



Queensland Indigenous Family Violence Legal Service

The Magistrates Court of Queensland & the impact of Coronavirus: What you need to know

The Magistrates Court of Queensland, in response to the Coronavirus (COVID-19) pandemic impacting not only Queensland but Australia as a whole, has introduced measures to ensure that the essential services provided by the Magistrates Court in Queensland are maintained consistent with health advice.

What does this mean? Are Magistrates Courts still running?

- Yes – the Magistrates Courts are still running but doing so in a different way during the Coronavirus. All matters will be conducted by telephone or by video link including for those people who are in custody. However, the Magistrates Court will allow physical appearances:-
 - i. By an Aggrieved person, who is self-represented, in an urgent non-police private application for a domestic violence protection order;
 - ii. Where the Magistrates Court gives permission for a matter to proceed on the basis of physical appearances;
 - iii. By the media.

What type of matters are the Magistrates Courts hearing during the Coronavirus?

- Magistrates Courts are still continuing to hear:
 - (a) Overnight custody arrests for both children and adults;
 - (b) Urgent domestic violence order (DVO) applications – including applications to vary a DVO;
 - (c) Urgent child protection order applications – including applications to vary existing orders
 - (d) Bail applications and applications to vary the conditions of bail;
 - (e) DVO applications currently before the Court, which have not been considered, but which have become urgent and the Magistrates Court can be satisfied that delay in further hearing the matter will cause *substantial prejudice* to a party;
 - (f) Sentences – including lengthy sentences where a person (either adult or child) on remand is likely to be released from custody;
 - (g) Committal call overs and summary hearing call overs where a defendant is in custody;
 - (h) An urgent regional Queensland Civil and Administrative Tribunal (QCAT) matter;
 - (i) Applications under the *Police Powers and Responsibilities Act 2000*;
 - (j) Civil matters to be dealt with on the *papers*;
 - (k) Other matters where the Magistrates Court has granted permission especially where that matter is urgent and the Magistrates Court can be satisfied that delay in further hearing the matter will cause *substantial prejudice* to a party.



1800 887 700



help@qifvls.com.au



www.qifvls.com.au



@qifvls



NIAA

But I have a currently listed matter in the Magistrates Court before COVID-19. What is happening with that matter?

- For all currently listed matters in the Magistrates Court – before COVID-19, whether they are a criminal law or a civil law matter, they will be adjourned, without the need for either party to appear, to a date to be fixed by the Magistrate. For people who have a lawyer, the notice of adjournment date will either be emailed or posted to the lawyer. For people who do not have a lawyer, the notice of adjournment date will either be emailed or posted to the person. If a defendant has bail in a criminal law matter – bail will be enlarged to the new adjourned date, in the absence of the defendant. Temporary DVO protection orders that have been made prior to COVID-19 will continue for the period of the adjournment.

I live in regional or remote Queensland where the Magistrates Court attends on a circuit basis. What about regional or remote Magistrate Court matters?

- From 30 March 2020, the Magistrates Court, due to the impact of COVID-19, suspended until further notice subject to health advice, the physical attendance in circuit Courts in regional and remote Queensland to hear court matters.
- However, Magistrates Courts continues to hear matters that are listed for regional and remote Queensland using telephone or video court facilities from the home court. Generally, no people are physically required to appear at these call overs with the exception of either Aggrieved or Respondents in DVO applications, if they wish to physically appear.

What if I have an urgent matter I need to get listed in the Magistrates Court?

- Magistrate Court's across Queensland continue to accept email applications requesting that a matter be listed urgently. If you think that your matter is urgent, an email must be prepared and sent to the Magistrates Court registry outlining the nature of your application as well as explaining why the matter is urgent. It is up to the person trying to have a matter urgently listed to show the Magistrates Court that delay in the hearing of an application, will cause prejudice to a party.

Is there someone I can talk to about this information?

- Yes – the Queensland Indigenous Family Violence Legal Service (QIFVLS) is still here providing services remotely to communities and clients across Queensland, including our regional and rural communities in the areas of Domestic and Family Violence, Child Protection, Family Law, Victims Assistance Applications as well as support in relation to sexual assault matters.
- Please contact on 1800 887 700 or email on help@qifvls.com.au and we will help you with your inquiry or refer you to the appropriate service who can. Together we will and can get through this.



1800 887 700



help@qifvls.com.au



www.qifvls.com.au



@qifvls



NIAA