

PRACTICE DIRECTION NUMBER 9 OF 2019

DISTRICT COURT OF QUEENSLAND


DISPOSAL OF CHARGES OF SUMMARY OFFENCES

Sections 651 and 652, *Criminal Code*

1. Practice Direction 1 of 2001 is repealed. Practice Direction 3 of 2002 is repealed.
2. Section 651 *Criminal Code* empowers the District Court to hear and decide summarily a charge of a summary offence, subject to section 652(2) to (4) and section 651(2). The purpose of this practice direction is to specify administrative requirements which are designed to streamline the transmission of such charges to the District Court by refining the procedures hitherto applying.
3. Prior to lodging an application pursuant to section 652(2) the applicant must lodge with the Director of Public Prosecutions an application for the consent of the Crown under section 651(2)(c). The application must set out the text of the summary charges the applicant seeks to have transmitted, and the text of the indictable offence with which the summary charges would be heard. In the case of lengthy charges, a copy of the charges/counts may, alternatively, be attached to the application. A form of application is appended.
4. The Director of Public Prosecutions will consider the application and within 14 days of receipt of the application notify the applicant in writing of the result.
5. The Registrar of the relevant court of summary jurisdiction will refuse to accept an application pursuant to section 652(2) unless it is accompanied by the written consent of the Director of Public Prosecutions under section 651(2)(c).
6. An application pursuant to section 652(2) must be made to the Registrar of the relevant court of summary jurisdiction not later than 14 days prior to the date set for the hearing of the indictable offence in the District Court.
7. In addition to the matters prescribed by section 652(3), the application must state that as at the time it is being made, an indictment has been presented or is to be presented in the District Court at a specified centre.
8. If section 652 has been fulfilled, the Registrar of the relevant court of summary jurisdiction should transmit the original or copies of the relevant:
 - complaints or bench charge sheets
 - bail undertaking
 - defendant's application

bearing the requisite file numbers and court notations.

9. Transmission should be effected to the relevant District Court. Contact details can be found on the Queensland Courts website:
<http://www.courts.qld.gov.au/contacts/courthouses>.
10. The defendant or the defendant's legal representative shall, at least 24 hours prior to the day on which the matter is to be heard in the District Court, contact the Registrar of the relevant criminal registry to confirm that the relevant documents have been received.
11. If the relevant documents have not been received and the Registrar is satisfied that the defendant has made a proper application in accordance with section 652(2) and (3) and this Practice Direction, the Registrar may arrange for the relevant documents to be transmitted forthwith.
12. If the original documents from the court of summary jurisdiction or facsimile copies are not before the District Court at the time the Court deals with the indictable offences, the Court will not deal with the summary offences or take them into account.
13. If the District Court declines to deal with a charge of a summary offence brought before it, the District Court will order that the transmitted charge be remitted to the originating court of summary jurisdiction. Unless the District Court orders otherwise:
 - (a) where the originating court is the Magistrates Court at Brisbane, the defendant will by order be remanded to appear at the next ex-officio call-over of that court, held on the last Thursday of every month;
 - (b) in every other case, the defendant will by order be remanded to appear on a date within 14 days of the conclusion of the proceeding in the District Court.
14. When the District Court has dealt with a summary charge, the Registrar will as required by section 652(5), within one calendar month, notify the result of the decision to the Registrar of the court of summary jurisdiction from which the charge was transmitted.



Chief Judge KJ O'Brien
16 August 2019

APPLICATION FOR CONSENT OF CROWN

To: The Director of Public Prosecutions

(*Name of applicant, and address for service*) requests that the Crown consent pursuant to section 651(2)(c) Criminal Code to the District Court's hearing and deciding the following summary offence(s) when dealing with the following indictable offence(s)

Indictable Offence

| | | | |
|------------------------------|------------------------------|---------------------------------|-------------------------------|
| <u>Indictment No.</u> | <u>Text of charge</u> | <u>Location of Court</u> | <u>Date of hearing</u> |
|------------------------------|------------------------------|---------------------------------|-------------------------------|

(*lengthy counts: as per attachment)

Summary Offences

| | | |
|------------------------------------|----------------------------------------------------------------|------------------------------------------|
| <u>Mags Court reference</u> | <u>Text of charge</u> (incl. date and place of offence) | <u>Court where charge pending</u> |
|------------------------------------|----------------------------------------------------------------|------------------------------------------|

(*lengthy charges: as per attachment)

.....
(Signature of applicant or applicant's solicitor)

.....
DATED

To: The applicant

The Director of Public Prosecutions consents/does not consent to the summary charge(s) shown in the above schedule being heard and decided when the District Court deals with the above indictable offence(s) in the District Court at

Name of officer giving consent:

Contact phone number:

.....
(Signature of officer giving consent)

.....
DATED