

PRACTICE DIRECTION 3 OF 2020 COURT ARRANGEMENTS (COVID-19) AMENDED

NORTH COAST REGION MAGISTRATES COURT

(MAROOCHYDORE NAMBOUR NOOSA CALOUNDRA AND GYMPIE COURTS)

PROTOCOL FOR HAVING MATTERS LISTED

SUBSTANTIAL PREJUDICE MATTERS

1. If a party wishes to make application to the Court pursuant to paragraph 19 of Magistrates' Court Practice Direction 3 of 2020 (PD 3 of 2020) or pursuant to paragraph 14 of Magistrates' Court Practice Direction 4 of 2020 (PD 4 of 2020) then the party should email the relevant registry and copy the opposing party of the reasons why the matter is urgent and why delay would cause substantial prejudice to the party.
2. If the opposing party wishes to argue against the matter being heard then they should as soon as possible email the registry with the reasons why leave shouldn't be given to hear the matter.
3. The registry will supply the emails to the Magistrate assigned for that day to hear such matters. The Magistrate will consider the application and make directions as to whether and when the matter will be heard.
4. Nothing in this Protocol will prevent a Magistrate from determining such an application at any time on just the applicant party's submission alone.
5. Upon determination of the application the registry will communicate the decision to the parties and if the application is granted arrange for the listing of the matter.
6. Unless otherwise indicated in the decision of the Magistrate (due to the urgency of the matter needing to come on for hearing) the parties will exchange any documents upon which they intend to rely and copy the same to the registry by 2.00pm the day before the listing of the hearing.

PARAGRAPH 20 OF PD 3 OF 2020 AND PARAGRAPH 15 OF PD 4 OF 2020 MATTERS

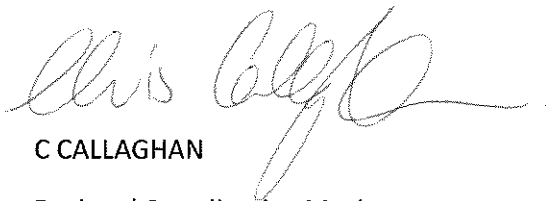
7. If a party wishes to make application to the Court pursuant to paragraph 20 of Magistrates' Court Practice Direction 3 of 2020 (PD 3 of 2020) or pursuant to paragraph 15 of Magistrates' Court Practice Direction 4 of 2020 (PD 4 of 2020) then the party should email the opposing party with a request to list the matter to be heard containing its details. As most matters will be criminal prosecutions, the defendants or their lawyers should email the relevant Prosecutions Corps with information containing:
 - a. Each Defendant's name
 - b. The type and number of charges
 - c. The date upon which the matter is currently listed to be mentioned
 - d. The type of proceeding (sentence, committal or application to cross-examine witnesses at committal etc.)
 - e. The anticipated time (including Magistrate's reading time) needed to complete the matter
8. The opposing party (usually the police prosecutor) will consider the request and advise the defendant or their representative of their consent or otherwise.
9. If the opposing party does not consent to the hearing of the matter then they are to advise the applicant as to their reasons. The applicant may forward their application for the matter

to be heard and the opposing party's reasons for not consenting to the same to the relevant registry for the Magistrate in a single Magistrate centre or the Coordinating Magistrate to determine whether the matter is to be listed for hearing.

10. The prosecution will compile a list of matters to be heard in a day (limited to 5 hours of anticipated time) and forward that list containing the above information, to the relevant registry for the Magistrate in a single Magistrate centre or the Coordinating Magistrate in a multi Magistrate centre for the allocation of a hearing date. The Coordinating Magistrate will allocate a Magistrate to attend and hear the matters listed for that date.
11. The parties will exchange documents upon which they intend to rely at the hearing and copy the same to the registry by 2.00pm the day prior to the listing of the hearing.

GENERALLY

12. Nothing in this protocol detracts from the power of the any Magistrate to make Directions about the hearing of any matter.
13. Gympie matters, at the discretion of the Gympie Magistrate will generally be heard on Tuesdays. If there is sufficient work for another day per week then that will be Thursdays.
14. Caloundra matters, at the discretion of the Caloundra Magistrate will general be heard on any day suitable Mondays, Tuesdays or Wednesdays.
15. Noosa Matters will, at the discretion of the Coordinating Magistrate, generally be heard on Fridays.
16. Nambour matters will, at the discretion of the Coordinating Magistrate, generally be heard at Maroochydore
17. Maroochydore and Nambour matters will, at the discretion of the Coordinating Magistrate, be heard on any day Monday to Friday.



C CALLAGHAN

Regional Coordinating Magistrate

9 April 2020