



Supreme Court of Victoria

Practice Note SC CR 6

Applications to be Heard by Judges of the Criminal Division

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 describe the procedures to be followed in relation to applications listed in paragraph 4.1, or of a similar nature, or are related to an application listed in paragraph 4.1.

2. COMMENCEMENT

- 2.1 This Practice Note was reissued on 30 January 2017 and commences on 30 January 2017 and will apply to applications listed in paragraph 4.1, or of a similar nature, or are related to an application listed in paragraph 4.1 commenced in the Criminal Division on or after that date.

3. DEFINITIONS

- 3.1 In this Practice Note:
Criminal Division Legal Officer means the Criminal Division Legal Officer of the Supreme Court of Victoria;
Judge means a Judge of the Supreme Court of Victoria;
Principal Judge means the Principal Judge of the Criminal Division of the Supreme Court of Victoria.

4. APPLICATIONS

- 4.1 Since 18 June 2007, the Principal Judge in the Criminal Division, rather than the Practice Court Judge has assumed the principal responsibility for dealing with a range of applications. The intention is to have applications heard wherever practicable by judges in the Criminal Division. This includes applications under the following Acts:
 - *Major Crimes (Investigative Powers) Act 2004 (Vic)*
 - *Surveillance Devices Act 1999 (Vic)*
 - *Terrorism (Community Protection) Act 2003 (Vic)*

- *Witness Protection Act 1991 (Vic)*
- *Crimes (Assumed Identities) Act 2004 (Vic)*
- *Australian Crime Commission Act 2002 (Cth)*

- 4.2 Persons intending to make an application under any of the above Acts should contact the Criminal Division Legal Officer and provide the following information:
- The type of application;
 - The estimated length of time required;
 - The urgency of the application; and
 - Whether the Public Interest Monitor has been notified;
 - Whether certain hearing dates are particularly inconvenient to the parties or their representatives; and
 - Their contact details.
- 4.3 The Criminal Division Legal Officer will allocate the matter to a Judge and the applicant will be informed of the time and location for the hearing.
- 4.4 If an application is sought to be made urgently outside of business hours, the applicant should contact the Associate to the Judge sitting in the Practice Court in the first instance.
- 4.5 Applicants should comply with any relevant Rules of Court regarding the form and delivery of material for the application. Where there are no relevant Rules, the applicant should contact the Criminal Division Legal Officer in relation to the delivery of documents.

5. RELATED APPLICATIONS

- 5.1 Practitioners may request that applications which are of a similar nature or are related to an application listed in paragraph 4.1 be dealt with in accordance with this Practice Note. Examples where this procedure may be relevant include:
- Search warrant applications under the *Confiscation Act 1997*;
 - Monitoring order applications under the *Confiscation Act 1997* or the *Proceeds of Crime Act 2002 (Cth)*;
 - Applications for interstate service of confidential summonses; and
 - Applications under legislation enacted after the commencement of this Practice Note which are comparable to the Acts listed in paragraph 4.1.
- 5.2 Such requests should be conveyed by contacting the Criminal Division Legal Officer in the first instance. Where the matter is appropriately dealt with under this Practice Note, the Principal Judge will refer the matter to a Judge.
- 5.3 If the Criminal Division Legal Officer is for any reason unavailable, practitioners may contact the Associate to the Principal Judge.

AMENDMENT HISTORY

30 January 2017: This Practice Note was issued on 30 January 2017 and replaced Practice Note No. 4 of 2007 which was issued on 8 June 2007.

Vivienne Macgillivray
Executive Associate to the Chief Justice
30 January 2017