

Lawyers providing duty lawyer services should follow these procedural guidelines. The guidelines should be read with our *Case Management Standards – Criminal Law – Part B – Case management standards specific to duty lawyer services*.

1. Duty lawyer services are not limited to defendants in custody, or to a person's first court appearance.
2. Duty lawyer services will be provided, without a grant of legal aid being made, for:
  - guilty pleas for summary matters which are not complex or lengthy:
    - includes indictable offences that are dealt with summarily where the defendant does not meet the summary plea guidelines for a grant of legal aid, and
    - includes traffic offences where the defendant is at risk of imprisonment and does not meet the summary plea guidelines for a grant of legal aid.
  - community based order breaches (eg. Breach of probation, breach of community service order)
  - bail breaches
  - first appearance on extradition proceedings
  - adjournments (remands)
  - bail applications and variations
  - disqualified driving charges
  - traffic offences where mandatory imprisonment must be imposed as part or all of the punishment.
3. No appearance will be made for:
  - civil matters
  - traffic and main roads offences where there is no risk of imprisonment unless:
    - the defendant is the subject of other charges being heard at the same time where a conviction may result in the defendant being sentenced to a term of imprisonment.
  - summary trials
  - committal proceedings
  - interlocutory applications for summary trials and committal proceedings
  - matters with a current grant of aid, as these appearances are the legally-aided lawyer's responsibility. If a specific request is made by a private or Legal Aid Queensland lawyer acting for a defendant with a current grant of aid for criminal proceedings, an agency appearance by a duty lawyer can be made on a mention or callover date to:
    - extend bail
    - get a remand or
    - get a sentence or hearing date
  - a defendant who has arranged to be privately represented.
4. Case conferencing

Where possible, duty lawyers are encouraged to engage in case conferencing with prosecution representatives to help dispose of matters early. Case conferences should be confined to straight forward issues such as amending, substituting or withdrawing charges, or reaching a common agreement on the factual basis for a plea.

Duty lawyers are not to attempt case conferencing requiring complex and lengthy negotiations. Duty lawyers are to adjourn these matters and advise defendants to apply for legal aid or get private legal representation.