



Queensland

Justices (Recording of Pleas and Decisions) Amendment Regulation 2018

Subordinate Legislation 2018 No. 152

made under the

Justices Act 1886

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[s 1]

1 Short title

This regulation may be cited as the *Justices (Recording of Pleas and Decisions) Amendment Regulation 2018*.

2 Regulation amended

This regulation amends the *Justices Regulation 2014*.

3 Amendment of s 15 (What court must record, or ensure is recorded, on bench charge sheet)

(1) Section 15(3) and (4)—

omit, insert—

(3) If the court accepts the defendant's plea, or enters a plea for the defendant, to the charge, the court must—

(a) if more than 1 charge is before court and the same plea is accepted or entered for 1 or more of the other charges before the court—

(i) record the plea on the bench charge sheet for 1 of the charges to which the plea is accepted or entered (the *lead plea charge sheet*); and

(ii) record the court file number stated on the lead plea charge sheet on the bench charge sheet for each other charge to which the plea is accepted or entered; or

(b) otherwise—record the plea on the bench charge sheet for the charge.

(4) The court must ensure—

(a) if the decision on the charge applies to more than 1 charge before the court—

(i) the decision is recorded on the bench charge sheet, or a schedule attached to the bench charge sheet, for 1 of the

charges to which the decision applies (the *lead decision charge sheet*); and

- (ii) the court file number stated on the lead decision charge sheet is recorded on the bench charge sheet for each other charge to which the decision applies; or
 - (b) otherwise—the decision is recorded on the bench charge sheet for the charge.
- (2) Section 15—
insert—

- (6) In this section—

schedule means a document on which a decision on a charge may be recorded and stating the following information in relation to the charge—

- (a) the court file number stated on the bench charge sheet on which the charge is stated;
- (b) the charge number;
- (c) the offence charged;
- (d) the date of the offence charged.

4 Amendment of s 16 (Bench cover sheet)

- (1) Section 16(2)(c) and (d)—

omit.

- (2) Section 16(3)—

omit, insert—

- (3) If the charge or application is amended, other than under section 42(1A) of the Act, the court must ensure that particulars of the amendment are recorded on the bench cover sheet.
- (4) If the court accepts the defendant's plea, or enters a plea for the defendant, to the charge, the court must—

[s 4]

- (a) if more than 1 charge is before court and the same plea is accepted or entered for 1 or more of the other charges before the court—
 - (i) record the plea on the bench cover sheet for 1 of the charges to which the plea is accepted or entered (the **lead plea cover sheet**); and
 - (ii) record the court file number stated on the lead plea cover sheet on the bench cover sheet for each other charge to which the plea is accepted or entered; or
 - (b) otherwise—record the plea on the bench cover sheet for the charge.
- (5) The court must ensure—
- (a) if the decision on the charge or application applies to more than 1 charge or application before the court—
 - (i) the decision is recorded on the bench cover sheet, or a schedule attached to the bench cover sheet, for 1 of the charges or applications to which the decision applies (the **lead decision cover sheet**); and
 - (ii) the court file number stated on the lead decision cover sheet is recorded on the bench cover sheet for each other charge or application to which the decision applies; or
 - (b) otherwise—the decision is recorded on the bench cover sheet for the charge or application.
- (6) This section does not limit the information that may be stated on a bench cover sheet.
- (7) In this section—
- schedule** means a document on which a decision

on a charge or application may be recorded and stating the following information in relation to the charge or application—

- (a) the court file number stated on the bench cover sheet for the charge or application;
- (b) the charge number or application number;
- (c) for a charge—
 - (i) the offence charged; and
 - (ii) the date of the offence charged.

5 Amendment of pt 8, hdg

Part 8, heading, ‘provision for repeals’—

omit, insert—

provisions

6 Insertion of new pt 8, div 1, hdg

Part 8, before section 24—

insert—

Division 1

**Transitional provision for
SL No. 191 of 2014**

7 Insertion of new pt 8, div 2

Part 8—

insert—

Division 2

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

25 Definitions for division

In this division—

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

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

26 Recording of particular information on bench charge sheets

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

27 Recording of particular information on bench cover sheets

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

ENDNOTES

- 1 Made by the Governor in Council on 4 October 2018.
- 2 Notified on the Queensland legislation website on 5 October 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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