

# CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT  
2004 - 2005



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**Judge Jennifer Coate**  
President  
Children's Court of Victoria

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Victoria**

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22 March 2006

Mr John Landy AC MBE  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Dear Governor

**CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2004-2005**

In accordance with section 14A of the *Children and Young Persons Act* 1989 I have much pleasure in submitting the Children's Court of Victoria Annual Report for the year 2004-2005.

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, consisting of a large, stylized 'J' and 'C' followed by a long horizontal line.

**Judge Jennifer Coate**  
President  
Children's Court of Victoria

# 1 OVERVIEW

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The Children's Court of Victoria is established by section 8 of the *Children and Young Persons Act* 1989. The following statements form part of the Three Year Strategic Plan under which the Court operates.

## OBJECTIVES

- Provide court facilities which are modern, non-threatening, responsive, accessible and secure.
- Develop effective, efficient and consistent practices in the management, operation and administration of the Court at all venues throughout the State.
- Recognise and meet the needs of the community in a just and equitable manner, with emphasis on the special needs of children, young persons and their families.

## VISION

To facilitate the administration of justice by providing a modern, professional, accessible and responsive specialist court system focussed on the needs of children, young persons and their families.

## PURPOSE

To provide an efficient, modern and responsive specialist court to hear and determine cases involving children and young persons in a timely, just and equitable manner which is easily understood by court users and the public generally.

## VALUES

- Independence of the judiciary.
- Openness, accessibility and respect whilst protecting the anonymity of children and young persons before the Court.
- Timely, just and equitable resolution of cases.
- Innovative use of systems and technology.
- Community awareness of and confidence in the court process.
- Staff development and rewarding initiative.

## PRESIDENT'S REPORT

The reporting year has been one of major developments in most aspects of the work of the Children's Court. Work has been underway throughout the reporting period in development and preparation for the increase in the age limit for defendants in the criminal jurisdiction of the Court. This change is due to commence on 1 July 2005. Much work has continued on the review of the pre-hearing system of alternative dispute resolution in the Family Division. Similarly much time has been applied to the Court's participation in the procedural and legislative review of child protection in this State. Finally, throughout the reporting period a great deal of work has been put into the legislative structure and operation of the proposed new Children's Koori Court.



Judge Jennifer Coate  
President  
Children's Court of Victoria

### Increase in Age Jurisdiction

On 9 November 2004 the *Children and Young Persons (Age Jurisdiction) Act* received Royal assent. This Act is the first in the series of legislative changes necessary to increase the jurisdiction of the Children's Court Criminal Division to include 17 year old defendants by changing the definition of child in s.3 of the *Children and Young Persons Act* to the following:

**"child" means-**

**(a) in the case of a person who is alleged to have committed an offence, a person who at the time of the alleged commission of the offence was under the age of 18 years but of or above the age of 10 years but does not include any person who is of or above the age of 19 years when a proceeding for the offence is commenced in the Court;**

There are a large number of substantive amendments necessary to the *Children and Young Persons Act 1989* before the legislation will be workable. The Court has been meeting regularly with the Department of Justice and the Department of Human Services Juvenile Justice Branch to discuss the proposed changes.

The *Children and Young Persons (Age Jurisdiction) Act* will become operational on 1 July 2005.

### Pre-Hearing Conference Review

In the 2003-2004 Annual Report the scope and rationale for the review of the pre-hearing conference system in the Family Division was detailed. The final report of that review together with 27 recommendations was delivered to the Advisory Group during the reporting period.

A copy of the report was to form the backdrop for on-going discussions with the Department of Justice. However, it became apparent during the closing stages of the review that the Government proposed to make significant legislative changes to the pre-hearing conference provisions in the *Children and Young Persons Act 1989*. The impact and scope of those proposed changes remained unclear during this reporting period.

Any proposed change to the legislative scheme is likely to have a significant impact on the current system. Thus, it is necessary to await the outcome of the Government's deliberations to assess the impact of any legislative change before commencing work on systems change.

### Child Protection Review

As briefly stated last year, in June 2003 the Minister for Children, the Honourable Sheryl Garbutt announced her intention to review child protection in Victoria. To this end, the Government commissioned reports and conducted enquiries through the Department of Human Services. The Department of Human Services also lead the Government's enquiry into an array of proposed legislative reforms.

In November 2004, the Court commenced a series of intensive meetings over many weeks with representatives of the Department of Human Services, the Department of Justice and the Department of Premier and Cabinet to discuss those proposals and their potential impact upon the operation of the Court. As at the end of the reporting period, the Government's proposed Bill had not been circulated.

### **Children's Koori Court (Criminal Division)**

A considerable amount of time was spent during the reporting period in meetings and discussions in preparation for the commencement of the first legislatively based Children's Koori Court in Victoria which was the subject of a report in last year's Annual Report.

The *Children and Young Persons (Koori Court) Act* was passed during the Spring 2004 sittings of Parliament. It is anticipated that the first sittings of the Children's Koori Court will commence in the second half of 2005.

The Children's Koori Court sitting at Melbourne will be a pilot project anticipated to run for two years. It will be independently evaluated during that period.

### **South Pacific Council of Youth and Children's Courts**

This Council has been named in previous annual reports as both the Standing Committee of Australian and New Zealand Children and Youth Courts and the Council of Youth Courts. This body has now adopted the title above to recognise the wider South Pacific participation on the Council.

The South Pacific Council of Youth and Children's Courts is an independent and autonomous judicial grouping of the heads of the Youth and Children's Courts or leading representatives of those courts. Membership of the Council is open to all the self governing countries of the South Pacific and all the states and territories of Australia. Where there is no Youth or Children's Court in a member country, the country may be represented by the Judge or Magistrate with a leading role in developing children's and youth law in that country, as approved by that country's relevant head of jurisdiction.

The major purposes of the Council are to promote and support the judicial administration of youth justice and child protection systems for children and young persons and the maintenance of the rule of law in those jurisdictions.

The Council also exists to support the dissemination and development of culturally appropriate best-practice in youth justice and child protection law and procedure amongst the judiciary within the region.

The Council, which first met in Melbourne in 1995 as the Standing Committee of Australian and New Zealand Children and Youth Courts, meets annually. The Council is chaired on a rotating basis alternately between Australia and New Zealand and Pacific Island venues. Council meetings are hosted by the Chair of the Council for that year. The Chair acts as the Council's secretariat for the year prior to the next Council meeting. As a result of the Council meeting twice in the last reporting year, it did not meet during 2004/05.

The next proposed meeting is to be held in Fiji during July 2005. Despite not having formally met as a Council, there has been much beneficial communication between the member nations during the reporting year.

## Sittings in the County Court of Victoria

During the year I sat in the County Court during the periods 23 August - 17 September 2004 and 9 May - 3 June 2005. Further, there were six single days throughout the reporting period during which I sat in the County Court at Melbourne.

## Community Education

As always, the Court maintains its commitment to providing information about and education to the public generally about the operation of the Children's Court of Victoria.

In the reporting period approximately 58 official groups visited the Children's Court at Melbourne by arrangement through the office of the Court's Liaison Officer, Janet Matthew.

These groups included secondary school students and their teachers, foster carers and students of social work, law, youth work, community welfare, and maternal and child health among others.

Magistrates based at the Children's Court at Melbourne continue to give their time to provide addresses to these groups and answer questions about the Court.

Further, the practice of the Court in providing addresses and presentations through its President and specialist Magistrates to a wide range of forums has continued this year often requiring travel to various institutions, agencies and colleges after hours.

During the reporting period these forums have included:

- Department of Human Services induction program for new Child Protection workers
- Child and Adolescent Psychiatrists
- Foster Care Association of Victoria
- Cultural Awareness Program for the Horn of Africa by the Judicial College of Victoria
- Judicial College of Victoria forum on "Children Giving Evidence"
- Magistrates Intensive Program on current issues in the Children's Court
- Children's Court Clinicians Seminar on "Giving Evidence in the Children's Court"
- Leo Cussen "Proposed Changes to the Children's Court"
- Victoria Police Forums
- La Trobe University "Restorative Justice Forum"
- County and District Court Biennial Conference Melbourne, 2005

Finally, our commitment to community education continues to be demonstrated by the maintenance of a comprehensive website which includes the regularly updated "Research Materials" of His Honour Mr Peter Power providing a comprehensive free service to the whole of Victoria.

## Participation on Boards, Councils and Committees

To ensure that the Children's Court and the issues important to it are appropriately represented, it is necessary to participate in an increasing number of boards, councils, committees, reference groups and advisory bodies. This reporting year was no exception. Indeed given the number of changes and new initiatives and proposals relating directly to the work of the Court, there were unprecedented demands for participation in and meetings with an array of such bodies.

During this year I participated in regular meetings with:

- Courts Consultative Council
- Co-ordinated Health Services for Abused Victorian Children
- Pre-hearing Conference Advisory Committee
- Courts Strategic Directions Working Group
- Family Violence Protocols Committee
- Child Protection Review Project Group
- Criminal Justice Consultative Forum
- Early Years Project Team
- Court Users Forum
- Victorian Law Reform Commission
- Children's Koori Court Reference Group
- Juvenile Justice Ministerial Round Table
- Victoria Police Ethical Standards Consultative Committee
- Victoria Legal Aid Consultation Forum
- Group Conferencing Advisory Committee

### Interstate and Overseas Delegations and Visitors



*Mr Greg Levine, Magistrate, with a group of Judges from Taiwan during a visit to Melbourne Children's Court.*

Our visitors included a group of judges from Taiwan who were seeking assistance in developing a separate Children's Court in Taiwan. A particular highlight was the delegation we hosted of government Ministers and officials and representatives from UNICEF from Cambodia for one and half days during their one week study tour in Melbourne.

The Children's Court of Victoria continues to be a Court which attracts a number of visitors from interstate and overseas.

Some come to see the architecture and design of Victoria's first purpose built Children's Court. Others come to observe the work of the Court as part of larger pieces of research about the operation of the legal structure for child protection and/or juvenile justice.

This reporting year, we received visits from members of the judiciary both interstate and international, government ministers from other nations and court administrators.



*Judge Jennifer Coate, Mr John Griffin, Executive Director, Courts, Department of Justice, Mr Peter Power, Magistrate (centre) and members of the visiting Cambodian delegation.*



## Conclusion

I wish to acknowledge and thank the staff and members of the following organisations who have worked co-operatively and diligently with the Court at Melbourne and throughout the State:

- Victoria Legal Aid
- Court Advisory Unit, Department of Human Services
- Juvenile Justice Court Advisory Officers
- Victoria Police Prosecutions Unit
- Salvation Army
- Court Network
- Secure Welfare
- Victoria Police, Court Custodial Facility
- Victoria Police Protective Services Officers
- AIMS Security

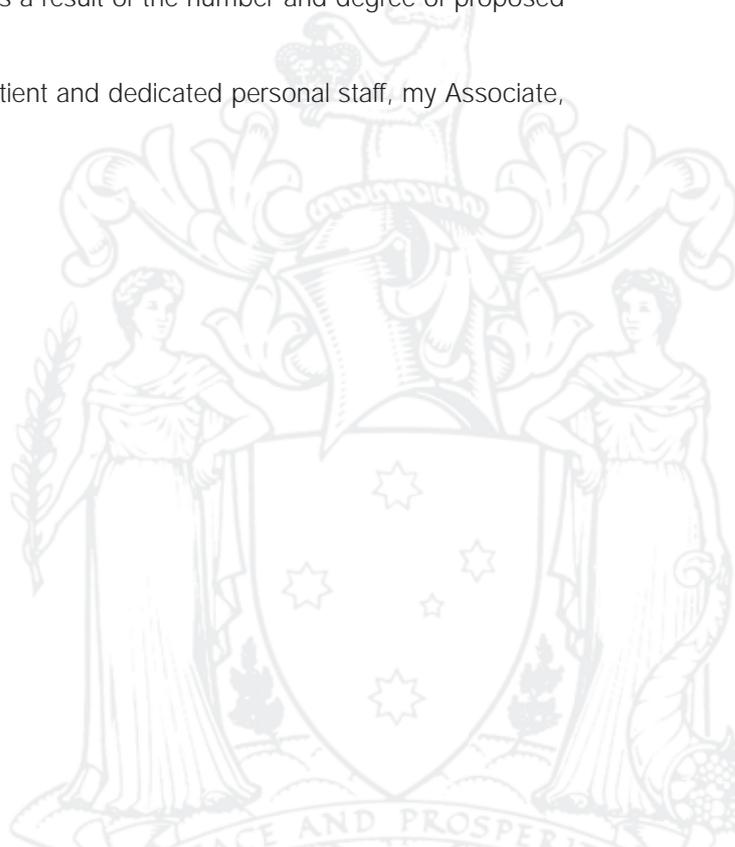
As will be apparent from this report, 2004/05 has been a year of unprecedented review and proposed law reform for the Children's Court. As a result, it has been a particularly demanding year for the staff and Magistrates of the Court.

My most sincere gratitude to my colleagues state-wide for their continuing contribution to the work of the Children's Court. My special thanks to all of my colleagues at Melbourne who have had to bear all of the extra demands upon me this year. They have not only given me their constant support, but performed extra judicial work on top of already demanding workloads as a result of my regular absence from the Court.

My appreciation also goes to the Court Co-ordinator of listings Angela Carney and her staff who have had to accommodate the reduction in judicial availability as a result of the demands of this year.

The Principal Registrar Leanne de Morton has continued to manage the daily operation of the Court and staff with her trademark equanimity and professionalism. She has also had great demands placed upon her during this period as a result of the number and degree of proposed operational changes to the Court.

Finally, my thanks as always to my efficient, patient and dedicated personal staff, my Associate, Janet Matthew and my Tipstaff, David Whelan.



## JURISDICTION

The Children's Court of Victoria is established by section 8 of the *Children and Young Persons Act 1989*. The Children's Court has authority to hear cases involving children and young people up to the age of 17 years, and in some cases up to 18 years.

The Family Division of the Court has the power to hear a range of applications and 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 *Crimes (Family Violence) Act 1987* and stalking provisions of the *Crimes Act 1958* where the aggrieved family member/victim of stalking or the defendant is a child.

The Criminal Division of the Court has jurisdiction to hear and determine summarily all offences (other than murder, attempted murder, manslaughter, culpable driving causing death and arson causing death). In the Spring 2004 sittings, Parliament passed the *Children and Young Persons (Age Jurisdiction) Act 2004*. This Act increases the age jurisdiction of the Criminal Division of the Children's Court by 12 months taking effect from 1 July 2005. Consequently, from that date the Criminal Division will have jurisdiction to hear and determine charges 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.

The amendments also increase the Court's jurisdiction under the *Crimes (Family Violence) Act 1987*. This means that from 1 July 2005 applications for intervention orders may be heard in the Family Division of the Children's Court where either the aggrieved family member/victim of stalking or defendant is under the age of 19 years at the time the application is made to the Court.



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

Aside from magistrates 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, Magistrates and Staff of the Children's Court at Melbourne

#### President

Her Honour Judge Jennifer Coate

#### Magistrates

Ms Sue Blashki  
 Ms Jacinta Heffey  
 Mr Greg Levine  
 Mr Clive McPherson  
 Mr Peter Power (Second half of reporting period)  
 Ms Paresa Spanos (First half of reporting period)  
 Mr Brian Wynn-Mackenzie

#### Principal Registrar

Leanne de Morton

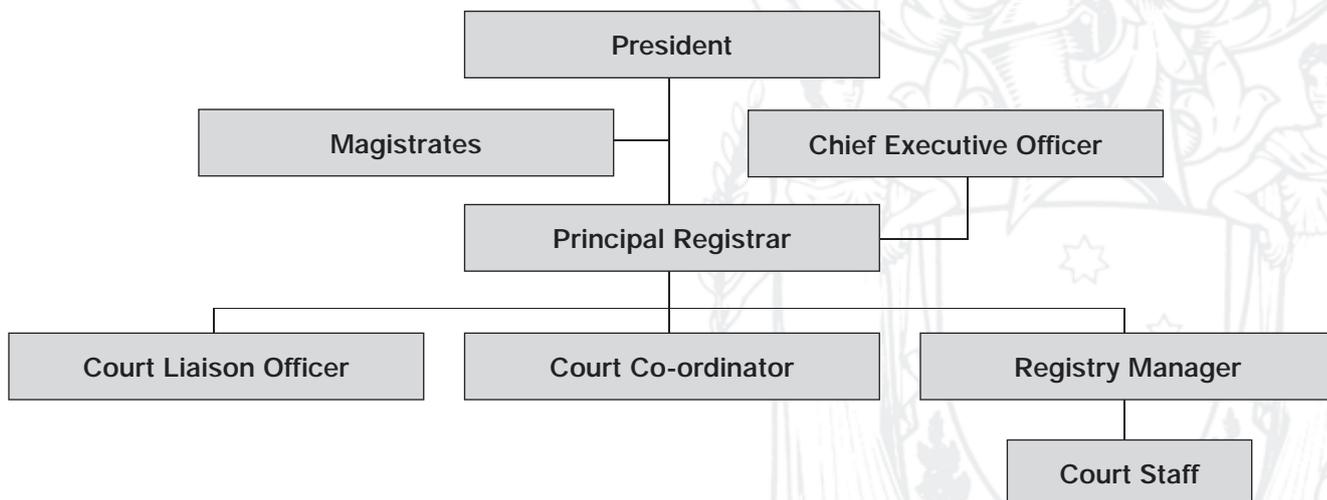
#### Senior Deputy Registrars

Angela Carney (Court Co-ordinator)  
 Jan Dundon and Sandra Tennant (Registry Manager - jobshare)  
 Russell Hastings (Acting Registry Manager)

#### Court Liaison Officer

Janet Matthew

### Organisational Structure of the Children's Court at Melbourne



## COURT 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 9(2) of the *Children and Young Persons Act 1989* 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 gazetted times and locations of the Magistrates' Court (detailed below) as published by the Department of Justice in the Law Calendar for each sitting year.

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

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 seven magistrates sitting full-time together with the President. Magistrates in metropolitan courts also sit as Children's Court magistrates in those regions on gazetted days, but only in the Criminal Division. Magistrates in country areas sit as Children's Court magistrates in both divisions on gazetted days.

# 2 ACHIEVEMENTS & HIGHLIGHTS

## CHILDREN AND YOUNG PERSONS INFRINGEMENT NOTICE SYSTEM ("CAYPINS")

Together with the legislation that will increase the age limit of the Criminal and Crimes (Family Violence) jurisdictions of the Children's Court, is the commencement on the same day (1 July 2005) of most of the provisions of the *Children and Young Persons (Miscellaneous Amendments) Act 2005*. One component of this Act is the introduction of an alternative system for dealing with children and young people in respect of matters for which they have been issued a penalty infringement notice.

This alternative system is to be called CAYPINS – Children and Young Persons Infringement Notice System. CAYPINS will provide an alternative 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 imposed on them for a range of minor offences. The CAYPINS legislation, amongst other things, introduces a significant administrative and quasi-judicial decision-making role to be performed by court registrars throughout the State in relation to these types of penalties. This will substantially reduce the occasions on which children and young people are summoned to appear before a magistrate in open court.

Court personnel have been part of a comprehensive consultation process which has involved representatives from various units within the Department of Justice such as Court Services and Legal Policy as well as representatives from Victoria Police, the Department of Infrastructure and Victoria Legal Aid. A great deal of work has been done by all. A number of court personnel have been engaged during the year in planning and detailing the way in which this new system will operate both at the Melbourne venue of the Court and throughout the State. The ongoing contribution of Russell Hastings, the acting Registry Manager at Melbourne, in this process has been invaluable.

To support CAYPINS, the anticipated impact of the age jurisdiction increase generally and the establishment of the Children's Koori Court, the Children's Court jurisdiction will receive a boost to its resources in 2005/06. An additional Magistrate and a number of court staff are envisaged. Further to this, enhancements to the court building at Melbourne will commence early in 2005/06 with work planned for the fit-out of an extra courtroom and the creation of new administrative areas. We look forward to the additional personnel, the enhanced facilities and the opportunity to put into practice a new system which should prove beneficial to children and young people, prosecuting agencies, the Court and the community alike.

## EARLY YEARS PILOT PROJECT

This project, described in last year's annual report, has continued throughout 2004/05. The research team, led by Associate Professor Jeanette Lawrence of the School of Behavioural Science at the University of Melbourne, has continued its analysis of all Family Division files from 2001–2003 involving children aged 0–3. The aim of the research has been to develop a database that will enable the tracking of cases during their currency at Court. It is hoped that, with access to this information, we can achieve more efficient management of cases and in particular a significant reduction in the time from commencement of proceedings to final orders. Importantly, that reduction will enable the Court to make the earliest possible decisions affecting the stability of these vulnerable children's lives.



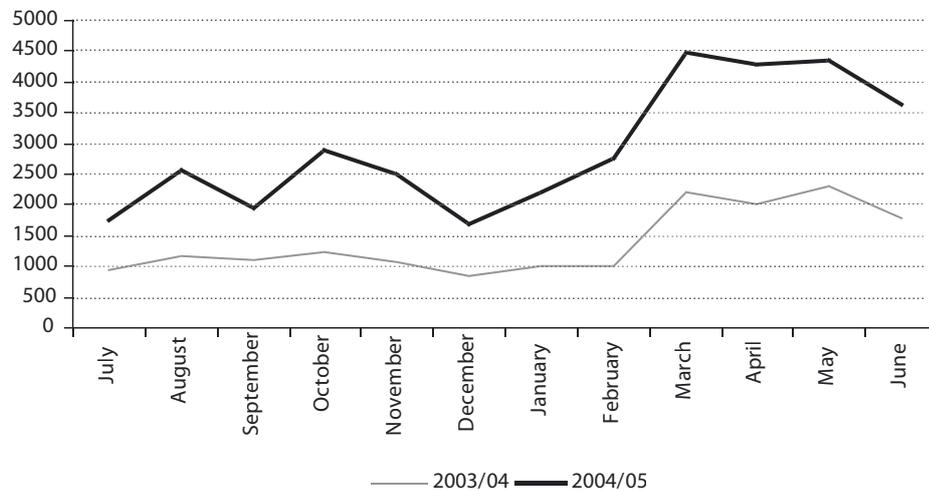
Mr Greg Levine, Magistrate, Associate Professor Jeanette Lawrence, School of Behavioural Science, University of Melbourne and Judge Jennifer Coate.

The new database can now identify a range of information which can inform the Court about why there are variations in the length of time cases are before the Court and the reasons for adjournments and delays. The continuing analyses have demonstrated how delays can be avoided by developing protocols for the recording of information such as reasons for adjournment. It is expected, as a result of this research, that the Court will be able to significantly improve case-flow management.

This unique project is funded by the Victoria Law Foundation. The importance of the project has now been recognised by the Australian Research Council in providing a linkage grant for the continuation of the research. The President, Judge Coate, and Magistrate Greg Levine are nominated partners in that research. It is anticipated that a substantial number of the findings of the research team will be published during 2006. After that the Court will be able to move into the second part of the project which will involve a dedicated Court dealing with cases involving children aged 0-3 years utilising those research findings.

## CHILDREN'S COURT WEBSITE

The Children's Court website was launched in May 2003 and has now been online for just over two years. The statistics collected by the Department of Justice indicate that the site really caught the attention of users early in 2004 (see chart below) with the number of visits more than doubling from February to March. Statistics collected for the 2004/05 year indicate a strong increase in use of the site.



During the reporting period, the website team continued to work on maintaining and updating the site. A great deal of work was again done by His Honour Mr Peter Power, Magistrate, in keeping the Research Materials section current. *Research Materials* contains comprehensive legal information and has been developed by Mr Power specifically for legal professionals, social workers and other professionals working in disciplines associated with the work of the Court and students studying in these areas. Printing the 12 chapters of *Research Materials* from the PDF files published to the site currently results in approximately 340 A4 pages of information on the jurisdiction and operation of the Children's Court of Victoria.

## LAW WEEK - COURTS OPEN DAY



*Judge Jennifer Coate presiding over the moot court held at Melbourne Children's Court on Courts Open Day.*

On Saturday, 21 May 2005 Courts Open Day was held as part of Law Week. Law Week is a national event which at State level is managed jointly by the Law Institute of Victoria and Victoria Law Foundation. Once again, members of the public took advantage of the opportunity to visit courts including Melbourne Children's Court.

This year, the Court invited members of the public to participate in a moot court in which Judge Jennifer Coate, President of the Children's Court, heard two cases, one Family and one Criminal. Following the hearing of these cases those present were encouraged to direct their questions to Judge Coate. The moot court provided members of the public with a rare insight into the operation of the Children's Court in both its Family and Criminal jurisdictions. Those present at the moot hearings were overwhelmingly positive in their response to the event.

The Court is grateful for the participation of Ms Georgette Antonas of the Department of Human Services Court Advocacy Unit in the Family Division case and Senior Constable David Bade of Victoria Police Prosecutions in the Criminal Division case. Other participants included Mr Greg Levine, Magistrate, Senior Constable Dan Oakley of the custodial facility at Melbourne Children's Court and Court Co-ordinator Angela Carney. Special thanks to 14 year old William Fletcher for again volunteering to play the role of the young person in custody.

Several tours of the Court were conducted by Janet Matthew, Court Liaison Officer and David Whelan, Tipstaff to the President with the assistance of Mr Peter Power, Magistrate.

Also during Law Week, for the second year members of the public were invited to participate in a "Court Art Crawl". Guided walking tours visited art collections at the Federal Court, County Court, Magistrates' Court and the Children's Court. A self-guided tour brochure was also made available for those unable to participate in the guided tours.



*Magistrate, Mr Peter Power addressing members of the public visiting Melbourne Children's Court on Courts Open Day.*

## COMPUTERISATION IN THE FAMILY DIVISION

In the 2003/04 annual report, it was reported that work would be performed during 2004/05 to bring about a range of improvements to the core user functions of the 'LEX' Family Division computer system. A number of modifications were made during the year which have indeed improved the system for users.

Ensuring that 'LEX' continues to adequately cater for the needs of users, produces meaningful statistical data and is kept up-to-date in line with any legislative and procedural changes is the ongoing responsibility of a core group of staff at Melbourne Children's Court. Looking ahead to 2005/06, it is anticipated that some major work will be required in order to prepare for significant legislative change to come when the Department of Human Services led legislative review of the Family Division is completed.

The Children's Court acknowledges, both in respect of the 'LEX' system and for its general IT support, the ongoing assistance provided by the Magistrates' Court of Victoria IT group.

## THREE YEAR STRATEGIC PLAN/ANNUAL ACTION OUTLINE

In 2004/05, rather than develop a separate strategic plan for the ensuing three year period, it was decided to incorporate the major strategic objectives of the Children's Court of Victoria into the strategic plan of the Magistrates' Court of Victoria. This was decided on the basis that the two jurisdictions are part of the one business unit from an administrative perspective.

The significant legislative changes taking effect during 2005/06 were highlighted in the plan. They are the introduction of the Children's Koori Court, to be launched in September 2005, and the age increase in the Criminal and Crimes (Family Violence) jurisdictions taking effect from 1 July 2005.

Strategic planning is an ongoing process and further consultation between the Children's Court and the Magistrates' Court will take place in the next period to ensure that the past achievements and future objectives of the Children's Court jurisdiction are appropriately documented and presented.

## COURT NETWORK AT THE CHILDREN'S COURT

Court Network operates a state-wide support service to assist people attending Victoria's courts. In May 2001, Court Network commenced a three year pilot program in the Family Division at Melbourne Children's Court after receiving funding from the William Buckland Foundation. Following an independent evaluation of the pilot program conducted at the end of 2003, Court Network obtained further funding to continue its operations at the Court. During the 2004/05 year, Court Network indicated its intention to extend its services into the Criminal Division at Melbourne Children's Court to coincide with the increase in age jurisdiction taking effect on 1 July 2005.

A team of 14 trained volunteers, supervised by a professional Program Manager, are rostered to provide two "Networkers" each day working in the Family Division of 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's Children's Court Program Manager, Denise Keighery, 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 the reporting year the Salvation Army also commenced a child supervision service in the playroom at Melbourne Children's Court. This additional service, available three mornings a week, has been of assistance to children, their parents and carers, and court users generally.

The Court gratefully acknowledges the ongoing dedication and commitment of officers of the Salvation Army working with families in the Children's Court.



# 3 OPERATIONAL & STATISTICAL REPORT

## COURT STATISTICS

The statistics of the Children's Court are an important resource for those directly or indirectly involved with the Court and for the community as a whole. Displayed on the following pages are the statistical reports for each Division of the Court for the 2004/05 year collated by the Court Services section 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:

- Whilst 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 5 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. 3,238 more orders were made by the Court in its Family Division in 2004/05 than in 2003/04.
- Whilst country venues of the Court hear cases in both Divisions, in the metropolitan area all Family Division cases are heard at Melbourne Children's Court. Suburban venues of the Court hear Criminal and Crimes (Family Violence) matters only. In the Family Division tables and charts that follow, statistics for Broadmeadows reflect matters heard at Castlemaine and Kyneton Courts which form part of the Broadmeadows region.
- Whilst 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 whilst 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.



## Criminal Division

Table 1: Number of matters<sup>1</sup> initiated, finalised and pending, 2003/04 - 2004/05

Court Region	2003/04			2004/05		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,810	2,034	447	1,103	1,581	264
Ballarat	666	507	97	641	469	105
Bendigo	718	606	122	616	535	124
Broadmeadows	725	675	143	490	491	74
Dandenong	1,194	1,019	198	851	734	147
Frankston	825	650	123	738	635	94
Geelong	375	331	39	353	277	50
Heidelberg	919	749	197	705	639	163
Moe	833	719	171	771	719	162
Ringwood	1,045	817	220	888	852	127
Shepparton	589	495	89	557	470	93
Sunshine	1,080	969	181	614	609	159
<b>Total</b>	<b>10,779</b>	<b>9,571</b>	<b>2,027</b>	<b>8,327</b>	<b>8,011</b>	<b>1,562</b>

Chart 1:  
Number of matters  
initiated and  
finalised, 2004/05

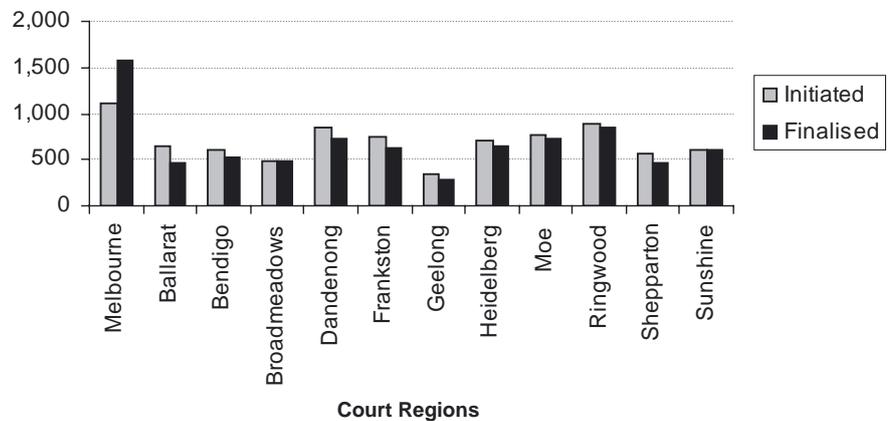
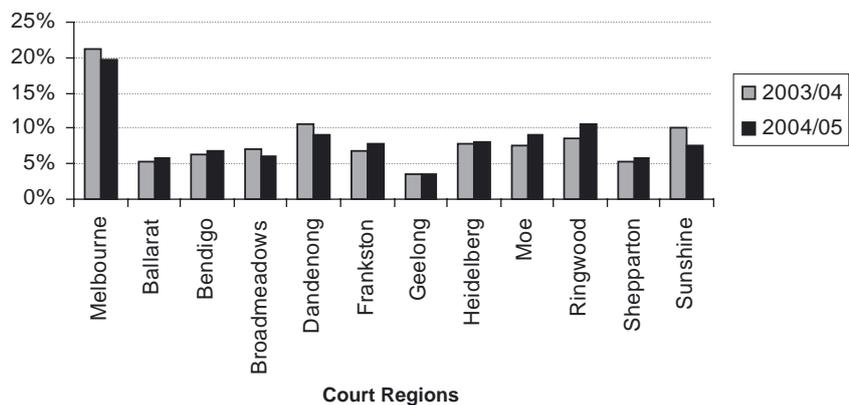
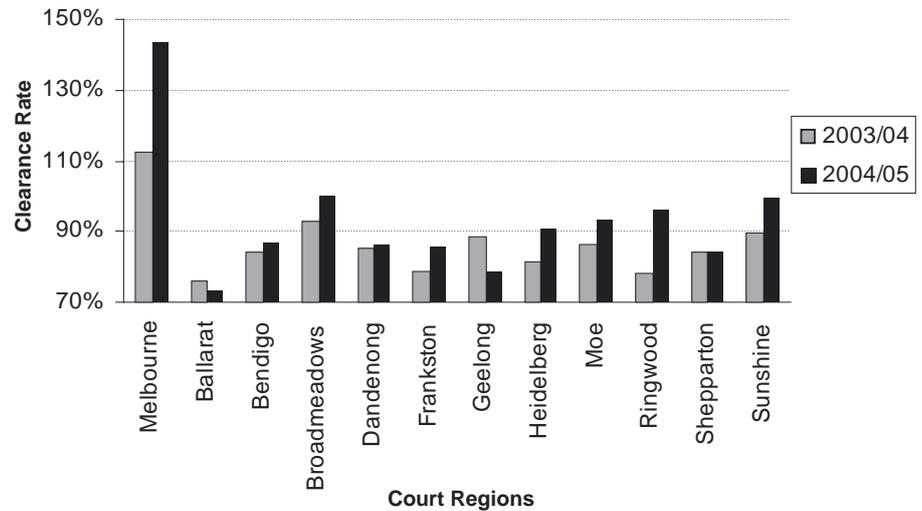


Chart 2:  
Regional caseload  
distribution for  
finalised matters,  
2003/04 - 2004/05



<sup>1</sup> A criminal "matter" refers to a charge or set of charges laid by an informant against a defendant.

**Chart 3:  
Clearance  
rates for  
criminal matters,  
2003/04 - 2004/05**



**Table 2: Defendants found guilty, by outcome<sup>2</sup>, 2002/03 - 2004/05**

	2002/03	2003/04	2004/05
	<b>Number</b>		
Convicted and Discharged	6	6	3
Unaccountable Undertaking	78	66	34
Accountable Undertaking	743	596	505
Good Behaviour Bond	1,435	1,447	1,413
Fine	2,788	2,626	2,031
Probation	752	670	613
Youth Supervision Order	296	249	204
Youth Attendance Order	54	35	34
Youth Residential Centre	12	21	11
Youth Training Centre	178	145	120
<b>Total</b>	<b>6,342</b>	<b>5,861</b>	<b>4,968</b>
	<b>Percent</b>		
Convicted and Discharged	0.1%	0.1%	0.1%
Unaccountable Undertaking	1.2%	1.1%	0.7%
Accountable Undertaking	11.7%	10.2%	10.2%
Good Behaviour Bond	22.6%	24.7%	28.4%
Fine	44.0%	44.8%	40.9%
Probation	11.9%	11.4%	12.3%
Youth Supervision Order	4.7%	4.2%	4.1%
Youth Attendance Order	0.9%	0.6%	0.7%
Youth Residential Centre	0.2%	0.4%	0.2%
Youth Training Centre	2.8%	2.5%	2.4%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

<sup>2</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 "Defendants found guilty, by outcome" in Table 2 and Chart 4 includes 'super cases'. One individual defendant 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 defendant wishes to plead guilty in relation to each matter. As a result of this consolidation, the three separate matters in relation to one defendant 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: Defendants found guilty, by outcome, 2002/03 - 2004/05

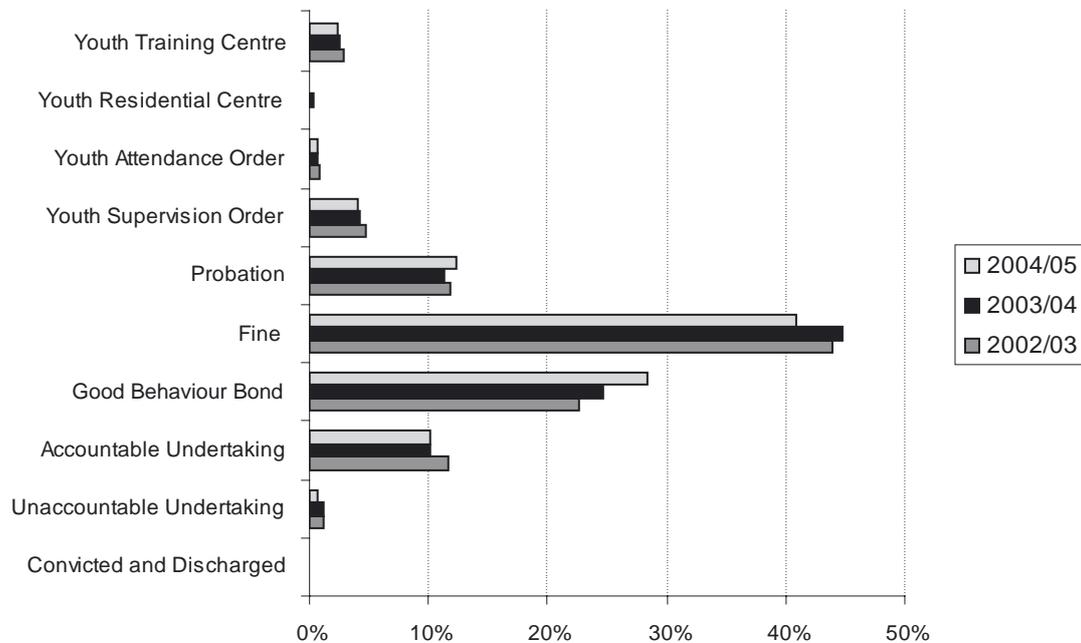
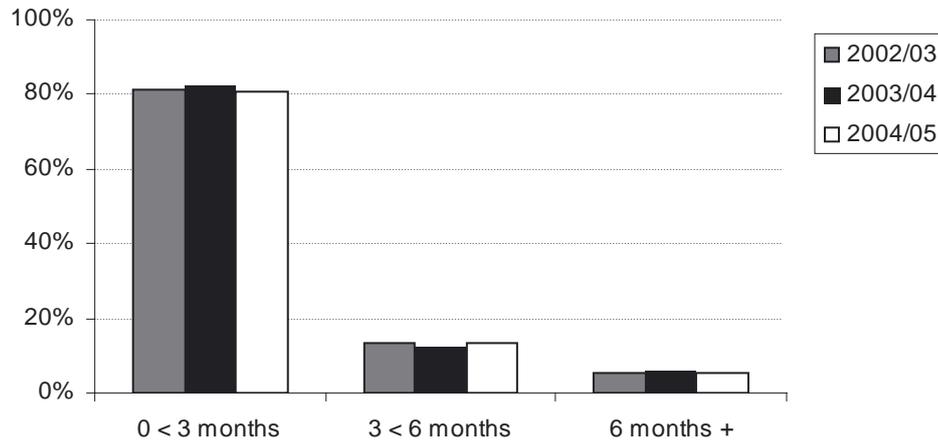


Table 3: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2002/03 - 2004/05

	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05
	Number			Percent		
0 < 3 months	8,538	7,864	6,484	81.5%	82.2%	80.9%
3 < 6 months	1,387	1,158	1,081	13.2%	12.1%	13.5%
6 < 9 months	358	332	270	3.4%	3.5%	3.4%
9 < 12 months	117	116	77	1.1%	1.2%	1.0%
12 < 24 months	64	76	75	0.6%	0.8%	0.9%
24 months +	11	25	27	0.1%	0.3%	0.3%
<b>Total</b>	<b>10,475</b>	<b>9,571</b>	<b>8,014</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	550	549	449	5.2%	5.8%	5.6%

## Criminal Division

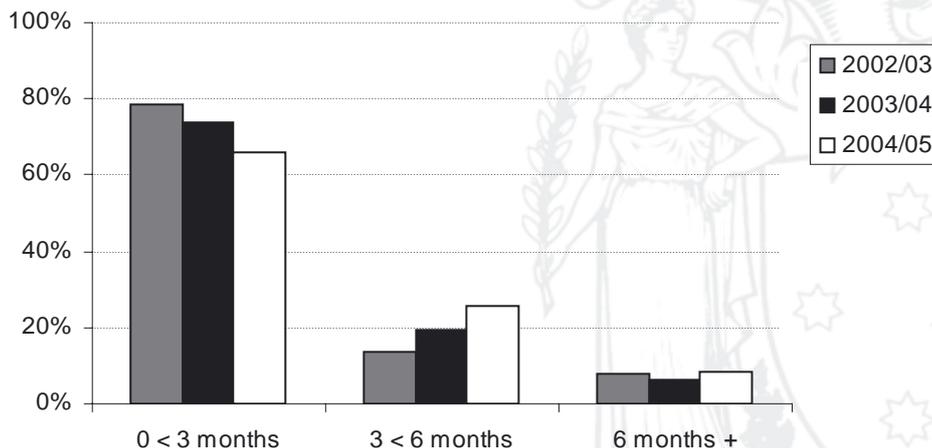
**Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2002/03 - 2004/05**



**Table 4: Number of matters pending on 30 June, by elapsed time since date of initiation, 2002/03 - 2004/05**

	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05
	Number			Percent		
0 < 3 months	1,454	1,500	1,034	78.6%	73.9%	66.2%
3 < 6 months	253	394	400	13.7%	19.5%	25.6%
6 < 9 months	96	86	78	5.2%	4.2%	5.0%
9 < 12 months	21	23	26	1.1%	1.1%	1.7%
12 < 24 months	21	22	19	1.1%	1.1%	1.2%
24 months +	5	2	5	0.3%	0.1%	0.3%
<b>Total</b>	<b>1,850</b>	<b>2,027</b>	<b>1,562</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	143	133	128	7.7%	6.5%	8.2%

**Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2002/03 - 2004/05**



## 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 5: Number of orders made<sup>3</sup>, 2002/03 - 2004/05**

Order	2002/03	2003/04	2004/05
Adjournment	4,730	4,839	5,214
Custody to Secretary Order	970	963	1,155
Custody to Third Party Order	8	8	9
Dismissed	33	22	27
Extension of Custody to Secretary Order	1,055	1,129	1,170
Extension of Interim Accommodation Order	6,857	7,689	8,658
Extension of Guardianship to Secretary Order	611	581	582
Free Text Order <sup>4</sup>	1,794	2,368	2,755
Guardianship to Secretary Order	285	277	263
Interim Accommodation Order	3,867	3,775	4,147
Interim Protection Order	810	887	943
Permanent Care Order	132	167	216
Refusal to Make Protection Order (s.110(3) CYPA)	124	155	157
Search Warrant <sup>5</sup>	1,065	1,258	1,833
Struck Out	434	416	429
Supervised Custody Order	13	11	3
Supervision Order	1,306	1,314	1,454
Undertaking - Application Proved	111	89	134
Undertaking - Dismissed	4	19	10
Undertaking - Refusal to Make Protection Order	10	14	19
Undertaking - Struck Out	68	96	137
<b>Total</b>	<b>24,287</b>	<b>26,077</b>	<b>29,315</b>

<sup>3</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 5 shows the total number of orders made in relation to all applications before the Court in the Family Division.

<sup>4</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.

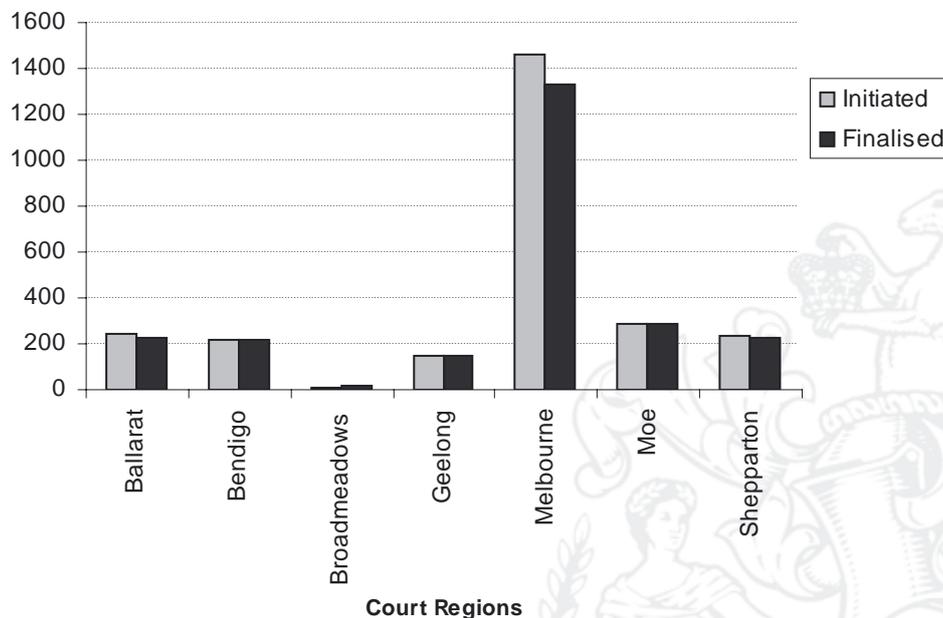
<sup>5</sup> Search Warrant figures for 2002/03 include search warrants issued after hours from December 2002. Prior to that time after hours warrants were recorded manually and were not counted for annual reporting purposes. Since December 2002 after hours search warrants have been recorded on the Court's computerised system and are included in the above figures from that time.

## Family Division

**Table 6: Number of primary applications initiated<sup>6</sup>, finalised and pending, 2003/04 – 2004/05**

Court Region	2003/04			2004/05		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Ballarat	227	205	58	246	226	72
Bendigo	221	211	46	214	216	14
Broadmeadows	13	7	12	7	21	0
Geelong	104	99	27	144	145	21
Melbourne	1,345	1,243	542	1,461	1,331	551
Moe	232	176	92	283	286	73
Shepparton	257	231	65	231	222	42
<b>Total</b>	<b>2,399</b>	<b>2,172</b>	<b>842</b>	<b>2,586</b>	<b>2,447</b>	<b>773</b>

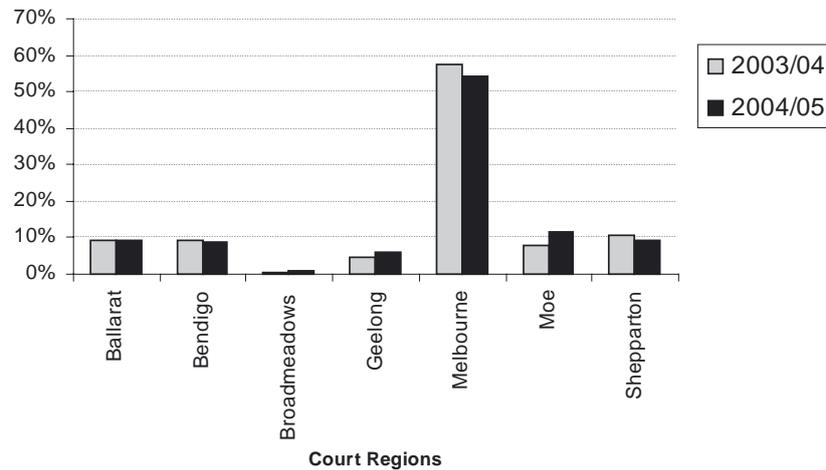
**Chart 7: Number of primary applications initiated and finalised, 2004/05**



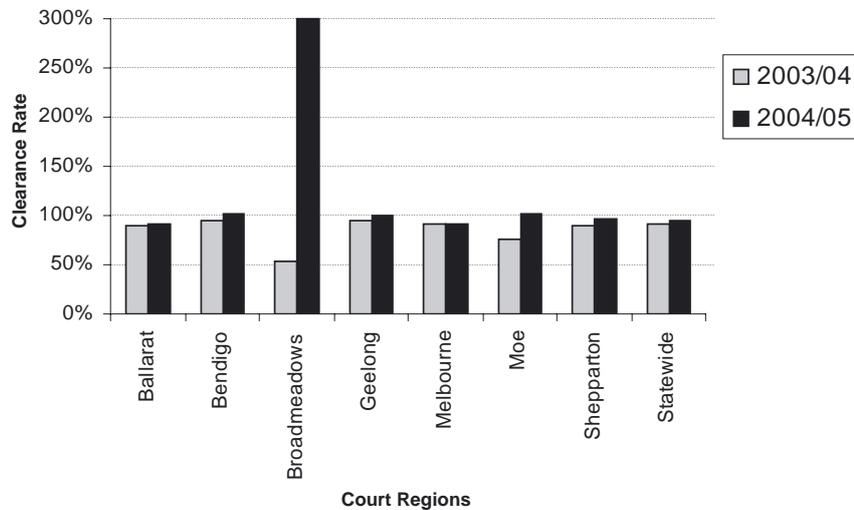
<sup>6</sup> The total number of primary applications initiated in 2004/05 shown in Table 6 differs by 5 from the total number of protection applications initiated for 2004/05 shown in Table 7. This difference is made up of a combination of irreconcilable difference applications initiated and the number of permanent care applications initiated as primary applications during the 2004/05 year. 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 5.

## Family Division

**Chart 8: Regional caseload distribution for finalised primary applications, 2003/04 – 2004/05**



**Chart 9: Clearance rates for primary applications, 2003/04 – 2004/05**



**Table 7: Number of protection applications initiated by apprehension/by notice, by court region, 2003/04 – 2004/05**

Court Region	2003/04				2004/05			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Ballarat	81	146	227	35.7%	95	150	245	38.8%
Bendigo	31	190	221	14.0%	60	154	214	28.0%
Broadmeadows	7	5	12	58.0%	0	7	7	0.0%
Geelong	22	82	104	21.2%	23	121	144	16.0%
Melbourne	921	417	1,338	68.9%	898	559	1,457	61.6%
Moe	66	162	228	28.9%	130	153	283	45.9%
Shepparton	32	225	257	12.5%	37	194	231	16.0%
<b>Total</b>	<b>1,160</b>	<b>1,227</b>	<b>2,387</b>	<b>48.6%</b>	<b>1,243</b>	<b>1,338</b>	<b>2,581</b>	<b>48.2%</b>



## Family Division

Chart 10: Percentage of protection applications initiated by apprehension, 2003/04 – 2004/05

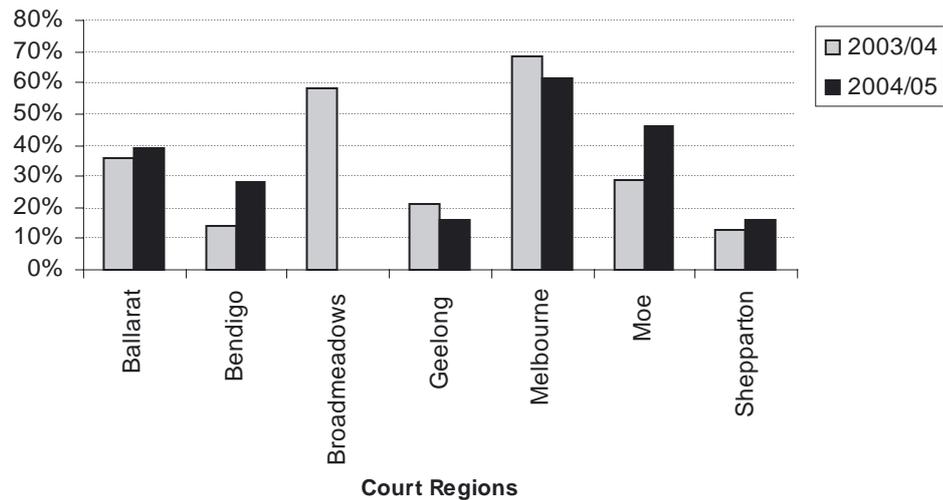
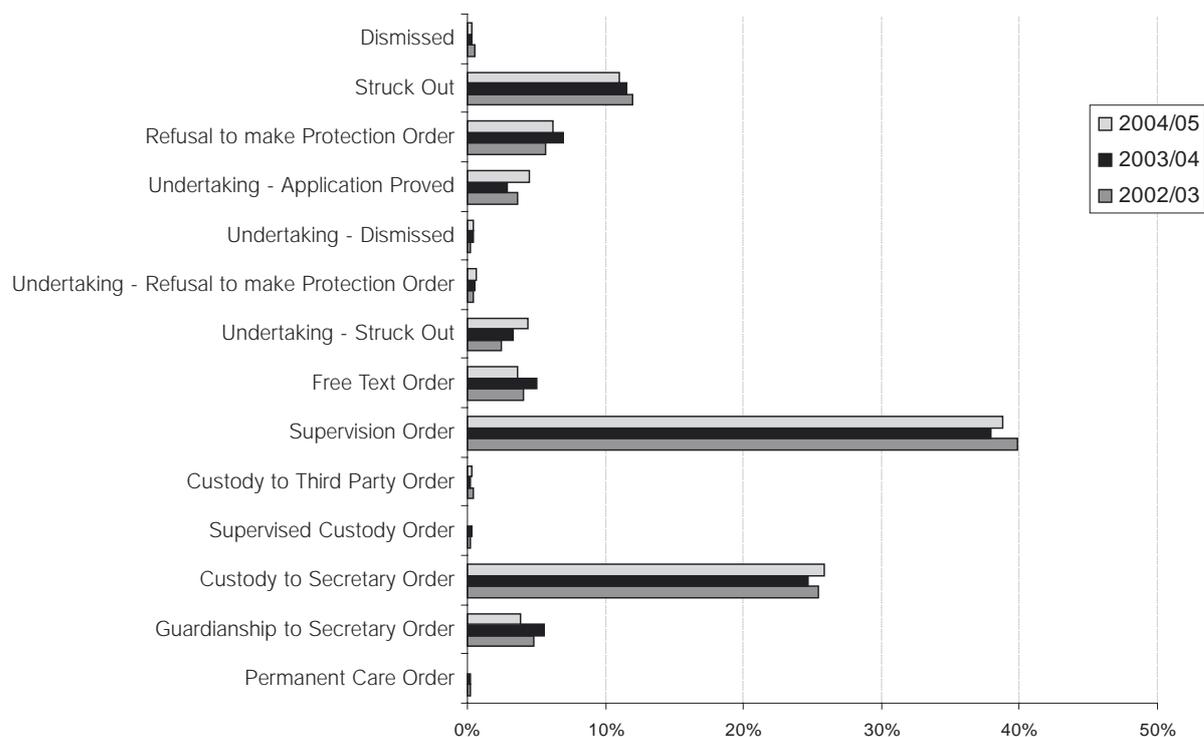


Table 8: Finalised primary applications by outcome, 2002/03 – 2004/05

Order	2002/03	2003/04	2004/05
Dismissed	12	8	7
Struck Out	253	251	270
Refusal to make Protection Order	120	150	151
Undertaking - Application Proved	76	62	109
Undertaking - Dismissed	4	9	10
Undertaking - Refusal to make Protection Order	10	12	16
Undertaking - Struck Out	51	71	108
Free Text Order	86	108	88
Supervision Order	839	825	950
Custody to Third Party Order	8	4	8
Supervised Custody Order	5	7	3
Custody to Secretary Order	535	536	632
Guardianship to Secretary Order	102	121	93
Permanent Care Order	5	5	2
Extension of Custody to Secretary Order	0	2	0
Extension of Guardianship to Secretary Order	0	1	0
<b>Total:</b>	<b>2,106</b>	<b>2,172</b>	<b>2,447</b>

## Family Division

**Chart 11: Distribution of finalised primary applications, by outcome, 2002/03 – 2004/05**

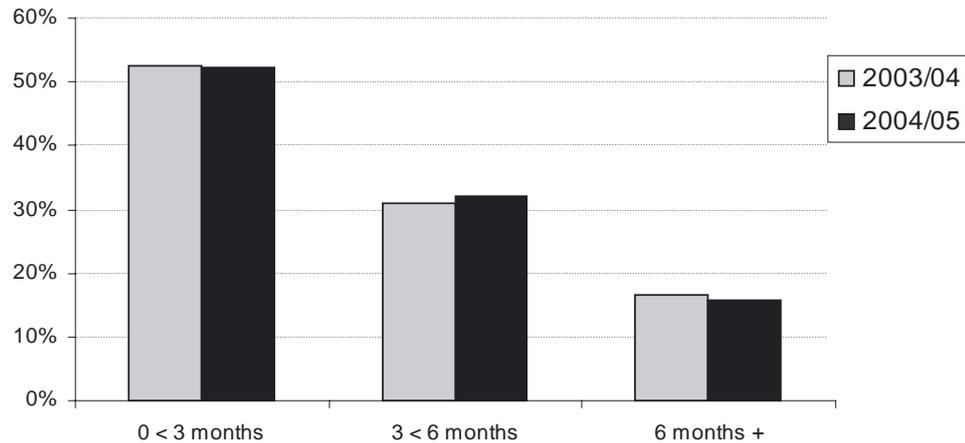


**Table 9: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2003/04 – 2004/05**

	2003/04	2004/05	2003/04	2004/05
	Number		Percent	
0 < 3 months	1,138	1,278	52.4%	52.2%
3 < 6 months	675	783	31.1%	32.0%
6 < 9 months	231	253	10.7%	10.3%
9 < 12 months	76	82	3.5%	3.4%
12 < 18 months	40	45	1.8%	1.8%
18 < 24 months	7	6	0.3%	0.3%
24 months +	5	0	0.2%	0.0%
<b>Total</b>	<b>2,172</b>	<b>2,447</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	359	386	16.5%	15.8%

## Family Division

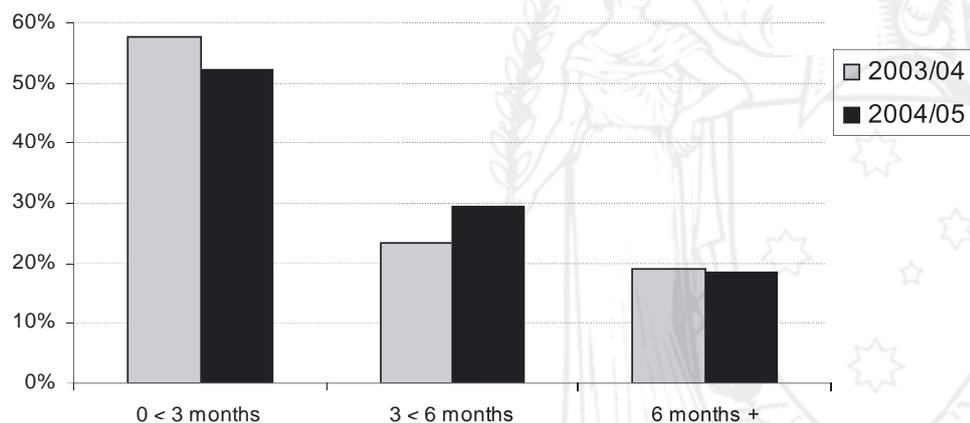
**Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2003/04 – 2004/05**



**Table 10: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2003/04 – 2004/05**

	2003/04		2004/05	
	Number	Percent	Number	Percent
0 < 3 months	485	57.7%	403	52.1%
3 < 6 months	197	23.4%	228	29.4%
6 < 9 months	67	8.0%	53	6.8%
9 < 12 months	37	4.4%	42	5.4%
12 < 18 months	16	1.9%	26	3.4%
18 < 24 months	12	1.4%	9	1.2%
24 months +	28	3.3%	13	1.7%
<b>Total</b>	<b>842</b>	<b>100.0%</b>	<b>774</b>	<b>100.0%</b>
6 months +	160	19.0%	143	18.5%

**Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2003/04 – 2004/05**



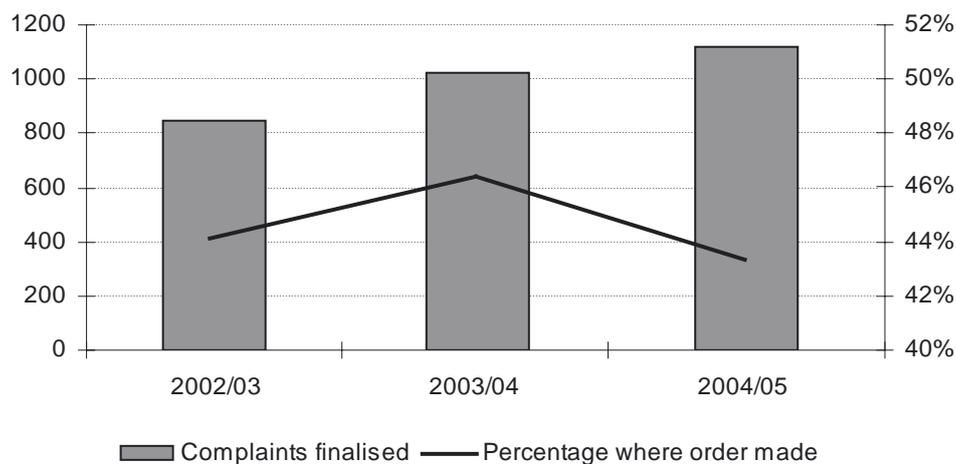
## Crimes (Family Violence) Jurisdiction

**Table 11: Complaints for an intervention order finalised, by outcome, 2002/03 - 2004/05**

	2002/03	2003/04	2004/05
	Number		
Intervention order made	374	474	486
Refused	23	51	26
Complaint struck out	281	305	344
Complaint withdrawn	170	191	260
Complaint revoked	1	0	0
<b>Total</b>	<b>849</b>	<b>1,021</b>	<b>1,116</b>

	2002/03	2003/04	2004/05
	Percent		
Intervention order made	44.1%	46.4%	43.6%
Refused	2.7%	5.0%	2.3%
Complaint struck out	33.1%	29.9%	30.8%
Complaint withdrawn	20.0%	18.7%	23.3%
Complaint revoked	0.1%	0.0%	0.0%
<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, 2002/03 - 2004/05**



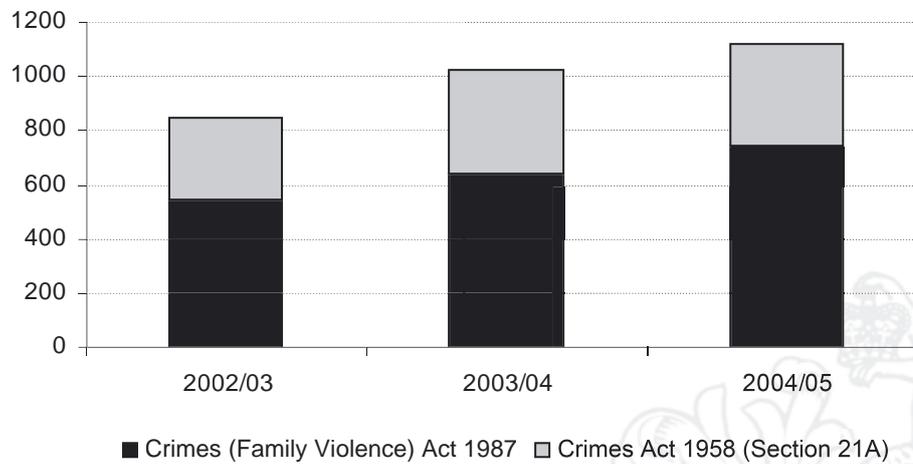
**Table 12: Complaints for an intervention order finalised by Act under which complaint made, 2002/03 - 2004/05**

	2002/03	2003/04	2004/05
	<b>Number</b>		
Crimes (Family Violence) Act 1987	545	643	740
Crimes Act 1958 (Section 21A)	304	378	376
<b>Total</b>	<b>849</b>	<b>1,021</b>	<b>1,116</b>

	2002/03	2003/04	2004/05
	<b>Percent</b>		
Crimes (Family Violence) Act 1987	64.2%	63.0%	66.3%
Crimes Act 1958 (Section 21A)	35.8%	37.0%	33.7%
<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, 2002/03 - 2004/05**



**Table 13: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2002/03 - 2004/05**

	2002/03	2003/04	2004/05
	<b>Number</b>		
0 < 1 month	592	777	834
1 < 2 months	153	130	166
2 < 3 months	50	62	53
3 < 6 months	82	36	39
6 < 9 months	14	8	10
9 < 12 months	0	0	7
12 months +	8	8	7
<b>Total</b>	<b>849</b>	<b>1,021</b>	<b>1,116</b>

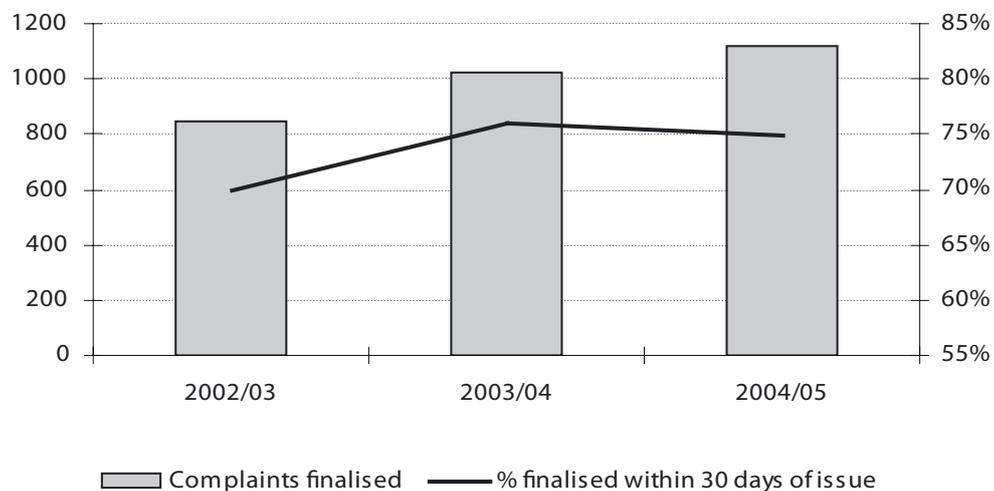
  

	2002/03	2003/04	2004/05
	<b>Percent</b>		
0 < 1 month	70.0%	76.0%	74.7%
1 < 2 months	18.0%	13.0%	14.9%
2 < 3 months	6.0%	6.0%	4.8%
3 < 6 months	4.0%	4.0%	3.5%
6 < 9 months	2.0%	1.0%	0.9%
9 < 12 months	0.0%	0.0%	0.6%
12 months +	1.0%	1.0%	0.6%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

6 months +	3.0%	2.0%	2.1%
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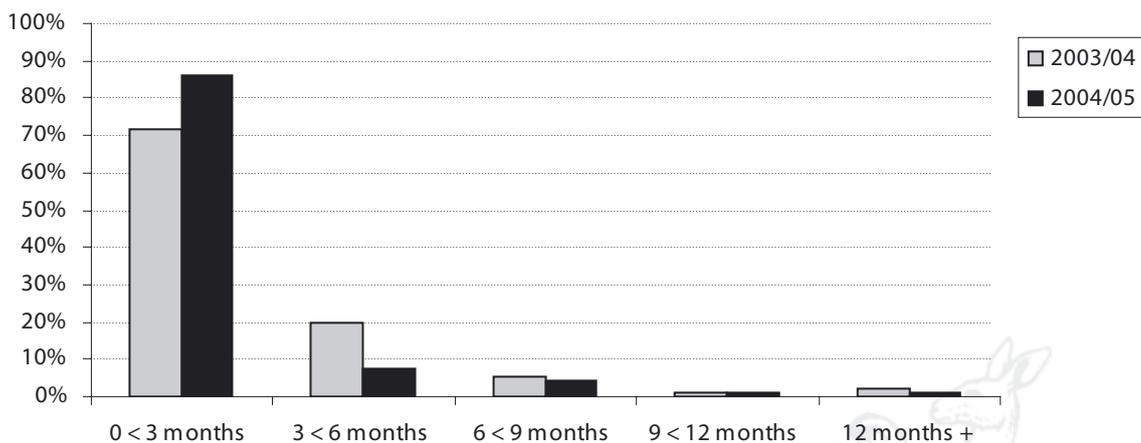
**Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2002/03 - 2004/05**



**Table 14: Number of complaints for an intervention order pending on 30 June, by age since issue, 2003/04 - 2004/05**

	2003/04	2004/05	2003/04	2004/05
	Number		Percent	
0 < 3 months	66	79	71.7%	85.9%
3 < 6 months	18	7	19.6%	7.6%
6 < 9 months	5	4	5.4%	4.3%
9 < 12 months	1	1	1.1%	1.1%
12 < 18 months	0	1	0.0%	1.1%
18 < 24 months	2	0	2.2%	0.0%
24 months +	0	0	0.0%	0.0%
<b>Total</b>	<b>92</b>	<b>92</b>	<b>100.0%</b>	<b>100.0%</b>
12 months +	2	1	2.2%	1.1%

**Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2003/04 - 2004/05**



## Listing Statistics - Melbourne Children's Court

**Table 15: Number of cases listed, 2003/04 - 2004/05**

	Cases Listed 2003/04	Cases Listed 2004/05	03/04 - 04/05 % Difference
<b>Family Division</b>			
Pre-hearing conferences	809 <sup>7</sup>	801	1.0%
Directions hearings	593	631	6.4%
Interim Accommodation Order contests	576	565	1.9%
Final contests	531	521	1.9%
<b>Criminal Division</b>			
Contest mentions	358	246	31.3%
Contests	144	135	6.3%

<sup>7</sup>In the 2003/04 Annual Report this figure was incorrectly recorded as 880 reflecting an incorrect percentage increase from 2002/03 to 2003/04 of 18.4%. The correct percentage increase was 8.9%.

**Table 16: Number of country and metropolitan cases listed to be heard at Melbourne, or by Melbourne Children's Court magistrates sitting in regional courts**

	2002/03	2003/04	2004/05
<b>Country</b> (Family Division contests)	51	75	50
<b>Metropolitan</b> (Criminal Division contests)	20	22	47

**Table 17: Melbourne Children's Court, Family Division listing delays, 2002/03 - 2004/05**

	Listing Delay from Pre-Hearing Conference to Final Contest		
	2002/03	2003/04	2004/05
July	6 weeks	6 weeks	10 weeks
August	6 weeks	7 weeks	8 weeks
September	8 weeks	9 weeks	8 weeks
October	10 weeks	10 weeks	11 weeks
November	11 weeks	13 weeks	12 weeks
December	9 weeks	11 weeks	12 weeks
January	8 weeks	9 weeks	13 weeks
February	8 weeks	9 weeks	13 weeks
March	7 weeks	9 weeks	14 weeks
April	8 weeks	10 weeks	14 weeks
May	6 weeks	8 weeks	14 weeks
June	7 weeks	9 weeks	14 weeks
<b>Average Delay</b>	<b>7.8 weeks</b>	<b>9.1 weeks</b>	<b>11.9 weeks</b>

**Table 18: Melbourne Children's Court, Criminal Division listing delays, 2002/03 - 2004/05**

	Listing Delay From Contest Mention to Final Contest		
	2002/03	2003/04	2004/05
July	9 weeks	9 weeks	11 weeks
August	10 weeks	10 weeks	8 weeks
September	10 weeks	11 weeks	8 weeks
October	9 weeks	11 weeks	11 weeks
November	10 weeks	9 weeks	11 weeks
December	11 weeks	9 weeks	12 weeks
January	10 weeks	9 weeks	12 weeks
February	10 weeks	11 weeks	12 weeks
March	12 weeks	11 weeks	11 weeks
April	11 weeks	10 weeks	7 weeks
May	11 weeks	8 weeks	7 weeks
June	7 weeks	11 weeks	8 weeks
<b>Average Delay</b>	<b>10 weeks</b>	<b>9.9 weeks</b>	<b>9.8 weeks</b>



## PRE-HEARING CONFERENCES

An important part of the work in the Family Division of the Children's Court of Victoria is performed by its pre-hearing conference convenors. The convenors have referred to them almost all matters in the Family Division at the point at which the parties have failed to agree on how to resolve the case. In 2004/05, 26.4% of cases in the Family Division at Melbourne referred through the pre-hearing conference system were settled fully at the pre-hearing stage. A further 10% of cases resulted in interim settlements. At Melbourne Children's Court, facilities are available to enable these conferences to take place inside the Court complex with all the advantages of access to court staff, security, child play areas and the Court itself to finalise orders at the end of conferences.

Currently, the Children's Court at Melbourne has six sessional pre-hearing conference convenors (Rosemary Sheehan, Paul Ban, Anne Markiewicz [resigned during 2004/05], Sue Green, Michelle Meyer and Emma Bridge) who service approximately four pre-hearing conferences per day. In the country regions of the Court, pre-hearing conferences are conducted by court registrars.

All pre-hearing conference convenors are appointed by the Governor in Council pursuant to section 37 of the *Children and Young Persons Act 1989*.

**Table 19: Pre-hearing conferences conducted, Melbourne Children's Court, 2004/05**

Month	Cases <sup>8</sup> Listed	PHC's Listed	Cases Settled Prior to PHC	Cases Settled at PHC	Interim Settlements	Cases Cancelled	Cases Adjourned	Sitting Days Vacated	Cases Confirmed as Contests
July 2004	95	59	0	35	12	4	3	125	41
August	116	69	2	41	23	5	5	155	40
September	108	65	0	29	7	8	5	100	59
October	130	67	2	32	16	2	22	109	56
November	117	72	4	23	12	12	6	120	60
December	119	66	0	47	10	8	0	152	54
January	77	53	6	20	7	4	3	111	37
February	151	90	1	34	12	0	15	133	89
March	91	66	0	14	8	0	5	77	64
April	90	57	3	22	12	2	6	129	45
May	124	77	4	35	8	1	8	139	68
June 2005	107	60	0	18	6	0	15	81	68
Total	1,325	801	22	350	133	46	93	1,431	681

<sup>8</sup> Each case relates to one child. Multiple cases may be dealt with in one pre-hearing conference.

## CHILDREN'S COURT CLINIC



*Dr Pat Brown  
Director  
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 across Victoria pursuant to section 37 of the *Children and Young Persons Act 1989*. 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 juvenile 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.

In December 2001, the Children's Court Clinic Drug Program commenced operation. Under the Drug Program magistrates can ask the Clinic to provide advice about the impact of drug use on a child and his or her family, and to make recommendations about drug treatment. Treatment can comprise referrals to community drug and alcohol agencies or can be provided by drug clinicians within the Clinic.

During the 2004/05 year, 925 cases (229 criminal matters, 686 protection matters and 10 applications for intervention orders) were referred to the Clinic for assessment, representing a 4% increase on the previous year.

The Children's Court Clinic Drug Program received 43 referrals from magistrates during the year. In addition, there were 13 cross-referrals from clinicians at the Court Clinic, in the main in protection matters and often in respect of a parent's drug problems, for drug assessment and, at times, treatment. Further, to facilitate the growth of expertise in assessing very complex protection and criminal issues outright, and not just the drug components of these, general court referrals (not denoted drug and alcohol) have been allocated to the drug clinicians in 31 instances (18 criminal and 13 protection matters).

# 4 GENERAL

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## AUDIO/VIDEO LINKING

The Children's Court at Melbourne has three 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 facilities which 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.

## EDUCATION

### Work Experience Program

Throughout the past few years a work experience program has been operating at Melbourne Children's Court. The Court is a popular placement and hosts one student, sometimes two, during most weeks throughout the year. During the 2004/05 year the Court hosted 56 students, including 13 tertiary level students who completed work placements of two weeks duration.

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

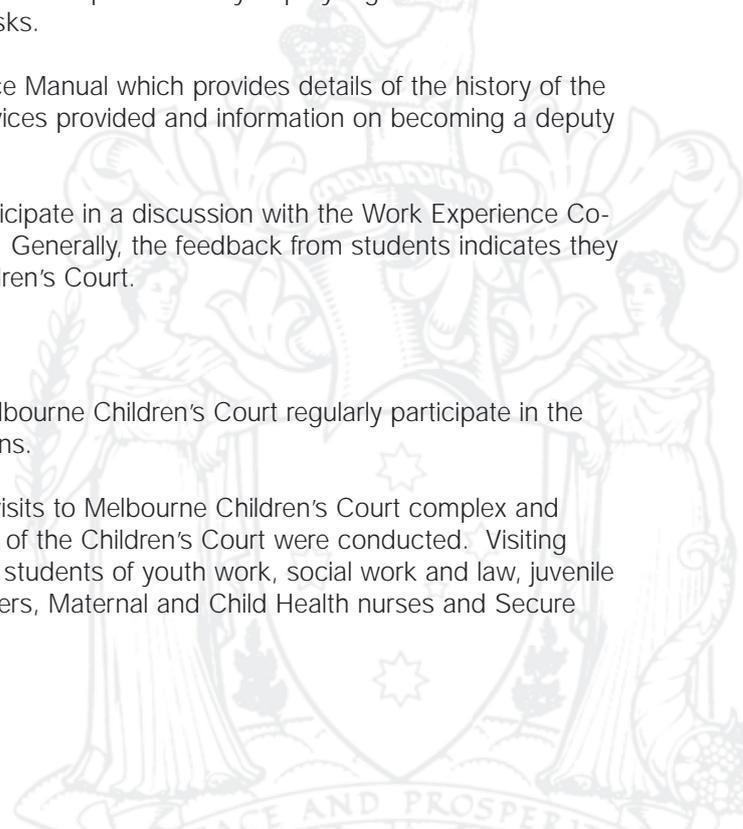
The students are each given a Work Experience Manual which provides details of the history of the Court, the jurisdiction, orders made, court services provided and information on becoming a deputy registrar.

All students are given a written report and participate in a discussion with the Work Experience Co-ordinator at the conclusion of their placement. Generally, the feedback from students indicates they have enjoyed an educational week at the Children's Court.

### Tours and Information Sessions

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 approximately 58 visits to Melbourne Children's Court complex and presentations on the jurisdiction and operation of the Children's Court were conducted. Visiting groups have included school students, tertiary students of youth work, social work and law, juvenile justice and child protection workers, foster carers, Maternal and Child Health nurses and Secure Welfare staff.



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.

### Professional Training Sessions

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 courses:

- Bail Justice Accreditation Course
- Aboriginal Bail Justice Accreditation Course
- Department of Human Services Induction Program for New Child Protection Workers
- Court Network training courses

For the last five years, the Children's Court has also participated in a mentoring program for students from La Trobe University's School of Law and Legal Studies. Each year the Court has hosted two or three students on the program. Each student is placed with a magistrate for one day a week over a 10 week period with the aim of providing an opportunity to experience and participate in the operation of the law in practice.

### Judicial Education

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 now 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 Mr Peter Power's "Research Materials" maintained on the Children's Court website.

# 5 FINANCIAL STATEMENT

## APPENDIX A

### Financial Statement for the Year Ending 30 June 2005

	Budget	Actuals
<b>SPECIAL APPROPRIATIONS</b>		
Magistrates' salaries and allowances	1,310,000	1,441,550
<b>Total Special Appropriations</b>	<b>1,310,000</b>	<b>1,441,550</b>
<b>RECURRENT APPROPRIATIONS</b>		
Salaries, overtime and annual leave	1,387,000	1,407,238
Superannuation	153,600	128,690
Provision for long service leave	81,700	67,416
Fringe benefits tax	0	2,063
WorkCover levy	2,500	5,998
Payroll tax	88,600	82,495
<b>Total Salaries Expenditure</b>	<b>1,713,400</b>	<b>1,693,900</b>
<b>OPERATING EXPENDITURE</b>		
Travel and personal expenses	47,000	45,817
Printing, stationery and subscriptions	103,500	74,905
Postage and communication	46,300	48,698
Contractors and professional services	74,400	148,378
Training and development	11,000	14,251
Motor vehicle expenses	51,200	56,952
Operating expenses	52,000	55,559
Witness payments	5,000	4,134
Information technology costs	50,000	58,189
Urgent and essentials	37,000	32,959
Rent and property services	197,600	241,227
Property utilities	55,600	67,862
Repairs and maintenance	59,600	46,209
<b>Total Operating Expenditure</b>	<b>790,200</b>	<b>895,140</b>
<b>REVENUE RETENTION INITIATIVES</b>		
Security and engineering services	3,000	2,986
Children's Court Pre-Hearing Conferences	135,000	141,657
<b>Total Revenue Retention Expenditure</b>	<b>138,000</b>	<b>144,643</b>
<b>PARALLEL PROGRAMS</b>		
Children's Court Clinic Drug Program	268,500	125,013
<b>Total Parallel Programs Expenditure</b>	<b>268,500</b>	<b>125,013</b>
<b>Total Recurrent Expenditure</b>	Note 5 <b>2,910,100</b>	<b>2,858,696</b>
<b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>		
Essential services maintenances	Note 7 0	27,392
Government Finance Charge	Note 1, 4 1,880,600	1,880,528
Depreciation - Land and buildings	Note 1, 2 356,700	361,108
Depreciation - Plant and equipment	Note 1, 2 32,000	27,587
<b>Total Departmental Controlled Expenditure</b>	<b>2,269,300</b>	<b>2,296,615</b>
<b>CAPITAL EXPENDITURE</b>		
Purchases of plant and equipment	9,065	9,065
<b>Total Capital Expenditure</b>	<b>9,065</b>	<b>9,065</b>
<b>TOTAL CHILDREN'S COURT EXPENDITURE</b>	<b>6,498,465</b>	<b>6,605,926</b>

## Notes to and forming part of the Financial Statements

### Note 1

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

### Note 2

Depreciation is the process of allocating the value of all non-current physical assets controlled by the Court over their useful life having regard to any residual value remaining at the end of the asset's economic life. Central Finance makes this charge on a monthly basis as part of the end of month process. Depreciation charges are calculated on the value of each individual asset, the method of depreciation used for each asset, the specified rate of depreciation and the estimated useful life of the asset.

### Note 3

Included in operating expenses is expenditure for Children's Court Pre Hearing Conference Conveners that has been funded from retained Court fees as approved by the Attorney-General.

### Note 4

The Capital Asset Charge is a charge made by the Department of Treasury and Finance (DTF) as a measure of the cost of capital that entities have invested in assets under their control. Currently, DTF sends a monthly invoice to the Court's Finance Division for payment. As the Court has no control over funding allocated any surplus or deficit at the financial year's end does not affect the Court's budget.

### Note 5

A budget surplus of \$51,404 was achieved in the recurrent budget for 2004/2005 financial year.

### Note 6

The Children's Court budget incorporates the Children's Court Clinic and the Children's Court Clinic CREDIT program. The CREDIT program is funded separately, however this funding forms part of the total annual recurrent funding of the Court.

### Note 7

In December 2004 the Department of Justice contracted Urban Maintenance Systems to maintain the essential services within departmental buildings. The Magistrates' Court of Victoria received total funding of \$700,000 for all court buildings including Melbourne Children's Court.

The assistance of the following persons in the compilation of this Annual Report is noted with much appreciation:

Leanne de Morton, Principal Registrar, Children's Court of Victoria

Russell Hastings, Registrar

Angela Carney, Registrar

Janet Matthew, Children's Court Liaison Officer

Victor Yovanche, Manager, Finance and Administration, Magistrates' Court of Victoria

Noel Moloney, Court Services, Department of Justice

Jeanette Lui, Court Services, Department of Justice

# ACKNOWLEDGEMENTS





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