



*Justices Act 1886*

# Justices Regulation 2014

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Queensland

# Justices Regulation 2014

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# Justices Regulation 2014

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Justices Regulation 2014*.

### 2 Commencement

This regulation commences on 1 September 2014.

### 3 Dictionary

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 Warrants

### Division 1 Procedure when particular warrants are issued

#### 4 Copy of complaint to be filed if warrant of apprehension issued under Act, s 57 or 59

- (1) This section applies if a warrant is issued under section 57 or 59 of the Act on a complaint.
- (2) If the warrant is issued at a place appointed for holding a Magistrates Court, the complainant must, at the time the warrant is issued, file a copy of the complaint with the clerk of the court at the place.
- (3) If the warrant is issued at another place, the complainant must, within 3 days after the warrant's issue, file a copy of the

complaint with the clerk of the court who is nearest to the place where the warrant was issued.

## **5 Copy of evidence on oath to be filed if warrant for a witness issued under Act, s 81**

- (1) This section applies if a person asks a justice to issue a warrant that may be issued under section 81 of the Act.
- (2) If the warrant is issued at a place appointed for holding a Magistrates Court, the person must, at the time the warrant is issued—
  - (a) file a copy of any written evidence on oath relied on to obtain the warrant with the clerk of the court at the place; and
  - (b) pay the fee for filing the copy.
- (3) If the warrant is issued at another place, the person must, within 3 days after the warrant's issue—
  - (a) file a copy of any written evidence on oath relied on to obtain the warrant with the clerk of the court who is at or nearest to the returnable place; and
  - (b) pay the fee for filing the copy.
- (4) In this section—

***returnable place***, for a warrant, means the place where the relevant witness is to be brought under the warrant.

## **Division 2 Computer warrants**

### **6 Prescribed warrants—Act, s 66**

For section 66(4) of the Act, the following types of warrant are prescribed—

- (a) a warrant issued under the Act;
- (b) a warrant issued under the *Bail Act 1980*;



- (c) a warrant issued under the *Criminal Practice Rules 1999*, rule 28;
- (d) a warrant issued under the *Domestic and Family Violence Protection Act 2012*;
- (e) a warrant of commitment issued under the *Penalties and Sentences Act 1992*;
- (f) an arrest warrant issued under the *Police Powers and Responsibilities Act 2000*;
- (g) a warrant issued under the *State Penalties Enforcement Act 1999*;
- (h) a warrant issued under the *Youth Justice Act 1992*.

## **7 Approved procedures for computer stored information—Act, s 67**

For section 67(1)(b) of the Act, the following procedures for computer stored information are approved—

- (a) the procedures, made by the chief executive, stated in the document—
  - (i) called ‘Issuing eWarrants in Queensland Courts’; and
  - (ii) published on the department’s website;
- (b) the procedures about computer warrants, made by the commissioner of the police service, stated in the document—
  - (i) called ‘Operational Procedures Manual’; and
  - (ii) published by the department administering the *Police Powers and Responsibilities Act 2000* on its website.

## **8 Prescribed information—Act, s 69B(2)**

- (1) This section applies if a computer warrant is executed using information about the warrant in a document, other than a

written version of the warrant, made under the approved procedures.

- (2) The document must include the following information about the warrant—
  - (a) type;
  - (b) reference number;
  - (c) date of issue;
  - (d) issuing entity's name and location;
  - (e) the Act under which the warrant was issued;
  - (f) for a warrant of commitment for failure to pay an amount—
    - (i) the amount payable; and
    - (ii) the default period of imprisonment;
  - (g) for a warrant of execution—the amount payable.
- (3) The document must include the following information about the person to whom the warrant relates—
  - (a) name;
  - (b) address stated in the warrant;
  - (c) latest known address.
- (4) The document must include the following information about the offence or alleged offence for which the warrant was issued—
  - (a) a description of the offence or alleged offence;
  - (b) the place where the offence or alleged offence happened;
  - (c) the date of the offence or alleged offence;
  - (d) the provision of the Act or statutory instrument that was contravened or allegedly contravened.

**9 Certification—Act, s 69B(5)(b)**

For section 69B(5)(b) of the Act, certification is to be by the arresting officer.

**Division 3                      Written warrants executed using  
document containing information  
about outstanding warrants**

**10 Prescribed document—Act, s 69E**

For section 69E(1)(b) of the Act, a document called ‘Warrant Report’ made by the commissioner of the police service for executing a warrant mentioned in the document is prescribed.

**11 Certification of prescribed document—Act, s 69E(4)(b)**

For section 69E(4)(b) of the Act, certification is to be by the arresting officer.

**Part 3                              Summons to witness**

**12 Copy of summons issued to witness under Act, s 78 or 83  
to be filed**

- (1) This section applies if a person asks a justice to issue a summons that may be issued under section 78 or 83 of the Act.
- (2) If the summons is issued at a place appointed for holding a Magistrates Court, the person must, at the time the summons is issued—
  - (a) file a copy of the summons with the clerk of the court at the place; and
  - (b) pay the fee for filing the copy.
- (3) If the summons is issued at another place, the person must, within 3 days after the summons’s issue—

[s 13]

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- (a) file a copy of the summons with the clerk of the court who is at or nearest to the returnable place; and
  - (b) pay the fee for filing the copy.
- (4) In this section—

***returnable place***, for a summons, means the place where the relevant witness is required to appear or produce documents under the summons.

## **Part 4                      Bench charge sheets and bench cover sheets**

### **Division 1                Bench charge sheet if defendant arrested or served with notice to appear**

#### **13            Police officer to give bench charge sheet to clerk of the court**

- (1) This section applies to a charge against a defendant if—
- (a) the charge is of an offence for which a proceeding may be brought under the Act; and
  - (b) the defendant is—
    - (i) arrested on the charge, with or without a warrant; or
    - (ii) served with a notice to appear under the *Police Powers and Responsibilities Act 2000* for the offence.
- (2) However, this section does not apply to a charge for which a bench charge sheet is required under an Act other than the Act.
- (3) A police officer must give the clerk of the court of the relevant court a separate bench charge sheet for each charge to which this section applies.

- (4) The bench charge sheet may be given electronically to the clerk of the court.
- (5) In this section—  
*relevant court*, for a charge against a defendant, means a court before which the defendant is to be brought on the charge.

## 14 What bench charge sheet must state when given to clerk of the court

- (1) A bench charge sheet under section 13 must state—
  - (a) the name of the defendant and of the complainant, if any; and
  - (b) the offence with which the defendant is charged and adequate particulars of the charge to inform the defendant of the nature of the charge, including, for example, the following particulars—
    - (i) particulars of the alleged time and place of committing the offence;
    - (ii) particulars of the person, if any, alleged to be aggrieved;
    - (iii) particulars of the property, if any, in question; and
  - (c) any circumstances of aggravation on which it is intended to rely.
- (2) When stating the offence on the bench charge sheet, it is sufficient to describe the offence in the words of the Criminal Code or the Act defining it, or in similar words.
- (3) A description of persons or things that would be sufficient on an indictment is sufficient on a bench charge sheet.

*Note—*

For example, the Criminal Code, sections 565 (General rules applicable to indictments) and 566 (Particular indictments) set out requirements sufficient for particular indictments.

- (4) Subsection (1)(b) does not apply if section 42(2) of the Act applies to the charge.

*Note—*

Section 42(2) of the Act already requires particulars of certain charges to be entered on a bench charge sheet.

- (5) This section and section 15 do not limit the information that may be stated on a bench charge sheet.

## **Division 2                      All bench charge sheets**

### **15            What court must record, or ensure is recorded, on bench charge sheet**

- (1) This section applies for a proceeding under the Act before a court in relation to a charge stated on a bench charge sheet.
- (2) If the charge is amended, other than under section 42(1A) of the Act, the court must ensure that particulars of the amendment are recorded on the bench charge sheet.

*Note—*

Section 42(2) of the Act already requires particulars of certain amended charges to be entered on a bench charge sheet.

- (3) If the court accepts the defendant's plea, or enters a plea for the defendant, to the charge, the court must—
- (a) if more than 1 charge is before court and the same plea is accepted or entered for 1 or more of the other charges before the court—
- (i) record the plea on the bench charge sheet for 1 of the charges to which the plea is accepted or entered (the *lead plea charge sheet*); and
- (ii) record the court file number stated on the lead plea charge sheet on the bench charge sheet for each other charge to which the plea is accepted or entered; or
- (b) otherwise—record the plea on the bench charge sheet for the charge.
- (4) The court must ensure—

- (a) if the decision on the charge applies to more than 1 charge before the court—
    - (i) the decision is recorded on the bench charge sheet, or a schedule attached to the bench charge sheet, for 1 of the charges to which the decision applies (the ***lead decision charge sheet***); and
    - (ii) the court file number stated on the lead decision charge sheet is recorded on the bench charge sheet for each other charge to which the decision applies; or
  - (b) otherwise—the decision is recorded on the bench charge sheet for the charge.
- (5) The court may make, or allow to be made, any entry on the bench charge sheet the court considers appropriate.
- (6) In this section—
- schedule*** means a document on which a decision on a charge may be recorded and stating the following information in relation to the charge—
- (a) the court file number stated on the bench charge sheet on which the charge is stated;
  - (b) the charge number;
  - (c) the offence charged;
  - (d) the date of the offence charged.

## Division 3                      Bench cover sheets

### 16              Bench cover sheet

- (1) This section applies to—
- (a) a proceeding under the Act before a court in relation to a charge for which an Act does not require a bench charge sheet; or
  - (b) an application made under the Act to a court.

- (2) The court before which the application or proceeding is brought must record the following information on a document (a ***bench cover sheet***)—
  - (a) the names of the parties;
  - (b) the nature of the complaint or application.
- (3) If the charge or application is amended, other than under section 42(1A) of the Act, the court must ensure that particulars of the amendment are recorded on the bench cover sheet.
- (4) If the court accepts the defendant's plea, or enters a plea for the defendant, to the charge, the court must—
  - (a) if more than 1 charge is before court and the same plea is accepted or entered for 1 or more of the other charges before the court—
    - (i) record the plea on the bench cover sheet for 1 of the charges to which the plea is accepted or entered (the ***lead plea cover sheet***); and
    - (ii) record the court file number stated on the lead plea cover sheet on the bench cover sheet for each other charge to which the plea is accepted or entered; or
  - (b) otherwise—record the plea on the bench cover sheet for the charge.
- (5) The court must ensure—
  - (a) if the decision on the charge or application applies to more than 1 charge or application before the court—
    - (i) the decision is recorded on the bench cover sheet, or a schedule attached to the bench cover sheet, for 1 of the charges or applications to which the decision applies (the ***lead decision cover sheet***); and
    - (ii) the court file number stated on the lead decision cover sheet is recorded on the bench cover sheet for each other charge or application to which the decision applies; or



- (ii) the date of the offence charged.

## Magistrates Courts districts and places for holding courts

**17 Magistrates Courts districts, divisions of Brisbane district, and places for holding courts—Act, s 22B**

- (d) the places appointed for holding Magistrates Courts in the districts and divisions.

- (2) For schedule 1—
- (a) the whole area within the external boundary of a city or shire is taken to be part of the city or shire, even if it is not part of the city or shire; and
  - (b) an island in Queensland waters that is not within the external boundary of a city or shire is taken to be part of the city or shire nearest the island; and
  - (c) each point forming part of Queensland waters that is not within the external boundary of a city or shire is taken to be part of the city or shire nearest the point.
- (3) Also, for schedule 1, a reference to a city, shire or town by name is a reference to the city, shire or town of that name declared as a local government area under the repealed *Local Government Act 1993* as in force immediately before the changeover day.
- (4) The chief executive must keep a copy of each map or area map mentioned in schedule 1 at the department's head office.
- (5) A copy of each map or area map mentioned in schedule 1 can be—
- (a) accessed by members of the public, free of charge, on the department's website; or
  - (b) purchased from any office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered.
- (6) In this section—

***changeover day*** means 15 March 2008.

*Note—*

15 March 2008 is the changeover day declared under the repealed *Local Government Act 1993*, section 159YE(2) for all new, adjusted and continuing local government areas listed in schedule 1A of that Act. See the notice published in the gazette on 23 November 2007 at page 1,680.

## **18 Metropolitan district**

The metropolitan district consists of the following districts—

- Beenleigh Magistrates Courts District
- Brisbane Magistrates Courts District
- Cleveland Magistrates Courts District
- Redcliffe Magistrates Courts District.

## **Part 6 Costs and fees**

### **19 Scale of costs for Act, pt 6, div 8 and pt 9, div 1—Act, ss 158B(1)(a) and 232A(1)(a)**

The scale of costs for part 6, division 8 and part 9, division 1 of the Act is in schedule 2.

### **20 Fees**

- (1) The fees payable to the clerk of the court are in schedule 3.
- (2) However, sections 21, 22 and 22A provide exemptions for particular fees.

### **20A Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards).

*Example for paragraph (a)—*

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

## **21 Fee exemption for State-related complainant**

(1) Despite section 20(1), no fee is payable under schedule 3, items 1 to 4 or 5(a) by a State-related complainant.

(2) If—

- (a) a complaint is made by a State-related complainant; and
- (b) a court makes an order against the defendant in relation to the complaint;

the court must order the defendant to pay to the clerk of the court the amount of any filing fee stated in schedule 3, items 1 to 3 that would have been payable in relation to the complaint by the State-related complainant if subsection (1) had not applied.

(3) In this section—

***State-related complainant*** means—

- (a) the Sovereign; or
- (b) the State or a person acting for the State; or
- (c) an entity, or a person acting for an entity, whose expenditure is entirely payable out of the consolidated fund.

## **22 Fee exemption for record of particular decisions**

(1) This section applies in relation to the supply of a record of a decision (including an order or a record of conviction) under section 154(1A) of the Act to a person about whom the decision was made.

(2) Despite section 20(1), no fee is payable under schedule 3, item 5(a) by the person for the supply of the record.

## **22A Fee exemption for Australian courts and tribunals**

(1) Despite section 20(1), no fee is payable under schedule 3, item 4 or 5 by a relevant court or tribunal, or a registry official of a relevant court or tribunal.

(2) In this section—

*registry official*, of a relevant court or tribunal, means a registrar, clerk of the court or other officer (however described) of the relevant court or tribunal.

*relevant court or tribunal* means—

- (a) the Federal Circuit and Family Court of Australia (Division 1); or
- (b) the Federal Circuit and Family Court of Australia (Division 2); or
- (c) the Family Court of Western Australia; or
- (d) another court or tribunal of a State.

## **Part 7 Repeals**

### **23 Repeals**

The Justices Regulation 2004, SL No. 168 is repealed.

## **Part 8 Transitional provisions**

### **Division 1 Transitional provision for SL No. 191 of 2014**

#### **24 Court to order unsuccessful defendant to pay filing fees if State-related complainant**

(1) This section applies if, before the commencement of this section—

- (a) a document was filed, without payment of a fee, under section 19A(1) of the repealed regulation; and
  - (b) no order has been made, under section 19A(2) of the repealed regulation, against the defendant in relation to the filing fee for the document.
- (2) Section 19(2) of the repealed regulation continues to apply in relation to the defendant as if it were still in force.
- (3) In this section—

*repealed regulation* means the *Justices Regulation 2004*.

## **Division 2                      Transitional provisions for Justices (Recording of Pleas and Decisions) Amendment Regulation 2018**

### **25            Definitions for division**

In this division—

*amended*, for a provision of this regulation, means as in force from the commencement.

*pre-amended*, for a provision of this regulation, means as in force from time to time before the commencement.

### **26            Recording of particular information on bench charge sheets**

- (1) This section applies if, before the commencement, a plea or decision in relation to a charge was recorded on a bench charge sheet in a way required under amended section 15.
- (2) The recording of the plea or decision on the bench charge sheet is taken to be, and to have always been, recorded in compliance with pre-amended section 15.

**27      Recording of particular information on bench cover sheets**

- (1) This section applies if, before the commencement, a plea or decision in relation to a charge or application was recorded on a bench cover sheet in a way required under amended section 16.
- (2) The recording of the plea or decision on the bench cover sheet is taken to be, and to have always been, recorded in compliance with pre-amended section 16.

## **Schedule 1      Magistrates Courts districts and places for holding courts**

section 17

### **1      Beaudesert**

- (1) The name of the district is Beaudesert Magistrates Courts District.
- (2) The area of the district is Beaudesert Shire as shown on area map LGB12 edition 4.
- (3) The place for holding Magistrates Courts in the district is Beaudesert.

### **2      Beenleigh**

- (1) The name of the district is Beenleigh Magistrates Courts District.
- (2) The area of the district is the area consisting of the following areas—
  - (a) Logan City as shown on area map LGB78 edition 9;
  - (b) the area that is—
    - (i) within Gold Coast City as shown on area map LGB58 edition 7; and
    - (ii) north of the Beenleigh-Gold Coast dividing line.
- (3) The place for holding Magistrates Courts in the district is Beenleigh.

### **3      Bowen**

- (1) The name of the district is Bowen Magistrates Courts District.
- (2) The area of the district is Bowen Shire as shown on area map LGB20 edition 2.



- (3) The place for holding Magistrates Courts in the district is Bowen.

#### **4 Brisbane**

- (1) The name of the district is Brisbane Magistrates Courts District.
- (2) The area of the district is the City of Brisbane as shown on map LGB1 edition 6, sheets 1 to 4.
- (3) The names of the divisions of the Brisbane Magistrates Courts District are Central division, Holland Park division, Richlands division, Sandgate division and Wynnum division.
- (4) The area of the Central division is the area of the following electoral wards of the City of Brisbane—
- Central
  - Enoggera
  - Hamilton
  - the part of Jamboree that is north of a boundary line following from west to east—
    - (i) from the place where the boundary between the Jamboree and Pullenvale electoral wards meets Wolston Creek; and
    - (ii) along Wolston Creek until it meets Wacol Station Road; and
    - (iii) along Wacol Station Road until it meets Sumners Road; and
    - (iv) along Sumners Road until it meets Monier Road; and
    - (v) along Monier Road until it meets Duporth Road; and
    - (vi) along Duporth Road until it meets Seventeen Mile Rocks Road; and

(vii) along Seventeen Mile Rocks Road until it meets the place where the boundaries of the Jamboree, Tennyson and Moorooka electoral wards meet.

- Marchant
  - McDowall
  - Morningside
  - Northgate
  - Paddington
  - Pullenvale
  - Tennyson
  - The Gabba
  - The Gap
  - Walter Taylor.
- (5) The place for holding Magistrates Courts in the Central division is City.
- (6) The area of the Holland Park division is the area of the following electoral wards of the City of Brisbane—
- Chandler
  - Coorparoo
  - Holland Park
  - Macgregor
  - the part of Moorooka that is east of a boundary line following from north to south—
    - (i) from the place where the boundary between the Moorooka and Tennyson electoral wards meets Oxley Creek; and
    - (ii) along Oxley Creek until it meets Bowhill Road; and
    - (iii) along Bowhill Road until it meets Beatty Road; and

- (iv) along Beatty Road until it meets Boundary Road; and
  - (v) along Boundary Road until it meets Beenleigh Road; and
  - (vi) along Beenleigh Road until it meets the place where Beenleigh Road meets the boundary between Moorooka and Runcorn electoral wards.
- Runcorn.
- (7) The place for holding Magistrates Courts in the Holland Park division is Holland Park.
- (8) The area of the Richlands division is the area of the following electoral wards of the City of Brisbane—
- Calamvale
  - Forest Lake
  - the part of Jamboree that is not in the area of the Central division
  - the part of Moorooka that is not in the area of the Holland Park division.
- (9) The place for holding Magistrates Courts in the Richlands division is Richlands.
- (10) The area of the Sandgate division is the area of the electoral wards of the City of Brisbane of Bracken Ridge and Deagon.
- (11) The place for holding Magistrates Courts in the Sandgate division is Sandgate.
- (12) The area of the Wynnum division is the area of the electoral wards of the City of Brisbane of Doboy and Wynnum-Manly.
- (13) The place for holding Magistrates Courts in the Wynnum division is Wynnum.

## **5 Bundaberg**

- (1) The name of the district is Bundaberg Magistrates Courts District.

Schedule 1

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- (2) The area of the district is the area consisting of the following—
- Bundaberg City as shown on area map LGB23 edition 2
  - Burnett Shire as shown on area map LGB59 edition 2
  - Isis Shire as shown on area map LGB67 edition 1
  - Kolan Shire as shown on area map LGB75 edition 1
  - Miriam Vale Shire as shown on area map LGB87 edition 1
  - Perry Shire as shown on area map LGB103 edition 1.
- (3) The places for holding Magistrates Courts in the district are Bundaberg and Childers.

**6 Caboolture**

- (1) The name of the district is Caboolture Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
- Caboolture Shire as shown on area map LGB27 edition 4
  - Pine Rivers Shire as shown on area map LGB104 edition 5.
- (3) The places for holding Magistrates Courts in the district are Caboolture, Petrie and Strathpine.

**7 Cairns**

- (1) The name of the district is Cairns Magistrates Courts District.
- (2) The area of the district is the area consisting of—
- (a) the following—
- Atherton Shire as shown on area map LGB5 edition 1

- Cairns City as shown on area map LGB28 edition 3
  - Croydon Shire as shown on area map LGB41 edition 1
  - Douglas Shire as shown on area map LGB45 edition 2
  - Eacham Shire as shown on area map LGB47 edition 1
  - Etheridge Shire as shown on area map LGB51 edition 1
  - Herberton Shire as shown on area map LGB61 edition 1
  - Kowanyama Shire as shown on area map LGB155 edition 1
  - Mareeba Shire as shown on area map LGB81 edition 2
  - Pormpuraaw Shire as shown on area map LGB161 edition 1
  - Yarrabah Shire as shown on area map LGB165 edition 1; and
- (b) the area that is—
- (i) within Carpentaria Shire as shown on area map LGB33 edition 3; and
  - (ii) north of the Cairns-Cloncurry dividing line.
- (3) The places for holding Magistrates Courts in the district are—
- Atherton
  - Cairns
  - Chillagoe
  - Croydon
  - Einasleigh
  - Georgetown

- Kowanyama
- Mareeba
- Mossman
- Mount Garnett
- Pormpuraaw
- Yarrabah.

## **8 Charleville**

- (1) The name of the district is Charleville Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Murweh Shire as shown on area map LGB97 edition 2
  - Quilpie Shire as shown on area map LGB107 edition 2
  - Tambo Shire as shown on area map LGB117 edition 2.
- (3) The places for holding Magistrates Courts in the district are—
  - Adavale
  - Charleville
  - Eromanga
  - Quilpie
  - Tambo.

## **9 Charters Towers**

- (1) The name of the district is Charters Towers Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Charters Towers City as shown on area map LGB34 edition 2

- Dalrymple Shire as shown on area map LGB43 edition 5.
- (3) The places for holding Magistrates Courts in the district are Charters Towers, Greenvale and Pentland.

## **10 Clermont**

- (1) The name of the district is Clermont Magistrates Courts District.
- (2) The area of the district is Belyando Shire as shown on area map LGB13 edition 2.
- (3) The places for holding Magistrates Courts in the district are Clermont and Moranbah.

## **11 Cleveland**

- (1) The name of the district is Cleveland Magistrates Courts District.
- (2) The area of the district is Redland Shire as shown on area map LGB109 edition 4.
- (3) The place for holding Magistrates Courts in the district is Cleveland.

## **12 Cloncurry**

- (1) The name of the district is Cloncurry Magistrates Courts District.
- (2) The area of the district is the area consisting of—
- (a) the following—
    - Cloncurry Shire as shown on area map LGB37 edition 2
    - McKinlay Shire as shown on area map LGB84 edition 1; and
  - (b) the area that is—

- (i) within Carpentaria Shire as shown on area map LGB33 edition 3; and
  - (ii) south of the Cairns-Cloncurry dividing line.
- (3) The places for holding Magistrates Courts in the district are—
  - Cloncurry
  - Dajarra
  - Julia Creek
  - Kynuna
  - McKinlay
  - Normanton.

### **13 Cooktown**

- (1) The name of the district is Cooktown Magistrates Courts District.
- (2) The area of the district is the area consisting of—
  - (a) the following—
    - Aurukun Shire as shown on area map LGB6 edition 1
    - Cook Shire as shown on area map LGB38 edition 3
    - Hope Vale Shire as shown on area map LGB153 edition 1
    - Lockhart River Shire as shown on area map LGB156 edition 1
    - Mapoon Shire as shown on area map LGB157 edition 1
    - Napranum Shire as shown on area map LGB158 edition 1
    - Wujal Wujal Shire as shown on area map LGB164 edition 1; and
  - (b) the Weipa Town Area—



- (i) excluded from Cook Shire under the agreement made under the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*; and
  - (ii) shown on area map LGB38 edition 3.
- (3) The places for holding Magistrates Courts in the district are—
  - Aurukun
  - Coen
  - Cooktown
  - Hope Vale
  - Lockhart River
  - Weipa
  - Wujal Wujal.

#### **14 Cunnamulla**

- (1) The name of the district is Cunnamulla Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Bulloo Shire as shown on area map LGB22 edition 1
  - Paroo Shire as shown on area map LGB101 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
  - Cunnamulla
  - Hungerford
  - Thargomindah
  - Wyandra.

#### **15 Dalby**

- (1) The name of the district is Dalby Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—

- Chinchilla Shire as shown on area map LGB35 edition 1
  - Dalby Town as shown on area map LGB42 edition 1
  - Murilla Shire as shown on area map LGB96 edition 2
  - Tara Shire as shown on area map LGB118 edition 2
  - Taroom Shire as shown on area map LGB119 edition 1
  - Wambo Shire as shown on area map LGB126 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Chinchilla
  - Dalby
  - Meandarra
  - Tara
  - Taroom.

## **16 Emerald**

- (1) The name of the district is Emerald Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
- Bauhinia Shire as shown on area map LGB11 edition 3
  - Duaringa Shire as shown on area map LGB46 edition 2
  - Emerald Shire as shown on area map LGB49 edition 1
  - Peak Downs Shire as shown on area map LGB102 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Alpha
  - Blackwater
  - Duaringa
  - Emerald
  - Springsure.

**17 Gladstone**

- (1) The name of the district is Gladstone Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Calliope Shire as shown on area map LGB29 edition 2
  - Gladstone City as shown on area map LGB56 edition 1.
- (3) The place for holding Magistrates Courts in the district is Gladstone.

**18 Gold Coast**

- (1) The name of the district is Gold Coast Magistrates Courts District.
- (2) The area of the district is the area that is—
  - (a) within Gold Coast City as shown on area map LGB58 edition 7; and
  - (b) south of the Beenleigh-Gold Coast dividing line.
- (3) The places for holding Magistrates Courts in the district are Coolangatta and Southport.

**19 Goondiwindi**

- (1) The name of the district is Goondiwindi Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Balonne Shire as shown on area map LGB7 edition 1
  - Goondiwindi Town as shown on area map LGB60 edition 1
  - Waggamba Shire as shown on area map LGB125 edition 2.
- (3) The places for holding Magistrates Courts in the district are—

- Bollon
- Dirranbandi
- Goondiwindi
- Mungindi
- St George.

## **20 Gympie**

- (1) The name of the district is Gympie Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Cooloola Shire as shown on area map LGB39 edition 4
  - Kilkivan Shire as shown on area map LGB73 edition 3.
- (3) The place for holding Magistrates Courts in the district is Gympie.

## **21 Hervey Bay**

- (1) The name of the district is Hervey Bay Magistrates Courts District.
- (2) The area of the district is Hervey Bay City as shown on area map LGB62 edition 4.
- (3) The place for holding the Magistrates Courts in the district is Hervey Bay.

## **22 Hughenden**

- (1) The name of the district is Hughenden Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Flinders Shire as shown on area map LGB53 edition 1

- Richmond Shire as shown on area map LGB110 edition 1.
- (3) The places for holding Magistrates Courts in the district are Hughenden and Richmond.

## **23 Innisfail**

- (1) The name of the district is Innisfail Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
- Cardwell Shire as shown on area map LGB32 edition 1
  - Johnstone Shire as shown on area map LGB70 edition 2.
- (3) The places for holding Magistrates Courts in the district are Innisfail and Tully.

## **24 Ipswich**

- (1) The name of the district is Ipswich Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
- Boonah Shire as shown on area map LGB17 edition 5
  - Esk Shire as shown on area map LGB50 edition 5
  - Gatton Shire as shown on area map LGB54 edition 4
  - Ipswich City as shown on area map LGB66 edition 7
  - Kilcoy Shire as shown on area map LGB72 edition 1
  - Laidley Shire as shown on area map LGB76 edition 4.
- (3) The places for holding Magistrates Courts in the district are Gatton, Ipswich and Toogoolawah.

## **25 Kingaroy**

- (1) The name of the district is Kingaroy Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Cherbourg Shire as shown on area map LGB151 edition 1
  - Kingaroy Shire as shown on area map LGB74 edition 1
  - Murgon Shire as shown on area map LGB95 edition 3
  - Nanango Shire as shown on area map LGB98 edition 1
  - Wondai Shire as shown on area map LGB131 edition 2.
- (3) The places for holding Magistrates Courts in the district are—
  - Cherbourg
  - Kingaroy
  - Murgon
  - Nanango.

## **26 Longreach**

- (1) The name of the district is Longreach Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Aramac Shire as shown on area map LGB4 edition 1
  - Barcaldine Shire as shown on area map LGB9 edition 1
  - Barcoo Shire as shown on area map LGB10 edition 2
  - Blackall Shire as shown on area map LGB16 edition 2
  - Ilfracombe Shire as shown on area map LGB64 edition 1
  - Isisford Shire as shown on area map LGB68 edition 1
  - Jericho Shire as shown on area map LGB69 edition 1

- Longreach Shire as shown on area map LGB79 edition 1
  - Winton Shire as shown on area map LGB129 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Alpha
  - Barcaldine
  - Blackall
  - Isisford
  - Jundah
  - Longreach
  - Muttaborra
  - Windorah
  - Winton
  - Yaraka.

## **27 Mackay**

- (1) The name of the district is Mackay Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
- Broadsound Shire as shown on area map LGB21 edition 1
  - Mackay City as shown on area map LGB80 edition 5
  - Mirani Shire as shown on area map LGB86 edition 2
  - Nebo Shire as shown on area map LGB99 edition 2
  - Sarina Shire as shown on area map LGB115 edition 2
  - Whitsunday Shire as shown on area map LGB130 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Mackay

- Proserpine
- Sarina
- St Lawrence.

## **28 Maroochydore**

- (1) The name of the district is Maroochydore Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Caloundra City as shown on area map LGB30 edition 5
  - Maroochy Shire as shown on area map LGB82 edition 10
  - Noosa Shire as shown on area map LGB100 edition 8.
- (3) The places for holding Magistrates Courts in the district are—
  - Caloundra
  - Landsborough
  - Maroochydore
  - Nambour
  - Noosa
  - Pomona.

## **29 Maryborough**

- (1) The name of the district is Maryborough Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Biggenden Shire as shown on area map LGB15 edition 1
  - Eidsvold Shire as shown on area map LGB48 edition 1
  - Gayndah Shire as shown on area map LGB55 edition 1



- Maryborough Shire as shown on area map LGB83 edition 4
  - Mundubbera Shire as shown on area map LGB94 edition 1
  - Tiaro Shire as shown on area map LGB121 edition 2
  - Woocoo Shire as shown on area map LGB132 edition 1.
- (3) The places for holding Magistrates Courts in the district are Gayndah and Maryborough.

### **30 Mount Isa**

- (1) The name of the district is Mount Isa Magistrates Courts District.
- (2) The area of the district is the area consisting of—
- (a) the following—
- Boulia Shire as shown on area map LGB19 edition 2
  - Burke Shire as shown on area map LGB26 edition 2
  - Diamantina Shire as shown on area map LGB44 edition 1
  - Doomadgee Shire as shown on area map LGB152 edition 1
  - Mornington Shire as shown on area map LGB90 edition 1
  - Mount Isa City as shown on area map LGB91 edition 2; and
- (b) Bountiful Islands; and
- (c) Sweers Island.
- (3) The places for holding Magistrates Courts in the district are—
- Bedourie
  - Birdsville

- Boulia
- Burketown
- Camooweal
- Doomadgee
- Mornington Island
- Mount Isa.

### **31 Redcliffe**

- (1) The name of the district is Redcliffe Magistrates Courts District.
- (2) The area of the district is Redcliffe City as shown on area map LGB108 edition 1.
- (3) The place for holding Magistrates Courts in the district is Redcliffe.

### **32 Rockhampton**

- (1) The name of the district is Rockhampton Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Banana Shire as shown on area map LGB8 edition 3
  - Fitzroy Shire as shown on area map LGB52 edition 1
  - Livingstone Shire as shown on area map LGB77 edition 1
  - Monto Shire as shown on area map LGB88 edition 2
  - Mount Morgan Shire as shown on area map LGB92 edition 1
  - Rockhampton City as shown on area map LGB111 edition 3
  - Woorabinda Shire as shown on area map LGB163 edition 1.

(3) The places for holding Magistrates Courts in the district are—

- Baralaba
- Biloela
- Monto
- Rockhampton
- Woorabinda
- Yeppoon.

### **33 Roma**

(1) The name of the district is Roma Magistrates Courts District.

(2) The area of the district is the area consisting of the following—

- Bendemere Shire as shown on area map LGB14 edition 2
- Booringa Shire as shown on area map LGB18 edition 2
- Bungil Shire as shown on area map LGB24 edition 1
- Roma Town as shown on area map LGB112 edition 1
- Warroo Shire as shown on area map LGB128 edition 2.

(3) The places for holding Magistrates Courts in the district are Mitchell and Roma.

### **34 Stanthorpe**

(1) The name of the district is Stanthorpe Magistrates Courts District.

(2) The area of the district is Stanthorpe Shire as shown on area map LGB116 edition 1.

(3) The place for holding Magistrates Courts in the district is Stanthorpe.

### **35 Thursday Island**

- (1) The name of the district is Thursday Island Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
  - Injinoo Shire as shown on area map LGB154 edition 1
  - New Mapoon Shire as shown on area map LGB159 edition 1
  - Torres Shire as shown on area map LGB123 edition 4
  - Umagico Shire as shown on area map LGB162 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
  - Badu Island
  - Bamaga
  - Boigu Island
  - Darnley Island (also known as Erub Island)
  - Mabuiag Island
  - Mer Island (also known as Murray Island)
  - Moa Island
  - Saibai Island (also known as Kumag Island)
  - Thursday Island
  - Warraber Island (also known as Sue Island)
  - Yam Island
  - Yorke Island (also known as Masig Island).

### **36 Toowoomba**

- (1) The name of the district is Toowoomba Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—

- Cambooya Shire as shown on area map LGB31 edition 4
  - Crows Nest Shire as shown on area map LGB40 edition 4
  - Jondaryan Shire as shown on area map LGB71 edition 2
  - Millmerran Shire as shown on area map LGB85 edition 2
  - Pittsworth Shire as shown on area map LGB106 edition 3
  - Rosalie Shire as shown on area map LGB113 edition 2
  - Toowoomba City as shown on area map LGB122 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Millmerran
  - Oakey
  - Pittsworth
  - Toowoomba.

### **37      Townsville**

- (1) The name of the district is Townsville Magistrates Courts District.
- (2) The area of the district is the area consisting of the following—
- Burdekin Shire as shown on area map LGB25 edition 1
  - Hinchinbrook Shire as shown on area map LGB63 edition 2
  - Palm Island Shire as shown on area map LGB160 edition 1
  - Thuringowa City as shown on area map LGB120 edition 2
  - Townsville City as shown on area map LGB124 edition 5.

(3) The places for holding Magistrates Courts in the district are—

- Ayr
- Great Palm Island
- Ingham
- Townsville.

### **38 Warwick**

(1) The name of the district is Warwick Magistrates Courts District.

(2) The area of the district is the area consisting of the following—

- Clifton Shire as shown on area map LGB36 edition 2
- Inglewood Shire as shown on area map LGB65 edition 1
- Warwick Shire as shown on area map LGB127 edition 4.

(3) The places for holding Magistrates Courts in the district are—

- Inglewood
- Warwick.

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## **Schedule 2      Scale of costs for Act, part 6, division 8 and part 9, division 1**

section 19

### **Part 1                      General**

#### **1      Scale sets out amounts up to which costs may be allowed**

This scale sets out—

- (a) the only items for which costs may be allowed for part 6, division 8 and part 9, division 1 of the Act; and
- (b) the amount up to which costs may be allowed for each item.

*Note—*

A higher amount for costs may be allowed under section 158B(2) or 232A(2) of the Act.

#### **2      Item of costs covers all legal professional work**

An item in part 2 covers all legal professional work, even if the work is done by more than 1 lawyer.

#### **3      Only necessary or proper costs may be allowed**

A cost is to be allowed only to the extent to which—

- (a) incurring the cost was necessary or proper to achieve justice or to defend the rights of the party; or
- (b) the cost was not incurred by over-caution, negligence, mistake or merely at the wish of the party.

**4 Appeal to District Court judge—professional costs are 20% higher than for complaint**

For an appeal to a District Court judge under part 9, division 1 of the Act, the amount up to which costs may be allowed for legal professional work is the amount that may be allowed under part 2, as if the work were for a complaint, increased by 20%.

**Part 2 Amounts up to which costs may be allowed for legal professional work**

**Work for hearing of complaint up to and including day 1**

- |   |                                                                                            |                     |
|---|--------------------------------------------------------------------------------------------|---------------------|
| 1 | Instructions and preparation for the hearing, including attendance on day 1 of the hearing | up to<br>\$1,500.00 |
|---|--------------------------------------------------------------------------------------------|---------------------|

**After day 1**

- |   |                                         |                |
|---|-----------------------------------------|----------------|
| 2 | For each day of the hearing after day 1 | up to \$875.00 |
|---|-----------------------------------------|----------------|

**Other court attendances**

- |   |                                                              |                |
|---|--------------------------------------------------------------|----------------|
| 3 | Court attendance, other than on the hearing of the complaint | up to \$250.00 |
|---|--------------------------------------------------------------|----------------|

**Part 3 Disbursements (including disbursements to witnesses and interpreters)**

**5 Disbursements, other than to witness for attending**

Court fees and other fees and payments (other than allowances to witnesses to attend proceedings) including allowances to interpreters, and travelling, accommodation and



other expenses of a lawyer acting as advocate, may be allowed to the extent they have been reasonably incurred and are paid or payable.

**6 Disbursements as allowance to witness for attending—defendant’s witnesses**

An allowance paid, payable or that will be paid by the defendant to a witness to attend a proceeding may be allowed up to an amount equal to the amount of any comparable prosecution witness allowance that would be payable to the witness if the witness were a prosecution witness attending court to give evidence in a criminal proceeding.

**7 Disbursements as allowance to witnesses for attending—prosecution witnesses**

Costs allowed to the complainant may include an amount up to the amount required to reimburse a payment by the State of a prosecution witness allowance paid or that will be paid to prosecution witnesses attending the proceeding.

**Schedule 3      Fees**

section 20

|                                                                                                                                         | <b>Fee units</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1 Filing a complaint and summons under section 54(2) of the Act                                                                         | 105.35           |
| 2 Filing a copy of a summons to a witness issued under section 78 or 83 of the Act                                                      | 20.15            |
| 3 Filing a copy of the written evidence on oath relied on to obtain a warrant under section 81 of the Act                               | 20.15            |
| 4 Inspection of a record for a matter under the Act heard and decided—                                                                  |                  |
| (a) up to 4 years ago—for each record                                                                                                   | 16.20            |
| (b) more than 4 years ago—for each record                                                                                               | 27.95            |
| 5 Supply, under section 154 of the Act, of a copy of—                                                                                   |                  |
| (a) a record of a decision under the Act, including an order or a record of conviction                                                  | 16.20            |
| (b) a record of another matter under the Act, other than a copy of a record to which the <i>Recording of Evidence Act 1962</i> applies— |                  |
| (i) first copy—each page                                                                                                                | 2.95             |
| (ii) maximum fee for first copy                                                                                                         | 76.75            |
| (iii) additional copy—each page                                                                                                         | 0.65             |
| (iv) maximum fee for additional copy                                                                                                    | 30.60            |

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## Schedule 4 Dictionary

### section 3

**area map** means a map or group of maps showing the external boundaries of a local government area of a local government or former local government.

**Beenleigh-Gold Coast dividing line**, for schedule 1, means the following line—

- from the boundary of the Beaudesert Magistrates Courts District at the north bank of Cedar Creek
- along Cedar Creek to the south-western corner of portion 53, parish of Darlington
- along the southern then eastern boundary of the parish to the north bank of the Pimpama River
- along the north bank of the Pimpama River to the south-eastern corner of portion 77, parish of Pimpama
- then east to South Stradbroke Island.

**Cairns-Cloncurry dividing line**, for schedule 1, means the following line—

- from the boundary of the Mareeba Shire at the north bank of the Staaten River
- along the Staaten River to the river's north branch
- along the north branch to the Gulf of Carpentaria.

**department's website** means the department's website on the internet.

**Mareeba Shire** means the former Mareeba Shire under the repealed *Local Government Act 1993* as shown on area map LGB81 edition 2.

*Note—*

The area map can be—

- (a) accessed by members of the public, free of charge, on the department's website; or

(b) purchased from any office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered.

***prosecution witness*** see the *Criminal Practice (Fees and Allowances) Regulation 2021*, schedule 3.

***prosecution witness allowance*** means an amount payable to a prosecution witness under the *Criminal Practice (Fees and Allowances) Regulation 2021*, section 7.