The Magistrates' Court of Victoria

2011-12 ANNUAL REPORT

'Providing justice for the people of Victoria in courts across the state, since 1838'.

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2011/12 Annual Report Snapshot

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- The **Acting Chief Executive Officer** reviews the 2011/12 year and how the Court has implemented legislative reform and engaged with the community on **page 9.**

- Read about the extensive jurisdictions of the **People's Court** and how they are managed by the internal committees of the Court on **page 33**.

- The increase in **Family Violence** Intervention Order applications has become a significant concern for the Court. Find out more about the specialist services that provide assistance to court users in this jurisdiction on **page 48**.

- Get a **Statewide Perspective** of the Magistrates' Court from within its 12 regions across Victoria on **page 71**.

- Find out how the court is **Making a Difference** through new initiatives and community engagement on **page 81**.

- The Court finalised more criminal cases this year than it has in any of the previous five years. To find out more refer to the **Statistics and Financials** chapter on **page 87**.

Letter to the Governor

6 September 2012

To His Excellency
The Hon Alex Chernov AO, QC
Governor of Victoria
Government House
MELBOURNE VIC 3004

May it please Your Excellency

On behalf of the Council of Magistrates, I have the honour to present the Annual Report for the year 1 July 2011 to 30 June 2012, to Your Excellency, pursuant to section 15(3) of the *Magistrates' Court Act 1989*.

Yours sincerely

IAN L GRAY
Chief Magistrate

Report of the Chief Magistrate

"Courts and judicial officers routinely face criticisms that they are 'out of touch' with the community. It is a myth."

Ian L Gray
CHIEF MAGISTRATE

Report of the Chief Magistrate

Introduction

It is with pleasure that I present the Magistrates' Court of Victoria annual report for 2011/12. Over the year the Court has continued to perform solidly in its traditional functions, while remaining committed to innovation in technology, administration and justice. The traditional and the innovative are both critical to achieving the Court's ultimate aim of providing efficient, case-by-case justice. Notably, this year has seen the launch of Neighbourhood Justice Centre (NJC) and Drug Court mainstreaming projects, which will make these excellent programs available to more court users than ever, and I am confident that I will be reporting positively on the results in annual reports to come.

The Court's vision to build, maintain and strengthen community engagement remains a priority, and this year has seen the expansion of good initiatives and the creation of new ones in pursuit of this vision. The national Law Week initiative, now in its thirty-second year, goes from strength to strength. This year nearly 600 members of the public attended the Melbourne Magistrates' Court open day, the highlight of our law week activities. The Court has cemented relationships with RMIT and Monash Universities, with more magistrates and students than ever participating in judicial mentoring programs and moot courts. The Court also engages with the international community, this year strengthening our relationship with the New Zealand District Court through idea and knowledge sharing. Several magistrates, myself included, have attended and presented at international conferences, showing commitment not only to their professional development, but also to the international community.

Administratively, we have seen the introduction of the Courts and Tribunals Service, the first step towards severing the administration of the courts from executive government. Providing the courts with greater autonomy over their budget and performance measures is necessary for the optimum operation of the courts, and I applaud the government for its commitment to this reform. The Court has also embraced technology more than ever, with in-principle support for magistrates' use of tablet computers on the bench and wi-fi capabilities in courts, as well as the development of a social media policy. By the time this report is tabled, the Court will be communicating with the community on Twitter.

This year's innovations are part of a broad consistent commitment to good case management and increased judicial case management with a focus on delay reduction. With adequate resourcing, the Court will continue on this path of innovation, independence and engagement that will build confidence in the Court and the administration of justice.

Court Performance

The Court continues to experience significant increases in its overall caseload. The growth experienced in both the criminal and intervention order jurisdictions over the past four years is a clear example of this. The Court finalised 180,731 criminal matters in 2011/12, which was 24,394 more than in 2007/08, equating to approximately 15.6 per cent growth over a four-year period. Despite growth in criminal initiations, the Court continues to finalise 88.9 per cent of its criminal caseload within six months of initiation.

Intervention order caseloads continue to grow to record levels in Victoria. The Court finalised 40,556 intervention order applications in 2011/12, which was 41.3 per cent greater than in 2007/08. The volume of both family violence and personal safety intervention order applications finalised have grown significantly over the past 12 months, increasing 11.3 per cent and 10.5 per cent respectively. Furthermore, intervention order applications received by the Court's After-Hours Service have increased approximately 62.5 per cent since 2007/08. In the face of such a significant rise in intervention orders, the Court was able to finalise approximately 97 of every 100 intervention within six months of initiation in the last year.

Since 2007/08, there has been a 15.6 per cent reduction in the volume of defended civil claims awaiting finalisation. The Court continues to finalise approximately 81.6 per cent of civil matters within six months.

The Court continues to maintain high levels of efficiency despite substantive pressures resulting from annually increasing caseloads. However, the Court continues to face significant immediate caseload challenges. Backlog growth over recent years means the Court is faced with the challenge of disposing existing matters that are awaiting finalisation, while managing the pressures associated with sustained initiation growth.

Funding/Resources

Once again we have seen an increase in the number and complexity of cases before the Court, and once again available funding has failed to keep step with this increase in workload. As one of the three branches of government, independent courts provide an essential service to the community and require appropriate resourcing. As I have noted publicly a number of times this year, the level of service provided by the Court is not sustainable at current funding levels, and in the face of projected increases in workload. Whilst the Court must strive for efficiencies and continuously improve its case management, governments need to invest in the physical, human and technological resources needed by modern courts in the short, medium and long term.

The well publicised demand pressures in the family violence jurisdiction and the urgent need to provide facilities to properly accommodate people involved in those cases (separate waiting areas, video conferencing, remote witness links etc) is well documented. There is a risk to public confidence in courts, when the facilities in which courts are required to deliver justice are lacking, compromised or simply outdated and inadequate.

However I acknowledge the Attorney General's clear and supportive focus on the complex issues related to resourcing infrastructure in the face of ever greater demand, and I particularly acknowledge his attention to the urgent need to upgrade or rebuild a number of regional courts in Victoria.

Courts and Tribunals Service / Courts Executive Service

In last year's annual report I mentioned the Courts Executive Service, a long overdue reform that will sever the administration of the courts from the executive government. I commend the Attorney General for his determination to implement this vital reform, one which the Magistrates' Court of Victoria strongly supports. Transitional arrangements are being established in the form of the Courts and Tribunals Service (CTS). The existing Courts division will be reconstituted on a more autonomous basis but still as part of the department. The CTS will work closely with judicial officers and support the judicial system in Victoria and focus on the delivery of administrative services and facilities to support courts and tribunals. These transitional changes will go some way to strengthening judicial independence, while providing better administrative support to the courts and tribunals.

An international perspective

The Court supports magistrates' involvement in the international legal community. This engagement provides a unique opportunity to learn from our colleagues abroad to maintain our status as a court of best practice, as well as to share our knowledge and experience with other courts in the hope that we can together enhance the quality of justice for all people.

New Zealand Judges

In February the Court hosted a delegation of judges from the District Court of New Zealand, who came to observe magistrates' use of technology on the bench, as well as administrative matters such as list management and coordination, resourcing and management of the committal process. The delegation also observed the operation of the Court's innovative programs such as the Assessment and Referral Court (ARC) List, Koori Court, and the Court Integrated Services Program (CISP).

The Judges were impressed by the Court's use of technology, including the case management system Courtlink, Court in a Box, Virtual Magistrate, Electronic Filing Application System (EFAS) and electronic diaries. Following the visit I was invited to speak at the Triennial District Court Conference, addressing the New Zealand Judges on technology innovations in the Magistrates' Court of Victoria. When in Rotorua, I had the privilege of participating in the ceremonial opening of the Ranga Tahi (the Maori Youth Court) in that city.

The relationship with the New Zealand Court is an excellent example of a collaborative association, with the potential to improve processes in both courts.

International Framework for Court Excellence

I have spoken in previous reports about the International Framework for Court Excellence ('the framework'). The framework, which the court adopted two years ago, provides a frame of reference for annual and strategic planning within the Magistrates' Court. It is an important tool for the Court that draws on the invaluable experience and perspectives of the international justice community. The framework sets out the values, concepts and tools by which the Court can assess and enhance court administration as well as measure the quality of justice. One of the benefits of the framework is that it provides support for the Court's development of quality measures for certain types of cases – in particular those involving a different form of registry and in-court process and the application of the principles of therapeutic jurisprudence and problem solving justice. The Court will embark on developing measures for this purpose. I am pleased to report that this court has completed its second assessment under the framework.

International Court Administration Conference

In June 2012, I attended the International Association for Court Administration (IACA) Conference in The Hague, Netherlands. The IACA is concerned with promoting the effective administration of justice through building and sustaining well-managed, independently governed, effectively administered, and publicly accessible court systems. The theme of this year's conference was "The Challenge of Developing and Maintaining Strong and Just Courts in an Era of Uncertainty". I addressed the conference on the topic "Innovative Uses in Court Systems of Social Media", a subject that I will discuss later in this report. The conference was an excellent opportunity to consider the challenges facing courts in the modern era, and to gain valuable insight into how other courts address these issues.

International Women Judges Conference

In May 2012, four Victorian magistrates, Felicity Broughton, Noreen Toohey, Anne Goldsbrough and Jillian Crowe travelled to London, England for the 11th Biennial International Conference of the International Association of Women Judges (IAWJ). Magistrate Anne Goldsbrough was invited to present on family violence reforms and programs in Victoria and Australia. The IAWJ works to advance human rights, eliminate discrimination on the basis of gender, and make courts accessible to all, believing that women judges are in a unique position to advance the rights of women through the judicial system, and to protect and empower women throughout the world.

Over the course of the conference, participants discussed topics such as women, work and health, incarcerated women, human trafficking and forced marriage, sextortion, judicial health and safety, violence and the problem-solving court, services for victims of sexual violence, and women and girls as armed combatants. Participants reported that the conference provided an opportunity to discuss challenges facing women around the world, and how they, as judicial officers, can help address these challenges.

Community Engagement

Courts and judicial officers routinely face criticisms that they are "out of touch" with the community. It is a myth. The basis for such critiques are founded in misconceptions and stereotypes as to the nature and scope of the Court's role in the justice system, and community at large. We in the Magistrates' Court witness daily the "parade of humanity" passing through our doors. Last year, more than a quarter of a million cases were initiated in the Magistrates' Court. Magistrates, and court staff, have daily exposure to the real world on an extensive scale, across a range of jurisdictions and cases.

Few people in the community would have wider exposure, in fact anywhere near the exposure, to the variables of human behaviour, the infinite facets of the human condition, as judges and magistrates, and those who work in courts.

The Victorian courts have a long and proud history of engagement with, and education of, the community. By way of example, the Dandenong Court recently made a donation to a largely Afghani basketball team to assist with outfitting the team, as part of a Refugee and Settlement Program. Magistrates at the Heidelberg Court have addressed a Regional Aboriginal Justice Forum, and attended an Aboriginal Women and Justice Forum, organised by the Aboriginal Women's Collective.

The Sunshine Court held two dinners at African restaurants in Footscray with magistrates, police from the multi-cultural unit and community members. Each dinner has been followed up with a visit to Sunshine Court, providing a wonderful opportunity to break down barriers, provide information and an exchange of ideas.

I note the importance of this engagement and the vital obligations of courts to educate. Success in this area builds community confidence in the courts, which is critical to an effective legal system.

For more details on the Court's community engagement activities please refer to the **Statewide Perspective** and **Making a Difference** chapters.

Law Week

Law week is a great initiative, and has become an important part of the Court's commitment to community engagement, a commitment which in time will help eradicate the myth that courts are out of touch with the community.

On May 19, the Melbourne Magistrates' Court once again opened its doors to the public for its annual Open Day. Visitors were treated to court registry tours, mock hearings, educational presentations, and stakeholder stalls. This year, a record 590 people attended the Court's Open Day.

Court venues around Victoria also hosted Law Week events, and organised Open Days for their local communities. At the Latrobe Valley Court, a number of school and other groups had tours of the court, and a mock Koori Court was run.

At the Broadmeadows Court, a forum was held on the topic *How will an Intervention Order impact upon your VISA*. There was a panel of experts from Victoria Legal Aid, Broadmeadows Legal Service, Centrelink, Domestic Violence, a worker from Outreach, Victoria Police, Liaison Officer, Magistrate and a Registrar of the Court, who provided information to the attendees.

There were some 30 participants and the feedback was overwhelmingly positive. More details on this event can be found on page 73.

If you would like to know more about Law Week, please refer to page 85.

Students

I am proud of the court's commitment to educating the public and students. The Court's 'Schools Program' continues to engage thousands of secondary school students each year. In 2011/12 thousands of students from 73 schools participated in the program, which involves presentations from magistrates and registrars about the Court and the justice system.

The University Sector

In addition, the Court continues to strengthen its links with law schools and the university sector. The 'Judicial Mentoring Program', run in conjunction with LaTrobe University has been the central pillar of our engagement with universities for many years and goes from strength to strength, with 15 magistrates offering their services as a mentor. The program aims to enhance students' legal education through exposure to real-life judicial decision making.

I am pleased to report that we have extended our engagement with law schools, and have now created formal links and shadowing programs with the RMIT as part of its Juris Doctor program, as well as developing a memorandum of understanding with Monash University's Australian Centre for Court and Justice System Innovation (ACCJSI). Courtrooms are regularly used for law school moots, including Monash University moots held every three months at the Dandenong Court. I am committed to continuing to support the cross-fertilisation of ideas between courts and universities to improve the quality of legal education and in turn the quality of justice in the state.

Technology

The Court is currently examining the feasibility, cost and other issues of installing wi-fi across the Courts. Wi-fi will significantly expand the technological resources available to magistrates and court staff.

There is strong in principle support for magistrates to use tablet computers within court and in chambers but there is more work to be done to facilitate maximum uptake. Many magistrates are already utilising tablet computers and other technology as tools to assist in their day to day work, however the current court infrastructure does not support maximum benefits. As the infrastructure improves, all magistrates will receive full IT support on how to make the best use of technology to improve efficiency.

Social Media

Media guidelines and policy are to be upgraded to cover the use of social media in court rooms. Work is also being done on the use of Twitter as a way to communicate to the community. I am committed to a modern, innovative court, and social media has a role to play, but managing the ethical, security, and privacy concerns is a significant challenge.

Recently, the Court developed a social media policy and will in the near future be opening a Twitter account. This is an exciting step in community engagement, opening new lines of communication deeper into the community than ever before. Soon you might see on the court's Twitter account, news of decisions, programs relating to sentencing and bail, performance data, statistics including payments to victims of crime, Law Week events, magistrates "checking in" at rural and regional locations, school group information and educational activities.

Neighbourhood Justice Centre Mainstreaming Project

The Neighbourhood Justice Centre (NJC) has been operating in Collingwood since 2007, delivering improved outcomes for parties affected by a crime or conflict by facilitating a safe dialogue to resolve crime or conflict and its impact. I am pleased to report that we are working on integrating the NJC and its therapeutic jurisprudence approaches to justice into the wider court. A working group has been established to advise the Attorney-General how the NJC's approaches can best be embedded in the Court, and other jurisdictions such as the Children's Court and the Victorian Civil and Administrative Tribunal (VCAT). The working group will also report on how therapeutic jurisprudence programs, such as CISP, the ARC List, the Drug Court and Koori Courts, can be adopted more broadly across the Court, and other jurisdictions such as the Children's Court and VCAT to mainstream those approaches. The working group will also consider whether any changes to administration or legislation are warranted to support mainstreaming, and how mainstreaming can occur within current financial constraints.

Drug Court Mainstreaming

The Court will also be considering how the Drug Court may be embedded in the mainstream court, to deliver its positive outcomes to the wider community.

A draft blueprint for expanding the availability of the drug treatment order from one to four court venues has been prepared by the Registrar of the Drug Court in consultation with former Drug Court Magistrate Margaret Harding. The plan proposes that the Drug Treatment order be available at four locations – Dandenong, NJC, Sunshine and Frankston and that there be central administration and coordination of support services at Melbourne. In my opinion this is a worthwhile development that the Court must drive.

Honour Board

In 2011, Deputy Chief Magistrate Dan Muling, began to investigate the possibility of an honour board to recognise the service of Victorian magistrates, including stipendiary and police magistrates.

Dan Muling then undertook research on all magistrates going as far back as 1930. He identified over 330 former and current magistrates. An 11 panel honour board was created, with the initials and surnames of each magistrate, and the years of service if known (start and finishing years), from Police Magistrate E.E. O'Grady, appointed in 1932, to our most recent appointments. The honour board is displayed in the library at the Melbourne Magistrates' Court.

This initiative was funded by the Victorian Magistrates' Association and was officially launched by the Attorney-General on Thursday 26 April 2012. In time, we intend that the honour board be extended, and identify the remaining police magistrates starting with Captain W. Lonsdale in 1836. The honour board is significant to the history of the Magistrates' Court of Victoria and is a formal acknowledgment of appreciation for the past and present magistrates that have served this court.

Professional development

As always, magistrates' commitment to ongoing professional education is commendable. The Professional Development Committee, in conjunction with the Judicial College of Victoria, has ensured that a comprehensive professional development program is available to magistrates, and I thank them for their hard work throughout the year.

For more information on judicial professional development refer to page 23.

Appointments and retirements

During the reporting period the Court saw the retirement of three experienced magistrates. I thank magistrates Frank Jones, Ross Betts and Edwin Batt for their many years of service and take this opportunity once again to wish them well in their retirements. In March 2012, Frank Jones was welcomed back to the court in the capacity of Acting Magistrate.

Six magistrates and three additional acting magistrates were appointed during the reporting period. I welcome our new magistrates, Darrin Cain, Patrick Southey, Philip Ginnane, Simon Cooper, Hugh Radford and Michelle Ehrlich, and welcome back from retirement Tom Hassard, Peter White and Jacinta Heffey who have returned as Acting Magistrates.

For more detail on judicial appointments and retirements, refer to page 32.

Acknowledgements

I wish to thank all the magistrates, judicial registrars and court staff for their dedication and hard work throughout the past year. In particular I thank the Deputy Chief Magistrates, State Coordinating Magistrate, Regional Coordinating Magistrate and Supervising Magistrates for their outstanding leadership and contributions to the Court.

I also wish to thank the Magistrates' Support Services team led by Manager Lisa Eldridge (and previously Melissa Biram). Lisa, along with Librarian Libby Gray, Judicial Support Officer, Michelle Etherington, Assistant to the State Coordinating Magistrate Sharon Hughes (and previously Melina Demasi), and Legal Researcher Aranea Carstairs (and previously Lisa Lee) are to be commended for the support they provide to myself and all magistrates. Special thanks goes to my Executive Assistant, Nola Los, for her exceptional support (not only to me but to many magistrates) and for her inexhaustible good humour.

I would like to thank Charlotte Stockwell for her four years of service as Chief Executive Officer, and acknowledge her work and efforts during this time.

Finally, I thank the Court's acting Chief Executive Officer, Rudy Monteleone, and the Executive Director, Courts and Tribunals Service, Dr Graham Hill, for their support and leadership in administration of the court.

Report of Acting Chief Executive Officer

"Despite the challenges, the Court continues to strive to reduce delays and improve the quality and timeliness of in-court, registry and general support services."

Rudy Monteleone
ACTING CHIEF EXECUTIVE OFFICER

Report of Acting Chief Executive Officer

The year in review

It has been a challenging year for the administration of the Magistrates' Court. Within the context of a tight fiscal environment, ageing infrastructure, and a continued increase in demand for services across many of our jurisdictions staff have continued to perform their duties admirably.

Despite the challenges, the Court continues to strive to reduce delays and improve the quality and timeliness of, in-court, registry and general support services. The Chief Magistrate's "Sessional Listings" model, is an example of the Court's desire to reinvent its service delivery processes in order to meet the increasing demand on its resources. The successful implementation of the "Sessional Listings" model would, in part, not have been possible without the critical business intelligence that was provided by court administration.

In March 2012, the Court experienced a change in leadership with the Chief Executive Officer, Charlotte Stockwell leaving the court after more than four years service. Whilst the transition to new leadership is often a time of instability, it is a credit to all staff within the Court that this change occurred with minimal disruption. Staff have continued to positively and passionately apply themselves to the task of keeping the Court operating at its optimum level.

Engaging the community

Each of our courts across the state have close connections with their local communities and the agencies they work with. The strength of these relationships is a reflection of the effort our staff expend in not only maintaining existing connections, but also in creating new ones. For more details on the Court's community engagement activities please refer to the **Statewide Perspective** and **Making a Difference** chapters.

The Court continued its proud and lengthy tradition of community engagement by participating in the Victorian Law Foundation's Law Week events. Culminating with the Courts Open Day in May 2012, where members of the community visited the Melbourne Magistrates' Court. Visitors were able to meet and chat with the Chief Magistrate, senior administrators, court staff and representatives from various service agencies. Interest from the community was evidenced by the fact that despite fewer resources being available to support our involvement, the Court succeeded in attracting more visitors than previous years. For more information about Law Week, refer to page 85.

Buildings

Whilst we continue to experience increases in the demand for our services it is important to note that our staff continue to work in increasingly ageing buildings. In regional locations, many of our courthouses were built in the early 19th century and at a time when the Court's role within the community was quite different from the present day.

The condition and design of facilities at many of our 54 locations has been a persistent area of concern, particularly with regard to safety and security. As such, the Court will need to be increasingly proactive to ensure that our buildings are not only safe but also functionally able to accommodate the various jurisdictions and services that are now routinely provided.

Accordingly, the Court is continuing to proactively work with the government and Department of Justice to find solutions to this issue. The recent allocation of funding to undertake urgent remedial building works at Wangaratta and Shepparton courts and, the Government's announcement of an additional court room for Bendigo is testament to the work being undertaken to address this issue.

Implementing legislative reform

Throughout the past year the Court has effectively responded to the introduction of legislative reform. The enactment of the *Personal Safety Intervention Orders Act 201*0, in 2011, received significant dedicated funding from government, and this funding coupled with the exceptionally professional efforts of the project team, saw its seamless implementation.

The enactment of the *Sentencing Amendment (Community Correction Reform) Act 2011*, (the Act) in January 2012, had a significant impact on the operation of the court. Specific provisions of the Act replaced the previous sentencing options of Community Based Orders, Intensive Corrections Orders and Combined Custody and Treatment Orders with a single community based sentencing option, the Community Correction Order.

To ensure that the implementation of this significant reform was completed on time the Court worked closely and cooperatively with the Department of Justice, Courts Technology Group and Corrections Victoria to meet the January deadline. The Court identified a need for dedicated resources within the Court to manage the implementation, and Corrections Victoria were able to assist by funding a project manager role for an initial period of six months. This funding has recently been extended for a further six months which will ensure that the Court is able to implement all the reforms introduced under this Act appropriately.

The Court has also worked closely with the Department of Justice in many other areas including changes to the *Criminal Procedure Act*; the introduction of the Trans-*Tasman Proceedings Act*; and the implementation of the Public Interest Monitor. Staff from the Court have also assisted the department in the redrafting of various regulatory instruments. Refer to page 30 for more information on legislative reform.

The Future

As the Court transitions into the new governance structure that is the Courts and Tribunal Service it becomes increasingly important that the Court continues to maintain its identity and independence while working collegiately with all of the other jurisdictions.

Within this context, the Court's administration has begun developing a new three year Strategic Plan. While the plan will be mindful of the new governance regime, it will aim to set a framework that strives to provide a modern, innovative and responsive Magistrates' Court.

The International Framework of Court Excellence now provides the framework upon which the Court's planning activities are built and this provides a tangible, internationally recognised benchmark that the Court will strive to meet. The Court has recently undertaken a second self-assessment, the results of which will be used to inform the development of future Business and Strategic Plans.

The need to plan well for the future has never been stronger, particularly within the context of a tight fiscal environment which will inevitably have an impact on the Court's capacity to meet the increasing demand for its services. To this end, our planning work will focus on identifying innovative ways of maintaining and where possible, meeting our service delivery requirements.

Overview of the Magistrates' Court

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Overview of the Magistrates' Court of Victoria

The Magistrates' Court of Victoria was established under section 4 of the *Magistrates' Court Act 1989*. The Court sits at 54 metropolitan and regional locations and, as at 30 June 2012, comprised of 114 magistrates, 14 acting magistrates and seven judicial registrars.

The magistracy is supported by registrars and support staff, including staff working in the Children's Court and the Victims of Crime Assistance Tribunal.

The Court exercises a varied, substantial and extensive jurisdiction, which continues to evolve and grow. Our jurisdictions include criminal, civil, workcover, industrial, intervention orders and family law. For more information about the jurisdictions of the court, please refer to the **People's Court** chapter.

The Victims of Crime Assistance Tribunal (VOCAT) sits at Magistrates' Court locations across Victoria. All magistrates are also tribunal members. In accordance with the Victims of *Crime Assistance Act 1996*, the tribunal provides financial assistance to help victims of crime recover from physical or mental injuries sustained to them as a result of an act of violence. A number of magistrates and registry staff make up the VOCAT Coordinating Committee who discuss matters of concern to the tribunal. Please refer to the Committee Report on page 45.

For more information on the tribunal, please refer to the Victims of Crime Assistance Tribunal Annual Report.

The Children's Court of Victoria was established by the *Children and Young Persons Act 1989* (repealed) and is continued by the Children, *Youth and Families Act 2005*. The Children's Court has two divisions, which deal with criminal charges of young people, and protection and family matters. All magistrates sit in the Children's Court in locations across Victoria, including a dedicated Children's Court in Melbourne.

All magistrates are also appointed as coroners and do coronial work within the Coroners Court of Victoria. Coroners investigate reportable deaths and fire, as set out in the *Coroners Act 2008* and hold inquests where appropriate. The Coroners Court sits in Melbourne as well as country court locations across Victoria.

For further information about either the Children's Court or the Coroners Court, please refer to their annual report publications.

Our Services

Registries

The Court's registries are an integral part of the efficient administration of the court. Every court venue has a registry, predominantly staffed by registrars.

Court registries are locations where you can attend to pay fines or make arrangements for payment plans or extensions; file applications for a variety of matters such as to have a case reheard or to get your licence back after a drink-driving offence, seek an adjournment of a hearing and get procedural guidance and information about the range of services available from court staff.

Some of things court staff can assist with include:

- provide information on court procedures and processes
- give general information about relevant legislation and court rules.
- provide you with court forms or brochures or refer you to the court's website
- refer you to the duty solicitor at court or give you information about legal services in the community that may be able to assist you with legal advice
- advise you about appropriate support services, such as the family violence outreach support workers, Court Network volunteers, Salvation Army or Victims of Crime Helpline.

Court staff cannot provide legal advice.

After-Hours Service

The court provides the services of a magistrate and registrar between the hours of 5.00pm and 9.00am on weekdays, and 24 hours on weekends and public holidays. This service deals with urgent applications by police officers that require consideration outside normal court hours including applications for search warrants and applications for intervention orders.

Court Support and Diversion Services

The Court offers and participates in a variety of services and programs to improve its responsiveness to the community when they attend court. These initiatives support the objectives of the Court and provide improved understanding and communications with other courts, the government, court users and the general public. In addition, the support services aim to assist those accused who may present with issues of social or cultural disadvantage. These underlying issues may include having a disability, substance abuse or mental illness, all of which the court aims to address and cater for by offering continually evolving support programs to meet the varying needs of those who require them.

A number of these programs are run by the court and include the Courts Integrated Services Program and the CREDIT/Bail Support Program. Court users can be referred to various services in the community for treatment and support, while being monitored by the Court. Such programs act to reinforce the link between the Court, the community and its service system.

In many cases, the support programs offered by the Magistrates' Court can also continue to provide assistance in the higher courts such as the County Court and the Court of Appeal.

For more information on Court Support and Diversion Services refer to page 56.

Specialist Courts and Lists

There are a number of specialist courts and lists within the Magistrates' Court. Their purpose is to improve outcomes for persons presenting at the court as well as for the community. These include the Koori Court, the Drug Court and the Assessment & Referral Court List. In particular, the participants in these courts generally present with one or more underlying issues including social or cultural disadvantage, mental health, disability or substance abuse.

Specialisation allows for the development of best practice in a range of jurisdictions including family violence, through the establishment of the Specialist Family Violence Service (SFVS) and Family Violence Court Division (FVCD).

Specialist courts are also a response to the revolving door nature of crime and punishment and, as such, are an attempt to address the pre-existing issues that may have led to offending or other anti-social behaviour.

The specialist courts are generally less formal and more flexible than a traditional Magistrates' Court, and are designed to make the participants more comfortable, therefore encouraging greater compliance and responsiveness to the court orders that are imposed.

A specialist court attempts to take a more individualised and service-focussed approach to the sentencing of special needs groups and provides a more realistic method of justice for these groups.

Our Judiciary

Magistrates

Magistrates are appointed by the Governor in Council pursuant to section 7 of the *Magistrates' Court of Victoria Act 1989*. As at 30 June 2012, there were 114 magistrates allocated to the 54 locations of The Court.

Acting Magistrates

Acting magistrates are appointed pursuant to section 9 of the *Magistrates' Court Act 1989*, and hold office for a period of five years or until reaching retirement age. Whilst the appointment is made by the Governor in Council, the Attorney-General may give notice in writing requiring the acting magistrate to sit on either a full time or sessional basis. Usually such notice is for 12 months.

As at 30 June 2012, there were 14 acting magistrates, twelve of which were retired magistrates. Generally, acting magistrates are used to address peak workloads of the Court, and also to cover periods of extended leave.

Judicial Registrars

Judicial registrars are independent judicial decision makers appointed by the Governor in Council to assist the Magistrates' Court in disposing of a variety of matters that come within the court's criminal and civil jurisdictions. Judicial registrars exercise the powers and jurisdictions as delegated to them by the Chief Magistrate.

There are currently seven judicial registrars appointed to the Court. They sit at various court locations across the Melbourne metropolitan area, as well as regional and rural court venues.

With a core group servicing the Melbourne Magistrates' Court, judicial registrars are now operating in the following courts:

- Ballarat
- Broadmeadows
- Dandenong
- Frankston
- Geelong
- Heidelberg
- Korumburra
- Latrobe Valley
- Moorabbin
- Ringwood
- Shepparton
- Sunshine
- Wangaratta
- Werribee
- Wodonga

Planned expansion will include Wonthaggi Magistrates' Court in 2013.

Matters dealt with by Judicial Registrars

Judicial registrars have the powers to deal with a variety matters within the court's jurisdiction, including the following:

Criminal

- hear and determine all criminal offences where the maximum penalty is not imprisonment, and all offences for which an infringement notice can be issued
- licence restoration and interlock removal applications
- diversion applications
- return of search warrants
- hear and determine matters in the Special Circumstances List, which deals with offenders who suffer a mental or intellectual disability, are homeless or who have a serious addiction to drugs or alcohol
- sit on the Neighbourhood Justice Centre's monthly Special Circumstances List
- consider and determine applications to adjourn criminal proceedings to allow offenders to undertake the court's diversion program.

Civil

- exercise powers under the Magistrates' Court Civil Procedure Rules with some exceptions
- determine civil interlocutory, rehearing and other applications, both in chambers and in open court
- hear and determine civil arbitrations where amount sought is less than $5000
- industrial mediations.

VOCAT Pilot

A 12 month pilot commenced on 1 February 2012, which extended judicial registrars' delegated powers to include the consideration of certain applications in VOCAT. The pilot is in operation at the Melbourne, Ringwood and Heidelberg Magistrates' Courts.

Judicial Registrars can consider applications for assistance made by primary or secondary victims except where:

- applications are filed outside the 2 year limit
- applications where the act of violence alleged is a sexual offence
- applications where the act of violence arises in circumstances of family violence and the alleged offender is a family member.

Further details about the pilot can be found on page 45.

Court sitting time saved by Judicial Registrars

The total time spent on specific chambers duties including return of search warrants and interlocutory applications (in Melbourne only) from July 2011 to June 2012 amounted to 63 days of magistrates' sitting time[1].

Statistics also indicate that in the period from June 2011 to May 2012, successful industrial mediations have saved the court an estimated 62 days of sitting time.

Committees and Reviews

Judicial registrars are currently involved in the following committees and reviews:

- IMES Koori Strategy Steering Committee
- Civil Rules Committee
- VOCAT Coordinating Committee
- a committee providing feedback to the review of the *Road Safety Act 1986*.

Judicial registrars have also provided:

- input into Monash University Research Project on the Victorian Infringements System
- participating member of the Special Circumstances Infringements Project, which is a joint Melbourne City Council and UN Global Compact Cities Programme venture
- service as guest speakers to Certificate IV students
- participated as panel members at various workshops about the Infringement System & Court practice, and the operation of the Special Circumstances List.

Our Staff

Senior Registrars

Senior registrars manage all court operations within a defined geographical region, and are responsible for providing leadership to all staff employed within their region. This role ensures all legal, quasi-judicial and administrative functions are provided in accordance with the various acts, rules and regulations across all jurisdictions.

Court Registrars

Registrars of the Magistrates' Court perform a wide range of administrative tasks throughout the court's registries in Victoria. These may include in-court (bench clerk) duties, client contact (telephone and counter) enquiries and back-of-office administrative responsibilities. The role may be performed in a range of jurisdictions, including civil, criminal, family violence, VOCAT, as well as the Children's and Coroners Courts and other jurisdictions (VCAT, County and Supreme Courts) as required.

Registrars are also required to exercise powers conferred under the *Magistrates' Court Act 1989*, other acts and rules. These powers involve the preparation and processing of administrative and statutory documentation and the exercise of discretionary quasi-judicial and statutory powers. Registrars use professional judgement in applying legislative requirements, established rules and precedents, and the Court's practice directions.

A significant function of registrars, deputy registrars and trainee registrars is to work with and assist magistrates in the operation and running of court hearings.

Coordinators/Listings Staff

Coordinating and listings staff are court registrars who perform listing and case management duties.

Senior coordinating staff are responsible for supervising and assessing the day to day case workloads and listing practices and procedures of the Court, while at the same time maintaining a strategic focus on future listings, resourcing and delays.

They are responsible for monitoring the performance outputs of the Court in conjunction with the State Coordinating Magistrate, regional coordinating magistrates and senior registrars.

1 These statistics relate to Melbourne and do not account for time spent on out-of-court work in regional and rural courts.

Court Support and Diversion Services Staff

Staff in the court support services programs, such as CISP, CREDIT/Bail Support Program and the ARC List, are drawn from a range of health and welfare professions. Typically, they have qualifications and experience in psychology, social work, nursing, welfare, drug and alcohol or related disciplines.

They have diverse work histories, though most have worked in not-for-profit organisations or government programs prior to commencing employment with the Court. They share a common a passion for providing assistance to those involved in the criminal justice system.

Court support and diversion services staff run the court's programs as well as assisting clients by way of case management and referrals to other services. They also provide reports of the progress of their clients to the judiciary.

Administrative and Support Staff

The Court has a strong network of experienced administrative and support staff who work in specific areas, such as:

- human resources
- information technology
- learning and development
- finance and administration
- contract and corporate management
- strategic planning
- security
- executive and judicial support
- specialist courts and services support
- project roles.

They are an integral part of the efficient running and day to day operations of the court, as well as in the forward planning and strategic direction of the organisation.

Management of the Magistrates' Court

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Management of the Magistrates' Court

Court administration and the judiciary work closely to ensure the effective management and operation of the court and its resources. This is achieved by magistrates and court staff sitting on committees to ensure targets and goals are met and new initiatives are developed.

This chapter details the structure of both the judicial and administrative arms of the court.

Structure of the Judiciary

Chief Magistrate

Chief Magistrate Ian Gray is the head of the court and the senior judicial officer.

The Chief Magistrate is responsible for:

- assigning duties for magistrates
- calling and chairing meetings of the Council of Magistrates (the 'council')
- making Rules of Court in consultation with Deputy Chief Magistrates
- issuing practice directions
- performing statutory functions.

Deputy Chief Magistrates

There are currently five Deputy Chief Magistrates appointed to the court. They are:

- Deputy Chief Magistrate Dan Muling
- Deputy Chief Magistrate Jelena Popovic
- Deputy Chief Magistrate Peter Lauritsen
- Deputy Chief Magistrate Felicity Broughton
- Deputy Chief Magistrate Lance Martin.

The roles and areas of responsibility of a Deputy Chief Magistrate include:

- assisting the Chief Magistrate as requested or assigned by the Chief Magistrate
- in the absence of the Chief Magistrate, the senior Deputy Chief Magistrate shall act as the Chief Magistrate
- acting within allocated areas of responsibility
- exercising delegated powers in consultation with the Chief Magistrate
- member of the Management Committee of the Court.

Regional Coordinating Magistrates

The Chief Magistrate appoints a Regional Coordinating Magistrate in each region for a period of three years.

During the reporting period, the Regional Coordinating Magistrates were:

- **Barwon South West Region:**
  Magistrate Ronald Saines
- **Broadmeadows Region:**
  Magistrate Robert Kumar
- **Dandenong Region:**
  Magistrate Lesley Fleming
- **Frankston Region:**
  Magistrate Ross Betts (to 4 November 2011)
  Magistrate Franz Holzer (from 5 November 2011)
- **Gippsland Region:**
  Magistrate Clive Alsop
- **Grampians Region:**
  Magistrate Peter Couzens
- **Heidelberg Region:**
  Magistrate Susan Wakeling
- **Hume Region:**
  Magistrate Paul Smith
- **Loddon Mallee Region:**
  Magistrate William Gibb
- **Neighbourhood Justice Centre:**
  Magistrate David Fanning
- **Ringwood Region:**
  Magistrate Nunzio La Rosa
- **Sunshine Region:**
  Magistrate Noreen Toohey.

The role of Regional Coordinating Magistrates is to:

- allocate magistrates to hear cases in their region
- supervise the disposition of cases in their region
- report regularly to the Chief Magistrate on the operation of their region
- consult with the senior registrar of the region
- develop and implement initiatives and strategies in accordance with council policy.

During the 2011/12 period, the Regional Coordinating Magistrates met on 11 November, 17 February 2012 and 15 June 2012

Supervising Magistrates

Supervising Magistrates are appointed by the Chief Magistrate for a term of three years to assume responsibility for key areas of the court.

During the reporting period, the Supervising Magistrates were:

- *Criminal jurisdiction* – Magistrate Charlie Rozencwajg
- *Civil jurisdiction* – Deputy Chief Magistrate Peter Lauritsen
- *Family Violence and Family Law jurisdiction* – Deputy Chief Magistrate Felicity Broughton and Magistrate Kate Hawkins
- the *Victims of Crime Assistance Tribunal* – Magistrates Amanda Chambers and Andrew Capell
- the *Sexual Offences List* – Deputy Chief Magistrate Felicity Broughton
- the *Koori Court* – Deputy Chief Magistrate Jelena Popovic
- *Court Support Services and Specialist Programs* – Deputy Chief Magistrate Jelena Popovic
- *Information Technology* – Deputy Chief Magistrate Dan Muling
- other areas of responsibility as the council determines.

The role of the Supervising Magistrate is to liaise with the magistracy, the administrative staff and the community. Supervising Magistrates also develop protocols, rules and practice directions to be recommended to the Chief Magistrate for implementation, and ensure the dissemination of legislative and procedural changes in the relevant jurisdiction.

State Coordinating Magistrate

The Chief Magistrate appoints a State Coordinating Magistrate for a period of three years.

This role is presently held by Deputy Chief Magistrate Lance Martin.

The role and functions of the State Coordinating Magistrate include:

- day-to-day coordination and allocation of magistrates and acting magistrates
- granting and recording of judicial leave entitlements
- developing, implementing and reviewing listing protocols and practices in conjunction with the Chief Magistrate, State Coordinating Registrar and the Chief Executive Officer
- liaising with Regional Coordinating Magistrates, the State Coordinating Registrar and registrars on a statewide basis
- setting of court sitting dates, conferences and meetings in consultation with the Chief Magistrate.

Council of Magistrates

A council of permanent magistrates must meet at least once in each year on a day or days fixed by the Chief Magistrate to:

- Consider the operation of the *Magistrates' Court Act 1989* and the rules
- Consider the workings of the officers of the court and the arrangements relating to the duties of court officials
- Inquire into and examine any defects that appear to exist in the system of procedure or administration of the law in the court.

During the 2011/12 reporting period the Council of Magistrates met on 29 July 2011, 25 November 2011 and 30 March 2012.

The Executive Committee are an annually-elected committee of magistrates chaired by the Chief Magistrate, who represent the Council of Magistrates. Members meet monthly to deal with matters of policy and report to the Council.

Pursuant to section 15(3) of the Magistrates' Court Act, the magistrates must report annually to the Governor of Victoria on the operation of the court.

Structure of Court Administration

Leadership Group

Court administration of the Magistrates' Court of Victoria is lead by the Leadership Group. The Court's Leadership Group comprises of the:

- **Chief Executive Officer**
  Mr Rudy Monteleone *(Acting)*
- **Principal Registrar, Manager Melbourne and Metropolitan Courts**
  Ms Simone Shields
- **Manager, Regional Courts**
  Mr Peter McCann
- **Manager, Specialist Courts and Court Support Services**
  Mr Simon McDonald
- **Manager, Corporate Services**
  Mr Victor Yovanche
- **Manager, Organisational Change & Development**
  Mr James Christoffelsz
- **State Coordinating Registrar**
  Mr Brett Cain
- **Manager, Office of the Chief Executive**
  Mr Joseph Walker.

The Leadership Group ('the group') is a decision-making body, formed to effectively address the strategic, operational and political challenges associated with the operation of the Magistrates' Court of Victoria.

The group is collectively accountable for the operational management of the Court and the delivery of objectives contained in the current Business Plan, Strategic Plan, and directives from the Department of Justice. The group is established to support the Chief Executive in effectively discharging his or her responsibilities as the accountable officer.

Internal Committees

The Court has established a number of committees for each jurisdiction and administrative area of the Court.

A supervising magistrate heads each committee and reports to the Chief Magistrate about the work of their respective committee. Minutes of all committee meetings are circulated to all magistrates.

Further details on the structure and activities of the jurisdictional committees can be found in the **People's Court** chapter.

Executive Committee

Committee Chair: Chief Magistrate Ian Gray

Members: Magistrates Donna Bakos, Sharon Cure, Lesley Fleming, Phillip Goldberg, Anne Goldsbrough, Fiona Hayes, Greg McNamara, Tony Parsons, Charlie Rozencwajg,

The Executive Committee was established in 2001 by the Council of Magistrates. Members of the committee are nominated and elected annually.

The Executive Committee meets monthly to discuss policy, and generally includes court infrastructure and resources, technology in courtrooms, judicial terms and conditions, judicial professional development, court governance, case management reforms, practice directions, court staff and human resources. The committee is responsible for the formulation and monitoring of policy when the Council of Magistrates is not in session.

This reporting year, particular issues discussed by the committee include:

- professional development including a conference attendance policy and terms of reference of the professional development committee
- court governance and the proposed Courts Executive Service (CES)
- magistrates' assignment policy
- magistrates' involvement in court recruitment
- information technology, including magistrates' use of tablet computers
- court security
- various internal court policies and guidelines.

Information Technology Committee

Committee Chair: Deputy Chief Magistrate Dan Muling

Members: Magistrate Peter Power, Magistrate Ann McGarvie, Acting CEO Rudy Monteleone, Acting Manager Courts Technology Group Jon Thomson, MCV Information Technology Coordinator Eddie Dolceamore, Manager CourtView Business Operations, Ross Capuana, Business Technology Partner, Knowledge Information and Technology Services Barbara Nowak-Rowe, Courtlink Manager Bianca Saunders, In Court Technology Manager David Hoy and Director Integrated Courts Management System (ICMS) Kerry Kirk.

The Court's Information Technology (IT) Committee is an active sponsor of continuous improvement to the Courtlink Case Management System and was involved in assisting ICMS with information relevant to the Magistrates' Court for CourtView. The Committee provides an increasingly comprehensive body of information delivered electronically through the internet and the intranet.

The committee was involved in the following projects:

- identification of enhancements to Courtlink Case Management System and monitoring application and system upgrades
- participation in the ICMS project
- digitisation project – 'Genette' digital recording changing to 'for the record'
- 'Access Court' pilot – linking Latrobe Valley, Korumburra, Wonthaggi and Melbourne courts via IPTV technology. The technology will project a life size image of magistrate, bar table and witness box from one court to another, minimising the need for magistrates to travel and increasing access to justice
- New and improved Magistrates' Court website
- Melbourne Magistrates' Court digital screen display for public areas
- Voice Over Internet Protocol (VOIP) telephony system for Heidelberg Court
- iPad as a resource for magistrates
- computer refresh.

Occupational Health & Safety Committee

Committee Chair: Magistrate Simon Garnett

Members: Magistrates Susan Armour, Graeme Johnstone, Noreen Toohey and Brian Wright; court administration representative Ken Young; and Department of Justice representative Gayle Sherwell.

The Occupational Health & Safety Committee meets regularly to discuss occupational health and safety issues. Its varied membership helps ensure that the issues before the committee are addressed with input from relevant stakeholders so that health and safety improvements can be achieved expeditiously.

The committee considered a number of matters during the reporting period including:

- the need for the Department of Justice to consider providing defibrillators at all courts with the appropriate training provided to staff
- the need for the Department of Justice to provide magistrates with ergonomically suitable chairs/other equipment in court and chambers.

Professional Development Committee Report

Committee Chair: Magistrate Jennifer Bowles

Members: Chief Magistrate Ian Gray; Deputy Chief Magistrates Peter Lauritsen, Jelena Popovic; Magistrates Jennifer Bowles, Audrey Jamieson, Caitlin English, Fiona Hayes, Catherine Lamble, Michelle Hodgson, Ann Collins, Stella Stuthridge and Kay Robertson.

The Professional Development Committee (PDC) of the Magistrates' Court is a committee of the Council of Magistrates, established to assist the Chief Magistrate to provide for the professional development and training of magistrates. The committee meets once per month.

The PDC acknowledges the administrative and organisational support provided by Nola Los, Michelle Etherington and Lisa Eldridge. Their assistance has been invaluable and very much appreciated. The committee specially acknowledges the support of Melissa Biram, who left the Court in October 2011.

In addition to promoting ongoing professional development to assist magistrates in the discharge of their office, the committee liaises closely with the Judicial College of Victoria (JCV) in planning, promoting and delivering judicial education programs. A representative from the JCV, being Carly Schrever or Fiona Brice (Managers, Programs, JCV) attend and participate in the committee meetings and have assisted the PDC during the year.

The committee also assists the State Coordinating Magistrate in the professional development component of the Country Magistrates' Conference which was held on 18 and 19 August 2011 at the Glenfern Retreat in Romsey.

Throughout each reporting period, the PDC is responsible for the coordination and delivery of professional development conferences on a range of current, relevant and significant topics for the benefit of all magistrates. An overview of the conferences conducted during the 2011/12 reporting period, are detailed in the *Professional Development Report* on page 24.

Magistrates' Intensive

The Magistrates' Intensive was conducted from 22-24 March 2012. It was organised by Deputy Chief Magistrate Dan Muling and Magistrate Clive Alsop. They also devised the program, with some input from the PDC. Magistrate Jennifer Bowles attended on behalf of the PDC and presented at the residential program. The Intensive was specifically devised for relatively new judicial appointees to attend and to benefit from the experience of a number of more experienced magistrates, who attended too. It was a very successful program which also provided a valuable opportunity for participants to identify topics for future Magistrates' Court Conferences.

Judicial Mentoring

As was reported in the 2010/11 Annual Report, the PDC has been seeking to have a formal judicial mentoring program introduced into the court. The program will involve mentoring by magistrates of all new judicial appointees. Magistrates Jennifer Bowles and Audrey Jamieson have met with Maria Lusby, (Director, Project Development, JCV), Bernard Teague (former Supreme Court Judge and recipient of a Churchill Fellowship, "Towards Better Judicial Mentoring") and Jenny Hutt (Convenor) to organise the judicial mentoring program.

Eight magistrates (Jennifer Bowles, Audrey Jamieson, Ann Collins, Kate Hawkins, Ged Lethbridge, Greg McNamara, Duncan Reynolds and Kay Robertson) have participated in the pilot program during the reporting period to be judicial mentors. There is one final session with the Convener remaining. The PDC is very pleased that this program will commence during the latter half of 2012. Bernard Teague has continued to maintain his interest, to share his extensive experience and offered his support to the court, for which the court is most grateful.

During the reporting period the PDC has also discussed the Conference Attendance Guidelines, updating the Benchbook for which Magistrate Caitlin English has informed the PDC, the publication of Magistrates' Decisions, and organising a joint PDC/AAM Conference for July 2012.

Professional Development Report

Magistrates routinely engage in professional development opportunities, including those set by the Court's PDC and those set by the JCV. As part of the collaborative approach between the PDC and JCV, there were some workshops conducted by the JCV in which the PDC had input and/or magistrates sat on the JCV Steering Committee.

Many magistrates undertake their own professional activities, for example, attending and presenting at Conferences, beyond those set out more formally.

The PDC has endeavoured to continue to provide and support a diverse program of subjects of relevance and interest to all magistrates. This section provides a snapshot of some of the key professional development events during the reporting period.

The PDC conducted the following conference:

Criminal Law Issues and Evidence 28 July 2011

Presentations were given on the following topics at the conference held at the MCG:

- *Children – Cognitive and Neurological Development* presented by Professor Vicki Anderson Director Psychology Royal Children's Hospital
- *What children Say* presented by Vicki Bahen, Manager Child Witness Service
- *Children – Competency, Running Your Court and Walking the Tightrope* presented by Judge Meryl Sexton, County Court
- *Family Violence and the Criminal Law* – a panel discussion consisting of Magistrates Pauline Spencer, Noreen Toohey and Ged Lethbridge
- *The Pandora's Box of Forensic Evidence – Some Forensic Science Essentials for the Magistrate* presented by Jane Taupin, Forensic Scientist.

The JCV conducted a workshop *Personal Safety Intervention Orders* for magistrates on 14 October 2011. Seventy-four magistrates attended. A number of magistrates presented including DCM Felicity Broughton, Cathy Lamble and Ged Lethbridge. Magistrate Kate Hawkins chaired the workshop.

The April Conference was conducted on 27 April 2012. The JCV had scheduled a Workshop *"Sentencing 1 Staying Up To Date With Recent Reforms and Emerging Issues"* on 27 April 2012 and given its relevance to all magistrates and proximity to 20 April 2012, it was determined that the Magistrates' Conference would not proceed on 20 April 2012 and instead 70 magistrates attended the workshop on 27 April 2012 at the Rendezvous Hotel.

The morning sessions consisted of a number of presentations regarding Community Correction Orders. The afternoon sessions included:

- "*On line Resources to Assist with the Sentencing Process*" presented by Judge Carolyn Douglas, County Court, Stephen Farrow Chief Executive Officer Sentencing Advisory Council and Matthew Weatherson and Jane Mevel from the JCV
- "*The Active Bench*" presented by the Chief Magistrate Ian Gray and Magistrate Ged Lethbridge
- "*Sentencing in the Children's Court*." presented by Magistrate Jennifer Bowles
- "*Sentencing Federal/State Offences*", presented by Shane Kirne Deputy Director Commonwealth DPP.

Evaluation forms are provided to magistrates at all conferences and workshops. The responses have consistently indicated positive feedback and constructive comments regarding the content of the programs. The evaluations include an opportunity for magistrates to indicate areas of interest for future conferences and every attempt is made to ensure that wherever possible, those requests are facilitated.

As indicated, magistrates have participated as members of the JCV Steering Committees for workshops. Many magistrates have also attended workshops and twilight sessions organised by the JCV. These include:

- Judgment Writing
- Coronial Intensive
- Koori Victims of Crime
- Current Issues in Sexual Offences
- Decision Making
- Understanding Digital Evidence and Cybercrime.

Organisational Change and Development Unit

The objective of organisational change & development or OC&D is to improve an organisation's capacity to handle its internal and external functioning and relationships, through targeted interventions and learning experiences.

The Magistrates Court OC&D team integrates the functions and activities of Human Resources, Learning & Development, and Organisational Change, providing a range of services to support the Magistrates' Court of Victoria strategic objectives.

Human Resources

In keeping with the Court's goal of continuously improving service delivery the Human Resources (HR) Unit is relaunching, refreshing and re-examining our people management processes. HR will support the activities of the MCV by keeping accurate, reliable and up-to-date employee information, and providing a responsive service to management.

As we are creating efficiencies in the way we deliver our services to the Court, HR is participating in various projects relating to continuous improvement and workforce planning initiatives, providing extra value to the business.

Current HR projects include:

- Data Gathering to identify trends and patterns regarding injuries, attrition and attendance
- Issuing of FAQs
- Issuing Exit Surveys to employees leaving the Court.

Recruitment

HR is responsible for the coordination of the recruitment and selection of staff processes for the Magistrates' and Children's Courts. As part of its service, HR provides support to hiring managers in the areas of updating position descriptions, advertising, candidate management, interview panel member, reference checking and employment offer management.

Payroll

HR is responsible for the processing of payroll on a fortnightly basis for over 600 employees, including court staff, magistrates and Koori Court elders. HR complete a wide variety of processing from changing personnel details, higher duties, variation of employment, leave requests and overtime claims within prescribed deadlines.

WorkCover

HR provides assistance in all areas of WorkCover to our staff including:

- providing information when making standard and minor claims
- dispute resolution
- accident compensation
- conciliation services
- preparation of return to work arrangements.

HR also provides support and guidance from qualified Return to Work Coordinators, who bring extensive experience to the role and can assist when staff and managers are navigating a claim.

The intranet J-info can also be used as a tool to gain information and links to all WorkCover Claim documents required, and HR staff can assist with navigating the internal systems.

Learning & Development

Our offerings

Learning & Development (L&D) manages the development and delivery of learning pathways and accreditation of learning for court staff at all levels. We currently offer the following:

Magistrates' Court Induction Program

All new court staff attend the Magistrates' Court Induction Program. It is for one day and includes all corporate support staff, specialist staff and trainee registrars.

The objectives are that:

- participants gain a thorough overview of the Magistrates' Court jurisdiction, courts and programs
- participants learn how they fit in the organisation
- learnings will assist transition into their new workplace.

Bench Clerk Induction

A five-day training program providing trainee registrars with the basic in court skills and abilities, and the opportunity to use their learning in a simulated courtroom environment.

Certificate IV in Government (Court Services)

The Certificate IV in Government (Court Services) is aimed at providing transportable, robust skills for junior staff in all jurisdictions of the Victorian Courts and Tribunals sector. Trainee registrars must successfully complete this 2-year study of court services to qualify as a Registrar and be eligible for appointment as a Deputy Registrar of the Magistrates' Court of Victoria.

Handle With Care

'Handle with Care' is aimed at all Court Staff and Judiciary, this course equips staff with the skill and ability to manage potentially violent clients and provide strategies in situations where they feel under threat.

Court Skills

This is a program designed for specialist staff to gain an understanding of the court environment with a focus on building knowledge and skills for providing evidence as a witness, coping with cross examination, and preparing case notes and reports.

Tailored Team Development Programs

The nature of our roles in the Court and the department means staff often work in different teams and work groups. Working with senior court staff the L&D Unit can deliver tailored learning programs covering a range of team-related issues including group problem solving, decision-making, conflict management, communication and boundary management.

Trainee Registrar Recruitment & Assessment Centre (ACP)

The L&D team undertakes the recruitment, selection and placement of trainee court registrars, and assists with their development through the period of their traineeship, including probation and the study of Certificate IV in Government. We have continued to use the ACP this year, shortlisting candidates from their on-line application and asking selected candidates to attend an Assessment Centre.

In the ACP candidates skills and abilities are observed and assessed by senior court personnel and L&D staff, based on their performances in:

- an interview
- a client service simulation
- a group problem solving activity
- a written organisation task
- a structured discussion with a member of LDU staff.

At the completion of these activities, a collaboration session is held to assess the results and select candidates to proceed to referee check. Candidates assessed as suitable at the completion of this process are successful and will be offered a position as a trainee court registrar.

The ACP has undergone evaluation and further modification process. This has streamlined, and improved the ACP into a more relevant and worthwhile format. The ACP needs to deliver the strongest, best-credentialed and motivated candidates while meeting the geographic and time constraints of the Court.

Enable

'Enable' is a change program with embedded learning about leadership and management, and personal growth. Aimed at employees Grade 3-6, the programme will enable the Court to emulate leadership and management practice as per the International Framework of Court Excellence. Participants in Enable will:

- build their own sustainable leadership and management practice
- achieve quality service and client engagement
- support their own career goals.

E-Learning

E-Learning resources are being developed to assist registry staff update key knowledge. Modules developed are specifically aimed at staff that have completed their Certificate IV. E-learning modules can be accessed by staff in their own time and at their own pace.

Highlights of 2011/12

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Highlights of 2011/12

Legislative Reform

The Court has implemented major reforms in the last year, particularly sentencing reform and a major reform to the intervention orders jurisdiction.

The Court acknowledges the increasing level of consultation with the Department of Justice and other relevant stakeholders in implementing such reform. This level of consultation prior to implementation allows the court to implement reforms effectively and put in place processes to measure their effectiveness and impact.

Sentencing Amendment (Community Correction Reform) Act 2011

Sentencing Regulations 2011

Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011

On 16 January 2012, a number of amendments to the *Sentencing Act 1991* commenced. These impacted significantly on the court's sentencing powers in the criminal jurisdiction.

Existing sentencing options such as the Combined Custody and Treatment Order, Home Detention Order, Intensive Correction Order and Community Based Order were repealed.

A single, community based sentencing outcome known as the Community Correction Order (CCO) was then implemented.

The CCO offers the court flexibility in sentencing an offender to a community based outcome, providing a range of optional conditions that may be attached to the order, such as:

- supervision
- unpaid community work
- treatment and rehabilitation
- restrictions on associating with certain people or classes of people
- restrictions on where the person may live or not live
- curfew
- restrictions on a person entering venues which serve alcohol
- restrictions on entering certain places/areas
- judicial monitoring, which requires the person to attend further court hearings to enable a magistrate to monitor their progress on the order.

A significant amount of work was undertaken by the Court to implement the first stage of these reforms in particularly short timeframes. Significant training, consultation and IT work was undertaken in late 2011 to prepare for the changes.

Further reforms to the Sentencing Act are yet to be implemented and the Court is continuing to work closely with the Department, Community Corrections Victoria, Victoria Police and VicRoads to ensure that further implementation is successful.

Personal Safety Intervention Orders Act 2010

Please refer to the Intervention Orders section on page 43, for details on the implementation of the *Personal Safety Intervention Orders Act 2010*.

Criminal Procedure Amendment (Double Jeopardy and Other Matters) Act 2011

The Act amends the *Criminal Procedure Act 2009* to introduce new requirements in relation to information that an informant is required to have available (to provide to the accused or the accused's legal practitioner) on the first mention date.

The Act provides that, in addition to the existing requirements (in section 24(b) of the *Criminal Procedure Act*), if the informant is a member of the police force, the informant must have available at the return date:

a. a copy of the preliminary brief (if prepared)

b. a full brief (if prepared)

c. if the preliminary brief and full brief are not prepared / available:

- a copy of the charge-sheet (s.37(1)(a))
- a summary of the alleged facts on which the charge is based (a variation of s.37(2)(a))
- a copy of the accused's criminal record (if any) (part of s. 37(1)(e)).

Trans-Tasman Proceedings Act 2010 (Cth)

This act was passed in 2010 and the Court has been working on enacting court rules to support its future implementation.

The Act provides mechanisms for proceedings with a trans-Tasman element. Similar legislation has been passed in New Zealand.

The Act will:

- provide for how defendants in New Zealand may be served with initiating documents from an Australian court
- allow an Australian to stay proceedings on the basis that New Zealand is the more appropriate forum
- allow an Australian court to provide interim relief in support of proceedings in New Zealand courts
- provide for how Australian subpoenas may be served in New Zealand
- provide for how people may appear remotely from New Zealand in Australian proceedings (and vice versa)
- allow for New Zealand judgments to be enforced in Australia.

Magistrates' Court (Fees, Costs and Charges) Regulations

The regulations which set the Court's fees are due to expire later in 2012. A Regulatory Impact Statement for new regulations is currently being prepared by the Department.

The Court has completed significant work in consultation with the Department which will inform the setting of future court fees.

Crown Proceedings Regulations 2011

These regulations were remade in 2011, with some modernisation of the wording used by the regulations and in the prescribed forms.

Magistrates' Court Authentication Rules

These rules commenced on 10 July 2011, and are concerned with the authentication of orders, process and warrants in the Court. Similar provisions existed in the Magistrates' Court General Regulations 2000 (now sunsetted) and have been replicated in the new rules.

Magistrates' Court General Regulations 2011

These regulations were remade in 2011 in largely the same terms as the previous regulations. Certain sections pertaining to authentication of orders, process and warrants in the Court were removed, and court rules were made.

Civil Procedure Rules 2010 amendments

The Magistrates' Court Civil Rules Committee recommended a number of amendments that were made to the Court's civil rules over the last year. Some of the amendments made to the *Magistrates' Court General Civil Procedure Rules 2010* and *Magistrates' Court (Miscellaneous Civil Proceedings) Rules 2010* include rules that:

- allow subpoenas to be issued by a registrar at any court
- amend the provisions for commencing proceedings under the *Accident Compensation Act 1985* or *Workers Compensation Act 1958*
- clarify the validity of counterclaims and third party notices and also amend the form of third party notice
- provide how a third party may be joined in a proceeding referred to arbitration
- revoke any existing rules which are inconsistent with the *Civil Procedure Act 2010*.

The Court is continuing to work with the Department and other relevant stakeholders on the implementation of future legislative reform, such as further sentencing reform, the *Public Interest Monitor Act 2011* and *Road Safety Act 1986* reforms.

Improved Service Delivery

Website Redevelopment

During the reporting period, the Magistrates' Court of Victoria's website was re-developed to make it more accessible and user friendly. Information is easier to read and navigation around the site has also been improved. A number of helpful tools still exist and can be used via the new website including the Court's Virtual Tour, the Daily Law List and the On-line Driver's Licence Restoration Guide. The website was launched on 29 June 2012.

Signage Improvements

In 2011/12, improvements were made to the signage throughout the Melbourne and Broadmeadows Courts. This allowed for a clearer understanding of the locations of courtrooms, support services, and registry counters.

Awards and Acknowledgments

The Court would like to acknowledge and congratulate the Courts Integrated Services Program (CISP), who in August 2011 were nominated as part of the prestigious Melbourne Awards. The CISP was a finalist in the category of "Contribution to the Community", for its hard work in assisting offenders getting their lives back on track and helping to make the City of Melbourne a safer place to live, work and visit.

Judicial Appointments and Retirements

Each year we welcome new magistrates and acting magistrates to the court, while farewelling others to retirement.

Appointments

Magistrates

Magistrate Darrin Cain

Appointed 17 July 2011

Magistrate Cain is currently based at the Children's Court.

Magistrate Partick Southey

Appointed 3 August 2011

Magistrate Southey is currently based at the Broadmeadows Magistrates' Court.

Magistrate Philip Ginnane

Appointed 29 November 2011

Magistrate Simon Cooper

Appointed 7 February 2012

Magistrate Hugh Radford

Appointed 14 March 2012

Magistrate Michelle Erlich

Appointed 12 June 2012

Magistrates Ginnane, Cooper, Radford and Erlich are currently based at the Melbourne Magistrates' Court.

Acting Magistrates

Acting Magistrate Tom Hassard

Appointed 29 July 2011

Acting Magistrate Peter White

Appointed 29 July 2011

Acting Magistrate Jacinta Heffey

Appointed 22 August 2011

Acting Magistrate Frank Jones

Appointed 6 March 2012

Judicial Registrars

Judicial Registrar Sharon McRae

Appointed 16 August 2011

Judicial Registrar McRae is currently based at Melbourne Magistrates' Court.

Retirements

Magistrate Frank Jones

Retired 2 July 2011

Magistrate Ross Betts

Retired 16 January 2012

Magistrate Edwin Batt

Retired 2 February 2012

The People's Court

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The People's Court

The Magistrates' Court of Victoria, also known as the 'People's Court' has an extensive jurisdiction. This chapter covers the different jurisdictions of the court and the manner in which the relevant committees manage them.

Criminal

Introduction

The majority of criminal matters in Victoria are determined in the criminal jurisdiction of the Magistrates' Court of Victoria. Section 25 of the *Magistrates' Court Act 1989* empowers the Court to hear a wide range of criminal proceedings including summary offences, indictable offences triable summarily, committal proceedings, bail hearings, and infringement matters. During the reporting period, 180,731 criminal cases were finalised.

The Court has legislative authority to determine matters arising under numerous acts. State laws applicable in the criminal jurisdiction include the *Criminal Procedure Act 2009*, *Crimes Act 1958*, *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, *Evidence Act 2008*, *Evidence (Miscellaneous Provisions) Act 1958*, *Sentencing Act 1991* and *Summary Offences Act 1966*. The Court can also hear certain matters arising under federal law, such as the *Crimes Act 1914*, *Criminal Code Act 1999* and *Customs Act 1901*.

In addition to its exceptionally wide scope under crime-specific laws, the criminal jurisdiction is also empowered to hear prosecutions arising from breaches of road safety, transport, local government, health and safety, and other regulatory laws. Statutory agencies such as VicRoads, the Victorian WorkCover Authority, Department of Primary Industry, Environment Protection Agency, and local councils can prosecute individuals in the court pursuant to their respective legislation. The *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 1984*, *Long Service Leave Act 1992*, *Occupational Health and Safety Act 2004*, *Road Safety Act 1986*, *Transport Accident Act 1986*, and a wide range of other state laws enable these types of prosecutions in the Magistrates' Court.

Bail Applications

All bail applications, save for limited exceptions such as murder or treason, commence in the Magistrates' Court. Bail applications are prioritised in the criminal jurisdiction, given the immediate issue relating to liberty of the subject. The *Bail Act 1977* outlines factors to be considered in judicial assessment of bail applications; including exceptions to prima facie entitlement, reverse onus requiring exceptional circumstances, show cause offences, and the determination of unacceptable risk and other specified issues.

Summary Criminal Jurisdiction

Chapter 3 of the *Criminal Procedure Act 2009* outlines relevant procedures for summary proceedings. Summary matters involve property offences to the jurisdictional limit, offences under the *Road Safety Act 1986* and *Food Act 1984*, less serious assaults, and prohibited behaviour in public places. As distinct from indictable offences, summary proceedings may only be heard in the Magistrates' Court. Magistrates must be satisfied of the guilt of an accused beyond reasonable doubt, regardless of whether the offences are summary or indictable in nature.

A clear example of the need for the criminal division to be dynamic and flexible is evident from the Court's successful implementation of the legislative changes in the C*riminal Procedure Act 2009* and *Magistrates' Court Criminal Procedure Rules 2009*. The Court's judiciary, administration and staff worked extremely hard to enable the effective transition from the previous criminal procedure regime. The impact of legislative changes upon the Court's work is a particularly topical issue, considering proposed changes to criminal law in Victoria. The implementation of the *Criminal Procedure Act 2009* in this jurisdiction has achieved great progress in early resolution of cases and the reduction of delay in the court. These procedures are constantly being refined.

Case Conferences

The introduction of the *Criminal Procedure Act 2009* vastly changed the practice and procedure in the Court's criminal jurisdiction. A new system of case conferencing was introduced in summary and committal streams.

For matters where a preliminary or full brief are served, a summary case conference must be held prior to the matter being listed for contest mention or a contested hearing. The summary case conference system has been effective in increased resolution outcomes and the identification of discrete issues.

Indictable Offences Heard Summarily

Indictable offences may fall within the jurisdiction of, or be elected by the accused to be heard in, the Magistrates' Court. The types of indictable offences that may be determined in the Magistrates' Court are outlined in section 28 and Schedule 2 of the *Criminal Procedure Act 2009*. These include common law fraud offences, affray, recklessly causing serious injury, obtaining property or financial advantage by deception, robbery and burglary, incitement, secret commissions, dealing with proceeds of crime and drug trafficking. The Court's jurisdictional limit is $100,000 for indictable offences involving theft, destruction, or damage to property.

Committal Proceedings

Indictable offences that fall beyond the Magistrates' Court jurisdiction are dealt with by the Court as committal proceedings. Before an accused can be committed to trial in the County or Supreme Courts, a magistrate must determine whether there is evidence of sufficient weight upon which a jury properly directed could convict. The Court serves an important role in judicial administration with respect to committals by providing a filter for those matters where the evidence is insufficient to commit, and clarifying the issues in contention for those matters that do progress to trial.

Mention System

The mention system assists the Court's case management processes. For summary proceedings, the mention date is generally the first date an accused has to attend court. The standard situation where a summary proceeding can be determined on the first mention date is when the accused has indicated an intention to plead guilty to the charges.

The above situation is distinguishable from contest mention hearings. Section 55 of the *Criminal Procedure Act 2009* states that contest mentions are to be heard before magistrates and that accused must be in attendance before the court. The contest mention system enables parties to identify matters capable of being resolved. A sentence indication may be given. Alternatively, if no resolution is likely to eventuate, the contest mention may be utilised to refine issues, identify disputed matters, estimate numbers of required witnesses, and ascertain whether interpreters or remote facilities are required.

Ex-parte Hearings

The court may, in certain circumstances, hold ex parte hearings. Ex parte hearings are only available for summary criminal matters. If an accused has been served with charges and fails to attend court to answer to the specified allegations, a magistrate may exercise their discretion to hear the matter in the absence of the accused. The weight of prosecutorial evidence, and whether guilt beyond a reasonable doubt can be established, are key factors for the court's consideration. Notice of the outcome of an ex-parte hearing is subsequently forwarded to the accused. No gaol sentences can result from ex-parte hearings.

Applications for Re-hearing

An accused may apply for re-hearing, or setting aside of, a matter heard in his or her absence. After the accused satisfies the requirement to serve an application upon any relevant informant, the matter is then determined before a magistrate. If an application for re-hearing is granted by the court, the case progresses as it normally would in the summary criminal stream.

Appeals

An accused who wishes to appeal a decision made by the Court in relation to his or her conviction or sentence may do so to the County Court.

An accused seeking to appeal on a point of law may do so to the Supreme Court.

Infringements Court

A specific division exists in the court's criminal jurisdiction to deal with enforcement of infringement notices. The Infringements Court deals with warrants and orders for enforcement without the need for open hearings. Key agencies involved in the Infringements Court are Civic Compliance Victoria, Sheriff's Office and Corrections Victoria.

If an infringement offender elects to contest infringement matters in open court, these hearings are heard in the Court's criminal jurisdiction. The offender will have to plead to each contested infringement offence before a judicial officer.

Judicial Registrars

Judicial registrars are delegated powers in certain matters in the criminal jurisdiction. Judicial registrars do not determine matters which may involve sentencing an accused to imprisonment. Rule 4 of the *Magistrates' Court (Judicial Registrars) Rules 2005* provides that judicial registrars may hear matters such as specified infringements applications, applications for driver licence restoration, traffic and council prosecutions, and returns of property seized under search warrants. For further information on what Judicial Registrars do, please refer to page 16.

Criminal Law Committee

Committee Chair: Supervising Magistrate Charlie Rozencwajg

Members: Deputy Chief Magistrates Jelena Popovic and Dan Muling; Magistrates Gerard Lethbridge, Lesley Fleming, Sarah Dawes, Peter Reardon, Suzie Cameron, Fiona Stewart, Jack Vandersteen, Tom Barrett, Donna Bakos, Tony Parsons, Martin Grinberg, Sharon Cure, Peter Mellas, Alison Paton (Court administration representative) and Aranea Carstairs (research officer)

The Criminal Law Committee oversees the implementation of criminal justice in the Magistrates' Court of Victoria in all contexts, be it substantive, procedural or administrative. The committee addresses many diverse issues, ranging from the preparation of court responses to proposed legislation, to drafting prescribed forms for bail applications, gaol orders, etc.

To ensure uniform and effective implementation of its recommendations in key areas, a representative court administration, Alison Paton, is a permanent member of the committee. This year the committee also invited a regional magistrate, Peter Mellas, to represent the interests and unique perspectives of regional courts.

The issues discussed by the committee are frequently aligned with those in the Melbourne Magistrates' Criminal Court Users Group, which was formed in 2008. The group is constituted by representatives of court users including Victoria Police, Law Institute Victoria, Office of Public Prosecutions, Criminal Bar Association, Corrections, Victorian Workcover Authority, Victoria Legal Aid, Forensics Services Department (FSD), Children's Witness Services, and various sub-departments of these agencies.

The Criminal Court Users Group is a vital venue for the Court to consult on proposed initiatives with the various agencies, disseminate information to court users, and provides a forum for discussion and to address problems as they arise. This committee has provided a valuable vehicle for not only the Court to engage with the diverse agencies but for the agencies to interact with each other and develop individual avenues of communication which had not previously existed. The Court thanks the members of this committee for their continued involvement and willingness to address areas of the improvement in the criminal justice system.

Key issues identified and discussed at the Criminal Court Users Group included:

- The application of the *Criminal Procedure Act 2009*. The lack of resourcing of Victoria Police prosecutions and the failure of Victoria Legal Aid and the Law Institute of Victoria to reach a funding agreement have been significant obstacles in producing the benefits of the Summary Case Conference; including decreased contest mentions and summary trials. The committee continues, through its representation on various interagency committees, to attempt to address these issues and ensure that cases are dealt with, without the need for double handling and adjournments, and in accordance with the Court's ability to list
- The commencement of Community Corrections Orders (CCO) on 16 January 2012 (which replaced Community Based Orders, Intensive Corrections Orders, Home Detention Orders and Custody Treatment Orders) challenged the Court to put in place processes that allow Corrections to conduct its investigations in the assessment process whilst minimising the need for additional hearings and delay

- The committee drafted referral forms for the magistrate to complete and indicate the areas contemplated as conditions of the CCO to assist the corrections officer in the assessment process. As a result of these procedures, assessments are usually completed on the same day
- The committee assisted with the development of a procedure whereby a non-evidentiary 'forensic report', akin to a preliminary report, has been produced in relation to DNA analysis and yield statements in cannabis related offences.

The Criminal Law Committee addresses issues aimed at improving the Court's efficiency on a daily basis and attempts to ensure that its resources are utilised in an efficient manner. Initiatives the committee has been involved in over the last year include:

- The early identification of crimes in the context of family violence. The committee has drafted information/checklists for both magistrates and practitioners to ensure that issues such as alternative witness arrangements, cautions and orders pursuant to s357 of the *Criminal Procedure Act 2009* and the need for Child Witness Services are addressed at an early stage and not left until the hearing date
- Drafting the committal checklist requiring the identification of issues such as the privilege against self incrimination and the procedures of s128 of the Evidence Act to be raised prior to the commencement the committal
- Drafting new remand court protocols, which acknowledged the benefits of now having more experienced clerks in such Courts and thereby obviating the need for a midday callover
- Redrafting gaol orders to focus on the appropriateness of the accused appearing via video-link to maximise efficiency and minimise disruption to prisoners. This is coupled with the drafting of video-link guidelines to indicate the nature of hearings that are appropriate for an appearance in this manner
- Drafting of Interpreters guidelines which have been accepted by the Court Administration. The guidelines address efficient utilisation of court provided interpreters to ensure their maximum use. The guidelines make clear that interpreters are to be directed by the Court's multicultural liaison officer and not the legal practitioners. This will permit their use in a number of cases during the session for which they are engaged
- The committee was concerned that too often accused will, after several appearances in the summary stream, suddenly withhold consent to jurisdiction. It therefore recommended that no case be listed for a contest mention or contested summary hearing unless the accused has consented to jurisdiction. That consent could then only be withdrawn with leave of the Court
- Producing guidelines in consultation with CISP/CREDIT and Youth Justice for a realistic assessment of the bail application before undertaking the lengthy and time consuming assessment process. The committee was concerned that the limited resources of CISP/CREDIT were at times being used unnecessarily by practitioners
- Recommending legislative change to s78 (5) of the *Magistrates Court Act 1989* to clarify the permissible use of photographs by informants in relation to the return of search of items seized on execution of a warrant. This was of particular concern to FSD given the OH&S issues raised with clandestine laboratories and the risk of contamination in relation to DNA. That legislation is currently before the legislature and is expected to pass shortly
- Recommending legislative change to s161 of the *Magistrates Court Act 1989* to enable the Chief Magistrate to delegate to judicial registrars the power to impose CCO's that involve unpaid community work and rehabilitation terms but not the punitive terms such as curfew, alcohol exclusion, etc. This will effectively maintain the position as it existed under the previous regime. This is a valuable item in the sentencing armoury for Judicial Registrars. The Chief Magistrate has agreed to place this matter before Council.

The committee also represents the Court participating in reviews and discussion papers of various aspects of the law, including:

- Members of the committee participated in the review of the Bail Act, stage 1 which is now complete
- The Court's response to the Sentencing Advisory Council discussion papers on the proposal for minimum sentences for intentionally or recklessly cause serious injury as well as that for baseline sentences.

In 2011 the committee commenced addressing concerns with the Court's committal stream. This focused on a number of areas such as:

- The lack of productive use of the 3 month period between the laying of a charge and the first committal mention
- The expectation that adjournments of committal mentions will be automatic
- The expectation that there will be no scrutiny by the bench if an informant consents to leave to cross-examine a witness
- Poor drafting of form 32s, including failing to specifically identify issues for cross-examination other than in a general sense
- Grossly inaccurate time estimations for contested committals given by the parties
- The need for alternative witness arrangements or legal advice for witnesses to be addressed prior to the committal date
- That a significant amount of allocated time for contested committals is not utilised due to adjournment, resolution at the door of the Court or the committal proceeding being completed well short of the time estimate given.

Commencing with the filing hearing, the Court endeavoured to make all hearings more productive and efficient. At filing hearing we now often impose timelines short of the 3 months to the first committal mention as well as making directions for the provision of properly formatted CCTV footage in the hand-up brief (remarkably, an item frequently overlooked) and the early lodgement of exhibits for analysis at FSD.

Through communication with sitting magistrates, the Court has also sought to develop a uniform approach in the committal mention Court which exhibits a far more active bench ensuring that 'adjournment' is not the default position and that cases can be stood down to allow for documents such as a Form 32 to be filed, further discussion to take place and any outstanding instructions be obtained on the day.

The need to call witnesses for cross-examination is now also scrutinised as well as the duration of court time requested for allocation to a particular case.

However the current state of the legislation, which the Court had previously requested be amended by government, is still a major impediment to progress in this area.

The practical considerations necessary to ensure the committal proceeds without delay are addressed in the committal checklist which the parties are required to complete and submit to the magistrate.

The committee's recommendation that certain non-complex committals be double listed has been adopted and is expected to shorten the timelines for the listing of committals generally.

Recognising the need for a "whole of court" approach, the Chief Magistrate has initiated a committee to address both administrative and legislative change in this area. The Court will shortly introduce further administrative changes by way of practice directions and Criminal Procedure Rules within the existing legislative structure. It will also make submissions to the Attorney-General recommending legislative change giving the Court far greater power to control the grant of leave to cross-examine witnesses and to restrict the areas of cross-examination to relevant issues.

As always, the law is a dynamic entity and the Court an evolving institution responding to legislative, cultural and administrative change. The criminal law committee is an integral part of this ongoing process and benefits greatly from the diversity of its members. The Court sincerely thanks all the committee members for their assistance and participation which has been essential in addressing the myriad of issues arising within this portfolio.

Sexual Offences List

Legislation creating the Sexual Offences List (SOL) in 2006 was one of many system wide initiatives to reform sexual assault law and practice – the Sexual Assault Reform Strategy ("SARS"). This was primarily in response to the *2004 Victorian Law Reform Commission's Report, Sexual Offences: Law and Procedure.*

Last year we reported upon the favourable analysis of the Magistrates' and Children's Courts performance in the independent **SARS final evaluation report** by 'Successworks' released on 17 April 2011.

The Court subsequently made a comprehensive submission to the government regarding the challenge in sustaining and building upon these successes and how to address some of the areas the report identified for further reform. Part of the significant challenge for the court arises from the unsustainable demand pressures, particularly in cases involving family violence; many of which include sexual assault allegations.

On 28 May 2012 the Court was advised that the Attorney – General had approved the Department of Justice's approach to addressing the outcomes of the sexual assault reform strategy. We were advised that the approach includes:

"Continuing to support the initial reforms; Undertaking research on matters identified for future development to support business cases for further investment; Strengthening links between sexual assault and family violence matters and recognising sexual assault as an important element of work in addressing violence against women."

This is a welcome development and consistent with the Court's submissions.

However, there is now real urgency in acting and investing in this 'approach' given the demand pressures which have continued to grow over the last twelve months and which are projected to continue to grow very quickly over the next 3 to 5 years.

The Court's pressing infrastructure needs must be addressed more broadly. The Court has over many years reported upon the urgent need for buildings and infrastructure upgrades to safely and appropriately meet the needs of vulnerable witnesses; particularly in rural and suburban courts. These concerns have still not been addressed and require urgent attention.

The findings of the evaluation report were comprehensively addressed in last year's annual report. The court has continued to maintain and consolidate those achievements over the last twelve months.

The Magistrates' Court has continued to engage on both a formal and informal level with relevant stakeholders including through membership of a number of key committees including:

- the Judicial College of Victoria. The Court has participated in and presented at a number of sexual assault seminars
- the Child Witness Advisory Committee. The service provides support and remote witness facilities for child witnesses appearing in the Melbourne Magistrates' Court from a dedicated child friendly facility and outreach support to children appearing as witnesses in Country Magistrates' Courts
- The Department of Justice, Criminal Law Policy, Review of the *Crimes Act 1958* – Specialist Sexual Offences Advisory Group
- The Interactive Legal Education Project (ILEP) Advisory Committee
- Delivering presentations in relation to sexual offence issues to Victoria Police, Victoria Legal Aid and as a participant in the ILEP project.

Deputy Chief Magistrate Felicity Broughton has continued in her role as Supervising Magistrate of the Sexual Assault Portfolio. In recognition of the need to strengthen links between sexual assault and family violence matters, Deputy Chief Magistrate Felicity Broughton has now also assumed the role of Supervising Magistrate for Family Violence and Family Law jointly with Magistrate Kate Hawkins.

The Court would again like to acknowledge the high level of engagement and co-operation received from stakeholders to the ongoing process of reform.

Sexual Assault Management Committee

Committee Chair: Deputy Chief Magistrate and Supervising Magistrate Felicity Broughton

Members: Magistrates Clive Alsop, Donna Bakos, Jennifer Bowles, Amanda Chambers, Ann Collins, Sarah Dawes, Jo Metcalf, Peter Reardon, Duncan Reynolds, Jenny Tregent, Jack Vandersteen, Susan Wakeling and Belinda Wallington; Sexual Offences List coordinators, Melanie Quinn (2011), Kimberley Owens (2011) and Filipa Goncalves (2012); and Legal Research and Judicial Support Officers Lisa Lee (2011) and Aranea Carstairs (2012).

The Sexual Assault Management Committee meets bi-monthly and has active participation from metropolitan, rural and Children's Court magistrates. The primary focus of the committee continues to be with sexual offence issues in the criminal jurisdiction of the Courts and issues associated with the Sexual Offences List.

In summary, the committee considered the following:

- Considering and making a response to the Sexual Assault Reform Strategy (SARS) final evaluation report
- Addressing issues associated with the operation of Therapeutic Treatment Orders including adding new Courtlink codes
- Considering and making submissions to the Victorian Law Reform Commission in relation to the review of the *Sex Offenders Registration Act 2004*
- Considering issues associated with discretionary sex offender registration applications and necessary Courtlink modifications
- The continuing challenges presented in the management of child pornography prosecutions
- Considering the usefulness of the pilot program which has been providing pre-sentence clinical assessments of sex offenders at Melbourne Magistrates' Court
- Considering anomalies in relation to sexual assault issues under the *Personal Safety Intervention Orders Act 2010*
- Considering further improvements to the way vulnerable witnesses give evidence including improvements to the procedures for the use of alternative arrangements, the creation of a new booking form and considering the way in which registered intermediaries are used in the United Kingdom
- Contributing to the development of the Child Witness Service interactive website.

Special acknowledgement is warranted for the previous Sexual Offences List Co-ordinator, Melanie Quinn who moved to another role within the Court in late 2011. Melanie performed an outstanding role over many years and made a particular contribution to supporting the Court's involvement with the SARS evaluation.

Civil

There are three main areas of the Court's civil jurisdiction:

(a) the general civil jurisdiction

(b) the jurisdiction conferred by the *Accident Compensation Act 1985* and the *Workers Compensation Act 1958*

(c) proceedings within the Industrial Division, including other disputes between employers and employees.

General civil jurisdiction

This jurisdiction deals with causes of action where the amount claimed does not exceed $100,000 or, in the case of equitable relief, the value of the relief does not exceed $100,000.

Within this jurisdiction, there is a sub-set entitled "arbitration for small claims". Unless the Court orders or the regulations provide otherwise, all complaints must be referred to arbitration where the amount of monetary relief is less than $10,000. There are two distinctive features of arbitration for a small claim – the rules of evidence and procedure may be relaxed; and the costs of the successful party are regulated at an amount less than that obtainable normally in the Court.

As mentioned in the 2010/11 Annual Report, the Court introduced two sets of civil procedure rules. The main set sought to align the rules of civil procedure with those in the County and Supreme Courts. The *Civil Procedure Act 2010* ('the Act') also commenced. Both the new rules and the Act have now operated for about 18 months.

Looking back over the year, one can identify changes within the Court, which have been effective:

- changes to the pleading of claims and defences, especially the latter, have drawn more useful information than before. The changes were a conscious attempt to make pleadings a source of real information. Previously, across jurisdictions, the universal complaint had been that pleadings do not work to identify the real issues in dispute. To an extent, the Court's changes have achieved that result. Even so, the experience in early neutral evaluation shows that the parties, especially defendants often do not know enough about their positions
- the multi-streamed approach of the Court to ADR has been successful by resolving many disputes. The object of the Court has been to intervene early in the litigation process so that resolution of the dispute will result in savings of cost and time. These processes comprise pre-hearing conferences conducted by the Court's registrars and deputy registrars; the civil mediation programme conducted by mediators provided by the Dispute Settlement Centre of Victoria; mediations conducted by registrars or deputy registrars or by external mediators; and early neutral evaluation.

WorkCover

The objective of the WorkCover jurisdiction is to hear and determine matters under the *Accident Compensation Act 1958* and the *Workers Compensation Act 1958* as expeditiously as possible.

The Court has jurisdiction to hear and determine matters under the *Accident Compensation Act 1958* and arising out of decisions of the Victorian WorkCover Authority, authorised insurer, employer, self-insurer or conciliation officer.

As a result of legislative amendments in April and October 2010, the number and complexity of workers compensation cases issued in the court has increased greatly. The number of complaints issued this year will be approximately the same as the previous year. However, there was a 56 per cent increase over the three previous years.

Pursuant to section 43 (1) of the *Accident Compensation Act 1958*, the court now has a like jurisdiction to consider any question or matter pursuant to the *Accident Compensation Act* and the *Workers Compensation Act* that the County Court has jurisdiction to consider. The only exception is that the court cannot grant a serious injury certificate for common law damages purposes.

Complaints arising in the metropolitan area are issued out of the court at Melbourne. WorkCover complaints originating outside the metropolitan area are heard and determined by magistrates at Ballarat, Bendigo, Geelong, Mildura, Latrobe Valley, Wangaratta and Warrnambool.

Decisions made in the WorkCover jurisdiction are published on the Magistrates' Court and Victorian WorkCover Authority websites.

Industrial

The work of the Industrial Division is concerned primarily with disputes between employees and employers over employee entitlements, whether those entitlements arise under a contract of employment, an industrial instrument or the *Fair Work Act (Cth) 2009*.

Prosecutions for breach of industrial instruments and of the *Fair Work Act (Cth) 2009* are regularly dealt with by the Division, as well as hearing and determining prosecutions under the *Long Service Leave Act 1992*.

The list is managed from the Melbourne Magistrates' Court and, when required, arrangements are made for hearings to be conducted in regional courts.

There were 157 complaints issued in the Industrial Division during the reporting period. This is a 33 per cent increase compared to 2010/11.

Mediation

A strong emphasis is placed upon the role of the mediation of cases brought in the division. Judicial registrars have assisted in the resolution of many claims.

Alternative Dispute Resolution (ADR)

The nature of the forms of ADR was set out in last year's Annual Report. After a hesitant start, early neutral evaluation has proven successful in resolving disputes early in the litigation process. The results have been so encouraging that the programme has left its pilot stage to become a permanent, although limited, feature of the Court's ADR processes.

During the reporting period, 71 per cent of the matters referred to ADR were resolved.

During the year, the civil mediation programme expanded to Ballarat, Sale and Shepparton. It now operates out of seven court locations. A trial also commenced at the Broadmeadows Court using single mediators on certain types of cases. The model used by the Dispute Settlement Centre of Victoria involved the use of two mediators. The trial sought to explore whether the use of a single mediator was viable for the Court's disputes. The extent and the period of pilot has been extended to enable a proper assessment.

Civil Rules Committee

Committee Chair: Deputy Chief Magistrate and Supervising Magistrate Peter Lauritsen

Members: Magistrates Barry Braun, Franz Holzer and Brian Wright; Judicial Registrar Barry Johnstone; Deputy Registrar Mark Vendy; Court Advice Officer Alison Paton; Solicitors, Robert White and John Dunne; Barristers, Frank Ravida and Justin Foster; Deputy Chief Parliamentary Counsel, Judith Middleton and Parliamentary Counsel, Christine Petering.

During the year, the Committee met on twelve occasions. From its work, the following rules of court were made:

a. Magistrates' Court General Civil Procedure (Amendment No. 1) Rules 2011

b. Magistrates' Court General Civil Procedure (Amendment No. 2) Rules 2011

c. Magistrates' Court General Civil Procedure (Scale of Costs and Fees Amendment) Rules 2011

d. Magistrates' Court General Civil Procedure (Amendment No. 3) Rules 2012

e. Magistrates' Court General Civil Procedure (Amendment No. 4) Rules 2012

f. Magistrates' Court (Miscellaneous Civil Proceedings)(Amendment No 2) Rules 2012.

The Court thanks the efforts of all members of the Committee during the year.

Dispute Resolution Committee

Committee Chair: Deputy Chief Magistrate Peter Lauritsen

Members: Magistrates Brian Wright and Franz Holzer; Principal Registrar Simone Shields; Deputy Registrar Mark Vendy; Marcel Alter; Carey Nichol; Robert Vial; Gina Ralston and Nerida Wallace.

Robert Vial retired from the committee during the reporting period.

During the year, the Committee examined and formulated two initiatives in the way appropriate dispute resolution is conducted in the court:

(a) early neutral evaluation

(b) the single list of external mediators.

The Court thanks the efforts of all members of the Committee during the year.

Intervention Orders

Jurisdiction

The Court can make intervention orders to protect people who have experienced violent, threatening or abusive behaviour. There are two types of intervention orders:

- Family violence intervention orders made under the *Family Violence Protection Act 2008* to protect family members from family violence.
- Personal safety intervention orders made under the *Personal Safety Intervention Orders Act 2010* to protect people from stalking and other prohibited behaviours where there is no family relationship, such as where the parties are neighbours or friends.

Applications for an intervention order can be made by the affected person or family member, the police, parents or guardians of an affected child, and certain other persons with leave of the court. An application for an intervention order can be made at any magistrates' court in Victoria. Application forms and information about how to apply are available on the Court's website.

Intervention order growth

During the reporting period there were:

- 31,332 family violence intervention orders granted across the state (interim and final orders)
- 9,224 personal safety intervention orders granted across the state (interim and final orders).

As the above figures indicate, the court is experiencing significant growth and demand within the intervention order jurisdiction. Over the last 10 years, there has been an 88.9 per cent increase in the number of family violence intervention orders finalised and an 86.1 per cent increase in the number of personal safety intervention orders finalised. This increase is putting increasing pressure on court staff, magistrates, legal services and support services who respond to people with family violence and personal safety matters. The Court is continuing to explore ways to accommodate the growth within the intervention order jurisdiction, both through reviews of internal procedures and listing practices and in partnership with other stakeholders.

More details about the Family Violence Specialist Services can be found on page 48.

Implementation of *Personal Safety Intervention Orders Act 2010*

On 5 September 2011, the *Personal Safety Intervention Orders Act 2010* (the PSIO Act) commenced, replacing the existing *Stalking Intervention Orders Act 2008*. The PSIO Act introduced a range of reforms to the way the court determines non-family violence intervention order applications, primarily:

- emphasising the use of mediation services at the earliest opportunity for appropriate interpersonal disputes
- strengthening protections for victims of assault, sexual assault, harassment, property damage or interference with property, stalking and serious threats
- providing the Court with power to direct parties to attend a mediation assessment and, if assessed as suitable, to attend mediation.

To manage these reforms, the Court established the Personal Safety Intervention Orders Implementation Team. The implementation team consisted of a project manager and two project officers. It was overseen by the Manager, Specialist Courts and Court Support Services. The implementation team undertook the following functions to support the commencement of the PSIO Act:

- managed modifications to the Court's case management systems to adapt to the PSIO Act
- developed and delivered training to Court staff across Victoria
- liaised with the Dispute Settlement Centre of Victoria to develop operational guidelines for the referral to mediation program
- developed publications and materials to assist court users with the PSIO system
- liaised with the Office of Parliamentary Counsel in the drafting of subordinate instruments to support the management of the jurisdiction
- developed and updated court forms
- represented the Court on the PSIO implementation committee
- liaised with PSIO Lead Magistrate Gerard Lethbridge and the Judicial College of Victoria on training for magistrates.

Since the introduction of the PSIO Act, there has been a significant increase in the number of matters that are referred to mediation, and which resolve at mediation, without the need for a court hearing.

Family Law

Jurisdiction

The Magistrates' Court has jurisdiction to deal with a number of cases under the *Family Law Act 1975* (Cth), the *Child Support (Assessment) Act 1989* (Cth) and the *Marriage Act 1961* (Cth). Access to the family law jurisdiction in the Magistrates' Court is particularly valuable for rural residents because sittings of the Federal Magistrates' Court and Family Court may not occur frequently in country areas.

In any year, the Court deals with a variety of applications at all its locations. These include:

- children's matters either on an interim basis or by consent
- property and maintenance proceedings arising from married and de facto relationships if the value does not exceed $20,000 or the parties consent
- child maintenance orders under section 66G of the *Family Law Act 1975* (Cth)
- section 117 departure orders for assessments in special circumstances under the *Child Support (Assessment Act) 1989* (Cth)
- declarations relating to whether persons should be assessed from payment of child support under section 106 of the *Child Support (Assessment Act) 1989* (Cth)
- declarations of parentage under section 69VA of the *Family Law Act 1975* (Cth)
- injunctions for the welfare of children under section 68B of the *Family Law Act 1975* (Cth)
- recovery orders for the return of a child under section 67U of the *Family Law Act 1975* (Cth)
- the appointment of independent children's lawyers under section 68L of the *Family Law Act 1975* (Cth)
- consent to the marriage of minors under section 12 of the *Marriage Act 1961* (Cth).

During the reporting period, Magistrate Cathy Lamble and Judicial Support Officer, Catherine Caruana, worked on the development of a Family Law Bench Book for magistrates. A judicial editorial committee reviews the content of the Bench Book, which is due for publication on the Court's intranet by the end of 2012.

Exercising Family Law Jurisdiction in Family Violence Cases

There is an important relationship between the family law and the family violence jurisdiction of the Magistrates' Court. Many incidents of violence occur in the context of ongoing parenting arrangements following separation or divorce. Section 90(2) of the *Family Violence Protection Act 2008* requires the court to use its power under section 68R of the *Family Law Act 1975* (Cth), to revive, vary, discharge or suspend the provisions of family law orders relating to contact if the family law order is inconsistent with the conditions of an intervention order the court proposes to make.

Family Violence and Family Law Portfolio Committee

Committee Chair: Deputy Chief Magistrate Felicity Broughton and Magistrate Kate Hawkins

Members: Magistrates Amanda Chambers, Ann Collins, Caitlin English, Anne Goldsbrough, Annabel Hawkins, Cathy Lamble, Gerard Lethbridge, Jo Metcalf, Denise O'Reilly, Pauline Spencer, Noreen Toohey, Belinda Wallington, Susan Wakeling and Michael Wighton, together with Mereana White and Catherine Caruana from the Family Violence Projects and Initiatives Unit.

The work of the committee included:

- monitoring the operations of the court in relation to family violence, personal safety and family law throughout the state, with particular emphasis on the Family Violence Court Division (FVCD) and Specialist Family Violence Services (SFVS)
- considering strategies for managing the growing demand within the intervention order jurisdiction
- considering the recommendations from both the Australian and New South Wales Law Reform Commissions' family violence inquiry and reviewing court forms in response to those proposals
- contributing to the development of the Family Law Bench Book as well as updates to the Family Violence Bench Book to reflect legislative amendments and practice innovations a chapter on the social context
- developing professional development programs for magistrates including a workshop for a group of magistrates from across the state in June 2011 and a session on family violence and crime at the professional development day in July 2011
- contributing to consultations with the Department of Justice about the Personal Safety Intervention Orders Act 2010, extension of the use of family violence safety notices, other amendments to the *Family Violence Protection Act 2008*, and review of the Family Violence Rules
- contributing to the implementation of the Koori Family Violence Support Program in the Melbourne Magistrates' Court
- reviewing the way criminal matters arising from allegations of family violence are identified and managed
- preparing a submission to the Department of Justice about the creation of an indictable offence for second and subsequent breaches of intervention orders
- consulting about changes to procedures in the Family Violence Court Intervention Program for men who do not comply with counselling orders made by the FVCD.

Victims of Crime Assistance Tribunal Committee

Supervising Magistrates: Magistrates Amanda Chambers and Andrew Capell

Committee Chair: Magistrate Amanda Chambers

Committee Members: Deputy Chief Magistrates Dan Muling and Felicity Broughton, Magistrates Susan Wakeling, David Fanning, Cathy Lamble, Duncan Reynolds, Ann Collins, Tony Parsons and Judicial Registrar, Sharon McRae. Registry staff were represented by Robert Challis (Principal Registrar), Melanie Quinn (Acting Standards and Compliance Officer), and Sandra Tennant (Registry Manager).

The VOCAT Coordinating Committee met on a monthly basis over the reporting period and considered a range of issues, including:

- The development and implementation of a pilot at the Melbourne, Heidelberg and Ringwood venues where judicial registrars consider and determine applications for assistance. The 12 month pilot commenced in February 2012, and allows Judicial Registrars to determine an application for assistance made by a primary or secondary victim, except where:
  - applications filed outside the 2 year time limit
  - applications where the act of violence alleged is a sexual offence
  - applications where the act of violence arises in circumstances of family violence and the alleged offender is a family member.

In June 2012, the committee agreed to widen the parameters of the delegation so that judicial registrars can conduct hearings where necessary. It is anticipated that judicial registrars will assist the Tribunal in managing the increasing demand for financial assistance.

- The ongoing operation and oversight of the Koori VOCAT List
- Development of Instrument of Delegation issued by the Chief Magistrate and associated protocols for the delegation of powers to judicial registrars
- Development and publication of amended guideline – Legal Costs Guideline – Guideline 1 of 2012
- Reviewing and considering the issues raised by system deficiencies in the regulation of counselling services provided to victims of crime. Ongoing liaison with the department in respect of this issue and particular instances of concerning practice by private practitioners. Consideration of the Victim Support Agency Analysis of Counselling for Victims of Crime report
- Reviewing and distributing to tribunal members the outcome of applications to the Victorian Civil and Administrative Tribunal (VCAT) for the review of tribunal decisions
- Identifying relevant content for inclusion in training and professional development events for magistrates and registrars
- Monitoring statistical information across venues regarding the increasing number of applications for assistance lodged and determined, awards of assistance made (including interim awards), and the amount of assistance awarded
- Management of subpoenas issued for the production of Tribunal files to protect the confidential documents held in the possession
- Undertaking a review of legal publications, information guides to ensure plain language information about the Tribunal is available to assist applicants, the victim support network and wider community to access, understand and navigate through the Tribunals practices and procedures
- Reviewing and amending correspondence generated by the Tribunals case management system to victims and agents to better inform them of the progress, requirements and outcomes of their application before the Tribunal
- Review of listing and case management practices aimed at developing and implementing system and process initiatives to improve the Tribunals operational efficiency
- The tribunal's management of, and response to, applications for financial assistance arising from the 2009 Victorian Bushfires.

Members of the Committee participated in:

- The provision of VOCAT training to new magistrates through group training sessions, and ongoing professional development of magistrates at intensive training sessions
- Liaison with Victoria Police to further facilitate tribunal access to accurate and timely police information
- Continuing professional development and information sessions for staff of the Victims Assistance and Counselling Program
- Liaison with the Aboriginal Victims of Crime Coordinator at the Victims Support Agency and with the AFVPLS
- Providing information about the tribunal at an Open Day at the Melbourne Magistrates' Court during Law Week 2012

- Regular meetings with the Victims Support Agency to discuss issues relating to services to victims of crime
- Training for service providers, lawyers, psychologists in the Sunraysia Region
- Regular meetings of the Victim Impact Statement Steering Committee, convened by the Department of Justice, leading to legislative reform in this area
- Further details about the Victims of Crime Assistance Tribunal can be found in their annual report.

Municipal Electoral Tribunal

The Municipal Electoral Tribunal ('the tribunal'), constituted under the Local Government Act 1989, hears disputes arising from Victorian local government elections. The tribunal is constituted by a magistrate appointed by the Attorney-General. A candidate or ten voters at an election may apply, in writing and within 14 days of the result, for the tribunal to conduct an inquiry into the election.

Upon conducting the inquiry and listening to any evidence called, the tribunal may:

- declare that any person declared duly elected, was not duly elected
- declare any candidate duly elected who was not declared, duly elected
- declare an election void
- dismiss or uphold an application in whole or in part
- amend or permit the amendment of an application
- order the inspection and copying of documents in connection with the election
- undertake a preliminary review of an application
- award any costs it deems appropriate.

While the rules of evidence do not apply, and the tribunal must act without regard to technicalities or legal forms, the burden of proof remains at all times with the applicant. Application for a review of a decision of the tribunal is made to the Victorian Civil and Administrative Tribunal (VCAT).

The tribunal continues to provide an efficient and effective forum for examination of the conduct of disputed local government elections.

The tribunal did not sit during the reporting period.

Specialist Courts and Support Services

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Specialist Family Violence Service and Family Violence Court Division

Structure of the Jurisdiction

The court hears and determines intervention order applications in all courts. There is a range of support services available at most courts to assist applicants with the intervention order process, including court registrars, court network officers, legal services, dispute assessment officers and community support agencies. There are also five specialist family violence courts, which provide additional support and services to people affected by family violence.

The Family Violence Court Division is located at Ballarat and Heidelberg courts. Its establishment and powers are set out in the *Family Violence Protection Act 2008*. The Division has additional specialist staff and support services, including a family violence registrar, family violence support workers, legal services and community outreach services. Magistrates sitting in the Division can also order eligible respondents to attend a mandated men's behavioural change program aimed at changing violent and abusive behaviour.

The Specialist Family Violence Service is located at Melbourne, Frankston and Sunshine / Werribee courts. The Specialist Family Violence Service courts share most of the features of the Division, except that they do not have a legislative base and magistrates sitting in these courts do not have the power to order respondents to attend a mandated men's behaviour change program. However, these courts have established relationships with voluntary men's referral services.

Management of the Jurisdiction

Deputy Chief Magistrate Felicity Broughton and Magistrate Kate Hawkins hold the position of Supervising Magistrates, Family Violence and Family Law, following Magistrate Lamble's resignation from the position in June 2011. Magistrate Gerard Lethbridge is the Supervising Magistrate, Personal Safety. The Family Violence Programs and Initiatives Unit is responsible for operational and policy work within the jurisdiction and supporting the three Supervising Magistrates.

A lead magistrate, as well as the senior registrar, family violence registrar and family violence support workers, support operations at each of the Family Violence Court Division and Specialist Family Violence Service courts.

The Family Violence Supervising Magistrates chair the Family Violence and Family Law Portfolio Committee, an internal committee of family violence magistrates. Members of the Portfolio Committee provide feedback about the operation of the *Family Violence Protection Act 2008* and *Personal Safety Intervention Orders Act 2010,* lead professional development for magistrates in the jurisdiction and guide best practice in intervention order proceedings.

Refer to page 44 for the Family Violence & Family Law Committee Report.

During the reporting period, the court continued its active involvement in a number of external family violence committees and groups, including:

- the Department of Justice Family Violence Steering Committee
- the Family Violence Statewide Advisory Committee
- the Family Violence Stakeholders Reference Group
- the Koori Family Violence Court Support Program
- the Victoria Police / Magistrates' Court Family Violence Committee
- the Coroner's Court Systemic Review of Family Violence Deaths Reference Group.

Koori Family Violence Court Support Program

The Koori Family Violence Court Support Program commenced operations at the Melbourne Magistrates' Court in July 2011. The Program assists Aboriginal and Torres Strait Islanders families who have a family violence matter at the Melbourne Magistrates' Court. The Program employs a Koori Men's and Women's Family Violence Support Worker, who provide support and information about the court process and family violence services. The Program is being piloted until 30 June 2013.

Professional development

The Court is committed to ensuring magistrates and staff receive high quality judicial education and training about family violence. Professional development activities over the reporting period include:

- a workshop for magistrates on the new personal safety intervention order scheme
- a workshop for magistrates on family violence related matters in the criminal jurisdiction
- family violence induction training for all new magistrates
- training for country magistrates in family violence and family law
- a two day conference for all registrars on the legislative and procedural changes introduced by the new personal safety intervention order scheme
- a seminar for registrars looking at procedural issues within the intervention order system, as well as a session on vicarious trauma / burnout
- a peer support and professional development day for family violence support workers.

Business improvements and efficiencies

To assist with growing intervention order demand, the Court continues to investigate and maximise efficiencies in the jurisdiction. Key projects implemented over the reporting period include:

- a statewide review of intervention order listing practices and demand to better manage caseload
- commencement of technical upgrades to the Court's case management system to facilitate the flow of intervention order information between the Court and Victoria Police
- securing three additional registrar positions at Dandenong, Broadmeadows and Bendigo Magistrates' Courts to assist with intervention order demand.

Judicial activities and community engagement

During the reporting period, magistrates and staff were actively involved in a range of family violence reform and community engagement activities, including:

- hosting family violence information sessions for judges, politicians and government officials from a number of jurisdictions, including NSW, South Australia, New Zealand, Zimbabwe and China
- preparing submissions on law reform projects, including findings from the Coroner's Court Systemic Review of Family Violence Deaths, the Australian Law Reform Commission's *Family Violence Report*, the Victorian Government's A*ddressing Violence against Women and their Children Action Plan* and the Commonwealth Government's proposal for a national DVO register
- attending a number of family violence related events, including the launch of the Office of Public Prosecution's Family Violence Policy and the White Ribbon day.

Koori Court

The need for a Koori Court arose due to the over-representation of Aboriginal and Torres Strait Islander people across all levels of the criminal justice system. Despite Victoria having the lowest imprisonment rate of Indigenous offenders in Australia (with the exception of Tasmania), in 2001 it was estimated at the commencement of the adult Koori Court pilot, that Koories were 12 times more likely to be imprisoned than other Victorians.

The Koori Court is a division of the Magistrates' Court established under the Magistrates' Court Act. The Koori Court offers an alternative approach to sentencing by enhancing the ability of the Court to address the underlying issues that lead to a person's offending, and to put in place programs and treatments designed to address these issues. By doing this, the Koori Court can have a significant effect on reducing re-offending by accused persons who appear before it.

The Koori Court has the following aims:

Criminal justice aims

- to reduce Indigenous over-representation in the prison system
- to reduce the failure to appear rate at court
- to decrease the rates at which court orders are breached
- to reduce the rate of repeat offending
- to deter crime in the community generally
- to increase community safety.

Community building aims

- to increase Indigenous ownership of the administration of the law
- to increase positive participation by Koori offenders and community
- to increase accountability of the Koori community for Koori offenders
- to promote and increase community awareness about community codes of conduct/standards of behaviour.

Current locations

The Koori Court program has grown significantly from its initial pilot locations of Shepparton (2002) and Broadmeadows (2003). In 2011/12, adult Koori Courts sat regularly at Shepparton, Broadmeadows, Warrnambool (on circuit to Portland and Hamilton), Latrobe Valley, Bairnsdale, Mildura and Swan Hill. Children's Koori Courts also operated at Melbourne and Mildura, while a County Koori Court is currently being piloted at Latrobe Valley.

Children's Koori Court expansion

The Melbourne Children's Koori Court expanded its catchment area in the second half of 2011/12 to incorporate the southern and eastern Metropolitan regions. Previously, this court only heard matters originating from the Northern and western Metropolitan regions.

Following significant consultation with the Koori Community and associated stakeholders in Barwon South West, the Children's Koori Court jurisdiction has been expanded to the Warrnambool Circuit, and sat for the first time in Warrnambool on 28 June 2012. The Court will continue to explore options for the further expansion of the Children's Koori Court jurisdiction to established Koori Court sites during 2012/13.

Activity

For the 2011/12 year, the Koori Courts sat on 156 occasions and finalised 740 matters.

Workforce

The Koori Court currently employs 60 Aboriginal Community elders and Respected Persons around the State, along with an additional 14 operational program staff members. The Courts remain the largest employer of Aboriginal and Torres Strait Islander staff members within the Department of Justice. In addition, approximately 30 Magistrates regularly sit at the various Koori Court locations around the state.

Professional Development and Community Engagement

A range of professional development activities have occurred during 2011/12, including the delivery of Koori Court Stakeholder Refresher Training at a majority of Koori Court locations, with the remaining locations to receive this training in early 2012/13. A number of Koori Courts conducted site visits to other Courts and Justice related facilities around the state, including Baroona Youth Healing Centre and Wulgunggo Ngalu.

The first of a regular series of community engagement events have been held at each Koori Court location, and will become a biannual event at each Koori Court.

Case Study

At the age of 39, a Koori man with history of chronic alcoholism committed an aggravated burglary in the home of a sleeping woman and her two children. He was charged with offences relating to that aggravated burglary and the theft associated with it, as well as with some earlier offences relating to thefts from cars.

He had an extensive criminal history commencing in the Children's Court, including street offences, traffic matters, drug possession and serious violence related offences, and had served several terms of imprisonment.

After being charged with these offences, the accused man attended at the court and approached the Koori Court Officer for a referral to Warrakoo Rehabilitation Hostel. He commenced residential rehabilitation at Warrakoo shortly after.

The matter was heard in Koori Court. A victim impact statement was tendered to the court, which detailed the sense of violation experienced by the victim of the aggravated burglary. The victim impact statement was read out in court. Additionally, the Court received a joint report from the Senior Supervisor and Life Skills Co-ordinator from Warrakoo indicating the excellent progress being made by the accused man. Additionally, a report from a psychologist was tendered at the hearing which detailed his alcoholism but stressed the important changes he was making in his life through his motivation at Warrakoo.

After a lengthy hearing, the court adjourned the case for 4 months to enable the accused to complete the Warrakoo residential program. The court ordered that he be assessed for a Community Corrections Order prior to the next hearing date.

On the return date, further reports were tendered which spoke of his exceptional motivation and commitment to rehabilitation, his assistance to the maintenance and upkeep of Warrakoo and his ability to motivate other program participants to do the same.

He produced certificates evidencing his completion of several TAFE courses (Navigate in remote, trackless areas, Introduction to Site assessment, Record information about country, Work Safely in the construction industry, National OHS construction induction training, Basic Emergency Life Support). Additionally, he participated in a Cultural Immersion Course and completed an Anger & Stress Management, Dealing with Aggressive People training course.

Although the victim was not present at the hearing, he repeated several times how ashamed he was of his behaviour and how sorry he was. He prepared a letter to be given to the victim in which he reiterated his understanding of the trauma suffered by the victim and his remorse.

The assessment for a Community Corrections Order found him suitable, and he was placed on a 12 month Community Corrections Order with a supervision component as well as a condition that he continue to undergo alcohol rehabilitation as deemed appropriate.

Drug Court

The Drug Court has been located at the Dandenong Magistrates' Court for ten years. It combines the powers of the criminal justice system with a therapeutic focus on treating drug and alcohol dependency and other complex needs.

The Drug Court is a division of the Magistrates' Court and is responsible for the sentencing and supervision of offenders who have committed offences to which drug and/or alcohol dependency is a contributing factor. Offenders accepted onto the Drug Court program are placed on a Drug Treatment Order (DTO). Under the order, the magistrate sentences an offender to a term of imprisonment not exceeding two years.

This sentence is not activated provided an offender complies with the two-year supervision and treatment component of the DTO.

Supervision and Treatment

The particular purposes of the supervision and treatment component of the DTO include the following:

- to facilitate the rehabilitation of the offender by providing a judicially-supervised and therapeutically orientated drug and/or alcohol treatment and supervision program
- to take account of an offender's drug and/or alcohol dependency
- to reduce the level of criminal activity contributed to by a drug and/or alcohol dependency
- to reduce the offender's overall health risks.

The supervision and treatment component of the DTO contains strict conditions. The offender is required to undergo drug and/or alcohol testing and treatment, to attend supervision, and to appear back before the Drug Court on a regular basis. The Drug Court Magistrate can activate various periods of imprisonment if the offender does not comply with the conditions of the order or commits further offences. The Drug Court Magistrate may also cancel the treatment and supervision component of the DTO and commit the offender to serve their imprisonment term.

To maximise effectiveness, treatment and planning takes a holistic approach including mental health and other psycho-social needs with a view to promoting sustainable stability in their future and assist them towards a good life.

Presiding magistrate

Until March 2012, the Drug Court was presided over by the Drug Court Magistrate, Margaret Harding. Magistrate Harding held the role of Drug Court magistrate for almost 10 years. During that time she led a professional multi-disciplinary team made up of a Program Manager, Registrar, Case Managers, Clinical Advisors, Legal Aid solicitor, Police Prosecutors and Liaison Officer and the Drug Court Homelessness Assistance Program housing support workers and other service providers.

Criteria for Drug Court

Under section 18Z of the *Sentencing Act 1991*, offenders are eligible for referral to the Drug Court if they:

- plead guilty
- reside within the postcode areas specified in the government gazette
- are willing to consent in writing to such an order
- are likely to have a sentence of immediate imprisonment.

Referrals can be made by any Magistrates' Court if the offender appears to meet the above criteria. Referrals can also be made by the County Court on appeal from the Magistrates' Court.

If a matter is accepted on referral, an initial screening by a Drug Court case manager takes place. If found eligible, the matter is then adjourned for three weeks to allow for a suitability assessment to be conducted by a Drug Court clinical advisor and the Drug Court Senior Case Manager.

On the balance of probabilities, the Drug Court must be satisfied that:

- the offender is dependent on drugs and/or alcohol
- the offender's dependency contributed to offending
- the offending must be within the sentencing jurisdiction of the Drug Court and be punishable by imprisonment
- the offending must not be a sexual offence or involve the infliction of actual bodily harm other than of a minor nature
- the offender must not be subject to a parole order, CCO, or Supreme Court or County Court sentencing order
- the Drug Court considers that a sentence of imprisonment is appropriate
- the Drug Court considers that it would not have ordered that the sentence be served by way of a suspended sentence.

The DTO is administered in a manner consistent with therapeutic principles, and the Drug Court magistrate engages with the participant and structures the court process to maximise therapeutic potential. Whilst the magistrate has ultimate responsibility for decision-making, she adopts a team approach in managing participants, taking into account mental health, clinical correctional and other life perspectives. This therapeutic jurisprudential approach is a fundamental shift from the mainstream management of offenders.

Rewards and Sanctions

The Drug Court uses rewards and sanctions to assist in enabling behavioural change. The Drug Court Magistrate also uses rewards and incentives to acknowledge a participant's positive progress.

Rewards can include:

- positive praise
- decreased supervision and court appearances
- removal of imprisonment sanctions
- removal of imposed community work
- certificates
- food vouchers
- early completion.

Sanctions are used as a motivator for participants to comply with the conditions of the order to achieve the therapeutic goals of the DTO.

Sanctions include:

- verbal warnings
- new conditions by way of variations
- increased supervision and/or drug testing
- community work
- imprisonment days.

Benefits

For those who successfully complete the Drug Court program, rehabilitation means a new freedom from drug use and drug related offending, and the opportunity to become positive members of the community and to live a good life.

Other benefits to participants include:

- helping to eliminate criminal offending and time spent in custody
- harm minimisation and improved health including mental health
- improved employment prospects and training.

Benefits to the community include:

- greater sense of personal and community safety
- fewer victims of crime
- reduced justice costs due to lower re-offending rates
- improved community health and well being
- lower drug and alcohol related health costs
- less welfare dependency and associated costs.

Poem written by Drug Court participant

Drug Court not your last resort
You can always do the jail
But why waste your time
Living in a cell it's not hell
But as the years pass bye
And you sit 'n' cry waiting
To die just for a high
It's not worth it in time
Comes da crime the lyin' 'n' skams
Now in Drug Court with
da help and support
from a team of workers that know
Where u want to go.
They got da knowledge
U just gotta try and they'll know da way.
I see Drug Court as a chance to change
My life as a thug on drugs
To a calm place with the human race.
The more u try the more they give
Which is a big incentive
To stay clean and clear
And Live

Drug Court Case Study

John* is a 45 year old man from the City of Greater Dandenong. He was assessed for the Drug Treatment Order in late 2010. John reported having a tumultuous upbringing, which featured violence and alcoholism within the family home. He was introduced to alcohol at the age of 10 and began drinking on a regular basis soon after. From these beginnings, John then progressed to the abuse of amphetamines, benzodiazepines and heroin by the age of 13. John's first contact with the criminal justice system was at 12 years old when he was arrested for shop theft and causing a public nuisance. By the time John applied for a DTO, he had been in and out of custody multiple times for offences he had committed while under the influence of drugs and alcohol, or as a means of obtaining his drugs of dependence. In addition to the childhood trauma and severe substance dependence, John also presented with significant issues of anxiety and depression. John's chances for rehabilitation looked bleak.

John was granted an opportunity to participate on the Drug Treatment Order by the Drug Court Magistrate in late 2010. At first, he found it difficult to keep up with all the requirements of the DTO: attending for drug testing three times per week, in addition to weekly attendance for Court Reviews, as well as individual sessions with his Case Manager, Clinical Advisor, Alcohol and Other Drug Counsellor and Housing Support Worker each week. This was made even more difficult as John had become a new father and was going through custody applications with DHS. The wheels fell off quickly in the first two months, and John's addiction to heroin would not let him go. John spent two periods of 14 days in custody on sanctions as a result of the chaos he was experiencing.

Eventually, through the support of the Drug Court Magistrate and John's team of health workers, he was able to gradually reduce and cease his heroin use. He then went into a detoxification unit to stabilise himself before stopping drinking and cannabis use. John became stronger, happier and healthier and was granted sole custody of his new baby girl 12 months after commencing the Order. Through his determination and with the support of the Drug Court program, John secured permanent housing for himself and his daughter and, at the time of full graduation from his DTO, John had enrolled in a TAFE course to get him back into the workforce. When John graduated from the Drug Court program he had been free from offending and drug use for almost 12 months, the longest period of abstinence John had had since he was first arrested aged 12.

** not his real name*

Neighbourhood Justice Centre

Sharing its Practice

The Neighbourhood Justice Centre (NJC), Australia's first community justice centre, was established in 2007. Community justice explores how justice can operate to improve the quality of community life in places with high-levels of crime and disadvantage. While maintaining traditional procedural rights and equality before the law, community justice brings important elements of social justice to the broader court and legal systems. As well as dealing with crime and unwanted behaviours, community justice seeks to strengthen communities so that residents can participate to prevent such events occurring in the first place.

Community courts are gaining momentum worldwide as a way of reducing recidivism and making communities safer. This was the message Magistrate David Fanning, brought home from the second International Conference of Community Courts in Washington DC, USA in January.

The 2012 International Conference of Community Courts drew over 300 attendees from seven countries and 75 cities to learn about criminal justice reform strategies and research. Magistrate Fanning presented at three workshop sessions on use of community correction orders, the flexible use of mediation, and working with the mainstream justice system to help transfer new practices that improve court function and therapeutic outcomes.

Magistrate Fanning gave the following reflection on the conference:

"There was great interest in how mediation can be used as a problem-solving process before *matters get to court.*

"Our mediation staff go into the community to conflict hotspots and works with people and agencies to increase their problem-solving skills.

"Using mediation, people can deal with disputes in ways other than going through the court. This lightens the load on our strained court system and provides better outcomes for parties in the dispute.

"Getting the message out about the value of community courts is not always easy, but increasingly, when contrasted with the cost of traditional approaches and the revolving door of offenders returning to the justice system – the benefits become self-evident."

Magistrate Fanning is delighted that the NJC continues to attract substantial interest internationally and national with visits from eminent academics, senior government ministers including the Deputy Prime Minister of Vietnam, lawyers, judges from the Netherlands, Japan and France, and interns from international law schools.

A New Phase – Mainstreaming

As well as trialling the community justice model and acting as an innovation centre for the justice system, the founding objectives for the NJC included "to contribute to cultural and procedural change in the justice system"[2] and to "be a flagship for driving change in the way that justice is dispensed"[3].

The concept of mainstreaming refers to the process of adopting the community justice model in the broader justice system. While the courts are the focus for this work, mainstreaming also involves the police, corrections, local government, community and service organisations. Partnerships are critical to the success of mainstreaming.

The NJC has not developed in isolation from broader reforms, including the Family Violence Division, Koori Courts, the CISP, the Drug Court, the Assessment and Referral Court List, the new Community Corrections Order, the Integrating Court Programs Framework and the *Solution-Focused Judging Bench Book*. Victorian courts have a rich history of reform, but unlike the NJC, do not have a dedicated focus on innovation. Community justice mainstreaming is consistent with this broader reform context, while acknowledging that the NJC has a role to play in working with the courts to harness the collective wisdom and expertise in innovation.

During 2012, the Neighbourhood Justice Centre has extended its partnership with other courts. Courts play a critical role in the communities that they serve. The NJC has seen this role flourish with courts expanding their more traditional role to include involvement in crime prevention and facilitating community decision making where fairness and tolerance is fostered.

2 "The Neighbourhood Justice Centre: Community Justice in Action in Victoria," DOJ, 2006

3 *Neighbourhood Justice Centre, The Victorian Concept*, Business Case, January 2005

The Neighbourhood Justice Centre established partnerships with Dandenong, Heidelberg and Sunshine Courts and is working regional co-ordinating magistrates and senior registrars to act on the future needs as identified by these courts with their local communities.

- NJC and Heidelberg Court: establish Aboriginal Hearing Days by having a working partnership between the court and Aboriginal service agencies to achieve positive outcomes for Koori defendants and victims.
- NJC and Dandenong Court: The NJC has funded a Refugee Community Worker to help build the confidence in the law for the refugee community and to provide the court with greater access and understanding of the issues refugees face. The NJC has also run conflict resolution workshops with young African adults in Dandenong.
- NJC and Sunshine Court: The NJC has funded a worker to help young African-Australians develop their confidence in the justice system and to establish an active relationship with Magistrates from the Court.
- Further partnerships with Frankston, Broadmeadows and Ringwood courts are in the process of being established under the guidance of the Mainstreaming Committee chaired by Chief Magistrate, Ian Gray.

The aim of these partnerships is to enhance the role that courts can play in their communities. These partnerships recognise that the law is complex and difficult to navigate for many groups in local communities; and that the role of courts can be critical to reinforcing, and, in some cases, leading the positive values that keep the community strong and make the law accessible.

Court Support and Diversion Services

Assessment and Referral Court (ARC) List

The ARC List is a specialist problem solving court being piloted by the Magistrates' Court of Victoria, in partnership with the Department of Justice. The ARC List primarily assists accused persons who have a mental illness and/or a cognitive impairment. By addressing issues that underlie offending behaviours the ARC List seeks to reduce the likelihood that offenders who have mental health issues will re-offend and continue to return to the attention of the criminal justice system.

The first hearing of the ARC List was held on 21 April 2010 and the ARC List currently sits at Melbourne Magistrates' Court on Wednesday and Thursday of each week. During 2011/12 Magistrates Jelena Popovic, John Lesser, Ann Collins, Anne Goldsbrough and John Hardy sat in the ARC List.

During their involvement in the ARC List, which may be for up to 12 months, participants are asked to attend regular hearings. Following therapeutic jurisprudence principles, hearings are conducted in an interactive manner that takes into account the impact of each participant's mental health issues or cognitive impairment. During the hearings, the issues affecting the participant are discussed, as is their progress in addressing them.

The problem-solving court process is supported by the ARC List team, which comprises a program manager and a team of four clinical / case advisors. The ARC List team undertakes a clinical assessment with each participant and provides support to them throughout their involvement with the list, while the CISP also provides up to four months case management for many participants. The Court acknowledges the complex clinical work that has been undertaken by the ARC List team and their high level of professionalism.

Both the CISP and the ARC List rely heavily on referrals to, and co-operation from, health services and community organisations. The ARC List would like to acknowledge the significant support that it has received from many health services and community agencies, as well as Victoria Legal Aid and Victoria Police Prosecutions Division.

Evaluation of the ARC List

A formal evaluation of the ARC List is currently being undertaken by KPMG. This evaluation will include an analysis of available re-offending data.

Community Engagement

Since its commencement, the ARC List Magistrates and team have actively promoted the program and developed links with a wide range of service providers and organisations.

Presentations on the ARC List have been made to a range of services including the following:

- Department of Human Services, Disability Justice Forum
- Brain Link Forum as part of Brain Injury Awareness Week
- Department of Justice – Disability Stakeholders Forum
- Footscray Mental Health Network
- Police Ambulance Crisis Assessment Team Early Response (PACER) training day
- Waiora Community Mental Health Service and the Junction Community Mental Health Service.

As well, a wide range of service providers, international visitors and interested individuals have visited the ARC List to observe a sitting. These include but are not limited to:

- Hon Andrew McIntosh MP, Minister for Corrections and Crime Prevention
- Hon Paul Lucas, Queensland Attorney General
- Representatives from the New Zealand District Court
- Chairman and Manager Criminal Law Services, as well as board members from Victoria Legal Aid
- NSW Law Reform Commission
- President of the Victorian Mental Health Review Board
- Representatives from the Hitotsubashi, Ritsumeikan and Shizuoka Universities of Japan
- Delegates from the Australian Community Support Organisation (ACSO) Forensic Disabilities Conference
- Development Officer, Revolving Doors, United Kingdom
- Social workers from Inner West Area Mental Health Service
- Social work students from Melbourne University
- Staff from HomeGround Support Services
- Victoria Police recruits, as part of their training.

Ongoing regular links have been developed with the Department of Human Services northwest metropolitan region Disability Justice Team, the Forensic Clinical Specialist Program and the PILCH Homeless Person's Liaison Officer.

Since its inception, one of the community engagement strategies adopted by the ARC List has been for magistrates, ARC List staff, CISP staff, Victoria Legal Aid staff and police prosecutors to visit community organisations relevant to the work of the List.

These visits continued in 2011/12 and were made to the Department of Human Services Office of Housing Richmond office, Common Ground Housing Service and The Social Studio. The assistance of these agencies is appreciated.

Statistics

For data relating to the ARC List, please refer to page 96 within the **Statistics and Financials** chapter.

Case Study

A 22-year-old woman was referred to the Assessment and Referral Court (ARC) List by her Court Integrated Services Program (CISP) case manager. The participant had originally been referred to the CISP by a magistrate. Her current offences included aggravated burglary, theft and attempt to obtain property by deception.

CISP completed an assessment on the participant, which identified the following areas of need:

- Acquired Brain Injury (ABI) risk factors
- Alcohol abuse
- Grief and Loss
- Problem Gambling.

The participant was assessed by CISP as requiring intensive case management and as a possible participant in the ARC List.

The participant is a 22-year-old woman whose parents separated when she was young. She described her upbringing as often consisting of alcohol fuelled domestic violence. She was 'kicked out" of home at age 14 by her mother, after which she spent nine months living on the street.

She had a significant history of poly-substance dependence, which included the use of crystal methamphetamine (ice), amphetamines (speed), ecstasy and alcohol. Her alcohol consumption was daily, with illicit drug use every second day. She also spent $200 on electronic gaming machines three times a week.

The participant was referred for a comprehensive drug and alcohol assessment, which she completed. Drug and alcohol counselling was recommended and she was successfully linked with a drug and alcohol counsellor.

After disclosing a number of head injuries, loss of consciousness and a history of poly-substance use since the age of 14, an ABI screening assessment was completed, followed by a referral for a neuropsychologist assessment. As a result of the assessment, she was diagnosed with an acquired brain injury of a mild to moderate nature.

The participant was also referred to a Gambling Help service, however, after one attendance chose not to access this service. She was also referred for housing support.

The participant was accepted onto the List and an Individual Support Plan (ISP) was developed, which included the following goals:

developing an increased self-understanding of the reasons underpinning and triggering her offending behaviour

- continuing with drug and alcohol counselling
- attending an anger management course
- gaining an understanding of the impact of her ABI
- engaging in a mental health care plan
- commencement of vocational training
- gaining casual employment.

The participant's ISP was reviewed and rewritten during her time on the List in order to recognize her changing circumstances, including work commitments, but also to break her goals into more specific steps.

During her time on the List, the participant continued with her drug and alcohol counselling. At the completion of the ARC List, she was abstinent from drug and alcohol use.

The participant engaged in the development of a mental health care plan with her general practitioner, who then medically managed her mental health issues. She was prescribed a low dose anti-depressant and attended regular counselling where both her gambling and anger management issues, were addressed.

The participant fulfilled a long-standing ambition to work in hospitality and commenced a Certificate II in hospitality. She also gained part-time employment in this field.

The participant was very positive about her involvement with the court support programs and the significant improvements she made while in the ARC List.

During her time on the List, the participant did not re-offend.

The participant's matters were finalised in the ARC List and she received an adjournment with an undertaking for a period of 12 months on all charges as well as being required to pay a monetary amount to the court fund.

Courts Integrated Services Program (CISP)

The CISP is a multi-disciplinary rehabilitation program. Whilst primarily providing support for accused, the program is also available to applicants and respondents in all jurisdictions of the Magistrates' Court. Currently the CISP operates at Melbourne, Sunshine and Latrobe Valley Magistrates' Courts.

The program was established by the Department of Justice and Magistrates' Court of Victoria to ensure that accused persons receive appropriate treatment and support services with the aim of promoting safer communities by reducing re-offending.

This is achieved by:

- providing clients with short term assistance with health and social needs
- working on the causes of offending through individualised case management support
- assisting clients to access treatment and community support services.

Clients of the program are provided with a range of services, including:

- an assessment of the client's needs
- support based on the assessed needs
- case management for up to four months
- referrals and linkages to treatment and support services, including
  - drug and alcohol treatment
  - acquired brain injury services
  - accommodation
  - disability and mental health services
  - Koori Liaison Officers.

Program Enhancement

Victoria Police – SupportLink

In June 2011, the CISP signed a Memorandum of Understanding with SupportLink for the SupportLink Early Intervention and Diversion Program.

This initiative provides a single referral gateway for Victoria Police, diverting non-police matters to specialist agencies. It allows operational police to refer accused to CISP as soon as charges have been laid. The early intervention pathway mitigates multiple re-engagements by police and creates systemic partnership between police and the social services sector. Since September 2011, there have been 23 referrals made to CISP via the SupportLink Program.

Housing Support Services Grant

Homelessness and a lack of stable housing is a contributing factor to criminal behaviour. Many CISP clients are homeless or at risk of becoming homeless.

Obtaining stable accommodation can be difficult and at times complex. Accordingly, the CISP provides accommodation assessment and planning services at its three sites. CISP and the CREDIT/Bail Support Program also have access to a limited number of transitional housing properties.

Housing support services are currently provided by HomeGround Services, a contracted community agency.

HomeGround Services has again been appointed as the selected provider until June 2013.

Clinical Supervision Services

The Court recognises and acknowledges the fine work done by staff in this demanding and often stressful area.

Clinical supervision is a critical element in supporting frontline staff within Court Support Services (CISP, CREDIT/Bail Support Program, the ARC List, the Drug Court and Family Violence Programs and Initiatives).

Supervision assists staff to debrief, talk through client issues and enhance their skills and knowledge. All frontline staff within Court Support Services are provided with access to supervision during their work hours. A contracted provider provides supervision services.

Given that the contract with the current provider was due to expire at the end of June 2012, the MCV commenced an open tender process for clinical supervision services for five court-based programs: the ARC List, CREDIT/Bail Support Program, CISP, Drug Court and Family Violence Programs and Initiatives to commence in July 2012.

Statistics

For data relating to CISP and referrals made, please refer to page 97 within the **Statistics and Financial** chapter.

Community Engagement

Working Groups

The CISP has representation on and input into a number of working groups including:

- Remand Prisoner Working Group
- Custody Management Issues Working Group
- Corrections Victoria Community Correctional Services/CISP Bail Information Group
- Jesuit Social Services Remand Reform for Young People Project.

Presentations

CISP staff gave presentations on the program to a number of audiences, including:

- Trainee court registrars completing the Certificate IV in Government (Court Services) at RMIT
- International visitors to Forensicare from Hong Kong
- New Zealand District Court Judges
- Students undertaking the Diploma of Community Welfare at Gippsland TAFE
- Staff from Department of Human Services – Disability Client Services – Southern Metropolitan Region
- Court Network volunteers.

In October 2011 the Chief Magistrate, CISP and the ARC List were pleased to host a visit to Melbourne Magistrates' Court from the Hon Andrew McIntosh MP, Minister for Corrections and Minister for Crime Prevention. In November 2011, the Hon Paul Lucas MP, Attorney-General of Queensland, also visited CISP.

Service Enhancement

Quality Improvement

With a view to continually improving services, a range of quality improvement initiatives have commenced for the CISP program. These take into account priorities of the court, ideas from staff and the recommendations of the April 2011 Victorian Auditor General's Report into Problem-Solving Approaches to Justice. Key initiatives include:

- changes to recruitment processes
- introduction of exit interviews for staff leaving the program
- a review of client file record keeping
- a review of material aid provided by CISP
- convening of working groups to examine how the program can better support clients who have mental health issues, an acquired brain injury or an intellectual disability.

Staff training

CISP case managers work with accused persons who are experiencing a range of complex psychosocial issues. Given this, ensuring that the CISP workforce has appropriate skills has been a priority in 2011/12.

In recognition of this, the following training was provided to CSDS staff in 2011/12:

- disability awareness
- stress management
- understanding addiction
- working with forensic and anti-social clients
- managing challenging behaviours in the workplace
- handle with Care – Managing violent and potentially violent situations
- supporting teams and leading teams through times of stress and crisis.

Program Expansion

Currently the CISP operates at three court sites. Given the positive outcomes that the program has been demonstrated to bring about, in particular its cost effectiveness, the meaningful assistance it provides to court users and reduced recidivism, the court is seeking government support to expand the program to further court sites.

Case Study One

A 32-year-old male was referred to the CISP with mental health issues, substance dependence, suspected acquired brain injury and alcohol abuse. He was assessed by the CISP as requiring intensive case management.

The client reported that his parents separated when he was eight years old. He described his father as an alcoholic and said that he had witnessed significant verbal abuse between his mother and father when he was a child.

The client described a disrupted school life where he was frequently in trouble for his behaviour. Despite this, the client had completed some TAFE courses.

The client has a five-year-old son whom he sees on weekends.

The client reported that he was a self-employed builder until five months previously but had not worked since breaking his wrist in a motorbike accident.

The client reported a long history, and current abuse, of cannabis, alcohol and amphetamines. In 2011, the client received treatment support from an alcohol and other drug treatment service, and had remained abstinent for a one-month period. At the time of the CISP assessment, the client reported daily cannabis use and occasional amphetamine and alcohol use.

The client was a current client of an Area Mental Health Services (AMHS) but had minimal engagement with the service and was frequently non-compliant with prescribed medications. He was experiencing a range of psychotic symptoms including paranoia, auditory hallucinations and unsubstantiated beliefs that he was suffering serious medical conditions.

The client reported having been involved in multiple motorbike accidents during which he had experienced loss of consciousness and been admitted to hospital. This, alongside long-term substance abuse and ongoing mental health issues, indicated that a neuropsychological assessment was required.

The following formed part of the client's CISP treatment and support plan:

- contact with the AMHS was re-established and the client began to attend regular case management appointments with his mental health case manager
- the client received support from the Court's Mental Health Court Liaison Officer who provided the client with ongoing support during his involvement with the CISP, and liaised with mental health services when there were concerns about the client's presentation
- the client's substance use issues were addressed by his mental health case management team
- a neuropsychological assessment was undertaken and funded by CISP
- the Court Coordinator and Court registry staff assisted the case manager and the client by ensuring that his court matters were heard promptly at each court review thus reducing external stressors and anxieties for the client.

The client continued to experience mental health issues, however, when his mental health declined, he was admitted in the early stages of relapse and only required short admissions.

At completion of CISP, the client was engaging well with mental health services and was more open and receptive to treatment options.

Regular liaison between the Mental Health Court Liaison officer, CISP case manager and AMHS case manager provided the client with a high level of support and supervision that minimised hospital admission stays and allowed him to develop a greater degree of trust in the mental health service system.

At completion of the CISP, the client had been abstinent from all illicit and licit substances for over a two-month period, which had a positive effect on his mental health and which reduced his risk of re-offending.

The neuropsychological assessment report outlined the issues that were inhibiting the client's progress and recovery. Recommendations from the report were included into the client's treatment and support plan.

The client reconnected with his Job Network provider and began to explore employment options. He was able to focus on his future and not just his present issues.

The CISP provided the client with material aid in the form of financial assistance to purchase work clothing.

Case Study Two

A 29-year-old male was referred to the CISP. His charges related to the alleged theft of wheels and exhausts from cars, which he allegedly would sell in order to purchase illicit substances.

At the time of assessment, the client, and his current partner who was pregnant, were staying at his former partner's house, where his two children also lived. This arrangement placed the former partner's tenancy at risk as it breached her tenancy agreement. In relation to the children, the Victorian Child Protection Service was also concerned about these living arrangements, in particular the over-crowding in the house.

The client was expelled in Year 9 for assaulting a teacher but subsequently had completed some trade certificates; including gaining a forklift licence (now expired).

The client reported a history of crystal methamphetamine and cannabis use, but advised that he had not used substances since being granted bail three weeks ago.

The client had received multiple head injuries over the years and identified that he had memory problems. However, he had not been assessed for an acquired brain injury. He also reported chronic back pain and disturbed sleep due to the pain.

A CISP Acquired Brain Injury (ABI) Case Manager conducted an ABI screening assessment. This identified that the client had many risk factors in relation to ABI. He was subsequently referred for a neuropsychological assessment, which was funded by CISP. The assessment found that he did have a significant ABI, with related deficits in memory and the ability to generate new ideas. The CISP Case Manager was able to use this information to more effectively support him, including providing him with a diary and appointment reminders.

The neuropsychological report also advised that the client lacked the ability to recognise when he had done something wrong. The CISP Case Manager was able to address this with him and introduced him to cognitive strategies to overcome this deficit.

As the client's mood disturbance was also identified as an important factor in his offending behaviour, the CISP Case Manager provided a referral to his general practitioner and a mental health review was conducted. The client was prescribed mood stabilising medication and referred to a psychologist for ongoing counselling.

The client was also referred to drug and alcohol counselling where he was assisted with relapse prevention and other support. This assisted him to reduce his drug use significantly.

The Initial Assessment and Planning (IAP) service at the Sunshine CISP provided housing support, which included:

- the elevation of his public housing application to a segment one
- being placed on numerous community-housing waiting lists
- nomination for transitional housing properties
- securing a private rental property through the private rental brokerage program at the housing service. As a result, the client's children were able to visit him
- the client also received some financial assistance with the bond and rent in advance.

With support from his CISP Case Manager the client successfully completed qualifications in driving operations (truck), which included the heavy rigid licence and forklift licence, and gained employment in the transport industry.

On exiting the program, the client continued with his psychological counselling. In addition, he was sentenced to a community correction order, which required him to continue drug and alcohol counselling.

Case Study Three

A 37-year-old female was accepted onto the CISP for intermediate level case management. The presenting issues were illicit substance use, grief and loss, and mental health issues, with a diagnosis of posttraumatic stress disorder. In addition, the client was involved with the Victorian Child Protection Services, in relation to her seven-year-old daughter.

The CISP case manager and client developed a considerable rapport and, despite her reluctance to address some personal issues, the client agreed to undertake intensive psychological counselling to address her support needs. She also agreed to a referral to a drug and alcohol treatment service. In addition, the client agreed to be involved in a case conference involving Child Protection Services and CISP to ensure she was meeting the requirements of the reunification plan, and that all parties were working together.

The treating psychologist provided reports to the CISP that highlighted the considerable work undertaken by the client to address her complex personal issues and the resilience and courage she had demonstrated throughout the process. The client agreed to continue to work with the psychologist after she finished with CISP.

With respect to her substance use, the client reported maintaining abstinence for the duration of her involvement with the CISP. Through her drug and alcohol counselling she learnt how to use productive coping mechanisms, rather than self-medicating with substances and engaging in maladaptive behaviours.

The client was also successful in securing a CISP transitional housing property near where her daughter was living. This accommodation assisted her to focus on addressing her issues, facilitated increased access to her child and the opportunity to develop parenting skills, as well as providing much needed stability in her life.

The client credited the CISP with affording her the opportunity to make genuine changes and move on from a traumatic and difficult history.

Koori Liaison Officer Program

The Koori Liaison Officer (KLO) Program became operational in 2002 and was an outcome of the Victorian Aboriginal Justice Agreement, a partnership between the Victorian Government and Victorian Indigenous Communities.

The program aims to address the over-representation of Koori people in the Victorian justice system by working with Koori accused when they enter the court system. In addition, the service assists Koori people to maximise their chances of rehabilitation through culturally appropriate and sensitive intervention.

The KLO Program has two positions: a coordinator and a liaison officer. It operates as part of the CISP and offers the range of services provided by the CISP, including case management.

The objectives of the KLO Program include:

- to provide advice to Koori accused who come into contact with the court, and their families
- provide access to services for Koori accused who come into contact with the Court
- to raise awareness within the criminal justice system of cross-cultural issues
- to provide advice and report to magistrates and relevant court staff in relation to appropriate courses of action for Koori accused
- to liaise with local Koori communities to inform them of the court process
- to consult, negotiate and liaise with government and non-government organisations to coordinate service delivery and promote knowledge of issues relating to Koori persons.

Any party to a court proceeding can access the KLO Program, including applicants, respondents and the accused from all jurisdictions of the Magistrates' Court, including the Family Violence Court Division.

The KLO Program is located at the Melbourne Magistrates' Court, but is a statewide service.

Community engagement

Koori liaison officers meet regularly with Koori specific services to provide support to and coordinate service provision for the program's clients, including:

- Western Gathering Place – Indigenous Justice Community Worker
- Bundji Bundji Program Whitelion – Youth Support and Court Advocacy
- Moreland Hall – Aboriginal Liaison Officer
- Ngwala Willumbong Cooperative
- Victorian Aboriginal Health Service (VAHS).

Koori Liaison Officers regularly engage with these services to facilitate easy access to the services by the program's clients.

Custody Management Working Group

The KLO Program Coordinator participates on the Custody Management Working Group. The group comprises representatives from Corrections Victoria Community Correctional Services, Victoria Police, the Magistrates' Court of Victoria, Centrelink and the Salvation Army. Group discussion includes custodial issues prior to release, access to treatment, improving released prisoners' access to community agencies and improved relationships between stakeholders.

Koori Liaison Officer Program Working Group

The Koori Liaison Officer Program Working Group serves as a reference group for the KLO role. Membership includes the KLO Program Coordinator and community representatives from the Western Gathering Place and Ngwala Willumbong. The Magistrates' Court Enforcement Review Program Coordinator attended one meeting and presented on the Special Circumstances List.

For data relating to the Koori Liaison Officer Program, please refer to page 97 in the **Statistics and Financials** chapter.

CREDIT/Bail Support Program

Aims

The CREDIT/ Bail Support (CBS) Program aims to achieve the following outcomes:

- the successful completion of bail by an accused person who would otherwise be remanded in custody
- a reduction in the number of accused remanded due to lack of accommodation, treatment and/or support in the community
- the successful placement of the accused in drug treatment and/or rehabilitation programs, mental health and disability services
- the long-term reduction in involvement of accused persons in the criminal justice system.

Services Provided

Clients are provided with a range of services while on bail and participating in the program, including:

- an assessment and the development of a case management plan for treatment and support
- case management for up to four months, including support and monitoring
- referrals and linkages to community support and treatment services.

Locations

The CREDIT/Bail Support Program is located at Ballarat, Broadmeadows, Dandenong, Frankston, Geelong, Heidelberg, Moorabbin and Ringwood.

Housing

The CREDIT/Bail Support Program has access to 20 transitional housing management (THM) properties, with an additional 10 properties allocated for the Corrections Victoria Better Pathways Strategy, designated as priority for women. HomeGround Services provide all clients living in these houses with housing support. This accommodation and support provides clients with stability and assists them to meet their bail conditions.

The aim of housing support is to assist program participants to address the issues underlying their homelessness. The housing support worker provides assistance with tenancy sign up, long-term housing, exit plans and is a point of contact for the transitional housing managers who manage the properties.

Community Engagement

CREDIT/Bail Support Program staff liaise with treatment and support providers in their local area to ensure they have up to date knowledge of services available for their clients.

Community engagement has also included:

- several Court Support and Diversion Services staff, including the CREDIT/Bail Support Program staff, are involved the Southern Metropolitan Region Drug and Alcohol Forensic Forum to meet with representatives from drug and alcohol treatment services within the region to network, share resources and information
- staff present to students at Kangan TAFE on the role of a CREDIT/Bail Support Program case manager
- the Dandenong CREDIT/Bail Support Program case manager attends the Dandenong Integrated Services Program meeting, which aims to strengthen relationships and explore how the court's support services can engage the community and community services. The meeting comprises a magistrate, the CREDIT/Bail Support Program case manager, Forensicare Mental Health Court Liaison Officer, the Koori Engagement Officer and the African and Refugees Community Justice Worker.

For data relating to the CREDIT/Bail Support Program, please refer to page 98 in the **Statistics and Financials** chapter.

Case Study

A 30-year-old male was referred to the CREDIT/Bail Support Program at a suburban court. The client had experienced mental health issues, homelessness and heroin dependence for approximately five years. While he came from a supportive and caring family, a number of events such as the loss of employment, witnessing a close friend committing suicide and the deterioration of his long-term relationship, resulted in him isolating himself from those closest to him. His life had consequently spiralled into heroin use and criminal behaviour.

At the time of the CREDIT/Bail Support Program assessment the client was residing in a boarding house, was unemployed, at risk of being breached by Centrelink and thus losing his income support, and struggling to remain abstinent from drug use.

The client was unaware of the seriousness of his offending behaviour and was finding it difficult to address the many issues in his life.

The following formed part of the client's CREDIT/Bail Support Program treatment and support plan:

- referral to a drug and alcohol clinician who completed an assessment and recommended counselling to address substance abuse issues and monitoring of the client's pharmacotherapy treatment
- appointment for the client to attend his general practitioner to complete a mental health care plan to ensure both his physical and mental well-being were addressed and that steps were taken toward psychological support
- the CREDIT/Bail Support Program case manager contacted Centrelink to arrange for the client to complete a new job capacity assessment and to advocate for the protection of the client's financial stability
- support and information about housing services was provided to the client to ensure he was informed of his long-term accommodation and support options.

During his involvement with the CREDIT/Bail Support Program, the client achieved the following:

- an increased awareness of, and connection with, the supports available within the community
- he reflected on, and felt remorseful about, his offending behaviour and took steps to resolve past emotional issues
- he discussed his issues openly, unimpeded by the embarrassment of a heroin addiction
- his relationships with his family started to improve
- he took steps toward a healthier lifestyle by joining a gym and improving his diet.

The client acknowledged that his participation on the CREDIT/Bail Support Program had provided him with an opportunity to engage with community agencies and supports, and work towards long-term abstinence, stability and optimism, therefore assisting him to successfully complete the sentence imposed for his offending behaviour.

Criminal Justice Diversion Program

Governing Legislation

The Criminal Justice Diversion Program (CJDP) is governed by section 59 of the *Criminal Procedure Act 2009*.

Victim Involvement

Where a charge involves a victim, the court seeks the victim's view of the matter. This may include:

- whether the victim agrees with the course of action
- the amount of compensation sought for damage to property
- how the crime has affected the victim.

Victims are not obliged to respond to the court's contact. However, the victim is entitled to express his or her view by way of letter or in person on the day of the hearing. The court will notify victims of the hearing outcome, if requested to do so.

Impact on CJDP of the infringements notices

On 1 July 2008, a three-year trial commenced allowing police to issue an infringement notice for certain offences instead of charging an accused to appear at court on summons or bail. It was recognised that this trial might affect the number of referrals of such offences to the CJDP.

These offences include:

- careless driving
- indecent language
- offensive behaviour
- consuming or supplying liquor on unlicensed premises
- failure to leave licensed premises when requested
- shop theft of goods worth up to $600
- wilful damage to property of up to $500.

A comparison of the offence types for infringement offences for the 2011/12 period measured against referrals for the same offences in 2007/08 highlights the impact on referrals of these offences to the CJDP.

In 2011/12, charges referred to the CJDP as part of the infringement notices introduction have decreased by 41 per cent compared to 2007/08. This is demonstrated in the table below.

	2011/12		2007/08 (YTD)	
CHARGE REFERRED	JUNE	TOTAL	JUNE	TOTAL
Careless driving	36	617	85	1085
In ecent language	1	25	17	103
Offensive behaviour	5	46	35	320
Consuming orsupplying liquor on unlicensed premises	0	6	0	5
Failure to leave licensed premises when requested	0	6	2	7
Shop theft of goods worth up to $600	36	534	39	728
Wilful damage to property of up to $500	22	231	23	256
TOTAL	100	1467	201	2504

The trial finished on 30 June 2011 and, from 1 July 2011, careless driving, indecent language, offensive behaviour, consuming or supplying liquor on unlicensed premises and failure to leave licensed premised when requested became 'infringeable' offences.

Infringement notices for shop theft of goods up to the value of $600 and wilful damage to property to the value of $500.00 were trialled for a further 12 months. These offences will continue to be trialled for a further two years.

Program enhancement

Commencing 2 July 2012, the CJDP will be implementing an SMS reminders pilot. The pilot aims to increase compliance with Diversion plans and to increase the efficiency of program administration, from the perspective of operating costs and resourcing. Accused persons will receive an SMS reminder to finalise their Diversion plans, within a month, and then again within a week, of their stated completion date. Traditionally, these reminders have been sent to the accused by post and via telephone call. These methods will still be used, however, it is hoped and anticipated that SMS reminders sent at strategic times, will engender compliance and reduce the need to send letters or telephone the accused, resulting in cost savings.

Community Involvement

Voluntary Work

Performing voluntary work is an option within the CJDP program. Where possible accused perform voluntary work within their local community or the area where they committed the offence.

Following the cessation in 2009 of an agreement with Keep Australia Beautiful, which had previously provided placements, the voluntary work guidelines have been extensively revised and discussions held with a range of community organisations with the aim of developing partnerships that enable community work placements. The Court would like to acknowledge those community organisations who have agreed to accept community work placements.

During 2011/12, 20 accused were ordered to undertake a total of 347 hours of voluntary work with various community organisations including:

- St Mary's House of Welcome
- St Vincent de Paul
- Salvation Army.

Donations

Each year accused in the CJDP direct donations to local charities or not-for-profit organisations. During 2011/12, 3,142 accused undertook to pay a total of $848,663.88 in donations to charities and local community projects. Approximately $112,000 of the donations ordered were directed to be paid to the Magistrates' Court Fund.

The Court Fund distributes monies to local community services. In addition, over $88,000 in donations was allocated to child and youth support services statewide. These include Whitelion, Berry Street, Kids Undercover, 20th man fund and Handbrake Turn.

A further $160,000 in donations was directed to community run safety initiatives such as lifesaving clubs, rescue squads and road safety initiatives.

Over $120,000 was allocated to hospitals statewide and more than $270,000 to community health and family support centres.

Restitution

A further $554,618.87 in restitution was undertaken to be paid to victims during 2011/12.

Further data in relation to the Criminal Justice Diversion Program can be found on page 98 in the **Statistics and Financials** chapter.

Enforcement Review Program

The Enforcement Review Program (ERP) assists members of the community who are experiencing 'special circumstances' and who have outstanding fines registered at the Infringements Court. It enables the Magistrates' Court to impose outcomes that appropriately reflect the circumstances of the accused.

The ERP, which is jointly managed by the Infringements Court and the Magistrates' Court, operates at the Melbourne Magistrates' Court and is functionally part of the Court Support and Diversion Services portfolio.

Eligibility

Special circumstances matters are identified by section 65 of the *Infringements Act 2006*. A person must demonstrate that they are unable to understand that their conduct constitutes an offence or control their conduct that constitutes an offence.

An application for revocation of fines in relation to special circumstances together with supporting medical evidence is made to the Infringements Court. This may include:

- an intellectual disability
- a diagnosed mental illness
- an acquired brain injury
- a serious addiction to drugs, alcohol or a volatile substance
- homelessness.

If the Infringements Court registrar grants the application, the relevant prosecuting agencies may withdraw proceedings. Where this does not occur, the matter is listed in open court before a magistrate or judicial registrar for determination in the Special Circumstances List.

Court Process

The magistrate or judicial registrar will consider the special circumstances outlined in the application and has full discretion as to what type of order to impose. This could include a dismissal pursuant to Section 76 of the *Sentencing Act 1991*, an undertaking to be of good behaviour or reimposition of the fine.

All applicants must attend court unless they suffer exceptional circumstances and must be prepared to plead guilty to the offence.

For data relating to the Enforcement Review Program, please refer to page 98 in the **Statistics and Financials** chapter.

The following services are provided by other agencies, however, are imperative to the support and assistance provided to clients of the Court.

Youth Justice

The Youth Justice Court Advice Service (YJCAS) situated at the Melbourne Magistrates' Court, is a youth specific service provided by the Department of Human Services (Youth Services and Youth Justice Branch) for young people aged 18-20, who are appearing in the criminal courts.

YJCAS was established in 1998, and forms part of the Victorian Youth Justice statutory services system. An emphasis of the program is the rehabilitation and suitable diversion of young people from the criminal justice system through the provision of specialist youth focused court advice.

The service is provided to the Melbourne Magistrates', County and Supreme Courts and the Court of Appeal. YJCAS is also available at all adult courts in the state of Victoria.

Referrals

Referrals to the program are predominately initiated by the magistrate or judge considering sentencing of a young person, or the young person's legal representative.

Referrals can also be made by:

- Youth Justice case managers
- the Court Integrated Services Program (CISP) and the CREDIT/Bail Support Program
- the young person, their family and supporting community agencies.

Service Provision

YJCAS provides advice and information to courts, client advocacy and interventions that optimize diversionary and rehabilitation opportunities.

The program also provides:

- bail assessments for young people in custody
- case management of young people who are subject to a supervised bail or a deferral of sentence order
- assessment of a young person's suitability for a youth justice centre order
- progress reports, assessments and recommendations to the court
- advice and referrals to community service organisations, government agencies and treatment programs
- liaison with magistrates, judges, legal representatives, judicial staff, court support services and other allied personnel
- consultation with key-stakeholders regarding young people who are undergoing a youth justice statutory disposition
- general information and guidance in regard to court advice and Youth Justice services.

YJCAS Partnerships

YJCAS works with support networks and service providers to assist young people. These organisations include:

- alcohol and drug agencies
- mental health services
- accommodation programs
- health practitioners
- community support agencies.

Community Correctional Services – Court Services Unit

Community Correctional Services (CCS) is a business unit of Corrections Victoria. CCS provides pre-sentence court advice to the Magistrates', County and Supreme Courts through the assessment of offenders in relation to their suitability for a Community Corrections Order (CCO).

These assessments occur at the request of the court and are generally completed 'on the spot'. Over the past 12 months, CCS has developed a stronger service delivery model and enhanced system capability in preparation for the commencement of the new CCO. This included a review and restructure of the pre-sentence court advice service and the introduction of new streamlined processes to account for the complexity in assessing for the expanded range of order conditions, including those of a restrictive nature. CCS also provides a more comprehensive pre-sentence report in the event that the court requests a more detailed assessment of the accused prior to sentencing. These changes ensure that CCS is best placed to provide the judiciary with accurate and up to date information to allow orders to be tailored to the specific needs of each offender.

Further to assessment-based reports, CCS also provides the Court with progress reports to support judicial monitoring of offender progress and compliance on the new CCO, which is in addition to representation at each judicial monitoring hearing by a member of the court advice team.

As well as providing assessments and reports to the court, CCS prosecutes offenders who appear at the Magistrates' Court having been charged with breaching a community based disposition or on application to cancel or vary any such order.

Due to the volume of activity at Melbourne Magistrates' and County Courts, a dedicated team of CCS court advice staff comprise the Court Services Unit (CSU). The CSU is housed within Court Support Services area at the Melbourne Magistrates' Court.

Mental Health Court Liaison Service

The Mental Health Court Liaison Service (MHCLS) is a court-based assessment and advice service provided by Forensicare, the Victorian Institute of Forensic Mental Health.

The service, funded by the Department of Human Services, was established at the Melbourne Magistrates' Court in November 1994. Since that time, the service has been extended, on a half-time basis, to the following metropolitan Magistrates' courts: Broadmeadows, Dandenong, Frankston, Heidelberg and Ringwood. In 2007, the Department of Justice allocated funding for a full-time Mental Health Court Liaison position at the Sunshine Magistrates' Court as part of the Court Integrated Services Program (CISP).

Apart from the services provided by Forensicare, there are five half-time rural-based Mental Health Court Liaison positions provided by the local area mental health services that cover the Ballarat, Bendigo, Geelong, Latrobe Valley and Shepparton Magistrates' Courts.

In the metropolitan courts, senior mental health clinicians provide on-site services and an on-call consultant forensic psychiatrist is available to discuss issues with these clinicians when required. The MHCLS is able to provide assessment and triage. If required the MHCLS refer accused to area mental health services for treatment and case management.

The MHCLS provides the Court with accurate and up-to-date information about a person's mental health to ensure the person receives appropriate care.

The service provides:

- mental state assessment and advice regarding the management and needs of persons referred
- verbal and written reports to the court, as required
- assistance with transfer of acutely mentally unwell people to area mental health services
- training and education for judicial, other legal and support service staff regarding the role of the MHCLS
- close collaboration with CISP in the management of people referred
- advice for custodial staff on the management of people in custody, such as medication management
- advice regarding risk issues related to mental illness
- referral and linkage to support services
- consultation and advice to support agencies, professional representatives and family members involved in a client's care.

The MHCLS, together with Forensicare's Community Integration Program (CIP – Forensicare, a service providing time-limited clinical input for people with serious mental health problems in the community) play an important role in referring persons to community based organisations such as area mental health services, psychologists and general practitioners at the time of bail or release from custody.

The service accepts referrals from anyone who has a concern about the mental health of individuals who will be appearing before the court on criminal charges. The service works closely with CISP, both referring clients to this program, and receiving referrals from it. At Melbourne Magistrates' Court, the MHCLS has formed a close working relationship with the ARC List since it commenced in March 2010.

Statewide Perspective

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Statewide Perspective

The Magistrates' Court of Victoria consists of 12 regions across the state. Each region consists of a headquarter court and some regions can be made up of up to nine courthouses. A regional coordinating magistrate and a senior registrar manage each region. Please refer to page 20 for a list of regional coordinating magistrates.

Across Victoria, the court works hard to manage the caseload of each region, as well as working closely with the community to engage with and make a difference to those who may come into contact with the court system.

This chapter provides an insight into the perspective of the court within each of it's regions across Victoria.

Detailed statistics relating to the caseload and efficiency of each region can be found in the **Statistics and Financials** Chapter.

Barwon South West

Barwon South West Region includes Geelong, Colac, Hamilton, Portland and Warrnambool Magistrates' Courts. Barwon South West is a multi-jurisdictional region conducting County and Supreme Court hearings

Approximately 93.2 per cent of criminal matters were finalised within six months of initiation in the Barwon South Region in 2011/12, which was the highest proportion recorded in Victoria.

The Barwon South West region participated in a number of community engagement activities including –

Koori Court Expansion and Road Show

During the reporting period, the President of the Children's Court was approached by community members seeking an expansion of the Children's Koori Court to the Barwon South West Region.

As a result court staff met with stakeholders to discuss establishing a Children's Koori Court in the region. The aim of the meeting was to determine the possibilities of co-locating a Children's Koori Court at Warrnambool, Portland and Hamilton Courts with the current adult Koori Court.

The proposal was put to each stakeholder and was met with a positive response.

The proposal of a 12 month pilot at these courts was presented to and approved by the Aboriginal Justice Forum at Healesville in March 2012. The proposal received unanimous support.

The most effective way to inform the community of this announcement was through a Koori Court Road Show. The program aimed to reach all communities in the far south west of the region.

Apart from the announcement of the Koori Children's Court, there was general information about the Koori Court. A key theme to each presentation was the fact that this was the Court responding to community, and not the Court imposing on the community.

At each event, there were a number of activities including presenting the local community with the 'Storyteller board game' and 'smoking' ceremonies at the courthouses.

President Judge Paul Grant, Chief Magistrate Ian Gray, Regional Coordinating Magistrate Ron Saines, Magistrate Jon Kelstadt, Acting Chief Executive of the Magistrates' Court Rudy Monteleone and the Manager for Regional Courts Peter McCann, made a great effort to attend the road show and show their support for the Children's Koori Court expansion.

The communities respect for both Chief Magistrate Gray and Judge Grant was acknowledged with the presentation of a boomerang made and decorated by young local aboriginal man, Thomas Day.

Thank you to Patricia Clarke, Travis Lovett, Simon McDonald and the staff of the Barwon South West region, whose hard work made the road shows an outstanding success.

For further information on the Koori Court, please refer to page 50.

Visit to Lake Condah and Mission Walk

During the Koori Court Road Show, Wayne "Swisha Bell" invited Chief Magistrate Ian Gray, Koori Court Officer Travis Lovett, Senior Registrar Mick Bolte and Manager, Specialist Courts and Support Services Simon McDonald on a tour of Lake Condah, the ancient fish traps and the mission.

The start of the tour was down a track that was extremely rocky as a result of a volcanic explosion of Mt Eccles 28,000 years ago.

The convoy made its way to the first stop, which was a visit of a farmer's house and yards, and then headed to the lake. The tour host explained the history of the land and the lake.

The tour continued through the bush, back on the main road to the Condah mission. The mission is a beautiful however confronting place as no one lived there by choice. Those who lived there lived by strict rule and were dealt with if they failed to comply.

The tour was a very special experience and those who went felt privileged to be there.

Broadmeadows

The Broadmeadows region includes Broadmeadows and Moonee Ponds Magistrates' Courts.

Over the last 12 months, Broadmeadows Court reduced the volume of criminal matters pending by 30 per cent and the number of intervention orders pending by 45 per cent.

Broadmeadows Magistrates' Court was involved in a number of community engagement activities during 2011/12 including regular court tours and presentations to students and participating on a number of community teams and committees. The following projects outline the Broadmeadows Magistrates' Court dedication to engaging with the community.

Community Car Education Project

The "Community Car Education Project" is a joint initiative with local government and non-government agencies, Hume City Council, Consumer Affairs and Victoria Police.

In 2011, the event had occurred at the court to smaller groups and was tailored to the specific needs of the attendees, with a focus on the local Iraqi community.

In early 2012, the Project Steering Committee re-convened to discuss a 2012 event for the Assyrian/Chaldean communities. On 26 June 2012 there was a "tour of the Hume Justice precinct" for the Assyrian/Chaldean Community Leaders. It was a walking tour with stops at the Hume City Council, Justice Centre, the court and Police. Magistrate Southey addressed the group at the "Court stop."

The purpose of the project is to create a better understanding of our Justice system, our local laws and the roles of various key agencies in relation to driving in Victoria for the diverse communities who may attend our court.

Youth Engagement Activity – "Kill the Possum"

In the past year, Broadmeadows Magistrates' Court in conjunction with The Hume Domestic Violence Network delivered the "Kill The Possum" project to year nine students at Roxburgh Park Secondary College.

Kill The Possum, is a novel by James Maloney and is included in the year nine English curriculum. The novel explores the devastating effects of family violence on individuals and the wider community, and how the impact of domestic abuse can have shocking consequences. We use the characters and storyline of the novel as an educational way to deliver information on applying for an Intervention Order to the students.

The initial educative process involved registrars delivering classroom sessions at the school about the legislative and procedural processes on Intervention Orders. At the conclusion of the sessions, students complete an actual intervention order application, based on the main character.

The students then participated in a mock court hearing of the intervention order process at the Broadmeadows Magistrates' Court. Magistrate O'Callaghan presided over the mock court.

The mock court was video taped and presented to the school. Local press also attended and an article was published in Hume Leader.

During "Week Without Violence", October 2011, we played the mock trial video to the Year 9 student body as part of a bigger event educating students on healthy relationships and saying "No" to violence.

Law Week Activity – How Will an Intervention Order Impact Upon My Visa?

As part of Law Week 2012, the court facilitated a forum titled – "*How will an Intervention Order impact upon your VISA*". Assyrian, Arabic and Turkish interpreters were provided to assist participants.

The format was a "panel of experts" participating in a facilitated discussion of a scenario drafted on a real life example. The panel included representatives from the Magistrates' Court, Victoria Legal Aid, Broadmeadows Community Legal Service, Refugee Immigration Legal Centre, Centrelink, Berry St and Victoria Police.

The facilitator, Fiona Culpan from Broadmeadows Community Legal Service, read out the scenario to the audience, and then referred relevant parts to each panel member for comment and explanation. Questions from the audience then followed.

Feedback provided from the event was over-whelmingly positive.

For further information about other events held during Law Week refer to page 85.

Dandenong

Dandenong region includes the Dandenong Magistrates' Court as well as the Drug Court. More information on the Drug Court can be found on page 52.

Dandenong Court finalised 4,020 intervention orders in 2011/12, which is 27.3 per cent greater than in 2007/08 and remains the highest volume for a single court in Victoria.

Dandenong Court continues to provide a number of innovative services to the community, court users and students including:

- a representative from the Dandenong Magistrates' Court sits on the Aboriginal Justice Advisory Committee
- the African Community Engagement Officer (Mary Riek) is an initiative funded by and in partnership with the Neighbourhood Justice Centre. This position is the first of its kind within the Magistrates' Court of Victoria and provides support for the local CALD communities
- magistrates and senior court staff attended workshops and gave presentations during Refugee Week to a number of groups in relation to the services at the Dandenong Court, including hosting, together with NJC, an Ethiopian lunch for DOJ staff with presenters from the local community
- the Dandenong Court proudly sponsor the local Dolphins Basketball team which is a Sudanese team of young women. This is in partnership with Catholic Care/Centacare
- the Duty Barrister Scheme continues into its fifth year at the Dandenong Court. The Pro Bono scheme is in partnership with the Victorian Bar and is coordinated by the Bar. Barristers attend regularly at Dandenong Court to assist the unrepresented
- Dandenong Court participated in Law Week, with students from the University of the THIRD Age (aged over 50) attending a workshop and information session at the Court. Magistrates and senior staff presented tours of the Court and information sessions
- moot courts are held three times a year at the Dandenong Court and the students from Monash and Springvale Legal Service present pleas to magistrates
- the Dandenong Court also actively engages students from high schools and regularly speaks to groups of studets
- a secure waiting area has been provided for protected persons in family violence matters.

Magistrates and court staff participated in a number of programs and initiatives including:

- presenting at the International Law and Society Conference on Therapeutic Jurisprudence in mainstream courts
- attending as part of the Victorian Bar delegation to instruct in "Advocacy, Evidence and Ethics" to the Legal profession in Papua New Guinea
- receiving acknowledgement on International Women's Day for contribution to the community
- and involvement in the Regional Aboriginal Justice Advisory Committee, Southern Family Alliance, Street Soccer and Operation New Start (which is in partnership with the City of Greater Dandenong and the City of Casey).

The Dandenong Court provides a range of additional support services including the Mental Health Court Liaison Officer, CREDIT clinician, the Koori Court Engagement Officer and the African and Community Engagement Officer.

Frankston

The Frankston region covers the Moorabbin, Frankston and Dromana Magistrates' Courts.

Initiations in the criminal, intervention order and VOCAT lists at Frankston Court each recorded doubled-digit growth over the last 12 months. Contested hearing delays have increased slightly over the past twelve months however given the substantial increases in workloads, this small increase is less than would be expected. Sitting times have increased substantially over the past twelve months. This is due partially to the aforementioned increases in caseload, together with a change in the judicial make-up of the region.

The region has had a more flexible approach in 2012, with particular emphasis on flexibility of listings and magistrates placements, as opposed to previous years where magistrates were allocated exclusively to either the Moorabbin or Frankston Court. Frankston Court staff are also now rotated regularly through the Moorabbin Court, which assists with the demands together with giving greater experience to the staff, and helps create more of a team ethos throughout the region. In addition, the region has increased cooperation and alignment with the Dandenong Court. It is expected this will, in turn, increase flexibility across the regions and enable greater use of judicial resources and better case-flow management.

Community Engagement

The region has placed a greater emphasis on community engagement in 2011/12 and magistrates are now regularly speaking to secondary school students as part of the school tours as a way of educating students on the court processes together with the ramifications of bad decision making.

The Frankston Court in conjunction with VLA held a careers seminar, as part of Law Week, attended by over 40 Criminal Justice students and speakers included representatives from VLA, Victoria Police, Youth Justice, Corrections, CREDIT/Bail Support, Regional Coordinating Magistrate Holzer, and Magistrates' Court staff. We hope to see some of the attendees returning to the court over the coming years, as trainee registrars, corrections officers, youth justice workers or even lawyers.

Frankston court continues to hold "Walk in Her Shoes" tours, which have seen over 150 support workers from various agencies within the region learn about the procedures to apply for an intervention order. In addition, the court again hosted a morning tea for White Ribbon day as part of Australia's campaign to stop violence against women.

The Frankston Magistrates' Court is currently developing what is currently known as the CRASH program, a program for young offenders ordinarily aged between 17 and 28 years charged with relatively minor driving-related offending, including hoon type offences (but not including drink/drug driving). The program is to be an educational program with a rehabilitative focus, supplementary to other sentencing options in response to continued high numbers of hoon type offending. The impact and consequences of the offending on the accused and the accused's immediate family is also to be highlighted. The program is being developed in partnership with Victoria Police and the Emergency Department of the Frankston Hospital and is designed to prevent offenders having further involvement in the criminal justice system by focussing on the risks associated with bad choices. It is also designed to increase the participants' feelings of empathy towards other members of the community.

Gippsland

Gippsland region covers eight locations with Regional Headquarters based at Latrobe Valley Court in Morwell, Bairnsdale, Sale, Korumburra, Moe and Wonthaggi Courts. Gippsland is a multi-jurisdictional region conducting County and Supreme Court hearings.

The region continues to list within the timeframes set out in the Chief Magistrate's Listing Protocols. There has been significant and ongoing work in the development of listing schedules to ensure the region maintains the best use of judicial resources.

This is evident as approximately 99 of every 100 intervention orders were finalised within six months of initiation in the Gippsland region last year.

Community Engagement

Courts in the Gippsland Region were involved in a number of community engagement activities including:

- the U-Turn program, which was developed at the Latrobe Valley Court. U-Turn is an education program for young offenders, referred through the Diversion program. The program discusses driving choices and includes short presentations from Magistrate Alsop, Leading Senior Constable Milbourne (Morwell TMU) and a court registrar with experience in the Coroner's jurisdiction
- Sexting Seminars presented at the Court, in conjunction with Victoria Legal Aid and Gippsland Community Legal Centre, to highlight the potential legal issues surrounding 'sexting'
- the region has funded projects through the Court Fund including a Spida climber at Latrobe Special Development School, Traralgon, and a shower block for students at Blackwood Centre for Adolescent Development in Warragul
- school visits to the Latrobe Valley Court to view court proceedings and have discussion with our magistrates and registrars
- Magistrate Alsop continues to attend seminars at local schools to highlight the dangers of inappropriate driving, and the choices to be made
- Latrobe Valley Court recently commenced Community Learning and Education (CLE) sessions with the Judges of the County Court. This enables local practitioners to attend education sessions in regional areas. In June Judge Hannan and Judge Mason ran a CLE session on Practising in the County Court.

Specialised Jurisdictions

The CISP has had a year of increased workload, staff changes and decreases due to delays in filling positions, a lack of services and funding in their referral agencies. This has not influenced the high level of service the CISP staff provides to the court users. The CISP is now being used in progress hearings in the Koori Court. The Koori Court model remains the same; however, the CISP case manager provides a report to the magistrate and elders. This initiative allows the Koori Court elders to be involved in the progress of offenders on CISP bail.

For further information about CISP, please refer to page 59.

Several court staff have undergone professional development in Dispute Resolution Conferences, within the Children's Court jurisdiction. Sue Higgs, Manager of Conferences at Melbourne Children's Court conducted a two-day workshop .This has resulted in three additional staff been appointed as Convenors. Five other convenors attended six-day mediation training with funding assistance from the Children's Court.

Motor Neurone Disease

Staff and Magistrates have engaged in significant fundraising efforts to raise money for Motor Neurone Disease (MND). Events have included raffles, fitness nights, lunches and future events include a trivia and memorabilia night. This has been a passionate cause for all, as a well-respected and loved staff member from this region passed away from MND in September last year.

Grampians

The Grampians Region consists of Bacchus Marsh, Ararat, Stawell, Horsham, Nhill, St Arnaud, Edenhope and Hopetoun Courts, with the headquarter court located at Ballarat. Grampians is a multi-jurisdictional region conducting County and Supreme Court hearings

The work in this region continues to grow with initiations in both the criminal and intervention order lists recorded double-digit growth over the last 12 months.

Ballarat and Horsham Courts are operational five days a week. The other courts in this region sit on selected days and are open on a rostered basis.

The majority of the courts in this region are historical buildings dating back to the 1850s.

There are no longer courthouses in Edenhope and Hopetoun and the visiting magistrate sits in the local shire offices. The "court in a box" technology is utilised for court sittings in these areas.

The magistrates, court staff, police prosecutors, legal services and community corrections staff all travel large distances from the Horsham Court to visit and conduct Magistrates' Court business and sittings, in the more remote venues within the region. The average remote court visit is a 200km round trip. We consider it paramount that we continue to circuit and conduct our business in these towns.

Court User Meetings are held at the Ballarat, Horsham and St Arnaud Courts, with magistrates and stakeholders including community corrections, Victoria Legal Aid, Juvenile Justice and Department of Human Services, attending on a regular basis.

Regular meetings are conducted at Ballarat with the magistrates and stakeholders including Community Corrections, VLA, Juvenile Justice and DHS.

The Horsham Magistrates Court has worked closely with stakeholders in setting up the Road Trauma Awareness program.

Heidelberg

Heidelberg region includes Heidelberg and Preston Magistrates' Courts.

With a busy criminal jurisdiction, parking for longer than indicated, theft, driving whilst disqualified and unlawful assault were the most common charges initiated at Heidelberg Court this year.

Positive working relationships with the Duty Lawyers of Victoria Legal Aid and the Police Prosecutions have assisted in managing case load within the Heidelberg region.

The Heidelberg Court attempts to accommodate a number of support services to assist court users, however a lack of building space has limited the amount of external support the Court can provide to our clients. The safety and comfort of court users and the capacity of the Court to list cases efficiently and respond to increased demand is a priority to staff and requires urgent consideration.

Regular meetings are held with key stakeholders of the Heidelberg Court to discuss the operations of the region. Heidelberg Court seeks to learn more from the community and has expanded its local community involvement relating to Family Violence, youth initiatives, health and well-being support and cultural diversity.

In conjunction with the Neighbourhood Justice Centre and the Koori Courts Unit, the Heidelberg Court has worked on initiatives to better connect to the local Koori community, the most significant indigenous community in metropolitan Victoria. The Koori community have been invited to attend an open day at the Heidelberg Court to spend time with magistrates, registry staff, and support staff.

Heidelberg Court are also planning a Family Violence Forum where local agencies providing assistance, treatment and support to address such violence can meet to discuss their challenges and successes. Such a forum will give our Magistrates and key staff an insight into the local experience, and an understanding of available resources to draw upon as we undertake our work in the Family Violence Division of the Court.

Victims of Crime Assistance Tribunal Judicial Registrar Pilot

The Heidelberg Court is one of three Courts to commence the pilot on 1 February 2012. Judicial registrars (as delegated Tribunal Members) will consider applications for assistance made by a primary or secondary victims in certain circumstances.

For further information, refer to pages 16 and 45.

Justice for Refugees

On 13 and 14 November 2011, staff of the Heidelberg Court attended the Justice for Refugees Driver Responsibilities Forum held at Preston Creative Living Centre, providing information to attendees on driving related Court practices. The forum was established by the Justice for Refugees Program. A number of other organisations were also involved including Victoria Police, Victoria Legal Aid, VicRoads, Melbourne Metropolitan Fire Brigade, Corrections and the Infringements Court.

Hume

The Hume region comprises of courts at Shepparton, being the headquarters court, and other courts at Cobram, Seymour, Benalla, Mansfield, Wangaratta, Myrtleford, Wodonga and Corryong. Hume is a multi-jurisdictional region conducting County and Supreme Court hearings.

The Hume region finalised 2,334 intervention orders in 2011/12, which is 35.6 per cent greater than in 2007/08.

All courts in the Hume region continue to maintain listings within the relevant timeframes. Intervention orders have become a large percentage of the region's work, particularly from an administrative perspective.

Community Engagement

Magistrates and staff have continued to engage with various groups across the region through the year, including:

- magistrates regularly participated in the "Cool Heads" programs, which is a Victoria Police initiative, and sponsored by the court. These programs are run regularly at Shepparton, Wangaratta and Wodonga, and have had significant exposure and positive media coverage in the various areas
- magistrates have presented at various seminars and at service clubs throughout the region
- the court has been represented on various committees including the Regional Aboriginal Justice Advisory Committee, Koori Court Reference Group, Regional Integrated Family Violence, Hume Region Crime Prevention, CALD Access to Justice, Family Relationship Pathways, and Hume Region Family Violence Strategic Alliance.

A highlight of the year were the centenary celebrations for the court at Corryong. Wodonga Registrar Paula Griffiths organised a function and ceremonial sitting of the court, which was attended by Chief Magistrate Ian Gray, Magistrate John Murphy, Senior Registrar Pat Cummins and Paula Griffiths. Also in attendance were local solicitors, Towong Shire representatives, members of the Corryong Historical Society, school children, and Koori members of the Dudaroa tribe who welcomed those in attendance to their country.

Buildings

There continues to be a number of issues with the size, functionality, security and structural integrity of the court buildings within this region.

On Wednesday 30 May 2012, the Attorney-General Robert Clark attended the Wangaratta Magistrates' Court and announced $2.7 million funding with the plan to repair the west wing of the court complex. This will include renovating and making a fit for purpose cell block and other issues regarding prisoner transport to Courtroom One. These works will take precedent over other planned works, to ensure that higher jurisdictions can resume sittings as soon as possible.

Loddon Mallee

The Loddon Mallee region includes Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale and Swan Hill Magistrates' Courts. Loddon Mallee is a multi-jurisdictional region conducting County and Supreme Court hearings

The Loddon-Mallee region finalised approximately 286 intervention orders per month in 2011/12, up from 234 in 2010/11.

Over the past year there have been a number of changes within the Loddon Mallee Region, which all aimed at improving service delivery and efficiency. The most significant of these has been the introduction of sessional listings which occurred in April 2011. Bendigo Court now has structured morning and afternoon sessions. Other courts within the Region continue to utilise staggered listings. All courts, with the exception of visited courts, commence at 9.30am. At Bendigo there has been a noticeable improvement in the flow of court users through the building, which has allowed service providers to be able to coordinate their service delivery with court listings. Court users are spending less time waiting the entire day for their matters to be reached.

Courts across the region acknowledged the commitment of Court Network volunteers during National Volunteers week in 2012. Swan Hill and Mildura Koori Courts welcomed the community into the Court with a luncheon in June 2012.

On Friday 1 June 2012, Attorney-General Robert Clark attended the Bendigo Magistrates' Court and Police Station, and announced government funding of $8.4 million, for a new additional courtroom and Justice Service Centre. The upgrade will include new interview rooms, full security screening and modern prisoner holding cells. Building is expected to commence over the next 12 months. This will assist in reducing the current restraints the court faces in managing and hearing custodial matters.

Melbourne

Melbourne Magistrates' Court is located in the CBD of Melbourne.

Melbourne is a venue of the Specialist Family Violence Service. Although there are a high number of intervention order matters heard at the Melbourne Magistrates' Court, the volume of intervention orders pending has reduced by 36 per cent over the last 12 months.

Service Improvements

During the reporting period, Melbourne Magistrates' Court undertook a large registry relocation project, which was focused on providing a first class service and aimed at simplifying the flow of movement throughout the building for customer transactions.

By researching the largest volumes of transactions such as receipting of payments, application lodgements and process issue, we were able to redesign the registry and public counter layouts to provide the most efficient services in the most convenient locations available.

The project involved the movement of over 50 staff throughout the building, structural modification, improved signage and implementation of new service processes within registries. A new electronic information service is soon to be installed which will provide electronic information displays around the building and entrance to the Court to better inform court users.

In addition, a new entry procedure has been introduced to improve the safety and security of all persons attending the court. The new process has streamlined the scanning and x-ray process to ensue that at peak periods professional practitioners and officers of the court can utilise a designated queue system to gain rapid entry without compromising essential security standards. This initiative has addressed the needs of court users who regularly utilise the entrance of the building.

Community Engagement

Melbourne Magistrates' Court has undertaken a strong community focus throughout 2011/12 by participating in a number of activities including:

- volunteering at *St Mary's House of Welcome* in Fitzroy. This provides an opportunity for staff to attend as volunteers at the community kitchen on a weekly basis. Staff attend according to a voluntary roster each week and assist with the preparation and service of meals to members of the community in need
- hosting the 'Clothesline Project' in October 2011, which included a display of t-shirts painted by victims of family violence in the Aboriginal Community. The project allowed victims to share their thoughts and emotions with the hope that it will encourage others to stand firm against family violence. The display was located on the first floor of the Melbourne Magistrates' Court for several weeks and attracted a great number of positive responses
- family violence support workers have provided 'Walk in her Shoes Tours' for aboriginal communities and provided presentations to Aboriginal Health Services, the Mullum Gathering Place and Aboriginal Women and Justice Forums.

Ringwood

Ringwood Court finalised 10,318 criminal matters and 2947 intervention orders in 2011/12, which was 21 per cent and 28 per cent greater than in 2007/08 respectively.

Ringwood Court had a strong focus in 2011/12 on its work relating to intervention orders. Ringwood Court has been involved in a number of initiatives to improve our service provision and enhance the court experience for the increasing number of people involved in the intervention order process at the Ringwood Court.

Family Violence Integration Project

This project was established as a result of a funding grant from the Victoria Law Foundation. The project is co-ordinated by the Eastern Community Legal Centre and aims to improve the response of legal and support services to victims of family violence in a co-ordinated and integrate manner. It is a two year project focussing on the partners working at the Ringwood Magistrates Court, and a number of working parties have been established through the project steering group that are looking at various aspects of the intervention order process.

One of the first initiatives of the project was the development of a comprehensive information guide relating to the intervention order process, which guides court users step by step through the process. It has frequently asked questions and lists the services available specific to Ringwood Court. It provides a comprehensive guide to the services available at court for both respondents and applicants.

Respondent Worker

As a court without dedicated support services for family violence matters, Ringwood has been fortunate in 2011/12 to receive support from the Eastern Men's Behaviour Change Consortium to provide a respondent worker on our mention days. Funded by the Department of Human Services, this is a pilot project that in seven months has seen 34.3 per cent of the 262 respondents referred agree to participate in a Men's Behaviour Change program. Ringwood Court is also grateful for the support it receives from the Eastern Domestic Violence Outreach Service (EDVOS) who fund and provide an applicant worker to attend the Court.

Separate Waiting Area for FV applicants

Perhaps the greatest advance Ringwood Court has made in 2011/12 relating to intervention orders is the establishment of the Protected Persons area of the building. Frustrated by the confines of a small waiting area, which often lead to incidents requiring the attendance of the Protective Service Officers (PSOs), this separate waiting area now provides greater space for applicants attending the Court, and a secure and separate area to help alleviate contact between parties whilst waiting for their cases to be called in Court.

The new waiting area was funded through the Magistrates Court Family Violence Programs & Initiatives Unit, and utilises the area of Ringwood Court made vacant when the Sheriff's Office relocated to the Ringwood Justice Centre. The Ringwood Court has been able to provide this separate area to assist applicants that feel apprehensive, threatened or intimidated waiting in the same public space as the respondent. The Sheriffs office has been modified to provide a comfortable waiting area supported by a security camera, duress alarm and loudspeaker facilities to provide security for applicants prior to Court. The EDVIOS applicant worker has also been relocated to an office within this area to provide support and assistance.

EASTCARE Drug and Alcohol Worker

The Ringwood Court would also like to acknowledge the outstanding work of Kerry Cussen. Over many years, magistrates have received, and continue to receive invaluable assistance from Kerry Cussen, Drug and Alcohol Counsellor employed by Eastcare and based at the Ringwood Magistrates' Court. His amazing dedication, skills and workload, and the flexibility and manner of his approach to his work, clients, and their families, has resulted in numerous offenders being 'turned around' and therapeutic based sentencing approaches being successfully applied.

Sunshine

The Sunshine region includes Sunshine and Werribee Magistrates' Courts.

The Sunshine region finalised 4,892 intervention orders in 2011/12, which is approximately 46.3 per cent more than in 2007/08.

Community Engagement

During the reporting period, the Sunshine region participated in a number of community engagement activities.

In October 2011, a forum was organised by Western Region Health to develop closer links between the African-Australian community and members of the justice system.

As a result of relationships forged at the forum, arrangements were made for the Magistrates at Sunshine Court to have dinner with Sheik Isse Musse and four other Sheiks from the western and northern suburbs of Melbourne. The dinner took place on 30 November 2011. Senior Constable Richard Dove of Victoria Police, the Sunshine Family Violence Registrar, Karen Field and Teresa Dowd from Western Region Health, all attended the dinner at a local African restaurant.

The dinner provided a wonderful opportunity to meet and chat about everyday concerns and issues in the local community, with a particular focus on family law and family violence law.

Arrangements were made for the group to attend Sunshine Magistrates' Court on 23 January 2012. Senior Registrar, Lee Arbaci, conducted a tour of the court, which included some time observing court proceedings, meeting staff and visiting various registries. Over afternoon tea, the group participated in an informal "Q and A" session with members of Victoria Police from the local family violence unit, magistrates, judicial registrar, senior registrar, our family violence registrar, applicant worker and lawyers from VLA.

Similar dinners and court visits have been arranged with members of the African community. Dinners were held on 29 February and 16 March 2012, with court visits on 21 March and 20 April 2012. Moses Lado, who is the New and Emerging Community Liaison Officer for the North West Metro Region of Victoria Police, has also attended these dinners and Court visits.

In conjunction with the NJC and the Brotherhood of St Lawrence and Victoria Police, another dinner took place on 27 June 2012 at a local African restaurant. The focus of this dinner was to give young African Australian leaders an opportunity to meet with Magistrates to discuss concerns of local young people and to increase cultural awareness and access to justice for the local African community.

It is anticipated the dinner will be the first step in a project to increase training, education and employment of young African Australians in the west.

The Sunshine Court also continues to operate the P.A.R.T.Y program. For details on this initiative, please refer to page 83.

Making a Difference

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Making a Difference

The Court is always working hard to improve its efficiency and accessibility through innovations and community engagement. The development of new programs as well as opening the court to the public for education are just some of the ways the court aims to improve service delivery and the court image. This chapter details a number of initiatives and activities conducted by the judiciary and staff to enhance the operation of the court as well as its engagement with the community.

Multicultural and Diversity Issues

In July 2011, the Chief Magistrate requested Magistrate Anne Goldsbrough to take on the role of Magistrate with special responsibility in the area of multicultural and diversity issues for the Magistrates' Court of Victoria. The role embraces access to justice, community engagement and related issues.

This role provides opportunities for the Court to identify and increase engagement with multicultural and linguistically diverse, and emerging communities, and matters touching on equality before the law. The Court has an extremely important responsibility to meet community expectations in these areas. A current and pressing issue is the availability of, and financial support for, interpreter services for courts.

Listing Reforms

In 2011, the Magistrates' Court of Victoria implemented major listing reforms across all courts. These reforms are the Court's strategic approach to improving listing delays and increasing the system's efficiency. The Court is working with stakeholders to ensure that discussions are taking place between prosecution and defence prior to a court appearance in order to provide the Court with vital case management information.

These reforms include:

- the introduction of listing sessions (morning and afternoon sessions)
- a more efficient distribution of caseload
- increased efficiency in court lists
- creation of agency and case specific lists, leading to greater knowledge by the Court of what is in the lists
- statewide introduction of Electronic Filing Appearance System (EFAS) promoting earlier communication with the Court
- introduction and promotion of time certainty
- increased use of Judicial Registrars through strategic listing
- better use of Judicial time
- reduced waiting times.

The listing reforms are subject to a quarterly review which monitors key performance indicators. A major component of the listing reforms was to ensure a higher percentage of matters listed for contested hearing proceeded as listed. The listings review has shown an increasing trend in improved percentages in the number of contested hearings that proceeded as listed.

A further component of the listing reforms was to ensure a more efficient distribution of caseload. The benefits resulting from this listing approach include but are not exclusive to:

- increased efficiency and productivity in am and pm sessions
- reduction in the heavy number of people within court buildings at any given time
- reduction in down time in court lists
- reduction in the "10am rush" and associated pressure on court staff, support services, security, Victoria Legal Aid and prosecutors.

Electronic Filing Appearance System

Electronic Filing Appearance System (EFAS) utilises the Magistrates' Court website daily court lists to allow practitioners to enter appearances and request adjournments. The appearance system has been developed to enhance the Court's ability to manage increasing demands on its judicial resources. The system creates enormous efficiencies for court users as well as the court, including:

- providing a greater service to the legal profession by offering a more efficient and secure means of communicating information to the Court
- more efficient and timely access by the Magistrates' Court to relevant case information to assist in better case management
- greater information for the Court
- time saving for legal practitioners, as they do not need to queue to give their appearance and can proceed directly to the courtroom
- access to time certainty and staggered listings
- enhanced communication with the generation of confirmation emails to the legal practitioner and interested agencies including prosecuting agencies.

EFAS was made available statewide from February 2011. EFAS has been received enthusiastically by legal practitioners and to date over 400 legal practitioners including solicitor firms, barristers and prosecuting agencies have registered to use EFAS. Based on feedback received major enhancements were made to the system in November 2011.

Magistrates' Court Infringement Support Unit

The Magistrates' Court Infringement Support Unit (MCISU) was established in July 2011. The Unit's primary focus is to reduce pressure on Magistrates' Court locations by removing data entry of matters referred to the Court from the Infringements Court. In the period leading up to July 2011, the Magistrates' Court of Victoria had experienced a significant increase in the number of infringement matters referred from the Infringements Court for determination in open court. Matters referred from Infringements Court to the Magistrates' Court of Victoria are:

- appeals against a registrars refusal to revoke enforcement orders
- open court hearings of original infringement notices
- matters listed in the special circumstances list.

For the five financial years prior to 2010/11, the Magistrates' Court of Victoria initiated 138,936 matters referred from the Infringements Court. In this same period, the Magistrates' Court of Victoria experienced a 151.9 per cent increase in the total number of infringement matters referred from Infringements Court. In the financial year of 2009/10 infringement matters referred from the Infringements Court accounted for 26 per cent of the total number of criminal matters initiated.

All data entry is completed from a central location and the paperwork is sent to all relevant parties including the court. The Unit initiate, for the Magistrates' Court state wide, all:

- appeals against a registrars refusal to revoke enforcement orders
- open court hearings of original infringement notices
- infringement warrants.

They have also assisted with the data entry of the following:

- matters listed in the special circumstances list at Melbourne Magistrates' Court
- community work permits
- IIL's, IIW's and enforcement hearings
- general initiation.

The Unit has also visited various court locations on occasion, and assisted with any general initiation backlog.

The Unit has consistently performed well, producing high outputs. In the financial year to date (July 2011–May 2012) the unit has produced the following:

- initiated 2,478 Infringement warrants cases, with 159,973 individual warrants. This roughly equates 8000 hours of administration work being removed from court registries over the 11 months
- initiated 22,826 individual appeals against registrar's refusal to revoke enforcement. This equates to 3043:28 hours of administration work being removed from court registries
- initiated 2982 infringements referred to open court, removing close to 400 hours of work from court registries.

From this work alone, the Unit has removed 11842:06 hours of data entry from the registries. This equals 1076:33 hours a month.

P.A.R.T.Y Program

The **P**revention of **A**lcohol and **R**isk-related **T**rauma in **Y**outh (P.A.R.T.Y) Program is a trauma prevention initiative aimed at young offenders aged between the ages of 18 and 25 years old, who are appearing in court for offences involving risk-taking behaviour. It commenced as a pilot in April 2010 and due to its success, is still ongoing. The Program is exclusive to Sunshine and Werribee Courts and is run in conjunction with Victoria Police, the VISY Cares Hub-Youth Junction Inc. and the Alfred & Royal Melbourne hospitals.

The P.A.R.T.Y Program has grown substantially since the pilot in 2010 when four programs were conducted at The Alfred Hospital. In 2011, the program was extended to The Royal Melbourne Hospital, who conducted three programs along side the four conducted by The Alfred Hospital. In just over two years, the number of offenders referred to participate has more than doubled.

- 2010 – 4 programs and 72 participants
- 2011 – 7 programs and 201 participants
- 2012 – 8 programs scheduled and an expected 280 participants

The Program seeks to give participants a snapshot of the possible traumatic and often preventable consequences of risk related behaviour. P.A.R.T.Y participants spend time at either the Alfred Hospital or The Royal Melbourne Hospital with staff in the Emergency/Trauma Centre, the Intensive Care Unit, Trauma Wards and Rehab Units of the hospital getting an up-front, true to life experience of the impact of trauma on young lives.

Through DVD and Powerpoint presentations, interviews with patients and real-life clinical scenarios, the participant is exposed to the painful journey of a trauma patient. They learn about trauma injuries and have hands-on experience with some of the equipment used in trauma care and rehabilitation.

Participants are referred by magistrates as a pre-sentence option to attend the program, which is made up of 3 sessions. An induction session at the VISY Hub for 1 hour on the Monday evening leading up to the program, the one day program at the hospital, and a 1 hour de-brief session at the VISY Hub. A report – written by the accused at the de-brief session – as well as a summary of the program, are then provided to the magistrate to assist in sentencing.

These are just some of the comments from offenders about the impact of the P.A.R.T.Y Program on the participants:

"I used to live my life like I was able to do whatever I wanted with no consequences, but the program has made me realise that my decisions don't just affect me, they affect others as well" 19 year old male

"Seeing the devastation caused by risky behaviour has definitely deterred me from making future poor decisions" 25 year old female

"I love my family so much. I never want to do this to my family. I will be changing my behaviour so that I never put my family through what some of the families I saw at the hospital have gone through." 21 year old male

"The P.A.R.T.Y Program has changed my life. It will now always play in the back of my mind and stop me from making stupid decisions" 24 year old male

Each participant that is referred to attend the P.A.R.T.Y Program, also undergoes a psycho-social assessment performed by The Youth Junction Inc. as part of the Crime, Choices and Consequence Program. This assessment enables staff to identify other aspects in these young adult offenders lives which could be addressed through appropriate intervention (i.e. housing, employment, financial, mental health etc.). When participants of the program complete their P.A.R.T.Y debrief forms, a copy is sent to the magistrate with their assessment details at the bottom and any areas where further intervention could be appropriate are identified for the magistrates.

Each participant also agrees to be part of a 12 month research evaluation, which consists of 4 follow-up surveys conducted by The Youth Junction Inc. at 3 month intervals. These surveys are aimed at seeking information around any further criminal activity, which ensures that the program is working towards reducing recidivism in young adults.

Judicial Community Engagement

While the primary role of a magistrate is to preside over and make decisions on a range of cases, the breadth and nature of the work of a magistrate goes well beyond this. Magistrates participate in an extensive range of other duties beyond their work on the bench, with many regularly involved in various projects and initiatives, as well as community engagement activities on behalf of the court. Many magistrates regularly participate in conducting talks to visiting school groups.

Magistrates Brian Wright, Margaret Harding and Brian Barrow provide a snapshot of community engagement activities conducted by magistrates during the reporting period.

Magistrate Brian Wright is the convenor of the Fitzroy Legal Service Publications Committee, which produces the 'Law Handbook' in hard copy and on-line formats. Magistrate Wright wrote three chapters of this year's handbook.

He also presented a professional development session on Workers Compensation to the Victorian Bar in August 2011.

During the reporting period, **Magistrate Margaret Harding** also participated in a number of community activities including:

- presenting on the Drug Court to numerous audiences including the Monash University Centre for Forensic Behavioural Science Conference in Italy; the Australian & New Zealand Association of Psychiatry, Psychology and Law in New Zealand; and the Pharmacy Guild of Victoria
- developing a 10-12 week photography program for Drug Court participants involving professional photographers and cameras lent to participants. Two photographic exhibitions of the participants work were held at the Drum Theatre in Dandenong
- participating in Drug Court education for numerous visitors from the Northern Territory, Hobart, as well as students and other government agencies including Corrections Victoria and Department of Human Services.

Magistrate Harding was also appointed a member of the Australian National Council on Drugs buy Prime Minister Gillard. Over the last year, she attended bi-monthly meetings and was involved in drug and alcohol policy development.

The Magistrates' Court has been a regular contributor to the 'Bail Out' event held at the Old Melbourne Gaol. The event commences at the old Magistrates' Court where participants are processed through the old watch house and spend time in the cells of the old remand centre. A mock trial is then held. This year **Magistrate Brian Barrow** presided over the hearing. The night continued with a function at the Old Melbourne Gaol.

Law Week 2012

Law Week and Courts Open Day gives the Magistrates' Court of Victoria a great opportunity to open our doors and welcome the community to *The People's Court*.

This year, Law Week was held from 14 to 20 May, and the court conducted events at a number of court locations across the state. Information sessions, tours, mock tours and career forums were held in locations from Broadmeadows to Latrobe Valley and from Frankston to Wodonga.

Courts Open Day is the highlight event of Law Week and was held on Saturday 19 May 2012 in the legal precinct of Melbourne CBD.

Almost 600 members of the public visited the Melbourne Magistrates' Court, making it the most successful open day in many years. Those who attended were presented with a range of events and activities to participate in, including:

- guided tours of the Melbourne Magistrates' Court by registry staff
- 'Walk in her Shoes' guided tours of the process of applying for a family violence intervention order
- mock court hearings which gave the public the opportunity to observe a criminal matter featuring a magistrate, prosecutor and defence lawyer, with the accused and assistant magistrate being chosen from the audience
- CISP Information Session – presentation by CISP staff and a former CISP participant who detailed her experiences with the program and how the program had changed her life
- VOCAT Information Session – presentation by the supervising magistrate on how the tribunal works
- 'Career as a Court Registrar' information session presented by an experienced court registrar and the court's Learning and Development Unit, outlining the role of a registrar and the experiences they have gained during their time working at the court
- 'Chat with the Chief Magistrate' was a highlight of the day with the public having an opportunity to hear from Chief Magistrate Ian Gray as well as ask questions about the court and its processes.

There were a number of court stakeholder information stalls hosting activities and responding to questions. Visitors were also provided an opportunity to win an iPad on completion of an Open Day Quiz and feedback form.

Feedback received from the day described the event as 'great' and 'really enjoyable'. Visitors also indicated that they wanted more tours and more mock court hearings.

Many thanks to the staff who coordinated the event and participated on the day.

Educational Programs

Judicial Mentoring Program

The Magistrates' Court of Victoria and La Trobe University have continued to sustain an educational partnership throughout 2011/12. The La Trobe University Mentoring Program is a clinical legal education program organised jointly by the School of Law and Legal Studies at La Trobe University and the Magistrates' Court. It forms part of a law subject called Criminal Procedure and Evidence.

During the reporting period, magistrates from Melbourne, Broadmeadows, Dandenong, Frankston, Geelong, Heidelberg, Ringwood and Sunshine Courts participated in the scheme. The program provides magistrates with an opportunity to engage in practical legal education, and law students with a constructive opportunity to experience and participate in the operation of the law in practice.

Participating magistrates have praised the program and the benefits it offers law students:

- 'The program is a most valuable experience in student learning. The insights gained by the student and feedback have been most significant in her learning and future career choices'
- 'Excellent program. Students are keen'.

The Court has also supported and mentored students from other institutions including RMIT and the University of Melbourne.

Schools

Magistrates' Courts work closely with schools across all regions, and participate in work experience programs at a number of court locations. Work experience programs provide students from high schools, TAFE colleges and universities with the opportunity to experience the daily operations of a court.

In addition to providing students with work experience opportunities, throughout the year the court also hosted thousands of students from visiting school groups across the state. These court visits provide students with a 'day in the life' view of the Magistrates' Court of Victoria and assists in enhancing their understanding of the Victorian justice system.

During the year, students attended the Melbourne Magistrates' Court as part of the court's *'School Talks'* program. The program operates on a roster basis with a pool of registrars and magistrates volunteering their time to provide a short information session on the operation of the court and an opportunity for students to ask questions. Courts around the state also provide similar programs to the local school communities.

Statistics and Financials

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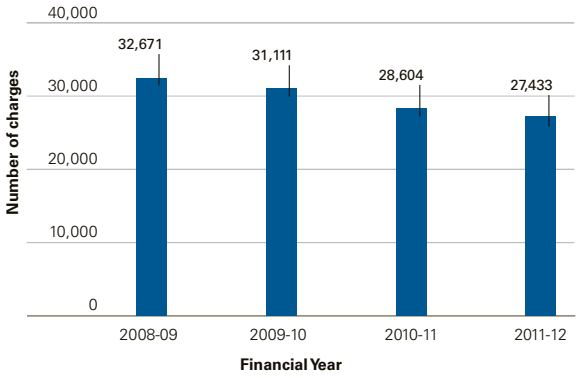
Statistics

Criminal Law Statistics

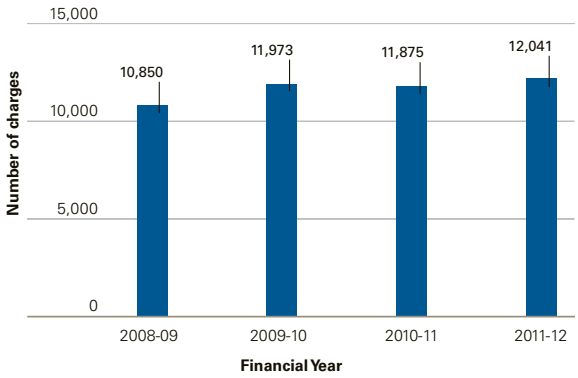
Top 20 Most Common Charges 2011/12

RANK	OFFENCE	ACT/REGULATION	NO. OF CHARGES
1	Drive vehicle unregistered in toll zone	*s73 Melbourne City Link Act 1995* *s204 Eastlink Project Act 2004*	30,694
2	Theft	*s74 Crimes Act 1958*	27,433
3	Drive whilst disqualified/authorisation suspended/ cancelled	*s30 Road Safety Act 1986*	15,823
4	Exceed speed limit	*r20 Road Safety Road Rules 2009*	14,708
5	Have exceeded prescribed concentration of alcohol within 3 hours of driving	*s49 Road Safety Act 1986*	13,807
6	Unlawful assault	*s23 Summary Offences Act 1966*	12,041
7	Obtain property by deception	*s81 Crimes Act 1958*	9,422
8	Intentionally/recklessly cause injury	*s18 Crimes Act 1958*	9,363
9	Possess a drug of dependence	*s73 Drugs Poisons and Controlled Substances Act 1981*	8,865
10	Contravene Family Violence intervention order	*s30 Family Violence Protection Act 2008*	8,634
11	Park for longer than indicated/disobey intructions on parking fee sign	*r205 Road Safety Road Rules 2009*	8,390
12	Fail to answer bail	*s30 Bail Act 1977*	7,422
13	Criminal damage	*s197 Crimes Act 1958*	7,308
14	Use unregistered motor vehicle/trailer on highway	*s7 Road Safety Act 1986*	6,523
15	Careless driving	*s65 Road Safety Act 1986*	6,000
16	Burglary	*s76 Crimes Act 1986*	5,181
17	Assault/resist/hinder/obstruct/delay police	*s52 Summary Offences Act 1966*	5,055
18	Unlicensed driving	*s88 Road Safety Act 1986*	4,793
19	Deal property suspected proceed of crime	*s195 Crimes Act 1958*	4,064
20	Drunk in a Public Place	*s13 Summary Offences Act 1966*	3,772

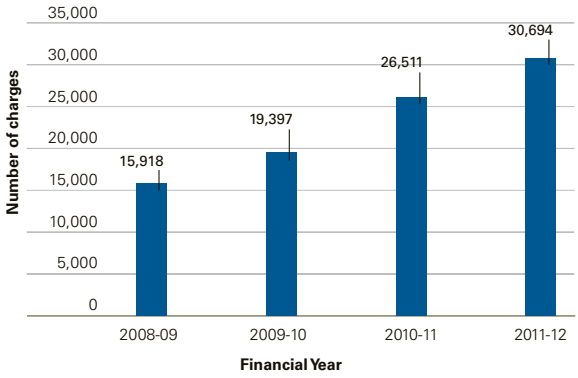
Finalised Charges: Theft



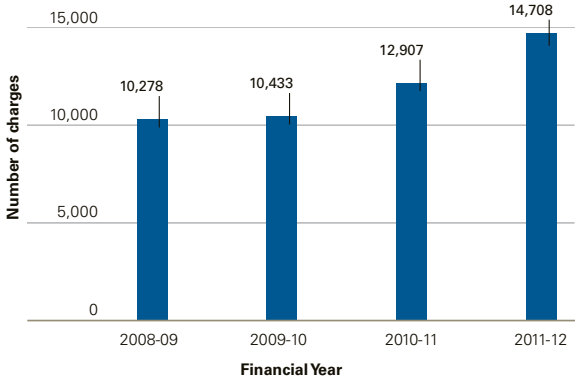
Finalised Charges: Unlawful Assault



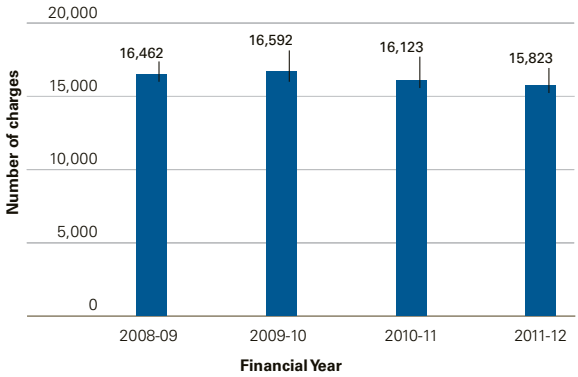
Finalised Charges: Drive vehicle Unregistered in Toll Zone



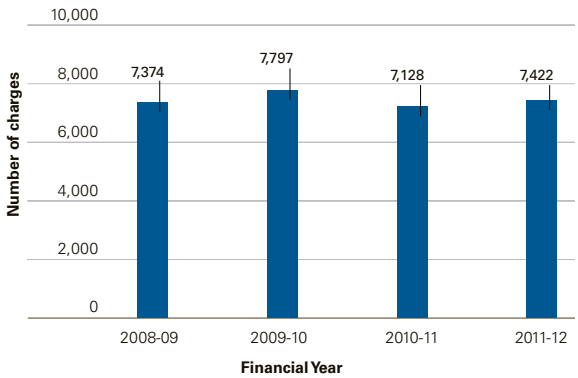
Finalised Charges: Exceed Speed Limit



Finalised Charges: Drive Whilst Disqualified/Authorisation Suspended/ Cancelled



Finalised Charges: Fail to Answer Bail



Year at a Glance

	2007/08	2008/09	2009/10	2010/11	2011/12
Cases Initiated	154,732	167,359	160,444	166,791	172,323
Cases Finalised	156,337	177,987	176,132	180,337[4]	180,731
Criminal Cases finalised within six months	88.3%	88.7%	87.8%	88.8%	88.9%
Cases Pending as at 30 June	34,701	35,205	30,506	30,345	32,149
Criminal Cases pending for more than twelve months as at 30 June	7.2%	8.0%	8.4%	7.7%	8.7%
Cases finalised at contest mention	7,258	9,405	7,521	4,101	4,375
Committal proceedings finalised[5]	3,068	2,767	2,834	2,953	2,785
Cases finalised at ex parte hearings	4,958	5,375	4,823	4,193	3,410
Appeals lodged against conviction or sentence	2,176	2,142	2,721	2,511	2,378
Licence Restoration applications	11,394	12,584	12,838	12,870	11,700
Interlock removal applications	2,525	3,992	5,388	6,026	6,190
Infringement Court – Enforcement Orders Made	1,148,292	1,129,275	1,226,665	1,559,261	1,565,585

Regional Distribution – Criminal cases finalised

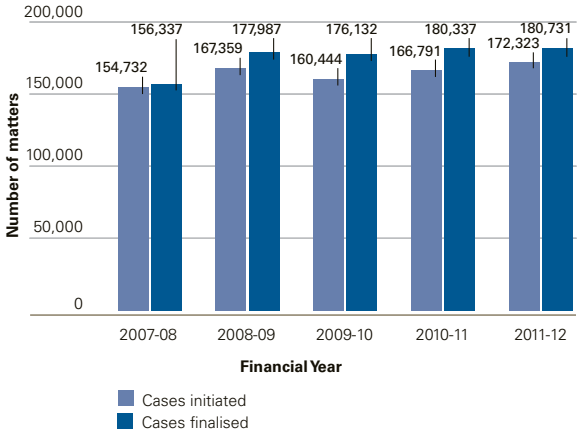
COURT REGION	2007/08	2008/09	2009/10	2010/11	2011/12
Barwon South West	7,925	8,896	8,268	6,186	6,504
Broadmeadows	11,279	10,573	10,854	10,172	11,555
Dandenong	13,229	13,496	14,671	14,365	14,184
Frankston[6]	8,837	7,482	7,546	6,899	13,422
Gippsland	7,468	7,335	6,977	6,162	6,177
Grampians	5,695	5,722	5,457	4,335	4,666
Heidelberg	14,351	14,430	12,906	12,700	14,485
Hume	7,331	7,123	7,053	5,817	6,186
Loddon-Mallee	7,404	8,841	7,701	6,478	6,710
Melbourne[6]	49,249	69,454	71,384	82,885	70,148
Ringwood	8,507	9,488	8,454	9,641	10,318
Sunshine	15,062	15,147	14,861	14,697	16,376
Total	**156,337**	**177,987**	**176,132**	**180,337**	**180,731**

4 The number of criminal matters finalised in 2010/11 has been revised up from 177,819 as previously reported

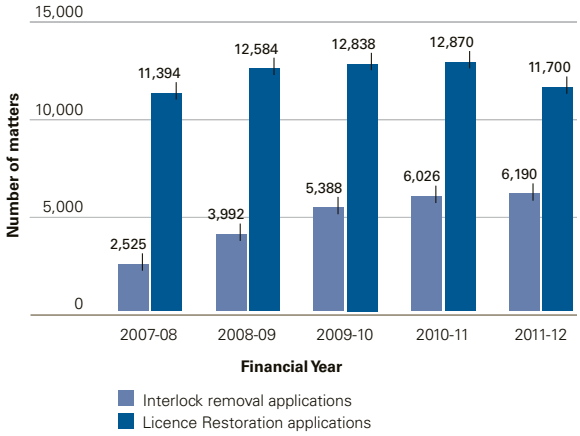
5 Committal proceedings finalised includes those matters directed to stand trial and those summarily finalised in the court

6 Moorabbin Magistrates' Court moved from the Melbourne region to the Frankston region effective July 2011

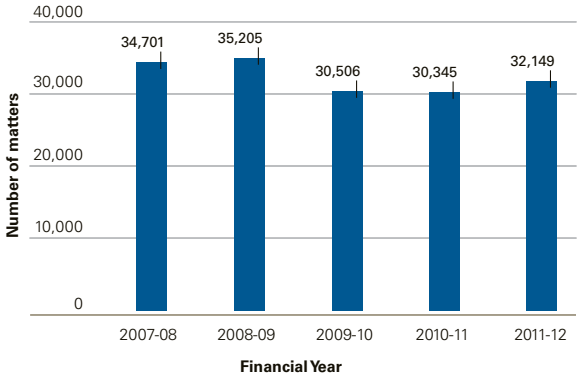
Criminal Case Activity



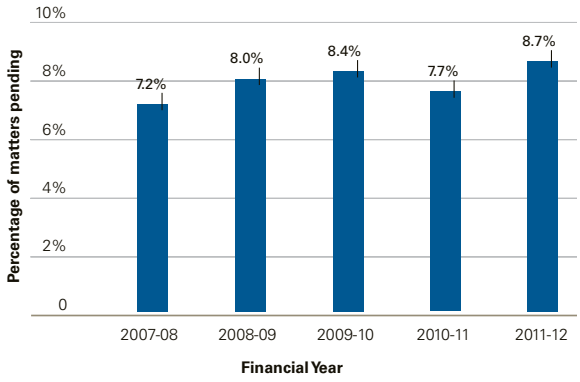
Criminal Applications



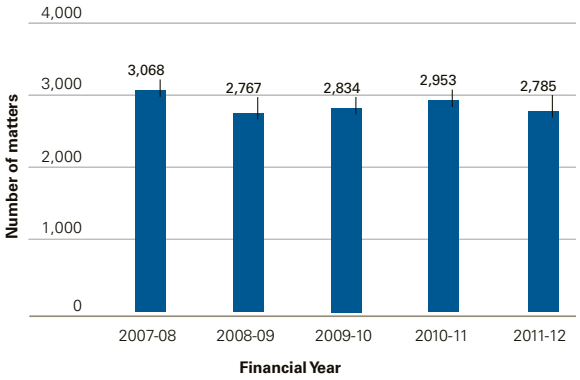
Criminal Pending (Snapshot June 30)



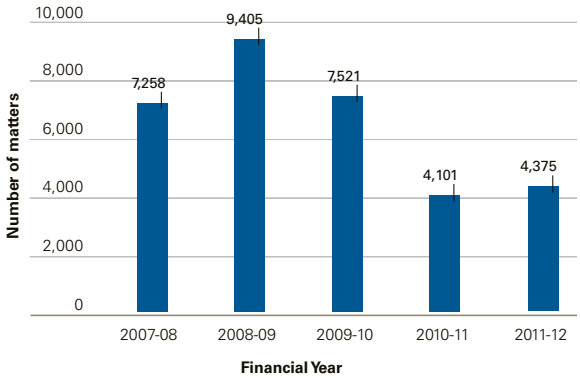
Percentage Pending More Than 12 Months (Snapshot June 30)



Committal Proceedings Finalised



Cases Finalised at Contest Mention



Civil Law Statistics

Year at a Glance

	2007/08	2008/09	2009/10	2010/11	2011/12
Complaints issued or filed	68,829	69,259	65,617	59,202	56,174
Claims actioned[7]	45,169	46,154	45,762	41,796	38,367
Claims finalised[8]	44,663	45,326	44,926	40,696	36,836
Default Orders Made	37,138	38,128	37,444	34,133	30,561
Defence notices filed (including WorkCover)	8,031	8,026	8,318	7,663	7,806
Up to $10,000 claimed	4,914	4,676	4,839	4,209	4,256
More than $10,000 claimed	3,117	3,350	3,479	3,454	3,550
Defended claims finalised, comprising:	7,525	7,198	7,482	6,563	6,275
Arbitration	3,116	2,468	2,706	2,274	1,791
Hearing	2,007	2,074	2,295	2,100	2,266
Pre-hearing conference and Mediation	2,402	2,656	2,481	2,189	2,218
Defended claims finalised within six months	81.5%	82.8%	82.3%	79.2%	81.6%
Defended claims pending as at 30 June	2,124	2,266	2,058	1,789	1,791
Defended claims pending for more than twelve months as at 30 June	9.9%	9.0%	7.8%	9.7%	8.4%

Regional Distribution – Civil claims finalised

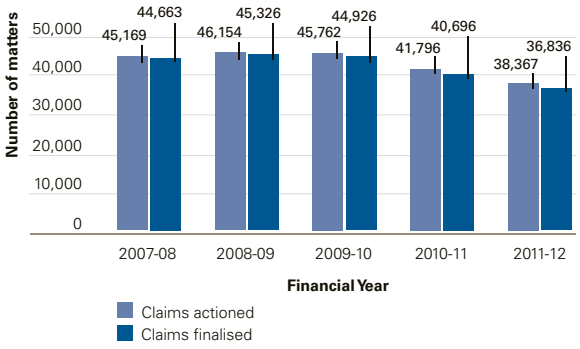
COURT REGION	2007/08	2008/09	2009/10	2010/11	2011/12
Barwon South West	1,150	1,493	1,589	1,390	1,265
Broadmeadows	1,110	940	978	770	621
Dandenong	1,695	1,659	2,436	2,320	2,015
Frankston[9]	1,388	1,230	1,838	1,617	1,957
Gippsland	1,183	1,166	1,053	953	699
Grampians	1,514	1,022	1,068	875	890
Heidelberg	1,696	1,169	996	865	833
Hume	1,485	1,433	1,531	1,415	1,228
Loddon-Mallee	2,273	2,243	2,423	2,049	2,054
Melbourne[9]	27,041	28,062	26,561	24,463	21,357
Ringwood	1,880	2,100	1,941	1,760	1,667
Sunshine	1,999	2,600	2,512	2,219	2,250
Total	**45,117**	**45,326**	**44,926**	**40,696**	**36,836**

7 'Claims actioned' refers to the aggregate of defence notices files (including WorkCover and default orders made)

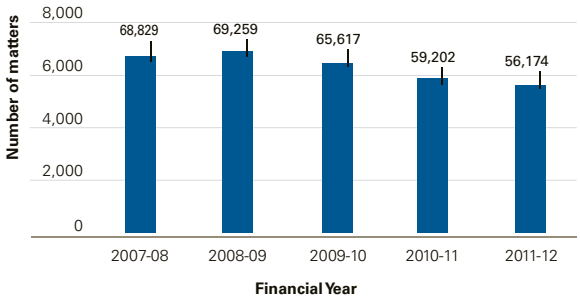
8 'Claims finalised' refers to the aggregate of default orders made and claims finalised at arbitration, open-hearing or pre-hearing conferences and mediation

9 Moorabbin Magistrates' Court moved from the Melbourne region to the Frankston region effective July 2011

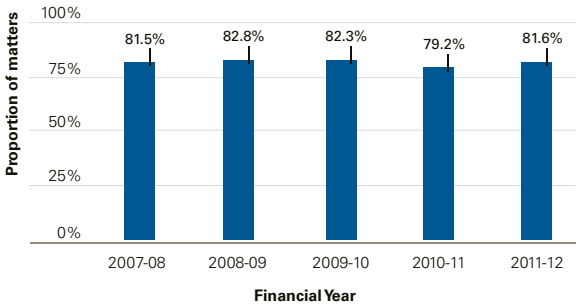
Civil Case Activity



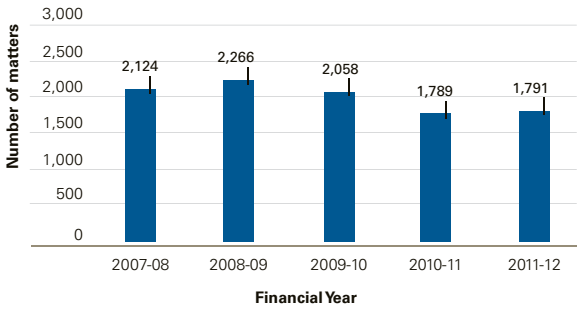
Complaints Issued or Filed



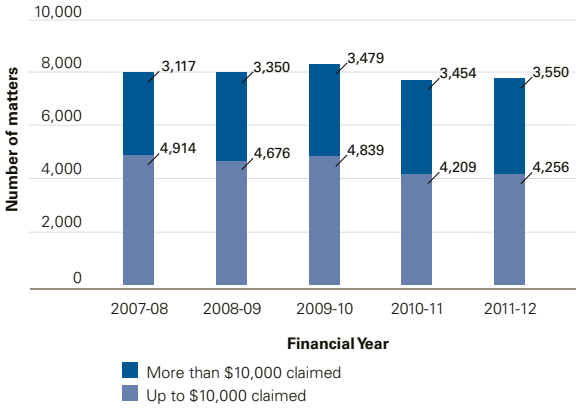
Defended Claims Finalised Within Six Months



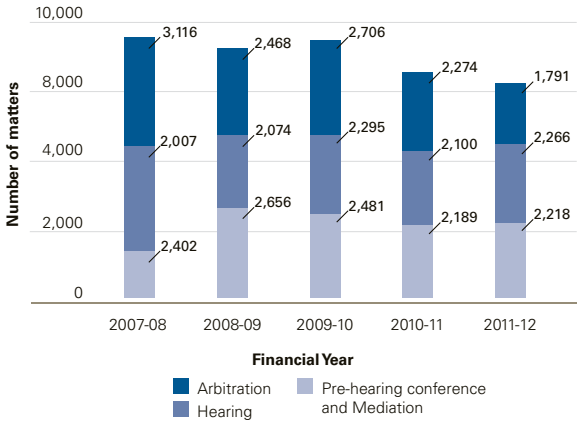
Defended Claims Pending (Snapshot June 30)



Civil Defence Notices Filed



Civil Defended Claims Finalised



Intervention Order and Family Law Statistics

Year at a Glance

	2007/08	2008/09	2009/10	2010/11	2011/12
Family Violence intervention order applications finalised[10]	22,103	23,986	25,911	28,141	31,332
Extension	546	632	861	1,006	1,022
Original	19,760	21,425	22,783	24,638	27,346
Revocation	698	787	784	781	741
Variation	1,099	1,142	1,483	1,716	2,223
Personal Safety intervention order applications finalised[11]	6,589	7,333	7,733	8,344	9,224
Extension	106	147	139	205	245
Original	6,368	7,046	7,455	7,964	8,824
Revocation	43	54	49	47	27
Variation	72	86	90	128	128
Family Violence interim orders made[12]	7,782	9,505	10,511	11,392	12,199
Personal Safety interim orders made[13]	3,060	3,793	3,974	4,210	4,780
Total Family Law finalisations	1,591	1,495	1,591	1,376	1,243
Intervention order applications received by After Hours Service	6,860	7,539	8,582	9,199	11,153

Regional Distribution – Intervention order applications finalised

COURT REGION	2007/08	2008/09	2009/10	2010/11	2011/12
Barwon South West	1,754	1,798	2,652	2,630	3,223
Broadmeadows	2,359	2,562	2,982	3,125	3,291
Dandenong	3,158	3,262	3,573	3,870	4,020
Frankston[14]	2,453	2,403	2,643	2,948	4,706
Gippsland	2,100	2,355	2,565	2,783	3,396
Grampians	2,139	2,196	1,560	1,720	2,042
Heidelberg	2,139	2,619	2,856	2,914	3,453
Hume	1,721	1,831	2,006	2,287	2,334
Loddon-Mallee	2,189	2,601	2,777	2,809	3,427
Melbourne[14]	3,037	3,588	3,553	3,981	2,825
Ringwood	2,299	2,230	2,566	2,863	2,947
Sunshine	3,344	3,874	3,911	4,555	4,892
Total	**28,692**	**31,319**	**33,644**	**36,485**	**40,556**

10 The intervention order figures are based on the total number of family violence intervention order applications. Counting rules are based on slightly differing rules to that used for reporting the number of cases finalised for output reporting and Budget Paper No. 3 purposes

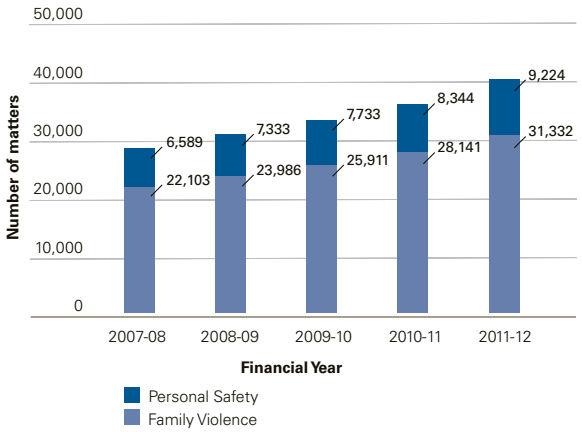
11 The intervention order figures are based on the total number of personal safety intervention order applications. Counting rules are based on slightly differing rules to that used for reporting the number of cases finalised for output reporting and Budget Paper No. 3 purposes

12 Refers to the number of family violence intervention order applications where at least one interim order was made

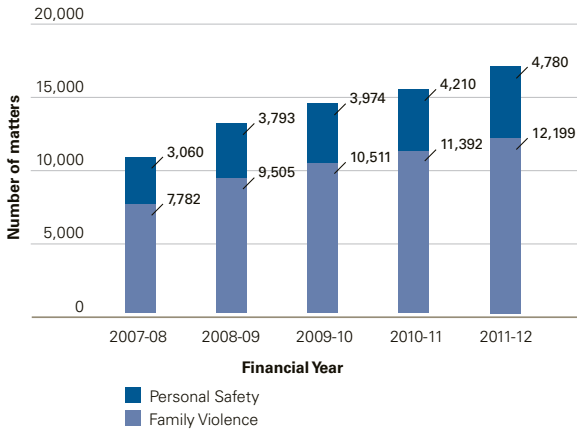
13 Refers to the number of personal safety intervention order applications where at least on interim order was made

14 Moorabbin Magistrates' Court moved from the Melbourne region to the Frankston region effective July 2011

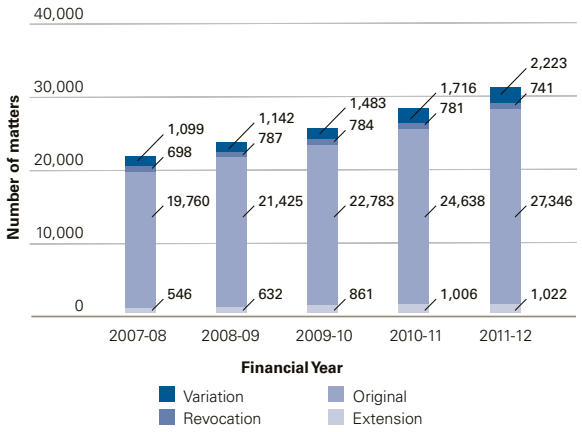
Intervention Orders Applications Finalised



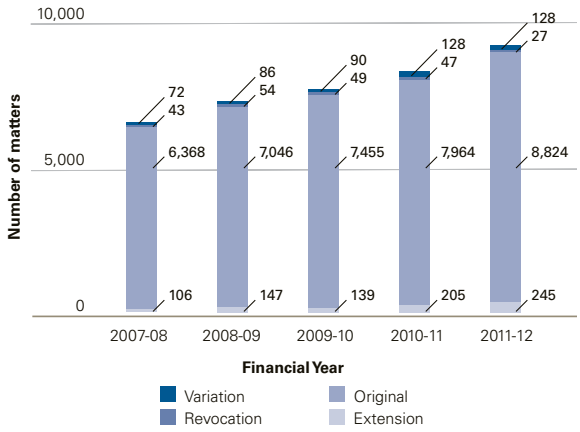
Interim Orders Made



Family Violence Intervention Order Applications Finalised (Applications Type)

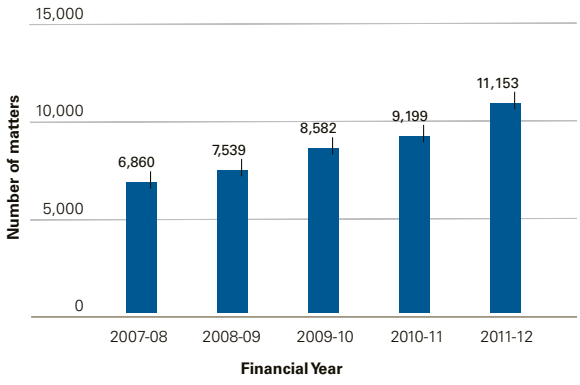


Personal Safety Intervention Order Applications Finalised



Intervention Orders Applications Finalised – Mode of Issue

Intervention Order Applications Received by After Hours Service



Court Support and Diversion Services Statistics

Referrals by Program

PROGRAM	2011/12
Court Integrated Services Program (CISP)	1900
CISP clients identified as Aboriginal only or Aboriginal/Torres Strait Islander	212
CREDIT/Bail Support Program	
CREDIT	1409
Bail Support Program	1195
Criminal Justice Diversion Program	5932
Matters Finalised/Heard	
Enforcement Review Program	1551

Court Support and Diversion Services

Assessment and Referral Court List (ARC)

The ARC List reports the following data for the period 1 July 2011 – 30 June 2012:

Referrals

Table 1: Referral source

REFERRAL SOURCE	NUMBER OF REFERRALS RECEIVED
CISP	31
Community	1
Department of Human Services	3
Community Legal Centre	2
Legal – Private	46
Legal – Victoria Legal Aid	37
Magistrate	33
Self referral	1
Victoria Police	1
Total number of referrals received	**154**

Diagnosis

Table 2: Primary diagnosis for participants (at exit from the program)

DIAGNOSTIC GROUP	NUMBER OF PARTICIPANTS
Mental Illness	38
Acquired Brain Injury	15
Intellectual Disability	8
Autism Spectrum Disorder	1
Other Neurological Impairment	1

Note: most participants also have a secondary diagnosis

Court Hearings

- There were 1144 ARC hearings conducted
- 82 participants were accepted onto the ARC List by magistrates
- 64 participants were exited from the ARC List
- 52 participants had their proceedings finalised in the ARC List
- One participant had their matters transferred out of the List to a contested hearing

Individual Support Plan (ISP)

- Sixty-six participants had their individual support plans approved

Court Integrated Services Program (CISP)

Referrals and engagements

In 2011/12, CISP received 1900 referrals. Of these 960 (50 per cent) were engaged in case management.

Treatment and Support

The following are the top five treatment and supports to which CISP referred clients in 2011/12:

- 2762 material aid, including food vouchers, travel cards and key passes
- 1430 drug and alcohol services, including Community Offenders Advice and Treatment Service (COATS)
- 668 mental health services, including area mental health service, psychiatric assessment, counselling, CAT team, psychologist
- 361 pharmacotherapy, including Methadone, Naltrexone, Buprenorphine, Suboxone
- 539 medical, including assessment of medical needs, pain management, medication review and specialist services.

Koori Liaison Officer (KLO)

In the 2011/12 period, 212 clients referred to the CISP identified as Aboriginal only or Aboriginal/Torres Strait Islander. This is 11 per cent of total CISP referrals for the 2011/12 period.

CREDIT/Bail Support Program

Referrals

In 2011/12, 1409 referrals were made to the CREDIT component of the program and 1195 to the Bail Support Program component.

Fifty-three clients referred to the CREDIT/Bail Support Program identified as Aboriginal only, Torres Strait Islander only, or Aboriginal/Torres Strait Islander.

Referrals by Referral Reason

The top six reasons for referral to the CREDIT/Bail Support Program were:

- illicit substance abuse
- alcohol abuse
- mental health, including unclear mental health status
- anger management
- housing
- employment/training needs.

Treatment and Support Services

In 2011/12 referrals made by the CREDIT/Bail Support Program to treatment and support services included:

- **959** drug and alcohol services, including Community Offenders Advice and Treatment Service (COATS)
- **107** pharmacotherapy, includes Buprenorphine, Methadone, Suboxone and Naltrexone
- **1529** material aid, includes food vouchers, key passes and travel cards
- **342** mental health services, including psychologist
- **226** medical, includes medication review, pain management, assessment of medical needs, referral to general practitioner
- **160** housing services, includes crisis and medium term housing.

Criminal Justice Diversion Program

The CJDP received 5,932 referrals from various prosecuting agencies during 2011/12, representing a 5 per cent decrease compared with 6,260 referrals received in 2010/11.

The highest number of referrals was male, representing 71 per cent of referrals received. The most commonly represented age category was the 17-25 age group. Of these accused, 2,636 were placed on a diversion plan (accepted into the program), compared with 2,975 accused in 2010/11.

During 2011/12, accused undertook 11,247 conditions, compared with 11,897 in 2010/11.

In 2011/12, 1,066 matters were found not suitable and refused by magistrates and judicial registrars, representing 18 per cent of referrals that were refused.

During 2011/12, a total of 4,245 accused successfully undertook conditions and completed their diversion plan, representing 91 per cent of accused who were placed on the CJDP, compared with 4,421 (90 per cent) in 2010/11.

During 2011/12, 54 accused identified as Aboriginal and/or Torres Strait Islander during the diversion interview process.

Enforcement Review Program

In 2011/12, the ERP received 28,093 individual infringements for listing in the Special Circumstances List, relating to 1546 accused.

A total 2,636 matters were listed in the Special Circumstances List in 2011/12. Of these matters, 1,551 were finalised by a magistrate or judicial registrar, representing an overall clearance rate of 60 per cent of the matters listed for the financial year.

The 1,551 matters finalised in 2011/12 is a decrease of 12 per cent compared to matters finalised in 2010/11.

Of the 1,551 matters that were finalised within the Special Circumstances List, 66 per cent of accused appeared in open court and 34 per cent were heard ex parte.

Appendices: Financial Statements for the year ended 30 June 2012

	NOTE	ACTUAL 2011/12	ACTUAL 2010/11
SPECIAL APPROPRIATIONS			
Magistrates' Salaries and Allowances		36,132,744	34,434,272
Total Special Appropriations		**36,132,744**	**34,434,272**
ANNUAL APPROPRIATIONS			
Salaries, Overtime and Annual Leave		23,937,938	23,274,529
Superannuation		2,206,795	2,144,911
Payroll Taxation		1,306,651	1,269,868
Fringe Benefits Taxation		16,883	20,535
Provision for Long Service Leave		725,287	708,929
Work Cover Levy		171,723	170,158
Work Cover		770	0
Total Salaries and Associated Expenditure		**28,366,047**	**27,588,930**

	NOTE	ACTUAL 2011/12	ACTUAL 2010/11
OPERATING EXPENDITURE			
Travel and Personal Expenses		706,270	591,416
Printing, Stationery and Subscriptions		1,203,427	1,410,819
Postage and Communication		895,672	926,636
Contractors and Professional Services		1,406,609	726,865
Training and Development		166,237	298,075
Motor Vehicle Expenses		64,876	34,036
Operating Expenses	6	-1,652,292	-1,630,117
Jury, Witness and Award Payments		58,800	63,680
Information Technology Costs		814,225	493,108
Urgent and Essentials		545,419	418,337
Rent and Property Services		1,195,360	1,263,534
Property Utilities		1,111,048	954,240
Repairs and Maintenance		930,731	983,026
Finance Lease Interest(including Bank Charges)		66,145	63,142
Court Security Project		3,091,335	3,281,413
Losses on Sale of Motor Vehicles		7,775	5,174
Total Operating Expenditure		**10,611,637**	**9,883,384**
Total Salaries and Operating Expenditure		**38,977,684**	**37,472,314**
COURT FEE INITIATIVES			
Shortfall in Operating Expenses	3	0	444,980
New Directions Project	3	49,754	471,099
Court Signage Project	3	262,308	140,185
Criminal Listing Coordinators	3	35,493	457,546
Total Court Fee Expenditure		**347,555**	**1,513,810**
COURT SUPPORT PROGRAMS			
Court Diversion Project	4	1,271,432	1,306,441
Bail Support Program	4	671,233	827,436
CREDIT	4	1,111,798	1,282,946
Drug Court	4	1,452,565	1,434,900
Koori Court	4	2,158,080	2,085,007
Family Violence Program	4	1,576,856	1,537,684

	NOTE	ACTUAL 2011/12	ACTUAL 2010/11
Specialist Family Violence Project	4	1,072,460	843,741
Court Integrated Services Program	4	2,830,056	2,166,040
Total Court Support Programs Expenditure		**12,144,480**	**11,484,195**
Total Annual Appropriations Expenditure		**51,469,719**	**50,470,319**
DEPARTMENTAL CONTROLLED EXPENDITURE			
Essential Services Maintenance	5	760,822	1,005,253
Rental Accommodation	1	3,348,881	3,078,886
Depreciation— Land and Buildings	2	7,873,987	7,497,353
Amortisation— Land and Buildings	2	40,713	42,234
Amortisation— Motor Vehicles	2	1,273,428	1,246,577
Depreciation— Plant and Equipment	2	46,940	33,993
Total Department Controlled Expenditure		**13,344,771**	**12,904,296**
CAPITAL EXPENDITURE			
Purchases of Plant and Equipment		205,178	520,573
Total Capital Expenditure		**205,178**	**520,573**

Notes to and forming part of the Financial Statements

Note 1

Items identified as departmental controlled expenditure are fully funded for the financial year by the Department of Justice. Any surplus or deficit outcome for the financial year has no impact on the Court's annual appropriation budget. Any budget savings achieved in these expenditure items cannot be redeployed to meet other general operating 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. The Department of Justice allocates 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, which are fully funded and remain as non-discretionary expenditure for the court.

Note 3

Included in the total annual appropriations expenditure are court fee funded initiatives (revenue retention), which were approved and completed during the 2011/12 financial year.

Note 4

Court support programs have been established and incorporated into the operations of the Magistrates Court. Although these programs are funded individually, the overall annual expenditure forms part of the total annual appropriations expenditure of the Court.

Note 5

Within the Department of Justice, Built Environment and Business Sustainability (BEBS) manage assets, accommodation planning, capital projects and environmental issues. Services relating to the court infrastructure include the essential safety measures program, which is fully funded by the Magistrates Court of Victoria.

Note 6

In 2011/12, cost recovery from specialist court and support programs was received concerning central overhead operating expenses, which were recorded as an Operating Expense Recoup rather than as a direct reduction to expenditure across various individual operating expense line items. This approach was also applied to the reimbursement of costs incurred on behalf of other Departmental, State and Commonwealth agencies.

July 2012

Directories, Contacts and Court Locations

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Directory of Magistrates and Judicial Registrars

Magistrates

Mr Henry Clive Alsop

Ms Susan Jane Armour

Ms Donna Bakos

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt (retired 2 February 2012)

Ms Luisa Rita Bazzani

Mr John Stephen Bentley

Mr Ross Frederick Betts (retired 16 January 2012)

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Ms Felicity Anne Broughton (DCM)

Mr Gerard Robert Bryant

Mr Darrin Cain

Ms Suzanne Lara Cameron

Mr Andrew Thomas Capell

Ms Rosemary Carlin

Mr James Maxwell Brooke Cashmore

Ms Amanda Chambers

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Mr Simon Mitchell Cooper (appointed 7 February 2012)

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Jillian Mary Crowe

Ms Sharon Elizabeth Cure

Ms Sarah Kingsley Dawes

Mr John William Doherty

Mr Peter Gordon Dotchin

Ms Michelle Pauline Elizabeth Ehrlich (appointed 12 June 2012)

Ms Caitlin Creed English

Mr David Kevin Fanning

Mr Bernard Robert FitzGerald

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Simon Gerard Garnett

Mr William Paterson Gibb

Ms Jane Catherine Gibson

Mr Philip John Ginnane (appointed 29 November 2011)

Mr Phillip Goldberg

Ms Jennifer Anne Benn Goldsbrough

Mr Ian Leslie Gray (CM)

Mr Martin Grinberg

Ms Jennifer Margaret Grubissa

Ms Margaret Gill Harding

Mr John William Hardy

Ms Annabel Mary Hawkins

Ms Kate Isabella Hawkins

Ms Fiona Ann Hayes

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

Ms Michelle Therese Hodgson

Mr Franz Johann Holzer

Ms Audrey Graham Jamieson

Mr Graeme Douglas Johnstone

Mr Frank William Dudley Jones (retired 2 July 2011)

Mr Graham Douglas Keil

Mr Jonathan George Klestadt

Mr Robert Krishnan Ashok Kumar

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Nunzio La Rosa

Mr Peter Henry Lauritsen (DCM)

Mr John Leon Lesser

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Jan Maree Maclean

Ms Kay Helen Macpherson

Mr Lance Ivan Martin (DCM)

Ms Ann Judith McGarvie

Mr Andrew Richard McKenna

Mr Gregory Laurence McNamara
Mr Peter Harry Mealy
Mr Peter Mellas
Ms Johanna Margaret Metcalf
Mr Daniel John Muling (DCM)
Mr John Martin Murphy
Mr Stephen Paul Myall
Mr John Lawrence O'Callaghan
Mr William John George O'Day
Ms Julie Ann O'Donnell
Ms Denise Mary O'Reilly
Ms Kim Michelle Willmott Parkinson
Mr Anthony William Parsons
Mr Richard John Pithouse
Ms Jelena Popovic (DCM)
Ms Roslyn Jane Porter
Mr Reginald Hugh Storrier Radford (appointed 14 March 2012)
Mr Peter Anthony Reardon
Mr Duncan Keith Reynolds
Ms Mary Kay Robertson
Mr Charlie Rozencwajg
Mr Ronald Norman Saines
Mr Marc Anthony Sargent
Mr Michael Leslie Smith
Mr Paul Anthony Smith
Ms Sharon Elizabeth Smith
Mr Patrick Southey
Ms Paresa Antoniadis Spanos
Ms Pauline Therese Spencer
Ms Heather Margaret Spooner
Ms Fiona Margaret Stewart
Ms Stella Maria Dolores Stuthridge
Ms Noreen Mary Toohey
Ms Jennifer Beatrix Tregent
Mr Jack Vandersteen
Mr Ian Maxwell Von Einem
Ms Susan Melissa Wakeling
Ms Belinda Jane Wallington
Mr Ian John Watkins
Mr Iain Treloar West (Deputy State Coroner)
Mr Michael Gerard Wighton
Mr Brian Robert Wright
Mr Richard Thomas Wright

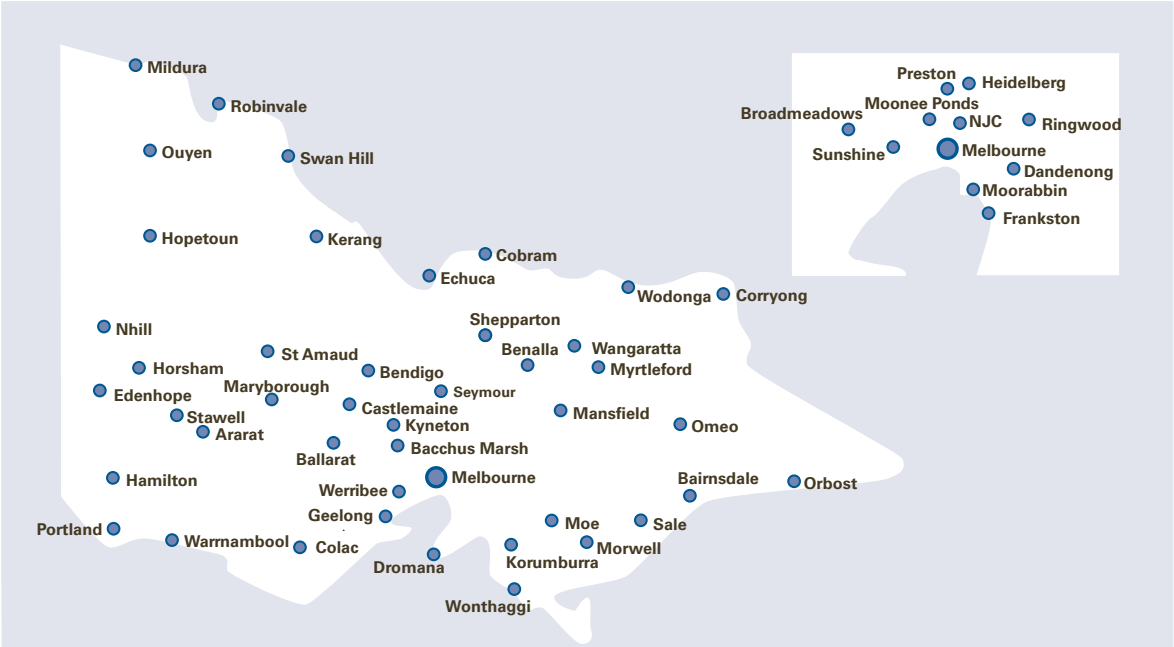
Acting Magistrates

Mr Brian Sturtevant Barrow
Mr John Douglas Bolster
Mr Brian Joseph Clifford
Mr Thomas Kevin Hassard (appointed 29 July 2011)
Ms Jacinta Heffey (appointed 22 August 2011)
Ms Gail Anne Hubble
Mr Frank William Dudley Jones (appointed 6 March 2012)
Mr Timothy John McDonald
Mr Ian Thomas McGrane
Mr Peter Thomas Power
Mr Steven Raleigh
Mr William Peter White (appointed 29 July 2011)
Mr Terry John Wilson
Mr Francis Patrick Zemljak

Judicial Registrars

Ms Ruth Andrew
Mr Graeme John Horsburgh
Mr Barry Raymond Johnstone
Ms Sharon McRae (appointed 16 August 2011)
Mr Peter Mithen
Mr Richard O'Keefe
Ms Angela Assunta Soldani

Map of Locations



REGION	COURTS IN REGION
Melbourne	Melbourne
Barwon South West	Geelong, Colac, Hamilton, Portland and Warrnambool
Broadmeadows	Broadmeadows, Moonee Ponds
Dandenong	Dandenong
Frankston	Frankston, Dromana, Moorabbin
Gippsland	Latrobe Valley (Morwell), Bairnsdale, Korumburra, Moe, Omeo, Orbost, Sale, Wonthaggi
Grampians	Ballarat, Ararat, Bacchus Marsh, Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell
Heidelberg	Heidelberg, Preston
Hume	Shepparton, Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga
Loddon Mallee	Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill
Neighbourhood Justice Centre	Neighbourhood Justice Centre (Collingwood)
Ringwood	Ringwood
Sunshine	Sunshine, Werribee

Court Location and Contact Details

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Corryong 3707
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Cnr High and Highett Street
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MARYBOROUGH
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03 9628 7733
Fax: Criminal Coordinator
03 9628 7808
Fax: Criminal Registry
03 9628 7826
Fax: Civil Coordinator
03 9628 7736
Fax: Civil Pre-hearing Conference 03 9628 7837
Fax: Civil Registry 03 9628 7728
Fax: Family Law 03 9628 7874
Fax: VOCAT 03 9628 7853

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Broadmeadows 3047)
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Fax: 03 9370 5067

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Ringwood 3134 (DX 212456)
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Fax: 03 5735 0101

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Shepparton 3630 (DX 218731)
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Fax: 03 5821 2374

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St Arnaud 3478
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Also see ARARAT

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Fax: 03 9300 6269

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Fax: 03 5033 1955

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Wangaratta 3677 (DX 219436)
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Fax: 03 5721 5483

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Fax: 03 5564 1100

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Fax: 03 9974 9301

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Fax: 02 6043 7004

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Wonthaggi 3995
Ph: 03 5672 1071
Fax: 03 5672 4587

Glossary

Glossary

ADR	Alternative Dispute Resolution, including mediation for civil matters
ARC	Assessment and Referral Court, for more information refer to page 57
CALD	Culturally and Linguistically Diverse
CCO	Community Correction Order, a sentencing order that can be made by a magistrate pursuant to section 37 of the *Sentencing Act 1991*
CCS	Community Correctional Services, a service provided by the Corrections Victoria. For further information, refer to page 69
CISP	Courts Integrated Service Program, for more information refer to page 59
CJDP	Criminal Justice Diversion Program, for more information refer to page 66
Courtlink	The Court's case management system
CREDIT	Court Referral and Evaluation for Drug Intervention and Treatment Program
CM	Chief Magistrate
CTS	Courts & Tribunals Service
DCM	Deputy Chief Magistrate
DTO	Drug Treatment Order, a sentencing order that can be made by a magistrate sitting in the Drug Court pursuant to section 18Z of *Sentencing Act 1991*. For further information, refer to page 52
EFAS	Electronic Filing Appearance System, a system used by the Court to improve its efficiency in taking legal practitioner appearances, for more information refer to page 82
FSD	Victoria Police Forensics Services Department
ICMS	Integrated Courts Management System, the project responsible for implementing the 'Courtview' case management system, which is currently used in the Supreme Court and Coroners Court
JCV	Judicial College of Victoria
L & D	Learning and Development Unit of the Magistrates' Court of Victoria, for more information refer to page 26
LIV	Law Institute of Victoria
NJC	Neighbourhood Justice Centre, for more information refer to page 55
OPP	Office of Public Prosecutions
The Court	refers to the Magistrates' Court of Victoria
The Department	refers to the Department of Justice
VCAT	Victorian Civil and Administrative Tribunal
VLA	Victoria Legal Aid
VOCAT	Victims of Crime Assistance Tribunal
YJCAS	Youth Justice Court Advice Service, a service provided by Youth Justice. For further information, refer to page 68

MAGISTRATES' COURT OF VICTORIA
www.magistratescourt.vic.gov.au

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