



Magistrates' Court of Victoria

Practice Direction

No. 1 of 2021

AMENDED AS AT 10 AUGUST 2021¹

COVID-19 PANDEMIC RESPONSE

All Magistrates' Courts

Purpose

This Practice Direction revokes Practice Direction [18 of 2020](#), effective **26 April 2021**.

This Practice Direction revokes Practice Directions [21 of 2020](#) and [22 of 2020](#), effective **4 May 2021**.

This Practice Direction contains multiple commencement dates. For a summary of commencement dates, see Appendix 2.

REPRESENTED ACCUSED ON BAIL OR SUMMONS IN CRIMINAL MATTERS

In summary

From 4 May 2021	<ul style="list-style-type: none">• All criminal matters involving represented accused to continue to proceed via WebEx/OMC• Permission to be sought and obtained prior to any in-person attendances
From 8 July 2021	<ul style="list-style-type: none">• Option for represented accused to appear physically or via WebEx/OMC• Where an accused attends a court physically, their legal representative must attend physically with them• Nb. See paras 27-9 for criminal matters that are to be listed by default via WebEx/OMC (long-term)

Commencing 4 May 2021

All criminal matters involving represented accused to continue to proceed via WebEx/OMC

1. All matters where an accused is represented by a legal practitioner must continue to be listed via WebEx/OMC, rather than at a physical court venue. This is the default position for all hearings in the Magistrates' Court of Victoria (MCV) where an accused is represented.

¹ Please note this is an updated version of Practice Direction 1 of 2021, first published on 29 March 2021 and updated on 4 May 2021, 5 July 2021 and 10 August 2021. See Appendix 1 for a summary of revisions made.

2. To list a matter via WebEx/OMC, contact should be made at first instance with the Registry at which the matter is listed (see [local court registry](#)).
3. All practitioners with criminal matters must contact the Registry at which the matter is listed (see [local court registry](#)) by EFAS or eDocs not later than **3 clear working days** prior to the current listing date for the purpose of obtaining a hearing date and time via WebEx/OMC (unless the matter is listed in an open hearing list and the practitioner knows of how to participate in this type of listing).
 - 3.1 The Court will confirm whether the matter will proceed remotely via WebEx/OMC.
 - 3.2 Where the matter is listed in a 'WebEx/OMC open link', it is the responsibility of the practitioner to log in at the allocated time, remaining on mute until the matter is called.

Permission to be sought and obtained prior to any in person attendances

4. Permission may be sought from any court venue or the Court may direct in any matter or category of matters, in person attendance by a represented accused, a legal practitioner, witness or other participant in the court proceeding.
5. Requests for in person attendance should be directed to the Registrar in Charge at the relevant [local court registry](#) at least **3 days prior** to the proposed date of attendance, unless the matter is urgent. Requests will be determined having regard to all relevant matters, including the accessibility needs of court users.

Commencing 8 July 2021

Option for represented accused to appear physically or via WebEx/OMC

6. Represented accused and their practitioners may appear physically at court or via WebEx/OMC, subject to the Court making an order or giving a direction in relation to the mode of appearance in any matter.
7. Where an accused attends a court physically, their practitioner must also physically attend.
8. In mention courts, dual track open links will be utilised where possible. If appearing remotely, it is the practitioner's responsibility to ensure that both the practitioner and their client are able to join the link in the allocated block and remain on mute until the matter is called.
9. In all other matters where a practitioner or their client wishes to appear via WebEx/OMC, it is the practitioner's responsibility to make all necessary arrangements for themselves and their client to appear via WebEx/OMC, including ensuring their client has access to the appropriate technology.
10. Practitioners must comply with paragraphs 1 to 3.2 above.

UNREPRESENTED ACCUSED ON BAIL OR SUMMONS IN CRIMINAL MATTERS

In summary

From 4 May 2021	<ul style="list-style-type: none">• All unrepresented accused with criminal matters must visit the MCV website or contact their local court registry• If an unrepresented accused has not made contact with their local court registry at least 3 clear working days before their hearing day, they must attend in-person at court on the listed hearing day and time• If an unrepresented accused does not arrange for their case to be heard online or attend court on the listed hearing day and time, their case may be heard and determined in their absence or a warrant issued for their arrest
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Commencing 4 May 2021

What to do prior to the hearing date

11. An accused who is not legally represented, must as soon as possible, and prior to the hearing date, visit the [MCV website](#) for information about going to court.
 - 11.1 Where the Court has been provided with an accused's current telephone number or email address, the Court will have sent to an accused a text message or email three weeks prior to the listed hearing, directing an accused to visit the [MCV website](#). It is the responsibility of the accused to ensure the Court has current contact details.
 - 11.2 If an accused who is not legally represented cannot access the website or make a telephone call, they may attend at the local court to make an enquiry.
12. An accused who is not legally represented, and would like legal advice, must as soon as possible, and prior to the hearing date:
 - 12.1 Contact [Victoria Legal Aid](#) to obtain free legal advice by requesting [Help Before Court](#) online, using the Legal Help [online chat service](#) or by calling Legal Help on 1300 792 387 from 8am to 5pm weekdays; or
 - 12.2 Contact a lawyer of their choice for advice in relation to the matter (<https://www.liv.asn.au/referral> or <https://vicbar.com.au/>); or
 - 12.3 Contact the Victorian Aboriginal Legal Service for legal advice and representation on 1800 064 865.

Having a criminal case heard via WebEx/OMC

13. To request a criminal case is listed via WebEx/OMC, an unrepresented accused must contact the Registry at which the criminal case is listed (see [local court registry](#)), at least **3 clear working days** prior to the hearing date.
14. An accused who is not legally represented, may contact the local court by:
 - 14.1 Emailing the [local court registry](#); or
 - 14.2 Telephoning the [local court registry](#); or
 - 14.3 When an accused is unable to do any of 14.1–14.2, attend at a local court to make an enquiry.
15. After the request is made, the Court will confirm with the unrepresented accused whether the case is suitable for hearing via WebEx/OMC, and if so, confirm the date and time of the hearing and provide the WebEx link before the hearing (which may

not be the current listing date).

16. If a criminal case is listed in a 'WebEx/OMC open link',² with a list of other cases, the accused is responsible for:
 - 16.1 Ensuring they have the correct link address and necessary technology to participate
 - 16.2 Logging in to the link at the allocated time
 - 16.3 Remaining on mute until the matter is called on for hearing.
17. Where an unrepresented accused has not arranged for their criminal case to be heard via WebEx/OMC, the accused must attend the Court at which the criminal case is listed on the listed date and at the listed time, to answer bail or summons. **If the accused does not attend at the Court at which the criminal case is listed (at the listed date and time) the matter may be heard and determined in the accused's absence or a warrant may be issued for the accused's arrest.**

ACCUSED IN CUSTODY

In summary

From 26 April 2021	<ul style="list-style-type: none">• All accused in custody are required to be physically brought before the Court for a first remand hearing, unless they consent to a remote hearing via WebEx/OMC• Where an accused attends a court physically, their legal representative must attend physically with them• Any subsequent bail applications to proceed via WebEx/OMC• All other hearings where an accused is in custody to proceed via WebEx/OMC
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Commencing 26 April 2021

First remand hearings

18. All accused in custody are required to be physically brought before the Court for a first remand hearing, unless they consent to a remote hearing via WebEx/OMC.³ Accused are to be transported to the closest MCV venue. Accused must be presented at court with paperwork lodged by 3PM, Monday to Friday. After this time and on weekends, the accused must be transported to the Bail and Remand Court (Melbourne/metropolitan) or a bail justice hearing must be arranged.
19. Where an accused is physically brought before the Court, Prosecution and Defence practitioners are required to appear physically before the Court unless otherwise ordered by the Court.
20. Informants and other witnesses may appear before the Court remotely via WebEx/OMC, provided this does not cause delay or other interruption to court business.

² 'Open links' involve multiple matters being heard via a single WebEx link. Each open link is used for a specified time period (e.g. 10-11AM). Parties log onto the link five minutes before the start time and wait on mute until their matter is called.

³ *Evidence (Miscellaneous Provisions) Act 1958* s 42JA(3). Note that *Bail Act 1977* (Vic) s 34C was repealed on 26 April 2021.

21. Bail support provided through the Court Integrated Services Program (CISP) will continue to provide services and all CISP assessments and case management will be conducted remotely via WebEx, telephone or in person, as determined by the Court.
22. Where an accused consents to appearing via WebEx/OMC the following will apply:
 - 22.1 Accused arrested and held at police station
 - 22.2 Defence practitioner notified by police that accused is in custody
 - 22.3 Police enable private conferences by telephone or by WebEx for practitioner to obtain instructions
 - 22.4 Assessments relevant to any application for bail enabled by telephone, WebEx or in person as determined by the clinician
 - 22.5 Informant contacts closest MCV venue and advises of intention to file charges and obtains appropriate email address
 - 22.6 Police file charges via email to court
 - 22.7 Defence practitioner contacts the court and provides completed appearance sheet
 - 22.8 The Court lists the matter and notifies the parties of the time of the hearing
 - 22.9 Accused appears via WebEx/OMC from the relevant police station
 - 22.10 Informant appears via WebEx/OMC
 - 22.11 Defence practitioners appear via WebEx/OMC unless other arrangements are made
 - 22.12 Prosecutors appear from the courtroom unless other arrangements are made.

Bail applications

23. After the first remand hearing date and subject to paragraphs 24-26, all bail applications should be listed in the WebEx/OMC (with the accused appearing via audio visual link from a prison location) by contacting the Court coordinator at the [proper venue](#) of the Court to obtain a hearing date.⁴

All other hearings with an accused in custody

24. All persons in custody, save for accused in police custody appearing for a first remand hearing, will appear remotely via audio visual link with practitioners appearing via WebEx/OMC, unless otherwise ordered by the Court, upon application of a party at least **3 clear working days** prior to the current listing date, or at the Court's own motion.
25. To order an accused in custody to physically appear in any matter other than a first remand hearing, the Court must be satisfied that:
 - 25.1 Physical appearance is required in the interests of justice; or
 - 25.2 It is not reasonably practicable for the accused to appear via audio visual link.⁵

⁴ See paragraph 33 for information regarding the Court Integrated Services Program.

⁵ *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 42L(1)(a) (as amended by *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021* (Vic), commencement date 26 April 2021).

26. Additionally, the Court must consider:

- 26.1 The impact of requiring a physical appearance on the Court's case management generally; and
- 26.2 Any risk to public health (including risks involved in transporting the accused).⁶

CRIMINAL MATTERS THAT WILL BE LISTED BY DEFAULT VIA WEBEX/OMC (LONG-TERM)

In summary

From 4 May 2021	<ul style="list-style-type: none">• Certain criminal matters will continue to be listed via WebEx/OMC, including represented accused in committal mentions; contest mentions; special mentions; applications (other than bail applications at first remand); all other custody matters (other than first remands) and all Judicial Registrar lists• Permission to be sought and obtained prior to any in-person attendances
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Commencing 4 May 2021

27. The following criminal matters will be listed via WebEx/OMC unless otherwise ordered or directed by the Court:

- 27.1 Committal mentions where the accused is legally represented, noting that practitioners must file a [case direction notice](#) pursuant to section 118 of the *Criminal Procedure Act* **at least 7 days prior** to the hearing
- 27.2 Contest mentions where the accused is legally represented
- 27.3 Special mentions where the accused is legally represented
- 27.4 Applications, other than bail applications made at the first remand date, where the accused is legally represented
- 27.5 All custody matters save for first remand hearings
- 27.6 All Judicial Registrar criminal/council lists.

28. In relation to the above mentioned hearing types, permission may be sought from any court venue, or the Court may direct in any matter, in person attendance by a represented accused, a legal practitioner, witness or other participant in the court proceeding.

29. Requests for in person attendance should be directed to the Registrar in Charge at the relevant [local court registry](#) at least **3 days prior** to the proposed date of attendance, unless the matter is urgent. Requests will be determined having regard to all relevant matters, including social distancing density limits at all court venues and accessibility needs of court users.

⁶ *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 42L(1)(b) (as amended by *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021* (Vic), commencement date 26 April 2021).

SUMMARY CASE CONFERENCES

In summary

From 4 May 2021	<ul style="list-style-type: none">• Summary case conferences are to be conducted away from court at least 7 days prior to the next listed date
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Commencing 4 May 2021

30. For clarity the Court notes that a summary case conference is not a court event and should be conducted between the parties as soon as possible following charge and not later than **7 days prior** to the next listed date.

SPECIALIST COURTS AND PROGRAMS

In summary

From 4 May 2021	<ul style="list-style-type: none">• Drug Court participants (and practitioners) must appear physically at each court review and hearing unless otherwise directed by the Court• ARC participants (and practitioners) must appear physically unless otherwise directed by the Court• Koori Court hearings are to be conducted in accordance with Practice Direction 3 of 2021
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ASSESSMENT AND REFERRAL COURT, DRUG COURT AND COURT INTEGRATED SERVICES PROGRAM (CISP)

Commencing 4 May 2021

31. Drug Court participants must appear physically at each court review and hearing unless otherwise directed by the Court. Where a participant is legally represented the practitioner must appear physically if the participant appears physically.

32. Assessment and Referral Court participants must appear physically unless otherwise directed by the Court. Where a participant is legally represented the practitioner must appear physically if the participant appears physically.

33. Participant appointments with CISP or Specialist Court staff may be face to face or remote (via WebEx or telephone) as the Court orders or registry/CISP/Specialist Court staff direct.

KOORI COURT

Commencing 17 May 2021

34. Koori Court hearings will be conducted in accordance with [Practice Direction 3 of 2021](#).

FAMILY VIOLENCE APPLICATIONS

In summary

From 4 May 2021	<ul style="list-style-type: none">• All family violence applications will proceed via WebEx/OMC unless otherwise directed by the Court• Permission to be sought and obtained prior to any in-person attendances
From 6 September 2021	<ul style="list-style-type: none">• All interim applications that are supported by an affidavit in support or declaration of truth, will proceed on the papers, unless otherwise ordered by the Court or directed by registry.• Interim applications that are not heard on the papers will proceed by applicants physically attending at court or where the Court orders or registry directs, via WebEx/OMC.• In respect of all other applications:<ul style="list-style-type: none">○ All respondents must appear physically at court unless otherwise directed by the Court○ In-person applicants must appear physically at court unless legally represented or directed by the Court○ Vic Pol applications may proceed with protected persons in court or online, although where appearing remotely, must be available to appear online at the direction of the Court• Unrepresented parties (applicants/respondents) may request to appear via WebEx/OMC by contacting their local registry at least 3 clear working days prior to the next hearing date.

Commencing 4 May 2021

FV Interim Intervention Order applications

35. **Applicants at immediate risk should call 000.**
36. Applicants should use the online form wherever possible [[Application for a Family Violence Intervention Order](#)].
37. If an applicant is unable to use the online form or it is unsafe to do so, they should call the [local court](#) for assistance and to make arrangements to complete an application.
38. Applications will proceed via the WebEx/OMC, unless otherwise directed. Applications may be heard on the papers where supported by an affidavit or declaration of truth.
39. Applicants who cannot use the online form or who do not have access to a telephone, or have a language barrier or disability, or for whom it is unsafe to use the online form, may attend Court and will be assisted by a Registrar.

Return of VICPOL Safety Notices

40. If an applicant, respondent or protected person has a matter currently listed for hearing, they should contact the [relevant court](#) by telephone or complete the [Notice of Address for Contact and Service](#) form and forward it to the relevant court by [email/fax](#) **no later than 10am on the day prior to the listed hearing date**. Parties will be advised of the time and mode of appearance by the Court. If no contact is made the Court may hear and determine the matter in the parties' absence.
41. Where an applicant, protected person or respondent seeks legal advice, they must as soon as possible and prior to the hearing date either:

- 41.1 Contact [Victoria Legal Aid](#) to obtain free legal advice by requesting [Help Before Court](#) online, using the Legal Help [online chat service](#) or by calling Legal Help on 1300 792 387 from 8am to 5pm weekdays; or
 - 41.2 Contact a lawyer of their choice for advice in relation to the application (<https://www.liv.asn.au/referral> or <https://www.vicbar.com.au/>); or
 - 41.3 Complete the [applicant/affected family member](#) or [respondent](#) pre-court information form to request a pre-court referral to the free duty lawyer service prior to the court hearing date.⁷
42. Physical attendances at a court building should only be by prior arrangement with the Court. In order to physically attend a court to make an application or in relation to a listed hearing, a party should contact the Court and only attend at the time appointed by the Registrar, where the Registrar has assessed it is necessary for a party to physically attend Court. Where safety requires personal attendance without appointment, a Registrar will assess urgency and determine process having regard to that assessment.

Family violence matters listed for future dates

43. All parties with family violence matters listed for future dates must contact the Court and arrange to have the matter listed via WebEx/OMC at least **3 clear working days** prior to the hearing date.
44. If a party does not contact the Court the matter may be determined in the party's absence or struck out as determined by the presiding judicial officer.
45. Physical attendances at a court building should only be by prior arrangement with the Court. In order to physically attend a court to make an application or in relation to a listed hearing, a party should contact the Court and only attend at the time appointed by the Registrar, where the Registrar has assessed it is necessary for a party to physically attend Court. Where safety requires personal attendance without appointment, a Registrar will assess urgency and determine process having regard to that assessment.

Commencing 6 September 2021

FV Interim Intervention Order applications

46. **Applicants at immediate risk should call 000.**
47. For directions regarding how to contact the Court, paragraphs 36-37 and 39 apply.
48. Interim applications that are supported by an affidavit or declaration of truth will be heard on the papers, unless the Court orders or registry directs otherwise.
49. Interim applications that are not heard on the papers will proceed by applicants physically attending court or, where the Court orders or registry directs, via WebEx/OMC.

⁷ At date of publication (10 August 2021), there is a pre-court referral service pilot available at Melbourne, Sunshine, Werribee, Broadmeadows, Ringwood, Dandenong and Latrobe Valley Magistrates' Courts. In other locations, parties are encouraged to contact Victoria Legal Aid or a lawyer of their choice.

Return of VICPOL Safety Notices and other family violence applications

50. For directions relevant to legal advice, paragraph 41 applies.
51. **Affected Family Members in applications made by Victoria Police may attend court physically but are not required to do so provided they remain available via WebEx or telephone on the listed date until the matter is heard.**
52. **Applicants in family violence matters where Victoria Police is not the applicant must attend court physically unless:**
 - 52.1 **They are legally represented, and their practitioner has made all necessary arrangements to have the matter heard by WebEx/OMC; or**
 - 52.2 **The Court orders or registry directs otherwise.**
53. Where an applicant appears physically at court and is legally represented, their practitioner must appear physically at court.
54. **All respondents in family violence matters must attend physically at court unless the Court orders or directs otherwise. If a respondent has been served with the application and does not attend, the Court may hear and determine the matter in the respondent's absence.** Where a respondent appears physically at court and is legally represented, their practitioner must appear physically at court.
55. Requests to appear via WebEx/OMC by unrepresented parties (applicants/respondents) must be directed to a registrar at the relevant local court registry **at least 3 clear working days** prior to the proposed date of hearing, unless the matter is urgent. To make the request, an unrepresented party must:
 - 55.1 Complete and file with the court the [applicant/affected family member](#) or [respondent](#) pre-court information form; or
 - 55.2 Where a party is unable to access the pre-court information form, contact the [local court registry](#) via telephone or email; or
 - 55.3 Where a party is unable to access email or telephone, or they have a language barrier or disability, they may attend Court to make their request in person.
56. Note: lists will run dual track in person and WebEx where that is possible.

PERSONAL SAFETY INTERVENTION ORDER APPLICATIONS

In summary

From 4 May 2021	<ul style="list-style-type: none">• All personal safety intervention order applications will proceed via WebEx/OMC unless otherwise directed by the Court• Permission to be sought and obtained prior to any in-person attendances
From 6 September 2021	<ul style="list-style-type: none">• To make a PSIO application, contact the local court via telephone or email except where physical attendance at court is required for reasons of accessibility or safety.• All respondents must appear physically at court unless directed by the Court• In-person applicants must appear physically at court unless legally represented or directed by the Court• Vic Pol applications may proceed with protected persons in court or online, although where appearing remotely, must be available to appear online at the direction of the Court• Unrepresented parties (applicants/respondents) may request to appear via WebEx/OMC by contacting their local registry at least 3 clear working days prior to the next hearing date.

Commencing 4 May 2021

57. PSIO applications will proceed via WebEx/OMC, unless otherwise directed.
58. All parties with PSIO matters listed must contact the Court and arrange to have the matter listed via WebEx/OMC at least **3 clear working days** prior to the hearing date, where that is possible.
59. If a party does not contact the Court the matter may be determined in the party's absence or struck out as determined by the presiding judicial officer.
60. Physical attendances at a court building should only be by prior arrangement with the Court. In order to physically attend a court to make an application or in relation to a listed hearing, a party should contact the Family Violence Registrar and only attend at the time appointed by the Registrar, where the Registrar has assessed it is necessary for a party to physically attend Court. Where safety requires personal attendance without appointment, a Registrar will assess urgency and determine process having regard to that assessment.

Commencing 6 September 2021

61. To make a PSIO application contact the [local court](#) via telephone or email to make an appointment with a registrar. Applicants who cannot use email or do not have access to a telephone, or have a language barrier or disability, or for whom it is unsafe to make contact via telephone or email, may attend Court and will be assisted by a Registrar.
62. **Applicants in applications made by Victoria Police may attend physically but are not required to do so provided they remain available via WebEx or telephone on the listed date until the matter is heard.**
63. **Applicants in PSIO matters where Victoria Police is not the applicant must attend court physically unless:**
 - 63.1 **They are represented and their practitioner has made all necessary arrangements to have the matter heard by WebEx/OMC; or**

63.2 **The Court orders or registry directs otherwise.**

64. **All respondents in PSIO matters must attend physically at court unless the Court directs otherwise.**
65. Where an applicant or respondent appears physically at court and is legally represented, their practitioner must appear physically at court.
66. **If an applicant does not appear the Court may proceed to hear and determine the matter in the applicant's absence or strike the application out.**
67. **If a respondent has been served and does not appear the Court may hear and determine the matter in the respondent's absence.**
68. Requests to appear via WebEx/OMC by unrepresented parties (applicants, affected family members or respondents) must be directed to a registrar at the relevant [local court registry](#) **at least 3 clear working days** prior to the proposed date of hearing, unless the matter is urgent. To make the request, an unrepresented party must:
- 68.1 Complete and file with the Court the [Notice of Address for Contact and Service form](#); or
 - 68.2 Where a party is unable to access the Notice of Address for Contact and Service form, contact the [local court registry](#) via telephone or email; or
 - 68.3 Where a party is unable to access email or telephone, or they have a language barrier or disability, they may attend Court to make their request in person.

CIVIL MATTERS

In summary

From 4 May 2021	<ul style="list-style-type: none">• All civil and WorkCover matters, including early neutral evaluation, to continue to proceed via WebEx/OMC
From 10 May 2021	<ul style="list-style-type: none">• Judgment debtors must attend physically for oral examination, as directed by the Court

Commencing 4 May 2021

69. All civil matters currently listed will proceed via WebEx/OMC pursuant to Practice Direction [19 of 2020](#) and applicable arrangements and expectations directions.
70. All WorkCover matters listed for hearing and mention via WebEx/OMC will proceed pursuant to Practice Direction [13 of 2020](#) and applicable Arrangements and Expectations Directions and advice to practitioners.
71. All WorkCover matters currently listed for early neutral evaluation will proceed via WebEx/OMC. Practitioners must contact mmcworkcoverindustrialcourts@justice.vic.gov.au to confirm arrangements for listing via WebEx/OMC.

Commencing 10 May 2021

72. Judgment debtors must attend physically for oral examination, as directed by the Court.

VICTIMS OF CRIME ASSISTANCE TRIBUNAL (VOCAT)

Commencing 4 May 2021

73. The Victims of Crime Assistance Tribunal will hear applications on the papers, via WebEx/OMC, via telephone or in person as directed by the Tribunal.

COUNTER SERVICES

Commencing 4 May 2021

74. All documents capable of being filed or communicated digitally must be filed or communicated digitally. Prosecution agencies, informants and corrections attending for routine matters must wherever possible use digital communication.

75. Persons who cannot comply with digital filing or communication or where a matter is not amenable to digital communication may attend at registry for counter service.

PUBLIC HEALTH PRECAUTIONS

76. All persons who attend court buildings in any circumstance must:

76.1 Register their attendance using the Service Victoria QR application or, where this is not possible, provide full contact details to security staff; and

76.2 Wear a face mask where required by the Chief Health Officer's directions; and

76.3 Follow the Chief Health Officer's additional directions; and

76.4 Follow any direction under the *Court Security Act 1980*.

77. Persons suffering from COVID-19 symptoms should not attend at any court building but **must contact the Court by telephone** to discuss adjournment of their hearing. Where no communication is received the matter may be heard or determined in the party's absence or a warrant of arrest may be issued.

78. **In the event that COVID-19 restrictions change, all parties and practitioners must go to the [MCV website](#) for updated advice in relation to attendance at court buildings and how hearings will be conducted.**



**JUDGE HANNAN
CHIEF MAGISTRATE**

Date: 10 August 2021

APPENDIX 1: Summary of revisions

Publication date	Content revised
4 May 2021	<p>Revised purpose according to changing COVID-19 restriction levels.</p> <p>Added option for represented accused to appear physically or via WebEx/OMC from 31 May 2021 (see paragraphs 6-10).</p> <p>Added direction that certain criminal matters are to remain online commencing 4 May 2021 (see paragraphs 27-9).</p> <p>Clarification that summary case conferences are not a court event and must be completed no later than 7 days prior to next listed date (see paragraph 30).</p> <p>Revised directions for Drug Court, requiring participants' physical appearance unless otherwise directed or ordered from 4 May 2021 (see paragraph 31).</p> <p>Revised directions for Assessment and Referral Court, requiring participants' appearance via WebEx/OMC unless otherwise directed by the Court from 4 May 2021 (see paragraph 32).</p> <p>Added that from 7 June 2021 all respondents in family violence matters must appear physically unless otherwise ordered or directed by the Court; and that all affected family members in applications not made by Victoria Police, must appear physically unless they are legally represented and their practitioner has made arrangements for hearing via WebEx/OMC, or otherwise ordered or directed by the Court. Affected family members in applications by Victoria Police may physically attend, but if not, they must be available via WebEx or telephone (see paragraphs 46-56).</p> <p>Added that from 7 June 2021 all respondents in Personal Safety Intervention Order matters must appear physically unless otherwise ordered or directed by the Court; and that all applicants in applications not made by Victoria Police, must appear physically unless they are legally represented and their practitioner has made arrangements for hearing via WebEx/OMC, or otherwise ordered or directed by the Court. Protected persons in applications by Victoria Police may physically attend, but if not, they must be available via WebEx or telephone (see paragraphs 61-8).</p> <p>Revised directions for WorkCover matters to include consideration of applicable Arrangements and Expectations Directions and advice to practitioners (see paragraph 70).</p> <p>Added that judgment debtors in civil matters must physically attend Court for oral examination from 10 May 2021 (see paragraph 72).</p> <p>Added that counter services will be available for persons who cannot comply with digital filing or communication, or for matters not amenable to digital filing or communication, from 4 May 2021 (see paragraphs 74-5).</p> <p>Revised the public health precautions and added advice to court users if they are experiencing COVID-19 symptoms (see paragraphs 76-8).</p>

<p>5 July 2021</p>	<p>Revised the following commencement dates:</p> <ul style="list-style-type: none"> • Paragraphs 6-10: new commencement date of 8 July 2021 • Paragraphs 46-56: new commencement date of 19 July 2021 • Paragraphs 61-68: new commencement date of 19 July 2021 <p>Revised the purpose of the Practice Direction.</p> <p>Revised directions for Assessment and Referral Court, requiring participants' physical appearance unless otherwise directed by the Court (see paragraph 32).</p> <p>Revised directions for participant appointments with CISP or Specialist Court staff, which may be face to face or remote as ordered by the Court or directed by registry/CISP/Specialist Court staff (see paragraph 33).</p> <p>Revised directions for Koori Court, requiring compliance with Practice Direction 3 of 2021 (see paragraph 34).</p> <p>Added the option for parties to family violence matters to use the pre-court information form to request referral to a duty lawyer (see paragraph 41).</p> <p>Revised directions for family violence matters from 19 July 2021:</p> <ul style="list-style-type: none"> • Clarified the process for interim intervention order applications (see paragraphs 46-9) • Clarified options to obtain legal assistance (see paragraph 50) • Added the option for unrepresented parties to contact the Court regarding their attendance via the pre-court information form (see paragraph 55). <p>Revised directions for personal safety intervention order matters from 19 July 2021:</p> <ul style="list-style-type: none"> • Clarified the application process (see paragraph 61) • Added the option for unrepresented parties to contact the Court regarding their attendance via the Notice of Address for Contact and Service form (see paragraph 68).
<p>10 August 2021</p>	<p>Revised 'Family Violence Applications' and 'Personal Safety Intervention Order Applications' sections to reflect that the directions from 4 May 2021 will be in effect until 5 September 2021.</p> <ul style="list-style-type: none"> • Paragraphs 46–56: new commencement date of 6 September 2021. • Paragraphs 61–68: new commencement date of 6 September 2021.

APPENDIX 2: Summary of commencement dates

Jurisdiction	Matter / hearing type	Commencing
Crime	Matters involving accused in custody: <i>First remand hearings: accused must be physically brought before the Court</i> <i>Bail applications: to be listed via WebEx/OMC unless otherwise ordered</i> <i>All other hearings: to be listed via WebEx/OMC unless otherwise ordered</i>	26 April 2021
	Unrepresented accused (non-custody) who does not arrange for hearing via WebEx/OMC must appear physically	4 May 2021
	Certain matters to continue to be heard via WebEx/OMC	4 May 2021
	Summary case conferences are to be conducted away from court at least 7 days prior to the next listed date	4 May 2021
	Matters involving represented accused (non-custody): <i>To continue via WebEx/OMC</i> <i>Option to appear physically or via WebEx/OMC</i>	4 May 2021 8 July 2021
	Specialist Courts: <i>Drug Court participants must physically appear at each court review and hearing unless otherwise directed</i> <i>Assessment and Referral Court participants must appear physically unless otherwise directed</i> <i>Koori Court hearings will be conducted in accordance with Practice Direction 3 of 2021</i>	4 May 2021 4 May 2021 17 May 2021
	All parties to utilise online forms and appear via WebEx/OMC, unless it is unsafe to do so	4 May 2021
	<u>Interim applications</u> : if supported by an affidavit or declaration of truth, will be heard on the papers unless otherwise ordered by the Court or directed by registry; if not, will proceed via physical appearance, or, where the Court orders or registry directs, via WebEx/OMC	6 September 2021
	<u>Other applications – Affected Family Members/applicants</u> : <i>In applications made by Victoria Police, affected family members may physically attend Court, but are not required to do so provided they are available via WebEx or telephone</i> <i>In applications not made by Victoria Police, applicants must physically attend Court unless legally represented or otherwise ordered</i>	
<u>Other applications – all <u>respondents</u> must physically attend Court</u>		

Note: where a party appears physically and is legally represented, their practitioner must also appear physically.

Personal Safety Intervention Orders	All matters to be heard via WebEx/OMC unless otherwise directed	4 May 2021
	<u>Applicants:</u> <i>In applications made by Victoria Police, protected persons may physically attend Court, but are not required to do so provided they are available via WebEx or telephone</i> <i>In applications not made by Victoria Police, applicants must physically attend Court unless legally represented or otherwise ordered</i>	6 September 2021
	All <u>respondents</u> must physically attend Court	
Civil	All matters to be heard via WebEx/OMC	4 May 2021
	Judgment debtors must physically attend for oral examination	10 May 2021
VOCAT	Applications to be heard on the papers, via WebEx/OMC, via telephone or in person as directed	4 May 2021
Counter services	Digital filing and communication required, except for persons who cannot comply or for matters not amenable to digital filing or communication	4 May 2021

Note: where a party appears physically and is legally represented, their practitioner must also appear physically.