

Magistrates Courts

Practice Direction No. 6 of 2009

Reopening or Rehearing of Applications at the Brisbane Magistrates Court

1. This Practice Direction is intended to assist with case management of the Brisbane Magistrates Court (hereinafter referred to as "the Court").
2. It applies to all applications:
 - (a) to reopen sentencing proceedings under s.188 of the *Penalties and Sentences Act*
 - (b) to reopen proceedings under s.147A of the *Justices Act 1886*; or
 - (c) to rehear complaints under s.142A of the *Justices Act 1886*.
3. The party making the application will advise the Registrar of Courts, the Brisbane Coordinating Magistrate and all other parties in the hearing (including non-legally represented parties) that the matter is to be listed for the purpose of determining this request.
4. The Registrar of Courts (or Brisbane Co-ordinating Magistrate) will list the matter before the magistrate who heard the original proceedings to set a mention or hearing date or otherwise determine any issue and the Registrar will advise the parties of the magistrate's order.
5. In the event that the Magistrate who heard the original proceedings is not available within a reasonable time to hear the application then the matter will be listed for mention before the Brisbane Co-ordinating Magistrate or another Magistrate who will cause the Magistrate hearing the matter to be advised of the making and outcome of such application.
6. The advice may be given to the Registrar of Courts and Brisbane Co-ordinating Magistrate either by :
 - (a) email to cmoffice@justice.qld.gov.au ;
 - (b) facsimile to (07) 3220 0088; or
 - (c) post to GPO Box 1649, Brisbane Qld 4001
7. This Practice Direction will take effect on and from 1 May 2009.



Judge Brendan Butler AM SC
Chief Magistrate
30 April 2009