



Magistrates' Court  
Victoria

## Practice Direction

No: 1 of 2003

### CRIMINAL JUSTICE DIVERSION

#### Background

The intention and philosophy of the criminal justice diversion program is to enable those acknowledging responsibility for their offence at an early point in time to avoid a formal court process and benefit from various Diversionary programs.

Two issues have arisen:

1. Some practitioners are indicating that their clients will admit responsibility for their offending behaviour only if a Diversion is permitted, otherwise their clients will be entering a 'not guilty' plea.
2. From time to time, practitioners are seeking to have their client's matters dealt with by Diversion on the date fixed for a contested hearing. Requests for Diversion at this late stage are causing case management difficulties for the Court, case preparation difficulties for Police and Prosecutors and inconvenience to witnesses.

#### Direction

From the date of operation of this Practice Direction:

1. Diversion will only be considered where the offender unequivocally accepts responsibility for the matters charged and detailed in the police summary.
2. The last opportunity for referral to Diversion will be on the date of the contest mention. If referral is made on that date, the Diversion assessment is to be completed on that day. If that is not possible, the contest mention is to be completed by adjourning matters for Diversion.

Where the informant is unable to obtain authorisation for Diversion from a sergeant on the day of the Contest Mention, the Notice MUST be filed within 7 days of the Contest Mention date.

Once a matter is listed for contest any application for Diversion must be considered within a further 28 days of the contest mention date. If Diversion is granted the hearing date will be vacated.

Applications, or proposed referrals to Diversion will not generally be entertained on the day fixed for the contested hearing. Instances will no doubt arise which would cause an exception to be made, such as the withdrawal of contentious charges or a change of the summary. These matters will be considered on their merits.

3. In the event that on the date of the contested hearing the magistrate before whom the matter is listed considers an application that the matter proceeds by Diversion and determines that the matter is suitable, that magistrate will conduct the Diversion

This practice direction takes effect on the 1<sup>st</sup> of September 2003.

**IAN L GRAY**

Chief Magistrate

Date 25<sup>th</sup> August 2003