



Supreme Court of Victoria

Practice Note SC CR 12

Fast-track process for homicide matters

1. INTRODUCTION

- 1.1 The Chief Justice has authorised the issue of the following Practice Note.
- 1.2 The purpose of this Practice Note is to set out the procedures for homicide matters committed to the Supreme Court for management by the Court at an early stage.

2. COMMENCEMENT

- 2.1 This Practice Note was issued on 29 May 2025. It replaces the previous guide *Fast-tracking homicide matters to the Supreme Court (second revision)* dated 4 November 2021 issued by the Court.

3. DEFINITIONS

- 3.1 In this Practice Note:

CPA means *Criminal Procedure Act 2009*

PCDH means post-committal directions hearing

4. SCOPE

- 4.1 This Practice Note applies where:
 - 4.1.1 One of more of the following charges are filed in the Magistrates' Court or Children's Court against an accused: murder, conspiracy to murder, incitement to murder, unintentional killing in the course or furtherance of a crime of violence; attempted murder, manslaughter, manslaughter by single punch or strike, child homicide, homicide by firearm, infanticide, or a relevant assist offender charge; and

- 4.1.2 An accused elects to stand trial pursuant to s 143 of the CPA following service of the hand up brief in the Magistrates' Court or Children's Court; and
 - 4.1.3 Where there are other accused who could be properly joined on the same indictment, they also each elect to stand trial pursuant to s 143 of the CPA at the same time; and
 - 4.1.4 Pursuant to rule 66 of the *Magistrates' Court Criminal Procedure Rules 2019*, a Form 38 has been filed in the Magistrates Court evidencing the election(s) of each accused to stand trial; and
 - 4.1.5 The Magistrates' Court or Children's Court commits the accused to stand trial in accordance with s 144 of the CPA.
- 4.2 This Practice Note applies regardless of the venue of the Magistrates' Court or Children's Court where the proceeding was commenced.

5. POST-COMMITTAL DIRECTIONS HEARING

- 5.1 The matter will be listed for a PCDH in the Supreme Court (sitting at Melbourne) approximately 14 days after the date of committal.
- 5.2 Shortly after the accused is committed, the parties will receive a listing email from the Court attaching the following documents:
- 5.2.1 *PCDH questionnaire*
This document must be completed jointly by the legal representatives of the accused and the prosecution to provide the Court with relevant information to assist with the initial case management and listing requirements of the matter.
 - 5.2.2 *Section 198B application template*
The accused must use this form to apply for an order pursuant to s 198B of the CPA to conduct preparatory cross-examination of any prosecution witnesses. This document should be completed jointly by the legal representatives for the accused and prosecution.
- 5.3 All completed forms must be filed at least three (3) business days prior to the PCDH, or as directed by the Court's allocated case management lawyer. The solicitors for the accused must also file and serve a Notice that Legal Practitioner Acts pursuant to rule 4.04 of the *Supreme Court (Criminal Procedure) Rules 2017*.
- 5.4 At the PCDH, the Court will make orders for the further conduct of the proceeding, which may include:
- 5.4.1 provision of documents and/or pre-trial disclosure to the accused;
 - 5.4.2 determining any application for an order to conduct preparatory cross-examination of witnesses pursuant to s 198B of the CPA (or, if an

- application under s 198B has not been filed prior to the PCDH, directions for the filing of such application);
- 5.4.3 the filing and service of any subpoena to produce addressed to third parties for the production of documents or other material;
 - 5.4.4 in appropriate cases, filing and service of the summary of prosecution opening, statutory evidence notices, and defence responses to those documents; and
 - 5.4.5 any other necessary orders or directions in accordance with s 181 of the CPA to progress the proceeding.
- 5.5 The Court will otherwise make its usual pre-trial directions in accordance with s 181 of the CPA and case management procedures for criminal trials, at an appropriate time. Such orders or directions may be made at the PCDH or at subsequent directions hearings.
- 5.6 The parties should be in a position to advise the Court at the PCDH of any issues relating to disclosure, including from whom disclosure is sought, the estimated timeframes for the service of the disclosure material, whether there is likely to be any claims for public interest immunity, privilege, or any application for non-disclosure orders by a party or third-party (s 416A of the CPA).
- 5.7 Requests for additional disclosure on behalf of the accused should be made at the earliest possible opportunity following service of the hand-up brief. The Court expects that the parties will work proactively to address any issues relating to disclosure.

6. PREPARATORY CROSS-EXAMINATION OF WITNESSES

- 6.1 The accused may apply for an order to conduct preparatory cross-examination of prosecution witnesses, pursuant to s 198B of the CPA, in lieu of seeking leave to cross-examine witnesses at a committal hearing. This application must be made using the template application form, which is provided to the parties and is also available to be downloaded on the Supreme Court's website.
- 6.2 Any s 198B application should be filed at least three (3) business days prior to the PCDH, or as directed in the listing email. Parties may seek directions for a alternate timeframe if they are not in a position to progress such application at the PCDH.
- 6.3 The Court expects that counsel for the prosecution and the accused will have conferred prior to the filing of any s 198B application in an endeavour to narrow any issues in dispute and/or resolve any contested aspects of the application. If, following those discussions, there remains contested aspects of the application, the Court may make further directions in order to deal with the

application in an efficient way, including the filing of submissions by the parties.

- 6.4 The hearing of preparatory cross-examination of witnesses will generally proceed before a Judicial Registrar, but may also proceed before a Judge.
- 6.5 The hearing of preparatory cross-examination of prosecution witnesses will generally be listed in Melbourne, even where the proper place of the trial may be the Court sitting at a regional venue, and directions will be given for the fair and efficient conduct of those hearings in accordance with s 181 of the CPA.
- 6.6 Section 42E of the *Evidence (Miscellaneous Provisions) Act 1958* provides for the Court to direct the giving of evidence or appearance of persons by audio-visual link. The following is a practice direction for the purpose of s 42UA of that Act.
- 6.6.1 In exercising the discretion under s 42E in relation to a hearing under s 198B of the CPA, the Court may have regard to:
- The nature and purpose of s 198B hearings;
 - The efficient conduct of the proceeding;
 - The cost and inconvenience to witnesses if they are required to attend and give evidence in-person at the Court;
 - Any prejudice to a party if a witness gives evidence via audio-visual link; and
 - Any other matters relevant to the circumstance of the case.

7. CASE CONFERENCES

- 7.1 Parties in fast-track matters may be offered the opportunity to participate in a confidential case conference with the aim of resolving the matter or narrowing the issues in dispute.
- 7.2 A case conference can be held at any time during the proceeding but will often be offered at an appropriate point after the conclusion of the hearing of preparatory cross-examination of witnesses under s 198B of the CPA.

8. LISTING TIMEFRAMES

- 8.1 In fast-track matters, the Court will generally endeavour to list hearings in accordance with the following timeframes:
- 8.1.1 *The hearing of preparatory cross-examination of prosecution witnesses (s 198B)* – no more than 12 weeks from the date of the PCDH; and
- 8.1.2 *The trial of the accused* – no more than 12 months from the date of the PCDH.
- 8.2 Whilst the Court will consider the availability of counsel for the purpose of listings, the convenience of counsel is not an overriding consideration and it

may not always be possible for the Court to accommodate counsel. Counsel should consider these listing timeframes prior to accepting a brief to appear for an accused in a fast-track matter.

- 8.3 The Court will adopt a flexible approach in determining when to fix trial dates for fast-track matters. In some instances, a trial date will be fixed only upon the conclusion of the preparatory cross-examination of prosecution witnesses. The Court may, however, fix a trial date at an earlier stage, particularly where delays have arisen in the listing or completion of preparatory cross-examination, or where the scale and complexity of the matter warrant the early fixing of a trial date to facilitate more effective case management.
- 8.4 Trial dates for trials at regional locations of the Court are likely to be fixed at an early stage of the proceeding in order to secure the necessary sitting time at the regional location in accordance with the timeframe referred to in paragraph 8.1.2.

9. CONTACT DETAILS

- 9.1 Any enquiries relating to the fast-track process can be directed to the Criminal Division case management lawyers:
E: criminal.casemgmt@supcourt.vic.gov.au
Ph: (03) 8600 2059 (Criminal Registry)

10. AMENDMENT HISTORY

29 May 2025: This Practice Note was issued on 29 May 2025 and replaces a guide originally published 25 March 2020.

Viv Mahy
Executive Associate to the Chief Justice
29 May 2025