

Magistrates Courts

Practice Direction No. 21 of 2010 (amended)

Issued: 1 December 2010

Amended: 16 December 2010

Bail applications by remote communication device – Magistrates Court
Christmas/New Year period 2010/2011

1. The purpose of this Practice Direction is to provide, in accordance with section 15B of the *Bail Act 1980* (the Act), for the making of Bail applications by remote communication device under section 15A of the Act in circumstances as specified in this Direction.
2. This Practice Direction applies only to bail applications made during the period from and on 25 December 2010 to and including 3 January 2011.
3. It applies to bail applications by persons wherever located in the State, made to a magistrate constituting a Magistrates Court at one of the following court locations: Brisbane, Ipswich, Southport, Maroochydore, Toowoomba, Mackay, Townsville and Cairns.
4. This Practice Direction provides for the making of an application for bail if the requirements set out above are met and the circumstances mentioned in paragraphs (a) to (c) apply:
 - (a) a police officer has refused to grant bail to a person under section 7 of the *Bail Act 1980* for an offence; and
 - (b) a Magistrates Court is authorised under the Act to grant bail to the person for the offence; and
 - (c) having regard to all the circumstances, the person may not reasonably or practicably be brought personally before a court.
5. Acting in accordance with this Practice Direction the person may apply under section 15A of the Act to a magistrate for bail for the offence by telephone, video or by another form of communication (a remote communications device), whether or not that section would otherwise apply.
6. In order to facilitate the making of applications under this Direction and to hear other matters, a magistrate will be available to constitute a Magistrates Court at the above named court locations on 27, 28, 29, 30 and 31 December 2010 and 1 and 3 January 2011 between the hours of 9am and 11am.
7. This Practice Direction does not limit the making of applications for bail under section 15A of the Act in circumstances where the requirements of s15A can be met without the need for reliance on s15B.

Judge Brendan Butler AM SC
Chief Magistrate
16 December 2010
