

His Honour Judge Mark Gamble Head of the Criminal Division

Message from His Honour Judge Gamble

COVID-19

This year has presented many unprecedented and significant challenges to the Criminal Division and its stakeholders as a result of the COVID-19 pandemic.

On 16 March 2020, all new jury empanelments were suspended in response to COVID-19. Since that time, the Division has continually adapted its practices as a result of the rapidly changing circumstances and environment of COVID-19 restrictions, and the legislative reforms that have been introduced for a temporary period in response to COVID-19.

Throughout the year, the Division has been working tirelessly to ensure, as far as possible, our work has continued while at the same time ensuring the Court is operating in a manner consistent with Government directives and expert advice about minimising risks to the health and wellbeing of all judicial officers, court staff and court users.

To facilitate the Division's work during COVID-19 restrictions, many of the Division's non-trial matters have been conducted remotely, using audio and visual conferencing platforms or video links. While the Division initially used the Webex platform, the Division will now transition some types of hearings conducted remotely, to the Zoom platform due to the technological advantages Zoom provides. Remote hearings are but one of the many changes to the Division's practices and procedures in response to COVID-19.

On 16 November 2020 and after many months, the Court resumed Melbourne jury trials in the form of a pilot. During the intervening period of the suspension of jury trials and its resumption, the Court in consultation with health professionals, the legal profession and those involved with criminal trials, worked tirelessly to plan for the resumption of jury trials in a COVID safe manner. Further details on the resumption of jury trials are addressed later in this newsletter.

I would like to take this opportunity to thank our judges, staff, stakeholders and the profession for their hard work and support during



His Honour Judge Gamble

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this unprecedented time, and for adapting to significantly new practices in a short period of time.

Long Trials Case Management List

This year, Judge Mullaly stepped down as the Judge in Charge of the Long Trials List. The Division thanks Judge Mullaly for his hard work leading and overseeing the Long Trials List since its implementation. We welcome Judge O'Connell to this role which his Honour has seamlessly transitioned into having been actively involved in the Long Trials List before his appointment as Judge in Charge of that List.

Appointment and Retirements

This year, the Criminal Division has farewelled Judges Saccardo, Taft, Wilmoth and Cohen who retired on 26 March, 10 April, 22 May and 3 July 2020 respectively, Judge Millane who retired on 11 September 2020 and Judge Pullen who retired on 13 November 2020. The Division is pleased to welcome Judges Wilmoth and Cohen back as reserve judges.

The Division congratulates Judge Dalziel who was appointed on 28 February 2020, and Judges Leighfield and Todd, both of whom were appointed on 11 June 2020. The Division also welcomes our first Criminal Division judicial registrars, Judicial Registrars Phillips and Wilson, both of whom were appointed on 11 February 2020.

Each of these judges and judicial registrars are farewelled or congratulated in this edition.

Head of the Criminal Division

I have decided that the time is right for me to step down from the Head of Criminal Division role, effective from close of business on Friday 27 November 2020. It has been a great privilege to have served in that capacity since 2018.

I would like to express my thanks to all of the Division's stakeholders, and to the profession, who have worked together with the Court to ensure the Criminal Division continues to run as effectively and efficiently as possible in order to serve the Victorian community.

Until such time as a new Head of Division is appointed, her Honour Judge M Sexton will act as Head of the Criminal Division.

As the year is nearing an end, I also take this opportunity to wish everyone a happy and healthy Christmas and New Year holiday period. I hope the holiday period allows you an opportunity to rest and recover from what has been a very trying and dynamic year.

Criminal Division Contacts Continued

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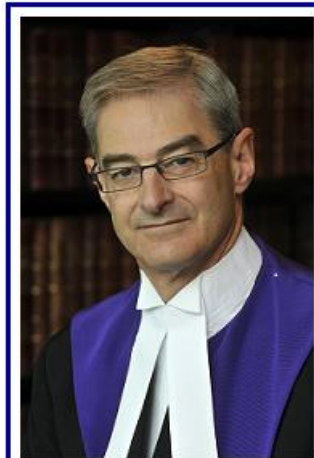
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Retirement of Judge Frank Saccardo

His Honour Judge Saccardo was appointed to the County Court on 16 December 2008 and commenced in his role as a County Court Judge on 2 February 2009.

His Honour began his legal career at Galbally & O'Bryan, as a solicitor, where he remained for some three and a half years before being called to the Bar in 1982. At the Bar, his Honour read with Dyson Hore-Lacy who taught his Honour criminal law advocate skills.



His Honour Judge Saccardo

During his time at the Bar, his Honour took on a wide range of briefs, across various courts and court locations and later became one of the leading silks in personal injury and medical negligence cases. His Honour left the Bar being well-known for his care, compassion, devotion to hard work and passion for justice, traits of which later served his Honour well during his time as a Judge of this Court.

As a Judge of the County Court, his Honour sat in both the Common Law and Criminal Divisions. His Honour was the Judge in Charge of the Schools Program for over five years, a successful program which seeks to provide VCE Legal Studies students with a first-hand experience of the Victorian justice system. His Honour, much like his time at the Bar mentoring young barristers, was a supportive and great mentor to judges of this Court.

The Division thanks his Honour for his hard work and contribution to meeting the demands of the growing workload of the Court. The Division farewells Judge Saccardo and we wish him well in his retirement.

Retirement of Judge Mark Taft

On 10 April 2020, his Honour Judge Taft retired as a Judge of the County Court.

His Honour's appointment to the Bench was announced by the Attorney General on 21 September 2008 and he commenced on 29 September 2008.

Having graduated from Monash university with an Honours Arts degree in history and political science, his Honour went on to become Executive Director of the Western Region Council for Social Development, an organisation which led the way for establishing women's refuges for victims of domestic violence.

Key Dates

December 2020

18: Last sitting day for 2020

25: Christmas day

26: Boxing day

January 2021

1: New Year's Day

11: Criminal Division resumes sitting for jury trials

18: First sitting day for 2021

26: Public holiday

March 2021

8: Public holiday

April 2021

2: Good Friday

5: Easter Monday

7-9: Criminal Division non-sitting days

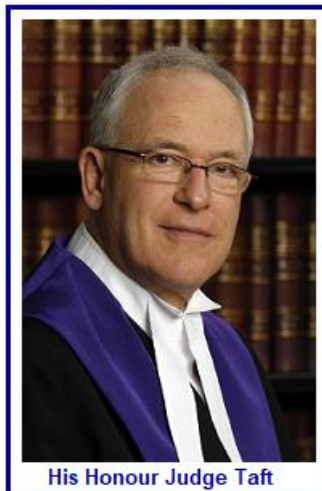
May 2021

14: Criminal Division non-sitting day

June 2021

14: Public holiday

In 1983, his Honour returned to Monash university to study law. His Honour went straight to the Bar upon admission to legal practice and read with Anthony Howard QC, as he then was (and now also a retired Judge of this Court). During his time at the Bar, his Honour mentored five readers, including a new judicial appointment to this Court, Judge Frances Dalziel, who will be congratulated later in this edition.



His Honour Judge Taft

Prior to his appointment as a judge, his Honour made a significant contribution to the legal profession and the Bar, most notably with Dr David Neal SC in relation to the Price Waterhouse Report dealing with the detrimental effects on the criminal justice system which arise due to legal aid funding shortfalls and the absence of appropriate remuneration for those seeking to defend impecunious accused.

Early in his career as a barrister, his Honour prosecuted for the State and Commonwealth, including the long running prosecution of the Frugniet family, and was also involved in disciplinary tribunal prosecutions in Malaysia. His Honour also appeared in high-profile criminal trials for the defence, including complex terrorism cases.

His Honour was renowned for his robust submissions as a barrister and was highly recognised as calm, cautious, measured, and meticulous in his preparation, characteristics of which followed his Honour throughout his career as a judicial officer.

During his time as a Judge of this Court, his Honour played an instrumental role in advocating for a Drug Court in this Court, as well as being a major and ongoing contributor to law reform. His Honour, who was known for treating all with courtesy and respect, fostered good working relationships with the Court's stakeholders including Forensicare and other service providers. His Honour worked tirelessly to not only deliver justice, but to protect our community by improving outcomes for some of our most vulnerable members of society including mentally impaired accused and offenders.

The Division extends our thanks to his Honour Judge Taft for his tireless work over the years; his presence and industrious approach will be sorely missed. We farewell Judge Taft and wish him well in his retirement.

Key Dates Continued

August 2021

20: Criminal Division
non-sitting day

October 2021

15: Criminal Division
non-sitting day

November 2021

2: Public holiday

December 2021

17: Last sitting day for
2021

25: Christmas day

26: Boxing day

Retirement of Judge Wendy Wilmoth

Her Honour Judge Wilmoth retired on 22 May 2020. The Division is pleased to welcome Judge Wilmoth back as a reserve judge.

Her Honour was appointed a Judge of the County Court on 8 April 2003, having served as a Magistrate for almost 15 years prior to her appointment as a Judge of this Court.

Her Honour began her legal career serving articles with the late Maurice Crowe of J.N. Zigouras & Co, where she remained as an employee after being admitted to practice.



Her Honour Judge Wilmoth

In 1985, her Honour was appointed a part time legal member of the Commonwealth Social Security Appeals Tribunal, and in 1988 a Magistrate of the Magistrates' Court of Victoria. At the time of her appointment as a Magistrate, her Honour was one of only seven female Magistrates out of 80.

During her time as a Magistrate, her Honour was Supervising Magistrate for the Crimes Compensation Tribunal for several years. She also served as Deputy State Coroner for three years, where she made significant contribution to the coronial practice and conducted a report on drownings in private and backyard swimming pools which led the way to important safety regulations. Legal acumen, an ability to recognise the issues and a practical approach were the hallmarks of her Honour's work.

As a Judge of this Court, her Honour became a skilled and experienced trial judge and was a member of various judicial committees including the Professional Development Committee, Executive Committee of Judges representing circuits in the north eastern area and the Simplifications of Jury Directions Project. Her Honour was also involved in launching the Court's media portal. The Division thanks her Honour Judge Wilmoth for her hard work as a Judge of the Division and we are pleased to welcome her Honour back as a reserve judge.

Retirement of Judge Susan Cohen

On 3 July 2020, her Honour Judge Cohen retired as a Judge of the County Court after a career in the law of over 40 years. Her Honour served as a Judge of this Court for almost 19 years, having been appointed on 20 August 2001.

Admitted to practice in 1978, her Honour worked as a solicitor, practicing in general litigation and was involved in extensive work on claims relating to the Ash Wednesday bushfires that had devastated Victoria in 1977. Her Honour signed the Bar Roll in 1981 and her work as a barrister covered a wide range of areas across the law, from crime to civil, tribunals and disciplinary boards to inquests, family law and pro bono work.



Her Honour Judge Cohen

During her 20 years at the Bar, her Honour was one of the leaders in the area of equal opportunity for women at the Bar and a founding member of the Women Barristers' Association. Her work to encourage young women in the law to achieve their goals is something that her Honour felt very strongly about and continued with throughout her career.

By the time of her appointment to the County Court, her Honour had earned a reputation for thoroughness and a strong commitment to fairness. Her Honour sat in all jurisdictions of the Court, including the position of Vice President at VCAT.

Her Honour was involved in a number of the Court's committees, including serving as Chair of the Rules Committee, as the Court's Cultural Diversity Advocate and a representative of the Cultural Diversity Justice Network. The Division extends thanks to her Honour Judge Cohen for her commitment to the Court and we are pleased to welcome her Honour back as a reserve judge.

Retirement of Judge Frances Millane

After serving as a Judge of the County Court for almost 17 years, her Honour Judge Frances Millane retired on 11 September 2020.

Her Honour was admitted to practice in 1978 and joined the Bar in 1983 where she established a general practice in common law and commercial law.

In 1994, her Honour was appointed a Judicial Registrar of the Industrial Relations Court of Australia. In 1997, she was appointed a Judicial Registrar of the Federal Court of Australia, before being appointed as a Sessional Member of VCAT in 1998.

Her Honour was appointed a Judge of the County Court in December 2003 and sat in both the Criminal and Common Law Divisions, including a period as Vice President of VCAT and more recently several periods as Acting President.



Her Honour Judge Millane

Her Honour has been involved in various committees and professional bodies throughout her long career in the law. As a founding committee member of the Women Barristers' Association, her Honour was involved in the policy being adopted of equal opportunity briefing to ensure women barristers were treated equally. Her Honour also served as Chair of the Victorian Bar's Equality Before the Law Committee, committee member and former Vice-President of the Australian Association of Women Judges and was involved in the International Association of Women Judges.

During her time as a Judge of this Court, her Honour was involved in the Media Committee, of which she was the first Chair. Her Honour was a leading member of the Business Improvement and Technology Committee which helped to promote various technologies to the Court including Dragon dictation and building-wide Wi-Fi. With a career in the law of over 40 years, her Honour is deserving of a long, happy and rewarding retirement and the Division wishes her well.

Retirement of Judge Susan Pullen

Her Honour Judge Pullen retired on 13 November 2020, having served as a Judge of the County Court for 14 years.

Her Honour was admitted to practice in 1986 and signed the Bar Roll in 1987. Establishing a broad practice in civil and criminal matters, she soon developed a more specialised practice in criminal law, appearing both for the prosecution and defence.

In 1998, after 11 years at the Bar, her Honour was appointed Crown Prosecutor



Her Honour Judge Pullen



with the Office of Public Prosecutions and in 2004 was appointed Senior Counsel, the first woman to take silk while at the Office of Public Prosecutions. The following year her Honour was appointed Senior Crown Prosecutor, once again the first woman to be appointed to the role since the establishment of that office.

Becoming well known for her meticulous approach in the preparation of cases, her diligence, dedication and scrupulous fairness, her Honour was appointed a Judge of the County Court in August 2006.

Her Honour was appointed as the Judge in Charge of the Sexual Offences List for a period of time and has sat in this List since 2008 up until her retirement. Her Honour was also appointed as Judge in Charge of the Adoptions List, a role which she had held since 2009 and then in 2014, together with her Honour Judge Hampel, was appointed Judge in Charge of the Adoption and Substitute Parentage List until 2019. Her Honour was appointed a Vice President of VCAT, a member of the Forensic Leave Panel and the Court's representative at Corrections Victoria Stakeholder Forums. Her Honour was also appointed to the Adult Parole Board and appointed its Deputy Chair in 2019.

Throughout her career, her Honour has contributed to the ongoing education of others involved in the legal system. Whilst a prosecutor, her Honour was involved in mentor schemes and advocacy programs and lectured in criminal procedure and practice at the Leo Cussen Institute and to Victoria Police. In more recent times, her Honour has been a judicial presenter at the Judicial College of Victoria, Victoria Police Detective Training School and Sergeants' and Senior Sergeants' Brief Quality Assurance course.

After a career in the law of 34 years, her Honour is deserving of a long and rewarding retirement. The Division thanks her Honour for her hard and tireless work and significant contribution to meeting the demands of the ever-growing workload of the Division.

Appointment of Judge Frances Dalziel

On 25 February 2020, the Attorney General announced the appointment of Judge Frances Dalziel. Her Honour commenced in her role as a Judge of this Court on 28 February 2020.

Her Honour was admitted to practice in 2001 and began her legal career as an associate to the Honourable Justice Buchanan of the Court of Appeal. It was her Honour's time as an associate to the

Honourable Justice Buchanan that sparked her Honour's interest in criminal law. By mid-2000, her Honour undertook articles at the law firm Kenna Croxford where she worked before moving on to TAC Law and then Mills Oakley.

Her Honour was called to the Bar in 2005 and read with Mark Taft QC, as he then was, and now a retired Judge of this Court. His Honour Judge Taft described her Honour as a very conscientious and ethical lawyer. Her Honour soon established a thriving practice in the Court of Appeal and then later in the trial courts.



Her Honour Judge Dalziel

While at the Bar, her Honour juniorled Chief Judge Kidd, who was at the time the prosecutor in the Mokbel trial, with Magistrate Prapas who was at the time the instructing solicitor in the case. In 2012, her Honour was appointed a Crown Prosecutor where she worked in both the trial and appellate jurisdictions, and appeared in a wide range of cases including the High Court appeal concerning new safe access zones to allow women a safe and confidential way to enter health facilities that perform abortions.

During her time as a Crown Prosecutor, her Honour excelled at legal expertise, dedication and adherence to high standards of conduct and in 2018, her Honour was appointed silk. That same year, her Honour was appointed a Senior Crown Prosecutor and she remained in that role until her appointment to this Court.

The Division congratulates her Honour Judge Dalziel on her appointment to the Bench and we are very pleased to welcome her Honour to this Court.

Appointment of Judge Sarah Leighfield

On 10 June 2020, Magistrate Sarah Leighfield was appointed a Judge of the County Court. Her Honour was admitted to practice in 2002, having completed her law degree, with Honours, at the University of Melbourne. In 2001, her Honour articulated at the law firm Galbally & O'Bryan where she remained upon completion of her law degree practising as a solicitor advocate. In 2004, her Honour was called to the Bar.

Her Honour spent some 12 years at the Bar where she practised primarily in criminal law, quasi-criminal law and coronial inquests. While at the Bar her Honour developed a specialisation, and gained a thorough understanding of complex evidentiary provisions, in sexual

offence cases. Her Honour was also involved as a mentor, teacher, advocacy coach and assessor in the Bar Reader's Course and in 2015, was appointed lead counsel in Victoria Legal Aid's Trial Counsel Development Program.

In 2016, her Honour was appointed a Magistrate and spent some three years based in the Loddon Mallee region and was the Magistrate in Charge of the Sexual Offences List and Committal Mention List during her three-year period in that region. During her time as a Magistrate, her Honour contributed to a number of seminars for continuing professional development for the legal profession, and this year her Honour took on the leading member role of Patron for 'Women in Crime', an association designed to connect, educate and support female lawyers practising in criminal law.

Judge Leighfield brings a wealth of criminal law experience to this Court. The Division congratulates her Honour Judge Leighfield on her appointment and we warmly welcome her Honour to this Court.

Appointment of Judge Fiona Todd

On 10 June 2020, the Attorney General announced the appointment of Fiona Todd as a Judge of the County Court. Judge Todd commenced in her role as a Judge of this Court on 13 July 2020.

Having graduated with a Bachelor of Laws (Honours) from Deakin university in 2005, her Honour began her legal career soon after as associate to the Honourable Justice Morris of the Supreme Court of Victoria. Her Honour then moved to practice as a lawyer at the firm Robert Stary Lawyers where she remained for four years before signing the Bar Roll in 2011. Her Honour also spent time as a volunteer lawyer at Fitzroy Legal Service and in 2018, was involved in research and writing for the Victorian Sentencing Manual revision project at the Judicial College of Victoria.

At the Bar, her Honour was mentored by the Honourable Justice Michael Croucher and Robert Richter QC and developed a strong and extensive criminal law practice appearing in the Court of Appeal, and Supreme and County Courts. Her Honour was also a Victoria Legal Aid criminal trial preferred barrister.

With over 10 years' in the law, her Honour brings fresh experience to this Court. The Division congratulates Judge Todd on her appointment and we warmly welcome her Honour to this Court.



Her Honour Judge Todd

Appointment of Judicial Registrar Matthew Phillips

On 11 February 2020, the Governor in Council appointed Matthew Phillips as a Judicial Registrar of the County Court.

Judicial Registrar Phillips comes to the Court from a senior role at Victoria Legal Aid where he was Program Manager of Appeals and Strategic Litigation.

Judicial Registrar Phillips brings extensive criminal law experience to the Criminal Division having practised in criminal law for over 20 years in all Victorian and Federal jurisdictions, including the High Court. He has also previously worked for the Victorian Office of Public Prosecutions, where he prepared numerous written cases for sentence appeals and interlocutory appeals to the Court of Appeal, appeared in applications for leave to appeal against sentence and appeals against sentence, as well as junior counsel to Senior Crown Prosecutors and the DPP for conviction and sentence appeals to the Court of Appeal.



Judicial Registrar Phillips

Prior to his role at the Office of Public Prosecutions, Judicial Registrar Phillips spent five years as a Public Defender at Victoria Legal Aid where he conducted trial work and proceedings under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*. He was also previously a prosecutor with the Commonwealth Director of Public Prosecutions for some 12 years during which time he had conduct of complex criminal prosecutions.

Since his appointment, Judicial Registrar Phillips has been heavily involved in the Court's Emergency Case Management Model work, the administrative management of cases in the Division's 9:00am General Crime List and the relisting of trials.

The Division congratulates Judicial Registrar Phillips on his appointment as one of the first judicial registrars in the Criminal Division. We wish his Honour well in his new role; a role he has very ably transitioned to since his appointment in February of this year.

Appointment of Judicial Registrar Alexandra Wilson

On 11 February 2020, the Governor in Council also appointed Alexandra Wilson as a Judicial Registrar of this Court. Judicial Registrar Wilson formally commenced in her role on 23 March 2020.

Judicial Registrar Wilson brings to this Court, a diverse range of experience in the criminal law. Her Honour began her legal career at

the law firm Lethbridges Barristers & Solicitors in 2004, where she remained and ultimately became a Managing Partner of that firm.

During her time practising as a criminal lawyer, Judicial Registrar Wilson developed a strong criminal practice in many facets of the criminal law including complex frauds, sexual offences, murder, major drug prosecutions and contempt proceedings. She was also involved in a number of high profile and international pro bono cases; most recently in 2019, acting as solicitor for Yoshe Taylor where an appeal was allowed, and a conviction quashed on re-trial for international drug smuggling.



Judicial Registrar Wilson

While maintaining a busy criminal practice, her Honour was a passionate and strong advocate for human rights and was involved in humanitarian projects which included serving as Vice President of the Capital Punishment Justice Project (formally Reprieve Australia) from 2016 to 2018.

Since her appointment, Judicial Registrar Wilson has been involved in the administrative management of cases in the Division's 9:00am General Crime List and the Court's Emergency Case Management Model work. Together with Judicial Registrar Phillips, her Honour has contributed significantly to relist trials vacated as a result of COVID-19 and has assisted in implementing new processes to help tackle the backlog created by COVID-19.

The Division congratulates Judicial Registrar Wilson on her appointment, and we are very pleased to welcome her Honour to the Court.

Relisting of Criminal Trials

Any trial with a trial date provided before 16 March 2020 has been, or will be, vacated and relisted in accordance with the Court's Emergency Protocols.

All parties should therefore assume that any trial date provided prior to 16 March 2020 will be vacated and should update their diaries accordingly.

Parties should refer to the most up to date Emergency Protocols and publications for further information including the [Revised Relisting Schedule of Melbourne Criminal Trials commencing in January 2021](#) and the [Criminal Division Update dated 19 November 2020](#).

Resumption of Criminal Jury Trials

Consistent with the roadmap to the lifting of restrictions announced by the Victorian Government, the Court has planned for the phased resumption of jury trials from 16 November 2020.

In consultation with health advisors and Juries Victoria, the procedure for the conduct of jury trials has been modified to eliminate, as far as is reasonably practicable, risks to the health and safety of jurors, judges, staff, legal practitioners and other court users.

In the initial resumption phase, a maximum of two jury empanelments will occur on one day (morning and afternoon), in order to allow for the necessary cleaning between empanelments.

The Court has implemented a paired courtroom model, with each trial courtroom paired with another nearby courtroom that will serve as the jury room. The jury courtroom will provide physical distancing for jurors during adjournments and deliberation.

During the initial resumption period, all trial participants (judges, court staff, jurors, counsel, practitioners, witnesses and any other persons permitted in the courtroom) will be required to wear masks – including when speaking – save for the limited circumstances specified in paragraph [3.26] of the [Recommencement of Melbourne Jury Trials Guide for the Profession and Court Users](#). The requirement for mask wearing during the initial resumption period is in accordance with the health advice received by the Court. For further information regarding the resumption of criminal jury trials, parties and court users should refer to the [Recommencement of Melbourne Jury Trials Guide for the Profession and Court Users](#).

Prior to the pandemic, trials were scheduled to commence on a Monday with a reserve list operating if a trial judge was unavailable. This model will not be used in the relisting of trials in Melbourne, rather the trials will be listed in one of the 10 paired courtrooms to follow immediately after another trial. It is therefore imperative that the trial estimates are as accurate as possible to prevent matters running over.

The Court needs certainty of empanelment date and has a goal of empanelment on day 1 of the relisted trial date for each trial. To facilitate this goal, the Court has implemented case management procedures which are outlined in the [Criminal Division Update dated 19 November 2020](#). Parties must familiarise themselves with this [update](#).

Emergency Case Management Model ('ECMM')

The Emergency Case Management Model ('ECMM') was developed and implemented to help address the impending backlog of jury trials vacated or delayed because of COVID-19. It does so by:

- triaging and targeting vacated trials which would otherwise settle or resolve, with a view to bringing forward that resolution or settlement; and
- triaging and targeting pre-trial rulings of major importance and urgent pre-recording of evidence.

Some matters that may be considered for a trial listing in 2021 may not have participated in the Emergency Case Management process. The Court proposes to pro-actively re-consider those matters and identify cases that could benefit from Emergency Case Management.

Parties should refer to the relevant Emergency Case Management Model Protocols ('ECMP') for information regarding eligible cases for inclusion into the ECMM as well as guidance for making such an application.

The ECMPs are available on the Court's website: <https://www.countycourt.vic.gov.au/criminal-division-response-to-coronavirus>

COVID-19 Emergency Protocols

The following Emergency Protocols and notices have been published in response to COVID-19.

Practitioners are reminded to refer to the latest versions of the protocols for guidance and direction during COVID-19 restrictions.

The latest versions of the protocols and notices are available on the Court's website: <https://www.countycourt.vic.gov.au/criminal-division-response-to-coronavirus>

Protocol or notice title
Daily Non-Trial Cases and Subpoena s 32C Work
Emergency Case Management Model Protocols 1-5
Circuit Criminal and Appeal Listings
Robing for Hearings
Contravention of Community Correction Order Hearings
Judge Alone Crimes (Mental Impairment and Unfitness to be Tried) Matters
Administrative Case Management
Notice – Application for Indemnity Certificate
Trial by Judge Alone

Alert – Resumption of County Koori Court
County Court Circuits Appearances at Regional County Court Locations
Revised Relisting Schedule of Melbourne Criminal Trials commencing in January 2021
Criminal Division Hearings – Webex – Information Guide
Recommencement of Melbourne Jury Trials – Guide for the Profession and Court Users
Onsite Attendance of the Profession and Court Users – Guide
Criminal Division Update 19 November 2020

COVID-19 Law Reform

On 25 April 2020, the *COVID-19 Omnibus (Emergency Measures) Act 2020* ('the Amending Act') came into effect in response to COVID-19. Broadly, the amending Act, inter alia, made temporary amendments to the following Acts:

- *Bail Act 1977*
 - Appearance by audio and audio-visual link
- *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* ('CMIA')
 - Fitness to stand trial by judge alone
 - Special hearings by judge alone on application
 - Determining certain supervision order hearings on the papers
- *Criminal Procedure Act 2009*
 - Trial by judge alone
 - Appearances by audio and audio-visual link
 - Determining certain hearings on the papers
 - Expanded methods of personal service
- *Evidence (Miscellaneous Provisions) Act 1958*
 - Conducting arraignments by audio-visual link
 - Appearance by accused, child accused, victims and any person by audio and audio-visual link
- *Sentencing Act 1991*
 - The provision of oral pre-sentence reports for young offenders.

On 21 October 2020, the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020* came into effect and, inter alia, extended the Amending Act by six months (until 26 April 2021),



including the operation of trials by judge alone, and *CMIA* reforms which provide for fitness investigations and special hearings by judge alone.

Parties are reminded to refer to the [Trial by Judge Alone](#) and [Judge Alone Crimes \(Mental Impairment and Unfitness to be Tried\) Matters](#) Protocols for guidance on the procedures for making an application for trial by judge alone, or *CMIA* special hearing by judge alone.

