

Supreme Court of Victoria

Notice to Practitioners of 1998

Criminal List Practice Direction - Pegasus Two - 1998

Henceforth a new protocol for the more efficient conduct of criminal jury trials will operate in the Supreme Court of Victoria. The protocol "Pegasus Two" is the product of co-operation between the Chief Justice, other members of the Supreme Court and members of the legal profession. Pegasus Two is designed to ensure that:

- No unnecessary witness is called in a criminal jury trial.
- Proceedings before juries are uninterrupted.

Its central feature will be a hearing conducted by the Chief Justice on a convenient date before the commencement of each criminal trial. This hearing will be known as a "Pegasus Two Hearing". Realistic preparation for trials will require the attendance at the Pegasus Two hearings of the counsel who are actually to appear at the trials. To achieve this, the Chief Justice will conduct the hearings outside normal court hours. Should the counsel be briefed in forthcoming trials other than that involved in the Pegasus Two hearing, they will be encouraged to discuss these trials as well, with a view to shortening their length. These conferences, for which court facilities will be provided, will be known as Carpe Diem Conferences. The purpose of Pegasus Two Hearings is to obtain, on or before a date prior to the trial fixed by the Chief Justice, the compilation, exchange between the parties and the filing of the following documentation as appropriate.

- An agreed list of prosecution witnesses.
- A chronology of agreed facts vide S.149AB Evidence Act 1958.
- A statement of any matters admitted by the accused vide S.149A Evidence Act 1958.
- Lists of, and outlines of argument relating to, matters to be resolved by the trial Judge before the empanelment of the jury.
- An agreed statement of the legal elements of the charge or charges (to be settled by the trial Judge).
- An agreed statement of the issues in the forthcoming trial (to be settled by the trial Judge).

When completed, this documentation will be known as a "Pegasus Two Docket" and the documents, at the discretion of trial Judges, will be handed to jurors. In fixing dates for the commencement of criminal trials, the Chief Justice will make allowance for time to be spent in the hearing and determination of matters relating to the trial before the empanelment of the jury and counsel will be expected to raise all such matters before empanelment. Should any such matter arise unexpectedly after empanelment, by arrangement with the Chief Justice the trial Judges will deal with it outside usual court hours. The Chief Justice may act in the protocol through a delegate Judge.

Dated: 3 August, 1998
A. R. TRAVES
Senior Associate to the Chief Justice