

**MAGISTRATES COURT
PRACTICE DIRECTION
No 6 OF 2001**

EX OFFICIO CALLOVERS – EX OFFICIO INDICTMENTS

The purpose of this practice direction is to clarify the procedures in the Brisbane Central Magistrates Court concerning matters that will lead to the presentation of *ex officio* indictments in the higher courts.

- 1) In matters that are to proceed by way of *ex officio* indictment practitioners should indicate that course of action to the Magistrate at a Mention Day in Courts 1 or 5, (“the Advice Date”).
- 2) On the Advice Date, the Magistrate in Courts 1 or 5 will remand the matter to Court 5 on a Monday one month ahead (“the Remand Date”). During the period of remand, practitioners should liaise with the Office of the Director of Public Prosecutions, to ensure that agreement is reached on all issues, so that the matter is ready to proceed to sentence in the higher court, upon presentation of an *ex officio* indictment.
- 3) On the Remand Date in Court 5, the following procedures will apply -
 - a) Upon advice from the parties that the matter is ready to proceed to *ex officio* indictment, the Court 5 Magistrate will remand the defendant to an *ex officio* Callover Day in Court 1 at least six weeks ahead.

At that *ex officio* Callover Day -

- (i) If the *ex officio* indictment has been presented, the Magistrate must be informed that this course has been taken. The Magistrate may then discharge the Defendant on those matters.
 - (ii) If no *ex officio* indictment has been presented, the Magistrate will set the matter for mention for a hand-up committal in accordance with Section 110A of the *Justices Act* 1886 in Court 5 on a date 2 weeks ahead.
 - b) Upon advice from the parties that the matter is unable to proceed on *ex officio* indictment, the matter will be dealt with similarly to 3(a)(ii) above.

This Practice Direction will take effect as from 1 November 2001.

**DM Fingleton
Chief Magistrate
8 October 2001**

