

# CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT  
2008 - 2009

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

**Phone** (03) 8601 6800  
**Facsimile** (03) 8601 6810



**Children's Court**  
**Victoria**

**477 Little Lonsdale St**  
**Melbourne Vic 3000**

**DX 212561**

27 November 2009

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

Dear Governor

**CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2008-2009**

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 2008-2009.

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', with a stylized flourish at the end.

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

# 1

## OVERVIEW

The *Children, Youth and Families Act 2005* provides for the operation of the Children's Court of Victoria. The following statements form part of the court's 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 provide a modern, professional, accessible and responsive specialist court system focussed on the needs of children, young persons and their families.

### PURPOSE

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

It has been another busy year for the Children's Court. We welcomed the appointments of Magistrates Jane Gibson, Sharon Smith and Acting Magistrate Francis Zemljak to our court. They all commenced in July 2008. It has made a huge difference to the court to have the three new appointments. The court also benefited from the appointment of five additional staff in the registry. In June 2008, we also welcomed Magistrate Belinda Wallington.



Judge Paul Grant  
President - Children's Court of Victoria

Belinda replaced Magistrate Brian Wynn-McKenzie who retired on 22 August 2008. Brian had worked in the Children's Court for 10 years and was a very experienced and highly regarded magistrate. Brian's retirement is discussed in more detail at page nine of this report.

### Workload

Workload issues continued to dominate the court with further growth in Family Division cases during the reporting period. The court at Melbourne did not have enough courtrooms to deal with the volume of work and we used courtrooms in the Magistrates' Court and the County Court to assist us with Family Division contested cases. From 1 June 2009, we opened two courts at the Moorabbin Justice Centre (MJC) to deal with child protection applications from the southern region of DHS. It is anticipated that this will relieve the pressure at the Melbourne court by moving just over 20% of our work to the MJC. Magistrates from Melbourne are rostered to work at Moorabbin in two-month blocks.

In late 2007, independent consultants determined that the court required additional judicial officers and registry staff to ensure its proper operation. The consultants recommended the appointment, over a three-year period, of four additional judicial officers and 14 additional staff. In July 2008, two magistrates, one acting magistrate and five registry staff were appointed to the court. In early 2009, the court was advised that funding had not been approved for the remaining recommended positions. It is regrettable that the court, having had its needs recognised, was unable to receive funding for all the positions required for its proper operation. The decision not to fund the extra positions will have a significant impact.

### Initiatives and Considerations for the Future

The additional judicial officers and registry staff appointed in July 2008 allowed the court to implement reforms that strengthened its work. First, a "special mention court" was established in the Family Division to deal with all cases initiated by apprehension. This initiative has proved to be very successful, effectively stopping the regular night sittings that had become a feature of the court. Secondly, we reinstated the practice of providing a magistrate from Melbourne to hear lengthy Family Division contests at country courts.

Importantly, the court has established a project group to review its current dispute resolution process. The court is grateful for the assistance it has received in this task from the Appropriate Dispute Resolution unit within the Department of Justice. The project group will report by the end of 2009. We will then consult with the various court users on the implementation of any reforms.

The court is also reviewing ways of adapting the community involvement that is such a successful feature in the Children's Koori Court (Criminal Division), to the work of our Family Division. This is a major project and is supported by the Department of Justice.



Moorabbin Justice Centre

There has been much publicity in the reporting period on the difficult circumstances of highly vulnerable young people on protection orders who are residing in residential units. Those of us working in the court see a number of these young people move from our Family Division to the Criminal Division. Frequently, they have backgrounds of severe abuse and need intensive therapeutic intervention to assist them in the transition to a safe adult life. We support initiatives aimed at providing appropriate therapeutic support and placements for these troubled young people.

One important development in our Criminal Division has been the establishment of a sex offences list at the Melbourne court to ensure appropriate management of these difficult cases. The list commenced in February 2009. The court was not resourced to establish the list and, for this reason, it is currently only available for those cases listed at Melbourne. It does not operate at any of the suburban courts.

The Law Reform Commission, in its 2007 "Report on the Bail Act", recommended the establishment of a bail support program in the Criminal Division of the Children's Court. The court strongly agrees with this recommendation and supports the Youth Justice branch of the Department of Human Services in its efforts to obtain funding for such a program. With the increasing number of young people in our cells each day and the increasing numbers in the remand section of the Youth Justice facility at Parkville, the development of such a program would seem to be a priority.

The only "front end" diversion program operating within the Criminal Division of the court is the ROPES program. It is a good program but, because it is unfunded and places particular resource demands on Victoria Police and the court, its further expansion is on hold until an evaluation is completed. This means the program is not available statewide. In addition, the program is a "one size fits all" program when it should be one part of a flexible diversionary response. It does seem, therefore, an appropriate time to discuss with police and Youth Justice, the development of a comprehensive, statewide diversion program for the Children's Court. An enhanced cautioning program or, alternatively, a program similar to that which exists in the Magistrates' Court may be particular options.

The Children's Koori Court was established in 2005 and currently sits at Melbourne and Mildura. It would be a positive development for other Koori communities if Children's Koori Courts were located in those places where there are existing Magistrates' Koori Courts.

## 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, 64 groups visited Melbourne Children's Court. These groups included students of social work, youth work and community welfare, foster carers, law graduates and maternal and child health nurses, 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. This included welcoming members of the public to Melbourne Children's Court on Courts Open Day in May of this year.

Magistrate Peter Power continues to maintain his "Research Materials" section on the court's website. I thank Magistrate Power for his outstanding work in producing and maintaining this valuable resource. "Research Materials" is freely and publicly available to all who wish to gain an understanding of the court's work.



Judge Grant with members of a delegation from Japan

## 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 its proceedings.

The Children's Court also receives visits from members of the judiciary, both interstate and international, government ministers from other nations and court administrators. During the reporting period, delegations from Indonesia, Tanzania and Japan visited the Children's Court.

## Participation on Boards, Councils and Committees

To ensure that the Children's Court and the issues important to it are appropriately represented, it is necessary to participate in a significant number of boards, councils, committees, reference groups and advisory bodies. This year they included:

- Courts Consultative Council
- Dispute Resolution Guidelines Steering Committee
- Magistrates' Court Management Committee
- County Koori Court Reference Group
- Aboriginal Justice Forum
- Criminal Justice Consultative Forum
- Court Users' Forum
- Children's Koori Court Evaluation Reference Group
- Children's Koori Court Reference Group
- Youth Justice Ministerial Round Table
- Group Conferencing Advisory Committee
- Sexual Assault Advisory Committee

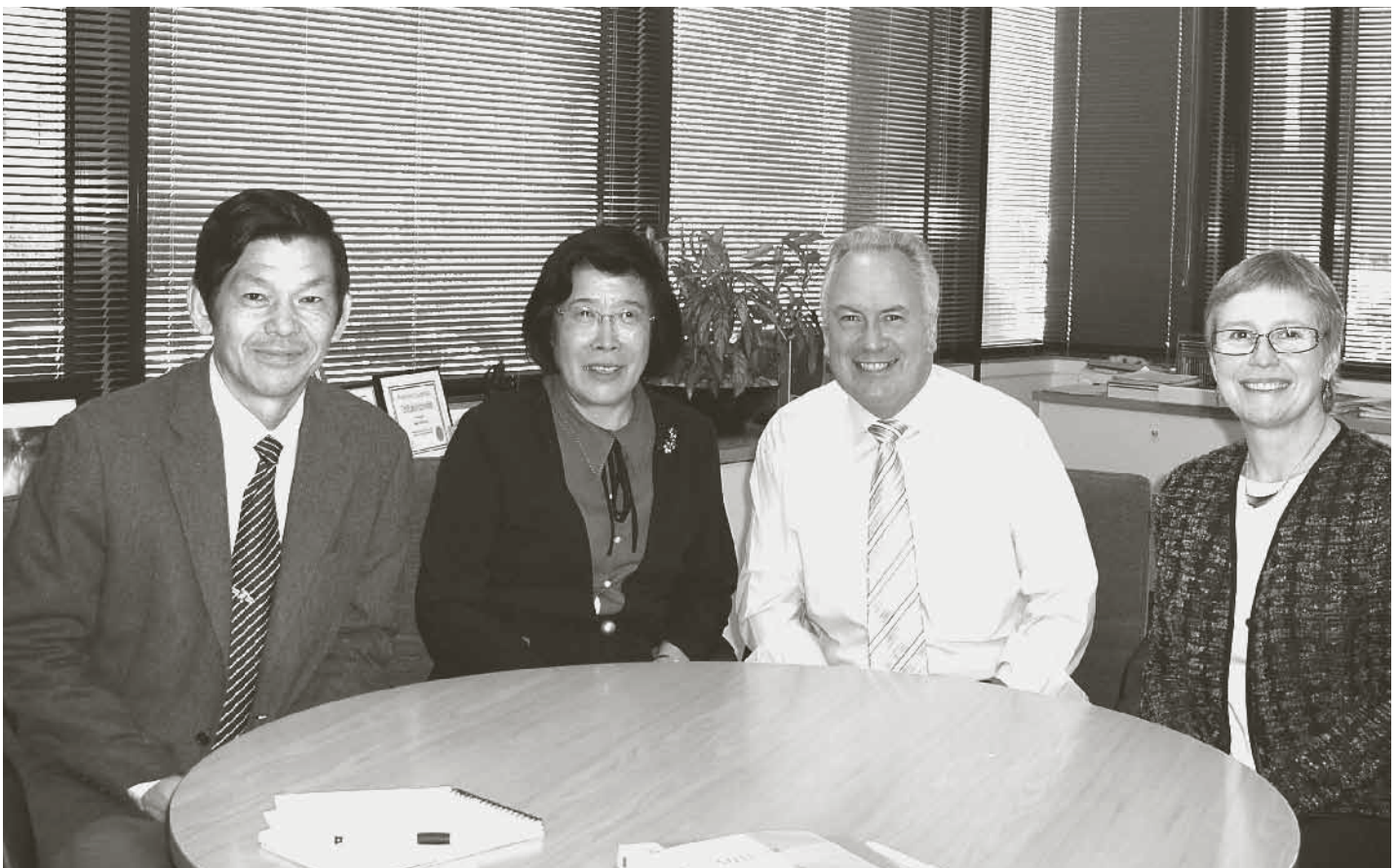
## Conclusion

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
- G4S 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 statewide 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. I also thank the Chief Magistrate and the State Co-ordinating Magistrate for their assistance and co-operation throughout the reporting period.



Judge Grant with Chinese visitors, Professor Pi Yijun and Judge Shang Xiuyun and Sarah Biddulph of the University of Melbourne

## JURISDICTION

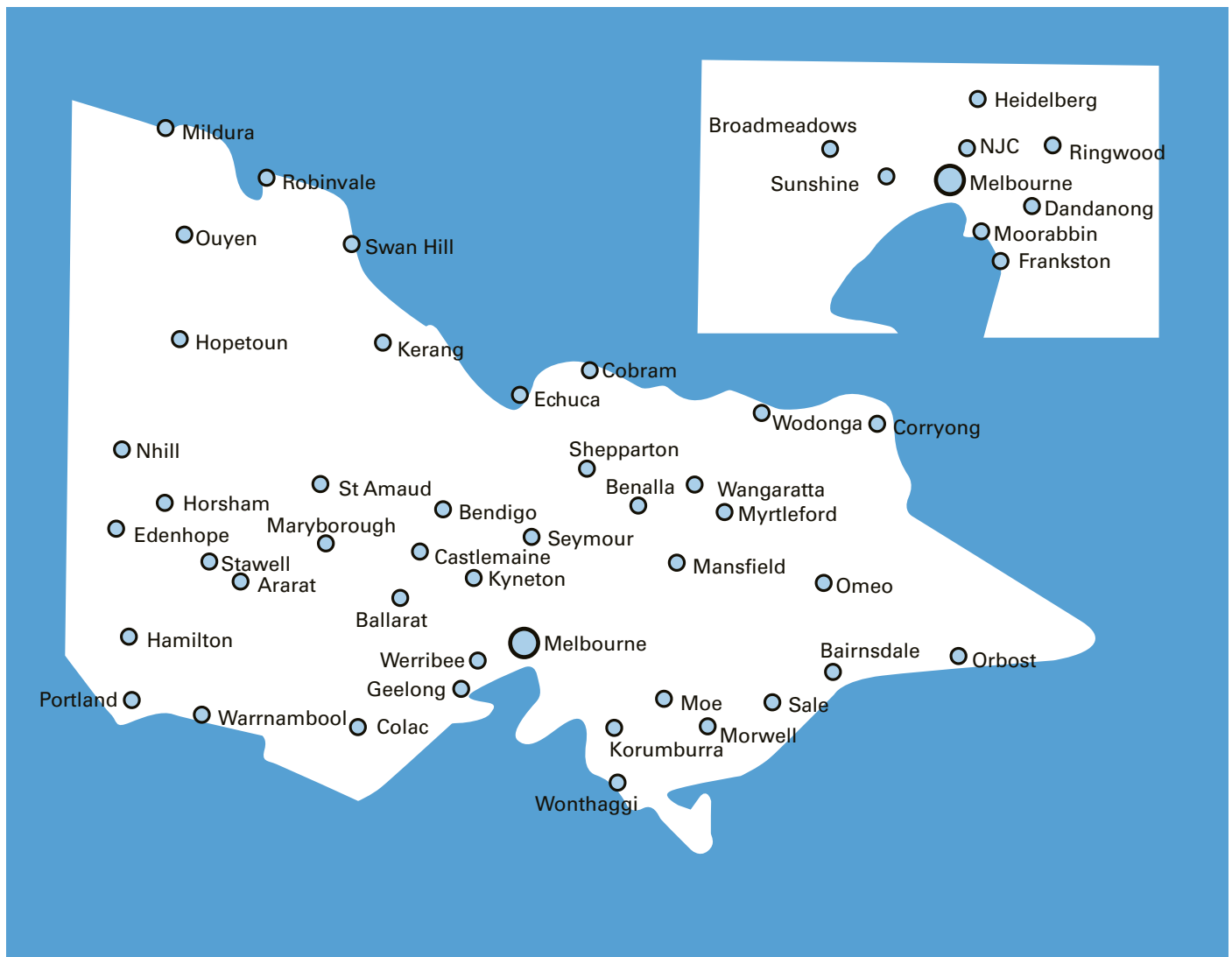
The Children's Court of Victoria has jurisdiction under the *Children, Youth and Families Act 2005* to hear cases involving children and young people up to the age of 18 years, and in some cases up to 19 years.

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

In the Family Division, the court also has jurisdiction to hear applications relating to intervention orders. Up until 7 December 2008 the court's power in relation to these applications came from the *Crimes (Family Violence) Act 1987* and stalking provisions of the *Crimes Act 1958*. On

8 December 2008 new legislation - the *Family Violence Protection Act 2008* and the *Stalking Intervention Orders Act 2008* - became operational. Under the legislation an application for an intervention order can be heard in the Children's Court where the "affected family member" (family violence cases) or "affected person" (stalking cases), or the respondent 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.



Map indicates Children's Court locations throughout Victoria



# 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 Jane Gibson (1 July 2008)  
Ms Jacinta Heffey  
Mr Gregory Levine  
Ms Kay Macpherson  
Mr Peter Power  
Ms Belinda Wallington  
Mr Brian Wynn-Mackenzie (retired 22 August 2008)  
Ms Sharon Smith (7 July 2008)

### Acting Magistrates

Ms Michelle Ehrlich  
Mr Francis Zemljak (1 July 2008)

### Principal Registrar

Leanne de Morton

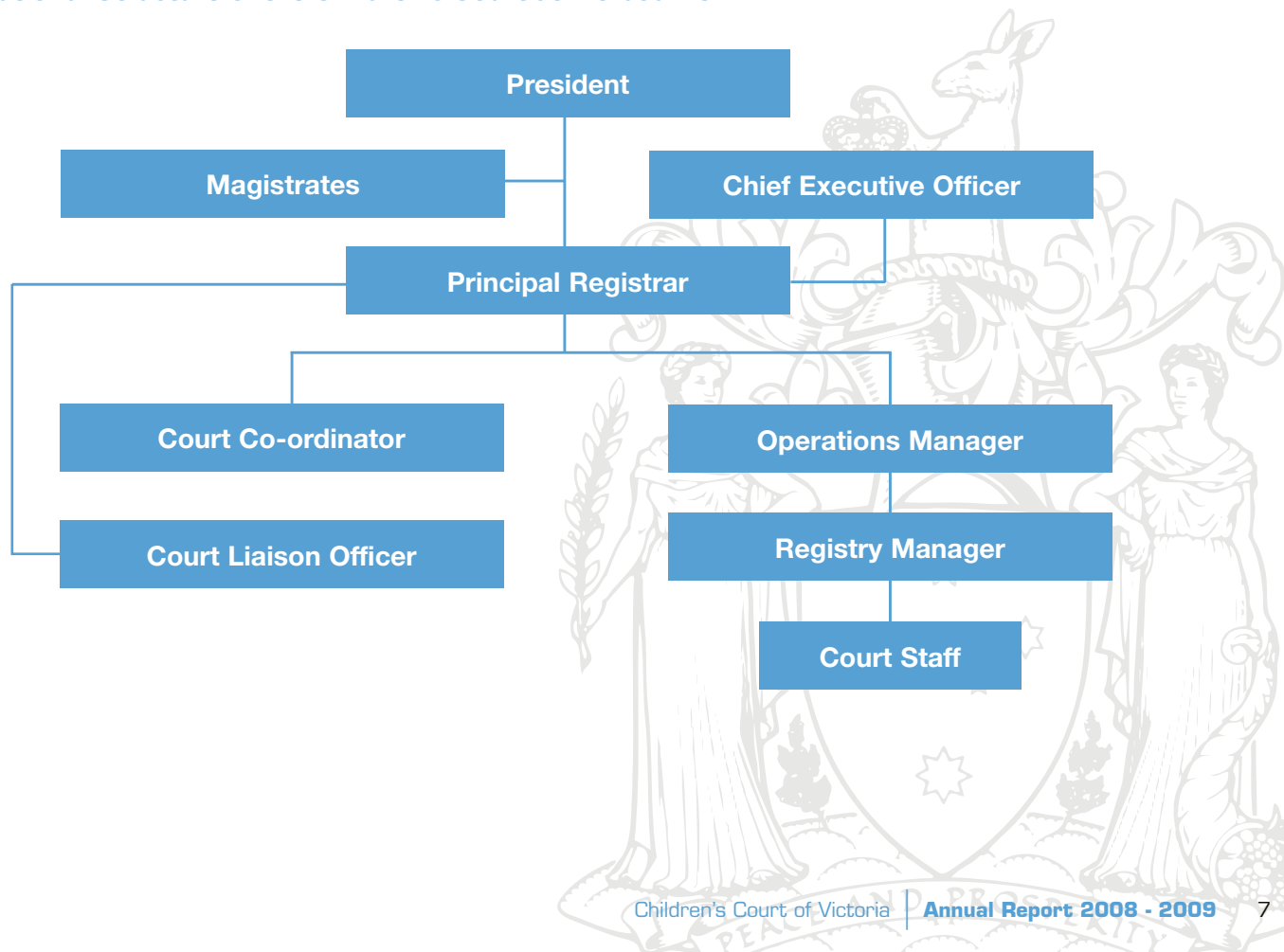
### Senior Deputy Registrars

Angela Carney (Court Co-ordinator)  
Russell Hastings (Registry Manager/Operations 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 as published by the Department of Justice in the Law Calendar.

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 region:  
Melbourne (headquarters court), Moorabbin.
2. Grampians region:  
Ballarat (headquarters court), Ararat, Edenhope, Hopetoun, Horsham, Nhill, Ouyen, St. Arnaud, Stawell.
3. Loddon Mallee region:  
Bendigo (headquarters court), Echuca, Kerang, Maryborough, Mildura, Robinvale, Swan Hill.  
Note: Maryborough forms part of the Loddon Mallee region from 1 January 2009. Prior to this date it formed part of the Grampians region.
4. Broadmeadows region:  
Broadmeadows (headquarters court), Castlemaine, Kyneton.
5. Dandenong.
6. Frankston.
7. Barwon South West region:  
Geelong (headquarters court), Colac, Hamilton, Portland, Warrnambool.
8. Heidelberg.
9. Gippsland region:  
Latrobe Valley (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 NJC also has jurisdiction to hear intervention order applications.

The Children's Court of Victoria at Melbourne is the only venue of the court which sits daily in both divisions. The Children's Court at Melbourne currently has 11 magistrates sitting full-time together with the President. This number includes two acting magistrates assigned to the Children's Court. On 1 June 2009, the hearing of child protection cases emanating from the Department of Human Services southern region commenced at Moorabbin Children's Court. Two Children's Court magistrates from Melbourne sit at Moorabbin on a two month rotational basis. Magistrates in other 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 AND HIGHLIGHTS

### APPOINTMENT OF EXTRA MAGISTRATES AND STAFF

On 1 July 2008 three new magistrates were appointed and assigned to Melbourne Children's Court. Funding was also provided for the appointment of five additional registry staff. Four staff have since been re-located to Moorabbin Children's Court.

As reported by the President, the Children's Court at the Moorabbin Justice Centre was established as a Family Division venue late in the reporting year. Two magistrates are generally assigned to sit at Moorabbin each day.

A lot of work on the part of Children's Court personnel, together with the support of Department of Justice staff and extensive consultation with stakeholders, enabled a smooth transition to the new Family Division location. Court staff have successfully established the systems and processes needed to manage and support Moorabbin as a Family Division venue. A registrar (and appointed dispute resolution conference convenor) from within Melbourne's existing personnel also now divides her time between Melbourne and Moorabbin primarily to perform the important function of conducting dispute resolution conferences.

### RETIREMENT OF MAGISTRATE BRIAN WYNN-MACKENZIE

On 22 August 2008 a bench farewell was held for Brian Wynn-Mackenzie on his retirement from the magistracy. Brian was appointed as a magistrate in 1992 and during his 16 years on the bench spent periods sitting at Melbourne, Prahran and Broadmeadows courts. In 1994 he served as the Supervising Magistrate of WorkCover matters and in 1999 was assigned to the Children's Court where he spent the following nine years.

Since retirement from the bench, Brian has been involved in legal training for Child Protection workers and is a mentor/volunteer at the Sunshine Coast Legal Service. He is also pursuing his interest in mediation. Brian is missed professionally and personally by all at the Children's Court.

### 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 2008/09 sat on 19 occasions. The court finalised 68 matters during the year and had nine cases pending as at 30 June 2009. 29 young people appeared before the Children's Koori Court at Melbourne during the 2008/09 year.

In September 2007 a second venue of the Children's Koori Court was launched at Mildura. The Mildura court sat on 20 occasions during 2008/09 and finalised 56 matters during that period. 11 cases were pending as at 30 June 2009. 41 young people appeared before the Children's Koori Court at Mildura during the 2008/09 year.

The Children's Koori Court was originally established in 2005 as a two year pilot program. That period was extended for a further two years under legislation passed during 2007. An evaluation of the Children's Koori Court is currently being conducted by Dr Allan Borowski of La Trobe University. It is expected that the report on the evaluation will be published early in the 2009-2010 year.



A Bench Farewell was held at Melbourne Children's Court on the retirement of Magistrate Brian Wynn-Mackenzie

## CHILDREN AND YOUNG PERSONS INFRINGEMENT NOTICE SYSTEM (“CAYPINS”)

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

The CAYPINS legislation introduced a significant administrative and quasi-judicial decision-making role to be performed by Children’s Court registrars throughout the State and has substantially reduced the occasions on which children and young people are summoned to appear before a magistrate in open court for these types of infringements.

A dedicated CAYPINS team has been established at Melbourne Children’s Court. One of the first responsibilities of the team was to provide information sessions and training to all registrars state-wide. Registrars at country courts conduct CAYPINS hearings and the Melbourne CAYPINS team has responsibility for hearings at metropolitan courts and for the preparation of all matters state-wide.

The current reporting period represents the first full year of operation of CAYPINS. During 2008/09 a total of 13,602 matters were lodged by:

- Victoria Police (3,429)
- Department of Transport (10,170)
- Vic Roads (2) and
- Geelong City Council (1).

Of these, 12,237 were initiated onto the court’s case management system and 12,910 cases were finalised (see page 15 for regional statistics).



Court registrar Larissa Harper, conducting a CAYPINS hearing

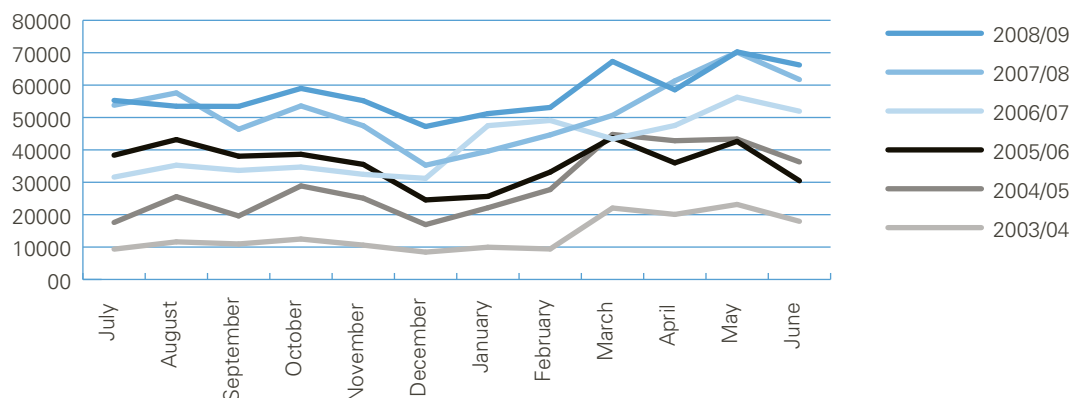
## IMPROVEMENTS TO THE MELBOURNE CHILDREN’S COURT COMPLEX

As reported last year, an increase in caseload 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 was completed during 2008/09:

- Construction of three new chambers for magistrates
- Registry re-fitted to accommodate extra staff
- Changes made to the Legal Aid room including a new door, counter and desk fit-out

## 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 2008/09 year indicate that the site continues to be of increasing benefit to professional users and the community at large.



The Research Materials section of the website contains information developed by Magistrate Peter 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 578 pages of information on the jurisdiction and operation of the Children's Court of Victoria.

It is anticipated that during the latter part of 2009 the court will commence publishing some of its judgments and decisions online. These publications will be de-identified in accordance with provisions contained in s.534 of the *Children, Youth and Families Act 2005*. This will be the first time Children's Court decisions have been made publicly available. Work will also commence during the next year on redevelopment of the site.

## LAW WEEK 2009

On Saturday, 16 May 2009 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.

Members of the public were welcomed to the Children's Court by the President, Judge Paul Grant. A tour of the court complex was conducted by Court Liaison Officer, Janet Matthew. The tour ended in the courtroom used for sittings of the Children's Koori Court where Judge Grant spoke and answered questions about the operation of the Children's Court including the Children's Koori Court.



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

## 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 staff and the volunteer Networkers who have worked so successfully at Melbourne Children's Court during the reporting period.

## SALVATION ARMY AT THE CHILDREN'S COURT

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

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

During 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

Displayed on the following pages are the statistical reports for each division of the court for the 2008/09 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:

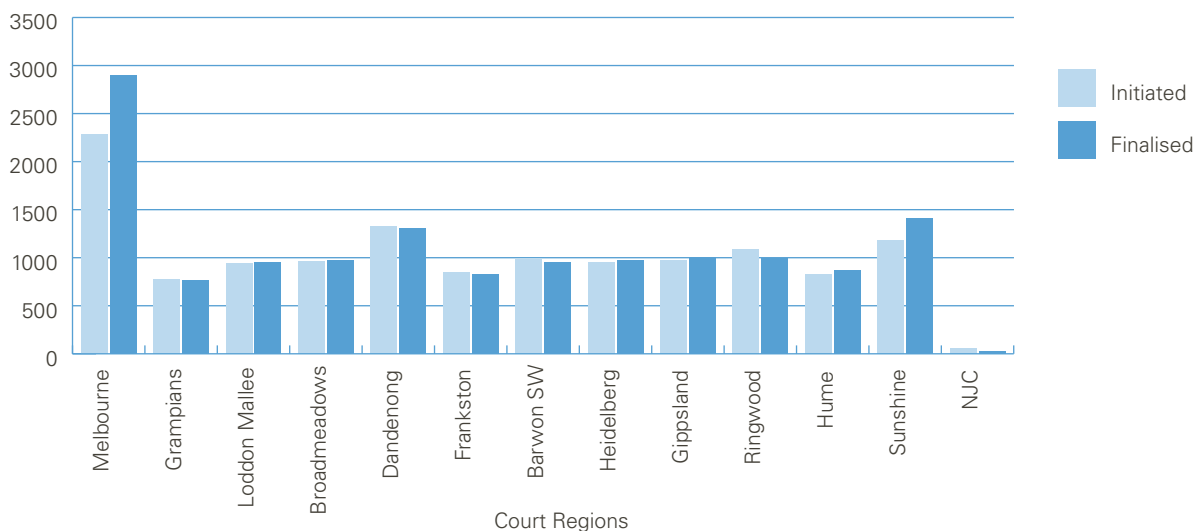
- While much of the statistical information presented in this report deals with primary applications, this accounts for only a portion of the Family Division workload. Much of this Division's workload stems from secondary applications e.g. applications seeking to extend, vary, revoke or breach previously made court orders. Table 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. 2,250 more orders were made by the court in its Family Division in 2008/09 than in 2007/08.
- In previous reports, Criminal Division tables and charts included statistics relating to "on-the-spot" and other penalties issued to young people and enforced through the open court system. However, last year with the Children and Young Persons Infringement Notice System ("CAYPINS") becoming operational, for the first time infringement notice matters processed through this new system were included separately. The 2008/09 reporting period represents the first full year of reporting on the operation of the CAYPINS system (see table 2). For more information on CAYPINS see page 10 of this report.
- While country venues of the court hear cases in both divisions, in the metropolitan area all Family Division cases are heard either at Melbourne or Moorabbin Children's Courts. Hearing of some child protection matters originating in the southern region of the Department of Human Services commenced at Moorabbin on 1 June 2009. This does not include cases involving parents in custody, children in Secure Welfare, DHS Adolescent Team cases or final contests. These matters continue to be heard at Melbourne. Other suburban venues of the court hear criminal matters and applications for intervention orders 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.
- While the reports show intervention orders issued by Children's Court venues throughout the State it should be noted that the Magistrates' Court and the Children's Court have a dual jurisdiction with regard to intervention order proceedings involving children. This means that while the figures accurately reflect the number of these types of proceedings dealt with in the Children's Court jurisdiction it may not necessarily accurately reflect the number of these types of proceedings dealt with state-wide that involve children i.e. some proceedings may have been dealt with in the Magistrates' Court jurisdiction.

# CRIMINAL DIVISION

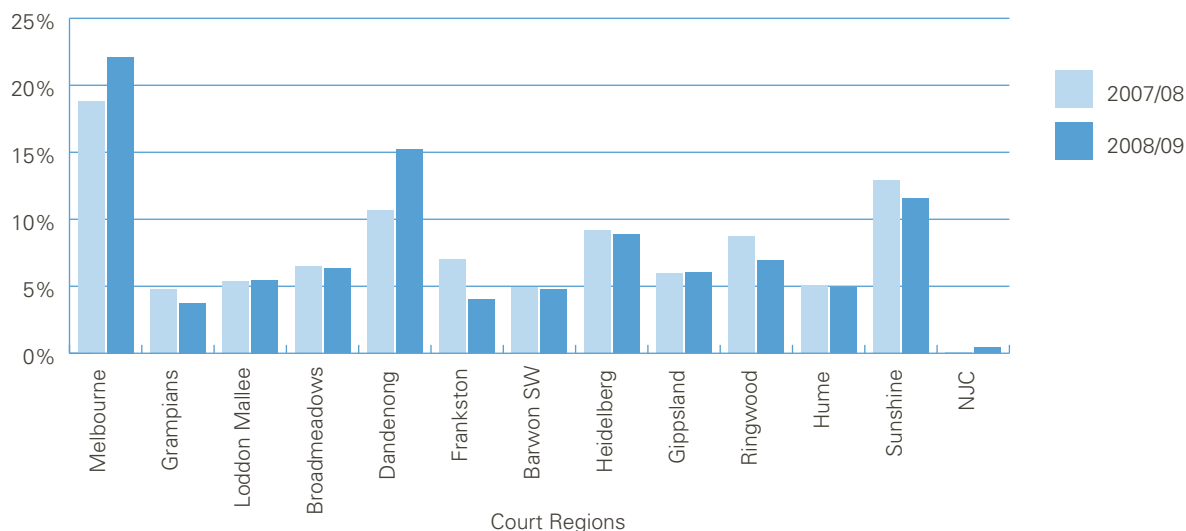
**Table 1: Number of matters<sup>1</sup> initiated, finalised and pending, 2007/08 – 2008/09**

Court Regions <sup>2</sup>	2007/08			2008/09		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	2,647	3,282	783	2,286	2,899	747
Grampians	846	845	137	772	766	130
Loddon Mallee	914	939	148	939	950	188
Broadmeadows	1,179	1,128	296	961	974	218
Dandenong	1,862	1,871	529	1,330	1,307	524
Frankston	1,246	1,220	194	845	832	138
Barwon South West	811	852	142	987	955	165
Heidelberg	1,384	1,607	424	955	976	305
Gippsland	921	1,050	170	971	1,005	207
Ringwood	1,429	1,518	325	1,083	999	240
Hume	869	875	164	826	871	169
Sunshine	1,827	2,246	537	1,184	1,411	399
NJC – Collingwood <sup>3</sup>	26	15	8	54	23	15
<b>Total</b>	<b>15,961</b>	<b>17,448</b>	<b>3,857</b>	<b>13,193</b>	<b>13,968</b>	<b>3,445</b>

**Chart 1: Number of matters initiated and finalised, 2008/09**



**Chart 2: Regional caseload distribution for finalised matters, 2007/08 - 2008/09**



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

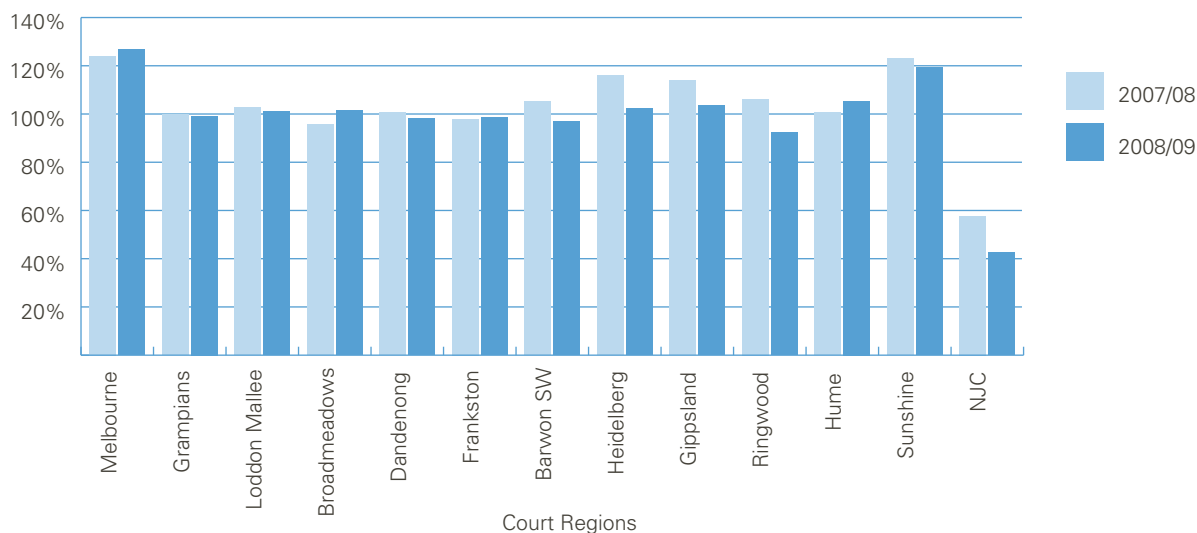
2 Country regions in this report appear under new names. A detailed list of court regions can be found on page 8 of this report.

3 The Neighbourhood Justice Centre was launched on 8 March 2007 and has jurisdiction to hear 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.



## CRIMINAL DIVISION

Chart 3: Clearance rates for criminal matters, 2007/08 – 2008/09



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

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

Lodgment of CAYPINS matters was commenced by these agencies in November 2007 with the first hearings being conducted by registrars at Melbourne Children's Court in December 2007. The current reporting period represents the first full year of operation. For more information on CAYPINS see page 10 of this report.

Table 2: Number of CAYPINS matters initiated, finalised and pending, 2007/08 – 2008/09

Court Regions	2007/08			2008/09		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	823	683	153	2,128	2,073	253
Grampians	242	211	30	186	200	16
Loddon Mallee	462	337	122	329	417	39
Broadmeadows	492	343	149	1,223	1,274	99
Dandenong	564	415	150	1,326	1,329	143
Frankston	486	423	63	756	785	31
Barwon South West	320	274	44	228	257	18
Heidelberg	708	498	209	2,048	2,076	176
Gippsland	380	272	105	235	315	32
Ringwood	780	518	260	1,475	1,617	103
Hume	541	433	108	307	387	29
Sunshine	874	561	313	1,801	1,971	136
NJC – Collingwood	152	122	28	195	209	11
<b>Total</b>	<b>6,824</b>	<b>5,090</b>	<b>1,734</b>	<b>12,237</b>	<b>12,910</b>	<b>1,086</b>

## CRIMINAL DIVISION

**Table 3: Defendants found guilty, by outcome<sup>4</sup>, 2006/07 - 2008/09**

Order	2006/07	2007/08	2008/09
	Number		
Discharged	9	24	7
Unaccountable Undertaking	47	60	48
Accountable Undertaking	514	616	626
Good Behaviour Bond	1,778	1,914	1,963
Fine	7,151	5,030	2,349
Probation	870	939	984
Youth Supervision Order	288	340	368
Youth Attendance Order	47	55	79
Youth Residential Centre	9	20	7
Youth Training Centre	123	0	0
Youth Justice Centre	35	179	202
<b>Total</b>	<b>10,871</b>	<b>9,177</b>	<b>6,633</b>

Order	Percent		
	2006/07	2007/08	2008/09
Discharged	0.1%	0.3%	0.1%
Unaccountable Undertaking	0.4%	0.7%	0.7%
Accountable Undertaking	4.7%	6.7%	9.4%
Good Behaviour Bond	16.4%	20.9%	29.6%
Fine	65.8%	54.8%	35.4%
Probation	8.0%	10.2%	14.8%
Youth Supervision Order	2.7%	3.7%	5.6%
Youth Attendance Order	0.4%	0.6%	1.2%
Youth Residential Centre	0.1%	0.2%	0.1%
Youth Training Centre	1.1%	0.0%	0.0%
Youth Justice Centre	0.3%	1.9%	3.1%
<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, 2006/07 - 2008/09

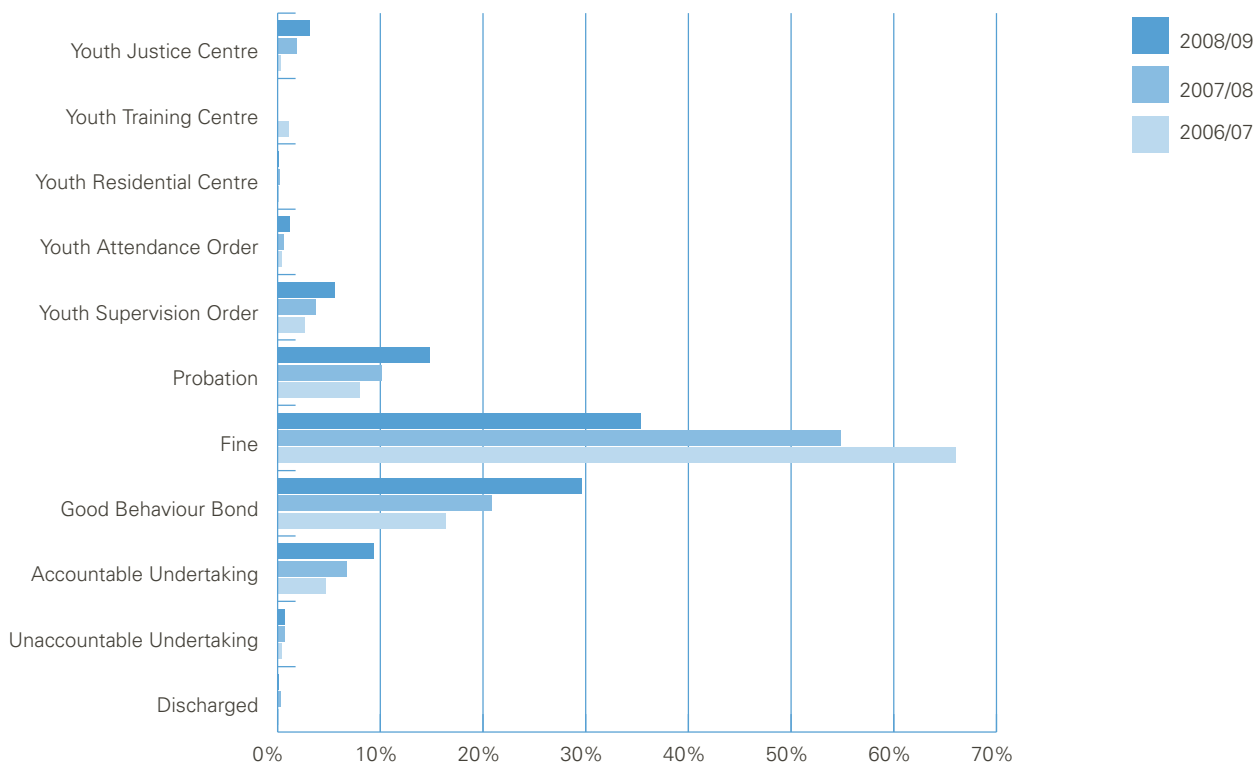
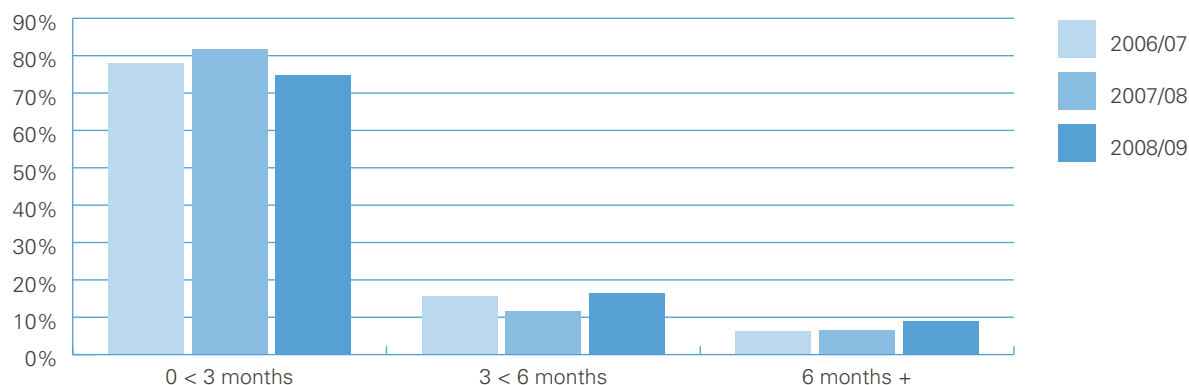


Table 4: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2006/07 - 2008/09

	2006/07	2007/08	2008/09	2006/07	2007/08	2008/09
	Number			Percent		
0 < 3 months	14,141	13,033	9,556	81.7%	74.7%	68.4%
3 < 6 months	2,030	2,862	2,632	11.7%	16.4%	18.9%
6 < 9 months	669	886	926	3.9%	5.1%	6.6%
9 < 12 months	249	326	399	1.5%	1.9%	2.9%
12 < 24 months	178	262	367	1.0%	1.5%	2.6%
24 months +	41	79	88	0.2%	0.4%	0.6%
<b>Total</b>	<b>17,308</b>	<b>17,448</b>	<b>13,968</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	1,137	1,553	1,780	8.0%	8.9%	12.7%

## CRIMINAL DIVISION

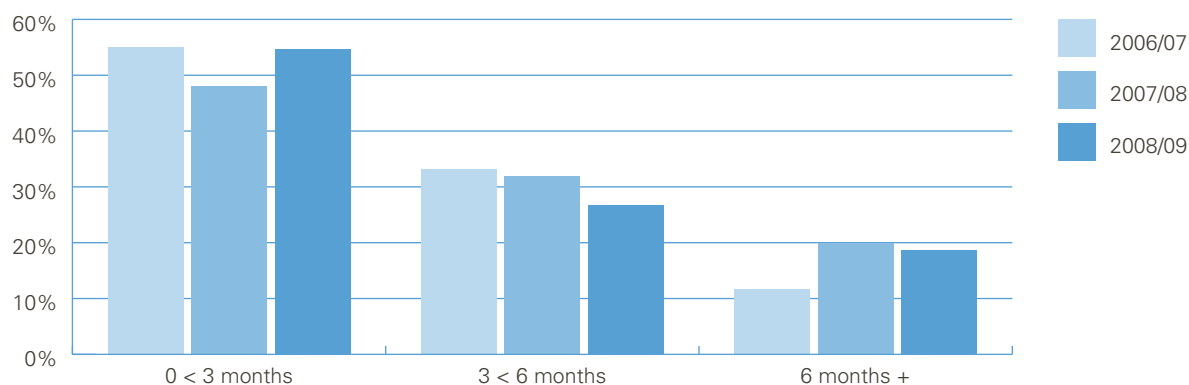
**Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2006/07 - 2008/09**



**Table 5: Number of matters pending on 30 June, by elapsed time since date of initiation, 2006/07 - 2008/09**

	2006/07	2007/08	2008/09	2006/07	2007/08	2008/09
	Number			Percent		
0 < 3 months	2,423	1,854	1,882	55.1%	48.1%	54.6%
3 < 6 months	1,462	1,234	923	33.2%	32.0%	26.8%
6 < 9 months	304	396	351	6.9%	10.3%	10.2%
9 < 12 months	122	209	135	2.8%	5.4%	3.9%
12 < 24 months	76	145	138	1.7%	3.7%	4.0%
24 months +	11	19	16	0.3%	0.5%	0.5%
<b>Total</b>	<b>4,398</b>	<b>3,857</b>	<b>3,445</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	513	769	640	11.7%	19.9%	18.6%

**Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2006/07 - 2008/09**



## FAMILY DIVISION

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

**Table 6: Number of orders made <sup>5</sup>, 2006/07 - 2008/09**

Order	2006/07	2007/08	2008/09
Adjournment	7,066	6,966	7,670
Custody to Secretary order	1,133	1,272	1,288
Custody to third party order	9	8	12
Dismissed	30	27	27
Extension of custody to Secretary order	1,348	1,212	1,201
Extension of interim accommodation order	12,293	14,039	13,820
Extension of guardianship to Secretary order	578	464	423
Extension of supervised custody order	0	6	52
Extension of supervision order <sup>6</sup>	18	211	286
Extension of therapeutic treatment order	N/A	0	2
Free text order <sup>7</sup>	5,368	4,887	6,165
Guardianship to Secretary order	302	258	260
Interim accommodation order	4,880	5,820	5,691
Interim protection order	973	891	893
Long-term guardianship to Secretary order <sup>8</sup>	7	61	43
Permanent care order	213	277	233
Refusal to make protection order (s.291(6) CYFA)	118	77	98
Search warrant	2,103	2,053	2,634
Struck out	538	502	461
Supervised custody order	29	151	202
Supervision order	1,766	1,895	1,859
Temporary assessment order	0	9	0
Therapeutic treatment order	N/A	3	12
Therapeutic treatment (placement) order	N/A	0	0
Undertaking to appear produce child on adj date	1	1	3
Undertaking – common law	17	51	22
Undertaking - application proved	149	128	175
Undertaking - dismissed	5	25	21
Undertaking - refusal to make protection order	24	11	21
Undertaking - struck out	147	154	135
<b>Total</b>	<b>39,115</b>	<b>41,459</b>	<b>43,709</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 the 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.

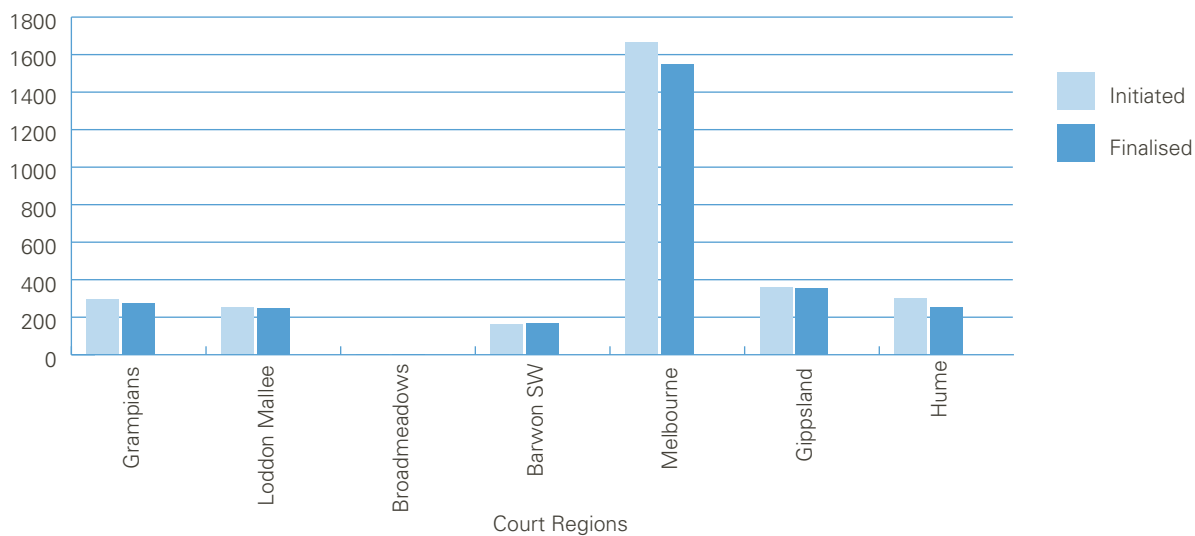
<sup>8</sup> Long-term guardianship orders became available with the introduction of the *Children, Youth and Families Act 2005* on 23 April 2007.

## FAMILY DIVISION

**Table 7: Number of primary applications initiated<sup>9</sup>, finalised and pending, 2007/08 – 2008/09**

Court Regions	2007/08			2008/09		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	291	268	74	297	274	72
Loddon Mallee	242	253	71	253	248	51
Broadmeadows	10	3	4	4	4	0
Barwon South West	205	185	50	165	167	38
Melbourne	1,987	1,780	922	1,666	1,551	701
Gippsland	347	341	89	362	353	74
Hume	271	273	66	301	252	75
<b>Total</b>	<b>3,353</b>	<b>3,103</b>	<b>1,276</b>	<b>3,048</b>	<b>2,849</b>	<b>1,011</b>

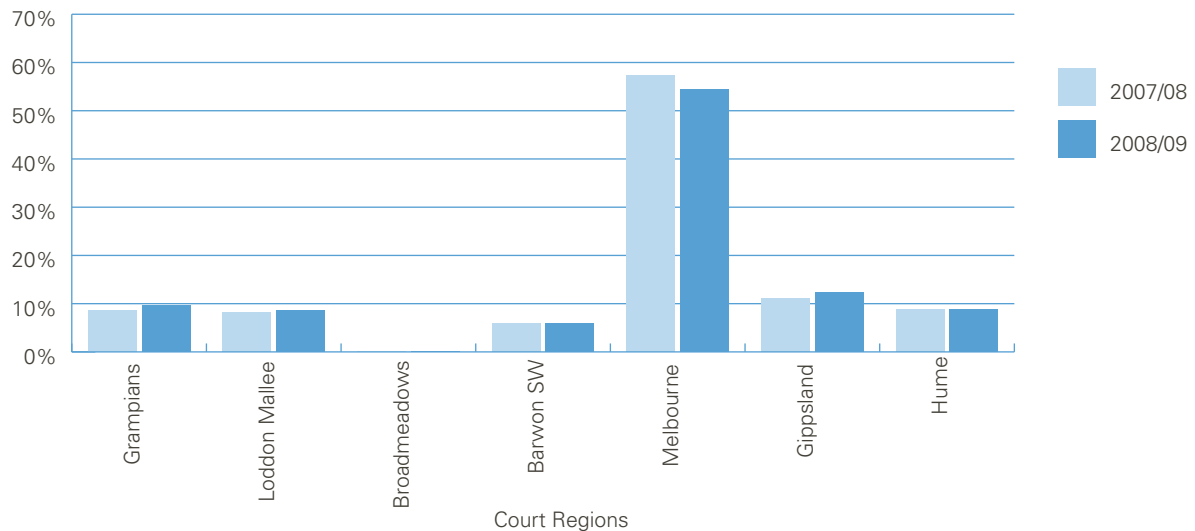
**Chart 7: Number of primary applications initiated and finalised, 2008/09**



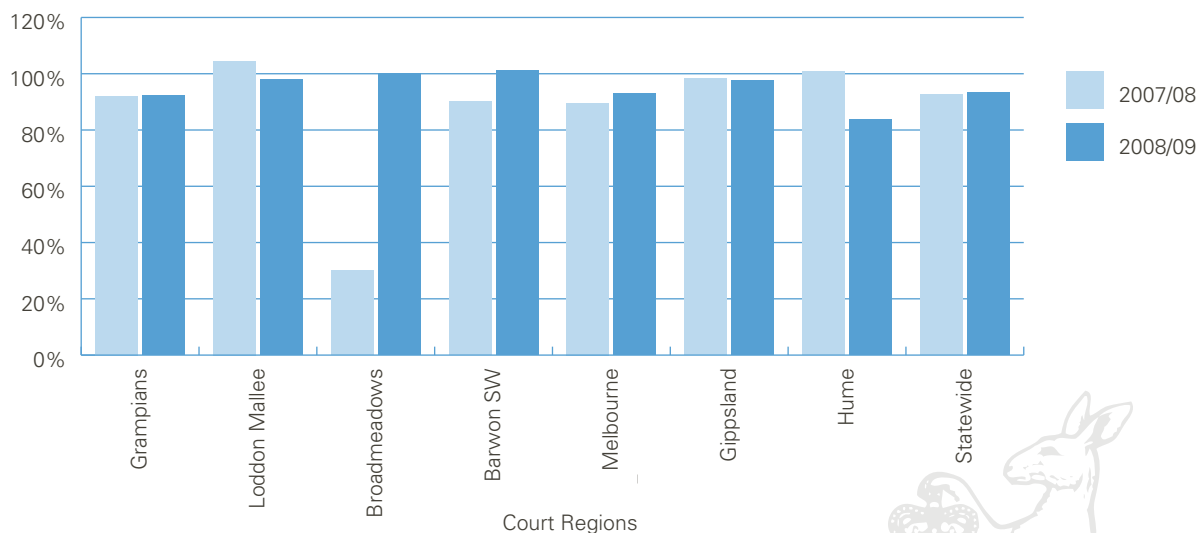
<sup>4</sup> The total number of primary applications initiated, as shown in Table 7, differs from the total number of protection applications initiated, as shown in Table 8. This difference is made up of a combination of irreconcilable difference applications initiated and the number of permanent care applications initiated as primary applications. The majority of permanent care applications are secondary applications and are not included in these tables. However, the total number of permanent care orders made is reflected in Table 5.

## FAMILY DIVISION

**Chart 8: Regional caseload distribution for finalised primary applications, 2007/08 – 2008/09**



**Chart 9: Clearance rates for primary applications, 2007/08 – 2008/09**



**Table 8: Number of protection applications initiated by apprehension/by notice, by court region 2007/08 – 2008/09**

Court Regions	2007/08				2008/09			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Grampians	120	171	291	41.2%	153	144	297	51.52%
Loddon Mallee	96	146	242	39.7%	110	143	253	43.48%
Broadmeadows	2	8	10	20.0%	0	4	4	0.00%
Barwon SW	92	113	205	44.9%	86	79	165	52.12%
Melbourne	1,518	454	1,972	77.0%	1,290	364	1,654	77.99%
Gippsland	167	178	345	48.4%	169	191	360	46.94%
Hume	96	173	269	35.7%	142	159	301	47.18%
<b>Total</b>	<b>2,091</b>	<b>1,243</b>	<b>3,334</b>	<b>62.7%</b>	<b>1,950</b>	<b>1,084</b>	<b>3,034</b>	<b>64.27%</b>

## FAMILY DIVISION

Chart 10: Percentage of protection applications initiated by apprehension, 2007/08 – 2008/09

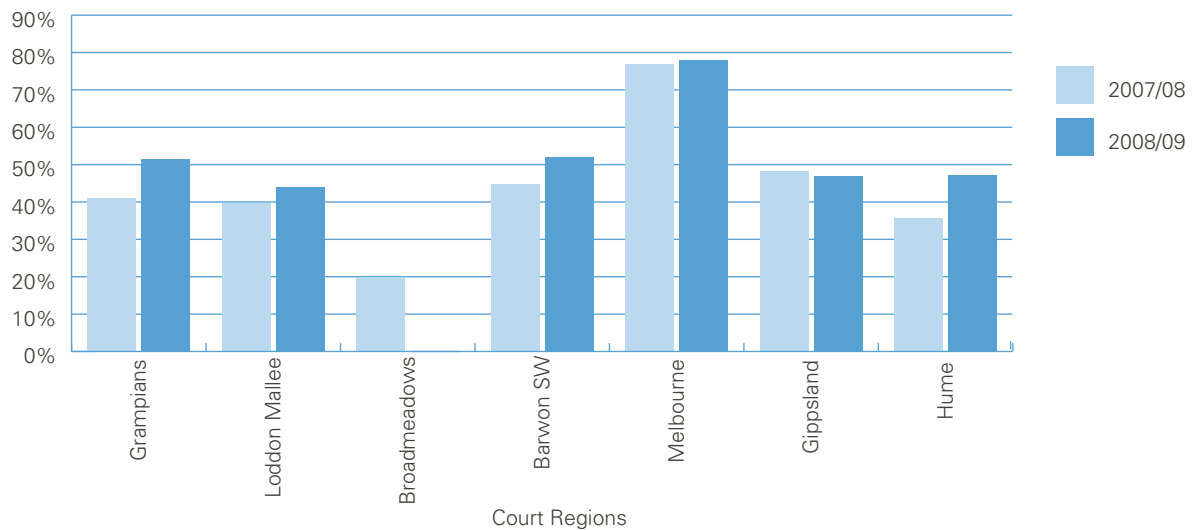


Table 9: Finalised primary applications by outcome, 2006/07 – 2008/09

Order	2006/07	2007/08	2008/09
Dismissed	11	9	15
Struck Out	314	344	284
Refusal to make Protection Order	112	77	87
Undertaking - Application Proved	127	89	121
Undertaking - Dismissed	5	17	15
Undertaking - Refusal to make Protection Order	25	11	21
Undertaking - Struck Out	126	142	113
Free Text Order	112	152	155
Supervision Order	1,146	1,311	1,160
Custody to Third Party Order	3	7	8
Supervised Custody Order	27	96	107
Custody to Secretary Order	663	740	684
Guardianship to Secretary Order	98	100	74
Permanent Care Order	4	8	5
<b>Total:</b>	<b>2,773</b>	<b>3,103</b>	<b>2,849</b>



## FAMILY DIVISION

Chart 11: Distribution of finalised primary applications, by outcome, 2006/07 – 2008/09

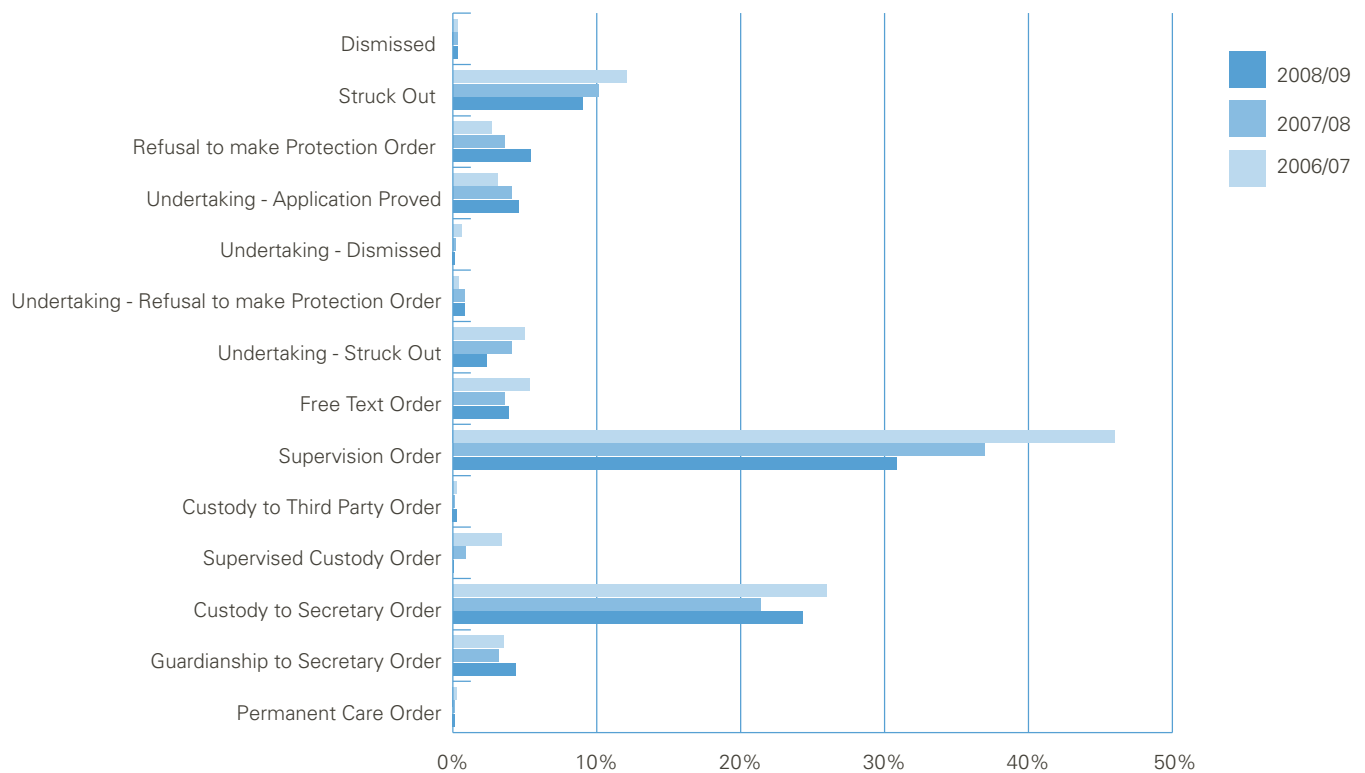
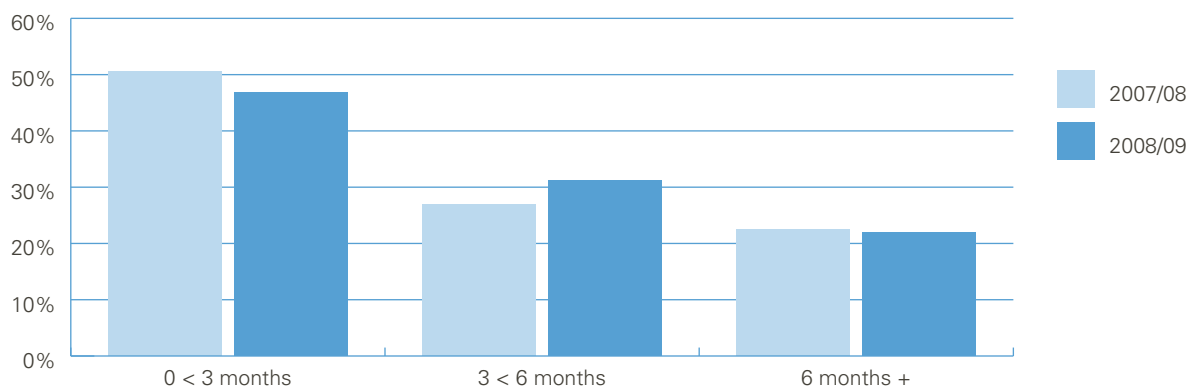


Table 10: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2007/08 – 2008/09

	2007/08	2008/09	2007/08	2008/09
	Number	Number	Percent	Percent
0 < 3 months	1,570	1,332	50.6%	46.8%
3 < 6 months	838	890	27.0%	31.2%
6 < 9 months	398	349	12.8%	12.3%
9 < 12 months	158	163	5.1%	5.7%
12 < 18 months	93	82	3.0%	2.9%
18 < 24 months	37	27	1.2%	0.9%
24 months +	9	6	0.3%	0.2%
<b>Total</b>	<b>3,103</b>	<b>2,849</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	695	627	22.4%	22.0%

## FAMILY DIVISION

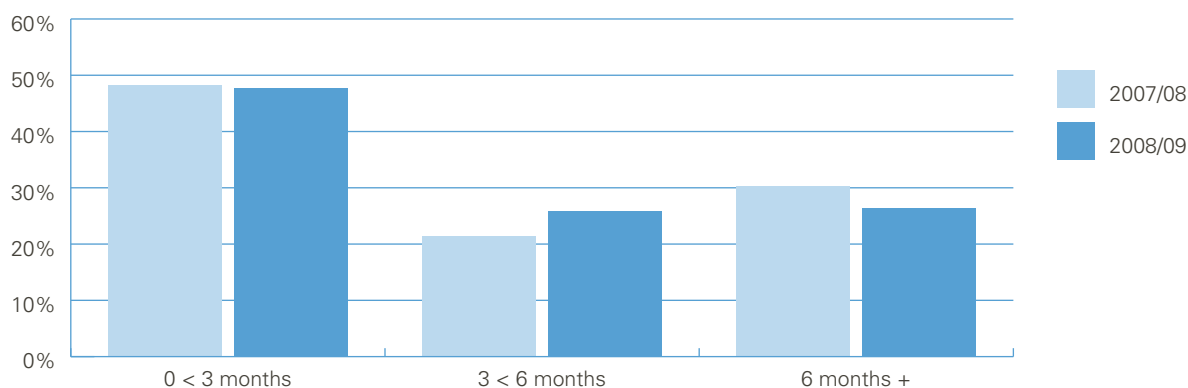
**Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2007/08 – 2008/09**



**Table 11: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2007/08 – 2008/09**

	2007/08	2008/09	2007/08	2008/09
	Number		Percent	
0 < 3 months	616	483	48.3%	47.8%
3 < 6 months	274	262	21.5%	25.9%
6 < 9 months	144	112	11.3%	11.1%
9 < 12 months	70	49	5.5%	4.8%
12 < 18 months	68	51	5.3%	5.0%
18 < 24 months	47	23	3.7%	2.3%
24 months +	57	31	4.4%	3.1%
<b>Total</b>	<b>1,276</b>	<b>1,011</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	386	266	30.2%	26.3%

**Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2007/08 – 2008/09**



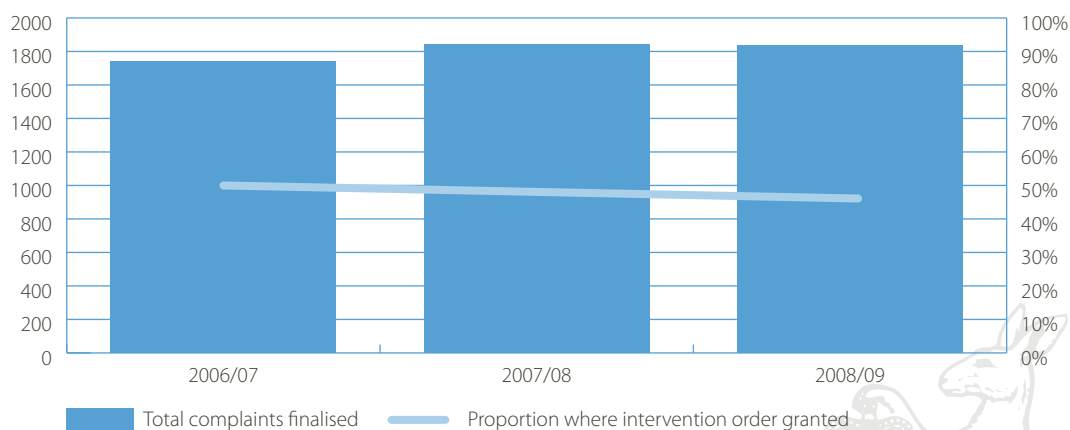
## FAMILY VIOLENCE & STALKING JURISDICTION

Table 12: Complaints for an intervention order finalised, by outcome, 2006/07 - 2008/09

	2006/07	2007/08	2008/09
	Number		
Intervention order made	862	885	855
Refused	32	32	28
Complaint struck out	395	415	443
Complaint withdrawn	449	512	509
Complaint revoked	1	0	1
<b>Total</b>	<b>1,739</b>	<b>1,844</b>	<b>1,836</b>

	2006/07	2007/08	2008/09
	Percent		
Intervention order made	46.6%	48.0%	46.6%
Refused	1.8%	1.7%	1.5%
Complaint struck out	22.7%	22.5%	24.1%
Complaint withdrawn	25.8%	27.8%	27.7%
Complaint revoked	0.1%	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, 2006/07 - 2008/09



10 On 8/12/2008 the Family Violence Protection Act 2008 and the Stalking Intervention Orders Act 2008 commenced operation. This legislation replaced the Crimes (Family Violence) Act 1987 and stalking provisions of the Crimes Act 1958.

## FAMILY VIOLENCE & STALKING JURISDICTION

**Table 13: Complaints for an intervention order finalised by Act<sup>10</sup> under which complaint made, 2006/07 - 2008/09**

	2006/07	2007/08	2008/09
	Number		
Crimes (Family Violence) Act 1987 1/07/2008 – 7/12/2008	1,181	1,244	1,244
Family Violence Protection Act 2008 8/12/2008 – 30/06/2009			
Crimes Act 1958 (Section 21A) 1/07/2008 – 7/12/2008	558	600	592
Stalking Intervention Orders Act 2008 8/12/2008 – 30/06/2009			
<b>Total</b>	<b>1,739</b>	<b>1,844</b>	<b>1,836</b>

	2006/07	2007/08	2008/09
	Percent		
Crimes (Family Violence) Act 1987 1/07/2008 – 7/12/2008	67.9%	67.5%	67.8%
Family Violence Protection Act 2008 8/12/2008 – 30/06/2009			
Crimes Act 1958 (Section 21A) 1/07/2008 – 7/12/2008	32.1%	32.5%	32.2%
Stalking Intervention Orders Act 2008 8/12/2008 – 30/06/2009			
<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, 2006/07 - 2008/09**



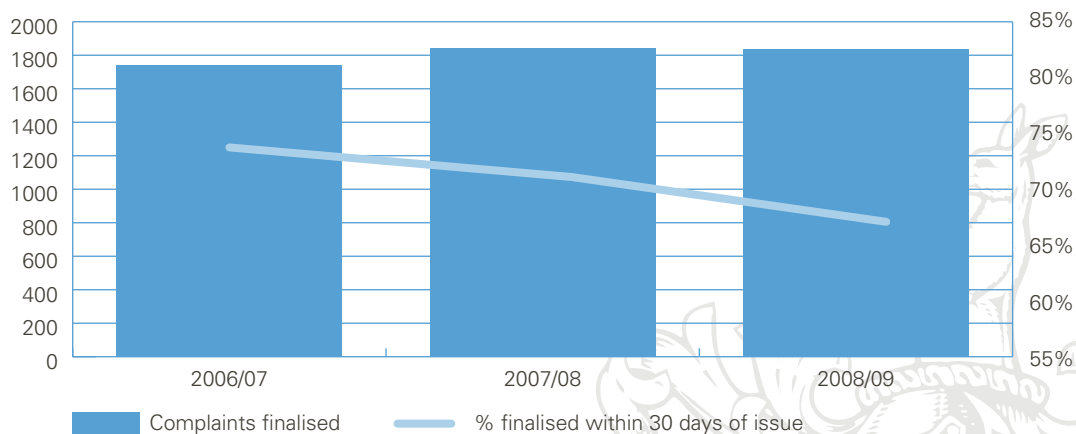
## FAMILY VIOLENCE & STALKING JURISDICTION

**Table 14: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2006/07 - 2008/09**

	2006/07	2007/08	2008/09
	Number		
0 < 1 month	1,282	1,308	1,235
1 < 2 months	195	260	259
2 < 3 months	107	133	145
3 < 6 months	126	112	154
6 < 9 months	22	17	31
9 < 12 months	4	8	5
12 months +	3	6	7
<b>Total</b>	<b>1,739</b>	<b>1,844</b>	<b>1,836</b>

	2006/07	2007/08	2008/09
	Percent		
0 < 1 month	73.7%	71.0%	67.2%
1 < 2 months	11.2%	14.1%	14.1%
2 < 3 months	6.2%	7.2%	7.9%
3 < 6 months	7.2%	6.1%	8.4%
6 < 9 months	1.3%	0.9%	1.7%
9 < 12 months	0.2%	0.4%	0.3%
12 months +	0.2%	0.3%	0.4%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
6 months +	1.7%	1.6%	2.4%

**Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2006/07 - 2008/09**

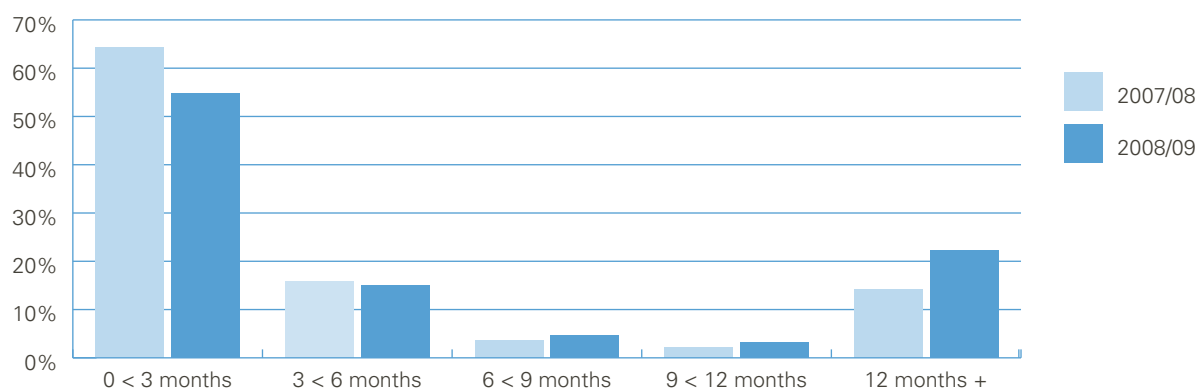


## FAMILY VIOLENCE & STALKING JURISDICTION

**Table 15: Number of complaints for an intervention order pending on 30 June, by age since issue, 2007/08 - 2008/09**

	2007/08	2008/09	2007/08	2008/09
	Number		Percent	
0 < 3 months	155	131	64.3%	54.8%
3 < 6 months	38	36	15.8%	15.1%
6 < 9 months	9	11	3.7%	4.6%
9 < 12 months	5	8	2.1%	3.3%
12 < 18 months	3	15	1.3%	6.3%
18 < 24 months	6	10	2.5%	4.2%
24 months +	25	28	10.3%	11.7%
<b>Total</b>	<b>241</b>	<b>239</b>	<b>100.0%</b>	<b>100.0%</b>
12 months +	34	53	14.1%	22.2%

**Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2007/08 - 2008/09**



## LISTING STATISTICS - MELBOURNE CHILDREN'S COURT

**Table 16: Number and type of listing, 2007/08 - 2008/09**

Listing Type	No. Listed 2007/08 - 08/09	No. Listed 2008/2009	07/08 - 08/09 % Difference
<b>Family Division</b>			
Directions hearings	770	944	22.6% ↑
Interim Accommodation Order contests	868	746	14.1% ↓
Intervention Order contests	167	125	25.1% ↓
Final contests	846	954	12.8% ↑
<b>Criminal Division</b>			
Contest mentions	441	549	24.5% ↑
Contests	165	209	26.7% ↑

## LISTING STATISTICS - MELBOURNE CHILDREN'S COURT

**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**

	2006/07	2007/08	2008/09
<b>Country</b> (Family Division contests)	0	0	17
<b>Metropolitan</b> (Criminal Division contests)	64	54	84

**Table 18: Melbourne Children's Court, Family Division listing delays, 2006/07 - 2008/09**

Listing Delay from Dispute Resolution Conference to Final Contest			
	2006/07	2007/08	2008/09
July	17 weeks	18 weeks	15 weeks
August	19 weeks	18 weeks	16 weeks
September	20 weeks	19 weeks	16 weeks
October	20 weeks	19 weeks	16 weeks
November	19 weeks	20 weeks	15 weeks
December	19 weeks	20 weeks	15 weeks
January	17 weeks	19 weeks	14 weeks
February	15 weeks	18 weeks	13 weeks
March	16 weeks	16 weeks	13 weeks
April	16 weeks	16 weeks	14 weeks
May	16 weeks	16 weeks	14 weeks
June	18 weeks	15 weeks	16 weeks
<b>Average Delay</b>	<b>17.6 weeks</b>	<b>17.8 weeks</b>	<b>14.8 weeks</b>

**Table 19: Melbourne Children's Court, Criminal Division listing delays, 2006/07 - 2008/09**

Listing Delay From Contest Mention to Final Contest			
	2006/07	2007/08	2008/09
July	13 weeks	9 weeks	9 weeks
August	15 weeks	10 weeks	10 weeks
September	16 weeks	9 weeks	11 weeks
October	15 weeks	8 weeks	14 weeks
November	14 weeks	8 weeks	16 weeks
December	14 weeks	8 weeks	15 weeks
January	14 weeks	8 weeks	15 weeks
February	11 weeks	10 weeks	14 weeks
March	11 weeks	10 weeks	13 weeks
April	12 weeks	9 weeks	14 weeks
May	11 weeks	9 weeks	15 weeks
June	11 weeks	8 weeks	16 weeks
<b>Average Delay</b>	<b>13 weeks</b>	<b>8.8 weeks</b>	<b>13.5 weeks</b>

## CHILDREN'S COURT CLINIC

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

The clinicians employed are highly skilled psychologists and psychiatrists who have specialist knowledge in the areas of child protection and 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 1,085 referrals of children, young persons and their families during 2008/09, representing a 1% increase on the referrals of the previous financial year and a 21% increase over the past three years. The greater proportion of the assessments were carried out by sessional clinical psychologists but psychiatrists, neuropsychologists and forensic psychologists also contributed to the service.

Of the 1,085 referrals for assessment during 2008/09, 313 were criminal cases, 712 were child protection cases and 60 were family violence/stalking matters. Of the total, 686 referrals emanated from the metropolitan area and 399 were from country regions of the State.

Included in the total were 20 referrals to the Children's Court Clinic Drug Program for assessment of drug and alcohol problems in Criminal Division cases.

Since an initiative within the clinic has been to expand the drug service into child protection cases (i.e. no longer exclusively to offer drug assessment and treatment in criminal matters) when needed, clinicians cross refer to the drug clinicians for an opinion on drug and alcohol issues that came to light during their assessments in 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. This occurred in 100 instances (30 criminal, 67 child protection and three family violence/stalking) during the reporting period.

In addition to assessments, the Children's Court Clinic also has a short-term treatment function in respect of cases where treatment at the clinic is made a condition of an interim order by a magistrate. During 2008/09 the clinic provided 287 such sessions representing an increase of 106% on the previous year.



Dr Patricia Brown  
Director - Children's Court Clinic



# 4

## GENERAL

### AUDIO/VIDEO LINKING

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

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

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

### EDUCATION

#### Work Experience Program

For many years a work experience program has been operating at Melbourne Children's Court. The court is a popular placement for secondary and tertiary level students and hosts one, sometimes two students, during most weeks throughout the year. During the 2008/09 year the court hosted 90 students, including 38 tertiary level students who completed work placements of one to 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 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.

## 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 64 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, youth justice and child protection workers, foster carers, and maternal and child health nurses.

The court also regularly receives official visitors from overseas, some of whom are members of the judiciary as well as members of the judiciary and administration from other courts within Australia.

## 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:

- Department of Human Services induction program for new child protection workers
- Court Network training courses
- Presentations for Monash University law students
- Koori Court training sessions for police prosecutors
- Professional development sessions for Koori Court elders and respected persons

- Professional development sessions for trainee child and adolescent psychiatrists
- Victoria Police youth resource officer training program

## 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.



Magistrate Jennifer Bowles addressing a visiting group of youth work students

# 5 FINANCIAL STATEMENT

## APPENDIX A - Financial Statement for the Year Ending 30 June 2009

		Budget	Actuals
<b>SPECIAL APPROPRIATIONS</b>			
Magistrates' salaries and allowances		2,865,000	2,862,608
<b>Total Special Appropriations</b>		<b>2,865,000</b>	<b>2,862,608</b>
<b>RECURRENT APPROPRIATIONS</b>			
Salaries, overtime and annual leave		2,150,800	1,951,851
Superannuation		162,000	177,713
Provision for long service leave		53,200	46,901
Fringe benefits tax		0	107
WorkCover levy		11,800	10,816
Payroll tax		117,700	107,108
<b>Total Salaries Expenditure</b>		<b>2,495,500</b>	<b>2,294,496</b>
<b>OPERATING EXPENDITURE</b>			
Travel and personal expenses		31,000	25,001
Printing, stationery and subscriptions		103,500	132,504
Postage and communication		86,300	80,703
Contractors and professional services	<b>Note 3</b>	433,400	445,717
Training and development		36,300	49,160
Motor vehicle expenses		6,600	11,726
Operating expenses		239,400	172,946
Witness payments		5,000	17,705
Information technology costs		122,000	67,944
Urgent and essentials		38,900	34,494
Rent and property services		191,000	335,640
Property utilities		66,200	57,034
Repairs and maintenance	<b>Note 6</b>	48,000	150,936
<b>Total Operating Expenditure</b>		<b>1,407,600</b>	<b>1,581,510</b>
<b>COURT SUPPORT PROGRAMS</b>			
Children's Koori Court	<b>Note 5</b>	94,000	140,035
Children's Court Clinic Drug Program	<b>Note 5</b>	258,100	244,382
<b>Total Parallel Programs Expenditure</b>		<b>352,100</b>	<b>384,417</b>
<b>Total Recurrent Expenditure</b>	<b>Note 4</b>	<b>4,255,200</b>	<b>4,260,423</b>
<b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>			
Depreciation - Buildings	<b>Note 1, 2</b>	651,000	657,908
Depreciation - Plant and equipment	<b>Note 1, 2</b>	6,500	-
Depreciation - Computer equipment	<b>Note 1, 2</b>	400	-
Amortisation - Motor vehicles	<b>Note 1, 2</b>	38,400	38,378
<b>Total Departmental Controlled Expenditure</b>		<b>696,300</b>	<b>696,286</b>
<b>TOTAL CHILDREN'S COURT EXPENDITURE</b>		<b>7,816,500</b>	<b>7,819,317</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

The introduction of the Children, Youth and Families Act 2007 has resulted in a growth for demand of alternative dispute resolution. The increase in expenditure for professional services can be attributed to the increased number of dispute resolution conferences conducted during the year.

### Note 4

A budget deficit of \$5,223 was achieved in the recurrent budget for the 2008/2009 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 2007/08 the Magistrates' Court of Victoria received funding for all court buildings including Melbourne Children's Court.

# ACKNOWLEDGEMENTS

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

Noel Moloney, Court Services, Department of Justice

Theone Talone, Court Services, Department of Justice









## CHILDREN'S COURT OF VICTORIA

477 Little Lonsdale Street,  
Melbourne 3000  
Phone: (03) 8638 3300  
Facsimile: (03) 8601 6720  
[www.childrenscourt.vic.gov.au](http://www.childrenscourt.vic.gov.au)

