

Judge Peter Couzens
President
Children's Court of Victoria

Phone (03) 8638 3398
Facsimile (03) 8601 6810



477 Little Lonsdale St
Melbourne Vic 3000

DX 212561

4 March 2014

His Excellency the Hon Alex Chernov AC QC
Governor of Victoria
Government House
Government House Drive
MELBOURNE VIC 3004

Your Excellency

CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2012-2013

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 2012-2013.

The report covers the court's operation and performance, and provides information on our activities and achievements during the reporting period.

Yours sincerely



Judge Peter Couzens
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.



REPORT OF THE PRESIDENT

Judge Paul Grant (reporting on the period 1/07/2012 – 30/04/2013)

A separate court

On 1 July 2012 the administration of the Children's Court separated from the administration of the Magistrates' Court. Up until this date the Children's Court had been treated as part of the Magistrates' Court in terms of administration, management and resources. Also on 1 July, Ms Leah Hickey was appointed Acting CEO of the Children's Court and on 21 September, CEO of the court. The Children's Court will continue to maintain a close working relationship with the Magistrates' Court.

Family Division

Workload

The number of child protection applications made to the court grew again when measured against the previous year. Fortunately, the increase for this reporting period was relatively modest when compared to the previous year. A total of 12,215 child protection applications (primary and secondary applications) were initiated in the current reporting year. This was an increase of 303 on the previous year.

Delay

In my report last year I noted that the regular annual increase in child protection applications contributed to the problem of delay. Delay had become particularly significant in those cases that did not resolve at the mention or conference stages of the court process. In an effort to tackle this issue, the court published a practice direction that required cases at Melbourne that did not resolve at a conference to be listed before a judicial officer before being listed for a contested hearing. In this process the judicial officer provides the parties with an assessment of the case based on the materials on the file. The parties do not have to accept the assessment and if the case does not resolve the judicial officer will determine what issues are in dispute, the witnesses required and the length of court time required for the contest. In addition to offering an opportunity for a resolution of the matter, the process ensures firm management of a case prior to it being listed for contest. The judicial officer who provides an assessment of the case does not hear the contest if the matter does not resolve. The process commenced in October 2012 and has been successful in reducing delay. The listing time from conference to contest at Melbourne reduced from 27 weeks in July 2012 to 12 weeks in June 2013.

Child Protection Legal Forum

Again this year, the court participated in a number of shared training days with DHS, VLA, private lawyers and barristers. On 18 October 2012, the court delivered an all day forum on Holistic Approaches in the Child Protection Legal System. The program included presentations by –

- Magistrate Greg Levine and Emeritus Professor Barbara Kamler on the strengths of the Family Drug Treatment Court model;
- District Judge Nick Crichton on his experience in charge of the Family Drug and Alcohol Court in London; and
- Dr Danya Glaser (a distinguished child and adolescent psychiatrist from England) on the impact of parental substance abuse on the emotional/psychological health of children.

There were also two panel discussions involving speakers with expertise in child protection and drug and alcohol treatment.

Conferencing reforms

Throughout the reporting period, the court continued to push ahead with the expansion of its new approach to conferencing. The process is now available in the Melbourne and Ballarat regions. Over the next 18 months it will be expanded throughout Victoria.

On 23 April 2013, the court hosted the launch of the new Children's Court Conference Centre at Level 5, 436 Lonsdale Street, Melbourne. This positive development has seen the removal of conferencing from the overcrowded court building at Melbourne into a purpose built conferencing centre. The centre comprises nine conference rooms, 13 break-out rooms, and includes a large multi-purpose conference/training room equipped with video-conferencing and tele-conferencing facilities and a discrete viewing chamber.

Establishment of a pilot specialist list

On 25 January 2013, the court commenced a pilot program at Melbourne providing intensive judicial management of cases where it is alleged that a child has suffered, or is likely to suffer, harm as a result of sexual abuse. The pilot is based on the successful specialist list that exists in the Criminal Division. The list will be evaluated to determine its effectiveness in managing these often complex and challenging cases.



Judge Paul Grant
President
Children's Court of Victoria

Criminal Division

Expansion of the Children's Koori Court

During the reporting period, the Children's Koori Court expanded its operations to include the Latrobe Valley and Bairnsdale. This was made possible because local Koori communities, courts, police, youth justice services and community agencies all agreed to support the expansion even though no additional resources were available.

Education

The court continues its program of community education by providing information to the public through the office of the court's Media & Communications Manager, its website and 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, journalism, 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.

In July 2012, the court participated in a study tour for a delegation from Cambodia. A 10 day program was developed for the delegation that would assist in their goal of establishing a child friendly court in Cambodia. The delegation participated in sessions in Melbourne and Canberra.

The Cambodian delegation with Judge Paul Grant, the Hon. Frank Vincent AO QC and the Hon. Alistair Nicholson AO RFD QC



The delegation was in Australia with assistance of the not for profit agency, Children's Rights International (CRI) supported by funding from AusAid. The former Chief Justice of the Family Court of Australia, the Hon. Alistair Nicholson, is the chair of CRI.

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
- Sexual Assault Advisory Committee

Conclusion

As always, I acknowledge and thank the following individuals and organisations who have worked co-operatively with the court during the reporting period.

- Children's Court Clinic
- Victoria Legal Aid
- Solicitors and barristers who practice in the court
- 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

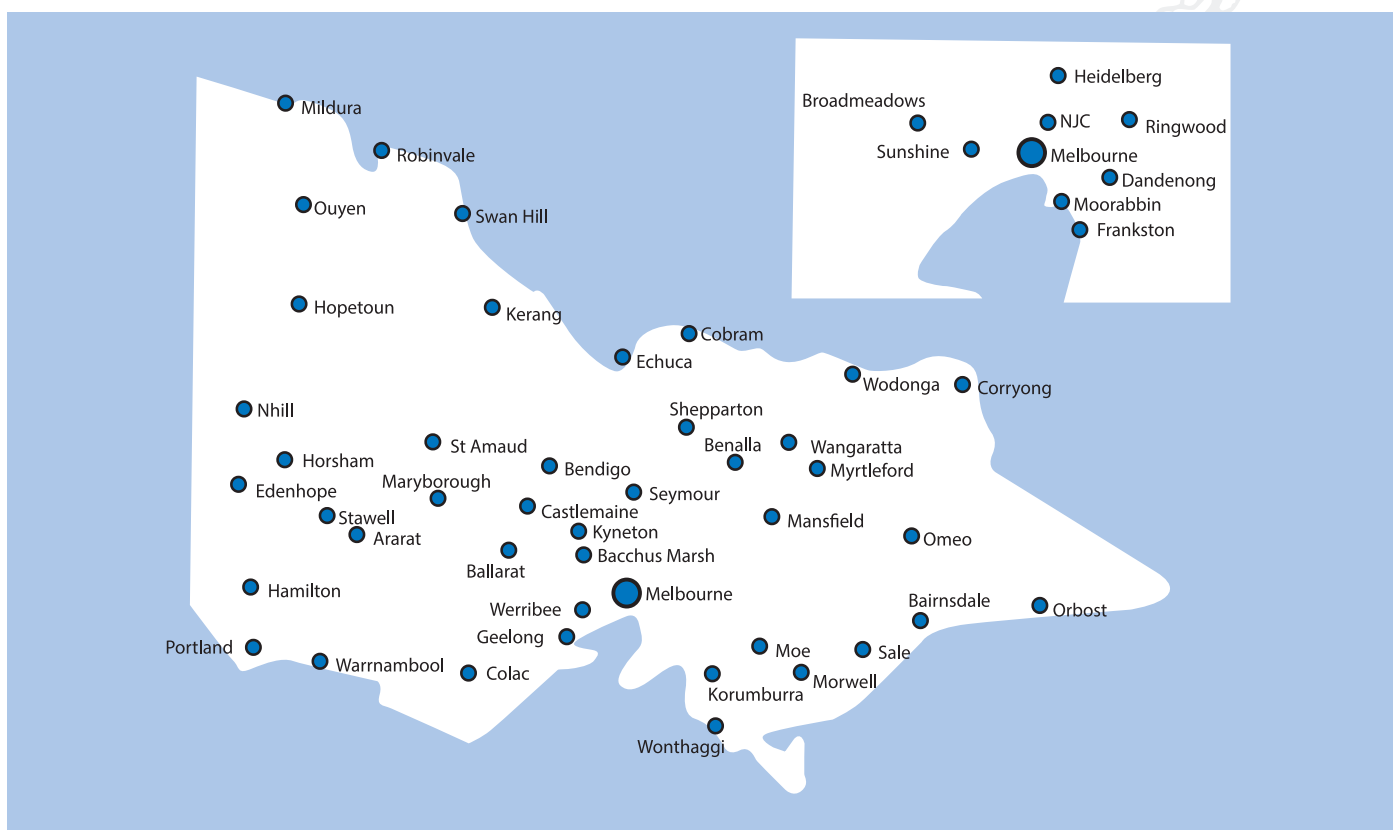
I have now come to the end of my time as President of the Children's Court of Victoria. It has been an exciting and challenging seven years. I thank my judicial colleagues at the court for their support, assistance and friendship. I have been fortunate to work with an exceptional group of individuals and I will miss them all.

I also thank the staff of the court for their outstanding contribution to its operation and spirit. Some, namely Leah Hickey, Simon McDonald, Leanne de Morton, Sue Higgs, Janet Matthew, Russell Hastings, Kasey Tyler and Dianne Swanwick require a personal thank you for all they have done for the court and for me.

The Children's Court depends for its effective operation on the support it receives from magistrates and court staff across the state. I thank them all for their dedication and hard work. As in previous years, I thank the Chief Magistrate and State Coordinating Magistrate for their assistance and cooperation throughout the reporting period.

Finally, I welcome the new president of the court, Judge Peter Couzens. I wish him all the very best in his role as head of this most important jurisdiction.

Locations of the Children's Court



REPORT OF THE PRESIDENT

Judge Peter Couzens (reporting on the period 1/05/2013 – 30/06/2013)

It is with great pride that I make my first contribution to this annual report following my appointment as President of the Children's Court of Victoria commencing on 1 May 2013.

At the outset, I wish to pay tribute to my predecessor, Judge Paul Grant, for his outstanding leadership of the Children's Court during his seven years as President of the court.

During his term as President, a number of inquiries, reviews and investigations were conducted into Victoria's Child Protection system, all of which inevitably involved the role of the court and its procedures. I refer to:

- the Ombudsman's Own Motion Investigation into the Department of Human Services Child Protection Program;
- the Victoria Law Reform Commission's Review of Victoria's Child Protection Legislative Arrangements; and
- the Protecting Victoria's Vulnerable Children Inquiry.

In each instance, Judge Grant worked tirelessly to defend the court from its detractors and to argue strongly for the court's continuing role in the process.

Judge Grant's term as President also saw the adoption of a number of significant initiatives aimed at improving the operation of the court. They include:

- the separation of the administration of the Children's Court from the administration of the Magistrates' Court;
- the planning and implementation of New Model Conferencing in Melbourne and the commencement of its expansion throughout regional Victoria;
- the opening of the Children's Court Conference Centre at Level 5, 436 Lonsdale Street, Melbourne;
- the opening of the Children's Court (Family Division) at the Moorabbin Justice Centre;
- the initial planning for a Children's Court (Family Division) facility at the site of the Broadmeadows Magistrates' Court;
- the further expansion of the Children's Koori Court in regional Victoria; and
- the commencement of a pilot program providing intensive judicial management of child protection cases involving allegations of sexual abuse of children.

Since the commencement of my term as President I have received overwhelming support and assistance from the magistrates and staff of the Children's Court for which I am most grateful. With their ongoing support, as well as with the support of magistrates throughout the State, I am determined to build on the legacy left by Judge Grant for the benefit of the troubled children and families whose lives are the subject of the court's jurisdiction.



Judge Peter Couzens
President
Children's Court of Victoria

REPORT OF THE CHIEF EXECUTIVE OFFICER

It has been another challenging and exciting year for the Children's Court as we have responded to increasing caseloads, prepared for legislative and policy changes and continued to look for ways to innovate and improve service delivery to children and families.

Court performance

As in previous years, the court initiated and finalised more cases than ever before. In the Family Division, almost 11,000 child protection applications (primary and secondary) were finalised in 2012/13 representing an increase of 10.7% from the previous year. In the criminal jurisdiction, 11,573 cases were finalised representing an increase of 3.2% from the previous year. This indicates that the court's judiciary and staff are working harder and more efficiently than ever before.

The court's mission, purpose and principles make important commitments to hear and determine cases in a timely, just and equitable manner. With this in mind, the court has focussed heavily on reducing Family Division delay in 2012/13 through improved case management practices and approaches. Through the tireless work of the court's magistrates and under the leadership of the Acting State Coordinator Clare Francis, the listing time for a contested matter at Melbourne Children's Court has more than halved. Across our courts in regional Victoria, delay reduction has been ever more profound. This is an outstanding outcome of which the court should be proud and I hope it is a positive base upon which we can drive further delay reduction in the period ahead.

Conferencing

In May 2013, I was pleased to attend the opening of the Children's Court Conference Centre at 436 Lonsdale Street, Melbourne. Launched by Attorney-General, the Hon. Robert Clark MP, the centre, funded by the State Government, is a state of the art facility at which all dispute resolution conferences for metropolitan Melbourne are conducted. I strongly believe the centre will play a key role in the long-term achievement of the objectives of conferencing, which are:

- to reduce the adversarial nature often associated with court proceedings;
- to ensure families participate fully in the process and are heard; and
- to offer resolutions which are workable and durable.

In regional Victoria, the "new model" of conferencing continues to roll out in a staged approach with the ultimate goal being the facilitation of these conferences at court venues across country Victoria. In 2012/13, the new model of conferencing commenced in the Southern Metropolitan and Grampians regions and the focus will now turn to Hume, Gippsland, Barwon South-West and Loddon Mallee and their scheduled commencement next financial year.

The success of conferencing and the early settlement rates we are seeing is highly reliant on the close collaboration between the Children's Court and Magistrates' Court and the Department of Human Services, Department

of Justice, Victoria Legal Aid, the private profession and other key stakeholders. Conferencing has been built on the back of these relationships and I thank each individual and agency involved for their participation in local working groups, training exercises and a range of committees and boards necessary for an undertaking of this magnitude. It certainly shows that system change and innovation truly relies on the co-operation of each participating agency and if this is present, quality outcomes can be achieved.



Simon McDonald
Chief Executive Officer (Acting)
Children's Court of Victoria

Broadmeadows

The 2012/13 budget provided funding for the development and ongoing operation of a Children's Court (Family Division) at Broadmeadows. As the CEO mentioned in last year's annual report, the court continues to work with the Magistrates' Court, Department of Justice and Department of Human Services to develop the site. In addition to designing a new court facility with an improved physical layout and modern built features, Broadmeadows will be the vehicle to develop, deploy and evaluate new and innovative practices for dealing with cases and the children and families they involve.

The new facility will be about putting the needs and interests of children and families first and the processes adopted to achieve this outcome will be the result of collaborative work led by the court but involving the Department of Human Services, Victoria Legal Aid, and other key stakeholders.

Family Drug Treatment Court

This year has seen the emerging development of the Family Drug Treatment Court led by Magistrate Greg Levine. In 2011 His Honour travelled to the USA and UK to complete a Churchill Fellowship looking at the operation of family drug and alcohol courts. These problem-solving courts work with a team of multi-disciplinary professionals attached to the court. The goal of the process is to give substance abusing parents the best chance to rehabilitate and be reunited with their children.

The next step will be to determine whether the scope and broader commitment exists to translate these international approaches to Australia and, more specifically, the Children's Court of Victoria. A Reference Group has been established to unite government and non-government stakeholders and experts, and work is underway to further develop the concept.

The Family Drug Treatment Court model aligns with the strategic objectives and principles of the Children's Court and I am confident that the will, energy and commitment exists to progress the project in a positive way in the months ahead. It is potentially one of the innovative approaches we will be encouraging for the new court at Broadmeadows and it would no doubt be a positive addition to the court and the local community.

Children's Koori Court

This year has been another busy year for the Children's Koori Court as we continue the phased regional roll-out program. The establishment of a Children's Koori Court at each existing venue of the adult Koori Court is one of our key strategic goals and is the subject of much energy and passion from successive Presidents of this court and members of the Victorian Koori community.

Following on from the launch of the Children's Koori Court in Warrnambool, Portland and Hamilton in 2011/12, Children's Koori Courts commenced in Morwell and Bairnsdale this financial year. We hope to announce the launch of Children's Koori Courts in Swan Hill and Shepparton in the near future. The court will be extremely proud when this goal is reached. The expansion of the Children's Koori Court network has required significant co-operation and goodwill from the Magistrates' Court, Victoria Police, Youth Justice and the Victorian Aboriginal Legal Service in particular and I commend and thank each of these agencies and their staff for what has been achieved thus far.

Acknowledgments

As I touched on earlier, the capacity of the court to achieve its strategic objectives is enhanced greatly by the close relationships we enjoy with our key stakeholders and partners. We cannot serve young people and their families without their commitment. I would like to acknowledge the input from staff of the Department of Human Services, Department of Justice, Victoria Legal Aid and the private practitioners. While our roles and objectives are often different and are sometimes opposed, it is important that co-operation and collaboration prevail so that the interests and needs of children and their families are always served first.

I would like to acknowledge Leah Hickey, Chief Executive Officer, who has been on a period of leave since December 2012 and all members of the court executive team for their dedication and skill. Thank you also to Judge Paul Grant and Judge Peter Couzens for their leadership of the court and to the magistrates for their unfailing commitment and work ethic in the face of continued caseload increases.

Finally, I would like to thank each member of the Children's Court staff and those performing Children's Court functions across Victoria for their service to the court and the community it serves.

Simon McDonald
Chief Executive Officer (Acting)

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 at Melbourne

President	Judge Paul Grant (until 30 April 2013)	Judge Peter Couzens (from 1 May 2013)
Magistrates at Melbourne	Ms Jennifer Bowles Mr Darrin Cain Mr Peter Dotchin Ms Jane Gibson Ms Annabel Hawkins Mr Gregory Levine	Ms Kay Macpherson Ms Johanna Metcalf Ms Roslyn Porter Ms Sharon Smith Ms Belinda Wallington
Reserve Magistrates	Mr Peter Power	Mr Francis Zemljak (appointed a fully tenured magistrate on 26 February 2013)

Administration

Chief Executive Officer	Leah Hickey
Chief Executive Officer (Acting)	Simon McDonald (from 1 January 2013)
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 (Morwell) (headquarters court), Bairnsdale, Korumburra, Moe, Omeo, Orbost, Sale, Wonthaggi.
10. Ringwood.
11. Hume region:
Shepparton (headquarters court), Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga.
12. Sunshine region:
Sunshine (headquarters court), Werribee.

The Neighbourhood Justice Centre (NJC), located in inner suburban Collingwood, 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 one reserve magistrate assigned to the Children's Court.

Child protection cases emanating from the Department of Human Services Southern Metropolitan Region are heard at Moorabbin Children's Court on a daily 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

CHILDREN'S KOORI COURT

The Children's Koori Court commenced sitting at Melbourne in October 2005 and currently sits one day per fortnight. A second venue of the Children's Koori Court was launched at Mildura in September 2007.

In the 2011/12 year, the Children's Koori Court was expanded to cover all of the Melbourne metropolitan area and commenced sitting in the Warrnambool region (including Portland and Hamilton).

In December 2012, the Children's Koori Court also commenced sitting at Latrobe Valley (Morwell) and Bairnsdale. A launch at Swan Hill is planned for September 2013 and by the end of 2014 it is anticipated that the Children's Koori Court will also be available at Shepparton. This will bring the Children's Koori Court into line with the Magistrates' Koori Court in terms of the number of venues at which the court sits throughout the state.

Children's Koori Court, number of sittings, matters finalised, 2012/13

Court location	2012/13	
	No. of sittings	Matters finalised
Bairnsdale	4	13
Latrobe Valley (Morwell)	7	28
Melbourne	21	54
Mildura	11	20
Warrnambool	5	5
Total	48	120

CHILD PROTECTION LEGAL FORUM

On 18 October 2012 the Children's Court delivered a Child Protection Legal Forum addressing the issue of *Holistic approaches in the child protection legal system*. The forum was one in a series of multi-disciplinary training events that have been conducted since late 2010 for child protection staff, legal practitioners and court staff.

Magistrate Gregory Levine presented on his Churchill Fellowship research into the operation of family drug treatment courts in the USA and UK. This session was co-presented by Emeritus Professor Barbara Kamler.

The conference also heard from two speakers from the UK. District Judge Nicholas Crichton presented on his experience of running a Family Drug and Alcohol Court in London and Dr Danya Glaser, Consultant Child and Adolescent Psychiatrist, spoke about the impact of parental substance abuse on the emotional/psychological health of children.

There were also two panel discussions involving experts in child protection and drug and alcohol treatment.



LAUNCH OF THE CHILDREN'S COURT CONFERENCE CENTRE

On 23 April 2013 the court celebrated the launch of the Children's Court Conference Centre. The centre is a purpose built facility in a building separate from the Melbourne court. This enables parties to participate in a conference away from the often stressful environs of the court. The centre is comprised of nine conference rooms, 13 break-out rooms and a large multi-purpose conference/training room equipped with video-conferencing and tele-conferencing facilities and a discrete viewing chamber. The centre also includes office space for staff of the Children's Court Conference Unit.

All dispute resolution conferences from the Melbourne metropolitan area will be conducted at the new centre.



At the launch, Judge Paul Grant and Attorney-General, the Hon. Robert Clark MP, with elders in the Koori Conference Room

CHILDREN'S COURT WEBSITE

On 6 June 2013 the Children's Court launched a new website replacing the previous site that had been online since 2003. The new design has resulted in vastly improved navigation and functionality that will better meet the needs of users.

The site features information about the jurisdiction and operation of the court, court locations and sitting times, legal information including links to legislation, de-identified judgments and decisions, a set of Research Materials, court forms in a more accessible format and a virtual court. The site also includes a new "How do I" section that provides answers to some commonly asked questions. Registry staff were surveyed to ascertain the types of telephone inquiries being made to the court. The "How do I" section is directly accessible from the homepage and aims to assist court users while helping to manage workload demand on registry, phone and counter staff.



Improvements in the areas of site content and accessibility will continue during the 2013/14 year.

LAW WEEK 2013

On Saturday, 18 May 2013 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 by Victoria Law Foundation. Courts Open Day offers members of the public the opportunity to learn about court operation and decision-making, speak to judicial officers and court staff, and participate in information sessions and tours of court buildings.

Along with a number of other courts, Melbourne Children's Court opened its doors to the public on Courts Open Day. This year Magistrate Jennifer Bowles presented an interactive session entitled Sentencing Jackson: A Children's Court hypothetical. The session was well attended and enjoyed by all participants. Court staff ran tours and provided information on the work of the court in the areas of child protection, intervention orders, criminal cases, Children's Koori Court, and infringements and fines. Staff from Youth Justice and Court Network were also on hand to talk about the role of their respective organisations.

Courts Open Day is an important event in the Children's Court's community engagement program.



Magistrate Jennifer Bowles presented an interactive session on sentencing



Representatives from Youth Justice and Court Network were also available to talk to visitors on Courts Open Day

COURT NETWORK AT THE CHILDREN'S COURT

Court Network operates a state-wide support service to assist people attending Victoria's courts. 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

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 AND STATISTICAL REPORT

COURT STATISTICS

Displayed on the following pages are the statistical reports for each division of the court for the 2012/13 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. 901 more orders were made by the court in its Family Division in 2012/13 than in 2011/12.
- 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, 2011/12 – 2012/13

Court Regions ²	2011/12			2012/13		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,825	2,263	467	1,797	2,565	396
Grampians	679	774	136	699	810	91
Loddon Mallee	752	776	226	713	824	222
Broadmeadows	587	616	163	509	558	77
Dandenong	966	1,136	251	855	986	215
Frankston	596	654	198	635	607	242
Barwon South West	731	734	118	619	699	62
Heidelberg	680	728	210	653	762	170
Gippsland	727	837	135	927	1,083	142
Ringwood	743	767	126	791	666	178
Hume	794	896	132	654	716	112
Sunshine	1,025	1,022	381	1,006	1,250	288
NJC – Collingwood ³	19	20	6	37	47	12
Total	10,124	11,223	2,549	9,895	11,573	2,207

Chart 1: Number of matters initiated and finalised, 2012/13

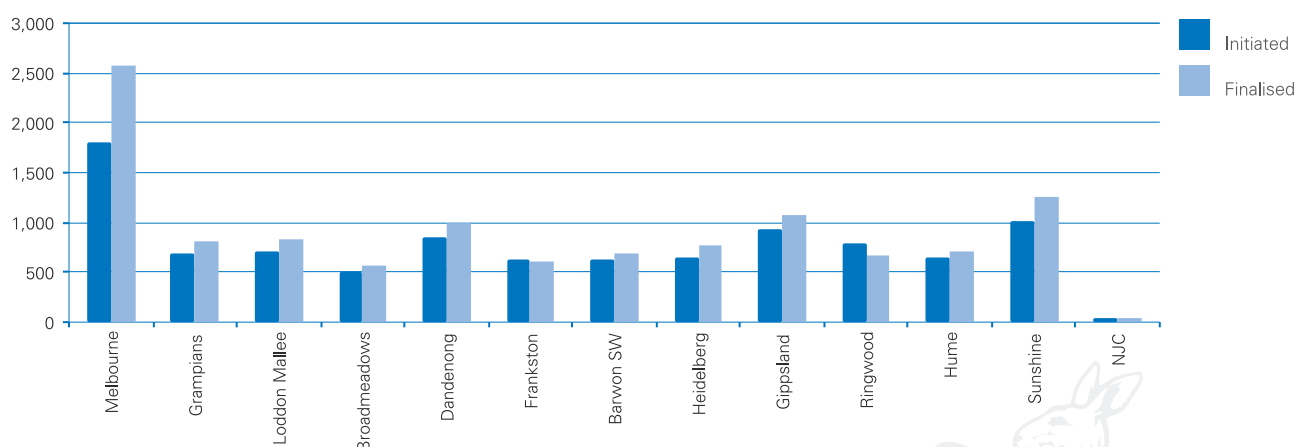
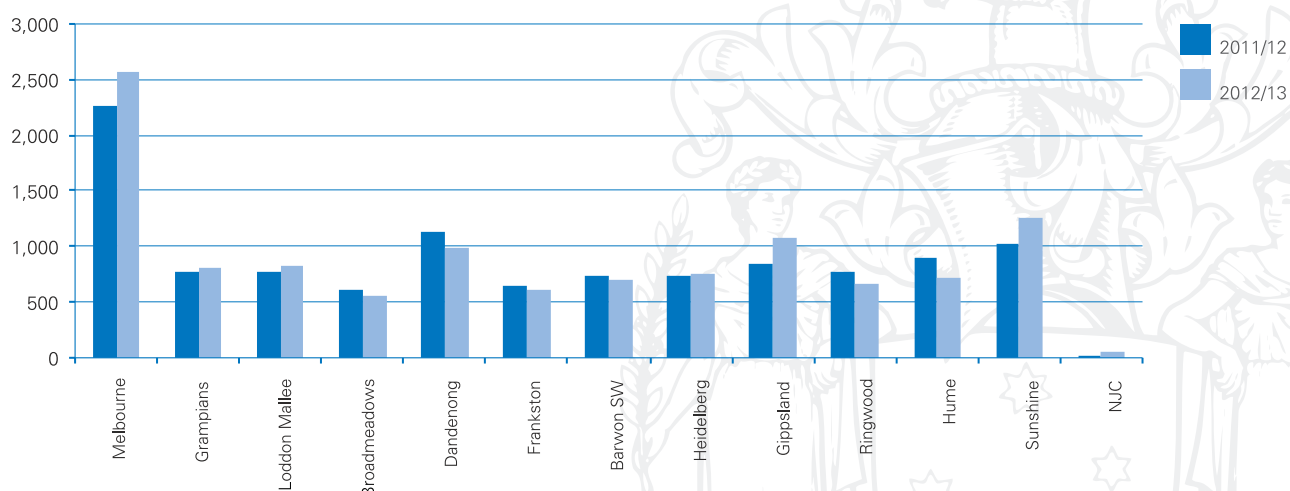


Chart 2: Regional caseload distribution for finalised matters, 2011/12 - 2012/13



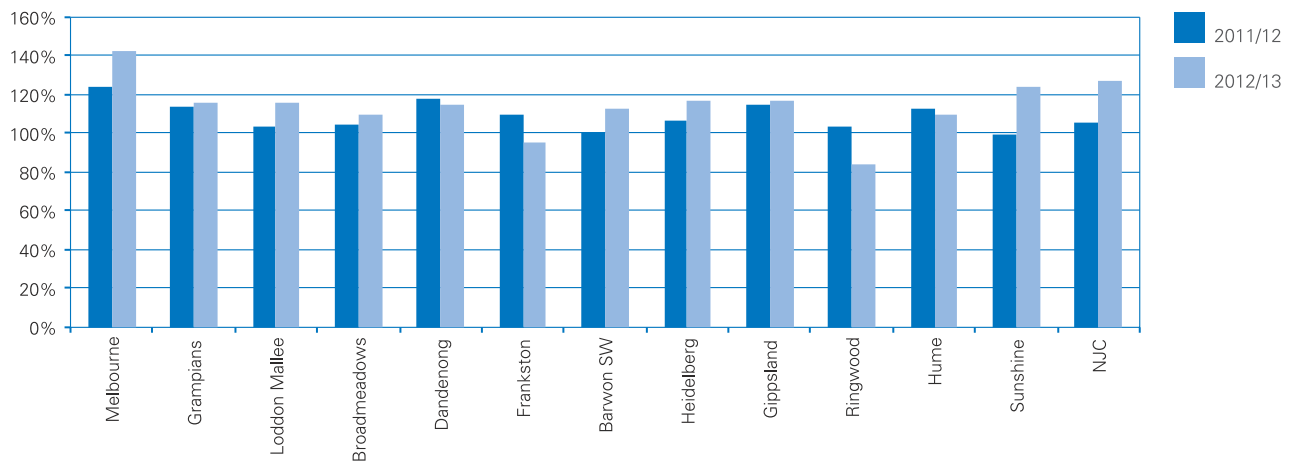
¹ A criminal "matter" refers to a charge or set of charges laid by an informant against an accused.

² A detailed list of court regions can be found on page 10 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, 2011/12 – 2012/13



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.

Table 2: Number of CAYPINS matters initiated, finalised and pending, 2011/12 – 2012/13

Court Regions ²	2011/12			2012/13		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,304	1,265	89	562	399	144
Grampians	256	265	42	302	277	77
Loddon Mallee	310	225	55	287	327	83
Broadmeadows	832	794	102	1,082	991	236
Dandenong	1,004	889	83	1,105	1,074	266
Frankston	857	694	160	1,951	2,055	243
Barwon South West	334	291	67	294	331	57
Heidelberg	1,064	990	147	1,199	1,063	203
Gippsland	277	247	33	315	260	66
Ringwood	1,364	1,196	100	1,127	1,093	168
Hume	350	350	55	321	303	54
Sunshine	1,588	1,552	179	2,201	2,081	363
NJC – Collingwood	83	107	7	175	138	46
Total	9,623	8,865	1,119	10,921	10,392	2,006

Criminal Division

Table 3: Offenders found guilty, by outcome⁴, 2010/11 - 2012/13

Order	2010/11	2011/12	2012/13
	Number		
Discharged	8	8	7
Unaccountable Undertaking	39	33	27
Accountable Undertaking	593	481	430
Good Behaviour Bond	1,793	1,684	1,524
Fine	1,236	802	752
Probation	1,038	882	829
Youth Supervision Order	391	367	368
Youth Attendance Order	82	57	49
Youth Residential Centre	18	7	7
Youth Justice Centre	229	212	162
Total	5,427	4,533	4,155

	Percent		
	2010/11	2011/12	2012/13
Discharged	0.2%	0.2%	0.2%
Unaccountable Undertaking	0.7%	0.7%	0.6%
Accountable Undertaking	10.9%	10.6%	10.3%
Good Behaviour Bond	33.1%	37.1%	36.7%
Fine	22.8%	17.7%	18.1%
Probation	19.1%	19.5%	19.9%
Youth Supervision Order	7.2%	8.1%	8.9%
Youth Attendance Order	1.5%	1.3%	1.2%
Youth Residential Centre	0.3%	0.1%	0.2%
Youth Justice Centre	4.2%	4.7%	3.9%
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, 2010/11 - 2012/13

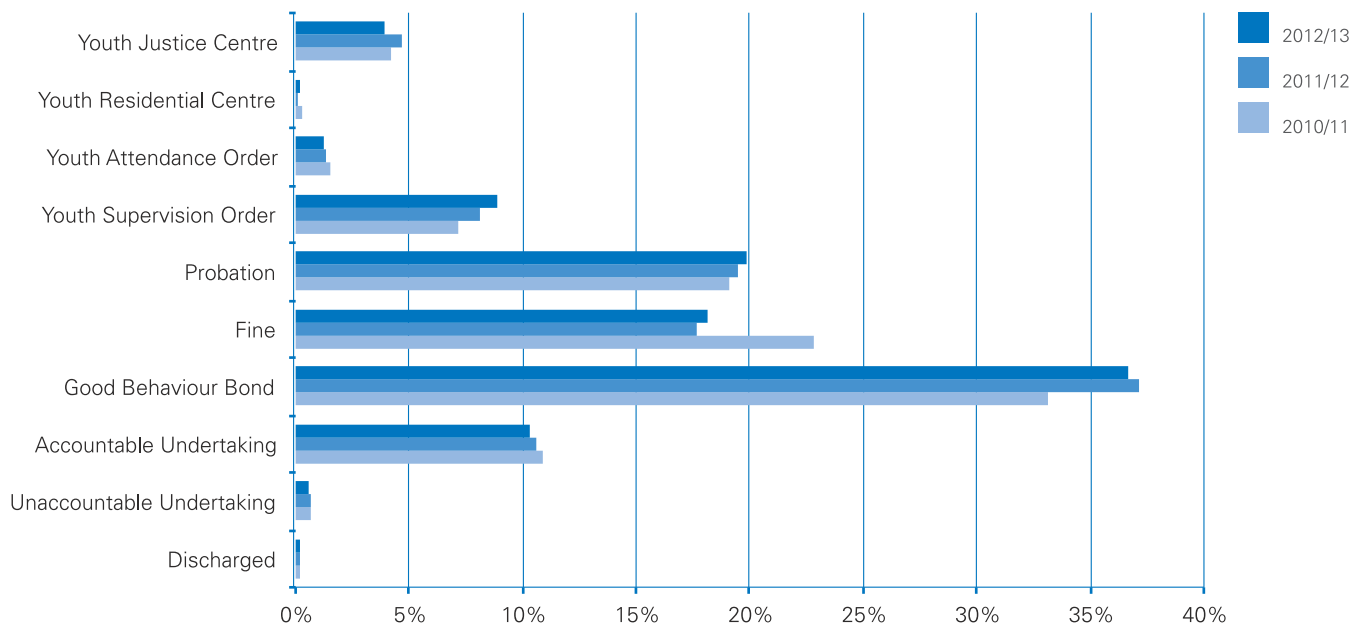


Table 4: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2010/11 - 2012/13

	2010/11	2011/12	2012/13	2010/11	2011/12	2012/13
	Number			Percent		
0 < 3 months	8,585	7,518	7,814	68.4%	67.0%	67.5%
3 < 6 months	2,369	2,126	2,077	18.9%	18.9%	17.9%
6 < 9 months	761	793	808	6.0%	7.1%	7.0%
9 < 12 months	386	323	351	3.1%	2.9%	3.0%
12 < 24 months	349	319	353	2.8%	2.8%	3.1%
24 months +	101	144	170	0.8%	1.3%	1.5%
Total	12,551	11,223	11,573	100.0%	100.0%	100.0%
6 months +	1,597	1,579	1,682	12.7%	14.1%	14.6%

Criminal Division

Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2010/11 - 2012/13

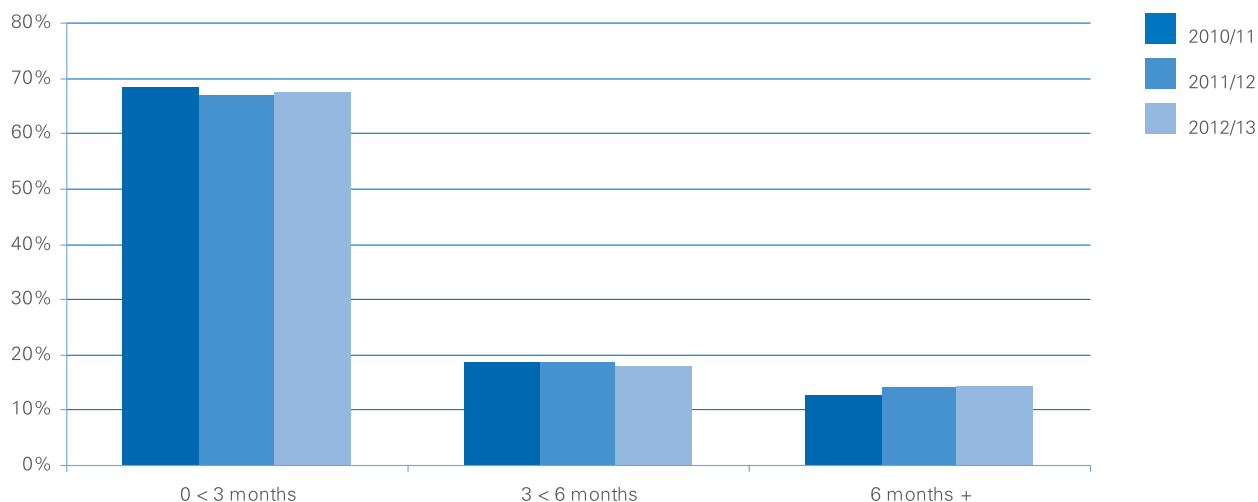
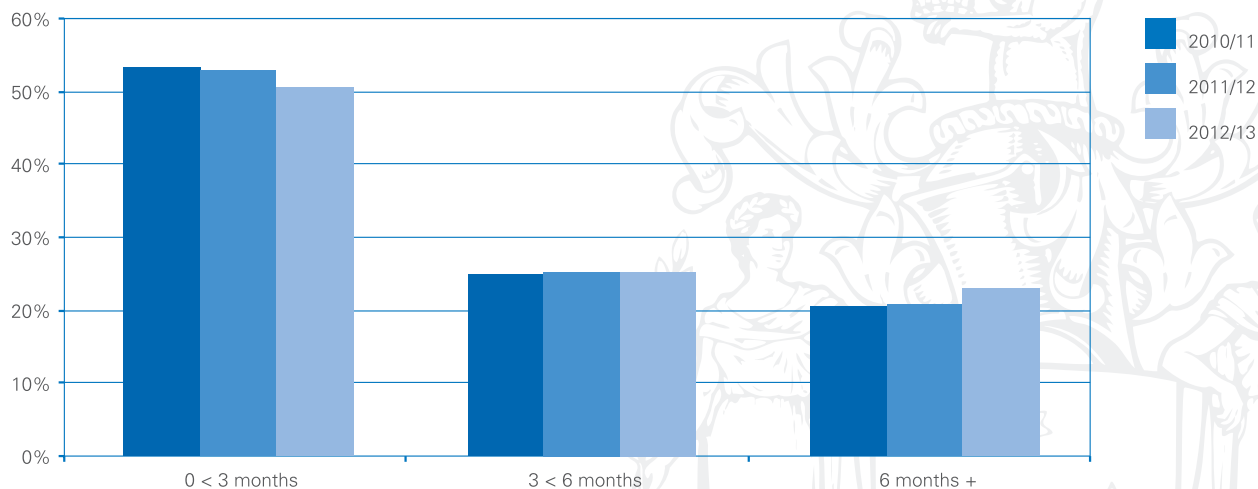


Table 5: Number of matters pending on 30 June, by elapsed time since date of initiation, 2010/11 - 2012/13

	2010/11	2011/12	2012/13	2010/11	2011/12	2012/13
	Number			Percent		
0 < 3 months	1,412	1,356	1,122	53.6%	53.2%	50.8%
3 < 6 months	673	653	566	25.5%	25.6%	25.7%
6 < 9 months	270	311	243	10.2%	12.2%	11.0%
9 < 12 months	132	98	133	5.0%	3.9%	6.0%
12 < 24 months	113	105	120	4.3%	4.1%	5.4%
24 months +	36	26	23	1.4%	1.0%	1.1%
Total	2,636	2,549	2,207	100.0%	100.0%	100.0%
6 months +	551	540	519	20.9%	21.2%	23.5%

Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2010/11 - 2012/13



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 , 2010/11 - 2012/13

Order	2010/11	2011/12	2012/13
Adjournment	8,759	9,312	8,762
Custody to Secretary order	1,227	1,332	1,412
Custody to third party order	4	7	8
Dismissed	34	29	39
Extension of custody to Secretary order	1,335	1,401	1,430
Extension of interim accommodation order	12,117	11,314	11,149
Extension of guardianship to Secretary order	366	356	362
Extension of supervised custody order	87	107	126
Extension of supervision order	293	375	457
Extension of therapeutic treatment order	5	10	9
Extension of therapeutic treatment (placement) order	1	0	2
Free text order ⁶	9,301	11,700	11,997
Guardianship to Secretary order	273	288	239
Interim accommodation order	5,405	6,478	6,632
Interim protection order	871	881	920
Long-term guardianship to Secretary order	47	45	53
Permanent care order	202	250	292
Refusal to make protection order (s.291(6) CYFA)	77	48	82
Search warrant	3,395	3,831	4,001
Struck out	480	777	1,046
Supervised custody order	289	330	453
Supervision order	1,906	2,016	2,296
Temporary assessment order	0	7	10
Therapeutic treatment order	30	28	32
Therapeutic treatment (placement) order	4	2	2
Undertaking to appear/produce child on adj date	0	0	0
Undertaking – common law	26	18	41
Undertaking - application proved	140	130	219
Undertaking - dismissed	15	8	10
Undertaking - refusal to make protection order	10	17	6
Undertaking - struck out	145	284	195
Total	46,844	51,381	52,282

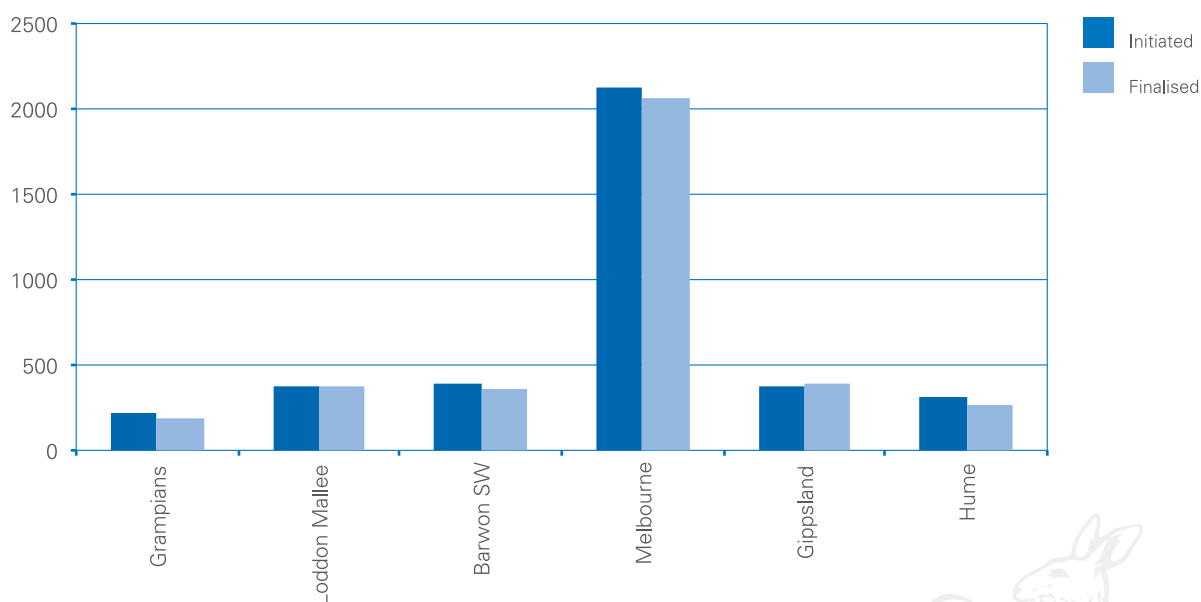
⁵ Most Family Division applications result in a number of orders being made from the date of first hearing to the date of finalisation e.g. multiple adjournments, and multiple interim accommodation orders. Table 6 shows the total number of orders made (other than intervention orders) in relation to all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

Table 7: Number of primary applications initiated⁷, finalised and pending, 2011/12 – 2012/13

Court Regions	2011/12			2012/13		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	166	182	52	225	192	64
Loddon Mallee	404	352	108	382	378	95
Barwon South West	325	298	87	384	365	83
Melbourne	2,314	1,764	1,269	2,130	2,070	1,066
Gippsland	402	366	85	375	390	64
Hume	309	271	70	308	272	101
Total	3,920	3,233	1,671	3,804	3,667	1,473

Chart 7: Number of primary applications initiated and finalised, 2012/13



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.

Chart 8: Regional caseload distribution for finalised primary applications, 2011/12 – 2012/13

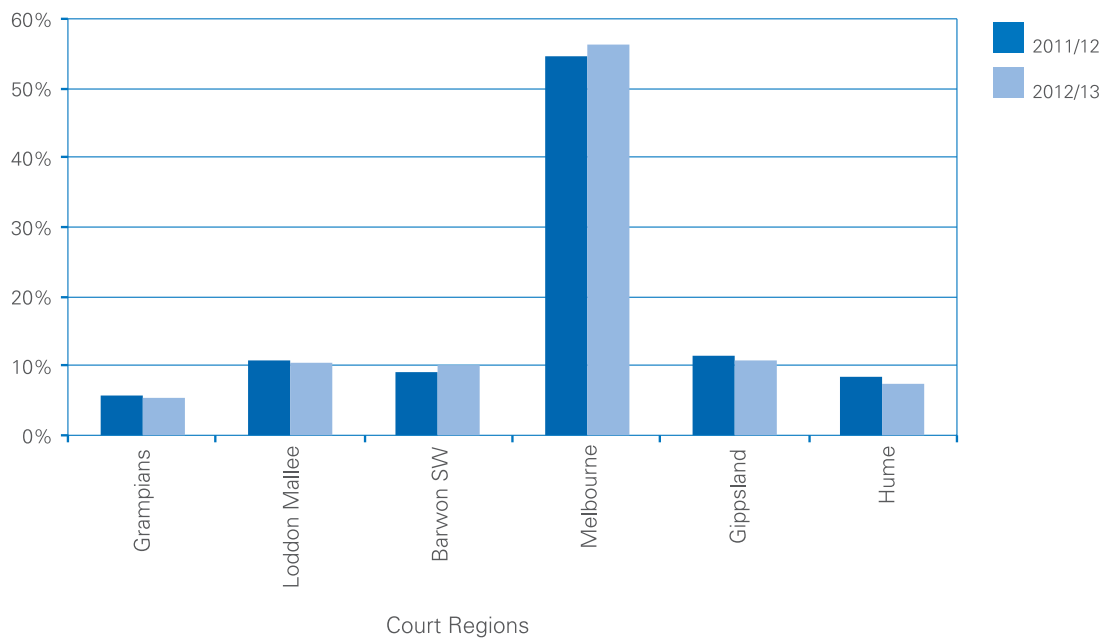


Chart 9: Clearance rates for primary applications, 2011/12 – 2012/13

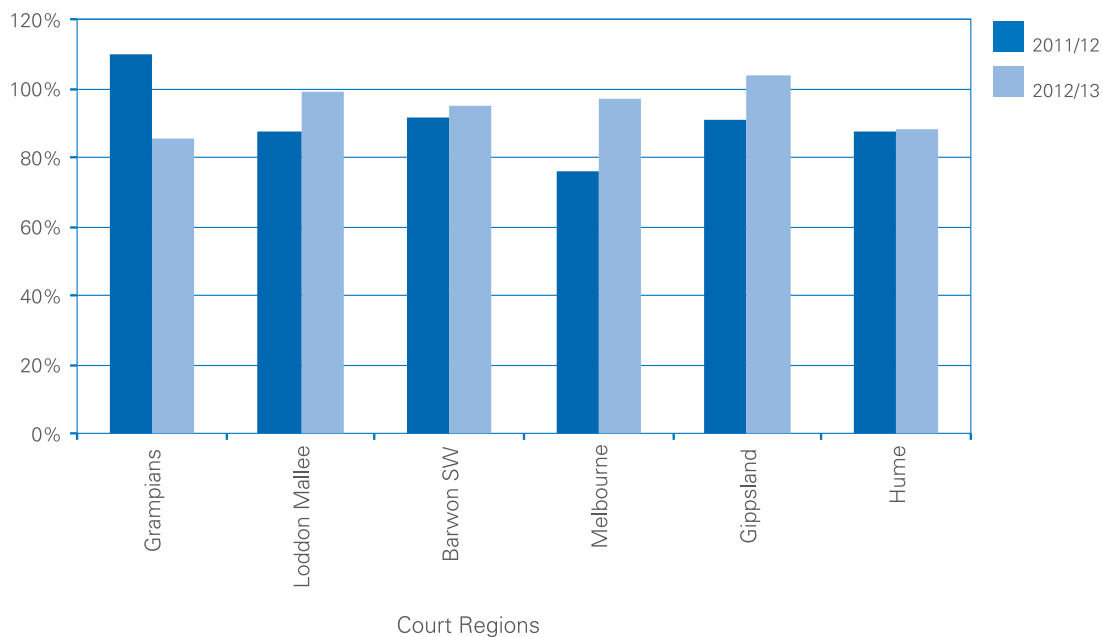


Table 8: Number of protection applications initiated by apprehension/by notice, by court region, 2011/12 – 2012/13

Court Regions	2011/12				2012/13			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Grampians	90	71	161	55.9%	102	122	224	45.5%
Loddon Mallee	174	219	393	44.3%	155	212	367	42.2%
Barwon SW	162	156	318	50.9%	220	161	381	57.7%
Melbourne	1,793	489	2,282	78.6%	1,663	430	2,093	79.5%
Gippsland	199	197	396	50.3%	214	156	370	57.8%
Hume	180	116	296	60.8%	181	121	302	59.9%
Total	2,598	1,248	3,846	67.6%	2,535	1,202	3,737	67.8%

Chart 10: Percentage of protection applications initiated by apprehension, 2011/12 – 2012/13

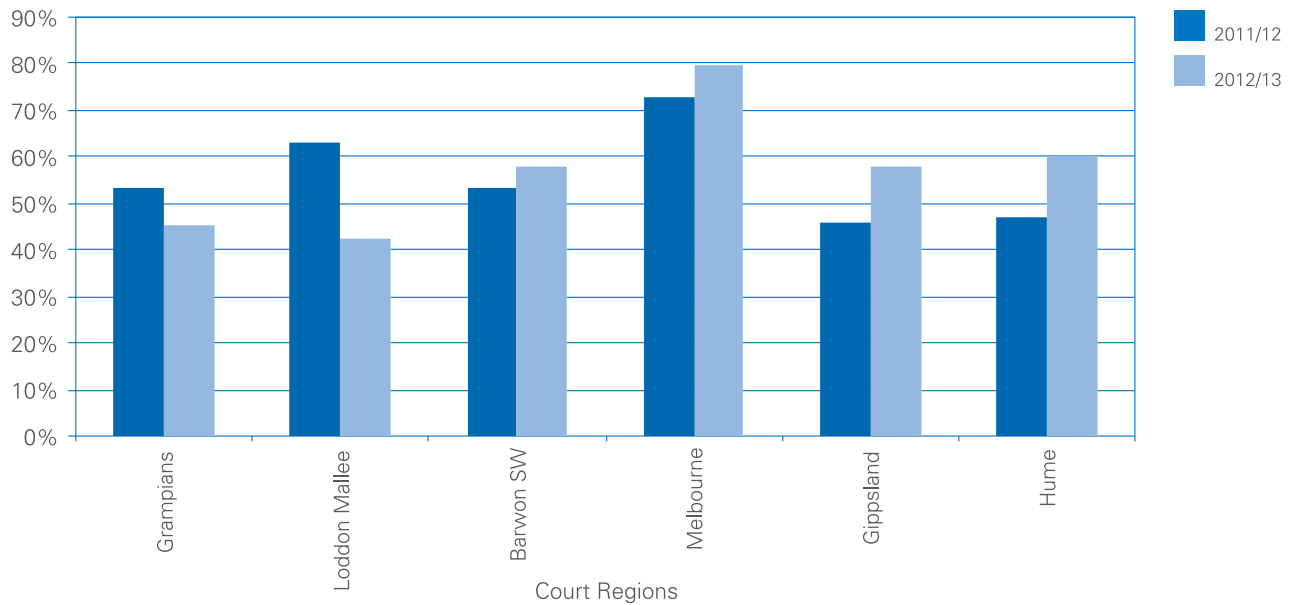


Table 9: Finalised primary applications by outcome, 2010/11 – 2012/13

Order	2010/11	2011/12	2012/13
Dismissed	20	11	26
Struck out	276	456	534
Refusal to make protection order	70	42	78
Undertaking – common law	12	12	15
Undertaking - application proved	99	89	129
Undertaking - dismissed	11	8	8
Undertaking - refusal to make protection order	9	15	5
Undertaking - struck out	119	215	158
Free text order	161	137	134
Supervision order	1,154	1,305	1,550
Custody to third party order	2	4	5
Supervised custody order	134	151	224
Custody to Secretary order	570	642	681
Guardianship to Secretary order	94	110	76
Long-term guardianship to Secretary order	15	0	5
Permanent care order	6	4	1
Temporary assessment order	0	7	10
Therapeutic treatment order	26	25	27
Therapeutic treatment (placement) order	0	0	1
Total:	2,778	3,233	3,667

Chart 11: Distribution of finalised primary applications, by outcome, 2010/11 – 2012/13

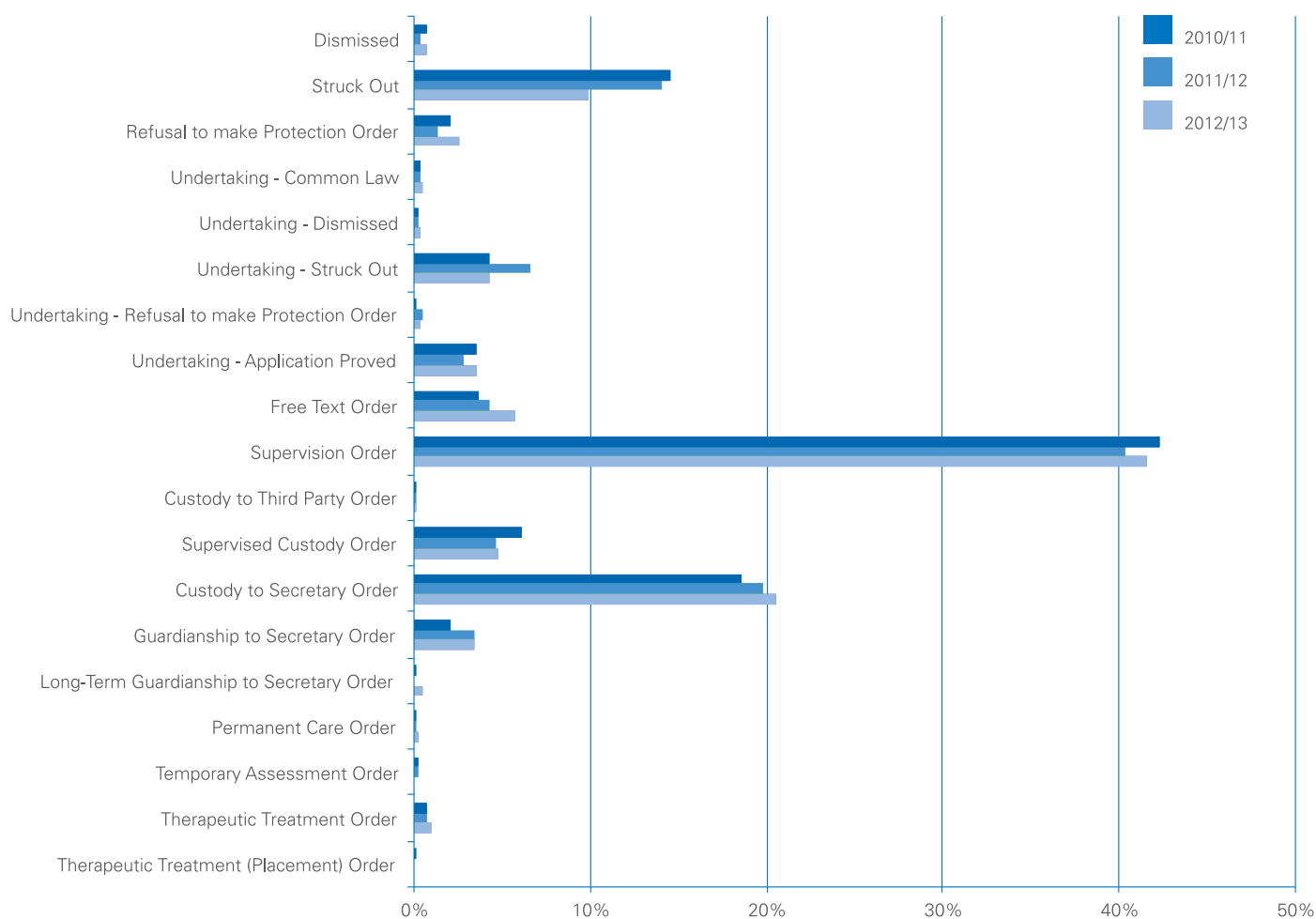


Table 10: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2011/12 – 2012/13

	2011/12	2012/13	2011/12	2012/13
	Number		Percent	
0 < 3 months	1,612	1,716	49.9%	46.8%
3 < 6 months	898	936	27.8%	25.5%
6 < 9 months	397	528	12.3%	14.4%
9 < 12 months	155	231	4.8%	6.3%
12 < 18 months	116	181	3.6%	4.9%
18 < 24 months	35	47	1.1%	1.3%
24 months +	20	31	0.6%	0.8%
Total	3,233	3,670	100.0%	100.0%
6 months +	723	1,018	22.4%	27.7%

Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2011/12 – 2012/13

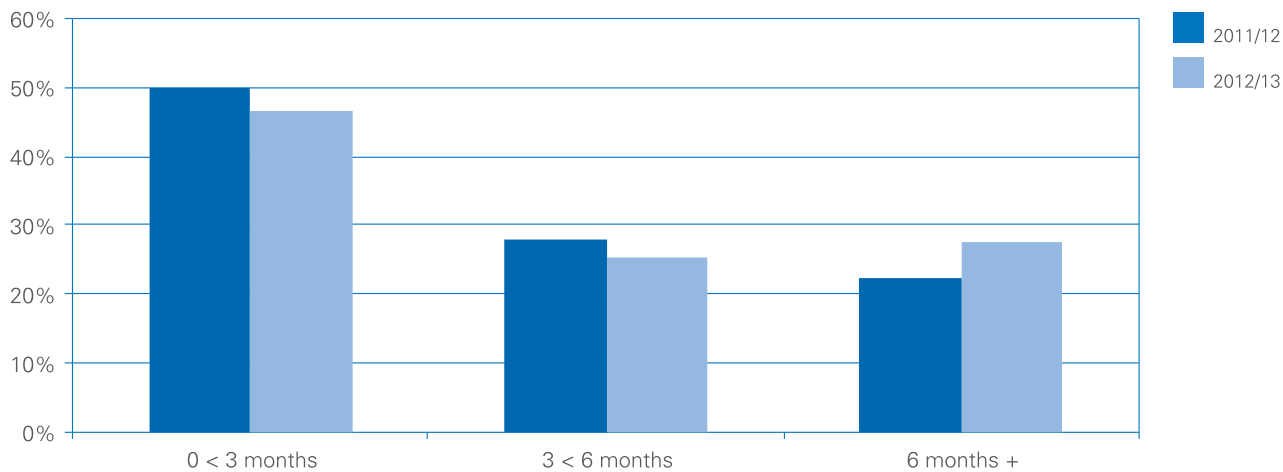
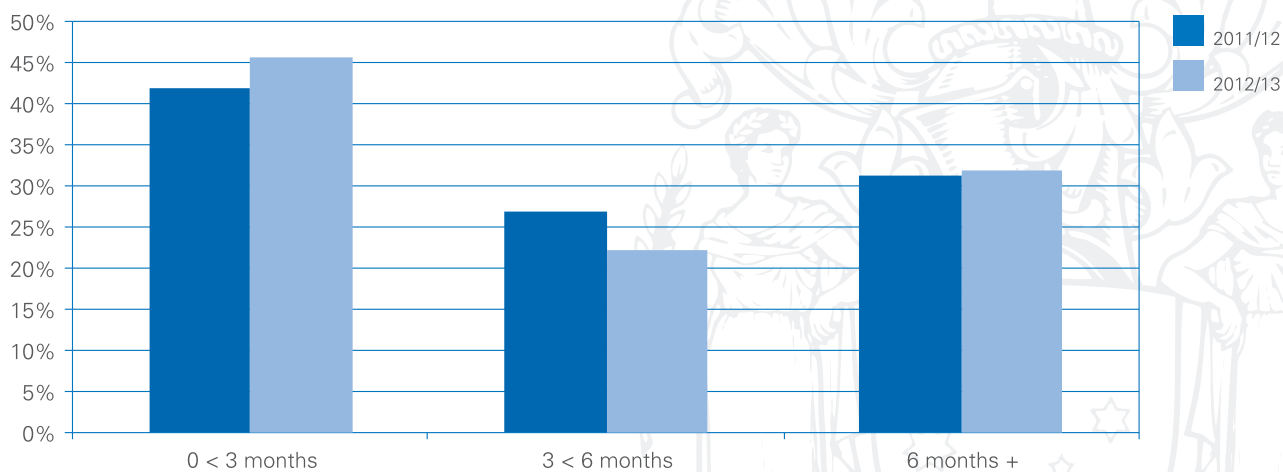


Table 11: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2011/12 – 2012/13

	2011/12	2012/13	2011/12	2012/13
	Number		Percent	
0 < 3 months	700	673	41.9%	45.7%
3 < 6 months	447	328	26.8%	22.3%
6 < 9 months	217	152	13.0%	10.3%
9 < 12 months	113	102	6.8%	6.9%
12 < 18 months	99	85	5.9%	5.8%
18 < 24 months	32	46	1.9%	3.1%
24 months +	63	86	3.8%	5.9%
Total	1,671	1,472	100.0%	100.0%
6 months +	524	471	31.4%	32.0%

Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2011/12 – 2012/13



Dispute resolution conferences/New model 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 settlements⁸ 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 DRCs/NMCs conducted at Moorabbin.

Table 12: Dispute resolution conferences (including NMCs) conducted, 2011/12 – 2012/13

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

2012/13	Total DRCs listed	DRCs resulting in settlements	DRCs resulting in contested hearings	DRCs resulting in adjournments
Melbourne	1,639	602	316	721
Country	738	313	91	334
Total	2,377	915	407	1,055

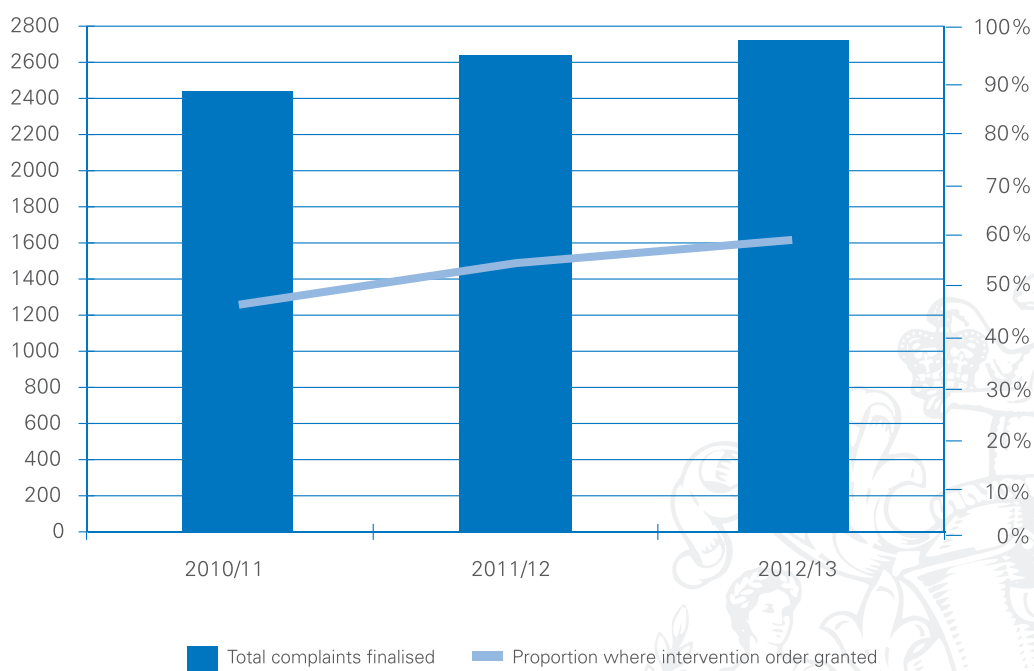
⁸“Interim settlement” is recorded as a conference outcome in cases where, following a conference, the court makes an Interim Protection Order. These orders can be made for a period of up to 3 months, usually for the purpose of testing a particular course of action. Following the period of the order, the case returns to the court with a view to final orders being made.

Table 13: Complaints for an intervention order finalised, by outcome, 2010/11 - 2012/13

	2010/11	2011/12	2012/13
	Number		
Intervention order made	1,090	1,402	1,567
Refused	29	35	29
Complaint struck out	612	556	484
Complaint withdrawn	707	602	636
Complaint revoked	0	13	9
Total	2,438	2,608	2,725

	2010/11	2011/12	2012/13
	Percent		
Intervention order made	44.7%	53.8%	57.5%
Refused	1.2%	1.3%	1.1%
Complaint struck out	25.1%	21.3%	17.8%
Complaint withdrawn	29.0%	23.1%	23.3%
Complaint revoked	0.0%	0.5%	0.3%
Total	100.0%	100.0%	100.0%

Chart 14: Number of complaints for an intervention order finalised, and proportion where intervention order made, 2010/11 - 2012/13



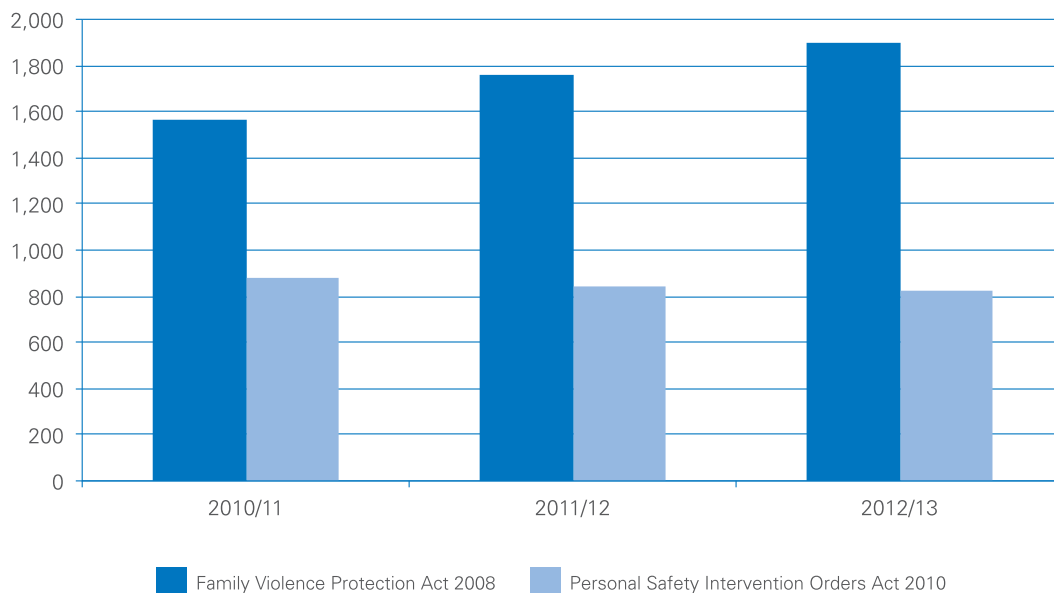
Family Violence and Personal Safety Jurisdiction

Table 14: Complaints for an intervention order finalised by Act⁹ under which complaint made, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
	Number		
Family Violence Protection Act 2008	1,561	1,761	1,898
Stalking Intervention Orders Act 2008 (up to 4/09/2011)	877	847	827
Personal Safety Intervention Orders Act 2010 (from 5/09/2011)			
Total	2,438	2,608	2,725

	2010/11	2011/12	2012/13
	Percent		
Family Violence Protection Act 2008	64.0%	67.5%	69.7%
Stalking Intervention Orders Act 2008 (up to 4/09/2011)	36.0%	32.5%	30.3%
Personal Safety Intervention Orders Act 2010 (from 5/09/2011)			
Total	100.0%	100.0%	100.0%

Chart 15: Number of complaints for an intervention order finalised by Act under which complaint made, 2010/11 - 2012/13



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.

Table 15: Complaints for an intervention order finalised, by elapsed time between date of issue

	2010/11	2011/12	2012/13
	Number		
0 < 1 month	1,583	1588	1,682
1 < 2 months	335	430	397
2 < 3 months	185	190	207
3 < 6 months	263	240	283
6 < 9 months	46	66	76
9 < 12 months	16	36	31
12 months +	10	58	49
Total	2,438	2,608	2,725

	2010/11	2011/12	2012/13
	Percent		
0 < 1 month	64.9%	60.9%	61.8%
1 < 2 months	13.7%	16.5%	14.5%
2 < 3 months	7.6%	7.3%	7.6%
3 < 6 months	10.8%	9.2%	10.4%
6 < 9 months	1.9%	2.5%	2.8%
9 < 12 months	0.7%	1.4%	1.1%
12 months +	0.4%	2.2%	1.8%
Total	100.0%	100.0%	100.0%
6 months +	3.0%	6.1%	5.7%

Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 30 days of issue, 2010/11 - 2012/13

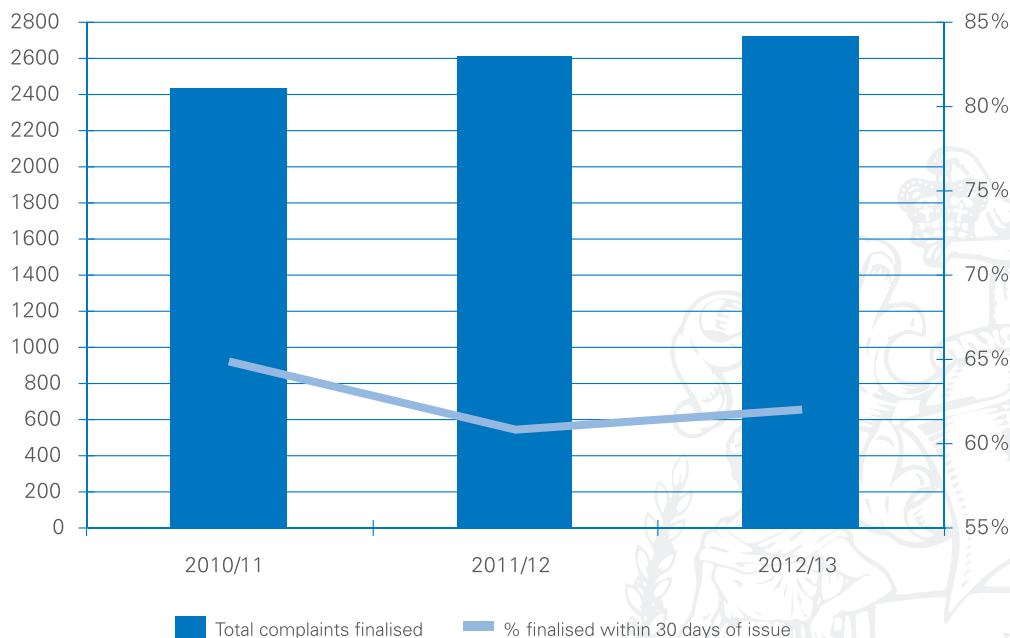


Table 16: Number of complaints for an intervention order pending on 30 June, by age since issue, 2011/12 - 2012/13

	2011/12	2012/13	2011/12	2012/13
	Number		Percent	
0 < 3 months	172	144	69.9%	65.8%
3 < 6 months	33	19	13.4%	8.7%
6 < 9 months	7	11	2.9%	5.0%
9 < 12 months	1	6	0.4%	2.7%
12 < 18 months	3	4	1.2%	1.8%
18 < 24 months	1	4	0.4%	1.8%
24 months +	29	31	11.8%	14.2%
Total	246	219	100.0%	100.0%
12 months +	33	39	13.4%	17.8%

Chart 17: Age distribution of pending complaints for an intervention order on 30 June, 2011/12 - 2012/13

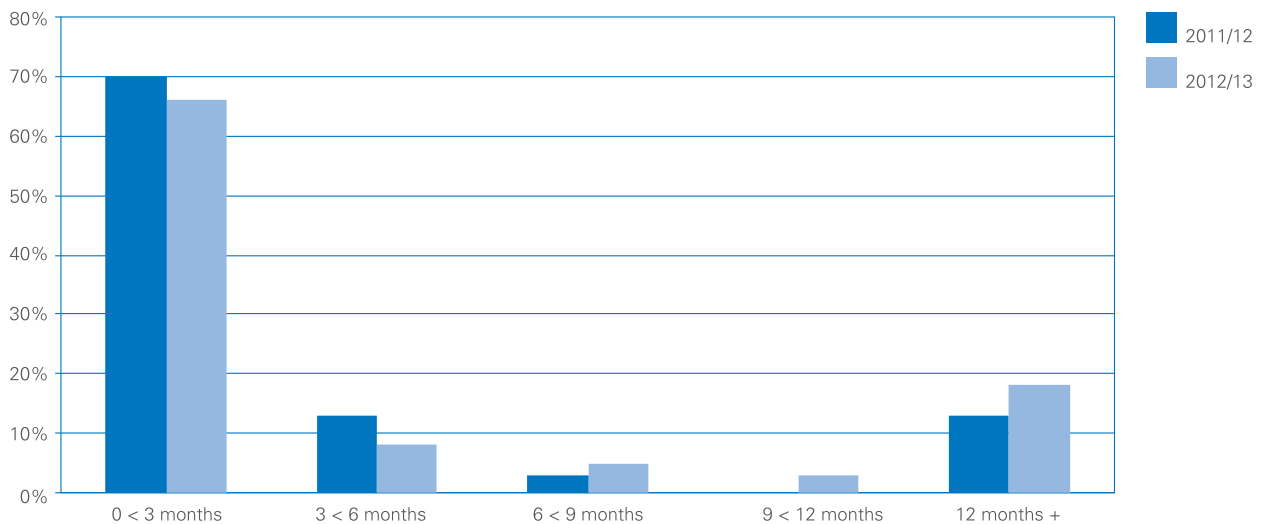


Table 17: Number and type of listing, Melbourne, 2011/12 - 2012/13

Listing Type	No. Listed 2011/12	No. Listed 2012/13
Family Division		
Directions hearings	987	712
Interim accommodation order contests & intervention order contests ¹⁰	654	424
Final contests	565	289
Criminal Division		
Contest mentions	441	576
Contests	190	201

Table 18: Number and type of listing, Moorabbin, 2011/12 – 2012/13

Listing Type	No. Listed 2011/12	No. Listed 2012/13
Family Division		
Directions hearings	201	236
Interim accommodation order contests	161	165
Intervention order contests	8	5
Final contests	0	171

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, 2010/11 – 2012/13

	2010/11	2011/12	2012/13
Country (Family Division contests)	32	33	43
Metropolitan (Criminal Division contests)	36	17	67

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.

Table 20: Melbourne Children’s Court, Family Division listing delays, 2010/11 - 2012/13

Listing Delay from Dispute Resolution Conference to Final Contest			
	2010/11	2011/12	2012/13
July	17 weeks	19 weeks	27 weeks
August	18 weeks	20 weeks	25 weeks
September	19 weeks	20 weeks	26 weeks
October	18 weeks	20 weeks	20 weeks
November	20 weeks	15 weeks	23 weeks
December	22 weeks	26 weeks	19 weeks
January	22 weeks	26 weeks	15 weeks
February	22 weeks	26 weeks	15 weeks
March	20 weeks	25 weeks	17 weeks
April	20 weeks	26 weeks	15 weeks
May	19 weeks	26 weeks	13 weeks
June	16 weeks	26 weeks	12 weeks
Average delay	19.4 weeks	22.9 weeks	18.9 weeks

Table 21: Melbourne Children’s Court, Criminal Division listing delays, 2010/11 - 2012/13

Listing Delay From Contest Mention to Final Contest			
	2010/11	2011/12	2012/13
July	15 weeks	10 weeks	8 weeks
August	16 weeks	10 weeks	8 weeks
September	17 weeks	10 weeks	8 weeks
October	16 weeks	10 weeks	7 weeks
November	16 weeks	9 weeks	7 weeks
December	15 weeks	9 weeks	4 weeks
January	14 weeks	11 weeks	3 weeks
February	14 weeks	12 weeks	3 weeks
March	14 weeks	12 weeks	4 weeks
April	11 weeks	11 weeks	4 weeks
May	9 weeks	11 weeks	4 weeks
June	9 weeks	10 weeks	4 weeks
Average Delay	13.8 weeks	10.4 weeks	5.3 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 767 referrals of children, young persons and their families during 2012/13, which represented a decrease of 13% 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 767 referrals for assessment during 2012/13, 262 were criminal cases, 487 were child protection cases and 18 were family violence/personal safety matters. Of the total, 475 referrals emanated from the metropolitan area and 292 were from country regions of the state.

Included in the total were 29 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.

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 2012/13 the clinic provided 99 such sessions.



Dr Patricia Brown
Director
Children's Court Clinic



4 GENERAL

AUDIO/VIDEO LINKING

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

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

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

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 2012/13 year the court hosted 41 students. Of those, 37 were secondary students completing a week of work experience and four 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 Melbourne Children's Court regularly participate in the provision of court tours and information sessions.

During the reporting period approximately 94 visits to Melbourne Children's Court 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 2012/13 visitors to the court included delegations from Cambodia, China and Zimbabwe.



Judge Paul Grant and the delegation from Zimbabwe.

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
- 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.

On 18 October 2012, the court delivered a one day forum on *Holistic approaches in the child protection legal system*. Magistrate Gregory Levine and Emeritus Professor Barbara Kamler presented on the operation of family drug treatment courts in the USA and UK. District Judge Nicholas Crichton presented on his experience of running a Family Drug and Alcohol Court in London and Dr Danya Glaser, Consultant Child and Adolescent Psychiatrist (UK), spoke about the impact of parental substance abuse on the emotional/psychological health of children. There were also two expert panel discussions.

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 2013

		Actual 2012-2013	Actual 2011-2012
SPECIAL APPROPRIATIONS			
Magistrates' salaries and allowances		4,326,316	3,745,965
Total Special Appropriations		4,326,316	3,745,965
RECURRENT APPROPRIATIONS			
Salaries, overtime and annual leave		2,693,193	3,053,525
Superannuation		235,523	265,264
Provision for long service leave		73,365	87,461
WorkCover levy		16,561	21,694
Payroll tax		139,280	164,626
Fringe benefits tax		1,095	0
Total Salaries Expenditure		3,159,017	3,592,570
OPERATING EXPENDITURE			
Travel and personal expenses		43,193	69,576
Printing, stationery and subscriptions		105,144	195,078
Postage and communication		105,745	114,289
Contractors and professional services	Note 3	662,504	664,415
Training and development		23,478	115,693
Motor vehicle expenses		127	939
Operating expenses		99,044	132,921
Witness payments		10,322	15,749
Information technology costs		58,928	92,120
Rent utilities and property services		824,790	1,027,646
Repairs and maintenance		152,480	138,457
Total Operating Expenditure		1,820,064	2,566,883
COURT SUPPORT PROGRAMS			
Children's Koori Court	Note 4	107,523	161,812
Total Court Support Program Expenditure		107,523	161,812
NEW MODEL CONFERENCING			
New Model Conferences	Note 5	2,509,635	0
Total New Model Conference Expenditure		2,509,635	0
Total Recurrent Expenditure		7,861,930	6,321,265
DEPARTMENTAL CONTROLLED EXPENDITURE			
Depreciation - Buildings	Note 1, 2	708,248	710,042
Depreciation - Plant and equipment	Note 1, 2	1,070	0
Amortisation - Building leasehold improvements	Note 1, 2	6,590	0
Amortisation - Motor vehicles	Note 1, 2	87,604	89,061
Total Departmental Controlled Expenditure		803,512	799,103
CAPITAL EXPENDITURE		0	0
TOTAL CHILDREN'S COURT EXPENDITURE		12,991,758	10,704,521