

Magistrates Courts

Practice Direction No. 19 of 2010 (amended)

Issued: 1 November 2010

Amended: 16 December 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:
 - 2.1. 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
 - 2.2. 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, other than a contested application that may result in judgment or other final relief where the amount claimed exceeds \$50,000.00, provided that –
 - (a) an assessment of damages following the entry of judgment by default is not a contested application that may result in judgement or other final relief within the meaning of this paragraph; and
 - (b) nothing in this practice direction enables a judicial registrar to hear and determine an originating application.
 - 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 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 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;
- 5. Where in the exercise of jurisdiction under paragraph 4.2 an issue arises with respect to bail, paragraphs 3.3 and 3.4 apply.

**Judge Brendan Butler AM SC
Chief Magistrate
16 December 2010**