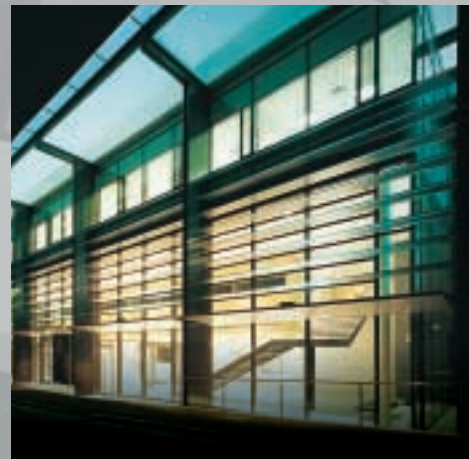


CHILDREN'S COURT OF VICTORIA



INAUGURAL ANNUAL REPORT

1999 - 2000





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Judge Jennifer Coate
President
Children's Court of Victoria

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Children's Court
Victoria

477 Little Lonsdale St
Melbourne Vic 3000

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27 September 2000

The Hon Rob Hulls MP
Attorney-General
55 St Andrews Place
MELBOURNE VIC 3002

Dear Attorney-General

In accordance with section 14A of the *Children and Young Persons Act 1989* I have pleasure in submitting the Inaugural Annual Report of the Children's Court of Victoria for the year 1 July 1999 to 30 June 2000 for presentation to Parliament.

The report contains some general and historical information on the Children's Court and covers the operation of the Court during the 12 month period.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jennifer Coate', written over a horizontal line.

Judge Jennifer Coate
President
Children's Court of Victoria

1 OVERVIEW

A BRIEF HISTORY

Before the Children's Court of Victoria was established in Victoria in 1906, children were dealt with in the same courts and with the same procedures as adults. Eventually, the community recognised that children were in need of special treatment within both the justice and welfare systems of the State.

In 1906, under the *Children's Court Act*, the Children's Court was established at every place where a Court of Petty Sessions (now known as the Magistrates' Court) was held. The jurisdiction of the Court was an exclusive one, confined to children under the age of 17 years, and had responsibility for:

- The hearing and inquiring into all charges and informations against children for felony and misdemeanour, with power to discharge or commit for trial.
- The hearing and determination of all informations for offences punishable on summary conviction.
- The hearing and determination of all charges and applications in relation to the committal of children authorised by the *Neglected Children's Act* 1890 or Part II, Division 2 of the *Crimes Act* 1890.

The Children's Court could exercise all the powers and authorities possessed by the Court of Petty Sessions, and generally all the provisions of the *Justices Act* 1890. The Court sat as a closed court.

A total of 3,303 young people appeared before the Children's Court in 1911, of which 811 were neglected children cases.

The 1930's saw a number of significant developments in the Children's Court area. Firstly, a specific facility was created for the first Melbourne Children's Court. The Court sat for a half day per week (Thursday pm) at the Gordon Institute which was on the site of the Royal Melbourne Institute of Technology. When this building was no longer available the Court sittings were transferred to Carlo House where the administrative offices of the Court were located.

Secondly, the first stipendiary magistrate and the first two stipendiary probation officers were appointed to the Court. Prior to this, special magistrates (Justices of the Peace who had been appointed to the Court by the Governor-in-Council) adjudicated in the Court. By 1939 there were 117 special magistrates in the metropolitan area and 29 in country areas. The gender breakdown was – metropolitan, 65 men and 52 women – country, 22 men and seven women. Apart from sitting at 21 courts regularly – two each day – the stipendiary magistrate took on the role of lecturing on the law to special magistrates and arranging training classes for honorary probation officers.

In 1939 5,491 young people were brought before the Children's Court. This included 610 children who were brought before the Court as neglected children.

On 2 December 1960 a new Children's Court at Melbourne, situated in Batman Avenue, was opened. The building had two courtrooms and no holding rooms. Children in custody sat with a police officer in the public waiting areas. By 1963 the Court sat twice a week. It was not until 1972 that daily sittings of the Children's Court were introduced.



In 1982 the Victorian Government put together a Committee chaired by Professor Carney with the task of reviewing child welfare practice and legislation. The Committee handed down its final report in 1984 and made a number of recommendations affecting the structure of the Children's Court. The *Children and Young Persons Act* 1989 put many of those recommendations into practice including opening up proceedings to both the public and the media.

The *Children and Young Persons Act* ("the Act") established a Family Division of the Children's Court which is distinct and separate from the Criminal Division and which has special procedures open to it to deal with protection matters.



The Act, again in line with the Committee's recommendations, increased the minimum age of criminal responsibility from eight to 10 years and expanded the non-custodial sentencing options available to the Court to emphasise the rehabilitative nature of the Court and enshrine the principles of natural justice.

The Children's Court of Victoria at Melbourne moved again to a new location in Queensbridge Street, South Melbourne. The Queensbridge Street building was officially opened on 9 February 1990. Whilst it was a first attempt to create a court which physically separated young people at the Court for criminal offending as opposed to those at court for child protection matters, it fell far short of what was required.

The new Children's Court complex at 477 Little Lonsdale Street, Melbourne is the first purpose built Children's Court in Victoria. The official opening of the Court on 14 April 2000 coincided with the Attorney-General's announcements of major reforms to the Children's Court jurisdiction.



During the Autumn 2000 Sittings of Parliament a number of those reforms were introduced in the *Children and Young Persons (Appointment of President) Bill*. The amendments established the Children's Court as an independent court, and no longer a division of the Magistrates' Court. The legislation also provided that the head of the Court be a County Court judge to be known as President of the Children's Court of Victoria.

The aim of those reforms was to elevate the status and authority of the Court and to demonstrate the important role played by the Children's Court in our judicial system in providing a specialised court catering for children and young people in both the criminal and family jurisdictions.

The Children's Court, Queensbridge Street, South Melbourne. While the facilities were a distinct improvement on those at Batman Avenue, they still fell far short of what was required.

PRESIDENT'S REPORT

The arrival of the Children's Court into the new millennium, even attempting the most moderate language, can only be described as exhilarating. The new millennium has commenced with a number of "firsts" for the newly emerged Children's Court of Victoria. It has a new building, a new computer system, a new President and a first annual report.



Judge Jennifer Coate
President
Children's Court
of Victoria

Appointment Of President

The Victorian Children's Court underwent a restructure pursuant to the *Children and Young Persons (Appointment of President) Act 2000*. The Act replaces the position of Senior Magistrate as head of the Court with the new office of President. The President is required to be a judge of the County Court of Victoria. That honour was bestowed upon me having been sworn in as judge of the County Court on 22 June 2000 and appointed as President by proclamation of the legislation on 26 June 2000.

Victoria now joins South Australia, Queensland, Western Australia and New Zealand in having a judicial officer at County Court level heading its Children's Court or Youth Court. The above legislation is the culmination of a number of recommendations for this change from the 1984 report of Professor Carney through to two separate reviews by The Honourable Justice Fogarty in 1989 and 1993.

Annual Report

In the continuing row of firsts, this report is the first of its kind to be produced pursuant to the Act referred to above. This amending legislation now requires the Children's Court to provide its own report to the Governor separate and independent from the Magistrates' Court of Victoria. Up until now, the Children's Court had only occupied a small space inside the annual report of the Magistrates' Court. This report provides the Children's Court with the opportunity to report in far greater detail on its operations, achievements and aspirations.

Objectives

It has become standard practice in recent times for courts to develop a vision statement, set of objectives or strategic plan. Given that this Court only gained its independent status on 26 June 2000 these issues, amongst others, will be under active consideration during the next 12 months.

Developing Consistent Practices

Throughout the reporting period, the Senior Magistrate of the Children's Court of Victoria was a member of the Executive Committee of the Magistrates' Court of Victoria and therefore met regularly with the Chief Magistrate, Deputy Chief Magistrates and Senior Magistrates throughout Victoria to discuss a variety of matters relevant to the operation and administration of the Children's Court.

Since the beginning of 1999 the Court has endeavoured to provide as much assistance as possible to the regional sittings of the Children's Court in both metropolitan and country regions by providing magistrates from the Children's Court at Melbourne to hear contested matters of some complexity and/or length. This has required Children's Court magistrates sitting at Melbourne to either travel into the country regions for some days at a time to hear matters, or to hear the metropolitan criminal matters at Melbourne.

The decision to do this has been based on the following summary of reasons:

- (a) To endeavour to address the disparity in delays in hearing times for children in both Family and Criminal Divisions in the various regions across the State. These circumstances arise where magistrates in the regions are required to hear the entire range of jurisdictions required of a magistrate, especially those sitting in country regions.
- (b) To provide the developed expertise of those magistrates sitting full-time in the Children's Court at Melbourne to hear more complex matters.
- (c) To provide the magistrates at Melbourne with the opportunity to gain an understanding of and familiarity with the various regional differences, and simultaneously to assist in the continuing development of consistent statewide practices in the Court and the application of the law.
- (d) To foster communication and exchange of information about the operation of the Children's Court between magistrates and court staff throughout all the regions of the State.

By mid 2000 with the co-operation and support of the magistrates and court staff, the Children's Court at Melbourne had managed to expand its capacity to hear contested cases in the Family Division in country regions and in Criminal Division contests from the metropolitan regions. The figures (see Table 12, page 23) illustrate both the demand and delivery over a six month period. This has been achieved with no increase in judicial resources assigned to the Court and in fact the figures illustrate that there has been a reduction in the number of available sitting days for magistrates.

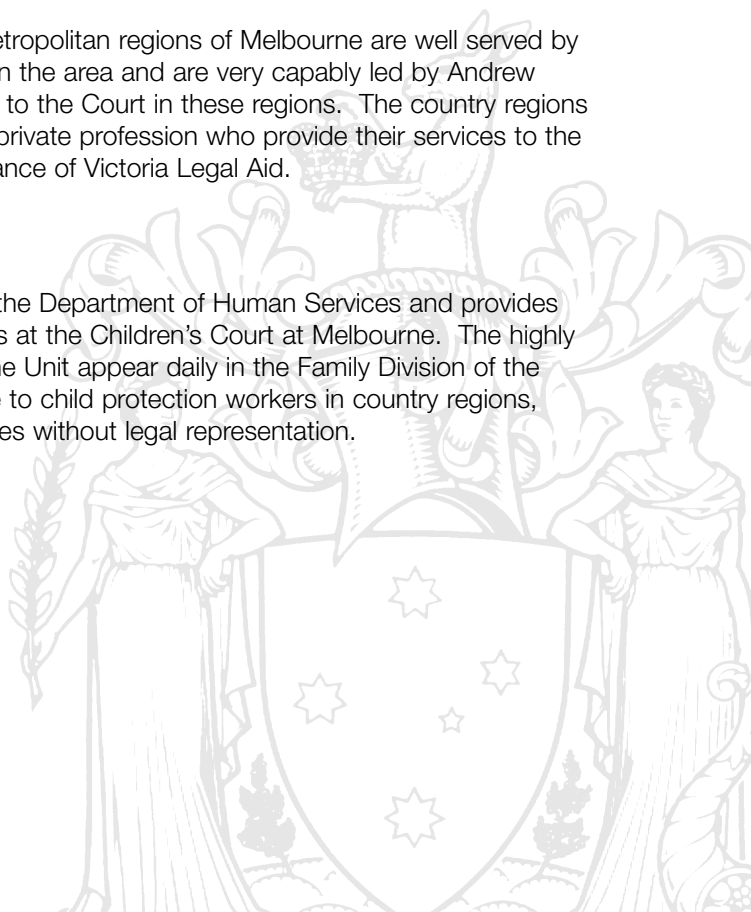
For the reasons set out above, the maintenance and development of this part of the Court's work is essential.

Victoria Legal Aid

The Children's Court at Melbourne and the metropolitan regions of Melbourne are well served by a team of duty lawyers who have specialised in the area and are very capably led by Andrew McGregor. They provide an invaluable service to the Court in these regions. The country regions of the Court are assisted by lawyers from the private profession who provide their services to the Court on a roster basis via the financial assistance of Victoria Legal Aid.

Court Advisory Unit

The Court Advisory Unit is staffed and run by the Department of Human Services and provides legal representation to child protection workers at the Children's Court at Melbourne. The highly experienced lawyers and court officers from the Unit appear daily in the Family Division of the Court at Melbourne. They also provide advice to child protection workers in country regions, some of whom are appearing in their own cases without legal representation.



Delays in Juvenile Crime

During early 1997, having spent two years sitting at the Children's Court it became apparent to me that there was a significant problem with extensive delays between the date of offending and eventual court disposition of juvenile crime. It was not unusual to be dealing with a young offender who had committed an offence or offences six to nine months earlier or even longer in some cases. Investigations and research conducted by court staff revealed that the greatest single delay was in the police processing at station level.

In 1997 and 1998 I convened two forums on this issue with a wide range of groups represented and a number of magistrates across the regions present. From the forums and research conducted reports dated 1997, 1998 and 1999 were published containing a number of recommendations for action. These reports were formally provided to the appropriate Ministers in mid 1999. To date, this issue remains unresolved.

Publications

During the year 1999-2000, the Court has been involved in the production of some excellent publications some of which have been initiated and completed by the Court and some completed by other agencies working with the Court.

Children's Court Information Package

A complete overhaul and update of all of the brochure material previously produced by the Court for distribution across the state was completed by Andrea Daglis, the Children's Court Liaison Officer.

Legal Representation of Children

The Victoria Law Foundation embraced with gusto and excellence the Court's suggestion for the production of an accessible guide to assist lawyers representing young people in the Children's Court. This area of practice is not easily understood and sits at odds with the role of the lawyer acting as a child representative in the Family Court. The resulting booklet "*Guidelines for Lawyers Acting for Children and Young People in the Children's Court*" is an excellent aid to ensuring consistent practice across the State for those currently working in the area and provides concise information for lawyers who are new to the jurisdiction. The guidelines also provide clear information to groups such as youth workers, social workers and teachers, as well as parents, on the role of the lawyer acting for a child, particularly in child protection matters. The guidelines have been distributed widely and have been well received by the target group.

Information For Children

In the course of overhauling the written information about the operation of the Court, it became clear that there was no appropriate material for young children. Victoria Legal Aid agreed to take on the production of such a publication hiring an experienced children's author, Hazel Edwards, and illustrator, Michael Salmon. "Lex" the court cat was created and became the central character in a book called "*Just in Case... You visit the Children's Court*". The publication is directed at school age children and endeavours to give them some understanding of the Court, the people in it and what happens in the Family Division. The book sets out to inform children and reassure them about the role of the Court.

Security

The issue of security at the Children's Court complex at Melbourne remains a constant one. There are no Victoria Police or Protective Services members provided for the maintenance of security in or at the Court despite requests for such a presence dating back to 1990. Currently, there are two full-time private security personnel stationed at the Court who have no powers of containment or arrest.

Breaches of security from minor incidents of insulting language through to criminal damage, serious threats of harm and actual physical assaults are sadly a regular occurrence in and around the Court. The targets of this behaviour range from family members to court staff, child protection workers and lawyers with almost all occurrences relating to the Family Division of the Court.

It is not unusual for requests for urgent assistance to be made by the security staff to the Victoria Police members who are stationed in the cells area of the Court. Whilst it is not the function of those police to assist in maintaining security in the building, without their presence and goodwill, it is predictable that not only would there be an escalation in the number and seriousness of incidents waiting for police to arrive from "off the road" but there would be constant calls going out for police to attend the Court.

The police presence and availability at the Court is not only of invaluable assistance in containing the security problems, they also maintain an excellent record in caring for and controlling with professional excellence the young people who are in custody at the Court.



Recent publications relating to the Children's Court



Liaison

Throughout the reporting period the Court has maintained its commitment to fostering communication with other courts, agencies and court users on a range of issues. To this end, the Court is represented on a number of bodies and committees by its judicial members such as:

- Police Youth Issues Liaison Group
- Aboriginal Awareness Committee chaired by The Honourable Justice Eames
- Family Violence Protocols Committee chaired by The Honourable Justice Sally Brown
- Family Law Council of Australia
- Victorian Institute of Forensic Medicine
- Co-ordinated Health Services for Abused Victorian Children
- Australian and New Zealand Heads of Children's and Youth Courts
- Group Conferencing Steering Committee
- Court Users Forums in both divisions

Conclusion

The Children's Court of Victoria has arrived in the Year 2000 having discarded the last vestiges of its image as a run down and forgotten part of the legal system. Today it stands in the middle of the legal precinct, with a new building, a new place in the legal hierarchy and an ongoing commitment to the provision of efficient administrative procedures and judicial excellence in decision making.



Judge Jennifer Coate, magistrates and staff of the Melbourne Children's Court at the County Court swearing in ceremony on 22 June 2000

It must always be remembered that making decisions based on what is in the best interests of the child, as the Court is bound to do in its child protection role, can only be done in the context of what is available by way of programs, services and supports in the community. Similarly, the Court's focus on rehabilitation of juvenile offenders in its Criminal Division, is circumscribed by what is available to the Court in the form of appropriate rehabilitation programs, school support, family support and ongoing research excellence and evaluation in terms of what is likely to produce positive results.

My continuing thanks and admiration go to all the Court staff but especially staff at Melbourne who maintain an excellent level of professionalism in their dealings with the public, each other and the judicial members of the Court. There is no doubt this is in no small part due to the outstanding leadership and expertise provided by Mr Godfrey Cabral the Principal Registrar of the Children's Court of Victoria based at Melbourne.

Throughout the reporting period he has been well supported by Ms Sue Higgs, the Court Co-ordinator who has so capably managed the complexities of all of the competing demands of case management in the Court, together with Ms Jan Trevaskis, the Office Manager with her personal skills and expertise in court operation. Mention must also be made of the outstanding contribution made by Ms Andrea Daglis as the Children's Court Liaison Officer.

Thanks also go to all of the magistrates performing Children's Court work throughout Victoria. My final remarks are reserved for my judicial colleagues who are sitting full-time in the Children's Court at Melbourne. In this most demanding and complex court their continuing and tireless dedication to the delivery of just, equitable and timely decision making brings credit to the Children's Court of Victoria.

Judge Jennifer Coate,
after being sworn in as
a judge of the
County Court with
The Honourable
Mr Justice John Harber
Phillips, AC, Chief
Justice of Victoria



JURISDICTION

The Children's Court of Victoria is established by section 8 of the *Children and Young Persons Act* 1989. The Children's Court has authority to hear cases involving children and young people up to the age of 17 years, and in some cases up to 18 years.

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

The Criminal Division of the Court has jurisdiction to hear and determine summarily all offences (other than murder, attempted murder, manslaughter, culpable driving and death by arson) where the alleged offender was under the age of 17 but of or above the age of 10 years at the time the offence was committed and under the age of 18 when brought before the Court. The Court also hears applications relating to intervention orders pursuant to the *Crimes (Family Violence) Act* 1987 and stalking provisions of the *Crimes Act* 1958.

STRUCTURE AND ORGANISATION OF THE CHILDREN'S COURT OF VICTORIA

Aside from magistrates the Court is staffed by registrars, deputy registrars, court co-ordinators, trainee registrars and administrative staff at each location. There are also two positions, that of Principal Registrar and Court Liaison Officer, based at the Children's Court at Melbourne whose responsibilities are statewide.

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

President (formerly Senior Magistrate)
Her Honour Judge Jennifer Coate

Magistrates

Ms Sue Blashki
Mr Lou Hill
Mr Clive McPherson
Ms Jeanette Maughan
Mr Peter Power
Mr Brian Wynn-Mackenzie

Principal Registrar

Mr Godfrey Cabral

Senior Registrars

Ms Sue Higgs (Court Co-ordinator)
Ms Jan Trevaskis (Office Manager)

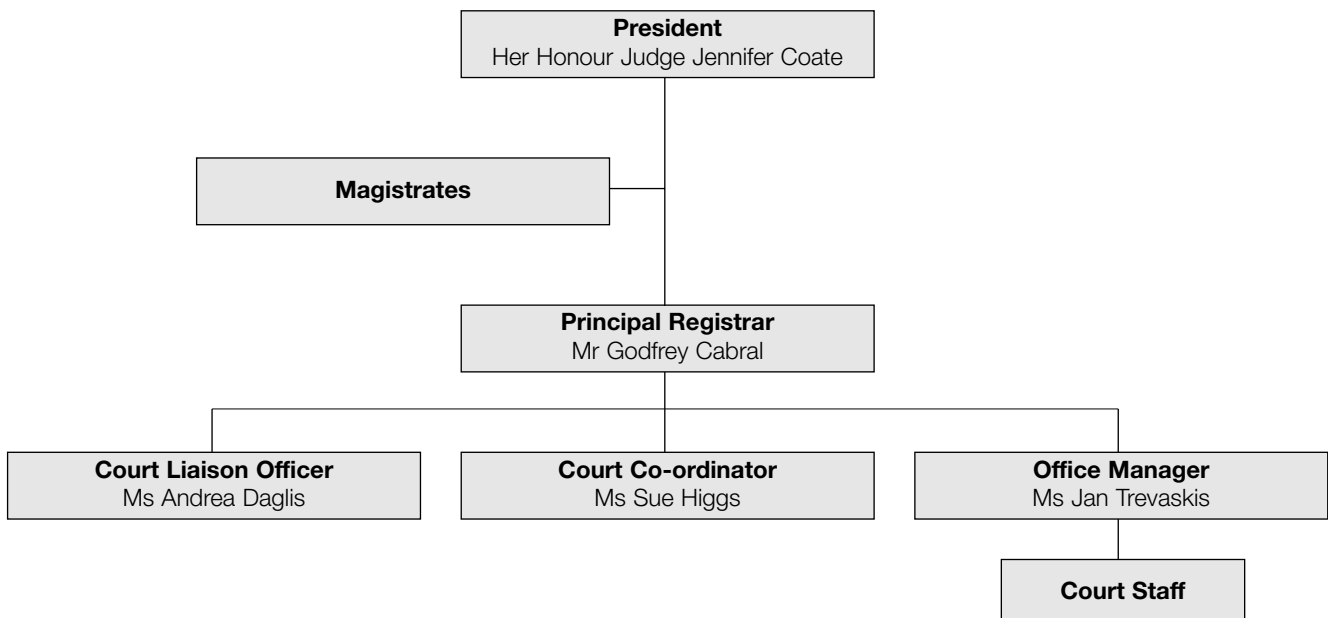
Court Liaison Officer

Ms Andrea Daglis



*Judge Jennifer Coate
and Magistrates of the
Children's Court at
Melbourne*

Organisational Structure of the Children's Court at Melbourne:



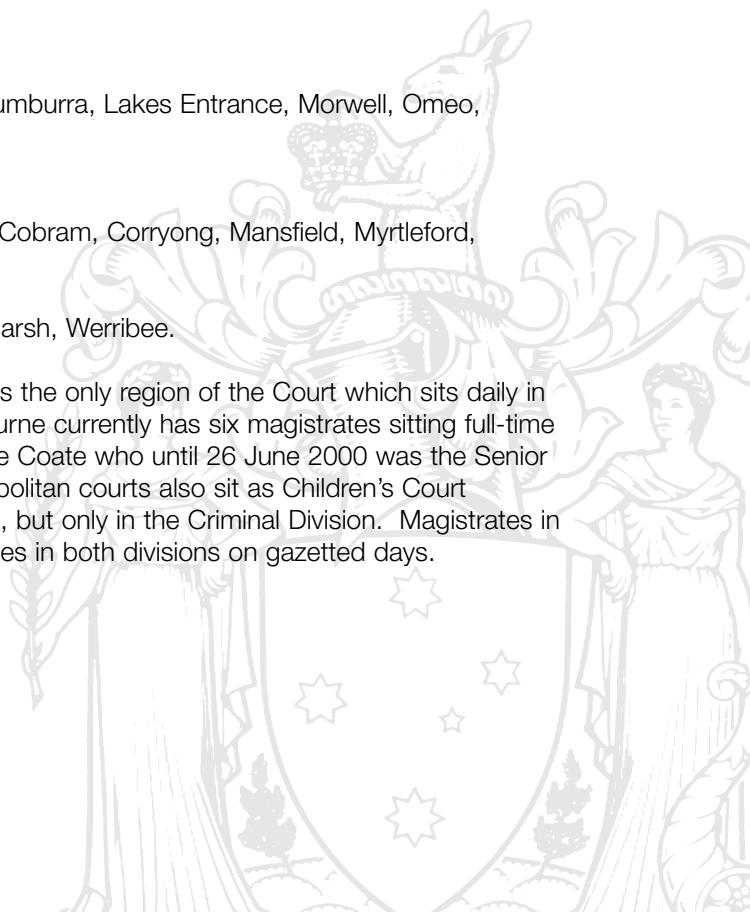
Court Sitting Days

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 9(2) of the *Children and Young Persons Act* 1989 the Children's Court "must not be held at any time in the same building as that in which the Magistrates' Court is at the time sitting unless the Governor in Council, by Order published in the *Government Gazette*, otherwise directs with respect to any particular building."

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

1. Melbourne
2. Ballarat region:
Ballarat (headquarters court), Ararat, Casterton, Edenhope, Hamilton, Hopetoun, Horsham, Maryborough, Nhill, Ouyen, Portland, St. Arnaud, Stawell, Warrnambool.
3. Bendigo region:
Bendigo (headquarters court), Castlemaine, Echuca, Kerang, Kyneton, Mildura, Robinvale, Swan Hill.
4. Broadmeadows region:
Broadmeadows (headquarters court), Moonee Ponds.
5. Dandenong
6. Frankston region:
Frankston (headquarters court), Dromana.
7. Geelong region:
Geelong (headquarters court), Colac.
8. Heidelberg region:
Heidelberg (headquarters court), Preston.
9. Moe region:
Moe (headquarters court), Bairnsdale, Korumburra, Lakes Entrance, Morwell, Omeo, Orbost, Sale, Wonthaggi.
10. Ringwood
11. Shepparton region:
Shepparton (headquarters court), Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga.
12. Sunshine region:
Sunshine (headquarters court), Bacchus Marsh, Werribee.

The Children's Court of Victoria at Melbourne is the only region of the Court which sits daily in both divisions. The Children's Court at Melbourne currently has six magistrates sitting full-time together with the President, Her Honour Judge Coate who until 26 June 2000 was the Senior Magistrate of the Court. Magistrates in metropolitan courts also sit as Children's Court magistrates in those regions on gazetted days, but only in the Criminal Division. Magistrates in country areas sit as Children's Court magistrates in both divisions on gazetted days.



2

ACHIEVEMENTS & HIGHLIGHTS



The foyer of the new Children's Court complex at 477 Little Lonsdale Street, Melbourne

THE NEW BUILDING

During the first half of the reporting period the Children's Court at Melbourne was located in Queensbridge Street, South Melbourne. The Queensbridge Street building, opened in 1990, was the first attempt to provide facilities that would cater for the special needs of the jurisdiction, however, it remained inadequate in many respects.

The Queensbridge Street building was a converted factory with no natural light in the courtrooms, the staff work areas or the holding rooms for young people in custody. It did not provide meeting rooms, pre-hearing conference facilities or child play areas. It required young people in secure welfare custody to be placed in the cells area of the building, thus failing to address everything which had been learnt about not stigmatising young people in need of protective care. Its single point of entry and inadequate interview rooms failed to address the security needs of some court users.



The public waiting area in the Criminal Division featuring artwork by Bruno Leti

In September 1997 a Project Control Group was formed to oversee the design and construction of a new Melbourne Children's Court. The group was chaired by Fiona Hanlon, Deputy Secretary, Legal, of the Department of Justice and included the following members:



The courtrooms were designed to be simple and non-threatening

Michael Adams QC - Chief Magistrate
 Judge Jennifer Coate - President, Children's Court of Victoria
 Pat Armstrong - Chief Executive Officer, Magistrates' Court of Victoria
 Brian Davenport - Project Manager, John Wertheimer Consultants
 Andrew Sutherland - Portfolio Planning, Department of Justice
 Denis Hall - Director, Courts & Tribunals Services, Department of Justice
 James Kelly - Manager, Works and Services, Department of Justice
 Godfrey Cabral - Principal Registrar, Children's Court of Victoria.

The group met on a monthly basis throughout the duration of the project seeing it through to its conclusion in December 1999.

The end of that year marked the closure of the Children's Court at Queensbridge Street, South Melbourne and the move to the new Children's Court at 477 Little Lonsdale Street, Melbourne. At the official opening, in April 2000, the Attorney-General observed that "first class facilities are integral to the proper functioning of the Children's Court".

At a cost of approximately \$19m, the complex is the first purpose built Children's Court in Victoria, with the ideas of openness, accessibility and respect evident in the design features.

The three storey building has seven courtrooms (four Family Division and three Criminal Division) with two additional multi purpose rooms for future

expansion. A major feature of the building is the geographic separation of the two divisions to make a clear distinction between those young people at the Court for criminal offending as opposed to protection. The courts are simple and non-threatening in their design and are installed with state of the art technology. Three courts are cabled for video conferencing with an in-house remote witness facility.



The children's playroom which is equipped with a variety of activities and toys



Looking west from the foyer to the Family Division courtyard which is also accessible from the playroom



At the official opening, a welcoming ceremony was conducted by Ms Joy Murphy, an elder of the Wurundjeri tribe, the traditional owners of the land

Other features include natural light to large public waiting and foyer areas, private courtyards, numerous interview rooms, spacious offices for user groups, internal and external play areas equipped with a variety of entertainment and toys for the children.

The complex also includes pre-hearing conference rooms, a secure welfare facility and the Children's Court Clinic which has a separate entrance. The holding facility, containing seven cells (five juvenile and two adult) provides natural light and courtyard views for young people held in custody.

Magistrates and staff are housed on the second floor in comfortable surroundings with a wide range of amenities which further enhance the good working relationship between the judiciary and administration.

The shift from Queensbridge Street to Little Lonsdale Street was achieved between Christmas and New Year to enable the Court to open for sittings on 4 January 2000. The co-operation of all staff members who agreed to work throughout this period led by Godfrey Cabral, Principal Registrar and Sue Higgs, Court Co-ordinator enabled a smooth transition.

The building was officially opened on 14 April 2000 by the Victorian Attorney-General, The Hon. Rob Hulls MP, after a moving welcoming ceremony by Ms Joy Murphy, an elder from the Wurundjeri tribe, the traditional owners of the land. At the opening, the purpose of and need for the facility was brought to life by a performance of the Reach Youth Group illustrating the plight of many young people today.

This new purpose built facility at 477 Little Lonsdale Street provides first class facilities for staff and all user groups of the Children's Court at Melbourne.



The performance by members of the REACH Youth Group at the official opening ceremony illustrated the plight of many young people today



Guests at the opening ceremony included the Attorney-General, The Hon. Rob Hulls MP, the Minister for Community Services, The Hon. Christine Campbell MP and the Secretary to the Department of Justice, Mr Peter Harmsworth

COMPUTERISATION OF THE CHILDREN'S COURT OF VICTORIA

*Mr Peter Power,
Magistrate and Mr Russell
Hastings, Deputy Registrar
working on the new
computerised case
management system for
the Family Division*



On 9 September 1999 after six months of careful planning and testing by the Courts Computerisation Project Team, "Courtlink", a statewide computerised system for the Criminal Division commenced operation in the Children's Court. Courtlink allows this jurisdiction to function on the same basis and terms as the Magistrates' Court, and provides all Magistrates' and Children's Courts with the ability to access each other's case data.

This was a major step forward for the Children's Court which had been operating on a cumbersome manual system with each region of the Court adopting its own methods and systems. The introduction of Courtlink has standardised the criminal jurisdiction and has allowed for the production of vital statistical information needed for caseload management and the production of reports.

In September 1999, tenders were invited to develop a statewide computerised case management system for the Family Division of the Children's Court. Platypus Systems won the contract in December 1999. A new software package was desperately needed to replace the "Kidlink" system (which operated at Melbourne Children's Court only) and to pick up from the failed "Jurislink" project. Kidlink was a word-processing order-entry system designed single handedly by Magistrate Peter Power at no cost to the Department of Justice. Kidlink was an excellent system that was relied on at Melbourne for six years but that was always intended as an interim measure.

Chris Balfour the Magistrates' Court Technology Co-ordinator oversaw the project, while Peter Power and Deputy Registrar, Russell Hastings provided the expert user knowledge, system functionality and many long hours of testing.

The system is to be introduced in two to three phases. Phase one includes the ability to register cases, allocate case numbers, link sibling files, add party and application details, enter new orders and also breach, vary, extend and revoke orders. All information is retained and is accessible to view, edit and delete. Major developments to be part of future phases include a listings function to be developed in conjunction with the (Department of Justice) Criminal Justice Enhancement Project (CJEP), enhanced appeals and search warrants functions, and the ability to modify tables.

In May 2000 the new Family Division computer system ("LEX") was installed at the Children's Court at Melbourne. Since this time there have been many hours spent further testing and refining the system and in developing user-friendly manuals and training materials for Children's Court staff. Training of all court staff on the new system was undertaken in house at Melbourne by Jan Trevaskis and Russell Hastings. Training of Children's Court staff in country locations commenced in August 2000.

Special thanks must go to Maria Michael and Danny Celhar of Platypus Systems for their patience and flexibility in making this project a success.

VISITS TO COUNTRY REGIONS

The President, Judge Jennifer Coate, the Principal Registrar, Mr Godfrey Cabral and Court Liaison Officer, Ms Andrea Dagleis visited a number of Children's Courts in country regions during the second half of the reporting period.

The visits provided an opportunity to meet court staff, discuss the unique issues facing each community and to find ways in which the Children's Court at Melbourne could give any assistance needed to country Children's Courts. The visits also provided an opportunity to meet with court users such as police, legal practitioners and representatives from the Department of Human Services to discuss procedures and practices, and any issues relating to their work in the Children's Court.

Three visits took place. The first visit was to the Shepparton region on Friday, 3 March 2000, the second visit was to the Moe region on 4 and 5 April and a visit to the Bendigo region took place on 24 May. The Court Co-ordinator, Ms Sue Higgs also participated in the visit to Bendigo. The visits were very well received by both court staff and user groups. The information and feedback received from the meetings will be used to assist in the adoption of consistent procedures and practices throughout Victoria leading to an increasingly unified Children's Court.

The visits also served to highlight the services and resources available to the country regions through the Children's Court at Melbourne. One important service is the ability of the Court Co-ordinator at Melbourne to provide a magistrate to sit at a country location to hear a contested matter (for statistics, see Table 12, page 23).

Godfrey Cabral took the opportunity to inform the regions of the new Family Division computer system and the likely timelines for its introduction. Andrea Dagleis announced the release of a series of information pamphlets containing information about the Children's Court and explaining Children's Court processes to non professional court users.

CHILDREN'S COURT INFORMATION PACKAGE

A series of pamphlets and a presentation folder were developed during the reporting period to address the lack of easy to read, professional information available to the community on what happens at the Children's Court.

The pamphlets apply to the Children's Court statewide and were distributed to all Magistrates' Court regions, community information centres and school regional offices. There are five pamphlets in the series titled:

- General Guide to Court;
- The Criminal Division;
- The Family Division;
- Pre-Hearing Conferences; and
- Children's Court Liaison Officer.

There is also a flyer containing information on the Children's Court Clinic.

The presentation folder contains information and photographs of the new Children's Court complex at 477 Little Lonsdale Street, Melbourne.



3 OPERATIONAL & STATISTICAL REPORT

COURT STATISTICS

Tabled below are the various figures for each jurisdiction available to the Court at the time of publication. It should be noted that with the computerisation of both divisions during the 1999-2000 period, subsequent reports will contain information not previously recorded under the manual system.

CHILDREN'S COURT OF VICTORIA CRIMINAL CASES HEARD 1997-2000

TABLE 1

	1997-1998	1998-1999	1999-2000
Cases initiated and completed	7217	6244	7320

CHILDREN'S COURT OF VICTORIA CRIMINAL CASES HEARD - BY REGION

TABLE 2

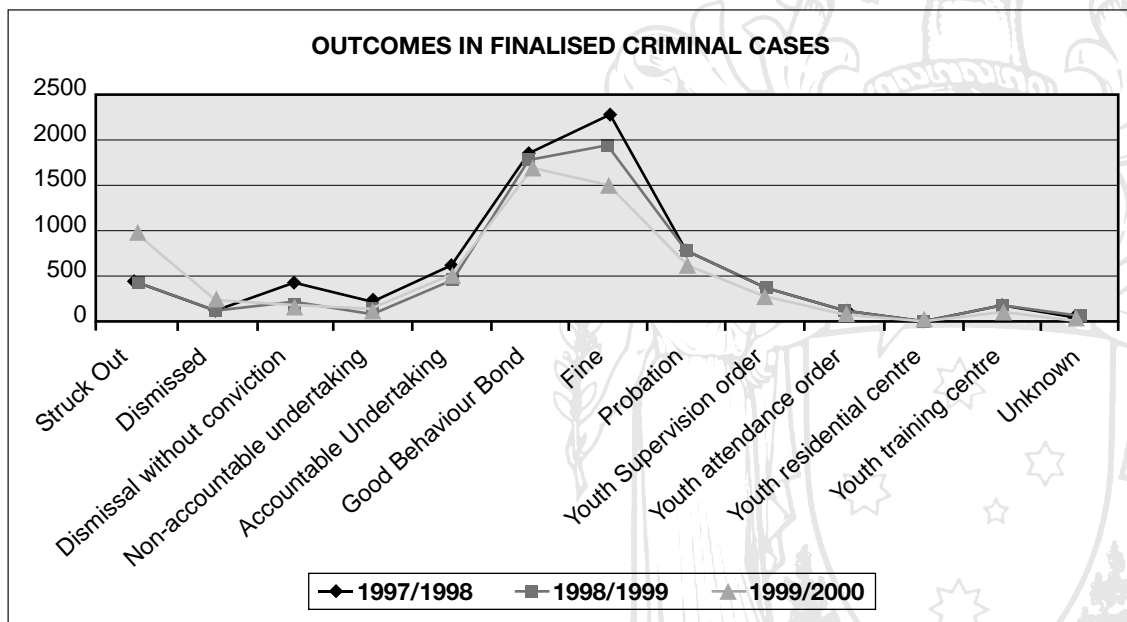
REGION	1997-1998	1998-1999	1999-2000
Melbourne	1149	1096	1678
Ballarat	475	489	409
Bendigo	387	371	439
Broadmeadows	454	435	359
Dandenong	610	530	619
Frankston	504	369	367
Geelong	447	428	391
Heidelberg	635	489	845
Moe	775	621	555
Ringwood	759	690	703
Shepparton	572	453	404
Sunshine	450	273	551
TOTALS:	7020	6186	7320

**CHILDREN'S COURT OF VICTORIA
OUTCOMES IN FINALISED CRIMINAL CASES**

TABLE 3

DISPOSITION	1997/1998	1998/1999	1999/2000
Not Proven			
Struck Out	404	373	964
Dismissed	103	103	197
Subtotal	507	476	1161
Proven			
Dismissal without conviction	382	186	197
Non-accountable undertaking	141	74	73
Accountable undertaking	602	450	542
Good behaviour bond	1846	1741	1708
Fine	2296	1953	1517
Probation	804	734	639
Youth supervision order	361	356	278
Youth attendance order	101	69	56
Youth residential centre	20	22	33
Youth training centre	156	156	142
Unknown	1	21	17
Subtotal	6709	5747	5202
TOTAL NUMBER OF CASES:	7217	6244	6363

Please note that the difference between the total figures for "Cases Heard" and "Dispositions" is due to the fact that when a defendant appears in court for a number of unrelated matters, these can be grouped into a "super" case (i.e. one case). In counting the number of cases heard, each individual component case is counted, whereas for dispositions only the "super" case for the defendant is counted.

TABLE 4

**CHILDREN'S COURT OF VICTORIA
FAMILY CASES HEARD 1997-2000**

TABLE 5

	1997-1998	1998-1999	1999-2000
Cases initiated and completed	3064	2955	2904 *

Note: * This was the total figure available at the time of printing and may be subject to further updates.

**CHILDREN'S COURT OF VICTORIA
OUTCOMES IN FINALISED FAMILY CASES**

TABLE 6

	1997/1998	1998/1999	1999/2000
Protection Applications (including irreconcilable differences)			
Struck Out	271	237	99
Dismissed	54	7	2
Undertaking	122	65	53
Supervision order	784	738	607
Custody to third party	14	12	17
Supervised custody order	28	32	34
Custody to Secretary order	491	521	490
Guardianship to Secretary order	131	163	111
Unknown	0	16	51
Subtotal	1895	1791	1464
Extensions of Custody and Guardianship Applications			
Struck out	21	32	120
Dismissed	0	0	44
Undertaking	0	0	0
Supervision order	4	15	7
Custody to third party	0	3	7
Supervised custody order	3	2	3
Custody to Secretary order	654	822	719
Guardianship to Secretary order	487	287	496
Unknown	0	3	4
Subtotal	1169	1164	1440
Totals of Above Applications			
Struck out	292	269	219
Dismissed	54	7	46
Undertaking	122	65	53
Supervision order	788	753	614
Custody to third party	14	15	24
Supervised custody order	31	34	37
Custody to Secretary order	1145	1343	1209
Guardianship to Secretary order	618	450	607
Unknown	0	19	95
TOTALS:	3064	2955	2904

TABLE 7

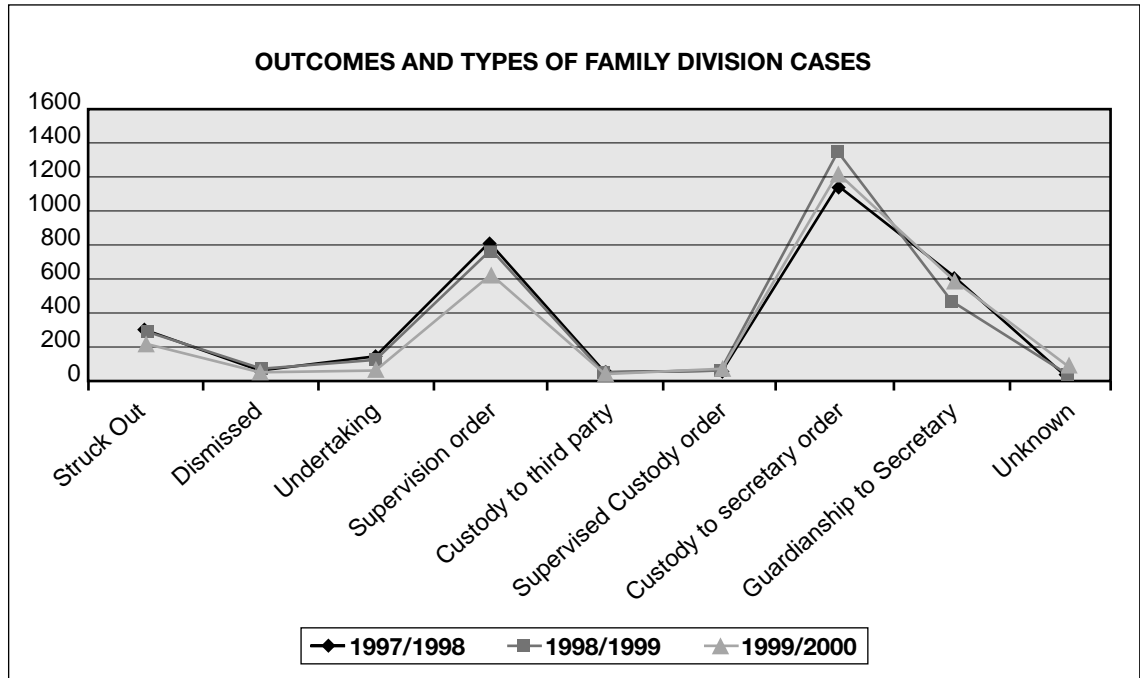
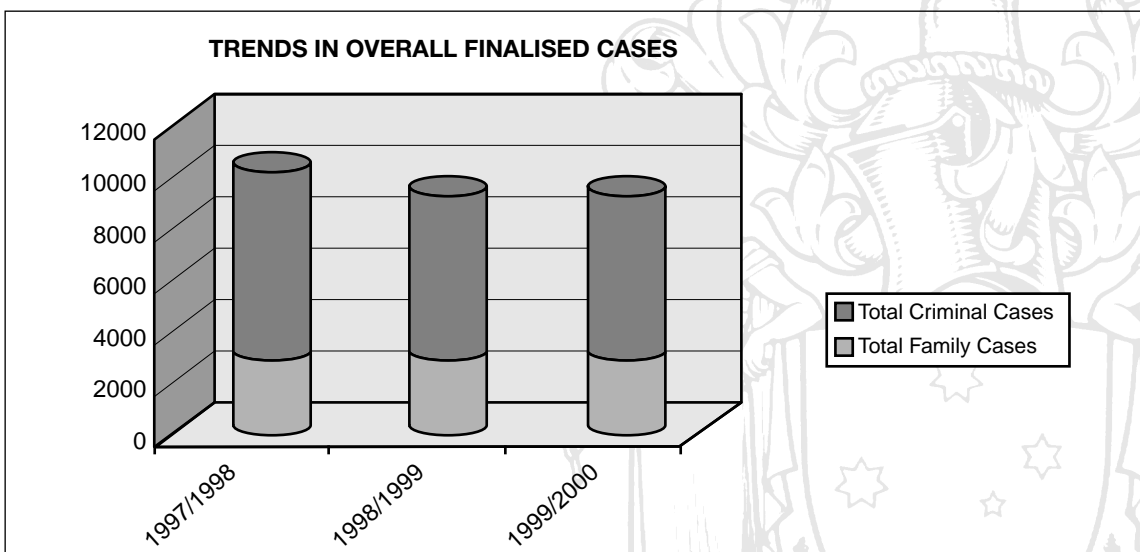


TABLE 8

	1997/1998	1998/1999	1999/2000
Total Family cases	3064	2955	2904
Total Criminal cases	7217	6244	7320
TOTAL:	10281	9199	10224

TABLE 9



**CHILDREN'S COURT OF VICTORIA
INTERVENTION ORDERS ISSUED - BY REGION**

TABLE 10

REGION	1997-1998	1998-1999	1999-2000
Melbourne	202	162	170
Ballarat			12
Bendigo			20
Broadmeadows			20
Dandenong			5
Frankston			22
Geelong			0
Heidelberg			30
Moe			18
Ringwood			18
Shepparton			28
Sunshine			21
TOTAL:			322

Please note that for the years 1997-1998 and 1998-1999 figures for intervention orders issued in Children's Courts apart from Melbourne are not available.

**CHILDREN'S COURT AT MELBOURNE
LISTING STATISTICS
1999 - 2000
(JANUARY - JUNE)**

TABLE 11

	NO. OF CASES LISTED JANUARY - JUNE 1999	NO. OF CASES LISTED JANUARY - JUNE 2000	1999 - 2000 % DIFFERENCE
FAMILY DIVISION			
Pre-hearing conferences	331	361	9.0% ↑
Directions hearings	170	244	43.5% ↑
Interim Accommodation Order contests	186	225	21.0% ↑
Final contests	138	225	63.0% ↑
CRIMINAL DIVISION			
Contest mentions	116	150	29.3% ↑
Contests	67	87	30.0% ↑

As outlined in the above table, although the number of cases initiated has not markedly increased, the number of cases being contested has increased in all categories in the first six months of 2000 as compared to the same period in 1999.

The overall increase can be partly attributed to the following factors:

- Greater number of courtrooms in the new premises allows for increased flexibility and ensures optimum usage of available judicial resources.
- Increased number of difficult and complicated cases resulting in numerous disputed issues often requiring recurring contest listings.
- Assistance provided to country and metropolitan Children's Courts has increased substantially in 2000 (see Table 12 below).

**NUMBER OF COUNTRY AND METROPOLITAN CASES LISTED TO BE HEARD AT
MELBOURNE OR BY MELBOURNE CHILDREN'S COURT MAGISTRATES
SITTING IN REGIONAL COURTS**

TABLE 12

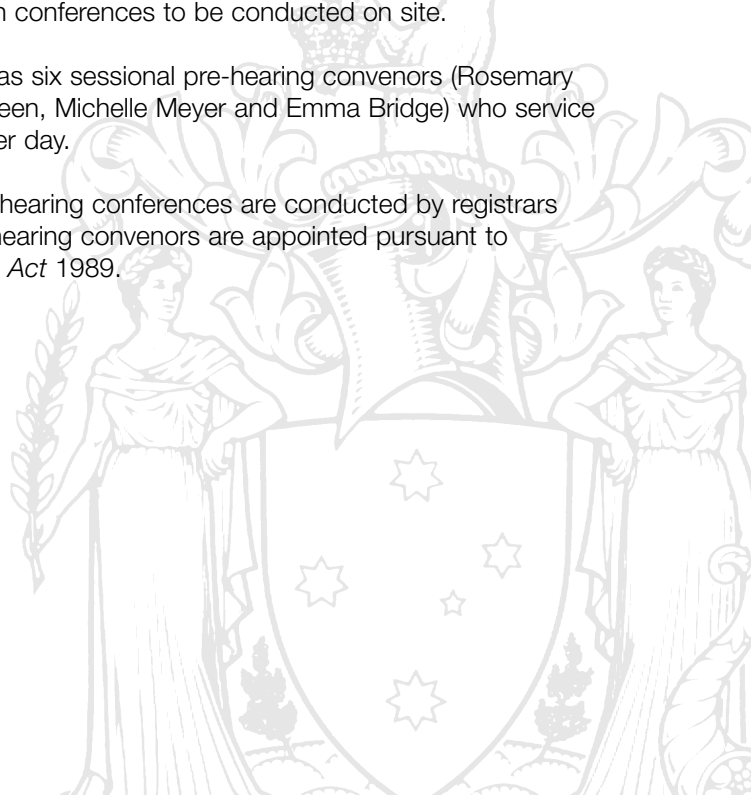
	1999 January - June	2000 January - June
Country (Family Division contests)	2	10
Metropolitan (Criminal Division contests)	7	9

PRE-HEARING CONFERENCES

An important part of the work inside the Family Division of the Children's Court of Victoria is performed by its pre-hearing convenors. The convenors have referred to them almost all matters in the Family Division of the Court at the point at which the parties have failed to agree on how to resolve the case. Approximately 50% of cases in the Family Division referred through the pre-hearing conference system settle at the pre-hearing stage. At the new Children's Court at Melbourne, facilities are available to enable these conferences to take place inside the Court complex with all the advantages of access to court staff, any available security, child play areas and the Court itself to finalise orders at the end of conferences. Prior to moving to the new court building pre-hearing conferences took place at various locations around the city as the old courthouse did not have space to enable such conferences to be conducted on site.

Currently, the Children's Court at Melbourne has six sessional pre-hearing convenors (Rosemary Sheehan, Paul Ban, Anne Markiewicz, Sue Green, Michelle Meyer and Emma Bridge) who service approximately four pre-hearing conferences per day.

In the country regions of the Court, these pre-hearing conferences are conducted by registrars who have received appropriate training. Pre-hearing convenors are appointed pursuant to section 37 of the *Children and Young Persons Act 1989*.



CHILDREN'S COURT AT MELBOURNE PRE-HEARING CONFERENCES

TABLE 13

MONTH	NO. OF PHC'S LISTED	NO. OF CASES SETTLED PRIOR TO PHC	NO. OF CASES SETTLED AT PHC	NO. OF SITTING DAYS VACATED	NO. OF PHC'S CANCELLED	NO. OF CASES CONFIRMED AS CONTESTS
1999						
July	55	0	25	127	8	44
August	65	0	28	146	6	44
September	63	0	27	72	7	59
October	53	4	22	76	11	50
November	46	2	20	51	5	29
December	41	0	16	46	10	32
2000						
January	56	0	20	76	3	45
February	68	0	16	54	0	56
March	69	1	25	70	5	62
April	42	0	17	54	0	30
May	71	0	23	76	2	62
June	55	0	26	80	4	47

CHILDREN'S COURT CLINIC



Dr Pat Brown
Director
Children's Court Clinic

The Children's Court Clinic, under the directorship of Dr Pat Brown, is an independent statutory body which conducts assessments and provides reports on children and their families at the request of Children's Court magistrates across Victoria pursuant to section 37 of the *Children and Young Persons Act 1989*.

Clinicians are highly skilled psychologists or psychiatrists who have specialist knowledge in the areas of child protection and juvenile offending.

The Clinic 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. During the 1999-2000 year 624 cases (165 criminal and 459 protection matters) were referred to the Clinic for assessment.

4 GENERAL

AUDIO/VIDEO LINKING

The Queensbridge Street location had only one courtroom fitted out with video-conferencing equipment which was always in high demand. With the relocation of the Court to the new premises in January 2000 availability of these facilities increased to three courtrooms and enables the Court to facilitate the appearance of parties by audio/visual link whenever the need arises.

In addition, the new Children's Court at Melbourne has been equipped with two remote witness rooms to enable parties to give evidence and participate in court proceedings without having to sit in the courtroom. This is particularly important in cases where, for example, a victim of domestic violence does not wish to confront the perpetrator, or when a child is afraid to sit in the courtroom with someone he or she does not wish to see. The remote witness rooms are located on a different level, away from the courtrooms and may be accessed via a separate side entrance to avoid any unnecessary trauma to the witness.

During the year the video conferencing facilities have also been used in an educational role. Often, when tours of the Court are conducted for groups of students a demonstration of the equipment is given. On one occasion VCE students from three country Victorian schools were 'linked' to the Court and were able to view a mock court sitting and participate in subsequent question time.

A video conference was also arranged by the Court at the request of a facilitator to include some family members residing in New Zealand in the group conference of a juvenile offender.

One of three courts in the complex in which video conferencing and remote witness facilities are available



EDUCATION

Work Experience Program

Throughout the past few years a work experience program has been developed to ensure all students receive a rewarding and educational experience at the Children's Court. The Court is a popular placement and hosts one student, sometimes two, per week nearly every week of the year. During the reporting period the Court hosted 42 students.

There is no interview process, but students are encouraged to ring prior to their placement to discuss what may be expected and to ask any questions they may have. 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 deputy registrar.

During the week of the placement the student is encouraged to view a variety of cases in both the Family and Criminal jurisdictions. The student is shown the Court proceedings from the perspective of a bench clerk, which includes viewing the Court computer programs in operation. The student is shown a number of general office duties performed by deputy registrars and is encouraged to perform small administrative tasks.

All students are given a written report and participate in a discussion with the Work Experience Co-ordinator, Ms Kym Williams, at the conclusion of their placement. During these discussions students are encouraged to speak openly about their experience. Generally, the feedback from students shows they have enjoyed an educational week at the Children's Court.

Tours and Information Sessions

The Court staff, magistrates and the President all regularly participate in responding to the numbers of requests for tours of the Court together with giving information and education sessions to a wide variety of people and groups.

A number of information sessions on the jurisdiction of the Children's Court were conducted for student groups from primary and secondary schools and tertiary institutions. The students came from a wide variety of backgrounds, for example, one group was studying the court system in grade five, another group was doing year 11 legal studies and yet another group consisted of mature age students studying to be youth workers.

The move to the new building has brought with it an upsurge in the number of requests for information sessions, visits, tours and presentations about the Children's Court of Victoria from a wide range of groups, organisations and agencies.

From January to June 2000 groups such as juvenile justice and child protection workers to school students of all ages, students of youth work, social work and law, secure welfare services staff and foster parents' associations have visited the Court. 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.

On-Going Judicial Education

The magistrates of the Children's Court at Melbourne participated in a number of information sessions and visits to agencies in order to keep their knowledge of programs and facilities available to children and young people as up to date as possible. For example, the magistrates at Melbourne visited the new secure welfare facility for girls in Maribyrnong and the Queen Elizabeth Centre in Noble Park.

A number of agencies also visited the Court and informed the magistrates of the services provided by them. For example, representatives from the Children's Protection Society attended the Court and spoke about their program for young sexual offenders, staff from Juvenile Justice talked about their work and the trends they see developing and representatives from the Victorian Aboriginal Child Care Agency also informed magistrates about the services they provide.

The Children's Court Clinic also provides a number of experts in relevant fields and disciplines to attend at the Court from time to time to address the magistrates. Speakers during the reporting period have covered topics including "Attention Deficit Hyperactivity Disorder", "Borderline Personality Disorders" and "Children as Witnesses". These sessions are videotaped, distributed to the country regions and are maintained as part of the Court's general library resources.

Magistrates are also encouraged to attend relevant conferences from time to time where finances and court commitments allow. On-going judicial education and training is considered an essential part of the specialist work required by magistrates sitting in the Children's Court.

Since 1997, as new magistrates have been appointed to the Magistrates' Court, the Chief Magistrate has arranged for their rotation through the Children's Court at Melbourne. These magistrates are placed in the Court for three to four month periods to enable them to receive a general introduction to both divisions of the Court. These placements assist in preparing magistrates for metropolitan sittings of the Children's Court in its Criminal Division and sittings in both divisions of the Court in the country regions. This period in the Children's Court enables new magistrates to become familiar with the resources available to them such as materials on judgment writing in the jurisdiction, services in both divisions to which they can refer, and case law and materials. These rotations also provide an excellent opportunity to assist in the development of consistent practices and procedures in the Court statewide.

Research

For the past few years, the Court has encouraged the participation of appropriate research into various aspects of its work. With the necessary ethical approval from the sponsoring institution together with Department of Justice Ethics Committee approvals the following researchers have been provided with assistance and supervision during the reporting period:

Dr Julie Brownlie: Visiting research fellow from Scotland pursuant to the Leverhulme Trust (London). *A comparative study into the Treatment of Juvenile Sex Offenders in the Court System.*

Dr Belinda Fehlberg: Senior Lecturer, Law School, University of Melbourne. *Jurisdictional Overlaps Between the Children's Court of Victoria and the Family Court of Australia.*

Ms Nicki Townley: University of Melbourne. *Vietnamese Juvenile Offenders.*

5 FINANCIAL STATEMENT

APPENDIX A

Financial Statement for the Year Ending 30 June 2000

		Budget	Actuals
RECURRENT APPROPRIATIONS			
Salaries	Note 1	985,000	988,646
Overtime		0	0
Total Salaries and Overtime		985,000	988,646
Provision for Long Service Leave		18,000	18,918
Workcover		53,000	53,684
Payroll Tax		57,448	61,960
Fringe Benefits Tax		0	0
Superannuation		85,000	87,846
Total Subsidiary Salary Costs		213,448	222,408
Depreciation and Amortisation	Note 2	0	0
Government Finance Charge	Note 3	332,000	301,377
Travel Entertainment & Personal Expenses		12,700	12,941
Printing Stationery & Office Requisites		30,502	49,029
Postage and Communication Expenses		47,058	37,727
Contractors, Consultants & Professionals	Note 4	131,094	140,148
Training and Development		8,500	3,935
Motor Vehicle Expenses		23,999	39,282
Other Operating Expenses		41,500	43,845
Information Technology		29,500	25,251
Urgent and Essential Works		0	439
Rent and Property Services		176,421	181,902
Property Utilities		39,700	67,790
Property Taxes - Land		0	0
Maintenance		6,000	4,506
Total Operating		878,974	908,172
TOTAL RECURRENT APPROPRIATIONS		2,077,422	2,119,226

Notes to and forming part of the Financial Statements

Note 1

Salaries for Children's Court magistrates are not included in salaries expenditure as all magistrates' salaries and employment related expenses are funded through Special Appropriation as shown in the Magistrates' Court of Victoria Annual Report.

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. This charge is made on a monthly basis by Financial Management as part of the end of month procedure. Depreciation charges are based on the value of each individual asset, the method of depreciation used for each asset, the specified rate of depreciation and the physical location of the asset. The Magistrates' Court of Victoria is responsible for the administration of depreciation charges on behalf of the Children's Court.

Note 3

The Capital Asset Charge is a charge made by the Department of Treasury and Finance (DTF) as a measure of the cost of capital that entities have invested in assets under their control. Currently, DTF send a monthly invoice to Finance for payment. As the Court has no control over funding allocated, the Court's budget is not affected by any surplus or deficit at the financial year's end.

Note 4

Expenditure of \$83,169 relating to professional services provided by Children's Court pre-hearing convenors has been included in the total expenditure of this item.

The assistance of the following persons in the compilation of this Annual Report is noted with much appreciation:

- Mr Godfrey Cabral, Principal Registrar, Children's Court of Victoria
- Ms Jan Trevaskis, Senior Registrar
- Ms Sue Higgs, Senior Registrar
- Ms Andrea Daglis, Court Liaison Officer
- Ms Janet Matthew, Acting Court Liaison Officer
- Ms Kym Williams, Deputy Registrar
- Mr Angus Marsland, Deputy Registrar
- Mr Russell Hastings, Deputy Registrar
- Mr Victor Yovanche, Manager, Finance and Administration, Magistrates' Court of Victoria
- Mr Peter Elliott, Portfolio Planning, Department of Justice
- Mr Michael Dalton, Portfolio Planning, Department of Justice

ACKNOWLEDGEMENTS





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