

PRACTICE DIRECTION NUMBER 27 OF 2014

SUPREME COURT OF QUEENSLAND

SERIOUS DRUG OFFENCE CERTIFICATES

This Practice Direction applies to any criminal proceeding where, upon a conviction, the court must issue or amend a Serious Drug Offence Certificate (the 'certificate') pursuant to Part 9C of the *Penalties and Sentences Act 1992* ('PSA').

Issue of the certificate in first instance

1. The Director of Public Prosecutions (DPP) is to provide the defendant or (where the defendant is legally represented) the defendant's legal representative with a draft certificate before the sentence hearing.
2. The DPP is to provide an electronic copy of the draft certificate to the sentencing judge's associate before the sentence hearing.
3. The DPP is to provide one copy of the draft certificate to the court at the sentence hearing.
4. Pursuant to s 161G of the PSA, upon considering submissions regarding the certificate, the sentencing judge:
 - a. may amend the draft certificate; and
 - b. will sign and date the certificate.
5. The signed and dated certificate will be placed on the court file and the file will be returned to the registry by the associate.
6. The proper officer of the court ('the proper officer') will then issue the certificate.

Amendment of certificate

For related offence for which offender is later sentenced (s 161I)

7. Amendments required pursuant to s 161I PSA are to be determined by the sentencing judge of the later sentence, and the process outlined in paragraphs 1 to 6 above is to be followed.

Generally

8. When providing a draft amended certificate for consideration by the proper officer or the court, the parties are to be guided by rule 382(1) to (4) of the *Uniform Civil Procedure Rules 1999* (UCPR).
9. If an error in an issued certificate is identified, the party identifying the error must notify the proper officer and the other party.
10. Such notification is to include a draft amended certificate, an explanation of the amendments being sought, and whether the amendments are agreed between the prosecution and defence.

Minor error (s 161J)

11. If the proper officer determines that the proposed amendment concerns a minor error, the proper officer should make the necessary changes pursuant to s 161J of the PSA
12. If the proper officer determines that the proposed amendment concerns more than a minor error, the proper officer should arrange to have the proceeding brought back before the court (when possible, before the sentencing judge).

Following an appeal (s161K)

13. If a certificate requires amendment following an appeal, then the parties will notify the proper officer. The proper officer may arrange for the proceeding to be brought back before the court (when possible, before the sentencing judge).
14. Upon the amendments being permitted by the court, the proper officer will issue the amended certificate.

Distribution of certificates (s 161M)

15. The Proper Officer will distribute certificates and amended certificates in accordance with s 161M PSA.

A handwritten signature in black ink, consisting of a large, stylized 'T' and 'C' intertwined.

Timothy Carmody
Chief Justice
6 November 2014