

# CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT  
2013 - 2014

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**Children's Court of Victoria**

20 February 2015

His Excellency the Hon Alex Chernov AC QC  
Governor of Victoria  
Government House  
Government House Drive  
MELBOURNE VIC 3004

Your Excellency

**CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2013-2014**

In accordance with section 514 of the *Children, Youth and Families Act 2005* I have much pleasure in submitting the Children's Court of Victoria Annual Report for the year 2013-2014.

The report covers the court's operation and performance, and provides information on our activities and achievements during the reporting period.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Couzens', written over a horizontal line.

**Judge Peter Couzens**  
President  
Children's Court of Victoria

# 1

## OVERVIEW

The *Children, Youth and Families Act 2005* provides for the operation of the Children's Court of Victoria. The following values form part of the court's Client Service Charter.

### TRUST

We will respect your personal situation and respond to your questions in a responsible and confidential way.

### INTEGRITY

We are honest and accountable. We take responsibility for the way we act and the services we provide.

### PROFESSIONALISM

We will work to the highest ethical and professional standards.

### FAIRNESS

We will treat everyone with courtesy, respect and dignity. We recognise your right to be treated fairly and without discrimination.

Our staff respect and comply with the Victorian Charter of Human Rights and Responsibilities.



## REPORT OF THE PRESIDENT

The 2013/14 year saw a number of significant developments for the Children's Court. They include:

- completion of the expansion of the new approach to conferencing throughout regional Victoria;
- commencement of construction of the Family Division complex at the site of the Broadmeadows Magistrates' Court;
- completion of the roll-out of the Children's Koori Court throughout regional Victoria; and
- commencement of the Family Drug Treatment Court (FDTC).

## Family Division

### Increased workload

During 2013/14 there was a statewide increase of 13.5% in the number of primary applications issued compared to the previous year (4,390 compared to 3,804). The most significant increases occurred in the Hume (24%) and Grampians (30%) regions. In Melbourne there was a 14% increase in primary applications. The extent of the increases in both the Hume and Grampians regions has added considerable pressure on the resources at the central courts in both regions, namely Shepparton and Ballarat. Initiations will need to be carefully monitored in the next year for the purpose of determining whether additional resources will be required in both regions to cope with the additional workload.

### Conciliation Conferencing

At the beginning of 2013/14, the court's new approach to conferencing had commenced in Melbourne and the Grampians region. By the end of the year the roll-out was complete having been extended to the Loddon-Mallee, Barwon South-West, Gippsland and Hume regions.

The conciliation conferencing process is working well with satisfactory resolution rates having been achieved throughout the state. In regional Victoria a minimum of 50% of conferences resulted in settlement. In Melbourne the rate was slightly lower.

### Evaluation of pilot specialist list

As reported last year, in January 2013 the court commenced a pilot program at Melbourne providing intensive judicial management of cases where it is alleged that a child has suffered, or is likely to suffer, harm as a result of sexual abuse.

An evaluation of the pilot list was conducted by Associate Professor Rosemary Sheehan of the Department of Social Work, Monash University and the

Children's Court. A/ Professor Sheehan's report was launched at the court on 1 April 2014. Following the positive evaluation a decision was made to continue the list on an ongoing basis.

I would like to acknowledge the work of Magistrates Jennie Bowles and Belinda Wallington in establishing the list.



**Judge Peter Couzens**  
President  
Children's Court of Victoria

### Family Drug Treatment Court

The Family Drug Treatment Court (FDTC) was launched on 16 May 2014 in the presence of Attorney-General, the Hon. Robert Clark and the Minister for Community Services, the Hon. Mary Wooldridge.

The FDTC is a judicially monitored therapeutic program conducted in a highly supportive non-adversarial environment. It is aimed at parents whose children have been taken into care due to the parent's alcohol or drug abuse issues. The program provides intensive treatment and rehabilitation services for parents with the ultimate goal of reunification with their children.

Establishment of the FDTC was inspired by Magistrate Greg Levine whose Churchill Fellowship enabled him to study similar programs operating in the USA and UK.

Currently, the FDTC sits weekly at the William Cooper Justice Centre, 223 William Street, Melbourne. However, it will relocate during 2015 to the new Family Division court complex at Broadmeadows once construction is complete.



**Launch of the Family Drug Treatment Court**

## Broadmeadows

On 5 June 2014 Attorney-General, the Hon. Robert Clark MP, conducted a sod turning ceremony at the site of the new Family Division complex at Broadmeadows to mark the commencement of construction. It is anticipated that the complex will open in late April/early May 2015.

The facility will provide a boon for the Children's Court Family Division. It will help to reduce the workload at Melbourne Children's Court by absorbing some of the child protection work emanating from the DHS Northern Region office. It will also spare families from the need to travel to the central business district for their court hearing. As mentioned earlier, the Family Drug Treatment Court will also move to Broadmeadows once the new complex is complete.

## Criminal Division

For the fifth consecutive year the number of offenders found guilty in the Children's Court has declined. Numbers have reduced from 6,174 in 2009/10 to 3,778 in 2013/14. This represents a 50% reduction over the five year period.

2009/10	2010/11	2011/12	2012/13	2013/14
6,174	5,427	4,533	4,155	3,778

Similarly the number of offenders ordered to be detained in either a Youth Residential Centre or Youth Justice Centre has declined by an even greater extent, namely 57% - see table below.

2009/10	2010/11	2011/12	2012/13	2013/14
246	247	219	169	141

## Children's Koori Court

During the reporting year the Children's Koori Court expanded to Swan Hill and Shepparton thus completing the roll-out of the court throughout regional Victoria. The court now sits in Bairnsdale, Morwell, Warrnambool (Hamilton and Portland), Shepparton, Swan Hill, Mildura and Melbourne.

One of the original Children's Koori Court Elders, Uncle John Gorrie retired at the end of the reporting year after nine years of distinguished service. I thank Uncle John for his contribution to the court and wish him well in his retirement.



Uncle John Gorrie's retirement

## Overseas Delegations and Visits

As in past years the court has welcomed visitors from overseas who were interested to learn about the Children's Court and the law that it applies.

Delegations of judicial officers, court administrators and representatives of governments from Indonesia, Vietnam and the People's Republic of China (Liaoning Province) visited the court and were addressed either by myself or one of the magistrates sitting at Melbourne.

In addition to these delegations, the court was also visited by Thai Deputy Permanent Secretary for Justice, Mr Charnchao Chaiyanukij and Judge Kida of the Yukohama Family & District Court.

The Children's Court of Victoria is a member of the South Pacific Council of Youth & Children's Courts. In September 2013 the council convened in Auckland between 23 and 26 September. It was an honour for me to represent the court at the council meeting and engage with judicial officers from other Australian states and territories, New Zealand, New Guinea, Solomon Islands, Kiribus, Samoa, Tonga and Vanuatu.

In February 2014, I took part in a visit to Hai Phong, Vietnam to participate in the National Assembly Workshop on the Establishment of a Family & Juvenile Court in Vietnam. I was accompanied by the Honourable Alastair Nicholson AO RFD QC. The visit was sponsored by UNICEF.

## Community Education

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The court continues its program of community education activities by providing information to the public through the office of the court's Media & Communications Manager, its website and publications, external presentations and the on-going program of community visits to the court.

Groups that have visited the court during 2013/14 include foster carers, law students, and students of social work, journalism, youth work, community welfare, and maternal and child health. The magistrates at Melbourne continue to give their time before court commences to address these groups and answer questions about the jurisdiction and operation of the Children's Court. In addition, the practice of the court in providing addresses through its President and Magistrates to a wide range of forums has continued this reporting year. For example, I took part in the Symposium on Bullying, Young People and the Law which was held at Victoria University in July 2013, as well as the Rural Youth & Law Successes & Challenges forum held in Melbourne in August 2013.

This year saw the resumption of visits to the court by members of the Victorian Bar Readers' Course. Two groups of Bar Readers attended the court for a presentation on the jurisdiction and operation of the Children's Court.

Magistrate Peter Power continues to maintain a comprehensive set of Research Materials on the court's website. This information is freely available to all who wish to gain an understanding of the court's work.

## Professional Development

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In addition to participating in Magistrates' Court professional development days, and Judicial College seminars of interest, magistrates assigned to the Melbourne Children's Court took part in three conference days conducted at the court's premises in Little Lonsdale Street, Melbourne. A number of distinguished guests attended the conferences and spoke to the magistrates on a variety of subjects of relevance to the court. They included:

- Mr Abselom Nega, CEO of iEmpower who spoke on the subject of *Issues facing young North African people in the Melbourne metropolitan area*;
- Mr Bernie Geary OAM, Principal Commissioner, Commission for Children & Young People;
- Professor Muriel Bamblett AM, CEO, Victorian Aboriginal Childcare Agency;
- Mr Brendan Murray, Executive Principal, Parkville College;
- Mr Ian Lanyon, Director, Parkville Youth Justice Precinct;
- Ms Sandie de Woolf, CEO, Berry Street;
- Dr Michael Carr-Gregg, Consultant Psychologist;
- Judge Michael Bourke, Chair, Youth Parole Board;
- Ms Simone Clagnan, Victims Support Officer (Youth Justice Group Conferencing); and
- Mr Glen McClure, Community Justice Co-ordinator, Jesuit Social Services.

## Participation On Boards, Councils and Committees

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I participated in a number of boards, councils, committees, reference groups and advisory bodies. This year they included:

- Courts Council
- Aboriginal Justice Forum
- Children's Koori Court Reference Group
- Youth Justice Group Conferencing Statewide Advisory Committee
- Sexual Assault Advisory Committee
- Magistrates' Court Management Committee
- Ministerial Advisory Group
- Broadmeadows Children's Court Steering Committee

## Conclusion

I wish to acknowledge and thank the staff and members of the following organisations who have contributed so conscientiously and effectively to the work of the court at Melbourne and throughout the state during the reporting period:

- Children's Court Clinic
- Victoria Legal Aid
- Solicitors and barristers who practice in the court
- Department of Human Services
  - Child Protection Litigation Office
  - Youth Justice Court Advice Unit
  - Secure Welfare
- Victoria Police
  - Prosecutions Division
  - Melbourne Children's Court custodial facility
  - Protective Services
- Salvation Army
- Court Network
- G4S Security
- Wilson Security

At the end of 2013 three long-serving Children's Court magistrates left the court to return to the Magistrates' Court. They are Magistrates Jennie Bowles, Belinda Wallington and Jo Metcalf. They served the court with distinction and I thank them for their dedication and commitment to the work of the court. The court is extremely fortunate that three experienced and highly respected magistrates replaced them, namely Magistrates Lesley Fleming, Kim Parkinson and Gail Hubble.

I wish to acknowledge the Children's Court Chief Executive Officer, Simon McDonald and his management team for their hard work and commitment to the court and for the great support that they have given me throughout the reporting year.

Finally, I would like to thank all magistrates and court staff performing Children's Court functions across Victoria for their service to the court and the community it serves.

**Judge Peter Couzens**  
President

## REPORT OF THE CHIEF EXECUTIVE OFFICER

In 2013/14, the Children's Court advanced a number of initiatives, designed to improve the services we provide to children, young people and families across the State.

### Criminal Division

#### Koori Court

In our Criminal Division, we further expanded the Children's Koori Court to Shepparton and Swan Hill. The Children's Koori Court now sits at each regional location where there is an adult Koori Court. This means that young Aboriginal offenders in those areas now have the opportunity to appear before their Elders and access appropriate supports. In 2014/15, we will expand the Melbourne Koori Court to Heidelberg and Dandenong, again to reach, and benefit, a greater number of young offenders.

#### Education Justice Initiative

The Children's Court has been working closely with the Department of Education and Early Childhood Development (DEECD) to develop a program designed to re-engage young offenders in education. The Education Justice Initiative will launch early in 2014/15, and DEECD personnel will be based at the Melbourne Children's Court to identify and work with those young people who are disengaged from education or at risk of disengaging. Magistrates at the Melbourne Children's Court will have on-site advice about young people appearing in the Criminal Division, what education-related services are available and what can be put in place to overcome the barriers to attending school. The engagement managers at

court will provide direct links back into schools. The court looks forward to implementing a highly beneficial program, the product of a strong partnership with DEECD.

### Family Division

#### A system under pressure

Our Family Division continues to experience high volume with increases trending across the state. In particular, the Hume and Grampians regions are under increasing pressure to manage the demand in the child protection area. The court is working with the Department of Human Services (DHS) to improve data sharing, forecasting and demand responses. In 2013/14 intensive case management practices were implemented with the aim of giving each case the best opportunity to resolve by agreement, rather than via a lengthy contested hearing. Although the range of strategies embarked on by the court have significantly reduced delay, more needs to be done to support regional venues and plan for further increases across the jurisdiction.



**Simon McDonald**  
Chief Executive Officer (Acting)  
Children's Court of Victoria



## Conciliation conferencing

Our conciliation conferencing program rolled out across Victoria in 2013/14. Families and practitioners in all regions now have access to specially trained convenors to assist in reaching an agreed outcome in a child protection matter. The investment in this program by government is testament to its effectiveness and impact in metropolitan cases since 2010. More resolutions reached by families and DHS will lead to less contested hearings which are time-consuming, costly and sometimes traumatic. Magistrates, the legal profession, DHS staff and court staff in the regions have been very supportive in the implementation of conferencing, and families will benefit now that conferencing is part of the process.

## Broadmeadows Children's Court

Decentralisation offers a means of managing demand in metropolitan Melbourne. It has been acknowledged that the Melbourne Children's Court is overcrowded and in response, government has funded the construction of a two-court complex at Broadmeadows. Building is progressing well, and the facility is due to open in 2015. The court is consulting stakeholders in relation to the child and family-friendly design approach for the new complex. We are looking forward to innovative service responses which will generate out of this new venue.

## Melbourne Children's Court refurbishment

Again, in response to various assessments of the physical environment of the Melbourne Children's Court, we invested in a refurbishment and enhancement program in 2013/14. Public areas were improved and spaces for agencies were reconfigured to allow better service to the court and to families. The court engaged with the Salvation Army who provided an artist to paint a mural on one of the playroom walls. The now vibrant, child-friendly play area is the result (see below).

## Family Drug Treatment Court

The Family Drug Treatment Court (FDTC) was launched in May 2014, after years of research and development led by Magistrate Greg Levine. The result of much collaboration and investment by government, the FDTC will offer

intensive treatment and judicial oversight for parents with substance abuse issues, with the objective of reunifying them with their children. In 2015, the FDTC will move from the Melbourne CBD to the new court complex at Broadmeadows.

## The year ahead

Looking ahead, the court is focusing on managing increasing demand in child protection, embracing technology as a way to improve services and working with stakeholders to respond to challenges in both the criminal justice system and the child protection system. We welcome the decision to construct a new court complex in Shepparton, particularly in light of the increasing workload in that region. Our input into the planning process will focus on appropriate facilities for children and families, and the opportunity to change the way we deliver court services.

## Acknowledgments

I would like to acknowledge input from staff of the Department of Human Services, Department of Justice, Victoria Legal Aid and members of the legal profession. It is important that co-operation and collaboration prevail so that the interests and needs of children and their families are always served first.

I would also like to acknowledge Leah Hickey, General Manager, Operations & Strategy, and all members of the court executive team for their dedication and skill. Thank you also to Judge Peter Couzens for his leadership of the court and to the magistrates for their unfailing commitment and work ethic in the face of continued caseload increases.

Finally, I wish to thank each member of the Children's Court staff and those performing Children's Court functions across Victoria for their service to the court and the Victorian community.

## Simon McDonald

Chief Executive Officer



## JURISDICTION

The Children’s Court of Victoria has jurisdiction under the *Children, Youth and Families Act 2005* to hear cases involving children and young people up to the age of 18 years, and in some cases up to 19 years.

The Family Division of the court has the power to hear a range of applications and to make a variety of orders upon finding that a child is in need of protection, or that there are irreconcilable differences between a child and his or her parents.

In the Family Division, the court also has jurisdiction to hear applications relating to intervention orders pursuant to the *Family Violence Protection Act 2008* and the *Personal Safety Intervention Orders Act 2010* where the “affected family member” (family violence matters) or “affected person” (personal safety matters), or the respondent is a child. Legislative amendments that came into operation on 1 December 2013 also give the Children’s Court jurisdiction to hear and determine an intervention order application when both parties are adults if there is a related child protection proceeding.

The Criminal Division of the court has jurisdiction to hear and determine summarily all offences (other than murder, attempted murder, manslaughter, child homicide, defensive homicide, culpable driving causing death and arson causing death) where the alleged offender was under the age of 18 but of or above the age of 10 years at the time the offence was committed and under the age of 19 when proceedings were commenced in the court.



Locations of the Children’s Court

# STRUCTURE AND ORGANISATION OF THE CHILDREN'S COURT OF VICTORIA

Aside from judicial officers, the court is staffed by registrars, deputy registrars, trainee registrars and administrative staff at each location. In addition, a number of staff, based at the Children's Court at Melbourne, have state-wide responsibilities and/or perform duties on a state-wide basis.

## President and Magistrates

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President	Judge Peter Couzens	
Magistrates at Melbourne	Ms Jennifer Bowles (up until 31/12/2013) Mr Darrin Cain Mr Peter Dotchin Ms Lesley Fleming (from 1/01/2014) Ms Jane Gibson Ms Annabel Hawkins  Ms Gail Hubble (from 1/01/2014) Mr Gregory Levine	Ms Kay Macpherson Ms Johanna Metcalf (up until 31/12/2013) Ms Kim Parkinson (from 1/01/2014) Ms Roslyn Porter Ms Sharon Smith Ms Belinda Wallington (up until 31/12/2013) Mr Francis Zemljak
Reserve Magistrates	Mr Peter Power	

## Administration

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Chief Executive Officer	Simon McDonald
General Manager, Operations & Strategy	Leah Hickey
Principal Registrar	Leanne de Morton
Manager, Conference Unit	Sue Higgs
Operations Manager	Kylie Pieters
State Coordinator	Clare Francis
Media & Communications Manager	Janet Matthew



## COURT LOCATIONS AND SITTING DAYS

With the exception of Melbourne, the Children's Court of Victoria sits at locations at which the Magistrates' Court is held pursuant to section 5(1) of the *Magistrates' Court Act 1989*. In accordance with section 505(3) of the *Children, Youth and Families Act 2005* the Children's Court "must not be held at any time in the same building as that in which the Magistrates' Court is at the time sitting unless the Governor in Council, by Order published in the *Government Gazette*, otherwise directs with respect to any particular building."

Consequently, the Children's Court of Victoria sits at nominated times, and as required, at locations of the Magistrates' Court as published in the *Law Calendar*.

1. Melbourne region:  
Melbourne (headquarters court), Moorabbin.
2. Grampians region:  
Ballarat (headquarters court), Ararat, Bacchus Marsh, Edenhope, Hopetoun, Horsham, Nhill, St. Arnaud, Stawell.
3. Loddon Mallee region:  
Bendigo (headquarters court), Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill.
4. Broadmeadows.
5. Dandenong.
6. Frankston.
7. Barwon South West region:  
Geelong (headquarters court), Colac, Hamilton, Portland, Warrnambool.
8. Heidelberg.
9. Gippsland region:  
Latrobe Valley (Morwell) (headquarters court), Bairnsdale, Korumburra, Moe, Omeo, Orbost, Sale, Wonthaggi.
10. Ringwood.
11. Hume region:  
Shepparton (headquarters court), Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga.
12. Sunshine region:  
Sunshine (headquarters court), Werribee.

The Neighbourhood Justice Centre (NJC), located in inner suburban Collingwood, commenced operation in March 2007. The Neighbourhood Justice Division of the Children's Court hears Children's Court criminal matters where the defendant either lives in the City of Yarra or the alleged offence was committed in the City of Yarra. The NJC also has jurisdiction to hear intervention order applications.

The Children's Court of Victoria at Melbourne is the only venue of the court which sits daily in both divisions. The Children's Court at Melbourne currently has 13 magistrates sitting full-time together with the President. This number includes one reserve magistrate assigned to the Children's Court.

Child protection cases emanating from the Department of Human Services Southern Metropolitan Region are heard at Moorabbin Children's Court on a daily basis.

Magistrates in other metropolitan courts also sit as Children's Court magistrates in those regions on nominated days and as required, hearing Criminal Division and intervention order matters only. Magistrates in country areas sit as Children's Court magistrates in both divisions on nominated days and as required.

# 2

## ACHIEVEMENTS AND HIGHLIGHTS

### CHILDREN'S KOORI COURT

The Children's Koori Court was launched at Melbourne in October 2005 and by the end of the 2012/13 year was also sitting at Mildura, Warrnambool (including Portland and Hamilton), Morwell and Bairnsdale.

During 2013/14 we further expanded the Children's Koori Court to Shepparton and Swan Hill. The Children's Koori Court now sits at each regional location where there is an adult Koori Court. This means that young Aboriginal offenders in those areas now have the opportunity to appear before their Elders and access appropriate supports.

During the next year, we will expand the Melbourne Koori Court to Heidelberg and Dandenong, again to reach, and benefit, a greater number of young Aboriginal offenders.

#### Children's Koori Court, number of sittings, matters finalised, 2013/14

Court location	2013/14	
	No. of sittings	Matters finalised
Bairnsdale	10	23
Latrobe Valley (Morwell)	6	28
Melbourne	19	87
Mildura	14	23
Shepparton (commenced 11/13)	4	12
Swan Hill (commenced 10/13)	6	14
Warrnambool	2	3
<b>Total</b>	<b>61</b>	<b>190</b>

## FAMILY DRUG TREATMENT COURT

The Family Drug Treatment Court (FDTC) was launched in the Children's Court on 16 May 2014. Based in the Family Division of the court, the FDTC accepted its first family into the program on 23 May 2014. Since commencing, the FDTC has seen significant positive progress for the families involved, with enormous support from a wide range of services across the justice, health and human services sectors. With overwhelming community support, the goal of true collaboration is already being achieved.

The FDTC provides intensive treatment and supervision for families through a dedicated team of professionals including:

- a senior clinician;
- two clinical case managers;
- a dedicated child protection practitioner; and
- other health professionals and support workers.

Led by a dedicated magistrate, the FDTC team work together to support parents and their children in successfully completing a Family Recovery Plan (FRP), and achieving positive outcomes according to identified goals with reunification of the family being the ultimate goal.

This innovative approach to the protection of vulnerable children and their families represents a fundamental shift in the way courts and service providers have traditionally worked together. By creating a non-adversarial environment for collaboration, the FDTC is already generating significant improvements to the lives of the most vulnerable in our community.

## D LIST

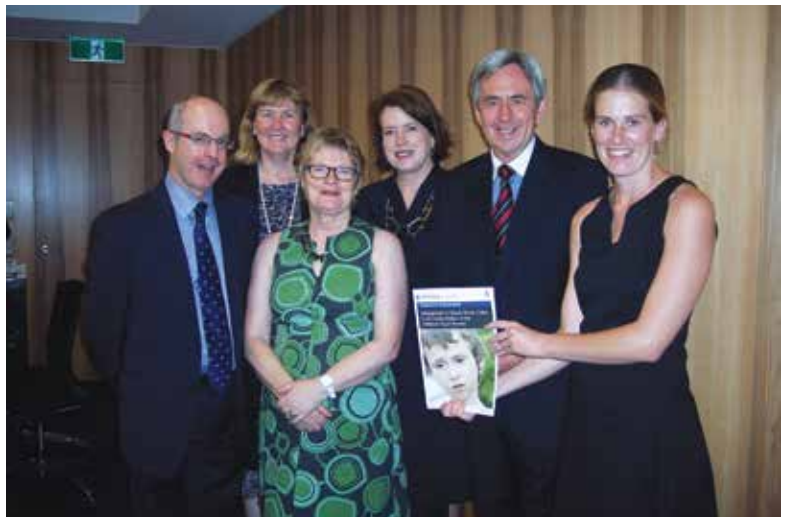
In January 2013, the court commenced a pilot list in the Family Division at Melbourne providing intensive judicial management of cases where it is alleged that a child has suffered, or is likely to suffer, harm as a result of sexual abuse<sup>1</sup>. The pilot was based on the successful specialist sexual offences list in the Criminal Division of the court.

The new list, known as the "D List", features a docket system whereby a case is allocated to a magistrate who manages the case until finalisation. Magistrates sitting in the list read the reports in advance of the hearing and adopt a less adversarial, problem solving approach.

An evaluation, funded by the Legal Services Board, was conducted by Associate Professor Rosemary Sheehan of Monash University. The evaluation found that the D List was successful in:

- parties being accountable for promises they gave the court;
- resolving matters at an early stage thereby reducing the number of contested hearings;
- reducing the trauma for children and families due to the early resolution of matters;
- providing savings to the court due to the early resolution of matters; and
- identifying cases which could not be resolved and booking them in for a contested hearing much earlier than would otherwise have been the case.

Following the positive evaluation, the D List ceased being a pilot and in early 2014 became a permanent specialist list in the Family Division of the court.



Launch of the D List evaluation report

<sup>1</sup>Section 162(1)(d) *Children, Youth and Families Act 2005*

## DEALING WITH DELAY

The court is constantly reviewing its listing practices and developing strategies to meet growing demand in its Family Division. The increase in volume, particularly in regional Victoria, has meant that cases are taking longer to be finalised, leaving children and families in uncertain interim arrangements and in dispute with other parties for too long.

In 2013/14, an intensive case management practice was introduced for child protection matters. These cases are now more closely monitored by a magistrate at every stage of the process and, along with conciliation conferencing, these listing practices aim to avoid a lengthy and distressing contested hearing. The process ensures that parties are given the best possible opportunity to agree on an outcome in the best interests of the child.

As a direct result of these new listing approaches, the yearly average delay between the date of a conciliation conference to the date of a contested hearing reduced by 34% in the year from 2012/13 to 2013/14 (see listing statistics, page 32). In the year ahead, listing processes will continue to evolve in the ongoing effort to meet demand state-wide.

## COURT NETWORK AT THE CHILDREN'S COURT

Court Network operates a state-wide support service to assist people attending Victoria's courts. A team of 17 trained volunteers, supervised by a professional Program Manager, are rostered to provide two "Networkers" each day at the court. Networkers provide information about court procedures and community supports, assist people to make contact with Legal Aid duty solicitors, provide practical and emotional support, refer people to appropriate community support agencies and generally work collaboratively with all other parties to facilitate the court process.

The court acknowledges the commitment of Court Network staff and the volunteer Networkers who have worked so successfully at Melbourne Children's Court during the reporting period.

## SALVATION ARMY AT THE CHILDREN'S COURT

For many years the Salvation Army has maintained a daily presence in the Children's Court at Melbourne. There are currently two full-time officers based at the court working in both the Criminal and Family Divisions. As well as providing information and support to adults, children and young people appearing before the court, the Salvation Army also provides the following services:

- alcohol and drug treatment facilities
- family contact through home visits
- family counselling
- client counselling
- provision of material aid
- crisis care
- accommodation
- practical support

During 2013/14, after 13 years of service, Major Vicki McMahon completed her assignment at Melbourne Children's Court to take up a new challenge. The court gratefully acknowledges the ongoing dedication and commitment of all officers of the Salvation Army working with families in the Children's Court. We wish Vicki all the very best for the future.



# 3

## OPERATIONAL AND STATISTICAL REPORT

### COURT STATISTICS

Displayed on the following pages are the statistical reports for each division of the court for the 2013/14 year collated by the Courts and Tribunals Unit of the Department of Justice and by the court. State-wide statistics are provided unless otherwise stated.

The following factors should be kept in mind when analysing the statistics that follow:

- While much of the statistical information presented in this report deals with primary applications, this accounts for only a portion of the Family Division workload. Much of this division's workload stems from secondary applications e.g. applications seeking to extend, vary, revoke or breach previously made court orders. Table 6 shows the total of all orders made (by order type) in the reporting year regardless of the application type, compared with the two previous years. It can be seen that the total number of orders made by the Family Division of the court has increased in each consecutive year. 6,780 more orders were made by the court in its Family Division in 2013/14 than in 2012/13.
- While country venues of the court hear cases in both divisions, in the metropolitan area all Family Division child protection cases are heard either at Melbourne or Moorabbin Children's Courts. Hearing of most child protection matters originating in the Southern Metropolitan Region of the Department of Human Services commenced at Moorabbin on 1 June 2009. This does not include cases involving parents in custody or children in Secure Welfare. These matters continue to be heard at Melbourne. Other suburban venues of the court hear criminal matters and applications for intervention orders only.
- While the reports show intervention orders issued by Children's Court venues throughout the state it should be noted that the Magistrates' Court and the Children's Court have a dual jurisdiction with regard to intervention order proceedings involving children. This means that while the figures accurately reflect the number of these types of proceedings dealt with in the Children's Court jurisdiction it may not necessarily accurately reflect the number of these types of proceedings dealt with state-wide that involve children i.e. some proceedings may have been dealt with in the Magistrates' Court jurisdiction. Further, legislative amendments that came into operation on 1 December 2013 also give the Children's Court jurisdiction to hear and determine an intervention order application when both parties are adults if there is a related child protection proceeding.

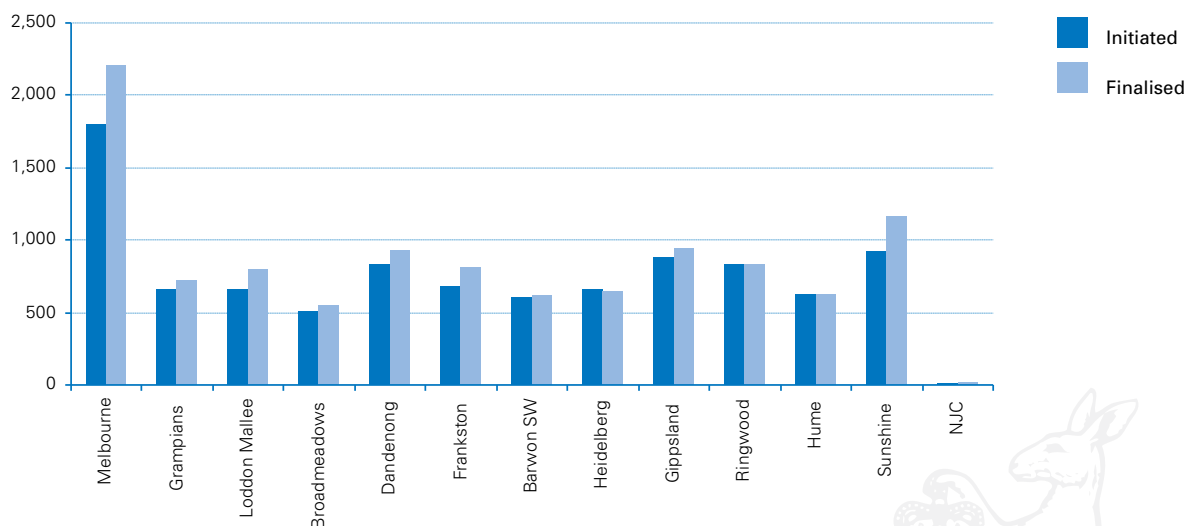


## Criminal Division

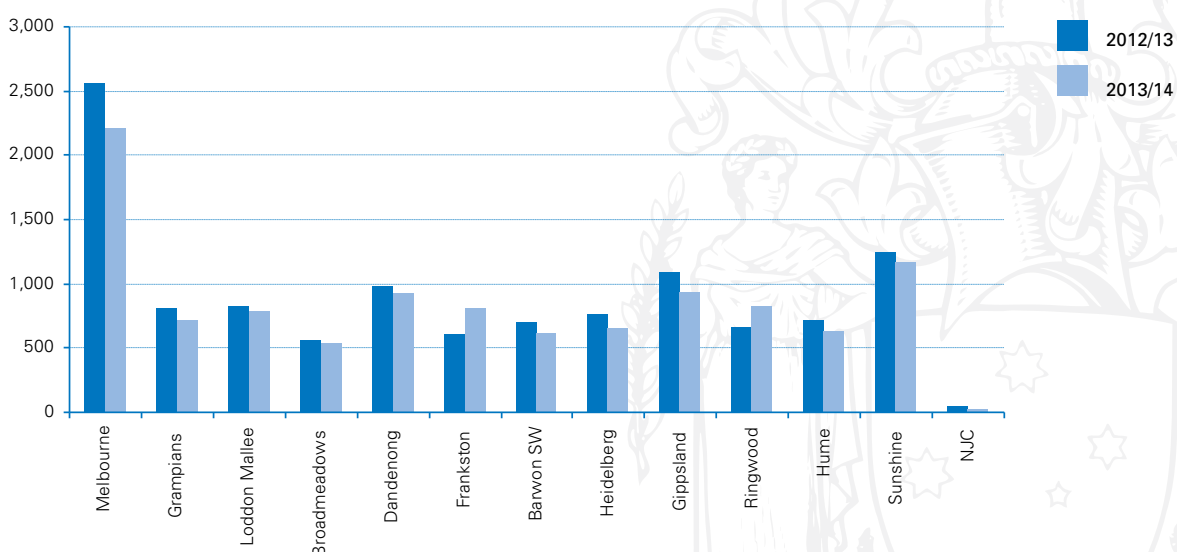
**Table 1: Number of matters<sup>2</sup> initiated, finalised and pending, 2012/13 – 2013/14**

Court Region <sup>3</sup>	2012/13			2013/14		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,797	2,565	396	1,805	2,189	471
Grampians	699	810	91	659	723	127
Loddon Mallee	713	824	222	658	795	170
Broadmeadows	509	558	77	509	542	90
Dandenong	855	986	215	828	933	209
Frankston	635	607	242	683	811	204
Barwon South West	619	699	62	608	613	108
Heidelberg	653	762	170	655	650	191
Gippsland	927	1,083	142	879	940	182
Ringwood	791	666	178	827	827	158
Hume	654	716	112	632	629	132
Sunshine	1,006	1,250	288	926	1,166	258
NJC – Collingwood <sup>4</sup>	37	47	12	9	21	11
<b>Total</b>	<b>9,895</b>	<b>11,573</b>	<b>2,207</b>	<b>9,678</b>	<b>10,839</b>	<b>2,311</b>

**Chart 1: Number of matters initiated and finalised, 2013/14**



**Chart 2: Regional caseload distribution for finalised matters, 2012/13 - 2013/14**



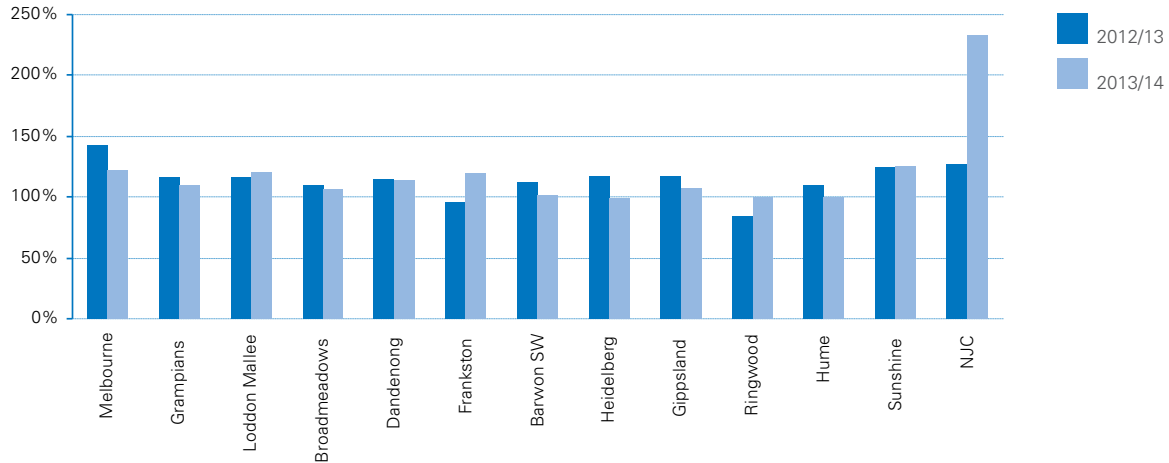
<sup>2</sup>A criminal "matter" refers to a charge or set of charges laid by an informant against an accused.

<sup>3</sup>A detailed list of court regions can be found on page 10 of this report.

<sup>4</sup>The Neighbourhood Justice Centre was launched on 8 March 2007 and has jurisdiction to hear Children's Court criminal matters where the accused either lives in the municipality of the City of Yarra or the alleged offence was committed in the City of Yarra.

## Criminal Division

Chart 3: Clearance rates for criminal matters, 2012/13 – 2013/14



## Children and Young Persons Infringement Notice System (CAYPINS)

CAYPINS is an alternative system to the traditional open court summons process for dealing with children and young people who fail, in the first instance, to pay on-the-spot and other penalties issued to them by prosecuting bodies such as Victoria Police and the Department of Transport.

Lodgment of CAYPINS matters was commenced by these agencies in November 2007 with the first hearings being conducted by registrars at Melbourne Children’s Court in December 2007.

Table 2: Number of CAYPINS matters initiated, finalised and pending, 2012/13 – 2013/14

Court Region	2012/13			2013/14		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	562	399	144	670	501	145
Grampians	302	277	77	235	237	27
Loddon Mallee	287	327	83	238	255	30
Broadmeadows	1,082	991	236	861	942	85
Dandenong	1,105	1,074	266	1,243	1,213	143
Frankston	1,951	2,055	243	1,873	1,999	76
Barwon South West	294	331	57	227	215	40
Heidelberg	1,199	1,063	203	1,089	1,169	132
Gippsland	315	260	66	225	238	43
Ringwood	1,127	1,093	168	1,471	1,430	141
Hume	321	303	54	207	282	35
Sunshine	2,201	2,081	363	1,766	1,770	185
NJC – Collingwood	175	138	46	177	190	31
<b>Total</b>	<b>10,921</b>	<b>10,392</b>	<b>2,006</b>	<b>10,282</b>	<b>10,441</b>	<b>1,113</b>

## Criminal Division

**Table 3: Offenders found guilty, by outcome<sup>5</sup>, 2011/12 - 2013/14**

Order	2011/12	2012/13	2013/14
	Number		
Discharged	8	7	7
Unaccountable Undertaking	33	27	41
Accountable Undertaking	481	430	302
Good Behaviour Bond	1,684	1,524	1,364
Fine	802	752	790
Probation	882	829	778
Youth Supervision Order	367	368	293
Youth Attendance Order	57	49	62
Youth Residential Centre	7	7	8
Youth Justice Centre	212	162	133
<b>Total</b>	<b>4,533</b>	<b>4,155</b>	<b>3,778</b>

	Percent		
	2011/12	2012/13	2013/14
Discharged	0.2%	0.2%	0.2%
Unaccountable Undertaking	0.7%	0.6%	1.1%
Accountable Undertaking	10.6%	10.3%	8.0%
Good Behaviour Bond	37.1%	36.7%	36.1%
Fine	17.7%	18.1%	20.9%
Probation	19.5%	19.9%	20.6%
Youth Supervision Order	8.1%	8.9%	7.8%
Youth Attendance Order	1.3%	1.2%	1.6%
Youth Residential Centre	0.1%	0.2%	0.2%
Youth Justice Centre	4.7%	3.9%	3.5%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

<sup>5</sup>“Outcome” relates to the penalty attached to the principal proven offence. The principal proven offence is the one charge in a case that attracted the most severe penalty.

The count of “Offenders found guilty, by outcome” in Table 3 and Chart 4 includes ‘super cases’. One individual accused may have three different “matters” (see footnote 1) before the court. For administrative purposes, these separate matters may be consolidated into a ‘super case’ if the accused wishes to plead guilty in relation to each matter. As a result of this consolidation, the three separate matters in relation to one accused would be counted as one ‘super case’, which will have one outcome based on the principal proven offence.

A charge may attract more than one type of outcome (for example, probation and a fine). One outcome (the principal outcome) has been recorded in relation to each charge that was finalised. Where a charge attracts more than one outcome, the principal outcome will be that which is highest in the sentencing hierarchy. For example, if a charge resulted in probation and a fine, the probation order would be recorded as the principal outcome.

## Criminal Division

Chart 4: Offenders found guilty, by outcome, 2011/12 - 2013/14

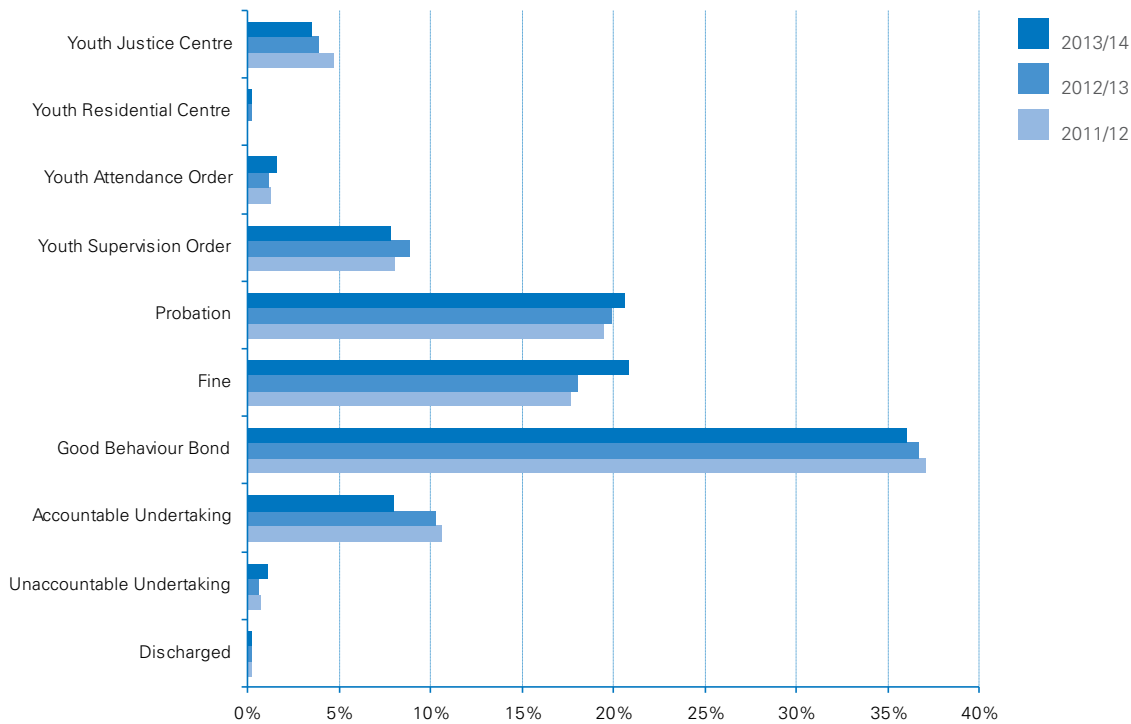
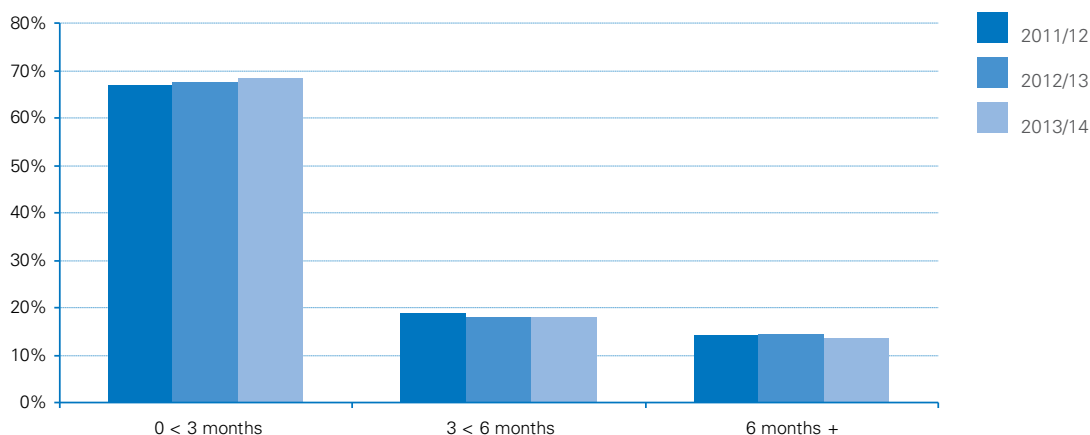


Table 4: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2011/12 - 2013/14

	2011/12	2012/13	2013/14	2011/12	2012/13	2013/14
	Number			Percent		
0 < 3 months	7,518	7,814	7,400	67.0%	67.5%	68.3%
3 < 6 months	2,126	2,077	1,951	18.9%	17.9%	18.0%
6 < 9 months	793	808	649	7.1%	7.0%	6.0%
9 < 12 months	323	351	310	2.9%	3.0%	2.8%
12 < 24 months	319	353	402	2.8%	3.1%	3.7%
24 months +	144	170	127	1.3%	1.5%	1.2%
<b>Total</b>	<b>11,223</b>	<b>11,573</b>	<b>10,839</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	1,579	1,682	1,488	12.7%	14.6%	13.7%

## Criminal Division

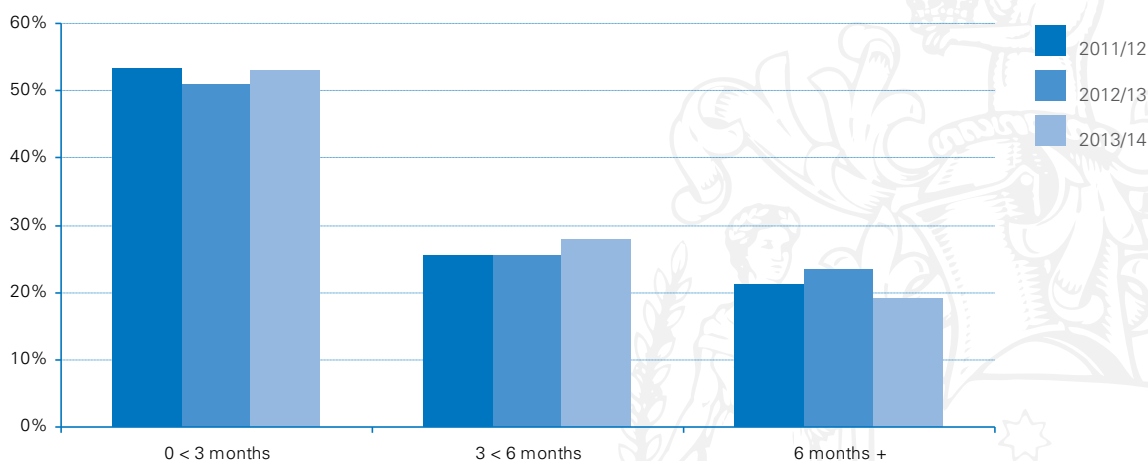
**Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2011/12 - 2013/14**



**Table 5: Number of matters pending on 30 June, by elapsed time since date of initiation, 2011/12 - 2013/14**

	2011/12	2012/13	2013/14	2011/12	2012/13	2013/14
	Number			Percent		
0 < 3 months	1,356	1,122	1,178	53.2%	50.8%	53.0%
3 < 6 months	653	566	620	25.6%	25.7%	27.9%
6 < 9 months	311	243	185	12.2%	11.0%	8.3%
9 < 12 months	98	133	86	3.9%	6.0%	3.9%
12 < 24 months	105	120	117	4.1%	5.4%	5.3%
24 months +	26	23	35	1.0%	1.1%	1.6%
<b>Total</b>	<b>2,549</b>	<b>2,207</b>	<b>2,221</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	540	519	423	21.2%	23.5%	19.1%

**Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2011/12 - 2013/14**



## Family Division

Many of the following Family Division tables and charts report on primary applications. Primary applications are those applications which commence a proceeding in the court in the first instance. Primary applications consist of protection applications instigated by apprehension and by notice, irreconcilable difference applications, and permanent care applications that do not flow directly from previous protection order proceedings.

**Table 6: Number of orders made<sup>6</sup>, 2011/12 - 2013/14**

Order	2011/12	2012/13	2013/14
Adjournment	9,312	8,762	9,854
Appointment – Independent Child Lawyer	n/a	n/a	59
Child attend court	n/a	n/a	21
Custody to Secretary order	1,332	1,412	1,389
Custody to third party order	7	8	7
Dismissed	29	39	39
Extension of custody to Secretary order	1,401	1,430	1,498
Extension of interim accommodation order	11,314	11,149	12,529
Extension of guardianship to Secretary order	356	362	346
Extension of supervised custody order	107	126	194
Extension of supervision order	375	457	393
Extension of therapeutic treatment order	10	9	8
Extension of therapeutic treatment (placement) order	0	2	0
Free text order <sup>7</sup>	11,700	11,997	14,728
Guardianship to Secretary order	288	239	261
Interim accommodation order	6,478	6,632	7,663
Interim protection order	881	920	1,131
Leave for TAO without notice order	0	0	9
Long-term guardianship to Secretary order	45	53	46
Order for costs	n/a	n/a	36
Permanent care order	250	292	318
Refusal to make protection order (s.291(6) CYFA)	48	82	122
Search warrant	3,831	4,001	4,069
Struck out	777	1,046	1,158
Supervised custody order	330	453	579
Supervision order	2,016	2,296	2,153
Temporary assessment order (TAO)	7	10	17
Therapeutic treatment order	28	32	26
Therapeutic treatment (placement) order	2	2	2
Undertaking – common law	18	41	23
Undertaking - application proved	130	219	201
Undertaking - dismissed	8	10	24
Undertaking - refusal to make protection order	17	6	12
Undertaking - struck out	284	195	147
<b>Total</b>	<b>51,381</b>	<b>52,282</b>	<b>59,062</b>

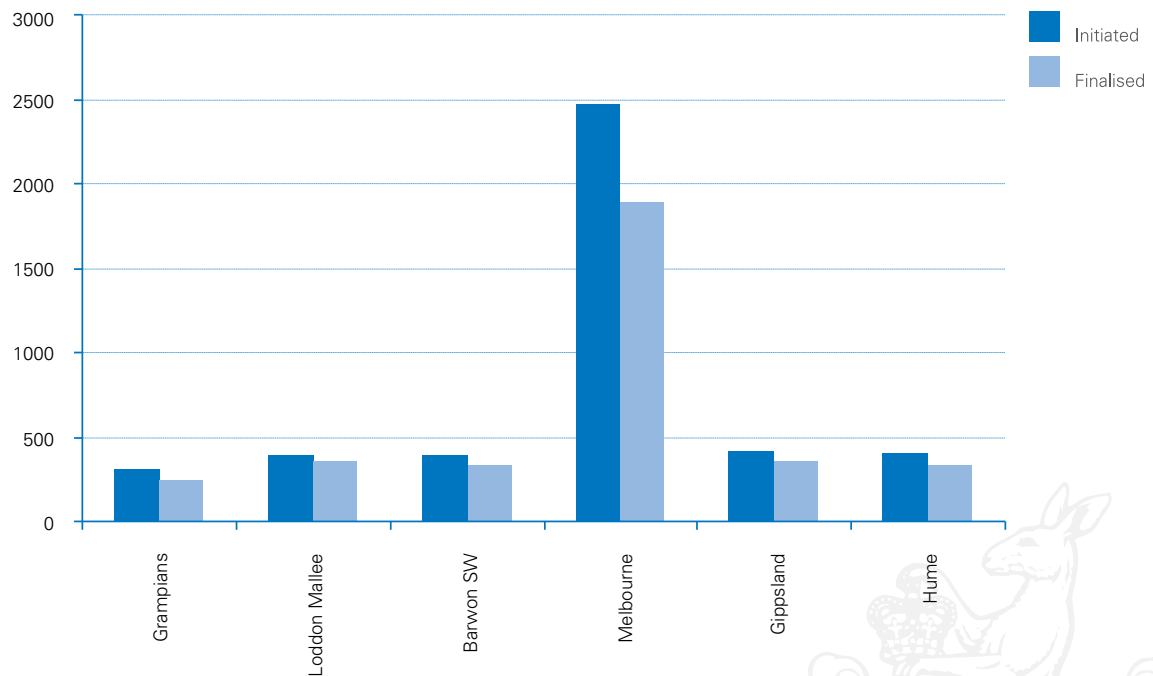
<sup>6</sup>Most Family Division applications result in a number of orders being made from the date of first hearing to the date of finalisation e.g. multiple adjournments, and multiple interim accommodation orders. Table 6 shows the total number of orders made (other than intervention orders) in relation to all applications before the court in the Family Division.

<sup>7</sup>Free text orders most commonly record directions made by the court and orders made in response to oral applications e.g. directions for the release of Children's Court Clinic reports, and orders joining additional parties to proceedings. Free text orders may also record the withdrawal of proceedings.

**Table 7: Number of primary applications initiated<sup>8</sup>, finalised and pending, 2012/13 – 2013/14**

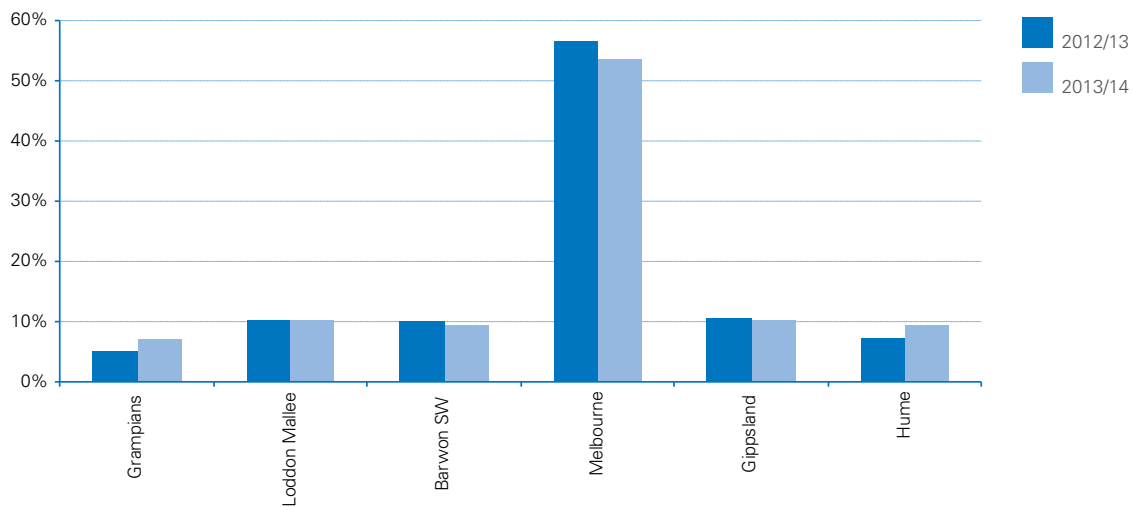
Court Region	2012/13			2013/14		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	225	192	64	306	246	108
Loddon Mallee	382	378	95	393	364	112
Barwon South West	384	365	83	390	337	124
Melbourne	2,130	2,070	1,066	2,474	1,885	1,361
Gippsland	375	390	64	423	361	115
Hume	308	272	101	404	329	143
<b>Total</b>	<b>3,804</b>	<b>3,667</b>	<b>1,473</b>	<b>4,390</b>	<b>3,522</b>	<b>1,963</b>

**Chart 7: Number of primary applications initiated and finalised, 2013/14**

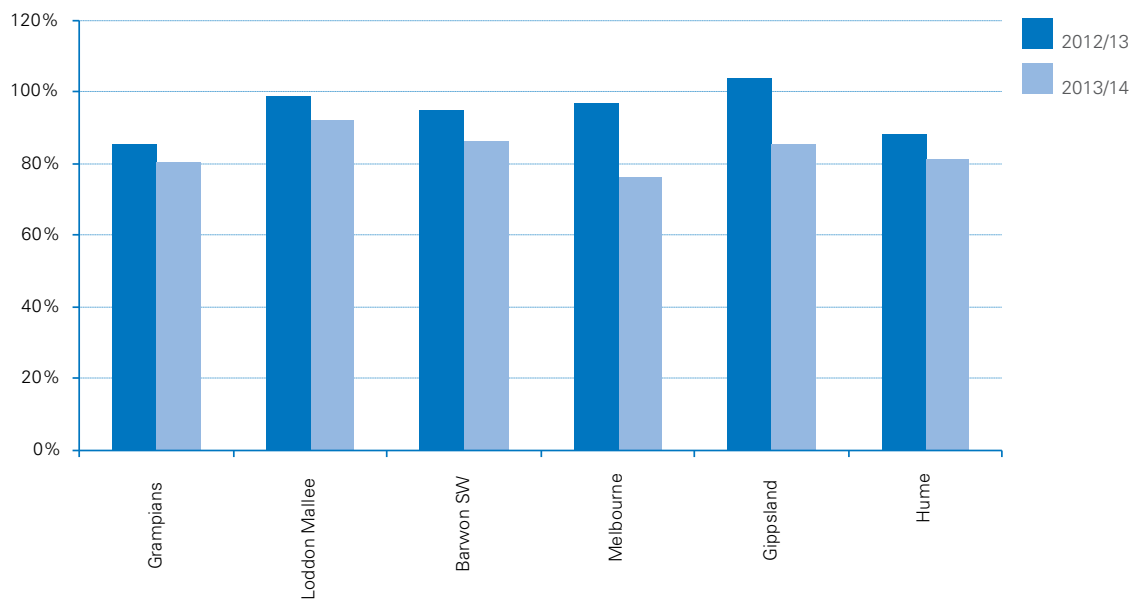


<sup>8</sup>The total number of primary applications initiated, as shown in Table 7, differs from the total number of protection applications initiated, as shown in Table 8. This difference is made up of a combination of irreconcilable difference applications initiated and the number of permanent care applications initiated as primary applications. The majority of permanent care applications are secondary applications and are not included in these tables. However, the total number of permanent care orders made is reflected in Table 6.

**Chart 8: Regional caseload distribution for finalised primary applications, 2012/13 – 2013/14**



**Chart 9: Clearance rates for primary applications, 2012/13 – 2013/14**



**Table 8: Number of protection applications initiated by apprehension/by notice, by court region, 2012/13 – 2013/14**

Court Region	2012/13				2013/14			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Grampians	102	122	224	45.5%	233	61	294	79.3%
Loddon Mallee	155	212	367	42.2%	193	191	384	50.3%
Barwon SW	220	161	381	57.7%	260	128	388	67.0%
Melbourne	1,663	430	2,093	79.5%	1,905	505	2,410	79.0%
Gippsland	214	156	370	57.8%	205	211	416	49.3%
Hume	181	121	302	59.9%	271	127	398	68.1%
<b>Total</b>	<b>2,535</b>	<b>1,202</b>	<b>3,737</b>	<b>67.8%</b>	<b>3,067</b>	<b>1,223</b>	<b>4,290</b>	<b>71.5%</b>



Chart 10: Percentage of protection applications initiated by apprehension, 2012/13 – 2013/14

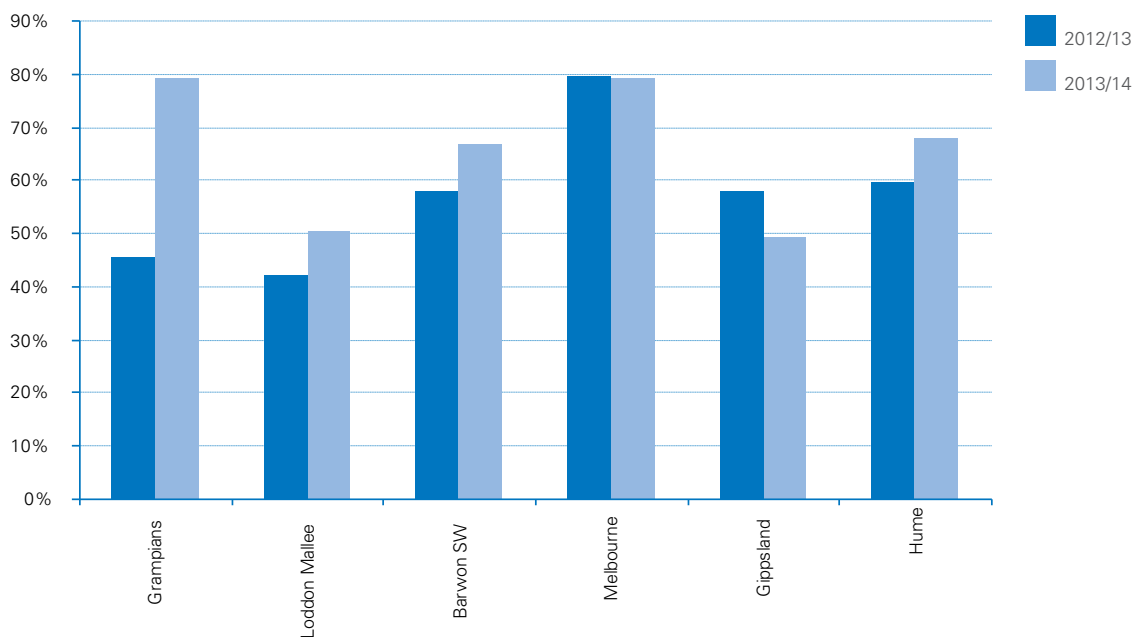


Table 9: Finalised primary applications by outcome, 2011/12 – 2013/14

Order	2011/12	2012/13	2013/14
Dismissed	11	26	21
Struck out	456	534	610
Refusal to make protection order	42	78	114
Undertaking – common law	12	15	18
Undertaking - application proved	89	129	131
Undertaking - dismissed	8	8	19
Undertaking - refusal to make protection order	15	5	8
Undertaking - struck out	215	158	115
Free text order	137	134	83
Supervision order	1,305	1,550	1,371
Custody to third party order	4	5	4
Supervised custody order	151	224	296
Custody to Secretary order	642	681	601
Guardianship to Secretary order	110	76	80
Long-term guardianship to Secretary order	0	5	4
Permanent care order	4	1	5
Temporary assessment order	7	10	17
Therapeutic treatment order	25	27	24
Therapeutic treatment (placement) order	0	1	1
<b>Total:</b>	<b>3,233</b>	<b>3,667</b>	<b>3,522</b>

Chart 11: Distribution of finalised primary applications, by outcome, 2011/12 – 2013/14

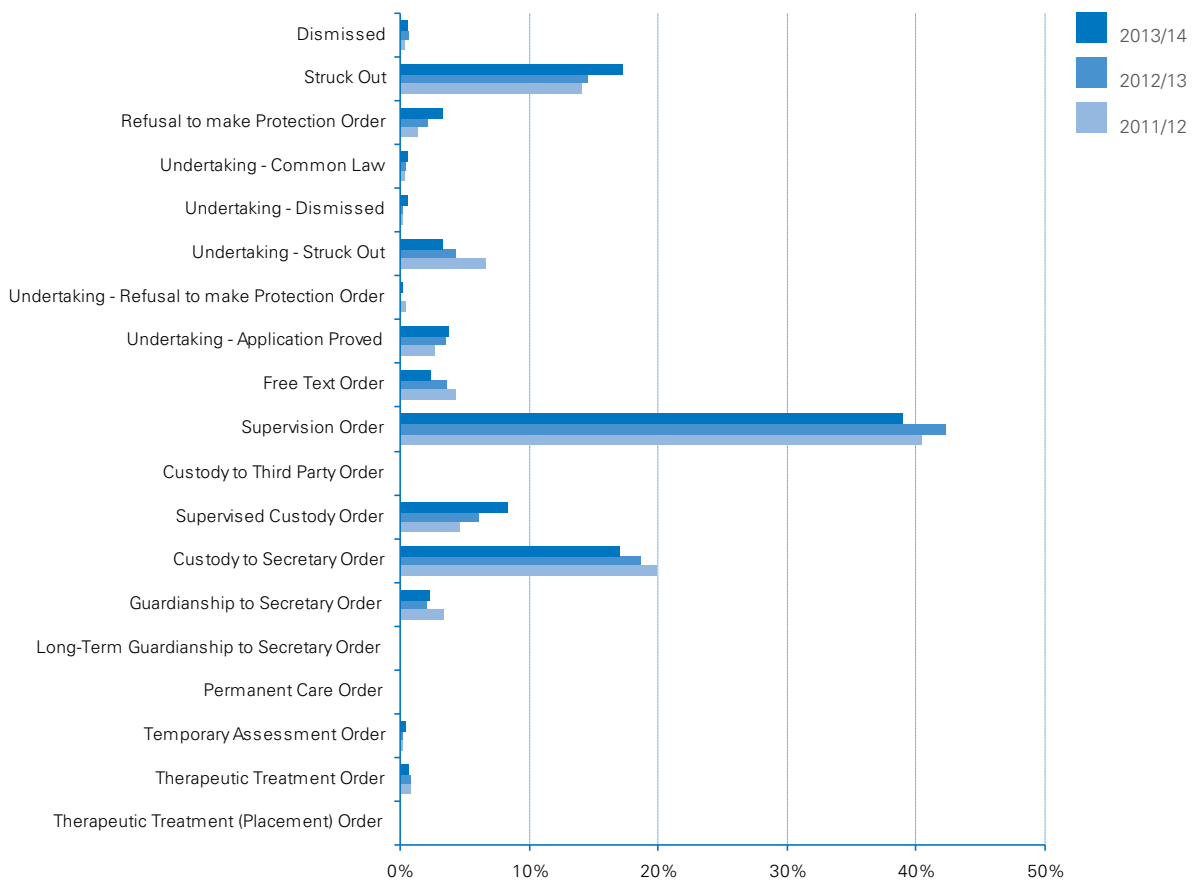
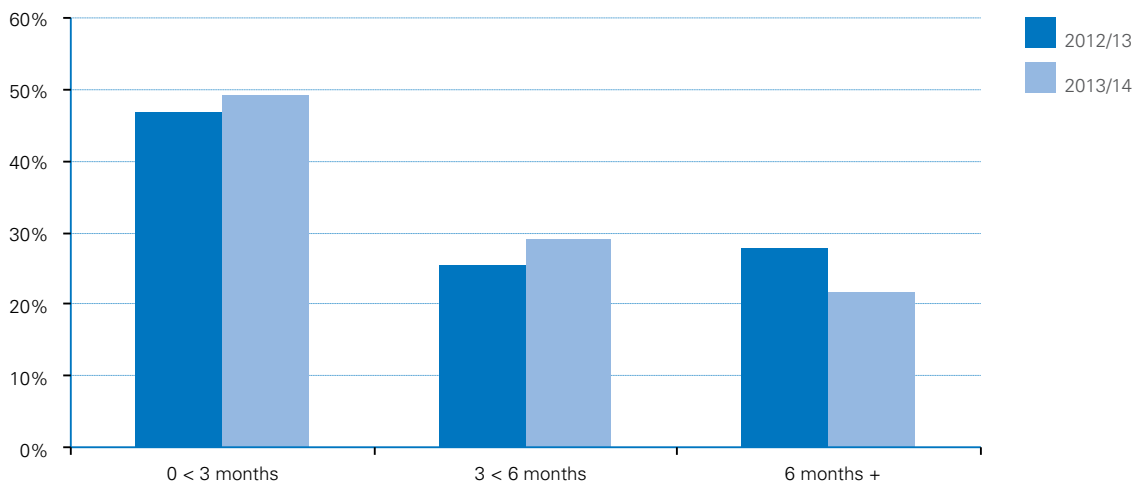


Table 10: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2012/13 – 2013/14

	2012/13	2013/14	2012/13	2013/14
	Number	Number	Percent	Percent
0 < 3 months	1,716	1,731	46.8%	49.1%
3 < 6 months	936	1,026	25.5%	29.1%
6 < 9 months	528	410	14.4%	11.6%
9 < 12 months	231	158	6.3%	4.5%
12 < 18 months	181	136	4.9%	3.9%
18 < 24 months	47	33	1.3%	0.9%
24 months +	31	28	0.8%	0.8%
<b>Total</b>	<b>3,670</b>	<b>3,522</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	1,018	765	27.7%	21.7%

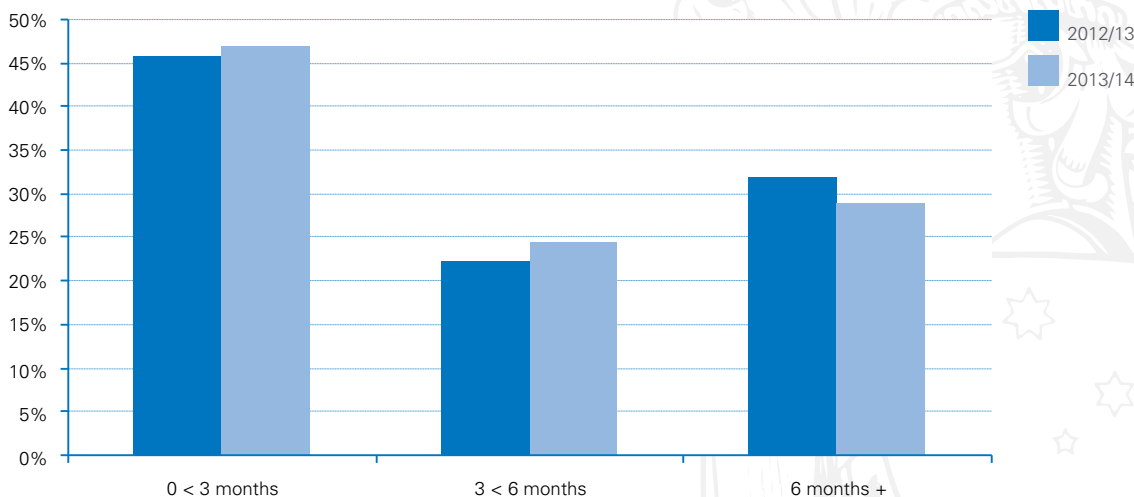
**Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2012/13 – 2013/14**



**Table 11: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2012/13 – 2013/14**

	2012/13	2013/14	2012/13	2013/14
	Number	Number	Percent	Percent
0 < 3 months	673	919	45.7%	46.8%
3 < 6 months	328	479	22.3%	24.4%
6 < 9 months	152	213	10.3%	10.9%
9 < 12 months	102	113	6.9%	5.8%
12 < 18 months	85	89	5.8%	4.5%
18 < 24 months	46	51	3.1%	2.6%
24 months +	86	99	5.9%	5.0%
<b>Total</b>	<b>1,472</b>	<b>1,963</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	471	565	32.0%	28.8%

**Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2012/13 – 2013/14**



### Conciliation conferences

Under an amendment to the *Children, Youth and Families Act 2005* that took effect on 1 December 2013, a “dispute resolution conference” became known as a “conciliation conference”.

The following points should be borne in mind when reading the figures contained in Table 12 for conciliation conferences:

- The figures include conferences previously known either as a “dispute resolution conference” or a “new model conference”.
- One conciliation conference can relate to multiple applications i.e. applications in respect of multiple siblings.
- Figures in respect of “settlements”, “contests” and “adjournments” have been rounded to the nearest whole number.
- “Settlements” include interim settlements<sup>9</sup> as well as final settlements.
- “Contests” include interim accommodation order contests as well as final contests.
- “Adjournments” include adjournments for further conciliation conference, further mention and part-heard matters.
- Figures for Melbourne region include conciliation conferences conducted at Moorabbin.

**Table 12: Conciliation conferences conducted, 2012/13 – 2013/14**

2012/13	Total conferences listed	Conferences resulting in settlements	Conferences resulting in contested hearings	Conferences resulting in adjournments
Melbourne	1,639	602	316	721
Country	738	313	91	334
<b>Total</b>	<b>2,377</b>	<b>915</b>	<b>407</b>	<b>1,055</b>

2013/14	Total conferences listed	Conferences resulting in settlements	Conferences resulting in contested hearings	Conferences resulting in adjournments
Melbourne	1,654	474	443	323
Country	668	267	76	329
<b>Total</b>	<b>2,323</b>	<b>844</b>	<b>519</b>	<b>964</b>

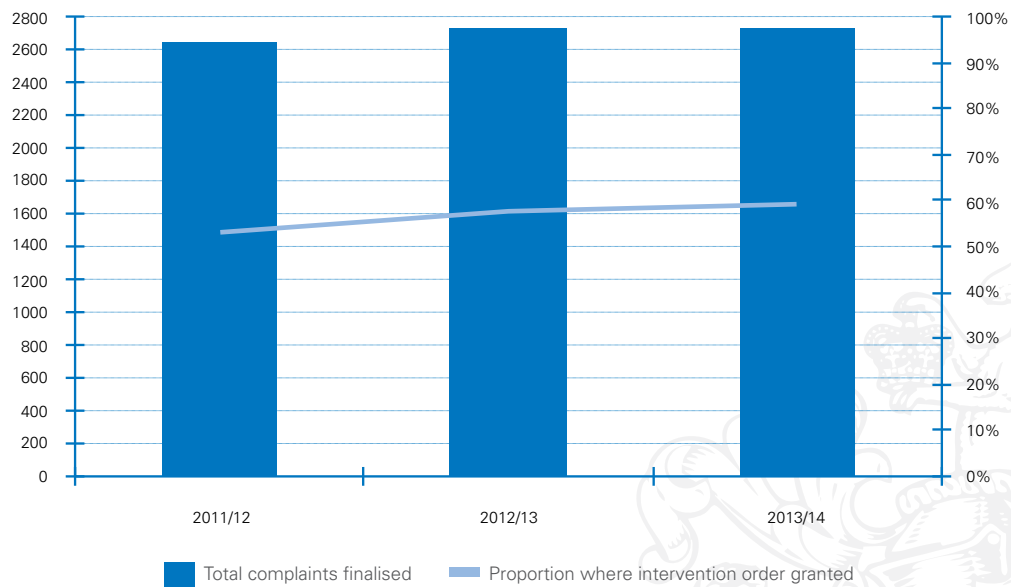
<sup>9</sup>Interim settlement” is recorded as a conference outcome in cases where, following a conference, the court makes an Interim Protection Order. These orders can be made for a period of up to 3 months, usually for the purpose of testing a particular course of action. Following the period of the order, the case returns to court with a view to final orders being made.

**Table 13: Complaints for an intervention order finalised, by outcome, 2011/12 - 2013/14**

	2011/12	2012/13	2013/14
	Number		
Intervention order made	1,402	1,567	1,610
Refused	35	29	35
Complaint struck out	556	484	477
Complaint withdrawn	602	636	588
Complaint revoked	13	9	12
<b>Total</b>	<b>2,608</b>	<b>2,725</b>	<b>2,722</b>

	2011/12	2012/13	2013/14
	Percent		
Intervention order made	53.8%	57.5%	59.2%
Refused	1.3%	1.1%	1.3%
Complaint struck out	21.3%	17.8%	17.5%
Complaint withdrawn	23.1%	23.3%	21.6%
Complaint revoked	0.5%	0.3%	0.4%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**Chart 14: Number of complaints for an intervention order finalised, and proportion where intervention order made, 2011/12 - 2013/14**



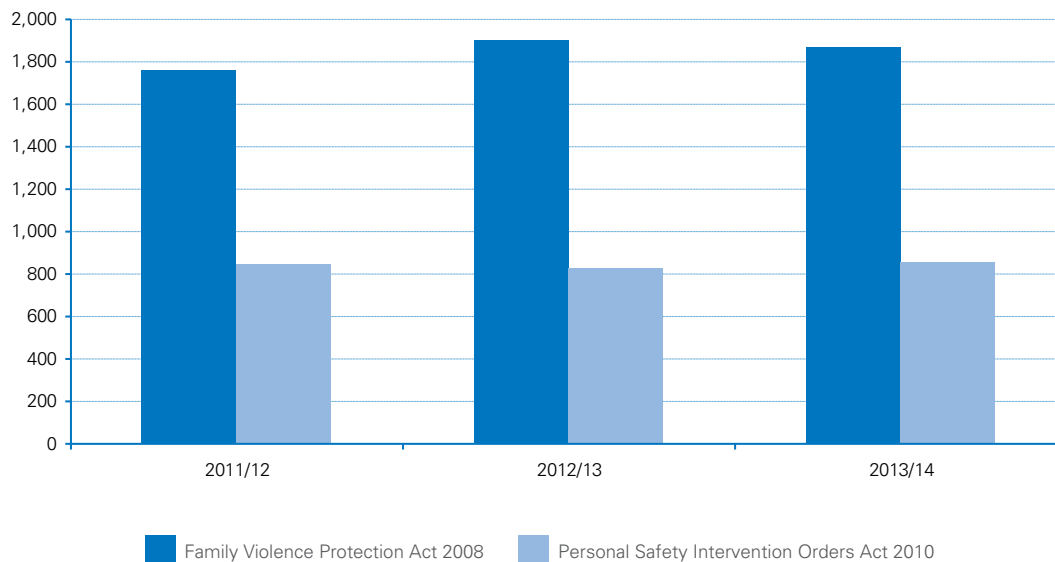
## Family Violence and Personal Safety Jurisdiction

**Table 14: Complaints for an intervention order finalised by Act<sup>10</sup> under which complaint made, 2011/12 – 2013/14**

	2011/12	2012/13	2013/14
	Number		
Family Violence Protection Act 2008	1,761	1,898	1,868
Stalking Intervention Orders Act 2008 (up to 4/09/2011)	847	827	854
Personal Safety Intervention Orders Act 2010 (from 5/09/2011)			
<b>Total</b>	<b>2,608</b>	<b>2,725</b>	<b>2,722</b>

	2011/12	2012/13	2013/14
	Percent		
Family Violence Protection Act 2008	67.5%	69.7%	68.6%
Stalking Intervention Orders Act 2008 (up to 4/09/2011)	32.5%	30.3%	31.4%
Personal Safety Intervention Orders Act 2010 (from 5/09/2011)			
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**Chart 15: Number of complaints for an intervention order finalised by Act under which complaint made, 2011/12 - 2013/14**



<sup>10</sup>On 5/09/2011 the *Personal Safety Intervention Orders Act 2010* commenced operation. This legislation replaced the *Stalking Intervention Orders Act 2008*. For ease of reading the new legislation only is shown in chart 15 above.

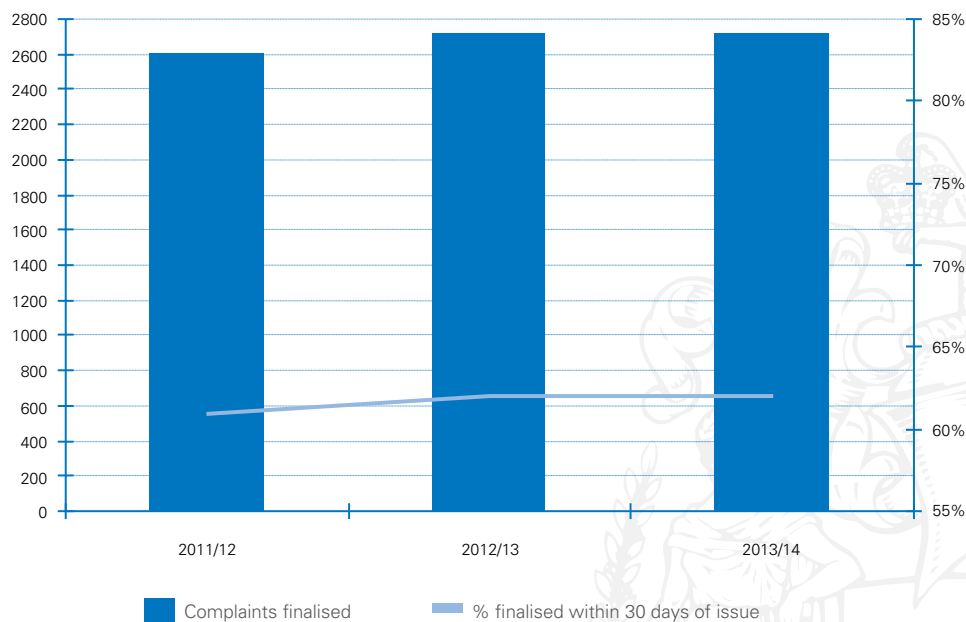
## Family Violence and Personal Safety Jurisdiction

**Table 15: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2011/12 - 2013/14**

	2011/12	2012/13	2013/14
	Number		
0 < 1 month	1588	1,682	1684
1 < 2 months	430	397	478
2 < 3 months	190	207	180
3 < 6 months	240	283	228
6 < 9 months	66	76	70
9 < 12 months	36	31	37
12 months +	58	49	45
<b>Total</b>	<b>2,608</b>	<b>2,725</b>	<b>2,722</b>

	2011/12	2012/13	2013/14
	Percent		
0 < 1 month	60.9%	61.8%	61.9%
1 < 2 months	16.5%	14.5%	17.6%
2 < 3 months	7.3%	7.6%	6.6%
3 < 6 months	9.2%	10.4%	8.4%
6 < 9 months	2.5%	2.8%	2.6%
9 < 12 months	1.4%	1.1%	1.3%
12 months +	2.2%	1.8%	1.6%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	6.1%	5.7%	5.5%

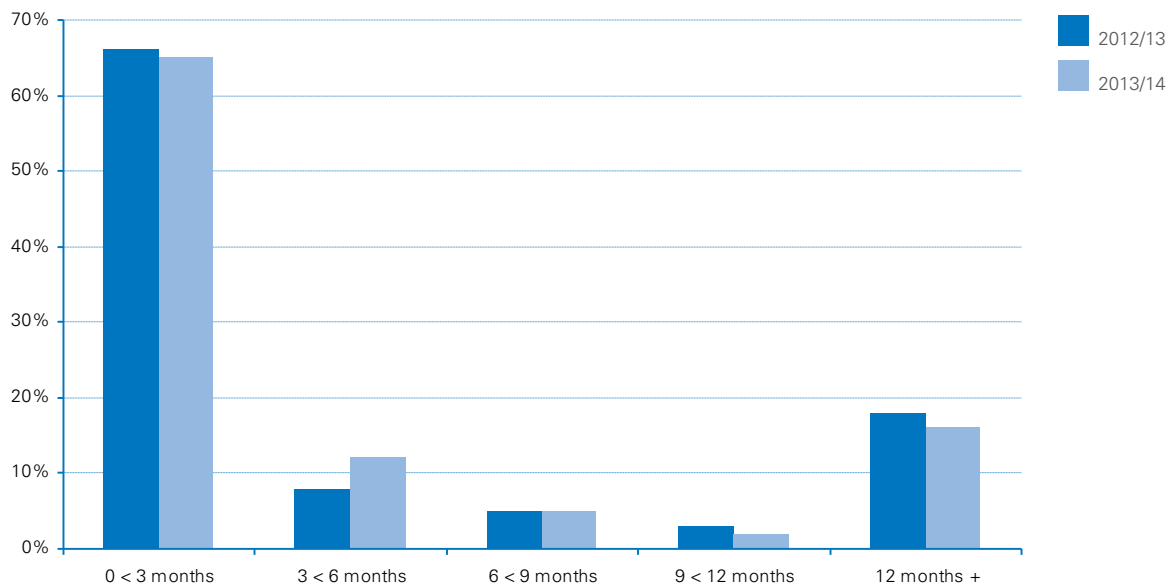
**Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2011/12 - 2013/14**



**Table 16: Number of complaints for an intervention order pending on 30 June, by age since issue, 2012/13 - 2013/14**

	2012/13	2013/14	2012/13	2013/14
	Number		Percent	
0 < 3 months	144	176	65.8%	65.2%
3 < 6 months	19	32	8.7%	11.9%
6 < 9 months	11	12	5.0%	4.4%
9 < 12 months	6	6	2.7%	2.2%
12 < 18 months	4	8	1.8%	3.0%
18 < 24 months	4	5	1.8%	1.8%
24 months +	31	31	14.2%	11.5%
<b>Total</b>	<b>219</b>	<b>270</b>	<b>100.0%</b>	<b>100.0%</b>
12 months +	39	44	17.8%	16.3%

**Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2012/13 - 2013/14**





**Table 17: Number and type of listing, Melbourne, 2012/13 - 2013/14**

Listing Type	No. Listed 2012/13	No. Listed 2013/14
<b>Family Division</b>		
Directions hearings	712	830
Interim accommodation order contests and intervention order contests <sup>11</sup>	424	436
Final contests	289	297
<b>Criminal Division</b>		
Contest mentions	576	548
Contests	201	174

**Table 18: Number and type of listing, Moorabbin, 2012/13 – 2013/14**

Listing Type	No. Listed 2012/13	No. Listed 2013/14
<b>Family Division</b>		
Directions hearings	236	303
Interim accommodation order contests	165	166
Intervention order contests	5	4
Final contests	171	166

**Table 19: Number of country and metropolitan cases listed to be heard at Melbourne, or by Melbourne Children’s Court magistrates sitting in regional courts, 2011/12 – 2013/14**

	2011/12	2012/13	2013/14
<b>Country</b> (Family Division contests)	33	43	47
<b>Metropolitan</b> (Criminal Division contests)	17	67	42

<sup>11</sup>Since 2010/11 interim accommodation order contests and intervention order contests have been counted together. This is due to the way these matters are listed in the electronic listings diary introduced at Melbourne Children’s Court during that year.

**Table 20: Melbourne Children’s Court, Family Division listing delays, 2011/12 - 2013/14**

Listing Delay from Conciliation Conference to Final Contest			
	2011/12	2012/13	2013/14
July	19 weeks	27 weeks	11 weeks
August	20 weeks	25 weeks	13 weeks
September	20 weeks	26 weeks	14 weeks
October	20 weeks	20 weeks	14 weeks
November	15 weeks	23 weeks	12 weeks
December	26 weeks	19 weeks	12 weeks
January	26 weeks	15 weeks	12 weeks
February	26 weeks	15 weeks	12 weeks
March	25 weeks	17 weeks	12 weeks
April	26 weeks	15 weeks	12 weeks
May	26 weeks	13 weeks	12 weeks
June	26 weeks	12 weeks	14 weeks
<b>Average delay</b>	<b>22.9 weeks</b>	<b>18.9 weeks</b>	<b>12.5 weeks</b>

**Table 21: Melbourne Children’s Court, Criminal Division listing delays, 2011/12 - 2013/14**

Listing Delay From Contest Mention to Final Contest			
	2011/12	2012/13	2013/14
July	10 weeks	8 weeks	4 weeks
August	10 weeks	8 weeks	4 weeks
September	10 weeks	8 weeks	4 weeks
October	10 weeks	7 weeks	4 weeks
November	9 weeks	7 weeks	4 weeks
December	9 weeks	4 weeks	4 weeks
January	11 weeks	3 weeks	4 weeks
February	12 weeks	3 weeks	4 weeks
March	12 weeks	4 weeks	4 weeks
April	11 weeks	4 weeks	4 weeks
May	11 weeks	4 weeks	6 weeks
June	10 weeks	4 weeks	6 weeks
<b>Average Delay</b>	<b>10.4 weeks</b>	<b>5.3 weeks</b>	<b>4.3 weeks</b>

## CHILDREN'S COURT CLINIC

The Children's Court Clinic, under the directorship of Dr Patricia Brown, is an independent body which conducts assessments and provides reports on children and their families at the request of Children's Court magistrates throughout Victoria. The clinic also has a small treatment function in selected cases still before the court and is a teaching facility.

The clinicians employed are highly skilled psychologists and psychiatrists who have specialist knowledge in the areas of child protection and youth offending. Clinicians may be asked to provide advice about a child's situation in his or her family, the course of the child's development over the years, any special needs within the family, and if it is required, where treatment might be obtained. The clinic also makes recommendations to the court about what should happen in the child's best interests.

There were 766 referrals of children, young persons and their families during 2013/14, which is commensurate with the previous financial year. The greater proportion of the assessments were carried out by sessional clinical psychologists with psychiatrists, neuropsychologists and forensic psychologists also contributing to the service.

Of the 766 referrals for assessment during 2013/14, 231 were criminal cases, 518 were child protection cases and 16 were family violence/personal safety matters. Of the total, 493 referrals emanated from the metropolitan area and 273 were from country regions of the state.

In addition to assessments, the Children's Court Clinic also has a short-term treatment function in respect of cases where treatment at the clinic is made a condition of an interim order by a magistrate. During 2013/14 the clinic provided 51 such sessions.



**Dr Patricia Brown**  
**Director**  
**Children's Court Clinic**



# 4 GENERAL

## AUDIO/VIDEO LINKING

The Children's Court at Melbourne has four courtrooms equipped with video conferencing facilities. These facilities are used extensively for the taking and giving of evidence in both the criminal and family jurisdictions to link courts and court users in metropolitan and country areas. Wherever possible and appropriate, the system allows for the giving of evidence or production of documents without the need for attendance at the hearing court. This results in improved access to justice and significant cost savings.

The court is also equipped with two remote witness rooms. These facilities allow for the giving of evidence in appropriate circumstances in a room at the court other than the hearing room.

There has been a steady increase in the number of video conferencing links to rural regions for the purpose of conducting pre-trial directions hearings in contested family matters. In all of those matters where a specialist judicial member from Melbourne is sitting in a contested matter in a rural region, a directions hearing will be conducted from Melbourne by video link.

### Child Witness Service

Victoria's Child Witness Service (CWS) was established in 2007 with the aim of reducing the trauma and stress experienced by child witnesses. The CWS is located in a purpose built facility that houses a number of remote witness rooms in a child and family friendly environment. The facility is based in a building separate from the courts but is located within the legal precinct of Melbourne. The service is available to child witnesses appearing in courts, including the Children's Court, in criminal proceedings involving violence.

## EDUCATION

### Work Experience Program

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For many years a work experience program has been operating at Melbourne Children's Court. The court is a popular placement for secondary and tertiary level students and hosts one, sometimes two students, during most weeks throughout the year. During the 2013/14 year the court hosted 41 students. Of those, 29 were secondary students completing a week of work experience and 12 were tertiary level students undertaking a one or two week placement.

During the placement students are encouraged to view a variety of cases in both the family and criminal jurisdictions. Students are shown court proceedings from the perspective of a bench clerk, which includes viewing the court's computerised case management systems in operation. Students are also shown a number of general office duties performed by deputy registrars and are encouraged to perform administrative tasks appropriate to their age and experience.

The students are each given a work experience manual which provides details of the history of the court, the jurisdiction, orders made, court services provided and information on becoming a court registrar.

## Tours and Information Sessions

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The President, magistrates and staff of the Melbourne Children's Court regularly participate in the provision of court tours and information sessions.

During the reporting period the court facilitated approximately 71 presentations and visits to Melbourne Children's Court. Visiting groups have included school students, tertiary students of youth work, social work and law, youth justice and child protection workers, foster carers, and maternal and child health nurses.

The court also regularly receives official visitors from overseas, some of whom are members of the judiciary as well as members of the judiciary and administration from other courts within Australia. During 2013/14 visitors to the court included delegations from Vietnam, Singapore, Papua New Guinea and China.

## Professional Training Sessions

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The Children's Court regularly receives requests for either the President or a magistrate to give a presentation on the work of the Children's Court as part of professional training. During the reporting period the court participated in the following:

- Department of Human Services induction program for new child protection workers
- Presentations for Monash University law students
- Koori Court training sessions for police prosecutors
- Presentations for bail justices
- Professional development sessions for Koori Court elders and respected persons
- Victoria Police youth resource officer training program
- Presentations for law graduates undertaking the Practical Training Course at the Leo Cussen Centre for Law.

## Judicial Education

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Ongoing judicial education is valued as an essential part of the specialist work involved in sitting in the Children's Court. The judicial members of the court engage in regular discussions, both formal and informal with respect to a range of aspects of the court's work which includes principles of law, policy, and psychological and social issues.

Magistrates continue to attend conferences and seminars including those provided by the Judicial College of Victoria where finances and court commitments allow. Judicial members of the court also receive copies of relevant decisions and journal articles which are regularly distributed to assist in maintaining their expertise. Further, magistrates across Victoria sitting in the Children's Court have access to Reserve Magistrate Peter Power's "Research Materials" available on the Children's Court website.



# 5 FINANCIAL STATEMENT

## Financial Statement for the Year Ending 30 June 2014

		Actual 2013-2014	Actual 2012-2013
<b>SPECIAL APPROPRIATIONS</b>			
Magistrates' salaries and allowances		4,582,902	4,326,316
<b>Total Special Appropriations</b>		<b>4,582,902</b>	<b>4,326,316</b>
<b>RECURRENT APPROPRIATIONS</b>			
Salaries, overtime and annual leave		3,357,501	2,693,193
Superannuation		318,348	235,523
Provision for long service leave		-566	73,365
WorkCover levy		108,987	16,561
Payroll tax		27,621	139,280
Fringe benefits tax		186,814	1,095
<b>Total Salaries Expenditure</b>		<b>3,998,704</b>	<b>3,159,017</b>
<b>OPERATING EXPENDITURE</b>			
Travel and personal expenses		28,657	43,193
Printing, stationery and subscriptions		153,208	105,144
Postage and communication		183,816	105,745
Contractors and professional services		659,322	662,504
Training and development		18,063	23,478
Motor vehicle expenses		6,818	127
Operating expenses		132,117	99,044
Witness payments		10,608	10,322
Information technology costs		129,968	58,928
Rent and property services	Note 3	1,178,546	733,894
Property utilities		99,011	90,896
Repairs and maintenance	Note 3	1,414,469	152,480
<b>Total Operating Expenditure</b>		<b>4,014,783</b>	<b>2,085,755</b>
<b>COURT SUPPORT PROGRAMS</b>			
Children's Koori Court	Note 4	173,286	107,523
<b>Total Court Support Program Expenditure</b>		<b>173,286</b>	<b>107,523</b>
<b>CONCILIATION CONFERENCING</b>			
Conciliation Conferences	Note 5	2,800,760	2,509,635
<b>Total Conciliation Conference Expenditure</b>		<b>2,800,760</b>	<b>2,509,635</b>
<b>Total Annual Appropriations Expenditure</b>		<b>10,987,533</b>	<b>7,861,930</b>
<b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>			
Depreciation - Buildings	Note 1, 2	724,440	708,248
Depreciation – Plant and equipment	Note 1, 2	1,070	1,070
Amortisation – Building leasehold improvements	Note 1, 2	6,590	6,590
Amortisation – Motor vehicles	Note 1, 2	92,530	87,604
<b>Total Departmental Controlled Expenditure</b>		<b>824,630</b>	<b>803,512</b>
<b>CAPITAL EXPENDITURE</b>	Note 6	<b>1,796,068</b>	<b>1,807,977</b>
<b>TOTAL CHILDREN'S COURT EXPENDITURE</b>		<b>18,191,133</b>	<b>14,799,735</b>

## Notes to and forming part of the Financial Statements

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### Note 1

Items identified as Departmental controlled expenditure are fully funded for the financial year by the Department of Justice. Any surplus or deficit outcome for the financial year has no impact on the Children's Court annual appropriation budget. Any budget savings achieved in these expenditure items cannot be redeployed to meet other general operating expenses.

### Note 2

Depreciation is the process of allocating the value of all non-current physical assets controlled by the Children's Court over their useful life, having regard to any residual value remaining at the end of the asset's economic life.

Depreciation charges are based on the value of each individual asset, the method of depreciation used for each asset, the specified rate of depreciation and the physical location of the asset, which are fully funded and remain as non-discretionary expenditure for the court.

### Note 3

Rental and property costs are inclusive of costs related to rental leases that commenced during the 2012/13 financial year.

The increase in repairs and maintenance expenditure relative to the prior year reflects a range of unique once-off projects completed to ensure the continued maintenance of the Children's Court facilities and infrastructure.

### Note 4

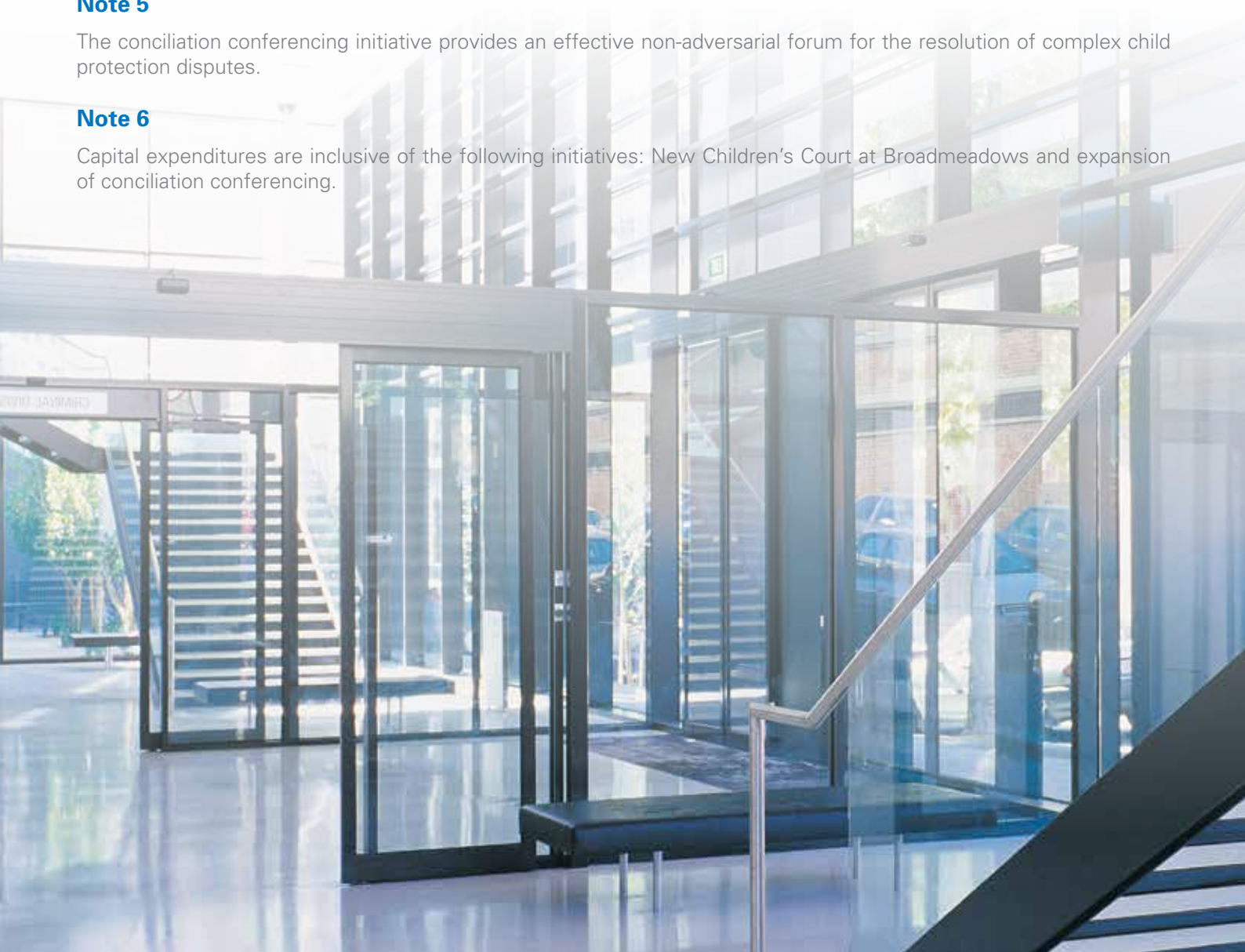
The Children's Court annual appropriations budget incorporates the Children's Court Clinic and the Children's Koori Court program.

### Note 5

The conciliation conferencing initiative provides an effective non-adversarial forum for the resolution of complex child protection disputes.

### Note 6

Capital expenditures are inclusive of the following initiatives: New Children's Court at Broadmeadows and expansion of conciliation conferencing.





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