

Magistrates Courts

Practice Direction No. 11 of 2007

SUMMARY HEARINGS CASE MANAGEMENT
AT BRISBANE CENTRAL MAGISTRATES COURTS

1. This Practice Direction is intended to assist with case management of the Brisbane Central Magistrates Courts. It will take effect as from 1 January 2008. It applies to summary hearings in the criminal jurisdiction of the Court.
 2. The Court will not list matters for hearing until such time as the Prosecution has provided a copy of the police QP9 form to the Defendant or to his/her legal representative and the defendant/legal representative confirms that he/she has considered it.
 3. If and when a not guilty plea is entered in Courts 1, 2 or 3 ("the listing date"), the following procedure will apply:
 - 3.1 the presiding Magistrate will set the matter down for hearing to a date approximately **ten (10) weeks ahead** ("the hearing date");
 - 3.2 the presiding Magistrate will also set a date for a review mention of the proceedings in Court 26 on a Tuesday at 2:15pm ("the review mention date"), approximately **three (3) weeks before** the hearing date;
 - 3.3 the presiding Magistrate will direct that the prosecution prepare a complete brief of evidence as soon as practicable, **which brief is to be available for collection, and be collected** by, the defendant or his/her legal representative **by 4.00pm at least 7 days before** the review mention date; ("the brief collection date");
 - 3.4 the presiding Magistrate will ensure that unrepresented defendants are provided with a copy of the attached **Summary Review Mention Form** ("the form") and informed that it is to be completed and signed by the prosecution and defence and handed to the presiding magistrate on the review mention date;
 - 3.5 the presiding Magistrate will direct that any submission to be made by the defendant to the prosecution be made as soon as practicable following receipt of the brief of evidence, but in any event, before the review mention date;
 - 3.6 a legally represented defendant will be remanded to appear in Court 20 on the hearing date;
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- 3.7 a defendant who is not legally represented will be remanded to appear in Court 26 on the review mention date, (even if the unrepresented litigant obtains legal representation between the listing date and the review mention date);
4. The prosecution and defence (including defendants who are not legally represented) are required to complete and sign the form which, once completed in full will be handed to the presiding magistrate on the review mention date.
5. In accordance with the direction made under paragraph 3.5 any submission to be made by the defendant to the prosecution must be made as soon as practicable following receipt of the brief of evidence and before the review mention date.
6. On the review mention date there will be a callover of matters, by reference to the form referred to in paragraph 4 above to:
 - 6.1 confirm the date for the summary hearing of the proceeding; or
 - 6.2 vacate the original hearing date and set another date; or
 - 6.3 list the matter for a sentence hearing on the hearing date or another date.
7. If the defendant is not legally represented, he/she must appear in person at the review mention date.
8. If a defendant is legally represented, the defendant is not required to appear at the review mention date, provided the defendant's legal representative appears in person on his/her behalf and provides the information required by the form referred to in paragraph 4 above.
9. If, subsequent to the review mention date, there is a change in the status of the matter that will involve any application that may result in an adjournment, or if a guilty plea will now be entered in lieu, the defendant and/or his/her legal representative and/or the prosecutor must inform the court as soon as practicable.
10. This direction repeals Amended Practice Direction No.8 of 2001 as from 1 January 2008.

Judge M.P. IRWIN
Chief Magistrate
14 December 2007