



Magistrates' Court of Victoria

Practice Direction

No. 9 of 2020

COVID-19 PANDEMIC RESPONSE

DIVERSION HEARINGS ON THE PAPERS

1. Pursuant to Part 3.3, Division 2 of the *Criminal Procedure Act 2009*, at any time before taking a formal plea from an accused in a criminal proceeding for a summary or an indictable offence, the Court may subject to section (2)(a)-(c) of the *Criminal Procedure Act 2009* adjourn the proceeding to enable the Accused to participate in and complete a Diversion program.
2. In order to ensure Diversion applications can continue during the COVID-19 pandemic, alternative procedures must be introduced consistent with the emergency health measures currently in place.
3. The Magistrates' Court of Victoria will commence Diversion hearings on the papers pursuant to s420ZL of the *Criminal Procedure Act 2009* on **7 May 2020**.
4. To list a matter for Diversion the following documents 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 D – Application for Diversion Hearing on the Papers;
 - b. Copy of the completed Diversion notice signed on behalf of the prosecution, including confirmation of victim notification and view (if any);
 - c. Agreed summary;
 - d. Victim impact statement (if any);
 - e. Agreed criminal history (if any);
 - f. Copy of charge(s) with agreed amendments (if any) upon which Diversion is sought;
 - g. List of charges to be withdrawn if matter proceeds to Diversion (if any);
 - h. A completed Diversion questionnaire;
 - i. Any mitigatory materials sought to be relied upon by Defence;
 - j. Outline of Defence submissions in dot point form; and

- k. Outline of Prosecution submissions in dot point form (if any).
5. Parties will be advised of the date for listing of the Diversion hearing before a Magistrate or Judicial Registrar at least 7 days prior to the listed date to enable arrangements to be made to ensure the Accused is contactable on the listed date.
 6. On the listed date, the Diversion will be considered by the Magistrate or Judicial Registrar and parties will be notified via email of the result of the Diversion hearing by way of the notice of order made.
 7. Where Diversion is granted, a Diversion plan will be provided to the Accused or their legal representative for acknowledgement and acceptance via email.
 8. Where a Diversion is refused, the matter will be listed for mention and the parties will be advised of the date by way of hearing notice.

A handwritten signature in black ink, appearing to read 'Lisa Hannan', with a long horizontal flourish extending to the right.

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 - wonthaggi.coordinator@courts.vic.gov.au