



Queensland

# Criminal Practice Amendment Rule (No. 1) 2009

## Subordinate Legislation 2009 No. 147

made under the

*Supreme Court of Queensland Act 1991*

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**1 Short title**

This rule may be cited as the *Criminal Practice Amendment Rule (No. 1) 2009*.

**2 Rules amended**

This rule amends the *Criminal Practice Rules 1999*.

**3 Amendment of r 41 (Application of ch 9)**

Rule 41, ‘section 592A’ and footnote—

*omit, insert—*

‘section 590AA’.

**4 Insertion of new r 42A**

After rule 42—

*insert—*

**‘42A Affidavit to accompany application for no jury order**

‘(1) If the application is for a no jury order under the Code, section 614, the party must file an affidavit with the application.

‘(2) The affidavit must—

- (a) state the grounds on which the application is made; and
- (b) state whether the party knows the identity of the trial judge and, if so, state the grounds on which the party considers that there are special reasons for making a no jury order; and

*Example of grounds—*

The identity of the trial judge is known to the parties well in advance of the trial because the trial is to be held at a place outside Brisbane and it is public knowledge that a particular judge will be sitting at the place.

- (c) if the party is the accused person and is not represented by a lawyer—state that the party understands the nature of the application, including the effect of a no jury order; and

- (d) if the accused person is to be tried with 1 or more other accused persons—
- (i) identify each other accused person with whom the accused person is to be tried and, if known, state whether each other accused person consents to the making of a no jury order; and
  - (ii) exhibit a copy of any consent of another accused person to the making of a no jury order.
- ‘(3) When serving a copy of the application under rule 42(3) or (4), the party must also serve a copy of the affidavit.’.

## **5 Amendment of r 46 (Procedure on arraignment—Code, s 594)**

- (1) Rule 46, heading, ‘s 594’—  
*omit, insert—*  
‘s 597C’.
- (2) Rule 46(2), ‘section 594’—  
*omit, insert—*  
‘section 597C’.

## **6 Insertion of new r 57A**

Chapter 12, after rule 57—

*insert—*

### **‘57A Duties of proper officer of the court about court records**

- ‘(1) The proper officer of the court must not, in relation to a record of the court or another court document (*court record*)—
- (a) permit any court record to be taken out of the court, unless the court otherwise orders; or
  - (b) issue a subpoena for the production of any court record.
- ‘(2) However, for an appeal to another court, the proper officer may forward to the other court records relevant to the appeal.’.

[s 7]

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**7 Amendment of r 60 (Access to transcript)**

Rule 60(2), '1992'—

*omit, insert—*

'2008'.

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ENDNOTES

- 1 Made by the Governor in Council on 9 July 2009.
- 2 Notified in the gazette on 10 July 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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