



Notice to the Profession

The Chief Justice has authorised the issue of the following notice.

Electronic Filing in the Criminal Division

Electronic filing ('eFiling') will be introduced in the Criminal Division of the Supreme Court of Victoria on 29 January 2019. From that date, eFiling will be mandatory for all criminal proceedings within the Criminal Division through RedCrest - the electronic filing system of the Supreme Court of Victoria. This includes proceedings initiated prior to 29 January 2019, which will remain as paper files. eFiled documents in those proceedings will be printed out and placed on the existing court files by the Criminal Registry.

This notice provides information regarding how eFiling will operate in the Criminal Division.

Mandatory eFiling

1. From 29 January 2019, all documents to be filed in a proceeding in the Criminal Division must be eFiled in RedCrest except for:
 - (a) indictments;
 - (b) trial and plea exhibits;
 - (c) any documents relating to applications under the:
 - (i) *Australian Crime Commission Act 2002 (Cth)*;
 - (ii) *Corrections Act 1986 (Vic)*;
 - (iii) *Crime (Assumed Identities) Act 2004 (Vic)*;
 - (iv) *Independent Broad-based Anti-corruption Commission Act 2011 (Vic)*;
 - (v) *Major Crime (Investigative Powers) Act 2004 (Vic)*;
 - (vi) *Service and Execution of Process Act 1992 (Cth)*;
 - (vii) *Surveillance Devices Act 1999 (Vic)*;
 - (viii) *Terrorism (Community Protection) Act 2003 (Vic)*;
 - (ix) *Witness Protection Act 1991 (Vic)*.
2. Documents other than those listed in paragraph 1 will no longer be accepted for filing by email.

3. The Criminal Registry will initiate new proceedings for prosecutions based on the committal documents provided by the Magistrates' Court of Victoria. All other documents relating to prosecutions are to be eFiled by the parties.
4. All eFiled documents should be in a PDF format that supports optical character recognition ('OCR') or is text searchable.
5. Once a document is submitted for eFiling in RedCrest, it will be reviewed by the Criminal Registry. If accepted, it will be electronically sealed by the Prothonotary.
6. Once electronically sealed, a document is taken to have been filed at the time and on the date it is first submitted in RedCrest for eFiling.
7. Notwithstanding the requirements set out in paragraph 1, the Prothonotary may direct that any document required to be eFiled, be filed in any other manner that the Prothonotary considers appropriate.
8. Existing filing processes continue to apply to the documents listed in paragraph 1.

Registration for RedCrest

9. Individuals must register on RedCrest to be able to eFile documents. Registration in RedCrest is open to all persons, including self-represented litigants. Parties may register with RedCrest using an individual email address or a generic group email address used by the relevant agency or law firm. Information on how to register can be found at www.redcrest.com.au.

Electronic Court Files

10. All proceedings initiated from 29 January 2019 will be initiated as an electronic court file with a proceeding number in the format 'S ECR 2019 0000'.
11. As noted above, the Court will continue to retain a hardcopy paper file for all proceedings initiated prior to 29 January 2019.

Accessing Electronic Court Files

12. For proceedings initiated from 29 January 2019, parties and their legal representatives will be able to access the electronic file for that proceeding through RedCrest. Any other person wishing to seek access to the electronic file must contact the Criminal Registry. Rule 1.11(4) of the *Supreme Court (Criminal Procedure) Rules 2017 (Vic)* ('the Rules') states that documents filed in the criminal jurisdiction are not open for inspection unless the Registrar so directs.
13. On approval by the Criminal Registry, parties and their representatives will be able to view a limited number of documents through RedCrest. Currently, those documents

will be limited to Charge Sheets, Chronologies, Openings and Responses, Court Orders, Statements of Facts and Applications for Bail, in addition to their own eFiled documents. At this stage, no other eFiled documents will be able to be viewed.

14. Practitioners who act for an accused, or cease to act for an accused, must continue to file the notices required by r 4.05 of the Rules to ensure accurate recording of an accused's legal representative.

Urgent Documents

15. If a document required to be eFiled is of an urgent nature, or is required for a hearing the following day, a note should be inserted into the 'Filing Note' field in RedCrest at the time of submitting the document for filing and contact made with the Criminal Registry by telephone during business hours immediately after eFiling.
16. Unless otherwise directed, documents should not be emailed to an associate or the Criminal Registry directly or filed in hardcopy in court.
17. Where a document is directed by judges' chambers to be emailed to the associate immediately before court or filed in hardcopy in court, for example, an indictment or trial and plea exhibits, the associate will forward a copy to the Criminal Registry to be uploaded onto the court's electronic file.

Rules, Practice Notes and Notices to Profession

18. It is anticipated that amendments to the Rules and an updated Practice Note regarding RedCrest (SC GEN 19) to incorporate eFiling will be published by March 2019. The amendments will include the option to eFile an indictment.

Further Information

19. Further information in relation to eFiling including the RedCrest eFiling User Guide can be found on www.redcrest.com.au.

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