

**PRACTICE DIRECTION NUMBER 9 OF 2006**

**MAGISTRATES COURT OF QUEENSLAND**

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**CONDUCT OF CUSTOMS PROSECUTIONS**

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1. The purpose of this Practice Direction is to clarify how Customs prosecutions are to be commenced, prosecuted and proceeded with in all courts in Queensland in which magistrates preside.
2. Section 247 of the *Customs Act 1901* (Commonwealth) read with subsection 245 (1)(f) of that Act provides  
“Every Customs prosecution in [a court of summary jurisdiction of a State] may be commenced prosecuted and proceeded with ..... in accordance with the directions of a Court or a Judge.”
3. Subsection 12(2) of the *Magistrates Act 1991* (Queensland) provides:  
“Subject to this Act and to such consultation with Magistrates as the Chief Magistrate considers appropriate and practicable, the Chief Magistrate has power to do all things necessary or convenient to be done for ensuring the orderly and expeditious exercise of the jurisdiction and powers of Magistrates Courts, including, for example—  
.....  
(b) issuing directions with respect to the practices and procedures of Magistrates Courts; “
4. Accordingly pursuant to subsection 12(2)(b) of the *Magistrates Act 1991* it is directed for the purpose of section 247 of the *Customs Act 1901* that every customs prosecution in all courts in Queensland in which magistrates preside be commenced, prosecuted and proceeded with in accordance with Part 4 of the *Justices Act 1886* (Queensland).
5. This Practice Direction is effective immediately.



**Judge M Irwin  
Chief Magistrate  
1 December 2006**