



Magistrates' Court of Victoria

Practice Direction

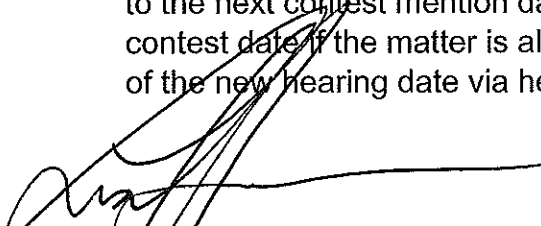
No. 11 of 2020

COVID-19 PANDEMIC RESPONSE

SENTENCE INDICATION HEARINGS ON THE PAPERS

1. Pursuant to Part 3.3, Division 3 of the *Criminal Procedure Act 2009* at any time during a proceeding for a summary or an indictable offence the Court may give a sentence indication.
2. In order to ensure sentence indications can continue during the COVID-19 pandemic, alternative procedures must be introduced consistent with emergency health measures currently in place.
3. The Magistrates' Court of Victoria will commence hearing sentence indications on the papers in cases that a Magistrate determines appropriate pursuant to s420ZL of the *Criminal Procedure Act 2009* on **7 May 2020**.
4. This process requires the consent of both Prosecution and Defence.
5. To list a sentence indication hearing on the papers, the following must be completed and filed via email with the Registry of the Magistrates' Court at which the matter is listed (see attached contact list) as a single package:
 - a. Form S - Application for Sentence Indication Hearing on the Papers;
 - b. Copy of the charge(s) with agreed amendments (if any) upon which the sentence indication is sought;
 - c. List of charges to be withdrawn if matter proceeds to sentence hearing (if any);
 - d. Agreed summary;
 - e. Agreed criminal history (if any);
 - f. Maximum penalties and/or any mandatory orders sought;
 - g. Copy of any ancillary orders sought;
 - h. Outline of submissions in dot point form on behalf of the Defence;
 - i. Outline of submissions in dot point form on behalf of the Prosecution (if any), including relevant information in relation to the impact of offending on the victim; and

- j. Copies of any references or reports the Defence intends to rely upon.
6. Parties will be advised of the date for listing of the application for sentence indication before a Magistrate at least 7 days prior to the listed date to enable arrangements to be made to ensure the Accused is available to give instructions on that date.
 7. On the listed date, a Magistrate or Judicial Registrar will consider the application on the papers and, if suitable, provide a sentence indication.
 8. The Court will notify the Prosecution and Defence via email of the sentence indication or refusal to give a sentence indication no later than 11:30 am.
 9. The sentence indication may be accepted by email no later than 2:30 pm on the day of the sentence indication hearing.
 10. If the sentence indication is accepted and no assessment is required, the Magistrate will proceed to sentence and parties will be advised accordingly via email by way of the notice of order made.
 11. If a sentence indication is accepted and includes either a term of imprisonment or a Community Correction Order, the matter will be adjourned to a date in open court and practitioners and the Accused must attend on that date and may make further submissions if required.
 12. Where an accepted sentence indication requires an assessment for a Community Correction Order, the Court will communicate with the Accused and/or the Accused's legal practitioner as soon as practicable about how and when that assessment is to take place. The Accused must attend that assessment, including via telephone if required.
 13. Where an accepted sentence indication includes an adjourned undertaking, the prescribed forms requiring signature will be sent to the Accused's legal representatives. The legal representatives must arrange the signing of the materials and their return to the Court. Where an accused is unrepresented, alternative arrangements will be made on a case by case basis.
 14. Where a sentence indication is not accepted, the Court will adjourn the matter to the next contest mention date where appropriate or to the next listed contest date if the matter is already listed for contest. Parties will be advised of the new hearing date via hearing notice.



Judge Lisa Hannan
Chief Magistrate
Date: 4 May 2020

MAGISTRATES' COURT OF VICTORIA
REGISTRY EMAIL ADDRESSES

Metropolitan Courts

Broadmeadows - broadmeadowscoordinator@courts.vic.gov.au
Dandenong - dandenongcoordinator@magistratescourt.vic.gov.au
Frankston - frankstoncoordinator@magistratescourt.vic.gov.au
Heidelberg - heidelbergcoordinator@courts.vic.gov.au
Melbourne - criminalcoordinator@courts.vic.gov.au
Moorabbin - moorabbincoordinator@courts.vic.gov.au
Neighbourhood Justice Centre - njccordinator@magistratescourt.vic.gov.au
Ringwood - ringwoodcoordinator@magistratescourt.vic.gov.au
Sunshine - sunshinecoordinator@magistratescourt.vic.gov.au
Werribee - werribeecoordinator@courts.vic.gov.au

Country Courts

Ararat - araratcoordinator@courts.vic.gov.au
Bacchus Marsh - bacchusmarshcoordinator@courts.vic.gov.au
Bairnsdale - bairnsdalecoordinator@courts.vic.gov.au
Ballarat - ballaratcoordinator@courts.vic.gov.au
Benalla - benallacoordinator@magistratescourt.vic.gov.au
Bendigo - bendigocoordinator@courts.vic.gov.au
Castlemaine - castlemainecoordinator@courts.vic.gov.au
Cobram - cobramcoordinator@courts.vic.gov.au
Colac - colac@courts.vic.gov.au
Corryong - corryongcoordinator@courts.vic.gov.au
Dromana - dromanacoordinator@courts.vic.gov.au
Echuca - echucacoordinator@courts.vic.gov.au
Edenhope - horshamcoordinator@magistratescourt.vic.gov.au
Geelong - geelong@courts.vic.gov.au

Hamilton - hamilton@courts.vic.gov.au
Hopetoun - horshamcoordinator@magistratescourt.vic.gov.au
Horsham - horshamcoordinator@magistratescourt.vic.gov.au
Kerang - kerangcoordinator@courts.vic.gov.au
Korumburra - korumburraordinator@courts.vic.gov.au
Kyneton - kynetoncoordinator@courts.vic.gov.au
Latrobe Valley - lvcoordinator@courts.vic.gov.au
Mansfield - mansfieldcoordinator@courts.vic.gov.au
Maryborough - maryboroughcoordinator@courts.vic.gov.au
Mildura - milduracoordinator@magistratescourt.vic.gov.au
Myrtleford - myrtlefordcoordinator@courts.vic.gov.au
Nhill - horshamcoordinator@courts.vic.gov.au
Omeo - bairnsdalecoordinator@courts.vic.gov.au
Orbost - bairnsdalecoordinator@courts.vic.gov.au
Ouyen - milduracoordinator@courts.vic.gov.au
Portland - portland@courts.vic.gov.au
Robinvale - milduracoordinator@courts.vic.gov.au
Sale - salecoordinator@courts.vic.gov.au
Seymour - seymourcoordinator@courts.vic.gov.au
Shepparton - sheppartoncoordinator@magistratescourt.vic.gov.au
St Arnaud - starnaudcoordinator@courts.vic.gov.au
Stawell - stawellcoordinator@courts.vic.gov.au
Swan Hill - swanhillcoordinator@courts.vic.gov.au
Wangaratta - wangarattacoordinator@courts.vic.gov.au
Warrnambool - warrnambool@courts.vic.gov.au
Wodonga - wodongacoordinator@courts.vic.gov.au
Wonthaggi - wonthaggicoordinator@courts.vic.gov.au