



Children's Court of
Victoria

Practice Direction

No. 1 of 2007

**SEXUAL OFFENCES LIST
– COUNTRY CHILDREN'S COURTS**

PRACTICE DIRECTION ISSUED PURSUANT TO SECTION 592 OF THE
CHILDREN, YOUTH AND FAMILIES ACT 2005

Preamble

Magistrates' Court Practice Direction 1 of 2006 established the pilot Sexual Offences Management List at the Melbourne Magistrates' Court. This list commenced operation on 7 April 2006.

Section 4R of the *Magistrates Court Act 1958*, which commenced operation on 1 December 2006, provided for the establishment of the Sexual Offences List ("SOL").

Magistrates' Court Practice Direction 1 of 2006 has been repealed and Magistrates' Court Practice Direction 2 of 2007 now applies to the SOL at Melbourne Magistrates' Court. Magistrates' Court Practice Direction 3 of 2007 applies to SOL lists in country Magistrates' Courts.

This practice direction establishes a pilot sexual offences list in the Criminal Division of country Children's Courts which adopts practices and procedures which are consistent with the Magistrates' Court SOL and which have been adapted as is necessary having regard to the provisions of the *Children, Youth and Families Act 2005*.

This practice direction applies only to country Children's Courts.

For the purpose of the SOL:

'Judicial officer' includes the President and Magistrates of the Children's Court.

'Sexual offence' includes any offence involving a sexual act or an attempt to commit a sexual act or an act alleged to have been committed for the purpose of committing a sexual act.

'SOL Court' - Ballarat, Bendigo, Geelong, Latrobe Valley¹, Mildura, Shepparton and Wodonga Children's Courts.

1. ¹ Bairnsdale Children's Court may conduct a SOL list as may be determined by the Court from time to time.

‘SOL Court Region’ - as set out in Schedule 1.

‘SOL days’ - The SOL shall sit at the SOL Court on such days as are determined by the Court from time to time. From 1 July 2007, the sitting days which have been determined by the Court are the days set out in Schedule 2.

Committal stream matters

1. Subject to paragraph 2, at the first filing hearing, all matters within the SOL Court Region which include one or more sexual offence shall be adjourned for a committal mention in the SOL at the SOL Court.
2. If, at the first filing hearing date, the matter is not ready to be adjourned for a committal mention, unless the Judicial officer otherwise orders, the matter shall not be adjourned to the next available date in the SOL at the SOL Court and shall be adjourned as deemed appropriate by the Judicial officer.
3. Where a defendant is remanded in custody, the filing hearing will be conducted on the date of first remand and, unless the Judicial officer otherwise orders, the matter adjourned for special mention to the next available date in the SOL at the SOL Court.
4. All matters which include one or more sexual offence shall, unless the Judicial officer otherwise orders, be transferred to the SOL.

Summary stream matters

5. Subject to paragraph 6, at the first mention, all matters within the SOL Court Region which include one or more sexual offence shall be adjourned to the SOL at the SOL Court.
6. If the defendant’s plea of guilty is to be finally determined on the first mention date or unless the Judicial officer otherwise orders, the matter shall not be adjourned to the SOL at the SOL Court.
7. Unless the Judicial officer otherwise orders, where a defendant is remanded in custody, the first remand hearing will be conducted on the date of first remand and the matter adjourned for further mention in the SOL at the SOL Court.
8. All matters which include one or more sexual offence shall, unless the Judicial officer otherwise orders, be transferred to the SOL.

General

9. Matters commenced or transferred to the SOL will remain in the list until completion unless otherwise ordered.

This Practice Direction commences on 1 July 2007

JUDGE PAUL GRANT
PRESIDENT
29 June 2007

SCHEDULE 1

SOL Court Regions

1. **Ballarat Children's Court** - the region covered as a Country Headquarters Court, except the regions covered by Hamilton, Warrnambool and Portland Children's Courts.
2. **Bendigo Children's Court** - the region covered as a Country Headquarters Court, except:
 - a. the regions covered by Mildura, Robinvale and Swan Hill Children's Courts; and
 - b. With respect to matters in the summary stream only (i.e. not indictable stream matters), the regions covered by Castlemaine and Kyneton Children's Courts.
3. **Geelong Children's Court** - the region covered as a Country Headquarters Court including the regions covered by Hamilton, Warrnambool and Portland.
4. Gippsland – **Latrobe Children's Court** the region covered as a Country Headquarters Court, except Bairnsdale Children's Court may conduct a SOL list within its designated region as may be determined by the Court from time to time.
5. North-East Victoria–
 - a. **Shepparton Magistrates' Court** - the regions covered by that Court and covered by Benalla, Mansfield and Cobram Courts;
 - b. **Wodonga Magistrates' Court** - the regions covered by that Court and covered by Wangaratta, Myrtleford and Corryong Courts.
6. **Mildura Children's Court** - the regions covered by Mildura, Robinvale and Swan Hill Children's Courts.

SCHEDULE 2

SOL sitting days

1. **Ballarat Children's Court** - the second committal mention day of the month.
2. **Bendigo Children's Court** - the second committal mention day of the month.
3. **Geelong Children's Court** - the first committal mention day of the month.
4. Gippsland – **Latrobe Children's Court** the second committal mention day of the month.
5. North East –
 - a. **Shepparton Children's Court** - the second committal mention day of the month;
 - b. **Wodonga Children's Court** - the first committal mention day of the month.
6. **Mildura Children's Court** - on a Tuesday in the week that the Koori Court Magistrate is sitting at Mildura for a full week.