



Magistrates' Court
Victoria

Practice Direction

No. 3 of 2007

**SEXUAL OFFENCES LIST
COUNTRY MAGISTRATES' COURTS**

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

Preamble

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Practice Direction 1 of 2006 has been repealed and Practice Direction 1 of 2007 now applies to the SOL at MMC.

This practice direction applies only to Country Magistrates' Courts.

For the purpose of the SOL:

'Sexual offence' - 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 Court' - Ballarat, Bendigo, Geelong, Latrobe Valley¹, Mildura, Shepparton and Wodonga Magistrates' Courts.

'SOL Court Region' - as set out in Schedule 1.

'SOL days' - The SOL shall sit at the SOL Court 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 the days set out in Schedule 2.

1. ¹ Bairnsdale Magistrates' Court may conduct a SOL list as may be determined by the Court from time to time.

Committal stream matters

1. Subject to paragraph 2, at the first filing hearing, all matters within the SOL Court Region which include one or more sexual offence shall be adjourned for a committal mention in the SOL at the SOL Court.
2. If, at the first filing hearing date, the matter is not ready to be adjourned for a committal mention, unless the Presiding Magistrate otherwise orders, the matter shall not be adjourned to the next available date in the SOL at the SOL Court and shall be adjourned as deemed appropriate by the Presiding Magistrate.
3. Where a defendant is remanded in custody, the filing hearing will be conducted on the date of first remand and, unless the Presiding Magistrate otherwise orders, the matter adjourned for special mention to the next available date in the SOL at the SOL Court.
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

5. Subject to paragraph 6, at the first mention, all matters within the SOL Court Region which include one or more sexual offence shall be adjourned to the SOL at the SOL Court.
6. If the defendant's plea of guilty is to be finally determined on the first mention date or unless the Presiding Magistrate otherwise orders, the matter shall not be adjourned to the SOL at the SOL Court.
7. Unless the Presiding Magistrate otherwise orders, 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 at the SOL Court.
8. All matters which include one or more sexual offence shall, unless the Presiding Magistrate otherwise orders, be transferred to the SOL.

General

9. 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

SCHEDULE 1

SOL Court Regions

1. **Ballarat Magistrates' Court** - the region covered as a Country Headquarters Court, except the regions covered by Hamilton, Warrnambool and Portland Magistrates' Courts.
2. **Bendigo Magistrates' Court** - the region covered as a Country Headquarters Court, except:
 - a. the regions covered by Mildura, Robinvale and Swan Hill Magistrates' Courts; and
 - b. With respect to matters in the summary stream only (i.e. not indictable stream matters), the regions covered by Castlemaine and Kyneton Magistrates' Courts.
3. **Geelong Magistrates' Court** - the region covered as a Country Headquarters Court including the regions covered by Hamilton, Warrnambool and Portland.
4. Gippsland – **Latrobe Magistrates' Court** the region covered as a Country Headquarters Court, except Bairnsdale Magistrates' Court may conduct a SOL list within its designated region as may be determined by the Court from time to time.
5. North-East Victoria–
 - a. **Shepparton Magistrates' Court** - the regions covered by that Court and covered by Benalla, Mansfield and Cobram Courts;
 - b. **Wodonga Magistrates' Court** - the regions covered by that Court and covered by Wangaratta, Myrtleford and Corryong Courts.
6. **Mildura Magistrates' Court** - the regions covered by Mildura, Robinvale and Swan Hill Magistrates' Courts.

SCHEDULE 2

SOL sitting days

1. **Ballarat Magistrates' Court** - the second committal mention day of the month.
2. **Bendigo Magistrates' Court** - the second committal mention day of the month.
3. **Geelong Magistrates' Court** - the first committal mention day of the month.
4. Gippsland – **Latrobe Magistrates' Court** the second committal mention day of the month.
5. North East –
 - a. **Shepparton Magistrates' Court** - the second committal mention day of the month;
 - b. **Wodonga Magistrates' Court** - the first committal mention day of the month.
6. **Mildura Magistrates' Court** - on a Tuesday in the week that the Koori Court Magistrate is sitting at Mildura for a full week.