

# County Court Criminal Division

Her Honour Judge Lisa Hannan – Head of Criminal Division

## Blue Sky Listing Pilot

As part of the Court's ongoing commitment to improving practice and procedures, the Criminal Division will pilot a new listings system commencing 25 September 2017. The pilot involves eight Judges being listed in their own 'docket'. Each docket runs for nine weeks until 24 November 2017. The docket Judges were recently allocated the trials within their dockets and practitioners should expect to be contacted by the Associate to the docket Judge for the purpose of listing the trial for Directions Hearing.



Her Honour Judge Hannan

Having consulted widely with the profession prior to commencing the pilot, the Criminal Division has recognised the importance of trial date certainty. The docket is not a rolling list and parties are not expected to commence a trial at short notice, unless agreed between the parties.

In terms of the practicalities of the dockets, each docket Judge will list Directions Hearings and conduct pre-trial hearings between now and the trial date as required. Practitioners should expect directions as to early preparation of Prosecution Openings and Defence Responses. Pre-trial applications and hearings will be listed as required by the docket Judge. We are hopeful that timely resolution will occur in appropriate cases.

Sentence indications and funding mentions however, will remain in the 9:00am list before the list Judge.

## Criminal Division Contacts

### Criminal Division

Ryan Mallia

Senior Administrator – 8636 6288

Nancy Molloy

Support Coordinator – 8636 6430

### General List Associates

Naomi McLinden – 8636 6422

Leone Garro – 8636 6418

### Sexual Offences List Associates

Natalie Perera – 8636 6459

Tegan McWilliam – 8636 6603

### Circuit

Larna Edney

Circuit Co-ordinator – 8636 6504

Etienne Wagener

Circuit Administrator – 8636 6404

### Criminal Registry

Lucille Thomas, Manager Criminal Listings & Registry – 8636 6540

General Enquiries – 8636 6570

[crim.reg@countycourt.vic.gov.au](mailto:crim.reg@countycourt.vic.gov.au)

Where the trial resolves **prior to the docket commencing**, another trial of the same duration will be allocated from the General List to the docket Judge to replace the resolved trial.

Where the trial resolves **during the docket period** another trial will be sourced from another docket Judge where the other docket Judge is at risk of not completing the trials in their docket due to trials running longer than estimated. If there are no such appropriate trials in another docket, then a trial, having the same trial date as the resolved trial, will be sourced from the General List.

Whilst trials have been pre-allocated to the docket Judges for the purposes of case management, pleas, appeals and other work will still be allocated from the General List as required.

The pilot will be evaluated throughout and at the conclusion to gauge its efficacy as compared with the master list system of listing and allocating trials.

### Retirement of Judge Lance Pilgrim

On 14 March 2017 His Honour Judge Lance Pilgrim retired as a Reserve Judge of the County Court. His Honour served as a County Court Judge for 18 years, having been appointed on 7 April 1999. Prior to his appointment Judge Pilgrim spent four decades in the public service, having joined as a clerk of courts in 1958 at the age of 16.



His Honour Judge Pilgrim

Upon completing his law degree His Honour worked at the Crown Solicitor's Office before being appointed as a Magistrate in 1981. From 1984 Judge Pilgrim served as the coordinating Magistrate for the Gippsland region and was also appointed as the President of the Guardianship and Administration Board. As a Magistrate and as a County Court Judge, His Honour was known for his compassion to staff, accused people and Aboriginal members of the community, particularly those in rural regions.

Prior to his retirement Judge Pilgrim regularly sat in the Latrobe Valley and in recent years conducted a dedicated plea circuit in Shepparton; all of which contributed significantly to the reduction in the back log of cases for those regions. The Criminal Division thanks Judge Pilgrim for his tireless work over many years and wishes him well in his retirement.



## Key Dates

### April

- 13:** Criminal Division non-sitting day
- 14:** Good Friday public holiday
- 17:** Easter Monday public holiday
- 18:** Criminal Division non-sitting day
- 19 - 21:** Judges' Conference. No Criminal Listings
- 25:** ANZAC Day public holiday

### May

- 19:** Criminal Division non-sitting day
- 20:** Courts Open Day

### June

- 12:** Queen's Birthday public holiday

## Courts Open Day 2017

As part of Law Week 2017 hosted by the Victoria Law Foundation, Courts Open Day will be held on Saturday 20 May 2017. The County Court will again be offering a range of tours and experiences such as:



### Day in the Life of an Accused

Members of the public again have the opportunity to experience a typical 'day in the life' of an accused person. The tour commences with the reception of the accused in the custody cells before being escorted into the court room for the mock plea hearing. Attendees will be able to observe a mock plea hearing before a real County Court Judge and will have the opportunity to ask questions of the Judge and counsel for the prosecution and defence.

### Koori Court Plea Hearing

#### THE COUNTY COURT



KOORI COURT

A new addition to the program this year, members of the public have the opportunity to observe a Koori Court plea hearing heard by a Judge and Aboriginal Elders. Attendees will learn about the Koori Court process and gain a better understanding of the importance of the work undertaken by the Koori Court within this jurisdiction.

### Judges' BBQ

Judges will again be stationed on the BBQ in the forecourt area of the County Court and members of the public are invited to have a chat with a Judge and grab a sausage in exchange for a gold coin donation to the Berry Street Foundation.



### Self-Guided Tour of the County Court

Another new addition to this year's program is the self-guided tour of the County Court. Members of the public can tour the Court and visit 20 stations of interest and learn more about the Court along the way.

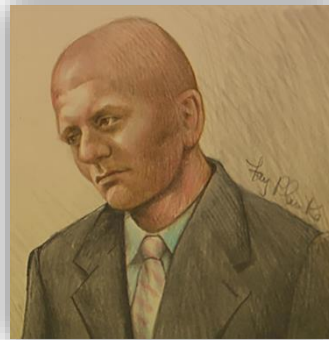
## Tour of the Custody Cells

Given its popularity last year the County Court, working together with Corrections Victoria will offer more tours of the custody cells this year. Members of the public will learn about how an accused is received and processed, and see the facilities where they are held prior to their court hearing.



## Court Sketch Artist

Renowned court sketch artist Fay Plamka will be showcasing her illustrative skills at Open Day. Fay has spent years sketching people involved in some of Victoria's most high profile cases and people will have the opportunity to see some of Fay's previous work, as well as seeing Fay in action.



A sample of Fay's work

## Practice and Procedure

### Filing Indictments on Circuit

A trial or plea commencing on circuit typically begins with the filing of the original signed indictment in open court.

In the case of a **trial** the original indictment will typically have been filed in open court at a directions hearing prior to the circuit commencing. In the case of a **plea**, the original indictment will typically be filed at the commencement of the plea hearing at the circuit location.

Once the circuit has commenced, in relation to both trials and pleas, there may be cause for a fresh indictment to be filed.

The accused may be arraigned on the Court's *iManage* copy at the circuit court, **so long as the original indictment has been filed in open court.** This may occur in Melbourne.

For example, once the fresh indictment has been signed in Melbourne, it may immediately be filed in open court in court 2.9 or 2.10. Once this occurs, a copy of the original indictment will be uploaded into the Court's *iManage* system, and the circuit Judge may then have the accused arraigned. The original indictment will then be posted to the circuit location to be placed on the file.

## Judges' Chambers Email Addresses

The County Court is updating email addresses for each of the Judges' chambers. Each chambers email addresses will appear in the following



format: [judgehannan.chambers@countycourt.vic.gov.au](mailto:judgehannan.chambers@countycourt.vic.gov.au).

Practitioners contacting individual Judges' chambers via email should use the chambers email address as opposed to the individual Associates' email address. This ensures that all emails are received in a timely fashion in the event that an Associate is on leave or no longer works at the County Court. Email addresses can be found [here](#). Practitioners are also reminded that the other party or parties to a matter must be copied into all communications with the Court.

## **Legislation Update**

### Crimes Legislation Further Amendment Act 2017

The *Crimes Legislation Further Amendment Act 2017* received Royal Assent on 15 March 2017. The principal purpose of the Act is to make amendments to the *Criminal Procedure Act 2009* and the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* to allow both prosecution and defence expert evidence to be given either concurrently or consecutively during criminal trials and during investigations and special hearings conducted under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*.

The amendments are intended to optimise the accuracy and efficiency of expert evidence and to enhance jury understanding of the key issues. The Act commenced on 1 April 2017.

### Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017

The Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 was introduced in March 2017 and will create new laws to ban the sale and production of all synthetic drugs. Currently each new synthetic drug created must be scheduled in the Act.

The Bill also reduces the threshold quantities for methylamphetamine. A large commercial quantity of mixed methylamphetamine is reduced from 1kg to 750 grams and a commercial quantity of the same drug mixed is reduced from 500 grams to 250 grams.

## Trends in the Criminal Division

### The Workload of a Criminal Judge

Being the principal trial Court in Victoria it will come as no surprise that a County Court Judge's workload predominately comprises hearing trials. Last financial year almost 80% of an average Judge's time was spent in trial. Plea hearings accounted for 10% and the remaining 10% of the Judge's time was spent hearing appeals, contraventions, applications and post-sentence review and management hearings. These figures highlight the importance of early identification of issues and early resolution of trials.



### Next Edition

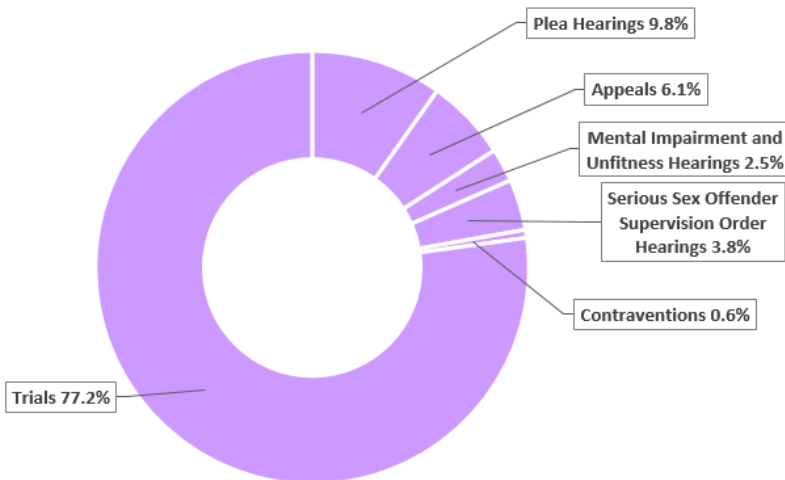
The next edition of the County Court Criminal Division Update will be published in May 2017.

Any suggestions can be sent to Ryan Mallia or Nancy Molloy:

[ryan.mallia@countycourt.vic.gov.au](mailto:ryan.mallia@countycourt.vic.gov.au)

[nancy.molloy@countycourt.vic.gov.au](mailto:nancy.molloy@countycourt.vic.gov.au)

**A Judge's Workload**



### Sexual Offence Trials

Whilst sexual offence cases account for a smaller number of cases as compared with non-sexual offence cases, sexual offence trials accounted for 44% of all trials that were heard during the 2015/2016 financial year. Put another way, on average, 54% of sexual offence matters proceeded to trial, whereas only 22% of general matters proceeded to trial.

