AMENDMENTS TO RESEARCH MATERIALS

SINCE 01/01/2025

This table contains a running list of amendments which have been made since 01/01/2025 to the 12 files containing the Research Materials text.

A SEPARATE FILE [Amendments 2 before 2025.docx] CONTAINS A TABLE CONTAINING A RUNNING LIST OF AMENDMENTS MADE TO THE RESEARCH MATERIALS BEFORE 01/01/2025.

These tables are also useful as an INDEX to cases referred to in the Research Materials text.

In addition, a separate INDEX to the 12 chapters has been available on‑line since 20/10/2022 and is updated from time to time as required.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| DATE | CHAP. | SECTION | | AMENDMENT |
| 12/05/25 | CHAPTER 1 – HISTORY, ACTS, REGULATIONS, RULES | | | |
| 12/05/25 | 1 | 1.4.1 | Insertion of link to Practice Direction No.1 of 2025. | |
| 12/05/25 | CHAPTER 2 – COURT OVERVIEW | | | |
| 12/05/25 | 2 | 2.5.1 | Reference to *DPP v Clifford (Ruling No 1)* [2025] VSC 115. | |
| 12/05/25 | 2 | 2.7.6 | Correction to reference to Children’s Court Practice Direction No.1 of 2025, not 2024 and minor expansion of text. | |
| 12/05/25 | 2 | 2.8.2 | Summary of *Police Member 1 (a pseudonym) & Anor v Antonios Sajih Mokbel & Anor, Nine Network Pty Ltd & Ors Interveners* [2025] VSCA 78 plus quotes from [9] & [5] and a cross-reference to **section 3.9.10**. | |
| 12/05/25 | CHAPTER 3 – COURT OPERATION | | | |
| 12/05/25 | 3 | 3.1.1 | * Summary of *Tricarico v Victorian Legal Services Board (No 2)* [2025] VSC 242 and extract from [94]. * References to *Re Geelong Quarries Pty Ltd* [2025] VSC 205 at [174]-[192]; *Helmer v The Coroners Court of Victoria* [2025] VSC 235 at [108]-[136]. | |
| 12/05/25 | 3 | 3.1.2 | Reference to *Re Geelong Quarries Pty Ltd* [2025] VSC 205 at [18]-[40], [52]-[58], [78]-[101], [109]-[110], [122]-[125] & [193]-[194]. | |
| 12/05/25 | 3 | 3.4.6 | * Summary of *Huang v Helou* [2025] VSC 212 and extract from [30]. * Summary of *Turner v Norwalk Precast Burial Systems Pty Ltd* [2025] VSCA 94 and extract from [63]-[67]. | |
| 12/05/25 | 3 | 3.5.3.2 | Reference to *R v Crupi (Ruling No 3)* [2020] VSC 783 and cross-reference to **section 10.3.3.5C**. | |
| 12/05/25 | 3 | 3.5.3.7 | Summary of *DPP v Clifford (Ruling No 2)* [2025] VSC 157 and cross-reference to **section 11.2.22.1**. | |
| 12/05/25 | 3 | 3.6 | Extract from *Tricarico v Victorian Legal Services Board (No 2)* [2025] VSC 242 at [40]-[43]. | |
| 12/05/25 | 3 | 3.7.3 | Summary of *Korey Caddy v The King* [2025] VSCA 87 and partial extracts from [38]-[39] & [42]. | |
| 12/05/25 | 3 | 3.8 | **Heading of Part amended to “Amending a judgment / Reopening a case” and the Part itself is split into two sections 3.8.1 & 3.8.2.** | |
| 12/05/25 | 3 | 3.8.1 | **New section heading “The ‘slip rule’”.** | |
| Summary of*Nikolic & Anor v Twitter International Company (X Corp Inc)* [2025] VSCA 80 and extract from [23]-[26]. | |
| 12/05/25 | 3 | 3.8.2 | **New section heading “Reopening a case”.** | |
| Summary of *Deak v Estate of the Late Carolina Nacinovich and Ermanno Giurina (Final Orders)* [2025] VSC 202 and extract from [9]-[13]. | |
| 12/05/25 | 3 | 3.9 | Reference to *B8 Group Pty Ltd v GE & L International Investment Pty Ltd & Ors* [2025] VSC 240 at [7]. | |
| 12/05/25 | 3 | 3.9.10 | **New section headed “Costs in applications for suppression orders”.** | |
| Summaries of In *Mokbel v DPP (Suppression)* [2024] VSC 784, *Police Member 1 (a pseudonym) & Anor v Antonios Sajih Mokbel & Anor* [2025] VSCA 34 and *Police Member 1 (a pseudonym) & Anor v Antonios Sajih Mokbel & Anor, Nine Network Pty Ltd & Ors Interveners* [2025] VSCA 78 plus extracts from the latter at [9] & [5]-[7] and a cross-reference to **section 2.8.2**. | |
| 12/05/25 | CHAPTER 4 – FAMILY DIVISION – GENERAL | | | |
| 12/05/25 | 4 | 4.9.4 | Expansion of text on Readiness Hearings, including insertion of paragraphs 30-37 of Practice Direction No.1 of 2025. | |
| 12/05/25 | CHAPTER 5 – FAMILY DIVISION – CHILD PROTECTION | | | |
| 12/05/25 | 5 | 5.11.16 | Reference to *Ross (a pseudonym) v The Secretary to the Department of Families, Fairness & Housing* [2025] VSC 195 at [21]-[24]. | |
| 12/05/25 | CHAPTER 9 – CRIMINAL DIVISION – CUSTODY & BAIL | | | |
| 12/05/25 | 9 | 9.4.2.4 | Summary of *Re Dawas* [2025] VSC 209. | |
| 12/05/25 | 9 | 9.5.2 | Minor amendment to note that the electronic monitoring bail conditions became available as and from 22/04/2025. | |
| 12/05/25 | CHAPTER 10 – CRIMINAL DIVISION – PROCEDURE | | | |
| 12/05/25 | 10 | 10.0.2 | **The contents of former section 10.3.3.6 entitled “Duty of prosecutor” have been moved into this section which has as a consequence been restructured.** | |
| * Summary of *Mali v The King* [2025] VSCA 91 and extracts from [40] & [48]-[50]. * Summary of *Singh v The King* [2025] VSCA 95 and extract from [80]-[81]. | |
| 12/05/25 | 10 | **10.0.3** | **New section headed “Consequence of incompetence of defence counsel”.** | |
| Discussion of *Singh v The King* [2025] VSCA 95 summarised in **section 10.0.2** plus extract from [73]-[76]. | |
| 12/05/25 | 10 | **10.3.3.5C** | Summary of *R v Crupi (Ruling No 3)* [2020] VSC 783 and extract from [21]-[23]. | |
| 12/05/25 | 10 | **10.3.3.6** | **This section is deleted and its contents have been moved to section 10.0.2.** | |
| 12/05/25 | CHAPTER 11 – CRIMINAL DIVISION – SENTENCING | | | |
| 12/05/25 | 11 | **11.1.4.5** | Summary of *Njovu v The King* [2025] VSCA 85 and extract from [50]. | |
| 08/02/15 | 11 | **11.1.15** | Summary of *Gilbert v The King* [2025] VSCA 83 and extract from [45]-[47]. | |
| 12/05/25 | 11 | **11.2.1** | Summary of *DPP v Clifford* [2025] VSC 199 and extract from [54]-[56]. | |
| 12/05/25 | 11 | **11.2.6** | * Summary of *R v Alhassan* [2025] VSC 201 and extracts from [65]-[67]. * Reference to *Everett v The King* [2025] VSCA 96 at [41]-[49]. | |
| 12/05/25 | 11 | **11.2.11.2** | Reference to *DPP v Clifford* [2025] VSC 199 at [51]. | |
| 08/02/25 | 11 | **11.2.16** | Summary of *DPP v Clifford* [2025] VSC 199 and extract from [52]-[53]. | |
| 12/05/25 | 11 | **11.2.22.1** | Summary of *DPP v Allen* [2025] VSC 219 and extracts from [74] & [76]-82]. Summary of *DPP v Clifford* [2025] VSC 199. | |
| 12/05/25 | 11 | **11.2.22.4** | * Summary of *R v ST* [2025] VSC 227 plus extracts from [58]-[62] & [125] and a reference to [159]-[163] & footnote 41. * Reference to *R v Petrov* [2025] VSC 200. | |
| 12/05/25 | 11 | **11.2.22.8** | **New section headed “Sentencing for homicide by firearm” which replaces former section 11.2.34D.** | |
| * Inclusion of text of ss.5B(1) & 5C *Crimes Act 1958*. * Summary of *R v Alhassan* [2025] VSC 201 including references to *DPP v Mohamed* [2024] VSC 318 & *DPP v Sisal* [2024] VSC 589 plus a cross-reference to **section 11.2.22.1**. | |
| 12/05/25 | 11 | **11.2.24.1A** | Summary of *R v Liang* [2025] VSC 218. | |
| 12/05/25 | 11 | **11.2.25** | Summaries of *Kwag v The King* [2024] VSCA 279; *Elezi v The King* [2025] VSCA 81; *Parks v The King* [2025] VSCA 84; *Ale v The King* [2025] VSCA 92*.* | |
| 12/05/25 | 11 | **11.2.27A** | Reference to *Korey Caddy v The King* [2025] VSCA 87. | |
| 12/05/25 | 11 | **11.2.27B** | Reference to *Battye v The King* [2025] VSCA 89. | |
| 12/05/25 | 11 | **11.2.27D** | Reference to *Everett v The King* [2025] VSCA 96 at [55]. | |
| 12/05/25 | 11 | **11.2.28.1** | Summary of *Gao v The King* [2025] VSCA 88. | |
| 12/05/25 | 11 | **11.2.31** | Reference to *Korey Caddy v The King* [2025] VSCA 87. | |
| 12/05/25 | 11 | **11.2.34D** | **This section is deleted and its contents have been moved to section 11.2.22.8.** | |
| 12/05/25 | 11 | 11.2.35 | **Section heading amended to “Sentencing for theft, theft of firearms, theft of motor vehicle and deception**”. | |
| * Summary of *Sakipon v The King* [2025] VSCA 93 and extract from [103]-[106]. * *Everett v The King* [2025] VSCA 96 at [58]-[59]. | |
| 12/05/25 | 11 | 11.2.36 | Summary of *Njovu v The King* [2025] VSCA 85 and extract from [42]-[43]. | |
| 12/05/25 | 11 | 11.3.3 | Reference to *Walton v Chief Commissioner of Police* [2025] VSC 231. | |
| 14/04/25 | CHAPTER 1 – HISTORY, ACTS, REGULATIONS, RULES | | | |
| 14/04/25 | 1 | 1.1.7 | **Part 22.1, Divisions 1 & 2** – amendments to the ***Bail Act 1977*** contained in **YJA ss.899-903** involving electronic monitoring of children on bail in certain circumstances – come into operation on 22/04/2025. | |
| 14/04/25 | 1 | 1.2.5 | Summary of amendments to be made to the *Bail Regulations 2022* as and from 22/04/2025 by the *Bail Amendment (Electronic Monitoring) Regulations 2025*[S.R. No.16/2025]. | |
| 14/04/25 | CHAPTER 2 – COURT OVERVIEW | | | |
| 14/04/25 | 2 | 2.7.2 | **Section heading amended to “Sections 28-30 Open Courts Act 2013 and s.93.2 Criminal Code Act 1995 (Cth)**”. | |
| Reference to s.93.2 Criminal Code Act 1995 (Cth) and cross-reference to **section 2.8.2**. | |
| 14/04/25 | 2 | 2.8.2 | * Summaries of *Mokbel v DPP (Suppression)* [2024] VSC 784 and of the ensuing unsuccessful appeal in *Police Member 1 (a pseudonym) & Anor v Antonios Sajih Mokbel & Anor* [2025] VSCA 34 and extracts from the latter at [69] & [83]. * Reference to s.93.2 Criminal Code Act 1995 (Cth) and cross-reference to **section 2.7.2**. | |
| 14/04/25 | 2 | 2.10.7 | Updating of table. | |
| 14/04/25 | CHAPTER 3 – COURT OPERATION | | | |
| 14/04/25 | 3 | 3.1.1 | References to *Secretary to the Department of Health v Davis* [2025] VSCA 40 at [99]-[107]; *Secretary to the Department of Justice and Community Safety v Loos* [2025] VSC 107 at [208]-[248]. | |
| 14/04/25 | 3 | 3.5.3.2 | Summary of *Wagner (a pseudonym) v The King* [2025] VSCA 56 and extract from [63]-[66]. | |
| 14/04/25 | 3 | 3.5.3.4 | Reference to *Wagner (a pseudonym) v The King* [2025] VSCA 56 at [6], [9]-[10] & [68]. | |
| 14/04/25 | 3 | 3.5.3.11 | Summary of *The King v Churchill (a pseudonym)* [2025] HCA 11 and extract from [1]-[4]. | |
| 14/04/25 | 3 | 3.5.13 | Extract from *Police Member 1 (a pseudonym) & Anor v Antonios Sajih Mokbel & Anor* [2025] VSCA 34 at [75]-[76]. | |
| 14/04/25 | 3 | 3.10.3 | **New section headed “Dismissal of appeal proceeding for want of prosecution”.** | |
| Summary of *Fezollari v The King [No 2]* [2025] VSCA 38 and extracts from [17] & [18]. | |
| 14/04/25 | CHAPTER 6 – FAMILY DIV’N – INTERVENTION ORDERS | | | |
| 14/04/25 | 6 | **6FV.9.1** | Expansion of commentary to include a discussion of the relevance of a child respondent’s capacity to understand the nature and effect of an interim family violence intervention order. | |
| 14/04/25 | 6 | **6.14** | Summary of *Andrew Towns (a pseudonym) v Nathan Towns (a pseudonym)* [2025] VSCA 32 and extract from [47]-[48]. | |
| 14/04/25 | 6 | **6.15** | * Reference to *The Prothonotary of the Supreme Court of Victoria v Taylor* [2025] VSC 120 and extract from [139]. * Minor variation to text in relation to ss.17, 35, 38 & 74 of the Vexatious Proceedings Act 2014 to remove a potential ambiguity. | |
| 14/04/25 | CHAPTER 7 – CRIMINAL DIVISION – GENERAL | | | |
| 14/04/25 | 7 | 7.5.5 | Reference to *Greater Shepparton City Council v The Magistrates’ Court of Victoria & Anor* [2025] VSCA 33 at [32]-[51], [58]‑[62] & [70]-[73]. | |
| 14/04/25 | CHAPTER 8 – CRIMINAL DIVISION – INVESTIGATION | | | |
| 14/04/25 | 8 | 8.2.10 | Brief summary of *DPP v Birchall* [2023] VSC 391. | |
| 14/04/25 | CHAPTER 9 – CRIMINAL DIVISION – CUSTODY & BAIL | | | |
| 14/04/25 | 9 | 9.0.1 | Note that a further amendment to s.1B **BA** made in March 2025 is referred to in **Part 9.3**. | |
| 14/04/25 | 9 | 9.0.3  9.2.10  9.2.11  9.5.2  9.5.5 | Minor amendments to reflect the fact that the prescribed forms are now in Schedule 1 of the *Bail Regulations 2022*. | |
| 14/04/25 | 9 | 9.0.4 | * Note that the *Bail Amendment Act 2025* (except for ss.11 & 12) came into operation on 26/03/2025 and the default commencement date for ss.11 & 12 is 29/09/2025. * Brief summary of a transitional issue in *Re Alsowafi* [2025] VSC 162. | |
| 14/04/25 | 9 | 9.2.2 | Amendment to s.3B(1)(b) **BA**. | |
| 14/04/25 | 9 | 9.2.4 | Addition of s.49F *Summary Offences Act 1966* to the offences contained in Schedule 3 **BA**. | |
| 14/04/25 | 9 | 9.3 | Amendment to the Guiding Principles contained in s.1B **BA**. | |
| 14/04/25 | 9 | 9.4.1.2 | Summaries of *Re Cartledge* [2025] VSC 177; *Re Alsowafi* [2025] VSC 162. | |
| 14/04/25 | 9 | 9.4.1.3 | Summary of *Re Nguyen* [2025] VSC 179. | |
| 14/04/25 | 9 | 9.4.2.2 | Summary of *Re Robinson* [2025] VSC 181. | |
| 14/04/25 | 9 | 9.4.8 | Summary of *Mokbel v The King* [2025] VSCA 62. | |
| 14/04/25 | 9 | 9.5.2 | Amendment to text to reflect that Electronic Monitoring conditions of bail for a child will be available from 22/04/2025. | |
| 14/04/25 | 9 | 9.5.10 | * Major changes to this section to reflect the repeal of s.30A **BA** and the insertion of new s.30B **BA** and new s.49F *Summary Offences Act 1966* on 26/03/2025. * Deletion of commentary on concerns that had been raised about the repeal of former s.30A **BA** on 25/03/2024. | |
| 14/04/25 | 9 | 9.5.11 | Minor amendment to text re s.24 **BA**. | |
| 14/04/25 | CHAPTER 10 – CRIMINAL DIVISION – PROCEDURE | | | |
| 14/04/25 | 10 | 10.3.3.5**B** | * Summary of *The King v ZT* [2025] HCA 9 and extract from [56]. * Summary of *Lithgow v The King* [2025] VSCA 64. * References to *Pears v The King* [2025] VSCA 35 at [79]; *Ortisi v The King* [2025] VSCA 42 at [63]-[78]; *Matthams (a pseudonym) v The King* [2025] VSCA 44; *Charlton v The King* [2025] VSCA 46 at [111]-[126]. | |
| 14/04/25 | 10 | 10.3.3.5**C** | * Summary of *The King v Churchill (a pseudonym)* [2025] HCA 11 and extract from [1]-[4]. * References to *Charlton v The King* [2025] VSCA 46 at [95]-[99]; *R v Birchall* [2025] VSC 172. | |
| 14/04/25 | 10 | 10.6**J** | Summary of *DPP v Yuot* [2025] VSC 97. | |
| 14/04/25 | 10 | 10.6**M** | Reference to *Director of Public Prosecutions v HR* [2025] VSC 129. | |
| 14/04/25 | 10 | 10.6**Q** | Reference to *Re EV [No 2]* [2025] VSC 112. | |
| 14/04/25 | CHAPTER 11 – CRIMINAL DIVISION – SENTENCING | | | |
| 14/04/25 | 11 | **11.1.21** | **New Section headed “Relevance of cultural practice to sentencing for a Commonwealth offence”.** | |
| Summary of *Jan v DPP (Cth)* [2025] VSCA 43 together with extracts from [36], [38]-[39] & [43] and a reference to [182]. | |
| 14/04/25 | 11 | **11.2.6** | * Summary of *Lang & Ors v The King* [2025] VSCA 49 and extract from [65]-[67]. * References to *Hu v The King* [2025] VSCA 60 at [53]-[90]; *Udemba v The King* [2025] VSCA 61 at [74]-[89]. | |
| 14/04/25 | 11 | **11.2.8.2**  **11.2.8.4** | References to *R v Fenwick* [2025] VSC 95 at [209]-[215]. | |
| 14/04/25 | 11 | **11.2.18** | Summary of *Hooimeyer v The King* [2025] VSCA 37 and extracts from [14]-[15] & [22]. | |
| 14/04/25 | 11 | **11.2.22.1** | Summary of *R v Fenwick* [2025] VSC 95. | |
| 14/04/25 | 11 | **11.2.22.3** | Summary of *Malovski v The King* [2025] VSCA 72. | |
| 14/04/25 | 11 | **11.2.22.4** | * Summaries of *Director of Public Prosecutions v Wal* [2025] VSC 111; *DPP v XQ* [2025] VSC 188. * References to *R v Gebregiorgis; R v Kassa* [2025] VSC 86; *R v Birchall* [2025] VSC 170. | |
| 14/04/25 | 11 | **11.2.24.6A** | Summary of *Brown v The King* [2025] VSCA 39. | |
| 14/04/25 | 11 | **11.2.25** | Summary of *Lang & Ors v The King* [2025] VSCA 49 and extract from [63]. | |
| 14/04/25 | 11 | **11.2.28.1** | * Summary of *Hu v The King* [2025] VSCA 60. * References to *Ortisi v The King* [2025] VSCA 42; *Malbeal v The King* [2025] VSCA 71; *Barton (a pseudonym) v The King* [2025] VSCA 74; . | |
| 14/04/25 | 11 | **11.2.34B** | Reference to *Malovski v The King* [2025] VSCA 72. | |
| 14/04/25 | 11 | **11.3.5** | Reference to *Jan v DPP (Cth)* [2025] VSCA 43 at [69]. | |
| 14/04/25 | 11 | **11.8.1** | This section on parole has been split into 3 segments, namely:   1. **PAROLE PURSUANT TO A *SENTENCING ACT* IMPRISONMENT ORDER** 2. **NO POWER TO ORDER A NON-PAROLE PERIOD FOR A CHILD SENTENCED TO DETENTION UNDER THE CYFA** 3. **A STATE MAY VALIDLY CHANGE THE CONDITIONS FOR A GRANT OF PAROLE WITHOUT THIS BEING AN IMPERMISSIBLE INTERFERENCE WITH JUDICIAL POWER**  * In the 1st segment a minor amendment has been made to the first paragraph of the text. * In the 3rd segment a summary has been included of *Cherry v Queensland* [2025] HCA 14 together with a partial extract from [1]-[2]. | |
| 14/04/25 | 11 | **11.15.1.1** | Reference to *Lombard (a pseudonym) v The King* [2025] VSCA 51. | |
| 14/04/25 | 11 | **11.15.3** | Reference to *Hulsman v The King* [2025] VSCA 63. | |
| 21/03/25 | CHAPTER 9 – CRIMINAL DIVISION – CUSTODY & BAIL | | | |
| 21/03/25 | 9 | **9.0.4** | **Section heading amended to “Amendments to the Bail Act in 2024 & 2025”.** | |
| Summary of the *Bail Amendment Act 2025*. | |
| 21/03/25 | 9 | **9.4.1.1** | Summary of *Re MMA (a pseudonym) (Bail Application)* [2025] VSC 113 and extracts from [2] & [13]. | |
| 12/03/25 | CHAPTER 1 – HISTORY, ACTS, REGULATIONS, RULES | | | |
| 12/03/25 | 1 | 1.5.3 | **Section heading amended to “Application of the Charter to child protection and associated VCAT proceedings”.** | |
| * Summary of *INP v Secretary, Department of Families, Fairness and Housing* [2025] VSC 31 and extracts from [172]-[175] & [178]. * Cross-reference to new **Part 3.14**. | |
| 12/03/25 | CHAPTER 2 – COURT OVERVIEW | | | |
| 12/03/25 | 2 | 2.8.2 | Minor amendments to text, including addition of headings and an explanation of the difference between a “proceeding suppression order” and a “broad suppression order”. | |
| 12/03/25 | CHAPTER 3 – COURT OPERATION | | | |
| 12/03/25 | 3 | 3.2 | **Heading of Part amended to “Judicial Independence & Immunity”.** | |
| 12/03/25 | 3 | 3.2.1 | **New section heading “Judicial independence”.** | |
| 12/03/25 | 3 | 3.2.2 | **New section headed “Immunity of judicial officers & court officials”.** | |
| * List of sections in various Victorian Acts relating to the subject of judicial immunity. * Summary of the linked cases of *Queensland v Mr Stradford (a pseudonym)*, *Commonwealth of Australia v Mr Stradford (a pseudonym)* and *His Honour Judge Vasta v Mr Stradford (a pseudonym)* [2025] HCA 3 and extracts from [2]-[4], [22], [101] & [160]. | |
| 12/03/25 | 3 | 3.5.3.8 | Addition of the missing first line in paragraph [227] of *Gurappaji v Duncan & Anor* [2023] VSC 558. | |
| 12/03/25 | 3 | 3.5.9.1 | Summary of *Berih v Homes Victoria (No 3)* [2025] VSC 30 and extracts from [48], [50] & [92]. | |
| 12/03/25 | 3 | 3.5.14 | Reference to *Kairouz v Jasper Nominees Pty Ltd* [2025] VSCA 16 at [168]-[173]. | |
| 12/03/25 | 3 | 3.7.1 | Reference to a UK Family Division document providing guidance on ‘when, why and how’ to write to children in family court proceedings. | |
| 12/03/25 | 3 | 3.7.3 | Reference to *Cassim v Dahaby & Anor* [2025] VSC 26 at [62]-[135]. | |
| 12/03/25 | 3 | 3.8 | Reference to *Thomson v Thomson (No 2)* [2025] VSC 27 at [26]. | |
| 12/03/25 | 3 | 3.9 | References to *Kyne v Gerard Brandrick & Associates Pty Ltd* [2025] VSCA 17 at [35]-[42] & [65]-[82]; *Kuksal v Victorian Legal Services Board (Costs)* [2025] VSC 48 at [9]-[12]. | |
| 12/03/25 | 3 | 3.14 | **New Part headed “Victorian Civil and Administrative Tribunal’s child protection jurisdiction”.** | |
| * Summary of *INP v Secretary, Department of Families, Fairness and Housing* [2025] VSC 31 and extract from [3]. * Cross-reference to **section 1.5.3**. | |
| 12/03/25 | CHAPTER 6 – FAMILY DIV’N – INTERVENTION ORDERS | | | |
| 12/03/25 | 6 | **6FV.11.3** | Minor modification to include definition of “exclusion condition”. | |
| 12/03/25 | 6 | **6FV.19** | **New Part entitled “National Domestic and Family Violence Bench Book”.** | |
| 12/03/25 | 6 | **6PS.11.3** | Minor modification to include definition of “exclusion condition”. | |
| 12/03/25 | CHAPTER 7 – CRIMINAL DIVISION – GENERAL | | | |
| 12/03/25 | 7 | 7.11.2 | Reference to *Leslie v The King* [2025] VSCA 13 at [59]. | |
| 12/03/25 | CHAPTER 8 – CRIMINAL DIVISION – INVESTIGATION | | | |
| 12/03/25 | 8 | 8.7 | Summary of *DPP v ZZ* [2024] VSC 762 and extract from [99]-[104]. | |
| 12/03/25 | CHAPTER 9 – CRIMINAL DIVISION – CUSTODY & BAIL | | | |
| 12/03/25 | 9 | 9.4.1.2 | Summary of *Re Margus (Bail)* [2025] VSC 68. | |
| 12/03/25 | CHAPTER 10 – CRIMINAL DIVISION – PROCEDURE | | | |
| 12/03/25 | 10 | 10.1.6 | Brief anonymised reference to [2025] VSC 43. | |
| 12/03/25 | 10 | 10.2.9 | Addition of 2023/24 committal statistics. | |
| 12/03/25 | 10 | 10.3.3.5**B** | References to *Wu v The King* [2025] VSCA 4 at [64]-[65]; *Holland v The King* [2025] VSCA 5 at [8]-[9] & [72]-[73]; *Ong v The King* [2025] VSCA 21 at [107]-[133]. | |
| 12/03/25 | 10 | 10.3.3.5**C** | References to *Wu v The King* [2025] VSCA 4; *Edmunds v The King* [2025] VSCA 31. | |
| 12/03/25 | 10 | 10.3.5 | Reference to *DPP v Waterhouse* [2024] VSC 585 & [2025] VSC 61. | |
| 12/03/25 | 10 | 10.3.7 | Reference to *Grimm v The King* [2025] VSCA 11 at [63]-[64] & [76]-[109]. | |
| 12/03/25 | 10 | 10.3.12 | Reference to *Kannan v The King* [2023] VSCA 58 at [21]-[51]. | |
| 12/03/25 | 10 | 10.6**U** | References to *Re HM* [2025] VSC 56 at [5]-[10]; *Re OR (No 3)* [2025] VSC 78 at [26]-[31]. | |
| 12/03/25 | 10 | **FORMER 10.7I** | **Former section 10.7I – “Incompatibility of Diversion and licence cancellation/suspension” – is deleted. The text contained in it was certainly misleading and probably wrong. The correct situation is contained in s.356B CYFA which is detailed in section 10.7B, headed “Offences for which diversion is not available”.** | |
| **FORMER 10.7K**  **NEW 10.7I** | **Former section 10.7K – headed “Statistics” – is renumbered 10.7I and renamed “Diversion statistics”.** | |
| Addition of 2023/24 diversion statistics. | |
| 12/03/25 | 10 | **FORMER 10.7L**  **NEW 10.7K** | **Former section 10.7L – headed “Statutory Review of the Court diversion program & Recommendations” – is renumbered 10.7K.** | |
| 12/03/25 | CHAPTER 11 – CRIMINAL DIVISION – SENTENCING | | | |
| 12/03/25 | 11 | **11.1.4.4** | Summary of *Cho Nguyen v The King* [2025] VSCA 3 and extracts from [23] & [51]-[53]. Summary of *Vassallo v The King* [2025] VSCA 7 and extract from [107]. | |
| 12/03/25 | 11 | **11.2.1** | Extract from *Vassallo v The King* [2025] VSCA 7 at [90]-[91]. | |
| 12/03/25 | 11 | **11.2.6A** | * Summary of *Leslie v The King* [2025] VSCA 13 and extract from [109]-[110]. * Reference to *R v Loughnane* [2025] VSC 41 at [72]. | |
| 12/03/25 | 11 | **11.2.7** | Reference to *Andrews v The King* [2025] VSCA 26 at [36]-[52]. | |
| 12/03/25 | 11 | **11.2.11.2** | Reference to *Snowball v The King* [2025] VSCA 23 at [105]-[111]. | |
| 12/03/25 | 11 | **11.2.12** | Summary of *Leslie v The King* [2025] VSCA 13 and extract from [86]-[87]. | |
| 12/03/25 | 11 | **11.2.13** | Extract from *R v Belbruno* (2000) 117 A Crim R 150, 153 [9] and note that it was cited with approval by Orr JA in *Long (a pseudonym) v The King* [2025] VSCA 15 at [52]. | |
| 12/03/25 | 11 | **11.2.18** | Minor correction to summary of *R v Nagul* [2007] VSCA 8. | |
| 12/03/25 | 11 | **11.2.22.1** | * Summary of *DPP v* ZZ [2024] VSC 762 and extracts from [31]-[34] & [77]-[82]. * Summary of *DPP v Ivankovich* [2025] VSC 50. | |
| 12/03/25 | 11 | **11.2.22.3** | Reference to *DPP v Chambers* [2025] VSC 63 esp at [84]-[89]. | |
| 12/03/25 | 11 | **11.2.22.4** | Reference to *R v Loughnane* [2025] VSC 41. | |
| 12/03/25 | 11 | **11.2.23B** | Reference to *DPP v Waterhouse* [2025] VSC 67. | |
| 12/03/25 | 11 | **11.2.24.1A** | Summaries of *Pihlgren v The King* [2024] VSCA 47; *DPP v Zheng* [2025] VSC 76. | |
| 12/03/25 | 11 | **11.2.24.1B** | Summary of *R v Uluivuya* [2025] VSC 29. | |
| 12/03/25 | 11 | **11.2.24.6A** | Summary of *Cho Nguyen v The King* [2025] VSCA 3 and extract from [39]-[40]. | |
| 12/03/25 | 11 | **11.2.25** | Brief summary of *Wu v The King* [2025] VSCA 4. | |
| 12/03/25 | 11 | **11.2.26.1A** | References to *Comer v The King* [2025] VSCA 8; *Koukakis v The King* [2025] VSCA 12. | |
| 12/03/25 | 11 | **11.2.27B** | Reference to *Al-Bab v The King* [2025] VSCA 22. | |
| 12/03/25 | 11 | **11.2.28.1** | Reference to *Vassallo v The King* [2025] VSCA 7. | |
| 12/03/25 | 11 | **11.2.28.2** | Summary of *Andrews v The King* [2025] VSCA 26 and extracts from [58] & [64]. | |
| 12/03/25 | 11 | **11.2.30** | Summary of *Qayyum v The King* [2025] VSCA 14 and extract from [96]. | |
| 12/03/25 | 11 | **11.2.34B** | Reference to *Alessawi v The King; Snowball v The King* [2025] VSCA 23 at [75]-[77]. | |
| 12/03/25 | 11 | **11.15.1.1** | Summary of *Long (a pseudonym) v The King* [2025] VSCA 15 at [51]-[56] and extract from [60]-[61]. | |
| 12/03/25 | 11 | **11.18** | Reference to *Seo v The King* [2025] VSCA 9 at [9]. | |
| 10/02/25 | CHAPTER 1 – HISTORY, ACTS, REGULATIONS, RULES | | | |
| 10/02/25 | 1 | 1.1.7 | Minor amendment to text. | |
| 10/02/25 | 1 | 1.4.1 | Summary of new Practice Direction No.1 of 2025 and deletion of summary of revoked Practice Direction No.1 of 2024. | |
| 10/02/25 | 1 | 1.4.2 | Minor amendment to text. | |
| 10/02/25 | CHAPTER 2 – COURT OVERVIEW | | | |
| 10/02/25 | 2 | 2.4 | * Note that from 06/01/2025 the Children’s Court no longer sits at the NJC. * Statewide processing statistics for child protection cases and criminal cases added. * Detailed 2023/24 finalisation statistics added. | |
| 10/02/25 | 2 | 2.5.1 | * Reference to *McHugh v Commonwealth of Australia* [2025] VSC 11 at [13]-[18]. * Addition of discussion of s.192 *Criminal Procedure Act 2009*. * Brief summary of *Re DC, DE and KS* [2024] VSC 676 and extract from [15]. * Added citations for *R v Iaria & Panozzo* (2004) 9 VR 425; *R v Vjestica* (2008) 182 A Crim R 350. | |
| 10/02/25 | 2 | 2.5.2 | Updating of section headed “**Victorian Children’s Court venues**” to reflect changes which commenced on 06/01/2025 | |
| 10/02/25 | 2 | 2.5.3 | Addition of 2023/24 WORC statistics. | |
| 10/02/25 | CHAPTER 3 – COURT OPERATION | | | |
| 10/02/25 | 3 | 3.1.1 | * References to *Ramith v Homes Victoria & Ors* [2025] VSC 2 at [48]-[95]; *Gorman v Speech Pathology Association of Australia Ltd* [2025] VSC 4 at [139]-[168]; *Oberoi v Douglas* [2025] VSC 7 at [94]-[104]. * Cross-reference to new **subsection 3.5.3.12**. | |
| 10/02/25 | 3 | 3.1.2 | Reference to *Brazel v State of Victoria* [2024] VSCA 327 at [71]-[99]. | |
| 10/02/25 | 3 | 3.3.3 | Summary of *Taylor v Trustees of the Christian Brothers* [2005] VSC 25 and extract from [7]-[9]. | |
| 10/02/25 | 3 | 3.4.5 | Reference to *Frendo v The King* [2024] VSCA 319 and extract from [11]. | |
| 10/02/25 | 3 | 3.5.3 | Reference to “Pocket Evidence Law” ©. | |
| 10/02/25 | 3 | 3.5.3.7 | * Summary of *Jacobs (a pseudonym) v The King* [2024] VSCA 309 and extract from [25]. * Summary of *Clifford v Missionaries of the Sacred Heart* [2024] VSC 812 and extract from [175]-[176]. * Reference to *DP (a pseudonym) v Bird* [2021] VSC 850 at [91]-[98]. | |
| 10/02/25 | 3 | 3.5.3.11 | **New subsection headed “Admissibility of evidence of distress”.** | |
| Summary of *Tsalkos v The King* [2024] VSCA 324 and extracts from [8]-[12], [23]-[26] & [29]-[30]. | |
| 10/02/25 | 3 | 3.5.3.12 | **New subsection headed “Tendering of documents”.** | |
| * Summary of *Oberoi v Douglas* [2025] VSCA 7 and extracts from [95]-[104]. * Cross-reference to **section 3.1.1**. | |
| 10/02/25 | 3 | 3.5.9.1 | * Extract from pp.1 & 4-6 of a paper entitled “**Subpoena Challenges**” by Magistrate John O’Callaghan dated 24/02/2018. * References to *ACN 096 450 770 (formerly AJH Lawyers Pty Ltd) v Mathieson Nominees* [2017] VSC 559 at [20]; *Commissioner of the Australian Federal Police v Magistrates’ Court of Victoria* [2011] VSC 3 at [28]. * Reference to ChCV Practice Direction No 1 of 2025 paras [38]-[45] and extract from [39]-[41]. * There has been a minor rearrangement of paragraphs in this subsection. | |
| 10/02/25 | 3 | 3.5.9.3 | Extract from Practice Direction No 1 of 2023 paragraphs [25]-[26] replaced by extract from Practice Direction No 1 of 2025 paragraphs [25]-[27]. | |
| 10/02/25 | 3 | 3.5.14 | Reference to *DP (a pseudonym) v Bird* [2021] VSC 850 at [74], [385], [387], [392]-[395], [398] & [410]. | |
| 10/02/25 | 3 | 3.6 | Summary of *Lew v Blacher* [2024] VSCA 304 and extract from [44]. | |
| 10/02/25 | 3 | 3.9 | References to *Dal Broi v Nicholas James Lawyers Pty Ltd (Costs)* [2024] VSC 755; *LL UP Pty Ltd v Kegland Distribution Pty Ltd (No 2)* [2024] VSC 801; *LDY Pty Ltd & Anor v GE & L International Investment Pty Ltd & Ors (No 6)* [2024] VSC 810; *B8 Group Pty Ltd v GE & L International Investment Pty Ltd & Ors* [2024] VSC 811. | |
| 10/02/25 | 3 | 3.9.5 | * Extract from *Song v M.T.V. Building & Construction Pty Ltd* [2025] VSC 3 at [130]. * Summary of *Birketu Pty Ltd v Atanaskovic* [2025] HCA 2 and references to paragraphs [1], [2] & [37]. | |
| 10/02/25 | CHAPTER 4 – FAMILY DIVISION – GENERAL | | | |
| 10/02/25 | 4 | 4.2 &  4.9.8 | Minor modification to text to reflect the cessation of Family Division conciliation conferences. | |
| 10/02/25 | 4 | 4.9.8 | * Addition of 2023/24 statistics. * Reference to Practice Direction No.1 of 2025 and deletion of reference to now revoked Practice Direction No.3 of 2023. * Cross-reference to **Part 1.7**. | |
| 10/02/25 | 4 | 4.9 | Change to chart & text to reflect the cessation of Family Division conciliation conferences. | |
| 10/02/25 | 4 | 4.9.3 & 4.10 | Substantial changes to text to reflect the cessation of Family Division conciliation conferences as and from 20/12/2024. | |
| 10/02/25 | 4 | 4.10.1 to 4.10.10 | **Added note that sections 4.10.1 to 4.10.9 have been retained in this Part for historical purposes but since 20/12/2024 they are no longer relevant to the operation of the Family Division.** | |
| Minor changes to text to reflect the cessation of Family Division conciliation conferences as and from 20/12/2024. | |
| 10/02/25 | 4 | 4.10.9  4.16 | Addition of 2023/24 statistics. | |
| 10/02/25 | 4 | 4.17 | Discussion of interim orders made in the VCAT case of *XX v Secretary to the Department of Government Services.* | |
| 10/02/25 | CHAPTER 5 – FAMILY DIVISION – CHILD PROTECTION | | | |
| 10/02/25 | 5 | **5.4.10**  **5.5**  **5.5.8**  **5.27.3** | Addition of 2023/24 statistics. | |
| 10/02/25 | 5 | **5.11.7**  **5.24.6** | A minor rewriting and linking of these two sections with added cross-references. | |
| 10/02/25 | 5 | **5.13** | Addition of statistics for the number of s.278 undertakings ordered in 2023/24. Statistics for the other protection orders made in 2023/24 are not currently available. | |
| 10/02/25 | 5 | **5.14.8** | Very minor modification to text and addition of 2023/24 statistics. | |
| 10/02/25 | 5 | **5.23.3** | Correction of error in summary of *DoHHS v J* [2015] VChC 1 and addition of extract from [28]. | |
| 10/02/25 | 5 | **5.33.1** | * Addition of paragraphs [45] & [46] to the quote from the judgment of Macaulay J in the case of *Mercy Hospitals Victoria Ltd v D1 & D2* [2018] VSC 519. * Summary of *Secretary DFFH v Hage (a pseudonym)* [2024] VSC 764 and extracts from [66]-[67] & [71]. * Summary of *Secretary DFFH v Hage (a pseudonym)* [2025] VSC 18 and extracts from [50], [62], [147], [160] & [162]. | |
| 10/02/25 | CHAPTER 6 – FAMILY DIV’N – INTERVENTION ORDERS | | | |
| 10/02/25 | 6 | **6.14** | * Minor expansion of text to state that there is no appeal against an interim order or a refusal to make an interim order. * References to *Carroll (a pseudonym) v Browne (a pseudonym)* [2018] VSC 253, [27], [46]–[48], [62]; *Andrew Towns (a pseudonym) v Nathan Towns (a pseudonym)* [2024] VSCA 300 at [1]-[5] & [36]-[37]. | |
| 10/02/25 | 6 | **6.17** | **Heading of Part is amended to “Enforcement & related powers”.** | |
| 10/02/25 | 6 | **6.17.5** | **New section headed “Application by ‘prohibited person’ for a declaration under s.189 Firearms Act 1996”.** | |
| Summary of *Alex Denton (a pseudonym) v Chief Commissioner of Police* [2024] VSC 771 and extract from [13]-[16]. | |
| 10/02/25 | 6 | 6.20 | Addition of 2023/24 statistics. | |
| 10/02/25 | CHAPTER 7 – CRIMINAL DIVISION – GENERAL | | | |
| 10/02/25 | 7 | 7.1.3 | Commentary on s.10 of the *Youth Justice Act 2024* **which is not yet in operation** and which will increase the age of criminal responsibility from 10 to 12. | |
| 10/02/25 | 7 | 7.5.7 | **Section heading amended to “Criminal Division processing statistics (excluding CAYPINS)”.** | |
| Addition of 2023/24 statistics. | |
| 10/02/25 | 7 | 7.11.6 | Addition of 2023/24 statistics. | |
| 10/02/25 | CHAPTER 8 – CRIMINAL DIVISION – INVESTIGATION | | | |
| 10/02/25 | 8 | 8.2.12 | Reference to *Ridley v The King* [2024] VSCA 308 at [44]-[70]. | |
| 10/02/25 | CHAPTER 9 – CRIMINAL DIVISION – CUSTODY & BAIL | | | |
| 10/02/25 | 9 | 9.4.1.1 | * Summary of *Re RK* [2024] VSC 792, extract from [31] and cross-reference to **section 9.4.11**. * Summary of *Re DS (a pseudonym)* [2024] VSC 823 and extract from [114]. * Brief summary of *Re KM* [2024] VSC 802 and cross-reference to **section 9.4.11**. | |
| 10/02/25 | 9 | 9.4.1.2 | Summary of *Re Gatkuoth* [2025] VSC 5. | |
| 10/02/25 | 9 | 9.4.1.3 | Summary of *Re EP* [2024] VSC 827. | |
| 10/02/25 | 9 | 9.4.4.3 | Summary of *Re Carthy* [2025] VSC 23. | |
| 10/02/25 | 9 | 9.4.11 | * Summary of *Re KM* [2024] VSC 802 and extracts from [24]-[26] & [39]-[49]. * Reference to *Re RK* [2024] VSC 792 and extract from [6]. | |
| 10/02/25 | 9 | 9.5.1 | Reference to *Re EP* [2024] VSC 827 at [43]-[47]. | |
| 10/02/25 | 9 | 9.5.2 | **Section heading amended to “Bail undertaking, conduct conditions and electronic monitoring conditions”.** | |
| * Commentary on ss.899-903 of the *Youth Justice Act 2024* **which are not yet in operation** and which will amend the *Bail Act 1977* by adding ss.17C-17P to provide for a trial of electronic monitoring of children on bail in certain tightly defined circumstances. * Reference to *Secretary to the Department of Justice and Community Safety v OKH (No 3)* [2024] VSC 774 and extract from [46]. | |
| 10/02/25 | 9 | 9.5.7 | Summary of *Saises v DPP (Cth)* [2025] VSC 12. | |
| 10/02/25 | 9 | 9.5.10 | Amendment of text about concerns re repeal of s.30A **BA** on 25/03/2024 given its reenactment (albeit in a different form) as and from 02/12/2024. | |
| 10/02/25 | CHAPTER 10 – CRIMINAL DIVISION – PROCEDURE | | | |
| 10/02/25 | 10 | 10.2.9 | * Several minor corrections made to Tables A & B and to the associated text. * “CCV” replaced by “ChCV” in a number of places to avoid ambiguity. | |
| 10/02/25 | 10 | 10.3.3.5**B** | * Summary of *Giurina v McLeay* [2024] VSCA 326 and extracts from [103]-[106] & [118]. * References to *Booth v The King* [2024] VSCA 318; *Director of Public Prosecutions v Hall* [2024] VSC 791 at [13] & [33]; *Irwin v The King* [2022] VSCA 218 at [12]-[16] & [83]-[85]. | |
| 10/02/25 | 10 | 10.3.3.5**C** | References to *Gaunt v The King* [2024] VSCA 311; *Kovachev (a pseudonym) v The King* [2024] VSCA 325; *DP (a pseudonym) v Bird* [2021] VSC 850. | |
| 10/02/25 | 10 | 10.3.3.6 | **New subsection entitled “Duty of prosecutor”.** | |
| * Summary of *Irwin v The King* [2022] VSCA 218 and extract from [110]. * Cross-reference to **section 11.4.4A**. | |
| 10/02/25 | 10 | 10.3.8 | Summary of *Butcher v The King* [2024] VSCA 322 and extracts from [90]-[99] & [123]-[127]. | |
| 10/02/25 | 10 | 10.3.10 | Extracts from [63]-[74] in the judgment of Lasry J in *R v Tuteru (Ruling No 3)* [2023] VSC 93 have been removed since his Honour’s order granting a permanant stay was set aside by the Court of Appeal in *DPP v Tuteru* [2023] VSCA 188. | |
| 10/02/25 | CHAPTER 11 – CRIMINAL DIVISION – SENTENCING | | | |
| 10/02/25 | 11 | **11.1.9.3** | Summary of *Commissioner of the Australian Federal Police v Kannan (Evidence Ruling) (No 2)* [2024] VSC 814. | |
| 10/02/25 | 11 | **11.2.5** | Summary of *Bower v The King* [2024] VSCA 317 and extract from [41]-[46]. | |
| 10/02/25 | 11 | **11.2.22.1** | Summaries of *Armstrong v The King* [2024] VSCA 316; *DPP v Vuong & Juan* [2024] VSC 821; *DPP v Ford* [2004] VSC 797; *R v JL* [2024] VSC 803. | |
| 10/02/25 | 11 | **11.2.22.4** | * Summary of *DPP v Kurera* [2024] VSC 809. * Reference to *DPP v Pualic* [2024] VSC 817 and cross-reference to **section 11.2.36**. | |
| 10/02/25 | 11 | **11.2.25** | Summary of *Pulis v The King* [2025] VSCA 2 and extract from [73]. | |
| 10/02/25 | 11 | **11.2.26.1A** | Reference to *Bower v The King* [2024] VSCA 317. | |
| 10/02/25 | 11 | **11.2.28.1** | Reference to *Butcher v The King* [2024] VSCA 322. | |
| 10/02/25 | 11 | **11.2.36** | Summary of *DPP v Pualic* [2024] VSC 827 and extracts from [55], [57]-[59] & [69]-[71]. | |
| 10/02/25 | 11 | **11.3.3** | References to *Re AJ (a pseudonym)* [2024] VSC 769; *WJH v Chief Commissioner of Police* [2024] VSC 818; *GT v Chief Commissioner of Police* [2024] VSC 824; *RBC v Chief Commissioner of Police* [2025] VSC 10. | |
| 10/02/25 | 11 | **11.7.1** | Addition of 2023/24 statistics. | |
| 10/02/25 | 11 | **11.15.1.1** | References to *Frendo v The King* [2024] VSCA 319; *Talbot (a pseudonym)* [2024] VSCA 321; *Kovachev (a pseudonym) v The King* [2024] VSCA 325. | |
| 10/02/25 | 11 | **11.15.1.2** | Summary of *DPP v Dissanayake* [2024] VSCA 320. | |
| 10/02/25 | 11 | **11.15.2** | Reference to *Senarath v The King* [2024] VSCA 306. | |
| 10/02/25 | 11 | **11.20** | **Important correction to and expansion of text on the ChCV power to make alcohol exclusion orders for children and young persons.** | |
| 10/02/25 | CHAPTER 12 – CHILDREN’S COURT CLINIC | | | |
| 10/02/25 | 12 | 12.3.4 | Addition of 2023/24 statistics. | |

A SEPARATE FILE [Amendments 2 before 2025.docx] CONTAINS A TABLE CONTAINING A RUNNING LIST OF AMENDMENTS MADE TO THE RESEARCH MATERIALS BEFORE 01/01/2025.