



# **MAGISTRATES COURT OF TASMANIA**

## **Practice Direction 2 of 2020 COVID-19 Variations to Practice Criminal and General Division**

**Effective from Monday 30 March 2020 until varied or revoked**

- The Magistrates Court will continue to operate.
- The following measures are intended to further minimise the number of people attending the Magistrates Court buildings state-wide to reduce the impact of COVID-19.
- The effect of this Practice Direction is that many matters that otherwise would have been heard between the commencement of this Practice Direction and 1 July 2020 will not proceed and will be adjourned until after 1 July 2020.
- These measures will be continuously reviewed.

### **GENERAL**

#### How we are Reducing the Size of Court Lists

- Generally, physical attendance at court is not required, provided you can be contacted by telephone.
- Police have reduced the number of matters they are listing into summons lists and police bail lists by 50%. This will reduce the number of people appearing.
- When issuing summonses police will extend the first court date for a summons to a date not sooner than 20 weeks.
- When granting police bail police will extend the first court date to a date not sooner than 12 weeks.

#### You Must Give the Court your Contact Details

- Lawyers whose clients have current matters listed must give the Court their own telephone numbers and email addresses as well as their client's. The information required is:
  - Lawyer's and client's email address
  - Lawyer's and client's direct land line number
  - Lawyer's and client's mobile phone number
  - Lawyer's and client's audio visual communications resources (e.g. Skype, Zoom or video link facilities)

- If you do not have a lawyer, at least 2 days before your court appearance you must contact the Court to provide your telephone number and/or email address so that you can appear by audio or, if available, audio visual link.
- Contact details must be given to the following addresses:
 

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

### Staying Up-To-Date

- People with matters before the Court should check the Magistrates Court website for updates.

### Appearing before the Court

- At least 2 days before your court date you must contact the Court to provide your telephone number and/or email address so that you can appear by audio or, if available, audio visual link.
- Parties (including defendants in custody) and their lawyers may appear by audio or, if available, audio visual link, unless a magistrate directs otherwise.
- If documents are to be provided to the magistrate they should be emailed to the relevant magistrate's court clerk.
- There will be no fee for audio and audio visual links.

### Adjourning Matters

- It is intended that matters being adjourned will be adjourned to a date after 1 July 2020, unless a magistrate directs otherwise.
- The Court will facilitate the consent adjournment of matters under s.50B *Justices Act 1959*, where appropriate. The form is attached and is available at [Consent to Adjournment Form \(s50B\)](#)

### Hearings

- Parties (including defendants in custody) and their lawyers may appear by audio or, if available, audio visual link, unless a magistrate directs otherwise.
- If a hearing is adjourned it will be adjourned to a date after 1 July 2020 and will be listed for mention only.
- Wherever possible priority will be given to hearings for people in custody.

## **Bail Applications**

- The Court will continue to hear bail applications.
- Bail applications will be dealt with by audio or audio visual link, unless a magistrate directs otherwise.
- Bail applications (other than oral applications) should be emailed to the relevant registry email address:
 

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

## Bail Variations

- The Court will continue to hear bail variation applications.
- Bail variation applications will be dealt with by audio or audio visual link, unless a magistrate directs otherwise.
- Bail application variations (other than oral applications) should be emailed to the relevant registry email address:

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

## Family Violence Order/ Restraint Order Applications

- The Court will continue to hear urgent family violence and restraint order applications.
- Applications will be dealt with by audio or audio visual link, unless a magistrate directs otherwise.
- Wherever possible family violence order and restraint order applications should be lodged by email together with a completed credit card payment form. EFT payments may be made by telephone.
- Email applications should be sent to the following addresses:

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

- Fee waiver applications must be submitted by email provided they are accompanied by relevant supporting documentation.

## Youth Justice Division

- The Youth Justice Division will continue to operate.
- Priority will be given to matters for young people in custody.
- Young people who are at Ashley Youth Detention Centre will appear by audio or audio visual link, unless a magistrate directs otherwise.
- Lawyers, other service providers, and/or young people may appear by audio or audio visual link, unless a magistrate directs otherwise.

## Child Protection

- The Court will continue to deal with applications under the *Children, Young Persons and Their Families Act 1997*.
- Applications will be dealt with by audio or audio visual link, unless a magistrate directs otherwise.
- Applications and any supporting documentation under the *Children, Young Persons and Their Families Act 1997* must be lodged by email to the relevant registry at the following addresses.

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

## Court Mandated Diversion

- The Court Mandated Diversion list will continue to operate.
- Court Mandated Diversion proceedings will be by audio or audio visual link, unless a magistrate directs otherwise.

## Mental Health List

- Mental health diversion list proceedings will be by audio or audio visual link, unless a magistrate directs otherwise.

## Traffic Not Guilty Hearings

- Traffic not guilty hearings are suspended.
- Defendants do not have to appear and will be served with a new date in due course.

## Restricted Licence Applications

- Restricted licence applications which are listed for hearing will be adjourned to a date after 1 July 2020, unless a magistrate directs otherwise.
- Applications can still be made and should be emailed to the relevant registry email at the following addresses:

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

- New applications will listed on a date after 1 July 2020.

## Contest Mention Lists

- In-custody matters will be heard audio or audio visual link, unless a magistrate directs otherwise.
- All non-custody contest mention matters will be dealt with by audio or audio visual link, unless a magistrate directs otherwise.

## Commonwealth Matters

- All listed Commonwealth matters, including taxation matters, are suspended.
- Defendants do not have to appear and will be served with a new date in due course.

## Country Courts

- Country courts in Smithton, St Helens, Queenstown, Currie and Whitemark will proceed, on the following dates:
  - Smithton 1 April 2020
  - St Helens 1 April 2020
  - Queenstown 6 and 7 April 2020
  - Currie 8 April 2020 (by video link)
  - Whitemark 1 May 2020 (by video link)

- New arrangements will be made for courts scheduled to be held at Scottsdale and Huonville. Parties with current listings will be notified and should also check the Magistrates Court website for details.

CONSENT TO ADJOURNMENT

To the Clerk of Petty Sessions.....

In the matter of .....

The matter is set down for plea/mention/hearing at .....on

...../...../..... at .....AM/PM.

We consent to the adjournment of those proceedings to .....on

...../...../..... at .....AM/PM for plea/mention/hearing **by audio link.**

Brief description of reasons:

COVID 19 Measures

.....  
Complainant

Date...../...../.....

.....  
Defendant

**Contact Details:**

**Defence Counsel Phone:**

**Defendant Phone:**

**Defence Counsel Email:**

**Defendant Email:**

**Court use only:**

Approved by / for Magistrate.....

Signature.....

**ATTENTION**

**It should be noted that since the introduction of Text Messaging of reminders to persons on Police and Court Bail, where the case is being 'brought forward' from an original Police Bail date the Defendant may get a text message for the original bail date. First appearance text reminders are sent by Police and not the Magistrates Court.**