

# Childrens Court (Magistrates Courts)

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## Practice Direction No. 4 of 2020

Issued: 27 March 2020

Amended: 7 April 2020

### Court Arrangements (COVID-19) in the Childrens Court when constituted by a Magistrate

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1. The Court is responding to the developing COVID-19 pandemic by reviewing all operations to ensure all essential services are maintained consistent with health advice.
2. The Court is equipped to utilise online court, audio visual equipment and digital technology to allow matters to continue remotely.
3. On and from 30 March 2020 Magistrates will continue presiding in the Courts listed in column 1 of Schedule 1.
4. The Courts listed in Schedule 1 may change at the direction of the Chief Magistrate to the Courts listed in column 2 of Schedule 1. Any change will be notified on the Queensland Courts Website – Magistrates Court <https://www.courts.qld.gov.au/courts/magistrates-court/covid-19-response-magistrates-court>

#### Appearances

5. On and from 30 March 2020 there will be no physical appearances in any matter except with leave of the Court.
6. All matters will be conducted by telephone or video conference including appearances by children in custody.
7. The Court will publish Chorus Call Guidelines to facilitate the application of this Practice Direction.
8. Parties to a proceeding may contact the Court in which the proceeding is listed to obtain the telephone contact details to enable the party to participate in a conference call. Details of telephone contacts for all registries across Queensland can be found on the Queensland Courts Website – Magistrates Court <https://www.courts.qld.gov.au/contacts/courthouses>.

9. All documents to be relied upon in a matter are to be emailed to the Court where the proceeding is occurring. Details of email addresses for all registries across Queensland can be found on the Queensland Courts Website – Magistrates Court <https://www.courts.qld.gov.au/contacts/courthouses>.

### **Work the Court will undertake**

10. Each of the Courts sitting will hear:
  - (a) Overnight custody arrests – children
  - (b) Urgent child protection applications
  - (c) Bail applications including applications to vary bail
  - (d) Sentences, including lengthy sentences, where a child is likely to be released from detention
  - (e) Sentences where any delay affects whether an offender is treated as an adult or child under Part 6 Division 11 subdivision 4 of the *Youth Justice Act 1992*.
  - (f) Where a defendant is in detention- committal and summary mentions
  - (g) Applications under the *Police Powers and Responsibilities Act 2000*
  - (h) Other matters where leave is given by a Magistrate under Paragraphs 14,15 and 16.

### **Currently Listed Matters**

11. All **criminal matters** currently before the Court (excluding the matters in paragraph 10) will be adjourned on the papers by a Magistrate without appearance to a date to be fixed. Notice of the adjournment date will be posted or emailed to the parties and their legal practitioners by the Magistrates Court Registry. Bail will be enlarged in the absence of the child in criminal matters.
12. All **child protection matters** and any other proceedings currently before the Court (excluding the matters in paragraph 10) will be adjourned on the papers by a Magistrate without appearance to a date to be fixed. Notice of the adjournment date will be posted or emailed to the parties and their legal practitioners by the Magistrates Court Registry. Current orders in force in the matter will continue for the period of the adjournment. Applications to vary the order by any party shall be made under paragraph 10(b).

### **New Matters where Defendant not in custody**

13. Until further notice, all criminal matters where a child is on a Notice to Appear or bail will be adjourned to a date not less than 2 months from the first appearance. No attendance is required from the child. Where a child has signed an undertaking bail will be extended in the absence of the child. A Notice of Adjournment with the new date will be posted or sent by email to the parties and their legal representative.

### **Urgent Applications for Leave to Hear a Matter**

14. The Court will continue to accept applications to hear matters where delay would cause substantial prejudice to a party. To seek the leave of a Court to hear a matter the person should contact the Court by email outlining the nature of the application and why it is urgent. A Magistrate will consider the application and make directions as to whether the matter will be heard.


### **Applications for Leave to Hear a Designated Matter**

15. Where the Court has capacity and considers it appropriate, the Court will hear some designated matters from 20 April 2020. These designated matters include:
- (a) Pleas of guilty both long and short:
    - (i) in which an outcome involving actual custody is not likely; or
    - (ii) where a defendant is already in custody
  - (b) Applications for directions pursuant to section 83A of the *Justices Act 1886*
  - (c) Full hand-up committals including matters of less than two hours where a no case submission is to be made
  - (d) Committal proceedings of less than two hours where witnesses to be cross examined are police or expert witnesses
  - (e) Consent orders or where the prosecution offers no evidence
  - (f) Other matters the court has capacity to hear.
16. To seek the leave of the Court to hear a matter mentioned in paragraph 15, the party or their lawyer should email the Court registry on notice to the other party or parties outlining the nature of the matter and the estimated length of time. A Magistrate will make directions as to whether the matter will be heard; when it will be heard and any other directions considered necessary or appropriate to ensure the efficient disposition of the matter should it be heard.

Practitioners and prosecutors are encouraged to rely on agreed documents and written submissions to be emailed to each other and the Court registry.

Priority on listing will go to applications under paragraph 14.

17. If the need arises, the Court may de-list any matters listed under paragraphs 15 and 16.



Judge Terry Gardiner  
Chief Magistrate  
7 April 2020

SCHEDULE 1

Column 1 Original Courts	Column 2 Alternative Courts
Brisbane District Cleveland District Holland Park District Pine Rivers District Redcliffe District Richlands District Sandgate District Wynnum District	Brisbane Central
Cairns District Mareeba District Innisfail District	Cairns Brisbane Central
Mount Isa District Townsville District	Townsville Brisbane Central Mount Isa
Bowen District Bundaberg District Emerald District Gladstone District Mackay District Rockhampton District	Mackay Rockhampton Brisbane Central
Caboolture District Gympie District Hervey Bay District Kingaroy District Maroochydore District Caloundra Maryborough District	Caboolture Hervey Bay Maroochydore Brisbane Central
Beenleigh District Gold Coast District	Southport Beenleigh Brisbane Central
Beaudesert District Charleville District Dalby District Ipswich District Toowoomba District Warwick District	Ipswich Toowoomba Brisbane Central