

OTHER AGENCIES AT THE COURT

The larger Magistrates' Courts will have people from agencies such as the Salvation Army and Court Network Service who are able to provide a range of support services and basic Court information. They do not provide legal advice.

WHO'S WHO IN THE COURT

This is a brief introduction to some of the people you will see at the Court.

Magistrate - decides what happens to your case, whether you are guilty or not guilty, whether your case will have to go to another Court or be put off until another day.

Prosecutor - presents the case against you.

Solicitor/Duty Solicitor - can provide legal advice and may present your case to the Court.

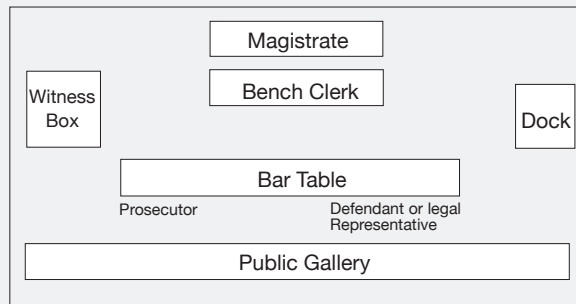
Public, your family, friends, or anyone else interested - have the right to watch what goes on in Court.

Witnesses - may either give an account of events about your case, or give expert evidence upon some matter affecting your case. You can bring your own witnesses to give evidence of your good character.

Bench Clerk (or Court Clerk) sits near the Magistrate. They are responsible for the administration of the Court, which includes announcing the cases, calling witnesses, administering the oath and preparing Court orders for distribution

Registrar/Deputy Registrar of the Court is the manager/administrator of the Court. He or she is not normally in the Court room.

Below is the general layout of a Magistrates' Court room.



If you are legally represented by a solicitor, you will be required to sit behind your solicitor in the public gallery area as your case is being heard.



Going to Court

Contact the Co-ordinator at the Court named in your summons if you have any questions. Be sure to check the Court address and date of the hearing. You should be at the Court at least half an hour before the time written on your Charge-sheet.



Magistrates' Court of Victoria
www.magistratescourt.vic.gov.au

ARE YOU PREPARED FOR YOUR CASE TO BE HEARD?

Upon the first listing of your case, you are able to make application for an adjournment. You must arrange this with the Court Coordinator prior to the date of hearing.

GOING TO COURT

You are expected to be in attendance and to register your appearance with the Court Coordinator by 10am. You will be required to remain at the Court until your matter is finalised.

ON ARRIVAL

See the Court Coordinator and let him/her know that you have arrived. The Court Co-ordinator will then provide you with further information.

IF YOU DO NOT GO TO COURT

If you have been charged on summons, you should attend Court on the date your case is listed. If you do not attend and have not contacted the Court to make arrangements for an adjournment, your case may be heard and determined in your absence. However, it is also possible that if you do not attend, a Magistrate may not be willing to hear the matter in your absence and may order the issue of a warrant for your arrest.

If you are on bail or charged with an indictable offence, you must attend court in accordance with your bail undertaking. If you do not, the Court may issue a warrant for your arrest.

BEFORE COURT

Before your case is heard, you have to decide whether you will plead not guilty or guilty. It is important that that you seek legal advice, which can be obtained from:

Victoria Legal Aid (www.legalaid.vic.gov.au)
350 Queen Street, Melbourne (03) 9269 0234 or
1800 677 402

Regional Legal Aid Offices

Bairnsdale – 101A Main St, Bairnsdale (03) 5153 1975

Ballarat – Area A, Level 1, 75 Victoria St (03) 5329 6222

Bendigo - 424 Hargreaves St (03) 5441 1155 or
1800 254 500

Broadmeadows - Level 1, Building 1 Broadmeadows
Station Centre

1100 Pascoe Vale Rd (03) 9302 8777

Dandenong – 1st Floor, 9-15 Pultney St (03) 9767 7111

Frankston - Corner O'Grady Ave and Dandenong Rd
(03) 9784 5222

Geelong - 1st. floor Busport, 48 Brougham St
(03) 5226 5666 or 1800 196 200

Horsham – 29 Darlot St 5381 6000 or 1800 177 638

Morwell - Chapel St (Corner George St) (03) 5134 8055

Preston - 42 Mary St (03) 9416 6444

Ringwood - 23 Ringwood St (03) 9879 5500

Shepparton – 36-42 High St (03) 5823 6200

Sunshine – 1/474 Ballarat Rd (03) 9300 5333

The availability of Legal Aid in some cases is dependent upon an income and merits test which can be arranged through Victoria Legal Aid. If you are seeing a private solicitor you can still apply for legal aid.

Law Institute of Victoria (03) 9607 9311 or visit
www.liv.asn.au

A Solicitor - look under Solicitors in the Yellow Pages

Your local Community Legal Centre - look under Local
Councils in the White Pages or visit

www.communitylaw.org.au

Victorian Aboriginal Legal Service (03) 9419 6024 or
visit www.vals.org.au

DUTY SOLICITOR

A Duty Solicitor from Victoria Legal Aid is available at most Courts. You must advise the Court Coordinator upon your arrival if you would like to see the Duty Solicitor.

WHAT HAPPENS IN THE COURTROOM?

When your name is called, go into the Courtroom. You will be guided where to stand by the Bench Clerk. You should call the Magistrate either "Your Honour" or "Sir" or "Madam". You will be asked if you plead guilty or not guilty.

If you say you are guilty:

The Prosecutor or the person who charged you will read out a summary of the charge against you. If you agree with the summary the Magistrate will then listen to what you or your solicitor has to say in your defence. The Magistrate will then decide what sentence to impose upon you.

If you say you are not guilty:

Your matter will normally be adjourned for a contest mention hearing to see if the matter can be resolved. At this hearing, the Prosecutor, you and/or your solicitor will appear before the Magistrate to try and narrow down the issues and come

to a resolution on the charges against you. If the matter can not be resolved, it will be adjourned for a contested hearing.

At a contested hearing, the following procedure takes place:

- the police (and their witnesses) give evidence and you (or your solicitor) ask the police (and their witnesses) questions.
- you (and your witnesses) may give evidence and the prosecutor asks questions.
- the Magistrate states whether the case has been proven (guilty or not guilty).
- if it has not been proven (you are not guilty), the case is dismissed and you are free to go.
- if it has been found proven (you are guilty), you or your solicitor will be asked if there is anything you wish to say in relation to your circumstances and finances.
- the Magistrate will then decide if you will have a conviction recorded against you, and will also announce any penalty that he/she has decided to impose.

AFTER THE COURT HEARING

If you have any queries please speak to your solicitor. Court staff located in the Registry may be able to clarify what happened in Court and tell you what rights you have, including your right to appeal if you do not agree with the decision. However, Registry staff can not give you legal advice.

BUT WHAT IF I CAN'T SPEAK ENGLISH?

Interpreters are available but must be booked in advance through the Court. Your solicitor may be able to arrange this for you.