



Supreme Court of Victoria

Practice Note SC CR 1

Case Management Procedure for Criminal Trials

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 outline the case management process for criminal trials and pleas in the Supreme Court in order to achieve:
 - efficient resolution of pre-trial and interlocutory issues;
 - early resolution of charges where appropriate;
 - certainty of trial dates; and
 - efficient running of trials to their conclusion.

2. COMMENCEMENT

- 2.1 This Practice Note was issued on 22 December 2025 and applies to matters in the Criminal Division from 1 January 2026.

3. DEFINITIONS

- 3.1 In this Practice Note:
 - AVL* means audio-visual link
 - CPA* means *Criminal Procedure Act 2009*
 - early committal* means committal to the Supreme Court under Part 4.6A of the CPA
 - election* means election to stand trial pursuant to s 143 of the CPA including matters adopting what was previously described as the fast-track process
 - evidentiary notices* include notices of intention to adduce evidence of previous representation (hearsay), notices of intention to adduce tendency evidence, notices of intention to adduce coincidence evidence, notices of additional evidence and notices of proposed admissions. The forms of notice that are available on the Court's website should be utilised.
 - pre-trial cross-examination* means examinations under ss 198A or 198B of the CPA
 - standard committal* means committal to the Supreme Court other than by election or early committal

4. POST-COMMITTAL DIRECTIONS HEARING

- 4.1 Matters committed to the Court, whether via early committal, election or standard committal, will be listed for a post-committal directions hearing ('PCDH') within approximately 2-3 weeks of committal. In most cases the PCDH will be conducted by a Judicial Registrar.
- 4.2 Parties will receive a listing email from the Court with a **PCDH questionnaire** to be completed jointly by the parties to assist with case management. Solicitors for the accused must also file a Notice that Legal Practitioner Acts.
- 4.3 If the accused indicates an intention to plead guilty the proposed plea indictment should be filed and served at least two days prior to the PCDH to enable the accused to be arraigned at that hearing.
- 4.4 An accused seeking to conduct pre-trial cross-examination of witnesses under ss 198A or 198B of the CPA will need to file a written application using the Court's **application templates**, which are available on the Criminal Division page of the Court's website. When addressing the relevant legislative criteria in the application it will not be sufficient to simply cite provisions of the CPA. There should be a concise explanation of how the requirements of the relevant provisions are met in relation to each witness and the proposed issues for cross-examination, with specific reference to the evidence of the witness and/or other evidence in the hand-up brief or depositions.
- 4.5 If either party seeks to have the evidence of a witness taken before trial pursuant to s 198 CPA, an application to do so should be filed, citing the reasons for the application, whether it is opposed, and setting out how the requirements of s 198 are met.
- 4.6 The PCDH questionnaire and any applications for taking evidence before trial (s 198 CPA) or for pretrial cross-examination (ss 198A or 198B) must be filed with the Court at least five business days prior to the PCDH, or as otherwise directed. If required, parties may seek an extension of time for filing these documents at the PCDH.
- 4.7 The Court expects that counsel for the prosecution and defence will have conferred prior to the filing of any application to narrow any issues in dispute. Where matters in dispute remain unresolved the Court may make further directions for the efficient hearing and determination of the contested aspects of the application, including ordering the filing of written submissions.
- 4.8 Parties should be in a position to advise the Court at the PCDH of any outstanding or unresolved issues relating to disclosure, including from whom disclosure is sought, the estimated timeframes for the service of disclosure material, whether there are likely to be claims of public interest immunity, privilege, or any applications for non-disclosure orders by a party or third party (s 416A of the CPA).

4.9 At the PCDH the Court will make orders for the further conduct of the proceedings which may include:

- Ordering the filing and service of documents and/or pre-trial disclosure to the accused;
- Determining applications for pre-trial cross-examination of witnesses;
- Giving directions for the filing and service of any subpoena to produce;
- Fixing a timetable for the filing and service of the summary of prosecution opening, statutory evidence notices and defence responses;
- Setting a date for a further directions hearing; and
- Fixing a trial date.

5. ATTENDANCE AT DIRECTIONS HEARINGS

- 5.1 Accused in custody will generally not be required to attend court in person for directions hearings and arrangements will be made for attendance via AVL.
- 5.2 Accused on bail will be required to attend directions hearings in person unless otherwise directed by the Court.
- 5.3 21-day remand hearings will be listed for children in custody and attendance via AVL will be arranged.
- 5.4 If a child wishes to be excused from attending a 21-day remand hearing their legal representative must complete the Waiver of Child's Attendance Request Form available on the Court's website. This must be signed by the accused child and filed not less than three days prior to the hearing.
- 5.5 Parties will be notified whether the request is approved. A legal representative for each party is required to appear. Wherever possible this hearing will be conducted remotely.
- 5.6 If a signed waiver form has been filed but the accused child wishes to appear at the hearing, the Registry should be notified immediately.

6. LISTINGS

- 6.1 If the parties indicate to the Court that the matter has resolved to a plea of guilty the Judicial Registrar will set a timetable and a date for the plea hearing. The parties should refer to **Practice Note SC CR 4 'Sentencing Hearings'** for further guidance.
- 6.2 If the accused does not intend to plead guilty the Court will list the matter for trial. This may occur at an early stage or following pre-trial hearings upon consultation with the parties.
- 6.3 Trial dates for trials at regional locations of the Court are likely to be fixed at an early stage of the proceedings in order to secure the necessary sitting time at the regional court location.

- 6.4 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 when listing trials and other preliminary hearings.

7. PRE-TRIAL CROSS-EXAMINATION

- 7.1 Where an application is granted for pre-trial cross-examination of witnesses this will generally proceed before a Judicial Registrar within 12 weeks of the PCDH.
- 7.2 The hearings will generally be listed in Melbourne, even where the proper place of the trial may be a regional court venue, and directions will be given for the fair and efficient conduct of those hearings in accordance with s 181 of the CPA.
- 7.3 Section 42E of the *Evidence (Miscellaneous Provisions) Act 1958* provides for the Court to direct the giving of evidence or appearance of persons by AVL. The following is a practice direction for the purpose of s 42UA of that Act:
- 7.4 In exercising the discretion under s 42E in relation to a pre-trial hearing, the Court may have regard to:
- The nature and purpose of the hearing;
 - 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 AVL; and
 - Any other matters relevant to the circumstance of the case.

8. CASE CONFERENCES AND SENTENCE INDICATIONS

- 8.1 Parties may be offered the opportunity to participate in a confidential case conference with the aim of resolution of the charges or the narrowing of the issues in dispute.
- 8.2 A case conference can be held at any time during the proceeding but often will be offered at an appropriate point after the conclusion of any pre-trial cross-examination of witnesses.
- 8.3 Applications for a sentence indication should be made in accordance with **Practice Note SC CR 11** '*Applications for sentence indications*'

9. FURTHER DIRECTIONS AND PRE-TRIAL ISSUES

- 9.1 Following the PCDH, further directions hearings, or hearings for the determination of pre-trial issues, may be set down to ensure the fair and

efficient conduct of the proceedings. Legal practitioners are expected to be able to address the court in relation to the issues specified in s 181 of the CPA.

- 9.2 Counsel are expected to identify any evidentiary or other disputes which would benefit from early judicial involvement and resolution, either because:
- they are very substantial and/or complex; or
 - their resolution may lead to:
 - discontinuance, amendment or severance of charges;
 - separate trials;
 - applications under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*
 - pleas of guilty; or
 - an interlocutory appeal.
- 9.3 Matters will be listed before a Judge where appropriate so as to determine these issues well before trial. In the usual course, that Judge will become the Trial Judge.
- 9.4 Where a matter involves expert evidence, the processes set out in **Practice Note SC CR 3** '*Expert Evidence in criminal trials*' and **Practice Note SC CR 7** '*Expert reports on mental functioning of offenders*' should be applied as appropriate.
- 9.5 Solicitors and counsel having the conduct of the matter are required to keep the Court updated as to any progress towards resolution of outstanding issues and as to any problems that may affect the trial commencement date. This should be done by email to the Criminal Division Lawyers (see contact details below).
- 9.6 In the usual course, a final directions hearing will be held no later than four weeks prior to the trial date before the Trial Judge. The Court at this hearing will ensure the trial is ready to proceed on the trial date. The Court may also make directions in relation to the filing of notices under the *Jury Directions Act 2015*.

10. CONTACT DETAILS

- 10.1 Any enquiries relating to the management of cases can be directed to the Criminal Division Lawyers:

criminal.casemgmt@supcourt.vic.gov.au

(03) 8600 2059

AMENDMENT HISTORY

1 January 2017: This Practice Note was issued on 1 January 2017 and replaced former Practice Notes No. 6 of 2014 and No. 4 of 2010.

1 January 2019: This Practice Note was revised on 1 January 2019.

December 2025: This Practice Note was re-issued on December 2025 and replaced the previous SC CR 1 revised 1 January 2019. It also replaced Practice Notes SC CR 8 issued 1 January 2019, SC CR 9 issued 29 August 2019 and SC CR 12 issued 29 May 2025 each of which is now revoked.

Vivienne Mahy
Executive Associate to the Chief Justice
22 December 2025