

# CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT  
2005 - 2006



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President  
Children's Court of Victoria

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**Children's Court  
Victoria**

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7 February 2007

Professor David de Kretser AC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Dear Governor

**CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2005-2006**

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 2005-2006.

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 'P.D.G.' followed by a stylized flourish.

**Judge Paul Grant**  
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

### Judge Jennifer Coate (1/07/2005 - 30/04/2006)

The reporting period from 1 July 2005 to 30 April 2006 was one of change and development for the Court. The age jurisdiction changes in the Criminal Division became operational, the Children's Koori Court commenced sitting, the *Children Youth and Families Act* received Royal Assent on 7 December 2005 and I completed my term as President on 30 April 2006.



Judge Jennifer Coate  
President  
Children's Court of Victoria

### Increase in Age Jurisdiction

The *Children and Young Persons (Age Jurisdiction) Act 2004* became operational on 1 July 2005. The transition seems to have gone relatively smoothly. In my view that smooth transition in the Court has been as a result of the diligence of the Principal Registrar and her staff together with the excellent training and explanatory charts and materials provided to all by His Honour Mr Peter Power, Magistrate.

As at April 2006, registries of the Court were starting to see steady numbers of more serious and complex 17 year old offenders coming in with more difficult contested bails and trial dates now pending.

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

The Children's Koori Court was officially launched by the Attorney-General, the Honourable Rob Hulls, at a ceremony at the Children's Court at Melbourne on 9 September 2005.

The legislative purposes of the new division of the Court are set out in s.1 of the *Children and Young Persons (Koori Court) Act 2004*. The section includes the objective of "ensuring greater participation of the Aboriginal community in the sentencing process of the Children's Court through the role to be played in that process by the Aboriginal elder or respected person and others so as to assist in achieving more culturally appropriate sentences for young Aboriginal people".

The Koori Children's Court is being piloted at Melbourne by agreement between the Court and the relevant Aboriginal community members. The Court had its first sittings on 20 October 2005. There has been generally good attendance by family members and professionals. The attendance of family in particular has been extremely pleasing and feels like a significant improvement on the past already. The presence of family provides more flexibility in appropriate sentencing options.

An independent evaluation of the Court is to be conducted during the course of the pilot. A thorough and objective evaluation and analysis of the pilot is crucial to the appropriate development and expansion of the Children's Koori Court including an informed assessment about resources and training needs for the Court.

The commencement of the Koori Children's Court has been enthusiastically supported by the elders and respected persons who have been appointed to sit in the Court.

### Children, Youth and Families Act 2005

The Court's involvement in the development of the new legislation which will govern the Children's Court and replace the *Children and Young Persons Act* has continued to absorb a large amount of time during the reporting period. The new *Children, Youth and Families Act* was passed by the Legislative Assembly on 27 October 2005 and by the Legislative Council on 23 November 2005. The Act received Royal Assent on 12 December 2005.

As at the end of April, we are advised that the bulk of the *Children, Youth and Families Act* will become operational in early October 2006. Those parts of the Act not operational before must be operational by 1 October 2007 as the statutory default day. Discussions about the model of transitional provisions are currently underway but remain unresolved as yet.

Work has commenced in earnest to produce the necessary new court forms and consequent changes to the court computer system. Training, both of magistrates and registrars, has commenced in earnest. His Honour Mr Peter Power has led that training which includes preparing three papers on the new legislation available on the Court's website.

The new Act will make some significant changes to the range of powers invested in the Court sitting in its Family Division. It will also introduce a new range of possible orders and some modifications to existing orders.

The involvement of the judiciary in the reform of the law which governs the court in which those judicial members sit is a complex and delicate exercise. The experience and expertise of the judicial members of the court is a valuable resource for a government undertaking law reform. Modern courts are keen to be consulted and appreciate government agencies and law reform commissions consulting with their nominated judicial representatives. Ultimately, it is always a delicate exercise because the role of the judiciary is to interpret and apply the word of Parliament through its statutes. Where the judiciary have been publicly involved in the development of that statute, it may lead to the apprehension that judicial objectivity and the proper application of the principles of statutory interpretation may be compromised when the statute comes before a court.

In modern law reform, these tensions are usually addressed by governments using their parliamentary law reform committees or a law reform commission to undertake the task of law reform. In this way, an independent body, skilled in law reform and cognisant of and experienced in the complexities of consultation with courts will be able to appropriately manage the consultations. Whilst the efforts at consultation with the Children's Court in the development of this new Act were both laudable and appreciated, no future law reform process undertaken by any government should leave the major litigant of a court leading that consultation.

### Pre-hearing Conferences

A new model of alternative dispute resolution is contained in the *Children, Youth and Families Act*. As at the end of April 2006, the resources to develop that new model had not been made available to the Court. It is hoped that the work reported upon in the last annual report completed by the Court appointed and approved review team can be used productively to underpin the development of the new system.

### Group Conferencing

*The Children, Youth and Families Act* makes one significant change to the Criminal Division of the Court. Under the new legislation, the Court will have the ability to order a young person to participate in a group conference prior to sentence. To date, the Court has been able to adjourn proceedings to enable a young offender to participate in one of the group conferencing programs which have existed. However, prior to the new Act the programs had not been formally recognised as a pre-sentencing option and had only been available in the metropolitan, Hume and Gippsland regions.

Over the past decade across Australia and New Zealand and indeed the Western world, the restorative justice movement has initiated much debate and analysis and Victoria has lagged

behind to some extent. However, a dedicated group of people including representatives from the Department of Human Services, Victoria Police, Jesuit Social Services, the Victorian Aboriginal Legal Service and the Court, have pursued the development of a group conferencing option for juveniles in Victoria and that has finally been achieved by the inclusion of section 415 in the *Children, Youth and Families Act*.

Given the complexities of the task of sentencing in the Children's Court, the inclusion of group conferencing in the new legislation is a welcome addition.

### **Centenary of the Children's Court of Victoria: 1906 - 2006**

On 21 April 2006 the Children's Court of Victoria celebrated 100 years of operation. This event was celebrated by the launch of an historical display which was produced with the assistance of Victoria Law Foundation. The display was launched by the Attorney-General, the Hon. Rob Hulls in the presence of guests at Melbourne Children's Court.

The second part of the celebration was the joint unveiling of a plaque which will be placed over a time capsule to be set into the floor of the foyer of the Court. The Attorney-General together with the Minister for Children, the Hon. Sherryl Garbutt, unveiled the plaque after having received a range of items to be placed inside the time capsule.

The event provided the opportunity to reflect on the way children have been treated within the criminal justice and welfare systems of the State over the past 100 years and beyond, and the great advances that have been made particularly during more recent years. (See report on page 12).

### **Practice Directions**

In anticipation of the looming legislative changes, a number of practice directions relating to the operation of the Family Division of the Court have been issued. The practice directions issued are as follows:

- 1 of 2006 - Authority to Provide Copies of Recordings of Proceedings
- 2 of 2006 - Consent Orders
- 3 of 2006 - Preparation of Chronologies in Family Division Matters
- 4 of 2006 - Provision of Witness Lists in Family Division
- 5 of 2006 - Adjournments
- 6 of 2006 - Interstate Transfer of Child Protection Orders

### **Country Circuits**

Despite all of the various demands on our full-time Children's Court magistrates, we have continued to maintain a steady workload in country regions in the Family Division of the Court. Most often these matters are being allocated to a full-time Children's Court magistrate at the directions hearing stage to ensure proper management and preparation for trial.

### **Community Education**

The Court has continued with its program of community education by providing information to the public through the office of the Court Liaison Officer, its website, its publications and the on-going program of community visits to the Court. In the reporting period up to the end of my term as President (30/4/2006) 42 groups had visited Melbourne Children's Court. 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.

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.

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"
- Victoria Police forums

Mr Peter Power, Magistrate, continues to maintain a comprehensive set of "Research Materials" on the Court's website which is publicly available as a free service to all who wish to gain an understanding of the Court's work.

### Overseas Delegations

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 with members of the visiting Korean delegation*

Up until the end of my term as President (30/04/2006), our visitors included groups from Korea and Vietnam on study tours relating to the establishment of child protection and juvenile justice systems. We also had the pleasure of hosting Judge Takaaki Miura from the Yamagata District/Family Court, Japan on several occasions. Judge Miura was in Melbourne on a 12 month study tour.

### Participation in 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

### **South Pacific Council of Youth Courts**

The Council met twice in the reporting period and consequently I attended a meeting of the Council in Fiji in July 2005 and a further meeting in Hobart, Tasmania in April 2006.

In Fiji, court representatives from Kiribati, the Solomon Islands and Vanuatu attended for the first time. With the assistance of UNICEF, AUSAID and NZAID these courts were also able to be represented in Hobart in March of this year. As always, the meetings were profoundly enriching.

The Council has produced a website which should be fully operational within the next few months. It is hoped that it will provide a wide ranging resource for all who are interested in the work of youth and children's courts across the South Pacific.

### **Conclusion**

As always, 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

I have been the head of the Children's Court of Victoria in one form or another for 10 and a half years. The role has been both a challenge and a privilege. I have enjoyed the role in so many ways. There have been and remain a truly exceptional group of magistrates sitting full-time in the Court at Melbourne. Most of us have been working together for many years now and have seen through many changes and developments together in this last decade. We have changed our central court building, become computerised, introduced audio recording of hearings, developed a training program for new magistrates, produced a website complete with a constantly updated comprehensive manual, commenced and maintained circuits into country regions hearing Family Division cases and produced a President who is now expected to sit two months of the year in the County Court.

I simply cannot do justice to each and every one of our full-time magistrates who have committed themselves to the Children's Court over the past decade. The arrival of Ms Jennie Bowles in February 2006 as our latest full-time addition adds even more strength to the group. Neither can I do justice to the staff who have made a wonderful contribution to the work and spirit of the Court during that time. I am confident they will continue to ensure the smooth operation of the Court under the new President.

Finally, it is a state-wide court and its effective operation would not be possible without the contribution made by all magistrates. That co-operation has added to the enjoyment of my role over the years. This is also true of course of the Chief Magistrate, Mr Ian Gray. The Children's Court is embedded in the operation of the Magistrates' Court and the two must operate in harmony.

I leave the Children's Court in the very capable hands of the newly appointed President, Judge Paul Grant. Judge Grant brings a wealth of experience to the office of President. He was appointed a magistrate in 1988 and sat full-time in the Children's Court from 1990 to 1992. In 2001 he was appointed State Co-ordinating Magistrate and in 2003 a Deputy Chief Magistrate. He was also appointed as the first Supervising Magistrate for Koori Courts in 2004. I wish him well as President of this most important of jurisdictions.

### Judge Paul Grant (1/05/2006 - 30/6/2006)

I was appointed to the County Court on 26 April 2006 and my appointment as President of the Children's Court of Victoria commenced on 1 May 2006. The period of my report covers a brief two months.

Many of the matters I would report on as central to the operation of the Children's Court have already been commented upon by Judge Coate. They can be updated as follows:

- 27 defendants have appeared in the Children's Koori Court at Melbourne since the first sitting of the Court on 20 October 2005. Of those 27, 19 had had their cases finalised by 30 June 2006.
- The bulk of the *Children, Youth and Families Act* will become operational from 14 March 2007. There are some provisions, notably those relating to dispute resolution and Therapeutic Treatment Orders, which will not take effect until October 2007.
- The Court is working on the development of guidelines for the Family Division dispute resolution process contained in the *Children, Youth and Families Act*. The Court will engage in a process of consultation with all interested parties.
- The historical display produced for the centenary of the Court was transported to Bendigo for presentation during Law Week. At the launch of the exhibition in Bendigo on 26 May 2006 I delivered an address to local practitioners, Department of Human Services workers, police, court staff and members of the community.
- The Court welcomed the following visitors:
  - Judge Takaaki Miura, Judge of the Yamagata District/Family Court, Japan; and
  - a delegation from China including Judge Ding, Judge of the Tianjin First Intermediate Court of Justice.
- I have accepted offers to continue the involvement of the President of the Children's Court on a number of boards, councils, committees, reference groups and advisory bodies.
- I accepted an appointment to the Aboriginal Justice Advisory Forum.
- I made a presentation to the Victoria Police Youth Resource Officers' training program on 6 June 2006.



Judge Paul Grant  
President  
Children's Court of Victoria

- I attended a conference on therapeutic jurisprudence from 7 – 9 June 2006.
- I also intend to maintain the system of sitting in the County Court for two months each year. My first sittings will be in July 2006.

I conclude by thanking Judge Coate for her assistance from the time of my appointment. I acknowledge her outstanding long-term commitment to the children and young people of this State. I also thank the magistrates and staff of the Children's Court for their support and assistance from the time of my appointment. Those people and organisations recognised by Judge Coate in her conclusion are thanked and acknowledged by me, and for the same reasons.

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## JURISDICTION

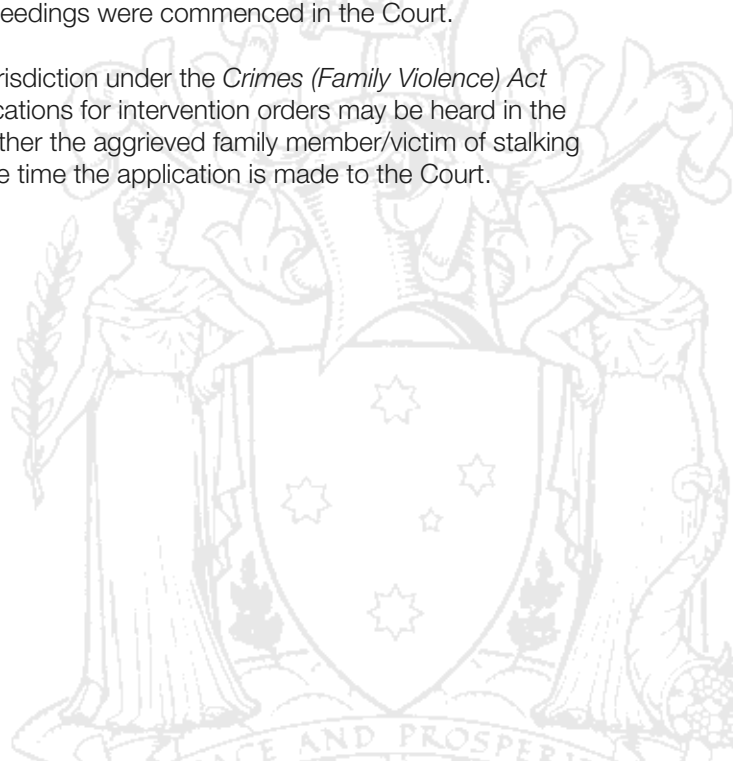
The Children's Court of Victoria is established by section 8 of the *Children and Young Persons Act* 1989. The Children's Court has authority to hear cases involving children and young people up to the age of 18 years, and in some cases up to 19 years.

The Family Division of the Court has the power to hear a range of applications and 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 has had 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 increased 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

Judge Jennifer Coate (1/07/2005 - 30/04/2006)  
 Judge Paul Grant 1/05/2006 - 30/06/2006)

#### Magistrates

Ms Sue Blashki  
 Ms Jennifer Bowles  
 Ms Jacinta Heffey  
 Mr Greg Levine  
 Ms Kay Macpherson  
 Mr Clive McPherson  
 Mr Peter Power  
 Mr Brian Wynn-Mackenzie

#### Principal Registrar

Leanne de Morton

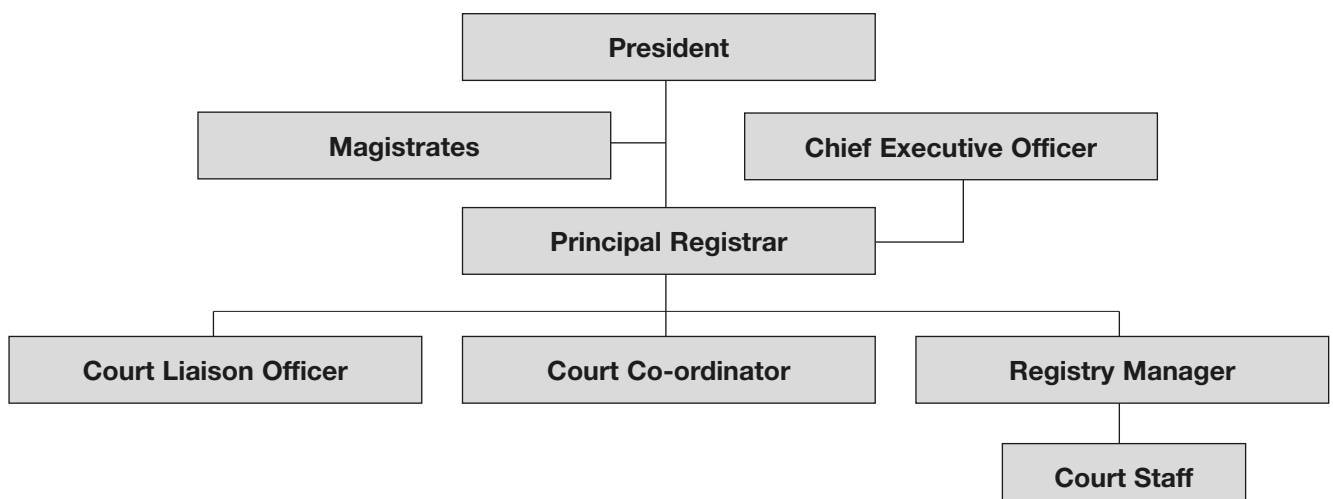
#### Senior Deputy Registrars

Angela Carney (Court Co-ordinator)  
 Russell Hastings (Acting Registry Manager)

#### Court Liaison Officer

Janet Matthew

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



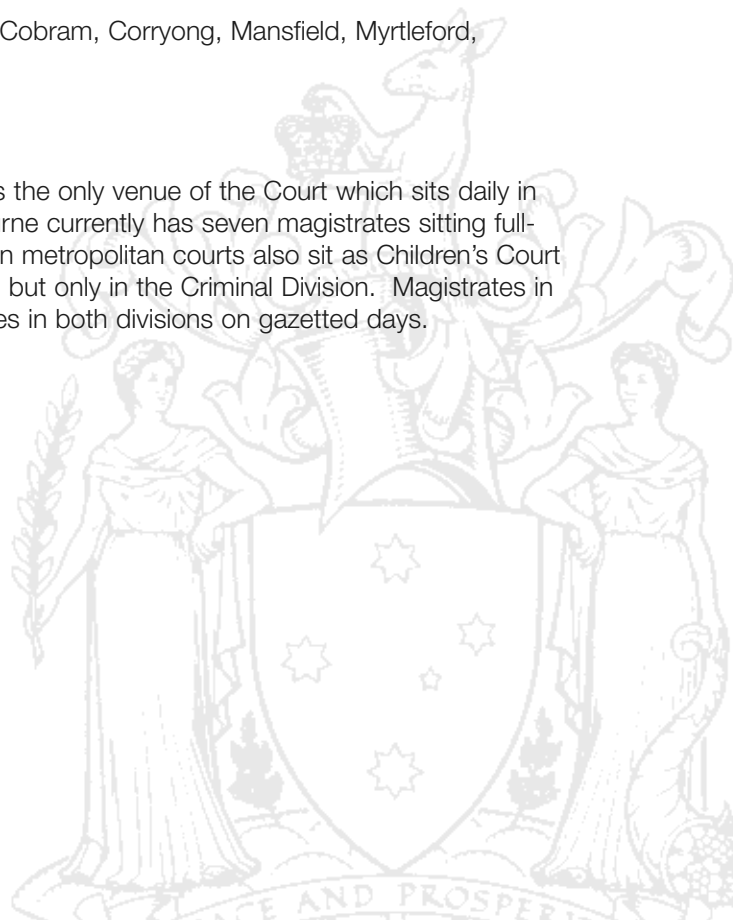
## COURT LOCATIONS AND SITTING DAYS

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 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.

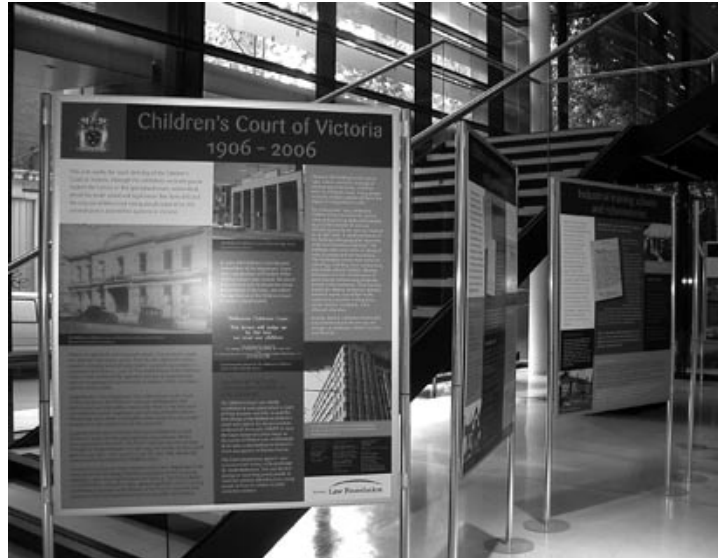




# CHILDREN'S COURT OF VICTORIA 1906-2006



Judge Coate, Judge Grant, magistrates and staff of Melbourne Children's Court on the day of the centenary celebration



Centenary exhibition panels containing information on the history of the Children's Court



The time capsule plaque was unveiled by the Hon. Sherryl Garbutt, Minister for Community Services and the Hon. Rob Hulls, Attorney-General



Display case containing items belonging to the late Mr A. J. Blashki, honorary magistrate of the Children's Court 1948-1985



The Hon. Sherryl Garbutt presenting a cheque to students from Shelford Girls' Grammar who won the centenary time capsule competition for secondary schools



Guests at the Children's Court centenary celebration

# 2 ACHIEVEMENTS & HIGHLIGHTS



*Aunty Joy Murphy Wandin performed a smoking ceremony at the launch of the Children's Koori Court at Melbourne*

## LAUNCH OF THE CHILDREN'S KOORI COURT

On 9 September 2005, Victoria's first Koori Court for indigenous young people charged with criminal offences was launched at Melbourne Children's Court. The Children's Koori Court is based on the adult model being used in the Magistrates' Court and has initially been established as a two year pilot project.

The Children's Koori Court was launched by Attorney-General, the Hon. Rob Hulls in the presence of a large number of guests. Aunty Joy Murphy Wandin, elder of the Wurundjeri people, welcomed guests to country and performed a smoking ceremony in the courtroom to be used for sittings of the Children's Koori Court. Addresses were also made by the Hon. Sherryl Garbutt, Minister for Community Services and Minister for Children, Ms Jenny Mikakos, Parliamentary Secretary for Justice, and Judge Jennifer Coate, President of the Children's Court.



*The Attorney-General congratulates one of the winners of the Children's Koori Court art competition*

The Attorney-General also awarded prizes to the four winners of a competition that was run by the Department of Justice to find Aboriginal artworks to be hung in the Children's Koori Court.

## 100 YEARS OF THE CHILDREN'S COURT OF VICTORIA

On 21 April 2006 the Children's Court of Victoria marked its centenary with an event at Melbourne Children's Court. The focus of the celebration was the launch of an exhibition on the history of the Court by the Attorney-General, the Hon. Rob Hulls. The exhibition was made possible with the support and assistance of Victoria Law Foundation and its Executive Director, Professor Kathy Laster. The historical research was undertaken by 4th year Arts/Law student, Jessica Taft who was participating in the Victoria Law Foundation student intern program. Production of the exhibition panels and the display of a number of exhibits was managed by Tim Moyes, Publications Manager for the Law Foundation. The overall project was co-ordinated by Janet Matthew, Children's Court Liaison Officer.

The exhibition is comprised of seven panels containing historical information about the Children's Court and the development of State systems for dealing with neglected children and those charged with committing offences. The exhibition also show-cased the work of Mr Anthony J. Blashki who was an honorary magistrate of the Children's Court from 1948-1985. Honorary, or special magistrates as they were known, sat in the Children's Court of Victoria from its inception until the mid 1980's. It was not until the 1930's that the first stipendiary magistrate was appointed to the Court. In 1955 Mr Blashki was elected President of the Children's Court Magistrates' Association. His briefcase, containing correspondence and Association related items, was displayed with kind permission of the Blashki family.

Also at the launch were displayed items to be included in a time capsule to be imbedded in the floor of Melbourne Children's Court for the next 100 years. The plaque to cover the time capsule was unveiled by the Attorney-General and the Hon. Sherryl Garbutt, Minister for Community Services and Minister for Children.

Three students from Shelford Girls' Grammar were presented with a cheque for \$250 by Minister Garbutt as prize money for their winning entry in a time capsule competition for secondary schools who visited Melbourne Children's Court during 2005. The winning students produced a DVD in which they used words, pictures and music to create a representation of the history and development of social policy for children over the last 100 years. The prize money will be used to purchase IT learning aids or books for the school library.

## FAREWELL TO JUDGE JENNIFER COATE

On Friday, 28 April 2006 the Children's Court farewelled Judge Jennifer Coate after more than 10 years as judicial head of the Court. Below is an edited version of Judge Coate's speech in response delivered at a bench farewell in the presence of a large gathering at Melbourne Children's Court.

*"On Sunday the 30th April 2006 my fourth consecutive appointment as head of the Children's Court either as Senior Magistrate or President ends. With the transition of the age increase well underway, the Koori Children's Court up and running, a new model of alternative dispute resolution legislated for, and a new Act on the horizon, the Court is about to start a new phase in its development, in its second century.*

*2006 marks the first 100 years of the Court. The centenary of the Court was celebrated on April 21, 2006. There is much to learn from these first 100 years. The pioneering spirit of the judiciary who have worked in this court over the past 100 years is readily apparent in any review of the Court's history. One can see many mistakes, some misguided views, some inappropriate laws and some grave errors of policy dotted throughout the history of the Court. But there is an underlying theme in the judicial history of this court of the striving of many passionate and committed judicial members to use the law and their statutory powers to achieve better lives for children and young people who have come before the courts over the decades. I pay my respects to them, past, present and future.*

*Here, I have learned much more about hope than I had ever understood. I have seen the hope of the committed advocates in this jurisdiction who strive to get the results their clients are seeking even when their situation looks grim and the remuneration for their work is inexcusably low. I have seen the hope of juvenile justice and child protection workers who strive to make appropriate responses to address the needs of children and young people who are brought to the Court. I have seen the hope in all who are the decision makers in this court that each decision made is the right one for that infant, child or young person.*

*Hope is always kept alive because of what is at stake...the ultimate hope of a better future for an infant, child or young person.*

*I have been inspired by the work and dedication of my colleagues. I have seen the thought, the analysis, the anxiety and the hard work that goes into their decision making in this court. I have been inspired by and constantly found new energy through their co-operation and good humour.*

*I have been inspired by the dedication of judicial colleagues across Australia, New Zealand and the South Pacific who are working in this same area. In many of the courts in the South Pacific, the judiciary has no resources other than energy and a vision of a better system.*

*In the development and implementation of the Koori Children's Court I have been inspired by the elders and respected members of the Aboriginal community who have been prepared to sit with us, despite the history that has passed between us, to try and find ways to improve the sentencing responses of this court for young Koori people.*

*I have been inspired by many of the professionals that work in and around the jurisdiction, the lawyers, the social workers, the psychologists, the Clinic staff led by their dedicated Director, Dr Patricia Brown, the police and the police prosecutors, the pre-hearing convenors, the security staff, and the Salvation Army and Court Network services.*

*I have been and remain inspired by the extraordinary work of the foster carers who provide their warmth and support and care for those children and young people who need it.*

*In my role in this court, I have learned the real value of respect, which does not reside in the judicial title, the judicial gown or the judicial wig. I have learnt this in many ways and from many people but the most profound understanding of respect and its importance, I have gained from working with the elders and respected members of the Aboriginal community in the Koori Children's Court. By listening to and watching them, it has enriched the meaning and importance of the word "respect" for me.*

*I have learned that leadership itself achieves nothing without the diligence and support and selflessness of those one hopes to lead. I have experienced that diligence and support not only from my colleagues but from the court staff. The Principal Registrars, Godfrey Cabral and our current Principal Registrar, Leanne de Morton have my gratitude and admiration. It is their work, professionalism and demeanour that are the daily face of the Court.*



*A bench farewell was held for Judge Jennifer Coate on her retirement from the Children's Court*

*The court staff and the court co-ordinators have been and remain the engine room of any court. During my time there have been such fine state co-ordinators as Sue Higgs and currently Angela Carney. The court staff and support staff have been outstanding. I have learned that no President can lead a Children's Court without people like Janet Matthew our Court Liaison Officer and David Whelan, my Tipstaff. It is not possible to say enough about either of them. They have been much more to me than professional staff over the years. There are many people in many government departments who have given our court guidance and support over the years and responded to many requests for assistance in many ways. I cannot possibly mention them all, but I do want to acknowledge John Griffin, the Executive Director of Courts who has been nothing short of our constant champion and Mick Francis who has done his best to look after us.*

*My life has been immeasurably enriched by this past decade. The longer I stay here, the less I feel I know and the more I feel there is to do, so best I go now before I realise that I know nothing and have only just begun to do what is needed.*

*I am delighted by the announcement of Judge Paul Grant as the new President of the Court. Judge Grant has been a valued friend and a much esteemed colleague for many years. He has enjoyed a distinguished legal career on the bench in the Magistrates' Court and I have every confidence that he will not only maintain but grow in that reputation as President of the Children's Court."*

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

In the 2004/2005 annual report, the Court reported on the impending commencement of CAYPINS ("Children and Young Persons Infringement Notice System"). On 1 July 2005 the *Children and Young Persons (Miscellaneous Amendments) Act 2005*, which provided the legislative basis for CAYPINS, came into operation. Regulations to support the operation of this legislation were passed in November 2005. 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 Infrastructure.

A significant amount of work has been done by court registrars to ensure the Court's readiness to implement this major change. However, at the end of the reporting period, for a range of reasons, prosecuting agencies had not yet taken up the option of processing matters via the new CAYPINS system. The need for major system and process changes by agencies and the impact of the *Infringements Act 2005*, which came into operation on 1 July 2006, have been contributing factors to the delayed commencement.

The CAYPINS legislation introduces a significant administrative and quasi-judicial decision-making role to be performed by Children's Court registrars throughout the State and will substantially reduce the occasions on which children and young people are summoned to appear before a magistrate in open court for these types of infringements. It is anticipated that agencies will be in a position to commence lodging matters in the Children's Court via CAYPINS during the 2006/07 year.

## **EARLY YEARS PILOT PROJECT**

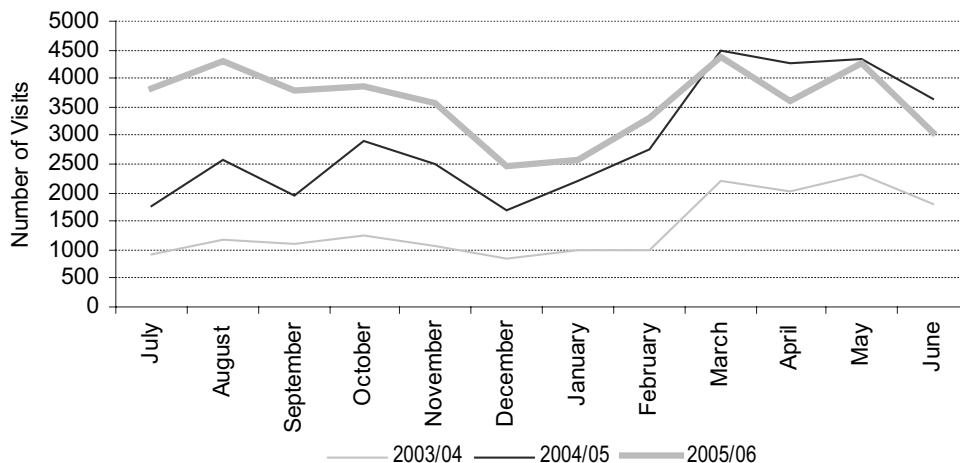
This significant research project has been in progress for several years and has been described in previous annual reports. Associate Professor Jeanette Lawrence of the School of Behavioural Science, University of Melbourne, and her research team, have continued their analysis of the Family Division cases involving children aged from 0 to 3 which were heard during the years 2001 to 2003. The team has recently completed a progress report entitled "Analysing the Flow of Protection Applications Through the Melbourne Children's Court".

The aims of this ongoing project are to develop a database that could provide evidence of the Court's processing of protection applications, to analyse the available evidence to identify trends in the current flow of cases and to use that evidence as a basis for multi-disciplinary discussion of current procedures and possible areas of improvement. It is hoped that a final report will be completed during the next 12 months.



## CHILDREN'S COURT WEBSITE

The Children's Court website was launched in May 2003 and has now been online for just over three years. The statistics collected by the Department of Justice indicate that the site really caught the attention of users early in 2004 with a strong increase in the number of visits during 2004/05. Statistics collected for the 2005/06 year once again indicate an overall increase in use of the site.



During the reporting year, two new sections, "Papers" and "Practice Directions" were added to the website in the Resources section. His Honour Mr Peter Power, Magistrate, has prepared comprehensive papers on the *Increase in Age Jurisdiction (Criminal Division)* and *Miscellaneous Amendments* and on the *Children, Youth and Families Act 2005*. In addition to the preparation of these papers, Mr Power has again spent much time in maintaining his *Research Materials* section on the site. *Research Materials* contains information 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 360 pages of information on the jurisdiction and operation of the Children's Court of Victoria.

## LAW WEEK 2006

Law Week is a national event occurring in May each year which in this State is managed jointly by the Law Institute of Victoria and Victoria Law Foundation. In previous years, the Children's Court has participated in Law Week by opening Melbourne Children's Court to the public on Courts Open Day for tours and information sessions. However, in 2006 it was decided that the Children's Court would participate in a regional event focussing on the centenary of the Court.

With the assistance of Tim Moyes of Victoria Law Foundation and Mellissa Conn of the Loddon Campaspe Community Legal Centre, the Children's Court Centenary Exhibition was installed in the Bendigo Library for a month including Law Week. The exhibition was launched in Bendigo on 26 May 2006 by the Hon. Jacinta Allan, Minister for Education Services, Minister for Employment and Youth Affairs, and Member for Bendigo East.

The launch provided an opportunity for the newly appointed President of the Children's Court, Judge Paul Grant, to address local legal practitioners, welfare workers, police officers, Department of Human Services staff and others in attendance.



Mellissa Conn, Loddon Campaspe Legal Centre, Judge Paul Grant, President of the Children's Court and Janet Matthew, Court Liaison Officer at the Bendigo launch of the Children's Court centenary exhibition

## 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. With the increase in age jurisdiction from 1 July 2005 bringing cases involving 17 year olds into the Court, Court Network extended its service into the Criminal Division at Melbourne Children's Court.

A team of 14 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'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 continued a child supervision service in the playroom at Melbourne Children's Court. This additional service has been of assistance to children, 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.

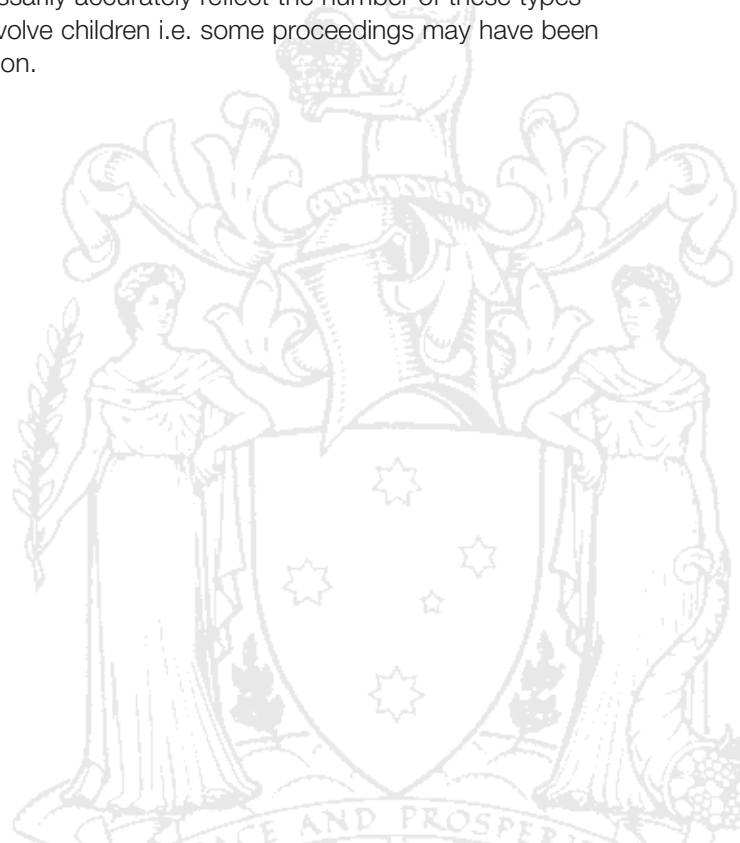
# 3 OPERATIONAL & STATISTICAL REPORT

## 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 2005/06 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. 3,211 more orders were made by the Court in its Family Division in 2005/06 than in 2004/05.
- 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.

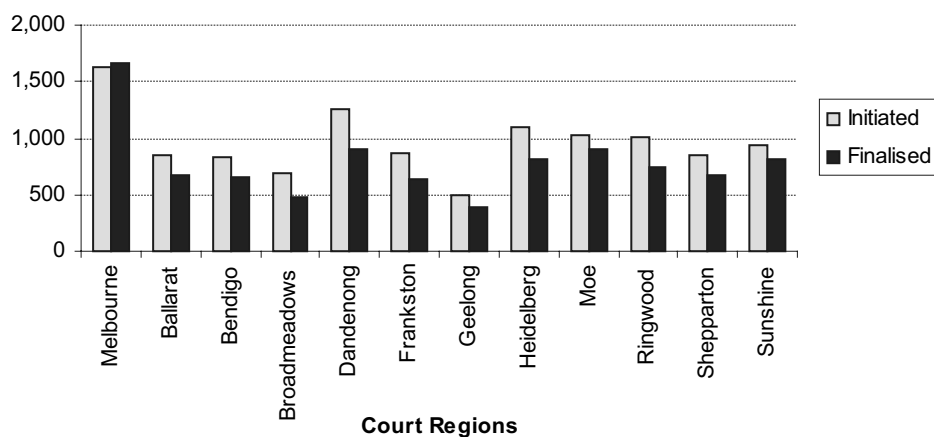


## Criminal Division

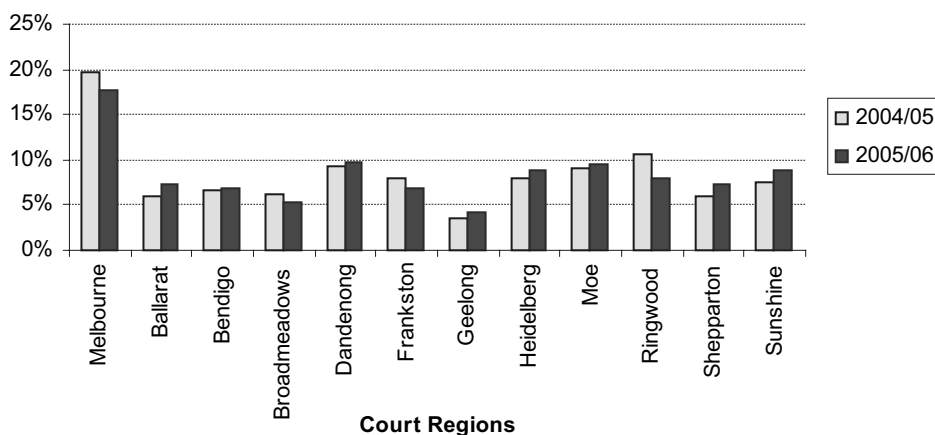
**Table 1: Number of matters<sup>1</sup> initiated, finalised and pending, 2004/05 - 2005/06**

| Court Region | 2004/05      |                    |              | 2005/06       |              |              |
|--------------|--------------|--------------------|--------------|---------------|--------------|--------------|
|              | Initiated    | Finalised          | Pending      | Initiated     | Finalised    | Pending      |
| Melbourne    | 1,103        | <sup>2</sup> 1,584 | 264          | 1,630         | 1,664        | 483          |
| Ballarat     | 641          | 469                | 105          | 855           | 678          | 112          |
| Bendigo      | 616          | 535                | 124          | 830           | 649          | 119          |
| Broadmeadows | 490          | 491                | 74           | 693           | 485          | 180          |
| Dandenong    | 851          | 734                | 147          | 1,249         | 905          | 318          |
| Frankston    | 738          | 635                | 94           | 870           | 640          | 200          |
| Geelong      | 353          | 277                | 50           | 494           | 391          | 67           |
| Heidelberg   | 705          | 639                | 163          | 1,094         | 823          | 263          |
| Moe          | 771          | 719                | 162          | 1,027         | 895          | 186          |
| Ringwood     | 888          | 852                | 127          | 1,013         | 737          | 259          |
| Shepparton   | 557          | 470                | 93           | 855           | 671          | 137          |
| Sunshine     | 614          | 609                | 159          | 942           | 823          | 258          |
| <b>Total</b> | <b>8,327</b> | <b>8,014</b>       | <b>1,562</b> | <b>11,552</b> | <b>9,361</b> | <b>2,582</b> |

**Chart 1:  
Number of matters  
initiated and  
finalised, 2005/06**



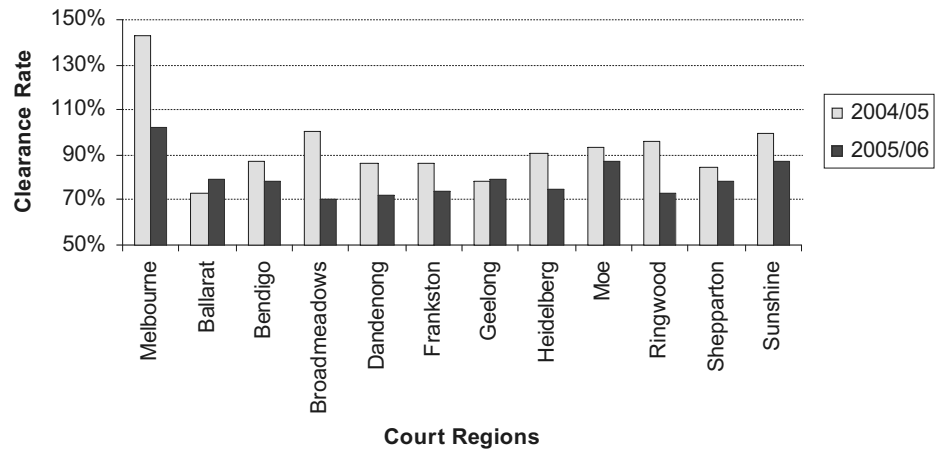
**Chart 2:  
Regional caseload  
distribution for  
finalised matters,  
2004/05 - 2005/06**



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

<sup>2</sup> This figure appeared incorrectly in the 2004/2005 Annual Report as 1,581 and has subsequently been adjusted.

**Chart 3:  
Clearance  
rates for  
criminal matters,  
2004/05 - 2005/06**



**Table 2: Defendants found guilty, by outcome<sup>3</sup>, 2003/04 - 2005/06**

| Order                     | 2003/04       | 2004/05       | 2005/06       |
|---------------------------|---------------|---------------|---------------|
|                           | Number        |               |               |
| Discharged                | 6             | 3             | 6             |
| Unaccountable Undertaking | 66            | 34            | 41            |
| Accountable Undertaking   | 596           | 505           | 481           |
| Good Behaviour Bond       | 1,447         | 1,413         | 1,691         |
| Fine                      | 2,626         | 2,031         | 2,393         |
| Probation                 | 670           | 613           | 717           |
| Youth Supervision Order   | 249           | 204           | 245           |
| Youth Attendance Order    | 35            | 34            | 47            |
| Youth Residential Centre  | 21            | 11            | 14            |
| Youth Training Centre     | 145           | 120           | 149           |
| <b>Total</b>              | <b>5,861</b>  | <b>4,968</b>  | <b>5,784</b>  |
|                           | Percent       |               |               |
| Discharged                | 0.1%          | 0.1%          | 0.1%          |
| Unaccountable Undertaking | 1.1%          | 0.7%          | 0.7%          |
| Accountable Undertaking   | 10.2%         | 10.2%         | 8.3%          |
| Good Behaviour Bond       | 24.7%         | 28.4%         | 29.2%         |
| Fine                      | 44.8%         | 40.9%         | 41.4%         |
| Probation                 | 11.4%         | 12.3%         | 12.4%         |
| Youth Supervision Order   | 4.2%          | 4.1%          | 4.2%          |
| Youth Attendance Order    | 0.6%          | 0.7%          | 0.8%          |
| Youth Residential Centre  | 0.4%          | 0.2%          | 0.2%          |
| Youth Training Centre     | 2.5%          | 2.4%          | 2.6%          |
| <b>Total</b>              | <b>100.0%</b> | <b>100.0%</b> | <b>100.0%</b> |

<sup>3</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, 2003/04 - 2005/06

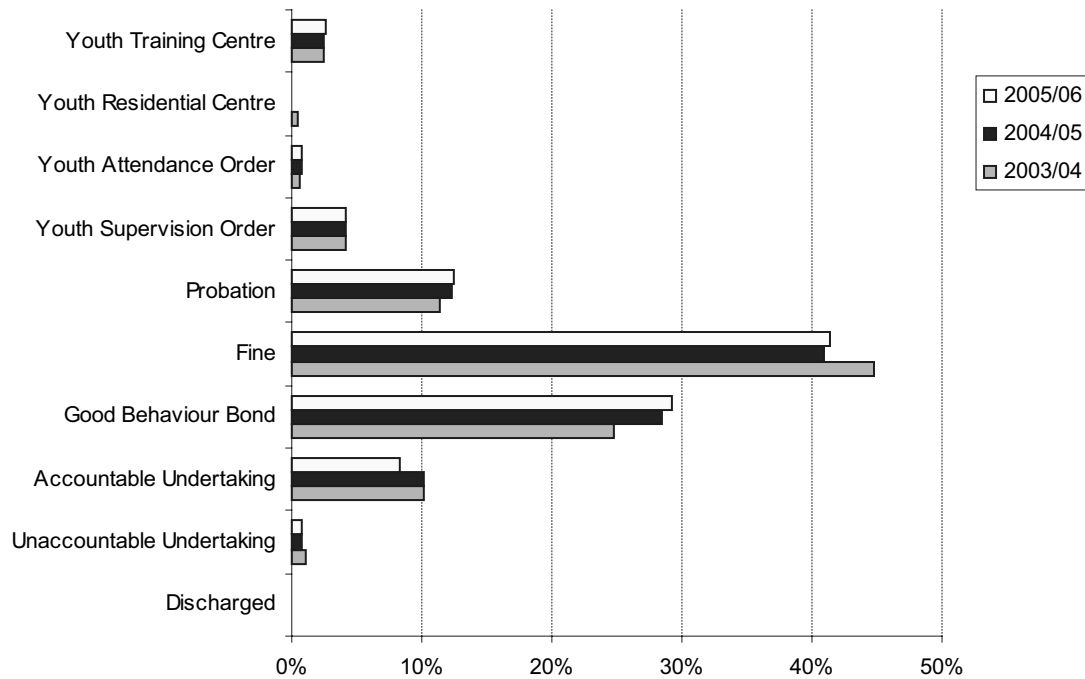
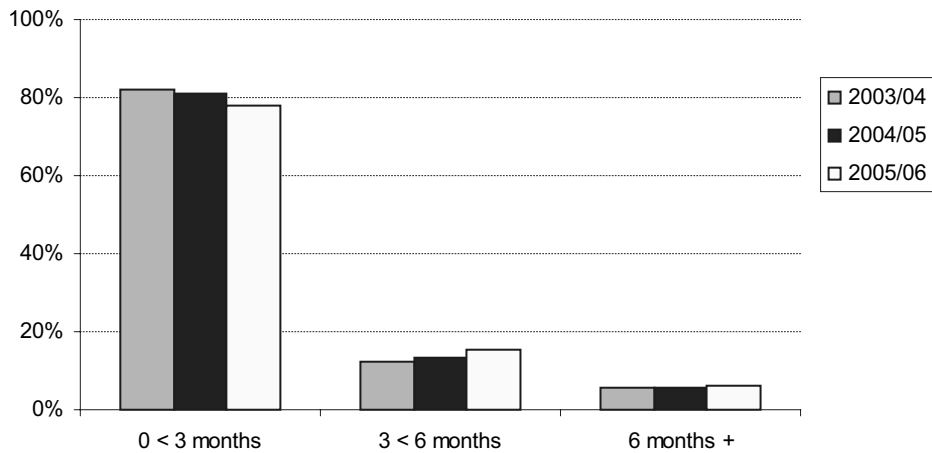


Table 3: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2003/04 - 2005/06

|                | 2003/04      | 2004/05      | 2005/06      | 2003/04       | 2004/05       | 2005/06       |
|----------------|--------------|--------------|--------------|---------------|---------------|---------------|
|                | Number       |              |              | Percent       |               |               |
| 0 < 3 months   | 7,864        | 6,484        | 7,303        | 82.2%         | 80.9%         | 78.0%         |
| 3 < 6 months   | 1,158        | 1,081        | 1,465        | 12.1%         | 13.5%         | 15.6%         |
| 6 < 9 months   | 332          | 270          | 383          | 3.5%          | 3.4%          | 4.1%          |
| 9 < 12 months  | 116          | 77           | 94           | 1.2%          | 1.0%          | 1.0%          |
| 12 < 24 months | 76           | 75           | 71           | 0.8%          | 0.9%          | 0.8%          |
| 24 months +    | 25           | 27           | 45           | 0.3%          | 0.3%          | 0.5%          |
| <b>Total</b>   | <b>9,571</b> | <b>8,014</b> | <b>9,361</b> | <b>100.0%</b> | <b>100.0%</b> | <b>100.0%</b> |
| 6 months +     | 549          | 449          | 593          | 5.8%          | 5.6%          | 6.4%          |

### Criminal Division

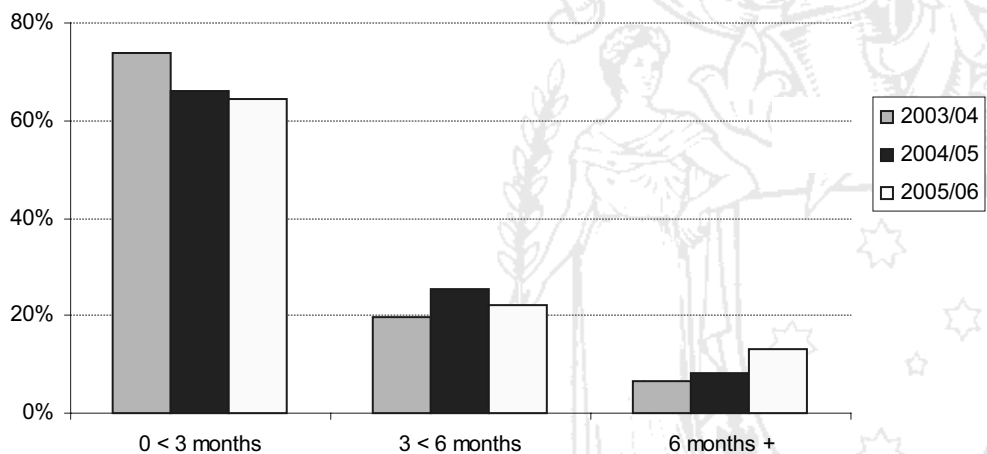
**Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2003/04 - 2005/06**



**Table 4: Number of matters pending on 30 June, by elapsed time since date of initiation, 2003/04 - 2005/06**

|                | 2003/04      | 2004/05      | 2005/06      | 2003/04       | 2004/05       | 2005/06       |
|----------------|--------------|--------------|--------------|---------------|---------------|---------------|
|                | Number       |              |              | Percent       |               |               |
| 0 < 3 months   | 1,500        | 1,034        | 1,666        | 73.9%         | 66.2%         | 64.5%         |
| 3 < 6 months   | 394          | 400          | 574          | 19.5%         | 25.6%         | 22.2%         |
| 6 < 9 months   | 86           | 78           | 223          | 4.2%          | 5.0%          | 8.6%          |
| 9 < 12 months  | 23           | 26           | 77           | 1.1%          | 1.7%          | 3.0%          |
| 12 < 24 months | 22           | 19           | 40           | 1.1%          | 1.2%          | 1.6%          |
| 24 months +    | 2            | 5            | 2            | 0.1%          | 0.3%          | 0.1%          |
| <b>Total</b>   | <b>2,027</b> | <b>1,562</b> | <b>2,582</b> | <b>100.0%</b> | <b>100.0%</b> | <b>100.0%</b> |
| 6 months +     | 133          | 128          | 342          | 6.5%          | 8.2%          | 13.3%         |

**Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2003/04 - 2005/06**



## 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>4</sup>, 2003/04 - 2005/06**

| Order  | 2003/04       | 2004/05       | 2005/06       |
|--|---------------|---------------|---------------|
| Adjournment                                      | 4,839         | 5,214         | 5,288         |
| Custody to Secretary Order                       | 963           | 1,155         | 1,096         |
| Custody to Third Party Order                     | 8             | 9             | 8             |
| Dismissed  | 22            | 27            | 10            |
| Extension of Custody to Secretary Order          | 1,129         | 1,170         | 1,314         |
| Extension of Interim Accommodation Order         | 7,689         | 8,658         | 10,218        |
| Extension of Guardianship to Secretary Order     | 581           | 582           | 620           |
| Free Text Order <sup>5</sup>                     | 2,368         | 2,755         | 3,870         |
| Guardianship to Secretary Order                  | 277           | 263           | 292           |
| Interim Accommodation Order                      | 3,775         | 4,147         | 4,507         |
| Interim Protection Order                         | 887           | 943           | 997           |
| Permanent Care Order                             | 167           | 216           | 173           |
| Refusal to Make Protection Order (s.110(3) CYPA) | 155           | 157           | 155           |
| Search Warrant                                   | 1,258         | 1,833         | 1,847         |
| Struck Out                                       | 416           | 429           | 408           |
| Supervised Custody Order                         | 11            | 3             | 2             |
| Supervision Order                                | 1,314         | 1,454         | 1,421         |
| Undertaking - Application Proved                 | 89            | 134           | 170           |
| Undertaking - Dismissed                          | 19            | 10            | 4             |
| Undertaking - Refusal to Make Protection Order   | 14            | 19            | 38            |
| Undertaking - Struck Out                         | 96            | 137           | 88            |
| <b>Total</b>                                     | <b>26,077</b> | <b>29,315</b> | <b>32,526</b> |

<sup>4</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.

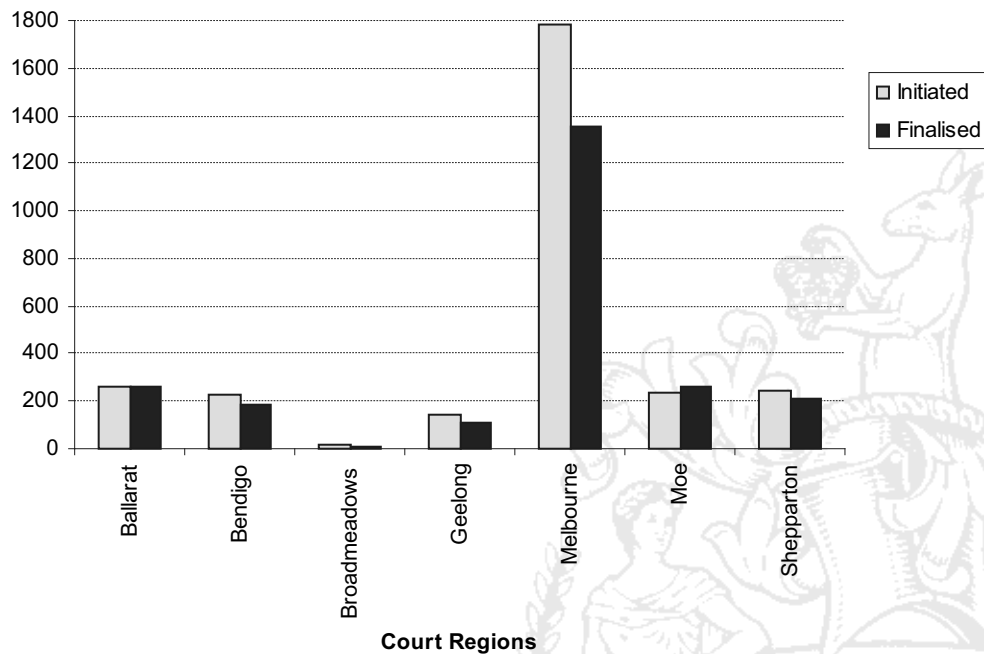
<sup>5</sup> Free text orders most commonly record directions made by the Court and orders made in response to oral applications e.g. directions for the release of Children's Court Clinic reports, and orders joining additional parties to proceedings. Free text orders may also record the withdrawal of proceedings.

## Family Division

**Table 6: Number of primary applications initiated<sup>6</sup>, finalised and pending, 2004/05 – 2005/06**

| Court Region | 2004/05      |              |            | 2005/06      |              |              |
|--------------|--------------|--------------|------------|--------------|--------------|--------------|
|              | Initiated    | Finalised    | Pending    | Initiated    | Finalised    | Pending      |
| Ballarat     | 246          | 226          | 72         | 264          | 262          | 55           |
| Bendigo      | 214          | 216          | 14         | 225          | 182          | 44           |
| Broadmeadows | 7            | 21           | 0          | 14           | 11           | 3            |
| Geelong      | 144          | 145          | 21         | 142          | 111          | 38           |
| Melbourne    | 1,461        | 1,331        | 551        | 1,786        | 1,355        | 853          |
| Moe          | 283          | 286          | 73         | 238          | 258          | 49           |
| Shepparton   | 231          | 222          | 42         | 247          | 214          | 61           |
| <b>Total</b> | <b>2,586</b> | <b>2,447</b> | <b>773</b> | <b>2,916</b> | <b>2,393</b> | <b>1,103</b> |

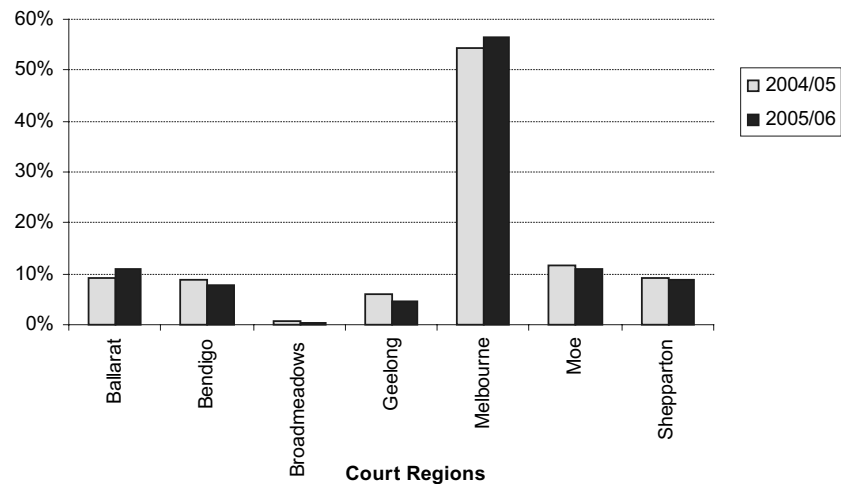
**Chart 7: Number of primary applications initiated and finalised, 2005/06**



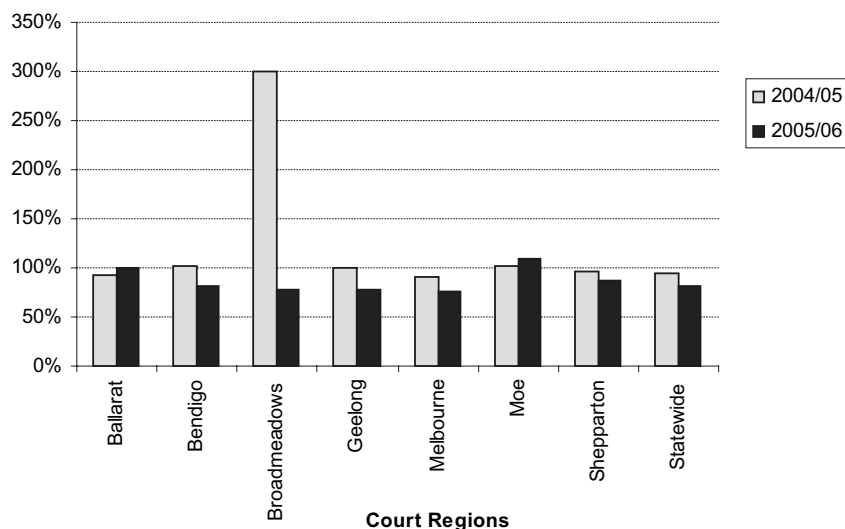
<sup>6</sup> The total number of primary applications initiated, as shown in Table 6, differs from the total number of protection applications initiated, as shown in Table 7. This difference is made up of a combination of irreconcilable difference applications initiated and the number of permanent care applications initiated as primary applications. 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, 2004/05 – 2005/06**



**Chart 9: Clearance rates for primary applications, 2004/05 – 2005/06**



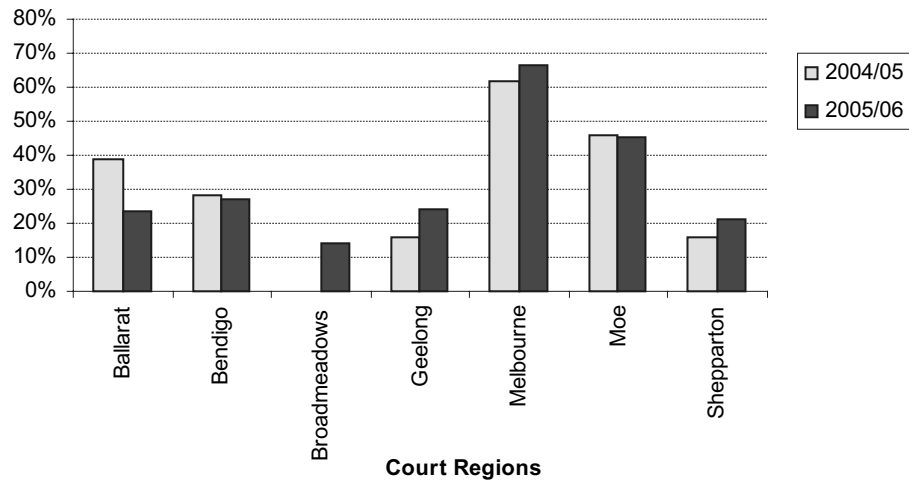
**Table 7: Number of protection applications initiated by apprehension/by notice, by court region, 2004/05 – 2005/06**

| Court Region | 2004/05      |              |              |                | 2005/06      |              |              |                |
|--------------|--------------|--------------|--------------|----------------|--------------|--------------|--------------|----------------|
|              | By A'hension | By Notice    | Total        | % by A'hension | By A'hension | By Notice    | Total        | % by A'hension |
| Ballarat     | 95           | 150          | 245          | 38.8%          | 61           | 199          | 260          | 23.5%          |
| Bendigo      | 60           | 154          | 214          | 28.0%          | 61           | 164          | 225          | 27.1%          |
| Broadmeadows | 0            | 7            | 7            | 0.0%           | 2            | 12           | 14           | 14.3%          |
| Geelong      | 23           | 121          | 144          | 16.0%          | 34           | 108          | 142          | 23.9%          |
| Melbourne    | 898          | 559          | 1,457        | 61.6%          | 1,176        | 586          | 1,762        | 66.7%          |
| Moe          | 130          | 153          | 283          | 45.9%          | 107          | 128          | 235          | 45.5%          |
| Shepparton   | 37           | 194          | 231          | 16.0%          | 52           | 195          | 247          | 21.1%          |
| <b>Total</b> | <b>1,243</b> | <b>1,338</b> | <b>2,581</b> | <b>48.2%</b>   | <b>1,493</b> | <b>1,392</b> | <b>2,885</b> | <b>51.8%</b>   |



## Family Division

**Chart 10: Percentage of protection applications initiated by apprehension, 2004/05 – 2005/06**

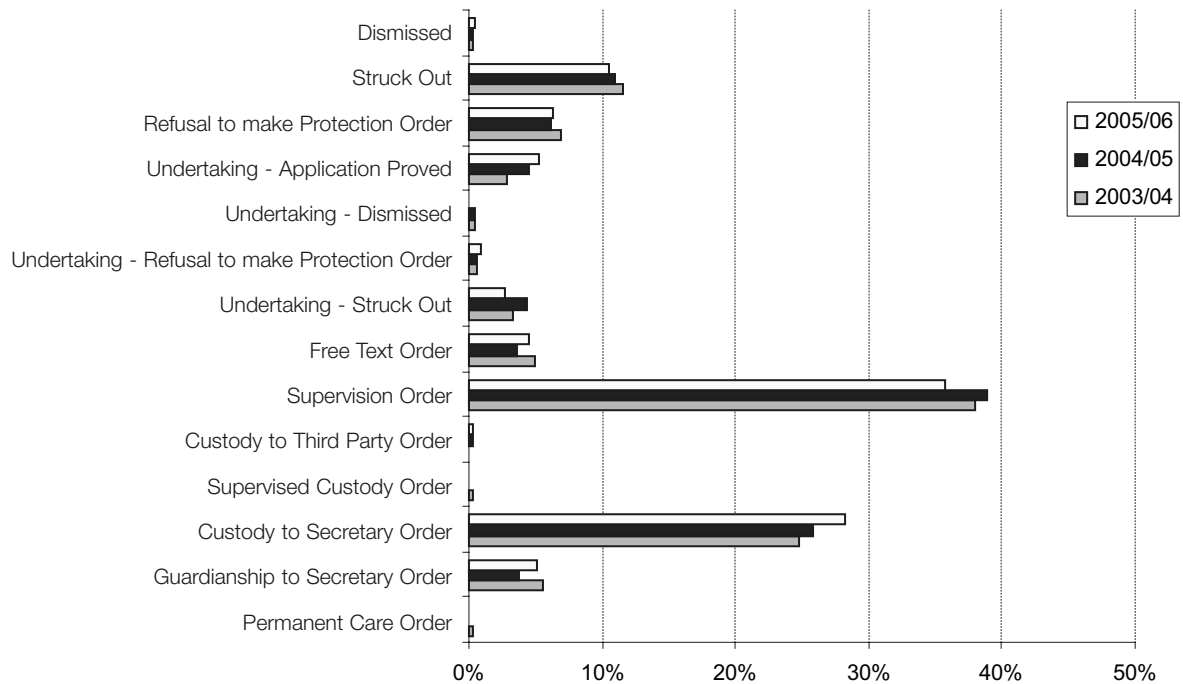


**Table 8: Finalised primary applications by outcome, 2003/04 – 2005/06**

| Order  | 2003/04      | 2004/05      | 2005/06      |
|--|--------------|--------------|--------------|
| Dismissed                                      | 8            | 7            | 9            |
| Struck Out                                     | 251          | 270          | 250          |
| Refusal to make Protection Order               | 150          | 151          | 150          |
| Undertaking - Application Proved               | 62           | 109          | 126          |
| Undertaking - Dismissed                        | 9            | 10           | 4            |
| Undertaking - Refusal to make Protection Order | 12           | 16           | 23           |
| Undertaking - Struck Out                       | 71           | 108          | 65           |
| Free Text Order                                | 108          | 88           | 107          |
| Supervision Order                              | 825          | 950          | 855          |
| Custody to Third Party Order                   | 4            | 8            | 8            |
| Supervised Custody Order                       | 7            | 3            | 1            |
| Custody to Secretary Order                     | 536          | 632          | 674          |
| Guardianship to Secretary Order                | 121          | 93           | 121          |
| Permanent Care Order                           | 5            | 2            | 0            |
| Extension of Custody to Secretary Order        | 2            | 0            | 0            |
| Extension of Guardianship to Secretary Order   | 1            | 0            | 0            |
| <b>Total:</b>                                  | <b>2,172</b> | <b>2,447</b> | <b>2,393</b> |

## Family Division

**Chart 11: Distribution of finalised primary applications, by outcome, 2003/04 – 2005/06**

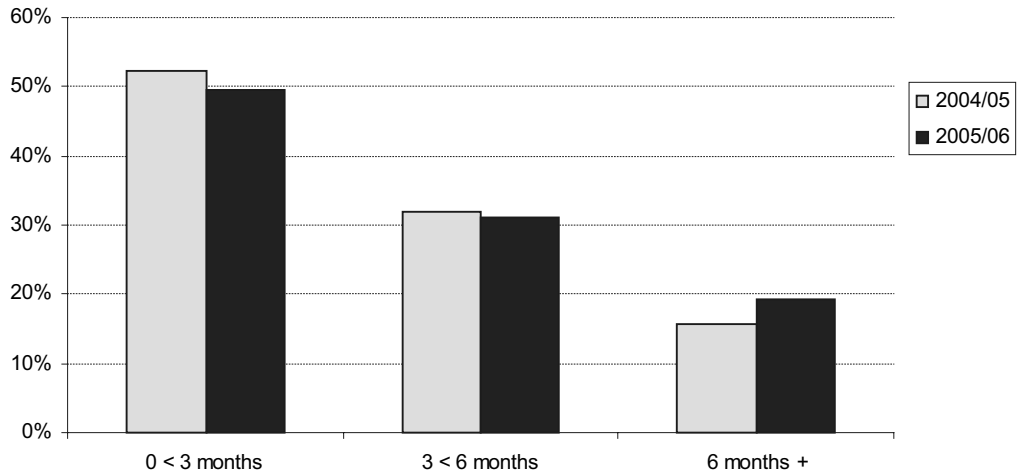


**Table 9: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2004/05 – 2005/06**

|                | 2004/05      |               | 2005/06      |               |
|----------------|--------------|---------------|--------------|---------------|
|                | Number       | Percent       | Number       | Percent       |
| 0 < 3 months   | 1,278        | 52.2%         | 1,184        | 49.5%         |
| 3 < 6 months   | 783          | 32.0%         | 747          | 31.2%         |
| 6 < 9 months   | 253          | 10.3%         | 295          | 12.3%         |
| 9 < 12 months  | 82           | 3.4%          | 91           | 3.8%          |
| 12 < 18 months | 45           | 1.8%          | 59           | 2.5%          |
| 18 < 24 months | 6            | 0.3%          | 12           | 0.5%          |
| 24 months +    | 0            | 0.0%          | 5            | 0.2%          |
| <b>Total</b>   | <b>2,447</b> | <b>100.0%</b> | <b>2,393</b> | <b>100.0%</b> |
| 6 months +     | 386          | 15.8%         | 462          | 19.3%         |

## Family Division

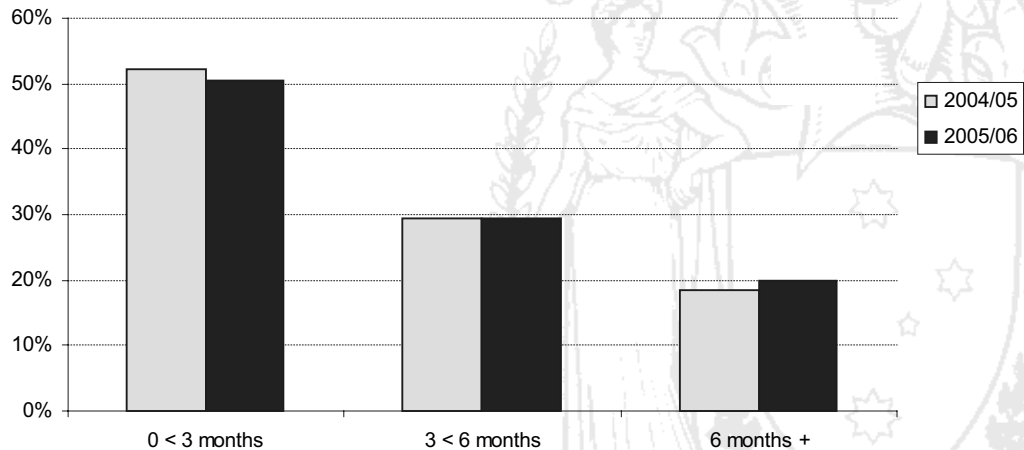
**Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2004/05 – 2005/06**



**Table 10: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2004/05 – 2005/06**

|                | 2004/05    |               | 2005/06      |               |
|----------------|------------|---------------|--------------|---------------|
|                | Number     | Percent       | Number       | Percent       |
| 0 < 3 months   | 403        | 52.1%         | 558          | 50.6%         |
| 3 < 6 months   | 228        | 29.4%         | 324          | 29.4%         |
| 6 < 9 months   | 53         | 6.8%          | 119          | 10.8%         |
| 9 < 12 months  | 42         | 5.4%          | 52           | 4.7%          |
| 12 < 18 months | 26         | 3.4%          | 17           | 1.5%          |
| 18 < 24 months | 9          | 1.2%          | 16           | 1.5%          |
| 24 months +    | 13         | 1.7%          | 17           | 1.5%          |
| <b>Total</b>   | <b>774</b> | <b>100.0%</b> | <b>1,103</b> | <b>100.0%</b> |
| 6 months +     | 143        | 18.5%         | 221          | 20.0%         |

**Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2004/05 – 2005/06**



## Family Division

### Pre-hearing conferences

In previous years, this report contained statistics on pre-hearing conferences conducted at Melbourne only. This year, state-wide figures have been included. Additionally, for the first time, the pre-hearing statistics provided have been generated by the Family Division computerised case management system.

The following points should be borne in mind when reading the pre-hearing figures contained in Table 11:

- One pre-hearing 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 as well as final settlements.
- “Contests” include interim accommodation order contests as well as final contests.
- “Adjournments” include adjournments for further pre-hearing conference, further mention and part-heard matters.

**Table 11: Pre-hearing conferences conducted, 2004/05 - 2005/06**

| 2004/05         | Total PHCs Listed | PHCs Resulting in Settlements | PHCs Resulting in Contested Hearings | PHCs Resulting in Adjournments |
|-----------------|-------------------|-------------------------------|--------------------------------------|--------------------------------|
| Melbourne       | 801               | 296                           | 218                                  | 287                            |
| Country regions | 327               | 117                           | 55                                   | 155                            |
| <b>Total</b>    | <b>1,128</b>      | <b>413</b>                    | <b>273</b>                           | <b>442</b>                     |

| 2005/06         | Total PHCs Listed | PHCs Resulting in Settlements | PHCs Resulting in Contested Hearings | PHCs Resulting in Adjournments |
|-----------------|-------------------|-------------------------------|--------------------------------------|--------------------------------|
| Melbourne       | 912               | 325                           | 284                                  | 303                            |
| Country regions | 350               | 120                           | 53                                   | 177                            |
| <b>Total</b>    | <b>1,262</b>      | <b>445</b>                    | <b>337</b>                           | <b>480</b>                     |

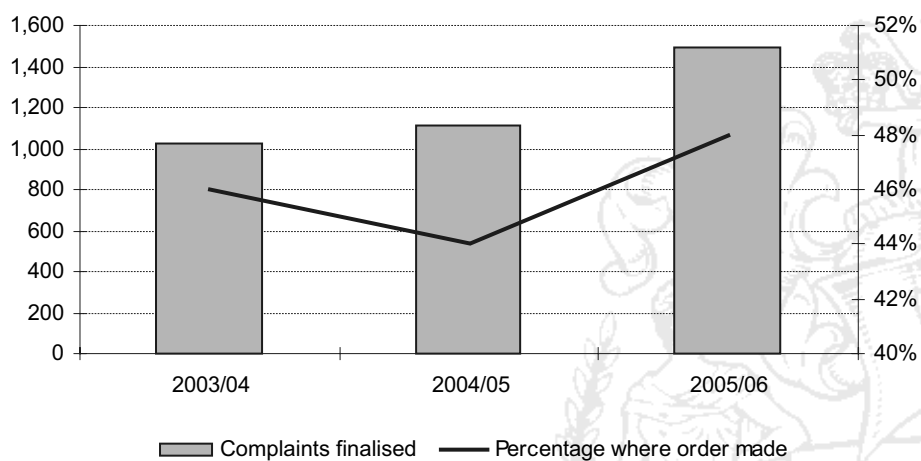
## Crimes (Family Violence) Jurisdiction

**Table 12: Complaints for an intervention order finalised, by outcome, 2003/04 - 2005/06**

|                         | 2003/04      | 2004/05      | 2005/06      |
|-------------------------|--------------|--------------|--------------|
|                         | Number       |              |              |
| Intervention order made | 474          | 486          | 710          |
| Refused                 | 51           | 26           | 31           |
| Complaint struck out    | 305          | 344          | 390          |
| Complaint withdrawn     | 191          | 260          | 358          |
| Complaint revoked       | 0            | 0            | 0            |
| <b>Total</b>            | <b>1,021</b> | <b>1,116</b> | <b>1,489</b> |

|                         | 2003/04       | 2004/05       | 2005/06       |
|-------------------------|---------------|---------------|---------------|
|                         | Percent       |               |               |
| Intervention order made | 46.4%         | 43.6%         | 47.7%         |
| Refused                 | 5.0%          | 2.3%          | 2.1%          |
| Complaint struck out    | 29.9%         | 30.8%         | 26.2%         |
| Complaint withdrawn     | 18.7%         | 23.3%         | 24.0%         |
| Complaint revoked       | 0.0%          | 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, 2003/04 - 2005/06**



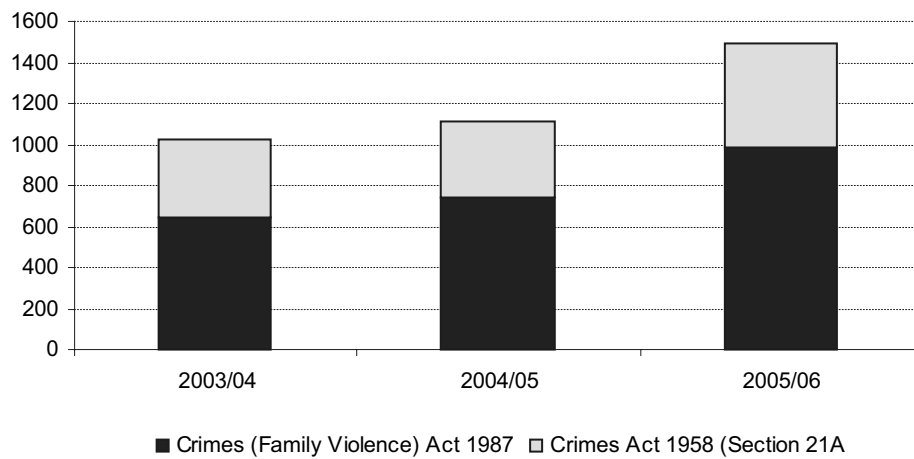
**Table 13: Complaints for an intervention order finalised by Act under which complaint made, 2003/04 - 2005/06**

|                                   | 2003/04       | 2004/05      | 2005/06      |
|-----------------------------------|---------------|--------------|--------------|
|                                   | <b>Number</b> |              |              |
| Crimes (Family Violence) Act 1987 | 643           | 740          | 990          |
| Crimes Act 1958 (Section 21A)     | 378           | 376          | 499          |
| <b>Total</b>                      | <b>1,021</b>  | <b>1,116</b> | <b>1,489</b> |

|                                   | 2003/04        | 2004/05       | 2005/06       |
|-----------------------------------|----------------|---------------|---------------|
|                                   | <b>Percent</b> |               |               |
| Crimes (Family Violence) Act 1987 | 63.0%          | 66.3%         | 66.5%         |
| Crimes Act 1958 (Section 21A)     | 37.0%          | 33.7%         | 33.5%         |
| <b>Total</b>                      | <b>100.0%</b>  | <b>100.0%</b> | <b>100.0%</b> |

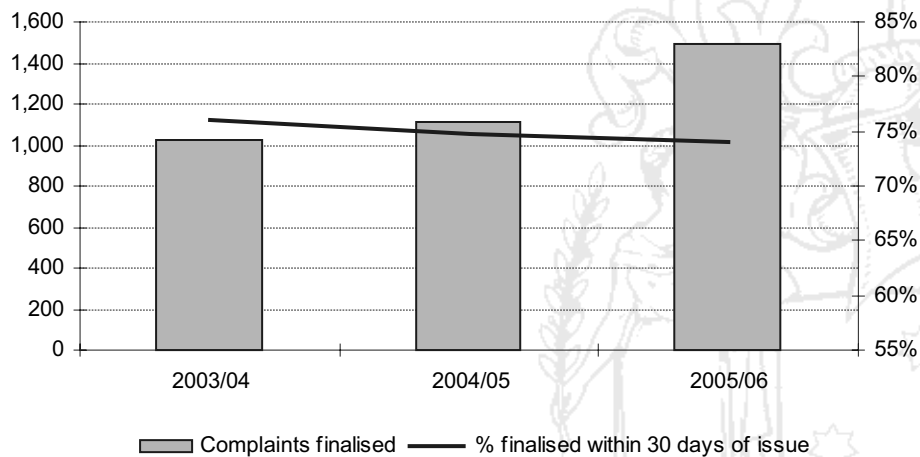
**Chart 15: Number of complaints for an intervention order finalised, by Act under which complaint made, 2003/04 - 2005/06**



**Table 14: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2003/04 - 2005/06**

|               | 2003/04        | 2004/05       | 2005/06       |
|---------------|----------------|---------------|---------------|
|               | <b>Number</b>  |               |               |
| 0 < 1 month   | 777            | 834           | 1,103         |
| 1 < 2 months  | 130            | 166           | 214           |
| 2 < 3 months  | 62             | 53            | 77            |
| 3 < 6 months  | 36             | 39            | 68            |
| 6 < 9 months  | 8              | 10            | 22            |
| 9 < 12 months | 0              | 7             | 1             |
| 12 months +   | 8              | 7             | 4             |
| <b>Total</b>  | <b>1,021</b>   | <b>1,116</b>  | <b>1,489</b>  |
|               | <b>Percent</b> |               |               |
| 0 < 1 month   | 76.0%          | 74.7%         | 74.1%         |
| 1 < 2 months  | 13.0%          | 14.9%         | 14.4%         |
| 2 < 3 months  | 6.0%           | 4.8%          | 5.2%          |
| 3 < 6 months  | 4.0%           | 3.5%          | 4.5%          |
| 6 < 9 months  | 1.0%           | 0.9%          | 1.5%          |
| 9 < 12 months | 0.0%           | 0.6%          | 0.1%          |
| 12 months +   | 1.0%           | 0.6%          | 0.2%          |
| <b>Total</b>  | <b>100.0%</b>  | <b>100.0%</b> | <b>100.0%</b> |
| 6 months +    | 2.0%           | 2.1%          | 1.8%          |

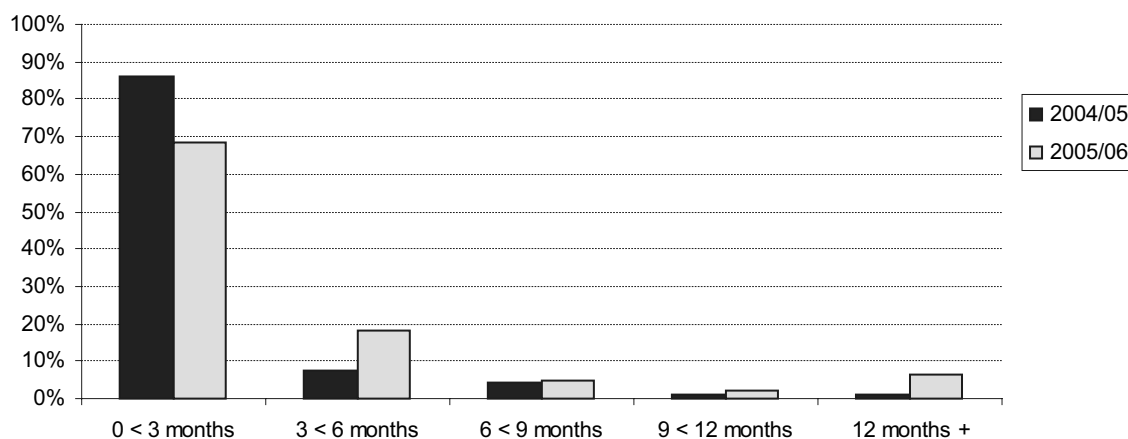
**Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2003/04 - 2005/06**



**Table 15: Number of complaints for an intervention order pending on 30 June, by age since issue, 2004/05 - 2005/06**

|                | 2004/05   | 2005/06    | 2004/05       | 2005/06       |
|----------------|-----------|------------|---------------|---------------|
|                | Number    |            | Percent       |               |
| 0 < 3 months   | 79        | 120        | 85.9%         | 68.6%         |
| 3 < 6 months   | 7         | 32         | 7.6%          | 18.3%         |
| 6 < 9 months   | 4         | 8          | 4.3%          | 4.6%          |
| 9 < 12 months  | 1         | 4          | 1.1%          | 2.3%          |
| 12 < 18 months | 1         | 8          | 1.1%          | 4.6%          |
| 18 < 24 months | 0         | 2          | 0.0%          | 1.1%          |
| 24 months +    | 0         | 1          | 0.0%          | 0.5%          |
| <b>Total</b>   | <b>92</b> | <b>175</b> | <b>100.0%</b> | <b>100.0%</b> |
| 12 months +    | 1         | 11         | 1.1%          | 6.2%          |

**Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2004/05 - 2005/06**



## Listing Statistics - Melbourne Children's Court

**Table 16: Number and type of listing, 2004/05 - 2005/06**

| Listing Type                         | No. Listed<br>2004/05 | No. Listed<br>2005/06 | 04/05 – 05/06<br>%<br>Difference |
|--------------------------------------|-----------------------|-----------------------|----------------------------------|
| <b>Family Division</b>               |                       |                       |                                  |
| Pre-hearing conferences              | 801                   | 912                   | 13.9%                            |
| Directions hearings                  | 631                   | 673                   | 6.7%                             |
| Interim Accommodation Order contests | 565                   | 722                   | 27.8%                            |
| Final contests                       | 521                   | 557                   | 6.9%                             |
| <b>Criminal Division</b>             |                       |                       |                                  |
| Contest mentions                     | 246                   | 287                   | 16.7%                            |
| Contests                             | 135                   | 131                   | 3.0%                             |



**Table 17: Number of country and metropolitan cases listed to be heard at Melbourne, or by Melbourne Children's Court magistrates sitting in regional courts**

|  | 2003/04 | 2004/05 | 2005/06 |
|--|---------|---------|---------|
| <b>Country</b> (Family Division contests)        | 75      | 50      | 47      |
| <b>Metropolitan</b> (Criminal Division contests) | 22      | 47      | 43      |

**Table 18: Melbourne Children's Court, Family Division listing delays, 2003/04 - 2005/06**

|                      | Listing Delay from Pre-Hearing Conference to Final Contest |                   |                   |
|----------------------|--|-------------------|-------------------|
|                      | 2003/04  | 2004/05           | 2005/06           |
| July                 | 6 weeks  | 10 weeks          | 13 weeks          |
| August               | 7 weeks  | 8 weeks           | 12 weeks          |
| September            | 9 weeks  | 8 weeks           | 14 weeks          |
| October              | 10 weeks   | 11 weeks          | 14 weeks          |
| November             | 13 weeks   | 12 weeks          | 14 weeks          |
| December             | 11 weeks   | 12 weeks          | 14 weeks          |
| January              | 9 weeks  | 13 weeks          | 14 weeks          |
| February             | 9 weeks  | 13 weeks          | 14 weeks          |
| March                | 9 weeks  | 14 weeks          | 14 weeks          |
| April                | 10 weeks   | 14 weeks          | 15 weeks          |
| May                  | 8 weeks  | 14 weeks          | 16 weeks          |
| June                 | 9 weeks  | 14 weeks          | 16 weeks          |
| <b>Average Delay</b> | <b>9.1 weeks</b>   | <b>11.9 weeks</b> | <b>14.2 weeks</b> |

**Table 19: Melbourne Children's Court, Criminal Division listing delays, 2003/04 - 2005/06**

|                      | Listing Delay From Contest Mention to Final Contest |                  |                   |
|----------------------|---|------------------|-------------------|
|                      | 2003/04   | 2004/05          | 2005/06           |
| July                 | 9 weeks   | 11 weeks         | 8 weeks           |
| August               | 10 weeks  | 8 weeks          | 8 weeks           |
| September            | 11 weeks  | 8 weeks          | 9 weeks           |
| October              | 11 weeks  | 11 weeks         | 8 weeks           |
| November             | 9 weeks   | 11 weeks         | 9 weeks           |
| December             | 9 weeks   | 12 weeks         | 12 weeks          |
| January              | 9 weeks   | 12 weeks         | 13 weeks          |
| February             | 11 weeks  | 12 weeks         | 13 weeks          |
| March                | 11 weeks  | 11 weeks         | 11 weeks          |
| April                | 10 weeks  | 7 weeks          | 12 weeks          |
| May                  | 8 weeks   | 7 weeks          | 13 weeks          |
| June                 | 11 weeks  | 8 weeks          | 11 weeks          |
| <b>Average Delay</b> | <b>9.9 weeks</b>                                    | <b>9.8 weeks</b> | <b>10.6 weeks</b> |

## 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.

During the 2005/06 year, 893 cases (224 criminal matters, 639 protection matters and 29 applications for intervention orders) were referred to the Clinic for assessment, representing a slight decrease on the previous year. Also included in the total number of cases was one child evidence matter from the Magistrates' Court.

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 2005/06, the Clinic Drug Program received 45 referrals from the Court for assessment of drug and alcohol problems. Additionally, in six instances immediate assessments in the Court environs were required and in three instances the assessments took place at the remand centre.

Since an initiative with the Drug Program has been to expand drug services into protection matters when needed, (i.e. no longer exclusively to offer drug assessment and treatment in criminal matters) clinicians with the Court Clinic would cross refer to the drug clinicians for an opinion on drug and alcohol issues that came to light during their assessments of protection matters.

Also, 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 also been allocated to the drug clinicians in 55 instances (23 criminal and 32 protection matters).

# 4 GENERAL

## 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 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.

## 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 2005/06 year the Court hosted 65 students, including 14 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 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 small administrative tasks.

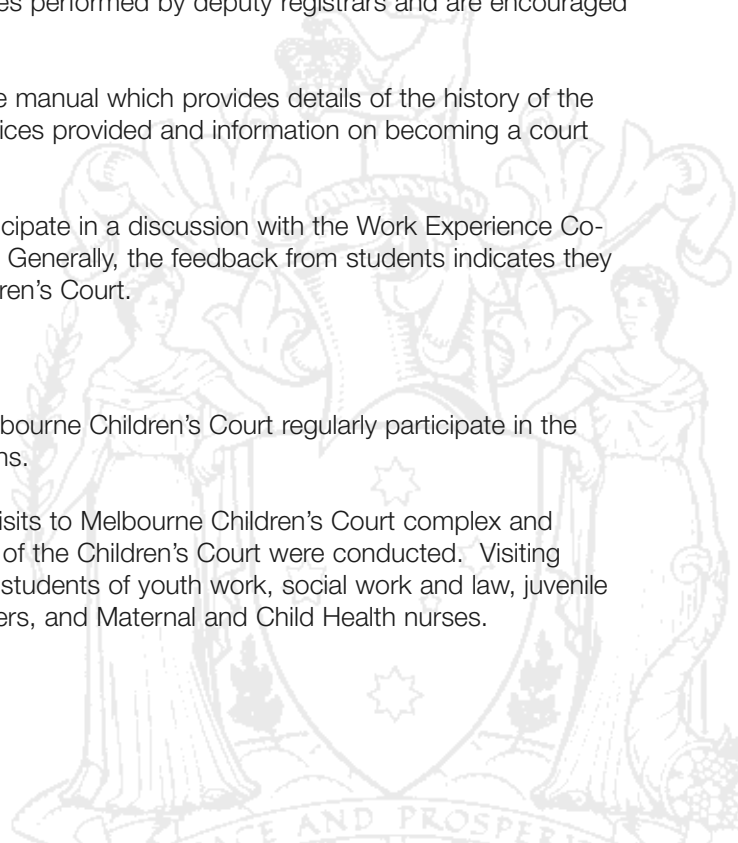
The students are each given a work experience manual which provides details of the history of the Court, the jurisdiction, orders made, court services provided and information on becoming a court registrar.

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 53 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, 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.

### **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 six 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 2006

|  | Budget                     | Actuals          |
|--|----------------------------|------------------|
| <b>SPECIAL APPROPRIATIONS</b>                    |                            |                  |
| Magistrates' salaries and allowances             | 1,995,300                  | 2,071,975        |
| <b>Total Special Appropriations</b>              | <b>1,995,300</b>           | <b>2,071,975</b> |
| <b>RECURRENT APPROPRIATIONS</b>                  |                            |                  |
| Salaries, overtime and annual leave              | 1,854,800                  | 1,666,403        |
| Superannuation                                   | 166,700                    | 150,332          |
| Provision for long service leave                 | 52,100                     | 41,870           |
| Fringe benefits tax                              | 0                          | 735              |
| WorkCover levy                                   | 8,700                      | 10,943           |
| Payroll tax                                      | 106,100                    | 98,380           |
| <b>Total Salaries Expenditure</b>                | <b>2,188,400</b>           | <b>1,968,663</b> |
| <b>OPERATING EXPENDITURE</b>                     |                            |                  |
| Travel and personal expenses                     | 47,000                     | 35,022           |
| Printing, stationery and subscriptions           | 75,500                     | 105,907          |
| Postage and communication                        | 49,000                     | 47,276           |
| Contractors and professional services            | Note 3<br>194,000          | 211,816          |
| Training and development                         | 12,000                     | 6,143            |
| Motor vehicle expenses                           | 57,000                     | 46,331           |
| Operating expenses                               | 4,000                      | 90,060           |
| Witness payments                                 | 5,000                      | 80               |
| Information technology costs                     | 56,000                     | 79,004           |
| Urgent and essentials                            | 48,100                     | 79,097           |
| Rent and property services                       | 252,000                    | 229,080          |
| Property utilities                               | 66,000                     | 60,436           |
| Repairs and maintenance                          | 55,000                     | 67,133           |
| Finance lease interest                           | 0                          | 2,333            |
| <b>Total Operating Expenditure</b>               | <b>920,600</b>             | <b>1,059,718</b> |
| <b>REVENUE RETENTION INITIATIVES</b>             |                            |                  |
| Security and engineering services                | 0                          | 36,610           |
| Children's Court Pre-Hearing Conferences         | 0                          | 64,649           |
| <b>Total Revenue Retention Expenditure</b>       | <b>0</b>                   | <b>101,259</b>   |
| <b>COURT SUPPORT PROGRAMS</b>                    |                            |                  |
|  | Note 5                     |                  |
| Children's Koori Court                           | 109,000                    | 83,013           |
| Children's Court Clinic Drug Program             | 266,200                    | 113,618          |
| <b>Total Parallel Programs Expenditure</b>       | <b>375,200</b>             | <b>196,631</b>   |
| <b>Total Recurrent Expenditure</b>               | Note 4<br><b>3,484,200</b> | <b>3,326,271</b> |
| <b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>       |                            |                  |
| Essential services maintenance                   | Note 6<br>0                | 63,344           |
| Depreciation - Land and buildings                | Note 1, 2<br>362,600       | 364,936          |
| Depreciation - Plant and equipment               | Note 1, 2<br>34,000        | 37,901           |
| <b>Total Departmental Controlled Expenditure</b> | <b>396,600</b>             | <b>466,181</b>   |
| <b>CAPITAL EXPENDITURE</b>                       |                            |                  |
| Purchases of plant and equipment                 | 0                          | 6,935            |
| <b>Total Departmental Controlled Expenditure</b> | <b>0</b>                   | <b>6,935</b>     |
| <b>TOTAL CHILDREN'S COURT EXPENDITURE</b>        | <b>5,876,100</b>           | <b>5,871,362</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 not been funded from retained court fees as in previous years. This expenditure was funded from the existing annual appropriations budget.

### Note 4

A budget surplus of \$157,929 was achieved in the recurrent budget for the 2005/2006 financial year.

### Note 5

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

### Note 6

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 funding 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

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# ACKNOWLEDGEMENTS







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