

Committal Case Conference Hearings Protocol

Commencing on Monday 19 July 2004 practitioners may, in conjunction with the OPP, have matters listed for Committal Case Conference Hearing (conference) in the Melbourne Magistrates' Court. Conferences will be conducted at 9.15 am each morning.

Conferences will incorporate a committal mention hearing where the matter does not resolve.

Practitioners wishing to have a matter allocated to the Committal Case Conference hearing list must do the following –

- Contact the OPP and obtain agreement for the matter to be listed for conference.
- In conjunction with the OPP contact the Committal Coordinator at Melbourne and obtain a date for conference.
- Ensure that any plea offer is put to the OPP sufficiently in advance of the conference to allow consideration.
- Ensure that the accused attends court on the conference date (where appropriate, remand and bail orders will be abridged by the Magistrate).
- If the matter does not resolve be in a position to orally address Form 32 issues.
(note: it is not necessary that a Form 32 be prepared prior to conference).

Where a matter is to be listed for a conference prosecuting agencies must do the following -

- In conjunction with the accused legal practitioners contact the Committal Coordinator and obtain a date for a conference.
- Respond to any plea offer made prior to the conference.
- Ensure that full instructions are obtained from a permanent prosecutor, where appropriate.
- Have instructions as to appropriate settlement.
- Be in a position to advise as to draft presentment and the Director's attitude as to sentence, where appropriate.
- Ensure that the informant is contactable during the conference.

Where the matter settles at the case conference into a plea, committal orders will be made by the Magistrate on the date of the conference (practitioners should ensure sureties are available as required where bail is to be entered).

Where the matter does not settle a committal mention will be conducted by the Magistrate, leave to cross-examination witnesses will be determined and a committal date set.

Subsequent to a conference, the accused legal practitioner is to file a list of witnesses in relation to whom leave was granted at the conference.

NOTE *****The Magistrate will record on the court file the issues identified at the case conference where the matter does not resolve.