



Magistrates' Court of Victoria

Practice Direction

No. 1 of 2026

COURT PRACTICE AND MODES OF APPEARANCE

All venues of the Magistrates' Court of Victoria

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BACKGROUND

1. The purpose of this Practice Direction is to outline court practices and modes of appearance (in person or online) in proceedings across the criminal and family violence divisions of the Magistrates' Court of Victoria. Please refer to Practice Direction No. 2 of 2025 for directions relevant to the civil division.
 - 1.1 The Court will continue to hear matters both in person and online, having regard to the interests of justice, the hearing type, the circumstances of the parties and any other relevant considerations.
 - 1.2 In regional court locations, the Court may direct that practitioners who are not located in that region may appear online where that better facilitates access to justice despite any other direction set out in this Practice Direction.
 - 1.3 All online appearances must be conducted with audio visual link technology; appearances by audio link technology only are not compliant, unless directed by the Court.
 - 1.3.1 A direction to appear by audio link only must be sought at the time the matter is filed, or a listing is sought.
2. This Practice Direction applies to all venues of the Magistrates' Court of Victoria.
3. This Practice Direction revokes Practice Direction No. 1 of 2025.
4. This Practice Direction will commence on 30 June 2026.
5. 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.

DEFINITIONS

6. In this Practice Direction, the following definitions apply.
 - **'Audio visual link'** means technology that complies with the requirements under [s 42R](#) of the *Evidence (Miscellaneous Provisions) Act 1958*.
 - **'Defence practitioner'** means an Australian legal practitioner within the meaning of the *Legal Profession Uniform Law Application Act 2014* who is representing an accused.
 - **'First remand hearing'** means when a person in custody is first brought before the Court.
 - **'In person'** means physical attendance at a court venue.
 - **'Online'** means to appear before the Court remotely via an audio visual link.
 - **'Party' or 'parties'** refers to any or all person/s with standing in a proceeding and their representative/s, including police informants and prosecutors.

- **‘Practitioner/s’** means an Australian legal practitioner within the meaning of the *Legal Profession Uniform Law Application Act 2014*, and police prosecutors.

Note: The above term is used in this Practice Direction to refer collectively to representatives for parties in a proceeding. Please see also the definitions of ‘defence practitioner’, ‘prosecutor’ and ‘party/parties’.

- **‘Prosecutor/s’** means the Director of Public Prosecutions or other person/s who institutes or is responsible for the conduct of a prosecution, including police and other prosecutors.
- **‘Relevant court venue’** and **‘relevant court registry’** mean the court venue at which the matter is listed.
- **‘The Court’** means the Magistrates’ Court of Victoria as constituted by Registrars and Judicial Officers exercising the powers conferred under the *Magistrates’ Court Act 1989*.

CRIMINAL PROCEEDINGS

Filing materials in criminal proceedings

For practitioners and informants

Case Management System ('CMS')

7. Practitioners and informants must use the CMS portal to file, view and manage any documents with the Court.
8. All documents must be filed electronically via the CMS portal in accordance with the *Magistrates' Court Criminal Procedure Rules 2019*.
9. Registration to use the CMS portal may be effected by contacting cms.support@courts.vic.gov.au.

Filing amended charges

10. Upon direction from a judicial officer, amended charges must be filed with the [relevant court registry](#) either via email or at the registry counter.

Filing materials for bail applications after first remand hearings and booked in plea hearings

11. Prosecutors and informants must file via the CMS portal agreed summaries (for booked in pleas) or summaries (for bail applications) and any prior criminal history at least one day prior to the hearing date.
12. Defence practitioners must file all materials to be relied upon at the hearing via the CMS portal at least one day prior to the hearing date.

Filing hand-up briefs in indictable matters

13. Hand-up briefs must be filed with the Court via the CMS portal.
14. The Court at filing hearing, or any time before the hand-up brief service date, may make an order that the hand-up brief be filed and served electronically.
15. Electronic briefs of evidence must comply with section 110 of the *Criminal Procedure Act 2009* and other relevant provisions.
16. An electronic brief must be in a searchable PDF format and include:
 - 16.1 An index listing prescribed notices, charge sheets, statement of material facts, the witness list and the exhibit list, which is bookmarked and/or hyperlinked.
 - 16.2 A witness list which is bookmarked and/or hyperlinked to the witness' statements within the electronic brief.
 - 16.3 An exhibit list which is bookmarked and/or hyperlinked to the exhibit within or annexed to the electronic brief.
17. The redaction of any material from an electronic brief made pursuant to section 114(2) *Criminal Procedure Act 2009* must be done using a tool that permanently removes or hides the information and its metadata.
18. If further material is to be added to the brief, the informant must re-serve and file via the CMS portal the entire brief, with the newly filed material clearly identified.

For unrepresented accused

19. Unrepresented accused may file documentation and send correspondence to the [relevant court registry](#) either via email or in person.

General directions for appearing in criminal proceedings

20. If a represented accused appears in person, their defence practitioner must also appear in person, unless otherwise directed by the Court.
21. Practitioners appearing online must:
- 21.1 ensure they have access to the relevant audio visual link;
 - 21.2 ensure they appear with compliant audio visual link technology from a suitable location; and
 - 21.3 announce their appearance in the chat function prior to the commencement of the proceeding.
22. Defence practitioners are responsible for ensuring that a represented accused and any witnesses appearing online:
- 22.1 have access to the relevant audio visual link; and
 - 22.2 are able to appear with compliant audio visual link technology from a suitable location.
23. Prosecutors are responsible for ensuring that any witnesses appearing online:
- 23.1 have access to the relevant audio visual link; and
 - 23.2 are able to appear with compliant audio visual link technology from a suitable location.
24. Parties appearing online must:
- 24.1 join the audio visual link with their camera on and microphone off, unless otherwise directed by the Court;
 - 24.2 turn on their microphone only when their matter is called on; and
 - 24.3 display their correct first name and surname in the 'name field' of the audio visual link.
25. If a practitioner seeks to appear in a mode contrary to that set out in this Practice Direction, they must make an application to do so by contacting the [relevant court registry](#) at least seven days prior to the listed date.
26. Practitioners are required to manage the number of matters they appear in on any given day to ensure they are available when matters are called, and do not interfere with the proper running of the court list.

Appearing in proceedings with the accused on bail or summons

For unrepresented accused

27. Unrepresented accused can visit the [MCV website](#) or contact the [relevant court registry](#) for information and enquiries about going to court.
 - 27.1 It is recommended that unrepresented accused do so as soon as possible and prior to their court date.
 - 27.2 Where the Court has been provided with an accused's telephone number or email address, the Court will send the accused a text message or email prior to their court date, directing them to visit the MCV website. It is the responsibility of the accused to ensure the Court has their current contact details.
28. Unrepresented accused on bail or summons must appear in person for their court date, unless:
 - 28.1 the accused has permission from the Court to appear online;
 - 28.2 the Court has directed all parties to appear online; or
 - 28.3 the accused has received confirmation from the Court that an application for adjournment has been granted.
29. Where an unrepresented accused on bail has received confirmation from the Court that an application for adjournment has been granted, the accused may still be required to attend court on the original court date to have their bail extended by a registrar.
 - 29.1 If the accused has received notice from the Court extending their bail, the accused is not required to attend court.
 - 29.2 If the accused has not received such notice from the Court, the accused must attend court to have their bail extended by a registrar.

For practitioners and represented accused

Mention hearings and plea hearings

30. Practitioners and represented accused may appear in person or online at mention hearings and booked in plea hearings, unless otherwise directed by the Court, having regard to the following directions.
31. Practitioners are to triage matters and must appear in person with the accused at:
 - 31.1 Mention hearings which may proceed by way of a plea where a CCO or term of imprisonment is within the sentencing range.
 - 31.2 Booked in plea hearings where a CCO or term of imprisonment is within the sentencing range.
32. If a practitioner is unsure whether a CCO or term of imprisonment is within sentencing range, or whether the mention may proceed by way of plea, practitioners and the accused must appear in person for the hearing.

33. Where a booked in plea hearing is listed online and the Court considers that a CCO or term of imprisonment is within sentencing range, the Court may direct practitioners and the accused to appear in person for the hearing.
34. Practitioners and accused must be prepared to appear in person if directed by the Court, including if directed on the day of the hearing.
35. Practitioners and represented accused must appear in person for the return of a deferral of sentence if a term of imprisonment is within sentencing range.

Contest mention hearings

36. Practitioners and represented accused must appear in person at contest mention hearings in bail or summons matters, unless otherwise directed by the Court.

Contested hearings and committal hearings

37. Contested hearings and committal hearings may be listed in person or online as directed by the Court.
38. Practitioners must seek a direction from the Court at contest mention, committal mention or at the time of booking as to the mode of hearing for the contested hearing or committal hearing.
 - 38.1 Practitioners and represented accused must appear in accordance with the directions given by the Court.

Committal mentions, special mentions, applications (except bail applications) and proceedings in Judicial Registrar lists

39. Practitioners and represented accused may appear in person or online if the accused is represented, unless otherwise directed by the Court.
40. Practitioners must have regard to the general directions for appearing in criminal proceedings set out in paragraphs 20-26 of this Practice Direction in deciding how to appear.
41. Prosecutors must appear in person if the accused is unrepresented, unless otherwise directed by the Court.
42. For committal mentions, practitioners must file via the CMS portal a [case direction notice](#) pursuant to section 118 of the *Criminal Procedure Act 2009* at least 7 days prior to the hearing.

Judicial supervision hearings

43. Practitioners and represented accused must appear in person for judicial supervision hearings (including for Court Integrated Service Program (CISP) bail review and community corrections order judicial monitoring), unless otherwise directed by the Court.

Intensive Case Management List proceedings

44. Practitioners and represented accused must appear in person for any proceeding listed in the Intensive Case Management List (ICML), unless otherwise directed by the Court.

Appearing in proceedings with the accused in custody

For all parties (practitioners and represented or unrepresented accused)

First remand hearings

45. Please refer to Practice Direction No. 1 of 2024 for directions relating to first remand hearings.

Bail applications after first remand hearings

46. Booked in bail applications, except those listed in the Remote Custody Court ('RCC'), will be heard in person with the accused in custody appearing online, unless otherwise directed by the Court.

46.1 Practitioners must appear in person, unless otherwise directed by the Court.

47. Booked in bail applications listed in the RCC will be heard online. All parties must appear online.

48. Defence practitioners should contact the [relevant court registry](#) to obtain a listing date for a bail application prior to filing the bail application in the CMS portal.

Booked in pleas of guilty in the RCC

49. Booked in pleas of guilty listed in the RCC will be heard online. All parties must appear online.

Mentions, committal mentions, special mentions and applications (except bail applications)

50. Practitioners may appear in person or online if the accused is represented, unless otherwise directed by the Court.

51. Prosecutors must appear in person if the accused is unrepresented, unless otherwise directed by the Court.

52. Accused in custody will appear online in all such proceedings, unless otherwise directed by the Court.

53. For committal mentions:

53.1 Practitioners must file via the CMS portal a [case direction notice](#) pursuant to section 118 of the *Criminal Procedure Act 2009* at least 7 days prior to the hearing.

53.2 Practitioners seeking an in person appearance of the accused at the committal mention must make an application pursuant to s42L(1) of the *Evidence Miscellaneous Provisions Act 1958* at least 7 days prior to the committal mention.

53.3 Practitioners seeking in person appearance of the accused at the committal hearing must make an application pursuant to s42L(1) of the *Evidence Miscellaneous Provisions Act 1958* at the committal mention.

Fitness to plead

54. Pursuant to s42JA(2)(a) of the *Evidence Miscellaneous Provisions Act 1958*, accused in custody will appear in person for an inquiry into fitness to plead, unless otherwise directed by the Court.
55. Practitioners must appear in person for an inquiry into the accused's fitness to plead, unless otherwise directed by the Court.
56. Practitioners seeking an online appearance of the accused at an inquiry into fitness to plead must make an application pursuant to s42M(1) of the *Evidence Miscellaneous Provisions Act 1958*.

Contested hearings

57. Pursuant to s42JA(2)(b) of the *Evidence Miscellaneous Provisions Act 1958*, accused in custody will appear in person for contested hearings, unless otherwise directed by the Court.
58. Practitioners must appear in person for contested hearings, unless otherwise directed by the Court.
59. Practitioners seeking an online appearance of the accused at a contested hearing must make an application pursuant to s42M(1) of the *Evidence Miscellaneous Provisions Act 1958*.

ICML proceedings

60. Practitioners must appear in person for any proceeding listed in the ICML, unless otherwise directed by the Court.
61. Accused in custody will appear online in all proceedings (excluding matters listed for contested hearing), unless otherwise directed by the Court.
62. Please refer to paragraphs 57 – 59 for directions as to mode of appearance for contested hearings.

All other hearings with the accused in custody

63. All other hearings with an accused in custody will be heard in person with the accused in custody appearing online, unless otherwise directed by the Court.
 - 63.1 Practitioners must appear in person, unless otherwise directed by the Court.
 - 63.2 Requests for online appearance must be made to the [relevant court registry](#) either via email or in person at least 3 clear working days prior to the listed date.

SPECIALIST COURTS PROCEEDINGS

Appearing in Drug Court proceedings

64. Drug Court participants must appear in person, unless otherwise directed by the Court.

65. Practitioners must appear in person, unless otherwise directed by the Court.

Appearing in Assessment and Referral Court (ARC) proceedings

66. ARC participants must appear in person, unless otherwise directed by the Court.

67. Practitioners must appear in person, unless otherwise directed by the Court.

Appearing in Koori Court proceedings

68. Koori Court participants must appear in person, unless otherwise directed by the Court.

69. Practitioners must appear in person, unless otherwise directed by the Court.

FAMILY VIOLENCE AND PERSONAL SAFETY INTERVENTION ORDER PROCEEDINGS

General directions for appearing in family violence and personal safety intervention order proceedings

70. If a represented applicant, respondent or protected person appears in person, their practitioner must also appear in person, unless otherwise directed by the Court.
71. Practitioners appearing online must:
 - 71.1 ensure they have access to the relevant audio visual link;
 - 71.2 ensure they appear with compliant audio visual link technology from a suitable location; and
 - 71.3 announce their appearance in the chat function prior to the commencement of the proceeding.
72. Practitioners are responsible for ensuring that their clients (including represented applicants, respondents or protected persons) and any witnesses appearing online:
 - 72.1 have access to the relevant audio visual link; and
 - 72.2 are able to appear with compliant audio visual link technology from a suitable location.
73. Parties appearing online must:
 - 73.1 join the audio visual link with their camera on and microphone off, unless otherwise directed by the Court;
 - 73.2 turn on their microphone only when their matter is called on; and
 - 73.3 display their correct first name and surname in the 'name field' of the audio visual link.
74. If a practitioner seeks to appear in a mode contrary to that set out in this Practice Direction, they must make an application to do so by contacting the [relevant court registry](#) at least seven days prior to the listed date.
75. Practitioners are required to manage the number of matters they appear in on any given day to ensure they are available when matters are called, and do not interfere with the proper running of the court list.

Family Violence Intervention Order (FVIO) applications (where Victoria Police is not the applicant)

76. Applications will be heard in person with the respondent appearing in person, subject to the following directions or as otherwise directed by the Court.
 - 76.1 Applicants may choose to appear at the hearing in person or online. They must indicate their preference by completing the [applicant/affected family member pre-court information form](#) at least 7 clear working days prior to the hearing date. The form is only required to be completed once for the current application, unless

their circumstances have changed.

- 76.2 Respondents must appear at the hearing in person. They must complete the [respondent pre-court information form](#) at least 7 clear working days prior to the hearing date. The form is only required to be completed once for the current application, unless their circumstances have changed. If a respondent wishes to appear at further hearings online, they must make this request in court to the presiding judicial officer.
- 76.3 Where a cross-application has been made for a FVIO and both applications are being heard concurrently, the respective applicants may choose to appear either in person or online. Parties are only required to file one applicant pre-court information form each for cross applications.
- 76.4 If the applicant or respondent is unable to complete the online form, they must contact or attend the [relevant court registry](#) to provide the required information.

Victoria Police FVIO or Family Violence Safety Notice (FVSN) applications

- 77. Applications will be heard in person with the respondent appearing in person, or as otherwise directed by the Court.
- 78. For Affected Family Members (AFMs):
 - 78.1 AFMs must appear at the hearing unless:
 - 78.1.1 they have communicated with and provided current information to the police about the application; and
 - 78.1.2 they have agreed with the application and the conditions sought.
 - 78.2 AFMs are otherwise not required to appear at the hearing.
 - 78.2.1 Where an AFM is not required to appear at the hearing, they must remain immediately contactable by police, practitioners and the Court on the listed date until the matter is heard.
 - 78.3 Where an AFM is appearing at the hearing, they may choose to do so either in person or online. They must indicate their preference by completing the [applicant/affected family member pre-court information form](#) at least 7 clear working days prior to the hearing date. The form is only required to be completed once for the current application, unless their circumstances have changed.
- 79. For respondents:
 - 79.1 Respondents must appear at the hearing in person, unless otherwise directed by the Court. If a respondent wishes to appear at further hearings online, they must make this request in court to the presiding judicial officer.
 - 79.2 Respondents must complete the [respondent pre-court information form](#) at least 7 clear working days prior to the hearing date. The form is only required to be completed once for the current application, unless their circumstances have changed.

Personal Safety Intervention Order (PSIO) applications

80. Victoria Police PSIO applications will be heard in person with the respondent appearing in person, subject to the following directions, or as otherwise directed by the Court.

80.1 Protected persons must appear at the hearing unless:

80.1.1 they have communicated with police about the application and provided current information to the police; and

80.1.2 they have agreed with the application and the conditions sought.

80.2 Where a protected person is not required to appear at the hearing, they must remain immediately contactable by police, practitioners and the Court on the listed date until the matter is heard.

80.3 Where a protected person is appearing at the hearing, they may choose to do so either in person or online. They must indicate their preference by completing the [PSIO pre-court information](#) form at least 7 clear working days prior to the date of the hearing. The PSIO pre-court information form is only required to be completed once for the current application, unless their circumstances have changed.

81. Non-police applications will be heard in person with the respondent appearing in person, subject to the following directions, or as otherwise directed by the Court.

81.1 Applicants may choose to appear either in person or online. They must indicate their preference by completing the [PSIO pre-court information form](#) at least 7 clear working days prior to the hearing date. The form is only required to be completed once for the current application, unless their circumstances have changed.

81.2 Respondents must appear at the hearing in person. They must complete the [PSIO pre-court information form](#) at least 7 clear working days prior to the hearing date. The form is only required to be completed once for the current application, unless their circumstances have changed. If a respondent wishes to appear at further hearings online, they must make this request in court to the presiding judicial officer.

OTHER

Other directions on modes of appearance

82. Interpreters are required to appear in person or online, as directed by the Court.

Applications for adjournment prior to the listed court date

83. Applications for adjournments should be made at the earliest opportunity.

83.1 Applications by a represented party must be made via the following methods:

83.1.1 For criminal matters, via the CMS portal.

83.1.2 For family violence or personal safety intervention order matters, by email to the [relevant court registry](#).

83.2 Applications by an unrepresented party should be made via email to the [relevant court registry](#), by phone or in person at a registry counter.

83.3 Applications should be made at least three clear working days prior to the listed court date.

83.4 The Court will endeavour to respond to applications made after this time but may not be able to facilitate a response prior to the listed court date.

84. The Court will notify the parties if the application for adjournment has been granted.

84.1 Practitioners will be notified in writing via the CMS portal.

84.2 Unrepresented parties will be notified via email, phone or in person at a registry counter.

84.3 If the parties have received confirmation from the Court that an application for adjournment has been granted, the parties are not required to appear on the original listed court date, subject to paragraph 85.

84.4 If parties have not received such notice from the Court, the parties must appear on the original listed court date.

85. For criminal matters, where an accused on bail has received confirmation from the Court that an application for adjournment has been granted, the accused may still be required to attend court on the original listed court date to have their bail extended by a registrar.

85.1 If the accused has received notice from the Court extending their bail, the accused is not required to attend court.

85.2 If the accused has not received such notice from the Court, the accused must attend court on the original listed court date to have their bail extended by a registrar.

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

**Justice Lisa Hannan
CHIEF MAGISTRATE**

Dated: 26/05/2026