

# Magistrates Courts

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## Practice Direction No. 3 of 2020

### Court Arrangements (COVID-19)

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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 Practice Direction 2 of 2020 is repealed.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 Local Guidelines issued for regions in accordance with paragraph 4 of Practice Direction 2 of 2020 are repealed.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 paragraph 19

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.



Judge Terry Gardiner  
Chief Magistrate  
27 March 2020

## SCHEDULE 1

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