

Magistrates Courts

Practice Direction No. 3 of 2020

Issued: 27 March 2020

Amended: 7 April 2020

Court Arrangements (COVID-19)

1. The Court is responding to the developing COVID-19 pandemic by reviewing all operations to ensure all essential services are maintained consistent with health advice.
2. The Court is equipped to utilise online court, audio visual equipment and digital technology to allow matters to continue remotely.
3. Practice Direction 2 of 2020 is repealed.
4. Local Guidelines issued for regions in accordance with paragraph 4 of Practice Direction 2 of 2020 are repealed.
5. On and from 30 March 2020 Magistrates will continue presiding in the Courts listed in column 1 of Schedule 1.
6. The Courts listed in Schedule 1 may change at the direction of the Chief Magistrate to the Courts listed in column 2 of Schedule 1. Any change will be notified on the Queensland Courts Website – Magistrates Court <https://www.courts.qld.gov.au/courts/magistrates-court/covid-19-response-magistrates-court>

Appearances

7. On and from 30 March 2020 there will be no physical appearances in any matter except:
 - (a) By an Aggrieved in an urgent non-police, private domestic violence application
 - (b) The media
 - (c) With leave of the Court
8. All matters will be conducted by telephone or video conference including appearances by persons in custody.
9. The Court will publish Chorus Call Guidelines to facilitate the application of this Practice Direction.
10. Parties to a proceeding may contact the Court in which the proceeding is listed to obtain the telephone contact details to enable the party to participate in a

conference call. Details of telephone contacts for all registries across Queensland can be found on the Queensland Courts Website – Magistrates Court <https://www.courts.qld.gov.au/contacts/courthouses>.

11. All documents to be relied upon in a matter are to be emailed to the Court where the proceeding is occurring. Details of email addresses for all registries across Queensland can be found on the Queensland Courts Website – Magistrates Court <https://www.courts.qld.gov.au/contacts/courthouses>.

Work the Court will undertake

12. Each of the Courts sitting will hear:
 - (a) Overnight custody arrests – both adults and children
 - (b) Urgent domestic violence applications including applications to vary domestic violence orders
 - (c) Urgent child protection applications including applications to vary existing child protection orders
 - (d) Bail applications including applications to vary bail
 - (e) Domestic violence applications currently before the Court which have not been considered
 - (f) Sentences, including lengthy sentences, where a person is likely to be released from custody
 - (g) Where a defendant is in custody- committal and summary mentions
 - (h) Urgent regional Queensland Civil and Administrative Tribunal (QCAT) matters heard in the Magistrates Court.
 - (i) Applications under the *Police Powers and Responsibilities Act 2000*
 - (j) Civil applications dealt with on the papers
 - (k) Other matters where leave is given by a Magistrate under paragraphs 19, 20 and 21.
13. All circuit Courts will hear matters in accordance with this Practice Direction. Circuit Court will be conducted by video or telephone link from the home Court.

Currently Listed Matters

14. All matters, civil and criminal, currently before the Court (excluding the matters in paragraph 12) will be adjourned on the papers without appearance to a date to be fixed by the Magistrate. Notice of the adjournment date will be posted or emailed to the parties and their legal practitioners by the Magistrates Court Registry. Bail will be enlarged in the absence of the Defendant in criminal matters. Temporary orders in force in domestic violence applications will continue for the period of the adjournment. Applications to vary such orders will continue to be heard under paragraph 12 (b).

Civil Matters

15. In accordance with paragraph 12(j) all civil applications will be dealt with on the papers.
16. Parties are required to exchange and file their written submissions, supporting material and draft orders 5 days before the hearing of the application.

17. If a party is concerned that substantial prejudice will be suffered as a consequence of their civil application being dealt with on the papers, that party can make application for the matter to be listed under paragraph 19.

New Matters where Defendant not in custody

18. Until further notice, all criminal matters where a defendant is on a Notice to Appear or bail will be adjourned to a date not less than 2 months from the first appearance. No attendance is required from the defendant. Where a defendant has signed an undertaking bail will be extended in the absence of the defendant. A Notice of Adjournment with the new date will be posted or sent by email to the parties and their legal representative.

Urgent Applications for Leave to Hear a Matter

19. The Court will continue to accept applications to hear matters where delay would cause substantial prejudice to a party. To seek the leave of a Court to hear a matter the person should contact the Court by email outlining the nature of the application and why it is urgent. A Magistrate will consider the application and make directions as to whether the matter will be heard.

Applications for Leave to Hear a Designated Matter

20. Where the Court has capacity and considers it appropriate, the Court will hear some designated matters from 20 April 2020. These designated matters include:
- (a) Pleas of guilty both long and short:
 - (i) in which an outcome involving actual custody is not likely; or
 - (ii) where a defendant is already in custody
 - (b) Applications for directions pursuant to section 83A of the *Justices Act 1886*
 - (c) Full hand-up committals including matters of less than two hours where a no case submission is to be made
 - (d) Committal proceedings of less than two hours where witnesses to be cross examined are police or expert witnesses
 - (e) Consent orders or where the prosecution offers no evidence
 - (f) Other matters the court has capacity to hear.
21. To seek the leave of the Court to hear a matter mentioned in paragraph 20, the party or their lawyer should email the Court registry on notice to the other party or parties outlining the nature of the matter and the estimated length of time. A Magistrate will make directions as to whether the matter will be heard; when it will be heard and any other directions considered necessary or appropriate to ensure the efficient disposition of the matter should it be heard.

Practitioners and prosecutors are encouraged to rely on agreed documents and written submissions to be emailed to each other and the Court registry.

Priority on listing will go to applications under paragraph 19.

22. If the need arises the Court may de-list any matters listed under paragraphs 20 and 21.



Judge Terry Gardiner
Chief Magistrate
7 April 2020

SCHEDULE 1

| Column 1 Original Courts | Column 2 Alternative Courts |
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| Brisbane District Cleveland District Holland Park District Pine Rivers District Redcliffe District Richlands District Sandgate District Wynnum District | Brisbane Central |
| Cairns District Mareeba District Innisfail District | Cairns Brisbane Central |
| Mount Isa District Townsville District | Townsville Brisbane Central Mount Isa |
| Bowen District Bundaberg District Emerald District Gladstone District Mackay District Rockhampton District | Mackay Rockhampton Brisbane Central |
| Caboolture District Gympie District Hervey Bay District Kingaroy District Maroochydore District Caloundra Maryborough District | Caboolture Hervey Bay Maroochydore Brisbane Central |
| Beenleigh District Gold Coast District | Southport Beenleigh Brisbane Central |
| Beaudesert District Charleville District Dalby District Ipswich District Toowoomba District Warwick District | Ipswich Toowoomba Brisbane Central |

