



Magistrates' Court
of Victoria

Practice Direction

No. 2 of 2007

**SEXUAL OFFENCES LIST
MELBOURNE MAGISTRATES' COURT**

PRACTICE DIRECTION ISSUED PURSUANT TO SECTIONS 4R(4) and 16A
OF THE MAGISTRATES' COURT ACT 1989

Practice Direction 1 of 2006 established the pilot Sexual Offences Management List at the Melbourne Magistrates' Court ("MMC"). This list commenced operation on 7 April 2006.

Section 4R of the *Magistrates Court Act 1989*, which commenced operation on 1 December 2006, provided for the establishment of the Sexual Offences List ("SOL").

Practice Direction 1 of 2006 is hereby repealed.

This practice direction applies only to MMC.

'**Sexual offence**' for the purpose of the SOL includes any offence involving a sexual act or an attempt to commit a sexual act or an act alleged to have been committed for the purpose of committing a sexual act.

'**SOL days**' - The SOL shall sit on such days as are determined by the Court from time to time. From 1 July 2007, the sitting days which have been determined by the Court are each Friday and the first Wednesday of the month.

Committal stream matters listed at MMC

1. All matters which include one or more sexual offence are to be listed for filing hearing in the SOL in consultation with the SOL co-ordinator.
2. If the first filing hearing date is other than a SOL list day, unless the matter requires a short adjournment, has complex characteristics or the Presiding Magistrate otherwise orders, the filing hearing shall be completed on the first return date and the matter shall be adjourned for a committal mention in the SOL.
3. Where a defendant is remanded in custody, the filing hearing will be conducted on the date of first remand and the matter adjourned for special mention in the SOL within 14 days.

4. All matters which include one or more sexual offence shall, unless the Presiding Magistrate otherwise orders, be transferred to the SOL.

Summary stream matters listed at MMC

5. All matters which include one or more sexual offence are to be listed for first mention in the SOL in consultation with the SOL co-ordinator.

6. Where a defendant is remanded in custody, the first remand hearing will be conducted on the date of first remand and the matter adjourned for further mention in the SOL within 14 days.

7. All matters which include one or more sexual offence shall, unless the Presiding Magistrate otherwise orders, be transferred to the SOL.

General

8. Matters commenced or transferred to the SOL will remain in the list until completion unless otherwise ordered.

This Practice Direction commences on 1 July 2007

IAN L GRAY
Chief Magistrate
29 June 2007