



## Magistrates' Court of Victoria

### Practice Direction 'X' of 2021

(As amended on 21 October 2021)<sup>1</sup>

## COVID-19 ARRANGEMENTS

### **Background**

The purpose of this Practice Direction is to outline the arrangements which will apply for the duration of the directions made by the Chief Health Officer on 17 October 2021, pursuant to the *Public Health and Wellbeing Act 2008*.

**This version of Practice Direction X, dated 21 October 2021**, will apply to all venues of the Magistrates' Court of Victoria from **11.59 PM on Thursday, 21 October 2021**.

**This Practice Direction relaxes the requirements for in-person hearing which may now be directed by the Court in any matter having regard to the Chief Health Officer's directions and density requirements.**

All Magistrates' Court venues remain open, but attendance is subject to this Practice Direction.

To the extent that this Practice Direction is inconsistent with other Practice Directions, this Practice Direction overrides any inconsistent directions for the duration of its operation.

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<sup>1</sup> Please note this is an updated version of Practice Direction 'X' of 2021, first published on 27 May. This revision incorporates amendments to 21 October 2021. See Appendix 1 for a summary of revisions made.

## **Directions**

1. Matters listed for remote appearances via Webex/Online Magistrates' Court (OMC) will continue to be heard. Practitioners and other court participants must appear remotely. In-person attendance at court venues will only be permitted as directed by the Court.
2. Where a matter is listed for in-person hearing, parties must contact the relevant court venue to be advised on how and when the matter will proceed. The Court will have regard to restrictions as they relate to all court participants.

## **Criminal Matters**

### **First remand**

3. Subject to capacity at the relevant police complex, all first remand hearings are to be listed at the court venue closest to that police complex or Bail and Remand Court (BaRC), as appropriate.
4. All first remand hearings will proceed to be heard remotely or as directed by the Court. Parties are to contact the [relevant registry](#).
5. For remote hearings the following procedures will apply:
  - 5.1. The accused person will be held at a police complex.
  - 5.2. The accused's defence practitioner will be notified by the informant that the accused is in custody.
  - 5.3. The informant is to enable the defence practitioner to conduct a private conference with the accused remotely.
  - 5.4. The informant is to provide all relevant remand documents to the defence practitioner.
  - 5.5. Where the accused is to undertake any assessment relevant to the first remand/bail application, the informant is to enable that assessment to be undertaken remotely.
  - 5.6. The informant is to contact the court venue and relevant prosecution office to advise of the pending first remand/bail application.
  - 5.7. The informant is to file the charges via email with the registry of the court venue where the matter is to be listed.
  - 5.8. The defence practitioner is to file an appearance sheet with the registry of the court venue via email.
  - 5.9. The Court will list the matter and notify the parties of the date and time of the hearing.
  - 5.10. The accused is to appear remotely from the police complex, or as directed by the Court.
  - 5.11. The informant is to appear remotely, or as directed by the Court.
  - 5.12. The accused's defence practitioner is to appear via Webex/OMC, unless other arrangements are made with the Court.

- 5.13. Prosecutors will appear in-person from the courtroom, unless other arrangements are made with the Court.

### **Second or subsequent hearings where the accused is in custody, at all venues of the Magistrates' Court**

6. Second or subsequent hearings where an accused is in custody will proceed remotely or as directed by the Court.

### **Bail applications, at all venues of the Magistrates' Court**

7. All bail applications which are not also first remand hearings must be listed via Webex/OMC by contacting the coordinator at the [relevant court registry](#) to obtain a listing date.

### **Summary matters**

8. Summary matters where an accused person is in custody will proceed remotely at all court venues via Webex/OMC. Practitioners and court participants are to appear remotely, unless the Court has directed in-person attendance.
9. Summary matters where an accused is on bail or summons and listed for remote hearing via Webex/OMC will continue to be heard as listed.
  - 9.1. Practitioners and court participants are to appear remotely. In-person attendance at court venues in regional Victoria will only be permitted if directed by the Court.
  - 9.2. Where a party cannot appear remotely, they must contact the relevant court venue at least **two** days prior to the hearing date for the Court to advise how and when the matter will proceed.
  - 9.3. Practitioners are to contact the court by **EFAS ONLY** ([Electronic Filing Appearance System](#)).
  - 9.4. Unrepresented parties are to contact the [relevant court registry](#) by email or telephone.
  - 9.5. In circumstances where the Court cannot accommodate a remote hearing, the matter may be adjourned, and bail will be extended in absence where appropriate. Parties will be notified of the adjourned date which will also be available via EFAS.

### **Committal mentions, committal case conferences and committal hearings**

10. Committal mentions, committal case conferences and committal hearings will proceed remotely via Webex/OMC. Practitioners and court participants are to appear remotely, unless the court has directed in-person attendance.
  - 10.1. Where a party cannot appear remotely, they must contact the relevant court venue at least **two** days prior to the hearing date for the Court to advise how and when the matter will proceed.

- 10.2. Practitioners are to contact the court by **EFAS ONLY** ([Electronic Filing Appearance System](#)).
- 10.3. Unrepresented parties are to contact the [relevant court registry](#) by email or telephone.
- 10.4. In circumstances where the Court cannot accommodate a remote hearing, the matter may be adjourned, and bail will be extended in absence where appropriate. Parties will be notified of the adjourned date which will also be available via EFAS.

### **Drug Court, Assessment and Referral Court (ARC), Court Integrated Services Program (CISP) and Neighbourhood Justice Centre (NJC)**

#### **Drug Court and ARC**

11. Drug Court and ARC matters will continue to be heard remotely, unless the Court directs in-person attendance.
12. Drug Court testing will proceed directed by the General Manager of Drug Court.

#### **CISP and Specialist Court staff**

13. CISP and Specialist Court staff will continue to provide services remotely or in person as determined by the Court.

#### **NJC**

14. The NJC client services will be conducted remotely via AVL or telephone or in person as determined by the Court.

#### **Koori Court**

15. All participants with a matter listed in Koori Court must contact the [court venue](#) at which the matter is listed. The Court will advise whether the matter will proceed remotely or in person.

### **Family Violence (FV)**

#### **FV Interim Intervention Order applications**

16. The Court will continue to hear all interim intervention order applications. **Applicants at immediate risk should call 000.**
17. If applicants are unable to contact police, the applicant should make an application using the [online form](#), wherever possible.
18. If an applicant is unable to use the online form or it is unsafe to do so, they should call the [nearest court venue](#).
19. Applications will proceed via Webex/OMC unless otherwise directed. Applications will be heard on the papers where supported by an affidavit in support or declaration of truth.
20. Applicants who cannot use the online form, do not have access to a telephone, have a language barrier or have a disability, may attend a court venue for urgent matters and will be assisted by a Family Violence registrar.

### Physical attendances at Court (for FV matters)

21. Attendance in-person at a court building should only be by prior arrangement with the Court. In order to physically attend a court venue to make an application or in relation to a listed hearing, a party should contact the [relevant court venue](#) 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 the matter and determine a suitable process having regard to that assessment.

### Hearing of Police Applications for Family Violence Intervention Orders (FVIOs) and Family Violence Safety Notices (FVSNs)

22. A respondent to a FVIO or FVSN in which Victoria Police commenced the proceeding must complete the [respondent](#) pre-court information form **no later than 10:00AM on the day prior to the first listing of an application or no later than 3 clear working days before any subsequent listing**. Where email correspondence is not possible, they must contact the [relevant court venue](#) by telephone to provide this information.
23. A **protected person** in a Victoria Police FVIO or FVSN will be contacted by the police before the hearing for the purposes of obtaining updated information for the hearing.
24. If a protected person agrees with the application made by the police and the conditions sought, the protected person's physical attendance at the hearing is not required. However, they **must** be contactable by the police on the day of the hearing.
25. If a protected person does not agree with the application made by the police or the conditions sought, they must complete the [applicant/affected family member](#) pre-court information form and forward it to the [relevant court venue](#) by email or fax **no later than 10:00AM on the day prior to the listed hearing date**. Where email correspondence is not possible, they must contact the [relevant court venue](#) by telephone to provide this information.

### Hearing of all other FV matters

26. If an applicant, respondent or protected person has a matter currently listed for hearing, they must contact the [relevant court venue](#) by telephone or complete the [applicant/affected family member](#) or [respondent](#) pre-court information form **at least 3 clear working days** prior to the hearing date. Parties will be advised of the time and mode of appearance by the Court.
27. Where a matter is adjourned, the Court will notify participants of the adjourned date by hearing notice.

### Legal Advice

28. Where an applicant, protected person or respondent seeks legal advice, they must as soon as possible and prior to the hearing date either:
  - 28.1. contact [Victoria Legal Aid](#) to obtain free legal advice by using the Legal Help [online chat](#) service function or by calling Legal Help on 1300 792 387 from 8:00AM to 5:00PM weekdays; or

- 28.2. contact a lawyer of their choice for advice in relation to the application (<https://www.liv.asn.au/referral> or <https://vicbar.com.au/>); or
- 28.3. contact their local [Community Legal Centre](#) to obtain free legal advice.

### **Personal Safety Intervention Order (PSIO) applications**

#### **PSIO Interim Intervention Order applications**

29. The Magistrates' Court of Victoria will continue to hear all interim intervention order applications. **Applicants at immediate risk should call 000.**
30. If applicants are unable to contact police, the applicant should call the [nearest court venue](#).
31. Applications will proceed via Webex/OMC, unless otherwise directed.

#### **Hearing of all other PSIO matters**

32. Applications will proceed via Webex/OMC unless otherwise directed. Applications will be heard on the papers where supported by an affidavit in support or declaration of truth.
33. Applicants who cannot use the online form, do not have access to a telephone, have a language barrier or have a disability, may attend court for urgent matters and will be assisted by a Family Violence registrar.
34. Matters listed in a court with an open link will proceed via that open link (Webex/OMC).
35. Where a matter is adjourned, the Court will notify parties of the adjourned date.

#### **Physical attendances at Court (for PSIO matters)**

36. Physical attendances at a court building should only be by prior arrangement with the court venue. In order to physically attend a court to make an application or in relation to a listed hearing, a party should [contact a 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 the court venue. Where safety requires personal attendance without appointment, a Family Violence registrar will assess urgency and determine a suitable process having regard to that assessment.

### **Civil**

37. Civil matters, including applications for injunctive relief, will be heard remotely via Webex/OMC. Practitioners and court participants are to appear remotely, unless the court has directed in-person attendance.
38. All other civil matters listed for remote hearing via Webex/OMC will proceed as listed.
  - 38.1. Practitioners and court participants must appear remotely. In-person attendance will only be permitted if directed by the Court.

- 38.2. Where a party cannot appear remotely, they must contact the Court by **EMAIL ONLY to the proper venue** at least **two** days prior to the hearing date for the Court to advise how and when the matter will proceed.
- 38.3. In circumstances where the Court cannot accommodate a remote hearing, the matter will be adjourned. Parties will be notified of the adjourned date which will also be available via EFAS.

### **WorkCover**

39. All directions hearings, mentions, objections, hearings and applications will continue to be determined 'on the papers' or by Webex/OMC commencing at 10:00 AM on the allocated date.
40. All WorkCover matters related to continuation of interim payments or benefits will proceed remotely via Webex/OMC as currently listed.
41. All other Workcover matters will proceed remotely via Webex/OMC with all parties and court participants proceeding remotely.
- 41.1. Practitioners and court participants are to appear remotely. In-person attendance will only be permitted if directed by the Court.
- 41.2. If a matter cannot proceed as listed, parties must contact [mmcworkcoverindustrialcourts@justice.vic.gov.au](mailto:mmcworkcoverindustrialcourts@justice.vic.gov.au) at least **two** days prior to the hearing date to request the matter be adjourned.
- 41.3. In circumstances where the Court cannot accommodate a remote hearing, the matter will be adjourned. Parties will be notified of the adjourned date which will also be available via EFAS.

### **Victims of Crime Assistance Tribunal (VoCAT)**

42. VoCAT will continue to hear applications, including for interim assistance, variation of awards and applications for expenses, including counselling payments.
43. Applications may be determined on the papers unless the Tribunal determines that a hearing is required. Where a hearing is required it will be heard by Webex/OMC/telephone or in person as directed by the Tribunal. Parties should contact the tribunal to be advised how and when the matter will proceed.

### **Counter services**

44. At all court venues, persons wishing to attend for counter service must contact the relevant court registry for the registrar to determine whether in-person attendance is required.
- 44.1. If the registrar determines it is appropriate for in-person attendance, the registrar may allocate a time for attendance. This includes prosecution agencies and informants attending for routine matters. Wherever possible, [email](#) should be used for correspondence.

**Attendance at court venues**

45. All persons who attend court venues in-person at the direction of the Court or pursuant to an appointment arranged with a registrar, or in any other circumstance, must:
- 45.1. wear a mask for the entire time they are in the building;
  - 45.2. comply with social distancing;
  - 45.3. follow the Chief Health Officer's directions, including the use of QR codes for entrance into the building; and
  - 45.4. follow any direction under the *Court Security Act 1980*.

A handwritten signature in black ink, appearing to be 'L. Hannan', is written over a horizontal line.

**JUDGE LISA HANNAN**  
**CHIEF MAGISTRATE**  
Date: 21 October 2021



## APPENDIX 1: Summary of revisions

<b>Publication date</b>	<b>Content revised</b>
3 June 2021	<p>Revised background section to provide that attendance at regional court venues is permitted where the attendee resides in regional Victoria or is otherwise permitted to attend a regional area pursuant to the Chief Health Officer's directions.</p> <p>Directions revised for matters listed in regional court venues in relation to:</p> <ul style="list-style-type: none"> <li>• Online Magistrates' Court (see paragraph 3)</li> <li>• First remand/bail hearings (see paragraph 10)</li> <li>• Summary hearings where the accused is on bail or summons (see paragraph 18)</li> <li>• Committal mentions, committal case conferences and committal hearings (see paragraph 22)</li> <li>• ARC Latrobe Valley (see paragraph 24)</li> <li>• CISP and Specialist Court Staff (see paragraph 26)</li> <li>• Koori Court (see paragraph 29)</li> <li>• Counter services (see paragraph 59).</li> </ul> <p>Clarified directions on counter services for greater Melbourne (see paragraph 60).</p>
10 June 2021	<p>Revised background section in line with the Chief Health Officer's current directions.</p> <p>Revised directions for first remand hearings, such that all first remand/bail hearings in Victoria will proceed to be heard remotely, in-person, or as directed by the Court. Parties are to contact the relevant registry (see paragraph 10).</p> <p>Revised directions for Koori Court matters, directing that all participants contact the relevant court venue for instructions as to how the matter will proceed (see paragraph 27).</p> <p>Revised directions for court users accessing counter services in greater Melbourne (see paragraph 58).</p>
15 July 2021	<p>Revised in line with the Chief Health Officer's directions made on 15 July 2021, to ensure directions that were in place in respect of the greater Melbourne area prior to 9:00AM on 5 July 2021 will now apply statewide.</p> <p>Clarified directions on counter services.</p>
20 July 2021	<p>Revised in line with the Chief Health Officer's directions made on 20 July 2021, extending the Covid-19 lockdown to conclude at 11:59PM on 27 July 2021.</p>
27 July 2021	<p>Revised in line with the Chief Health Officer's directions made on 27 July 2021.</p> <p>Included additional paragraph in relation to in-person hearings.</p>

2 August 2021	Revised background section to the effect that this Practice Direction will operate until 11:59 PM on 10 August 2021.
10 August 2021	<p>Revised background section in line with the Chief Health Officer's directions made on 5 and 9 August 2021.</p> <ul style="list-style-type: none"> <li>• In greater Melbourne, Practice Direction X will apply until 11:59PM on 24 August 2021.</li> <li>• In regional Victoria, Practice Direction X will apply until 11:59PM on 15 August 2021, thereafter, paragraphs B and C of the background section will apply to 11.59PM on 24 August 2021.</li> </ul>
16 August 2021	<p>Updated summary of revisions published on 17 August 2021, as follows.</p> <p>Revised in line with the Chief Health Officer's directions made on 16 August 2021.</p> <p>In greater Melbourne, Practice Direction X will now apply until 11:59PM on 2 September 2021.</p> <ul style="list-style-type: none"> <li>• The Court will only hear urgent and priority matters, via the Online Magistrates' Court (Webex/OMC). The Court will only order in-person appearances where the matter is urgent and cannot be heard remotely.</li> <li>• Legal practitioners who wish to have matters heard via Webex/OMC must notify the Court via EFAS.</li> </ul> <p>In regional Victoria, paragraphs B and C of the background section will apply until 11.59PM on 2 September 2021.</p>
20 August 2021	<p>Revised in line with the Chief Health Officer's authorised worker directions made on 20 August 2021.</p> <p>The Online Magistrates' Court will hear all urgent and priority matters remotely, unless in-person attendance has been directed by the Court.</p> <p>All summary, committal, civil and WorkCover matters listed for remote hearing via Webex/OMC will proceed to be heard as listed. Parties are to contact the relevant court venue if the matter is no longer able to proceed remotely.</p>
21 August 2021	<p>Revised in line with the Chief Health Officer's directions imposing lockdown orders for regional Victoria on 21 August 2021.</p> <p><b>Practice Direction X, as dated 16 August 2021</b>, will continue to apply until 11:59 PM on Monday, 23 August 2021. Regional court venues will be required to adhere to the same arrangements as applicable in the greater Melbourne area.</p> <p><b>Practice Direction X, as dated 21 August 2021</b>, will apply statewide from 12:00 AM on Tuesday 24 August 2021.</p> <ul style="list-style-type: none"> <li>• The Online Magistrates' Court will hear all urgent and priority matters remotely, unless in-person attendance has been directed by the Court.</li> </ul>

	<ul style="list-style-type: none"> <li>• All summary, committal, civil and WorkCover matters listed for remote hearing via Webex/OMC will proceed to be heard as listed. Parties are to contact the relevant court venue if the matter is no longer able to proceed remotely.</li> <li>• Drug Court, Assessment and Referral Court (ARC), Court Integrated Services Program (CISP) and Neighbourhood Justice Centre (NJC) will continue to deliver services remotely. Where the Chief Magistrate has determined that a matter is urgent or a priority, the Court will direct in-person attendance.</li> </ul>
1 September 2021	<p>Revised in line with the Chief Health Officer's directions made on 1 September 2021, extending lockdown orders to 23 September 2021.</p> <p>The directions that were in place in the version dated 21 August 2021 will remain in effect. This version dated 1 September 2021 has not changed those directions.</p>
9 September 2021	<p>Revised in line with the Chief Health Officer's easing of restrictions directions for regional Victoria (excluding the Greater Shepparton area), made on 8 September 2021.</p> <p>Matters listed for remote hearing in regional Victoria (excluding Greater Shepparton) will proceed as listed. In-person appearances will only be permitted as directed by the Court, having regard to the restrictions as they apply to all court participants.</p>
15 September 2021	<p>Revised in line with the Chief Health Officer's easing of restrictions directions for the Greater Shepparton area, and the lockdown orders imposed on the City of Ballarat made on 15 September 2021.</p> <p>The directions that applied to regional venues of the Magistrates' Court will apply to the Greater Shepparton area but will exclude the City of Ballarat from 11:59 PM on 15 September 2021.</p>
20 September 2021	<p>Revised in line with the Chief Health Officer's directions made on 19 September 2021, imposing lockdown orders on the City of Greater Geelong, the Surf Coast and Mitchell Shire.</p> <p>The directions that apply to regional venues of the Magistrates' Court will exclude the City of Greater Geelong, the Surf Coast and Mitchell Shire from 11:59 PM on 19 September 2021.</p> <p>See <b>Appendix 1</b> for the full list of regional locations under lockdown directions.</p> <p><i>(This appendix has been renumbered as Appendix 2.)</i></p>
27 September 2021	<p>Revised in line with the Chief Health Officer's directions made on 26 September 2021, extending lockdown orders on Mitchell Shire and confirming the lifting of lockdown orders on the City of Greater Geelong and the Surf Coast.</p> <p>The directions that apply to regional venues of the Magistrates' Court will continue to exclude Mitchell Shire as of 26 September 2021.</p>

29 September 2021	<p>Revised in line with the Chief Health Officer's directions made on 28 September 2021, imposing lockdown orders on the City of Latrobe.</p> <p>The directions that apply to regional venues of the Magistrates' Court will exclude the City of Latrobe from 11.59PM on 28 September 2021 and will continue to exclude Mitchell Shire as of 26 September 2021.</p>
1 October	<p>Revised in line with the Chief Health Officer's directions made on 1 October 2021, imposing lockdown orders on Moorabool Shire.</p> <p>The directions that apply to regional venues of the Magistrates' Court will exclude Moorabool Shire from 11.59PM on 1 October 2021 and will continue to exclude Mitchell Shire as of 19 September 2021 and the City of Latrobe as of 28 September 2021.</p>
4 October 2021	<p>Revised in line with the Chief Health Officer's directions made on 1 October 2021, imposing lockdown orders on the City of Greater Shepparton.</p> <p>The directions that apply to regional venues of the Magistrates' Court will exclude Moorabool Shire and the City of Greater Shepparton from 11.59PM on 1 October 2021 and will continue to exclude Mitchell Shire as of 19 September 2021 the City of Latrobe as of 28 September 2021.</p>
11 October 2021	<p>Revised in line with the Chief Health Officer's directions made on 8 October 2021, imposing lockdown orders on Mildura Rural City Council.</p> <p>The directions that apply to regional venues of the Magistrates' Court will exclude Mildura Rural City Council as of 8 October 2021 and will continue to exclude Mitchell Shire as of 19 September 2021.</p>
13 October 2021	<p>Revised in line with the Chief Health Officer's directions made on 13 October 2021, lifting lockdown orders on Mitchell Shire from 11.59PM on 13 October 2021.</p> <p>The directions that apply to regional venues of the Magistrates' Court will continue to exclude Mildura Rural City Council as of 8 October 2021.</p>
15 October 2021	<p>Revised in line with the Chief Health Officer's directions made on 15 October 2021, extending lockdown orders on Mildura Rural City Council to 11.59PM on 22 October 2021.</p> <p>The directions that apply to regional venues of the Magistrates' Court will continue to exclude Mildura Rural City Council as of 8 October 2021.</p>
21 October 2021	<p>Revised to relax the requirements for in-person hearing which may now be directed by the Court in any matter having regard to the Chief Health Officer's directions and density requirements.</p> <p><i>(This appendix has been renumbered as Appendix 1.)</i></p>