

# CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT  
2006 - 2007



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**Judge Paul Grant**  
**President**  
**Children's Court of Victoria**

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21 May 2008

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

Dear Governor

**CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2006-2007**

In accordance with section 514 of the *Children, Youth and Families Act 2005* I have much pleasure in submitting the Children's Court of Victoria Annual Report for the year 2006-2007.

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 'Paul Grant'.

**Judge Paul Grant**  
**President**  
**Children's Court of Victoria**

# 1 OVERVIEW

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The *Children, Youth and Families Act 2005* provides for the continuing operation of the Children's Court of Victoria. The following statements form part of the Court's Three Year Strategic Plan.

## 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 focused 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

### New Legislation

This report covers the first full financial year of my term as President of the Children's Court of Victoria. The reporting period has been one of significant change for the Court. Most sections of the *Children, Youth & Families Act 2005* became operational on 23 April 2007 replacing the *Children and Young Persons Act 1989*. Much work was required to ensure court forms and regulations were finalised, and the court computer system operational, by the commencement date. I thank Magistrate Peter Power, Principal Registrar Leanne de Morton, Registry Manager Russell Hastings and Deputy Registrar Larisa Harper for all their hard work in this area.



Judge Paul Grant  
President  
Children's Court of Victoria

Magistrate Peter Power prepared detailed papers on the new Act and travelled to all country regions with a presentation on the legislative changes. He also made a number of presentations at Melbourne. Those who attended included magistrates, court staff, lawyers and Department of Human Services workers. I thank Mr Power for this work and acknowledge his significant contribution to the smooth introduction of the new legislation.

The new Act did not make major changes to the operation of the Criminal Division of the Court. However, it did importantly provide the statutory authorisation for group conferencing to operate as a state-wide program. Prior to the commencement of the new legislation group conferencing had operated in the Melbourne, Gippsland and Hume regions only.

The changes to the Family Division of the Court were more pronounced. Whilst the new Act preserved many of the existing powers of the Family Division it also provided a number of new applications and associated orders. It also created new powers for the Court in relation to legal representation of young children, dispensing with service, witness summonses and in allowing the President to approve the publication of accounts of proceedings. The new Act places particular emphasis on "the best interests of the child" principle as the paramount consideration for every decision made administratively and judicially.

Not all the provisions of the *Children, Youth and Families Act 2005* became operational on 23 April 2007. The provisions in relation to dispute resolution conferences, for example, will not take effect until 1 October 2007. The Court is required to develop guidelines for this process and we have engaged in a process of consultation with convenors, practitioners and the Department of Human Services in metropolitan and country regions. I have attended each country regional headquarters court for these consultations and also to conduct user group meetings.

### Workload

There has been a major increase in the workload of the Court since January 2006. It appears that the increase is to be explained – at least in part – by DHS adopting a new approach to protection applications in anticipation of the new Act. (The new Act was originally planned to commence in October 2006). Whatever the explanation, the Court has experienced major growth in child protection applications. Although the Court has finalised more cases than the previous year we have been unable to match the growth in initiations and this has resulted in increasing delay. The figures also show a significant growth in Interim Accommodation Order contests and final order contests. At the same time as this has been occurring, there has also been considerable growth in case numbers in the Criminal Division and in applications for intervention orders.



The impact of the increased workload has been most pronounced at Melbourne Children's Court. The pressure on the Melbourne court has been such that the court is now unable to send magistrates to country courts to hear lengthy contests. Local country magistrates are hearing the Family Division contests in their regions. This has added to the pressure on those courts.

The increased workload has been matched at Melbourne by an increase in the number of departmental workers, children, family members and lawyers appearing at court. The physical amenities are being sorely tested with over-crowding being a regular and persistent problem in the Family Division.

The Department of Justice is assisting the Court in trying to deal with these issues. The Court has recently been very fortunate to have had Michelle Ehrlich appointed an acting magistrate. Michelle was appointed on 12 June 2007 for a period of five years.

### **Ropes Program**

The Ropes Program has established itself as an effective and popular diversion program in the Children's Court. It operates throughout the Melbourne metropolitan area and in some country regions. The program has expanded rapidly over the past two years and the police and the Court have agreed to put further expansion on hold until an evaluation of the program is completed. The program is currently unfunded and places considerable resource demands on police and the Court. It is hoped the evaluation will establish the case for full funding of the program and enable it to operate throughout the State.

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

The evaluation of the Children's Koori Court is continuing. In the meantime, the Attorney-General has announced that a new Children's Koori Court at Mildura will commence sitting in late 2007.

### **A Farewell and an Award**

On 7 July 2006 the Children's Court farewelled Magistrate Clive McPherson on the occasion of his retirement. Mr McPherson made an outstanding contribution to the Court sitting at the Melbourne court for a period in excess of 13 years (see report on page 12).

On 26 January 2007 Children's Court Magistrate Peter Power was awarded the Medal of the Order of Australia "for service to the community as a Magistrate particularly through developing improved case management procedures and programs, and raising public awareness of court processes".

Mr Power's award is discussed in more detail within this report (see page 12) but I wish to take this opportunity to acknowledge his magnificent contribution to the work of the Children's Court of Victoria. His award was thoroughly deserved.

### **Community Education**

The Court has continued with its program of community education by providing information to the public through the office of the Children's Court Liaison Officer, its website, its publications and the on-going program of community visits to the Court. In the reporting period of this report 55 groups visited Melbourne Children's Court. These groups included secondary school students and their teachers, foster carers, law students, students of social work, 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.

In addition, 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.

These forums include:

- Group Conferencing launch
- Child and adolescent psychiatrists
- Bail Justice training
- Youthlaw AGM
- Camcare AGM
- Victoria Police forums
- Monash, La Trobe and Victoria Universities

Magistrate Peter Power continues to maintain his “Research Materials” section on the Court’s website. This comprehensive information is publicly available as a free service to all who wish to gain an understanding of the Court’s work.

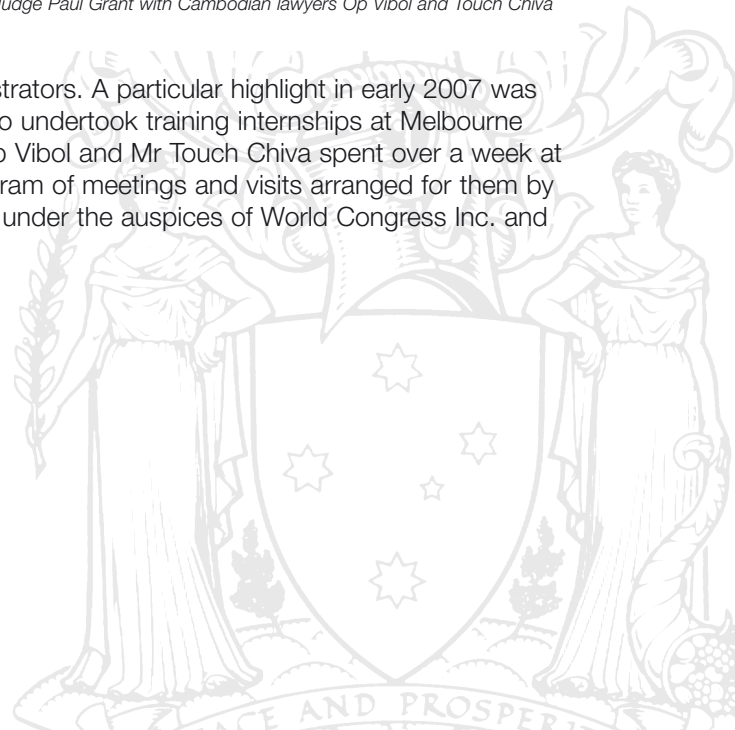
### Overseas Delegations

The Children’s Court of Victoria continues to be a court that 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 for research purposes. The Children’s Koori Court regularly has visitors observing the first Aboriginal and Torres Strait Islander Children’s Court in Australia. Guests have included lawyers from the office of the Commonwealth Attorney-General and interstate heads of Youth Justice.



*Judge Paul Grant with Cambodian lawyers Op Vibol and Touch Chiva*

The Children’s Court also received visits from members of the judiciary, both interstate and international, government ministers from other nations and court administrators. A particular highlight in early 2007 was a visit by two Cambodian legal aid lawyers who undertook training internships at Melbourne Children’s Court and Victoria Legal Aid. Mr Op Vibol and Mr Touch Chiva spent over a week at the Children’s Court and participated in a program of meetings and visits arranged for them by the Court. The visit to Australia was arranged under the auspices of World Congress Inc. and Children’s Rights International.



## 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. During this year I participated in regular meetings with:

- Courts Consultative Council
- Dispute Resolution Guidelines Steering Committee
- Magistrates' Court Management Committee
- Koori Court Division of the County Court Reference Group
- Aboriginal Justice Forum
- Criminal Justice Consultative Forum
- Male Adolescent at Risk Project Group
- Court Users Forum
- Children's Koori Court Evaluation Reference Group
- Children's Koori Court Reference Group
- Youth Justice Ministerial Round Table
- Victoria Police Ethical Standards Consultative Committee
- Group Conferencing Advisory Committee.

## 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 during the reporting period:

- Children's Court Clinic
- Victoria Legal Aid
- Department of Human Services
  - Court Advocacy Unit
  - Youth Justice Court Advice Unit
  - Secure Welfare
- Victoria Police
  - Prosecutions Division
  - Melbourne Children's Court custodial facility
  - Protective Services
- Salvation Army
- Court Network
- GSL Security

I would like to thank my colleagues at the Children's Court for the support they have offered me but more so for the way they have committed themselves to the work of the Court. I would also like to thank the staff of the Court for their outstanding contribution to the work and spirit of the Court.

Finally, the Children's Court is a state-wide court and its effective operation would not be possible without the contribution made by all magistrates. I thank them for their hard work and dedication to the Court. The Children's Court is embedded in the operation of the Magistrates' Court and the two courts must be able to work together. I would like to thank the Chief Magistrate and the State Co-ordinating Magistrate for their assistance and co-operation throughout the reporting period.



## JURISDICTION

On 23 April 2007 the *Children, Youth and Families Act 2005* commenced operation replacing most provisions of the *Children and Young Persons Act 1989*.

The Children's Court of Victoria has jurisdiction under the new legislation 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) 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.



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

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

### President, Magistrates and Staff of the Children's Court at Melbourne

#### President

Judge Paul Grant

#### Magistrates

Ms Susan Blashki  
 Ms Jennifer Bowles  
 Ms Jacinta Heffey  
 Mr Gregory Levine  
 Ms Kay Macpherson  
 Mr Peter Power  
 Mr Brian Wynn-Mackenzie

#### Acting Magistrate

Ms Michelle Ehrlich (from 12/06/2007)

#### Principal Registrar

Leanne de Morton

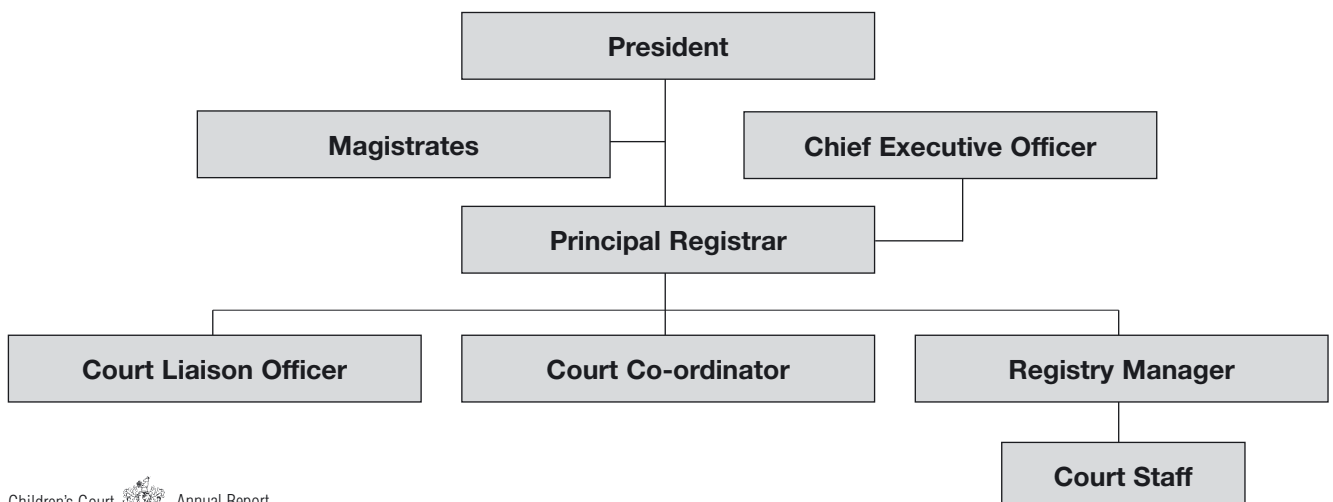
#### Senior Deputy Registrars

Angela Carney (Court Co-ordinator)  
 Russell Hastings (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 505(3) of the *Children, Youth and Families Act 2005* the Children's Court "must not be held at any time in the same building as that in which the Magistrates' Court is at the time sitting unless the Governor in Council, by Order published in the Government Gazette, otherwise directs with respect to any particular building."

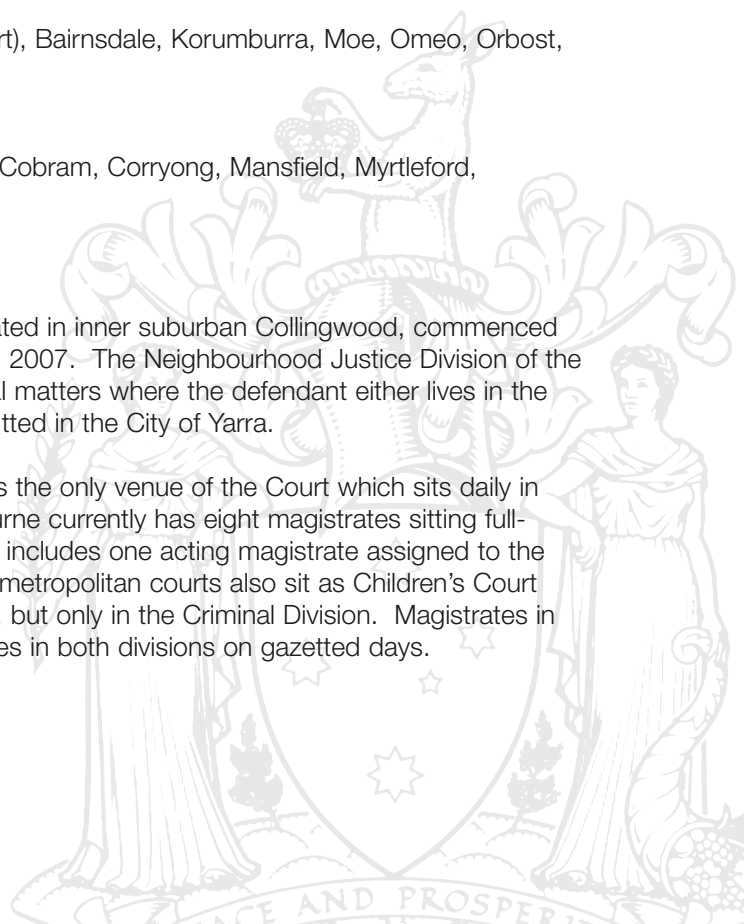
Consequently, the Children's Court of Victoria sits at gazetted times and locations of the Magistrates' Court (detailed below) as published by the Department of Justice in the Law Calendar for each sitting year.

Please note that in previous annual reports country regions have appeared under the name of the headquarters court of that region. For example, *Grampians region* previously appeared as *Ballarat region*. The names of metropolitan regions remain unchanged.

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

The Neighbourhood Justice Centre (NJC), located in inner suburban Collingwood, commenced operation as a three year pilot project in March 2007. The Neighbourhood Justice Division of the Children's Court hears Children's Court criminal matters where the defendant either lives in the City of Yarra or the alleged offence was committed in the City of Yarra.

The 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 eight magistrates sitting full-time together with the President. This number includes one acting magistrate assigned to the Children's Court in June 2007. Magistrates in metropolitan courts also sit as Children's Court magistrates in those regions on gazetted days, but only in the Criminal Division. Magistrates in country areas sit as Children's Court magistrates in both divisions on gazetted days.





# 2 ACHIEVEMENTS & HIGHLIGHTS

## CHILDREN, YOUTH AND FAMILIES ACT 2005

On 23 April 2007 the *Children and Young Persons Act 1989* was repealed and the vast majority of the provisions of the *Children, Youth and Families Act 2005* commenced operation. The remaining provisions will come into operation in the first half of the next reporting period. Rules and regulations to support the operation of the new Act also came into operation on 23 April 2007.

An extensive consultation and education program was undertaken by the Court in the lead up to April to inform judicial and administrative staff throughout the State of the nature of the coming changes. Representatives of other stakeholder organisations throughout Victoria also benefited from the Court's series of consultations and presentations led by Judge Paul Grant, President of the Children's Court and Mr Peter Power, Magistrate.

A significant commitment was required of a team of judicial officers and administrative personnel from the Melbourne Children's Court to ensure the Court's readiness, state-wide, to commence operations under the new legislation. Included amongst the work undertaken was the development of the *Children, Youth and Families (Family Division) Rules 2007*, consultation with the Department of Human Services and input into the development of Regulations, programming changes to the Court's Family Division and Criminal Division case management systems, modification of prescribed and non-prescribed forms, creation of new application and order forms and amendments to the Children's Court website.

The transition from "the old" to "the new" governing legislation has been a smooth one from the Court's perspective. The Court is most appreciative of the efforts of the judicial and administrative personnel who were largely responsible for the relatively uneventful transition. The Court also acknowledges the work and support of staff from Court Services, Department of Justice and Courtlink during the lead-up to 23 April 2007.

## CHILDREN'S KOORI COURT

The Children's Koori Court at Melbourne commenced sitting in October 2005. The Koori Court currently sits one day per fortnight and during the reporting period sat on 23 occasions. Fifty-two young people appeared before the Koori Court. In relation to those defendants, 38 matters were finalised and 11 were still pending as at the end of the reporting period. Three matters were referred into the mainstream Children's Court system.

The Children's Koori Court was originally established as a two year pilot program with the intention that an evaluation would be conducted during that period. Dr Allan Borowski of La Trobe University has been engaged by the Department of Justice to conduct the evaluation.



Sessions on the new legislation were conducted by Magistrate Mr Peter Power.

On 6 October 2006 at an event held at Melbourne Children's Court the Attorney-General announced that there were to be three new Koori Courts established in Victoria. Two are to be in the adult jurisdiction of the Magistrates' Court at Bairnsdale and Swan Hill. The third is to be in the Children's Court jurisdiction at Mildura. The Mildura Children's Koori Court will be launched in September 2007 and represents a welcome expansion of the Koori Court program in the Children's Court jurisdiction.

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

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.

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.

In September 2006 the *Children, Youth and Families (Miscellaneous Amendments) Act 2006* came into operation. This amending Act introduced a number of changes to CAYPINS. The amendments meant that changes were required to be made to the CAYPINS component of the Court's criminal case management system and to a number of forms and other materials. This work has now been completed. The Court currently awaits lodgement by prosecution agencies of the first matters to be processed via this alternative system. It is anticipated that Victoria Police and the Department of Infrastructure will commence lodging CAYPINS matters with the Court in November 2007.

## IMPROVEMENTS TO THE MELBOURNE CHILDREN'S COURT COMPLEX

An increase in the caseload of the Court over the past two years has stretched the capacity of the Melbourne Children's Court building to accommodate its cases and court users. To alleviate, at least in part, some of the congestion experienced in the Family Division of the court the following work has now commenced:

- Access to court 6 (Criminal Division) from the Family Division side of the court building. This new access will enable court 6 to be used for either criminal or family matters according to need. However, with lockable doors providing access from either division, entry to the courtroom can only be gained from one side of the building or the other at any one time. This flexible configuration has ensured that the separation of the two divisions of the Court has not been compromised.
- A new Family Division waiting area with seating for 15 situated outside the new entrance to court 6.
- Fit-out of an additional courtroom including video conferencing technology. This courtroom is the second of two left vacant when the complex was constructed.
- Creation of some additional office space to accommodate duty lawyers.

It is anticipated that this work will be completed by November 2007.

## MR PETER POWER, OAM

On 26 January 2007 Children's Court Magistrate Peter Power was awarded the Medal of the Order of Australia "for service to the community as a magistrate particularly through developing improved case management procedures and programs, and raising public awareness of court processes". The award recognises in particular:

- The writing and maintenance of the "Research Materials" section of the Children's Court website. The 425 pages contain comprehensive information in 12 chapters on the jurisdiction and operation of the Children's Court. Those using the Research Materials information include magistrates, lawyers, social workers, psychologists and students studying in areas related to the work of the Court.
- Preparation of website papers on:
  - Increase in age jurisdiction in the Criminal Division
  - Children, Youth and Families Act 2005
- Provision of education sessions on the *Children, Youth and Families Act 2005* conducted for magistrates, lawyers, Department of Human Services workers and court staff at Wangaratta, Shepparton, Bendigo, Ballarat, Geelong, Morwell and Melbourne (3 sessions).
- Participation in bail justice training courses.
- Participation in the Court's community education program by regular presentation of an informative and entertaining session on the operation of the Children's Court.
- Participation in Courts Open Day, held every year during Law Week, when members of the public are invited to participate in tours and information sessions at many of Victoria's court locations.
- Design of the first computerised order entry system for the Family Division of the Children's Court. "Kidlink" was designed as an interim measure but remained in operation at Melbourne Children's Court for six years.



Mr Peter Power, OAM

## RETIREMENT OF MR CLIVE MCPHERSON, MAGISTRATE



A bench farewell was held on the retirement of Magistrate Mr Clive McPherson.

Mr Clive McPherson has retired from the bench after 16 years as a magistrate in Victoria. Mr McPherson was first appointed as a magistrate in the Northern Territory where he served for six years before being appointed to the Magistrates' Court of Victoria on 26 April 1990. During the next few years he spent periods sitting at Melbourne, Coroner's, Broadmeadows, Frankston and Prahran courts. Then in January 1993 he was asked to relieve for three months at Melbourne Children's Court. Thirteen years later, still at the Children's Court, Mr McPherson announced his decision to retire.

On 7 July 2006 a bench farewell was held at Melbourne Children's Court. Speeches were given by Inspector Wayne Ashley on behalf

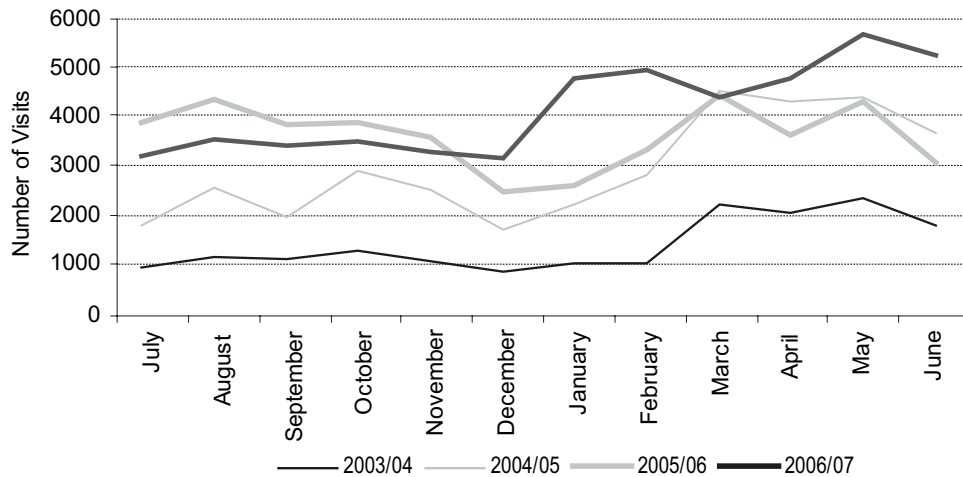
of Victoria Police Prosecutions, Ms Michelle Armstrong on behalf of the Department of Human Services Court Advocacy Unit and Mr Andrew McGregor on behalf of legal practitioners.

Mr McPherson's presence is sorely missed by all at Melbourne Children's Court.



## CHILDREN'S COURT WEBSITE

The Children's Court website has been online since May 2003. Statistics collected by the Department of Justice indicate an overall increase in the number of visits to the site for each reporting year since its launch. Statistics for the 2006/07 year indicate that the site is proving to be of increasing benefit to professional users and the community at large.



During the reporting period a great deal of work was done in updating the website to coincide with the commencement of the *Children, Youth and Families Act 2005*. Mr Power's "Research Materials" required extensive amendment in addition to all other areas of 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 425 pages of information on the jurisdiction and operation of the Children's Court of Victoria.

## LAW WEEK 2007

On Saturday, 19 May 2007 Courts Open Day was held as part of Law Week. 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. Once again, members of the public took advantage of the opportunity to visit courts including Melbourne Children's Court.



Judge Paul Grant addressing visitors to the Children's Court on Courts Open Day.

This year, approximately 60 members of the public were welcomed to Melbourne Children's Court by the President, Judge Paul Grant. Following an address by Judge Grant about the work of the Court a tour of the court complex was conducted by Janet Matthew, Court Liaison Officer. The tour ended in the courtroom used for sittings of the Children's Koori Court where Judge Grant and Koori Court Officer, Anne-Maree Kirkman spoke and answered questions about the operation of the Children's Koori Court.

The level of interest exhibited by those in attendance and the feedback received indicated that this rare public insight into the work of the Court was much appreciated.

## 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 17 trained volunteers, supervised by a professional Program Manager, are rostered to provide two "Networkers" each day at the Court. Networkers provide information about court procedures and community supports, assist people to make contact with Legal Aid duty solicitors, provide practical and emotional support, refer people to appropriate community support agencies and generally work collaboratively with all other parties to facilitate the court process.

The Court acknowledges the commitment of Court Network'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

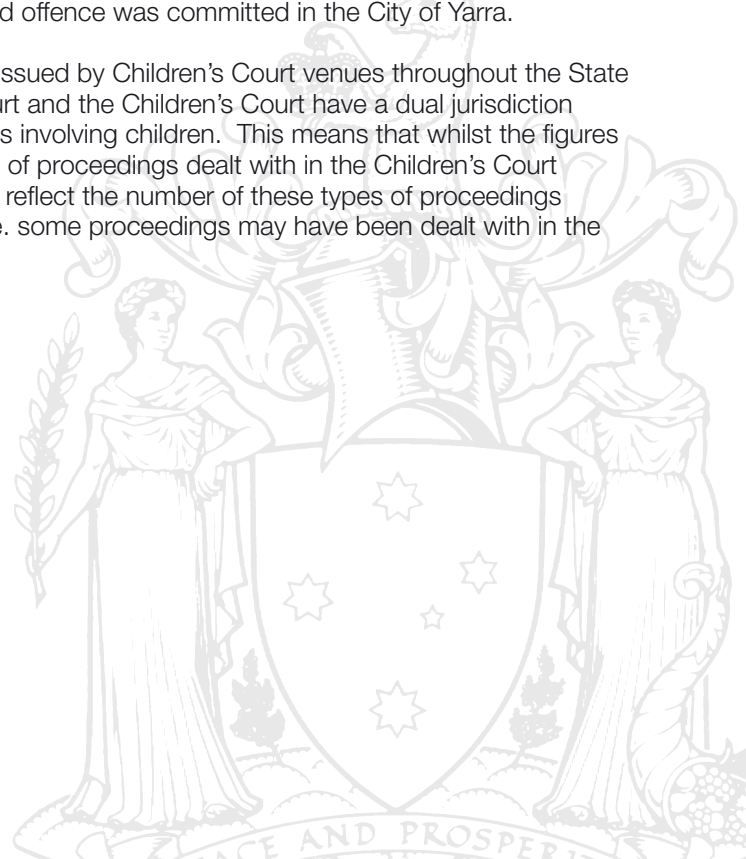
## COURT STATISTICS

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 2006/07 year collated by the Court Services section of the Department of Justice and by the Court. State-wide statistics are provided unless otherwise stated.

Please note that in previous annual reports country regions have appeared under the name of the headquarters court of that region. For example, *Grampians* region previously appeared as *Ballarat region*. The names of metropolitan regions remain unchanged.

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. 6,589 more orders were made by the Court in its Family Division in 2006/07 than in 2005/06.
- 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.
- This year, for the first time, statistics appear for the Neighbourhood Justice Centre ("NJC") located in the inner Melbourne suburb of Collingwood. The NJC, was launched on 8 March 2007 and has jurisdiction to hear, *inter alia*, Children's Court criminal matters where the defendant either lives in the municipality of the City of Yarra or the alleged offence was committed in the City of Yarra.
- 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.



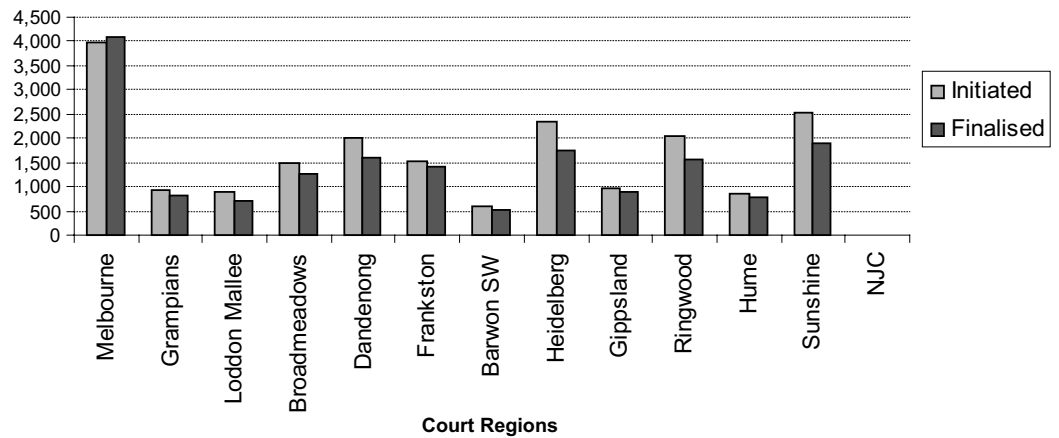


## Criminal Division

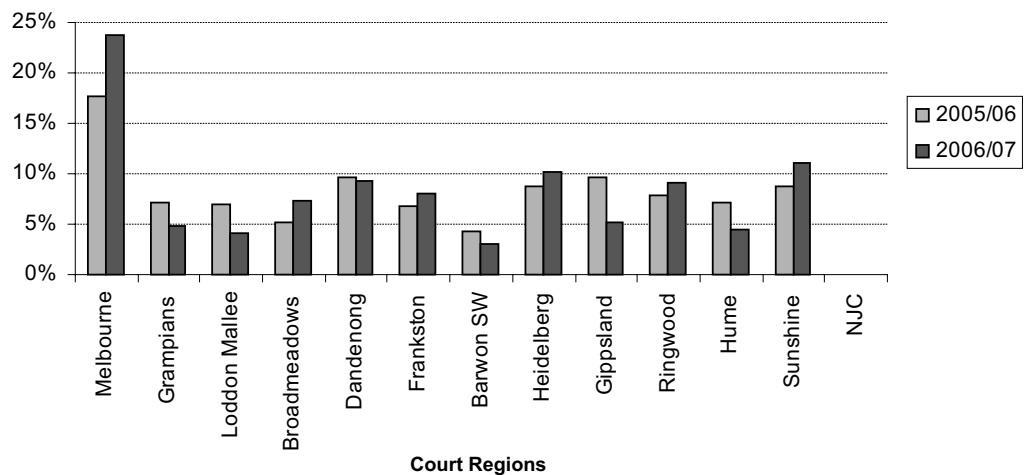
**Table 1: Number of matters<sup>1</sup> initiated, finalised and pending, 2005/06 - 2006/07**

Court Region <sup>2</sup>	2005/06			2006/07		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,630	1,664	483	3,971	4,104	714
Grampians	855	678	112	940	830	167
Loddon Mallee	830	649	119	910	711	138
Broadmeadows	693	485	180	1,488	1,261	258
Dandenong	1,249	905	318	2,006	1,607	534
Frankston	870	640	200	1,521	1,395	224
Barwon South West	494	391	67	599	524	88
Heidelberg	1,094	823	263	2,358	1,741	697
Gippsland	1,027	895	186	976	892	197
Ringwood	1,013	737	259	2,058	1,569	451
Hume	855	671	137	837	772	114
Sunshine	942	823	258	2,534	1,901	810
NJC – Collingwood <sup>3</sup>	-	-	-	9	1	6
<b>Total</b>	<b>11,552</b>	<b>9,361</b>	<b>2,582</b>	<b>20,207</b>	<b>17,308</b>	<b>4,398</b>

**Chart 1: Number of matters initiated and finalised, 2006/07**



**Chart 2: Regional caseload distribution for finalised matters, 2005/06 - 2006/07**

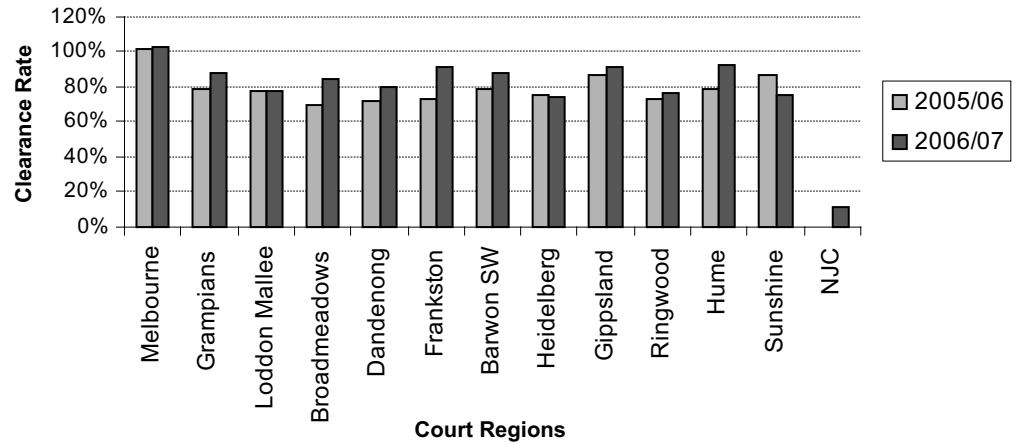


<sup>1</sup> A criminal "matter" refers to a charge or set of charges laid by an informant against a defendant.

<sup>2</sup> Country regions in this report appear under new names. A detailed list of court regions can be found on page 9 of this report.

<sup>3</sup> The Neighbourhood Justice Centre was launched on 8 March 2007 and has jurisdiction to hear, *inter alia*, Children's Court criminal matters where the defendant either lives in the municipality of the City of Yarra or the alleged offence was committed in the City of Yarra.

**Chart 3:  
Clearance  
rates for  
criminal  
matters,  
2005/06 -  
2006/07**



**Table 2: Defendants found guilty, by outcome<sup>4</sup>, 2004/05 - 2006/07**

Order	2004/05	2005/06	2006/07
	Number		
Discharged	3	6	9
Unaccountable Undertaking	34	41	47
Accountable Undertaking	505	481	514
Good Behaviour Bond	1,413	1,691	1,778
Fine	2,031	2,393	7,151
Probation	613	717	870
Youth Supervision Order	204	245	288
Youth Attendance Order	34	47	47
Youth Residential Centre	11	14	9
Youth Training Centre	120	149	123
<b>Total</b>	<b>4,968</b>	<b>5,784</b>	<b>10,836</b>
	Percent		
Discharged	0.1%	0.1%	0.1%
Unaccountable Undertaking	0.7%	0.7%	0.4%
Accountable Undertaking	10.2%	8.3%	4.7%
Good Behaviour Bond	28.4%	29.2%	16.4%
Fine	40.9%	41.4%	66.0%
Probation	12.3%	12.4%	8.0%
Youth Supervision Order	4.1%	4.2%	2.7%
Youth Attendance Order	0.7%	0.8%	0.4%
Youth Residential Centre	0.2%	0.2%	0.1%
Youth Training Centre	2.4%	2.6%	1.1%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

<sup>4</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, 2004/05 - 2006/07

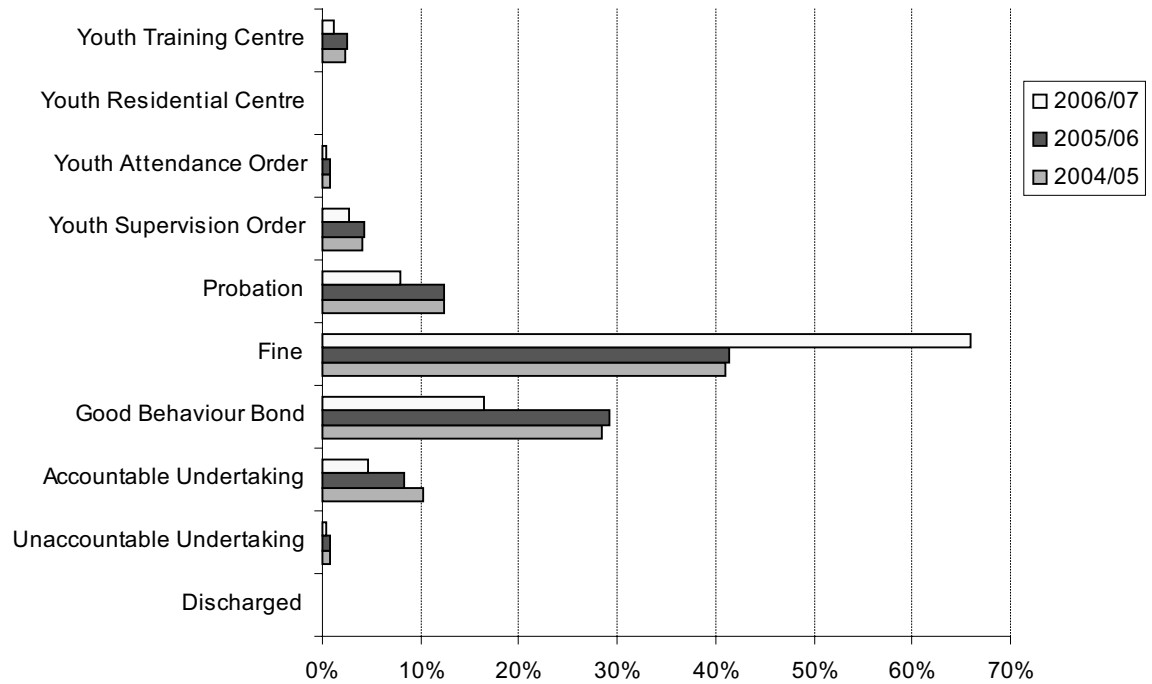
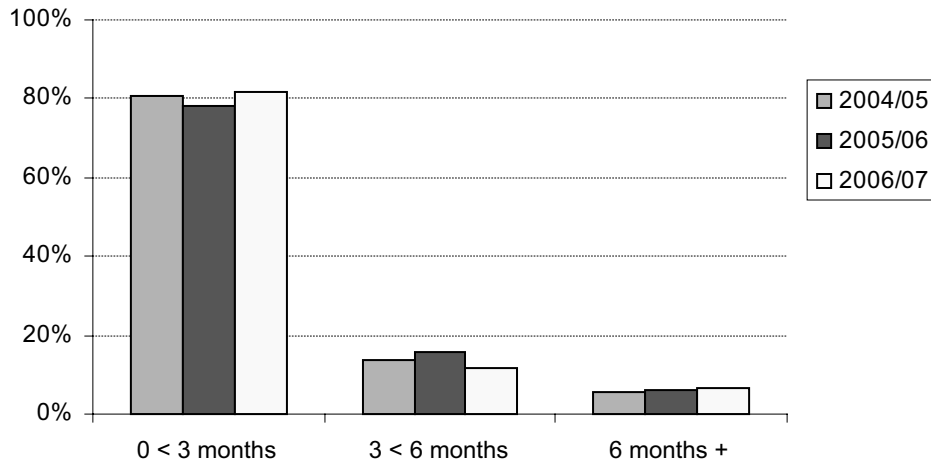


Table 3: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2004/05 - 2006/07

	2004/05	2005/06	2006/07	2004/05	2005/06	2006/07
	Number			Percent		
0 < 3 months	6,484	7,303	14,141	80.9%	78.0%	81.7%
3 < 6 months	1,081	1,465	2,030	13.5%	15.6%	11.7%
6 < 9 months	270	383	669	3.4%	4.1%	3.9%
9 < 12 months	77	94	249	1.0%	1.0%	1.5%
12 < 24 months	75	71	178	0.9%	0.8%	1.0%
24 months +	27	45	41	0.3%	0.5%	0.2%
<b>Total</b>	<b>8,014</b>	<b>9,361</b>	<b>17,308</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	449	593	1,137	5.6%	6.4%	8.0%

### Criminal Division

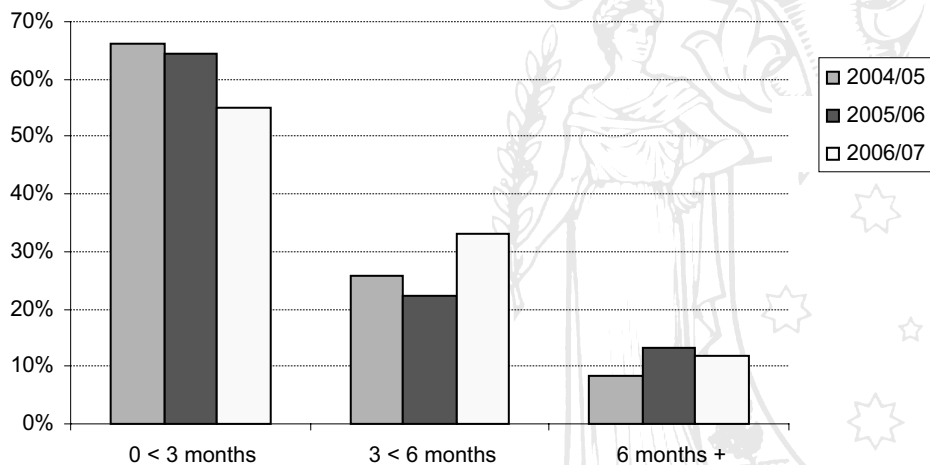
**Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2004/05 - 2006/07**



**Table 4: Number of matters pending on 30 June, by elapsed time since date of initiation, 2004/05 - 2006/07**

	2004/05	2005/06	2006/07	2004/05	2005/06	2006/07
	Number			Percent		
0 < 3 months	1,034	1,666	2,423	66.2%	64.5%	55.1%
3 < 6 months	400	574	1,462	25.6%	22.2%	33.2%
6 < 9 months	78	223	304	5.0%	8.6%	6.9%
9 < 12 months	26	77	122	1.7%	3.0%	2.8%
12 < 24 months	19	40	76	1.2%	1.6%	1.7%
24 months +	5	2	11	0.3%	0.1%	0.3%
<b>Total</b>	<b>1,562</b>	<b>2,582</b>	<b>4,398</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	128	342	513	8.2%	13.3%	11.7%

**Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2004/05 - 2006/07**





## 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>5</sup> , 2004/05 - 2006/07**

Order	2004/05	2005/06	2006/07
Adjournment	5,214	5,288	7,066
Custody to Secretary Order	1,155	1,096	1,133
Custody to Third Party Order	9	8	9
Dismissed	27	10	30
Extension of Custody to Secretary Order	1,170	1,314	1,348
Extension of Interim Accommodation Order	8,658	10,218	12,293
Extension of Guardianship to Secretary Order	582	620	578
Extension of Supervision Order <sup>6</sup>	-	-	18
Free Text Order <sup>7</sup>	2,755	3,870	5,368
Guardianship to Secretary Order	263	292	302
Interim Accommodation Order	4,147	4,507	4,880
Interim Protection Order	943	997	973
Long-Term Guardianship to Secretary Order <sup>8</sup>	-	-	7
Permanent Care Order	216	173	213
Refusal to Make Protection Order (s.110(3) CYP A)	157	155	118
Search Warrant	1,833	1,847	2,103
Struck Out	429	408	538
Supervised Custody Order	3	2	29
Supervision Order	1,454	1,421	1,766
Undertaking to Appear Produce Child on Adj Date	-	-	1
Undertaking – Common Law	-	-	17
Undertaking - Application Proved	134	170	149
Undertaking - Dismissed	10	4	5
Undertaking - Refusal to Make Protection Order	19	38	24
Undertaking - Struck Out	137	88	147
<b>Total</b>	<b>29,315</b>	<b>32,526</b>	<b>39,115</b>

<sup>5</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>6</sup> Extension of Supervision Order became available with introduction of the Children, Youth and Families Act 2005 on 23 April 2007.

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

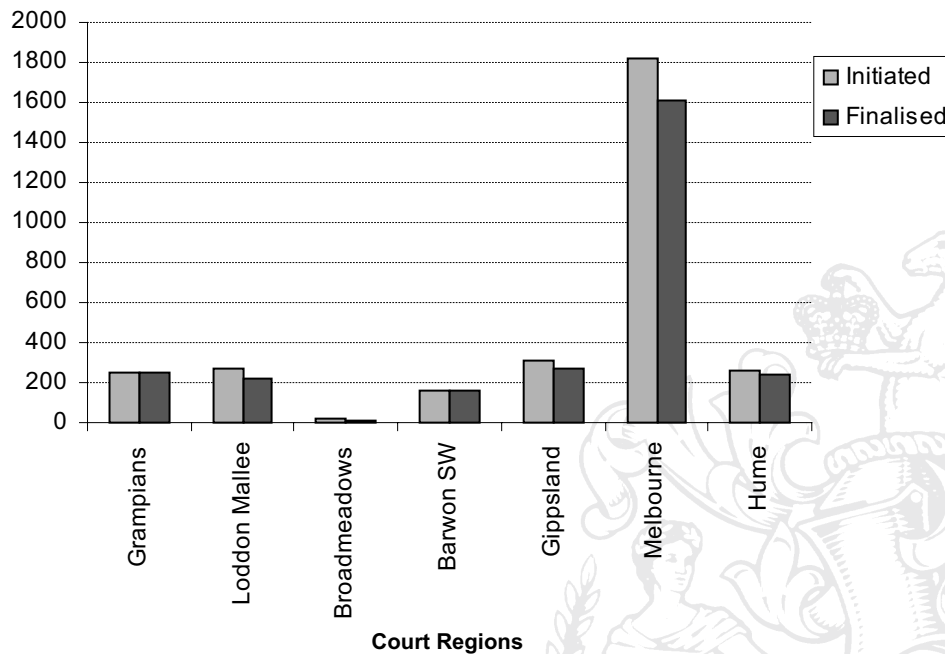
<sup>8</sup> Long-term Guardianship Orders became available with introduction of the Children, Youth and Families Act 2005 on 23 April 2007.

## Family Division

**Table 6: Number of primary applications initiated<sup>9</sup>, finalised and pending, 2005/06 – 2006/07**

Court Region	2005/06			2006/07		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	264	262	55	252	251	63
Loddon Mallee	225	182	44	270	222	82
Broadmeadows	14	11	3	19	15	0
Barwon South West	142	111	38	162	164	35
Melbourne	1,786	1,355	853	1,824	1,608	871
Gippsland	238	258	49	313	272	95
Hume	247	214	61	261	241	75
<b>Total</b>	<b>2,916</b>	<b>2,393</b>	<b>1,103</b>	<b>3,101</b>	<b>2,773</b>	<b>1,221</b>

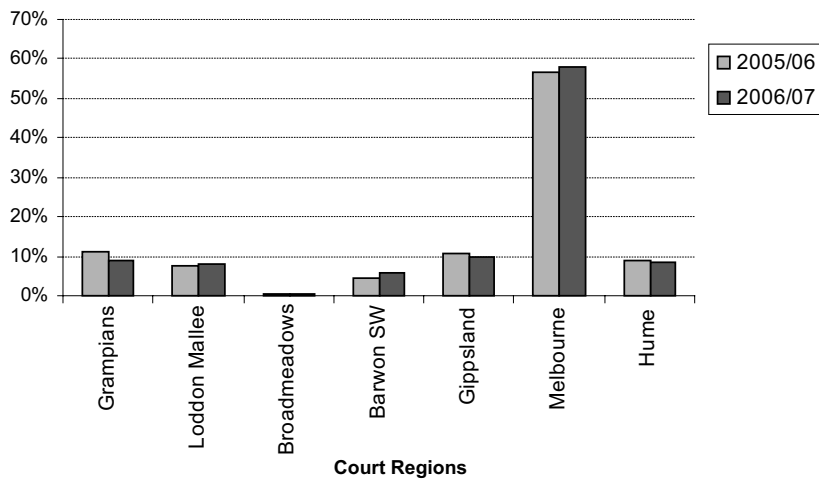
**Chart 7: Number of primary applications initiated and finalised, 2006/07**



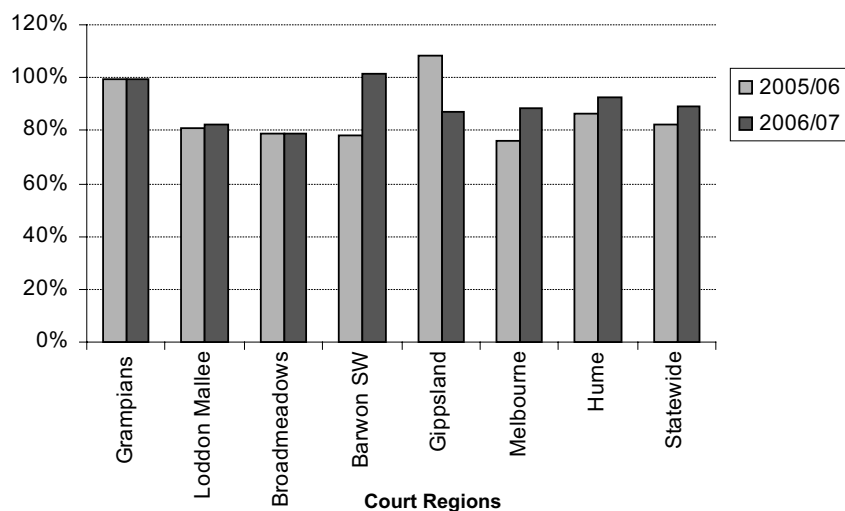
<sup>9</sup> The total number of primary applications initiated, as shown in Table 6, differs from the total number of protection applications initiated, as shown in Table 7. This difference is made up of a combination of irreconcilable difference applications initiated and the number of permanent care 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, 2005/06 – 2006/07**



**Chart 9: Clearance rates for primary applications, 2005/06 – 2006/07**

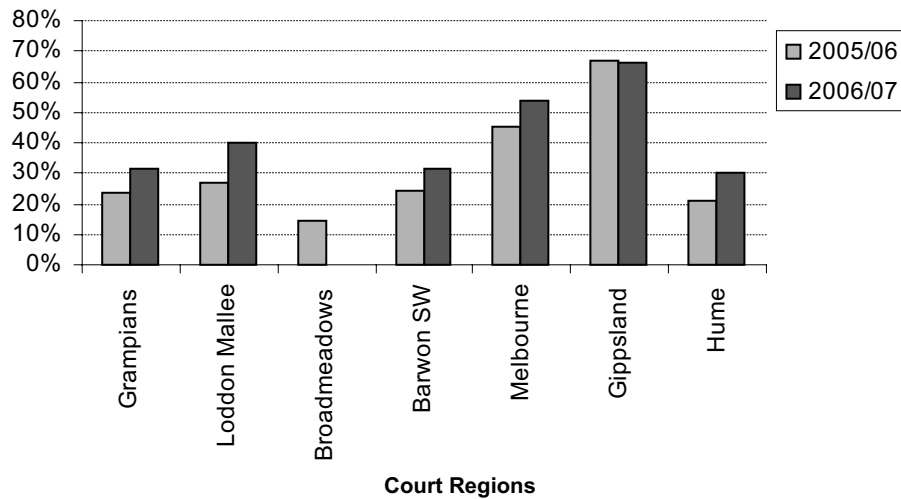


**Table 7: Number of protection applications initiated by apprehension/by notice, by court region, 2005/06 – 2006/07**

Court Region	2005/06				2006/07			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Grampians	61	199	260	23.5%	79	173	252	31.4%
Loddon Mallee	61	164	225	27.1%	108	162	270	40.0%
Broadmeadows	2	12	14	14.3%	0	18	18	0.0%
Barwon SW	34	108	142	23.9%	51	111	162	31.5%
Melbourne	1,176	586	1,762	66.7%	1,202	606	1,808	66.5%
Latrobe Valley	107	128	235	45.5%	168	143	311	54.0%
Shepparton	52	195	247	21.1%	77	179	256	30.1%
<b>Total</b>	<b>1,493</b>	<b>1,392</b>	<b>2,885</b>	<b>51.8%</b>	<b>1,685</b>	<b>1,392</b>	<b>3,077</b>	<b>54.8%</b>

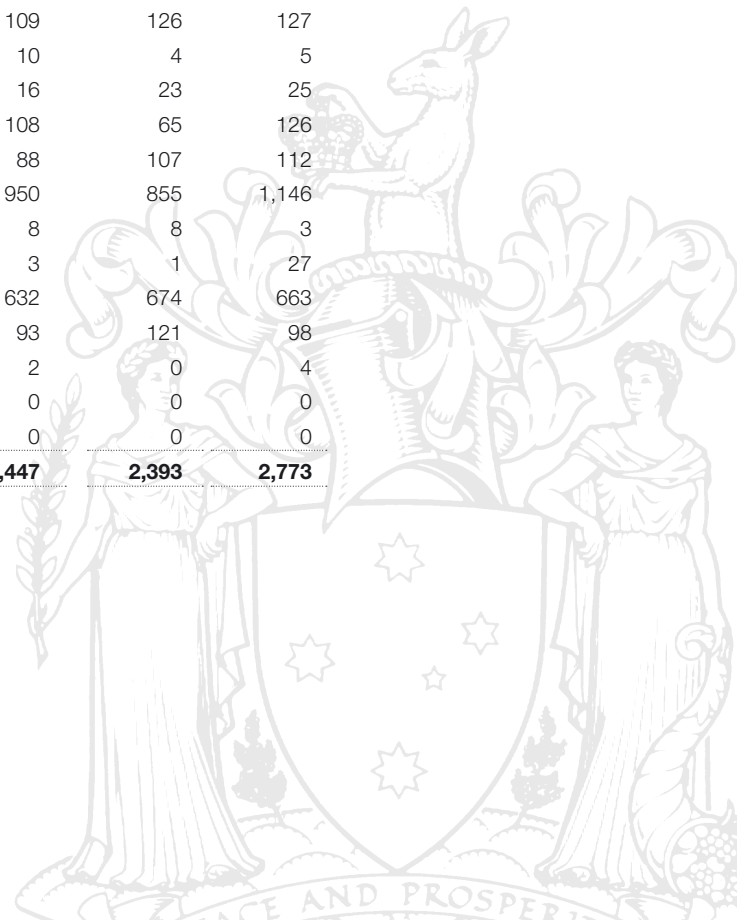
## Family Division

**Chart 10: Percentage of protection applications initiated by apprehension, 2005/06 – 2006/07**



**Table 8: Finalised primary applications by outcome, 2004/05 – 2006/07**

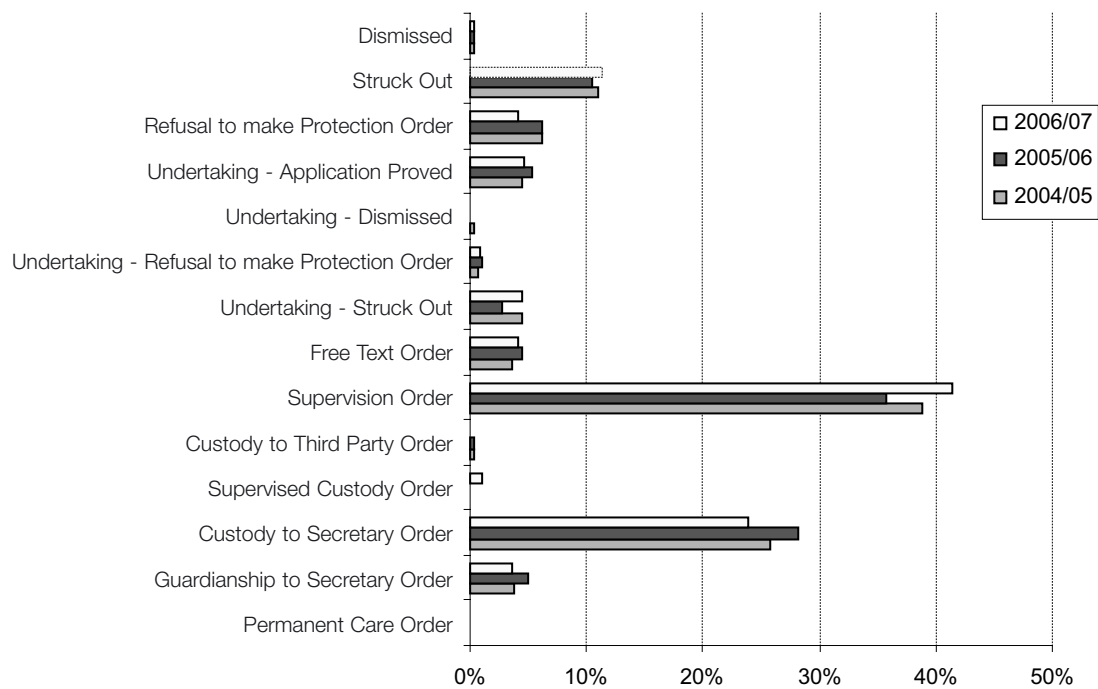
Order	2004/05	2005/06	2006/07
Dismissed	7	9	11
Struck Out	270	250	314
Refusal to make Protection Order	151	150	112
Undertaking - Application Proved	109	126	127
Undertaking - Dismissed	10	4	5
Undertaking - Refusal to make Protection Order	16	23	25
Undertaking - Struck Out	108	65	126
Free Text Order	88	107	112
Supervision Order	950	855	1,146
Custody to Third Party Order	8	8	3
Supervised Custody Order	3	1	27
Custody to Secretary Order	632	674	663
Guardianship to Secretary Order	93	121	98
Permanent Care Order	2	0	4
Extension of Custody to Secretary Order	0	0	0
Extension of Guardianship to Secretary Order	0	0	0
<b>Total:</b>	<b>2,447</b>	<b>2,393</b>	<b>2,773</b>





## Family Division

**Chart 11: Distribution of finalised primary applications, by outcome, 2004/05 – 2006/07**

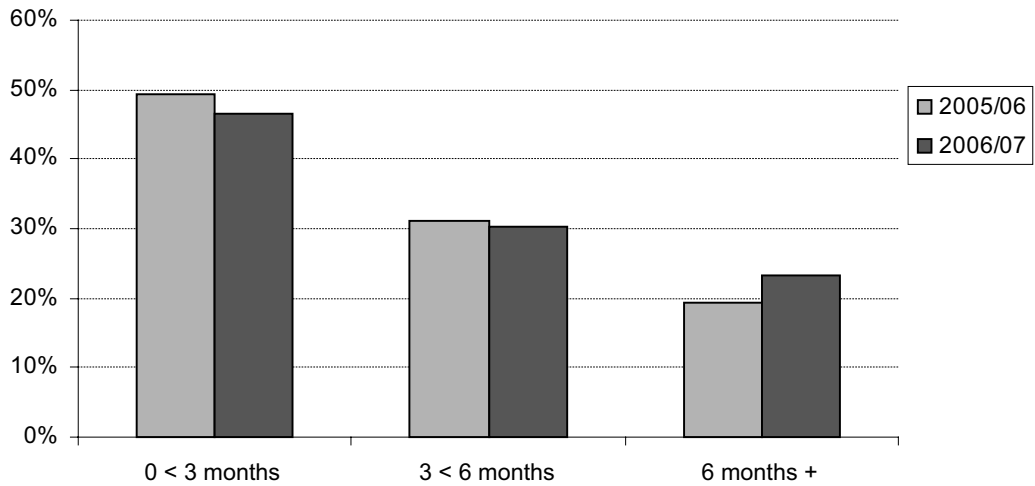


**Table 9: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2005/06 – 2006/07**

	2005/06		2006/07	
	Number	Percent	Number	Percent
0 < 3 months	1,184	49.5%	1,287	46.4%
3 < 6 months	747	31.2%	843	30.4%
6 < 9 months	295	12.3%	400	14.4%
9 < 12 months	91	3.8%	144	5.2%
12 < 18 months	59	2.5%	74	2.7%
18 < 24 months	12	0.5%	20	0.7%
24 months +	5	0.2%	5	0.2%
<b>Total</b>	<b>2,393</b>	<b>100.0%</b>	<b>2,773</b>	<b>100.0%</b>
6 months +	462	19.3%	643	23.2%

## Family Division

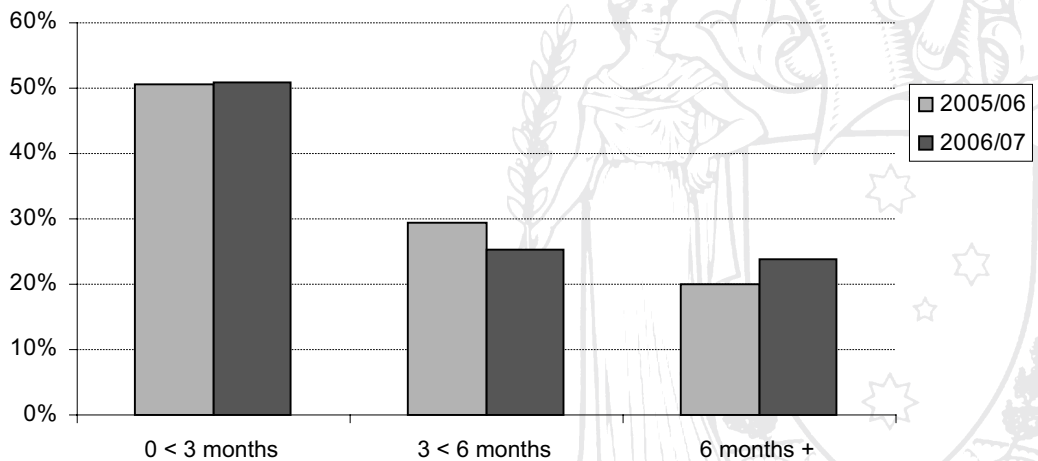
**Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2005/06 – 2006/07**



**Table 10: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2005/06 – 2006/07**

	2005/06	2006/07	2005/06	2006/07
	Number		Percent	
0 < 3 months	558	621	50.6%	50.9%
3 < 6 months	324	308	29.4%	25.2%
6 < 9 months	119	139	10.8%	11.4%
9 < 12 months	52	51	4.7%	4.2%
12 < 18 months	17	42	1.5%	3.4%
18 < 24 months	16	33	1.5%	2.7%
24 months +	17	27	1.5%	2.2%
<b>Total</b>	<b>1,103</b>	<b>1,221</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	221	292	20.0%	23.9%

**Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2005/06 – 2006/07**



## Family Division

### Pre-hearing conferences

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 (“PHCs”) conducted, 2005/06 - 2006/07**

<b>2005/06</b>	<b>Total PHCs Listed</b>	<b>PHCs Resulting in Settlements</b>	<b>PHCs Resulting in Contested Hearings</b>	<b>PHCs Resulting in Adjournments</b>
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>

<b>2006/07</b>	<b>Total PHCs Listed</b>	<b>PHCs Resulting in Settlements</b>	<b>PHCs Resulting in Contested Hearings</b>	<b>PHCs Resulting in Adjournments</b>
Melbourne	1,152	360	311	481
Country regions	432	127	80	225
<b>Total</b>	<b>1,584</b>	<b>487</b>	<b>391</b>	<b>706</b>

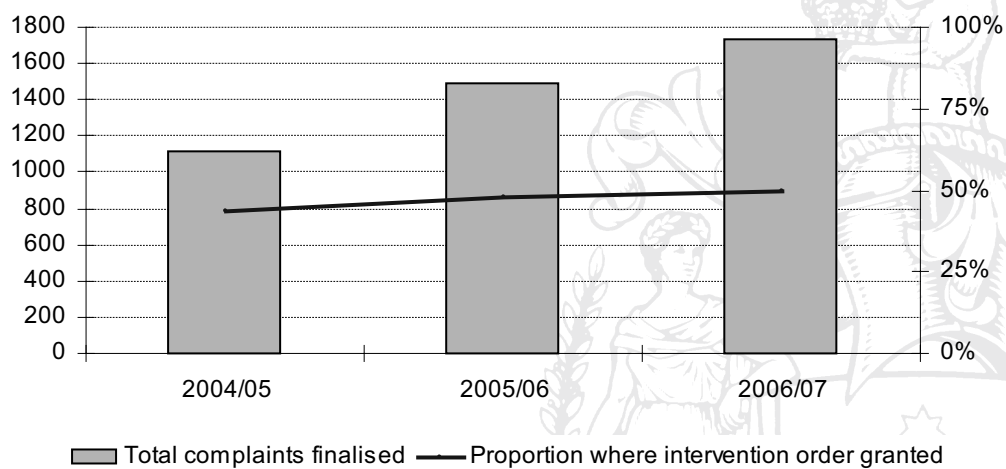
## Crimes (Family Violence) Jurisdiction

**Table 12: Complaints for an intervention order finalised, by outcome, 2004/05 - 2006/07**

	2004/05	2005/06	2006/07
	<b>Number</b>		
Intervention order made	486	710	862
Refused	26	31	32
Complaint struck out	344	390	395
Complaint withdrawn	260	358	449
Complaint revoked	0	0	1
<b>Total</b>	<b>1,116</b>	<b>1,489</b>	<b>1,739</b>

	2004/05	2005/06	2006/07
	<b>Percent</b>		
Intervention order made	43.6%	47.7%	49.6%
Refused	2.3%	2.1%	1.8%
Complaint struck out	30.8%	26.2%	22.7%
Complaint withdrawn	23.3%	24.0%	25.8%
Complaint revoked	0.0%	0.0%	0.1%
<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, 2004/05 - 2006/07**





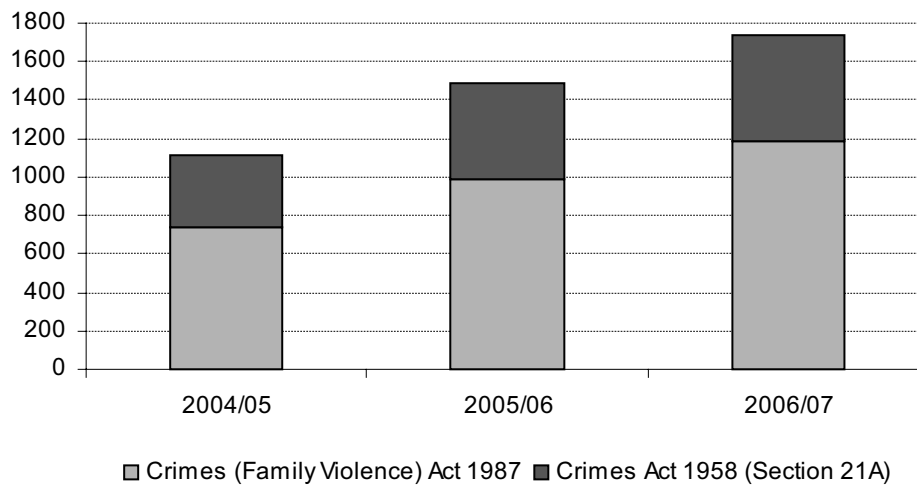
**Table 13: Complaints for an intervention order finalised by Act under which complaint made, 2004/05 - 2006/07**

	2004/05	2005/06	2006/07
	<b>Number</b>		
Crimes (Family Violence) Act 1987	740	990	1,181
Crimes Act 1958 (Section 21A)	376	499	558
<b>Total</b>	<b>1,116</b>	<b>1,489</b>	<b>1,739</b>

	2004/05	2005/06	2006/07
	<b>Percent</b>		
Crimes (Family Violence) Act 1987	66.3%	66.5%	67.9%
Crimes Act 1958 (Section 21A)	33.7%	33.5%	32.1%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

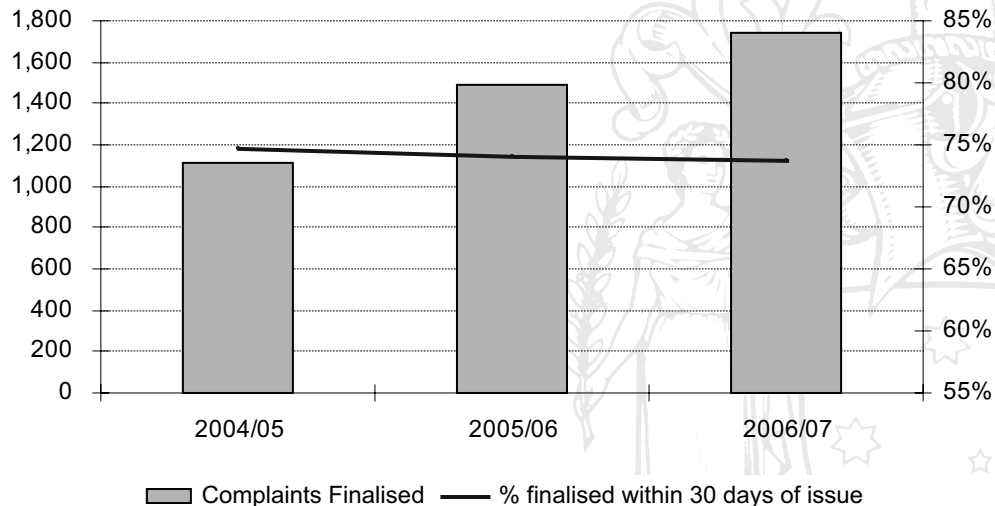
**Chart 15: Number of complaints for an intervention order finalised, by Act under which complaint made, 2004/05 - 2006/07**



**Table 14: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2004/05 - 2006/07**

	2004/05	2005/06	2006/07
	<b>Number</b>		
0 < 1 month	834	1,103	1,282
1 < 2 months	166	214	195
2 < 3 months	53	77	107
3 < 6 months	39	68	126
6 < 9 months	10	22	22
9 < 12 months	7	1	4
12 months +	7	4	3
<b>Total</b>	<b>1,116</b>	<b>1,489</b>	<b>1,739</b>
	<b>Percent</b>		
0 < 1 month	74.7%	74.1%	73.7%
1 < 2 months	14.9%	14.4%	11.2%
2 < 3 months	4.8%	5.2%	6.2%
3 < 6 months	3.5%	4.5%	7.2%
6 < 9 months	0.9%	1.5%	1.3%
9 < 12 months	0.6%	0.1%	0.2%
12 months +	0.6%	0.2%	0.2%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	2.1%	1.8%	1.7%

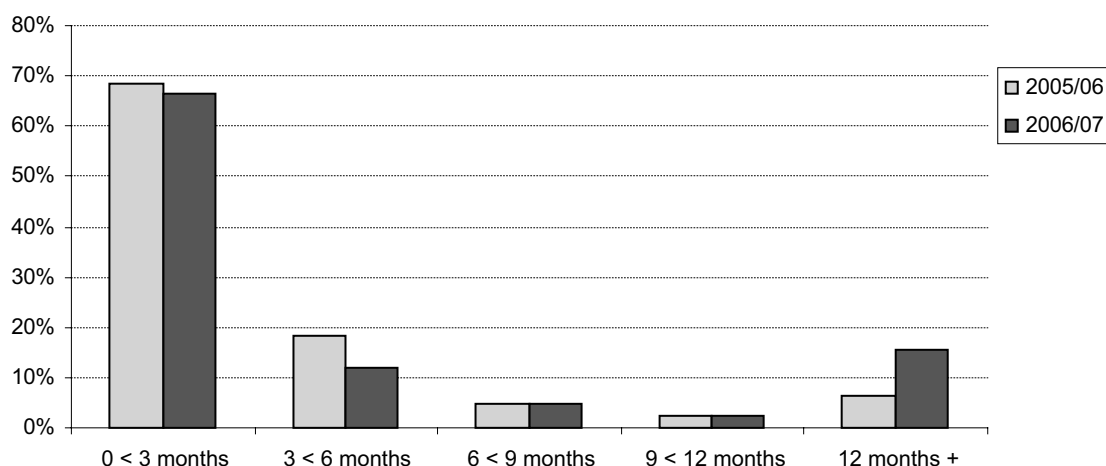
**Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2004/05 - 2006/07**



**Table 15: Number of complaints for an intervention order pending on 30 June, by age since issue, 2005/06 - 2006/07**

	2005/06	2006/07	2005/06	2006/07
	Number		Percent	
0 < 3 months	120	124	68.6%	66.6%
3 < 6 months	32	22	18.3%	11.8%
6 < 9 months	8	9	4.6%	4.8%
9 < 12 months	4	2	2.3%	2.2%
12 < 18 months	8	14	4.6%	7.5%
18 < 24 months	2	6	1.1%	3.2%
24 months +	1	9	0.5%	4.8%
<b>Total</b>	<b>175</b>	<b>186</b>	<b>100.0%</b>	<b>100.0%</b>
12 months +	11	29	6.2%	15.6%

**Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2005/06 - 2006/07**



## Listing Statistics - Melbourne Children's Court

**Table 16: Number and type of listing, 2005/06 - 2006/07**

Listing Type	No. Listed 2005/06	No. Listed 2006/07	05/06 – 06/07 % Difference
<b>Family Division</b>			
Pre-hearing conferences	912	1,152	26.3% ↑
Directions hearings	673	669	0.5% ↓
Interim Accommodation Order contests	722	914	26.6% ↑
Final contests	557	676	21.0% ↑
<b>Criminal Division</b>			
Contest mentions	287	393	36.9% ↑
Contests	131	196	49.6% ↑

**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**

	2004/05	2005/06	2006/07
<b>Country</b> (Family Division contests)	50	47	0
<b>Metropolitan</b> (Criminal Division contests)	47	43	64

**Table 18: Melbourne Children's Court, Family Division listing delays, 2004/05 - 2006/07**

Listing Delay from Pre-Hearing Conference to Final Contest			
	2004/05	2005/06	2006/07
July	10 weeks	13 weeks	17 weeks
August	8 weeks	12 weeks	19 weeks
September	8 weeks	14 weeks	20 weeks
October	11 weeks	14 weeks	20 weeks
November	12 weeks	14 weeks	19 weeks
December	12 weeks	14 weeks	19 weeks
January	13 weeks	14 weeks	17 weeks
February	13 weeks	14 weeks	15 weeks
March	14 weeks	14 weeks	16 weeks
April	14 weeks	15 weeks	16 weeks
May	14 weeks	16 weeks	16 weeks
June	14 weeks	16 weeks	18 weeks
<b>Average Delay</b>	<b>11.9 weeks</b>	<b>14.2 weeks</b>	<b>17.6 weeks</b>

**Table 19: Melbourne Children's Court, Criminal Division listing delays, 2004/05 - 2006/07**

Listing Delay From Contest Mention to Final Contest			
	2004/05	2005/06	2006/07
July	11 weeks	8 weeks	13 weeks
August	8 weeks	8 weeks	15 weeks
September	8 weeks	9 weeks	16 weeks
October	11 weeks	8 weeks	15 weeks
November	11 weeks	9 weeks	14 weeks
December	12 weeks	12 weeks	14 weeks
January	12 weeks	13 weeks	14 weeks
February	12 weeks	13 weeks	11 weeks
March	11 weeks	11 weeks	11 weeks
April	7 weeks	12 weeks	12 weeks
May	7 weeks	13 weeks	11 weeks
June	8 weeks	11 weeks	11 weeks
<b>Average Delay</b>	<b>9.8 weeks</b>	<b>10.6 weeks</b>	<b>13 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. 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.

There were 1,022 referrals of children, young persons and their families during 2006/2007, representing a 14% increase on the referrals of the previous financial year. The greater proportion of the assessments were carried out by sessional clinical psychologists.

Of the 1,022 referrals for assessment during 2006/07, 303 were criminal cases, 682 were child protection cases and 34 were *Crimes (Family Violence)* matters. Three other matters were also referred (two Magistrates' Court referrals and also the matter of a young child's capacity to give evidence). Of the total, 660 referrals emanated from the metropolitan area and 362 were from country regions of the State.

The Children's Court Clinic Drug Program had 52 referrals from magistrates for assessment of drug and alcohol problems in the Criminal Division of the Court. Additionally, in two instances immediate assessments in the court environs were required and in four instances the drug assessments ordered had to take place at the remand centre and once at Secure Welfare.

Since an initiative within the Court Clinic has been to expand the drug service into protection matters (i.e. no longer exclusively to offer drug assessment and treatment in criminal matters) when needed, 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 74 instances (33 criminal and 41 protection matters).

# 4 GENERAL

## AUDIO/VIDEO LINKING

The Children's Court at Melbourne has three courtrooms equipped with video conferencing facilities with a fourth to become available later in 2007. 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 2006/07 year the Court hosted 62 students, including four tertiary level students who completed work placements of between three weeks and three months 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 administrative tasks appropriate to their age and experience.

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

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.



*Year 10 secondary school students undertaking work experience at Melbourne 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 55 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 training courses
- Department of Human Services Induction Program for New Child Protection Workers
- Court Network training courses

## 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" available on the Children's Court website.

# 5 FINANCIAL STATEMENT

## APPENDIX A Financial Statement for the Year Ending 30 June 2007

		Budget	Actuals
<b>SPECIAL APPROPRIATIONS</b>			
Magistrates' salaries and allowances		1,897,000	1,914,427
<b>Total Special Appropriations</b>		<b>1,897,000</b>	<b>1,914,427</b>
<b>RECURRENT APPROPRIATIONS</b>			
Salaries, overtime and annual leave		1,548,000	1,518,279
Superannuation		143,200	141,514
Provision for long service leave		42,800	44,836
Fringe benefits tax		0	8,997
WorkCover levy		7,300	8,612
Payroll tax		86,500	87,408
<b>Total Salaries Expenditure</b>		<b>1,827,800</b>	<b>1,809,646</b>
<b>OPERATING EXPENDITURE</b>			
Travel and personal expenses		41,000	15,775
Printing, stationery and subscriptions		114,500	86,032
Postage and communication		51,000	27,266
Contractors and professional services	Note 3	334,600	375,826
Training and development		6,000	3,653
Motor vehicle expenses		16,600	(13,946)
Operating expenses		88,000	110,528
Witness payments		16,000	12,180
Information technology costs		84,000	35,630
Urgent and essentials		70,000	14,586
Rent and property services		266,500	285,090
Property utilities		76,000	61,648
Repairs and maintenance		95,000	111,544
Finance lease interest		4,000	11,818
Congestion Levy		0	9,600
<b>Total Operating Expenditure</b>		<b>1,263,200</b>	<b>1,147,230</b>
<b>COURT SUPPORT PROGRAMS</b>			
	Note 5		
Children's Koori Court		109,000	116,363
Children's Court Clinic Drug Program		202,600	206,281
<b>Total Parallel Programs Expenditure</b>		<b>311,600</b>	<b>322,644</b>
<b>Total Recurrent Expenditure</b>	Note 4	<b>3,402,600</b>	<b>3,279,520</b>
<b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>			
Depreciation - Buildings	Note 1, 2	369,100	369,051
Depreciation - Plant and equipment	Note 1, 2	800	797
Depreciation - Computer equipment	Note 1, 2	30,500	30,592
Amortisation - Motor vehicles	Note 1, 2	33,400	33,441
<b>Total Departmental Controlled Expenditure</b>		<b>433,800</b>	<b>433,881</b>
<b>CAPITAL EXPENDITURE</b>			
Purchases of plant and equipment	Note 7	120,000	77,840
<b>Total Departmental Controlled Expenditure</b>		<b>120,000</b>	<b>77,840</b>
<b>TOTAL CHILDREN'S COURT EXPENDITURE</b>		<b>5,853,400</b>	<b>5,705,668</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 \$123,080 was achieved in the recurrent budget for the 2006/2007 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. In 2006/07 the Magistrates' Court of Victoria received funding for all court buildings including Melbourne Children's Court.

### Note 7

During the year, annual recurrent funding of \$120,000 was transferred to capital works to fund the refit of courtrooms.



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

Garry Ferris, Court Services, Department of Justice

Joanna Conroy, Court Services, Department of Justice

# ACKNOWLEDGEMENTS







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