



Magistrates' Court Victoria

Practice Direction

No. 10 of 2016

Criminal Justice Diversion Program

Diversion of Koori Accused before their Elders and Respected Persons

Background

Although persons who identify as Koori make up 3 per cent of the Victorian population and 8 per cent of the prison population, only 0.76 per cent of matters referred to the Criminal Justice Diversion Program (CJDP) comprise accused who identify as Koori.

The Practice Direction is an attempt to increase the number of Koori persons involved in the CJDP by combining the success of CJDP with that of the Koori Court. Although commencing at two venues of the Koori Court, over time, it is intended to expand the process to all venues where it sits.

Directions

1. From 3 August 2016, at Melbourne Koori Court and 1 September 2016 at Mildura Koori Court, the Court will commence the hearing of Diversions under the CJDP on Koori Court hearing days before Elders and Respected Persons.
2. The Programme will involve only those proceedings where a Koori accused agrees to a matter proceeding as a Diversion and to having the matter heard before a Magistrate, Elders and Respected Persons.
3. In accordance with CJDP, the offender must acknowledge responsibility for the offending but a guilty plea is not required.
4. Any CJDP matter proposed to be heard on a Koori Court hearing day will proceed under the usual Diversion procedure and legislation. Where the informant's consent has not yet been obtained, an authorised Police Prosecutor may sign a Diversion notice and where practicable, the Court will consider the Diversion on that day. Where a victim is involved, the Diversion will be adjourned to the next available Koori Diversion date to enable victim notification.

5. Koori Diversion matters will be listed in consultation with the relevant Koori Court officer and Diversion Coordinator.

In Melbourne, the accused's legal representatives must contact:
Koori Court Officer
Ph: 03 9032 0946

Melbourne Diversion Registry:
Ph: 9628 7862.
melbournediversion@magistratescourt.vic.gov.au

In Mildura, legal representatives must contact:
Koori Court Officer
Ph: 50216000

Mildura Diversion Coordinator
Ph: 5021 6000

6. On the day of listing, the Diversion Co-ordinator in consultation with the Koori Court Officer will assess the accused and provide the file with recommended conditions to the presiding Koori Court magistrate for consideration.
7. The magistrate will advise to the Diversion Co-ordinator and Koori Court Officer of the appropriateness of the matter for Diversion.
8. Where the magistrate cannot determine the appropriateness for diversion on the papers, the accused will be so advised by the Diversion Co-ordinator or Koori Court Officer and be provided with the opportunity to make submissions to the magistrate in open court.
9. Where the matter is deemed suitable for Diversion, the Diversion hearing will take place before the magistrate, Elders and Respected Persons, Koori Court officer and Diversion Co-ordinator.

This Practice Direction commences from 3 August 2016.

Peter Lauritsen
Chief Magistrate
Date: 2 August 2016