



**Magistrates' Court of Victoria**

**Practice Direction**

**No. 1 of 2025**

**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. 6 of 2022.
4. This Practice Direction will commence on 10 February 2025.
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.
  - **'EFAS'** means the Electronic Filing Appearance System utilised by the Magistrates' Court of Victoria and which can be accessed on the Court's website.
  - **'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**

### **General directions for appearing in criminal proceedings**

7. Prosecutors are to appear in person or online as provided in this Practice Direction, unless otherwise directed by the Court.
8. Represented accused and defence practitioners are to appear in person or online as provided in this Practice Direction, unless otherwise directed by the Court.
9. If a represented accused appears in person, their defence practitioner must also appear in person, unless otherwise directed by the Court.
10. If a represented accused appears online, it is their defence practitioner’s responsibility to ensure the accused is able to appear with compliant audio visual link technology from a suitable location.
11. If a practitioner appears online, it is their responsibility to ensure they appear with compliant audio visual link technology from a suitable location.
  - 11.1 Practitioners must announce their appearance in the chat function prior to the commencement of the proceeding.
12. Parties appearing online must remain with their camera and microphone off until their matter is called.
13. 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.
14. 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.

## **Proceedings with the accused on bail or summons**

### For unrepresented accused

15. Unrepresented accused can visit the [MCV website](#) or contact the [relevant court registry](#) for information and enquiries about going to court.
  - 15.1 It is recommended that unrepresented accused do so as soon as possible and prior to their court date.
  - 15.2 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.
16. Unrepresented accused on bail or summons must appear in person for their court date, unless:
  - 16.1 the accused has permission from the Court to appear online;
  - 16.2 the Court has directed all parties to appear online; or
  - 16.3 the accused has received confirmation from the Court that an application for adjournment has been granted.
17. 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.
  - 17.1 If the accused has received written notice from the Court extending their bail, the accused is not required to attend court.
  - 17.2 If the accused has not received such written 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*

18. 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.
19. Practitioners are to triage matters and must appear in person with the accused at:
  - 19.1 Mention hearings which may proceed by way of a plea where a CCO or term of imprisonment is within the sentencing range.
  - 19.2 Booked in plea hearings where a CCO or term of imprisonment is within the sentencing range.

20. 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.
21. 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.
  - 21.1 Practitioners and accused must be prepared to appear in person if directed by the Court, including if directed on the day of the hearing.

#### *Contest mention hearings*

22. 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*

23. Contested hearings and committal hearings may be listed in person or online as directed by the Court.
24. 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.
  - 24.1 Practitioners and represented accused must appear in accordance with the direction given by the Court.

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

25. Practitioners and represented accused may appear in person or online if the accused is represented, unless otherwise directed by the Court.
26. Practitioners must have regard to the general directions for appearing in criminal proceedings set out in paragraphs 7-14 of this Practice Direction in deciding how to appear.
27. Prosecutors must appear in person if the accused is unrepresented, unless otherwise directed by the Court.
28. For committal mentions, practitioners must file 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*

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

## **Proceedings with the accused in custody**

For all parties (practitioners and represented or unrepresented accused)

### *First remand hearings*

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

### *Bail applications after first remand hearings*

31. All booked in bail applications will be heard in person with the accused in custody appearing online, unless otherwise directed by the Court.

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

32. Defence practitioners should contact the relevant court registry to obtain a listing date for a bail application.

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

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

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

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

36. For committal mentions, practitioners must file a [case direction notice](#) pursuant to section 118 of the *Criminal Procedure Act 2009* at least 7 days prior to the hearing.

### *All other hearings with the accused in custody*

37. 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.

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

37.2 Requests for online appearance must be made via EFAS at least 3 clear working days prior to the listed date.

## **SPECIALIST COURTS PROCEEDINGS**

### **Drug Court proceedings**

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

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

### **Assessment and Referral Court (ARC) proceedings**

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

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

### **Koori Court proceedings**

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

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

## **FAMILY VIOLENCE PROCEEDINGS**

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

44. Applications will be heard in person with the respondent appearing in person, subject to the following directions or as otherwise directed by the Court.

44.1 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.

44.2 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.

44.3 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.

44.4 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.

45. Where an applicant or a respondent appears in person and is legally represented, their practitioner must also appear in person, unless otherwise directed by the Court.

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

46. Applications will be heard in person with the respondent appearing in person, or as otherwise directed by the Court.

47. For Affected Family Members (AFMs):

47.1 AFMs must appear at the hearing unless:

47.1.1 they have communicated with and provided current information to the



police about the application; and

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

47.2 AFMs are otherwise not required to appear at the hearing.

47.2.1 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.

47.3 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.

48. For respondents:

48.1 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.

48.2 Where a respondent appears in person and is legally represented, their practitioner must also appear in person, unless otherwise directed by the Court.

48.3 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**

49. 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.

49.1 Protected persons must appear at the hearing unless:

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

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

49.2 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.

49.3 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.

49.4 Where a protected person or a respondent appears in person and is legally

represented, practitioners must also appear in person, unless otherwise directed by the Court.

50. 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.
  - 50.1 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.
  - 50.2 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.
  - 50.3 Where a protected person or a respondent appears in person and is legally represented, practitioners must also appear in person, unless otherwise directed by the Court.

## **OTHER**

### **Other directions on modes of appearance**

51. For proceedings listed in the Online Magistrates' Court (OMC), parties must appear online.
52. The Victims of Crime Assistance Tribunal (VOCAT) will hear applications in person, or as directed by the Tribunal.
53. Interpreters are required to appear in person or online, as directed by the Court.

### **Filing materials with the Court**

54. All documents capable of electronic filing or communication must be filed or communicated electronically in accordance with the *Magistrates' Court Criminal Procedure Rules 2019*.
55. When filing multiple documents electronically with the Court, documents should be collated into a single PDF file.
56. If parties cannot comply with electronic filing or communication or if a matter is not amenable to electronic filing or communication, parties must attend at the relevant court registry to file materials in person.
57. Where parties wish to provide the Court with physical documents during a hearing, parties must arrange for these documents to be printed and available without the assistance of registry staff. For example, statements tendered during a committal hearing.

### **Applications for adjournment prior to the listed court date**

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

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

58.1.1 For criminal matters by EFAS.

58.1.2 For family violence or personal safety intervention order matters by email to the relevant court registry.

58.2 Applications by unrepresented parties should be made via email to the relevant court registry, phone or in person at a registry counter.

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

58.4 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.

59. The Court will notify the parties in writing if the application for adjournment has been granted.

59.1 If the parties have received written 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.

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

60. 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.

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

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



**Justice Lisa Hannan  
CHIEF MAGISTRATE**

Dated: 29/01/2025