

Magistrates Courts

Practice Direction No. 4 of 2010

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:
 - 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
 - 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;
 - 3.2 an application under the *Domestic and Family Violence Protection Act 1989* 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 in a form agreed to by, or on behalf of, the aggrieved and the respondent;
 - 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 grant bail for a defendant charged with an offence mentioned in section 16(3) of that Act; and
 - (b) the application is made following the defendant's committal for trial or sentence under the *Justices Act 1886*, section 110A(6) in relation to the offence; and
 - (c) the complainant, the prosecutor or a person appearing on behalf of the Crown does not oppose the application;
- 3.5 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 the 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;
 - 4.3 a committal for trial or sentence under the *Justices Act 1886*, section 110A(6) of a defendant who is on bail to appear at the committal.
5. Where in the exercise of jurisdiction under paragraphs 4.2 and 4.3 an issue arises with respect to bail, paragraphs 3.3, 3.4 and 3.5 apply.

Judge Brendan Butler AM SC
Chief Magistrate
12 April 2010