

District Court

Practice Directions - No. 1 of 2001

DISPOSAL OF CHARGES OF SUMMARY OFFENCES

Sections 651 and 652, Criminal Code

1. Section 651 *Criminal Code* empowers the District Court to hear and decide summarily a charge of a summary offence, subject to section 652(2) to (4) and section 651(2). The purpose of this practice direction is to specify administrative requirements designed to streamline the transmission of such charges to the District Court.
2. An application pursuant to section 652(2) must be made to the registrar of the relevant court of summary jurisdiction not later than 14 days prior to the date set for the hearing of the indictable offence in the District Court.
3. In addition to the matters prescribed by section 652(3), the application must state that as at the time it is being made, an indictment has been presented or is to be presented in the District Court at a specified centre.
4. The applicant must, a reasonable time before the date set for the hearing of the indictable offence in the District Court, give notice of the application to the Office of the Director of Public Prosecutions.
5. If section 652 has been fulfilled, the registrar of the relevant court of summary jurisdiction should transmit the original or copies of the relevant:
 - complaints or bench charge sheets
 - bail undertaking
 - defendant's applicationbearing the requisite file numbers and court notations.
6. Transmission should be effected to the "Registrar of the relevant District Court Criminal Registry". Facsimile transmission may be used and in the case of Brisbane, e-mail transmission. (crimstaff@justice.qld.gov.au)
7. The defendant or the defendant's legal representative shall, at least 24 hours prior to the day on which the matter is to be heard in the District Court, contact the Registrar of the relevant criminal registry to confirm that the relevant documents have been received.
8. If the relevant documents have not been received and the registrar is satisfied that the defendant has made a proper application in accordance with section 652(2) and (3) and this Practice Direction, the registrar may arrange for the relevant documents to be transmitted forthwith.
9. If the original documents from the court of summary jurisdiction or facsimile copies are not before the District Court at the time the Court deals with the indictable offences, the Court will not deal with the summary offences or take them into account.

(P. M. Wolfe)
Chief Judge
27 March, 2001