



CountyCourt  
VICTORIA

# COVID-19 response

Criminal Division – onsite attendance of the  
profession and other court users

# DOCUMENT CONTROL

## Details

<b>Document type</b>	Emergency protocol COVID-19
<b>Division</b>	Criminal Division
<b>Reviewed by</b>	Judge Mullaly (Head of the Criminal Division)
<b>Authorised by</b>	Chief Judge Kidd

## Release history

Version	Date	Summary of changes
1.0	20/11/20	Document created
2.0	8/4/21	Outlined onsite attendance for all Divisions of the Court, consistent with Health Directions as at 12 April 2021.
3.0	4/11/21	Consolidates previous documents relating to Criminal Division onsite attendance and amends the protocol title. Outlines onsite attendance of practitioners and other court users, consistent with Health Directions as at 8 November 2021.

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## 1. Background

- 1.1 Consistent with the easing of restrictions announced by the Victorian Government, the Court has decided to allow for the increased physical attendance of practitioners (and to some degree other court users) as of 8 November 2021, subject to courtroom availability, density limitations and the Court's [Remote Hearing and Vaccination Protocol](#) and [Personal Protective Equipment \(PPE\), Movement and Testing Protocol](#).
- 1.2 Constraints in relation to onsite attendance will, however, continue, as:
  - (a) social distancing remains in place (1.5m)
  - (b) quotient limits within all areas of the Court (1 person per 4 square meters) remain in place
  - (c) it is important that congregations of large groups still be avoided, such as in the entrance foyer, lifts, and courtrooms.
- 1.3 Staggering listings across the day will assist in mitigating the above challenges.
- 1.4 In the event the Government increases or further eases restrictions, this protocol will be amended to reflect changes that the Court makes in response.
- 1.5 This protocol is in relation to onsite attendance for non-jury matters only. The Court will provide separate communication regarding jury trials.

## 2. Onsite attendance guidelines

- 2.1 From Monday 8 November 2021, the following types of hearings will continue to be heard remotely (including remote attendance by legal practitioners, the accused, complainant or victim and witnesses) subject to the discretion of the presiding judicial officer, taking into account the Court's [Remote Hearing and Vaccination Protocol](#):
  - (a) all procedural and transactional hearings such as mentions, directions hearings and other List hearings
  - (b) matters listed for one day or less
  - (c) County Koori Court sentencing conversations will continue with the current remote/hybrid model.
- 2.2 From Monday 8 November 2021, the following types of hearings may be heard in-person (including in-person attendance by legal practitioners and the accused) subject to the discretion of the presiding judicial officer, taking into account the Court's [Remote Hearing and Vaccination Protocol](#):
  - (a) multi-day matters
  - (b) matters involving an accused moving from the community into custody
  - (c) complex matters of any length
  - (d) *CMIA* or sexual offence case special hearings
  - (e) Drug Court hearings.

### 3. Remote hearing and vaccination protocol

- 3.1 In accordance with the [Remote Hearing and Vaccination Protocol](#), the parties will be required to confirm the vaccination status of each participant that is to attend onsite at the Court for the hearing including:
- (a) counsel
  - (b) instructing solicitors
  - (c) accused
  - (d) all witnesses proposed to give evidence in-person
  - (e) any other person seeking to attend in-person.
- 3.2 Practitioners should familiarise themselves with the [Remote Hearing and Vaccination Protocol](#) and the [Personal Protective Equipment \(PPE\), Movement and Testing Protocol](#).