

Criminal Practice (Fees and Allowances) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 179

made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Criminal Practice (Fees and Allowances) Amendment Regulation 2024

Authorising law

Section 92 of the *Supreme Court of Queensland Act 1991*

Policy objectives and the reasons for them

The Criminal Code provides an exception to the double jeopardy rule that allows for a person to be retried following an acquittal of murder or a lesser offence to be retried for murder if there is fresh and compelling evidence against the person and it is in the interests of justice. The Criminal Code also provides for appeals to the Court of Appeal following conviction on indictment, or after conviction of a summary offence under section 651 of the Criminal Code. Once the Court of Appeal has heard and decided an appeal against conviction, it has no jurisdiction to entertain a further appeal against the same conviction. If the Court of Appeal allows an appeal against conviction and orders a new trial, the appellant is entitled under the *Appeal Costs Fund Act 1973* (ACF Act) to be paid from the fund, costs that the board considers were thrown away or partly thrown away in the proceedings.

The *Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Act 2024* (Amendment Act) amends the Criminal Code to expand the offences to which the fresh and compelling evidence double jeopardy exception applies and to establish a subsequent appeal framework. The Amendment Act also amends the ACF Act to provide that if the Court of Appeal allows a subsequent appeal and orders a new trial, the appellant is entitled to be paid, from the appeal costs fund, costs that the board considers were thrown away or partly thrown away in the proceedings.

The *Criminal Practice (Fees and Allowances) Regulation 2021* (CPFA Regulation) prescribes fees for the criminal jurisdiction of the courts, including preparing and copying an original appeal record book.

The policy objective of the *Criminal Practice (Fees and Allowances) Amendment Regulation 2024* (Amendment Regulation) is to support the introduction of the subsequent appeal framework by prescribing fees for preparing and copying a subsequent appeal record book.

Achievement of policy objectives

The Amendment Regulation amends the CPFA Regulation to prescribe fees for preparing and copying a subsequent appeal record book.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation amends the CPFA Regulation to support the introduction of the subsequent appeal framework.

Any costs arising from implementation of the Amendment Regulation will be met from existing resources.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Rules Committee and key legal stakeholders were consulted during drafting of the Amendment Regulation.