



Magistrates' Court of Victoria

Practice Direction

No. 5 of 2020 COVID-19 PANDEMIC RESPONSE

CRIMINAL PROCEEDINGS IN THE MAGISTRATES' COURT OF VICTORIA

The Magistrates' Court of Victoria is committed to serving our community as we face COVID-19. Our courts across the State remain open with some modifications to the mode of contact at various locations and times. After hearing from health experts, it remains necessary that we limit the number of people in our court buildings and this has required us to change some aspects of our practice to ensure the health and safety of our judiciary, staff and all court users. Over the last two weeks we have identified, and are now implementing, a relisting procedure to ensure matters which have been, or will be, adjourned are allocated new hearing dates and staggering those future listings throughout the day. This practice direction replaces Practice Direction 3 of 2020 and applies commencing **9am Thursday 9 April 2020**.

Summary Stream Matters

Bail and Summons matters

1. All initiations must proceed via the courts Electronic Management Diary (EMD) at the proper venue unless otherwise directed by the Court.
2. All criminal proceedings [except Filing Hearings, Committal Mentions and Committal Hearings] where the accused is on summons or bail will be adjourned and parties will be advised of the new date by way of hearing notice.
3. For all criminal proceedings adjourned pursuant to paragraph two [excluding Filing Hearings, Committal Mentions and Committal Hearings] no attendance by the accused is required. Bail will be extended in absence to the new hearing date.
4. For all criminal proceedings adjourned pursuant to paragraph two, the Court will adjourn to a date fixed for later in the year and will no longer use the nominal date of 15 June.
5. Parties should expect to receive a new date by way of hearing notice within 6 weeks of the current listing date. **PARTIES MUST ATTEND ON THE DATE**

SPECIFIED IN THE HEARING NOTICE UNLESS OTHERWISE NOTIFIED BY THE COURT Where such notice is not received it is the responsibility of the parties to obtain the date via the Electronic Appearance Filing Service (EFAS) on the MCV website and if the date cannot be obtained via EFAS parties may call the relevant court to obtain the adjourned date.

6. For those matters currently listed for special mention on the nominal date of 15 June, Parties should expect to receive a new date by way of hearing notice within 6 weeks of the current date. Where such notice is not received it is the responsibility of the parties to obtain the date via EFAS on the MCV website and if the date cannot be obtained via EFAS Parties may call the relevant court to obtain the new hearing date. No appearance is required on 15 June and Bail will be extended in absence to the new hearing date.
7. Where matters are adjourned to a new hearing date but require urgent prioritisation, applications for abridgement of the new hearing date may be made in writing and the application will be considered on the papers and accommodated where possible. Parties will be notified of the new date if the matter is abridged.

Custody matters

8. Where the accused is in custody, the court will continue to hear the following criminal proceedings via audio visual link (AVL):
 - Applications for Bail
 - Applications to vary Bail
 - Applications to revoke Bail
 - Pleas of guilty in the summary stream
 - Contest mentions
9. Summary contests where the accused is in custody will be adjourned and parties will be advised of the new date by way of hearing notice. Parties should expect to receive such hearing notice within 6 weeks of the current listing date. Where such notice is not received it is the responsibility of the parties to obtain the date via EFAS on our website and if the date cannot be obtained via EFAS may call the relevant court to obtain the new hearing date.

Committal stream matters (Custody Bail and Summons)

Bail applications

10. Where the accused is in custody, the Court will continue to hear the following criminal proceedings via audio visual link (AVL):
 - Applications for Bail
 - Applications to vary Bail
 - Applications to revoke Bail

Contested committals- currently listed matters

11. Contested Committal Hearings currently listed will be abridged to the Monday of the week in which they are listed and then adjourned to a new hearing date. Parties will be advised of the new date by way of hearing notice. Parties should expect to receive such hearing notice within 6 weeks of the current listing date. Where such notice is not received it is the responsibility of the parties to obtain the date via EFAS on the MCV website and if the date cannot be obtained via EFAS may call the relevant court to obtain the new hearing date.
12. Contested Committals which have been adjourned for special mention on 15 April, 22 April and 29 April will now be listed for hearing later in the year. No appearance is required on these dates. Parties will be advised of the new date by way of hearing notice. Parties should expect to receive such hearing notice within 6 weeks of the current listing date. Where such notice is not received it is the responsibility of the parties to obtain the date via EFAS on the MCV website and if the date cannot be obtained via EFAS may call the relevant court to obtain the hearing date.
13. For all Contested Committals adjourned pursuant to paragraphs 11 and 12, no attendance by the accused is required. Bail will be extended in absence to the new hearing date.

Filing Hearings

14. Filing Hearings will proceed in accordance with current practice. However, where an accused is on summons or bail, their attendance is not required provided their legal representative attends with instructions.

Committal mentions and Case conferences

15. Committal mentions and Committal case conferences will continue to be heard. Where an accused is on summons or bail, their attendance will not be required provided their legal representative attends with instructions.
16. If parties seek to adjourn a Committal mention or Committal case conference for the purpose of continuing negotiations, they must file a Form 32 no later than 2 business days prior to the listed date indicating the reasons for the adjournment application, including the period of adjournment sought and confirming consent to an adjournment. No appearance by practitioners is required and the adjournment will be determined on the papers. Practitioners will be notified of the next date by way of hearing notice. Parties should expect to receive such hearing notice. Where such notice is not received it is the responsibility of the parties to obtain the date via EFAS on our website and if the date cannot be obtained via EFAS may call the relevant court to obtain the adjourned date.

17. If a Committal mention, Committal case conference or Special mention has resolved to a straight hand up brief, the accused and their legal representative MUST attend that hearing.
18. At a Committal mention where the Magistrate grants leave to cross-examine witnesses at a Committal hearing, the matter will be allocated a hearing date. The parties are to complete a revised Committal checklist in Form 34A [rule 62]. An online version of this form is now available on the court's website. The completed Form 34A is to be forwarded to the court within 7 days of the Committal mention hearing.
19. If at Committal mention or Committal case conference the matter is resolved and an application for summary jurisdiction is to be made, the court will provide a date for such application. If the application is granted, it is the expectation of the court that the plea will follow that day. If the application is refused, it is expected that the matter will proceed as a straight hand up brief that day.

A handwritten signature in black ink, appearing to read 'Lisa Hannan', written over a horizontal line.

Judge Lisa Hannan
Chief Magistrate

Date: 8 April 2020