



## **Magistrates' Court Victoria**

### **Practice Direction**

#### **No. 2 of 2019**

#### **Remand Hearings and Bail Applications after 2.00pm**

##### **Background**

This Practice Direction has been made and remade on several occasions. It must now be read in light of my Practice Direction No 4 of 2018 setting out the sitting hours of the Magistrates' Court of Victoria (the Court). In that practice direction, I pointed out the workload of the judiciary and administrative staff of the Court then posed an issue for their health and well-being. At present, and for the foreseeable future, the number of remand hearings and bail applications will continue to rise for two main reasons: the continued recruitment of additional members of the police force; and the very significant changes to the law of bail made by Parliament last year.

To an extent, the impact of these changes has been met by the creation of a Bail and Remand Court at Melbourne sitting between 10.00 am and 9.00 pm, seven days per week. On public holidays, it sits between 4.00 pm and 9.00 pm.

This Practice Direction makes a modest change to Practice Direction 3 of 2018 by conferring a limited discretion upon regional co-ordinating magistrates.

##### **Direction**

1. Practice Direction 3 of 2018 is revoked.
2. Subject to direction (6), at the Court at Melbourne:
  - (a) informants must file all necessary paperwork and the accused persons must be lodged in the cells by 8.00 pm; and
  - (b) any bail application or remand hearing must be ready to proceed no later than 8.30 pm.

3. Subject to direction (6), at all other headquarter venues of the Court:
  - (a) the informants must file all necessary paperwork with that venue of the Court and the accused persons be lodged in the cells by 3.00 pm; and
  - (b) any bail application or remand hearing must be ready to proceed no later than 3.30 pm.
4. At non-headquarter venues of the Court, regional venues with video conferencing facilities:
  - (a) any informant must contact the Registrar of that venue of the Court prior to filing any charges to ascertain if a magistrate is sitting at that venue and, if not, to ensure that video conferencing facilities are available and there is a magistrate at the regional headquarter venue available to hear the matter;
  - (b) the informant must file all necessary paperwork with that venue of the Court and the accused person be lodged in the cells by 3.00 pm; and
  - (c) any bail application or remand hearing must be ready to proceed by no later than 3.30 pm.
5. At non-headquarter regional venues of the Court without video conferencing facilities:
  - (a) any informants must contact the Registrar of that venue of the Court, before filing charges, to ascertain whether the venue has the capacity to hear a bail application or remand hearing;
  - (b) the Registrar will discuss with the presiding magistrate whether there is sufficient time to hear the bail application or remand hearing that day;
  - (c) the magistrate will provide direction as to whether the matter can be listed or some other arrangement needs to be made;
  - (d) where there is sufficient time available:
    - (i) any informant must file all necessary paperwork with the venue and the accused person be lodged in the cells by 3.00 pm; and
    - (ii) any bail application or remand hearing must be ready to proceed by no later than 3.30 pm.
6. Despite directions 2 and 3, the regional co-ordinating magistrate for a region may decide that an accused person or persons cannot be brought to the headquarter venue of that region because there will be insufficient time to determine an application for bail or hear a remand and he or she may give directions to the effect. However:
  - (a) ordinarily, this decision cannot be made before 1.00 pm; and
  - (b) it can only be made after the regional co-ordinating magistrate has considered the state of the various lists in the venue for that day and whether any of the proceedings in those lists can be adjourned to enable an accused person or persons to be brought to the headquarter venue.

This Practice Direction commences from 23 April 2019.

Judge Peter Lauritsen  
Chief Magistrate

Date: 15 April 2019