

PRACTICE DIRECTION
NO 5 OF 2002

DISPOSAL OF CHARGES OF SUMMARY OFFENCES
Sections 651 and 652, Criminal Code

1. Practice Direction 1 of 2001 is revoked
2. Section 651 *Criminal Code* empowers the Supreme 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 Supreme Court by refining the procedures hitherto applying.
3. Prior to lodging an application pursuant to section 652(2) the applicant must lodge with the Director of Public Prosecutions an application for the consent of the Crown under section 651(2)(c). The application must set out the text of the summary charges the applicant seeks to have transmitted, and the text of the charge of the indictable offence with which the summary charges would be heard. In the case of lengthy charges, a copy of the charges/counts may, alternatively, be attached to the application. A form of application is appended.
4. The Director of Public Prosecutions will consider the application and within 14 days of receipt of the application notify the applicant in writing of the result.
5. The Registrar of the relevant court of summary jurisdiction will refuse to accept an application pursuant to section 652(2) unless it is accompanied by the written consent of the Director of Public Prosecutions under section 651(2)(c).
6. 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 Supreme Court.
7. 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 Supreme Court at a specified centre.

8. 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.
9. Transmission should be effected to the applicable address as per the following schedule. Facsimile transmission may be used and in the case of Brisbane, e-mail transmission.
10. 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 Supreme Court, contact the Registrar of the relevant criminal registry to confirm that the relevant documents have been received.
11. 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.
12. If the original documents from the court of summary jurisdiction or facsimile copies are not before the Supreme 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.
13. If the Supreme Court declines to deal with a charge of a summary offence brought before it, the Supreme Court will order that the transmitted charge be remitted to the originating court of summary jurisdiction. Unless the Supreme Court orders otherwise:
 - (a) where the originating court is the Magistrates Court at Brisbane, the defendant will by order be remanded to appear at the next ex-officio call-over of that court, held on the last Thursday of every month;
 - (b) in every other case, the defendant will by order be remanded to appear on a date within 14 days of the conclusion of the proceeding in the Supreme Court.
14. When the Supreme Court has dealt with a summary charge, the Registrar will, as required by s 652(5), within one calendar month, notify the result of the decision to the Registrar of the court of summary jurisdiction from which the charge was transmitted.

(Paul de Jersey)
Chief Justice
10 September 2002

Schedule

BRISBANE

The Criminal Registry
PO Box 167
Brisbane Albert Street Q 4002
Phone: (07) 3247 4313
Facsimile: (07) 3247 5316
Email:
crimstaff@justice.qld.gov.au

MOUNT ISA

The Criminal Section
PO Box 1660
Mount Isa Q 4825
Phone: (07) 4747 2011
Facsimile: (07) 4747 2077

BUNDABERG

The Criminal Section
PO Box 908
Bundaberg Q 4670
Phone: (07) 4131 5667
Facsimile: (07) 4153 3420

ROCKHAMPTON

The Criminal Section
PO Box 300
Rockhampton Q 4700
Phone: (07) 4938 4568
Facsimile: (07) 4927 5463

CAIRNS

The Criminal Section
PO Box 1110
Cairns Q 4870
Phone: (07) 4039 8936
Facsimile: (07) 4039 8919

ROMA

The Criminal Section
PO Box 245
Roma Q 4455
Phone: (07) 4622 1288
Facsimile: (07) 4622 4326

LONGREACH

The Criminal Section
PO Box 19
Longreach Q 4730
Phone: (07) 4658 1177
Facsimile: (07) 4658 3098

TOOWOOMBA

The Criminal Section
PO Box 1800
Toowoomba Q 4350
Phone: (07) 4615 3660
Facsimile: (07) 4615 3598

MACKAY

The Criminal Section
PO Box 104
Mackay Q 4740
Phone: (07) 4967 0711
Facsimile: (07) 4953 1476

TOWNSVILLE

The Criminal Section
PO Box 1032
Townsville Q 4810
Phone: (07) 4799 7261
Facsimile: (07) 4799 7555

MARYBOROUGH

The Criminal Section
PO Box 111
Maryborough Q 4650
Phone: (07) 4121 1810
Facsimile: (07) 4121 1883

APPLICATION FOR CONSENT OF CROWN

To: The Director of Public Prosecutions

(Name of applicant, and address for service) requests that the Crown consent pursuant to s 651(2)(c) Criminal Code to the Supreme Court's hearing and deciding the following summary offence(s) when dealing with the following indictable offence(s)

Indictable Offence

<u>Indictment No.</u>	<u>Text of charge</u>	<u>Location of Court</u>	<u>Date of hearing</u>
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(*lengthy counts: as per attachment)

Summary Offences

<u>Mags Court reference</u>	<u>Text of charge (incl. date and place of offence)</u>	<u>Court where charge pending</u>
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(*lengthy charges: as per attachment)

DATED the _____ day of _____ 200 .

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(Signature of applicant or applicant's solicitor)

To: The applicant

The Director of Public Prosecutions consents/does not consent to the summary charge(s) shown in the above schedule being heard and decided when the Supreme Court deals with the above indictable offence(s) in the Supreme Court at

.....
(Signature of officer giving consent)

Dated / / .

Name of officer giving consent:

Contact phone number: