

**MAGISTRATES COURT
PRACTICE DIRECTION
No 3 OF 2004**

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 higher courts.

- 1). In matters that are to proceed by *ex officio* indictment practitioners should indicate that course of action to the Magistrate at a Mention Day in Court 1, (“the Advice Date”).
- 2). On the Advice Date, the Magistrate in Court 1 will remand the matter to Court 5 on a Monday eight (8) weeks ahead (“the Remand Date”). This will allow practitioners to liaise with the Office of the Director of Public Prosecutions (Qld) or other relevant prosecuting authority during this period, 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 a certificate of readiness has been signed on behalf of the Director of Public Prosecutions, and by the legal representatives of the accused, confirming that the factual basis for the intended plea of guilty has been agreed upon, the Magistrate will remand the Defendant to an *ex officio* Callover Day in Court 1 at least twelve (12) weeks ahead.
 - b) If such a certificate of readiness has not been signed, the Magistrate will set the matter for a hand up committal in accordance with section 110A of the *Justices Act* 1886 in Court 5 on a date four (4) weeks ahead.
- 4). At the *ex officio* Callover Day in Court 1 –
 - a) 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 these matters.
 - b) If no *ex officio* indictment has been presented, the Magistrate will set the matter for a hand up committal in accordance with section 110A of the *Justices Act* 1886 in Court 5 on a date four (4) weeks ahead.
- 5). The time periods specified in this Practice Direction will not be extended except:
 - a) by the Chief Magistrate or Deputy Chief Magistrate;
 - b) on written application made by or on behalf of the Director of Public Prosecutions (Qld) or other relevant prosecuting authority; and
 - c) in special circumstances.

This Practice Direction will apply to all matters when the Advice date is on or after the 2 February 2004 and will operate until further notice.

**MP Irwin
Chief Magistrate
2 April 2004**