

**GUIDELINE 1 OF 2020**  
**(MADE UNDER PRACTICE DIRECTION 2 OF 2020)**  
**COURT ARRANGEMENTS (COVID-19)**  
**TOWNSVILLE AND MOUNT ISA MAGISTRATES COURT**

**1. TOWNSVILLE AND MOUNT ISA MAGISTRATES COURT**

- Until further notice all legal practitioners have leave to appear by telephone or other audio visual link conditioned :
  - Notify Townsville Registry or Mount Isa Registry no later than one hour prior to the appearance how they will appear and their contact details and the matter (or matters) it involves
  - The Registry will give a time frame for appearance as advised by the Magistrate
  - Be available in a quiet place and contactable by email and telephone 1 hour before and after nominated appearance time
  - Any documents to be relied upon are to be copied to the other party and the Court by email by 3pm the day prior to appearance.
  
- Subject to alternative arrangements being discussed with, consented to between the parties and approved by the Court, all matters, including hearings, will be adjourned on the papers, without appearances, for three months from the date of listing.
  
- An urgent mention or hearing may be requested in accordance with this guideline.
  
- Practitioners may utilise either electronic adjournment or written requests to seek a specific date or make other requests.
  
- All appearances by legally represented parties are excused.
  
- All matters involving non-legally represented parties before the Court will, subject to any request by a party, be adjourned on the papers with appearances excused. The adjournment date will be for a minimum of 3 months.
  
- Appearances for fresh matters in Arrest Court are required where a party is (i) not on bail or (ii) not legally represented.
  
- All non-legally represented parties have leave to appear by telephone or other audio visual link (subject to specific order of a Magistrate) on the following conditions:
  - A written or email notification to Townsville or Mount Isa Registry (EMAIL) no later than 48 hours prior to appearance giving contact details and the name of their matter is required.
  - Be available in a quiet place and contactable on the supplied telephone number from 9am on the day nominated for their appearance.
  - They may be contacted at any time on that day by telephone

## 2. ARREST COURT

- Court 1 and 2 in Townsville and Court 1 in Mount Isa will sit every day from 9am.
- The Courts will deal with the following matters:
  - Urgent traffic
  - Remands (video) for people in custody, new appearances, bail applications (video or audio links)
  - Afternoon arrests and urgent applications.
  - New arrests (custody)
  - Urgent bail applications.
- The Queensland Police Service must ensure that all Police paperwork is transferred via IJIS prior to 07:30am on the respective date
- Mount Isa Magistrates Court will also deal with urgent Domestic Violence applications in line with the guidelines listed hereunder relating to Domestic Violence Applications.

## 3. LENGTHY PLEAS

- Long pleas will continue to be listed and dealt with subject to appropriate arrangements regarding video appearances of the parties or in person if approved by the court and consented to by the affected party.
- Long pleas where the defendant is in custody will continue to be listed with the defendant's appearance to be by way of video.

## 4. DOMESTIC VIOLENCE APPLICATIONS

- Domestic Violence Specialised Court will continue to sit Monday to Friday. It will hear applications Monday to Friday subject to the following.
- All appearances by legally represented parties are excused.
- All appearances by aggrieved in police applications for domestic violence orders are excused.
- However, any aggrieved may appear in a matter. To reduce risk appearance by telephone is preferred but if this is not possible appearance at Court is permitted.
- All parties may appear by telephone in accordance with section 1 of this guideline.

### ***Urgent Police Applications***

- Applications for Temporary Protection Orders ought not to be made if the Respondent is detained or is located and is in the company of the Police. In those circumstances the Applicant Police officer ought to proceed by
- Police Protection Notice (s101)

- Application for Protection Order including release conditions (s125) (2)

#### ***Police Protection Notice***

- The Applicant Officer ought issue a Police Protection Notice and make the Application returnable on the next Domestic Violence Call-over

#### ***Release Conditions***

- Where the Respondent is detained and a Police Protection Notice is not issued an Application can be made to include release conditions (s125(2) of the *Domestic and Family Violence Protection Act 2012*). An Application for a Temporary Protection Order in respect of a Respondent served with an application and with release conditions is required to be made if it is more than five days until the next available court date. The Application for Temporary Protection Order must be e-mailed to the Registry
- The Application for the Temporary Protection Order will then be considered pursuant to s129 (1) of the DFVPA on the next sitting date.
- If a Temporary Protection Order is made a copy of the Order will be transmitted by e-mail to the designated police email address for the relevant police station and the Application will remain listed for the next available sitting date.
- After hours urgent applications can still be made to the After Hours on call Magistrate as required.

#### ***Filing of New Applications by Private Parties***

##### ***NON URGENT APPLICATIONS***

- If the application is not urgent, file the application by post to the Townsville Registry.

##### ***URGENT APPLICATIONS***

- If the application is urgent, first contact the Queensland Police Service and request them to obtain an urgent temporary protection order on your behalf.
- Where:
  - QPS determine and advise the person that it is not appropriate for them to issue a PPN (*NB If QPS decide to issue a PPN, the PPN takes effect from when a police officer tells a respondent about the existence of the PPN in any way, including by telephone, emails, SMS message, a social networking site or other electronic means –see s113 DFVPA*) or to seek an urgent temporary protection order on behalf of that person; and
  - The person believes they have urgent grounds to seek a temporary or other protection order, THEN such person may lodge their application electronically (at the email address specified for that courthouse in a Notification published on the Queensland Court website) for consideration by the court, and include email addresses and telephone contact details for all parties and relevant witnesses to the proceeding.
- The Applicant will be notified by email of the date and time and place where the urgent application will be heard. The Applicant and other parties will also be advised as to how and when the court may call upon them to provide further evidence, which may be by email or phone or other means, for the purpose of supporting or responding to the relevant application.

- If an aggrieved has no access to email a private application may be lodged in the Townsville Registry. The application will be reviewed by a Magistrate and, if required, an immediate hearing for a temporary protection order will be heard.

#### 5. URGENT PLEAS AND BAIL APPLICATIONS

- Townsville and Mount Isa Magistrates Court will hear urgent long pleas and urgent bail applications.
- Appearances for these matters will be in accordance with arrangements agreed to between the Court and the parties involved.
- A defendant in custody will appear by video link.
- Urgent pleas will only be listed when:
  - the defendant is in custody and there is an expectation that the defendant may be released on or near the sentence date; or
  - Other special circumstances.
- Other special circumstances may include where a defendant has urgent obligations in another jurisdiction or there is some special hardship (for example, traffic matter where the defendant is suspended from driving).
- To arrange a hearing the defendant or the defendant's legal representatives must contact the Townsville or Mount Isa Registry giving the reasons for such a listing. A Magistrate will consider the request and direct a hearing date. All material to be relied upon is to be provided to the prosecution and the relevant Registry two clear business days before the hearing.

#### 6. AUDIO/VIDEO COURT

- Townsville and Mount Isa Magistrates Court will hear all urgent matters listed by arrangement with the relevant Registry.
- Urgent matters may be criminal and civil matters. Subject to availability of a Court and parties an urgent hearing may be listed.
- To arrange a hearing the party or the party's legal representatives must contact the relevant Registry giving the reasons for such a listing. All other parties must be copied into the email.
- All appearances in the Court will be by audio or video link.
- If a matter is listed the parties will be notified by email the date and time of the listing.
- All material to be relied upon is to be provided to the prosecution and the Registry two clear business days before the hearing.
- The Magistrate may require the parties to appear by audio link to determine whether the matter will be heard.

#### 7. PPRA APPLICATIONS FOR ORDERS AND WARRANTS

- A Magistrate will also hear police applications for warrants and orders.

- The only applications which should be made to the On Call Magistrates telephone are as follows:
  - 1) Search Warrants – s150 (PPRA)
  - 2) Forensic Procedure Orders – s458 (PPRA)
  - 3) Extension of Detention Orders – s405 (PPRA)
- All other Applications are to be made to the Court at 9am on a Court sitting day.
  - Any Application or supporting material must be arranged to be sworn before a Justice of the Peace prior to the Application being lodged.
  - Any Application e-mailed will be reviewed and considered (and if appropriate orders made or warrants issued) at 9am and 2pm on each sitting day of the Court. Any orders made or warrants issued will be transmitted by e-mail back to the Applicant officer.
  - The applicant officer should be available, if required, to appear by telephone to address any issues.

#### ***Crime Scene Warrants***

- If a Police Officer establishes a crime scene and it is necessary to apply for a Crime Scene Warrant that is to be undertaken on the next following sitting day at 09:00am (– note s166 (1) PPRA which requires the Application to be made “as soon as reasonably practicable”)

#### ***Forensic Procedure Orders***

- Chapter 17 part 1 of PPRA authorises forensic procedure orders where a party gives a forensic procedure consent.
- In any application to a Magistrate for a forensic procedure order the applicant ought to depose as to whether or not the persons consent has been sought and is refused.
- The PPRA provides an approved form for consent (s455) (4) In circumstances where a person detained consents to a forensic procedure that written form of consent ought be used and an application for a forensic procedure order ought not be made.

### **8. CHILDRENS COURT**

- Until further notice all legal practitioners have leave to appear by telephone or other audio visual link conditioned :
  - Notify the relevant Registry no later than one hour prior to the appearance how they will appear and their contact details and the matter (or matters) it involves
  - The Registry will give a time frame for appearance as directed by the Magistrate
  - Be available in a quiet place and contactable by email and telephone 1 hour before and after nominated appearance time
  - Any documents to be relied upon are to be copied to the other party and the Court by email by 3pm the day prior to appearance.

- Subject to alternative arrangements being discussed with, consented to between the parties and approved by the Court, all matters, including hearings, will be adjourned on the papers, without appearances, for three months from the date of listing.
- All appearances by legally represented parties are excused.
- Unless alternative arrangements are made with the Court all matters involving non-legally represented parties before the Court will be adjourned on the papers with appearances excused. The adjournment date will be for a minimum of 3 months.
- Appearances for new Children’s Court charges can be by telephone unless the Magistrate orders otherwise.
- All non-legally represented parties in child protection matters have leave to appear by telephone or other audio visual link (subject to specific order of a Magistrate) on the following conditions:
  - A written or email notification to the Townsville Registry no later than 48 hours prior to appearance giving contact details and the name of their matter is required.
  - Be available in a quiet place and contactable on the supplied telephone number from 9am on the day nominated for their appearance.
  - They may be contacted at any time on that day by telephone
- In Child matters the Court may not be able to list child protection hearings or Youth Justice hearings and only urgent hearings will be considered.
- An urgent mention or hearing may be requested.
- To arrange a hearing the party or the party’s legal representatives must contact the relevant Registry giving the reasons for such a listing. The request will be considered by a Childrens Court Magistrate.
- If an urgent hearing is listed all material to be relied upon is to be provided to the prosecution and the Registry two clear business days before the hearing.

#### 9. HIGH RISK YOUTH COURT

- The High Risk Youth Court will continue to sit Tuesday and Wednesday
- Until further notice all legal practitioners have leave to appear by telephone or other audio visual link conditioned :
  - Notify the relevant Registry no later than one hour prior to the appearance how they will appear and their contact details and the matter (or matters) it involves
  - The Registry will give a time frame for appearance as directed by the Magistrate
  - Be available in a quiet place and contactable by email and telephone 1 hour before and after nominated appearance time
  - Any documents to be relied upon are to be copied to the other party and the Court by email by 3pm the day prior to appearance.
- Subject to alternative arrangements being discussed with, consented to between the parties and approved by the Court, all hearings, will be adjourned on the papers, without appearances, for three months from the date of listing.
- Appearances for new charges can be by telephone unless the Magistrate orders otherwise.

- All appearances by legally represented defendants other than video appearances are excused.

#### 10. QCAT

- All non-urgent QCAT matters will be adjourned on the papers without the need for appearances.
- It is envisaged that the matters will be adjourned at least 3 months ahead of the date originally set for the hearing.
- Urgent QCAT matters will be considered on a case by case basis and parties will be given leave to appear by video link or by phone.

#### 11. CIRCUITS

1. Circuits conducted by the Townsville and Mount Isa Magistrates will be conducted by video.
2. The above guidelines will apply to those courts.

#### EMAIL ADDRESS FOR SENDING URGENT DOMESTIC VIOLENCE APPLICATIONS TO BE CONSIDERED:

M-Townsville-DV@justice.qld.gov.au

Courthouse.Townsville@justice.qld.gov.au

#### EMAIL ADDRESS FOR SENDING URGENT REQUESTS:

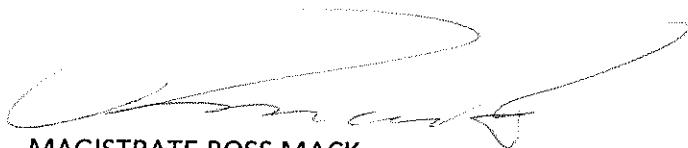
Courthouse.Townsville@justice.qld.gov.au

#### EMAIL ADDRESS FOR SENDING APPLICATIONS FOR ORDERS AND WARRANTS:

Courthouse.Townsville@justice.qld.gov.au

#### CONTACT NUMBER AT TOWNSVILLE MAGISTRATES COURT:

07 4781 8600



MAGISTRATE ROSS MACK

REGIONAL COORDINATING MAGISTRATE

TOWNSVILLE MAGISTRATES COURT