



Magistrates' Court Victoria

Practice Direction No.21 of 2020

COVID-19 PANDEMIC RESPONSE

REGIONAL VICTORIAN COURTS¹

THIS PRACTICE DIRECTION APPLIES ONLY TO MATTERS LISTED IN COURTS IN REGIONAL VICTORIA, UNLESS OTHERWISE ORDERED BY THE COURT, FROM MONDAY, 28 SEPTEMBER

Background

The Magistrates' Court of Victoria (MCV) provides essential services and is committed to our role in serving the Victorian community.

All courts in regional Victoria are open, however, at some locations face to face contact is limited to court sitting days. At all other times a Registrar is available by telephone, email or audio-visual link (AVL).

Purpose

The Practice Direction makes clear that despite the relaxation of social restrictions in regional Victoria, all matters currently listed for in-person hearing from Monday 19 October 2020 will, to the extent possible and as determined by the Court, be listed for hearing via the Online Magistrates' Court (OMC) or other technology for remote hearing.

To facilitate the listing of matters into the OMC, this Practice Direction outlines the Court's process for listing, which requires that Parties make contact with their local court registry.

This Practice Direction reinforces that with the exception of urgent Family Violence interim applications, no person is to attend at a regional court venue without the prior agreement of the local court registry.

The Practice Direction revokes Practice Direction 5 of 2020 as it relates to courts in regional Victoria, effective as of Monday 19 October 2020.

¹ See **Annexure** for full list of regional courts that Practice Direction 21 of 2020 applies.

Online Magistrates' Court

1. All matters should be listed in the OMC where possible and as determined by the Court.
2. The OMC will continue hearing matters remotely, as listed, and will be available for the listing of hearings across all jurisdictions of the Court. To list a matter in the OMC or abridge a future listing into the OMC, contact should be made at first instance with the Registry at which the matter is listed (see [local court registry](#)). The OMC is also contactable via email at omc@courts.vic.gov.au.

Criminal matters²

3. All Parties with Criminal matters listed from Monday 19 October 2020, **must** contact the Registry at which the matter is listed (see [local court registry](#)) no later than **3 clear working days** prior to the current listing date via:
 - 3.1. the [Electronic Filing Appearance System](#) (EFAS)³; or
 - 3.2. where an accused is unrepresented, email to the [local court registry](#) or where email is unavailable, by telephone to the [local court registry](#).
4. The purpose of making contact is for Registry to confirm:
 - 4.1. if your matter will be heard via the OMC (or other remote hearing technology); and
 - 4.2. if an accused is unrepresented, whether they seek legal advice and representation; and
 - 4.3. if your matter is listed via the OMC (or other online platform), the date and time at which your matter is listed for hearing.
5. Where an accused is unrepresented and seeks legal advice, they must as soon as possible and prior to the hearing date either;
 - 5.1. contact [Victoria Legal Aid](#) to obtain free legal advice by calling Legal Help on 1300 792 387 from 8am to 5pm weekdays; or
 - 5.2. contact [Victorian Aboriginal Legal Service](#) for legal advice and representation on 1800 064 865
 - 5.3. contact a private lawyer of their choice for legal advice and representation in relation to the matter by contacting the [Law Institute of Victoria's Find a Lawyer Referral Service](#); or
 - 5.4. contact a barrister for legal advice and representation in relation to the matter using [Barrister Connect](#).
6. In Criminal matters where the accused or their legal representative does not contact the Court as per **paragraph 3** and subsequently fails to appear on the hearing date, a warrant may be issued or where appropriate, the matter may be heard in the absence of the accused.
7. Physical attendances at a court building are, where possible, to be by prior arrangement with the Court. Where a Party seeks to physically attend a court to make an application or

² Note specific directions related to first remand, bail applications and committal mentions and case conferences in paragraphs 8 to 15.

³ Note [Practice Direction 17 of 2020](#).

in relation to a listed hearing, they must, where possible, first contact the [local court registry](#) 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.

Specific directions for first remand hearings, bail applications, committals

First Remand hearings

8. First bail/remand hearings will be conducted in accordance with the procedures set out in paragraphs 2 to 5 of [Practice Direction 18 of 2020](#).
9. Where WebEx facilities are not available at police complexes, telephone will be utilised to facilitate contact with the accused and their participation in the hearing.
10. The Court may determine that the alternative arrangements are not appropriate and may order the physical attendance of the accused and/or such other participants as the court determines appropriate.

Bail applications

11. After the first remand hearing date, all bail applications will be listed in the OMC (or other online platform) by contacting the Court coordinator at the [proper venue](#) of the court to obtain a hearing date.

Committal mentions and committal case conferences

12. Committal mentions and committal case conferences are to be held in the OMC where possible, as determined by the Court. Parties must contact the Registry at the [proper venue](#) to confirm arrangements in this regard.
13. All Parties with committal mentions and committal case conferences listed from Monday 19 October 2020, **must** contact the Registry at which the matter is listed (see [local court registry](#)) no later than **3 clear working days** prior to the current listing date via:
 - 13.1. email to the [local court registry](#); or
 - 13.2. where email is unavailable, by telephone to the [local court registry](#).
14. Practitioners must file a [case direction notice](#) pursuant to Section 118 of the *Criminal Procedure Act 2009* at least **7 days prior to hearing**.

Koori Court

15. All Koori Court matters listed on the nominal date of 9 October 2020, pursuant to [Practice Direction 20 of 2020](#) will be adjourned to the nominal date of 19 October 2020, at which time this Practice Direction 21 of 2020 (noting paragraphs 3 to 7 above) will apply. Where an accused is on bail, bail will be extended in the absence of the accused.

Court Support Services

16. Court Integrated Services Program (CISP) and Assessment and Referral Courts (located in Latrobe Valley and Korumburra) will continue to provide services and all assessments and case management will be conducted remotely via AVL or telephone, where possible.

Family Violence applications

Interim Intervention Order applications

17. **Applicants at immediate risk should call 000.**

18. Applicants should use the online form, wherever possible [\[Application for a Family Violence Intervention Order\]](#).

19. If an applicant is unable to use the online form or it is unsafe to do so, they should call the [nearest court](#) for assistance.

20. Applications will proceed via the OMC or other technology for remote hearing, where possible and as determined by the court. Applications may be heard on the papers where supported by an affidavit or declaration of truth.

21. Applicants who cannot use the online form or who do not have access to a telephone, or have a language barrier or disability, may attend court for **urgent matters** or for non-urgent matters, by appointment where possible. Contact should be made with the [relevant court](#) and they will be assisted by a Family Violence Registrar.

Return of VICPOL Family Violence Safety Notices (FVSN)

22. If a respondent or protected person has a matter currently listed for hearing, they must complete the [Notice of Address for Contact and Service](#) form and forward it to the [relevant court](#) by email or fax **no later than 10am on the day prior to the listed hearing date**. Where email contact is not possible, they may contact the [relevant court](#) by telephone.

23. Parties will then be advised by Registry whether the hearing will proceed via OMC (or other technology for remote hearing) or in-person at a court location.

24. Where a protected person or respondent seeks legal advice, they must as soon as possible and prior to the hearing date either;

23.1 contact [Victoria Legal Aid](#) to obtain free legal advice by calling Legal Help on 1300 792 387 from 8am to 5pm weekdays; or

23.2 contact a private lawyer of their choice for legal advice and representation in relation to the matter by contacting the [Law Institute of Victoria's Find a Lawyer Referral Service](#); or

23.3 contact a barrister for legal advice and representation in relation to the matter using [Barrister Connect](#).

25. Physical attendances at a court building are to be, where possible, by prior arrangement with the Court (except in the case of urgent Family Violence interim applications). Where a Party seeks to physically attend a court to make an application or in relation to a listed

hearing, they must, where possible, first contact the [local court registry](#) 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.

26. Where safety requires personal attendance without appointment, a Registrar will assess urgency and determine a process having regard to that assessment.

All other Family Violence matter listed from Monday 19 October 2020

27. All Parties with Family Violence matters (other than first return of interim applications or FVSNs), listed **from Monday 19 October 2020**, must contact the Registry at which the matter is listed (see [local court registry](#)) no later than **3 clear working days** prior to the current listing date via:

- 27.1. email to the [local court registry](#); or
27.2. where email is unavailable, by telephone to the [local court registry](#).

28. The purpose of making contact is for Registry to confirm:

- 28.1. if your matter is suitable to be heard via the OMC (or other technology for remote hearing) or in-person at a regional court location, accounting for issues of safety; and
28.2. if an applicant or respondent is unrepresented, whether they seek legal advice and representation; and
28.3. if your matter is listed via the OMC (or other online platform), the date and time at which your matter is listed for hearing.

29. Where an applicant or respondent is unrepresented and seeks legal advice, they must as soon as possible and prior to the hearing date either;

- 29.1. contact [Victoria Legal Aid](#) to obtain free legal advice by calling Legal Help on 1300 792 387 from 8am to 5pm weekdays; or
29.2. contact a private lawyer of their choice for legal advice and representation in relation to the matter by contacting the [Law Institute of Victoria's Find a Lawyer Referral Service](#); or
29.3. contact a barrister for legal advice and representation in relation to the matter using [Barrister Connect](#).

30. 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.

Personal Safety Intervention Order (PSIO) applications

31. PSIO applications will proceed in the OMC where possible and as determined by the Court.

32. All Parties with a PSIO matter, other than an application for an interim order or return of a safety notice, listed **from Monday 19 October 2020**, must contact the Registry at which the matter is listed (see [local court registry](#)) no later than **3 clear working days** prior to the current listing date via:

- 32.1. email to the [local court registry](#); or

- 32.2. where email is unavailable, by telephone to the [local court registry](#).
33. The purpose of making contact is for Registry to confirm:
- 33.1. if your matter is suitable to be heard via the OMC (or other technology for remote hearing), accounting for issues of safety; and
 - 33.2. if an applicant or respondent is unrepresented, whether they seek legal advice and representation; and
 - 33.3. if your matter is listed via the OMC (or other online platform) the date and time at which your matter is listed for hearing.
34. Where an applicant or respondent is unrepresented and seeks legal advice, they must as soon as possible and prior to the hearing date either;
- 34.1. contact [Victoria Legal Aid](#) to obtain free legal advice by calling Legal Help on 1300 792 387 from 8am to 5pm weekdays; or
 - 34.2. contact a private lawyer of their choice for legal advice and representation in relation to the matter by contacting the [Law Institute of Victoria's Find a Lawyer Referral Service](#); or
 - 34.3. contact a barrister for legal advice and representation in relation to the matter using [Barrister Connect](#).
35. 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.
36. Physical attendances at a court building are, where possible, only by prior arrangement with the Court. Where a Party seeks to physically attend a court to make an application or in relation to a listed hearing, they must, where possible, first contact the [local court registry](#) 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.
37. Where safety requires personal attendance without appointment, a Registrar will assess urgency and determine process having regard to that assessment.

Civil

38. All Civil matters currently listed will proceed in the OMC pursuant to Practice Direction 19 of 2020.
39. All WorkCover matters listed for hearing in the OMC will proceed pursuant to Practice Direction 13 of 2020.
40. All WorkCover matters currently listed for early neutral evaluation will proceed in the OMC. Practitioners must contact [local court registry](#) to confirm arrangements for listing in OMC.

Victims of Crime Assistance Tribunal (VoCAT)

41. VoCAT will continue to hear applications on the papers, via WebEx or telephone as directed by the tribunal.

Counter services

42. This Practice Direction defines (non-exhaustively) counter services to include the filing of documents; speaking with a Registrar; requesting that a document is witnessed; the filing of applications for and in response to Family Violence applications and attendances for the purposes of business related to other jurisdictions.
43. Except in the case of **urgency** (see separate arrangements for urgent Family Violence interim applications and people with a language barrier or disability), where possible, no person is to attend for counter service without first contacting [the court](#) by [email](#) or telephone for the purposes of a Registrar allocating a time for attendance. This includes prosecution agencies and informants attending for routine matters. Wherever possible email is to be utilised.
44. All persons who attend court buildings in any circumstance must;
- 44.1. Wear a mask for the entire time they are in the building
 - 44.2. Comply with social distancing
 - 44.3. Follow Chief Health officer directions
 - 44.4. Follow any direction under the *Court Security Act 1980*.

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

JUDGE LISA HANNAN
CHIEF MAGISTRATE

Date: 28 September 2020

Annexure 1

Regional Courts at which this this Practice Direction Appliesⁱ

Ararat Magistrates' Court
Bacchus Marsh Magistrates' Court
Bairnsdale Magistrates' Court
Ballarat Magistrates' Court
Benalla Magistrates' Court
Bendigo Magistrates' Court
Castlemaine Magistrates' Court
Cobram Magistrates' Court
Colac Magistrates' Court
Corryong Magistrates' Court
Echuca Magistrates' Court
Edenhope Magistrates' Court
Geelong Magistrates' Court
Hamilton Magistrates' Court
Hopetoun Magistrates' Court
Horsham Magistrates' Court
Kerang Magistrates' Court
Korumburra Magistrates' Court
Kyneton Magistrates' Court
Latrobe Valley Magistrates' Court
Mansfield Magistrates' Court
Maryborough Magistrates' Court
Mildura Magistrates' Court
Myrtleford Magistrates' Court
Nhill Magistrates' Court
Omeo Magistrates' Court
Orbost Magistrates' Court
Ouyen Magistrates' Court
Portland Magistrates' Court
Robinvale Magistrates' Court
Sale Magistrates' Court
Seymour Magistrates' Court
Shepparton Magistrates' Court
St Arnaud Magistrates' Court
Stawell Magistrates' Court
Swan Hill Magistrates' Court
Wangaratta Magistrates' Court
Warrnambool Magistrates' Court
Wodonga Magistrates' Court
Wonthaggi Magistrates' Court

ⁱ Dromana Magistrates' Court is not included within the list of regional courts due to it remaining subject to metropolitan restrictions.