



**Magistrates' Court of Victoria**

**Practice Direction**

**No. 9 of 2020**

**COVID-19 PANDEMIC RESPONSE**

**DIVERSION HEARINGS ON THE PAPERS**

**UPDATED ON 26 OCTOBER 2020**

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 s59(2) of the *Criminal Procedure Act 2009* adjourn the proceeding to enable the Accused to participate in and complete a Diversion program.
2. The Magistrates' Court of Victoria commenced Diversion hearings on the papers pursuant to s420ZL of the *Criminal Procedure Act 2009* on **7 May 2020**.
3. 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. Agreed criminal history (if any);
  - e. Victim impact statement (if any);
  - f. Copy of charge(s) with agreed amendments (if any) upon which Diversion is sought; and
  - g. A completed Diversion questionnaire.
4. In addition to the mandatory materials outlined in paragraph 3, parties may also include the following materials in the single package:
  - a. Any mitigatory materials sought to be relied upon by Defence;
  - b. Outline of Defence submissions in dot point form; and

c. Outline of Prosecution submissions in dot point form.

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 Magistrate or Judicial Registrar is not satisfied that diversion should be granted on the papers, the matter will be listed for mention before the Magistrate or Judicial Registrar in the Online Magistrates' Court. The parties will be advised of the date by way of hearing notice and may make further oral submissions on the mention date if required.

A handwritten signature in black ink, appearing to read 'Lisa Hannan', with a large, sweeping flourish extending upwards and to the right.

**Judge Lisa Hannan**

**Chief Magistrate**

Date: 26 October 2020

**MAGISTRATES' COURT OF VICTORIA**  
**REGISTRY EMAIL ADDRESSES**

**Metropolitan Courts**

Broadmeadows - [broadmeadowscoordinator@courts.vic.gov.au](mailto:broadmeadowscoordinator@courts.vic.gov.au)  
Dandenong - [dandenongcoordinator@magistratescourt.vic.gov.au](mailto:dandenongcoordinator@magistratescourt.vic.gov.au)  
Frankston - [frankstoncoordinator@magistratescourt.vic.gov.au](mailto:frankstoncoordinator@magistratescourt.vic.gov.au)  
Heidelberg - [heidelbergcoordinator@courts.vic.gov.au](mailto:heidelbergcoordinator@courts.vic.gov.au)  
Melbourne - [criminalcoordinator@courts.vic.gov.au](mailto:criminalcoordinator@courts.vic.gov.au)  
Moorabbin - [moorabbincoordinator@courts.vic.gov.au](mailto:moorabbincoordinator@courts.vic.gov.au)  
Neighbourhood Justice Centre - [njcordinator@magistratescourt.vic.gov.au](mailto:njcordinator@magistratescourt.vic.gov.au)  
Ringwood - [ringwoodcoordinator@magistratescourt.vic.gov.au](mailto:ringwoodcoordinator@magistratescourt.vic.gov.au)  
Sunshine - [sunshinecoordinator@magistratescourt.vic.gov.au](mailto:sunshinecoordinator@magistratescourt.vic.gov.au)  
Werribee - [werribeecoordinator@courts.vic.gov.au](mailto:werribeecoordinator@courts.vic.gov.au)

**Country Courts**

Ararat - [araratcoordinator@courts.vic.gov.au](mailto:araratcoordinator@courts.vic.gov.au)  
Bacchus Marsh - [bacchusmarshcoordinator@courts.vic.gov.au](mailto:bacchusmarshcoordinator@courts.vic.gov.au)  
Bairnsdale - [bairnsdalecoordinator@courts.vic.gov.au](mailto:bairnsdalecoordinator@courts.vic.gov.au)  
Ballarat - [ballaratcoordinator@courts.vic.gov.au](mailto:ballaratcoordinator@courts.vic.gov.au)  
Benalla - [benallacoordinator@magistratescourt.vic.gov.au](mailto:benallacoordinator@magistratescourt.vic.gov.au)  
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Corryong - [corryongcoordinator@courts.vic.gov.au](mailto:corryongcoordinator@courts.vic.gov.au)  
Dromana - [dromanacoordinator@courts.vic.gov.au](mailto:dromanacoordinator@courts.vic.gov.au)  
Echuca - [echucacoordinator@courts.vic.gov.au](mailto:echucacoordinator@courts.vic.gov.au)  
Edenhope - [horshamcoordinator@magistratescourt.vic.gov.au](mailto:horshamcoordinator@magistratescourt.vic.gov.au)  
Geelong - [geelong@courts.vic.gov.au](mailto:geelong@courts.vic.gov.au)



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Maryborough - [maryboroughcoordinator@courts.vic.gov.au](mailto:maryboroughcoordinator@courts.vic.gov.au)  
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Wangaratta - [wangarattacoordinator@courts.vic.gov.au](mailto:wangarattacoordinator@courts.vic.gov.au)  
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