

CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT
2011 - 2012

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Judge Paul Grant
President
Children's Court of Victoria

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Victoria

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12 February 2013

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

Dear Governor

CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2011-2012

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 2011-2012.

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'.

Judge Paul Grant
President
Children's Court of Victoria

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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.

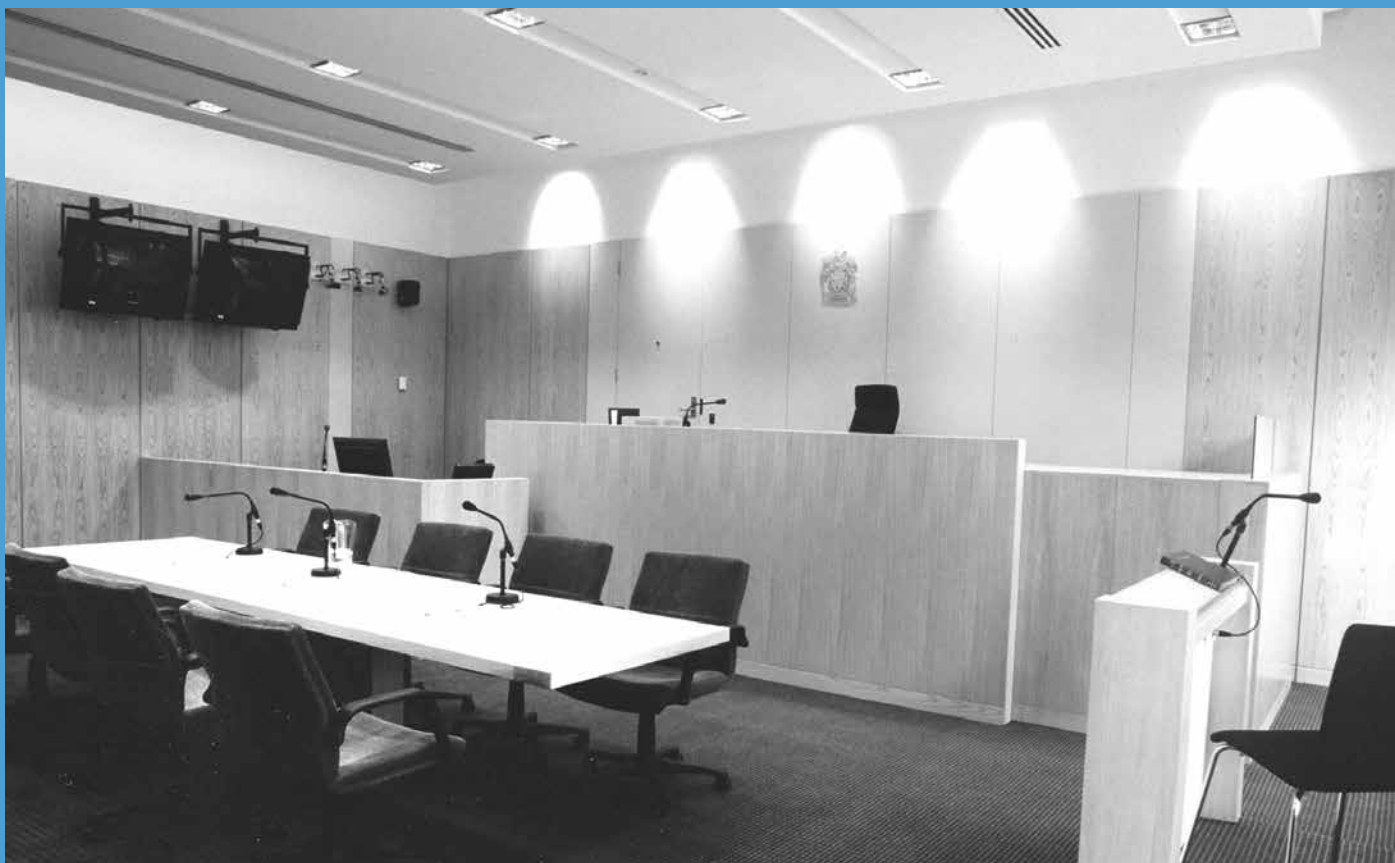
PROFESSIONALISM

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.



REPORT OF THE PRESIDENT

Family Division

Workload

Last year's annual report detailed the significant rise in child protection applications made to the Children's Court over the previous eight years. In the current reporting year, the number of applications initiated in the court grew by 13.3% on the previous year. This is an extraordinarily large increase in workload. In some country regions, the growth in the number of applications is so significant it is difficult to see how some courts will be able to cope with the demand. The increase in Gippsland, for example, was 26.8% on the previous year and in Hume it was 21.0%. The increase at Melbourne was 13.9%.

The increase in the volume of work has two consequences. First, over-crowding which is a feature of the Melbourne court and various country courts, will continue to be a major problem. Second, delay will continue to be a critical issue.

With the work increasing at such a significant rate, the court is unable, within its existing resources, to match the rate of finalisation of cases to the rate of initiation. This means delay is increasing. Delay in determining child protection applications is not in the best interests of children. The court is doing what it can to tackle this issue but it is impossible to make headway when the workload continues to grow at such a significant rate.

Report of the Protecting Victoria's Vulnerable Children Inquiry

The court met with, and made submissions to, the Protecting Victoria's Vulnerable Children Panel of Inquiry. The Inquiry report was tabled in Parliament on 28 February 2012.

The Inquiry made a finding that "a specialist Children's Court should continue to have the primary role in determining the lawfulness of a proposed intervention by the State in a child's life. This requires a careful weighing of the rights and interests of the children, as viewed by the State, against the rights and interests of their caregivers. The Inquiry considers that a judicial officer is best qualified to make this determination..."

The Inquiry agreed with the findings in previous reports that the Melbourne Children's Court was cramped and over-crowded and that the environment was not conducive to good outcomes for children and families. On this issue, the Inquiry recommended the decentralisation, over time, of Family Division work in metropolitan Melbourne.

The Inquiry made recommendations about the role of children in the court process and made a number of

recommendations about the court. The report endorsed the new model conference process that currently operates at the Melbourne court and recommended funding the process throughout Victoria. Some of the other significant recommendations were:

- Legislate to give the court the power to conduct "Less Adversarial Trials";
- Support the court to develop its proposed specialist approaches for Koori families and sexual abuse matters; and
- Expand the panel of lawyers at the Melbourne court.



Judge Paul Grant
President
Children's Court of Victoria

The Inquiry also recommended abolishing the Children's Court Clinic in its current form and establishing clinical services as an administrative unit within the Department of Health. The Inquiry further recommended that, in the medium to long term, a statutory clinical services board (with the responsibility for overseeing service provision by a panel of providers) replace the administrative unit.

On 23 March 2012, the court wrote to the government expressing its concern about some particular recommendations – including its strong opposition to the recommendations about the Children's Court Clinic. A copy of the response is available on the court's website.

In the 2012 budget, the government announced funding for:

- a Children's Court facility at Broadmeadows; and
- the expansion of new model conferencing throughout the State.

The government has foreshadowed 'stage one' legislative amendments to the *Children, Youth and Families Act 2005*. Proposed amendments include:

- giving power to the court to apply 'Less Adversarial Trial' principles to proceedings in the court;
- changing the law in relation to the representation of children;
- a requirement that a child only be brought to court if the child has indicated a wish to attend or the court has ordered that the child attend; and
- replacing the DRC conferencing model provisions with legislative provisions that support new model conferencing.

Magistrate Gregory Levine's Churchill Fellowship

In July 2012, Magistrate Greg Levine published his Churchill Fellowship report on Family Drug Treatment Courts. These courts were created to address the poor outcomes from traditional family reunification programs for substance-abusing parents. The report details the effectiveness of these courts in improving outcomes for families and children and in reducing costs to courts and family services. The report argues for the establishment of a pilot Family Drug and Alcohol Treatment Court in the Children's Court of Victoria. A multi disciplinary committee has been established to look at advancing that recommendation.

Participation in education programs and conferences

The court has continued to participate in a series of "shared training" days with DHS, VLA, private lawyers and barristers.

On 1 June 2012, the court was responsible for delivering a half day "Good Practice in the Children's Court" forum. The overall objective of the program was to improve outcomes for children and families in the Children's Court. The forum covered topics such as "Preparing for and participating in court proceedings" and "Understanding the roles and obligations of parties in contests". These sessions were delivered by Magistrate Peter Dotchin and Magistrate Ros Porter respectively. Kasey Tyler, the court's Research and Policy Officer, facilitated the forum.

The launch of the Sentencing Advisory Council report



Criminal Division

Report of the Sentencing Advisory Council

In April 2012, the Sentencing Advisory Council published its report on "Sentencing Children and Young People in Victoria." The report is available on the Council's website (www.sentencingcouncil.vic.gov.au) and I would urge anyone interested in youth justice issues to read it.

Expansion of Children's Koori Courts

In June 2012, the court expanded the Children's Koori Court to cover:

- all young Kooris who live in metropolitan Melbourne (expanding the availability of the court beyond the previous boundaries of the north west region of Melbourne); and
- the Warrnambool region (including Portland and Hamilton).

By the end of 2012, it is anticipated that the Children's Koori Court will also be available in the Latrobe Valley and Bairnsdale.

Judicial appointments

During the reporting year the court welcomed new Magistrate Darrin Cain who commenced on 21 July 2011 and Magistrate Jo Metcalf who commenced on 12 September 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. This information is 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 Group Conferencing Statewide Advisory Committee
- Sexual Assault Advisory Committee

Conclusion

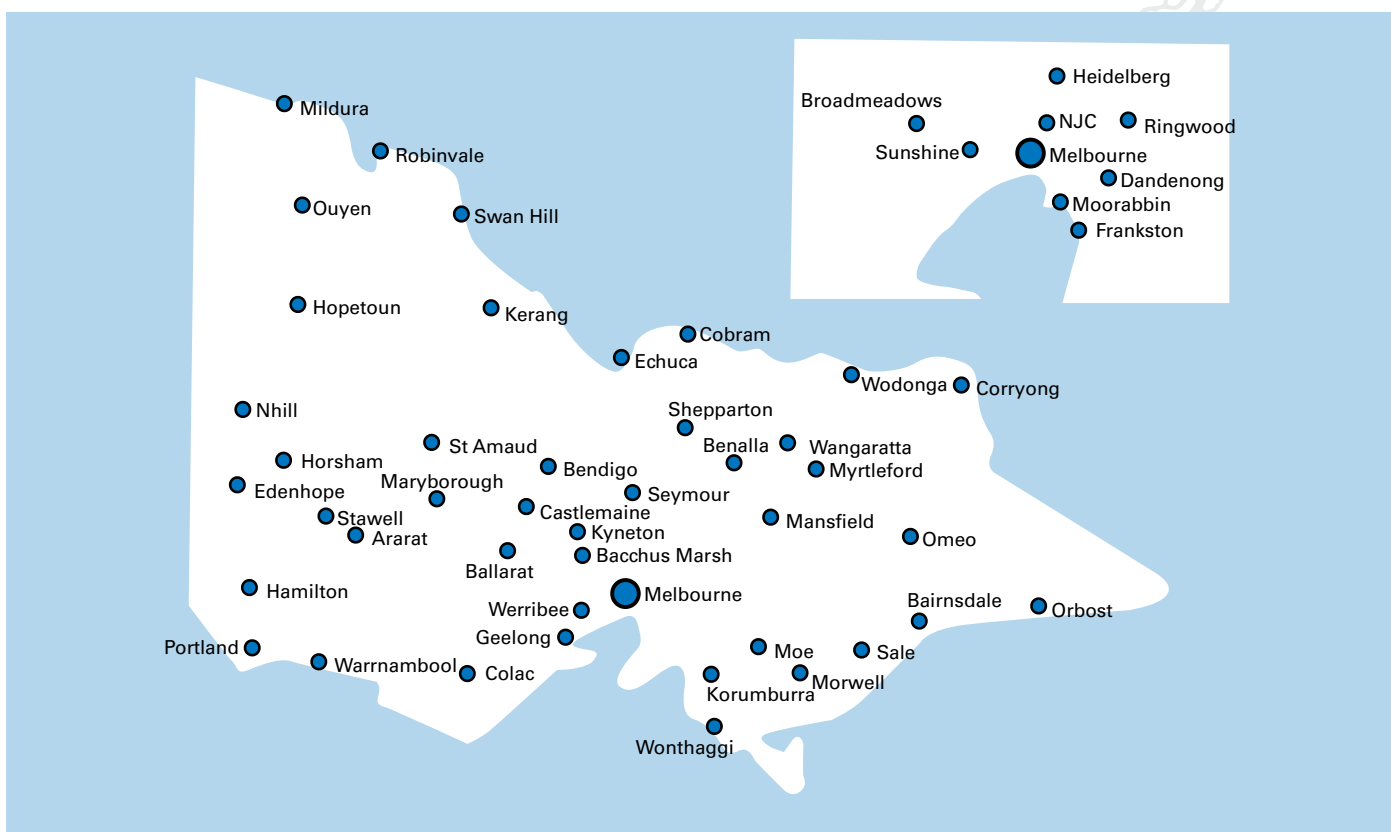
As in previous years, I acknowledge and thank the staff and members of the following organisations who have worked co-operatively and diligently with the court at Melbourne and throughout the state during the reporting period:

- Children’s Court Clinic
- Victoria Legal Aid
- Department of Human Services
 - Child Protection Litigation Office
 - 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.

Map indicates Children’s Court locations throughout Victoria



REPORT OF THE CHIEF EXECUTIVE OFFICER

The Children's Court again experienced a year of growth and change in 2011/12, in both its governance arrangements and its operations. This is reflected here in the first CEO's report to be published in this annual report.

From 1 July 2012 the court's administration was separated from that of the Magistrates' Court. Until this disaggregation, the Children's Court formed part of the Magistrates' Court in terms of administration, management and resources. Under the new arrangements the court will have its own identity, its own Chief Executive Officer, and resources and structures to ensure the best services possible are delivered in all venues across Victoria. We will continue to maintain a close relationship with the Magistrates' Court, and will work together in areas where issues and priorities are shared.

Central to the efforts of the court's administration in 2011/12 was responding to the Protecting Victoria's Vulnerable Children Inquiry, which reported to Parliament in February. The Inquiry panel examined the entire child protection system, including the legal system and court processes, which were the subject of findings and recommendations. We welcomed endorsement of the conferencing model we introduced in 2010, and agreed in principle with recommendations about decentralising the Family Division and improving the Melbourne court's physical environment to offer a better experience for families and children. The court will continue to work with the Department of Justice, the Department of Human Services, the legal profession and other stakeholders to consider and action the Inquiry's outcomes. Collaboration is key as we face escalating demand in applications made in the court's Family Division. It is particularly important that we offer support to regional venues as they manage increases in child protection work.

In its Family Division, the court's conference unit expanded its catchment area to take in cases from the eastern metropolitan region. The unit has grown to consist of a team of conference registrars and intake officers, with conferences conducted away from the court building where possible. The model has been evaluated, and the findings are positive. The conference unit will continue to assess the model to ensure it is delivering on its key objectives:

- to reduce the adversarialism often attached to court proceedings;
- to ensure families participate fully in the process and are heard; and
- to offer resolutions that are workable and durable.

The government's 2012/13 budget includes funding for the conferencing model to roll out to the rest of the metropolitan region and across country Victoria. This investment recognises the success of the conferencing process and will be crucial in assisting the court to cope with demand, and in offering a consistent service to families around the state.

The government also announced funding for a court complex to be built in Broadmeadows, with some Family Division cases to be listed there instead of the Melbourne court. We are working with the Department of Justice and others to develop a facility that will offer an improved layout, as well as an opportunity to manage cases in a different and better way. Again, this investment is in line with the Inquiry's recommendations about the court having facilities more appropriate to meet the needs of children and their families.

The court was also able to advance on some priorities in its Criminal Division in 2011/12. The Children's Koori Court expanded to sit at three venues in the Barwon South-West region and will expand further in 2012/13. Already, it is heartening to see young Kooris opting to have their cases heard in front of their Elders and Respected Persons. The support of other agencies involved in the process has been of great benefit.

In April 2012 the Sentencing Advisory Council (SAC) published a report, "Sentencing Children and Young People in Victoria". The report is the first significant publication about the court's sentencing statistics and covers trends in rates and types of offending by young people over the past 10 years. The report will assist us to consider and plan better court-based responses for young offenders. The SAC report also represents the commitment of the court to increase awareness of its role.

The employment of a CEO and separate administration, the funding of large projects and the court's involvement in reforms being generated across the child protection and youth justice systems all demonstrate the growth and change which we are experiencing. I would like to congratulate and thank our staff for navigating this busy, and at times uncertain, period. As a new CEO, I have felt well-supported to advance the interests of this new administration, to improve services and make sure we are best-placed to tackle the challenges in the year ahead.



Leah Hickey
Chief Executive Officer
Children's Court of Victoria

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 *Personal Safety Intervention Orders Act 2010* where the "affected family member" (family violence matters) or "affected person" (personal safety matters), 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.

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.

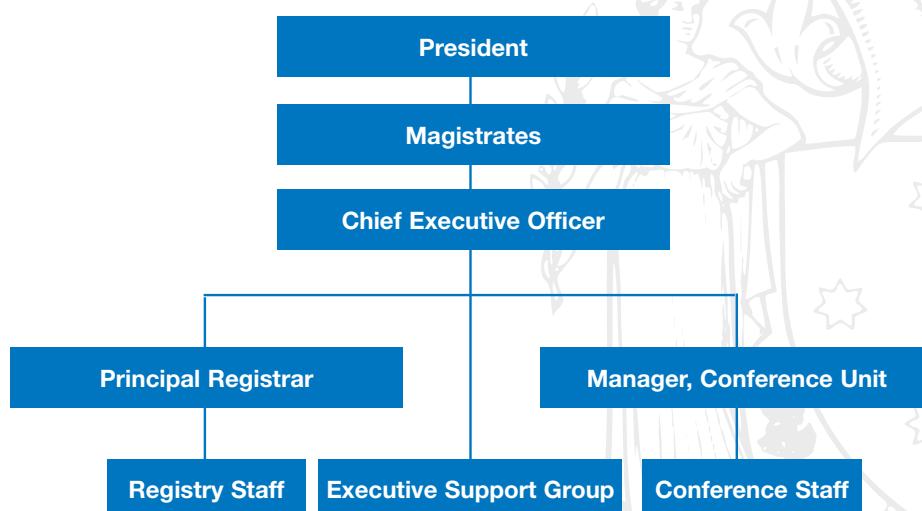
President and Magistrates

President	Judge Paul Grant	
Magistrates	Ms Jennifer Bowles Mr Darrin Cain (from 21 July 2011) Mr Peter Dotchin Ms Jane Gibson Ms Annabel Hawkins Mr Gregory Levine	Ms Kay Macpherson Ms Johanna Metcalf (from 12 September 2011) Ms Roslyn Porter Ms Sharon Smith Ms Belinda Wallington
Acting Magistrates	Mr Peter Power	Mr Francis Zemljak

Administration

Chief Executive Officer	Leah Hickey (Acting)
Principal Registrar	Leanne de Morton
Manager, Conference Unit	Sue Higgs

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.

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, originally 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 13 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, hearing Criminal Division and intervention order cases only. 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

During the reporting year, the Children's Court at Melbourne was pleased to welcome Magistrate Darrin Cain and Magistrate Jo Metcalf. Magistrate Cain was appointed on 19 July 2011 and commenced at the court on 21 July 2011. Magistrate Metcalf joined us from Broadmeadows court and commenced on 12 September 2011.

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 2011/12 the court sat on 16 occasions and finalised 34 matters.

In September 2007 a second venue of the Children's Koori Court was launched at Mildura. During 2011/12 the Mildura court sat on 18 occasions and finalised 59 matters.

In June 2012, the court expanded the Children's Koori Court to cover all of the Melbourne metropolitan area (expanding the availability of the court beyond the previous boundaries of the north west region of Melbourne). In June 2012 the Children's Koori Court also commenced sitting in the Warrnambool region (including Portland and Hamilton). One sitting was held before the end of the reporting period resulting in one case finalised.

By the end of 2012, it is anticipated that the Children's Koori Court will also be available in the Latrobe Valley and Bairnsdale.



A smoking ceremony was conducted at Warrnambool court prior to commencement of sittings of the Children's Koori Court

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 2011/12, 8,865 CAYPINS matters were finalised throughout the state.

CHILDREN’S COURT WEBSITE

Work commenced during the reporting year on review and re-development of the Children’s Court website. Knowledge, Information and Technology Services (KITS) of the Department of Justice is undertaking the work involved in re-designing and building the site.

Re-development of the website will address issues of usability and functionality due to the restrictions of the current site which has been online since 2003.

The new website will include some new features not previously available and will have a greater focus on the needs of court users.

The court anticipates that the new website will be online early in 2013.



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
- provision of material aid
- family contact through home visits
- crisis care
- family counselling
- accommodation
- client counselling
- 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 2011/12 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. 4,537 more orders were made by the court in its Family Division in 2011/12 than in 2010/11.
- While country venues of the court hear cases in both divisions, in the metropolitan area all Family Division child protection 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, 2010/11 – 2011/12

Court Regions ²	2010/11			2011/12		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,839	2,622	540	1,825	2,263	467
Grampians	716	731	144	679	774	136
Loddon Mallee	822	962	167	752	776	226
Broadmeadows	634	629	188	587	616	163
Dandenong	1,091	1,099	360	966	1,136	251
Frankston	628	697	130	596	654	198
Barwon South West	893	958	100	731	734	118
Heidelberg	794	917	235	680	728	210
Gippsland	791	984	139	727	837	135
Ringwood	930	972	198	743	767	126
Hume	900	986	151	794	896	132
Sunshine	865	968	280	1,025	1,022	381
NJC – Collingwood ³	11	26	4	19	20	6
Total	10,914	12,551	2,636	10,124	11,223	2,549

Chart 1: Number of matters initiated and finalised, 2011/12

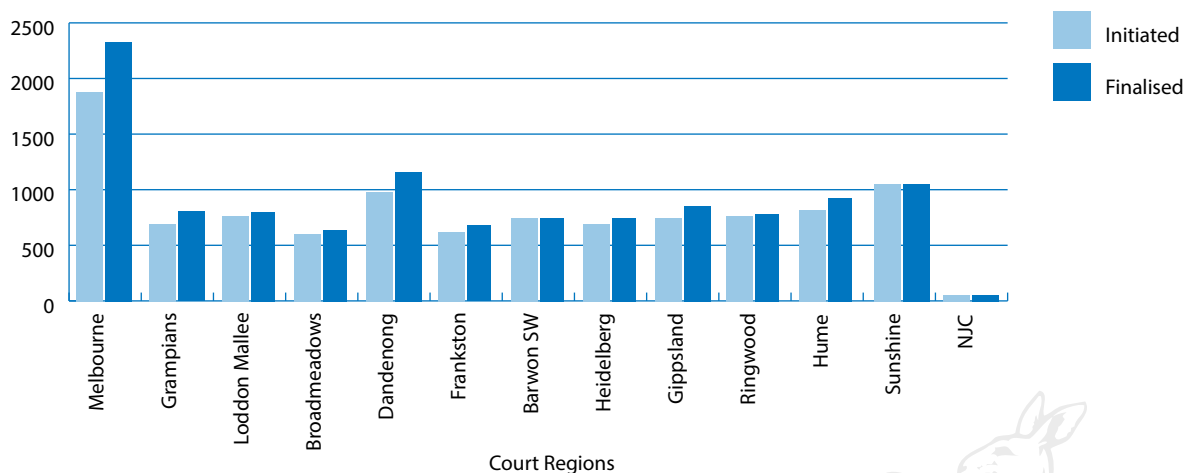
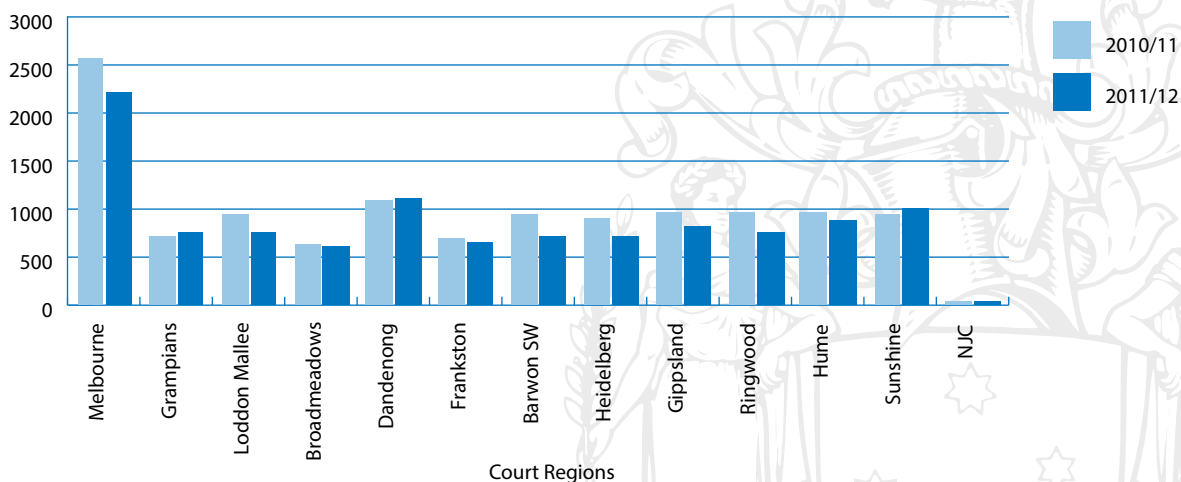


Chart 2: Regional caseload distribution for finalised matters, 2010/11 - 2011/12



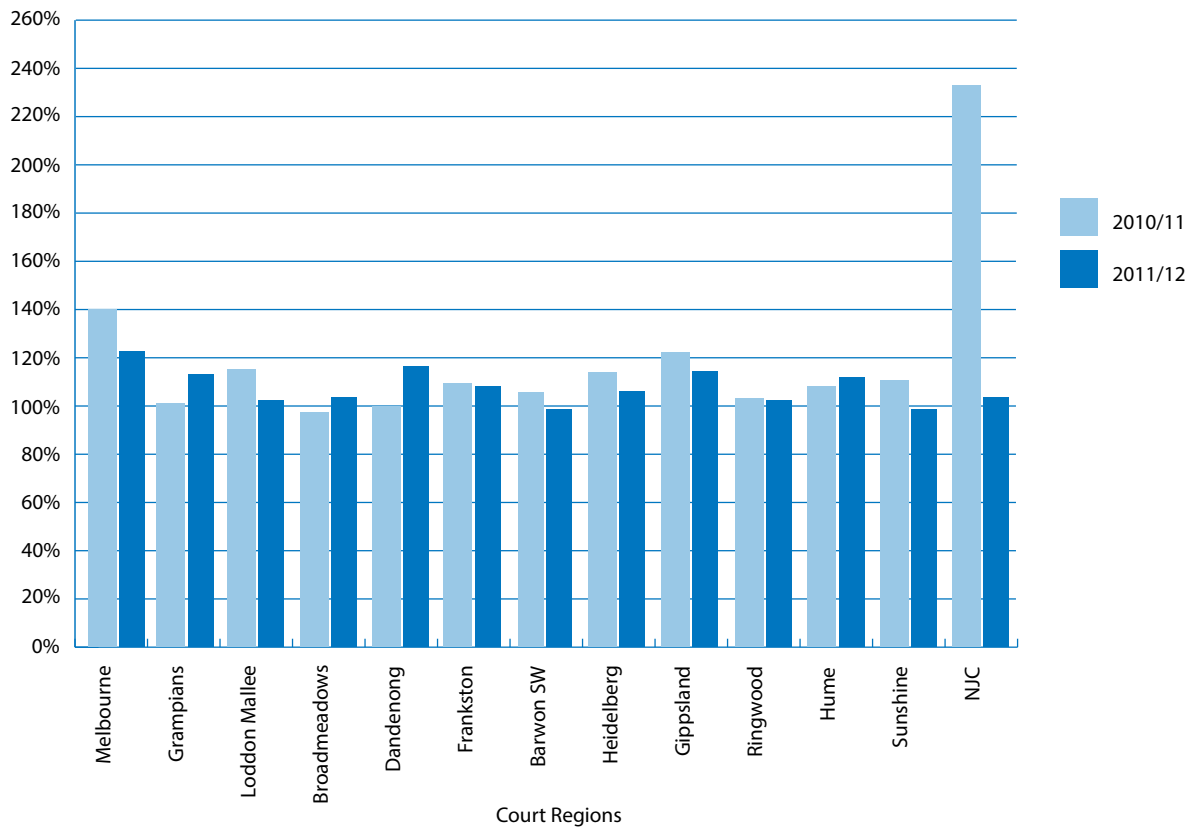
1. A criminal "matter" refers to a charge or set of charges laid by an informant against an accused.

2. A detailed list of court regions can be found on page 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 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, 2010/11 – 2011/12



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 10 of this report.

Table 2: Number of CAYPINS matters initiated, finalised and pending, 2010/11 – 2011/12

Court Regions	2010/11			2011/12		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,152	1,134	142	1,304	1,265	89
Grampians	245	199	62	256	265	42
Loddon Mallee	287	292	30	310	225	55
Broadmeadows	704	748	62	832	794	102
Dandenong	609	610	62	1,004	889	83
Frankston	509	490	61	857	694	160
Barwon South West	296	281	60	334	291	67
Heidelberg	940	977	62	1,064	990	147
Gippsland	294	288	45	277	247	33
Ringwood	960	1,006	61	1,364	1,196	100
Hume	308	336	46	350	350	55
Sunshine	1,188	1,139	155	1,588	1,552	179
NJC – Collingwood	92	88	18	83	107	7
Total	7,584	7,588	866	9,623	8,865	1,119

Criminal Division

Table 3: Offenders found guilty, by outcome⁴, 2009/10 - 2011/12

Order	2009/10	2010/11	2011/12
	Number		
Discharged	15	8	8
Unaccountable Undertaking	33	39	33
Accountable Undertaking	640	593	481
Good Behaviour Bond	1,947	1,793	1,684
Fine	1,672	1,236	802
Probation	1,113	1,038	882
Youth Supervision Order	407	391	367
Youth Attendance Order	101	82	57
Youth Residential Centre	14	18	7
Youth Justice Centre	232	229	212
Total	6,174	5,427	4,533

Order	Percent		
	2009/10	2010/11	2011/12
Discharged	0.3%	0.2%	0.2%
Unaccountable Undertaking	0.5%	0.7%	0.7%
Accountable Undertaking	10.4%	10.9%	10.6%
Good Behaviour Bond	31.5%	33.1%	37.1%
Fine	27.1%	22.8%	17.7%
Probation	18.0%	19.1%	19.5%
Youth Supervision Order	6.6%	7.2%	8.1%
Youth Attendance Order	1.6%	1.5%	1.3%
Youth Residential Centre	0.2%	0.3%	0.1%
Youth Justice Centre	3.8%	4.2%	4.7%
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, 2009/10 - 2011/12

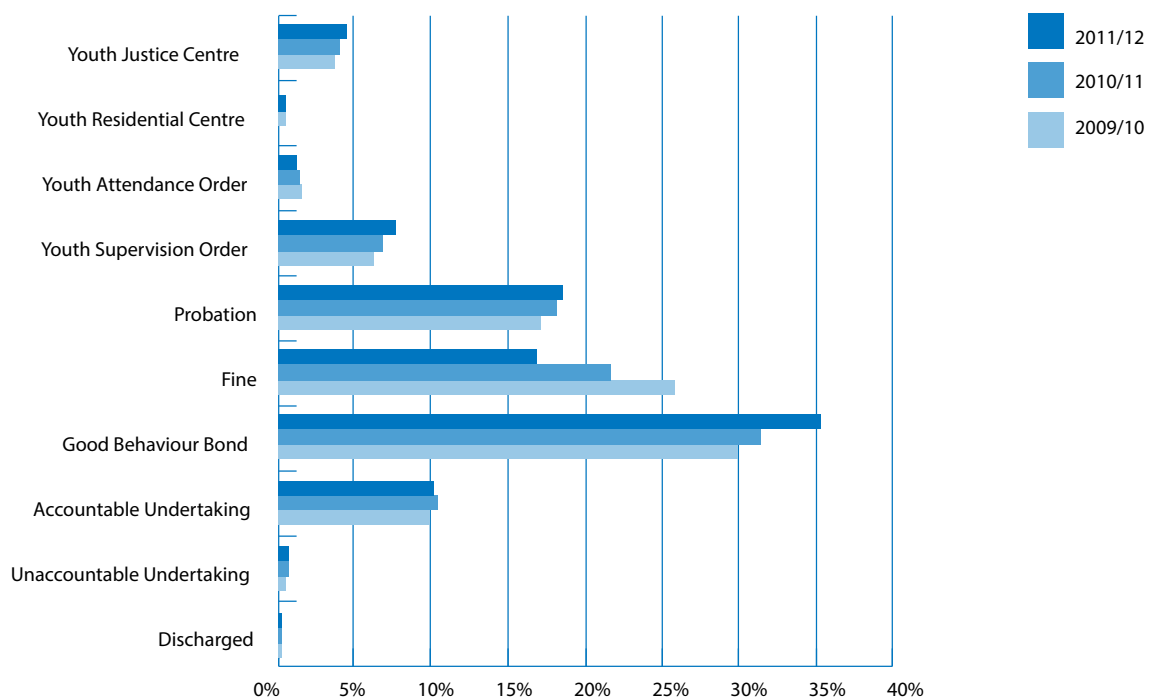


Table 4: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2009/10 - 2011/12

	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
	Number			Percent		
0 < 3 months	9,828	8,585	7,518	69.0%	68.4%	67.0%
3 < 6 months	2,714	2,369	2,126	19.0%	18.9%	18.9%
6 < 9 months	911	761	793	6.4%	6.0%	7.1%
9 < 12 months	336	386	323	2.4%	3.1%	2.9%
12 < 24 months	350	349	319	2.5%	2.8%	2.8%
24 months +	97	101	144	0.7%	0.8%	1.3%
Total	14,236	12,551	11,223	100.0%	100.0%	100.0%
6 months +	1,694	1,597	1,579	12.0%	12.7%	14.1%

Criminal Division

Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2009/10 - 2011/12

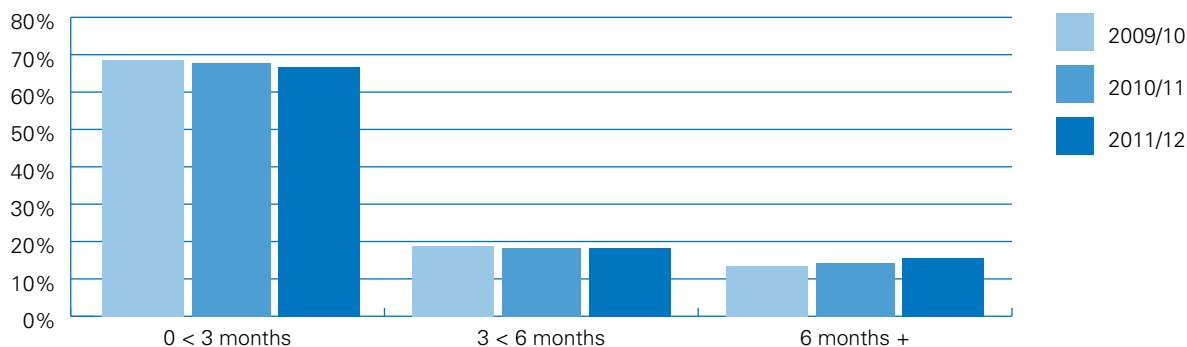
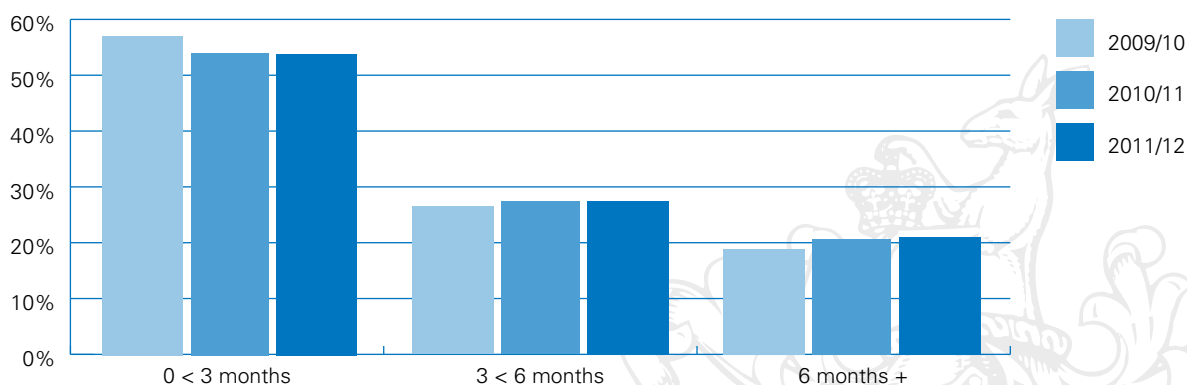


Table 5: Number of matters pending on 30 June, by elapsed time since date of initiation, 2009/10 - 2011/12

	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
	Number			Percent		
0 < 3 months	1,833	1,412	1,356	56.5%	53.6%	53.2%
3 < 6 months	795	673	653	24.5%	25.5%	25.6%
6 < 9 months	354	270	311	10.9%	10.2%	12.2%
9 < 12 months	135	132	98	4.2%	5.0%	3.9%
12 < 24 months	109	113	105	3.3%	4.3%	4.1%
24 months +	19	36	26	0.6%	1.4%	1.0%
Total	3,245	2,636	2,549	100.0%	100.0%	100.0%
6 months +	617	551	540	19.0%	20.9%	21.2%

Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2009/10 - 2011/12



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, 2009/10 - 2011/12

Order	2009/10	2010/11	2011/12
Adjournment	7,932	8,759	9,312
Custody to Secretary order	1,353	1,227	1,332
Custody to third party order	4	4	7
Dismissed	36	34	29
Extension of custody to Secretary order	1,326	1,335	1,401
Extension of interim accommodation order	14,371	12,117	11,314
Extension of guardianship to Secretary order	374	366	356
Extension of supervised custody order	72	87	107
Extension of supervision order	303	293	375
Extension of therapeutic treatment order	5	5	10
Extension of therapeutic treatment (placement) order	0	1	0
Free text order ⁶	7,934	9,301	11,700
Guardianship to Secretary order	225	273	288
Interim accommodation order	5,494	5,405	6,478
Interim protection order	795	871	881
Long-term guardianship to Secretary order	49	47	45
Permanent care order	223	202	250
Refusal to make protection order (s.291(6) CYFA)	59	77	48
Search warrant	2,784	3,395	3,831
Struck out	536	480	777
Supervised custody order	233	289	330
Supervision order	1,747	1,906	2,016
Temporary assessment order	2	0	7
Therapeutic treatment order	14	30	28
Therapeutic treatment (placement) order	2	4	2
Undertaking to appear/produce child on adj date	0	0	0
Undertaking – common law	10	26	18
Undertaking - application proved	127	140	130
Undertaking - dismissed	34	15	8
Undertaking - refusal to make protection order	15	10	17
Undertaking - struck out	100	145	284
Total	46,159	46,844	51,381

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.

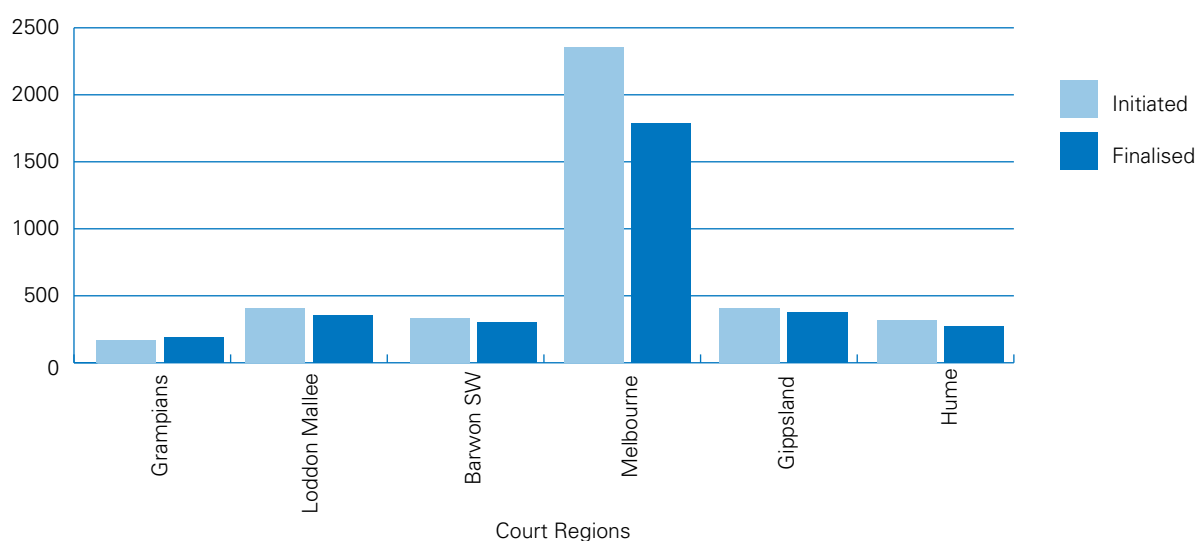
⁶ Free text orders most commonly record directions made by the court and orders made in response to oral applications e.g. directions for the release of Children's Court Clinic reports, and orders joining additional parties to proceedings. Free text orders may also record the withdrawal of proceedings.

Family Division

Table 7: Number of primary applications initiated⁷, finalised and pending, 2010/11 – 2011/12

Court Regions	2010/11			2011/12		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	239	194	76	166	182	52
Loddon Mallee	285	268	79	404	352	108
Barwon South West	275	282	72	325	298	87
Melbourne	1,886	1,430	987	2,314	1,764	1,269
Gippsland	343	335	60	402	366	85
Hume	289	269	85	309	271	70
Total	3,317	2,778	1,359	3,920	3,233	1,671

Chart 7: Number of primary applications initiated and finalised, 2011/12



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, 2010/11 – 2011/12

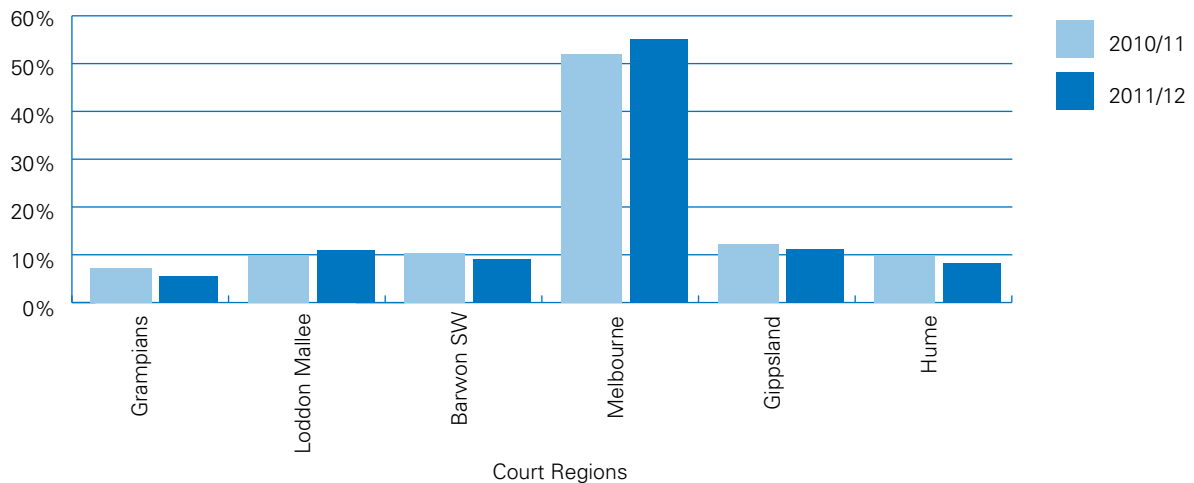


Chart 9: Clearance rates for primary applications, 2010/11 – 2011/12

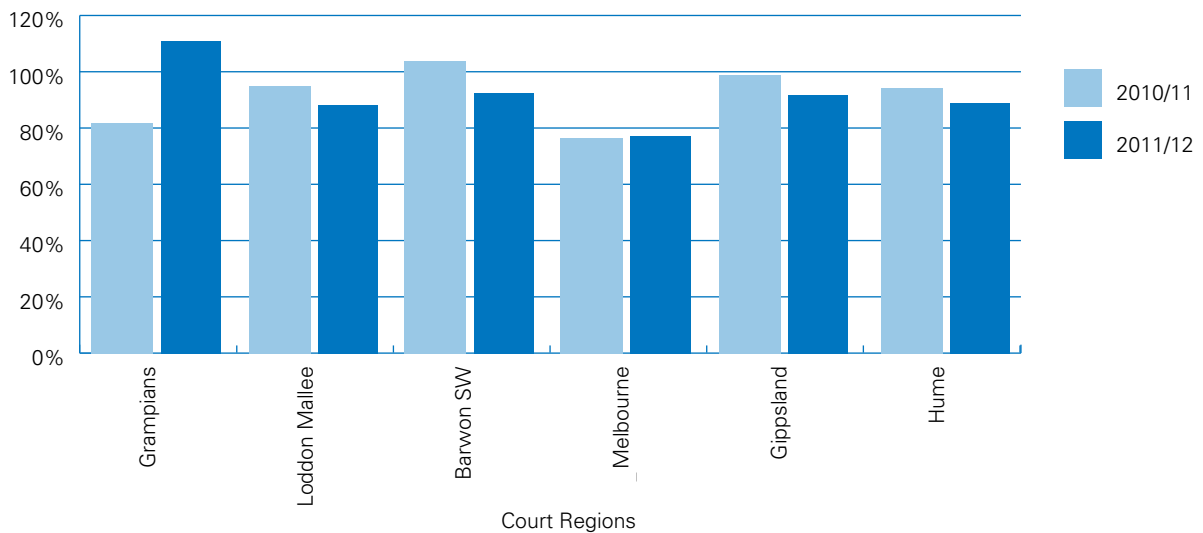


Table 8: Number of protection applications initiated by apprehension/by notice, by court region, 2010/11 – 2011/12

Court Regions	2010/11				2011/12			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Grampians	126	111	237	53.2%	90	71	161	55.9%
Loddon Mallee	178	105	283	62.9%	174	219	393	44.3%
Barwon SW	143	126	269	53.2%	162	156	318	50.9%
Melbourne	1,355	500	1,855	73.0%	1,793	489	2,282	78.6%
Gippsland	157	184	341	46.0%	199	197	396	50.3%
Hume	134	151	285	47.0%	180	116	296	60.8%
Total	2,093	1,177	3,270	64.0%	2,598	1,248	3,846	67.6%

Family Division

Chart 10: Percentage of protection applications initiated by apprehension, 2010/11 – 2011/12

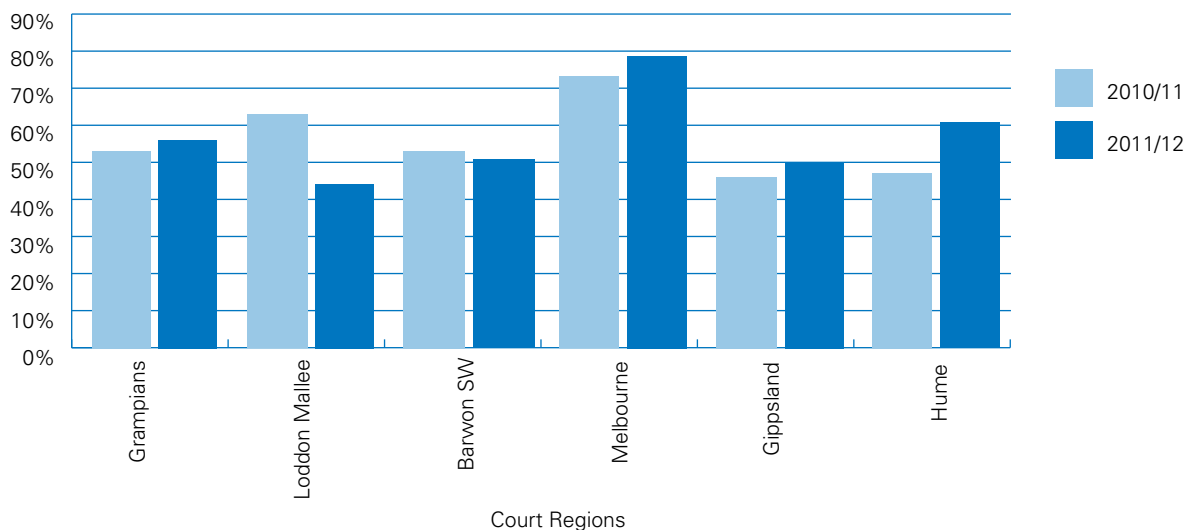


Table 9: Finalised primary applications by outcome, 2009/10 – 2011/12

Order	2009/10	2010/11	2011/12
Dismissed	16	20	11
Struck out	300	276	456
Refusal to make protection order	53	70	42
Undertaking – common law ⁸	4	12	12
Undertaking - application proved	86	99	89
Undertaking - dismissed	24	11	8
Undertaking - refusal to make protection order	11	9	15
Undertaking - struck out	83	119	215
Free text order	84	161	137
Supervision order	1,077	1,154	1,305
Custody to third party order	3	2	4
Supervised custody order	109	134	151
Custody to Secretary order	690	570	642
Guardianship to Secretary order	77	94	110
Long-term guardianship to Secretary order ⁸	5	15	0
Permanent care order	2	6	4
Temporary assessment order ⁸	2	0	7
Therapeutic treatment order ⁸	10	26	25
Therapeutic treatment (placement) order ⁸	1	0	0
Total:	2,637	2,778	3,233

⁸ These orders have been included in this table for the second time. Please note that while these orders were not individually listed in this table before the 2010/11 annual report, they were counted in the total of 2,637 for 2009/10.

Chart 11: Distribution of finalised primary applications, by outcome, 2009/10 – 2011/12

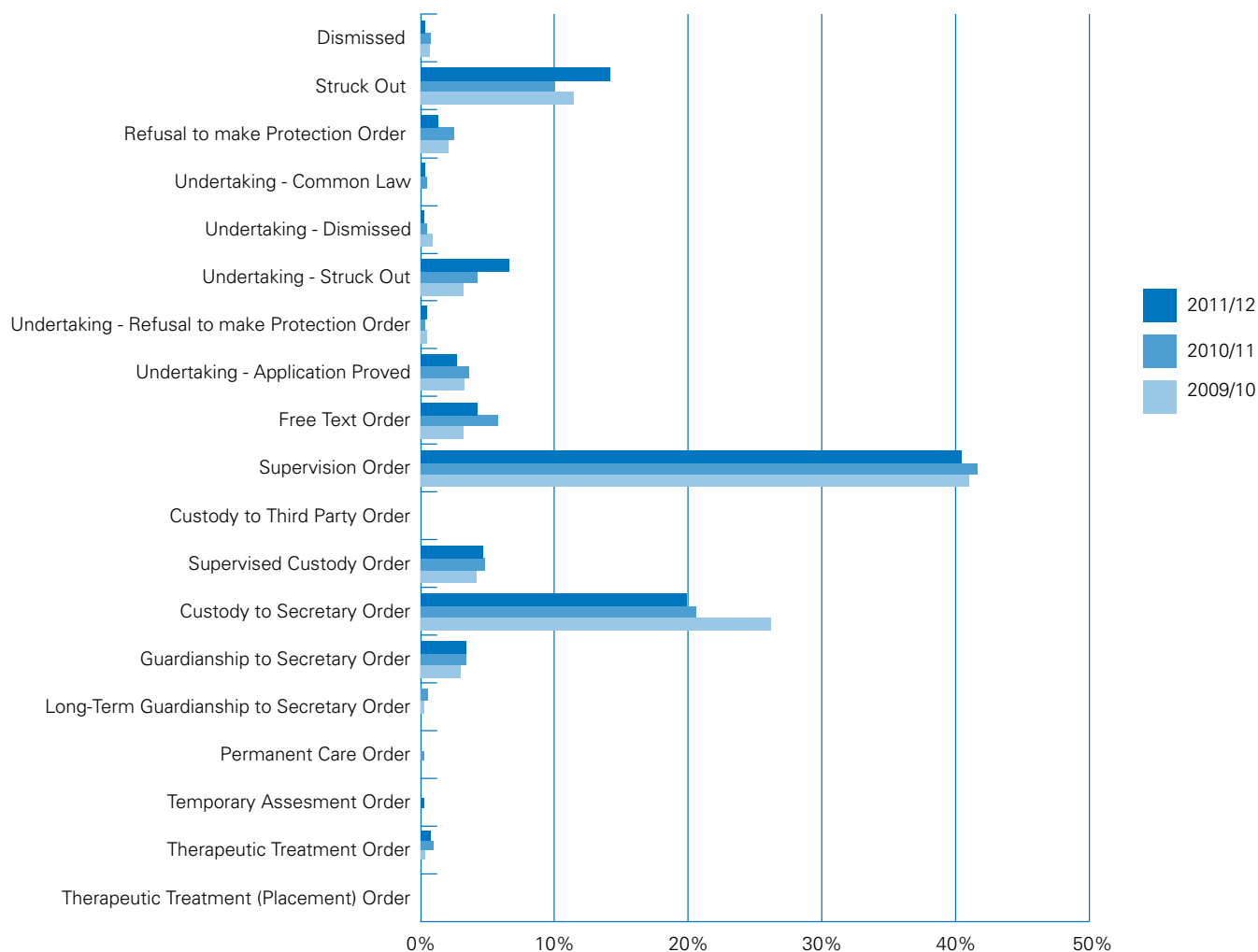


Table 10: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2010/11 – 2011/12

	2010/11	2011/12	2010/11	2011/12
	Number	Number	Percent	Percent
0 < 3 months	1,348	1,612	48.5%	49.9%
3 < 6 months	759	898	27.3%	27.8%
6 < 9 months	350	397	12.6%	12.3%
9 < 12 months	166	155	6.0%	4.8%
12 < 18 months	105	116	3.8%	3.6%
18 < 24 months	34	35	1.2%	1.1%
24 months +	16	20	0.6%	0.6%
Total	2,778	3,233	100.0%	100.0%
6 months +	671	723	24.2%	22.4%

Family Division

Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2010/11 – 2011/12

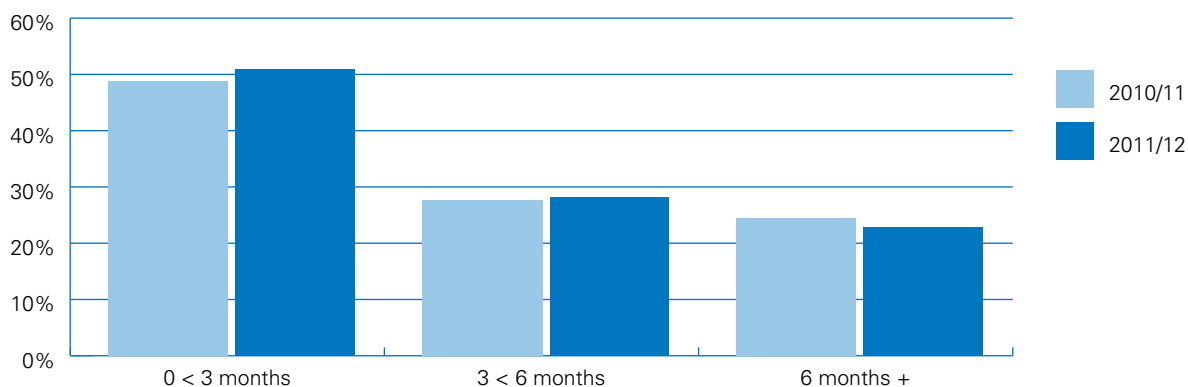
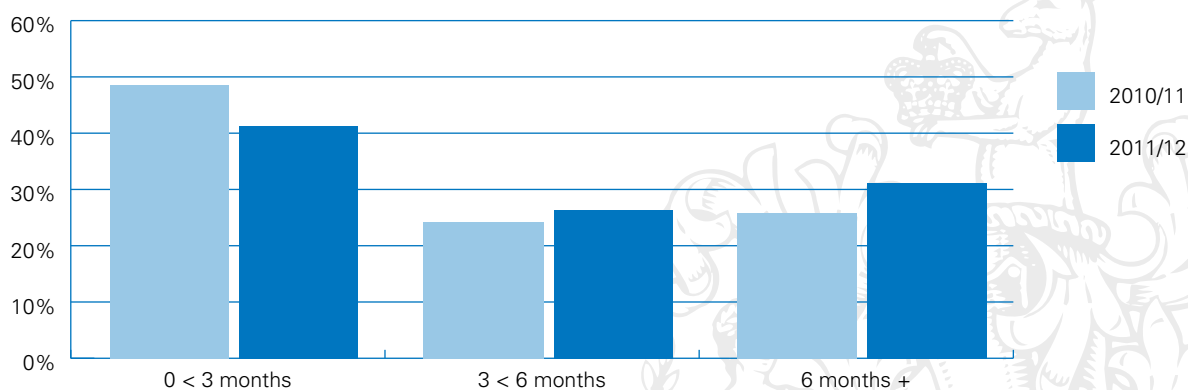


Table 11: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2010/11 – 2011/12

	2010/11	2011/12	2010/11	2011/12
	Number	Number	Percent	Percent
0 < 3 months	667	700	49.1%	41.9%
3 < 6 months	335	447	24.7%	26.8%
6 < 9 months	142	217	10.4%	13.0%
9 < 12 months	70	113	5.2%	6.8%
12 < 18 months	74	99	5.4%	5.9%
18 < 24 months	22	32	1.6%	1.9%
24 months +	49	63	3.6%	3.8%
Total	1,359	1,671	100.0%	100.0%
6 months +	357	524	26.3%	31.4%

Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2010/11 – 2011/12



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, 2010/11 – 2011/12

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

2011/12	Total DRCs listed	DRCs resulting in settlements	DRCs resulting in contested hearings	DRCs resulting in adjournments
Melbourne	1,322	450	211	661
Country	672	264	87	321
Total	1,994	714	298	982

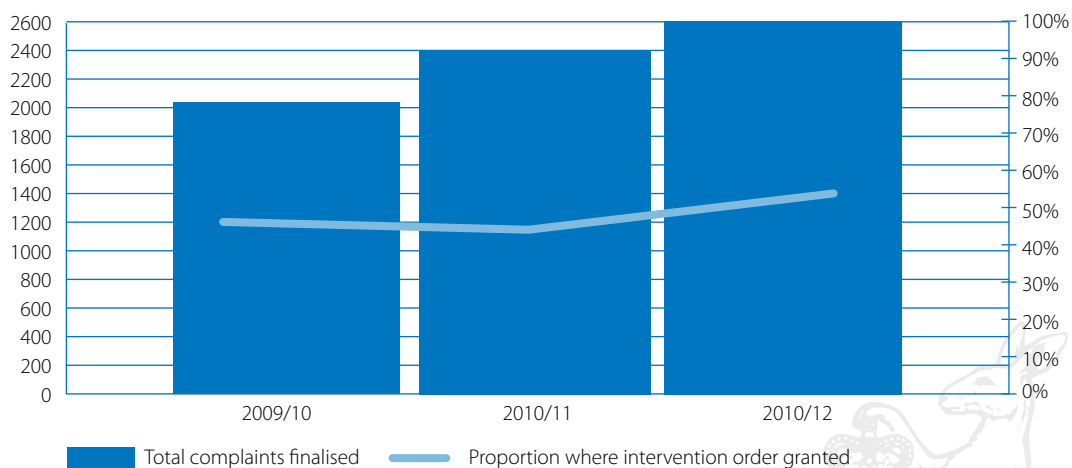
Family Violence & Personal Safety Jurisdiction

Table 13: Complaints for an intervention order finalised, by outcome, 2009/10 - 2011/12

	2009/10	2010/11	2011/12
	Number		
Intervention order made	962	1,090	1,402
Refused	32	29	35
Complaint struck out	525	612	556
Complaint withdrawn	555	707	602
Complaint revoked	0	0	13
Total	2,074	2,438	2,608

	2009/10	2010/11	2011/12
	Percent		
Intervention order made	46.4%	44.7%	53.8%
Refused	1.5%	1.2%	1.3%
Complaint struck out	25.3%	25.1%	21.3%
Complaint withdrawn	26.8%	29.0%	23.1%
Complaint revoked	0.0%	0.0%	0.5%
Total	100.0%	100.0%	100.0%

Chart 14: Number of complaints for an intervention order finalised, and proportion where intervention order made, 2009/10 - 2011/12



Family Violence & Personal Safety Jurisdiction

Table 14: Complaints for an intervention order finalised by Act⁹ under which complaint made, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
	Number		
Family Violence Protection Act 2008	1,308	1,561	1,761
Stalking Intervention Orders Act 2008 8/12/2008 – 4/09/2011	766	877	847
Personal Safety Intervention Orders Act 2010 5/09/2011 – 30/06/2012			
Total	2,074	2,438	2,608

	2009/10	2010/11	2011/12
	Percent		
Family Violence Protection Act 2008	63.1%	64.0%	67.5%
Stalking Intervention Orders Act 2008 8/12/2008 – 4/09/2011	36.9%	36.0%	32.5%
Personal Safety Intervention Orders Act 2010 5/09/2011 – 30/06/2012			
Total	100.0%	100.0%	100.0%

Chart 15: Number of complaints for an intervention order finalised by Act under which complaint made, 2009/10 - 2011/12



⁹ On 5/09/2011 the *Personal Safety Intervention Orders Act 2010* commenced operation. This legislation replaced the *Stalking Intervention Orders Act 2008*. For ease of reading the new legislation only is shown in chart 15 above.

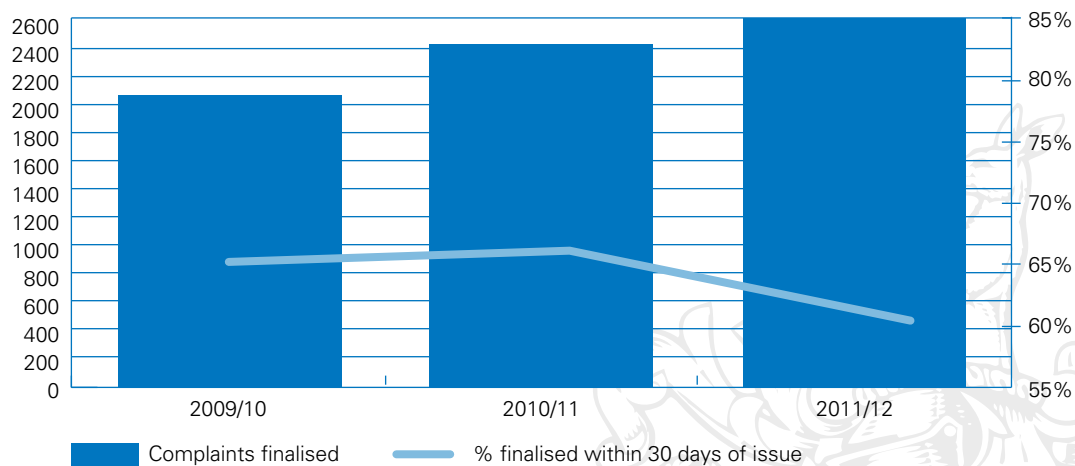
Family Violence & Personal Safety Jurisdiction

Table 15: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2009/10 - 2011/12

	2009/10	2010/11	2011/12
	Number		
0 < 1 month	1,334	1,583	1588
1 < 2 months	328	335	430
2 < 3 months	149	185	190
3 < 6 months	203	263	240
6 < 9 months	47	46	66
9 < 12 months	8	16	36
12 months +	5	10	58
Total	2,074	2,438	2,608

	2009/10	2010/11	2011/12
	Percent		
0 < 1 month	64.3%	64.9%	60.9%
1 < 2 months	15.8%	13.7%	16.5%
2 < 3 months	7.2%	7.6%	7.3%
3 < 6 months	9.8%	10.8%	9.2%
6 < 9 months	2.3%	1.9%	2.5%
9 < 12 months	0.4%	0.7%	1.4%
12 months +	0.2%	0.4%	2.2%
Total	100.0%	100.0%	100.0%
6 months +	2.9%	3.0%	6.1%

Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2009/10 - 2011/12

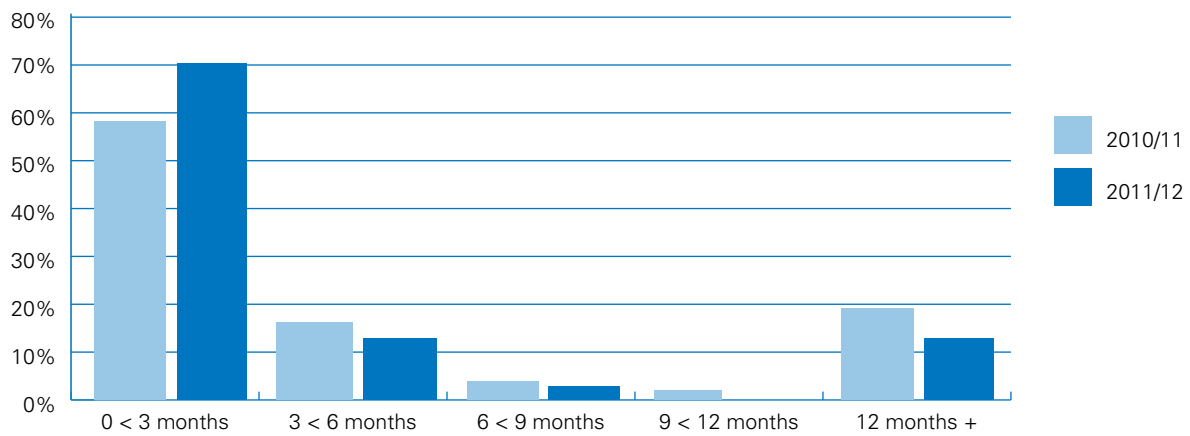


Family Violence & Personal Safety Jurisdiction

Table 16: Number of complaints for an intervention order pending on 30 June, by age since issue, 2010/11 - 2011/12

	2010/11	2011/12	2010/11	2011/12
	Number		Percent	
0 < 3 months	173	172	58.5%	69.9%
3 < 6 months	48	33	16.2%	13.4%
6 < 9 months	13	7	4.4%	2.9%
9 < 12 months	6	1	2.0%	0.4%
12 < 18 months	10	3	3.4%	1.2%
18 < 24 months	3	1	1.0%	0.4%
24 months +	43	29	14.5%	11.8%
Total	296	246	100.0%	100.0%
12 months +	56	33	18.9%	13.4%

Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2010/11 - 2011/12



Listing Statistics - Melbourne Region

Table 17: Number and type of listing, Melbourne, 2010/11 - 2011/12

Listing Type	No. Listed 2010/11	No. Listed 2011/12
Family Division		
Directions hearings	997	987
Interim accommodation order contests & intervention order contests ¹⁰	592	654
Final contests	834	565
Criminal Division		
Contest mentions	505	441
Contests	239	190

Table 18: Number and type of listing, Moorabbin, 2010/11 - 2011/12

Listing Type	No. Listed 2010/11	No. Listed 2011/12
Family Division		
Directions hearings	221	201
Interim accommodation order contests	144	161
Intervention order contests	9	8

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, 2009/10 – 2011/12

	2009/10	2010/11	2011/12
Country (Family Division contests)	30	32	33
Metropolitan (Criminal Division contests)	89	36	17

¹⁰ Since 2010/11 interim accommodation order contests and intervention order contests have been counted together. This is due to the way these matters are listed in the electronic listings diary introduced at Melbourne Children's Court during that year.



Listing Statistics - Melbourne Region

Table 20: Melbourne Children's Court, Family Division listing delays, 2009/10 - 2011/12

Listing Delay from Dispute Resolution Conference to Final Contest			
	2009/10	2010/11	2011/12
July	17 weeks	17 weeks	19 weeks
August	20 weeks	18 weeks	20 weeks
September	19 weeks	19 weeks	20 weeks
October	19 weeks	18 weeks	20 weeks
November	18 weeks	20 weeks	15 weeks
December	18 weeks	22 weeks	26 weeks
January	18 weeks	22 weeks	26 weeks
February	18 weeks	22 weeks	26 weeks
March	19 weeks	20 weeks	25 weeks
April	19 weeks	20 weeks	26 weeks
May	19 weeks	19 weeks	26 weeks
June	18 weeks	16 weeks	26 weeks
Average Delay	18.5 weeks	19.4 weeks	22.9 weeks

Table 21: Melbourne Children's Court, Criminal Division listing delays, 2009/10 - 2011/12

Listing Delay From Contest Mention to Final Contest			
	2009/10	2010/11	2011/12
July	15 weeks	15 weeks	10 weeks
August	16 weeks	16 weeks	10 weeks
September	16 weeks	17 weeks	10 weeks
October	15 weeks	16 weeks	10 weeks
November	15 weeks	16 weeks	9 weeks
December	14 weeks	15 weeks	9 weeks
January	15 weeks	14 weeks	11 weeks
February	15 weeks	14 weeks	12 weeks
March	15 weeks	14 weeks	12 weeks
April	15 weeks	11 weeks	11 weeks
May	15 weeks	9 weeks	11 weeks
June	16 weeks	9 weeks	10 weeks
Average Delay	15.1 weeks	13.8 weeks	10.4 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 872 referrals of children, young persons and their families during 2011/12, which represented a decrease of 8.5% on the previous financial year. The greater proportion of the assessments were carried out by sessional clinical psychologists with psychiatrists, neuropsychologists and forensic psychologists also contributing to the service.

Of the 872 referrals for assessment during 2011/12, 258 were criminal cases, 583 were child protection cases and 31 were family violence/personal safety matters. Of the total, 540 referrals emanated from the metropolitan area and 332 were from country regions of the state.

Included in the total were 28 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) the drug clinicians may be allocated cases where the parents have substance abuse problems. Also, when needed, clinicians will 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 2011/12 the clinic provided 86 such sessions representing a small increase on the previous year.



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.

Child Witness Service

Victoria's Child Witness Service (CWS) was established in 2007 with the aim of reducing the trauma and stress experienced by child witnesses. The CWS is located in a purpose built facility that houses a number of remote witness rooms in a child and family friendly environment. The facility is based in a building separate from the courts but is located within the legal precinct of Melbourne. The service is available to child witnesses appearing in courts, including the Children's Court, in criminal proceedings involving violence.

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 2011/12 year the court hosted 38 students. Of those, 33 were secondary students completing a week of work experience and five were tertiary level students undertaking a one or two week placement.

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.

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 67 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. During 2011/12 visitors to the court included the Chief Justice of Palau and delegations from Zimbabwe and China.

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.

Multi-disciplinary Training

Since late 2010 judicial officers and staff of the Children's Court have participated in a number of shared training days with the Department of Human Services, Victoria Legal Aid, private lawyers and barristers. The main focus of the training has been on new model conferences in child protection matters.

On 1 June 2012, the court was responsible for delivering a half day "Good Practice in the Children's Court" forum. The forum covered topics such as "Preparing for and participating in court proceedings" and "Understanding the roles and obligations of parties in contests". These sessions were delivered by Magistrate Peter Dotchin and Magistrate Ros Porter respectively. Kasey Tyler, the court's Research and Policy Officer, facilitated the forum.



The court delivered a half day "Good Practice in the Children's Court" forum

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 Magistrate Peter Power's "Research Materials" available on the Children's Court website.

5 FINANCIAL STATEMENT

Financial Statement for the Year Ending 30 June 2012

		Actual 2011-2012	Actual 2010-2011
SPECIAL APPROPRIATIONS			
Magistrates' salaries and allowances	Note 5	3,745,965	3,036,540
Total Special Appropriations		3,745,965	3,036,540
RECURRENT APPROPRIATIONS			
	Note 5		
Salaries, overtime and annual leave		3,053,525	2,544,606
Superannuation		265,264	232,034
Provision for long service leave		87,461	70,938
WorkCover levy		21,694	18,545
Payroll tax		164,626	136,688
Total Salaries Expenditure		3,592,570	3,002,811
OPERATING EXPENDITURE			
	Note 5		
Travel and personal expenses		69,576	40,012
Printing, stationery and subscriptions		195,078	149,632
Postage and communication		114,289	104,931
Contractors and professional services	Note 3	664,415	592,652
Training and development		115,693	75,621
Motor vehicle expenses		939	41
Operating expenses		132,921	154,580
Witness payments		15,749	12,652
Information technology costs		92,120	80,908
Rent and property services		941,201	499,664
Property utilities		86,445	77,277
Repairs and maintenance		138,457	191,573
Total Operating Expenditure		2,566,883	1,979,543
COURT SUPPORT PROGRAMS			
Children's Koori Court	Note 4	161,812	161,679
Children's Court Clinic Drug Program	Note 4	0	294,349
Total Court Support Program Expenditure		161,812	456,028
Total Recurrent Expenditure		6,321,265	5,438,382
DEPARTMENTAL CONTROLLED EXPENDITURE			
Depreciation - Buildings	Note 1, 2	710,042	674,306
Amortisation – Motor vehicles	Note 1, 2	89,061	55,064
Total Departmental Controlled Expenditure		799,103	729,370
TOTAL CHILDREN'S COURT EXPENDITURE		10,866,333	9,204,292
Children's Court Capital Expenditure		0	50,719
TOTAL CHILDREN'S COURT CAPITAL EXPENDITURE		0	50,719

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. 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

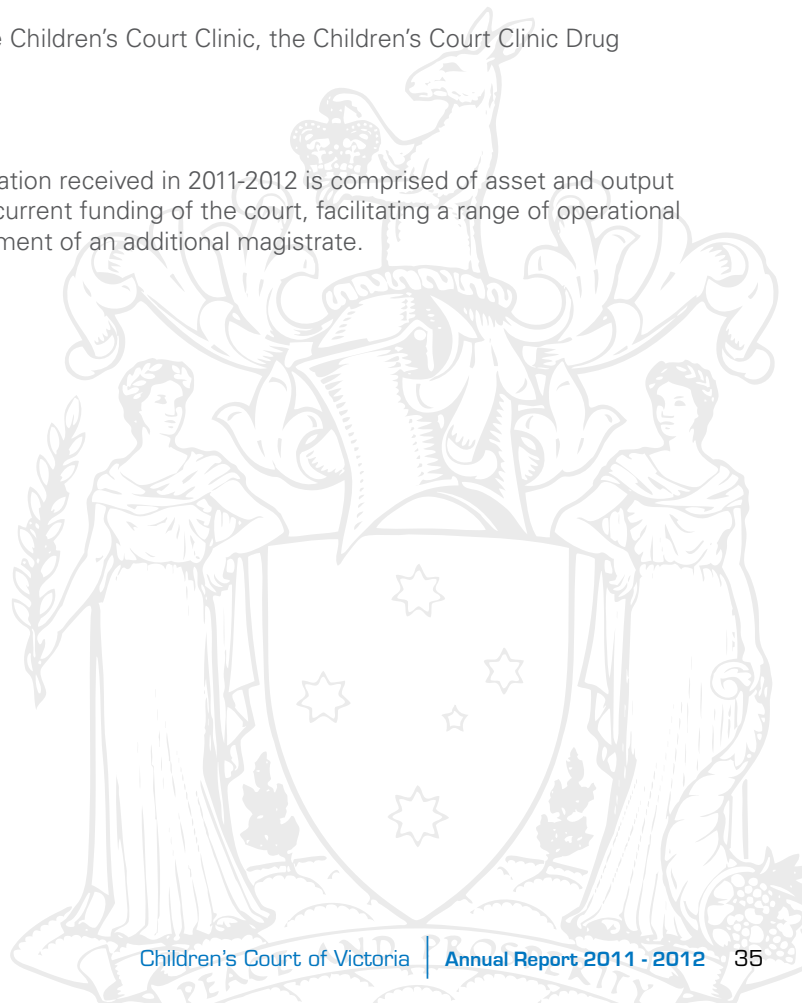
The total workload of the Family Division of the Children's Court has continued to increase annually since 2004. The increase in expenditure for professional services can be attributed to the flow-on increase in the number of cases being referred to a dispute resolution conference (conducted by sessional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

Note 4

The Children's Court annual recurrent budget incorporates the Children's Court Clinic, the Children's Court Clinic Drug Program and the Children's Koori Court program.

Note 5

The Budget and Expenditure Review Committee (BERC) allocation received in 2011-2012 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, which included the appointment of an additional magistrate.



ACKNOWLEDGEMENTS

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Noel Moloney, Courts and Tribunals Unit, Department of Justice

Nathan Woolhouse, Courts and Tribunals Unit, Department of Justice





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