

**BRISBANE MAGISTRATES COURT**  
**PRACTICE DIRECTION 3 OF 2020 COURT ARRANGEMENTS (COVID-19)**  
**AMENDED**  
**GUIDELINE FOR CIVIL PROCEEDINGS**

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1. This guideline is to be read in conjunction with Practice Direction 3 of 2020 (PD 3).
2. This Guideline relates solely to the conduct of civil proceedings (excluding Child Protection and Domestic Violence) in the Brisbane Magistrates Court.
3. Parties are encouraged to resolve as many matters as possible by way of consent adjournments for at least 3 months or final orders.
4. Parties are requested to provide the Brisbane Magistrates Court Registry with a current email address for the service of documents.

**Electronic Filing of Documents and Telephone Hearings**

5. Wherever possible civil claims, applications and supporting material should be electronically filed.
6. For telephone hearings, any other document that would usually be handed up in the courtroom during a hearing, including draft orders, must be emailed to the Brisbane Magistrates Court Registry in a timely way, but no less than one clear business day before the hearing.
7. Proposed consent orders should be emailed to the Magistrates Court Registry in Microsoft Word format.
8. If parties are given leave to attend in person the handing up of hard copy documents should be avoided. Documents to be tendered and draft orders should still be forwarded to the Court in accordance with paragraphs 6 and 7 of this Guideline.

**Civil Applications**

9. Pursuant to paragraphs 12(j) and 15 of PD 3, all civil applications will be dealt with on the papers unless a party seeks an oral hearing.
10. A party filing an application ('Applicant') is to file all supporting material<sup>1</sup> and any written submissions at the same time that they file their application. The Applicant is to serve the other party the same day.

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<sup>1</sup>Supporting Material includes: Lists of material, affidavits, cases and a chronology

11. Parties responding to an application ('Respondents') are to file and serve all supporting material and written submissions within 5 business days of service (or such other timeframe as mutually agreed in writing between the parties and notified to the Brisbane Magistrates Court Registry) and at least 5 business days before the hearing of the application in accordance with paragraph 16 of PD 3.
12. The Applicant is to then file and serve written submissions together with any supporting material (limited to matters in reply to issues raised by the Respondent) within 2 business days of service of the Respondents' supporting material and written submissions.
13. The application will be determined by the Court on the papers. The Court will deliver its decision on the papers. No appearance by the parties will be required. The Court's decision, including written reasons for the decision, will be emailed to the parties by the Magistrates Court Registry.
14. If a party seeks an oral hearing, the application for such hearing is to be made by email to the Court. The other party is to be copied in that email. The party seeking the oral hearing is to indicate whether they are seeking the matter be heard as an urgent matter (paragraph 19 of PD 3) or a designated matter (paragraph 20 of PD 3).
15. If an oral hearing is sought but no indication is given as to whether the matter be heard as an urgent matter (paragraphs 19 of PD 3) or as a designated matter (paragraph 20 of PD 3), the application will be adjourned in accordance with paragraph 14 of PD 3.

#### **Communications with the Brisbane Magistrates Court Registry**

16. Parties are reminded to copy the other party wherever possible in any communications with the Magistrates Court Registry or the Court.



J M Brassington  
Brisbane Coordinating Magistrate  
Deputy Chief Magistrate  
24 April 2020