

**MAGISTRATES COURT GUIDELINE 2 OF 2020**  
**ISSUED 19 MARCH 2020 – AMENDED 14 APRIL 2020**  
**(AS PER PRACTICE DIRECTION 3 OF 2020)**  
**COURT ARRANGEMENTS (COVID-19)**  
**CAIRNS AND FAR NORTH QUEENSLAND**

**1.0 CAIRNS AND FAR NORTH QUEENSLAND MAGISTRATES COURTS - General**

- These guidelines apply, so far as reasonably practicable, to the Magistrate Courts in Cairns and surrounds. Contact including email details for each Courts Registry will vary and should be ascertained separately.
- These guidelines apply subject to the variation in respect of the Innisfail and Mareeba Courts – where only one Court will sit to hear all matters.
- **These guidelines will have effect from Monday 30 March 2020.**
- **Pursuant to Practice Direction 3/2020 there will be no physical appearances in any matters except:**
  - a) **by an aggrieved in an urgent non-police private Domestic Violence Application**
  - b) **the media**
  - c) **with leave of the Court.**
- **All matters will be conducted by telephone or video conference including appearances by persons in custody.**
- **The Court will publish chorus call guidelines to facilitate the application of these guidelines.**

**1.1 TELEPHONE/VIDEO APPEARANCES**

- The prosecutor/complainant and defendant/legal representative will appear by telephone/video.
- The party/representative must email the Registry advising a contact telephone number they will be available on.
- They must be available in a quiet place and contactable on the supplied telephone number from 9am on the date of hearing/mention.
- The parties will be contacted by the Court at any time on that date by telephone.

**Telephone appearances will only be allowed in respect of matters that the Court will hear pursuant to Practice Direction 3/2020 and in accordance with 2.0 below.**

**2.0 WORK THE COURT WILL UNDERTAKE**

- **Defendants in custody – both adults and children**
- **Urgent Domestic Violence Applications (including applications to vary domestic violence orders)**
- **Urgent Child Protection Applications (including applications to vary existing child protection orders)**
- **Urgent Bail Applications (including applications to vary bail)**

- **Domestic Violence Applications currently before the Court which have not been considered**
- **Sentences (long pleas) where the defendant is in custody and is likely to be released from custody**
- **For defendants in custody – committal and summary hearing mentions**
- **Urgent RTA QCAT matters**
- **Applications under the Police Powers and Responsibilities Act 2000 (PPRA)**
- **Other matters which are urgent/special circumstance matters where leave is given by a Magistrate (pursuant to P/D 3/2020, paragraph 19)**
- **A designated matter (see Practice Direction 3/2020 paragraph 20 – where leave to hear a matter has been given by the Court.**

### **3.0 COURTS THAT WILL SIT IN THE CAIRNS MAGISTRATES COURT**

In the Cairns Magistrates Court the following courts will sit and hear matters:

- **Arrest and Remand Court (Court 1 – commencing at 10 am daily)**
  - **Only defendants in custody (both adults and children)**
  - Defendants in custody will appear from the watch house by telephone/video link or where they are legally represented their appearance may be excused
  - Defendants seeking to surrender to the Court on a warrant
  - Urgent bail applications
  - PPRA Applications for orders and warrants
- **Audio-visual/urgent Court (Court 8 – commencing at 9 am daily)**
  - Long Pleas (for defendants in custody appearance by video link only as per 2.0)
  - Urgent Child Protection Applications
  - Urgent Domestic Violence Applications
  - Video Court (**Monday only**)
  - Childrens Court (Youth Justice) – **Friday at 9am and Long Plea matters listed as per 7.0**
  - Committal and Summary Hearing Mentions – defendants in custody (**Wednesday at 2.15 PM**)
  - Any other urgent matters where leave is given by a Magistrate (pursuant to Practice Direction 3/2020 – paragraph 19)
  - Urgent Residential Tenancy Authority (RTA) Queensland QCAT applications (**Tuesday only**)
- **Bulk Adjudgments Callover (Court 1 – between 9 am and 10 am)**
  - Any matters not contained within the work the Court will undertake (as per paragraph 2.0) will pursuant to Practice Direction 3/2020 (paragraph 14) be listed in the Bulk Adjudgments Callover Court.
  - The matters that will be dealt with in the Bulk Adjudgments Callover include:
    - Summary hearings
    - Remands currently listed in Arrest Court (Court 1)
    - Traffic Summons Callover
    - Licence Appeals and Applications Callover
    - Commonwealth Callover
    - Miscellaneous Callover
    - Community Corrections Callover
    - Mental Health Callover
    - Court Link Callover.
- The prosecutor/complainant will appear by telephone.

- All matters will be adjourned pursuant to Practice Direction 3/2020 (paragraph 14) for a period of three months upon the following conditions:
  - The defendant's appearance is excused.
  - The defendant and defendant's legal representatives' appearance is excused.
  - Defendants on bail will have their bail enlarged.
  - Defendants at large or on Notices to Appear will be permitted to go at large.
  - Defendants in custody will be remanded in custody.
  - The Registry will post/email notices of adjournment to the parties and their legal representatives.

**If the party/legal representative seeks and urgent/special hearing of a matter they should comply with paragraph 8.0**
- Designated Matters Court (Court 7 – commencing at 9 am daily)
  - Long and short pleas
  - Applications for directions pursuant to section 83A (Justices Act 1886)
  - Full hand up committals (where hearing less than two hours) where a no case submission is to be made
  - Committal hearings (where hearing less than two hours) where witnesses to be cross-examined are police or expert witnesses
  - Consent orders
  - Mentions where the prosecution offers no evidence
  - Other matters where the Court has capacity to hear the matter – **and leave is given by the Court upon the Court determining that it is appropriate to hear the matter**
- The prosecutor/complainant/legal representative/party and all witnesses will appear by telephone/video link
- All material to be relied on is to be emailed to the Registry by the parties

#### Long and short pleas

To ensure the efficient disposal of long/short pleas and having regard to the s132C of the *Evidence Act 1977*, the Prosecution and Defence representatives are to case conference, sufficiently in advance:-

- a. To identify the agreed facts on which the sentencing is to proceed; and
- b. To produce an agreed written statement of facts to put before the sentencing Magistrate.

The written statement of facts should include particulars of any restitution or compensation sought on behalf of a victim(s). A written statement of agreed facts shall address the charges chronologically and per charge, be paginated, stapled and printed single sided.

At least 2 clear days before the long plea, each party is to exchange the following material, prior to filing it with the Court –

- c. A written statement of agreed facts
- d. Any psychiatric/psychological/medical reports
- e. Any photographs, audio or other media sought to be relied upon
- f. Any victim impact statements or quotes for damage/injury suffered
- g. Any character references or other similar material.
- h. Any material in respect of an application for restitution or compensation on behalf of a victim.

- i. Copies of any relevant comparative sentencing decisions (including the appropriate case citation) which will assist the Sentencing Magistrate to inform the exercise of the Sentencing discretions.
- j. Written submissions upon which the party proposes to rely.
- k. Any draft orders

Disclosure of this material by the party seeking to rely upon it will be undertaken to the Court by the party by forwarding electronic copies (pdf or word format) of the material by email to [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au). The material should be provided by 2pm the day before the plea of guilty. The subject line of the email should name the defendant, the fact it is a long plea and the date of the matter (i.e. Davy Jones – Long Plea – 4 March 2020).

These Guidelines are to ensure the efficient disposition of Court business and may be subject to change by order of a Magistrate.

#### Application for directions pursuant to section 83A (Justices Act 1886)

- An application and supporting affidavit will be filed with the Registry (by email)
- The applicant will at the same time file:
  - Written submissions upon which the applicant proposes to rely
  - Copies of any relevant authorities
  - Draft orders
- If the Court grants leave to hear the application, it must be served on the other party. It will be listed for hearing with at least three clear days' notice.
- The applicant must serve copies of all material on the respondent.
- The respondent must at least one clear day before the hearing file and serve (by email):
  - Written submissions upon which the respondent proposes to rely
  - Copies of any relevant authorities
  - Draft orders
- **All appearances will be by way of telephone/video link.**

#### Full Hand-Up Committals - no case submission

Where a full hand up committal (with no case to answer submission) is listed, the following directions apply:

At least three clear days before the hearing the defence must file and serve:

- The brief of evidence (by email - subject to the size of the brief of evidence)
- A copy of the full index of the brief of evidence
- Copies of any relevant statements and/or documents from the brief of evidence to be relied upon
- Written submissions upon which the defence proposes to rely
- Copies of any authorities to be relied upon

The prosecution must at least one clear day prior to the hearing file and serve (by email if appropriate) the following:

- Copies of any statements or other documents to be relied upon
- Written submissions upon which the prosecution proposed to rely
- Copies of any authorities upon which the prosecution proposes to rely

### Committal proceedings (cross-examination) police and expert witnesses

Where consent orders have been filed pursuant to Practice Direction 12/2010 and the only witnesses to be cross-examined at a committal hearing are police or expert witnesses, the following directions apply:

- At least three clear days before the committal hearing the prosecution must file and serve the following:
  - A copy of the index of the brief of evidence
  - Copies of any relevant statements and/or other documents for the purpose of the committal hearing
  - Details of the witnesses
  - A copy of the consent orders in relation to cross-examination
  - Details of the police or expert witnesses to be cross-examined including their contact telephone/video link details
- **If the defence intend to make a no case submission at the conclusion of the committal hearing, the same directions as detailed in respect of hand-up committals- no case submissions above apply.**

**The prosecution must file a complete hard copy of the brief of evidence with the Registry in respect of any committal hearing referred to above, to comply with the provisions of the Justices Act 1886**

### Consent Orders

- Prosecution/defence may list a matter for hearing where consent orders have been agreed on
- The party seeking to have the consent orders made must email the Registry with details of the matter and the proposed orders including the following:
  - Details of the defendant (including date of next mention)
  - Confirmation that the other party is consenting
  - A draft copy of the consent orders

### Matters where prosecution offers no evidence

Where the prosecution is to offer no evidence in respect to a charge, the matter can be listed for mention. The party seeking to list the matter should email the Registry advising that the prosecution intend to offer no evidence including the following details:

- Details of the defendant (including date of next mention)
- Confirmation that the prosecution intend to offer no evidence

The matter will then be listed for mention.

**In the event that the defendant intends to make an application for costs upon dismissal of a charge then the prosecution and defence must both be prepared to argue that on the listed hearing date and must, at least three clear days before the hearing file and serve by email the following:**

- Copies of any relevant statements and/or documents
- Written submission upon which the prosecution/defence propose to rely
- Copies of any relevant authorities
- Draft orders

#### **4.0 URGENT BAIL APPLICATIONS**

- Urgent bail applications will be listed at the direction of the Court to be heard in Arrest Court (Court 1).

#### **4.1 BAIL APPLICATIONS – NOT OPPOSED BY PROSECUTION**

- An application for bail where the prosecution will not oppose the application (including matters where there are agreed bail conditions) will be listed in Court 1 on the day following notification by the applicant/defendant and prosecution that the bail application is unopposed.
- The applicant/defendant must: email the Registry advising that the bail application is not opposed (and attach confirmation from the prosecution)
- Provide a draft order for bail (including any agreed bail conditions).

#### **4.2 CONTESTED BAIL APPLICATIONS**

**The following directions apply subject to any alternate direction made by the Court:**

Disclosure/Evidence:

- The Queensland Police Service must, as soon as reasonably practicable, disclose to the applicant all documents in its possessional control relating to the application.
- Evidence is to be on affidavit or in any other form the Court permits pursuant to section 15(1) of the Bail Act.
- The Court may require a deponent for examination.

The applicant/defendant for bail must:

- File a bail application, supporting affidavits, written outline of submission (including copies of the relevant authorities) and draft orders
- Serve that material on the prosecution

The prosecution must (within two clear days of receiving the applicant defendant's material file and serve any affidavit material in response and the outline of submissions (including copies of relevant authorities).

The contested bail application will be listed in Court 1 within three clear days of the filing of the bail application and other material and the parties will be given notice by the Registry of the date the application will be heard.

#### **5.0 VIDEO COURT**

Those matters where the defendant is in custody and matters are currently listed before the Video Court on Monday at 9 am, will continue to be heard.

Represented defendants

- Prosecutor/legal representatives will appear by telephone
- Committal mention matters – will be the subject of a disclosure direction and matters will be adjourned for committal mention to the Committal/Summary Hearing Callover conducted each Wednesday at 2.15 PM

- Summary hearing matters (plea of not guilty entered) – will be the subject of a disclosure direction and will be remanded for summary hearing mention to the Committal/Summary Hearings Callover conducted each Wednesday at 2.15 PM
- Long pleas (sentence) matters – where pleas of guilty are indicated – will be listed for sentence on a date to be fixed (**subject to Practice Direction 3/2020, these guidelines and subject to continuing capacity**)
- Short sentences – time permitted and subject to capacity - to finalise in Video Court
- All other matters (case conferencing for further instructions required etc.) – to be remanded for three months as per PD 3/2020 – **subject to any application for urgent/special circumstance as per PD 3/2020 paragraph 19.**

#### Unrepresented defendants

- **NLR defendants who are seeking legal representation will sought to be assisted by the Court by directing the Registry to contact ATSILS/LAQ to arrange conference and Legal Aid application lodgement**
- **NLR defendants (seeking legal representation) will be adjourned to a subsequent Video Court date**
- **NLR defendants who are not seeking legal representation will be dealt with as follows:**
  - **Committal mention matters – a disclosure direction will be made and the matter adjourned for committal mention back before the Video Court**
  - **Summary hearing mention (plea of not guilty entered) – will be subject to a disclosure direction and matter remanded for summary hearing mention back before the Video Court**
  - **Long Pleas (where plea of guilty indicated) will be listed for a long plea (sentence) on a date to be fixed in the Video Court.**
  - **Short plea (sentence) subject to time availability will proceed to finalise.**
  - **All other matters - to be remanded for 12 weeks (in accordance with PD3/2020 paragraph 14) to a Video Court date.**

#### **6.0 COMMITTAL AND SUMMARY HEARING MENTIONS – DEFENDANTS IN CUSTODY ONLY**

- Where a Defendant is in custody a committal and summary hearings mention will be dealt with on each Wednesday at 2.15 PM in Court 8.
- Committal and summary hearing mentions will be dealt with as far as reasonably practicable (pursuant to Practice Direction 12/2010).
- Committal mention matters will still have disclosure directions made, so briefs of evidence are prepared and disclosed and committal matters can continue to be managed in a timely fashion.
- Summary hearing matters will still have disclosure directions made (although no hearing date will be fixed) so that briefs of evidence can be prepared and disclosed and matters subsequently listed expeditiously for hearings at the end of the current COVID-19 court arrangements.
- In respect of any urgent/special circumstance matters where a defendant is in custody, Practice Direction 3/2020 (paragraph 19) applies.

## **7.0 SENTENCES/LONG PLEAS – ONLY WHERE DEFENDANT IS IN CUSTODY**

**Subject to continued capacity** the Court will sentence defendants in custody (on all currently listed long pleas) until further direction.

In respect of sentences (long pleas) currently listed the following conditions apply:

- The defendant will appear via video link from the correctional centre
- The prosecutor/legal representative will appear by telephone
- The prosecution/defence are to exchange material beforehand and **all material to be relied upon including agreed statement of facts, criminal history, pre-sentence certificates, medical and character reference material and authorities/comparative cases must be emailed to the Registry at: [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au) two clear days before date of sentence.**

## **8.0 URGENT APPLICATION FOR LEAVE TO HEAR A MATTER**

- Practice Direction 3/2020 (paragraph 19) provides that a party may apply for an urgent hearing if the party can satisfy the Court that delay would cause substantial prejudice to a party.
- If a party is seeking leave to list a matter pursuant to Practice Direction 3/2020 (paragraph 19) the following conditions apply:
  - A written/email application is to be lodged with the Registry.
  - **A separate written/email application is required in respect of each matter (for privacy document management and administrative reasons a single application with multiple matters is unacceptable)**
  - The application must provide contact details and name of applicant/legal representative.
  - The application must provide details of the defendant's name and the date of next mention of matter before the Court.
  - The applicant must advise of the basis on which that matter is urgent (including attached copies of any relative or supporting documents) and how delay would cause substantial prejudice to a party.
  - **An unsupported assertion by a legal representative that substantial prejudice will be caused by delay is insufficient and detailed particulars supporting the application must be included. The consent of the prosecution to the application is NOT a factor determinative of the application.**
  - The application will be considered by a Magistrate and directions will be made as to whether the matter will be heard urgently.

If the matter is to be heard urgently the following conditions apply:

- The parties/legal representatives will appear by telephone.
- The parties/legal representatives will have to be available in a quiet place and contactable on the supplied telephone number from 9 am on the day nominated.
- All document/material to be relied upon is to be emailed to the Registry at: [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au).
- The parties may be contacted at any time on the date nominated by telephone.



## Appearances by defendants – urgent hearings

- Defendants in custody:
  - All appearances by defendants remanded in custody will be by way of video link from the correctional centres (or if appropriate their appearance will be excused).
- Defendants on bail/at large:
  - The defendant's appearance will be by way of telephone.
  - Represented defendants may choose to appear by telephone from their legal representative's office.
- For represented defendants:
  - The legal representatives must email the Registry confirming:
    - The defendant will appear by telephone.
    - They have sighted photographic identification of the defendant.
    - They undertake that, immediately following the disposition of the matter they will confirm in writing to the defendant the outcome of the proceedings (including details of any penalty imposed or driver's licence disqualification).
    - They undertake to forward to the defendant copies of any orders made and in respect of any licence disqualification a copy of the **attached** notice in relation to disqualifications.
    - Defendants appearing by telephone finalising their matters by plea of guilty and sentence will be arraigned in the usual fashion.
- For unrepresented defendants:
  - The defendants will appear by telephone.
  - The defendant will be required to state their full name, date of birth and details of the charge before the Court upon which they are appearing (including a copy of any court file number if known).
  - They will be required to provide an address/email so that any order or notices can be forwarded to them.

## **9.0 DOMESTIC VIOLENCE APPLICATIONS**

The Court will hear:

- Urgent Domestic Violence Applications (Including Applications to vary domestic violence orders).
- Domestic Violence Applications currently before the Court which have not been considered (first appearance applications).

Domestic Violence Applications will be dealt with in accordance with Guideline (**attachment 1**).

A copy of the information sheet for lawyers and parties is attached.

## **10.0 CHILDRENS COURT**

### Youth Justice matters:

The Childrens Court matters will be dealt with in accordance with Practice Direction 4/2020 and subject to Cairns Children's Court Procedure (**attachment 2**)

- Currently listed Long Plea matters on Tuesdays will remain as listed and be heard where the defendant child is in detention

- Wednesday Callover (first appearance) will not be held and QPS will be issuing Notices to Appear and Bail Undertakings for first appearances all post 30 June 2020
- Friday Callover will continue in accordance with Cairns Childrens Court Procedure (see attachment 2) and any new Long Plea matters will be listed to be heard on Fridays (where defendant child in detention).

#### Child Protection Applications:

The Child Protection Applications will be dealt with in accordance with Practice Direction 4/2020 subject to Child Protection Matters Guideline – Cairns Magistrates Court (**attachment 3**).

#### **11.0 URGENT QCAT APPLICATIONS**

- Only urgent applications pursuant to section 415 of the Residential Tenancies Act will be listed.
- Urgent RTA QCAT applications will be heard at 9 am on each Tuesday in Court 8.
- The guidelines for urgent RTA QCAT applications are (**attachment 4**).
- A copy of the information sheet for parties is also attached.

#### **12.0 PPRA APPLICATIONS FOR ORDERS AND WARRANTS**

- The Court 1 Magistrate will also hear police applications for warrants and orders (subject to the following directions):
- 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)

3.1 All other Applications are to be made to the Court at 9am on a Court sitting day with the Application material being transmitted to the Registry ([courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au)) to be heard before the Court.

- Any Application or supporting material must be arranged to be sworn before a Justice of the Peace prior to the Application being lodged. If the QPS cannot access Justices of the Peace at Police Stations or elsewhere the Registry will have staff who are Justices of the Peace available to take oaths or affirmations.
- 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. 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 link in Court 1 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 9 am (– 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.

### **13.0 APPLICATIONS FOR LEAVE TO HEAR DESIGNATED MATTERS**

- Practice Direction 3/2020 (paragraph 20 and 21) provides that a party may apply for an urgent hearing of a designated matter
- If a party is seeking leave to list a matter pursuant to Practice Direction 3/2020 (paragraph 20 and 21) the following conditions apply:
  - A written/email application is to be lodged with the Registry.
  - **A separate written/email application is required in respect of each matter (for privacy document management and administrative reasons a single application with multiple matters is unacceptable)**
  - The application must provide contact details and name of applicant/legal representative.
  - The application must provide details of the defendant's name and the date of next mention of matter before the Court
  - Outlining the nature of the matter and the estimated length of time.

The applicant must provide the following particulars:

In respect of long/short pleas

- Confirmation that the matters will proceed to a plea of guilty
- Confirmation of compliance with paragraph 3.0 above

With respect to full hand up committals (where no case submission) or committal hearings where cross-examination of police or expert witnesses are to occur, the following:

- Details of the charges
- Details of the police or expert witnesses to be cross-examined
- Confirmation of compliance with paragraph 3.0 above

**The application will be considered by a Magistrate and directions will be made as to whether the matter will be heard urgently.**

If a designated matter is to be heard urgently the following conditions apply:

- The parties/legal representatives will appear by telephone
- The parties/legal representatives will have to be available in a quiet place and contactable on the supplied telephone number from 9 am on the day nominated
- All document/material to be relied upon is to be emailed to the Registry at: [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au)
- The parties may be contacted at any time on the date nominated by telephone.

#### **14.0 Surrenders to the Court by Defendants**

Defendants are still entitled to seek to surrender to the Court on warrants.

The procedure for defendants seeking to surrender is as follows:

- The defendant should attend the Registry counter and complete the Contact Details Form and produce photographic identification (the counter staff should endorse on the contact form that they have sighted the ID).
- The defendant is to wait outside Court 1 with their mobile phone and they will be called by the Court on that number.
- If the Court accepts the surrender, the warrant will be recalled, the defendant will be admitted to bail and they will attend at the Registry counter and enter their bail undertaking.

**Defendants that are legally represented will surrender in the same fashion with their legal representative appearing by telephone (but defendant sitting outside the court room and attending at the Registry counter to enter a Bail Undertaking).**

## **CAIRNS**

### **EMAIL ADDRESS FOR SENDING URGENT REQUESTS:**

[courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au)

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

[courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au)

### **CONTACT NUMBER AT CAIRNS MAGISTRATES COURT:**

(07) 4280 6000

## **OTHER COURTS CAIRNS SURROUNDS**

### **Mareeba Magistrates Court:**


[courthouse.mareeba@justice.qld.gov.au](mailto:courthouse.mareeba@justice.qld.gov.au)

(07) 4092 8800

### **Innisfail Magistrates Court:**

[courthouse.innisfail@justice.qld.gov.au](mailto:courthouse.innisfail@justice.qld.gov.au)

(07) 4232 7405



Magistrate Pinder

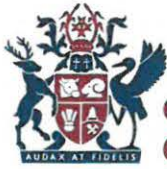
Regional Coordinating Magistrate

Cairns Magistrates Court

Issued: 19 March 2020

Amended: 14 April 2020

## ATTACHMENT 1



**QUEENSLAND  
COURTS**

**Practice Direction 3/2020 (Covid-19 Guideline)**

### **Information Sheet – Domestic Violence Applications**

#### **Notice to all lawyers and parties:**

Pursuant to Magistrates Court Practice Direction 3/2020 (Court arrangements COVID-19) there will be no personal appearances by lawyers or parties in Domestic Violence Applications –

- **Except by an aggrieved in an urgent non-police private Domestic Violence Application.**

The only Domestic Violence Applications which will be heard are:

- **Urgent applications including applications to vary domestic violence orders.**
- **Applications currently before the Court which have not been considered.**

#### **Current applications before the Court which have not been considered:**

The applications will be heard on their currently listed date.

All appearances will be by way of telephone.

- **Police applications - Aggrieved:**

If you are an aggrieved in a police application, your personal appearance is excused and you will be notified of the outcome of the application and any orders made by the police.

## **ATTACHMENT 1**

- **Police applications - Respondents:**

If you are a respondent to a police application and you wish to appear on the application, you must appear by telephone. Complete and lodge the **Contact Details Form** with the Registry and the Court will telephone you so that you may appear.

- **Private Applications:**

If either the applicant/aggrieved/respondent wish to appear on a private application, they must appear by telephone.

The parties must complete and lodge the **Contact Details Form** with the Registry and arrangements will be made for an appearances before the court by conference telephone.

**Urgent private (non-police) applications:**

**Please see attached information sheet in respect of the filing of new urgent applications by private parties.**

The aggrieved must apply in writing or by email (at [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au)) for the urgent hearing of a private application.

**The aggrieved must detail the basis on which the application is urgent.**

A Magistrate will consider the application for an urgent hearing and make directions as to whether the matter will be heard.

If the Court decides to hear an urgent Domestic Violence Application the following conditions apply:

- The Registry will advise the date the application will be heard.
- The aggrieved may appear in person or by telephone.
- If the aggrieved wishes to appear by telephone, you have to be available in a quiet place and contactable on the supplied telephone number from 9 am on the date nominated for the hearing.
- You may be contacted at any time on the date by telephone.

## ATTACHMENT 1

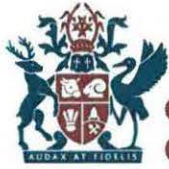
### Filing of New Applications by Private Parties

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:
  - i. 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
  - ii. The person believes they have urgent grounds to seek a temporary or other protection order, but cannot attend court to file their application due to the emergent situation notified by the court  
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.
- Rule 9 of the *Domestic and Family Violence Protection Rules 2014* (DFVPR) prescribes that documents under the *Domestic and Family Violence Protection Act 2012* may be filed in person or by post. The court however has discretion under rule 6 DFVPR to waive compliance with this rule and accept applications filed electronically.
- Applicants will be notified by email as to whether the court has determined to waive compliance with rule 9 DFVPR and accept their application. Where the application has not been accepted, the Applicant must file their application by post during the emergent period notified.
- Where the application has been accepted, the Applicant and Respondent (unless the Applicant has requested under section 36 or 90 of the DFVPA that a temporary protection order be made before the application is served on the respondent)) will be notified by email of the date and time and place where the 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 Cairns Registry. The application will be reviewed by a Magistrate and, if required, an immediate hearing for a temporary protection order will be heard. If no urgent order is sought the hearing of the application will be given a date and time.



**ATTACHMENT 1**



**QUEENSLAND  
COURTS**

**Practice Direction 3/2020 (Covid-19 Guideline)**

**Contact Details Form**

|  |  |
|--|--|
| <b>Are you the Aggrieved or the Respondent in this matter?</b> |  |
| <b>Name of Aggrieved/<br/>Name of Respondent</b>               |  |
| <b>Name of Solicitor (if applicable)</b>                       |  |
| <b>File number (if known)</b>                                  |  |
| <b>PHONE (Mobile)</b>  |  |
| <b>PHONE (Home)</b>  |  |
| <b>E-MAIL</b>  |  |
| <b>ADDRESS</b>   |  |
|  |  |
|  |  |
|  |  |

## **ATTACHMENT 2**

### **Cairns Childrens Court procedures pursuant to PD 4/2020 (COVID 19)**

As far as practicable, matters will be dealt with in accordance with PD 4/2020.

In line with the Youth Justice Act 1992 (Schedule 1 Charter of youth justice principles), efforts will be made to progress matters in a timely manner and all efforts made to ensure no defendant is unduly prejudiced due to the present circumstances.

To that end, The Childrens Court will be conducted with all parties granted leave to appear in court by phone (chorus call) and all matters listed will be mentioned in court.

Parents/Carers of children are also granted leave to attend by phone if required for any reason including bail applications, sentence proceedings or committal proceedings.

### **Wednesday Callover (first appearances):**

**All Notices to Appear and Bail Undertakings will be returnable post 30 June 2020 onwards.**

**There will be no first appearance matters listed in the Wednesday Callover until post 30 June 2020.**

#### Defendants in Detention:

Defendants will not be produced in person. Matters will be managed in accordance with the type of matter and whether the defendant is released on bail. If the defendant remains in detention, subsequent mentions of the matter will take place via videolink from CYDC.

#### Defendants on bail/at large:

All matters will be adjourned for at least 8 weeks. Appearances by all defendants are excused.

### **Friday Callover (subsequent appearances):**

#### Defendants in detention:

Defendants will continue to appear by video. Matters will be managed in accordance with the type of matter.

The Court will have the capacity to hear sentences and conduct committal proceedings.

The Court will also take pleas of guilty and order the preparation of pre-sentence reports as needed and relist the matter for sentence hearing via video on a subsequent Childrens Court callover on a Friday to be determined by the court.

#### Defendants on bail/at large:

Matters will be adjourned for at least 8 weeks. Appearances by defendant excused.

## **ATTACHMENT 2**

### **Long Plea Dates (Tuesday and Friday)**

#### Defendants in detention:

Defendants will appear by video and matters will be finalised where appropriate.

#### Defendants on bail/at large:

Matters will be adjourned for at least 8 weeks. Appearances by defendant excused.

NOTE: Any Matter can be progressed as an urgent matter upon application to the court in accordance with the PD 4/2020 (para 14). It is likely such applications would receive favourable consideration in line with the Charter of Youth Justice Principles and be listed accordingly.

**The currently listed Long Pleas will be heard as currently scheduled.**

**Any new listings of Long Pleas will be listed to be heard on Friday in Court 8.**

## ATTACHMENT 3

### Child Protection Callover

#### **Notice to all parties (including lawyers, DCPL, OPG and child advocates):**

Pursuant to Magistrates Court Guideline 1/2020 (Court arrangements COVID-19) there will be no personal appearances by lawyers or parties in the Child Protection Callover.

- All legal representatives, DCPL, OPG and child advocates are to appear by telephone via a conference call commencing at 9:00am.
- The phone details are to be provided to parties by 4pm on the Wednesday beforehand.
- All non-urgent matters will be adjourned for 2 weeks with temporary orders in place. Non-urgent hearings will be vacated and adjourned.
- Urgent interim hearings will be managed on a case by case basis, but where possible dealt with on the papers with appearances as above.

#### **Legally represented parties:**

All parties who are legally represented are excused. If they wish to appear, they should contact their legal representative to arrange attendance from their office.

#### **Not legally represented parties:**

All not legally represented parties will be notified by the Registry the day before the Child Protection Callover what time slot they have been allocated and when they need to be available from. They will be contacted on a separate phone via the Registry when their matter is to be heard and they will then be invited to join the chorus call.

#### **Conference call arrangements:**

The Court will make contact with the parties appearing for each matter at the nominated time. Contact details for all parties MUST be provided to the

### **ATTACHMENT 3**

Registry/Court to enable the court on the day to manually connect all relevant parties to the conference call. As this conference call is a manual process, please be mindful that parties will be asked to be on hold for a time as other parties are added into the conference call.

## ATTACHMENT 4



**QUEENSLAND  
COURTS**

**Practice Direction 3/2020 (Covid-19 Guideline)**

### **Information Sheet – QCAT Applicants and Respondents**

Pursuant to Practice Direction 3/2020 to facilitate the management of health issues associated with the COVID-19 virus, **there will be no physical appearances in any QCAT matter.**

**Only urgent *Residential Tenancies and Rooming Accommodation Act 2008* (RTA) QCAT matters will be heard by QCAT.**

All appearances by applicants and respondents will be by way of telephone.

For urgent RTA QCAT matters which are being heard the following conditions apply:

- You will appear by telephone.
- You will be advised by the Registry (by email) on what date the matter will be heard.
- You have to be available in a quiet place and contactable on the supplied telephone number from 9am on the date nominated.
- You may be contacted by telephone at any time on the date nominated.

**You must complete and lodge the attached *Contact Detail Form* (including by scanning and emailing it to [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au), or you may provide your contact particulars by telephoning Cairns Courthouse on: (07) 4280 6017)**

All non-urgent RTA QCAT applications and Minor Civil Disputes (MCD) will be adjourned to the Registry and heard on a later date to be fixed and the parties will be given notice.

**ATTACHMENT 4**



**QUEENSLAND  
COURTS**

**Practice Direction 3/2020 (Covid-19 Guideline)**

**Contact Details Form**

|  |  |
|--|--|
| <b>Are you the Applicant or the Respondent in this matter?</b> |  |
| <b>Name of Applicant/<br/>Name of Respondent</b>               |  |
| <b>File number<br/>(if known)</b>                              |  |
| <b>PHONE<br/>(Mobile)</b>                                      |  |
| <b>PHONE<br/>(Home)</b>  |  |
| <b>E-MAIL</b>  |  |
| <b>ADDRESS</b>   |  |
|  |  |
|  |  |



## ATTACHMENT 3

### Child Protection Callover

#### **Notice to all parties (including lawyers, DCPL, OPG and child advocates):**

Pursuant to Magistrates Court Guideline 1/2020 (Court arrangements COVID-19) there will be no personal appearances by lawyers or parties in the Child Protection Callover.

- All legal representatives, DCPL, OPG and child advocates are to appear by telephone via a conference call commencing at 9:00am.
- The phone details are to be provided to parties by 4pm on the Wednesday beforehand.
- All non-urgent matters will be adjourned for 2 weeks with temporary orders in place. Non-urgent hearings will be vacated and adjourned.
- Urgent interim hearings will be managed on a case by case basis, but where possible dealt with on the papers with appearances as above.

#### **Legally represented parties:**

All parties who are legally represented are excused. If they wish to appear, they should contact their legal representative to arrange attendance from their office.

#### **Not legally represented parties:**

All not legally represented parties will be notified by the Registry the day before the Child Protection Callover what time slot they have been allocated and when they need to be available from. They will be contacted on a separate phone via the Registry when their matter is to be heard and they will then be invited to join the chorus call.

#### **Conference call arrangements:**

The Court will make contact with the parties appearing for each matter at the nominated time. Contact details for all parties MUST be provided to the



### **ATTACHMENT 3**

Registry/Court to enable the court on the day to manually connect all relevant parties to the conference call. As this conference call is a manual process, please be mindful that parties will be asked to be on hold for a time as other parties are added into the conference call.

## ATTACHMENT 4



**QUEENSLAND  
COURTS**

**Practice Direction 3/2020 (Covid-19 Guideline)**

### **Information Sheet – QCAT Applicants and Respondents**

Pursuant to Practice Direction 3/2020 to facilitate the management of health issues associated with the COVID-19 virus, **there will be no physical appearances in any QCAT matter.**

**Only urgent *Residential Tenancies and Rooming Accommodation Act 2008* (RTA) QCAT matters will be heard by QCAT.**

All appearances by applicants and respondents will be by way of telephone.

For urgent RTA QCAT matters which are being heard the following conditions apply:

- You will appear by telephone.
- You will be advised by the Registry (by email) on what date the matter will be heard.
- You have to be available in a quiet place and contactable on the supplied telephone number from 9am on the date nominated.
- You may be contacted by telephone at any time on the date nominated.

**You must complete and lodge the attached *Contact Detail Form* (including by scanning and emailing it to [courthouse.cairns@justice.qld.gov.au](mailto:courthouse.cairns@justice.qld.gov.au), or you may provide your contact particulars by telephoning Cairns Courthouse on: (07) 4280 6017)**

All non-urgent RTA QCAT applications and Minor Civil Disputes (MCD) will be adjourned to the Registry and heard on a later date to be fixed and the parties will be given notice.

**ATTACHMENT 4**



**QUEENSLAND  
COURTS**

**Practice Direction 3/2020 (Covid-19 Guideline)**

**Contact Details Form**

|  |  |
|--|--|
| <b>Are you the Applicant or the Respondent in this matter?</b> |  |
| <b>Name of Applicant/<br/>Name of Respondent</b>               |  |
| <b>File number<br/>(if known)</b>                              |  |
| <b>PHONE<br/>(Mobile)</b>                                      |  |
| <b>PHONE<br/>(Home)</b>  |  |
| <b>E-MAIL</b>  |  |
| <b>ADDRESS</b>   |  |
|  |  |
|  |  |