



## Magistrates' Court Victoria

### Practice Direction

#### No.6 of 2020 (Amended)\* COVID-19 PANDEMIC RESPONSE:

#### INTERVENTION ORDERS - FAMILY VIOLENCE PROTECTION AND PERSONAL SAFETY;

#### FAMILY LAW and RELATED PROCEEDINGS

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 2 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. This practice direction replaces practice direction 2 of 2020 and applies commencing **9am Thursday 9 April 2020**.

1. All current relevant practice directions and listing protocols are suspended.
2. New **listing time frames** will apply in relation to the following proceedings:
  - i. Intervention order applications under the *Family Violence Protection Act 2008* (FV IVOs). This includes new applications and applications for variation, extension and revocation; and
  - ii. Intervention order applications under the *Personal Safety Intervention Orders Act 2010* (PS IVOs). This includes new applications and applications for variation, extension and revocation; and
  - iii. Applications under the *Family Law Act 1975*; and
  - iv. Ancillary and other applications related to the proceedings referred to above eg. applications to be deemed a non- prohibited person under the *Firearms Act 1996*
3. The following **listing time frames** will apply:
  - i. *First listing* dates for **urgent** applications, particularly in high risk circumstances, will be listed on a case by case basis. Direct contact should be made with the Court to request the listing of an urgent application.

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\* Amendment made to paragraph 3(v) on 12 May 2020.

- ii. **Otherwise, first listing** dates for IVO applications initiated by way of:
    - (a) Family Violence Safety Notice – not later than **14 days** after service on the respondent (section 31 FVPA);
    - (b) Victoria Police FV and PS IVO applications - will be allocated through the use of the electronic mention diary;
    - (c) Non-Victoria Police FV and PS IVO applications – will be allocated by a Court Registrar.
  - iii. Unless otherwise ordered by the court, and subject to subparagraph iv., *second and subsequent* listings will be adjourned and parties will be advised of the new date by way of hearing notice.<sup>1</sup> Parties should expect to receive such hearing notice within 6 weeks of the current listing date. Where such notice is not received Parties may call the relevant court to obtain a new hearing date. Parties must attend on the date specified in the Hearing notice unless otherwise advised by the court.
  - iv. Where matters require 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.
  - v. Applications for an extension of FV and PSIO IVOs, where an ex-parte interim extension order has been made, will be listed not later than 3 months<sup>2</sup> after the date the interim extension order has been made where the respondent has not been served (see section 107 FVPA and section 84 PSIOA).
4. Matters already adjourned to the *nominal date of 15 June 2020* will now be allocated new hearing dates. Parties will be advised of the new date by way of hearing notice.<sup>3</sup> Parties should expect to receive such hearing notice within 6 weeks of the current listing date. Where such notice is not received Parties may call the relevant court to obtain a new hearing date. **Parties are not required to attend on 15 June 2020 but must attend on the date specified in the hearing notice unless otherwise advised by the Court.**



**Judge Lisa Hannan**  
**Chief Magistrate**

Date: 18 May 2020

<sup>1</sup> In family violence related proceedings, if a party has safety concerns about receiving advice from the court about the hearing date, the party should **make immediate contact with the court to identify a safe process for communication about future hearing dates.**

<sup>2</sup> Amended pursuant to Part 3.10, Division 2, section 207B *COVID-19 Omnibus (Emergency Measures) Act 2020* (Vic) reference to 28 days is taken to be 3 months.

<sup>3</sup> See footnote 1 above.