



Criminal charges in Queensland; what happens at my first court date?

Date: Friday March 5, 2021

If you have received a [notice to appear from a police officer](#), or you were arrested and then granted bail at a police station, you must attend court on the date listed on the relevant document. If you fail to appear, a warrant will likely be issued for your arrest. If you are unable to attend due to sickness, you should contact the courthouse's registry urgently.

We strongly recommend you obtain legal advice and representation when issued with a notice to appear. If, however, you choose not to do this in the first instance, below is an outline of what to expect during the initial court process, what you need to do and how you should conduct yourself.

Ascertain the courtroom you need to attend

Prior to attending court, you should check the ['Daily Law List'](#) for the relevant courthouse on the day you are required to attend court. Law lists are usually published for each courthouse in Queensland at about 6.45 am and will confirm the time that your matter is listed and the relevant courtroom number.

Duty Lawyers

At most courts, a duty lawyer will generally be available to provide basic assistance to defendants appearing on the day. Upon arriving at the courthouse, you may wish to make enquiries about how to access their services. If you are unsure about how to do this, there are generally volunteers at the courthouse who can give you guidance.

We strongly recommend that you do not enter a plea until you have received legal advice

What to do upon arrival at the courthouse

Upon arriving at the courthouse, you must go to the allocated courtroom ([which you can find in the Daily Law List](#)) and advise the police prosecutor that you are present. You may need to wait in line to speak to them, so you should aim to be there early.

When you speak to the prosecutor, you should ask them for a copy of the QP9 Court Brief. They will usually have a copy printed to give to you upon request. The QP9 will contain further details about the prosecution's case against you. You should read the QP9 carefully to ensure that it is accurate and that you understand the charges and facts alleged against you.

If you are seeking assistance from the Duty Lawyer, they will generally speak to the prosecutor and obtain a copy of the QP9 for you. You should follow the directions of the Duty Lawyer if you are seeking their assistance.

What options do I have during my first appearance?

If you are not seeking the assistance of the Duty Lawyer, when you speak to the prosecutor you will be asked what you are seeking to do with the matter that day.

During your first appearance, you have two primary options:

- You can choose to adjourn the matter to seek legal advice (which we recommend after first receiving the QP9); or
- You can choose to enter a plea (it is recommended that you [do not enter a plea until you have received legal advice](#)).

When you have finished talking to the prosecutor you should sit in the courtroom and wait for your name to be called out.

Are there any rules around etiquette?

If you are in the courtroom when the Magistrate enters, you should stand and only sit when you are told to do so. You should also bow your head at the Magistrate when they first enter the courtroom.

If you leave or enter the courtroom while the Magistrate is in there, you should bow your head at the Magistrate before you leave, or as you first enter. You should do this on every occasion.

You should also only ever refer to the Magistrate as "Your Honour" when you are talking to them.

It is essential that you follow these rules so that you do not appear to be disrespectful to the Magistrate and the court.

What do I say to the Magistrate?

When your name is called, you should approach the opposite side of the bar table to the prosecution. There will be an empty chair and a lectern for you to rest any documents you may have. The Magistrate will then ask you what you intend to do that day.

What happens if I am seeking an adjournment?

If you are seeking an adjournment, you should advise the Magistrate that you have only just collected the QP9 and that you intend to seek legal advice.

The Magistrate will generally grant an adjournment for three to four weeks and will give you another date that you need to attend court. It is important that you make a note of the new date.

You will also generally be required to enter into an undertaking as to bail. You should wait at the registry for that document to be prepared and not leave the courthouse until you have signed it.

What happens if I am pleading guilty?

It is strongly recommended that you seek legal advice before entering a plea.

If you are entering a plea of guilty, the Magistrate will listen to the prosecution case first. This will usually involve the prosecutor reading out the facts from the QP9 and tendering your criminal and traffic histories.

You will then be asked by the Magistrate if you have anything to say.

At this point, it is often useful to submit mitigating materials such as character references, references from your employer and certificates of completion for any relevant courses that you have completed since your offending (for example, the Queensland Traffic Offenders Program, anger management counselling, or alcohol and/or drug counselling). If you are relying on any of those documents, you should take three copies with you on the day so you can give one to both the prosecutor and the Magistrate.

You may also wish to provide some further context about the charge and outline any steps you have taken to ensure that it does not happen again. It is essential that you apologise for your conduct and treat the Magistrate with respect at all times.

What happens if I am pleading not guilty?

It is strongly recommended that you seek legal advice before entering a plea. If you enter a plea of not guilty, you will likely be liable to a more severe sentence if you are later found guilty. That is because you have put the court and the prosecution to the expense of preparing for a trial.

If you enter a plea of not guilty, the Magistrate will usually direct the prosecution to provide a brief of evidence to you by a certain date. The brief of evidence will contain the full prosecution case against you. You should make a note of the date that the brief of evidence is due and follow up the prosecution if they don't provide it in time.

The Magistrate will also give you a date for the hearing, or adjourn the matter for a mention. If you are given a hearing date you should make a note of that date and ensure that you attend court on the day ready to argue your case. If the matter is listed for a mention, you need to attend court on that date and be ready to tell the Magistrate how you intend to progress the matter. You will

generally be given a hearing date at that time.

You will also generally be required to enter into an undertaking as to bail. You should wait at the registry for that document to be prepared and not leave the courthouse until you have signed it.

It is strongly recommended that you seek legal advice.

Get help from a criminal lawyer

The [criminal law team at Hall Payne Lawyers](#) is well equipped to provide you with advice about a criminal charge or a QP9. If you are currently facing a criminal charge you should contact our office and arrange an appointment with a member of our team.

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: [1800 659 114](tel:1800659114)

Email: general@hallpayne.com.au

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