

Terms of Reference under the Victorian Law Reform Commission Act 2000

Committals

Recognising legislative reforms, public consultation on an early case management model, and other efforts in recent years to address challenges in the committal system, which forms part of pre-trial criminal procedure, the VLRC is asked to review and report on Victoria's committal system.

The Commission is asked to recommend any legislative, procedural or administrative changes to Victoria's committal procedure, which could reduce trauma experienced by victims and witnesses, improve efficiency in the criminal justice system and ensure fair trial rights.

In particular, the Commission should consider:

- whether Victoria should maintain, abolish, replace or reform the present committal system
- opportunities for reform that enable early identification of cases that can be determined summarily, encourage appropriate early guilty pleas, facilitate efficient use of court time and encourage parties' proper preparation for trial
- ways of improving early disclosure processes in criminal prosecutions brought in the indictable stream
- if, when and in what circumstances witnesses or classes of witnesses should be examined prior to trial, including consideration of ways to minimise the need for victims and other vulnerable witnesses to give evidence multiple times
- whether a magistrate should determine if there is sufficient evidence to commit an accused to stand trial and, if so, what test to apply, having regard to the Director of Public Prosecutions' power to directly indict, and
- the impacts of any recommended changes on all parts of the criminal justice system, and what will be needed to ensure the successful implementation and operation of those changes, including resource implications.

The Commission should also consider, in relation to Victoria's committal system or any recommendations made by the Commission:

- best practice for supporting victims, and
- any other matter that the Commission considers necessary to reduce trauma experienced by victims and witnesses and improve efficiency in the criminal justice system, while also ensuring fair trial rights.

The Commission is asked to deliver its report to the Attorney-General by 31 March 2020.