

DIVERSION CO-ORDINATORS

A Diversion Co-ordinator is located at each of the following courts:

Ballarat	5336 6295
Bendigo	5440 4115
Broadmeadows	9221 8900
Dandenong	9767 1310
Frankston	9784 5711
Geelong	5225 3386
Heidelberg	8458 2034
Latrobe Valley	5116 5205
Melbourne	9628 7982
Ringwood	9871 4476
Shepparton	5821 4633
Sunshine	9300 6231
Warrnambool	5564 1111
Werribee	9974 9300



Criminal Justice Diversion Program

Diversion provides mainly first time offenders with the opportunity to avoid a criminal record by undertaking conditions that benefit the offender, victim and the community as a whole.



Magistrates' Court of Victoria
www.magistratescourt.vic.gov.au

BENEFITS

- when appropriate, restitution is made to the victim of the offence and the victim receives an apology
- reduces the likelihood of re-offending
- offenders avoid an accessible criminal record
- the offender receives assistance with rehabilitation
- offenders receive appropriate counselling and/or treatment
- assistance towards local community projects with voluntary work and donations

ELIGIBILITY

The matter must meet the following criteria before a Diversion can be recommended:

- the offence is triable summarily and not subject to a mandatory or fixed sentence or penalty (except demerit points)
- the defendant acknowledges responsibility for the offence
- there is sufficient evidence to gain a conviction

The existence of prior convictions does not disqualify an offender from the program but the court will take this into account in deciding whether the Diversion Program is appropriate.

Offences under the Road Safety Act 1986 may be suitable for Diversion. However, demerit points are still recorded with VicRoads for the relevant regulated offences.

Anyone can apply for Diversion throughout the court process. However, Diversion cannot commence without the prosecution's consent.

Diversion Notice

The filing of a Diversion notice indicates the prosecution has consented to the Diversion process. The Magistrate must then also deem the defendant suitable before the matter may proceed by way of Diversion.

COURT HEARINGS

Victims

Where a charge involves a victim, the Court seeks the victim's view of the matter. This may include:

- whether the victim agrees with the course of action
- the amount of compensation sought for damage to property
- how the crime has affected the victim

Victims are not obliged to respond to the Court's contact. However, the victim is entitled to express his/her view by way of letter or in person on the day of the hearing. The Court will notify victims of the hearing's outcome, if requested to do so.

Interview

Prior to any appearance before a Magistrate, the Diversion Co-ordinator interviews the offender to identify the major issues in the case and to advise the Magistrate of appropriate services for the offender. This interview assists the presiding Magistrate and lessens the required amount of court time.

In Court

A Diversion hearing is conducted in open court before a Magistrate. The Magistrate assesses the suitability of the offender and a plan is developed. The plan may require the offender to:

- apologise to the victim in a letter or in person
- compensate the victim
- attend counselling and/or treatment
- perform voluntary work
- donate money to a charitable organisation, local community project or the like
- attend a defensive driving course and/or Road Trauma Awareness Seminar
- any other condition the Magistrate deems appropriate

The charges are adjourned while the plan is undertaken.

Matters Deemed Unsuitable

In the event that the Magistrate determines the case as not suitable for Diversion, the charges are referred back to the Mention Court of the Magistrates' Court.

COMPLETION HEARING

The offender is not required to attend on the adjourned date (the completion hearing) unless requested to do so by the Magistrate. The onus is on the offender to file proof, prior to the completion hearing, that all conditions are complete.

Conditions Complete

If the conditions are successfully completed, the charges are discharged with no finding of guilt and the outcome is recorded in a similar manner as a caution. The record is not available to the public, including potential employers.

Conditions Not Complete

If the offender does not successfully complete the conditions, the matter is referred back to the Mention Court of the Magistrates' Court as if the matter was being listed for the first time and all information regarding Diversion is removed from the file.