



Queensland

Justices Act 1886

Justices Regulation 2004

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Reprint No. 2A

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Also see endnotes for information about—

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

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Queensland

Justices Regulation 2004

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Notes	5
2A	Definitions.	5
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	7
4	Copy of evidence on oath to be filed if warrant for a witness issued under Act, s 81	7
Division 2	Computer warrants	
5	Prescribed warrants—Act, s 66(4)	8
6	Approved procedures for computer stored information—Act, s 67(1)(b)	8
7	Prescribed information—Act, s 69B(2)	9
8	Certification—Act, s 69B(5)(b)	10
Division 3	Written warrants executed using document containing information about outstanding warrants	
9	Prescribed document—Act, s 69E(1)(b).	10
10	Certification of prescribed document—Act, s 69E(4)(b).	11
Part 3	Summons to witness	
11	Copy of summons issued to witness under Act, s 78 or 83 to be filed	11
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	12
13	What bench charge sheet must state when given to clerk of the court	12

Division 2	All bench charge sheets	
14	What court must record, or ensure is recorded, on bench charge sheet	14
Division 3	Bench cover sheets	
15	Bench cover sheet	14
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	15
17	Metropolitan district	16
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)	17
19	Fees	17
19A	Fee exemption for State-related complainant.	17
19B	Fee exemption for record of particular decisions	18
Part 7	Transitional provision for repeals	
20	Court to order unsuccessful defendant to pay filing fees if State-related complainant	18
Part 8	Repeals	
21	Repeals	19
Part 9	Transitional provision for other matters	
22	Transitional provision for Justice and Other Legislation Amendment Regulation (No. 1) 2008.	19
Schedule 1	Magistrates Courts districts and places for holding courts .	21
1	Beaudesert	21
2	Beenleigh	21
3	Bowen	21
4	Brisbane	22
5	Bundaberg	23
6	Caboolture	24
7	Cairns	24
8	Charleville	26
9	Charters Towers	26
10	Clermont	26
11	Cleveland	27
12	Cloncurry	27
13	Cooktown	28
14	Cunnamulla	29

15	Dalby	29
16	Emerald	30
17	Gladstone	30
18	Gold Coast	31
19	Goondiwindi	31
20	Gympie	32
21	Hervey Bay	32
22	Hughenden	32
23	Innisfail	32
24	Ipswich	33
25	Kingaroy	33
26	Longreach	34
27	Mackay	35
28	Maroochydore	35
29	Maryborough	36
30	Mount Isa	37
31	Redcliffe	38
32	Rockhampton	38
33	Roma	39
34	Stanthorpe	39
35	Thursday Island	39
36	Toowoomba	40
37	Townsville	41
38	Warwick	41
Schedule 2	Scale of costs for Act, part 6, division 8 and part 9, division 1	43
Part 1	General	
1	Scale sets out amounts up to which costs may be allowed	43
2	Item of costs covers all legal professional work	43
3	Only necessary or proper costs may be allowed	43
4	Appeal to District Court judge—professional costs are 20% higher than for complaint	44
Part 2	Amounts up to which costs may be allowed for legal professional work	
Part 3	Disbursements (including disbursements to witnesses and interpreters)	
5	Disbursements, other than to witness for attending	45

Justices Regulation 2004

6	Disbursements as allowance to witness for attending—defendant’s witnesses	45
7	Disbursements as allowance to witnesses for attending—prosecution witnesses	45
Schedule 3	Fees	46

Endnotes

1	Index to endnotes	47
2	Date to which amendments incorporated	47
3	Key	47
4	Table of reprints	48
5	List of legislation	48
6	List of annotations	49

Justices Regulation 2004

[as amended by all amendments that commenced on or before 1 September 2008]

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.

2A Definitions

In this regulation—

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.

changeover day means 15 March 2008.

Note—

15 March 2008 is the changeover day declared under the *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 1680.

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

Editor's note—

At the commencement of this definition, the department's website was <www.justice.qld.gov.au>.

Mareeba Shire means the former Mareeba Shire under the *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.

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 59¹ 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.

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 81² 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—

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

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

- (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)³ 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 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)⁴ 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

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

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

‘Computer Warrant Procedures’ published for the department;⁵

- (b) the procedures about computer warrants made by the commissioner of the police service and stated in issues 22 and 23 of section 13.20⁶ 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.
- (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—

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.

- (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)⁷ of the Act, certification is to be by the arresting officer.

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’⁸ attached to the procedures mentioned in section 6(b), is prescribed for section 69E(1)(b)⁹ of the Act.

7 Section 69B (Execution of a computer warrant) of the Act

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 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 83¹⁰ 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—
 - (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.

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

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—

Justices Regulation 2004

- (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.¹¹
- (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.

¹¹ Section 42(2) of the Act already requires particulars of certain charges to be entered on a bench charge sheet.

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.¹²
- (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
 - (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;

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

- (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 *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.

17 Metropolitan district

The metropolitan district¹³ consists of the following districts—

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

¹³ The metropolitan district is mentioned in the *Small Claims Tribunals Act 1973*.

19B Fee exemption for record of particular decisions

- (1) This section applies if—
 - (a) either—
 - (i) a person's Queensland driver licence is suspended under section 79B(2)¹⁵ of the *Transport Operations (Road Use Management) Act 1995* (the **Transport Act**) because the person has been charged as mentioned in a provision of section 79B(1) of the Transport Act; or
 - (ii) a person's authority under a non-Queensland driver licence to drive on a Queensland road is suspended under section 79B(3) of the Transport Act because the person has been charged as mentioned in a provision of section 79B(1) of the Transport Act; and
 - (b) a decision is made under the Act to dismiss or strike out the complaint containing the charge.
- (2) Despite section 19(1), no fee is payable under schedule 3, item 4 for the issue of a record of the decision.

Part 7 Transitional provision for repeals**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)¹⁶ of the repealed regulation, filed without payment of a fee; and

15 *Transport Operations (Road Use Management) Act 1995*, section 79B (Immediate suspension or disqualification)

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

- (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.
- (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.

Part 9 Transitional provision for other matters

22 Transitional provision for Justice and Other Legislation Amendment Regulation (No. 1) 2008

- (1) This section applies if—
 - (a) an amendment of schedule 1 commencing at the commencement of this section has the result of changing the district of the Magistrates Court within which an area, or part of an area, is located; and
 - (b) a person has started proceedings in a Magistrates Court, the District Court or the Supreme Court on the basis of the area, or part, being in the district it was in before the commencement.

Justices Regulation 2004

- (2) The proceedings must continue as if the amendment of schedule 1 had not been made.
- (3) For subsection (2)—
 - (a) the relevant court must deal with the proceedings as if the amendment of schedule 1 had not been made; and
 - (b) nothing relating to the proceedings is affected by the amendment of schedule 1.
- (4) This section does not limit the *Acts Interpretation Act 1954*, section 20.

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 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.

Schedule 1 (continued)**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
 - Dutton Park
 - East Brisbane
 - Enoggera
 - Grange
 - Hamilton
 - Jamboree
 - Marchant
 - McDowall
 - Morningside
 - 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

Schedule 1 (continued)

- 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 Richlands 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 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.
- (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.

Schedule 1 (continued)

- (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

Schedule 1 (continued)

- 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.

Schedule 1 (continued)**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.

Schedule 1 (continued)

- (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

Schedule 1 (continued)

- 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 LGB 153 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

Schedule 1 (continued)

- 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

Schedule 1 (continued)

- 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
 - Woorabinda Shire as shown on area map LGB163 edition 1.
- (3) The places for holding Magistrates Courts in the district are—
 - Alpha
 - Blackwater
 - Duaringa
 - Emerald
 - Springsure
 - Woorabinda.

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—

Schedule 1 (continued)

- 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.

Schedule 1 (continued)

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—
 - Cooloolo 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.

Schedule 1 (continued)

- (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

Schedule 1 (continued)

- 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

Schedule 1 (continued)

- 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

Schedule 1 (continued)

- 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.

Schedule 1 (continued)

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.

Schedule 1 (continued)

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.
- (3) The places for holding Magistrates Courts in the district are—
 - Baralaba
 - Biluela
 - Monto
 - Rockhampton
 - Yeppoon.

Schedule 1 (continued)**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

Schedule 1 (continued)

- 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)
 - 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

Schedule 1 (continued)

- 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.

Schedule 1 (continued)

- (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.

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)¹⁷ 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—

17 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 \$1500.00
	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.¹⁸

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.

¹⁸ For the allowances as at 10 August 2004, see the gazette published on 5 December 1997 at pages 1513–14.

Schedule 3 Fees

section 19

	\$
1 Filing a complaint and summons under section 54(2) of the Act	69.00
2 Filing a copy of a summons to a witness issued under section 78 or 83 of the Act.	13.50
3 Filing a copy of the written evidence on oath relied on to obtain a warrant under section 81 of the Act.	13.50
4 Inspection of a record for a matter under the Act heard and decided—	
(a) up to 4 years ago, for each record	10.50
(b) more than 4 years ago, for each record	19.50
5 Supply under section 154 of the Act, of a copy of a record of a decision under the Act, including an order or a record of conviction	10.50
6 Supply under section 154 of the Act, 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, other than a copy of a record mentioned in item 5—	
(a) first copy—each page	1.80
(b) maximum fee for first copy	52.00
(c) additional copy—each page.	0.50
(d) maximum fee for additional copy	21.00

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	47
3 Key	47
4 Table of reprints	48
5 List of legislation	48
6 List of annotations	49

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 1 September 2008. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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	
1D	2007 SL No. 7	2 February 2007	
1E	2007 SL No. 275	26 November 2007	
1F	2008 SL No. 50	15 March 2008	R1F withdrawn, see R2
2	—	15 March 2008	
2A	2008 SL No. 266	1 September 2008	

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

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)

Justices Amendment Regulation (No. 1) 2007 SL No. 7

notfd gaz 2 February 2007 pp 533–4
 commenced on date of notification

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 275

notfd gaz 9 November 2007 pp 1355–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 26 November 2007 (see s 2)

Justice and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 50 pts 1, 5

notfd gaz 7 March 2008 pp 1151–2
 ss 1–2 commenced on date of notification
 remaining provisions commenced 15 March 2008 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266

notfd gaz 22 August 2008 pp 2651–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 2008 (see s 2)

6 List of annotations

Definitions

s 2A ins 2008 SL No. 50 s 29

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

s 16 amd 2008 SL No. 50 s 30

Fees

s 19 amd 2007 SL No. 7 s 3

Fee exemption for State-related complainant

s 19A ins 2007 SL No. 7 s 4

Fee exemption for record of particular decisions

s 19B ins 2007 SL No. 7 s 4

PART 7—TRANSITIONAL PROVISION FOR REPEALS

pt hdg amd 2008 SL No. 50 s 31

PART 9—TRANSITIONAL PROVISION FOR OTHER MATTERS

pt 9 (s 22) ins 2008 SL No. 50 s 32

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

s 1 amd 2008 SL No. 50 s 33(1)

Beenleigh

s 2 amd 2008 SL No. 50 s 33(2)

Bowen

s 3 amd 2008 SL No. 50 s 33(3)

Brisbane

s 4 amd 2008 SL No. 50 s 33(4)–(5)

Bundaberg

s 5 amd 2008 SL No. 50 s 33(6)

Caboolture

s 6 amd 2008 SL No. 50 s 33(7)–(8)

Cairns

s 7 amd 2008 SL No. 50 s 33(9)–(10)

Charleville

s 8 amd 2008 SL No. 50 s 33(11)

Charters Towers

s 9 amd 2008 SL No. 50 s 33(12)

Clermont

s 10 amd 2008 SL No. 50 s 33(13)

Cleveland

s 11 amd 2008 SL No. 50 s 33(14)

Cloncurry

s 12 amd 2008 SL No. 50 s 33(15)

Cooktown

s 13 amd 2008 SL No. 50 s 33(16)

Cunnamulla

s 14 amd 2008 SL No. 50 s 33(17)

Dalby

s 15 amd 2008 SL No. 50 s 33(18)

Emerald

s 16 amd 2008 SL No. 50 s 33(19)–(20)

Gladstone

s 17 amd 2008 SL No. 50 s 33(21)

Gold Coast

s 18 amd 2008 SL No. 50 s 33(22)

Goondiwindi

s 19 amd 2008 SL No. 50 s 33(23)

Gympie

s 20 amd 2008 SL No. 50 s 33(24)

Hervey Bay

s 21 (prev s 20A) ins 2005 SL No. 41 s 6(1)
amd 2008 SL No. 50 s 33(25)
renum 2008 SL No. 50 s 33(46)

Hughenden

s 22 (prev s 21) amd 2008 SL No. 50 s 33(26)
renum 2008 SL No. 50 s 33(46)

Innisfail

s 23 (prev s 22) amd 2008 SL No. 50 s 33(27)
renum 2008 SL No. 50 s 33(46)

Ipswich

s 24 (prev s 23) amd 2008 SL No. 50 s 33(28)
renum 2008 SL No. 50 s 33(46)

Kingaroy

s 25 (prev s 24) amd 2008 SL No. 50 s 33(29)
renum 2008 SL No. 50 s 33(46)

Longreach

s 26 (prev s 25) amd 2008 SL No. 50 s 33(30)
renum 2008 SL No. 50 s 33(46)

Mackay

s 27 (prev s 26) amd 2008 SL No. 50 s 33(31)
renum 2008 SL No. 50 s 33(46)

Maroochydore

s 28 (prev s 27) amd 2008 SL No. 50 s 33(32)
renum 2008 SL No. 50 s 33(46)

Maryborough

s 29 (prev s 28) amd 2005 SL No. 41 s 6(2)–(3); 2008 SL No. 50 s 33(33)
renum 2008 SL No. 50 s 33(46)

Mount Isa

s 30 (prev s 29) amd 2008 SL No. 50 s 33(34)
renum 2008 SL No. 50 s 33(46)

Redcliffe

s 31 (prev s 30) amd 2008 SL No. 50 s 33(35)
renum 2008 SL No. 50 s 33(46)

Rockhampton

s 32 (prev s 31) amd 2008 SL No. 50 s 33(36)–(37)
renum 2008 SL No. 50 s 33(46)

Roma

s 33 (prev s 32) amd 2008 SL No. 50 s 33(38)
renum 2008 SL No. 50 s 33(46)

Stanthorpe

s 34 (prev s 33) amd 2008 SL No. 50 s 33(39)
renum 2008 SL No. 50 s 33(46)

Thursday Island

s 35 (prev s 34) amd 2008 SL No. 50 s 33(40)–(41)
renum 2008 SL No. 50 s 33(46)

Toowoomba

s 36 (prev s 35) amd 2008 SL No. 50 s 33(42)–(43)
renum 2008 SL No. 50 s 33(46)

Townsville

s 37 (prev s 36) amd 2008 SL No. 50 s 33(44)
renum 2008 SL No. 50 s 33(46)

Warwick

s 38 (prev s 37) amd 2008 SL No. 50 s 33(45)
renum 2008 SL No. 50 s 33(46)

SCHEDULE 3—FEES

sub 2004 SL No. 217 s 3; 2005 SL No. 326 s 3 sch; 2006 SL No. 284 s 3 sch;
2007 SL No. 275 s 3 sch; 2008 SL No. 266 s 3 sch