



Queensland

Criminal Practice (Subsequent Appeals) Amendment Rule 2024

Subordinate Legislation 2024 No. 178

made under the

Supreme Court of Queensland Act 1991

Contents

		Page
1	Short title	4
2	Commencement	4
3	Rules amended	4
4	Amendment of r 29 (Subpoenas)	4
5	Amendment of rr 30 and 56A	4
6	Amendment of r 57 (Access to court files)	4
7	Amendment of r 57A (Duties of proper officer of the court about court records)	5
8	Amendment of ch 15, hdg (Appeals to Court of Appeal)	5
9	Amendment of ch 15, pt 2, hdg (Appeals by convicted persons)	5
10	Amendment of r 64 (Application of div 1)	5
11	Amendment of r 65 (Application for leave to appeal)	5
12	Amendment of r 66 (How to start appeal)	6
13	Insertion of new ch 15, pt 2, div 1A	6
	Division 1A Starting subsequent appeals	
	66A Application for leave to make subsequent appeal . . .	6
14	Amendment of r 67 (Registrar to give respondent copies of particular documents)	7
15	Amendment of r 68 (Registrar to give interested persons notice about appeal)	8
16	Amendment of ch 15, pt 2, div 3, hdg (General provisions preliminary to	

Contents

	hearing an appeal)	8
17	Amendment of r 69 (Abandoning applications)	8
18	Amendment of r 70 (Abandoning appeal)	9
19	Amendment of r 72 (Certificate of conviction)	9
20	Amendment of r 73 (Lawyer acting for convicted person)	10
21	Amendment of r 74 (Lawyer withdrawing from acting for convicted person)	11
22	Replacement of ch 15, pt 2, div 4, hdg (Attendance at appeal)	12
23	Replacement of r 75 (Application for leave to be present)	12
	75 Application for leave to be present	12
24	Amendment of r 76 (Appellant on bail)	13
25	Amendment of r 77 (Appellant in custody)	14
26	Amendment of ch 15, pt 2, div 5, hdg (Provisions about particular orders made when appeal upheld)	14
27	Amendment of r 78 (Registrar to give notice of particular orders)	14
28	Amendment of r 84 (Application for leave to appeal)	15
29	Amendment of r 85 (Time for filing and serving notice)	15
30	Amendment of ch 15, pt 6, hdg (Other provisions about appeals)	15
31	Replacement of r 91 (Definitions for pt 6)	16
	91 Definitions for part	16
32	Amendment of r 93 (Registrar to give notice of probable hearing day)	16
33	Amendment of r 94 (Registrar’s power to ask for trial judge’s comments)	16
34	Amendment of r 95 (Registrar’s power to ask for things for court)	17
35	Amendment of r 96 (Service of orders and notices)	17
36	Amendment of r 97 (Appeal record book)	17
37	Insertion of new rr 97A and 97B	18
	97A Subsequent appeal record book	18
	97B Fee for appeal record book or subsequent appeal record book	19
38	Amendment of r 98 (Parties’ access to documents and exhibits held by registrar)	20
39	Amendment of r 99 (Publication of pre-sentence and psychiatric reports)	21
40	Amendment of r 100 (Returning exhibits)	22
41	Insertion of new r 104AA	22

	104AA	Supplemental powers in appeals and subsequent appeals	22
42		Amendment of r 104 (Application to judge)	22
43		Amendment of r 106 (Rehearing by court)	23
44		Amendment of ch 15, pt 7, div 3, hdg (Applications and notices of appeal by persons in custody)	23
45		Replacement of r 107 (Application and notice of appeal by person in custody)	24
	107	Application and notice by person in custody	24
46		Amendment of r 108 (Application for leave to adduce evidence)	24
47		Amendment of rr 110, 112 and 113	25
48		Amendment of r 115 (Content of order)	25
49		Amendment of ch 15, pt 7, div 6, hdg (Decision on appeal)	25
50		Amendment of r 116 (Notice of appeal decision)	25
51		Amendment of r 117 (Registrar to notify appellant of application result)	26
52		Amendment of ch 15, pt 7, div 7, hdg (Other miscellaneous provisions about appeals)	26
53		Amendment of r 121 (Registrar's certificate about expenses allowed on appeal)	26
54		Amendment of sch 6 (Dictionary)	27

[s 1]

1 Short title

This rule may be cited as the *Criminal Practice (Subsequent Appeals) Amendment Rule 2024*.

2 Commencement

This rule commences on 1 September 2024.

3 Rules amended

This rule amends the *Criminal Practice Rules 1999*.

4 Amendment of r 29 (Subpoenas)

(1) Rule 29(1)—

insert—

(d) a person files an application for leave to make a subsequent appeal under rule 66A, or starts a subsequent appeal.

(2) Rule 29(2A), from ‘an appeal’ to ‘the appeal’—

omit, insert—

an appeal, an application for leave to make a subsequent appeal or a subsequent appeal only with the leave of the court hearing the appeal, application or subsequent appeal

5 Amendment of rr 30 and 56A

Rules 30(5)(c) and 56A(1), (3) and (5), ‘prescribed under a’—

omit, insert—

prescribed by

6 Amendment of r 57 (Access to court files)

Rule 57(2)(e), after ‘appeal record book’—

insert—

or subsequent appeal record book

7 Amendment of r 57A (Duties of proper officer of the court about court records)

Rule 57A(2)—

omit, insert—

- (2) However, for an appeal, subsequent appeal, application for leave to appeal or application for leave to make a subsequent appeal (each an ***appeal proceeding***) to another court, the proper officer may forward to the other court records relevant to the appeal proceeding.

8 Amendment of ch 15, hdg (Appeals to Court of Appeal)

Chapter 15, heading, after ‘Appeals’—

insert—

, subsequent appeals and references

9 Amendment of ch 15, pt 2, hdg (Appeals by convicted persons)

Chapter 15, part 2, heading, after ‘Appeals’—

insert—

and subsequent appeals

10 Amendment of r 64 (Application of div 1)

Rule 64, editor’s note—

omit.

11 Amendment of r 65 (Application for leave to appeal)

Rule 65(3)—

omit, insert—

[s 12]

- (3) If the notice is not filed in the appeal period, the applicant must also file with the registrar—
 - (a) a notice of application for extension of time for filing the notice of application for leave to appeal; and
 - (b) an affidavit setting out the evidence in support of the application.

12 Amendment of r 66 (How to start appeal)

Rule 66(3), from ‘registrar’—

omit, insert—

registrar—

- (a) a notice of application for extension of time for filing the notice of appeal; and
- (b) an affidavit setting out the evidence in support of the application.

13 Insertion of new ch 15, pt 2, div 1A

Chapter 15, part 2—

insert—

Division 1A Starting subsequent appeals

66A Application for leave to make subsequent appeal

- (1) An applicant for leave to make a subsequent appeal must file with the registrar a notice of application for leave to make a subsequent appeal.
- (2) The notice must—
 - (a) be signed by the applicant or the applicant’s lawyer; and

- (b) state, briefly and precisely, the grounds of the subsequent appeal; and
 - (c) be accompanied by an affidavit setting out the fresh and compelling evidence, or the new and compelling evidence, relied on in the grounds of the subsequent appeal.
- (3) If the court gives the applicant leave to make a subsequent appeal—
- (a) the applicant is taken to have started a subsequent appeal; and
 - (b) the notice of application for leave to make a subsequent appeal is taken to be the notice of subsequent appeal for the purposes of the Code, sections 671H(4) and 671K(1).
- (4) In this rule—
- fresh and compelling evidence* see the Code, section 671AB.
- new and compelling evidence* see the Code, section 671AB.

14 Amendment of r 67 (Registrar to give respondent copies of particular documents)

- (1) Rule 67, ‘give to’—
- omit, insert—*
- give
- (2) Rule 67—
- insert—*
- (d) any affidavit filed under rule 65(3)(b) or 66(3)(b).
- (3) Rule 67—
- insert—*
- (2) The registrar must give the respondent to a subsequent appeal copies of the following

[s 15]

documents filed with the registrar for the subsequent appeal—

- (a) the notice of application for leave to make a subsequent appeal;
- (b) the affidavit accompanying the notice under rule 66A(2)(c).

15 Amendment of r 68 (Registrar to give interested persons notice about appeal)

- (1) Rule 68(1), ‘a following matter’—

omit, insert—

any of the following matters

- (2) Rule 68(1)(a)(ii), before ‘compensation’—

insert—

the payment of

- (3) Rule 68(2), ‘hearing day for the appeal’—

omit, insert—

day on which the appeal is set down for hearing

16 Amendment of ch 15, pt 2, div 3, hdg (General provisions preliminary to hearing an appeal)

Chapter 15, part 2, division 3, heading, ‘an appeal’—

omit, insert—

appeal or subsequent appeal

17 Amendment of r 69 (Abandoning applications)

- (1) Rule 69(1)—

omit, insert—

- (1) This rule applies to an applicant—

- (a) for leave to appeal; or

- (b) for an extension of time within which a notice of appeal, or notice of an application for leave to appeal, may be given; or
- (c) for leave to make a subsequent appeal.

(2) Rule 69—

insert—

- (5) This rule does not apply in relation to an application for leave to appeal under the *District Court of Queensland Act 1967*, section 118.

Note—

See rule 86 for abandoning applications in particular appeals under the *District Court of Queensland Act 1967*, section 118.

18 Amendment of r 70 (Abandoning appeal)

- (1) Rule 70, heading, after ‘appeal’—

insert—

or subsequent appeal

- (2) Rule 70(1), after ‘an appeal’—

insert—

or subsequent appeal

- (3) Rule 70(1), after ‘notice of abandonment of appeal’—

insert—

or notice of abandonment of subsequent appeal

- (4) Rule 70(2) and (3), after ‘appeal’—

insert—

or subsequent appeal

19 Amendment of r 72 (Certificate of conviction)

- (1) Rule 72(2)(b)—

omit, insert—

[s 20]

(b) an appeal or subsequent appeal has not started, or a notice of application for leave to appeal or notice of application for leave to make a subsequent appeal has not been filed.

(2) Rule 72(3), from ‘If’ to ‘filed’—

omit, insert—

If an appeal or subsequent appeal has started, or a notice of application for leave to appeal or notice of application for leave to make a subsequent appeal has been filed

(3) Rule 72(3)(a) and (b), ‘appeal or application’—

omit, insert—

appeal, subsequent appeal or application

20 Amendment of r 73 (Lawyer acting for convicted person)

(1) Rule 73, before subrule (1)—

insert—

(1AA) This rule applies in relation to the following proceedings—

(a) an appeal or subsequent appeal;

(b) an application for leave to appeal or application for leave to make a subsequent appeal.

(2) Rule 73(1), ‘an appeal’—

omit, insert—

the proceeding

(3) Rule 73(3), ‘subrule (1)’—

omit, insert—

subrule (2)

(4) Rule 73(3)(a), ‘the appeal’—

omit, insert—

the proceeding

- (5) Rule 73(4), ‘or notice of application for leave to appeal’—

omit, insert—

, notice of application for leave to appeal or notice of application for leave to make a subsequent appeal

- (6) Rule 73(1AA) to (4)—

renumber as rule 73(1) to (5).

21 **Amendment of r 74 (Lawyer withdrawing from acting for convicted person)**

- (1) Rule 74(1), from ‘an appeal’ to ‘the appeal’—

omit, insert—

a proceeding mentioned in rule 73(1) may withdraw from acting for the convicted person in the proceeding

- (2) Rule 74(2), ‘an appeal’—

omit, insert—

a proceeding mentioned in rule 73(1)

- (3) Rule 74(2)(a), ‘appeal’—

omit, insert—

proceeding

- (4) Rule 74(3)(a)—

omit, insert—

- (a) no later than 14 days before the day the proceeding is set down for hearing (the **hearing day**); or

[s 22]

22 Replacement of ch 15, pt 2, div 4, hdg (Attendance at appeal)

Chapter 15, part 2, division 4, heading—

omit, insert—

Division 4 Presence of appellant at hearings

23 Replacement of r 75 (Application for leave to be present)

Rule 75—

omit, insert—

75 Application for leave to be present

- (1) This rule applies in relation to an appellant who wishes to seek the leave of the court to be present under the Code, section 671D for any of the following proceedings (each a *relevant proceeding*)—
 - (a) an appeal on some ground involving a question of law alone;
 - (b) an application for leave to appeal or leave to make a subsequent appeal;
 - (c) a proceeding preliminary or incidental to an appeal or subsequent appeal.
- (2) If the initial notice indicates that the appellant wishes to be present at the hearing of the appeal or subsequent appeal, or any application or proceeding mentioned in subrule (1)(b) or (c), the notice is also taken to be an application for leave to be present at the hearing of the relevant proceeding.
- (3) If subrule (2) does not apply, the appellant may apply to the court, in writing, for leave to be present at the hearing of the relevant proceeding.
- (4) The appellant must give the registrar reasons in writing, at least 7 clear business days before the

day on which the relevant proceeding is set down for hearing, explaining—

- (a) why the appellant wishes to be present at the hearing of the relevant proceeding; and
 - (b) if the appellant wishes to be present in person—why the appellant wishes to be present in this way and not in another way, including, for example, by way of video link.
- (5) In this rule—
- initial notice*** means—
- (a) for an appeal on some ground involving a question of law alone—the notice of appeal; or
 - (b) for another appeal—the notice of application for leave to appeal; or
 - (c) for a subsequent appeal—the notice of application for leave to make a subsequent appeal.

24 Amendment of r 76 (Appellant on bail)

- (1) Rule 76, from ‘legally represented’ to ‘the appeal,’—

omit, insert—

represented by a lawyer does not attend a hearing of the appeal, subsequent appeal or leave application,

- (2) Rule 76(a), after ‘appeal’—

insert—

, subsequent appeal or leave application

- (3) Rule 76(b) and (c), ‘it’—

omit, insert—

the appeal, subsequent appeal or leave application

(4) Rule 76—

insert—

(2) In this rule—

leave application means—

- (a) an application for leave to appeal; or
- (b) an application for leave to make a subsequent appeal.

25 Amendment of r 77 (Appellant in custody)

(1) Rule 77(1), ‘to an appellant who is not legally represented’—

omit, insert—

in relation to an appellant who is not represented
by a lawyer

(2) Rule 77(4), after ‘about the appeal’—

insert—

or subsequent appeal

(3) Rule 77(4), ‘attendance at the appeal’—

omit, insert—

presence at the hearing of the appeal or
subsequent appeal

26 Amendment of ch 15, pt 2, div 5, hdg (Provisions about particular orders made when appeal upheld)

Chapter 15, part 2, division 5, heading, after ‘appeal’—

insert—

or subsequent appeal

27 Amendment of r 78 (Registrar to give notice of particular orders)

(1) Rule 78(1), ‘a following order’—

omit, insert—

any of the following orders

- (2) Rule 78(4), ‘himself or herself’—

omit, insert—

they were

28 Amendment of r 84 (Application for leave to appeal)

Rule 84—

insert—

- (3) If the court gives the applicant leave to appeal, the applicant is taken to have started the appeal.

29 Amendment of r 85 (Time for filing and serving notice)

Rule 85—

insert—

- (2) If the notice is not filed within the appeal period or as otherwise ordered by the Court of Appeal, the applicant must also file with the registrar—
- (a) a notice of application for extension of time within which to file the notice of application for leave to appeal; and
 - (b) an affidavit setting out the evidence in support of the application.

30 Amendment of ch 15, pt 6, hdg (Other provisions about appeals)

Chapter 15, part 6, heading, after ‘appeals’—

insert—

, subsequent appeals and references

31 Replacement of r 91 (Definitions for pt 6)

Rule 91—

omit, insert—

91 Definitions for part

In this part—

appeal includes—

- (a) an application for leave to appeal; and
- (b) an application about an appeal; and
- (c) an appeal under the *District Court of Queensland Act 1967*, section 118; and
- (d) a reference by the Attorney-General.

party means a party to an appeal or subsequent appeal.

subsequent appeal includes—

- (a) an application for leave to make a subsequent appeal; and
- (b) an application about a subsequent appeal.

32 Amendment of r 93 (Registrar to give notice of probable hearing day)

- (1) Rule 93, heading, ‘probable’—

omit.

- (2) Rule 93, ‘probable hearing day for the appeal’—

omit, insert—

day on which the appeal or subsequent appeal is set down for hearing

33 Amendment of r 94 (Registrar’s power to ask for trial judge’s comments)

- (1) Rule 94(1) and (2), after ‘appeal’—

insert—

or subsequent appeal

- (2) Rule 94(4), ‘appeal record’—

omit, insert—

record of the court for the appeal or subsequent appeal

- (3) Rule 94(5), ‘an appeal’—

omit, insert—

the appeal or subsequent appeal

34 Amendment of r 95 (Registrar’s power to ask for things for court)

Rule 95, after ‘appeal’—

insert—

or subsequent appeal

35 Amendment of r 96 (Service of orders and notices)

Rule 96(1)(a), ‘for a proceeding in an appeal’—

omit, insert—

in an appeal or subsequent appeal

36 Amendment of r 97 (Appeal record book)

- (1) Rule 97(1)—

omit, insert—

- (1) As soon as practicable after the initial notice is filed for an appeal, the registrar must—

- (a) prepare a record book for the appeal (the ***appeal record book***); and

[s 37]

- (b) make the number of copies of the appeal record book the registrar considers necessary for the appeal.
- (2) Rule 97(2), ‘record book’—
omit, insert—
appeal record book
- (3) Rule 97(4) to (8)—
omit, insert—
 - (4) In this rule—
initial notice means—
 - (a) for an appeal that may be made only with the leave of the court—the notice of application for leave to appeal; or
 - (b) for another appeal—the notice of appeal; or
 - (c) for a reference by the Attorney-General—the notice of reference.

37 Insertion of new rr 97A and 97B

After rule 97—

insert—

97A Subsequent appeal record book

- (1) As soon as practicable after a notice of application for leave to make a subsequent appeal is filed, the registrar must—
 - (a) prepare a record book for the subsequent appeal (the *subsequent appeal record book*); and
 - (b) make the number of copies of the subsequent appeal record book the registrar considers necessary for the subsequent appeal.
- (2) The subsequent appeal record book must contain

the following documents, to the extent the registrar considers the documents necessary for the court's decision on the subsequent appeal—

- (a) the notice of application for leave to make a subsequent appeal;
 - (b) the trial transcript;
 - (c) the exhibits tendered at the trial;
 - (d) the final decision on the appeal or application for leave to appeal against the appellant's conviction under the Code, section 668D;
 - (e) the final decision on any earlier application for leave to make a subsequent appeal against the appellant's conviction;
 - (f) the final decision on any earlier subsequent appeal against the appellant's conviction;
 - (g) any appeal transcript;
 - (h) any other document.
- (3) In deciding whether a document is necessary under subrule (2), the registrar may consult with the parties.
- (4) In this rule—

appeal transcript, in relation to a subsequent appeal, means a transcription of a record under the *Recording of Evidence Act 1962* in relation to a proceeding mentioned in subrule (2)(d), (e) or (f).

97B Fee for appeal record book or subsequent appeal record book

- (1) An appellant must pay the fee prescribed by regulation for the preparation and copying of an appeal record book or subsequent appeal record book unless the appellant is the Attorney-General or is not represented by a lawyer.

[s 38]

- (2) However, if the appellant's lawyer is, or is funded by, Legal Aid Queensland, the appellant must only pay the fee payable for the first copy of the appeal record book or subsequent appeal record book.
- (3) The court or a judge may, by order, waive all or part of the fee payable under subrule (1) or (2) if the court or judge is satisfied it is in the interests of justice to do so, including, for example, because payment of the fee would cause, or be likely to cause, the appellant financial hardship.
- (4) An order under subrule (3) may be made on the application of the appellant or on the court's or judge's own initiative.
- (5) Also, after the court has given its final decision on the appeal or subsequent appeal, a party to the appeal or subsequent appeal may obtain a copy of the appeal record book or subsequent appeal record book on payment of the fee prescribed by regulation.

38 Amendment of r 98 (Parties' access to documents and exhibits held by registrar)

- (1) Rule 98(1), 'prescribed under a'—
omit, insert—
prescribed by
- (2) Rule 98(1) and (2), after 'appeal'—
insert—
or subsequent appeal
- (3) Rule 98(3), 'a following person'—
omit, insert—
either of the following persons
- (4) Rule 98(4), 'legally represented'—
omit, insert—

represented by a lawyer

- (5) Rule 98(5), ‘cost of’—

omit, insert—

fee for

- (6) Rule 98(6), after ‘appeal’—

insert—

or subsequent appeal

- (7) Rule 98(8), definition *document*—

omit.

- (8) Rule 98(8)—

insert—

appeal transcript see rule 97A(4).

document does not include an appeal record book, subsequent appeal record book, trial transcript or appeal transcript.

39 Amendment of r 99 (Publication of pre-sentence and psychiatric reports)

- (1) Rule 99, heading, ‘Publication of pre-sentence’—

omit, insert—

Pre-sentence

- (2) Rule 99(1)—

omit, insert—

- (1) Despite any other rule in this part, the court or a judge may direct that a pre-sentence report or psychiatric report must not be given to, or inspected by, a party to an appeal or subsequent appeal if the court or judge decides—
- (a) giving the report to, or allowing inspection of the report by, the party may adversely

[s 40]

affect the mental or physical health of the party; and

- (b) giving the report to, or allowing inspection of the report by, the party's lawyer will be enough to protect the party's interest in the appeal or subsequent appeal.

- (3) Rule 99(2), 'published to'—

omit, insert—

given to, or inspected by,

40 Amendment of r 100 (Returning exhibits)

- (1) Rule 100(1), after 'appeal'—

insert—

or subsequent appeal

- (2) Rule 100(4), from 'an appeal' to 'destroyed'—

omit, insert—

an appeal or subsequent appeal, any jury note used in the appeal or subsequent appeal must be destroyed unless the court makes an order about the custody and the safekeeping of the note

41 Insertion of new r 104AA

Before rule 104—

insert—

104AA Supplemental powers in appeals and subsequent appeals

An application under the Code, section 671B(1)(a), (b), (e) or (f) may be heard and determined by a judge of the court.

42 Amendment of r 104 (Application to judge)

- (1) Rule 104(1), 'a following application'—

omit, insert—

the following applications

(2) Rule 104(1), after paragraph (a)—

insert—

(aa) an application for leave to make a subsequent appeal;

(3) Rule 104(1)(c)—

omit, insert—

(c) an application under rule 75 for leave for an appellant to be present at the hearing of a relevant proceeding;

(4) Rule 104(1)(d), ‘section 671B(1)(a), (b), (d) or (e)’—

omit, insert—

section 671B(1)(a), (b), (e) or (f)

(5) Rule 104(1)(aa) to (d)—

renumber as rule 104(1)(b) to (e).

43 Amendment of r 106 (Rehearing by court)

Rule 106(4), ‘appeal’—

omit, insert—

rehearing

44 Amendment of ch 15, pt 7, div 3, hdg (Applications and notices of appeal by persons in custody)

Chapter 15, part 7, division 3, ‘of appeal’—

omit, insert—

relating to appeals and subsequent appeals

[s 45]

45 Replacement of r 107 (Application and notice of appeal by person in custody)

Rule 107—

omit, insert—

107 Application and notice by person in custody

- (1) This rule applies if—
 - (a) a person is required or permitted to give a relevant document to, or file a relevant document with, the court, the registrar or the registry; and
 - (b) the person is in custody.
- (2) The relevant document is taken to have been given or filed at the time the person gives the document to—
 - (a) if the person is in prison—the prison’s general manager; or
 - (b) if the person is in custody other than in a prison—the person in charge of the place in which the person is held in custody.
- (3) In this rule—

relevant document means an application or notice relating to an appeal or subsequent appeal.

46 Amendment of r 108 (Application for leave to adduce evidence)

- (1) Rule 108(1), after ‘appeal’—

insert—

or subsequent appeal

- (2) Rule 108(2), from ‘An application’ to ‘must be’—

omit, insert—

Unless the court directs otherwise, an application for leave to adduce evidence must be made in

writing and

47 Amendment of rr 110, 112 and 113

Rules 110(2)(a), 112 and 113(1), after ‘appeal’—

insert—

or subsequent appeal

48 Amendment of r 115 (Content of order)

(1) Rule 115(1), ‘section 671B(1)(d)’—

omit, insert—

section 671B(1)(e)

(2) Rule 115(3)(a), after ‘appeal’—

insert—

or subsequent appeal

49 Amendment of ch 15, pt 7, div 6, hdg (Decision on appeal)

Chapter 15, part 7, division 6, heading, after ‘appeal’—

insert—

, subsequent appeal or application

50 Amendment of r 116 (Notice of appeal decision)

(1) Rule 116, heading, ‘appeal’—

omit.

(2) Rule 116(1)—

omit, insert—

(1) This rule applies in relation to the following—

(a) an appeal, application for leave to appeal or application about an appeal heard by the court;

[s 51]

- (b) a subsequent appeal, application for leave to make a subsequent appeal or an application about a subsequent appeal heard by the court;
 - (c) an application mentioned in rule 104(1) heard by a judge.
- (3) Rule 116(2), ‘appeal or application’—
omit, insert—
appeal, subsequent appeal or application
- (4) Rule 116(2)(e), after ‘appeal’—
insert—
, subsequent appeal or application

51 Amendment of r 117 (Registrar to notify appellant of application result)

Rule 117(1), after ‘appeal’—

insert—

or subsequent appeal

52 Amendment of ch 15, pt 7, div 7, hdg (Other miscellaneous provisions about appeals)

Chapter 15, part 7, division 7, heading, after ‘appeals’—

insert—

and subsequent appeals

53 Amendment of r 121 (Registrar’s certificate about expenses allowed on appeal)

(1) Rule 121, heading, after ‘appeal’—

insert—

or subsequent appeal

(2) Rule 121(1), after ‘appeal’—

insert—

or subsequent appeal

54 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions *appellant* and *court of trial—*
omit.

(2) Schedule 6—
insert—

appeal record book see rule 97(1)(a).

appellant means a person who—

- (a) starts an appeal or subsequent appeal; or
- (b) applies for leave to appeal or leave to make a subsequent appeal.

court of trial means any court from whose finding, sentence, or other decision a person is entitled under the Code—

- (a) to appeal or apply for leave to appeal; or
- (b) to apply for leave to make a subsequent appeal.

Crown law officer means the Attorney-General or the director of public prosecutions.

prison means a place declared to be a prison under the *Corrective Services Act 2006*, section 149.

subsequent appeal see the Code, section 668(1).

subsequent appeal record book see rule 97A(1)(a).

(3) Schedule 6, definition *respondent*, paragraph (a)—
omit, insert—

- (a) for an appeal or subsequent appeal, means—

[s 54]

- (i) a person who is defending the appeal or subsequent appeal; or
 - (ii) a cross-appellant; or
 - (aa) for an application for leave to appeal or an application for leave to make a subsequent appeal, means a person who is defending the application; or
- (4) Schedule 6, definition *respondent*, paragraphs (aa) and (b)—
renumber as paragraphs (b) and (c).

ENDNOTES

- 1 Made by the Governor in Council on 29 August 2024.
- 2 Notified on the Queensland legislation website on 30 August 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2024