ask questions in a court room?

Absolutely not. You are there only as an observer. A judge would be within their rights to remove you from a court room.

Courts are very formal places and there is an expectation that you will behave in a respectful way and follow the rules and procedures. Everyone in court, including witnesses, defendants and the public, must conduct themselves according to the court’s rules.

If you don’t comply with the rules, you can be found in ‘contempt of court’. You may be told to leave the court and in extreme cases, such as if you disrupt the trial, the judge could fine you or send you to jail.

Can I take photos in a courtroom?

Never.

Filming in court rooms

In Queensland cameras are not allowed in courtrooms. However, in some cases with a high level of public interest, accredited media can apply to the court to film sentencing remarks. You can find the application form for this process at: www.courts.qld.gov.au/contacts/media.

You need to provide as much notice as possible and remember that courts are not obliged to allow filming.

Occasionally, in a high-profile trial where a courtroom is likely to be full, the courts will offer a video stream to a second room for accredited media, known as the Media Viewing Room. This is like an extension of the court room. At this stage, there are only two court rooms with facilities that allow streaming to the Media Viewing Room.

Permission for audio recordings

According to a practice direction updated by the Honourable Chief Justice Catherine Holmes in 2018, you are allowed to record audio of court proceedings on a portable device, such as a phone, to ensure accurate coverage. This audio CANNOT be broadcast; it is for fact checking only. Recording must be unobtrusive, and from your seat in the public gallery. This practice direction is reproduced in **Appendix A**.

Live tweeting a trial

This falls under the category of reporting, and is allowed provided that you apply all the normal rules of accuracy and fairness, and use your phone in an unobtrusive manner.

How do I access court documents?

All applications to access or search a court file must be done through Registry. Access to exhibits tendered during a trial must be applied for under the Criminal Practice Rules 1999 Section 56A. The application is then heard by the judge who will determine whether to grant access. To search a file, in particular a civil file, media need to apply either at Registry in person or through the courts' website: <https://www.courts.qld.gov.au/services/search-for-a-court-file>

How soon can I see a transcript to make sure I have my quotes right?

At this stage, transcripts are not available for media during the course of a trial.

Restrictions on reporting



Suppression orders

Judges can make an order to suppress information heard in a courtroom, usually to protect a victim or witnesses, or to avoid prejudicing an upcoming trial. If a non-publication order is made, you cannot, by law, publish that information. Your media organisation can make a formal application to the courts to overturn the order, but you cannot ignore the order because you disagree with it.

Naming/identifying victims of sexual assault

This is prohibited.

Naming Defendants in sexual assault cases

Sometimes the nature of the crime means that naming the defendant risks identifying the victim e.g. when the victim is their child. Be aware: a person doesn't need to be named for them to still be identifiable. A useful phrase is: "The defendant, who can't be named for legal reasons..."

When it comes to sexual assault cases in Queensland, a person accused of rape or serious sexual assault cannot be named until after they are committed to stand trial (assuming naming them does not identify the victim).

Identifying undercover police officers or informers

A specific order would usually be made to remind you of this, but if not, do not reveal:

- Undercover police officers or informants
- A person in witness protection

Dos and don'ts of court reporting



DO -

- stick to straight, factual reporting from a courtroom
- make it clear that you are reporting evidence presented to the court. Use phrases such as “the court was told” and “the jury heard” to qualify statements.
- start a trial with a clean slate, making no reference to any previous knowledge about the case.



DON'T -

- provide opinions
- refer to or report any prior knowledge you have about the case. You can only report what unfolds in the courtroom before the jury.
- report (or tweet) anything said in the absence of the jury
- reveal prior convictions before or during a trial
- breach suppression orders
- imply guilt or innocence in reports
- interview witnesses in an ongoing trial
- use pictures or vision of the defendant when identity could be a key factor in the trial
- contact jurors or identify jurors
- broadcast audio from a court case, unless your news organisation has expressly applied for – and been granted - permission in an individual case

Sentencing in Queensland

Sentencing is a complex process. The judge or magistrate must balance a range of factors in law. This is why there is often a delay between a jury returning their verdict, and a judge delivering a sentence.

They must take into account all submissions made by the prosecution and the defence; laws setting out maximum penalties for a particular offence; previous sentences handed down for the offence (only similar offences can be used as comparison); any aggravating or mitigating circumstances (which make a person more or less culpable); and case law.

If a person is convicted of more than one offence, the judge will rule whether their terms must be served:

- a. Concurrently - at the same time, so that the shortest sentence is subsumed into the longer (head) sentence; or
- b. Cumulatively - where each sentence is served one after the other.

Is a conviction always recorded?

A magistrate or judge will decide whether to record a conviction (giving the person a criminal record). This is a separate decision to deciding what sentence to give. If a term of imprisonment is imposed a conviction is recorded. This can be important information to publish, particularly if you have published accusations made against a person.

For more details on how sentencing works in Queensland, visit the Queensland Sentencing Advisory Council website or download our handy Queensland Sentencing Guide.

Frequently asked questions

What is an indictment?

This is a written charge signed by a prosecutor from the Office of the Director of Public Prosecutions (ODPP) bringing a person to trial in a higher court.

What is bail?

While a person is waiting for their case to be heard, they can apply to remain in the community. Generally, the onus is on the prosecution to argue against bail.

Can I report details of a bail application before the courts?

Media can report what is said in open court during a bail application, but may be prevented from accessing the file which may have greater detail about the case. This is to protect the integrity of the case.

What is remand?

If a person is denied bail, they are held – remanded – in custody. If they are eventually sentenced to jail, any time they've spent in custody usually counts as 'time already served', and will be discounted from any term of imprisonment imposed by the judge. It is misleading to say "they will be released in three months" when the more accurate statement is "with time already served, the offender is due for release in three months."

What does voir dire mean?

This is legal argument made in the absence of the jury about whether evidence is admissible. You may be allowed to stay in the court while this happens but, as ever, **DO NOT REPORT ANYTHING SAID DURING A TRIAL WHEN THE JURY IS ABSENT.**

What does prima facie mean?

In committal proceedings, a magistrate will rule if there is a prima facie case, or prima facie evidence. Essentially, this means enough evidence to warrant a trial, or, more formally, "sufficient to establish a fact or raise a presumption unless disproved or rebutted". It is not a word describing the relative strength of the evidence. You are either committed to stand trial or you are not.

Can I use file footage from when the arrest was made?

Ultimately this is a judgement call but use with extreme caution shortly before, or during, a trial because the identity of an offender may be a central issue. Such footage might also prejudice someone's chances of a fair trial, given it presents them as a "criminal" in the public eyes. Generally it is wise to avoid using images of an accused in handcuffs, until after a trial has finished. Broadcasting crime scene footage should also be avoided during a trial because the jury may not be shown such footage, or the area may have changed.

Can I report details of a jury selection?

Generally no.

You can say a jury of, for example, six men and six women has been empanelled, but nothing more.

You cannot identify or approach the jury in any way. You can never report the deliberations of a jury.

Can I interview prosecutors or defence lawyers while a court case is ongoing?

No.

Can I report that the defendant has a criminal history?

No. This is deeply prejudicial information. It cannot be reported until after a person has been convicted.

Can I report on any questions asked by the jury during their deliberations and the answer given to them by the judge?

You cannot reveal jury deliberations. But as long as a question is asked of the judge in an open court, and the answer is provided in an open court, it can be reported (unless, of course, the judge makes a specific ruling otherwise).

Can I report details of a Victim Impact Statement?

Yes. These are usually read out by the victim or a spokesperson after a jury has returned their verdict. However, sometimes a Victim Impact Statement is just tendered to the court for the judge to read, in which case, it won't be made available.

Can I interview family members or lawyers to seek reaction to the sentence?

Yes. They can no longer prejudice the outcome. It is safest not to report their comments until then. Please be sensitive to their needs or requests.

Can I interview an offender if they are free to leave the court room after sentencing?

Yes, if they have been acquitted. It is up to them.

What is a Nolle Prosequi?

This is a formal notice of abandonment of the indictment by the prosecution. This can take place at any time up to a verdict. Essentially, it means the charge has been discontinued.

What is parole?

Parole is the conditional release of a person from prison. A parole date can be decided by a judge if the period of imprisonment imposed is up to three years. Otherwise, a judge can only set a parole eligibility date, which means the offender must apply to the Parole Board Queensland who will decide whether parole will be granted.

When a person is released on parole, they serve the unexpired portion of their prison sentence in the community under supervision. For some reason, parole, probation and bail are often reported as if they are interchangeable concepts. These are completely different concepts, applying to very different periods in a person's progress through the court system.

It's important to remember that just because someone is eligible for parole at a certain point, there is no guarantee they will be granted parole.

The Parole Board Queensland is an independent body which makes those decisions based on a range of factors, all listed on their website:
www.corrections.qld.gov.au/parole-board-queensland.

Can I report details of an Appeal against a conviction?

Yes, details of an application seeking leave to appeal may be obtained from the Court's Registry and you can sit in court during most appeals.

Am I obliged to report on a conviction being overturned?

If you have previously reported on the case, it is only fair to report on any change to the sentence outcome. You should absolutely report if a conviction is quashed – this is both rare enough to be newsworthy in its own right, and, frankly, the only fair thing to do.

Further information

Queensland Sentencing Advisory Council

Visit the Council's website to find out about sentencing in Queensland, download the Queensland Sentencing Guide, check our A-Z of legal terms, monitor Terms of Reference underway at the Attorney-General's request, find teaching resources, or enter our interactive courtrooms.

Contact us at media@sentencingcouncil.qld.gov.au

Queensland Courts

Visit the Queensland Courts website for daily court lists, application forms for media access, and courthouse contacts.

Queensland Law Society

Visit the Find a Solicitor page on the Society's website to obtain names and contact details of solicitors who appear in court matters. The Society's External Affairs Media Office can also provide assistance to journalists with queries on basic court procedures and operations. If required the Society can also source subject matter experts across Queensland.

For more information contact QLS Media Manager on (07) 3842 5835 or email media@qls.com.au

Appendix A

Chief Justice Catherine Holmes' 2018 practice direction on Electronic Devices in Courtrooms

AMENDED PRACTICE DIRECTION NUMBER 8 OF 2014

SUPREME COURT OF QUEENSLAND

ELECTRONIC DEVICES IN COURTROOMS

1. The purpose of this practice direction is to clarify which electronic devices may be used during court proceedings.
2. The following provisions are subject to any contrary direction by the judicial officer.

Definitions

3. In this practice direction, the following definitions apply:
 - a. "accredited media" means media personnel who are accredited pursuant to the Supreme Court's *Media Accreditation Policy*
 - b. "courtroom" means any room in which a hearing is taking place before a judge or Deputy Registrar
 - c. "electronic device" means any device capable of sending, receiving, or recording data or any combination of those functions and includes smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, or other similar devices
 - d. "judicial officer" means the judge (and in the Court of Appeal, the presiding judge) who is presiding in the particular matter or a Deputy Registrar
 - e. "lawyer" means an "Australian legal practitioner" as that term is defined in the *Legal Profession Act 2007*

Prohibition

4. Electronic devices may not be used in any courtroom unless permitted:
 - (a) by this practice direction, or
 - (b) by the judicial officer.
5. In addition, an electronic device may not be used in a courtroom:
 - (a) in a manner that interferes with the court recording system or other technology;
 - (b) in a manner that interferes with courtroom decorum, is inconsistent with the court's functions, or otherwise impedes the administration of justice;
 - (c) in a manner that generates sound or requires speaking into the device;
 - (d) to take photographs or video images;
 - (e) to record or digitally transcribe the proceedings except as permitted by this policy.

6. Accessing the Internet via the Court's Wi-Fi Service (see <https://wifi.courts.qld.gov.au/>) does not interfere with official court recordings and may be used as a way of communicating from within courtrooms providing the service.
7. Electronic devices may interfere with the recording of proceedings by official court reporting services if positioned too closely to microphones located within the courtroom. Even when muted or in passive mode, these devices may cause interference. Should any device interrupt or interfere with proceedings, the judicial officer may authorise the bailiff or other appropriate officer to take possession of the device.

Use of electronic real-time text-based communications and social media by accredited media is permitted

8. Accredited media wishing to use electronic real-time text-based communications and social media to report proceedings may do so provided it does not interrupt the proceedings.
9. It remains the responsibility of the publisher to ensure that court reporting laws (for example, but not limited to, contempt of court provisions and the identification of vulnerable witnesses) are adhered to and non-publication orders are not breached. Accredited media should seek their own legal advice and set their own guidelines for reporting court matters.
10. Lawyers may use electronic devices to send and receive text and other data in a discreet manner provided doing so does not interfere with the proceedings.
11. This direction does not impinge on a judge's right to revise, subsequently, a judgment delivered ex tempore; or a judge's right, in a particular case, to prohibit the use of electronic real-time text-based communications and social media.

Private audio-recordings by accredited media are permitted

12. The recording of proceedings issued by the official court reporting service is and will remain the authoritative record of proceedings.
13. Accredited media may make a private audio recording, provided it is done unobtrusively and without interruption to the proceedings. For that purpose:
 - (a) a member of the accredited media may take a hand-held recorder into a courtroom and activate it;
 - (b) any such hand held recorder must remain at all times in the physical possession of the member of the accredited media;
 - (c) any such hand held recorder must be de-activated by the member of the accredited media during any adjournment of the proceeding.
14. The purpose of permitting such recording is to maintain accuracy in the reporting of proceedings. The audio content of the recording must not be broadcast or otherwise published.

15. This direction does not impinge on a judge's right to revise, subsequently, a judgment delivered ex tempore; or a judge's right, in a particular case, to prohibit private audio-recordings.

Other restrictions on publication

16. Nothing in this practice direction alters the effect of any statute or court order restricting the publication of proceedings in a courtroom.

Repeal

17. Practice Direction 1 of 2009 is repealed.

Commencement

18. This Practice Direction takes effect from 3 March 2014.



Catherine Holmes
Chief Justice
27 June 2018

Appendix B

Supreme and District Court – Brisbane

While reporting on court proceedings from outside the courthouse, media personnel must remain on the grass side of the Braille line immediately in front of the main entrance, unless entering the court building.



Sentencing

A to Z

Accused	A person who has been charged with an offence but who has not yet been found guilty or not guilty. Also referred to as a defendant.
Acquittal	A finding by a court that a person is not guilty of a criminal charge.
Agreed facts	Facts agreed to by the defence and the prosecution, regarding the charges that are brought before the court. Usually presented after a plea of guilty.
Aggravating factors	Facts or details about the offence, the victim and/or the offender that tend to increase the offender's culpability and the sentence they receive.
Alleged	What the prosecution says happened. The court (the judge or jury) will determine if it is true or not.
Antecedents	Background details about an offender, such as age, marital status, employment history and criminal history (this usually includes details of past convictions and penalties).
Appeal	Review of all or part of a court's decision by a higher court.
Appellant	The party appealing a court's decision. This can be the defendant or the prosecution.

Bail	The release of a defendant into the community until a court decides the charge/s against them. Bail orders always include a condition that the defendant must attend court hearings. Additional conditions such as a requirement to live at a certain address, or report to police may be added to a person's bail.
Banning order	An order banning an offender entering a certain licensed place (e.g. nightclub or bar) or entering a particular area near a licensed premises during certain hours, or attending a particular public event at which alcohol will be sold.
Beyond reasonable doubt	This is the level to which the prosecution in a criminal proceeding must prove that the accused person committed the alleged offence.
Case law	Law made by courts, including sentencing decisions and decisions about how to interpret legislation. This is also known as common law.
Childrens Court	A court that hears offences committed by children and young people. The Childrens Court is a special court of the Magistrates Court.
Childrens Court of Queensland	A special court at the District Court level that deals with children who commit serious criminal offences and is presided over by a Childrens Court judge who is also a judge of the District Court.

Sentencing

A to Z

Common law	Law made by courts, including sentencing decisions and decisions about how to interpret legislation. This is also known as case law.
Committal hearing	A preliminary examination by a Magistrates Court of the prosecution's evidence against a defendant to determine whether there is enough evidence for the matter to go to trial in the District or Supreme Court.
Community Justice Group	Community Justice Groups (CJGs) are run by members of the local Aboriginal and Torres Strait Islander community. They provide submissions to courts on bail and sentencing. CJGs provide a community-based response to local issues, working cooperatively with magistrates, police, corrective services personnel and staff from other government agencies.
Community service order	An order to do unpaid community service for between 40 and 240 hours, usually within 12 months, and to comply with reporting and other conditions.
Compensation order	An order to pay for property taken or damaged, or compensate for loss or damage to property or for any personal injury suffered by a person.

Concurrent sentences	Individual sentences ordered for each charge in a case that are to be served at the same time. This means the shortest sentence is subsumed into the longest sentence (also called the 'head sentence'). For example, a prison sentence for five years and for two years served wholly concurrently would be a total of five years' imprisonment.
Control order	An order imposing conditions to protect the public by preventing, restricting or disrupting the offender's involvement in serious criminal activity.
Conviction	A determination of guilt made by a court.
Court of Appeal	A division of the Supreme Court. The Court of Appeal hears appeals against conviction, sentence or both.
Court ordered parole	A parole order where the parole release date is fixed by the court (meaning the offender is automatically released on that date).
Criminal offences	Criminal offences are comprised of crimes, misdemeanours and simple offences (also known as 'summary offences').
Crown	The prosecution may be referred to as the Crown.

Sentencing

A to Z

Culpability	Blameworthiness; how responsible the person is for the offence and for the harm he or she caused.
Cumulative sentences	Individual sentences for each charge in a case that are to be served in whole or part one after the other. For example, a person sentenced to five years and to two years imprisonment ordered to be served wholly cumulatively would have to serve a total prison sentence of seven years.
Custodial sentencing order	A sentencing order that involves a term of imprisonment being imposed.
Defendant	A person who has been charged with an offence but who has not yet been found guilty or not guilty. Can be used interchangeably with accused.
De Simoni (principle of De Simoni)	The principle that a person should only be sentenced for an offence of which he or she has been found guilty.
District Court	The second tier of the Queensland court system after the Magistrates Court, dealing with serious criminal offences such as rape, armed robbery and many serious drug offences. The Court also hears appeals from sentences ordered in the Magistrates Court.
Drug and Alcohol Court	This court provides an intensive and targeted response to adults with a severe substance use disorder. The Drug and Alcohol Court in Brisbane commenced operation in January 2018.

Fine	A penalty requiring that an offender pay an amount of money.
Good behaviour bond	A court order to appear before the court if called to do so and to 'be of good behaviour' (not to break the law) for a set period (up to three years). The offender and anyone acting as a 'surety' is required to pay an amount of money if the offender breaks the law or does not comply with other conditions of the order. Also known as recognisance.
Graffiti removal order	An order of up to 40 hours to remove graffiti, usually within 12 months.
Grounds for an appeal	The reasons why the appellant (the party appealing the court's decision) will argue that the magistrate, judge or jury made a wrong decision.
Head sentence — imprisonment	The total period of imprisonment imposed. A person will usually be released on parole or a suspended sentence before the entire head sentence is served.
High Court of Australia	The highest court in the Australian judicial system. The High Court only deals with legal matters of wider public importance and is not a sentencing court.
Higher courts	In Queensland, the District Court and the Supreme Court.
Imprisonment	Detention in prison.

Sentencing

A to Z

Indefinite sentence	A sentence that can be ordered instead of a sentence for a fixed term of imprisonment when a court is satisfied an offender is considered a serious danger to the community. This means there is no fixed date when they can apply for release on parole. The Court must periodically review an indefinite sentence.
Indictable offences	Crimes and misdemeanours that must be dealt with in the Supreme Court or District Court on indictment (a written charge bringing a person to trial in a higher court). Generally crimes are more serious than misdemeanours. Some indictable offences can (or must) be dealt with summarily (by a Magistrates Court) in certain circumstances.
Intensive correction order	A sentence of imprisonment of one year or less ordered to be served in the community and including intensive supervision, community service and treatment programs.
Judge	The person who hears the case and decides the sentence in the District Court, the Childrens Court of Queensland and the Supreme Court.
Jury	A group of 12 people selected at random from the general community. A jury decides whether the accused person is guilty or not guilty of the alleged offence.

Magistrate	The person who hears the case and decides the sentence in the Magistrates Court or the Childrens Court.
Magistrates Court	The first tier of the Queensland courts system. Most criminal cases are heard in this court in some form.
Mandatory sentence	A sentence that is a fixed penalty prescribed by Parliament for committing a criminal offence, allowing no discretion for the court to impose a different sentence.
Maximum penalty	The highest penalty that can be given to a person convicted of a particular offence.
Mental Health Court	The Mental Health Court decides whether a defendant may have a defence to a charge because of mental illness at the time of the alleged offence. The court also determines whether a defendant is not fit for trial because of mental illness.
Mitigating factor	A fact or detail about the offender and their offence that tends to reduce the severity of their sentence.
Murri Court	Murri Court links Aboriginal and Torres Strait Islander defendants to cultural and support services to help them make changes in their lives and stop offending.
Nolle Prosequi	A nolle prosequi is a formal notice of abandonment of the indictment by the prosecution.

Sentencing

A to Z

Non-contact order	An order prohibiting contact with the victim or another person, or going to a particular place, or within a particular distance of that place, for a set period.
Non-custodial order	A sentencing order that does not involve the person being sentenced to imprisonment.
Non-parole period	The time a person serves in prison before being released on parole or becoming eligible to apply for release on parole.
Offender	A person who has been found guilty of an offence, or who has pleaded guilty to an offence.
Offender levy	An administrative fee to help pay for law enforcement and administration costs.
Office of the Director of Public Prosecutions	The Office of the Director of Public Prosecutions (ODPP) represents the State of Queensland in criminal cases. Also referred to as the prosecution.
Parity (principle of parity)	Consistency between sentencing decisions involving co-offenders, which supports the principle of equality before the law.
Parole	The conditional release of a person from prison. When a person is released on parole, they serve the unexpired portion of their prison sentence in the community under supervision.

Parole Board Queensland	An independent body that decides applications for parole orders under the <i>Corrective Services Act 2006</i> (Qld), other than parole release dates ordered by courts (court ordered parole). The Parole Board Queensland can also amend, suspend or cancel a parole order of a prisoner released on parole.
Parole eligibility date	The earliest date on which a prisoner may be released on parole. The decision to release a prisoner on parole is made by the Parole Board Queensland.
Parole release date	The date on which a prisoner must be released on parole. A court can only set a parole release date if certain criteria are met. A parole release date cannot be set in certain circumstances, including if the sentence is greater than three years or if the person is being sentenced for a serious violent offence or a sexual offence.
Parolee	A prisoner who has been released on parole.
Plea	The response by the accused to a criminal charge — ‘guilty’ or ‘not guilty’.
Precedent	A decision that sets down a legal principle to be followed in similar cases in the future.

Sentencing

A to Z

Prisoner	An offender in prison serving a custodial sentence. People who have not yet been found guilty or sentenced held on remand are also referred to as 'prisoners'.
Probation	An order between six months and three years served in the community with monitoring and supervision.
Proportionality (principle of proportionality)	The principle that a sentence must be appropriate or proportionate to the seriousness of the crime.
Prosecution	A legal proceeding by the State of Queensland against an accused person for a criminal offence. Prosecutions are brought by the Crown (through the Office for the Director of Public Prosecutions or police prosecutors).
Recognisance	A requirement to appear before a court if called to do so and to 'be of good behaviour' (not to break the law) for a set period (up to three years), which requires the person and anyone acting as a 'surety' to pay an amount of money if the offender breaks the law or does not comply with other conditions of the order. This is also known as a good behaviour bond.
Remand	To place an accused person in custody awaiting further court hearings dealing with the charges against them. A person who has been denied bail, or not sought it, will be placed on remand. This is also known as pre-sentence custody.

Regulatory offences	Less serious forms of offences which provide police with an alternative to charging a person with a criminal offence.
Respondent	The party responding to an appeal of a court's decision.
Restitution	An order to restore property taken or damaged in the commission of an offence to its proper owner.
Sentence	The penalty that the court imposes on a person who has been found guilty of an offence.
Sentencing factors	The factors that the court must take into account when sentencing.
Sentencing principles	Principles developed under the common law, which serve as guideposts to help judges and magistrates reach a decision on the sentence to impose. They include parity, proportionality, totality, and the De Simoni principle.
Sentencing purposes	The legislated purposes for which a sentence may be imposed. In Queensland there are five sentencing purposes for the sentencing of adults: punishment, deterrence, rehabilitation, denunciation and community protection.
Sentencing remarks	The reasons given by the judge or magistrate for the sentence imposed.

Sentencing

A to Z

Serious violent offence	If a court convicts a person of an offence declared to be a serious violent offence, it means the offender is unable to apply for parole until they have served 80 per cent of their sentence or 15 years in prison, whichever is less.
Simple offences	Generally minor offences that must be prosecuted within 12 months of the matter arising and are usually heard in the Magistrates Court by a magistrate. Also known as summary offences.
Specialist Domestic and Family Violence Court	This specialist court deals exclusively with all civil and criminal domestic and family violence matters in locations where the court operates.
Statute law	Laws made by Parliament, such as the <i>Penalties and Sentences Act 1992</i> (Qld).
Summary offences	Generally minor offences that must be prosecuted within 12 months of the matter arising and are usually heard in the Magistrates Court by a magistrate. Also known as simple offences.
Supreme Court	The highest state court in Queensland. It comprises the trial division and the Court of Appeal.

Suspended sentence	A sentence of imprisonment of five years or less suspended in whole (called a 'wholly suspended sentence') or in part (called a 'partially suspended sentence') for a period of time (called an 'operational period') If further offences punishable by imprisonment are committed during the operational period, the offender must serve the period suspended in prison (unless unjust to do so), plus any other penalties issued for the new offence.
Totality (principle of totality)	The principle that when an offender is convicted of more than one offence, the total sentence should reflect the overall criminality of the offending.
Victim	A person who has suffered harm directly because of a criminal offence, or a family member or dependant of a person who has died or suffered harm because of a criminal offence.
Victim Impact Statement	A written statement made by a victim which states the harm they have experienced from the offence and may include attachments such as medical reports, photographs and drawings.



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