

**The Queensland Government's
response to the
*Review of the civil and criminal
justice system in Queensland***

July 2009



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Includes the Queensland Government's response to recommendations made by Hon Martin Moynihan AO QC in December 2008.

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Preface

In July 2008 the former Senior Judge Administrator, the Hon Martin Moynihan AO QC, was appointed to examine and report on the working of Queensland Courts in the civil and criminal jurisdictions with a view to making more effective use of public resources.

In recognition of the increasing volume and complexity of demands on the state's civil court system and increases in the time and resources consumed by the litigation process, it was considered timely to examine whether the current jurisdictional limits of Queensland's Courts are appropriate. In recognition of the desirability of early identification and encouragement of pleas of guilty and the potential for a greater number of less serious indictable offences to be finalised in the Magistrates Courts, it was also timely to review the criminal jurisdiction and consider new models for progressing criminal matters.

The terms of reference required the review to report on:

- monetary limits for the civil jurisdiction
- summary disposition of indictable offences
- reform of the committals proceedings process
- sentencing discounts for an early plea
- case conferencing.

As noted in the report, while there has been significant and constant reform to both the substantive and procedural law over the last century, there has not been a single comprehensive review to evaluate the overall effectiveness of the criminal justice system in Queensland. Further consideration of the impact of technology on the creation, storage, manipulation and evaluation of information and its importance to the justice system as a whole was also required.

Following extensive consultation, Mr Moynihan makes 60 recommendations in his report in order to achieve more effective use of public resources. The report highlights the archaic and fragmented structure underpinning the criminal justice system and recognises that change in response to the pressures of a dynamic society is inevitable.

The Queensland Government acknowledges the wide range of stakeholders who have provided significant and invaluable contribution to the review. As Mr Moynihan notes in his report, a major challenge in developing an integrated criminal justice system that deals effectively with cases without compromising the underlying values of the system, is to consider the extremely wide and diverse range of perspectives.

The Queensland Government has considered the report and recommendations presented in it. The government supports the general findings and themes in the report. Improving and maintaining public confidence in the justice system is an ongoing priority for this government.

The Queensland Government is pleased to announce that, consistent with the report recommendations, reforms to the Queensland civil and criminal justice system will be implemented in a staged, structured and prioritised way.

The first stage will make legislative reforms to disclosure, civil monetary limits, summary disposition and sentencing discounts for early pleas of guilty based on the recommendations in chapters five, seven, eight and ten of the report. Amendments will also be made to implement a number of recommendations in Chapter nine of the report to streamline the committal process, including recommendations for administrative committals and restricting the calling and cross-examination of witnesses.

The Queensland Government intends to develop a Bill containing the first stage of legislative reforms for introduction to Parliament before the end of 2009.

The second stage of legislative reforms will comprise development of a Criminal Justice Procedure Act and uniform criminal procedure rules and forms to consolidate, modernise and streamline criminal justice procedure legislation in Queensland.

The key focus of the first two stages of legislative reforms will be on the delivery of improved efficiency for Queensland's justice system. The reforms will also bring Queensland into line with other Australian jurisdictions and help make it more dynamic and capable of responding to society's changing needs. Stakeholders will continue to be consulted during the development of these legislative reforms.

The government will also continue to investigate and examine other reforms which can be made to remove duplication and improve the efficiency of courts and associated registries.

Many of the issues raised in the recommendations and findings of the report are interrelated. It is important not to develop a response to these issues in isolation of broader issues affecting Queensland's justice system. The implementation of further reform based on recommendations in the report not captured by the first two stages of legislative reforms will therefore be considered as part of strategic planning for the justice system following review and evaluation of the first two stages.

As highlighted in the report, the justice system in Queensland is a complex arrangement of separate components and agencies. These include Queensland Courts, lawyers and a number of other organisations such as community legal services. It is important for all participants to work together in implementing the reforms recommended in the report so that the intended benefits and improvements can be realised as soon as possible. Effective implementation will involve not only structural change, but also significant cultural change for all people involved. The reforms will benefit all Queenslanders.

Hon Cameron Dick MP

Attorney-General and Minister for Industrial Relations

Recommendations with regard to the overview of the Queensland criminal justice system (chapter four)

Chapter four of the report gives a broad overview of the criminal justice system in Queensland. It highlights the dynamic and interactive nature of the criminal justice system and some of the key challenges faced by the government in reforming the system.

Mr Moynihan found that an archaic and fragmented legal structure currently underpins the criminal justice system and that there is an urgent need to consolidate and update procedures in Queensland. In particular, given only a very small percentage of matters go to trial, there is a need to reorient criminal justice procedures and processes away from the trial to facilitate early and fair outcomes.

There is also a need to encourage the early involvement of competent and experienced legal advisors on both sides to conduct negotiations, refine charges, give appropriate advice and make high quality submissions to the court.

Better coordination and cooperation between agencies within the criminal justice system is required. The various agencies in the criminal system are interrelated and the policies and practices in one agency impact on others in the system. Inconsistent terminology and processes are rife. However, the review highlighted a number of successful approaches already taken by the government, agencies and the community in this area.

The report notes the importance of ethical, responsible, fair and consistent decision making. Decisions by various agencies or individuals affect the entire system and can distort priorities or have other unintended or unforeseen consequences. Two key issues raised were police charging practices and legal aid remuneration. Specific recommendations are directed at ensuring consistent, accurate and appropriate charging practices and ensuring that legal aid funding is aligned to an outcome so as to make effective use of public resources.

New approaches to resource allocation are also necessary to ensure alignment with the overall objectives of the system and in particular the early resolution of cases.

Queensland Government response to recommendations outlined in chapter four

The government agrees with the findings of the review in this chapter.

The first stage of legislative reforms introduced by the government based on the recommendations in the report will focus on making critical improvements to deliver increased efficiency in Queensland's justice system. Consistent with recommendation two, the first stage will implement a number of reforms to disclosure, civil monetary limits, summary disposition and sentencing discounts for early pleas of guilty. Amendments will also be made to implement a number of recommendations outlined in Chapter nine of the report to streamline the committal process, including recommendations for administrative committals and restricting the calling and cross-examination of witnesses.

The second stage of legislative reforms will comprise development of a new Criminal Justice Procedure Act and uniform criminal procedure rules and forms. These reforms will also make significant improvements by consolidating, modernising and streamlining criminal justice procedure.

The government recognises that training of police recruits and serving police officers is critical to ensure they understand the importance of accurate and consistent charging. The Queensland Police Service is committed to the ongoing review and improvement of training programs.

Charging numbers do not play any role as criteria for career advancement by police. There are a number of valid reasons why charges fail, are amended or not proceeded with during

the criminal justice process. The Queensland Police Service has systems in place to monitor outcomes of charging in prosecutions and is committed to developing strategies to improve the monitoring and evaluation of practices.

The government also supports a review of Legal Aid Queensland to identify service priorities and address ongoing funding requirements.

Recommendations with regard to disclosure (chapter five)

The report highlights the significance of proper and timely disclosure in the criminal justice system. Disclosure serves a number of important functions (which are outlined in the report) but in particular it forms the foundation for a fair trial because it provides the accused with knowledge of the case against them. Timely disclosure minimises delay and supports the effective use of public resources through fostering early pleas of guilty, negotiation and thereby reduces wasting of resources.

The report notes that disclosure obligations have been codified in the Criminal Code. These provisions include the mandatory disclosure obligations of the prosecution and the time frames within which such mandatory disclosure must be made. However, these provisions do not limit the ongoing obligation of the prosecution to disclose all evidence that it intends to rely upon in the prosecution or any evidence that tends to assist the case for the prosecution.

There were no issues bearing on the statutory provisions raised by stakeholders in the review. However, Mr Moynihan expresses concern in the report that the disclosure provisions are awkwardly and confusingly expressed and the 'disclosure test' does not provide for a coherent, consistent and objective approach. A number of recommendations are made to address these issues.

While the report notes that in some cases a full brief of evidence leads to the resolution of a matter, it recognises that full disclosure is not necessarily required in every case. Recommendations in Chapter 8 with respect to summary disposition of indictable offences are intended to provide certainty about whether a matter is proceeding summarily or on indictment and therefore whether a full brief is required.

The report also notes that the move from paper based to electronic systems should lessen the police burden in relation to disclosure however there are a number of issues relating to provision of information in digital form that require further consideration. This includes giving consideration to defendants who are in custody.

A number of submissions were made to the review that suggested the Queensland Police Service is failing to meet its statutory obligations for disclosure. Mr Moynihan concludes that it is imperative that police and prosecutors have a clear understanding of disclosure obligations and that there be internal monitoring of compliance. The report states that the time has come to give 'teeth' to the disclosure provisions.

Queensland Government response to recommendations outlined in chapter five

The government agrees with the findings of the review and recognises the crucial importance of timely and proper disclosure in the criminal justice system.

The government notes that the current statutory disclosure provisions impose a statutory duty upon the prosecution to give an accused person full and early disclosure of all things in their possession which would tend to help the case for the accused. While these provisions reflect an agreed position reached between stakeholders following extensive consultation, the government agrees that improvements should be made to make the provisions more precise and coherent having regard to the matters raised in the review.

Amendments will be included in the first stage of legislative reforms based on a number of the recommendations outlined in chapter five of the report to improve the operation of the current disclosure provisions and increase the court's power to deal with non-compliance. This will include recommendation 12 for example, which suggests that the current provisions be redrawn to be simpler, more coherent and consistent.

The Queensland Police Service is also committed to reviewing its internal training, processes and policies with a view to making changes to address the issues identified in the review and improve disclosure.

The government does not support recommendations 15 and 22 for certification by an arresting officer of the sufficiency of evidence to support charges and certification of compliance with disclosure requirements.

The proposal for certification of sufficiency of evidence to support a charge is considered unnecessary. The decision to institute proceedings by an arresting officer takes effect as the laying of a charge. This of itself represents the express written belief by the officer that there is sufficient evidence to support the charge.

Certification also adds an unnecessary additional layer of bureaucracy and has significant cost implications.

Recommendations with regard to information management issues (chapter six)

It is noted in the report that reliable, up to date, accurate and accessible data is the life blood of an effective criminal justice system. It allows decision makers at all levels to make evidence based decisions, challenges entrenched beliefs and perceptions and provides a foundation for funding.

Mr Moynihan found that there was a lack of comprehensive, reliable, comparable, integrated and accessible electronic data within agencies and across the criminal justice system as a whole.

It is noted that the changes canvassed in the report are already occurring and will continue to evolve. Long term solutions to issues are already being addressed by the government through programs such as the Future Courts Program and the Integrated Justice Information Strategy. A number of immediate and short term steps (subject to privacy considerations) are also identified which are compatible with the objectives of long term initiatives.

However, as noted in the report, to be effective changes must be properly resourced, prioritised and managed across the criminal justice system as a whole. The review indicates that:

- there are no ad hoc fixes
- changes require profound cultural changes across the system
- potential benefits may vary from agency to agency
- costs are high and benefits will take some time to manifest but the cost of doing nothing is high.

The report concludes that an integrated and coordinated approach is required to support the practices and processes recommended. The accumulative effect of this approach will facilitate the effective use of public resources and build momentum for further improvements. For these reasons, a recommendation is made that a Criminal Justice Procedures Coordination Council be formed with the role of overseeing and coordinating the implementation of recommendations in this chapter.

Queensland Government response to recommendations outlined in chapter six

The government agrees with the review findings about the quality and availability of data within agencies and across the criminal justice system as a whole. As noted in the report, the government has already developed and implemented initiatives aimed at ensuring the collection of accurate, reliable, coherent and compatible information using consistent terminology across all criminal justice government agencies.

The government is committed to the examination and development of further innovative and integrated strategies to make more effective use of existing criminal justice information. The government also supports the increased use of technology to make more effective use of public resources and has made a significant investment in court technology in recent years to improve the efficiency and effectiveness of Queensland's justice system. Work on a number of the short term steps recommended in the report has also already commenced. These include cleansing of Single Person Identifier data by the Queensland Police Service and a review of the complaint and summons information and process.

The recommendation for establishment of the Criminal Justice Procedures Coordination Council must also be considered in the context of the government's response to the report *Brokering balance: a public interest map for Queensland Government bodies - an independent review of Queensland Government boards, committees and statutory authorities*. However, the government agrees with the findings of the review and is committed to an integrated and coordinated approach which will involve community consultation and engagement.

Recommendations with regard to monetary limits for civil jurisdictions (chapter seven)

The monetary limits for civil matters, which provide the primary delineation point between Queensland courts below the Supreme Court (which has unlimited jurisdiction), were examined by Mr Moynihan. The current limits are:

- District Court \$250,000
- Magistrates Court \$50,000
- Small Claims Tribunal \$7,500.

As noted in the report, the monetary limits of the Magistrates Court and District Court have not changed since 1997. The Small Claims Tribunal limit was last amended in 1998.

The civil limits in other jurisdictions and numerous submissions made by various stakeholders were also considered.

Mr Moynihan concluded that the hierarchy of Queensland Courts should be maintained with a monetary limit as the primary delineation between each court below the Supreme Court. The review does not recommend that Queensland move to concurrent jurisdiction between the Supreme Court and District Court but that an increase in the monetary limit is justified and well overdue.

It is acknowledged in the report that any dollar figure is, to a degree, arbitrary, and there is no single definitive criterion. Taking into account a wide range of factors, recommendations are made for increases to all of the current monetary limits. The recommended increases are:

- District Court \$750,000
- Magistrates Court \$150,000
- Small Claims Tribunal \$25,000.

Recommendations are also made for:

- a review of the cost scales in the *Uniform Civil Procedure Rules 1999* with a view to bringing them into line with the increased complexity and responsibility reflected in the increased monetary limits
- for the monetary limits in the civil jurisdiction of the Magistrates Court and District Court to be reviewed regularly (at least every five years) and adjusted to reflect the then current value of money and other relevant considerations.

Mr Moynihan did not attempt to quantify the impact of the recommended changes on resourcing of each jurisdiction given the data and processes involved to evaluate the effect of the changes are not readily available. However, it is noted in the report that changes to the monetary limits would free up Supreme Court resources to deal with more cases efficiently. This may also have cost benefits for parties involved in civil cases because it costs less to run a matter in the District Court and Magistrates Court rather than in the Supreme Court.

Queensland Government response to recommendations outlined in chapter seven

The government agrees with the recommendations in this chapter of the report.

On 12 March 2008, the government announced its intention to establish a civil and administrative tribunal by the second half of 2009. The Queensland Civil and Administrative Tribunal will include jurisdiction for minor debt claims, Small Claims Tribunal matters and various other civil disputes. To implement recommendation 29, amendments will be made to increase the jurisdiction of the Queensland Civil and Administrative Tribunal for minor civil disputes to \$25,000 from commencement.

In accordance with recommendations 30 and 31, amendments will also be made to the *District Court of Queensland Act 1967* to increase the civil monetary limit to \$750,000 and the

Magistrates Courts Act 1921 to increase the civil monetary limit to \$150,000. These amendments will be included in the first stage of legislative reforms.

The relevant cost scales in the *Uniform Civil Procedure Rules 1999* will be reviewed and appropriate amendments will be made as part of the first stage of legislative reforms. The Rules Committee and other stakeholders will be consulted in the review of cost scales.

Recommendations with regard to summary disposition of indictable offences (chapter eight)

Two key areas of focus in the review were to identify:

- the range of indictable offences are capable of summary disposition
- who should decide whether a matter should be heard and determined on indictment.

Mr Moynihan found that there is a genuine need for modification of who has the right of election and the types of offences that can be dealt with summarily to ensure a coherent system with clarity and certainty for all. No clear and distinct criterion for categorisation of offences which may be dealt with summarily currently exists. A number of consultations and submissions to the review supported this conclusion.

There is also no clear rationale as to why certain offences attract a prosecution election and others a defence election. For example, it is incongruous that the prosecution has the election for serious assault yet the defence has the election for assault occasioning bodily harm.

The report outlines a number of consequences of the current framework that inhibit the operation of an effective and efficient criminal justice system.

It is noted in the report that there is a lack of valid, accessible data available bearing on the effect of the recommendations in this chapter. However, relying on such data and anecdotal evidence, it appeared that something in the region of half to three quarters of the matters presently dealt with in the District and Supreme Court could adequately be dealt with in the Magistrates Court. Queensland has more matters dealt with on indictment in the District and Supreme Courts than any other Australian jurisdiction. In relation to drug offences, the report indicates that a disproportionate allocation of time and resources are invested in cases in the Supreme Court that are primarily to do with personal use or involve no indicia of commerciality and have a high rate of pleas of guilty. The report states that the cost per finalisation in the Supreme Court in 2006-07 was \$5,903 compared with \$314 in the Magistrates Courts and \$3,988 in the District Court.

Mr Moynihan concluded that indictable offences dealt with summarily require realignment to the appropriate court. A number of recommendations are made for summary disposition of indictable offences in the Criminal Code to introduce clarity and structure. It is also recommended that consideration be given to allowing magistrates to deal with a number of additional relatively minor drug offences.

The recommendations seek to balance the just and fair disposition of offences with the effective use of public resources. Realignment will also bring Queensland in line with other Australian jurisdictions. While there are a range of opinions as to how this might be achieved, the weight of the submissions to the review support that reform is needed.

The report outlines in detail the various benefits, risks and issues associated with the recommended changes.

Queensland Government response to recommendations outlined in chapter eight

The government agrees that there is an urgent need to reform the current criminal jurisdiction of Queensland Courts, particularly for summary disposition of indictable offences to ensure the efficient use of public resources.

All recommendations for legislative change in chapter eight of the report (subject to some variations) will be implemented in the first stage of legislative reforms. The variations include:

- (a) Pursuant to the Criminal Code, the maximum penalty which may be imposed by a magistrate for an indictable offence dealt with summarily is three years imprisonment. An exception to this is a matter dealt with by a drug court magistrate in which case four years

may be imposed. The government is of the view that all offences in the Criminal Code carrying a maximum penalty of three years or less (rather than less than three years as recommended) should be heard and determined summarily subject to the existing jurisdictional limits in section 552D of the Criminal Code (as amended per recommendation 37).

- (b) The government considers that, given the seriousness of the offences, assault occasioning bodily harm and serious assault should be subject to a prosecution election as per recommendation 36 rather than under recommendation 34. This approach will ensure that the current position for serious assault is maintained.
- (c) Recommendation 35 provides that all serious offences be dealt with on indictment and proposes that this include those offences where the prosecution will seek a custodial sentence in excess of two years imprisonment. The government does not support this aspect of the recommendation. A magistrate will take into account a prosecution submission that a sentence in excess of three years imprisonment is appropriate pursuant to section 552D of the Criminal Code. This section requires a magistrate to abstain from dealing summarily with an indictable offence if satisfied, that because of the nature or seriousness of the offence or any other relevant consideration, the defendant, if convicted, may not be adequately punished on summary conviction.

Recommendations made with regard to committals (chapter nine)

Reform of committals was a major focus of the review. The case conferencing terms of reference are also dealt with in this Chapter.

The report outlines the extensive history of the committal process and how committals currently work in Queensland. It is noted that there has been a consistent and steady trend towards reform of the committal process in all common law jurisdictions both in Australia and overseas in the last 15 years. Queensland and the Northern Territory are now the only Australian jurisdictions that have retained an unrestricted right of an accused to cross examine prosecution witnesses.

It is noted that the introduction of paper committals has changed the nature and role of the committal process in Queensland. Mr Moynihan found that examination and cross examination of witnesses was directed at ensuring that the evidentiary threshold was met. Cross examination of witnesses on their written statements is now directed at laying the groundwork for trial, particularly by exposing inconsistencies in testimony.

While there is a deep attachment to the current form by many in the profession, Mr Moynihan found that the current form has been overtaken by social, technological and other developments. The committal was found to be a relic of an earlier era. The advent of a professional police service and independent prosecuting authority and other developments mean that the historical reasons for the committal are no longer relevant.

A particular concern identified is the disproportionate number of matters in which there is agreement to the full hand-up paper committal at the last minute. The costs of this are borne by many people, including the community. In addition to submissions, anecdotal reports also point to a systemic problem of inadequate preparation by legal representatives.

After considering available information about the committal process, the submissions and views of many people and the experience in other jurisdictions, Mr Moynihan concludes that it is clear that the committal process in Queensland needs reform. The review found that there needs to be a more focussed, streamlined and effective committal process in Queensland which is aligned with the achievement of an early resolution of cases.

It is recognised in the report that sometimes a committal hearing is justified. When used appropriately with well briefed advisors, a committal can assist the parties to clarify issues, refine the charges before an indictment is presented, negotiate pleas and lead to weak cases being identified and discontinued. There may be cases where pre-trial cross examination of witnesses is necessary to enable the accused to either know the case he or she must answer or to establish whether there is sufficient evidence to proceed to trial. Mr Moynihan concluded however that unfettered access to the courts without having to provide a reason can no longer be sustained. It is both inefficient and ineffective.

The report recommends a new committal process for Queensland where the administrative committal is the default position and a committal hearing with examination and cross examination of witnesses is only conducted where justified.

Queensland Government response to recommendations outlined in chapter nine

The government agrees that reform of the current process for committals in Queensland is a priority to ensure the most efficient and effective use of public resources. The committals process will form part of a broader more integrated and systematic approach which is focussed on resolving criminal cases earlier.

Based on the recommendations outlined in chapter nine of the report, amendments will be made in the first stage of legislative reforms which are focussed on streamlining committal processes by:

- (a) giving the magistracy overall responsibility for supervising the committal process and intervening when justified
- (b) making it mandatory for evidence of witnesses to be given in statement form subject to specified exceptions
- (c) making administrative committals the default position with witnesses only being called either by the prosecution, by consent or by order of a magistrate who is satisfied that it is justified and sets the parameters for cross examination
- (d) aligning ex-officio procedures with the process for administrative committals.

There are certain aspects of the recommendations made in chapter nine that the government does not support.

The government does not support the Office of the Director of Public Prosecutions (ODPP) having a role in providing advice and support to the Queensland Police Service (QPS) about the investigation of serious crimes. It is appropriate for investigation and prosecutorial functions to be kept separate so that the ODPP can review matters independently. It is also not appropriate that a committing magistrate be able to make recommendations to the Director of Public Prosecutions (DPP) with respect to issues such as the appropriateness of charges and other issues that may arise with respect to the indictment. While this would not limit the DPP's discretion it may compromise independence and the separation of powers.

While the government agrees that an increased role for the ODPP in the prosecution of cases and formal case conferencing is desirable, this must be undertaken progressively. The government has continued to demonstrate its commitment to expand the prosecutorial services provided by the ODPP with an allocation of \$4.3 million (\$17.2 million over the next four years) in the 2009-2010 State Budget. This funding enables an increase in the number of prosecutors to help keep pace with the increase in cases coming before Queensland's courts. This will help facilitate the earlier resolution of matters.

Legal Aid Queensland and the ODPP are supportive of the proposal for case conferencing and have already demonstrated commitment to engage in discussions with a view to resolving issues and achieving early resolution. However as noted in the report, adding formal steps in a case should be approached with caution without evidence that such steps will change the behaviour of participants or streamline the system. Further consideration should therefore be given to the outcomes of the evaluation of the mandatory case conferencing trial in New South Wales before implementing these recommendations.

The recommendation for a strengthened committal test was made in the context of the introduction of case conferencing. One of the main justifications for a new test was that it would help dispose of more cases at an early stage. However, data available from NSW (on which the new test is based) may not support this conclusion. The results of a 1992 survey of committal hearings in NSW over a three month period indicated that only 7.6% of cases were discharged (in some instances it was not possible to differentiate between cases and charges). This discharge rate in NSW was particularly low when compared with the proportion of matters that are discontinued by the prosecution after a defendant has been committed. On this basis, recommendation 55 should be considered further along with recommendations for case conferencing and after the impacts of the reforms to streamline the committal process have been reviewed and evaluated.

Recommendations with regard to sentencing discounts for an early plea of guilty (chapter 10)

The review considered whether section 13 of the *Penalties and Sentences Act 1992* (PSA) should be amended to encourage defendants to make earlier pleas of guilty.

The report notes that there are strong reasons for having incentives for an early plea of guilty given the savings it provides to the courts and community, including avoiding court delays and the need for witnesses to give evidence at court. Whether a defendant has pleaded early is however not a straight forward matter.

After having considered various submissions made to the review and provisions in other Australian jurisdictions, Mr Moynihan concluded that it was not appropriate to recommend the introduction of a fixed discount for an early plea of guilty. However, he did find that there was a need for change to provide sufficient encouragement to enter an early plea and transparency about whether a discount has been given for an early plea and the factors taken into account in making that decision.

Queensland Government response to recommendations outlined in chapter 10

The government supports amendments being made to provide sufficient encouragement for defendants to enter a plea of guilty and greater transparency and clarity as to the benefit of entering a plea of guilty at the earliest reasonable opportunity.

Amendments to implement all recommendations in Chapter 10 (subject to some minor modifications) will be made in the first stage of legislative reforms. While the government agrees that the specific factors specified in recommendation 57 are important in determining whether a defendant has entered a timely plea, they do not give sufficient consideration to those defendant's who deliver significant savings to the system by pleading guilty at their first appearance at court or before there has been full disclosure by the prosecution.



Queensland
Government