

CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT
2010 - 2011

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President
Children's Court of Victoria

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20 December 2011

The Hon Alex Chernov AO QC
Governor of Victoria
Government House
MELBOURNE VIC 3004

Dear Governor

CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2010-2011

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 2010-2011.

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 D. 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 values form part of the court's Client Service Charter.

TRUST

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

INTEGRITY

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

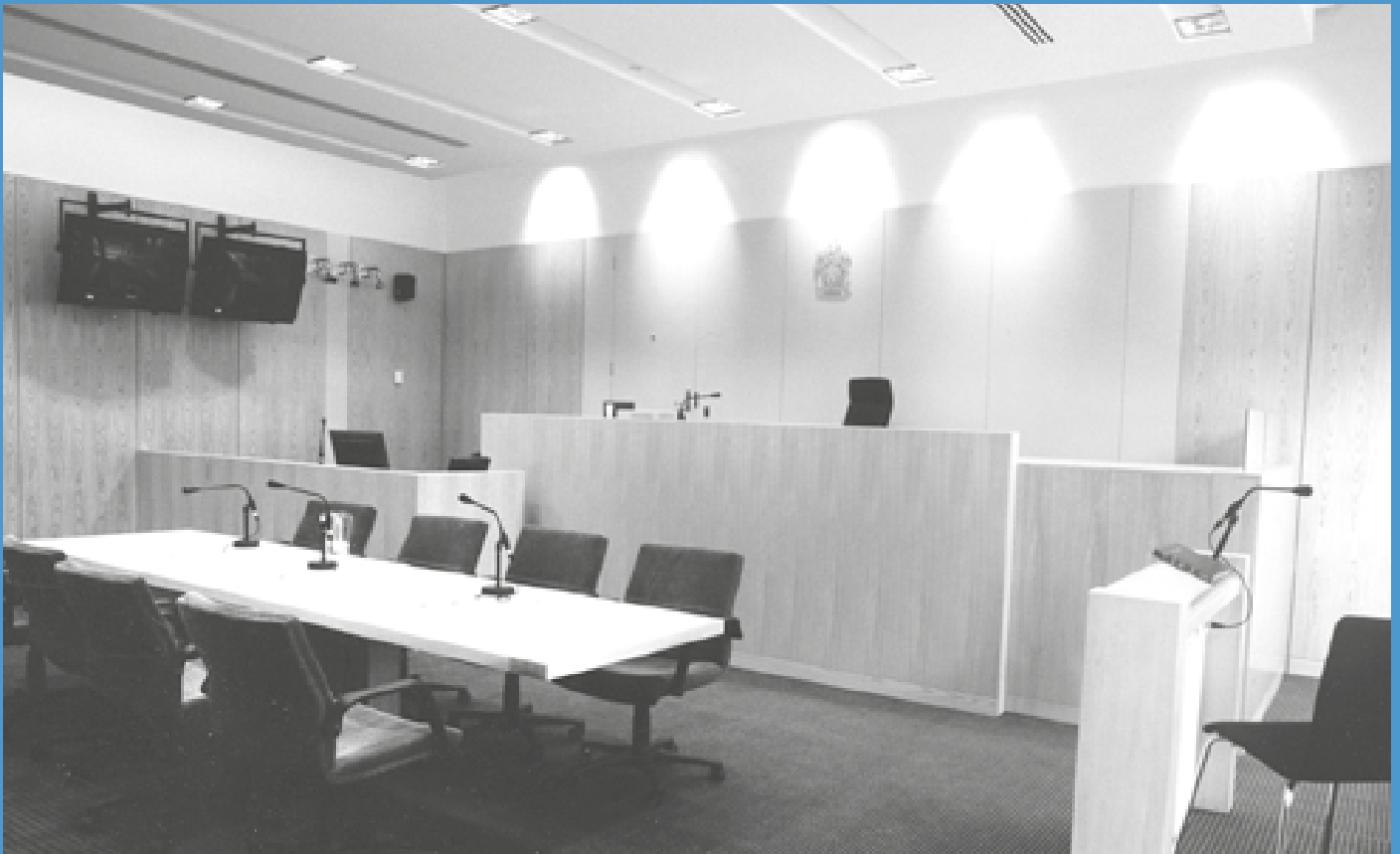
PROFESSIONALISM

We will work to the highest ethical and professional standards.

FAIRNESS

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

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

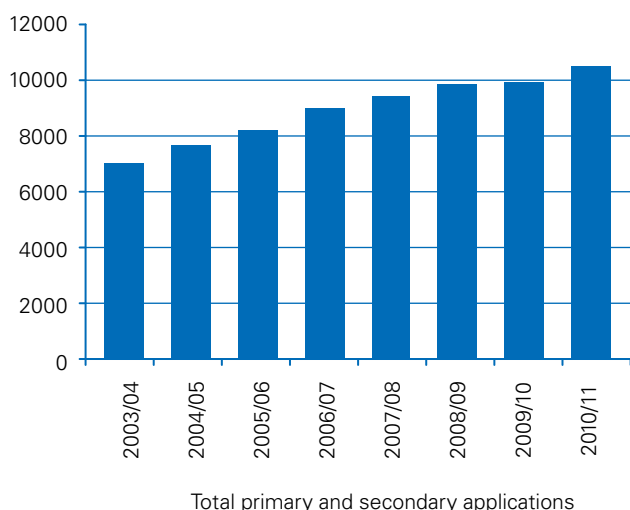


PRESIDENT'S REPORT

Family Division

Background

The workload of the Family Division of the Children's Court of Victoria has risen dramatically since 2003-04. The following graph reveals the extent of the growth in primary and secondary child protection applications over the last eight years –



The determination of these applications is only one measure of the workload of the Family Division. Another measure is the number of orders made each year. In 2003-04, the court made 26,077 orders (other than intervention orders) in the Family Division. In the current reporting year, it made 46,844 of these orders.

This significant growth in workload has had a profound impact. The court at Melbourne is overcrowded on a daily basis. In its report in February 2010, the Child Protection Proceedings Taskforce noted –

“The Family Division (at Melbourne) is now too small to contain the large number of families, lawyers and protective workers who attend the court each day. Child protection is emotionally demanding and the over-crowding contributes to the distress, anxiety and agitation of those who are at the court. Put simply, there are too many people in too small a space. It is not a good place for a child.”

The increasing workload is also having an impact in regional courts, with similar issues of over-crowding arising.

In June 2009, the court moved Southern Metropolitan Region cases to the Moorabbin Justice Centre and eased the pressure at Melbourne slightly. The court will consider

moving Eastern Metropolitan Region cases to the William Cooper Justice Centre when that centre becomes available for court use. Over the past four years, additional judicial officers have been appointed to manage the growing workload. Unfortunately, the judicial appointments were not matched by the appointment of sufficient numbers of registry or administrative staff. This means the court is under-resourced in these two areas.



Judge Paul Grant
President
Children's Court of Victoria

In addition, there has been a change over these years in the way primary applications are initiated in the court. In the past, a significant number of applications were initiated by notice with children remaining within their families. Now, the overwhelming majority of applications are by safe custody. In such cases, the child is removed from the family and an application made to the court for a decision on the placement of the child. This process creates an adversarial tension from the moment the child is removed from the home. The court agrees with the view expressed by the Victorian Law Reform Commission (VLRC) that applications by safe custody should not be the preferred method of bringing a case to court.

Notwithstanding the significant increase in work, the court has been proactive in seeking innovative ways to improve the court process for children and families. Many of the initiatives introduced over the past five years have been discussed in previous annual reports. The court has also been actively implementing the recommendations from the 2010 Child Protection Proceedings Taskforce.

In its submission to the Victorian Law Reform Commission (VLRC) review, the court confirmed its commitment to less adversarial child protection processes. The court supported

- strengthening alternative dispute resolution (ADR);
- emulating the legislative provisions that underpin the Less Adversarial Trial initiative of the Family Court of Australia; and
- adopting innovative problem solving approaches in the Family Division.

The court is acting on the first point by implementing its New Model Conferencing (NMC) process at Melbourne and by funding accredited ADR training for country convenors who are conducting dispute resolution conferences.

On the second point, the court presented to the VLRC a draft of possible legislative amendments that, if accepted by government, would enable the court to conduct less adversarial trials. The work undertaken by the court in the final area is discussed a little later in this report.

The Victorian Law Reform Commission and the “Protecting Victoria’s Vulnerable Children Inquiry”

The VLRC report on “Protection Applications in the Children’s Court” was tabled in parliament in late 2010. The VLRC presented five options for consideration by government. In summary, the options focused on –

- new processes for achieving appropriate child centred agreements – Family Group Conferences, Conciliation Conferences and Judicial Resolution Conferences;
- enhanced court practices and processes – less adversarial trials, new emergency procedures for initiating court process, a new approach to representation of children, new no fault grounds for finding a child in need of protection, encouraging the use of a docket system in the court, improving the built environment of the court and joint training for lawyers and child protection workers;
- a new multi-disciplinary body to advance children’s interests – the Office of Children and Youth Advocate (OCYA);
- a role for the Victorian Government Solicitor in protection matters; and
- broadening the role of the Child Safety Commissioner.

The VLRC made it clear that although all five options could be adopted, they were not presented as a single integrated scheme. “They comprise a range of possible reforms. One, some, all or only parts of the options may be chosen to bring about a new system for dealing with child protection matters.”

The VLRC acknowledged that ultimate decision making in child protection should reside with the court. After tabling of the report, I travelled to New Zealand to observe its family group conferencing scheme. However, any specific government response to the VLRC report was deferred pending the election outcome.

The new government announced that it would conduct a review of the whole of the child protection system. The Protecting Victoria’s Vulnerable Children Inquiry was established to report to the Minister for Community Services by 4 November 2011. (That date has since been extended to 27 January 2012). The terms of reference for the inquiry are broad and one term in particular relates to courts with the inquiry directed to look at “possible changes to the processes of the courts referencing the recent work of and options put forward by the VLRC.”

The Children’s Court made a submission to the inquiry in April 2011 addressing the relevant terms of reference. The Panel of Inquiry then invited the court to make a supplementary submission addressing some of the themes that had emerged. The court did so in September 2011. Both submissions are available on the Children’s Court website. Those who wish to understand the operation of the Children’s Court of Victoria are encouraged to read the submissions.

New courts for Melbourne

Last year I reported on the court’s plans to establish two additional Family Division courts in the William Cooper Justice Centre (WCJC) to handle cases from the Eastern Metropolitan Region. This would take some pressure off the facilities at the Melbourne court. Damage caused to the WCJC in late 2010 made it impossible to move into that building in 2011. The court understands that the WCJC will be available from mid 2012.

New model conferences

The court has continued to expand new model conferencing. The guidelines for the new conferencing process are available on the court’s website. Cases from the North and West Metropolitan Region of DHS are currently being referred to an NMC. The NMC process will be expanded to the Eastern Metropolitan Region from January 2012.

Participation in education programs and conferences

Since late 2010, the court has participated in a number of “shared training days” for child protection workers and lawyers involved in the Children’s Court. In addition, in May 2011 the court participated in the AIJA Brisbane conference on child protection. Papers from that conference are available on the AIJA website. In June 2011, the court helped organise a major conference on child protection in Melbourne. Papers from that conference are available on the Children’s Court website.



Judge Grant with representatives from Victoria Legal Aid, Department of Human Services and the Court at a multi-disciplinary training day on new model conferences.

Churchill Fellowship

Magistrate Greg Levine has been awarded a Churchill Fellowship. Greg will travel to America and England to study different models for family drug treatment courts.

Specialist lists

Sex abuse list – The court has established a working group to look at the best way of managing those Family Division cases that involve allegations of sexual abuse. Membership includes representatives from Victoria Police, DHS, the Royal Children’s Hospital, Monash University, the Australian Institute of Family Studies and the Children’s Protection Society. The group will advise the court on an appropriate model and the resources required to conduct such a list.

Koori Court (Family Division) – The court is continuing to work on a project to adapt the community involvement that is such a successful feature of the Children’s Koori Court

(Criminal Division), to the work of our Family Division. This project is taking longer to develop than anticipated. The court believes an important first step in developing the list is to appoint an experienced Koori worker to the role of Koori Family Division Support Program Manager. The court has not been able to obtain funding for this position.

The Criminal Division

Statewide bail support

Youth Justice has developed an intensive bail support program that is available for young people from the North and West, and Southern Metropolitan Regions of Melbourne. The court is strongly of the view that such a program should be available for all young Victorians.

Statewide diversion program

The Department of Justice is preparing a discussion paper on youth diversion. The court strongly supports youth diversion. A sound model for diversion already exists in the Magistrates' Court. It is time to develop such a program for the Children's Court.

SAC reference on sentencing

The court met with, and wrote to, the Attorney-General on the issue of statutory minimum terms of detention for 16 and 17 year olds engaged in acts of "gross violence." The Sentencing Advisory Council (SAC) has released a paper on this issue.

Restructuring the administrative arrangements in the court

In anticipation of the establishment of the Courts Executive Service, the Department of Justice will assist the Children's Court to develop its own administrative structure. A new position, CEO of the Children's Court, will be created. Work has commenced on separating the Children's Court administration from the Magistrates' Court.

Retirements and appointments

Magistrate Peter Power retired in early 2011. He has since been appointed an acting magistrate. Sue Blashki retired on 8 April 2011 and we welcomed her replacement, Darrin Cain on 21 July 2011.

Education

The court continues its program of community education by providing information to the public through the office of the Court Liaison Officer, its website, its publications and the on-going program of community visits to the court.

Groups that have visited the court include foster carers, law students, and students of social work, youth work, community welfare, and maternal and child health. The magistrates at Melbourne continue to give their time before court commences to address these groups and answer questions about the jurisdiction and operation of the Children's Court.

In addition, the practice of the court in providing addresses and presentations through its President and magistrates to a wide range of forums has continued this year. Magistrate

Peter Power continues to maintain a comprehensive set of "Research Materials" on the court's website. The materials are freely available to all who wish to gain an understanding of the court's work.

Participation on boards, councils and committees

Members of the Children's Court participate in a number of boards, councils, committees, reference groups and advisory bodies. This year they included:

- Courts Executive Service Steering Committee
- Appropriate Dispute Resolution Working Group
- Magistrates' Court Management Committee
- County Koori Court Reference Group
- Aboriginal Justice Forum
- Mental Health Reform Council
- Children's Court Users' Forum
- Children's Koori Court Reference Group
- Youth Justice Ministerial Round Table
- Group Conferencing Advisory Committee
- Sexual Assault Advisory Committee

Conclusion

As in previous years, I 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
- Sessional conference convenors
- Salvation Army
- Court Network
- G4S Security

I would like to thank my colleagues at the Children's Court for their support and for the way they have committed themselves to the work of the court. I would also like to thank the Chief Executive Officer and staff of the court for their outstanding contribution to the work and spirit of the court.

Finally, the Children's Court's effective operation would not be possible without the contribution made by all magistrates and staff across the state. 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.

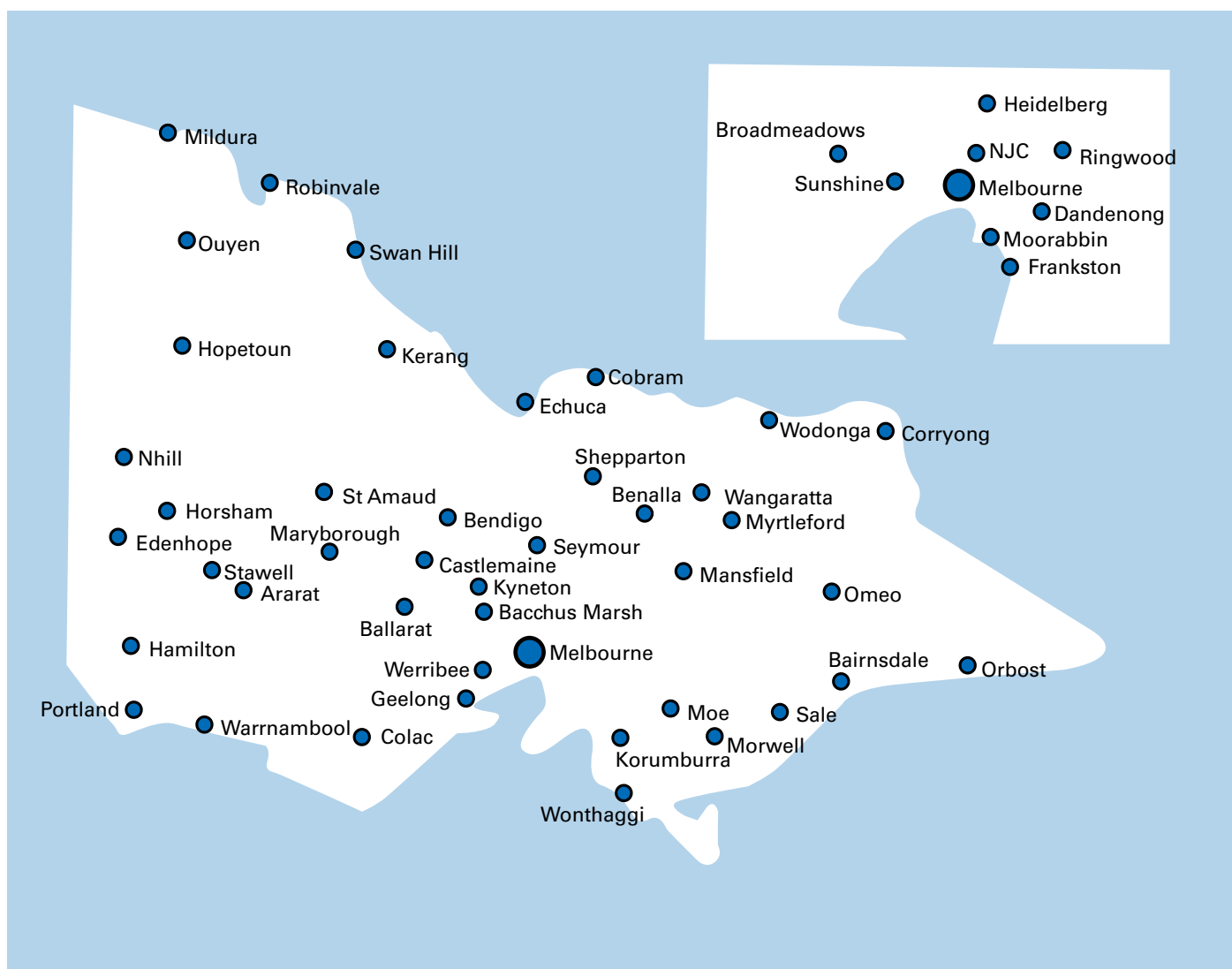
JURISDICTION

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

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

In the Family Division, the court also has jurisdiction to hear applications relating to intervention orders pursuant to the Family Violence Protection Act 2008 and the Stalking Intervention Orders Act 2008 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, child homicide, defensive homicide, culpable driving causing death and arson causing death) where the alleged offender was under the age of 18 but of or above the age of 10 years at the time the offence was committed and under the age of 19 when proceedings were commenced in the court.



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 (retired 8 April 2011)
Ms Jennifer Bowles
Mr Peter Dotchin
Ms Jane Gibson
Ms Annabelle Hawkins (from 4 January 2011)
Mr Gregory Levine

Ms Kay Macpherson
Ms Roslyn Porter
Mr Peter Power (retired 3 February 2011)
Ms Sharon Smith
Ms Belinda Wallington

Acting Magistrates

Ms Michelle Ehrlich (up until 25 November 2010)
Mr Peter Power (appointed 4 February 2011)

Mr Francis Zemljak

State Manager

Leah Hickey

Principal Registrar

Leanne de Morton

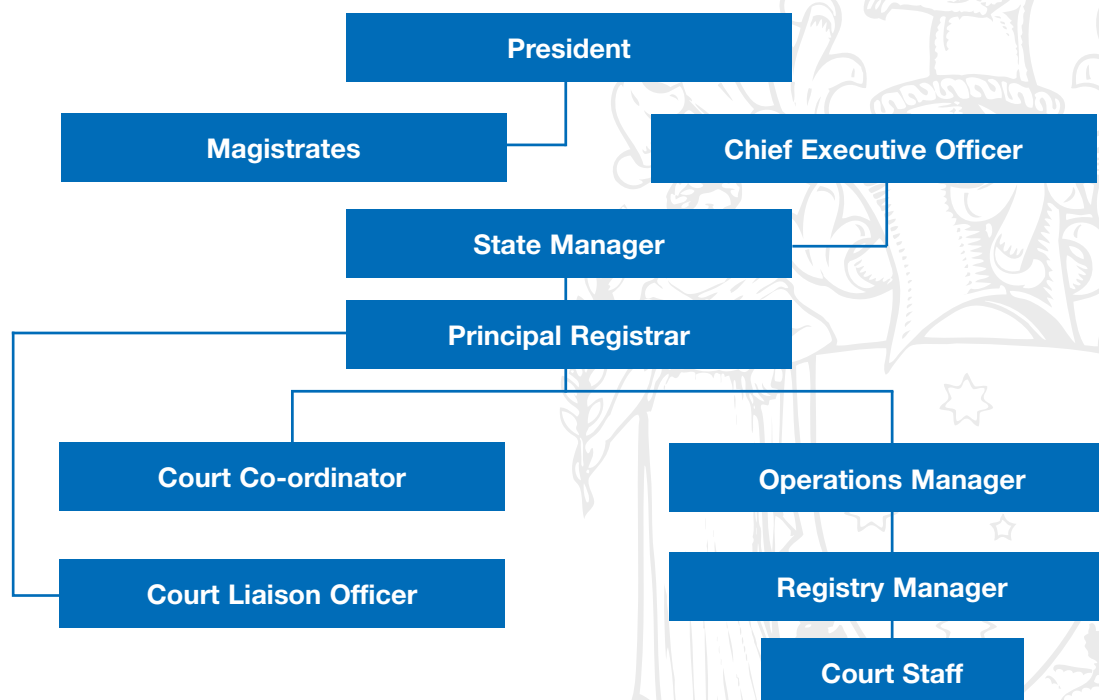
Senior Deputy Registrars

Angela Carney (Court Co-ordinator)/Maxine Catton (Acting Court Co-ordinator)
Russell Hastings (Operations Manager)
Melissa Bailey (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 as published by the Department of Justice in the Law Calendar. A notice was published in the Government Gazette of 2 September 2010 enabling Children's Court cases to be heard at Bacchus Marsh court from that date.

1. Melbourne region:
Melbourne (headquarters court), Moorabbin.
2. Grampians region:
Ballarat (headquarters court), Ararat, Bacchus Marsh, Edenhope, Hopetoun, Horsham, Nhill, St. Arnaud, Stawell.
3. Loddon Mallee region:
Bendigo (headquarters court), Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill.
4. Broadmeadows.
5. Dandenong.
6. Frankston.
7. Barwon South West region:
Geelong (headquarters court), Colac, Hamilton, Portland, Warrnambool.
8. Heidelberg.
9. Gippsland region:
Latrobe Valley (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 12 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 Metropolitan 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

RETIREMENT OF MAGISTRATE SUSAN BLASHKI

On 6 April 2011 a bench farewell was held for Magistrate Susan Blashki on her retirement from the magistracy. Sue was appointed on 14 August 1991 and spent her first eight years in the Magistrates' Court. During that time she worked across all jurisdictions and held the position of Supervising Magistrate in Family Law and Family Violence. At the end of that period Sue accepted an assignment to the Children's Court where she has remained for the last 12 years.

Sue was joined at the farewell by a large number of colleagues, past and present, friends and family members including her husband, her four children and their spouses, and all of her 12 grandchildren.

APPOINTMENT OF EXTRA MAGISTRATES AND STAFF

On 23 June 2010 three new magistrates were appointed, two of whom were assigned to Melbourne Children's Court. The court has been pleased to welcome Magistrate Peter Dotchin and Magistrate Ros Porter. One fills the vacancy left on the retirement of Magistrate Jacinta Heffey in May and one fills the new position created in the 2010 State Budget.

CHILDREN'S KOORI COURT

The Children's Koori Court was originally established in September 2005 as a two year pilot program. This followed the successful evaluation of Koori Courts operating in the Magistrates' Court jurisdiction. The Magistrates' Koori Court sits at a number of metropolitan and country locations including Broadmeadows, Shepparton, Warrnambool, Mildura, Bairnsdale, Swan Hill and Latrobe Valley.

The Children's Koori Court commenced sitting at Melbourne in October 2005. The court currently sits one day per fortnight. During 2010/11 the court sat on 21 occasions and finalised 104 matters.

In September 2007 a second venue of the Children's Koori Court was launched at Mildura. During 2010/11 the Mildura court sat on 25 occasions and finalised 70 matters.

Professor Allan Borowski of LaTrobe University published his evaluation of the Children's Koori Court in October 2009. The report provides a positive assessment of the value of the court and makes a number of recommendations aimed at strengthening its operation.



Magistrate Sue Blashki's bench farewell

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.

CAYPINS provides for an administrative and quasi-judicial decision-making role to be performed by Children’s Court registrars throughout the state. The process 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 operates from Melbourne Children’s Court. Registrars at country courts conduct CAYPINS hearings while the Melbourne CAYPINS team has responsibility for hearings at metropolitan courts and for the preparation of all matters state-wide.

During the reporting period 7,588 CAYPINS matters were finalised throughout the state.

CHILDREN’S COURT WEBSITE

The Children’s Court website continues to be a valuable resource for court users and the wider community.

In May 2011 the Children’s Court Virtual Court was published online. The site consists of two videos of mock hearings – one criminal and one contested intervention order case. Both videos are available with Auslan interpretation for the deaf. The site also includes interactive virtual courtroom tours and printed information to assist those attending court.

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 644 pages of information on the jurisdiction and operation of the Children’s Court of Victoria. Mr Power has continued his regular updates throughout the reporting period.

Re-development of the Children’s Court website is anticipated to commence in the latter part of 2011.



Magistrate Peter Dotchin and court staff who acted in the virtual court videos

LAW WEEK 2011

On Saturday, 21 May 2011 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.

This year a "You be the Judge" session was conducted by Magistrate Jane Gibson and Magistrate Peter Dotchin. They ran mock hearings based on a number of different scenarios and then engaged in discussion about the sentencing process with participants.

Court registrars, Russell Hastings and Amy Batchelor, were available in the foyer of the court to talk to members of the public. They provided information about sentencing, the Children's Koori Court, the Children and Young Person Infringement Notice System (CAYPINS), intervention orders and child protection. Tours of the court complex were conducted by Court Liaison Officer, Janet Matthew.



Magistrates Peter Dotchin and Jane Gibson conducted a You be the Judge session on Courts Open Day.

While Courts Open Day provides an opportunity for individuals to see how courts work and to discuss court related issues with members of the judiciary and court staff, it also provides a valuable opportunity for courts to engage directly with members of the community.

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 2010/11 year collated by the Courts and Tribunals Unit of the Department of Justice and by the court. State-wide statistics are provided unless otherwise stated.

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

- While much of the statistical information presented in this report deals with primary applications, this accounts for only a portion of the Family Division workload. Much of this division's workload stems from secondary applications e.g. applications seeking to extend, vary, revoke or breach previously made court orders. Table 6 shows the total of all orders made (by order type) in the reporting year regardless of the application type, compared with the two previous years. It can be seen that the total number of orders made by the Family Division of the court has increased in each consecutive year. 685 more orders were made by the court in its Family Division in 2010/11 than in 2009/10.
- 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, towards the end of 2007 the Children and Young Persons Infringement Notice System (CAYPINS) became operational. The 2010/11 reporting period represents the third full year of operation of CAYPINS (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 most child protection matters originating in the Southern Metropolitan Region of the Department of Human Services commenced at Moorabbin on 1 June 2009. This does not include cases involving parents in custody or children in Secure Welfare. These matters continue to be heard at Melbourne. Other suburban venues of the court hear criminal matters and applications for intervention orders only.
- While the reports show intervention orders issued by Children's Court venues throughout the state it should be noted that the Magistrates' Court and the Children's Court have a dual jurisdiction with regard to intervention order proceedings involving children. This means that while the figures accurately reflect the number of these types of proceedings dealt with in the Children's Court jurisdiction it may not necessarily accurately reflect the number of these types of proceedings dealt with state-wide that involve children i.e. some proceedings may have been dealt with in the Magistrates' Court jurisdiction.

Criminal Division

Table 1: Number of matters¹ initiated, finalised and pending, 2009/10 – 2010/11

Court Regions ²	2009/10			2010/11		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	2,480	3,173	747	1,839	2,622	540
Grampians	801	824	143	716	731	144
Loddon Mallee	1,032	1,092	249	822	962	167
Broadmeadows	761	651	202	634	629	188
Dandenong	1,223	1,446	308	1,091	1,099	360
Frankston	974	886	201	628	697	130
Barwon South West	943	963	166	893	958	100
Heidelberg	990	949	322	794	917	235
Gippsland	997	1,117	177	791	984	139
Ringwood	1,027	908	212	930	972	198
Hume	917	982	163	900	986	151
Sunshine	1,023	1,195	346	865	968	280
NJC – Collingwood ³	29	50	9	11	26	4
Total	13,197	14,236	3,245	10,914	12,551	2,636

Chart 1: Number of matters initiated and finalised, 2010/11

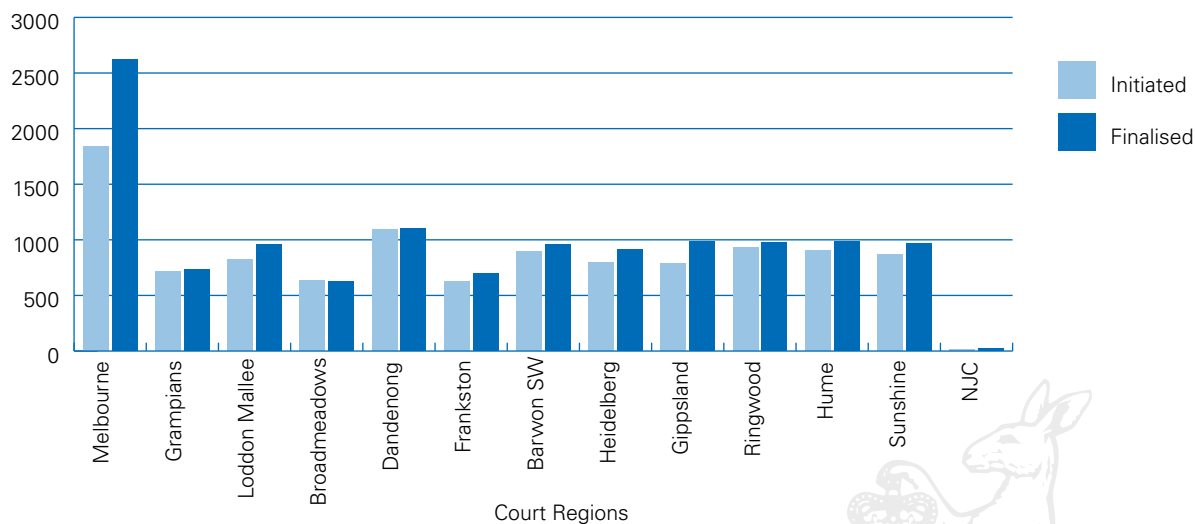
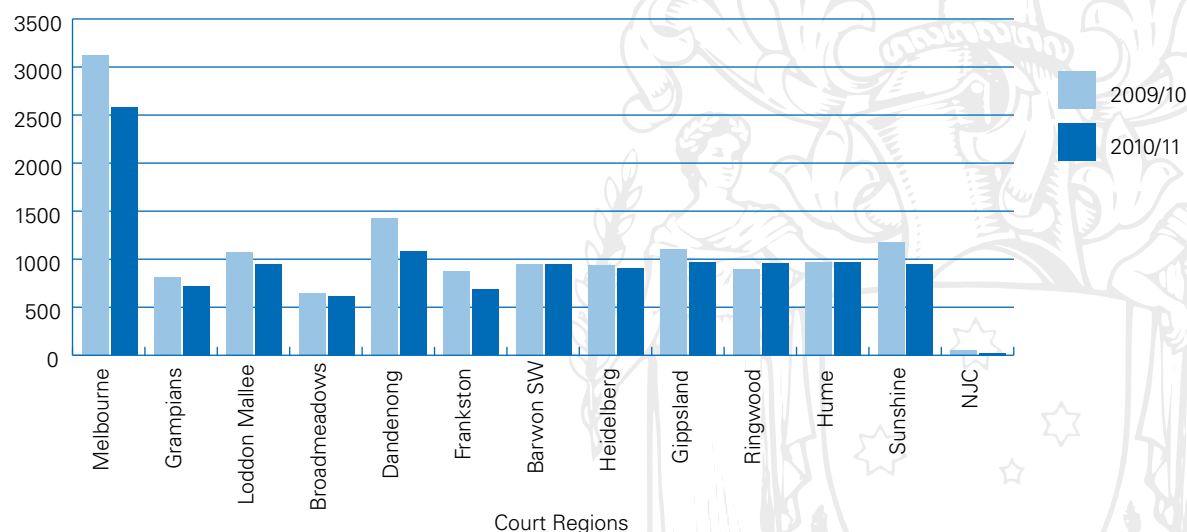


Chart 2: Regional caseload distribution for finalised matters, 2009/10 - 2010/11



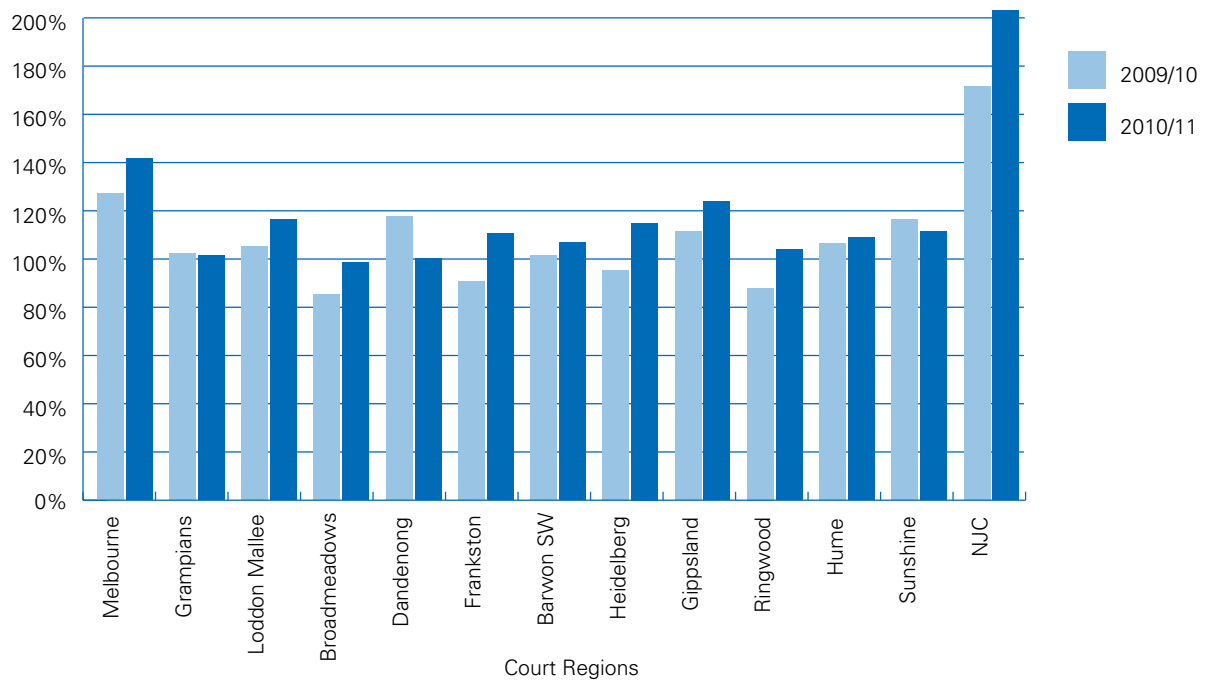
¹ A criminal "matter" refers to a charge or set of charges laid by an informant against an accused.

² A detailed list of court regions can be found on page 9 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 accused either lives in the municipality of the City of Yarra or the alleged offence was committed in the City of Yarra.

Criminal Division

Chart 3: Clearance rates for criminal matters, 2009/10 – 2010/11



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. For more information on CAYPINS see page 11 of this report.

Table 2: Number of CAYPINS matters initiated, finalised and pending, 2009/10 – 2010/11

Court Regions	2009/10			2010/11		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,473	1,645	111	1,152	1,134	142
Grampians	224	228	12	245	199	62
Loddon Mallee	366	367	36	287	292	30
Broadmeadows	982	978	107	704	748	62
Dandenong	781	855	62	609	610	62
Frankston	617	602	43	509	490	61
Barwon South West	265	238	46	296	281	60
Heidelberg	1,474	1,555	99	940	977	62
Gippsland	314	306	38	294	288	45
Ringwood	1,082	1,067	110	960	1,006	61
Hume	446	407	70	308	336	46
Sunshine	1,503	1,527	108	1,188	1,139	155
NJC – Collingwood	108	104	15	92	88	18
Total	9,635	9,879	857	7,584	7,588	866

Criminal Division

Table 3: Offenders found guilty, by outcome , 2008/09 - 2010/11

Order	2008/09	2009/10	2010/11
	Number		
Discharged	7	15	8
Unaccountable Undertaking	48	33	39
Accountable Undertaking	626	640	593
Good Behaviour Bond	1,963	1,947	1,793
Fine	2,349	1,672	1,236
Probation	984	1,113	1,038
Youth Supervision Order	368	407	391
Youth Attendance Order	79	101	82
Youth Residential Centre	7	14	18
Youth Justice Centre	202	232	229
Total	6,633	6,174	5,427

	Percent		
	2008/09	2009/10	2010/11
Discharged	0.1%	0.3%	0.2%
Unaccountable Undertaking	0.7%	0.5%	0.7%
Accountable Undertaking	9.4%	10.4%	10.9%
Good Behaviour Bond	29.6%	31.5%	33.1%
Fine	35.4%	27.1%	22.8%
Probation	14.8%	18.0%	19.1%
Youth Supervision Order	5.6%	6.6%	7.2%
Youth Attendance Order	1.2%	1.6%	1.5%
Youth Residential Centre	0.1%	0.2%	0.3%
Youth Justice Centre	3.1%	3.8%	4.2%
Total	100.0%	100.0%	100.0%

4 "Outcome" relates to the penalty attached to the principal proven offence. The principal proven offence is the one charge in a case that attracted the most severe penalty.

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

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



Criminal Division

Chart 4: Offenders found guilty, by outcome, 2008/09 - 2010/11

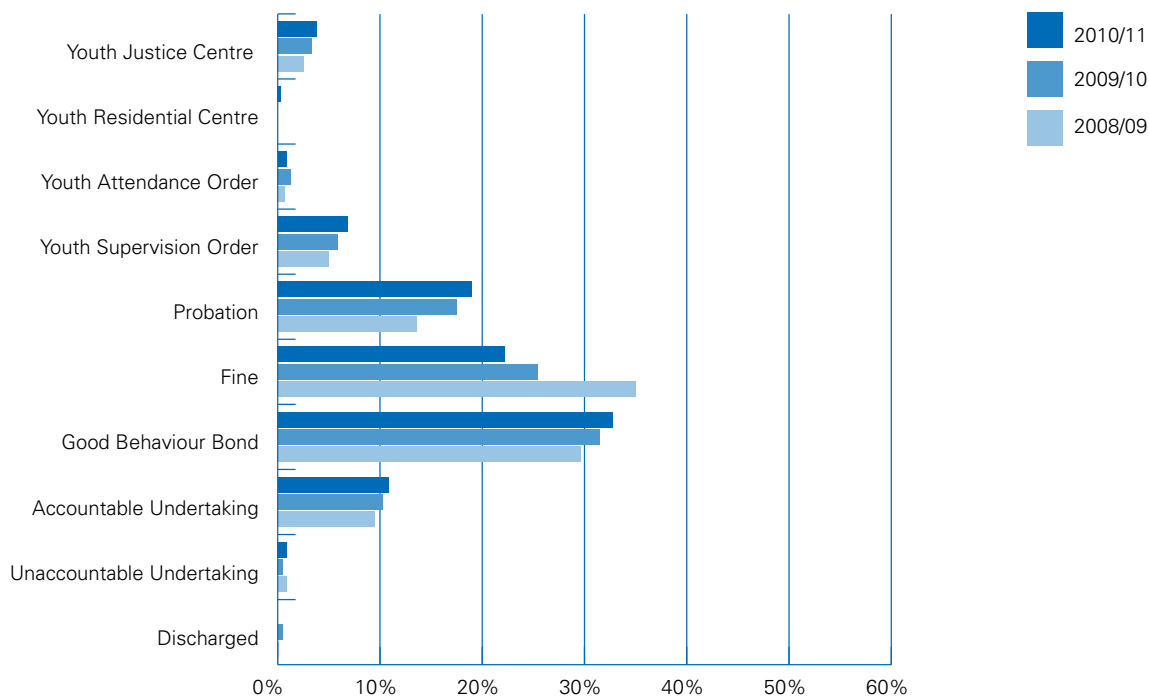


Table 4: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2008/09 - 2010/11

	2008/09	2009/10	2010/11	2008/09	2009/10	2010/11
	Number			Percent		
0 < 3 months	9,556	9,828	8,585	68.4%	69.0%	68.4%
3 < 6 months	2,632	2,714	2,369	18.9%	19.0%	18.9%
6 < 9 months	926	911	761	6.6%	6.4%	6.0%
9 < 12 months	399	336	386	2.9%	2.4%	3.1%
12 < 24 months	367	350	349	2.6%	2.5%	2.8%
24 months +	88	97	101	0.6%	0.7%	0.8%
Total	13,968	14,236	12,551	100.0%	100.0%	100.0%
6 months +	1,780	1,694	1,597	12.7%	12.0%	12.7%

Criminal Division

Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2008/09 - 2010/11

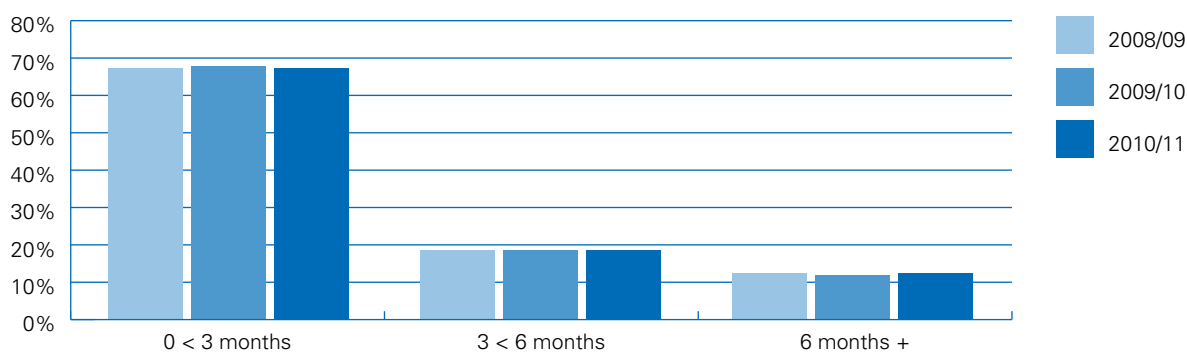
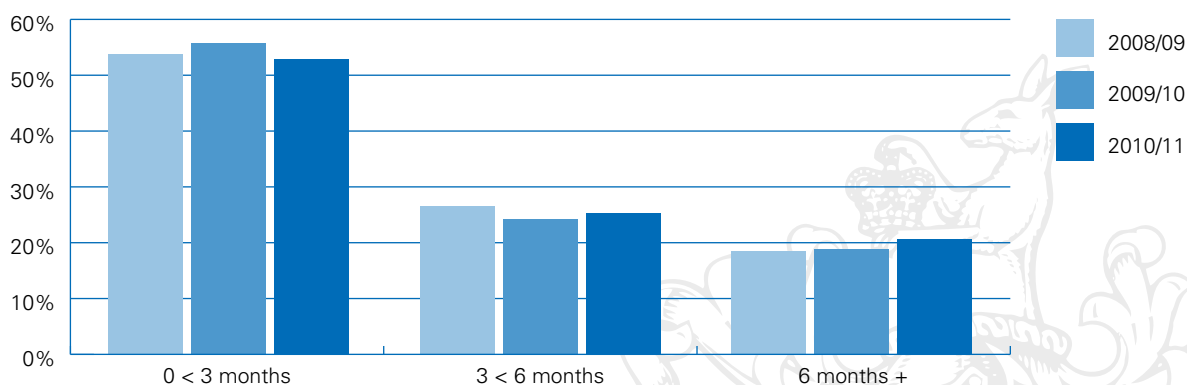


Table 5: Number of matters pending on 30 June, by elapsed time since date of initiation, 2008/09 - 2010/11

	2008/09	2009/10	2010/11	2008/09	2009/10	2010/11
	Number			Percent		
0 < 3 months	1,882	1,833	1,412	54.6%	56.5%	53.6%
3 < 6 months	923	795	673	26.8%	24.5%	25.5%
6 < 9 months	351	354	270	10.2%	10.9%	10.2%
9 < 12 months	135	135	132	3.9%	4.2%	5.0%
12 < 24 months	138	109	113	4.0%	3.3%	4.3%
24 months +	16	19	36	0.5%	0.6%	1.4%
Total	3,445	3,245	2,636	100.0%	100.0%	100.0%
6 months +	640	617	551	18.6%	19.0%	20.9%

Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2008/09 - 2010/11



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 made⁵, 2008/09 - 2010/11

Order	2008/09	2009/10	2010/11
Adjournment	7,670	7,932	8,759
Custody to Secretary order	1,288	1,353	1,227
Custody to third party order	12	4	4
Dismissed	27	36	34
Extension of custody to Secretary order	1,201	1,326	1,335
Extension of interim accommodation order	13,820	14,371	12,117
Extension of guardianship to Secretary order	423	374	366
Extension of supervised custody order	52	72	87
Extension of supervision order	286	303	293
Extension of therapeutic treatment order	2	5	5
Extension of therapeutic treatment (placement) order	0	0	1
Free text order ⁶	6,165	7,934	9,301
Guardianship to Secretary order	260	225	273
Interim accommodation order	5,691	5,494	5,405
Interim protection order	893	795	871
Long-term guardianship to Secretary order	43	49	47
Permanent care order	233	223	202
Refusal to make protection order (s.291(6) CYFA)	98	59	77
Search warrant	2,634	2,784	3,395
Struck out	461	536	480
Supervised custody order	202	233	289
Supervision order	1,859	1,747	1,906
Temporary assessment order	0	2	0
Therapeutic treatment order	12	14	30
Therapeutic treatment (placement) order	0	2	4
Undertaking to appear produce child on adj date	3	0	0
Undertaking – common law	22	10	26
Undertaking - application proved	175	127	140
Undertaking - dismissed	21	34	15
Undertaking - refusal to make protection order	21	15	10
Undertaking - struck out	135	100	145
Total	43,709	46,159	46,844

⁵ Most Family Division applications result in a number of orders being made from the date of first hearing to the date of finalisation e.g. multiple adjournments, and multiple interim accommodation orders. Table 6 shows the total number of orders made (other than intervention orders) in relation to all applications before the court in the Family Division.

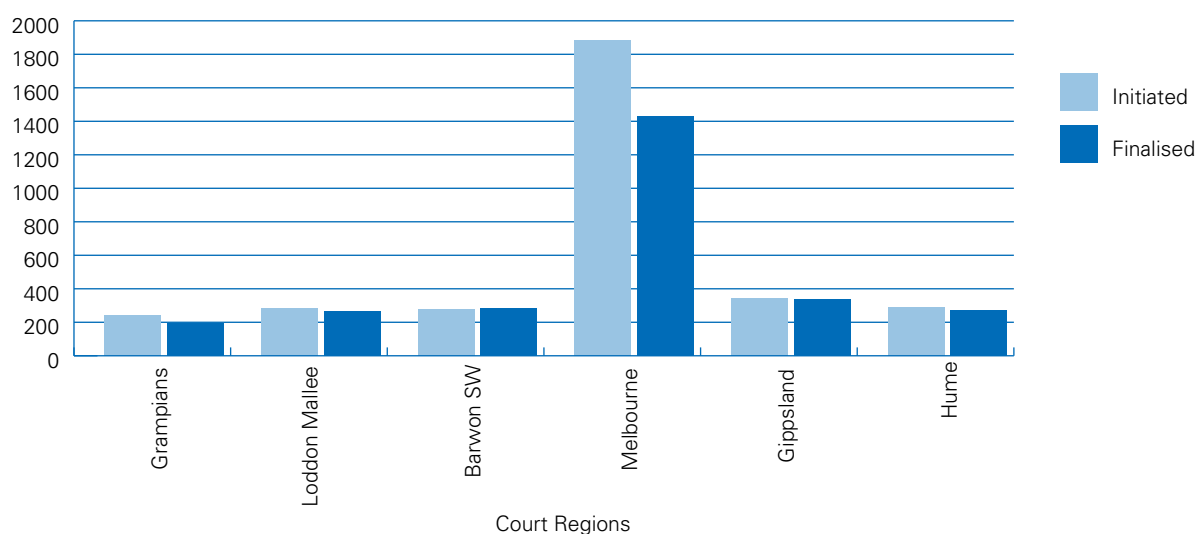
⁶ Free text orders most commonly record directions made by the court and orders made in response to oral applications e.g. directions for the release of Children's Court Clinic reports, and orders joining additional parties to proceedings. Free text orders may also record the withdrawal of proceedings.

Family Division

Table 7: Number of primary applications initiated⁷, finalised and pending, 2009/10 – 2010/11

Court Regions	2009/10			2010/11		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	167	170	42	239	194	76
Loddon Mallee	364	337	71	285	268	79
Barwon South West	301	265	95	275	282	72
Melbourne	1,644	1,308	843	1,886	1,430	987
Gippsland	266	273	56	343	335	60
Hume	304	284	81	289	269	85
Total	3,046	2,637	1,188	3,317	2,778	1,359

Chart 7: Number of primary applications initiated and finalised, 2010/11



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



Family Division

Chart 8: Regional caseload distribution for finalised primary applications, 2009/10 – 2010/11

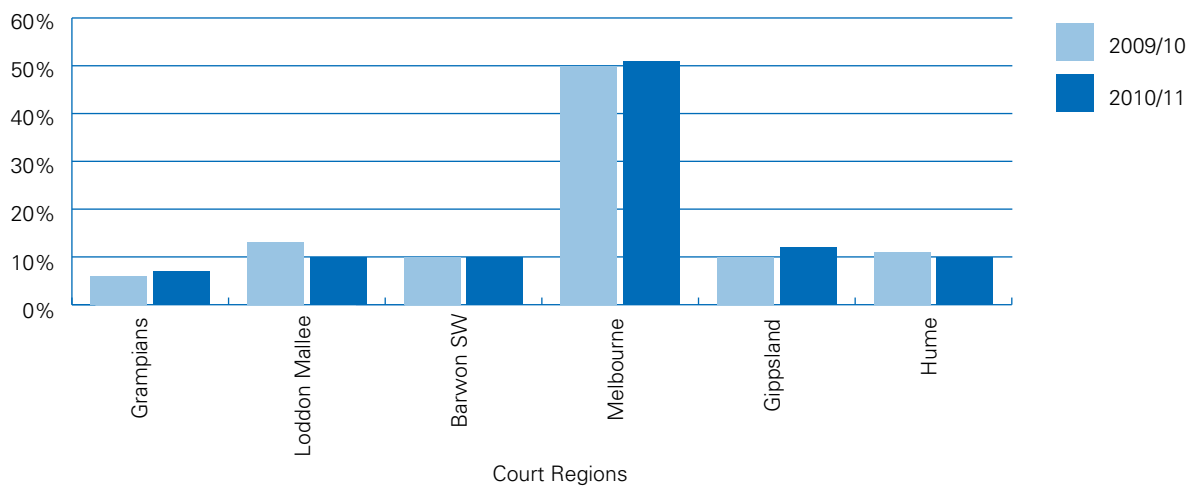


Chart 9: Clearance rates for primary applications, 2009/10 - 2010/11

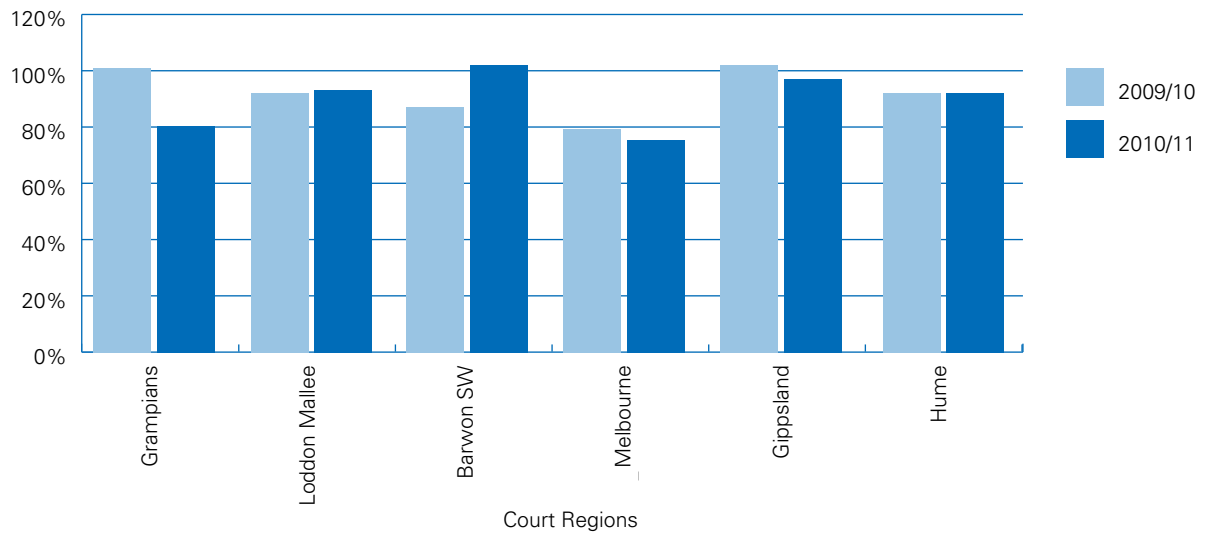


Table 8: Number of protection applications initiated by apprehension/by notice, by court region, 2009/10 – 2010/11

Court Regions	2009/10				2010/11			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Grampians	89	78	167	53.3%	126	111	237	53.2%
Loddon Mallee	143	217	360	39.7%	178	105	283	62.9%
Barwon SW	157	138	295	53.2%	143	126	269	53.2%
Melbourne	1,292	324	1,616	80.0%	1,355	500	1,855	73.0%
Gippsland	153	110	263	58.2%	157	184	341	46.0%
Hume	171	132	303	56.4%	134	151	285	47.0%
Total	2,005	999	3,004	66.7%	2,093	1,177	3,270	64.0%

Family Division

Chart 10: Percentage of protection applications initiated by apprehension, 2009/10 – 2010/11

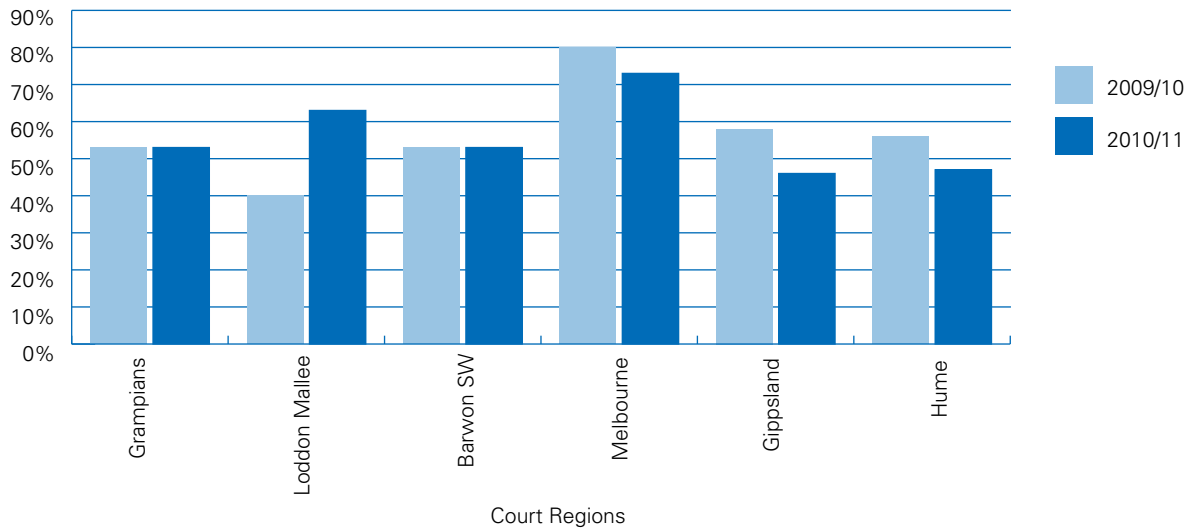


Table 9: Finalised primary applications by outcome, 2008/09 – 2010/11

Order	2008/09	2009/10	2010/11
Dismissed	15	16	20
Struck out	284	300	276
Refusal to make protection order	87	53	70
Undertaking – common law ⁸	0	4	12
Undertaking - application proved	121	86	99
Undertaking - dismissed	15	24	11
Undertaking - refusal to make protection order	21	11	9
Undertaking - struck out	113	83	119
Free text order	155	84	161
Supervision order	1,160	1,077	1,154
Custody to third party order	8	3	2
Supervised custody order	107	109	134
Custody to Secretary order	684	690	570
Guardianship to Secretary order	74	77	94
Long-term guardianship to Secretary order ⁸	0	5	15
Permanent care order	5	2	6
Temporary assessment order ⁸	0	2	0
Therapeutic treatment order ⁸	0	10	26
Therapeutic treatment (placement) order ⁸	0	1	0
Total:	2,849	2,637	2,778

⁸ These orders have been included in this table for the first time this year. Please note that while these orders were not individually listed in this table in previous annual reports, they were counted in the total of 2,637 for 2009/10 as published in last year's annual report.

Chart 11: Distribution of finalised primary applications, by outcome, 2008/09 – 2010/11

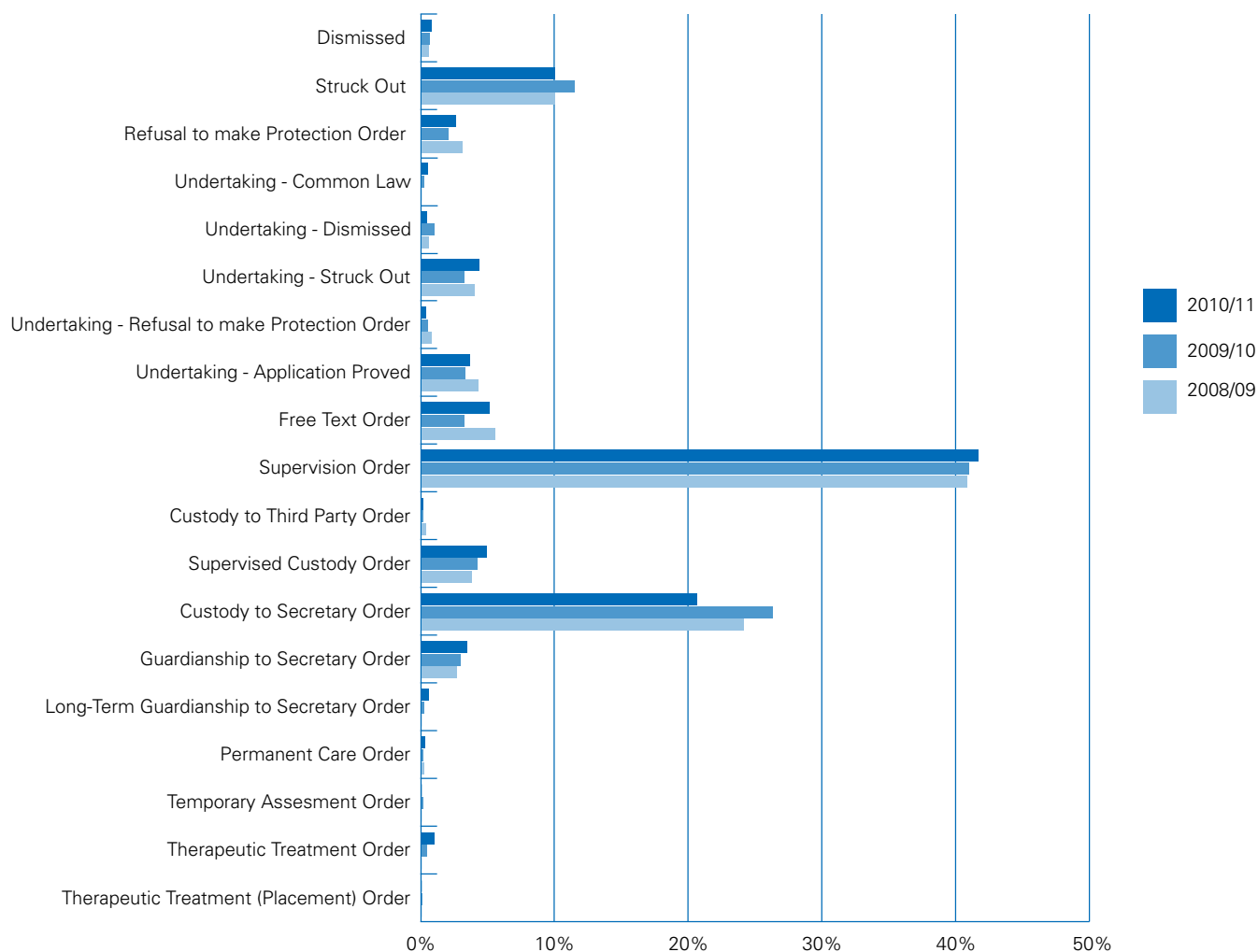


Table 10: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2009/10 – 2010/11

	2009/10		2010/11	
	Number	Percent	Number	Percent
0 < 3 months	1,301	49.3%	1,348	48.5%
3 < 6 months	751	28.5%	759	27.3%
6 < 9 months	309	11.7%	350	12.6%
9 < 12 months	150	5.7%	166	6.0%
12 < 18 months	90	3.4%	105	3.8%
18 < 24 months	21	0.8%	34	1.2%
24 months +	15	0.6%	16	0.6%
Total	2,637	100.0%	2,778	100.0%
6 months +	585	22.2%	671	24.2%

Family Division

Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2009/10 – 2010/11

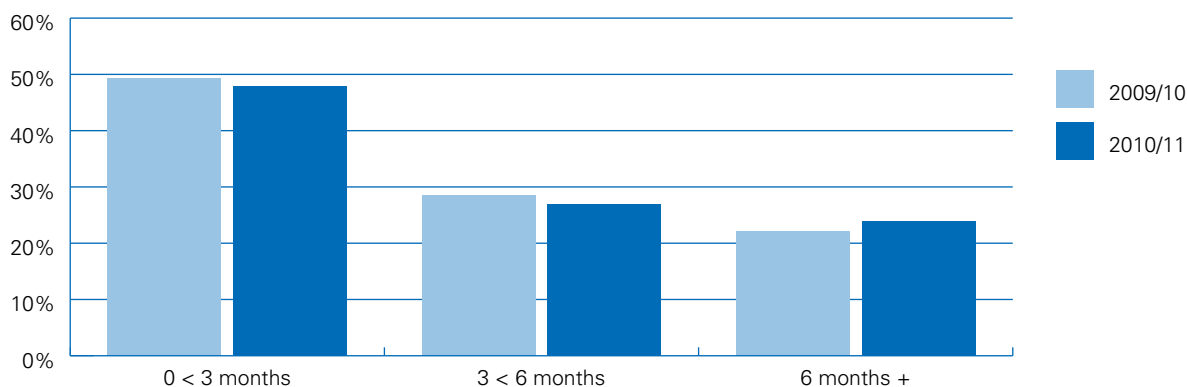
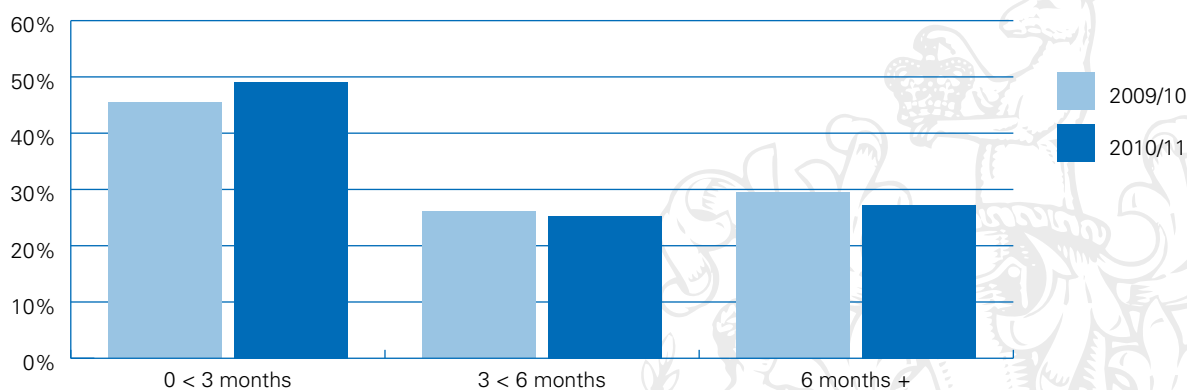


Table 11: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2009/10 – 2010/11

	2009/10	2010/11	2009/10	2010/11
	Number	Number	Percent	Percent
0 < 3 months	534	667	44.9%	49.1%
3 < 6 months	299	335	25.2%	24.7%
6 < 9 months	133	142	11.2%	10.4%
9 < 12 months	85	70	7.2%	5.2%
12 < 18 months	49	74	4.1%	5.4%
18 < 24 months	23	22	1.9%	1.6%
24 months +	65	49	5.5%	3.6%
Total	1,188	1,359	100.0%	100.0%
6 months +	355	357	29.9%	26.3%

Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2009/10 – 2010/11



Family Division

Dispute resolution conferences

The following points should be borne in mind when reading the figures contained in Table 12 for dispute resolution conferences (DRCs) and new model conferences (NMCs):

- One DRC/NMC 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 DRC/NMC, further mention and part-heard matters.
- Figures for Melbourne region include DRC/NMCs conducted at Moorabbin

Table 12: Dispute resolution conferences (including NMCs) conducted, 2009/10 – 2010/11

2009/10	Total DRCs listed	DRCs resulting in settlements	DRCs resulting in contested hearings	DRCs resulting in adjournments
Melbourne	1,082	304	252	526
Country	651	241	101	309
Total	1,733	545	353	835

2010/11	Total DRCs listed	DRCs resulting in settlements	DRCs resulting in contested hearings	DRCs resulting in adjournments
Melbourne	1,015	335	194	486
Country	589	242	85	262
Total	1,604	577	279	748

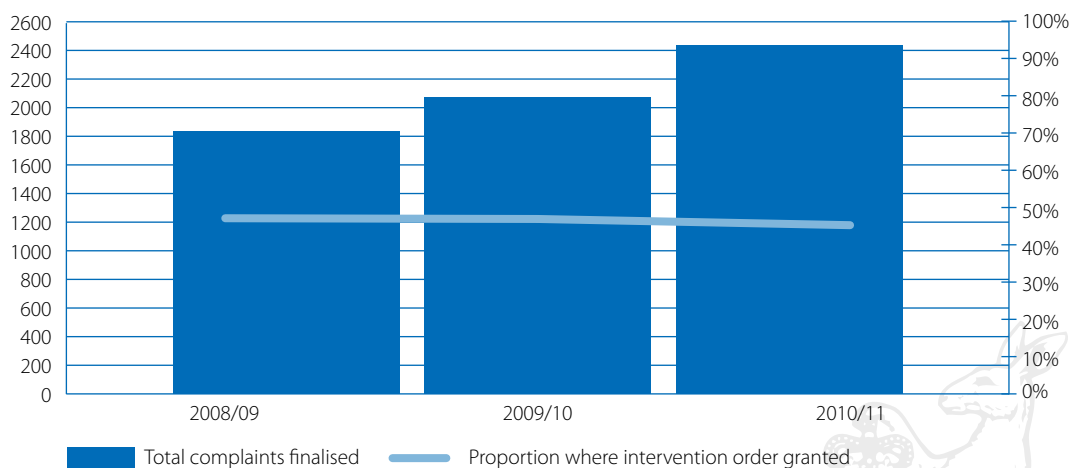
Family Violence & Stalking Jurisdiction

Table 13: Complaints for an intervention order finalised, by outcome, 2008/09 - 2010/11

	2008/09	2009/10	2010/11
	Number		
Intervention order made	855	962	1,090
Refused	28	32	29
Complaint struck out	443	525	612
Complaint withdrawn	509	555	707
Complaint revoked	1	0	0
Total	1,836	2,074	2,438

	2008/09	2009/10	2010/11
	Percent		
Intervention order made	46.6%	46.4%	44.7%
Refused	1.5%	1.5%	1.2%
Complaint struck out	24.1%	25.3%	25.1%
Complaint withdrawn	27.7%	26.8%	29.0%
Complaint revoked	0.1%	0.0%	0.0%
Total	100.0%	100.0%	100.0%

Chart 14: Number of complaints for an intervention order finalised, and proportion where intervention order made, 2008/09 - 2010/11



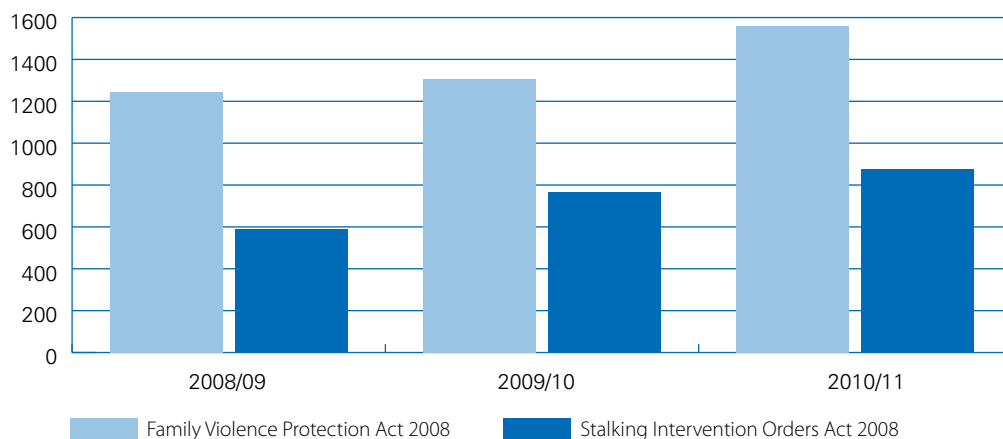
Family Violence & Stalking Jurisdiction

Table 14: Complaints for an intervention order finalised by Act⁹ under which complaint made, 2008/09 – 2010/11

	2008/09	2009/10	2010/11
	Number		
Crimes (Family Violence) Act 1987 1/07/2008 – 7/12/2008 Family Violence Protection Act 2008 8/12/2008 – 30/06/2011	1,244	1,308	1,561
Crimes Act 1958 (Section 21A) 1/07/2008 – 7/12/2008 Stalking Intervention Orders Act 2008 8/12/2008 – 30/06/2011	592	766	877
Total	1,836	2,074	2,438

	2008/09	2009/10	2010/11
	Percent		
Crimes (Family Violence) Act 1987 1/07/2008 – 7/12/2008 Family Violence Protection Act 2008 8/12/2008 – 30/06/2011	67.8%	63.1%	64.0%
Crimes Act 1958 (Section 21A) 1/07/2008 – 7/12/2008 Stalking Intervention Orders Act 2008 8/12/2008 – 30/06/2011	32.2%	36.9%	36.0%
Total	100.0%	100.0%	100.0%

Chart 15: Number of complaints for an intervention order finalised by Act under which complaint made, 2008/09 - 2010/11



⁹ 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. For ease of reading the new legislation only is shown in chart 15 above.

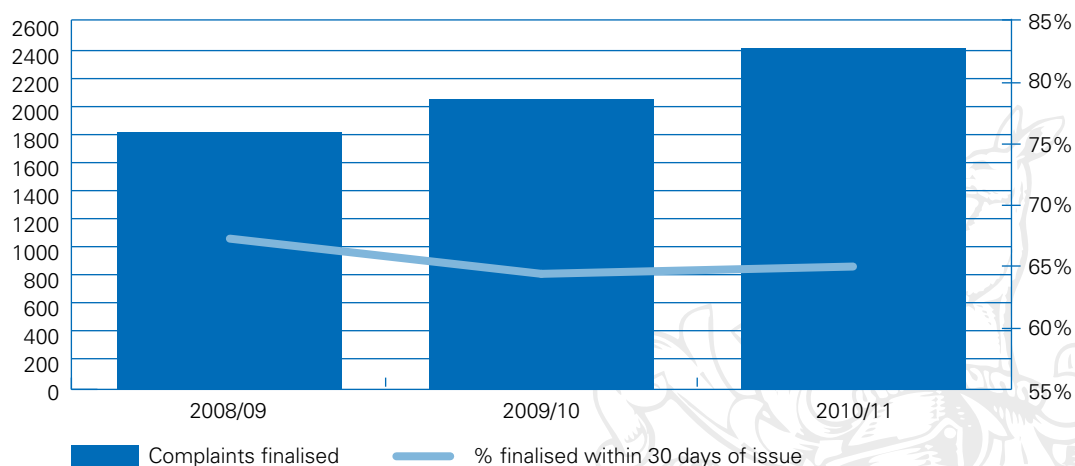
Family Violence & Stalking Jurisdiction

Table 15: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2008/09 - 2010/11

	2008/09	2009/10	2010/11
	Number		
0 < 1 month	1,235	1,334	1,583
1 < 2 months	259	328	335
2 < 3 months	145	149	185
3 < 6 months	154	203	263
6 < 9 months	31	47	46
9 < 12 months	5	8	16
12 months +	7	5	10
Total	1,836	2,074	2,438

	2008/09	2009/10	2010/11
	Percent		
0 < 1 month	67.2%	64.3%	64.9%
1 < 2 months	14.1%	15.8%	13.7%
2 < 3 months	7.9%	7.2%	7.6%
3 < 6 months	8.4%	9.8%	10.8%
6 < 9 months	1.7%	2.3%	1.9%
9 < 12 months	0.3%	0.4%	0.7%
12 months +	0.4%	0.2%	0.4%
Total	100.0%	100.0%	100.0%
6 months +	2.4%	2.9%	3.0%

Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2008/09 - 2010/11

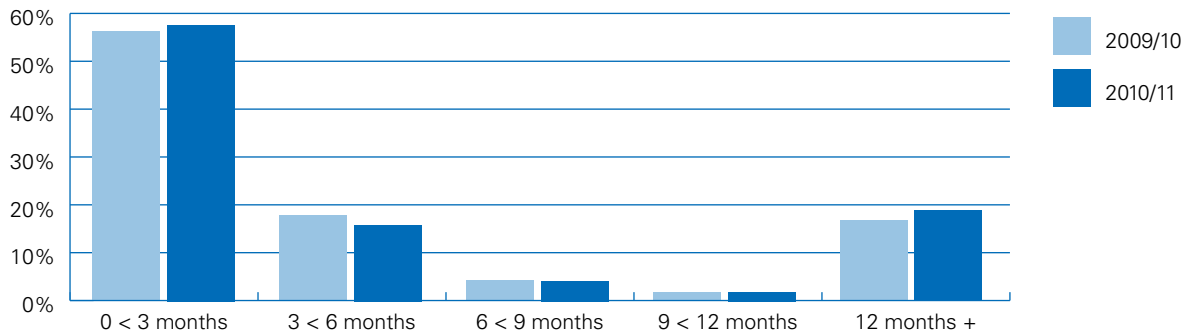


Family Violence & Stalking Jurisdiction

Table 16: Number of complaints for an intervention order pending on 30 June, by age since issue, 2009/10 - 2010/11

	2009/10	2010/11	2009/10	2010/11
	Number		Percent	
0 < 3 months	187	173	57.2%	58.5%
3 < 6 months	59	48	18.0%	16.2%
6 < 9 months	14	13	4.3%	4.4%
9 < 12 months	6	6	1.8%	2.0%
12 < 18 months	10	10	3.1%	3.4%
18 < 24 months	11	3	3.4%	1.0%
24 months +	40	43	12.2%	14.5%
Total	327	296	100.0%	100.0%
12 months +	61	56	18.7%	18.9%

Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2009/10 - 2010/11



Listing Statistics - Melbourne Region

Table 17: Number and type of listing, Melbourne, 2009/10 - 2010/11

Listing Type	No. Listed 2009/10	No. Listed 2010/11
Family Division		
Directions hearings	702	997
Interim Accommodation Order contests	522	592 ¹⁰
Intervention Order contests	149	
Final contests	778	834
Criminal Division		
Contest mentions	447	505
Contests	206	239

Table 18: Number and type of listing, Moorabbin, 2009/10 - 2010/11

Listing Type	No. Listed 2009/10	No. Listed 2010/11
Family Division		
Directions hearings	147	221
Interim Accommodation Order contests	161	144
Intervention Order contests	21	9

Table 19: Number of country and metropolitan cases listed to be heard at Melbourne, or by Melbourne Children's Court magistrates sitting in regional courts, 2008/09 - 2010/11

	2008/09	2009/10	2010/11
Country (Family Division contests)	17	30	32
Metropolitan (Criminal Division contests)	84	89	36

¹⁰ The number of contests listed for 2010/11 is the total of interim accommodation order contests and intervention order contests. This has occurred due to the introduction of an electronic listings diary.



Listing Statistics - Melbourne Region

Table 20: Melbourne Children's Court, Family Division listing delays, 2008/09 - 2010/11

Listing Delay from Dispute Resolution Conference to Final Contest			
	2008/09	2009/10	2010/11
July	15 weeks	17 weeks	17 weeks
August	16 weeks	20 weeks	18 weeks
September	16 weeks	19 weeks	19 weeks
October	16 weeks	19 weeks	18 weeks
November	15 weeks	18 weeks	20 weeks
December	15 weeks	18 weeks	22 weeks
January	14 weeks	18 weeks	22 weeks
February	13 weeks	18 weeks	22 weeks
March	13 weeks	19 weeks	20 weeks
April	14 weeks	19 weeks	20 weeks
May	14 weeks	19 weeks	19 weeks
June	16 weeks	18 weeks	16 weeks
Average Delay	14.8 weeks	18.5 weeks	19.4 weeks

Table 21: Melbourne Children's Court, Criminal Division listing delays, 2008/09 - 2010/11

Listing Delay From Contest Mention to Final Contest			
	2008/09	2009/10	2010/11
July	9 weeks	15 weeks	15 weeks
August	10 weeks	16 weeks	16 weeks
September	11 weeks	16 weeks	17 weeks
October	14 weeks	15 weeks	16 weeks
November	16 weeks	15 weeks	16 weeks
December	15 weeks	14 weeks	15 weeks
January	15 weeks	15 weeks	14 weeks
February	14 weeks	15 weeks	14 weeks
March	13 weeks	15 weeks	14 weeks
April	14 weeks	15 weeks	11 weeks
May	15 weeks	15 weeks	9 weeks
June	16 weeks	16 weeks	9 weeks
Average Delay	13.5 weeks	15.1 weeks	13.8 weeks

CHILDREN'S COURT CLINIC

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

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

There were 951 referrals of children, young persons and their families during 2010/11, representing a small decrease on the referrals of the previous financial year. 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 951 referrals for assessment during 2010/11, 299 were criminal cases, 613 were child protection cases and 39 were family violence/stalking matters. Of the total, 608 referrals emanated from the metropolitan area and 343 were from country regions of the state.

Included in the total were 53 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.



Dr Patricia Brown
Director - Children's Court Clinic

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 2010/11 the clinic provided 116 such sessions representing a small increase on the previous year.



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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 2010/11 year the court hosted 70 students. Of those, 61 were secondary students completing one or two weeks work experience, eight were tertiary level students undertaking a one or two week placement and one tertiary level student who completed a placement of 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.

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 73 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.



Magistrate Greg Levine with a visiting delegation from Indonesia.

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
- 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
- Presentations for law graduates undertaking the Practical Training Course at the Leo Cussen Centre for Law.

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 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

Financial Statement for the Year Ending 30 June 2011

		Actual 2010-2011	Actual 2009-2010
SPECIAL APPROPRIATIONS			
Magistrates' salaries and allowances	Note 5	3,036,540	2,882,327
Total Special Appropriations		3,036,540	2,882,327
RECURRENT APPROPRIATIONS			
	Note 5		
Salaries, overtime and annual leave		2,544,606	2,075,224
Superannuation		232,034	190,588
Provision for long service leave		70,938	57,688
Fringe benefits tax		0	111
WorkCover levy		18,545	13,223
Payroll tax		136,688	114,510
Total Salaries Expenditure		3,002,811	2,451,344
OPERATING EXPENDITURE			
	Note 5		
Travel and personal expenses		40,012	18,556
Printing, stationery and subscriptions		149,632	109,516
Postage and communication		104,931	92,227
Contractors and professional services	Note 3	592,652	461,214
Training and development		75,621	15,861
Motor vehicle expenses		41	345
Operating expenses		154,580	200,638
Witness payments		12,652	10,427
Information technology costs		80,908	40,994
Urgent and essentials		33,311	27,412
Rent and property services		499,664	342,324
Property utilities		77,277	83,169
Repairs and maintenance		158,262	143,448
Total Operating Expenditure		1,979,543	1,546,131
COURT SUPPORT PROGRAMS			
Children's Koori Court	Note 4	161,679	122,093
Children's Court Clinic Drug Program	Note 4	294,349	305,740
Total Court Support Program Expenditure		456,028	427,833
Total Recurrent Expenditure		5,438,382	4,425,308
DEPARTMENTAL CONTROLLED EXPENDITURE			
Depreciation - Buildings	Note 1, 2	674,306	671,130
Depreciation - Plant and equipment	Note 1, 2	-	1,070
Amortisation - Motor vehicles	Note 1, 2	55,064	35,161
Total Departmental Controlled Expenditure		729,370	707,361
CAPITAL EXPENDITURE		50,719	-
TOTAL CHILDREN'S COURT EXPENDITURE		9,255,011	8,014,996

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

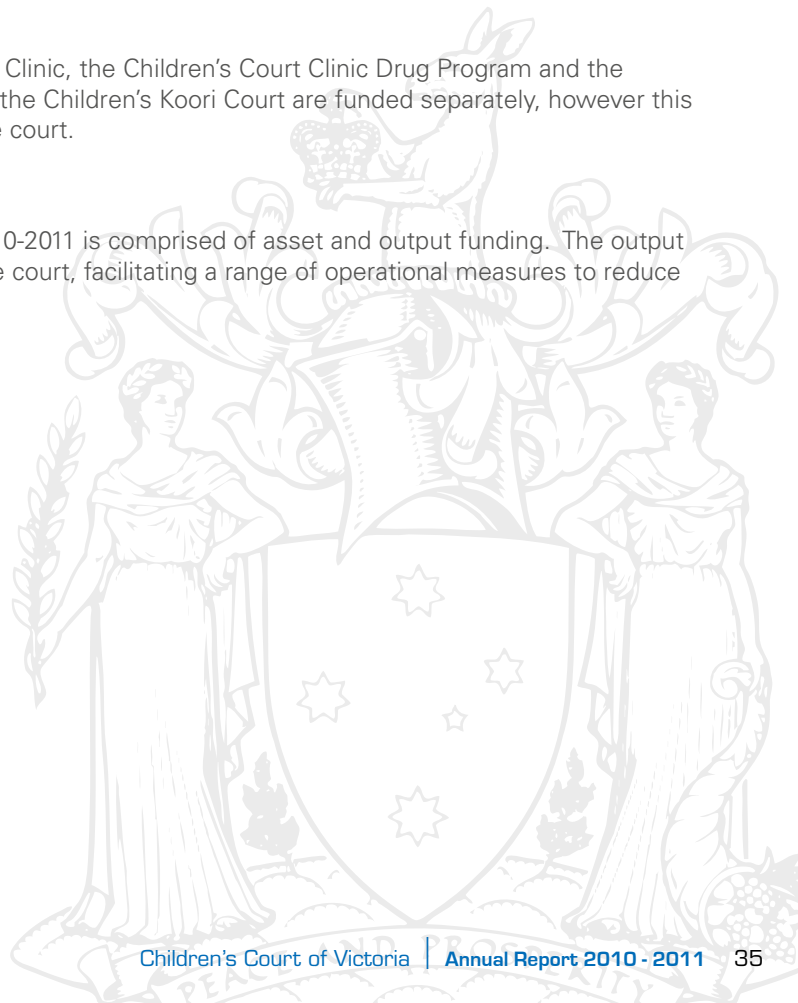
The total workload of the Family Division of the Children's Court has increased nine percent annually since 2004. The increase in expenditure for professional services can be attributed to the flow-on increase in number of cases being referred to a dispute resolution conference (conducted by sessional convenors) and number of referrals to the Children's Court Clinic (which engages sessional clinicians).

Note 4

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 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 5

The Expenditure Review Committee allocation received in 2010-2011 is comprised of asset and output funding. The output component formed part of the annual recurrent funding of the court, facilitating a range of operational measures to reduce court delays.



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

Maxine Catton, Registrar

Sue Higgs, Manager, Conferences, Children's Court of Victoria

Janet Matthew, Children's Court Liaison Officer

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

Noel Moloney, Courts and Tribunals Unit, Department of Justice

Theoni Talone, Courts and Tribunals Unit, Department of Justice





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