

CHILDREN'S COURT OF VICTORIA



ANNUAL REPORT
2002 - 2003

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Judge Jennifer Coate
President
Children's Court of Victoria

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Children's Court
Victoria

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20 May 2004

Mr John Landy AC MBE
Governor of Victoria
Government House
MELBOURNE VIC 3004

Dear Governor

CHILDREN'S COURT OF VICTORIA - ANNUAL REPORT 2002-2003

In accordance with section 14A of the *Children and Young Persons Act 1989* I have much pleasure in submitting the Children's Court of Victoria Annual Report for the year 2002-2003.

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

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a long horizontal stroke.

Judge Jennifer Coate
President
Children's Court of Victoria

1 OVERVIEW

During the reporting year, the following statements were formulated as part of a Three Year Strategic Plan, and an Annual Action Outline (see page 14) for the Children's Court of Victoria.

OBJECTIVES

- Provide court facilities which are modern, non-threatening, responsive, accessible and secure.
- Develop effective, efficient and consistent practices in the management, operation and administration of the Court at all venues throughout the State.
- Recognise and meet the needs of the community in a just and equitable manner, with emphasis on the special needs of children, young persons and their families.

VISION

To facilitate the administration of justice by providing a modern, professional, accessible and responsive specialist court system focussed on the needs of children, young persons and their families.

PURPOSE

To provide an efficient, modern and responsive specialist court to hear and determine cases involving children and young persons in a timely, just and equitable manner which is easily understood by court users and the public generally.

VALUES

- Independence of the judiciary.
- Openness, accessibility and respect whilst protecting the anonymity of children and young persons before the Court.
- Timely, just and equitable resolution of cases.
- Innovative use of systems and technology.
- Community awareness of and confidence in the court process.
- Staff development and rewarding initiative.

PRESIDENT'S REPORT

The reporting year saw the fruition of two significant, major projects for the Children's Court and the commencement of some other major initiatives. These projects were all achieved within the current resources of the Court.

The Children's Court Website

The website project was completed in May 2003 and launched by the Attorney-General, the Honourable Rob Hulls on 14 May, 2003. The contents of the website are described in Part Two of this report.

The development, production and maintenance of the website are consistent with the values of the Children's Court set out in its published Strategic Plan, namely the combination of maintaining openness and accessibility to the Court and the innovative use of technology. The production of the website is also consistent with the resolution of the magistrates at the Lindenderry¹ conference in March 2001 which resolved (inter alia) to accept responsibility for the education of the community generally about the workings of the Court.

As members of the judiciary, the magistrates assigned exclusively to the Children's Court all recognise the importance of the maintenance of public confidence in the Court and further recognise that we have a part to play in the maintenance of that confidence. Obviously, producing decisions according to law in a timely way and explaining how and why each particular decision was arrived at all contribute to this requirement. But we hold the view that the part we must play in the maintenance of confidence in the Court also encompasses a responsibility to assist the public to understand the work of this Court. In this day and age there is no more comprehensive way to provide information about the work of the Court or the laws which govern it than to get out onto the information superhighway on **www.childrenscourt.vic.gov.au**.

The development and production of a website for the Children's Court has taken over two years to complete.² The project has been the extraordinary work of Janet Matthew who has been enthusiastic, unflagging and so skilled in bringing this website to fruition. Janet was supported and assisted by our Principal Registrar, Leanne de Morton and also by Senior Deputy Registrar and Office Manager, Jan Trevaskis.



Website team members Leanne de Morton, Peter Power and Janet Matthew

Thanks must also go to Marilyn Lambert and the Department of Justice Online Services team and in particular to Jodie Randles who guided the project and Andy Vancuylenburg who with great patience and skill loaded "Research Materials" onto the site.

¹ See Annual Report 2000-2001 for background to the Lindenderry conference

² See "Children's Court Website" in this report at page 13



*Judge Jennifer Coate
President
Children's Court of Victoria*

The "Research Materials" section runs to some 181 pages and constitutes the single most comprehensive and up to date operating manual on the Children's Court of Victoria that not only exists as at 2003, but in fact that has ever been published in Victoria. This material has all been put together by one magistrate, His Worship Mr Peter Power who commenced and completed this work whilst still sitting full-time in the Children's Court. His work contains 12 chapters which span areas such as procedural guidelines in this jurisdiction through to some background statistics and discussions of relevant case law on subjects as diverse as costs through to material admissible in sentencing hearings. His Worship has undertaken to keep these materials updated every six weeks or more often in the event of new legislation or case law.

This material has already been the subject of widespread positive comment and has proved invaluable to all of those either working in or having an interest in the area.

World Congress, October 2002

As reported in last year's annual report, the Children's Court of Victoria agreed to jointly host the XVI World Congress of the International Association of Youth and Family Judges and Magistrates. The congress was held at the Melbourne Exhibition and Convention Centre from 26 to 31 October 2002.

The congress was co-hosted by the Family Court of Australia, the Federal Magistrates' Service, the Magistrates' Court of Victoria, the Children's Court of Victoria, the Family Court of New Zealand and the Youth Court of New Zealand. The Local Organising Committee was made up of representatives from each of those courts together with Mr John Griffin, the Executive Director of Courts from the Victorian Department of Justice, Mr Kym Duggan from the Family Law Section of the Commonwealth Attorney-General's Department and Ms Janet Matthew, Court Liaison Officer from the Children's Court of Victoria. The Local Organising Committee met regularly throughout the reporting period linking by way of teleconferencing to interstate and international members.



Attorney-General, the Hon. Rob Hulls who opened the Congress at a cocktail party held in Queen's Hall, Parliament House.



Delegates and guests enjoying the first of many hakas to be performed during the Congress by New Zealand's Hip Hop Cops.

The congress was officially opened by the Victorian Attorney-General, the Honourable Rob Hulls, at a cocktail party held in Queen's Hall, Parliament House. The scene was set for the international congress by the performance of two groups of school children from Dandenong South and Springvale West Primary Schools who sang in French and Spanish, and the "Hip Hop Cops" from New Zealand who performed a traditional Maori haka. On the opening day of the congress, Joy Murphy Wandin, an elder of the Wurundjeri people performed a traditional welcome and smoking ceremony which was followed by a performance of the Koori Will Shakespeare Dancers. The Commonwealth Attorney-General, the Hon. Daryl Williams, welcomed all the delegates on the first day of the program.

The theme of the congress was "Forging the Links". The program commenced with an inspirational opening keynote address given by the Honourable Justice Michael Kirby of the High Court of Australia. The congress assembled an impressive array of international and Australian speakers which included Mr Trond Waage, the Norwegian Ombudsman for Children, Judge Herlinde Van de Wynckel from Belgium, Judge Ricardo Basilico from Argentina, Sheriff A. V. Sheehan from Scotland, Dr Danya Glaser, consultant child and adolescent psychiatrist from London, Judge Michel Lachat from Switzerland, Judge Dieudonne Eyike-Vieux from Cameroon, Judge Michael Corriero from the State of New York, Dr Inger Sagatun-Edwards from San Jose State University, California, the Hon. Bronwyn Pike, Victorian Minister for Community Services, the Hon. Senator Amanda Vanstone, Australian Minister for Family & Community Services, Ms Christine Nixon, Chief Commissioner, Victoria Police, Justice Linda Dessau, Family Court of Australia, Justice Richard Chisholm, Family Court of Australia, Paris Aristotle, Director of the Victorian Foundation for Survivors of Torture, Peter Green, Victorian Department of Human Services, Vered Windman, Israel National Council for the Child, Professor Bernd-Rudeger Sonnen, University of Hamburg, Dr Louise Newman, New South Wales Institute of Psychiatry, and Aboriginal community leader, Pat Dodson.



The Koori Will Shakespeare Dancers perform on the opening day.

A number of agencies and organisations provided enormous assistance to the Local Organising Committee in the preparation and production of the congress. Special mention must be made however of the part played by the "Hip Hop Cops" from New Zealand who were heart warming, humourous and educational. Their participation in the congress assisted greatly to foster an atmosphere of international camaraderie. Their attendance in Australia was made possible by the unrelenting efforts of Judge Carolyn Henwood of the Youth Court of New Zealand. Similarly, the outstanding efforts of Principal Youth Court Judge, Andrew Becroft were fundamental to the success of the congress.

The support, advice, practical assistance and financial contribution of the Commonwealth Attorney-General's Department, the Victorian Department of Justice and the Department of Justice, New Zealand is gratefully acknowledged, together with financial support from AusAid, VicHealth and the Victorian Department of Human Services.

The congress simply would not have been possible without the sterling efforts of the Victoria Police Youth Advisory Unit. Their contribution, in particular through Andy Walsh, Juvenile Justice Liaison Officer and Inspector Bill Mathers in organising security, transport, entertainment and wide ranging general support was outstanding.



Justice Lucien Beaulieu, President of the International Association of Youth and Family Judges and Magistrates with Chief Justice of the Family Court of Australia, the Hon. Justice Alistair Nicholson and Chief Federal Magistrate, Diana Bryant.



Joy Murphy Wandin, an elder of the Wurundjeri people, performs a traditional welcome and smoking ceremony on the opening day of the Congress.



The Hon. Justice Michael Kirby of the High Court of Australia who delivered an inspirational keynote address.



Children from Dandenong South (top) and Springvale West Primary Schools who sang in French and Spanish respectively at the official opening at Parliament House.



The Hip Hop Cops, members of the Local Organising Committee and representatives from Victoria Police Youth Affairs help celebrate at the conclusion of the Congress.



The Hon. Justice Nahum Mushin of the Family Court of Australia, the Hon. Justice Michael Kirby of the High Court of Australia and Chief Judge Pat Mahony of the Family Court of New Zealand.

The range of speakers attended from courts, universities, hospitals, community organisations, government bodies, police, politics and the legal profession to speak on a diverse range of topics. Three hundred and fifty three delegates attended from over 30 countries to listen to those speakers and to mix with the other delegates and enjoy the stimulation of the formal and informal communications, together with the variety of social events arranged. The atmosphere was warm, vibrant and energetic and the feedback from a number of delegates and speakers was that the congress was a resounding success.

The congress succeeded in forging the links between disciplines working in and around the legal systems for children and families, together with those courts deciding cases in these jurisdictions both locally and around the world. In Victoria it has resulted in stimulating a number of initiatives such as:

- a campaign for the introduction of a Commission for Children (similar to the Norwegian model explained by the Norwegian Ombudsman for Children who attended the congress);
- a project which is aimed at re-thinking the model of judicial decision making in the Family Division of the Children's Court;
- agreement of the Standing Committee of Australian and New Zealand Heads of Children and Youth Courts to include our colleagues from Fiji and Papua New Guinea in our group for our annual meeting and the on-going exchange of ideas, information and support; and
- a commitment to review our current system of alternative dispute resolution systems and techniques.

The above list details some tangible outcomes for one of the co-hosting courts from the congress. However, there have been many less tangible but equally positive outcomes such as the valuable contacts made between delegates from around the world, the support and friendship and learning inherent in these contacts and the enhancement of the goodwill and understanding generally between the courts and the various professionals who work in and around them in the areas of children, youth and families.

The congress also provided the opportunity for judges and magistrates and other professionals working in the areas of children, youth and their families from the developing world to attend assisted by sponsorships and subsidised rates. In this regard particular acknowledgement and thanks must be made to the Pratt Foundation, and Vicki and Robert Smorgon. Their contributions consisted of generous financial sponsorship as well as a display of strong personal commitment and inspirational leadership to others in the private sector.



Judge Jennifer Coate, Chair of the Congress Local Organising Committee and Mr John Griffin, Director, Court Services, Department of Justice, Victoria at the Congress dinner.

Whilst the Local Organising Committee engaged professional conference organisers, “The Meeting Planners” who did an excellent job, the amount of time and energy committed to the congress by the individuals on the Local Organising Committee was huge. In this regard, particular mention must be made of Margaret Harrison of the Family Court of Australia and Wendy Wilmoth, Magistrate. Without such contributions the congress simply would not have been possible, much less such a successful and memorable one. Special mention must be made of Janet Matthew who worked so patiently and diligently ensuring that every necessary link was really forged.

Standing Committee of Australian and New Zealand Youth and Children’s Courts (SCANZYCC)

SCANZYCC met during the reporting period in Melbourne in July 2002. This had been decided the year before to provide an opportunity for the group to come together in Melbourne before the World Congress. As always, the meeting provided an extremely valuable opportunity to meet with the leaders of other children and youth courts from Australia and New Zealand as well as visiting some relevant facilities in Melbourne which included Secure Welfare for girls. The staff at the girl’s Secure Welfare facility impressed our interstate visitors with their knowledge and commitment to the welfare of the girls who are in their care from time to time.

Community Education

The Court continues to provide a range of opportunities to both special interest groups and members of the public generally who visit the Court at Melbourne. In the reporting period approximately 50 groups officially visited the Court by arrangement through the office of the Court’s Liaison Officer, Janet Matthew. These groups included secondary and primary school students and their teachers, foster parents, social work students, law students, youth work students, judges’ associates, and maternal and child health nurses. Magistrates from the Melbourne Children’s Court continue to give their time to provide addresses to these groups and answer questions.

The practice of the Court, providing through its President and specialist magistrates addresses and presentations to a wide range of forums has continued this year. These forums have included:

- Department of Human Services Induction/Training Program
- Adolescent Forensic Health Forum
- Child and Adolescent Psychiatrists
- Williamson Community Leadership Program
- Victorian Bar Readers’ Course
- Medico-Legal Society of Victoria
- Foster Care Association of Victoria
- Law Reform Commission Juvenile Sexual Offenders Forum
- AJA Judicial Training for Indonesian Judges

During the reporting period from 2 to 5 April 2003, I represented the Court in Cape Town, South Africa having been invited to present a paper at an international Family Law conference jointly run by Miller Du Toit and the University of the Western Cape. Lawyers, policy makers, judges and magistrates and representatives from non-government organisations from all over the African continent attended the conference. It was a marvellous opportunity both to give and receive information about the operation of comparable jurisdictions and meet some outstanding and inspirational people working in comparable and related jurisdictions.

Further during the reporting period the Court has been represented on the following councils, boards and committees:

- Courts Consultative Council (Chair: Attorney-General)
- Co-ordinated Health Services for Abused Victorian Children (Chair: Judge Jennifer Coate)
- Group Conferencing Advisory Committee (Chair: Judge Jennifer Coate)
- Courts Strategic Directions Working Group
- Family Violence Protocols Committee (Chair: The Hon. Justice Sally Brown)
- Court Project Advisory Committee
- Juvenile Justice Ministerial Roundtable
- Forensic Psychology Advisory Board
- Victorian Law Reform Commission
- Victoria Police Ethical Standards Consultative Committee

Regional Sittings

The full-time members of the Court at Melbourne continue to provide assistance to the country regions of the Court in the Family Division by travelling into those country regions to hear cases.

The figures in the table below demonstrate the steady increase in the provision of judicial members to country regions.

Melbourne Children's Court magistrates sitting in regional courts

	2000/01	2001/02	2002/03
Country (Family Division contests)	43	41	51

Conclusion

All of the magistrates and staff that form the Children's Court of Victoria have maintained their commitment to their statutory obligations. During the reporting period the full-time judicial members of the Court performed an increased number of rural regional sittings and heard more Crimes Family Violence applications. The figures also show that there has been virtually no increase in listing delays at Melbourne. My sincere thanks and admiration must go to them.

I wish to express my particular thanks to the staff and magistrates at the headquarters Court in Melbourne. The staff have put in another fine year and the magistrates, as always, have not only performed their role and function with a high standard of professionalism and commitment, but given me unfailing co-operation and support.

The senior staff, Principal Registrars Godfrey Cabral and Leanne de Morton, and the Co-ordinator, Sue Higgs have made an excellent contribution to the operation of the Court statewide.

I also wish to acknowledge and thank the members and staff of the following organisations who have worked co-operatively and diligently with the Court throughout the State:

- Victoria Legal Aid
- Court Advisory Unit, Department of Human Services
- Juvenile Justice Court Advisory Officers
- Salvation Army
- Victoria Police Prosecutions Unit
- Court Network
- Secure Welfare
- Victoria Police Protective Services Officers
- Chubb Security

My heartfelt thanks to my Associate, Janet Matthew who has made such an enormous contribution to many of the major achievements of the Court. Both she and I have been so capably supported by my tipstaff, David Whelan.

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 causing death and arson causing death) 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 (at 30/6/2003)

President

Her Honour Judge Jennifer Coate

Magistrates

Ms Sue Blashki
 Ms Jacinta Heffey
 Mr Greg Levine
 Mr Clive McPherson
 Mr Peter Power
 Mr Brian Wynn-Mackenzie

Principal Registrar

Leanne de Morton

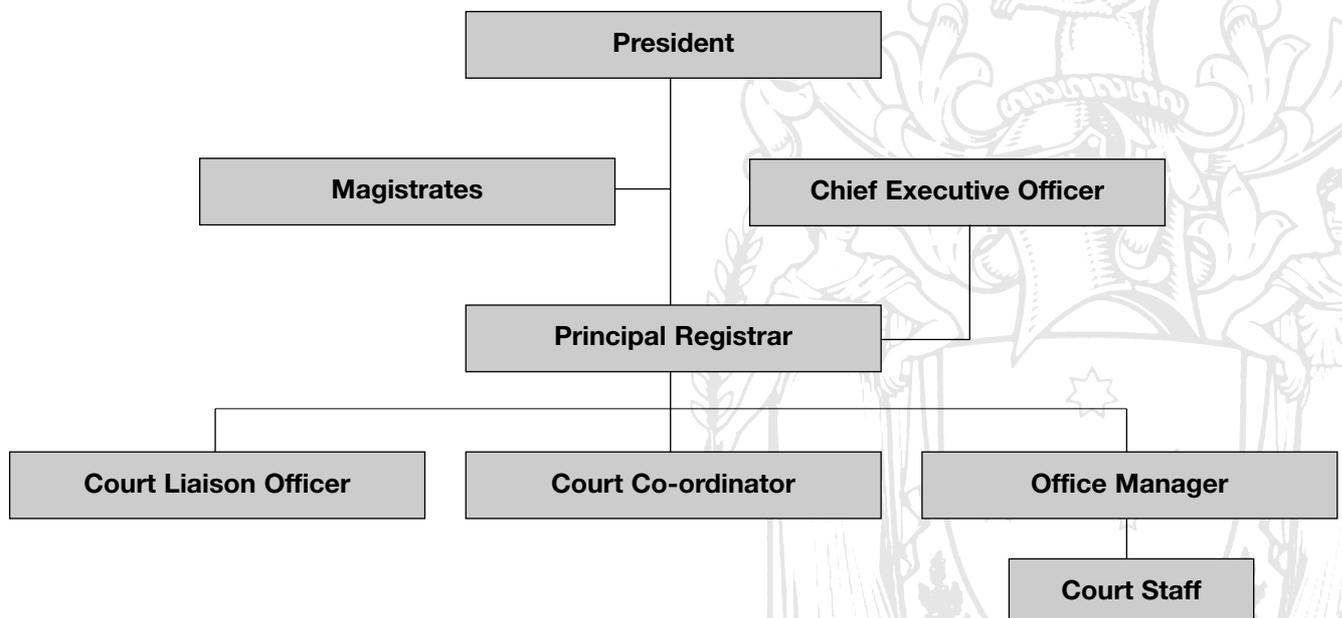
Senior Deputy Registrars

Sue Higgs (Court Co-ordinator)
 Jan Trevaskis and Sandra Tennant (Office Manager - jobshare)

Court Liaison Officer

Janet Matthew

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.
5. Dandenong.
6. Frankston.
7. Geelong region:
Geelong (headquarters court), Colac.
8. Heidelberg region:
Heidelberg (headquarters court), Preston.
9. Moe region:
Moe (headquarters court), Bairnsdale, Korumburra, 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), Werribee.

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 seven magistrates sitting full-time together with the President. 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

CHILDREN'S COURT WEBSITE

On 14 May 2003 the first website for the Children's Court of Victoria was launched by State Attorney-General, the Hon. Rob Hulls. The launch was conducted at the Melbourne Children's Court in the presence of approximately 100 guests.

The site features:

- individual sections covering the work of the Family and Criminal Divisions of the Court;
- a virtual tour which takes visitors through the public areas of the court. The tour also provides access to Family Division and Criminal Division courtrooms where mock hearings can be seen and information is available on the various individuals involved;
- the set of six Children's Court pamphlets translated into eight community languages;
- a special section providing information for children and young people appearing before the Court;
- information on court sitting times, locations and support services;
- access to legislation, regulations, annual reports, Court forms and relevant publications;
- information on court visits, work experience, employment, and more.

One of the outstanding features of the website is the "Research Materials" section compiled by Magistrate, Mr Peter Power. The section prints out to approximately 180 A4 pages and represents the most comprehensive body of work ever compiled for professionals and students working and studying in areas associated with the work of the Court.

The Court is grateful to the group of website users who completed questionnaires on content early in the process and provided feedback to the project team prior to the site going live.

CHILDREN'S ARTWORK PROJECT

During 2002 the Court met with representatives of the University of Melbourne's Early Learning Centre to discuss the possibility of exhibiting some children's artwork in the public spaces of Melbourne Children's Court. The Early Learning Centre manages *Boorai: The Children's Art Gallery* and, as part of its activities works with organisations wishing to host exhibitions of children's art. On 27 October 2002 a permanent exhibition of 55 artworks was launched at the Children's Court by Jan Deans, Director of the Early Learning Centre. This exhibition comprises works by young children from Australia and overseas and is located in Family Division areas of the court complex. The framing system used allows easy replacement of pictures and it is envisaged that the exhibition will change twice yearly.

In mounting this exhibition the Children's Court gratefully acknowledges the invaluable assistance of Jan Deans and Robert Brown of The Early Learning Centre, University of Melbourne, and Jacqui Crute of Bates Smart, Architects.



Website Homepage



Judge Jennifer Coate, Magistrate Wendy Wilmoth, Court Liaison Officer, Janet Matthew and Jan Deans, Director of the Early Learning Centre, University of Melbourne.

EARLY YEARS PILOT PROJECT

Planning has commenced on an important project involving Family Division cases in relation to children from birth to age three. This group has been targeted because of the critical importance of early decision making in the most formative years.

The project will involve a study of the management of these cases. It is intended that it will assist the Children's Court in developing, monitoring and evaluating procedures which will result in a more efficient, timely and sensitive response to the needs of the most vulnerable children the subject of protective concerns.

The project will involve a unique model of case management with one magistrate being involved in most of the cases in the project similar to the "docket" approach in some overseas jurisdictions. The findings will be critical to the approach the Court will take in the future about case management and in looking at the continuing role of the adversary system in Children's Court hearings in the Family Division.

It is intended that an evaluation and research process will be developed early in 2004.

COMPUTERISATION IN THE FAMILY DIVISION

In December 2002 an extensive range of improvements were introduced to the "Lex" Family Division computer program. The changes have resulted in improved functionality of the system for users.

Prior to the introduction of the changes, staff from Melbourne spent several weeks visiting courts in all country regions in order to provide training on the impending changes. Melbourne staff continue to provide support for users throughout Victoria as the need arises and as staff movements occur. The Lex user manual has also been revised to incorporate the December changes and distributed electronically to court staff throughout the State.

More recently, further changes were added to the Lex system which have improved the data collection and statistical reporting functions of the program. These changes have significantly enhanced the Court's capacity to report on and analyse its primary application caseload in the Family Division. The evidence of this is shown in the tables and charts that appear in Part 3 of this report.

THREE YEAR STRATEGIC PLAN/ANNUAL ACTION OUTLINE

During the year the Court's strategic plan was revised and updated to produce a new plan covering the 2003-2006 period. Included in the new strategic plan is the annual action outline for 2003/04.

In developing the new plan, the Court's performance during the reporting year was measured against the planned strategies contained in the strategic plan for 2002-2005. A list of the Court's achievements for 2002/03 can be found within the first few pages of the 2003-2006 strategic plan. This document is available on the Court's website at www.childrenscourt.vic.gov.au/Resources/Publications.



LAW WEEK - COURTS OPEN DAY

On 17 May 2003 Courts Open Day was again held as part of Law Week. Law Week is a national event which at a State level this year was managed jointly by the Law Institute of Victoria and Victoria Law Foundation. Members of the public took advantage of the opportunity to visit courts including Melbourne Children's Court. Tours of the Court were conducted by Janet Matthew, Court Liaison Officer and David Whelan, Tipstaff to the President. Information sessions were conducted by Magistrate, Mr Peter Power on the work of the Children's Court, and by Jeff Kopolov of Bates Smart, architects of Melbourne Children's Court, on *Designing Courts*. Both sessions were well attended and once again members of the public enjoyed the opportunities afforded by Courts Open Day.

COURT NETWORK AT THE CHILDREN'S COURT

Court Network operates a statewide support service to assist people attending Victoria's courts. In May 2001, Court Network commenced a three year pilot program in the Melbourne Children's Court after receiving funding from the William Buckland Foundation. A team of 14 trained volunteers, supervised by a professional Program Manager, are rostered to provide two "Networkers" each day working in the Family Division of 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.

During the year, magistrates from Melbourne Children's Court continued to participate in the ongoing training of Court Network volunteers.

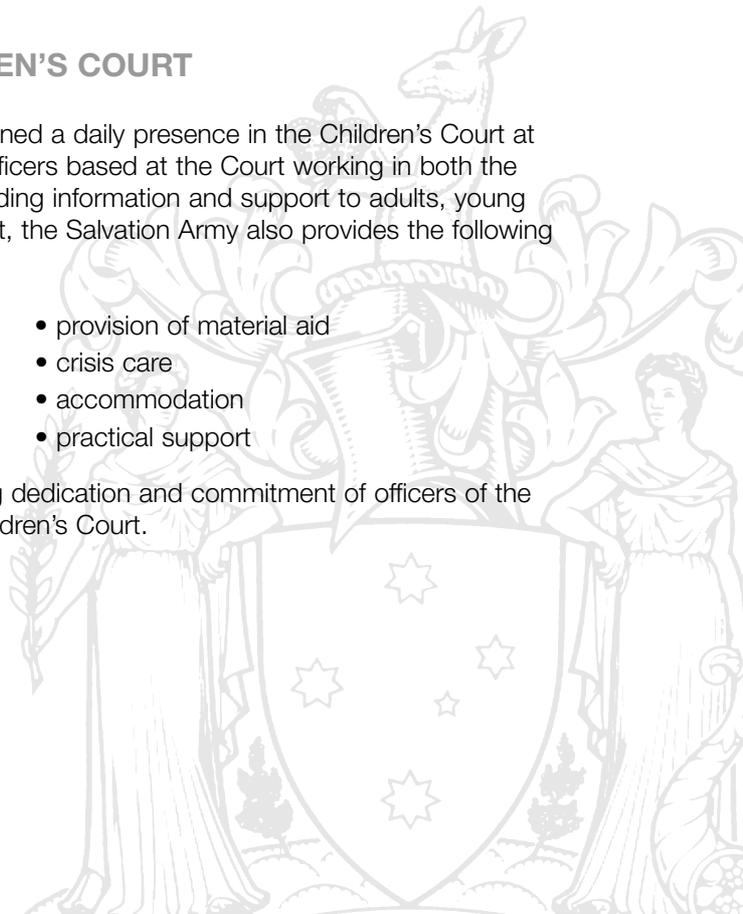
The Court acknowledges the commitment of Court Network's Children's Court Program Manager, Taniya Clifford, and the volunteer Networkers who have worked so successfully at Melbourne Children's Court during the reporting period.

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, young people and children 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.



Vale - Brigadier Doreen Griffiths AM

The Children's Court wishes to pay tribute to Brigadier Doreen Griffiths of the Salvation Army who passed away on 9 October 2003.

For more than 60 years Doreen Griffiths, or "Griff" as she was known, cared for people in crisis. Commissioned as a Salvation Army officer in 1940 Griff devoted herself to making life better for others. She had an innate sense of knowing what to do when people were in trouble, and how to help them. Griff served in various capacities in Western Australia, South Australia and Tasmania before returning home to Victoria in 1966. At that time she commenced an appointment in the Family Welfare Office based at 69 Bourke Street, Melbourne where she served with distinction for 14 years.



Brigadier Doreen Griffiths AM

In 1980 Griff was appointed as the Children's Court Welfare Officer, a task that placed her in the thick of desperate need, chaos and sadness. In this role she worked with young people coming before the Court as well as with their families, who so often needed guidance and support at a traumatic time in their lives. Speaking recently at a memorial service to celebrate Griff's life, Judge Jennifer Coate observed, "... She was extraordinarily practical and hands on in her approach to her work. If a family's problems included the physical condition of their home, Griff would arrive there with a mop and bucket. If clothes and food were short, that's what she would organise."

Griff officially retired from her appointment at the Children's Court in 1983. However, in retirement she continued to volunteer her services, often working 80 hours a week meeting the needs of children, young people and their families who found themselves caught up in the legal process.

In 1988, Brigadier Griffiths was honoured with the Victorian Employers Federation Community Services Award, and in 1989 received an Advance Australia Award. In 2001 she became an inaugural inductee to the Victorian Honour Roll for Women.

Griff continued to work at the Children's Court until she finally retired due to ill health on 13 July 2001. On the occasion of her final farewell reception at the Children's Court, in recognition of "21 years of outstanding and tireless service", Judge Coate unveiled a plaque dedicating the children's play area to Griff.

The Salvation Army's highest award, the Order of the Founder, was presented to Brigadier Griffiths in 2002 by the Salvation Army's then world leader, General John Gowans when he visited Melbourne. In June 2003 she was made a Member in the Order of Australia (AM) for service to the community.

3 OPERATIONAL & STATISTICAL REPORT

COURT STATISTICS

The statistics of the Children's Court are an important resource for those directly or indirectly involved with the Court and for the community as a whole. Displayed on the following pages are the statistical reports for each division of the Court for the 2002/03 year collated by the Court Services section of the Department of Justice and by the Court. Statewide statistics are provided unless otherwise stated.

A number of factors should be kept in mind when analysing the statistics that follow:

- From December 2002 Family Division search warrants issued by magistrates working 'after hours' have been electronically recorded by the Court and added to the total number of search warrants issued. Previously, warrants issued after hours were recorded manually and did not form part of the total figure appearing in the Court's statistical reports.
- The reports show statewide figures for intervention orders. In previous annual reports only Melbourne Children's Court figures were provided.
- Whilst 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 whilst 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 statewide that involve children i.e. some proceedings may have been dealt with in the Magistrates' Court jurisdiction.
- The 2001/02 Annual Report included a footnote on page 21 to explain that statistics for finalised Family Division cases referred only to those cases initiated within the stated year and not to those initiated in any previous year. Since that time, changes to the data collection and statistical reporting functions of the Lex Family Division computer system have enabled the Court to compile statistics for 2001/02 and 2002/03 that are in line with accepted court reporting standards. That is, the statistics now reflect applications finalised within a given year regardless of whether or not those applications were initiated in that same period.
- The changes made to the Lex system have also enabled the Court to present data in this report regarding primary applications initiated, finalised and pending. Primary applications are those applications which commence a proceeding in the first instance.
- Whilst much of the statistical information presented in this report deals with primary applications, this accounts for only a portion of the Family Division workload. Much of this Division's workload stems from secondary applications e.g. applications seeking to extend, vary, revoke or breach previously made court orders. Table 5 shows the total of all orders made (by order type) in the reporting year regardless of the application type, compared with the two previous years. It can be seen that the total number of orders made by the Family Division of the Court has increased in each consecutive year. 1,486 more orders were made by the Court in its Family Division in 2002/03 than in 2001/02.

Criminal Division

Table 1: Number of matters⁴ initiated, finalised and pending, 2001/02 - 2002/03

Court Region	2001/02			2002/03		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,533	1,945	365	1,822	2,142	370
Ballarat	539	506	82	642	625	74
Bendigo	679	615	138	665	646	123
Broadmeadows	502	464	115	750	723	133
Dandenong	941	842	202	1,133	1,070	185
Frankston	774	711	106	887	792	131
Geelong	346	349	47	392	388	64
Heidelberg	995	932	176	994	961	170
Moe	819	803	149	704	695	151
Ringwood	788	791	115	751	707	148
Shepparton	481	463	91	561	553	106
Sunshine	866	758	238	1,191	1,173	195
Total	9,263	9,179	1,824	10,492	10,475	1,850

Chart 1: Number of matters initiated and finalised, 2002/03

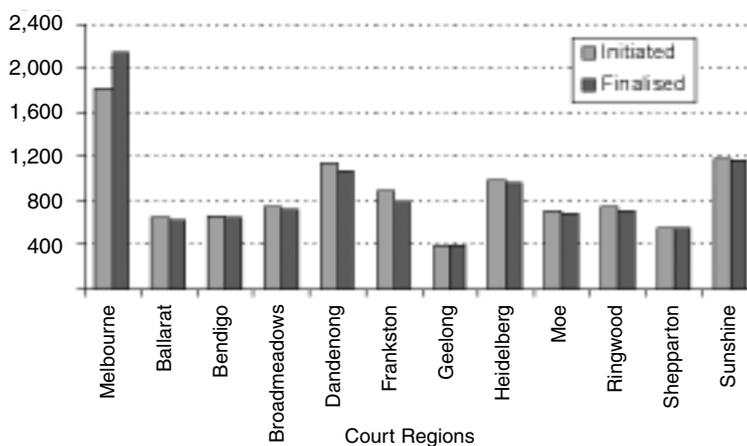
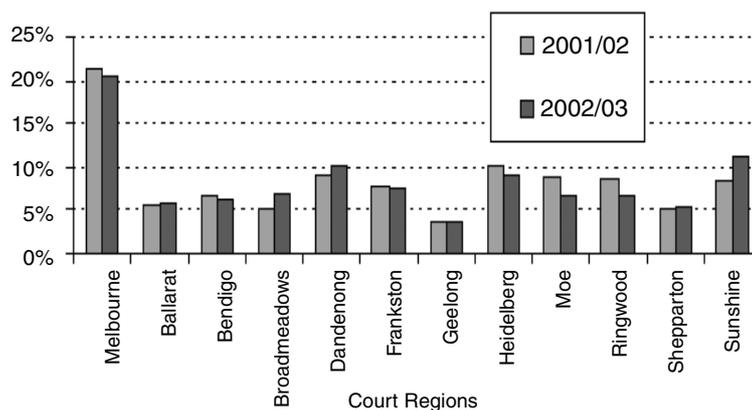


Chart 2: Regional caseload distribution for finalised matters, 2001/02 - 2002/03



⁴ A criminal "matter" refers to a charge or set of charges laid by an informant against a defendant.

**Chart 3:
Clearance rates
for criminal
matters,
2001/02 - 2002/03**

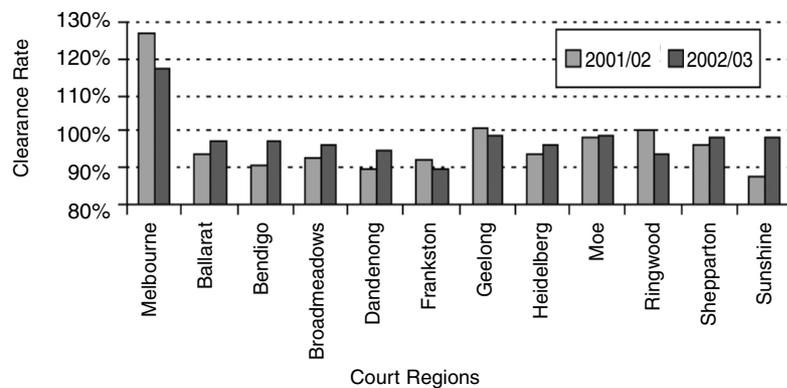


Table 2: Defendants found guilty, by outcome, 1999/00 - 2002/03⁵

	1999/00	2000/01	2001/02	2002/03
	Number			
Convicted and Discharged	8	5	6	6
Unaccountable Undertaking	60	73	51	78
Accountable Undertaking	499	604	635	743
Good Behaviour Bond	1,275	1,438	1,656	1,435
Fine	1,430	1,653	2,023	2,788
Probation	598	707	679	752
Youth Supervision Order	253	295	234	296
Youth Attendance Order	61	62	46	54
Youth Residential Centre	17	27	28	12
Youth Training Centre	152	179	148	178
Total	4,353	5,043	5,506	6,342
	Percent			
Convicted and Discharged	0.2%	0.1%	0.1%	0.1%
Unaccountable Undertaking	1.4%	1.4%	0.9%	1.2%
Accountable Undertaking	11.5%	12.0%	11.5%	11.7%
Good Behaviour Bond	29.3%	28.5%	30.1%	22.6%
Fine	32.9%	32.8%	36.7%	44.0%
Probation	13.7%	14.0%	12.3%	11.9%
Youth Supervision Order	5.8%	5.8%	4.2%	4.7%
Youth Attendance Order	1.4%	1.2%	0.8%	0.9%
Youth Residential Centre	0.4%	0.5%	0.5%	0.2%
Youth Training Centre	3.5%	3.5%	2.7%	2.8%
Total	100.0%	100.0%	100.0%	100.0%

⁵ "Outcome" relates to the penalty attached to the principal proven offence. The principal proven offence is the one charge in a case that attracted the most severe penalty.

The count of "Defendants found guilty, by outcome" in Table 2 and Chart 4 includes 'super cases'. One individual defendant may have three different "matters" (see footnote 4) before the Court. For administrative purposes, these separate matters may be consolidated into a 'super case' if the defendant wishes to plead guilty in relation to each matter. As a result of this consolidation, the three separate matters in relation to one defendant would be counted as one 'super case', which will have one outcome based on the principal proven offence.

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

Criminal Division

Chart 4: Defendants found guilty, by outcome, 1999/00 - 2002/03

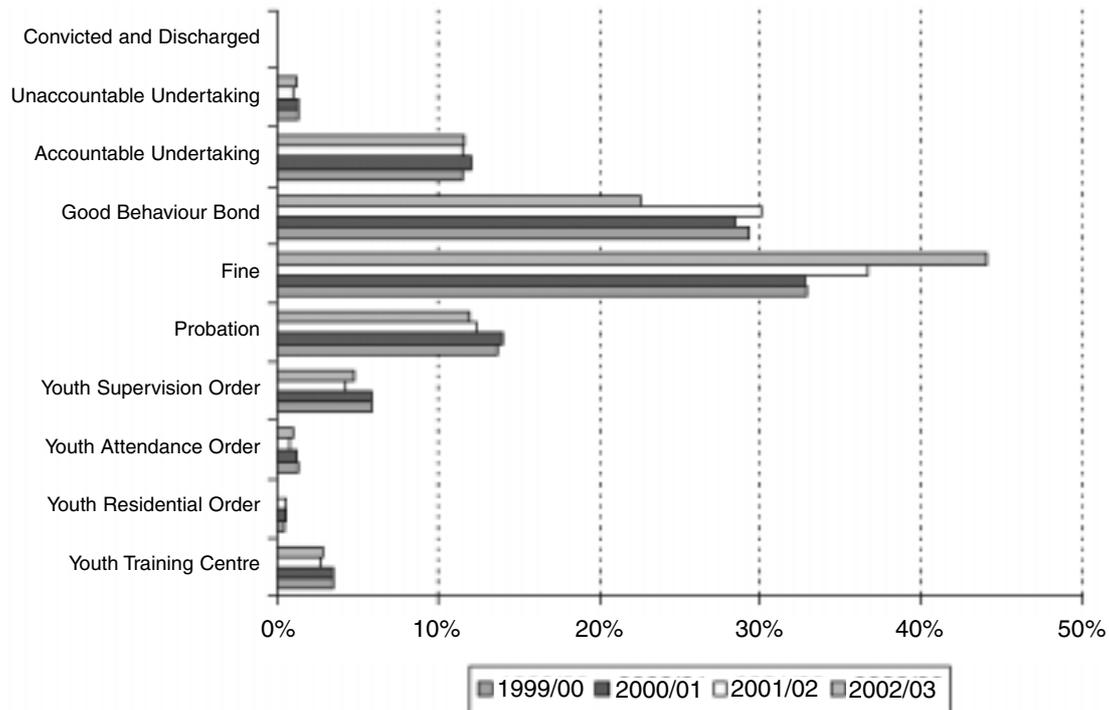


Table 3: Number of matters finalised, by elapsed time between date of first hearing and finalisation, 2000/01 - 2002/03

	2000/01	2001/02	2002/03	2000/01	2001/02	2002/03
	Number			Percent		
0 < 3 months	6,954	7,484	8,538	82.4%	81.5%	81.5%
3 < 6 months	1,103	1,237	1,387	13.1%	13.5%	13.2%
6 < 9 months	266	293	358	3.2%	3.2%	3.4%
9 < 12 months	65	83	117	0.8%	0.9%	1.1%
12 < 24 months	47	77	64	0.6%	0.8%	0.6%
24 months +	-	5	11	0.0%	0.1%	0.1%
Total	8,435	9,179	10,475	100.0%	100.0%	100.0%
6 months +	378	458	550	4.5%	5.0%	5.3%

Criminal Division

Chart 5: Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2000/01 - 2002/03

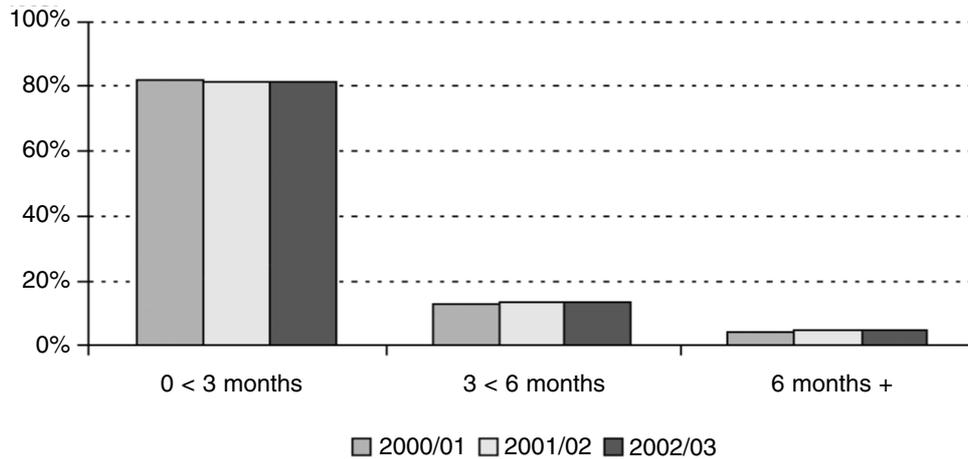
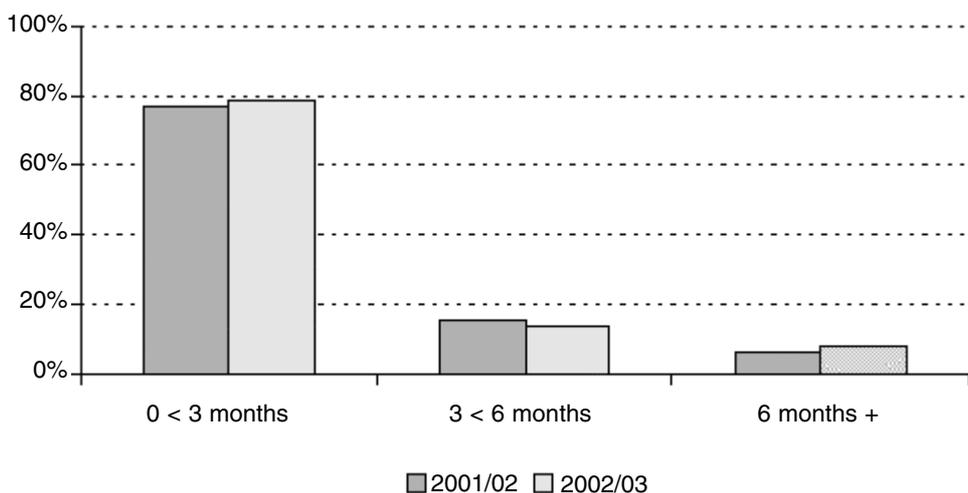


Table 4: Number of matters pending on 30 June, by elapsed time since date of initiation, 2001/02 - 2002/03

	2001/02	2002/03	2001/02	2002/03
	Number		Percent	
0 < 3 months	1,411	1,454	77.4%	78.6%
3 < 6 months	291	253	16.0%	13.7%
6 < 9 months	79	96	4.3%	5.2%
9 < 12 months	31	21	1.7%	1.1%
12 < 24 months	11	21	0.6%	1.1%
24 months +	1	5	0.1%	0.3%
Total	1,824	1,850	100.0%	100.0%
6 months +	122	143	6.7%	7.7%

Chart 6: Age of pending matters on 30 June, by elapsed time since date of initiation, 2001/02 - 2002/03



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 5: Number of orders⁶ made, 2000/01 - 2002/03

Order	2000/01	2001/02	2002/03
Adjournment	4,413	4,596	4,730
Custody to Secretary Order	1,073	959	970
Custody to Third Party Order	12	6	8
Dismissed	39	33	33
Extension of Custody to Secretary Order	893	1000	1,055
Extension of Interim Accommodation Order	5,428	5,925	6,857
Extension of Guardianship to Secretary Order	501	619	611
Free Text Order ⁷	1,184	1,573	1,794
Guardianship to Secretary Order	393	325	285
Interim Accommodation Order	3,940	3,800	3,867
Interim Protection Order	783	780	810
Permanent Care Order	156	200	132
Refusal to Make Protection Order (s.110(3) CYPA)	114	130	124
Search Warrant ⁸	735	868	1,065
Struck Out	432	509	434
Supervised Custody Order	13	9	13
Supervision Order	1,128	1,270	1,306
Undertaking - Application Proved	82	83	111
Undertaking - Dismissed	8	5	4
Undertaking - Refusal to Make Protection Order	7	28	10
Undertaking - Struck Out	83	83	68
Undertaking - To Appear/Produce Child Under CYPA	1	-	-
Country dispositions from manual returns	256	N/A	N/A
Total:	21,674	22,801	24,287

⁶ Most Family Division applications result in a number of orders being made from the date of first hearing to the date of finalisation e.g. multiple adjournments, and multiple Interim Accommodation Orders. Table 5 shows the total number of orders made in relation to all applications before the Court in the Family Division.

⁷ 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.

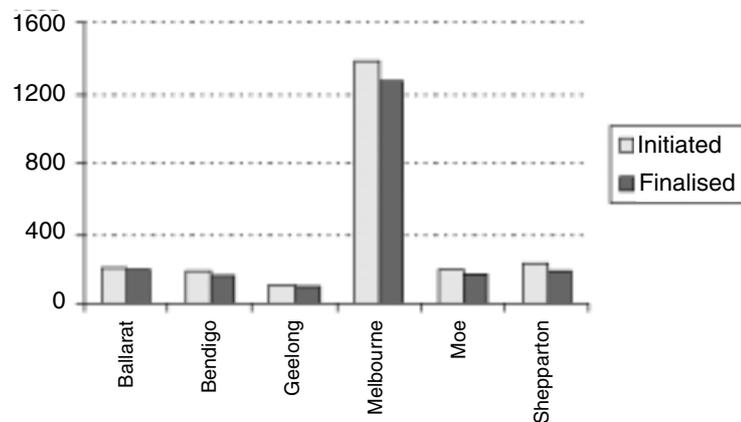
⁸ Search Warrant figures for 2002/03 include search warrants issued after hours from December 2002. Prior to that time after hours warrants were recorded manually and were not counted for annual reporting purposes. Since December 2002 after hours search warrants have been recorded on the Court's computerised system.

Family Division

Table 6: Number of primary applications initiated,⁹ finalised and pending, 2001/02 – 2002/03

Court Region	2001/02			2002/03		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Ballarat	220	209	73	208	202	59
Bendigo	250	230	66	189	167	65
Geelong	153	120	28	113	97	49
Melbourne	1,500	1,335	45	1,382	1,270	48
Moe	201	185	67	197	179	67
Shepparton	238	213	468	230	191	543
Total	2,562	2,292	747	2,319	2,106	831

Chart 7: Number of primary applications initiated and finalised, 2002/03



⁹ The total number of primary applications initiated in 2001/02 shown in Table 6 differs by 35 from the total number of protection applications initiated for 2001/02 shown in Table 7. This difference is made up of a combination of irreconcilable difference applications and permanent care applications. Changes to the Family Division computer system during 2001/02 has meant that permanent care applications, which could previously only be initiated as primary applications, are now able to be initiated as either primary or secondary applications as appropriate. The majority of permanent care applications are secondary applications. This is reflected in the difference of only 2 between the totals for initiated applications in Table 6 and Table 7 for 2002/03. In 2002/03, 2 irreconcilable difference applications were initiated. Any permanent care applications initiated in 2002/03 were initiated as secondary applications and so do not form part of the figures in either Table 6 or Table 7.

Family Division

Chart 8: Regional caseload distribution for finalised primary applications, 2001/02 – 2002/03

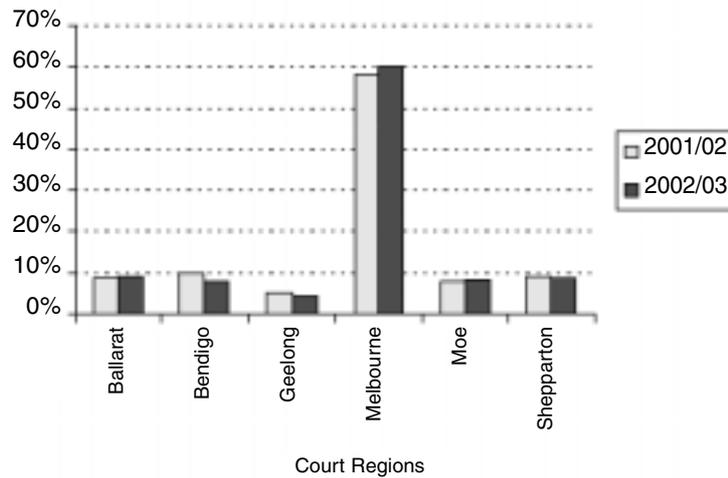


Chart 9: Clearance rates for primary applications, 2001/02 – 2002/03

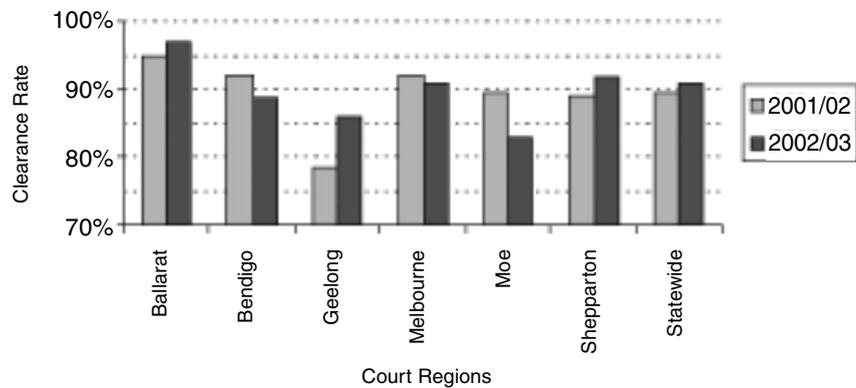


Table 7: Number of protection applications initiated by apprehension/by notice, by court region, 2001/02 – 2002/03

Court Region	2001/02				2002/03			
	By A'hension	By Notice	Total	% by A'hension	By A'hension	By Notice	Total	% by A'hension
Ballarat	41	171	212	19.3%	44	164	208	21.2%
Bendigo	23	226	249	9.2%	9	180	189	4.8%
Geelong	0	153	153	0.0%	4	109	113	3.5%
Melbourne	765	709	1,474	51.9%	795	586	1,381	57.6%
Moe	53	148	201	26.4%	51	145	196	26.0%
Shepparton	61	177	238	25.6%	43	187	230	18.7%
Total	943	1,584	2,527	37.3%	946	1,371	2,317	40.9%

Family Division

Chart 10: Percentage of protection applications initiated by apprehension, 2000/01 – 2002/03

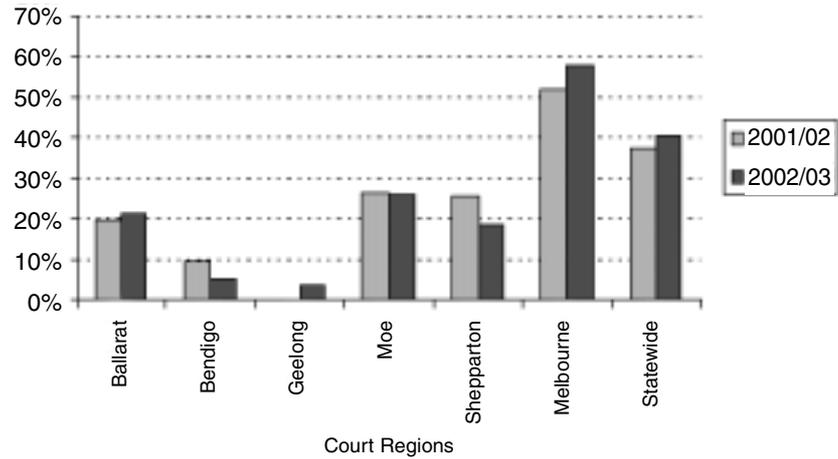
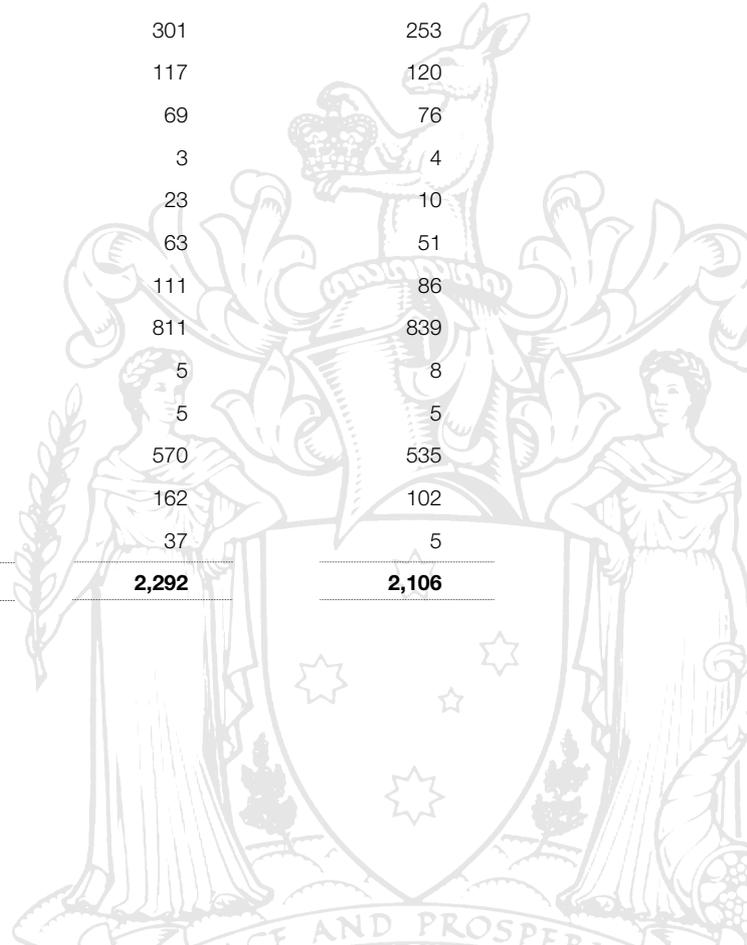


Table 8: Finalised primary applications by outcome, 2001/02 – 2002/03

Order	2001/02	2002/03
Dismissed	15	12
Struck Out	301	253
Refusal to make Protection Order	117	120
Undertaking - Application Proved	69	76
Undertaking - Dismissed	3	4
Undertaking - Refusal to make Protection Order	23	10
Undertaking - Struck Out	63	51
Free Text Order	111	86
Supervision Order	811	839
Custody to Third Party Order	5	8
Supervised Custody Order	5	5
Custody to Secretary Order	570	535
Guardianship to Secretary Order	162	102
Permanent Care Order	37	5
Total:	2,292	2,106



Family Division

Chart 11: Distribution of finalised primary applications, by outcome, 2001/02 – 2002/03

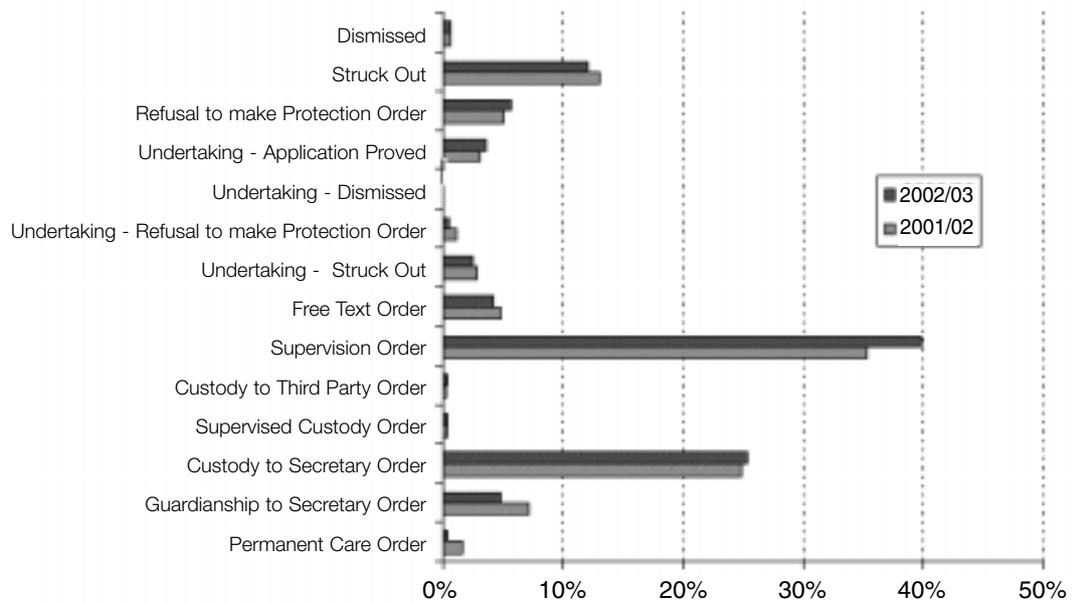


Table 9: Number of primary applications finalised, by elapsed time between date of first hearing and finalisation, 2001/02 – 2002/03

	2001/02		2002/03	
	Number	Percent	Number	Percent
0 < 3 months	1,289	56.2%	1,124	53.4%
3 < 6 months	706	30.8%	687	32.6%
6 < 9 months	206	9.0%	201	9.5%
9 < 12 months	55	2.4%	59	2.8%
12 < 18 months	25	1.1%	25	1.2%
18 < 24 months	5	0.2%	3	0.1%
24 months +	6	0.3%	7	0.3%
Total	2,292	100.0%	2,106	100.0%
6 months +	297	13.0%	295	14.0%

Family Division

Chart 12: Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2001/02 – 2002/03

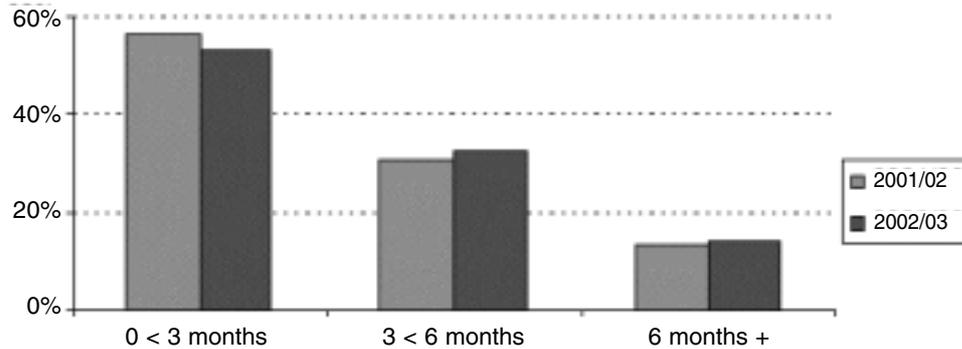
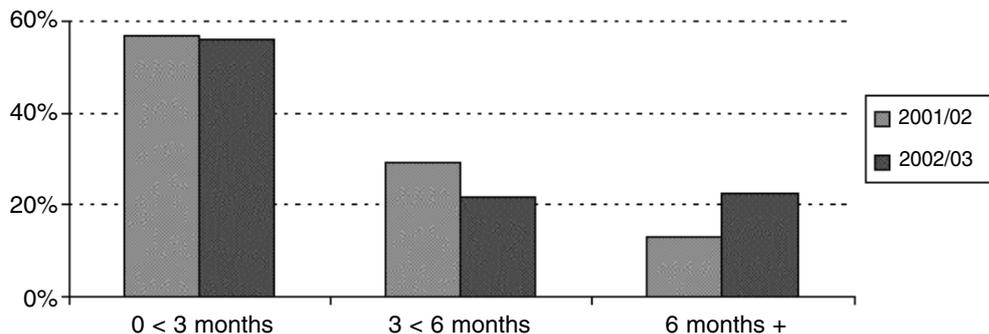


Table 10: Number of primary applications pending on 30 June, by elapsed time since date of initiation, 2001/02 – 2002/03

	2001/02	2002/03	2001/02	2002/03
	Number	Number	Percent	Percent
0 < 3 months	426	465	57.0%	57.0%
3 < 6 months	221	180	29.6%	21.7%
6 < 9 months	45	79	6.0%	9.5%
9 < 12 months	28	25	3.8%	3.0%
12 < 18 months	14	37	1.9%	4.5%
18 < 24 months	2	27	0.3%	3.3%
24 months +	11	18	1.5%	2.2%
Total	747	831	100.00%	100.00%
6 months +	100	186	13.4%	22.4%

Chart 13: Age of pending primary applications on 30 June, by elapsed time since date of initiation, 2001/02 – 2002/03



Crimes (Family Violence) Jurisdiction

Please note that statistics relating to intervention orders in this annual report are statewide. In previous annual reports these figures were reported for Melbourne Children's Court only.

Table 11: Complaints for an intervention order finalised, by outcome, 2000/01 - 2002/03

	2000/01	2001/02	2002/03
Number			
Intervention order made	236	294	374
Refused	23	19	23
Complaint struck out	132	212	281
Complaint withdrawn	80	99	170
Complaint revoked	1	0	1
Total	472	624	849
Percent			
Intervention order made	50.0%	47.1%	44.1%
Refused	4.9%	3.0%	2.7%
Complaint struck out	28.0%	34.0%	33.1%
Complaint withdrawn	16.9%	15.9%	20.0%
Complaint revoked	0.2%	0.0%	0.1%
Total	100.0%	100.0%	100.0%

Chart 14: Number of complaints for an intervention order finalised, and proportion where intervention order made, 2000/01 - 2002/03

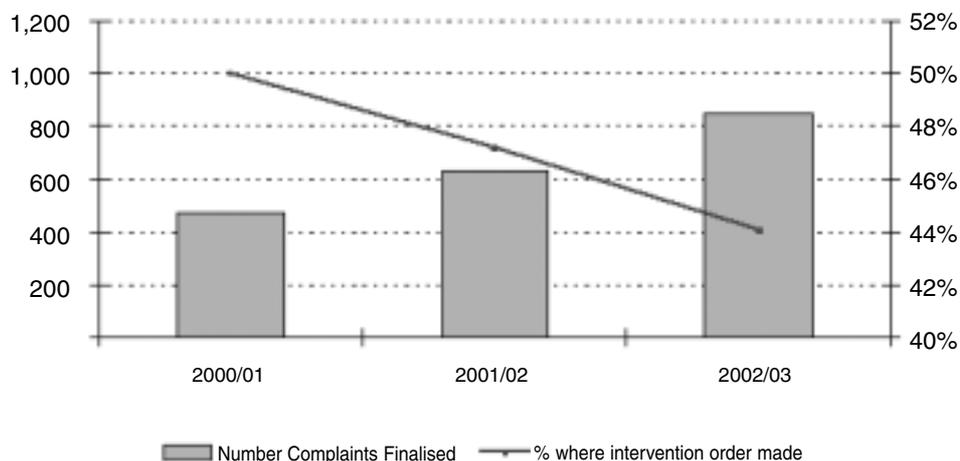


Table 12: Complaints for an intervention order finalised by Act under which complaint made, 2000/01 - 2002/03

	2000/01	2001/02	2002/03
	Number		
Crimes (Family Violence) Act 1987	263	350	545
Crimes Act 1958 (Section 21A)	209	274	304
Total	472	624	849
	Percent		
Crimes (Family Violence) Act 1987	55.7%	56.1%	64.2%
Crimes Act 1958 (Section 21A)	44.3%	43.9%	35.8%
Total	100.0%	100.0%	100.0%

Chart 15: Number of complaints for an intervention order finalised, by Act under which complaint made, 2000/01 - 2002/03

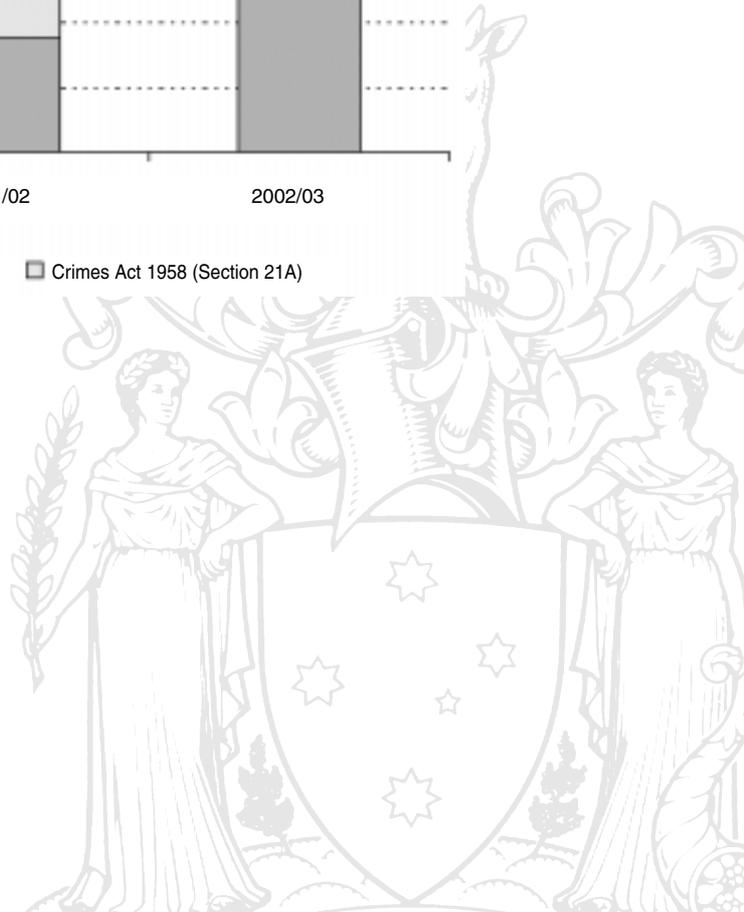
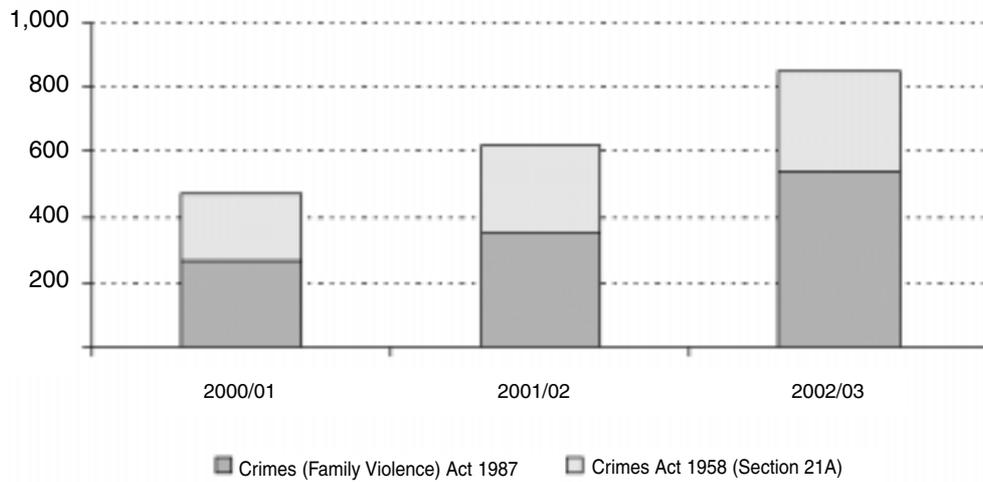


Table 13: Complaints for an intervention order finalised, by elapsed time between date of issue and finalisation, 2000/01 - 2002/03

	2000/01	2001/02	2002/03
Number			
0 < 1 month	381	475	592
1 < 2 months	49	84	153
2 < 3 months	12	29	50
3 < 6 months	20	27	32
6 < 9 months	7	6	14
9 < 12 months	1	0	0
12 months +	2	3	8
Total	472	624	849
Percent			
0 < 1 month	81%	76%	70%
1 < 2 months	10%	13%	18%
2 < 3 months	3%	5%	6%
3 < 6 months	4%	4%	4%
6 < 9 months	1%	1%	2%
9 < 12 months	0%	0%	0%
12 months +	0%	0%	1%
Total	100.0%	100.0%	100.0%
6 months +	2%	1%	3%

Chart 16: Number of complaints for an intervention order finalised, and proportion finalised within 4 weeks of issue, 2000/01 - 2002/03

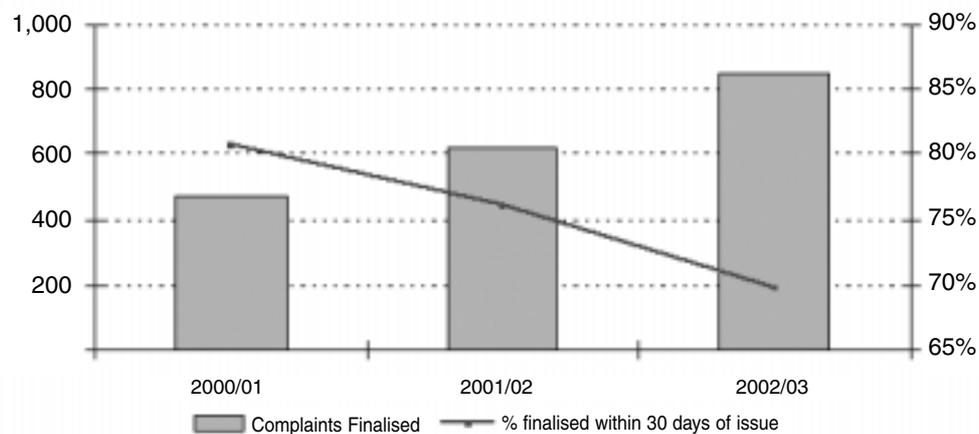
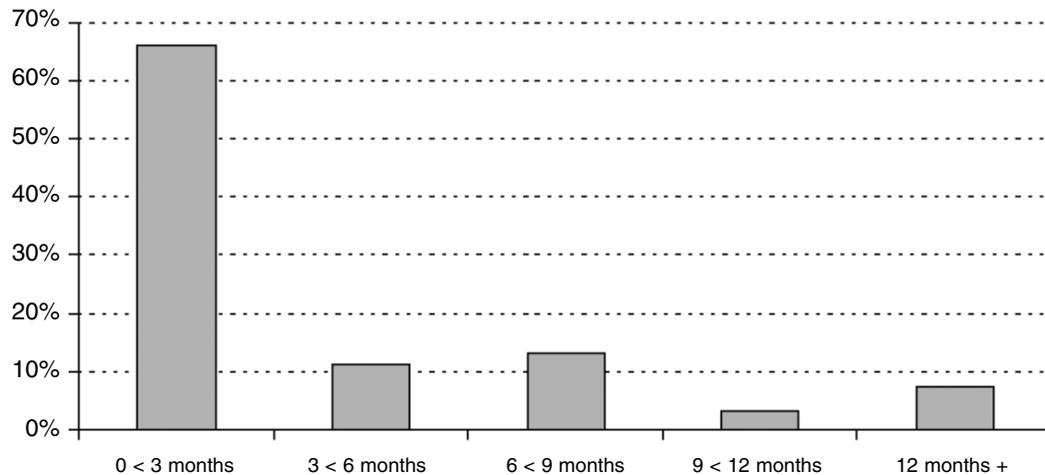


Table 14: Number of complaints for an intervention order pending on 30 June 2003, by age since issue

	Number	Percent
0 < 3 months	66	66.0%
3 < 6 months	11	11.0%
6 < 9 months	13	13.0%
9 < 12 months	3	3.0%
12 < 18 months	5	5.0%
18 < 24 months	2	2.0%
24 months +	0	0.0%
Total	100	100.0%
12 months +	7	7%

Chart 17: Age distribution of pending complaints for an intervention order, 30 June 2003



Listing Statistics - Melbourne Children's Court

Table 15: Number of cases listed, 2001/02 - 2002/03

	Cases Listed 2001/02	Cases Listed 2002/03	01/02 - 02/03 % Difference
Family Division			
Pre-hearing conferences	701	743	5.9 % ↑
Directions hearings	446	453	1.5 % ↑
Interim Accommodation Order contests	536	553	3.1 % ↑
Final contests	395	429	8.6 % ↑
Criminal Division			
Contest mentions	344	371	7.8 % ↑
Contests	137	143	4.3 % ↑

Table 16: Number of country and metropolitan cases listed to be heard at Melbourne, or by Melbourne Children's Court magistrates sitting in regional courts

	2000/01	2001/02	2002/03
Country (Family Division contests)	43	41	51
Metropolitan (Criminal Division contests)	29	32	20

Table 17: Melbourne Children's Court - Listing Delays - Family Division

Listing Delay from Pre-Hearing Conference to Final Contest		
	2001/02	2002/03
July	8 weeks	6 weeks
August	7 weeks	6 weeks
September	7 weeks	8 weeks
October	11 weeks	10 weeks
November	11 weeks	11 weeks
December	7 weeks	9 weeks
January	7 weeks	8 weeks
February	5 weeks	8 weeks
March	7 weeks	7 weeks
April	7 weeks	8 weeks
May	5 weeks	6 weeks
June	7 weeks	7 weeks
Average Delay	7.4 Weeks	7.8 Weeks

Table 18: Melbourne Children's Court - Listing Delays - Criminal Division

Listing Delay From Contest Mention to Final Contest		
	2001/02	2002/03
July	13 weeks	9 weeks
August	9 weeks	10 weeks
September	8 weeks	10 weeks
October	10 weeks	9 weeks
November	9 weeks	10 weeks
December	10 weeks	11 weeks
January	12 weeks	10 weeks
February	8 weeks	10 weeks
March	10 weeks	12 weeks
April	9 weeks	11 weeks
May	8 weeks	11 weeks
June	11 weeks	7 weeks
Average Delay	9.7 Weeks	10 Weeks

PRE-HEARING CONFERENCES

An important part of the work in the Family Division of the Children's Court of Victoria is performed by its pre-hearing conference convenors. The convenors have referred to them almost all matters in the Family Division at the point at which the parties have failed to agree on how to resolve the case. In 2002/03, 28.7%¹⁰ of cases in the Family Division at Melbourne referred through the pre-hearing conference system settled at the pre-hearing stage. At Melbourne Children's Court, facilities are available to enable these conferences to take place inside the court complex with all the advantages of access to court staff, security, child play areas and the Court itself to finalise orders at the end of conferences.

Currently, the Children's Court at Melbourne has six sessional pre-hearing conference 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, pre-hearing conferences are conducted by court registrars.

All pre-hearing conference convenors are appointed by the Governor in Council pursuant to section 37 of the Children and Young Persons Act 1989.

Table 19: Pre-hearing conferences conducted, 2002/03, Melbourne Children's Court

Month	Cases ¹¹ Listed	PHC's Listed	Cases Settled Prior to PHC	Cases Settled at PHC	Interim Settlements	Cases Cancelled	Cases Adjourned	Sitting Days Vacated	Cases Confirmed as Contests
July 2002	99	55	0	31	9	2	7	100	50
August	111	71	0	34	9	1	8	105	59
September	102	50	0	18	5	2	15	51	62
October	84	49	1	18	7	8	3	55	47
November	92	59	0	35	9	1	7	132	41
December	70	41	0	12	3	3	3	48	49
January	111	64	0	28	5	0	13	90	65
February	146	77	0	57	4	1	14	146	70
March	113	73	0	31	2	2	10	114	68
April	105	65	0	30	3	1	18	91	53
May	105	68	0	37	7	1	5	103	55
June 2003	128	71	0	32	10	4	10	105	72
Total	1266	743	1	363	73	26	113	1140	691

¹⁰ Please note that the percentage figure for the number of cases settled at pre-hearing conference in the 2001/02 annual report was incorrect. The figure should have read 27.2%. This error was the result of a miscalculation. All other figures provided in relation to pre-hearing conferences in the 2001/02 annual report were correct.

¹¹ Each case relates to one child. Multiple cases may be dealt with in one pre-hearing conference.

CHILDREN'S COURT CLINIC



*Dr Pat Brown
Director
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 across Victoria pursuant to section 37 of the Children and Young Persons Act 1989. The Clinic also has a small treatment function in selected cases still before the Court and is a teaching facility.

The clinicians employed are highly skilled psychologists and psychiatrists who have specialist knowledge in the areas of child protection and juvenile offending. They 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.

In December 2001, the Children's Court Clinic Drug Program commenced operation. Under the Drug Program magistrates can ask the Clinic to provide advice about the impact of drug use on a child and his or her family, and to make recommendations about drug treatment. Treatment can comprise referrals to community drug and alcohol agencies or can be provided by drug clinicians within the Clinic.

During the 2002/03 year 762 cases (265 criminal and 497 protection matters) were referred to the Clinic for assessment. Of those, 68 were referrals to the Clinic Drug Program.

4 GENERAL

COURT SECURITY

In keeping with the Government's commitment to improve and maintain safety and security in Victoria's courts and tribunals, funding was granted in 1999 to carry out a statewide review of existing security across all jurisdictions. A project control group consisting of representatives from the Supreme, County and Magistrates' Courts, VCAT, the Department of Justice and Victoria Police was formed to facilitate this process.

A review was conducted and a Court Security Master Plan prepared with a view to developing a comprehensive strategic level security management plan to ensure that courts and VCAT are provided with a level of security that is appropriate to the level of risk.

In line with the Master Plan, the Melbourne Children's Court currently has:

- Walkthrough metal detector and screening equipment
- Monitored closed circuit television (CCTV)
- Surveillance cameras with digital recording
- Duress alarm system
- Secure areas for court users with access control
- Complete building access control card and key system
- Victoria Police Protective Services Officers on site equipped with security pagers
- Private security personnel
- After hours security monitoring



Walkthrough metal detector and security screening equipment at Melbourne Children's Court

The three year security contract the Court had with Chubb came to an end in June 2003 with a new contract being entered into with AIMS beginning July 2003. As part of the contract requirements AIMS personnel will monitor the screening equipment and duress alarm system and will be responsible for jointly monitoring the CCTV system with Victoria Police Protective Services Officers.

During the reporting year the Children's Court was represented on the Courts Security Committee. This committee consists of representatives from all State court jurisdictions and Victoria Police. The committee met on a monthly basis to discuss and suggest resolutions to security issues as they arose.

Whilst incidents of concern arise from the sometimes volatile atmosphere in and around the court, the private security staff and the Protective Services Officers assigned to the Court at Melbourne continue to offer an excellent service for which we thank them.

AUDIO/VIDEO LINKING

The Children's Court at Melbourne has three 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 facilities which allow for the giving of evidence in appropriate circumstances in a room at the Court other than the hearing room.

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

EDUCATION

Work Experience Program

Throughout the past few years a work experience program has been developed to ensure all participating 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 throughout the year. During the reporting period the Court hosted 79 students.

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 at the conclusion of their placement. Generally, the feedback from students indicates they have enjoyed an educational week at the Children's Court.

Tours and Information Sessions

The President, magistrates and staff of the Melbourne Children's Court regularly participate in the provision of court tours and information sessions.

During the reporting period approximately 50 visits to the Melbourne Children's Court complex and presentations on the jurisdiction and operation of the Children's Court were conducted. Groups of school students, both primary and secondary, tertiary students of youth work, social work and law, juvenile justice and child protection workers, Maternal and Child Health nurses, Secure Welfare services staff and foster carers' associations have visited the Court for a tour and magistrate's information session.

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

Professional Training Sessions

The Children's Court regularly receives requests for either the President or a magistrate to give a presentation on the work of the Children's Court as part of professional training.

During the reporting period the Court participated in the following courses:

- Victorian Bar Readers Course
- Bail Justice Accreditation Course
- Aboriginal Bail Justice Accreditation Course
- Department of Human Services Induction Program for New Child Protection Workers
- Court Network training courses

For the last four years, the Children's Court has also participated in a mentoring program for students from La Trobe University's School of Law and Legal Studies. Each year the Court has hosted two or three students on the program. Each student is placed with a magistrate for one day a week over a 10 week period with the aim of providing an opportunity to experience and participate in the operation of the law in practice.

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.

During the reporting period the whole judicial membership of Melbourne Children's Court attended the XVI World Congress of the International Association of Youth and Family Judges and Magistrates. Our thanks to those magistrates from the Magistrates' Court of Victoria who provided assistance during this period to enable this attendance. The specialist magistrates at the Children's Court also attended the two day annual conference conducted by the Magistrates' Court of Victoria.

Magistrates continue to attend conferences and seminars from time to time 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.

Most magistrates sitting at Melbourne also attended a whole day training program in the use of personal computers.

The Court also initiated and hosted a half day training session on juvenile sex offending. This training was inspired by the work of other courts around the world who are currently experimenting with multidisciplinary training programs.

The program contained presentations by Professor Tony Ward, a criminologist from Melbourne University, Patrick Tidmarsh, Clinical Psychologist from the MAPPS program and Karen Flanagan from Altona House. A number of magistrates attended together with police, Department of Human Services staff, Victoria Legal Aid lawyers and the Director of the Judicial College of Victoria. The feedback from the program was positive and encouraging.

Research

The two major research projects which commenced in the reporting period were the Early Years Project and the review of the current pre-hearing conference system.

Method designs and ethics approvals and funding are underway but were not completed by the end of the reporting period.

RETIREMENTS

In December 2002 Godfrey Cabral, Principal Registrar of the Children' Court of Victoria retired after 30 years with Victoria's courts. During that time Godfrey worked in numerous positions in the Magistrates' and Children's Courts of Victoria at various Melbourne and metropolitan locations. He enjoyed a long and distinguished career culminating in his appointment as Principal Registrar of the Children's Court, a position he held for approximately three years.

Godfrey was a highly respected and popular colleague and leader of many over the course of his career. A retirement function was held for him which was attended by registrars and court staff, judges and magistrates, and members of the legal profession. A number of speeches were made which highlighted Godfrey's humorous antics over the years as well as the enormous commitment and excellent service he had given to Victoria's court system. It was a fitting farewell to one of the courts' most respected and popular members of staff. Godfrey is sorely missed by everyone at the Children's Court.



Godfrey Cabral

5 FINANCIAL STATEMENT

APPENDIX A

Financial Statement for the Year Ending 30 June 2003

	Budget	Actuals
SPECIAL APPROPRIATIONS		
Magistrates' Salaries and Allowances	1,175,700	1,568,601
Total Special Appropriations	1,175,700	1,568,601
RECURRENT APPROPRIATIONS		
Salaries, overtime and annual leave	1,430,598	1,359,201
Superannuation	135,534	125,330
Payroll tax	86,286	81,230
Total Salaries Expenditure	1,652,418	1,565,761
OPERATING EXPENDITURE		
Travel and personal expenses	19,000	31,550
Printing, stationery and subscriptions	63,500	85,937
Postage and communication	48,000	38,049
Contractors and professional services	46,000	12,010
Consultants	0	-
Training and development	187,000	121,397
Motor vehicle expenses	50,732	1,485
Operating expenses	43,000	42,611
Jury, witness and award payments	8,750	4,603
Information technology costs	6,000	509
Urgent and essentials	13,000	17,476
Rent and property services	232,000	241,632
Property utilities	69,200	73,551
Repairs and maintenance	20,000	16,789
Total Salaries and Operating Expenditure	2,458,600	2,253,360
REVENUE RETENTION INITIATIVES		
Children's Court Pre-Hearings	135,000	135,293
Total Revenue Retention Expenditure	135,000	135,293
PARALLEL PROGRAMS		
Children's Court Clinic Drug Program	200,000	146,700
Total Parallel Programs Expenditure	200,000	146,700
Total Recurrent Expenditure	Note 5 2,793,600	2,535,353
DEPARTMENTAL CONTROLLED EXPENDITURE		
Corporate Card fees	Note 1 0	10
Provision for Annual Leave	Note 1 0	20,805
Provisional LSL	Note 1 0	50,40
WorkCover levy	Note 1 0	1,946
Government Finance Charge	Note 1, 4 2,103,000	2,121,510
Depreciation - Land and buildings	Note 1, 2 500,000	484,675
Total Departmental Controlled Expenditure	2,637,000	2,705,791
TOTAL CHILDREN'S COURT EXPENDITURE	6,606,300	6,809,745

Notes to and forming part of the Financial Statements

Note 1

Items identified as Departmental controlled expenditure are fully funded for the year. Any surplus or deficit outcome for the year has no impact on the Children's Court recurrent budget. Any budget savings achieved in these expenditure items cannot be redeployed to meet other general expenses.

Note 2

Depreciation is the process of allocating the value of all non-current physical assets controlled by the court over their useful life having regard to any residual value remaining at the end of the assets economic life. Financial Management makes this charge on a monthly basis as part of the End of Month process. 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.

Note 3

Included in operating expenses is expenditure for Children's Court Pre Hearing Conveners that has been funded from retained court fees as approved by the Attorney General.

Note 4

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 any surplus or deficit at the financial year's end does not affect the court's budget.

Note 5

A budget surplus of \$258,274 was achieved in the recurrent budget for 2002/2003 financial year.

Note 6

The Children's Court budget incorporates the Children's Court Clinic and the Children's Court Clinic CREDIT program. The CREDIT program is funded individually, however this funding forms part of the total annual recurrent funding of the court.

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

Leanne de Morton, Principal Registrar, Children's Court of Victoria

Russell Hastings, Deputy Registrar

Sue Higgs, Senior Deputy Registrar

Janet Matthew, Children's Court Liaison Officer

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

Barbara Ward, Court Services, Department of Justice

Kelly Burns, Court Services, Department of Justice

Peter Elliott, Portfolio Planning, Department of Justice

ACKNOWLEDGMENT





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