



CRIMINAL PROCEEDINGS IN THE MAGISTRATES COURT OF VICTORIA

Mention

In the Magistrates' Court, all summary matters begin as a mention hearing. This is the first date on which the matter is listed before the court. If the accused pleads guilty the matter can be heard and determined at the mention hearing.

Contest Mention

A hearing where all parties and the magistrate try to decide whether a case can be resolved by finding common ground between them. This is the hearing before the matter proceeds to a summary hearing.

Summary Hearing

A summary hearing will take place if the accused pleads not guilty to the charge(s). At this hearing, both parties present their case to the Court and a magistrate will determine the outcome.

Ex parte Hearing

A hearing conducted in the absence of the accused. A magistrate will proceed to hear and determine a charge against the accused, based on the evidence of the police or other informant and any other witnesses for the prosecution.

Filing Hearing

This is the first hearing in the committal process. At this hearing the Court will set a timetable for the exchange of information between the prosecution and the defence and dates for matters which will ultimately be determined in a higher jurisdiction. Applications for bail may also be lodged at this time.

Committal Mention

A preliminary hearing prior to the full committal hearing. Permission to cross-examine witnesses may be given, matters in dispute will be discussed and a date for the committal hearing can be set at this stage. The Court may also hear and determine some charges if the accused pleads guilty.

Committal Hearing

A hearing where a magistrate will hear evidence of the prosecution and decide whether a properly instructed jury would convict the accused. This is the last hearing a matter will have before it proceeds to a higher jurisdiction.



Re-hearing Application

If a magistrate determines a matter in the absence of the accused, the accused can make an application to the Court for the order to be set aside and re-heard. The accused needs to serve their application on the informant (the person who charged them) and then a new hearing date will be scheduled for the magistrate to decide whether or not to grant the application. If they do, the case continues as a case normally would, with the accused having the option of pleading guilty or not guilty.

An application to drive pending a rehearing application must be served on the informant at least seven days before the application is to be heard

Source: Magistrates Court of Victoria, www.magistratescourt.vic.gov.au