

# Magistrates Courts

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## Practice Direction No. 2 of 2015

### Domestic Violence Offences

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This Practice Direction applies where an application is made for a previous offence to be recorded or entered as a domestic violence offence on a person's criminal history pursuant to s.12A (3) of the *Penalties and Sentences Act 1992*.

1. The Director of Public Prosecutions (DPP) or Queensland Police Service (QPS) is to file the application (if in writing) and any material to be relied on, in the Registry three (3) business days before the matter is heard by the court.
2. The DPP or QPS is to provide the defendant with a copy of the application, any material on which it is intended to rely and the draft order three (3) business days before the matter is heard by the court.
3. A written application is to be in the approved form and draft order is to be in the approved form.
4. The DPP or QPS is to provide an electronic copy of the application and draft order to the Registrar before the hearing.
  - a. If the hearing is to be heard in Brisbane, [BMC.CriminalListings@justice.qld.gov.au](mailto:BMC.CriminalListings@justice.qld.gov.au);  
or
  - b. If the hearing is to be heard in a place other than Brisbane, the email address for the court set out on the courthouses contacts webpage: <http://www.courts.qld.gov.au/contact-us/courthouses>.
5. The DPP or QPS is to provide one copy of the draft order to the court at the hearing.
6. The registry will ensure the signed and dated order is forwarded to Offender Management by emailing to [OMCourtResults@police.qld.gov.au](mailto:OMCourtResults@police.qld.gov.au).

### Correction of Error

7. If a party identifies that an error has been made in recording or entering an offence as a domestic violence offence, an application and any supporting material is to be filed with the registry and served on the other parties at least three (3) business days before the day on which the application is heard.

8. The application must be in writing and parties are requested to use Criminal Practice Rules, form 1, general form of application.

Judge Orazio Rinaudo  
Chief Magistrate  
30 November 2015