

Magistrates Courts

Practice Direction No. 5 of 2020

Issued: 28 May 2020

COVID-19 Court Arrangements

1. Practice Direction 3 of 2020 is repealed from 14 June 2020. This Practice Direction will commence on and from 15 June 2020.
2. The Practice Direction applies to the Magistrates Court and cannot and is not intended to interfere with the control of a Court precinct exercised by a Justice of the Supreme Court or Judge of the District Court.
3. **Physical Distancing**
 - a) The Court will operate within the Chief Health Officers guidelines regarding physical distancing.
 - b) To minimise the numbers of people in Courthouses:
 - i. Matters may be listed at intervals throughout the day. Listed times may be notified on daily law lists at <https://www.courts.qld.gov.au/daily-law-lists/daily-law-lists#MC>.
 - ii. Court users may apply to a Magistrate for leave to appear by telephone or video conference.

People in Custody

4. Other than criminal trials, all proceedings involving a person in custody will proceed by video conference unless a Magistrate gives leave for their appearance to be excused or orders their personal appearance.

Trials / Committal Hearings / Pleas / Hearings / Applications

5. Subject to paragraph 4, all trials, committal proceedings, pleas, hearings and applications will proceed with parties and legal representatives present unless a Magistrate gives leave to appear by telephone or video conference.

Witnesses

6. Subject to law, all witnesses will appear in person unless a Magistrate gives leave to appear by telephone or video conference.

Requirement for Leave to Appear by Telephone or Videoconference

7. Leave to appear by telephone or videoconference should be sought at the time of listing or electronically on notice to the other party 2 clear days before the listed date.

Callovers / Mentions / First Appearances

8. Legal Representatives and Non-Legally represented people:
 - a) are encouraged to apply for consent orders electronically, and
 - b) may appear in person but are encouraged to appear by telephone or video conference unless ordered by a Magistrate to appear in person.

Contact with Court Registries

9. Parties to a proceeding may contact the Court in which the proceeding is listed to obtain the **telephone and video conferencing contact details** to enable the party to participate in a proceeding. Details of contacts for all registries across Queensland can be found on the Queensland Court Website - Magistrates Court <https://www.courts.qld.gov.au/contacts/courthouses>.
10. Where a party, legal representative or prosecutor appears by telephone or video conference 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>.



Judge Terry Gardiner
Chief Magistrate
28 May 2020