

Going to Court for the First Time

at the Brisbane Magistrates Court (Arrest Court)

ARRIVAL

- Generally, a *Notice to Appear* will say 'arrive at 8:30 am'. The court will not commence until around 9:00 am, however, it is still important to allow yourself plenty of time. Don't be late to court.
- After you have passed Security (which is located just inside the entrance to the court building), check the notice board located on the wall to the right of security for the daily court list—a list of the names of people who have matters in court that day. Each name has been allocated a number for organisational purposes, and you should make a note of your particular file number and the particular court number.
- Head into court (make sure your phone is turned off or is on silent).

IN COURT

Once inside the court, line up to speak to the police prosecutor. This will either be a police officer or lawyer working for Police Prosecutions. The prosecutor will be standing on the right-hand side of the large table at the front of the court.

The police prosecutor will generally ask you what you wish to do with your matter and will ask you whether you wish to speak to the duty lawyer.

You can choose to do any one of three things:

- 1 Ask for an adjournment so that the court will re-list your matter for another day. You can then take your time to review the QP9 material, seek further legal advice and take some time to think about how you want to proceed. A QP9 is a brief summary of the facts as alleged by police against you. This document is important when seeking any further legal advice.
- 2 Tell the court you are 'pleading guilty' and enter a guilty plea in relation to the charges.
- 3 Tell the court you wish to 'plead not guilty' and have your matter listed for a trial (a summary trial).

Never enter a guilty plea if you disagree with any aspect of the alleged facts of the offence as recorded by Police Prosecutions. Make sure that you ask to see this information and also ask to see a copy of your criminal history (if any) held by the police prosecutor to make sure that the information is accurate. The magistrate will consider your criminal history if they end up sentencing you, so it is vital to ensure that it is accurate.

If you decide not to see the duty lawyer, you will then need to go to the court as directed by the police prosecutor and wait until your number and name are called.

Once called, you will need to explain to the court what you want (e.g. that you are seeking another court date). The magistrate will then allow your adjournment and set a new date for you to come back to court.

It is common with adjournments for your matter to be moved to the Brisbane Magistrates Court at 363 George Street. This major court complex is located on the corner of George and Turbot streets.

It is important that you get a copy of the QP9 from the police prosecutor.

Note that the QP9 is not evidence and will often contain inconsistencies. It is important as it provides a summary of the facts alleged against you.

DUTY LAWYER

Legal Aid Queensland has a duty lawyer service in the Arrest Court. The duty lawyer can see you, give you some brief advice and assist you in adjourning your matter or pleading guilty. The duty lawyer cannot represent you for a trial but may assist you in submitting an application for a grant of legal aid with Legal Aid Queensland.

Once you have decided how you want to proceed, the duty lawyer will talk on your behalf and either assist you if you decide to enter a plea of guilty or appear with you to get an adjournment.

If you want to plead not guilty, your matter will not be able to be finalised on the first court date. If you plead not guilty, your matter has to be listed for a summary trial, and a brief of evidence (the evidence collected by police and Police Prosecutions) needs to be ordered and a copy given to you. It is common for your matter to be adjourned for you to obtain some legal advice, and you can then list your matter for a summary trial on the next date.

NOTES

Please be aware that an Offender Levy applies to anyone in Queensland who has been found guilty or pleads guilty in court. This is an administrative fee only and will be collected via the State Penalties Enforcement Registry (SPER). The current Offender Levy in the Magistrates Court is \$123.00. Magistrates have no power to waive this fee, and it is payable in addition to any fine imposed.

You can find a series of short videos about courts and court processes at www.qld.gov.au/law/court/going-to-court/going-to-court/magistrates-court-virtual-tour

You can find the contact details of solicitors and accredited criminal lawyers by contacting the Queensland Law Society (QLS) on 1300 367 757, or you can search the QLS website at www.services.qls.com.au/Web/FindLegalServices/AccreditedSpecialist.aspx

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This information is current at November 2018.

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