

**GUIDELINE 1 OF 2020**  
**(MADE UNDER PRACTICE DIRECTION 2 OF 2020)**  
**COURT ARRANGEMENTS (COVID-19)**  
**IPSWICH MAGISTRATES COURT**

**THESE ARRANGEMENTS TAKE EFFECT FROM 23.03.20 UNTIL FURTHER NOTICE**

**1. GENERAL ARRANGEMENTS FOR IPSWICH MAGISTRATES COURT**

- a) Until further notice all callovers, with exceptions as noted throughout, will be conducted on the papers, without personal or telephone appearances required from legal representatives or defendants, with matters adjourned for three months from the date of listing.
- b) A number of Courts will continue to operate as outlined below in this Guideline. The Court will continue to monitor capacity and any further health directions from Queensland Health with a view to disposing of as many matters as possible.
- c) All legal practitioners have leave to appear by telephone or other audio visual link conditioned:
  - Notice is given to the Ipswich Registry no later than 2pm the day prior to the appearance how they will appear and their contact details and the matter (or matters) it involves
  - The Registry will give a time frame for appearance as advised by the Magistrate
  - Be available and contactable by email and telephone 1 hour before and after nominated appearance time
  - Any documents to be relied upon are to be copied to the other party and the Court by email by 3pm the day prior to appearance.
- d) All non-legally represented parties have leave to appear by telephone or other audio visual link (subject to specific order of a Magistrate) on the following conditions:
  - A written or email notification to Ipswich Registry ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) no later than two (2) business days prior to appearance, giving contact details and the name of the matter.
  - Be available in a quiet place and contactable on the supplied telephone number from 9am on the day nominated for their appearance.
  - They may be contacted at any time on that day by telephone
- e) Defendants in custody who are legally represented will have their appearance excused.
- f) Defendants in custody who are not legally represented will appear by video link.
- g) Legal representatives and other parties, including unrepresented defendants, may make a written request to seek a specific adjournment date or make other requests. Such requests should be copied to all parties with a view to getting consent orders. For example, a legal representative or unrepresented defendant may advise the court by email or in writing of a plea of not guilty. The court will make orders for service of the brief of evidence if required

and advise the legal representative or defendant by email, text or post of the order of the court.

- h) Parties can continue to conference about the progress of the matter and advise the Court of any resolution or change of plea.
- i) **All matters currently listed for hearing will be mentioned on the day listed and WILL be adjourned, unless otherwise ordered by the court. The appearance of parties in these matters is excused or the parties may appear by phone. Any party may request the Court to hear a matter because of urgency or special circumstances. Such requests can be made by email, telephone or by post at least 7 days before the hearing.**
- j) All matters currently listed for long plea will be mentioned on the day of hearing. The Court will hear those matters where adjournments are not requested. Matters will be mentioned individually to reduce numbers of persons inside the courtroom. All defendants in custody will appear by video-link either from prison or watch house.
- k) Civil applications currently listed for hearing will be adjourned on the papers subject to any application by a party to hear a matter because of urgency or special circumstances. Such requests should be by email or telephone appearance.
- l) An urgent mention, plea or hearing may be requested in writing by a party or legal representative.
- m) Appearances for fresh matters in Arrest Court are required where a party is (i) NOT on bail or (ii) is NOT legally represented.

## 2. ARREST COURTS

- a) Court 1 will sit every day from 9am and Court 2 Wed – Fri at 9.00am. These Courts will deal with URGENT traffic matters (i.e. where the defendant is on an immediate suspension and wants to plead to enable his disqualification to start), remands for defendants in custody, new appearances, bail applications and short pleas of guilty.
- b) From time to time various Courts within the region may have to hear urgent matters from other Courts that have had to close. When a Court closes information will be given to the Registrar of the closed Court to advise which Court will assume the conduct of matters from the closed Court.
- c) The Queensland Police Service must ensure that all Police paperwork is transferred via IJIS prior to 07:30am on the relevant date or provided to the relevant Police Prosecutions if matters are transferred from other Magistrates Court Districts within the region.
- d) In respect of Defendants in custody from centres outside the Court appointed to attend to the assist the court which has closed, the Queensland Police Service will need to notify the relevant Police Prosecutions and make arrangements for appearances by telephone/video before the relevant Court and that notification must be made by 07:30am on the relevant date.

### **3. COMMITTAL CALLOVER**

- a) All new matters adjourned to the Committal Callover will be adjourned for three (3) months. During this time the legal representatives for the defendant are to contact the DPP and request either a full or partial brief of evidence. In accordance with the Practice Directions the DPP must supply a partial brief within 4 weeks and a full brief within 7 weeks.
- b) Matters are still able to proceed by Registry Committal during the three (3) month adjournment.
- c) Within the three (3) month adjournment period applications for any directions hearings should be made by the defence representative and responded to by the DPP.
- d) Applications may be made to the court to ensure compliance with these arrangements or applicable Practice Directions.
- e) All other matters (i.e those currently in the Committal Callover) will be mentioned on the day listed and adjourned on the papers for (3) months unless the parties otherwise requested.
- f) Defendants in custody may request an earlier mention in accordance with 1(g).

### **4. DOMESTIC VIOLENCE APPLICATIONS:**

- a) All police DVAs will remain listed for Mondays in Courts 5 & 6 and private DVA's each Tuesday in Court 6. Applications and may be adjourned for three (3) months except in urgent circumstances.
- b) Appearances by parties who are legally represented are excused.
- c) All appearances by an aggrieved in police applications for domestic violence orders are excused.
- d) However, any aggrieved or respondent may appear in a matter. To reduce risk, appearance by telephone is preferred but if this is not possible appearance at Court is permitted.
- e) Any person who wishes to appear by telephone may do so but must comply with section 1 of this guideline.

#### ***Filing of New Applications by Private Parties***

- f) If the application is not urgent, file the application by post to the Ipswich Registry (PO BOX 70, Ipswich Q 4305). All applications must be signed and sworn before lodgement.
- g) If the application is urgent, first contact the Queensland Police Service and request them make an application on your behalf.
  - If QPS determine and advise the person that it is not appropriate for them to issue a PPN or to seek an urgent temporary protection order on behalf of that person; and

- If the person believes they have urgent grounds to seek a temporary or other protection order, but cannot attend court to file their application

then such person may lodge their application electronically (at the email address specified at the end of this guideline) for consideration by the court, and include email addresses and telephone contact details for all parties.

- h) Applicants will be notified by email as to whether the court has accepted the lodgement of their electronic application. Where the application has not been accepted, the Applicant must file their application by post.
- i) Where the application has been accepted, the Applicant and Respondent (unless the Applicant has requested under section 36 or 90 of the DFVPA that a temporary protection order be made before the application is served on the respondent) will be notified by email of the date and time and place where the application will be mentioned. The Applicant and other parties will also be advised as to how and when the court may call upon them to provide further evidence, which may be by email or phone or other means, for the purpose of supporting or responding to the relevant application.
- j) If an aggrieved has no access to email a private application may be lodged in the Ipswich Registry. The application will be reviewed by a Magistrate and, if required, an immediate hearing for a temporary protection order will be heard. If no urgent order is sought the hearing of the application will be given a date and time.

## **5. URGENT PLEAS AND BAIL APPLICATIONS**

- a) The Court will continue to hear bail applications and long pleas of guilty for defendants in custody and on bail subject to capacity.
- b) Appearances for these matters will be in accordance with section 1 of the Guideline. For long pleas of guilty a defendant in custody will appear by video link. Defendants in bail applications will not be appearing.
- c) To arrange a bail hearing the defendant or the defendant's legal representatives must contact the Ipswich Registry ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) giving the reasons for such a listing. A Magistrate will consider the request and direct a hearing date. All material to be relied upon is to be provided to the prosecution and the Court ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) two clear business days before the hearing of the application.
- d) If a party is relying on material in support of or in opposition to a long plea or a bail application all such material is to be provided to the Court and the other party two (2) business days before the hearing.
- e) Appearances are in accordance with section 1.

## **6. CHILDRENS COURT – YOUTH JUSTICE**

- a) Until further notice all legal practitioners have leave to appear by telephone or other audio visual link conditioned :
  - a) Notice is given the Registry ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) no later than one hour prior to the appearance advising how they will appear and their contact details and the matter (or matters) it involves
- b) The Registry will give a time frame for appearance as directed by the Magistrate
- c) The party should be available in a quiet place and contactable by email and telephone 1 hour before and after nominated appearance time.
- d) Any documents to be relied upon are to be copied to the other party and the Court by email by 3pm the day prior to appearance.
- e) Appearances for fresh matters in Arrest Court are required where a party is (i) NOT on bail or (ii) is NOT legally represented.
- f) Once bail is signed all matters will be adjourned on the papers, without personal appearance, for three (3) months.
- g) All appearances by legally represented parties are excused, subject to the above.

## **7. CHILDRENS COURT - CHILD PROTECTION**

- a) All non-legally represented parties in child protection matters have leave to appear by telephone or other audio visual link (subject to specific order of a Magistrate) on the following conditions:
  - A written or email notification to the Registry ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) no later than two (2) business days prior to appearance giving contact details and the name of the matter.
  - Be available and contactable on the supplied telephone number from 9am on the day nominated for the appearance.
  - Contact may be at any time on that day by telephone
- b) The Court may not be able to list Child Protection hearings or Youth Justice hearings and only urgent hearings or matters with special circumstances will be considered for listing.
- c) An urgent mention or hearing may be requested. To arrange an urgent mention or hearing the party or the party's legal representatives must contact the Ipswich Registry ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) giving the reasons for the request for an urgent listing. The request will be considered by a Childrens Court Magistrate.
- d) If an urgent mention or hearing is listed all material to be relied upon is to be provided to all the parties and the Court ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) two (2) clear business days before the hearing.

## **8. PPRA APPLICATIONS FOR ORDERS AND WARRANTS**

- a) The Court 5 Magistrate will hear police applications for warrants and orders in accordance with the current practice.

- b) The only applications which should be made to the On Call Magistrates telephone are those that comply with s800 and s801 of the PPRA.
- c) All other Applications, including those made by other Government Departments, are to be made to the Court with the application material being transmitted to the Registry by email ([courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)) to be considered by a Magistrate.
- d) Any Application or supporting material must be arranged to be sworn before a Justice of the Peace prior to the Application being lodged. If the QPS, or a Government Department, cannot access Justices of the Peace at Police Stations or elsewhere the Court will have staff who are Justices of the Peace available to take oaths or affirmations.
- e) The applicant should be available, if required, to appear by telephone link to address any issues.

#### ***Crime Scene Warrants***

- f) If a Police Officer establishes a crime scene and it is necessary to apply for a Crime Scene Warrant that is to be undertaken on the next sitting day (– note s166 (1) PPRA which requires the Application to be made “as soon as reasonably practicable”). Such applications will be dealt with in accordance with current practice.

#### ***Forensic Procedure Orders***

- g) Chapter 17 part 1 of PPRA authorises forensic procedure orders where a party gives a forensic procedure consent.
- h) In any application to a Magistrate for a forensic procedure order the applicant ought to depose as to whether or not the persons consent has been sought and is refused.
- i) The PPRA provides an approved form for consent (s455) (4) in circumstances where a person detained consents to a forensic procedure that written form of consent ought be used and an application for a forensic procedure order ought not be made.

### **9. COURT LINK & SUMMARY CALLOVERS**

- a) All matters listed in these Callovers will be adjourned on the papers, without appearances, for three (3) months from the date of listing.

### **10. CIVIL AND GENERAL CALLOVERS, SPECIAL HARDSHIP ORDERS and S.87 APPLICATIONS**

- a) Special Hardship Applications and s87 Applications will be adjourned for a period of 3 months from the date of listing except in URGENT circumstances. If a matter needs to be disposed of urgently please refer to paragraph 1 above.

This guideline is subject to the discretion of the Court in special circumstances. Other special circumstances may include where a defendant has urgent obligations in another jurisdiction, the type of matter involved or there is some special hardship (for example, traffic matter where the defendant is suspended from driving).

**BEAUDESERT COURT**

All matters, including hearings, will be adjourned on the papers for a period of three (3) months from the date of listing. Any request for urgent consideration should be made in accordance with this Guideline.

**DALBY COURT AND CIRCUITS**

Until further notice this Court will operate in accordance with the current calendar.

**CHARLEVILLE COURT AND CIRCUITS**

Until further notice this Court will operate in accordance with the current calendar.

**WARWICK COURT AND CIRCUITS**

Until further notice this Court will operate in accordance with the current calendar.

**EMAIL ADDRESS FOR SENDING:**

- URGENT DOMESTIC VIOLENCE APPLICATIONS
- URGENT REQUESTS
- APPLICATIONS FOR ORDERS AND WARRANTS

[courthouse.ipswich@justice.qld.gov.au](mailto:courthouse.ipswich@justice.qld.gov.au)

**CONTACT NUMBER AT IPSWICH MAGISTRATES COURT:**

3470 7300



DM MACCALLUM

COORDINATING MAGISTRATE

29.03.20