

Magistrates Courts

Practice Direction No. 22 of 2012 (amended)

Issued: 1 November 2010
Amended: 16 December 2010
17 September 2012

Judicial Registrars - Power concerning prescribed applications and matters

1. This Practice Direction repeals Practice Direction No.1 of 2008 (Amended).
2. The purpose of this Practice Direction is to prescribe:
 - 2.1. Pursuant to section 53J(1) of the *Magistrates Act 1991* (the Act), the types of applications that may be heard and decided by a judicial registrar (Part A); and
 - 2.2. Pursuant to section 53J(2) of the Act, the types of matters for which a judicial registrar may constitute, and exercise all the jurisdiction and powers of, a Magistrates Court (Part B).

Part A Prescribed applications

3. Pursuant to section 53J(1) of the Act the following types of applications are prescribed as an application that may be heard and decided by a judicial registrar:
 - 3.1 An application that may be made under the Uniform Civil Procedure Rules 1999 to a Magistrate, other than a contested application that may result in judgment or other final relief where the amount claimed exceeds \$50,000.00, provided that –
 - (a) an assessment of damages following the entry of judgment by default is not a contested application that may result in judgement or other final relief within the meaning of this paragraph; and
 - (b) nothing in this practice direction enables a judicial registrar to hear and determine an originating application.
 - 3.2. An application under the *Domestic and Family Violence Protection Act 2012* for—
 - (a) an adjournment of an application for an order under that Act; or
 - (b) a temporary protection order; or

- (c) a domestic violence order or variation of a domestic violence order, the making of which has been consented to, or not opposed, by the parties to a proceeding for a domestic violence order;

3.3. An application under the *Bail Act 1980*, section 8 if—

- (a) the application is to grant, enlarge or vary bail for a defendant charged with an offence (other than an offence mentioned in section 16(3) of that Act); and
- (b) the complainant, the prosecutor or a person appearing on behalf of the Crown does not oppose the application;

3.4. An application under the *Bail Act 1980*, section 8 if—

- (a) the application is to enlarge or vary bail for a defendant charged with an offence mentioned in section 16(3) of that Act; and
- (b) the complainant, the prosecutor or a person appearing on behalf of the Crown does not oppose the application.

Part B
Prescribed matters

- 4. Pursuant to section 53J(2) of the Act the following types of matters are prescribed as matters for which a judicial registrar may constitute, and exercise all the jurisdiction and powers of, a Magistrates Court:
 - 4.1. An examination for which a person is summoned under the Corporations Act, section 596A or 596B;
 - 4.2. A mention of a criminal proceeding;
- 5. Where in the exercise of jurisdiction under paragraph 4.2 an issue arises with respect to bail, paragraphs 3.3 and 3.4 apply.

Judge Brendan Butler AM SC
Chief Magistrate
17 September 2012