



Queensland

*Justices Act 1886*

# Justices Regulation 2004

Reprinted as in force on 27 November 2006

Reprint No. 1C

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This regulation is reprinted as at 27 November 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

# Justices Regulation 2004

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## **Justices Regulation 2004**

[as amended by all amendments that commenced on or before 27 November 2006]

### **Part 1 Preliminary**

#### **1 Short title**

This regulation may be cited as the *Justices Regulation 2004*.

#### **2 Notes**

A note in the text of this regulation is not part of the regulation.

### **Part 2 Warrants**

#### **Division 1 Procedure when particular warrants are issued**

##### **3 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<sup>1</sup> 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.

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1 Section 57 (Cases in which warrants may be issued) or 59 (Warrant in the first instance) of the Act

- (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.

#### **4 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<sup>2</sup> 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**

### **5 Prescribed warrants—Act, s 66(4)**

For section 66(4)<sup>3</sup> of the Act, the following types of warrant are prescribed—

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2 Section 81 (Warrant in the first instance) of the Act

3 Section 66 (Purpose and application of division) of the Act



- (a) a warrant issued under the Act;
- (b) a warrant issued under the *Bail Act 1980*;
- (c) a warrant of commitment issued under the *Penalties and Sentences Act 1992*;
- (d) an arrest warrant issued under the *Police Powers and Responsibilities Act 2000*;
- (e) a warrant issued under the *State Penalties Enforcement Act 1999*.

## **6 Approved procedures for computer stored information—Act, s 67(1)(b)**

For section 67(1)(b)<sup>4</sup> of the Act, the following procedures for computer stored information are approved—

- (a) the procedures made by the chief executive on 23 September 1996 and stated in the document titled ‘Computer Warrant Procedures’ published for the department;<sup>5</sup>
- (b) the procedures about computer warrants made by the commissioner of the police service and stated in issues 22 and 23 of section 13.20<sup>6</sup> of the document titled ‘Operational Procedures Manual’, published for the department administering the *Police Powers and Responsibilities Act 2000*.

## **7 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.

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4 Section 67 (Approved procedures for computer warrants) of the Act

5 A copy of the document may be inspected, free of charge and during normal working hours, at any Magistrates Court and at the State Law Building, corner of George and Ann Streets, Brisbane.

6 A copy of issues 22 and 23 of section 13.20 (Warrants) of the Operational Procedures Manual may be inspected, free of charge, at any police station, or may be bought at Police Headquarters, 200 Roma Street, Brisbane.

- (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.

## **8 Certification—Act, s 69B(5)(b)**

For section 69B(5)(b)<sup>7</sup> of the Act, certification is to be by the arresting officer.

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<sup>7</sup> Section 69B (Execution of a computer warrant) of the Act

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

### **9                      Prescribed document—Act, s 69E(1)(b)**

The document containing information about outstanding warrants, in the form of a document titled ‘Warrant work list’<sup>8</sup> attached to the procedures mentioned in section 6(b), is prescribed for section 69E(1)(b)<sup>9</sup> of the Act.

### **10                      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**

### **11                      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<sup>10</sup> 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.

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8 A copy of the document may be inspected, free of charge, at any police station, or may be bought at Police Headquarters, 200 Roma Street, Brisbane.

9 Section 69E (Facilitation of execution of written warrant) of the Act

10 Section 78 (Power to issue summons to witness) or 83 (Production of documents before justices) of the Act

- (3) If the summons is issued at another place, the person must, within 3 days after the summons's issue—
  - (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 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**

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

- (1) For each charge against a defendant to which this section applies, a police officer must give the clerk of the court of the relevant court a separate bench charge sheet.
- (2) A charge against a defendant is a charge to which this section applies 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.

- (3) However, a charge for which a bench charge sheet is required under an Act other than the Act, is not a 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.

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

- (1) A bench charge sheet under section 12 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 in 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 in an indictment is sufficient in a bench charge sheet.
- (4) Subsection (1)(b) does not apply if section 42(2) of the Act applies to the charge.<sup>11</sup>

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11 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 14 do not limit the information that may be stated in 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.

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

### **14            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 in 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.<sup>12</sup>
- (3) If the court accepts the defendant's plea, or enters a plea for the defendant, to the charge, the court must record the plea on the bench charge sheet.
- (4) The court must ensure the decision on the charge is recorded on the bench charge sheet.
- (5) The court may make, or allow to be made, any entry on the bench charge sheet the court considers appropriate.

## **Division 3                      Bench cover sheets**

### **15            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

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<sup>12</sup> Section 42(2) of the Act already requires particulars of certain amended charges to be entered on a bench charge sheet.

- (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;
  - (c) any plea of the defendant (whether accepted, or entered, by the court);
  - (d) the court's decision on the charge or application.
- (3) This section does not limit the information that may be stated in a bench cover sheet.

## Part 5

## Magistrates Courts districts and places for holding courts

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

- (1) Schedule 1 sets out the following matters—
  - (a) the names of the districts, other than the metropolitan district, appointed for the purposes of Magistrates Courts;
  - (b) the areas of the districts for which the appointment is made;
  - (c) for the Brisbane Magistrates Courts District—the names and areas of the divisions of the Brisbane Magistrates Courts District appointed for the purposes of Magistrates Courts;
  - (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.

## 17 Metropolitan district

The metropolitan district<sup>13</sup> 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

### 18 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<sup>14</sup> of the Act is in schedule 2.

### 19 Fees

- (1) The fees payable to the clerk of the court are in schedule 3.

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<sup>13</sup> The metropolitan district is mentioned in the *Small Claims Tribunals Act 1973*.

<sup>14</sup> Part 6 (Proceedings in case of simple offences and breaches of duty), division 8 (Costs) and part 9 (Appeals from the decisions of justices), division 1 (Appeal to a District Court judge) of the Act



(2) However, no filing fee is payable under schedule 3, items 1 to 3 by a State-related complainant.

(3) 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 that would have been payable in relation to the complaint if subsection (2) had not applied.<sup>15</sup>

(4) 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 the entity, whose expenditure is entirely payable out of the consolidated fund.

## Part 7 Transitional provision

### 20 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, under section 14(1)<sup>16</sup> of the repealed regulation, filed without payment of a fee; and
- (b) no order has been made, under section 14(2) of the repealed regulation, against the defendant in relation to the filing fee for the document.

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<sup>15</sup> See also section 20.

<sup>16</sup> *Justices Regulation 1993*, section 14 (Filing fee if state-related complainant)

- (2) Section 14(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 1993*.

## **Part 8                      Repeals**

### **21            Repeals**

- (1) The Justices Regulation 1993 SL No. 212 is repealed.
- (2) The order in council, making rules of court under the Act, gazetted on 20 May 1967 at page 447 is repealed.

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

section 16

### **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 map number LGB 12, edition 2.<sup>17</sup>
- (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 Logan City as shown on map number LGB 78, edition 6 and Gold Coast City as shown on map number LGB 58, edition 3 north of a line (the *Beenleigh-Gold Coast dividing 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

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<sup>17</sup> The plans mentioned in this schedule are held by the department administering the *Local Government Act 1993*. The maps may be inspected, free of charge, at that department's office at 41 George Street, Brisbane.

**Schedule 1 (continued)**

- then east to South Stradbroke Island.
- (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 map number LGB 20, edition 1.
- (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 number LGB 1, edition 4.
- (3) The names of the divisions of the Brisbane Magistrates Courts District are Central division, Holland Park division, Inala 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
  - Dutton Park
  - East Brisbane
  - Enoggera
  - Grange
  - Hamilton
  - Jamboree
  - Marchant
  - McDowall
  - Morningside

## Schedule 1 (continued)

- Northgate
  - Pullenvale
  - The Gap
  - Toowong
  - 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
  - Holland Park
  - Moorooka
  - Runcorn
  - Wishart.
- (7) The place for holding Magistrates Courts in the Holland Park division is Holland Park.
- (8) The area of the Inala division is the area of the electoral wards of the City of Brisbane of Acacia Ridge and Richlands.
- (9) The place for holding Magistrates Courts in the Inala 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.

## Schedule 1 (continued)

**5 Bundaberg**

- (1) The name of the district is Bundaberg Magistrates Courts District.
- (2) The area of the district is—
  - Bundaberg City as shown on map number LGB 23, edition 2
  - Burnett Shire as shown on map number LGB 59, edition 2
  - Isis Shire as shown on map number LGB 67, edition 1
  - Kolan Shire as shown on map number LGB 75, edition 1
  - Miriam Vale Shire as shown on map number LGB 87, edition 1
  - Perry Shire as shown on map number LGB 103, 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 Caboolture Shire as shown on map number LGB 27, edition 3 and Pine Rivers Shire as shown on map number LGB 104, edition 3.
- (3) The places for holding Magistrates Courts in the district are Caboolture and Petrie.

**7 Cairns**

- (1) The name of the district is Cairns Magistrates Courts District.
- (2) The area of the district is—
  - Atherton Shire as shown on map number LGB 5, edition 1
  - Cairns City as shown on map number LGB 28, edition 1

## Schedule 1 (continued)

- Carpentaria Shire as shown on map number LGB 33, edition 1 north of a line (the *Cairns-Cloncurry dividing line*)—
    - from the boundary of the Mareeba Shire (as shown on map number LGB 81, edition 2) 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
  - Croydon Shire as shown on map number LGB 41, edition 1
  - Douglas Shire as shown on map number LGB 45, edition 1
  - Eacham Shire as shown on map number LGB 47, edition 1
  - Etheridge Shire as shown on map number LGB 51, edition 1
  - Herberton Shire as shown on map number LGB 61, edition 1
  - Mareeba Shire as shown on map number LGB 81, edition 2.
- (3) The places for holding Magistrates Courts in the district are—
- Atherton
  - Cairns
  - Chillagoe
  - Croydon
  - Einasleigh
  - Georgetown
  - Kowanyama
  - Mareeba
  - Mossman

**Schedule 1 (continued)**

- Pormpuraaw
- Yarrabah.

**8 Charleville**

- (1) The name of the district is Charleville Magistrates Courts District.
- (2) The area of the district is—
  - Murweh Shire as shown on map number LGB 97, edition 2
  - Quilpie Shire as shown on map number LGB 107, edition 1
  - Tambo Shire as shown on map number LGB 117, 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 Charters Towers City as shown on map number LGB 34, edition 2 and Dalrymple Shire as shown on map number LGB 43, edition 3.
- (3) The places for holding Magistrates Courts in the district are Charters Towers, Greenvale and Pentland.



**Schedule 1 (continued)****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 map number LGB 13, 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 map number LGB 109, edition 2.
- (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—
  - Carpentaria Shire as shown on map number LGB 33, edition 1 south of the Cairns-Cloncurry dividing line<sup>18</sup>
  - Cloncurry Shire as shown on map number LGB 37, edition 2
  - McKinlay Shire as shown on map number LGB 84, edition 1.
- (3) The places for holding Magistrates Courts in the district are—
  - Cloncurry
  - Dajarra

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18 See section 7(2) for where the Cairns-Cloncurry dividing line is.

**Schedule 1 (continued)**

- 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—
  - Aurukun Shire as shown on map number LGB 6, edition 1
  - Cook Shire as shown on map number LGB 38, edition 1
  - the Weipa Town Area.
- (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 Bulloo Shire as shown on map number LGB 22, edition 1 and Paroo Shire as shown on map number LGB 101, edition 1.
- (3) The places for holding Magistrates Courts in the district are—
  - Cunnamulla

**Schedule 1 (continued)**

- Hungerford
- Thargomindah
- Wyandra.

**15 Dalby**

- (1) The name of the district is Dalby Magistrates Courts District.
- (2) The area of the district is—
  - Chinchilla Shire as shown on map number LGB 35, edition 1
  - Dalby Town as shown on map number LGB 42, edition 1
  - Murilla Shire as shown on map number LGB 96, edition 1
  - Tara Shire as shown on map number LGB 118, edition 2
  - Taroom Shire as shown on map number LGB 119, edition 1
  - Wambo Shire as shown on map number LGB 126, 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—

**Schedule 1 (continued)**

- Emerald Shire as shown on map number LGB 49, edition 1
  - Peak Downs Shire as shown on map number LGB 102, edition 1
  - Bauhinia Shire as shown on map number LGB 11, edition 2
  - Duaringa Shire as shown on map number LGB 46, edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Blackwater
  - Duaringa
  - Emerald
  - Woorabinda.

**17 Gladstone**

- (1) The name of the district is Gladstone Magistrates Courts District.
- (2) The area of the district is Calliope Shire as shown on map number LGB 29, edition 2 and Gladstone City as shown on map number LGB 56, 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 Gold Coast City as shown on map number LGB 58, edition 3 south of the Beenleigh-Gold Coast dividing line.<sup>19</sup>

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<sup>19</sup> See section 2(2) for where the Beenleigh-Gold Coast dividing line is.

**Schedule 1 (continued)**

- (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—
- Balonne Shire as shown on map number LGB 7, edition 1
  - Goondiwindi Town as shown on map number LGB 60, edition 1
  - Waggamba Shire as shown on map number LGB 125, 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 Cooloola Shire as shown on map number LGB 39, edition 2 and Kilkivan Shire as shown on map number LGB 73, edition 3.
- (3) The place for holding Magistrates Courts in the district is Gympie.

## Schedule 1 (continued)

**20A 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 map number LGB 62, edition 2.
- (3) The place for holding the Magistrates Courts in the district is Hervey Bay.

**21 Hughenden**

- (1) The name of the district is Hughenden Magistrates Courts District.
- (2) The area of the district is Flinders Shire as shown on map number LGB 53, edition 1 and Richmond Shire as shown on map number LGB 110, edition 1.
- (3) The places for holding Magistrates Courts in the district are Hughenden and Richmond.

**22 Innisfail**

- (1) The name of the district is Innisfail Magistrates Courts District.
- (2) The area of the district is Cardwell Shire as shown on map number LGB 32, edition 1 and Johnstone Shire as shown on map number LGB 70, edition 1.
- (3) The places for holding Magistrates Courts in the district are Innisfail and Tully.

**23 Ipswich**

- (1) The name of the district is Ipswich Magistrates Courts District.
- (2) The area of the district is—
  - Boonah Shire as shown on map number LGB 17, edition 1

**Schedule 1 (continued)**

- Esk Shire as shown on map number LGB 50, edition 2
  - Gatton Shire as shown on map number LGB 54, edition 2
  - Ipswich City as shown on map number LGB 66, edition 2
  - Kilcoy Shire as shown on map number LGB 72, edition 1
  - Laidley Shire as shown on map number LGB 76, edition 1.
- (3) The places for holding Magistrates Courts in the district are Gatton, Ipswich and Toogoolawah.

**24 Kingaroy**

- (1) The name of the district is Kingaroy Magistrates Courts District.
- (2) The area of the district is—
- Kingaroy Shire as shown on map number LGB 74, edition 1
  - Murgon Shire as shown on map number LGB 95, edition 1
  - Nanango Shire as shown on map number LGB 98, edition 1
  - Wondai Shire as shown on map number LGB 131, edition 1.
- (3) The places for holding Magistrates Courts in the district are—
- Cherbourg
  - Kingaroy
  - Murgon
  - Nanango.

## Schedule 1 (continued)

**25 Longreach**

- (1) The name of the district is Longreach Magistrates Courts District.
- (2) The area of the district is—
  - Aramac Shire as shown on map number LGB 4, edition 1
  - Barcaldine Shire as shown on map number LGB 9, edition 1
  - Barcoo Shire as shown on map number LGB 10, edition 1
  - Blackall Shire as shown on map number LGB 16, edition 1
  - Ilfracombe Shire as shown on map number LGB 64, edition 1
  - Isisford Shire as shown on map number LGB 68, edition 1
  - Jericho Shire as shown on map number LGB 69, edition 1
  - Longreach Shire as shown on map number LGB 79, edition 1
  - Winton Shire as shown on map number LGB 129, edition 1.
- (3) The places for holding Magistrates Courts in the district are—
  - Alpha
  - Barcaldine
  - Blackall
  - Isisford
  - Jundah
  - Longreach
  - Muttaborra
  - Windorah



**Schedule 1 (continued)**

- Winton
- Yaraka.

**26 Mackay**

- (1) The name of the district is Mackay Magistrates Courts District.
- (2) The area of the district is—
  - Broadsound Shire as shown on map number LGB 21, edition 1
  - Mackay City as shown on map number LGB 80, edition 3
  - Mirani Shire as shown on map number LGB 86, edition 2
  - Nebo Shire as shown on map number LGB 99, edition 2
  - Sarina Shire as shown on map number LGB 115, edition 2
  - Whitsunday Shire as shown on map number LGB 130, edition 1.
- (3) The places for holding Magistrates Courts in the district are—
  - Mackay
  - Proserpine
  - Sarina
  - St Lawrence.

**27 Maroochydore**

- (1) The name of the district is Maroochydore Magistrates Courts District.
- (2) The area of the district is—
  - Caloundra City as shown on map number LGB 30, edition 3

**Schedule 1 (continued)**

- Maroochy Shire as shown on map number LGB 82, edition 3
  - Noosa Shire as shown on map number LGB 100, edition 3.
- (3) The places for holding Magistrates Courts in the district are—
- Caloundra
  - Landsborough
  - Maroochydore
  - Nambour
  - Noosa
  - Pomona.

**28 Maryborough**

- (1) The name of the district is Maryborough Magistrates Courts District.
- (2) The area of the district is—
- Biggenden Shire as shown on map number LGB 15, edition 1
  - Eidsvold Shire as shown on map number LGB 48, edition 1
  - Gayndah Shire as shown on map number LGB 55, edition 1
  - Maryborough City as shown on map number LGB 83, edition 2
  - Mundubbera Shire as shown on map number LGB 94, edition 1
  - Tiaro Shire as shown on map number LGB 121, edition 1
  - Woocoo Shire as shown on map number LGB 132, edition 1.

**Schedule 1 (continued)**

- (3) The places for holding Magistrates Courts in the district are Gayndah and Maryborough.

**29 Mount Isa**

- (1) The name of the district is Mount Isa Magistrates Courts District.
- (2) The area of the district is—
- Boulia Shire as shown on map number LGB 19, edition 2
  - Bountiful Islands and Sweers Island
  - Burke Shire as shown on map number LGB 26, edition 1
  - Diamantina Shire as shown on map number LGB 44, edition 1
  - Mornington Shire as shown on map number LGB 90, edition 1
  - Mount Isa City as shown on map number LGB 91, edition 2.
- (3) The places for holding Magistrates Courts in the district are—
- Bedourie
  - Birdsville
  - Boulia
  - Burketown
  - Camooweal
  - Doomadgee
  - Mornington Island
  - Mount Isa.

**30 Redcliffe**

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

**Schedule 1 (continued)**

- (2) The area of the district is Redcliffe City as shown on map number LGB 108, edition 1.
- (3) The place for holding Magistrates Courts in the district is Redcliffe.

**31 Rockhampton**

- (1) The name of the district is Rockhampton Magistrates Courts District.
- (2) The area of the district is—
  - Banana Shire as shown on map number LGB 8, edition 2
  - Fitzroy Shire as shown on map number LGB 52, edition 1
  - Livingstone Shire as shown on map number LGB 77, edition 1
  - Monto Shire as shown on map number LGB 88, edition 2
  - Mount Morgan Shire as shown on map number LGB 92, edition 1
  - Rockhampton City as shown on map number LGB 111, edition 2.
- (3) The places for holding Magistrates Courts in the district are—
  - Baralaba
  - Biloela
  - Rockhampton
  - Yeppoon.

**32 Roma**

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

**Schedule 1 (continued)**

- Bendemeer Shire as shown on map number LGB 14, edition 1
  - Booringa Shire as shown on map number LGB 18, edition 1
  - Bungil Shire as shown on map number LGB 24, edition 1
  - Roma Town as shown on map number LGB 112, edition 1
  - Warroo Shire as shown on map number LGB 128, edition 1.
- (3) The places for holding Magistrates Courts in the district are Mitchell and Roma.

**33 Stanthorpe**

- (1) The name of the district is Stanthorpe Magistrates Courts District.
- (2) The area of the district is Stanthorpe Shire as shown on map number LGB 116, edition 1.
- (3) The place for holding Magistrates Courts in the district is Stanthorpe.

**34 Thursday Island**

- (1) The name of the district is Thursday Island Magistrates Courts District.
- (2) The area of the district is Torres Shire as shown on map number LGB 123, edition 2.
- (3) The places for holding Magistrates Courts in the district are Badu Island, Bamaga and Thursday Island.

**35 Toowoomba**

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

**Schedule 1 (continued)**

- (2) The area of the district is—
- Cambooya Shire as shown on map number LGB 31, edition 2
  - Crow’s Nest Shire as shown on map number LGB 40, edition 2
  - Jondaryan Shire as shown on map number LGB 71, edition 2
  - Millmerran Shire as shown on map number LGB 85, edition 1
  - Pittsworth Shire as shown on map number LGB 106, edition 1
  - Rosalie Shire as shown on map number LGB 113, edition 2
  - Toowoomba City as shown on map number LGB 122, edition 1.
- (3) The places for holding Magistrates Courts in the district are Oakey, Pittsworth and Toowoomba.

**36 Townsville**

- (1) The name of the district is Townsville Magistrates Courts District.
- (2) The area of the district is—
- Burdekin Shire as shown on map number LGB 25, edition 1
  - Hinchinbrook Shire as shown on map number LGB 63, edition 1
  - Thuringowa City as shown on map number LGB 120, edition 1
  - Townsville City as shown on map number LGB 124, edition 2.
- (3) The places for holding Magistrates Courts in the district are—
- Ayr

**Schedule 1 (continued)**

- Great Palm Island
- Ingham
- Townsville.

**37 Warwick**

- (1) The name of the district is Warwick Magistrates Courts District.
- (2) The area of the district is—
  - Clifton Shire as shown on map number LGB 36, edition 1
  - Inglewood Shire as shown on map number LGB 65, edition 1
  - Warwick Shire as shown on map number LGB 127, edition 3.
- (3) The place for holding Magistrates Courts in the district is Warwick.

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

section 18

### **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)<sup>20</sup> 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—

---

20 Section 158B(2) of the Act—

- (2) However, the justices may allow a higher amount for costs if the justices are satisfied that the higher amount is just and reasonable having regard to the special difficulty, complexity or importance of the case.

Section 232A(2) of the Act—

- (2) However, the judge may allow a higher amount for costs if the judge is satisfied that the higher amount is just having regard to the special difficulty, complexity or importance of the appeal.



## Schedule 2 (continued)

- (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 \$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

## Schedule 2 (continued)

**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 approved by the Governor in Council for the comparable allowance, if any, to prosecution witnesses attending criminal proceedings in a Magistrates Court.<sup>21</sup>

**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 an allowance, approved by the Governor in Council, paid or that will be paid to prosecution witnesses attending the proceeding.

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<sup>21</sup> For the allowances as at 10 August 2004, see the gazette published on 5 December 1997 at pages 1513–4.

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## Schedule 3      Fees

section 19

	\$
1 Filing a complaint and summons under section 54(2) of the Act . . . . .	64.00
2 Filing a copy of a summons to a witness issued under section 78 or 83 of the Act. . . . .	12.50
3 Filing a copy of the written evidence on oath relied on to obtain a warrant under section 81 of the Act. . . . .	12.50
4 Issuing a record of a decision under the Act, including an order or a record of conviction . . . . .	9.70
5 Inspection of a record for a matter under the Act heard and decided—	
(a) up to 4 years ago, for each record . . . . .	9.70
(b) more than 4 years ago, for each record . . . . .	18.00
6 Supply of a copy of a record for a matter, under the Act, to which the <i>Recording of Evidence Act 1962</i> does not apply, for each page . . . . .	1.70

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 November 2006. Future amendments of the Justices Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A	none	27 August 2004	
1	2004 SL No. 217	15 October 2004	
1A	2005 SL No. 41	22 April 2005	
1B	2005 SL No. 326	19 December 2005	
1C	2006 SL No. 284	27 November 2006	

## 5 List of legislation

### **Justices Regulation 2004 SL No. 168**

made by the Governor in Council on 26 August 2004

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Justices Amendment Regulation (No. 1) 2004 SL No. 217**

notfd gaz 15 October 2004 pp 557–8

commenced on date of notification

### **Courts Legislation Amendment Regulation (No. 1) 2005 SL No. 41 pts 1, 3**

notfd gaz 24 March 2005 pp 996–7

ss 1–2 commenced on date of notification

remaining provisions commenced 22 April 2005 (see s 2)

### **Justice and Other Legislation (Costs and Fees) Amendment Regulation (No. 1) 2005 SL No. 326 ss 1–3 sch**

notfd gaz 16 December 2005 pp 1490–6

ss 1–2 commenced on date of notification

remaining provisions commenced 19 December 2005 (see s 2)

### **Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2006 SL No. 284**

notfd gaz 24 November 2006 pp 1476–9

ss 1–2 commenced on date of notification

remaining provisions commenced 27 November 2006 (see s 2)

## **6 List of annotations**

### **SCHEDULE 1—MAGISTRATES COURTS DISTRICTS AND PLACES FOR HOLDING COURTS**

#### **Hervey Bay**

**s 20A** ins 2005 SL No. 41 s 6(1)

#### **Maryborough**

**s 28** amd 2005 SL No. 41 s 6(2)–(3)

### **SCHEDULE 3—FEES**

sub 2004 SL No. 217 s 3; 2005 SL No. 326 s 3 sch; 2006 SL No. 284 s 3 sch