



Magistrates' Court of Victoria
2008–09 annual report



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Letter to the Governor

To Professor David de Kretser, A.C.
The Governor of Victoria

Dear Governor

On behalf of the Council of Magistrates, I am pleased to present the Annual Report covering the operation of the Magistrates' Court of Victoria from 1 July 2008 to 30 June 2009, pursuant to section 15 of the *Magistrates' Court Act 1989*.

Sincerely

A handwritten signature in black ink, appearing to read 'I. Gray', written in a cursive style.

Ian L Gray
Chief Magistrate
1 August 2009

Report of the Chief Magistrate



Introduction

This year I present an annual report that reflects an environment of both significant legislative change, and the work required to maximise the benefits of legislative reform. The environment also reflects continuing resource constraints. The court performance measures indicate 2008–09 was an efficient year at a time of increasing jurisdiction and caseload volumes in the court.

The growing volume and complexity of the court's work has led to a focus on the potential efficiencies that the *Criminal Procedure Act 2009* and the Uniform Evidence Act offer through procedures such as summary case conferencing and early disclosure measures. The challenge throughout 2008–09 was to ensure that the community received the full benefit of these law reform initiatives together with a quality mainstream court service. This remains the major challenge in the forthcoming year.

Court Performance

The '*Report on Government Services 2009*' (the ROGS), which was released on 30 January 2009 showed an exceptionally strong performance by the court during the reporting period. The ROGS data is testament to the courts overall efficiency with clearance rates averaging over 100% in the face of ever increasing initiations. Despite some issues of backlog in some jurisdictions, we can be proud of the courts performance.

In each of the last two years both lodgements and finalisations reached record levels. The court's criminal workload shows a 32.8% increase of criminal cases finalised over two years. A significant proportion of the increase has been infringement prosecutions that are increasingly being handled by judicial registrars. There has been a 14.3% increase of family violence applications finalised, a 46.3% increase of WorkCover complaints issued and 6.8% increase of industrial division complaints finalised – each over the last two- year period. There has been a 7.1% decrease in civil complaints over the same period.



It is important to note that the data contained in the ROGS does not in any sense tell the whole story of the court's work. It is quantitative and not qualitative data and is based only on the finalisation of matters in all jurisdictions. It does not take into account the many types of application and interlocutory matters, which are dealt with by the court. Examples of these are bail applications and the various forms of interlocutory applications from the civil jurisdiction. I note the current review of the ROGS process, to which this court is contributing, and look forward to changes in the measuring framework and counting rules to better reflect the work of this court, and comparable courts in Australia.

Funding and Resources

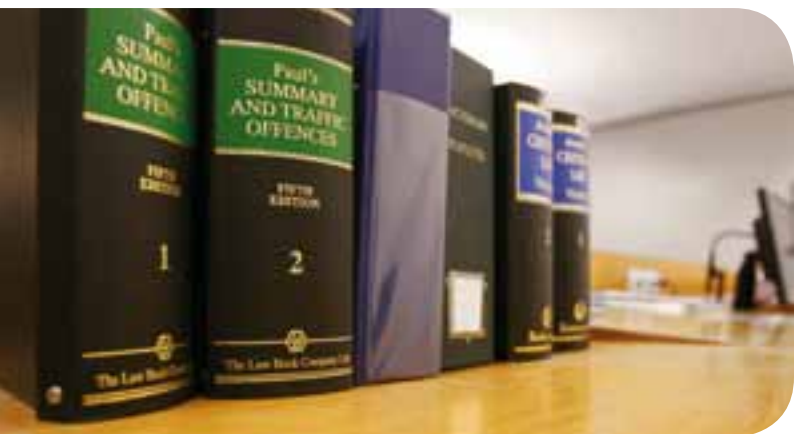
I have referred to the increasing caseload of the court. The increases are by far the biggest challenge currently facing the court. The demands on the court resulting from expanding jurisdictions (both criminal and civil) in recent years, and those resulting from legislative changes are placing added stress on the court's resources. A good example of this is the pressures created by the introduction of the *Family Violence Protection Act 2008*. Positive reforms flowing from this legislation are of course welcomed, but the implementation of new legislation without additional funding has placed significant pressures on both registry and courtroom time.

Historic under-resourcing of the court was recognised and articulated in the working documents supporting the analysis of the court's history and performance, during the 'Magistrates' Court 2015' project. With demand pressures increasing, the recurrent budget for the court's core business is inadequate.

The government has injected significant funding into the court through various initiatives such as the Drug Court, the Koori Court, the Neighbourhood Justice Centre and other initiatives. These are excellent developments that have introduced specialist administrative capacity and expertise to the court. They have positioned the court well for the future to deliver modern justice services to Victorians. Taken together, they have substantially increased the court's total budget, but the reality is that they do not directly benefit the core operational budget of the court, which is devoted to the majority of the court's activities and cases.

The core budget must allow the court to employ sufficient staff to provide high quality case management, and to support magistrates in dealing with the mainstream work of the court. As good as the various initiatives referred to above are, and they are excellent, there will remain deep frustration amongst magistrates, registrars and administrators within the court if the core budget cannot meet the demands of the mainstream high-volume lists. For its part, the court is working on the development of a new 'Court Activity Model' to support the argument that the core budget of the court needs to be increased.

On the subject of budget, under the governance arrangements in Victoria, the CEOs of courts do not have full control of the budgets they receive from the Department of Justice. With courts facing increasing demands and changing expectations, and with more initiatives and reforms impacting on their performance, the senior administrators of courts need the control and flexibility in allocating and distributing the available resources.



International Framework for Court Excellence

I attended the Australasian Institute of Judicial Administration launch of 'The International Framework for Court Excellence' ('the framework') in September 2008. The framework sets out the values, concepts and tools that courts can use to assess and enhance court administration as well as "measure" the quality of justice. The framework articulates, for the first time, an internationally agreed set of quality measures. The framework invokes the use of audit tools in the areas of court user satisfaction, court policy and leadership, information and performance measures for specialised courts. The framework offers a means for the articulation, assessment and measurement of court quality. Unlike the ROGS data, which is used for comparative purposes, this framework is a very useful tool for individual court measurement and assessment.

Next Generation Courts

This is a new and important project for the court. It flows from *Justice Statement 2* and I welcome it. It will address the long-term goal of assessing the key benefits of specialist lists and programs and proposing options for mainstreaming those benefits. In recent annual reports I have made the comment that the challenge facing the court and government in terms of future reform is to integrate and capitalise on the benefits and success of specialist lists and programs already implemented. This new project creates a structure and program for addressing that challenge.

Mental Health Initiative

I welcome the government's decision to support the development of a Mental Health List in the court. This represents an expansion of the court problem-solving model, which has been articulated in many places including *New Directions for the Magistrates Court of Victoria 2008-2011*. The list was flagged in *Justice Statement 2* and the government has funded a four-year pilot with the appropriate resource allocations.

Family Violence

The *Family Violence Protection Act 2008* commenced in December 2008 and substantially recast the previous *Crimes (Family Violence) Act 1987* (repealed). It is a major reform of the family violence jurisdiction and has had significant implications for registry processes as well as for the judicial handling of applications for intervention orders.

The court has undertaken substantial professional development both internally, and through the Judicial College of Victoria (the JCV) to prepare for the introduction of the Act. I wish to thank Cathy Lamble, Supervising Magistrate for Family Violence and Family Law, for her superb handling of the introduction of the Act and her assistance to magistrates and staff. Magistrate Lamble's calm and effective management of the various issues, including listing and numbers issues, which have arisen since the introduction of the legislation has ensured the community has been well-served.

Criminal

Later this year the *Criminal Procedure Act 2009* and the Uniform Evidence Act will commence operation in Victoria. The court has undertaken extensive work in preparation for the introduction of the *Criminal Procedure Act 2009*, which represents the most significant reform of criminal procedure in over fifty years.

The court has been intensively engaged in the development of appropriate rules and this work has been undertaken now for many months. A close relationship between the judiciary and court administration has led to an efficient level of preparation for the commencement of the Act and upgrading of the Courtlink database. The court has worked collaboratively and closely with the Department of Justice and the other courts to achieve outcomes that will hold great benefits for the community.

I wish to particularly thank Charlie Rozencwajg, Supervising Magistrate - Criminal, for his leadership during this very demanding year. I also thank the court's project and research officer, Natalie Plumstead for the quantity and quality of the work she has contributed to this project. Many other members of the court deserve recognition in this context, including Deputy Chief Magistrate Dan Muling and a number of senior administrators in the court, in particular Rob Challis.

There has also been a significant professional development effort produced by the JCV, supplemented by the court's own work, to prepare for major reform when the Uniform Evidence Act commences operation later this year.

Public Information and Engagement

The court's new website was launched on 5 June 2009. Some of the features include:

- judgments and decisions pages
- court locations/services/opening times pages
- court coordinator email addresses
- language icon panel that links to ten community languages.

It was a great pleasure to launch the website and I am particularly pleased that it will serve the community in a very practical way through, amongst many other features, the availability of email contact points for court coordinators around the state. This will divert pressure from the court telephone system and give practitioners and prosecutors quick and easy access to coordinators who operate at the frontline of the court across the state.

Again this year magistrates, in particular Regional Coordinating Magistrates (RCMs), court administrators and registrars have maintained and increased the courts outreach in the community. Court user forums, both general and specialist, are a routine feature of the work of the court within Melbourne, the suburbs and the regions. RCMs engage in a wide range of activities in their communities, in fact the level of engagement has never been higher.

Judicial Professional Development

Again this year magistrates have engaged in an intensive and extensive range of professional development commitments. The JCV has provided an excellent program of professional development opportunities for judicial officers in Victoria and magistrates have actively participated in a wide range of seminars, workshops and other activities. One of the most successful of these is the '360 Degree Feedback Court Craft' course. It continues to attract great support from magistrates and judges, and has high credibility. The educational value of peer review, of the type that occurs within this course is widely recognised and I strongly support it.

It is also important to recognise the work of the professional development magistrates and of their Professional Development Committee. The committee is one of the most important in the court and has had a productive and hard-working year. I appreciate the clear desire of magistrates for professional development programs and opportunities that can be provided by the court's own educational work, in addition to the programs offered by the JCV. The challenge is to ensure that the internal stream and the JCV stream of professional development complement each other. There are specific professional development needs of magistrates which cannot be met by the JCV given its cross-jurisdictional role. The Professional Development Committee continues to meet and remain sensitive to the specific professional development needs of magistrates.

Terms and Conditions of Magistrates

There has been a lingering question about the future of the Judicial Remuneration Tribunal (JRT). We look forward to the status of the JRT being confirmed and the tribunal getting on with the work of considering outstanding issues. The Terms and Conditions Committee has begun to again tackle the major outstanding issues of superannuation and long-term disability. These issues remain outstanding from the JRT report of 2005-06. I express my thanks to John Griffin, Executive Director, Courts for providing the committee with funding to engage expert actuarial advice to assist with the preparations of submissions to the JRT, particularly on the issue of a modernisation of the superannuation paid to Victorian magistrates.

In the 2007-08 Annual Report last year, in relation to the issue of judicial superannuation, I said: *"The other issue is the need for the development of a modern judicial superannuation scheme to replace the existing superannuation provided to magistrates in this state. There are currently three superannuation schemes covering Victorian magistrates, depending on when they were appointed, and these provide differential benefits"*. The issue remains current.

As I said last year, the magistrates believe that it is appropriate to engage with both the JRT and the government to achieve reform and modernisation on this issue.

Infrastructure/Buildings

In last year's report I drew attention to the state of the court's budget for capital improvement and minor new works and do so again. I also drew attention to the need for refurbishment of a number of important Victorian buildings. There remains an evermore-urgent need to replace the Shepparton Court building, which falls well short of appropriate standards for a modern regional headquarters courthouse, and to find a solution to the problems which continue to compromise the functionality and amenity of the historic Bendigo Court building.

An International Perspective

As in previous years, it has been my privilege to represent the court in a wide range of speaking and other public engagements. I have also been able to represent the court in two international settings within the last 12 months. In June, at the invitation of Professor Andrews of Valparaiso University, Indiana, USA, I attended a series of seminars in Buenos Aires, Argentina on human rights and spoke on the development of indigenous courts in Australia. Early in July I visited East Timor and addressed a conference jointly hosted by the National University of Timor Leste and Victoria University.

The details of these events are set out elsewhere in this report, but I mention them here to make the point again, as in previous years, that I believe that the court has both an opportunity and a duty to engage with the judiciary of other countries, and to foster relationships with courts, judges and magistrates in other jurisdictions.

Other magistrates have over the years spoken at advocacy forums and participated in similar activities, for example, Lesley Fleming, and Anne Goldsbrough who recently spoke at a conference in China on domestic violence and related issues. I intend to continue encouraging magistrates to contribute to the international debate on issues of relevance to the court.

The development of associations and relationships with other jurisdictions is beneficial to magistrates in terms of their own professional development and expertise. The sharing of experiences and insights gained from the specialist and mainstream work of the court has a great deal to offer other countries within our region.



Appointments and Retirements

During the year, we welcomed the appointment of the following new magistrates:

- Mr Tony Parsons – September 2008
- Mr Richard Pithouse – October 2008
- Ms Sharon Cure – December 2008
- Mr Peter Mellas – December 2008
- Ms Michelle Hodgson – December 2008
- Ms Stella Stuthridge (as an acting magistrate) – March 2009
- Mr Brian Clifford¹ (as an acting magistrate) – March 2009
- Mr Franz Holzer – July 2009

We also welcomed the appointment of two new judicial registrars to the court:

- Mr Peter Mithen – December 2008
- Mr Richard O'Keefe – December 2008

In addition to the appointment of new magistrates and judicial registrars, we also welcomed the appointment of Lance Martin as a Deputy Chief Magistrate on 26 August 2008. I would also like to thank Paul Smith for his support and work during the period he was a Deputy Chief Magistrate – I greatly valued his contribution.

During the year we farewelled these magistrates from the ranks, and each has been thanked and recognised for their service to the court and the community:

- Mr Steven Raleigh – August 2008
- Mr Brian Wynn-MacKenzie – August 2008
- Mr Alan Spillane – September 2008
- Mr Harley Harber – November 2008
- Mr Brian Clifford – November 2008
- Mr Ian McGrane – December 2008

- Mr Thomas O'Dwyer – April 2009
- Mr Barry Docking – June 2009
- Ms Carmen Randazzo – June 2009
- Mr Rowan McIndoe – July 2009
- Mr Reg Marron – July 2009

Acknowledgements

I wish to thank all the magistrates, judicial registrars and court staff for their commitment and dedication throughout the year. I thank the Deputy Chief Magistrates, State Coordinating Magistrate, Regional Coordinating Magistrates and the Supervising Magistrates for their work, support and contribution to the administration of the court throughout the year. The team at Magistrates' Support Services, which is led by Melissa Biram and includes administrative assistant Nola Los, court librarian Libby Gray and project and research officer Natalie Plumstead, provide considerable assistance in supporting this work. I also wish to thank Lesma King, who commenced as my executive assistant this year. She has been an invaluable support to me, and indeed all magistrates, in her role.

I thank the CEO, Charlotte Stockwell for the support she has given me and the magistrates throughout the year and I acknowledge her strong commitment to the progressive modernisation of the court. I also wish to thank John Griffin, Executive Director, Courts, for his strong and steady support for the court.

¹ Brian Clifford retired as a magistrate in November 2008, but was reappointed to the court as an acting magistrate in March 2009.

Report of the Chief Executive Officer



It is with pleasure that I present the 2008-09 Magistrates' Court of Victoria Annual Report, my second as Chief Executive Officer.

It has been another challenging year for the Magistrates' Court as we negotiated the global financial crisis, the devastation of the Victorian Bushfires, our ever-increasing work program and continued to make progress in the context of the 'New Directions' reform activity. Consistent with the themes of annual reports of previous years, the court's judiciary and staff are working harder than ever.

Court Performance

The Magistrates' Court finalised in excess of 170,000 criminal cases within this reporting year – an outstanding result and an indication of the broader workload increases the court continues to face and absorb. Whilst the court's judicial officers, judicial registrars, registrars and administrative staff continue to respond to rising demand, it is incumbent on the executive and court management team to ensure that appropriate resources are in place to meet the court's current and emerging workload and to develop appropriate internal support structures, which facilitate the efforts of the judiciary and staff. Both of these activities are priority initiatives of the 'New Directions' project and I expect to see significant developments in these areas in the coming year.

Security

Last year's \$15.6 million funding outcome for improved court security was reflected within the court's strategic work program this year and has resulted in the court's metropolitan venues now having state of the art security equipment and an increased number of trained security staff. A fundamental enabler of access to justice is the provision of safe and secure court environments, and these upgrades have been an integral part of these efforts. As I reported last year, I will continue to strongly support the Chief Magistrate in ongoing efforts to improve security in a statewide context as a key priority for the court.



Staff Achievements

This year I was proud to witness members of the Family Violence Resource Officer Network receive a Justice Award for their tireless and dedicated efforts to improve the capacity of the court to respond to incidents of family violence. Their work has ensured that the court is proactively participating in the 'Whole of Victorian Government' family violence strategy and giving proper effect to the range of positive, victim focused reforms brought on by the *Family Violence Protection Act 2008*. I also would like to recognise the efforts of Simon Walker who received a Courts Portfolio Award for his work in the implementation phase of that legislation.

All staff should strive for achievements of this nature as they recognise the innovation, dedication and commitment to improving the court and its ability to serve those who come into contact with it. The single most important component of any organisation, particularly one with a service and service improvement focus, is its people and I am once again very proud of the Magistrates' Court team and honoured to be a part of it.

New Directions

The response to the court's 'New Directions' initiative has been outstanding and reflects a staff body which is truly engaged with the court and how it operates.

The project is starting to deliver service excellence outcomes for our court users, business process improvements, and is building the capacity of the organisation to meet current and future challenges. Whilst the primary focus has been on the staff engagement and project-planning phase, I expect to see, and will be driving momentum in the coming year to deliver significant outcomes and improvements for the judiciary, staff and court users. 'New Directions' initiatives and projects will certainly become more visible within our operations as our planning work moves into the implementation and activity phase.

I encourage all staff who are currently engaged with the specific project streams to maintain your commitment to these areas and ask that all remaining staff be mindful of the opportunities to become involved in the coming year. Whilst change processes can be challenging, complex and at times confronting, I have been delighted by the overall staff response, the willingness to be involved and the commitment to celebrating what is great about our organisation and making changes where there are opportunities to improve.

Acknowledgements

I would like to thank the Chief Magistrate, Ian Gray and the magistracy for their continued support this year and for their open and responsive attitude to reforming and improving the court. Thank you also to John Griffin, Executive Director, Courts and Jo Metcalf, Director, Courts and Tribunals Unit and their departmental staff.

Finally, I would like to thank the members of my personal staff and the court's executive group for your unfailing support, commitment and dedication throughout this year.

CHARLOTTE STOCKWELL
Chief Executive Officer
June 2009



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, suburban and regional locations and comprises 108² magistrates, 10 acting magistrates and five judicial registrars. The magistracy is supported by 627 full-time equivalent 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.

Criminal Jurisdiction

The court has jurisdiction to determine and impose sentences for summary offences and a wide range of indictable offences. Where the court does not have jurisdiction to deal with indictable charges it conducts committal proceedings to determine if there is sufficient evidence for the defendant to be committed to stand trial at the Supreme Court or County Court.

Civil Jurisdiction

The court has jurisdiction to hear and determine claims up to \$100,000. In addition, the court has jurisdiction to hear claims for equitable relief, such as applications for injunctions or for the return of property, or to prevent disposal or dissipation of assets.

Within the civil jurisdiction, the court also has the authority to hear WorkCover and Industrial Division matters:

WorkCover

The court deals with a number of proceedings under the *Accident Compensation Act 1985* and the *Workers Compensation Act 1958*. The court's jurisdiction in WorkCover matters extends to claims up to \$40,000 or 130 weeks' arrears of weekly payments.

Industrial Division

The Industrial Division of the court deals with disputes between employees and employers over employee entitlements, whether those entitlements arise under a contract of employment, an industrial instrument, the *Workplace Relations Act 1996* (Cth), the *Long Service Leave Act 1993*, the *Public Holidays Act 1993* or the *Outworkers (Improved Protection) Act 2003*.

Family Violence and Family Law Jurisdiction

The court has jurisdiction to make intervention orders to protect family members from family violence. Its jurisdiction derives from the *Family Violence Protection Act 2008*, which commenced on 8 December 2008. This Act repealed the *Crimes (Family Violence) Act 1987*. The purposes of the new Act are to:

- maximise safety for children and adults who have experienced family violence
- prevent and reduce family violence to the greatest extent possible
- promote the accountability of perpetrators of family violence for their actions.

The *Family Violence Protection Act 2008* defines family violence as behaviour by a person towards a family member of that person that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or in any other way controls or dominates a family member and causes that family member to feel fear for the safety or well-being of that family member or another person. It also includes behaviour that causes a child to hear or witness or otherwise be exposed to the effects of these behaviours.

The court has jurisdiction to make interim orders if satisfied that an interim order is necessary, pending a final decision about the application to ensure the safety or preserve the property of an affected family member or to protect a child who has been subjected to family violence. In many cases, applications for intervention orders are made by police. Under the new Act, they may be commenced by a family violence safety notice.

² As at 30 June 2009 there were 108 magistrates and 10 acting magistrates. On 8 July 2009, Mr Franz Holzer was appointed a magistrate and on 31 July 2009 Magistrate Reg Marron resigned.



The *Family Violence Protection Act 2008* emphasises the safety of children. One of the ways this is achieved is by enabling the court to vary, revive, suspend or discharge a Family Law Act order if the court is satisfied it would be inconsistent with the conditions of an intervention order.

Intervention orders may also be made for victims of stalking under the *Stalking Intervention Orders Act 2008*.

A police officer can make an application for an intervention order at any time. The court's After-Hours Service accepts applications for intervention orders by Victoria Police outside usual business hours.

If a respondent contravenes an intervention order or a family violence safety notice, Victoria Police can charge the respondent with the contravention of the order. These charges are heard and determined in the Magistrates' Court.

The court also has jurisdiction to deal with some family law cases under the *Family Law Act 1975 (Cth)*, *Child Support (Assessment) Act 1989 (Cth)* and the *Marriage Act 1961 (Cth)*.

Municipal Electoral Tribunal

The tribunal hears disputes arising from Victorian local government elections, pursuant to the *Local Government Act 1989*.

Victims of Crime Assistance Tribunal

The tribunal provides financial assistance to help victims of crime recover from the physical or mental injuries suffered by them as a result of an act of violence, pursuant to the *Victims of Crime Assistance Act 1996*. All magistrates sit as members of the tribunal. For more information, please refer to the Victims of Crime Assistance Tribunal Annual Report.

Children's Court

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*. It is a court with two divisions that deals with matters relating to children and young people. One division deals with protection and family law matters and the other division deals with criminal charges against children and young people. All magistrates sit in the Children's Court in locations across Victoria, including a dedicated Children's Court in Melbourne. For more information, please refer to the Children's Court Annual Report.

State Coroner's Office

Coroners investigate reportable deaths and fire, as set out in the *Coroner's Act 1985*, and hold inquests where appropriate. In addition, coroners make recommendations regarding public health and safety to assist in reducing the incidence of preventable death and injury within the community. All magistrates are appointed as coroners and do coronial work either at the State Coroner's Office in Melbourne or at country Magistrates' Courts. For further information, please refer to the State Coroner's Office Annual Report.

After-Hours Service

The court provides the services of a magistrate and registrar between the hours of 5.00pm and 8.45am on weekdays and 24 hours on weekends and public holidays. This service deals with urgent applications that require consideration outside normal court hours including applications for search warrants and complaints for intervention orders.

Court Support Services

The court has developed and participates in a number of initiatives designed to improve its responsiveness to members of the community when they attend court. The purpose of these initiatives is to support the work of the court and to bridge gaps of understanding and communication between the court, the government, court users and the general public. Details of the support services provided by the court are provided in this report.

Sittings Throughout Victoria



REGION	COURTS IN REGION
Melbourne	Melbourne, Moorabbin
Barwon South West	Geelong, Colac, Hamilton, Portland and Warrnambool
Broadmeadows	Broadmeadows, Castlemaine, Kyneton, Moonee Ponds
Dandenong	Dandenong
Frankston	Frankston, Dromana
Gippsland	Latrobe Valley (Morwell), Bairnsdale, Korumburra, Moe, Omeo, Orbost, Sale, Wonthaggi
Grampians	Ballarat, Ararat, Bacchus Marsh ³ , Edenhope, Hopetoun, Horsham, Nhill, St Arnaud, Stawell
Heidelberg	Heidelberg, Preston
Hume	Shepparton, Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga
Loddon Mallee	Bendigo, Echuca, Kerang, Maryborough ⁴ , Mildura, Ouyen, Robinvale, Swan Hill
Neighbourhood Justice Centre	Neighbourhood Justice Centre (Collingwood)
Ringwood	Ringwood
Sunshine	Sunshine, Werribee

³ Bacchus Marsh forms part of the Grampians region from 1 Jan 2009. Prior to this date it formed part of the Sunshine region.

⁴ Maryborough forms part of the Loddon Mallee region from 1 Jan 2009. Prior to this date it formed part of the Grampians region.



2008–09 The Year in Review

General

Reform to the Family Violence Jurisdiction

On 8 December 2008, the *Family Violence Protection Act 2008* and *Stalking Intervention Orders Act 2008* came into operation. The implementation of the legislation was the culmination of months of dedicated work and effort by a team of magistrates and staff led by the Supervising Magistrate Cathy Lamble, the Family Violence and Family Law Portfolio Committee and the Family Violence Programs and Initiatives team.

Security Upgrades

In the 2008 State Budget, the court received \$15.6 million over four years for additional security personnel and weapons detection screen equipment for identified metropolitan courts.

During the reporting period, walk-through metal detectors, x-ray baggage machines and hand-held metal detectors were introduced at Frankston, Dandenong, Broadmeadows, Werribee, Geelong, Sunshine, Heidelberg, Ringwood and the Moorabbin Justice Centre.

Courts have also seen the installation of, or upgrades to their duress alarm systems, intruder alarm systems and access control (smart card) systems. Some venues required building works to public entrances to accommodate the new equipment.

The introduction of improved staff identification cards, a computerised incident reporting system and improved security perimeter fencing at identified locations, amongst other improvements, are also near completion.

A request for additional funding to improve the security at courts in regional Victoria was also submitted.

Swan Hill Koori Court

After being officially launched in June 2008, the Swan Hill Koori Court commenced sitting in July 2009. The Regional Coordinating Magistrate, Bill Gibb, local elders and respected persons and court staff attended several education sessions prior to the start of sittings. The Swan Hill Koori Court, like others across the state, has been very well received by the local Aboriginal people and the general community.

Improved Service Delivery

Judicial Registrars

In December 2008, the court welcomed the appointment of Peter Mithen and Richard O'Keefe as judicial registrars, taking the total number to five. Peter was formerly the Senior Registrar of the Hume Region of the court, whilst Richard joined the court after a long stint as the Principal Registrar of the Victorian Civil & Administrative Tribunal (VCAT).

Boundary Changes

From 1 January 2009, the Maryborough Magistrates' Court was moved from the Grampians region to the Loddon Mallee region, while the Bacchus Marsh Magistrates' Court was moved from the Sunshine region to the Grampians. The changes bring the boundaries in line with the administration of the court, and ultimately improve service delivery to court users in these locations.

Funding to Key Services

The Family Violence Court Division (FVCD), which operates at Heidelberg and Ballarat, and the Specialist Family Violence Service (SFVS), which operates at Melbourne, Frankston, Sunshine and Werribee, received positive budget outcomes in May 2009. The FVCD has the opportunity to consolidate and shift focus to continuous improvement after receiving ongoing funding.

It was also announced in the May Budget that the Court Integrated Services Program (CISP) would be funded for a further two years.

The success of the After-Hours Service also continued during 2008-09. It was announced that from 1 July 2009 the service would receive ongoing funding, allowing all positions created to be confirmed as ongoing roles.



Mediation Pilot at Broadmeadows

The Magistrates' Court of Victoria in partnership with the Dispute Settlement Centre of Victoria began a joint pilot program at the Broadmeadows Magistrates' Court in 2007, where all defended civil claims under \$10,000 were referred to compulsory mediation. This was discussed in detail in the court's 2007-08 Report.

The mediation program resolves issues referred to it in a timely and cost effective manner, with most matters being completed within four to five weeks of the filing of the Notice of Defence. The program has also had significant success in the mediation and settlement of incorporated associations matters referred to it by the court.

The pilot has now been extended to the Sunshine Court.

Staggered Listings

'Staggered Listings' are now in place at all headquarter courts in both metropolitan and country regions. The court also offers 'time certainty' for a variety of cases, such as pleas of guilty.

The aim of staggered listings is to more evenly distribute the court's workload over the day instead of in the traditional manner of listing all matters at 10.00am. This gives coordinators more case management control over the court lists and provides a more modern and responsive service to court users.

Programs and Initiatives

New Directions

The court launched *'New Directions for the Magistrates' Court of Victoria 2008-2011'*, the culmination of 18 months of research conducted by the Magistrates' Court of Victoria *'2015 Project'*.

Integrated Case Management System (ICMS)

Development and progression of the ICMS project continued throughout the year.

New Website and Virtual Tour Launch

The Magistrates' Court of Victoria officially launched a new website, featuring virtual court tours, on 5 June 2009. The Parliamentary Secretary for Justice, Brian Tee MLC and Chief Magistrate, Ian Gray launched the event.

Delegations

During 2008-09, the court hosted a number of international delegations. This provides an excellent opportunity to showcase the efforts of the court's magistrates, registrars and staff to visitors from around the country and the world. Some of the highlights during the year included:

- The 'Papua New Guinea Restorative Design Team', headed by the Chief Magistrate of Papua New Guinea, visited the Koori Court at Broadmeadows.
- The courts at Melbourne, Broadmeadows, Moorabbin and the NJC hosted the *'Victorian Architecture Tour'*, which was organised by the Australian National University in Canberra. Participants included judicial officers, architects and academics from Australia, New Zealand, the United Kingdom and the European Economic Community.
- A group led by the Tanzanian Chief Justice attended the Melbourne Magistrates' Court on 9 February 2009 to examine courts and technology. The visit included an overview of the court's case management systems, video-link and digital recording tools.
- On 10 March 2009, a Group Study Exchange for visiting mature age graduate students from Turkey visited the Melbourne Magistrates' Court as part of a program to learn about the Victorian legal system. The group were sponsored by the Central Melbourne Rotary Club.
- A visit by Japanese law professors from Kyushu University on 18 March 2009 to the Melbourne Children's Court and the Melbourne Magistrates' Court, with a particular focus on the Koori Court and a presentation by the Magistrates' Court of Victoria Koori Unit.

Queen's Birthday Honour for Dale West

As part of the Queen's Birthday Holiday celebrations on 8 June 2009, Dale West, the registrar of Bairnsdale Magistrates' Court, was honoured with a Public Service Medal. Dale received the honour in recognition of outstanding public service in providing access to justice to the people of Bairnsdale as the court's registrar, his significant contribution to the bail justice system and his advocacy of the Bairnsdale Koori Court.

The Public Service Medal, established in 1989, is awarded twice a year by the Governor-General. It recognises those people who have consistently performed demanding jobs to the highest standards and have made a major contribution to the Australian community. Seventeen Public Service Medals go to Victorians annually.

Dale commenced his career in the Magistrates' Court in 1981. He has been based at the Bairnsdale Court for 22 years and has been the registrar of that court since 1999. Dale is a highly regarded and respected member of his local community

and of the Magistrates' Court team. Dale is held in the highest esteem by all who know and encounter him.

During his impressive career, Dale has:

- played an integral role in the introduction of the Koori Court to Bairnsdale
- played a key and ongoing role to the training and development of bail justices
- contributed his extensive knowledge to the ICMS project by accepting a role as the project's 'Multi-jurisdictional Adviser'

These things are all in addition to Dale's significant, comprehensive and in-depth knowledge of legislation, processes and procedures for which he is so highly regarded and respected by his peers.

The Magistrates' Court is extremely proud of this significant acknowledgement of Dale's commitment to his role and efforts in providing service excellence to his local community.



Awards & Milestones

170th Anniversary of the Magistrates' Court

On Thursday 17 July 2008 a function was held at the old Melbourne Magistrates' Court building in Russell Street, now part of the Justice Museum, to celebrate the court's 170 years of operation and to officially launch the '*New Directions for the Magistrates' Court of Victoria 2008-2011*'. The Attorney General, the Honorable Rob Hulls MP, the Chief Magistrate, Ian Gray, the Executive Director, Courts, John Griffin and the court's Chief Executive Officer, Charlotte Stockwell, all spoke at the event, which was well attended by key stakeholder representatives, court staff and by a number of retired magistrates.

Court Portfolio Awards Recipients

On 27 March 2009, the following Magistrates' Court staff received awards at the '*Courts Portfolio Staff Forum and Awards Presentation*' hosted by Executive Director, Courts, John Griffin:

- Greg Ryan for an outstanding work ethic and a high level of commitment and dedication to the CREDIT/ Bail Support Program and his clients
- Misty Summers for an outstanding work ethic together with innovation in the development of a VOCAT referral system which reduces waiting times for victims
- Simon Walker for outstanding leadership during the implementation of the *Family Violence Protection Act 2008*
- Di Shears for commitment to her team and for being a great role model to colleagues
- Family Violence Resource Officer Network comprising of
 - Elisa Berry
 - Phillip Brown
 - Jason Cabral
 - Tracie Campbell

- Michelle Carney
- Daniel DeMarte
- Karen Field
- Melanie Graham
- Erin Gray
- Lisa Grey
- Ashley Hart
- Olivia Hartnett
- Russell Hastings
- Carrie Heard
- Simone Jacob
- Ben Kent
- Jodie Marra
- Loren Matheson
- Alison Meek
- Annie Mereos
- Jason Morks
- Linda Morrison
- Luke Murray
- Judy O'Connor
- Helene Plozza
- Ross Porter
- Georgia Rochester
- Katherine Rynne
- Michael West
- Leesa Wong

for contributing to the commencement of the *Family Violence Protection Act 2008* and for leadership following its implementation.



Justice Award recipients

In addition to the Courts' Portfolio Awards, court staff were also recognised with 'Justice Award' nominations during the reporting period. Misty Summers received a Justice Award for an outstanding work ethic together with innovation in the development of a VOCAT referral system.

In further recognition of the work involved in implementing significant changes to the court's family violence jurisdiction during the year, the Family Violence Resource Officer Network also received an award for their contribution to the commencement of the *Family Violence Protection Act 2008*.

Training and Development

Recruitment

To meet the ongoing needs of the court, there were two recruitment rollouts during the 2008-09 year. As a result, 66 new trainee court registrars were recruited and commenced the Certificate IV in Government (Court Services).

The Training and Development Unit successfully integrated and involved senior registrars in the recruitment of trainee court registrars and in the qualification process.

Graduates

In November 2008, 17 trainee court registrars graduated from Victoria University after successfully completing the Certificate IV Government (Court Services).

In June 2009, 22 trainee court registrars graduated from Victoria University after successfully completing the Certificate IV Government (Court Services), while 14 registrars graduated from Victoria University after successfully completing the Diploma in Government (Court Services).

Victoria University's graduation ceremony was held at Flemington Racecourse and was attended by graduates, family and friends and departmental staff.

New Education Provider – Certificate IV in Government (Court Services)

During 2008, a tender process was undertaken to determine the education provider of the Certificate IV in Government (Court Services). RMIT was successful in obtaining the tender, and commenced delivering the Certificate IV in January 2009.

Year at a Glance Statistics

CRIMINAL	2006-07	2007-08	2008-09
Cases initiated ⁵	138,545	154,732	167,359
Cases finalised	130,230	156,337	172,896
Criminal cases finalised within six months	87.7%	88.3%	88.6%
Cases pending	34,119	34,701	35,205
Criminal cases pending for more than twelve months	5.5%	7.2%	8.0%
Cases finalised at contest mention	8,505	7,258	9,405
Committal proceedings finalised	3,260	3,068	2,767
Cases finalised at ex parte hearings	6,293	4,958	5,375
Appeals lodged against conviction or sentence	2,250	2,176	2,142
Infringement Court infringements initiated	837,735	1,148,292	1,129,275

FAMILY LAW, FAMILY VIOLENCE AND AFTER HOURS	2006-07	2007-08	2008-09
Family violence applications issued	24,817	26,686	28,635
Family violence applications finalised ⁶	22,629	23,682	25,854
Family law finalisations	1,831	1,591	1,495
Applications for intervention orders received by After Hours Service	6,395	6,860	7,539

⁵ Criminal cases initiated figures in 2007-08 and 2008-09 includes 'Charges and Summons', 'Informations', 'Charges and Warrants' and 'Infringement Court Revocations'.

⁶ 'Different counting rules now apply to the calculation of 'Family Violence Applications Finalised'. The 2007-08 figure is amended by this report, in accordance with this.



CIVIL	2006-07	2007-08	2008-09
Complaints issued or filed	73,336	68,829	69,259
Claims actioned ⁷	48,827	45,169	46,154
Claims finalised ⁸	48,805	44,663	45,326
Default orders made	40,201	37,138	38,128
Defended claims finalised	8,604	7,525	7,198
<i>Arbitration</i>	3,250	3,116	2,468
<i>Hearing</i>	2,267	2,007	2,074
<i>Pre-hearing conference and mediation</i>	3,087	2,402	2,656
Defended claims finalised within six months	78.8%	81.5%	82.8%
Defended claims pending	2,312	2,124	2,266
Defended claims pending for more than twelve months	7.1%	9.9%	9.0%
Defence notices filed (including WorkCover)	8,626	8,031	8,026
Up to \$10,000 claimed	5,307	4,914	4,676
More than \$10,000 claimed	3,319	3,117	3,350
WorkCover Complaints			
Complaints issued ⁹	914	1,122	1,337
Complaints finalised	826	785	753
Industrial Division			
Complaints issued	201	195	252
Complaints finalised	133	129	142

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 conference.

⁹ 'WorkCover complains Initiated' are now subject to different counting rules. The 2007-08 figure is amended by this report, in accordance with this.

Governance and Judicial Administration

Establishment of the Court

The Magistrates' Court of Victoria is established under the section 4 of the *Magistrates' Court Act 1989*. The court is constituted by its magistrates, judicial registrars and registrars. Pursuant to section 15(3) of the Act, the magistrates must report annually to the Governor on the operation of the court.

Structure and Operation

Chief Magistrate

The Chief Magistrate is the head of the court and its 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

Two or more Deputy Chief Magistrates may be appointed to the court. 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 and exercising delegated powers in consultation with the Chief Magistrate
- acting as a member of the Management Committee.

Regional Coordinating Magistrates

The Chief Magistrate appoints a Regional Coordinating Magistrate in each region for a period of three years. 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
- consult with the Senior Registrar of the region
- develop and implement initiatives and strategies in accordance with council policy

During the 2008-09 period, the Regional Coordinating Magistrates met on 14 November 2008, 20 February 2009 and 19 June 2009.

Supervising Magistrates

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

- criminal jurisdiction
- civil jurisdiction
- family violence/family law jurisdiction
- the Victims of Crime Assistance Tribunal (VOCAT)
- the Sexual Offences List (SOL)
- the Koori Court
- 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. 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 magistrates' 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, magistrates' conferences and meetings in consultation with the Chief Magistrate
- acting as a member of the Management Committee.

Council of Magistrates

A council of the 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 2008–09 the Council of Magistrates met on 25 July 2008, 21 November 2008 and 29 March 2009.

Executive Committee

In 2001 the Council of Magistrates adopted new governance arrangements and created an annually-elected Executive Committee. Members meet monthly to deal with matters of policy and report to the Council of Magistrates.

Jurisdictional Committees

The court has established committees for each jurisdiction, including criminal, civil, VOCAT, family violence/family law and a recently established Sexual Assault Management Committee. 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.

In this report, the section 'Internal Committees' provides further details on the structure and activities of each of the committees during the reporting period.



Internal Committees

There is a very active jurisdictional committee structure within the court. These committees comprise individually of:

- magistrates
- magistrates and registrars
- magistrates, registrars and representatives from external agencies.

These committees support the work of the court across all jurisdictions, with magistrates, registrars and other participants devoting their time to this work over the year.

Executive Committee

Committee Chair: Chief Magistrate Ian Gray

Members: Deputy Chief Magistrate Lance Martin; Magistrates Donna Bakos, Sarah Dawes, Lesley Fleming, Phillip Goldberg, John Hardy, Greg McNamara, Kay Robertson, Charlie Rozencwajg, Paul Smith, Susan Wakeling, Richard Wright.

Retiring Members: Magistrates Donna Bakos, Phillip Goldberg, Greg McNamara, Paul Smith.

Renominating Members: Magistrates Lesley Fleming, John Hardy, Charlie Rozencwajg, Richard Wright.

The Executive Committee met monthly during the reporting period and discussed a wide range of issues affecting both policy and the operation of the court. The minutes of each meeting were published for the information of magistrates.

While not intended as an exhaustive list, the following illustrates the breadth of matters before the committee during the reporting period:

- superannuation surcharge
- council meetings
- Executive Committee membership
- Continuing Professional Development (CPD) days

- legal hawkers in court foyers
- practice directions
- powers of judicial registrars
- performance metrics
- Judicial Remuneration Tribunal (JRT)
- court entry security checks
- bushfires
- *Family Violence Act 2008* impacts
- Criminal Justice Diversion Program (CJPD)
- regionalisation
- recording CPD commitments of magistrates
- Judicial College of Victoria (JCV) conferences.

Professional Development Committee

Committee Chair: Magistrate Audrey Jamieson

Members: Chief Magistrate Ian Gray; Deputy Chief Magistrate Peter Lauritsen; Magistrates Clive Alsop, Fiona Stewart, Jennifer Bowles, Caitlin English, Carmen Randazzo, Fiona Hayes and Catherine Lamble. Magistrate Annabel Hawkins was welcomed onto the committee in April 2009.

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. In addition to promoting the ongoing professional development and training in all areas relevant to the discharge of the office of magistrate, the committee liaises with the JCV in planning, promoting and delivering judicial education programs. Samantha Burchell attends and participates in committee meetings as the JCV's representative.



The demand and need for professional development specific to magistrates far exceeds the number of court-allocated days however, the committee has endeavoured to continue to provide a diverse program of topics, and to vary the general structure of the programs in an attempt to capture the interests of most. The committee was requested to assist the State Coordinating Magistrate in the development of the professional development component of the Country Magistrates' Conference and has been instrumental in providing professional development at a number of Council of Magistrates' meetings.

In the reporting year there were three professional development days conducted that addressed the topics of 'Sexual Assault', 'Family Violence' and 'Current Issues in the Criminal Law'. In addition to the three official professional development days, the committee was also involved in organising the afternoon session of the November Council of Magistrates' meeting on the subject of 'Family Law'. These conferences are reported in detail in the 'Judicial Activities' section of this report.

Feedback from all professional development days has highlighted the relevance and value magistrates place on participating in these events.

The committee has also been instrumental in seeking a review of the mentoring program within the court, resulting in the Chief Magistrate allocating the task to Magistrate Susan Wakeling.

In addition, the committee has been advocating for a court-specific system of recording all Continuing Professional Development (CPD) activities attended by magistrates. Recognition of the breadth and depth of professional development that magistrates either attend and/or participate in is lacking. Only activities organised by the JCV are given any credit. The proposal would enable magistrates to record all activities and will allow the court to demonstrate, through future annual reports, the commitment to professional development that magistrates actually have. This proposal is currently before the Executive Committee. The committee thanks project and research officer, Natalie Plumstead, who undertook some research on CPD schemes and reported to the committee on her work.

The committee acknowledges the contribution Carmen Randazzo made to promoting professional development during the term of her appointment.

The committee also acknowledges the administrative and organisational support provided by Nola Los and Lesma King. Nola and Lesma have also dedicated a lot of time to researching appropriate and alternative venues for the professional development days and the committee appreciates this assistance. The committee also thanks Melissa Biram for the assistance she has provided during the year.

Criminal Law Committee

Committee Chair: Supervising Magistrate Charlie Rozenchwajg¹⁰

Members: Deputy Chief Magistrates Dan Muling and Jelena Popovic; Magistrates Rosemary Carlin, Gerard Lethbridge, Lesley Fleming, Peter Reardon, Fiona Stewart, Sharon Cure, John Bentley, Greg Connellan, Sarah Dawes, Reg Marron and Tom Barrett.

It has been an active year for the Criminal Law Committee with new initiatives and issues arising in this jurisdiction on a regular basis.

The committee has advised the court on responses to the following legislation and discussion papers:

- Sentencing Advisory Council discussion paper on 'Mandatory Sentencing for Drive Whilst Disqualified'
- Sentencing Advisory Council discussion paper on more flexible sentencing options under the *Road Safety Act 1986*, focusing on rehabilitation at the front end – that is, the point of disqualification rather than at the time of application for restoration of licence
- Identity Crime Bill – relating to the procedures for applications to the Magistrates' Court for certificates by victims of such crimes
- The Criminal Procedure Bill, which introduced an innovative procedure of charging by way of 'Notice to Appear' followed by a preliminary brief and a case conference. Given the substantial changes to the criminal justice system, this was a prolonged process of court responses to numerous drafts of the Bill

¹⁰ Magistrate Charlie Rozenchwajg was the Acting Supervising Magistrate from June 2008. From 2 February 2009 he was confirmed in this role. Prior to this date, the position was substantially held by Magistrate Donna Bakos.

The committee also produced and distributed guidelines for contest mentions that were largely the work of Magistrate Bob Kumar.

A new initiative of the committee was to establish a 'VicRoads Working Party' which included members from Victoria Police and VicRoads to explore methods of avoiding some of the common problems that arise in this area.

A sub-committee was also established to draft 'Diversion Guidelines', which have been finalised and distributed to magistrates. I would particularly like to thank Pauline Spencer who joined that sub-committee, for her significant contribution to the guidelines.

Many issues were addressed by the committee including: the applicability of the serious offender provisions of the *Sentencing Act 1991* in our jurisdiction; establishing procedures for the implementation of s37CA of the *Evidence Act 1958*; interlock provisions and culpable driving; incompetent appeals to the County Court; warrants under the *Confiscation Act 1997*; consistency in the prison system in not requiring gaol orders for telecourt appearances.

A major endeavour of the committee was to encourage the use of telecourt appearances where appropriate, by accused in custody. Application forms accompanying gaol orders were drafted to focus attention on this option and the cooperation of the Office of Corrections obtained in promoting this form of appearance. A pilot at the Metropolitan Remand Centre commenced in July 2009.

The Magistrates' Court Criminal Rules is by far the most significant and demanding project at present. The court had not hitherto had a comprehensive set of rules in the criminal jurisdiction, and the need to compliment many of the changes in the *Criminal Procedure Act 2009* with rules, made it an opportune time to commence the process. This is an ongoing project and will forever be so. Many thanks to Natalie Plumstead for the excellent work she is doing in this area.

Thanks to all the magistrates who have contributed with their suggestions, criticisms and agenda items.

Civil Rules Committee

Committee Chair: Deputy Chief Magistrate and Supervising Magistrate Peter Lauritsen

Members: Magistrates Barry Braun and Brian Wright; Judicial Registrar Barry Johnstone; Deputy Registrar Mark Vendy; Solicitors, Robert White and John Dunne; Barristers, Franz Holzer¹¹, Frank Ravida and Chris Gilligan; and retired barrister Neil Williams QC.

This committee deals with changes to the Civil Procedure Rules and practices of the court. The former is contained in subordinate legislation while the latter usually involves practice directions issued by the Chief Magistrate.

During the year, Neil Williams QC and Chris Gilligan resigned – the former on 12 December 2008 and the latter on 18 May 2009.

John Dunne joined the committee on 18 May 2009.

During the year, the committee held 24 meetings. Each meeting lasted between one and a half and two hours. Plainly, the time devoted to the work of committee was significant and its members deserve praise for their efforts. Franz Holzer took the minutes with admirable accuracy and expedition.

As with the previous year, the focus of the committee was on the 'Civil Rules Alignment' project. The combination of this project and the ordinary work of the committee led to the large number of meetings held during the year. The project has nearly ended and draft rules should be circulated publicly in August 2009 for comment. After allowing three months for comment, it is expected that the rules will be made in December and will commence on 1 January 2010.

Rules made during the year:

- (a) Magistrates' Court Civil Procedure (Amendment No 22) Rules 2008
- (b) Magistrates' Court Civil Procedure (Amendment No 23) Rules 2008
- (c) Magistrates' Court Civil Procedure (Amendment No 24) Rules 2008
- (d) Magistrates' Court Civil Procedure (Amendment No 25) Rules 2009
- (e) Magistrates' Court Civil Procedure Rules 2009.

¹¹ On 8 July 2009, Mr Franz Holzer was appointed a magistrate.

Sexual Assault Management Committee

Committee Chair: Deputy Chief Magistrate & Supervising Magistrate Felicity Broughton

Members: Magistrates Clive Alsop, Jennifer Bowles, Amanda Chambers, Rosemary Carlin, Sharon Cure, Sarah Dawes, Annabel Hawkins, Pauline Spencer, Duncan Reynolds, Peter Reardon, Jenny Tregent, Pauline Spencer, Heather Spooner, Susan Wakeling and Belinda Wallington and Sexual Offences List coordinator, Melanie Quinn.

This is the second full year of the operation of the Sexual Assault Management Committee. The committee was first established in the latter part of 2006. The Chief Magistrate established the Sexual Assault Management Committee to lead the court in addressing the challenges and responsibilities of the court in managing sexual assault issues across all jurisdictions and in the context of the implementation of the recommendations made in the 2004 Victorian Law Reform Commission's Report, *Sexual Offences: Law and Procedure*.

The committee meets bi-monthly and has active participation from metropolitan, rural and Children's Court magistrates. The focus of the committee continues to primarily be with the criminal jurisdiction of the court. In summary, the committee considered the following:

- continued implementation issues arising from the Victorian Law Reform Commission's (VLRC) *Sexual Offences: Law and Procedure Final Report 2004*
- consideration of the significant implications, in relation to sexual offences, of the introduction of the *Criminal Procedure Act 2009*, the Criminal Procedure Amendment (Consequential and Transitional provisions) Bill 2009 and the Uniform Evidence Act
- Sexual Offence List practice directions establishing new case management procedures for summary proceedings
- the expansion of the Sexual Offences List to the Melbourne Children's Court

- the further refinement of case conferencing procedures and the promotion of the efficient determination of all cases
- specific and thematic issues arising from individual cases and the development of appropriate responses
- initiatives to better capture and collate qualitative and quantitative information regarding sex offence case characteristics
- professional development and judicial education in the area of sexual assault
- appropriate responses to the challenges faced by vulnerable witnesses including children and witnesses with a cognitive impairment.

Family Violence and Family Law Portfolio Committee

Committee Chair: Supervising Magistrate Catherine Lamble

Members: Deputy Chief Magistrate Felicity Broughton; Magistrates Noreen Toohey, Anne Goldsbrough, Pauline Spencer, Graham Keil, Amanda Chambers, Denise O'Reilly, Annabel Hawkins, Francis Zemljak and Michelle Hodgson; the Manager of Family Violence Projects and Initiatives, Leah Hickey. In her absence, Simon Walker sat on the committee. Magistrates' Support Services project and research officer, Natalie Plumstead, provided administrative support to the committee during 2008.

The work of the committee included:

- monitoring the operations of the family law and family violence jurisdictions throughout the state, but with particular emphasis on the Family Violence Court Division and Specialist Family Violence Services
- supporting the implementation of the *Family Violence Protection Act 2008* including consultation about the Magistrates' Court (Family Violence Protection Act) Rules 2008, settling practices, procedures and forms for the new Act



- ongoing discussion about and monitoring of practices and procedures, for example, the use of morning coordination meetings in courts other than specialist courts, managing the requirements for cross-examination of protected witnesses, the implementation of family violence safety notices and coping with the complexity of the new legislation
- producing "Portfolio Notes" to encourage consistency in the application of the new legislation
- responding to the professional development needs of magistrates including consultation about the family violence bench book being produced by the JCV and a professional development day organised by the college on 17 October 2008
- consulting with the Department of Justice about its review of intervention orders that do not arise from family relationships
- responding to the Sentencing Advisory Council's discussion paper on sentencing for breaches of family violence intervention orders
- participating in arrangements for a family law workshop for magistrates in November 2008 and discussion about the production of a family law bench book and other ways to improve the effectiveness of magistrates working in the family law jurisdiction
- supporting the Mildura Family Violence Collaboration Project.

Information Technology Committee

Committee Chair: Deputy Chief Magistrate and Supervising Magistrate Dan Muling

Members: Magistrates Peter Power, Richard Wright, Reg Marron, Nunzio La Rosa; Courts IT Group Manager Hans Wolf; IT Group Coordinator Eddie Dolceamore; Corporate Communications Officer Daphne Christopherson; Applications Services Manager Ross Capuana; Manager Client Support Services Bob Newton; Courtlink Manager Lynn Germain; In Court Technology Manager David Hoy; and the various representatives from the Integrated Courts Management System (ICMS) Team Kerry Kirk, Marlies Oman and Eamon O'Hare

The court's Information Technology (IT) Committee is an active sponsor of continuous improvement to the Courtlink case management system and 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 and monitoring application/system upgrades
- launch of the court's new and improved web site, including a virtual tour of the court and short educational videos
- upgrading of telephone systems across the state
- replacement of PCs out of warranty across the state
- participation in the ICMS project
- installation of Voice Over Internet Protocol (VoIP) phone system at the Children's Court
- the 'File and Print Server Upgrade' project
- the digital recording of committals at Melbourne Magistrates' Court
- launch of the Courts & Tribunal Portfolio Wiki (a website allowing easy creation and editing of any number of documents)
- investigation of IT initiatives as part of the 'New Directions' initiative, such as SMS technology and electronic kiosks.

Occupational Health and Safety Committee

Committee Chair: Magistrate Charlie Rozencwajg

Members: Magistrates Brian Wright, Greg Levine, Noreen Toohey, Simon Garnett, Bernie Fitzgerald, Graeme Johnstone; court administration representative Ken Young; and Department of Justice representative, Gayle Sherwell.

The members of the committee consist of judicial officers, representatives of the Department of Justice and court administration. This spectrum of representation has been valuable in addressing issues and achieving health and safety improvements in the court.

The last financial year has seen the roll-out across Victoria of the successful ERC bid for court security, to be implemented with funding of \$15.6 million. As of Monday 27 July 2009, all suburban courts are scanning court users and x-raying their bags. This is a significant achievement given the length of time over which magistrates have voiced their concerns.

The committee has also addressed the issue of medical assessments for magistrates to be provided by the department. As this is not looking promising, the committee has contacted Dr Ross Walker, with a view to arranging a visit to Melbourne. Dr Walker presented to the Council of Magistrates about a year ago when he explained the benefits of his unique method of cardiology tests and medical assessment. An email polling interest amongst magistrates wishing to participate has recently been circulated, setting out the expense involved.

Other issues considered by the committee included:

- the need to avoid dock microphones being used as weapons by ensuring they are fixed to the dock
- in-court computer keyboard hygiene
- visitors to the court's chambers and administrative areas being required to sign-in and display name tags
- the poor state of air-conditioning at Broadmeadows, Sunshine and Heidelberg Courts
- the proposal of a peer support model by Magistrate Caitlin English, which was referred to the Council of Magistrates.

Terms and Conditions Committee

Committee Chair: Chief Magistrate Ian Gray

Members: Magistrates John Hardy, Richard Pithouse, Amanda Chambers, Greg Levine and Michael Smith

The Terms and Conditions Committee of the Council of Magistrates is responsible for developing and making submissions or representations to tribunals or authorities that determine upon the conditions of appointment and remuneration of judicial officers.

The committee has resumed meeting in recent months to discuss:

- whether the current Judicial Remuneration Tribunal (JRT) will continue in operation and the outstanding issues before the JRT, including superannuation and long-term disability
- the need for additional work to be done to support a submission to the JRT in relation to those outstanding issues.

The committee acknowledges the provision by Executive Director, Courts, John Griffin of \$50,000 to fund the provision of expert advice by accounting firm, Mercers, to support the actuarial work relating to the submission on superannuation.

VOCAT Coordinating Committee

Committee Chair: Supervising Magistrates Amanda Chambers and Susan Wakeling (from April 2009)

Previous Supervising Magistrate: Heather Spooner (to April 2009)

Members: Deputy Chief Magistrates Dan Muling and Felicity Broughton; Magistrates David Fanning, Cathy Lamble, and Duncan Reynolds. Registry staff were represented by Samantha Adrichem (Principal Registrar), Mereana White (Standards and Compliance Officer), and Michael Conway, Razhumikin Chiew and Gerard Hageman (Registry Managers).

The coordinating committee is chaired by the tribunal's Supervising Magistrate, and comprises magistrates and registrars.



The committee met regularly over the reporting period to consider and discuss a number of issues, which included:

- recommending that the Chief Magistrate propose that the Attorney-General consider an amendment to the *Victims of Crime Assistance Act 1996* to enable the Chief Magistrate to delegate certain powers and functions under the Act to judicial registrars, and considering the functions and powers that should be delegated
- recommending that the Chief Magistrate propose that the Attorney-General consider an amendment to section 8 of the *Victims of Crime Assistance Act 1996* to enable the tribunal to award financial assistance to primary victims for safety and security expenses, which can currently only be awarded where the tribunal is satisfied that there are exceptional circumstances. The committee was of the view that such an amendment would increase access to urgent interim financial assistance pending the final determination of an application for assistance, particularly for women and children experiencing family violence
- a strategy for the management of applications for financial assistance arising from the 2009 Victorian Bushfires to ensure a timely, informed and consistent response to them
- contributing to the 'Victims Compensation Review' being undertaken by the Department of Justice at the request of the Attorney-General, and the tribunal's representation on the review steering committee
- the operation of the Koori VOCAT List, including the 'Engagement Forum' in March 2009, and a successful recommendation to the Department of Justice to approve ongoing funding for the position of Koori VOCAT List Registrar, which has enabled the tribunal to continue the List on an ongoing basis
- the outcome of applications to the Victorian Civil and Administrative Tribunal (VCAT) for review of decisions
- the issue of the tribunal's participation in the review of its decisions at VCAT, and the engagement of counsel to represent the tribunal in those applications
- reviewing the tribunal's panel of psychologists and psychiatrists who provide independent psychological and psychiatric assessment reports at the request of the tribunal
- developing guidelines for registrars to assist them exercising their delegated power to make interim awards of financial assistance
- reviewing practice directions previously issued by the Chief Magistrate pursuant to section 58 of the *Victims of Crime Assistance Act 1996*, and identifying where updates were required (resulting in the issue of nine new practice directions, and revocation of eight previously issued practice directions)
- considering processes for the recovery of an award pursuant to section 62 of the *Victims of Crime Assistance Act 1996*
- overseeing research regarding the use made by participating victims of crime, of awards made for counselling services to assist in their recovery
- considering the effective operation of the tribunal in light of the increasing number of applications for assistance filed with the tribunal, and increasing caseload within the Magistrates' Court of Victoria
- monitoring statistical information across venues regarding the volume of applications lodged and determined, awards made, and the amount of financial assistance awarded.

Members of the committee participated in:

- the provision of training to new magistrates
- Regional Victim Service Forums conducted in conjunction with the Victim Support Agency in Swan Hill, Mildura and Footscray as part of a series to develop relationships, explain the operations of the tribunal, and promote initiatives designed to assist victims of crime
- Continuing Professional Development sessions for members of the Victorian Bar, Community Legal Centres and staff of the Victims Support Agency's Victim Assistance and Counselling Program
- regular meetings with the Victim Support Agency to discuss issues relating to services to victims of crime
- addressing social workers, psychologists and case managers at Windermere Family Services, together with representatives of Victoria Police.



Court Administration

The Court's Registries

The court's registries exist as an integral part of the efficient administration of the court. The court's administration consists of registrars, deputy registrars and trainee registrars, administrative staff and support staff.

Registrars have certain duties, powers and functions conferred by the *Magistrates' Court Act 1989* and associated regulations and rules. These functions include issuing process, determining particular types of applications, conducting mediations and pre-hearing conferences in civil cases, listing cases and providing the public with procedural advice regarding court processes. 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.

Registrars and support staff work at 54 court locations throughout the state. Court registrars are located in the Children's, Coroner's, County and Supreme Courts, as well as at the Victorian Civil and Administrative Tribunal (VCAT).

Values and Commitment to Court Users

Trust

We will respect your personal situation and deal with enquiries in a responsible manner.

Integrity

We will be honest and reliable and conduct our business with honesty and accountability.

Professionalism

We will conduct our business to the highest standards of ethical and professional behaviour.

Fairness

We will treat all people with courtesy and in accordance with our service standards.

Our focus and approach

- consultation with our people, with the community and with stakeholders
- develop solutions and programs to produce the right outcomes
- build on the strengths of the organisation, our people and innovation
- consolidate and keep improving.

Criminal Jurisdiction

The Magistrates' Court has jurisdiction to hear and determine summary offences as well as a wide range of indictable offences which can be heard summarily pursuant to section 53(1) and schedule 4 of the *Magistrates' Court Act 1989*. In addition to this Act, the criminal jurisdiction of the court derives its jurisdiction from state and federal Acts including the *Crimes Act 1958*, the *Crimes Act 1914* (Cth) and a diverse range of other legislation containing offence provisions.

There are many indictable offences which can be tried summarily. These include theft, burglary, causing injury recklessly or intentionally, indecent assault, robbery and affray.

Where the offence involves property alleged to have been stolen, destroyed or damaged, the court's jurisdiction is limited, in relation to any single offence, to property the value of which does not exceed \$100,000.

Where the court does not have jurisdiction to hear and determine an indictable offence, the court conducts committal proceedings to decide if there is sufficient evidence for the accused to be committed to stand trial in either the County Court or the Supreme Court.

Committal Proceedings

Committal proceedings constitute a significant component of the court's workload. Proceedings are heard in the Melbourne court and country courts, while suburban courts hear committals that are of one day's duration or less. At a committal proceeding, the magistrate hears evidence from prosecution witnesses who are then cross examined by the defence. At the conclusion, the magistrate determines if the evidence is of sufficient weight to support a conviction for the charge or charges. If the magistrate is of the view that a jury could not convict the defendant of the charge or charges, the defendant is discharged. If the magistrate determines that a jury could convict, the defendant is committed to stand trial in either the County or Supreme Court.

Committal Case Conferences

Committal Case Conferences are listed at the request of the parties or upon the direction of the court. The primary aim of case conferences is to identify matters capable of resolution and to define the issues in dispute where a matter is to proceed by way of contested committal hearing. At the conference, the magistrate will encourage open and frank discussion about the case. Resolution rates for matters which are the subject of committal case conference continue to grow. This illustrates that such conferences are an effective means of achieving early resolution and, thus, significant savings in hearing time.

Summary Hearings of Indictable Charges

The Magistrates' Court has always had jurisdiction to hear a range of indictable offences summarily. With the court's expanded jurisdiction in July 2007, the court is hearing more and more indictable offences. Charges such as affray, deception and property damage up to \$100,000 for a single charge are heard in the Magistrates' Court on a more regular basis. The court is also now hearing a range of charges in relation to firearms such as being a prohibited person in possession of an unregistered firearm. Prior to the expanded jurisdiction in July 2007, the court did not have power to hear such charges. Whilst the expanded jurisdiction has increased the workload of the court's criminal jurisdiction, the court continues to deal with these matters in a timely and cost effective manner.

Mention System

The bulk of the court's criminal work is dealt with in the mention system. This means that individuals charged with offences enter a plea of guilty at a very early date after being charged. They appear in the mention court and have their cases heard expeditiously.

Contest Mention System

A contest mention is a preliminary hearing conducted before a matter is listed for a contested hearing. Such hearings involve the prosecution, defence and the magistrate. The aim is to identify matters that can be determined other than by way of a contested hearing. If, after open discussion of the issues the matter is resolved, the charges are either withdrawn or a plea of guilty is entered. If the issues in dispute are not resolved, the contest mention system assists in refining issues and allows accurate time estimates to be determined. The contest mention system operates at court venues throughout Victoria.

Complex Fraud Management List

The Complex Fraud List continues to operate on a fortnightly basis at the Melbourne Magistrates' Court. Indictable matters are dealt with in accordance with Practice Direction 1 of 2005 and matters to be heard summarily are dealt with in accordance with Practice Direction 3 of 2006. This list aims to effect early case management of complex fraud matters. Resolution rates in this list continue to be high and because of the nature and duration of contested matters of this type, resolution leads to significant savings in terms of court time and resources.

Street Workers' List

The Street Workers' List continues to operate at the Melbourne Magistrates' Court. The aim is to increase the attendance of street workers at court so that support services can be engaged to reduce the rate of re-offending.



Bail Applications

The Magistrates' Court continues to hear numerous bail applications on a daily basis. These applications are given priority as they relate to the liberty of the individual. People charged with offences and held in custody may be released upon entering an undertaking called 'bail', to appear before a court at a later date. When hearing bail applications, the court applies the provisions of the *Bail Act 1977*. Bail applications are serious matters where defendants often face threshold tests that they must satisfy before being eligible to bail.

Ex Parte Hearings

Ex Parte hearings occur when a defendant who has been summonsed for a summary offence does not attend court. Once the magistrate is satisfied that the defendant has been served with the charges, the magistrate can proceed to hear and determine them in the absence of the defendant. The magistrate will base his or her decision upon the evidence produced by the prosecution. If the evidence proves the charge or charges beyond reasonable doubt, then the charge or charges are found proved and the magistrate will impose a penalty. Notice of the hearing and the penalty will then be forwarded to the defendant.

Appeals

A party may appeal to the County Court in relation to a conviction and/or sentence imposed by the Magistrates' Court. They may also appeal to the Supreme Court on a point of law.

After Hours Service

A magistrate and registrar are available for urgent search warrant applications between 5.00pm – 8.45am on weekdays, and 24 hours a day on weekends and public holidays. This service responds to applications that originate from both state and federal agencies. A significant part of the workload of this service is also to deal with complaints for intervention orders from the family violence jurisdiction and made by Victoria Police members.

Infringements Court

The Infringements Court deals with the processing and enforcement of infringement notices without the need for matters to be dealt with in front of a magistrate in open court. Infringement notices contain fixed penalties and involve parking, driving, public transport and other offences. Where a person has an enforcement order made against them, they can apply to the Infringements Court for the order to be revoked. Where the Infringements Court registrar refuses to grant the revocation of an infringement notice, the defendant may appeal against the registrar's decision to a magistrate or judicial registrar in open court. If on appeal the revocation is again refused, the charge remains the responsibility of the Infringements Court. If the revocation is granted, the charge is then dealt with in open court.

Judicial Registrars

The Magistrates' Court has five¹² judicial registrars who hear a range of matters that do not concern questions in relation to a defendant's liberty. Work that has been delegated to judicial registrars in the criminal jurisdiction includes (but not limited to):

- infringements applications
- licence restoration applications
- certain council prosecutions
- certain traffic prosecutions
- Department of Infrastructure prosecutions
- returns of property seized under warrant.

¹² In December 2008, two judicial registrars were appointed, taking the total number to five.



Sexual Offences List

The Magistrates' Court has maintained its focus on consolidating and refining the reforms to sexual assault law and practice during the 2008-2009 year.

This work must be seen in the context of the raft of new initiatives implemented across the justice system since 2006. The reform agenda arose primarily in response to the 2004 Victorian Law Reform Commission's Report (VLRC), *Sexual Offences: Law and Procedure*.

The Sexual Offences List (SOL) was a central component of the reform package and represents the largest commitment made by the Magistrates' Court of Victoria.

The creation of the SOL was based on evidence that a specialist approach would:

- contribute to the development of expertise in the substantive law and procedures relevant to sexual offence cases
- enable recognition of the unique features of sexual offence cases, the difficulties faced by complainants and the challenges faced by sexual offending
- provide an opportunity to develop case management procedures that are more sensitive to the needs of complainants
- make it easier to reduce delays
- symbolise the fact that sexual offences are taken seriously.

The SOL was first established at Melbourne Magistrates' Court in 2006. Joint SOLs for rural Magistrates' and Children's Courts commenced on 1 July 2007.

In February 2009, the Melbourne Children's Court commenced a pilot SOL. This SOL is regulated by Children's Court (CCV) Practice Direction 1 of 2009.

In January 2009, new case management procedures were introduced for summary contested hearings in Magistrates' and Children's Court sexual offence matters. This was to ensure that parties had a higher level of accountability for the requirement that matters listed for contested hearing be ready to proceed promptly on the first day of hearing, thereby reducing delays including those caused by adjournment applications, the associated distress and inconvenience occasioned to parties and witnesses. These new procedures are regulated by the Magistrates' Court Practice Direction 5 of 2008 and Children's Court Practice Direction 2 of 2009 and provide for the parties to complete a contest mention information sheet and notice of readiness for hearing prior to the contest day.

A new monthly report of all pending sex offence matters in the Children's and Magistrates' Courts has been created and is distributed monthly to relevant Regional Coordinating Magistrates and Regional Coordinators. This initiative means that the court can better identify sexual offence cases and provide reporting mechanisms for key cases management issues such as timeliness of case disposal, number of adjournments, number and location of court attendances and the type of applications.

SOL information sheets have been improved by the creation of an online Victoria Police version, which is to be filed with the court at the time the charges are filed. Consultation has also promoted the timely and accurate completion of these SOL information sheets.

Related sexual assault reforms

The Magistrates' Court has continued its active contribution to the development and implementation of a number of related reforms in other parts of the justice system. There has been continued engagement both on a formal and informal level with relevant stakeholders and membership of a number of key committees including:

- the Department of Justice Sexual Assault Advisory Committee, which provides advice and considers the issues and challenges being faced during the implementation of the VLRC's recommendations

- the Sexual Assault Project Officers Working Group, which oversees the implementation of the reforms
- the JCV Multi-disciplinary Committee, which has been overseeing the implementation of the sexual assault education strategy
- the Child Witness Project Control Group, which oversees the operation of the Child Witness Service
- the Statewide Advisory Committee to Prevent Sexual Assault, which commenced operation in May 2008
- the Office of Public Prosecutions Interactive Legal Education Project Steering Committee.

Deputy Chief Magistrate Felicity Broughton has continued to lead the Sexual Assault Portfolio. Melanie Quinn has also continued her work as the Sexual Offences List Coordinator. The work of the Sexual Assault Management Committee is discussed in the internal committees section of this report.

A number of challenges have emerged. Most pressing is the urgent need for buildings and infrastructure upgrades to safely and appropriately meet the needs of vulnerable witnesses, particularly in rural and suburban courts. Whilst the legislative framework was put in place, no resources were allocated to support infrastructure upgrades for alternative arrangements for giving evidence such as remote witness facilities. Additional pressure has arisen in multi-jurisdictional courts where there is competition for resources from the Supreme, County and Children's Courts and from the Victorian Civil and Administrative Tribunal (VCAT). This pressure has been further exacerbated by the demand for alternative arrangements for giving evidence in the family violence jurisdiction with the introduction of the *Family Violence Protection 2008*.

The court would like to acknowledge the high level of engagement and cooperation received from stakeholders to the ongoing process of reform.

Civil Jurisdiction

Operation

During the reporting period there were:

- 69,259 complaints issued across the state
- 8,026 defences filed
- 45,326 matters finalised by default order, prehearing conference, arbitration or open hearing
- 82.8% of defended claims were finalised within six months.

Mediation Pilot Program

A detailed explanation of the features of this program appeared in the 2007-08 Annual Report.

The operation of the program is monitored on a monthly basis by a committee, whose members are from the court and from the Dispute Settlement Centre of Victoria.

The program was the subject of a detailed report by Ms Nerida Wallace, which was commissioned for the court and the Dispute Settlement Centre of Victoria. On any view, the program has been successful. For example, between 1 October 2007 and 4 June 2009, the percentage of proceedings referred to mediation that resolved at or prior to mediation was 75%. The percentage increased to 86% if proceedings that resolved before the trial date were included in the calculations.

On 30 March 2009, the scope of the Broadmeadows project was extended to include claims of up to \$40,000. On 20 May 2009, the program was extended to the court at Sunshine. Both changes were achieved by practice direction

Court Files

The contents of court files in civil proceedings has been a concern for some magistrates. Progress is being made to ensure that the contents of those files are confined to important documents.

Judicial Registrars

The office of judicial registrar was introduced in 2005. Their powers are regulated by rules of court. During June 2009, a judicial registrar commenced hearing interlocutory applications in the civil practice court each Monday and Tuesday. This is a pilot program. If successful, it will release a magistrate to conduct trials of proceedings on those days.

Industrial Division

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, the *Workplace Relations Act 1996* (Cth), the *Long Service Leave Act 1993*, the *Public Holidays Act 1993* or the *Outworkers (Improved Protection) Act 2003*.

The list is managed from the Melbourne Magistrates' Court and, when required, arrangements are made for hearings to be conducted in regional courts. Directions hearings may be conducted by telephone or video link. Only magistrates with specialist expertise in workplace relations are regularly assigned to sit in the division.

The most common proceedings are for the underpayment of wages and entitlements due under a common law contract of employment, an Australian Workplace Agreement, a Certified Agreement or a Federal or common rule award. Claims are brought by the employee, or by a registered organisation (union) on his or her behalf. Union representatives may appear on behalf of their members and employer organisations on behalf of their members.

Inspectors appointed by the Commonwealth Workplace Ombudsman (and its predecessors) prosecute claims alleging underpayment of wages and entitlements on behalf of employees, breaches of industrial instruments and the *Workplace Relations Act 1996* (Cth). In many cases, the court may impose a maximum penalty for each breach found proven of industrial instrument or the *Workplace Relations Act 1996* (Cth) of \$33,000.

Mediation

Judicial registrars of the court regularly mediate cases in this division. Over 50% of cases were resolved at mediation during the reporting period. The judicial registrars have undertaken training in workplace relations and have been very successful in assisting parties to resolve matters at an early point in the litigation process.

If the matter cannot be resolved by alternative dispute resolution methods, it will be listed for hearing before a magistrate assigned to the division.

Small Claims Procedure

Plaintiffs claiming less than \$10,000 may use a simplified procedure. Formal pleadings are dispensed with, and the hearing is conducted in an informal manner.

Access to Decisions

Copies of decisions are available via the Magistrates' Court website. The Workplace Ombudsman also publishes transcript of decisions in which it has been involved on its official website.



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.

Under section 43 of the *Accident Compensation Act 1958* the court has jurisdiction to consider a question or matter, the value of which does not exceed the jurisdictional limit of \$40,000 or is for weekly payments. However, the court must not make an order for arrears of weekly payments beyond 104 weeks, or 130 weeks (where the claim is served after 1 January 2005).

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, Moe, Wangaratta and Warrnambool.

Practice Direction 2 of 2004, which has operated since 5 April 2004, applies only to proceedings listed at Melbourne. This practice direction reduces delay for parties accessing the records of relevant medical practitioners and other health professionals.

The introduction of Practice Directions 2 of 2004 and 14 of 2004:

- has streamlined the process for inspecting subpoenaed medical documents
- decreases the need for practitioners making oral applications in open court for documents to be released
- allows magistrates to focus on the directions hearings and contested hearings before them.

The practice directions enables practitioners to inspect subpoenaed documents at least 14 days prior to the hearing. This has increased the number of contested hearings being dealt with on the first listing of a contest.

Decisions made in the WorkCover jurisdiction are published on the Victorian WorkCover Authority website.

Municipal Electoral Tribunal

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

Family Violence

The Magistrates' Court of Victoria has jurisdiction to hear and determine applications for intervention orders. The jurisdiction was subject to substantial reform during the reporting year. The *Family Violence Protection Act 2008* commenced on 8 December 2008. The *Stalking Intervention Orders Act 2008* also commenced on that date.

Approximately 75% of all intervention order applications relate to family violence. As in previous years, the numbers of intervention order applications have increased. The number of applications for intervention orders issued increased to 28,635 in the reporting year. This compares to 26,866 in 2007-08 and 24,817 in 2006-07. The number of applications issued increased by 6.6% from last year. The number of applications finalised for the reporting period was 25,854, which demonstrates an increase of 9.2% from the previous year.

Implementation of *Family Violence Protection Act 2008*

The *Family Violence Protection Act 2008* has meant significant changes to the way the court responds to family violence. The court's responses have included:

- a training program on the new Act and the Common Risk Assessment Framework for over 280 court staff
- additional training sessions for Family Violence Resource Officers, After-Hours Service registrars and staff of the Family Violence Court Division and Specialist Family Violence Services
- a professional development day for magistrates on the new Act and its context organised by the Judicial College of Victoria in conjunction with the court
- a workshop for magistrates conducted by the court on family law issues

- development of forms and guidelines for court staff about new procedures, with the guidelines to inform the revision of the court's 'Family Violence Protocols'
- a telephone "hotline" managed by the Family Violence Programs and Initiatives Unit to answer registrars' queries
- adaptations to the After-Hours Service to assist police with family violence safety notices, including provision of information about preferred listing days and feedback about defective notices
- mobilisation of the Family Violence Resource Officers to disseminate information at each court site about the new legislation and to provide ongoing feedback about the operation of the new Act
- revision of the family violence components of the Magistrates' Court Trainee Induction Program and the trainee registrars' Certificate IV in Government (Court Services)
- arrangements with Victoria Legal Aid to ensure the efficient management of orders for legal representation of respondents and protected witnesses under sections 70 to 72 of the *Family Violence Protection Act 2008*.

Management of the Jurisdiction

The Supervising Magistrate for Family Violence and Family Law provides judicial leadership. The Family Violence Programs and Initiatives Unit has administrative responsibility for family violence projects and reforms.

The Supervising Magistrate chairs the Family Violence and Family Law Portfolio Committee comprising magistrates and a representative of the Family Violence Programs and Initiatives Unit. She represents the court on a variety of committees including the Family Violence Statewide Advisory Committee, the Family Violence Stakeholders Reference Group, the Family Violence Projects Monitoring Committee and the Victoria Police/Magistrates' Court Committee. Because of the relationship between the family violence jurisdiction and other areas of the court such as VOCAT, CISP and magistrates' professional development, the Supervising Magistrate also sits on a number of committees within the court.

The Family Violence Projects and Initiatives Unit manages the specialist family violence programs of the Family Violence Court Division and Specialist Family Violence Services. The unit has had administrative responsibility for the implementation of the new Acts including contributions to government reporting requirements and development and revision of forms and procedural guidelines and the leadership of the Family Violence Resource Officers.

Listing Arrangements

The court designates particular days to deal with intervention order applications at most courts. Usually family violence cases are heard in a separate list to non-family violence intervention order applications (stalking cases) because of the different issues that arise in family violence cases. The designation of particular days for intervention order applications facilitate the attendance of prosecutors and police applicants, duty lawyer services and support services for litigants if they are available. Many stalking cases are related to neighbourhood disputes and designated days for these cases facilitates the attendance of the Dispute Settlement Centre of Victoria at courts to conduct assessments and referrals for mediation in appropriate cases.

The *Family Violence Protection Act 2008* requires family violence safety notices to be returnable at court within 72 hours of service. Most courts only have one or two designated days for family violence cases, which means that some of the cases initiated by family violence safety notices cannot be listed within 72 hours. The court has worked closely with Victoria Police to encourage returns to designated listing days as often as possible but this has not been possible in approximately 36% of all family violence safety notice cases.

Family Violence Court Division

The Family Violence Court Division (FVCD) commenced at Ballarat and Heidelberg Courts on 14 June 2005 and its funding is ongoing.

The objectives of the FVCD are to:

- simplify access to the justice system for people who have experienced family violence
- increase and promote the safety of people affected by family violence
- increase accountability of individuals who have used violence towards family members and encourage behaviour change
- increase the protection of children exposed to family violence.

The FVCD includes the following key features:

- magistrates who hear and determine cases in the division have been assigned to the division based on their knowledge and experience in dealing with family violence cases
- listings include intervention order applications, criminal charges arising from family violence incidents, family law proceedings and applications to the Victims of Crime Assistance Tribunal
- magistrates, court staff, police prosecutors and duty lawyers have participated in special education and training about family violence
- magistrates making final intervention orders have the power to order men who have used violence against their female partner or former partner to attend a prescribed men's behaviour change program aimed at changing their violent and abusive behaviour
- an Applicant Support Worker provides information and support to applicants and children at court and referral to support services in the community
- a Respondent Worker provides advice, information, support and referrals for respondents attending court. The respondent worker also conducts assessments and provides reports to magistrates sitting in court about respondents' eligibility for participation in the prescribed men's behaviour change programs
- additional security staff at court ensure improved safety for affected family members attending court

- outreach services provide services for persons affected by family violence who are referred by the applicant support worker.

Specialist Family Violence

The Specialist Family Violence Service (SFVS) began operation at Melbourne in December 2005 and at Sunshine, Werribee and Frankston Courts in July 2006. The funding is ongoing. Although the services share most of the features of the Family Violence Court Division, they do not have a legislative basis in the same way as the Family Violence Court Division nor do they have an annexed prescribed men's behaviour change program. There is no funding for respondent workers.

Family Violence Resource Officers

Senior registrars nominate registrars who accept special responsibility for family violence in their regions. In the last financial year the nominated registrars attended a two-day orientation. They meet regularly and receive ongoing training facilitated by the Family Violence Programs and Initiatives Unit. They are people to whom other staff can refer for advice, mentoring and information about family violence issues. They provide valuable feedback on the operation of the new legislation to the Family Violence Programs and Initiatives Unit.

After-Hours Service

This service has operated from the Melbourne Magistrates' Court since April 2007. A registrar and magistrate are on duty for urgent applications by members of Victoria Police between 5.00pm and 9.00am each weekday and all weekends and public holidays. Intervention order applications and family violence safety notices account for approximately 70% of the work of the After-Hours Service. Efficient response times are critical in the area of family violence and the service has ensured that 96% of all applications are responded to within 10 minutes. Staff provide procedural information and advice to police enquiring about intervention order applications and family violence safety notices. The After-Hours Service is collecting data about family violence safety notices to assist in the evaluation of their implementation.

Neighbourhood and Stalking Disputes

Implementation of the *Stalking Intervention Orders Act 2008* preserves the previous intervention order system in anticipation of comprehensive review and reform. The new Act has involved changes to procedures and forms. The court is involved in the process of more substantive law reform for stalking and neighbourhood disputes. While many cases dealt with under this legislation involve serious and concerning acts of violence, many issues raised in applications under the *Stalking Intervention Orders Act 2008* are better suited to resolution through agreements reached at mediation rather than intervention orders. The court has welcomed the continuing expansion of a scheme administered by the Dispute Settlement Centre of Victoria to provide assessments at courts across the state for parties considering mediation of their cases. The Dispute Settlement Centre reports excellent success rates for these disputes.



Family Law

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 spousal maintenance proceedings 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)
- orders under section 68R of the *Family Law Act 1975* (Cth), to revive, vary, discharge or suspend parts of parenting orders, recovery orders and injunctions requiring or authorising persons to spend time with a child, when making intervention orders
- 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 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 68LA of the *Family Law Act 1975* (Cth)
- consent to the marriage of minors under section 12 of the *Marriage Act 1961* (Cth).

In the reporting year, the Magistrates' Court was also given jurisdiction to deal with de facto financial cases under the *Family Law Act 1975* (Cth) as a result of the commencement of the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008* (Cth).

Relationship between State and Commonwealth Jurisdictions

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. The Magistrates' Court uses 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 persons spending time with children. The Magistrates' Court makes these orders to protect the safety of parents and children during child contact exchanges.



Specialist Courts

Drug Court

The Drug Court has been located at the Dandenong Magistrates' Court for seven years.

It combines the coercive powers of the criminal justice system with a therapeutic focus on treating drug and alcohol dependency.

The Drug Court is a division of the Magistrates' Court and is responsible for the sentencing and supervision of offenders who have committed offences under the influence of drugs or alcohol, or to support a drug habit.

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 held in abeyance provided an offender complies with an attached supervision and treatment order for a mandatory two-year period.

Supervision and Treatment

The particular purposes of the supervision and treatment aspect of the order include the following:

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

The supervision and treatment order contains strict conditions. The offender is required to undergo drug testing and treatment, and to appear back before the court on a regular basis. The magistrate can imprison the offender for short periods or for the whole term of imprisonment if the offender does not comply with the conditions of the order or commits further offences.

To maximise effectiveness, treatment often address other elements of a participant's life such as education, employment, family and personal relationships, with a view to promoting sustainable stability in their future lives.

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 a postcode area as specified in the Government Gazette
- are willing to consent in writing to such an order.

Referrals can be made by any Magistrates' Court if the offender appears to meet the above criteria.

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

- the offender is dependent on drugs or alcohol
- the offender's dependency contributed to the commission of the offence
- the offence must be within the jurisdiction of the court and punishable by imprisonment
- the offence must not be a sexual offence or involve the infliction of actual bodily harm
- the offender must not be subject to a parole order, Combined Custody and Treatment Order (CCTO), Intensive Corrections Order (ICO), or Supreme Court or County Court sentencing order
- the court considers that a sentence of imprisonment is appropriate
- the court considers that it would not have ordered that the sentence be served by way of intensive corrections in the community nor would it have suspended the sentence.

Drug Court Team

The Drug Court is presided over by the Drug Court Magistrate Margaret Harding. She heads a professional multi-disciplinary team made up of a program manager, deputy registrar, case managers, clinical advisors, a Legal Aid Victoria solicitor, a Victoria Police liaison officer and other service providers such as the Drug Court Homelessness Assistance Program (DCHAP).

The DTO is administered in a manner consistent with therapeutic principles, and the 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 health/clinical and correctional perspectives. This therapeutic jurisprudential approach is a fundamental shift from the mainstream management of offenders.

Rewards and sanctions

The Drug Court uses a reward and sanction principle in rewarding compliant behaviour, which is balanced by the court's ability to use the coercive ability of the criminal justice system to sanction non-compliant behaviour.

The magistrate uses rewards or incentives to acknowledge a participant's positive progress.

Rewards include:

- verbal praise
- advancing to the next phase
- decreased supervision and court appearances
- reduced drug testing

- removal of imprisonment sanctions
- removal of conditions of order
- vouchers
- graduations.

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

Sanctions include:

- verbal warning
- demotion to earlier phase
- increased supervision
- increased court appearances
- increased drug testing
- community work
- imprisonment days
- cancellation and imprisonment reimposed.

Housing

Another unique feature of the Drug Court is the housing component. It is recognised that a participant needs stable housing before they can begin to tackle their addiction. The Drug Court has access to up to 30 properties in the Dandenong area as well as three housing and support caseworkers.



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 productive members of the community.

Other benefits to participants include:

- helping to eliminate criminal offending and time spent in custody
- harm minimisation and improved health
- improved employment prospects
- better social and family relations
- less homelessness and associated risks
- greater self esteem
- acceptance back into society.

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 related health costs
- less welfare dependency and associated costs.

Visitors to the Drug Court

This financial year a number of visitors have attended the Drug Court of Victoria.

In March 2009, the Victorian Attorney-General visited the Drug Court and sat in on a number of review hearings. He provided some very positive feedback to the team and his support was very affirming. As a result of this visit, a film has been commissioned to highlight the Drug Court and the positive impact it is having on individual participants and the community as a whole. Production is currently underway and the film is scheduled for completion later this year.

The Drug Court has also hosted judicial and governmental representatives from Japan, China and New Zealand, all of whom reported being particularly impressed with the therapeutic jurisprudential approach embraced by the Drug Court.

Koori Court

The Koori Court has continued to operate throughout the 2008-09 reporting period in various sites across the state, seeking to address over-representation of the Aboriginal (Koori) community in the criminal justice system. Following the opening of the first Koori Court at Shepparton Magistrates' Court in October 2002, the Koori Court now sits regularly at court venues at Broadmeadows, Latrobe, Mildura, Warrnambool, Bairnsdale, Swan Hill, Melbourne Children's Court and Mildura Children's Court.

The Koori Court initiative aims to improve the Koori connection with the administration of the law within the state of Victoria whilst also providing for increased community safety by working to reduce re-offending and decrease breaches of court orders. An independent evaluation of the initial two-year Koori Court pilot program was completed by La Trobe University and further emphasised the benefits of this alternative approach to sentencing, reporting significantly reduced levels of recidivism among Koori defendants.



Koori Court Operations

As a division of the Magistrates' Court of Victoria, the Koori Court exercises the same sentencing powers that apply in the criminal division of the Magistrates' Court. The court differs, however, in the way these powers are applied to conducting the sentencing hearings and how members of the Aboriginal community are able to participate in that hearing. The same laws, including sentencing laws, are applied in the Koori Court. It is only the court hearing process that is different.

An offence may be eligible to be heard in the Koori Court on the following conditions:

- the offender is an Aboriginal or Torres Strait Islander
- the offence is within the jurisdiction of the Magistrates' Court of Victoria (with the exception of sexual offences and breaches of intervention orders, which are specifically excluded from the division)
- the offender is pleading guilty to the offence and consents to having the case heard by the Koori Court.

Some of the main objectives of the Koori Court are to provide a more informal atmosphere and allow for greater participation by the Koori community in the court process. To achieve these objectives, many conventional legal practices are replaced by a more accessible environment for Koori defendants. As in traditional Magistrates' Courts, the Koori Court magistrate will make the final decision regarding the sentencing order imposed on an offender. However, in addition to their own judgment, the magistrate will also take into consideration the advice received from the Koori elder or respected person present at the hearing.

Elders and Respected Persons

Elders and respected persons are individuals recognised by the Koori community as significant community members able to bring extensive community and cultural knowledge to the hearing process. The participation of these individuals allows the Koori community to be represented in a way that promotes the importance of offenders taking responsibility for their misbehaviour and addressing related issues appropriately. The elders and respected persons will communicate with the offender throughout the hearing, often speaking strongly to the offender about the consequences of their behaviour and the effects that the offending has had on victims and the community. This approach encourages the Koori community to gain greater connection with, and positively participate in the justice system. The Koori Court program now engages over 60 elders and respected persons around Victoria.

Koori Court Officers

The Koori Court officer's role is aimed at building and maintaining relationships with stakeholders, consulting with defendants and their families before, during and after the hearing and assisting the defendant in accessing support services and information about the court process. The participation and consultative role of the Koori Court officer is an important factor in reducing the number of breached sentencing orders as well as providing offenders with an additional contact to assist throughout the hearing. Koori Court officers are located at all Koori Court venues.

Koori Court Conference

The 2009 Annual Koori Court Conference was held in May 2009 in Melbourne and was attended by approximately 90 delegates, including Koori Court elders and respected persons, Koori Court magistrates, Koori Court officers, registrars, and officers from the Koori Court Unit and the department's Courts and Tribunals Unit. This year's conference focused on strengthening the dialogue and ongoing partnership between elders and respected persons and magistrates, and was well received by those who attended.



Case Study

A 22 year old Wamba Wamba man from Swan Hill was charged after he recklessly engaged in a pursuit with the police that placed people in danger of serious injury.

At the time the client made his first appearance at Swan Hill Koori Court, he was unemployed and had a long history of drug abuse. The underlying cause to his offending was drug abuse and he had significant prior offences.

The client attended the Koori Court and was spoken to by the magistrate and elders about the offence and his drug abuse. The matter was adjourned to allow him the chance to engage with a detox program and a residential rehabilitation program in South Australia. He made a promise to elders and the magistrate that he would do this and seek help from community services. He acknowledged that drugs were destroying his life.

On the day of his return to Koori Court, written and verbal evidence was submitted from the support worker, who had travelled with him from South Australia. The evidence highlighted that the client fully engaged with the services offered, which resulted in abstinence from alcohol and drugs for a period of three months. The client communicated to the elders that he would continue this abstinence. He also took full responsibility for his actions including the harm caused. He further highlighted that his focus on the future was much clearer and set worthwhile goals such as gaining employment. He also indicated that he wanted to help others with substance abuse.

The defendant was convicted and sentenced to a six-month community based order with a requirement to complete community hours.



Court Support and Diversion Services

The Magistrates' Court of Victoria 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 defendants 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 the programs refer court users to various services within the community for treatment and support, whilst being monitored by the court. Such programs act to reinforce the link between the court and the community and its service systems.

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

Court Integrated Services Program (CISP)

The Court Integrated Services Program (CISP) was established in November 2006 by the Department of Justice and the Magistrates' Court of Victoria, to assist in ensuring that defendants receive support and services to promote safer communities through reduced rates of re-offending. The program currently operates at the Latrobe Valley, Melbourne and Sunshine Magistrates' Courts.

CISP aims to:

- provide short term assistance before sentencing for defendants with health and social needs
- work on the causes of offending through individualised case management support
- provide priority access to treatment and community support services
- reduce the likelihood of re-offending.

The CISP provides:

- a multi-disciplinary team-based approach to the assessment and referral to treatment of defendants
- three levels of support based on the assessed needs of the client, which may include case management for up to four months
- referrals and linkages to support services including drug and alcohol treatment, acquired brain injury services, accommodation services disability and mental health services, as well as the Aboriginal Liaison Officer.

Eligibility criteria:

- any party to a court proceeding can access the CISP by way of referral, including applicants, respondents and defendants from all jurisdictions of the Magistrates' Court, such as the Family Violence Division
- the defendant is on summons, bail or remand pending a bail hearing
- the program is available to defendants regardless of whether a plea has been entered or whether they intend to plead guilty or not
- defendants must provide consent to be involved in the program.

Referrals to the CISP can be made by the police, legal representatives, magistrates, court staff, support services, family, friends, or the person themselves.

CISP Case Study One

A male with an extensive history in the criminal justice system, including numerous breaches of community based orders and two prison terms commencing in 2000, was referred to the program. The client's current charges were breach of an intervention order and a suspended sentence. The client had previous drug and alcohol issues, however had been abstinent for an extended period and was focused on not returning to drug use.

The client was referred for an acquired brain injury screening assessment and subsequently referred for a complete neuropsychological assessment.

The neuropsychological assessment report clearly showed deficits and an acquired brain injury. The client engaged extremely well with the case manager, and the CISP 'Final Progress Report' reflected this.

The client received 14 days jail, which was suspended for two months. No order was made as to the suspended sentence as exceptional circumstances were reported.

Aboriginal Liaison Officer Program

The Aboriginal Liaison Officer (ALO) Program became operational in 2002. The creation of this program was a direct result of the Victorian Aboriginal Justice Agreement, a partnership between the Victorian Government and Victorian Indigenous Communities. This agreement was brought about by recommendations from the *Royal Commission into Aboriginal Deaths in Custody*. The program aims to address the over representation of indigenous people in the Victorian justice system by working with indigenous defendants when they enter the court system. In addition, the service helps Aboriginal people to maximise their chances of rehabilitation through culturally appropriate and sensitive intervention.

The ALO Program has a coordinator and liaison officer. It operates as part of the Court Integrated Services Program (CISP) and offers the range of services provided by the CISP.

Any party to a court proceeding can access the ALO Program, including applicants, respondents and defendants from all jurisdictions of the Magistrates' Court, such as the Family Violence Court Division. The objectives of the ALO Program include:

- to provide advice to indigenous defendants who come into contact with the court, and their families
- provide access to services for indigenous defendants 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 indigenous defendants
- to liaise with local Aboriginal 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 Aboriginal persons.

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



CISP Case Study Two

At his request, a 32-year-old male on remand was assessed for CISP. The client had a very long history of offending and of gaol sentences, as well as many community based dispositions. He was in breach of a suspended sentence and had committed two separate sets of charges involving burglary and theft.

During the assessment, the case manager ascertained that the client was ineligible for CISP because he was undergoing a period of parole, however, noted that the client may have an acquired brain injury and psychological issues. As part of his parole conditions, the client had been attending 'Turning Point' for counselling, had established a beneficial therapeutic relationship with his counsellor and wished to continue with that treatment episode.

Bail was granted with various conditions. The case was adjourned to the date after parole expired with the plan being to place the client on CISP on the return date. The CISP case manager liaised with the Community Corrections Officer (CCO) in relation to the CISP assessment, and the CCO worked with the client on those issues for the rest of the parole period.

On the return date, the client reiterated his commitment to CISP. His bail was varied to include CISP participation as a condition.

The client remained with CISP for some months. During participation, the client:

- continued with his treatment at 'Turning Point'
- attended all appointments with CISP
- found housing

- maintained pharmacotherapy and remained abstinent from drugs
- remained in a stable relationship
- participated on a personal support program (PSP) through Centrelink
- maintained psychological counselling as arranged through CISP.

A number of reports were tendered at the hearing including: CISP, 'Turning Point', Centrelink PSP case manager and CCO (while on parole). The reports were outstanding in terms of the effort that the client had put in whilst on the program and the progress he had made. In all, the client had been under court supervision in excess of eight months – three months on bail while completing parole and five months on CISP.

The magistrate imposed a further suspended sentence. Given the progress made by the client and his prospects for long-term rehabilitation, it was deemed by the sentencing that it would be counter-productive to impose an immediate custodial sentence. The prosecutor was invited to make a submission in relation to the restoration of the suspended sentence. In view of the client's excellent progress, the prosecutor declined to make any further submissions. The magistrate made no further order on the breach of the suspended sentence.

At the conclusion of the proceedings, the client asked to address the court. He thanked the magistrate and his CISP case manager for the opportunity and indicated that he was planning to attend TAFE to study social work.



Aboriginal Liaison Officer Case Study

A 31-year-old female charged with handling stolen goods and obtaining property by deception was referred to the ALO Program for support in accessing an assessment for possible acquired brain injury, general support within the community and addressing issues surrounding illicit substance abuse.

The client was referred to the Acquired Brain Injury (ABI) case manager (contracted from *arbias* and located at Melbourne CISP) for assessment related to possible ABI. Following this assessment, the client did not require further intervention in relation to ABI.

Throughout her involvement with the ALO Program and CISP, the client was noted to have made significant changes. The client sought reunification with her two children via the Department of Human Services (DHS) Child Protection Services. To achieve reunification the client had to provide negative urinalysis screens three times per week. In addition to this the client:

- accessed and engaged well with an indigenous drug and alcohol counselling service
- maintained a pharmacotherapy program
- attended a number of parenting classes.

The client's commitment to this plan and her ability to achieve the steps necessary in this process demonstrated a significant change in comparison to her previous lifestyle.

Throughout her involvement with the program, the client attended appointments with her case manager and remained motivated to address her treatment goals. The client's supports remain ongoing. On completion of her involvement with the program, the client had achieved the following:

- abstained from illicit substances as demonstrated to DHS
- gained reunification with her children
- developed a range of relapse prevention strategies
- improved coping skills
- established a network of support
- ceased contact with substance-using peers
- ended a physically abusive relationship.

CREDIT/Bail Support Program

The CREDIT/ Bail Support (CBS) Program was created from the merge of two court bail programs. In December 2004, in consultation with the Department of Justice and Corrections Victoria the Magistrates' Court combined the Court Referral & Evaluation for Drug Intervention & Treatment Program (CREDIT) and the Bail Support Program (BSP).

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

- successful completion of bail by defendants who would otherwise be remanded in custody
- reduction in the number of defendants remanded due to lack of accommodation and/or treatment or support in the community
- successful placement of defendants in drug treatment and/or rehabilitation programs
- long-term reduction in involvement of defendants in the criminal justice system.

Clients are provided with a range of services while on bail, including:

- assessment and development of a 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.

Eligibility:

- any defendant eligible for a period of bail may be referred to the CREDIT/Bail Support Program for assessment
- the program is available to defendants regardless of whether a plea has been entered or whether they intend to plead guilty or not.

Referral to the CREDIT/ Bail Support Program can be made by a magistrate, police officer, legal representative, court nominee, family or the client themselves. Clients are required to commit to treatment and attend regular support meetings with their case manager.



CREDIT/Bail Support Case Study

A 24-year-old female was referred to the CREDIT/Bail Support (CBS) Program. The client faced charges of possession, trafficking drugs of dependence including ecstasy, amphetamine and possibly gammahydroxybutyrate (GHB). The client presented as a very anxious, highly distressed young woman, who had self-medicated with poly drug use. The client lived a very chaotic lifestyle, being addicted to a number of drugs, with her major drug of choice being GHB and amphetamines. The client believed this was a perfect combination of drugs for herself.

During her time on the program, the client achieved and maintained abstinence from all illicit substances used. This was a significant achievement for the client given the chaotic and self-indulgent lifestyle that she had been leading, during most of the previous year. The client attended all appointments with both her drug and alcohol counsellor at Peninsula Drug and Alcohol Program (PenDAP) and CBS. The client participated in counselling with a strong commitment to bring about change, and introduce a sense of stability into her life. Throughout her participation in the program, the client achieved this sense of stability.

The client's treatment concentrated on the development of a sense of self worth and self-respect, which ultimately helped her remain abstinent from all illicit substance use. The client's attitude toward her previous drug using peers changed, and she no longer saw them as 'cool' people. The client consequently ceased all association with them.

The client experienced a number of crises while on the CBS, but maintained abstinence. By the end of her participation on the program, the client had changed from being purposeless and without a care for her future, to becoming a woman who had rediscovered her desire to improve herself through study, develop career options and appreciate her academic achievements (she had scored a VCE TER in the 90s). At the end of her participation on the program the client spoke of this as a positive achievement; when previously she had been very dismissive of her educational achievements. The client became motivated to build on her education by pursuing a TAFE course, becoming qualified and obtaining employment in the field of mental health.

The client was sentenced to a community based order, without conviction.



Corrections Victoria – Community Correctional Services – Court Services Unit

Placed within Court Support and Diversion Services, and working alongside the Court Integrated Services Program (CISP), Corrections Victoria, Community Correctional Services, Court Services Unit (CSU) work closely with the courts.

As a pre-sentencing service, the CSU assess offenders in relation to their suitability for community based orders, intensive correction orders and combined custody and treatment orders. These assessments are provided 'on the spot' at the request of the court.

As well as providing assessments and reports to the court, the CSU also prosecute offenders who have breached the above orders.

The CSU provides a service to the Melbourne Magistrates' Court, the Melbourne County Court and the Supreme Court.

Mental Health Court Liaison Officer

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 first established at the Melbourne Magistrates' Court in November 1994. Due to increasing demand, services are available at the Ringwood, Heidelberg, Dandenong, Frankston, Broadmeadows and Sunshine Magistrates' Courts.

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 Geelong, Shepparton, Bendigo, Ballarat and Latrobe Valley Magistrates' Courts.

In the metropolitan courts, senior mental health clinicians provide on-site services. An on-call consultant forensic psychiatrist is available to discuss issues when required. The MHCLS is able to provide assessment and triage work whereas treatment and case-management roles are provided by the area mental health services.

The service provides professional and impartial assessments, consultation and advice to all metropolitan court users. Clients include individuals appearing before the court who are either known to have or suspected of having a mental illness. A referral, if appropriate, may lead to the following:

- custodial management issues being addressed, such as the client's receiving medication in custody
- risk management issues due to physical or mental illness being addressed
- an assessment being carried out and a report being presented to the court.

Both verbal and written reports are provided to the court, as each case requires.

The MHCLS, together with the Community Integration Program (a Forensicare prison to community linkage service) 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 MHCLS provides the court with accurate and up-to-date information and the requisite linkages, to ensure that the court is well informed about a person's mental health. The service provides:

- mental state assessments and advice regarding recommended course of appropriate clinical management and welfare of persons referred to the service
- coordinated referral and links to support services in conjunction with the Community Liaison Officer
- consultation with various support agencies, professional representatives and family members involved in a client's care



- transfer of acutely mentally disordered clients to appropriate area mental health services
- training and education for support services' staff regarding the role of the MHCLS
- liaison with the CISP.

Referrals are made by a variety of different groups including magistrates, legal practitioners, parallel services' staff, CISP, police, custody staff and mental health services. The service will also accept referrals from anyone who has some concern about the mental health of individuals who will be appearing before the court.

Youth Justice – Court Advice Service Melbourne Central Courts Unit

The Youth Justice Court Advice Service (YJ CAS) Melbourne Central Courts Unit is a specialised youth specific service provided by the Department of Human Services Youth Justice for young people aged between 18 and 20 years who are appearing in court on criminal matters.

The Melbourne Central Courts Unit has been operating from the Melbourne Magistrates' Court since January 1998 providing a service to the Melbourne Magistrates' Court, County, Supreme Courts and the Court of Appeal.

YJ CAS is offered by the Department of Human Services (DHS), Youth Justice Program to all adult courts in the state of Victoria.

The primary focus of YJ CAS is to divert young offenders from the adult criminal justice system, where appropriate. Referrals to the YJ CAS can be received directly from:

- Magistrates', County and Supreme Courts
- legal representatives
- regional youth justice units
- CISP
- the young person, their family and community agencies.

YJ CAS provides:

- advice in relation to available bail support services, including accommodation, appropriate treatment or program availability
- pre-sentence reports to the court regarding a young person's suitability for a Youth Justice Centre (YJC) order
- supervision and case management for young people who have been released on bail or deferral under the supervision of Youth Justice, including making referrals to community service organisations and treatment programs
- information for the young person and their family or significant others
- assistance to identify appropriate diversionary strategies for young people out of the criminal justice system, and where appropriate referral to:
 - accommodation
 - drug and alcohol treatment
 - mental health assessments and treatment
 - counselling, such as psychological, family therapy or anger management
 - legal services
 - other support services
- liaison with judicial officers, legal and court personnel and CISP to develop the most appropriate approach for young people with multiple and complex needs
- detailed reports to the court regarding the progress of young people on bail or deferral of sentence
- information to key-stakeholders regarding young people who are undergoing a YJC sentence in relation to:
 - the young person's progress while under sentence in a YJC
 - the potential impact of a concurrent or cumulative sentence upon the overall sentence.

Criminal Justice Diversion Program

The Criminal Justice Diversion Program (CJDP) provides mainly first-time offenders with an alternative procedure to case processes by undertaking various conditions that benefit the offender, victims and the community.

The program provides the following advantages:

- reduces the likelihood of re-offending by tailoring an order according to the offender's needs
- enables first time offenders to avoid their first criminal record
- assists the offender's rehabilitation through referral to community resources for appropriate counselling or treatment
- ensures appropriate reparation is made to the victims and, where appropriate, a formal apology is provided
- assists local communities through voluntary work and donations
- provides more flexibility for orders
- a diversion coordinator monitors cases and conditions, ensuring accountability of the offender.

Eligibility

The CJDP is governed by section 128A of the *Magistrates' Court Act 1989*. The matter must meet the following criteria before diversion can be recommended:

- the offence is triable summarily and not subject to a minimum or fixed sentence or penalty (except demerit points)
- the defendant acknowledges responsibility for the offence
- the prosecution consents
- the magistrate deems the matter appropriate.

The existence of prior convictions does not disqualify an offender from the program but the court will take this into account in deciding whether the diversion program is appropriate.

Offences under the *Road Safety Act 1986* may be suitable for diversion, with the exception of offences relating to the driving of a vehicle whilst under the influence of alcohol or drugs. Demerit points are still recorded with VicRoads for the relevant regulated offences.

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

Judicial Registrars

The Magistrates' Court (Judicial Registrars) Rules 2005 were amended to delegate the relevant powers to judicial registrars to consider diversion matters as from 20 April 2009.

Case Statistics

The program received 7280 referrals from various prosecuting agencies during 2008-09, representing a 6% decrease compared with 7710 referrals received in 2007-08. The highest number of referrals related to male offenders aged 17-25 years, representing 39% of referrals received, consistent with 39% in 2007-08.

Of these offenders, 5412 were placed on a diversion plan (accepted into the program), compared with 5695 offenders in 2007-08.

During 2008-09, offenders undertook a total of 12,560 conditions, compared with 12,273 in 2007-08.

In 2008-09, 1423 matters were found not suitable/refused by magistrates and judicial registrars statewide, representing 19.5% of referrals that were refused.

During 2008-09, a total of 5599 offenders successfully undertook conditions and completed their diversion plan, representing 90.2% of offenders who were placed on the program, compared with 5651 (92%) in 2007-08.

During 2008-09, 38 offenders identified as Aboriginal and/or Torres Strait Islander during the diversion interview process.

Activities Promoting Community Interests

Voluntary Work

Offenders perform voluntary work where possible within their local community or the area where they committed the offence. During 2008-09, 178 offenders were ordered to undertake a total of 2957 hours of voluntary work with various non-profit organisations including:

- Ballarat City Council
- Benalla Council
- Bush Market Committee
- Corryong Nursing Home
- Country Fire Authority Bonnie Doon
- Department of Sustainability and Environment
- Friends of Mentone Station and Gardens
- Fun City Sunshine
- Geelong Street Clean Up Program
- Keep Australia Beautiful
- Lloyd's Trust
- Local synagogues
- Ozanam House
- Ringwood Graffiti/Community Work Clean Up program
- Salvation Army
- Sea Lake Arts Society
- St Vincent de Paul
- Wodonga Council

Donations

Each year offenders in the program direct donations to local charities or non-profit organisations. During 2008-09, offenders undertook to pay a total of \$1,010,552 in donations to charities and local community projects.

Approximately \$138,000 of the donations ordered were directed to be paid to the Court Fund. The Court Fund distributes monies to local community services.

In addition, over \$78,000 in donations was allocated to child and youth support services statewide. These include community youth resource centres, Blue Light groups, and programs supporting disadvantaged youth, such as Ropes programs, 'Kids Under Cover', 'Kids Hope Australia', 'Western Chances' and local schools.

A further \$86,570 in donations was directed to community run safety initiatives such as various County Fire Authorities, State Emergency Services and search and rescue services such as life-saving clubs.

Over \$200,000 was allocated to hospitals statewide, and more than \$330,000 to community health and family support centres.

Approximately \$48,000 in donations supported road safety initiatives such as Road Trauma Support Services Victoria and local road safety organisations.

Between 1 February 2009 and 30 June 2009, a total of \$110,052 in donations was ordered as part of defendants' diversion plans to support the bushfire victims. This amount comprised of donations to:

- the Red Cross Victorian Bushfire Appeal Fund 2009
- Red Cross
- David Balfour Appeal (c/- Canberra CFA)
- Gippsland Emergency Relief Fund
- Maddison Bartlett Appeal Fund
- Riviera Care Bushfire Appeal
- Wildlife Victoria Bushfire Appeal
- the Country Fire Authority.



Restitution

A further \$661,858 in restitution was undertaken to be paid to victims during 2008-09.

Enforcement Review Program

The Enforcement Review Program (ERP) assists members of the community who have 'special circumstances' and outstanding fines registered at the Infringements Court. The program assists those who may not comprehend the consequences of their actions or who are unlikely to be able to avoid the commission of the offence.

The ERP enables the Magistrates' Court to tailor outcomes that reflect the applicant's circumstances. The Infringements Court and Magistrates' Court jointly manage the program. The Special Circumstances List operates at the Melbourne Magistrates' Court.

Special circumstances matters are identified by section 65 of the *Infringements Act 2006*. An application for revocation of fines in relation to special circumstances together with supporting evidence is made to the Infringements Court, which may include:

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

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.

Processing Applications for Revocation

The Magistrates' Court ceased processing applications for revocation in relation to special circumstances in November 2008. The practice of having two entry points into the ERP was problematic and all applications are now filed with the Infringements Court.

Listings

The Special Circumstances List commenced hearing matters every Thursday from 1 July 2008 to cater for the increase in applications for revocation. Prior to this date, the Special Circumstances List operated on the first and third Thursday of each month.

Case Statistics

A total of 2663 matters have been listed in the Special Circumstances List in 2008-09. Of these matters, 1507 have been finalised by a magistrate or judicial registrar, representing an overall clearance rate of 57% of the matters listed for the financial year.

The 1507 matters finalised in 2008-09 is an increase of 138% compared to matters finalised in 2007-08. Of the 1507 matters that were finalised within the Special Circumstances List, 58% of defendants appeared in open court and 42% were heard ex parte.



Doing Justice Locally at the Neighbourhood Justice Centre

The Neighbourhood Justice Centre (NJC) celebrated two years of operation in March 2009 and has been funded for another four years enabling it to continue its role in addressing the underlying causes of criminal behaviour and disadvantage as well as improving access to justice.

There is a full evaluation of the NJC underway. Among the early promising results emerging from the NJC are:

- lower breach rates for family violence intervention orders
- a higher proportion of guilty pleas
- lower rates of recidivism
- higher rates of successful completions of community corrections orders, compared to the statewide average.

Located in the City of Yarra at 241 Wellington Street, Collingwood, the NJC brings together a multi-jurisdictional court, which includes a Magistrates' Court, a Children's Court (Criminal Division), a Victims of Crime Assistance Tribunal (VOCAT) and hears some matters from the Victorian Civil and Administrative Tribunal (VCAT) - with a wide array of onsite support services and community initiatives.

Key aspects of the NJC include early intervention, appropriate dispute resolution, problem solving and one-stop integrated service delivery.

Alternative dispute resolution and restorative justice group conferencing are options that are available in appropriate cases. The 'Young Adult Restorative Justice Group Conferencing' process at the NJC brings together young offenders and victims, with their families or supporters, in a meeting to decide how to repair the harm arising from the young adult's offending behaviour.

Court referrals for problem solving meetings continue to be a core process for suitable cases. Facilitated by the neighbourhood justice officer, the meeting brings together the defendant with other relevant people to discuss the underlying causes of offending and generate options to address those causes. It is a condition of this process that the options generated are reported back to the court by the neighbourhood justice officer.

The court continues to use mediation to resolve small claims and neighbourhood disputes. Mediation has been successful in part due to the timeliness with on-site location of the Dispute Settlement Centre Victoria. Mediation services are also used by the wider City of Yarra community as a means of resolving disputes that is mutually acceptable to the parties and avoids court hearings.

In appropriate criminal cases, judicial case management of defendants on community based dispositions is used as an effective method to increase offender accountability. This, along with collaboration with Community Correctional Services located at the NJC, Client Services, and the NJC Court has increased the successful completion of such orders.

Community engagement and crime prevention

The NJC continues to promote the key principles of community justice, which include increasing the participation, understanding and confidence of the community in the justice system. This requires a holistic and coordinated approach to address the underlying causes of offending and collaborative action on issues of community safety.

The NJC involves the community in identifying and working together to come up with lasting, local solutions, which contribute to improving the outcomes of justice, lowering the crime rate, and strengthening the local Yarra community.

Initiatives focus on community safety, crime prevention, legal education or community connectedness for people at risk of coming into contact with the justice system. These initiatives involve everyone at the NJC from the magistrate through to the mediation coordinator, Koori justice workers and Community Correctional Services to name a few. Some examples include:

- **Business Crime Prevention Kit:** Recently the NJC partnered with Victoria Police and the City of Yarra to develop and distribute *Business Crime Prevention Kits* to increase safety for traders and their customers. The kit provides plain English information about topics such as responding to thefts, dealing with aggressive people and electronic fraud. The kits have been distributed to business owners, starting in Richmond. The kits have been translated into Vietnamese.
- **Community Justice Grants:** Our local community justice grants support community projects that address disadvantage and strengthen the community. In 2008-09 the Westside Circus was one of six recipients with a program focusing on educating young people about the justice system.
- **Phuchas** is a lifeskills program that uses creative activities to engage with and explore issues for young people from the Richmond Housing Estate. At the 2008 NJC end of year partnership celebration a group of young African participants from the program gave a performance about the challenges facing newly arrived young people.
- **Community Education:** Throughout the year, the NJC has conducted education sessions about new legislation, legal rights and responsibilities, court processes, mock mediations, as well as practical skills like conflict resolution.
- **Community Justice Advisory Group (CJAG):** One of the ways that the NJC works locally is through the Community Justice Advisory Group (CJAG); a group of 15 people drawn from the community including residents, traders, police, council, and government. They form a link between the City of Yarra community and the NJC. The magistrate attends the meetings of this group, providing a unique avenue for the magistrate to hear community concerns and discuss more effective ways of working in and with the community in relation to justice issues.
- **Community Justice Grants:** Through the NJC's community justice grants we are supporting community programs that address disadvantage. These \$5000 – \$10,000 grants are funded by the NJC in partnership with the City of Yarra Council. Recent community justice grants funded include education sessions, circus activities for 'at risk' young people, art therapy, self-defence classes, and anger management program and a young leaders' project.



The NJC works to:

Lower the crime rate

The NJC works to reduce crime and improve safety for the community. By tackling the cycles and underlying causes of crime and violence, we aim to reduce rates of reoffending by increasing offenders' accountability and compliance with court orders. Another key focus is crime prevention. We work with the community to find solutions to local crime and safety issues.

Strengthen the community

In strong communities, people are connected, supported, feel safer and are less likely to be affected by crime. By working in partnership with residents, businesses, service providers and local government the NJC aims to prevent crime, improve safety and contribute to the wellbeing of the community. We also aim to increase the community's understanding of the justice system and further educate people about legal rights and responsibilities.

Assist victims of crime

The NJC seeks to repair the harm that results from criminal or harmful behaviour in our community. The NJC provides services for victims of crime including family violence. This includes practical assistance, counselling, support services, assistance with VOCAT applications and opportunities to participate in restorative justice group conferencing.



Judicial Activities

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 a range of professional development and community engagement activities on behalf of the court.

Magistrates routinely engage in professional development opportunities, including those set by the court's Professional Development Committee (PDC), and also those set by the Judicial College of Victoria (JCV). Many magistrates undertake their own professional activities beyond those set more formally.

In addition to this, many magistrates regularly engage with their local community by chairing and participating in external committees and boards, participating in moot courts for external organisations, speaking publicly to community and other interest groups, as well as participating in local initiatives and programs.

While this section is not intended as an exhaustive list of the activities that magistrates have been involved in during the reporting period, it does provide an informative and illustrative snapshot of the nature and extent of a magistrate's role beyond the bench.

Professional Development Conferences

During the reporting period, the court's Professional Development Committee (PDC) conducted three one-day legal education conferences on issues and topics with particular currency and relevancy to the magistracy. The committee were also significantly involved in the preparation of other professional development sessions during the reporting period.

2008-09 Professional Development Days

Sexual Assault – Issues & Challenges

On 24 July 2008, magistrates attended a PDC conference largely dedicated to the sexual assault jurisdiction, in particular regarding the issues and challenges. The committee was greatly assisted by the assistance provided by Deputy Chief Magistrate Felicity Broughton in the preparation for the Professional Development Day in July 2008, '*Sexual Assault – Issues and Challenges*'. Carly Schrever from the JCV provided an on-line presentation on the use of JOIN. Speakers included Vicki Bahen, Manager of the Child Witness Service and Debbie King of Success Works, who spoke on the 'Evaluations of the Sexual Reform Strategy'. A very informative panel also contributed to the success of the day. The panel speakers were made up of Karen Hogan, Director of the Gatehouse Centre, Michelle Williams SC – Senior Crown Prosecutor, Dr Irene Panagopoulos, Senior Psychologist at the Adolescent Forensic Health Service and Simone Shaw, Manager, Sex Offenders Programs, Corrections Victoria. Judge Paul Grant provided a very informative and entertaining hypothetical on sentencing in the Children's Court. The Chief Magistrate and Magistrate Charlie Rozenowajg finished the day by providing an overview on the *Criminal Legislation Amendment Act 2008*.

Family Violence Program

On 17 October 2008, the JCV, in conjunction with the committee, delivered the '*Family Violence Workshop*'. Cathy Lamble, Supervising Magistrate of Family Violence, worked tirelessly with the PDC, the Family Violence and Family Law Portfolio Committee and the JCV to deliver a very successful and informative day. Guest speakers included David Ellis of Swinburne University, the then-Chief Commissioner of Police, Christine Nixon, the Chief Justice of the Family Court of Australia, the Honourable Diana Bryant, and Michael Brandenburg and Jacinta Wainwright from Child and Family Services in Ballarat. Special thanks to Robert Karacic at the JCV for the work he put into making the day a success.

Current Issues In Criminal Law

On 24 April 2009, the Professional Development Day focused on *'Current Issues in the Criminal Law'*. Dr Sue McNicol provided an overview of the new Uniform Evidence Act and John McArdle QC spoke about the changes to identification evidence provisions under the Act. Corrections Victoria provided a presentation on *'Reducing the Re-offending Framework'* and Victoria Police presented on the *'Sex Offender Registry'*. Judge Wendy Wilmoth, Magistrate Brian Barrow and Dr Francis McNab constituted a panel to help impart information about *'Balancing and Managing Judicial Workload'*. Colleagues Marc Sargent spoke on interlocks, Duncan Reynolds on ex parte hearings and Clive Alsop on victim awareness.

Other Professional Development Sessions Family Law

On the 21 November 2008, the Council of Magistrates' meeting was held at The Point in Albert Park, and the afternoon was dedicated to professional development on the topic of *'Family Law'*. Federal Magistrate Evelyn Bender led a session on *'Back to Basics'* and *'Alternative Dispute Resolution'*. Cathy Lamble again worked very hard to prepare the professional development session. Other participants included Walter Ibbs, the Clinical Services Co-ordinator of the Round Table Dispute Management Centre, and Gae Campbell the Manager of the Melbourne Family Relationship Centre.

Judicial College of Victoria

Throughout the year, magistrates have participated in a range of interesting and highly relevant professional development conferences, seminars and activities facilitated by the Judicial College of Victoria. Some of the topics included:

- *'Ethics and Obligations in Judicial Decision Making'*
- *'Sexual Assault'*
- *'Self-Represented Litigants'*
- *'Stress and the Judiciary'*
- *'Cyberspace – Myspace and Facebook'*
- *'Sudanese Cultural Awareness'*
- *'Aboriginal People and the Justice System'*

In addition to this, the second professional development day for 2009 for magistrates was undertaken by the JCV on 26 June 2009. The college had prepared a thorough program to deliver judicial education on the Uniform Evidence Act to all courts in 2009. Given the importance of the legislation to the way magistrates perform their daily work, one of the allocated professional development days was utilised to attend the college's program, *'The Uniform Evidence Workshop'*.

Featured Judicial Activities

The following provides a snapshot of specific activities individual magistrates have been involved in during the report period.

Magistrate Jillian Crowe, RCM Heidelberg Region

- regularly attended meetings as a member of the Committee of Convocation at the University of Melbourne, which represents all law graduates
- attended at the Northern Suburbs Law Association Christmas dinner and the University of Melbourne's International College *'Women's Day'*, both as a guest speaker
- launched an art exhibition for the Children's Protection Society in May 2009
- has continued a strong and on-going relationship with the Exodus community in West Heidelberg.

Magistrate Brian Wright, Melbourne Magistrates' Court

- is the convenor of the Publications Committee of Fitzroy Legal Service which publishes the *'Law Handbook'* (a well-known and invaluable resource which is now free online)
- contributed three chapters to the *'Law Handbook'*
- conducted professional development seminars on VOCAT for the Community Legal Services and the Victorian Bar in August and September 2008, respectively.



Supervising Magistrate Catherine Lamble, Family Violence & Family Law Jurisdiction

- is a member of the:
 - Family Violence Statewide Advisory Committee
 - Family Violence Stakeholders Reference Group
 - Family Violence Projects Monitoring Committee
 - Victoria Police/Magistrates' Court Committee
 - Non-Family Violence Intervention Orders Reform Reference Group
- addressed the Victoria Legal Aid's conference for its family lawyers on the new Act, the Bar Reader's Course and presented at a national conference organised by the Women's Legal Service
- frequently addressed participants of the 'A Walk In Her Shoes' tours at Melbourne Magistrates' Court.

Deputy Chief Magistrate Dan Muling, Melbourne Magistrates' Court

- provided quarterly lectures to Victoria Police Detective Training School and to the Victoria Police Prosecution Course
- presented a paper at the Victorian Association of Drink and Drug Driving conference
- addressed a group of volunteers as part of the Prison Legal Education Assistance Project
- presented a paper called 'Pathways Back to the Community' at the *Making a Difference Responding to Need in Developing, Implementing and Evaluating Correctional Programs Conference* in March 2009.

Deputy Chief Magistrate Jelena Popovic, Melbourne Magistrates' Court

- is a member of the Adult Parole Board, and appointed in June 2009 to sit for a further three years
- is the Victorian representative on the International Indigenous Courts online judicial professional development course from August to November 2008
- is the Chair of the courts' Suppression Order Group
- presented at the Indigenous Courts Conference
- presented at the Bayside Amnesty International Annual General Meeting in August 2008
- is the court's representative at the Koori Prisoner Health Workshop in September 2008, and at the Corrections Prisoner Projection Workshop in November 2008
- represented magistrates along with Magistrate Susan Wakeling on the Mental Health Court Steering Committee since August 2008
- is the Victoria State Convenor on the National Judicial College of Australia
- is a member of the Aboriginal Justice Forum.

Magistrate Anne Goldsbrough, Melbourne Magistrates' Court

- is a member of the Australian Human Rights Commission's Steering Committee for Intersections between the Law, Religion and Human Rights
- convened, addressed and contributed to the '*National Council to Reduce Family Violence and Sexual Assault Against Women and their Children's*' National Judicial Roundtable in November 2008
- was invited as a "recognised critical friend" to comment on the '*National Plan to Reduce Family Violence to Women and their Children*' released in April 2009.

Magistrate John Doherty, Broadmeadows Magistrates' Court

A career in the justice system dedicated to engagement with the community was honoured when Magistrate John Doherty donned the regalia for admission to the Doctor of Victoria University *Honoris Causa*.

Court staff graduating in the Certificate IV and the Diploma of Government (Courts Services) were surprised and delighted to witness the presentation to Magistrate Doherty at the ceremony held at Flemington Racecourse on 4 June 2009.

In his own terms, Mr Doherty says he has "given things a red-hot go and tried to make a difference". The citation for his honorary doctorate sets his achievements out more formally. It recognises his services to Melbourne's west, principally through his work in the justice system and his work with young offenders. Mr Doherty is acknowledged as a leading advocate for diversionary justice in Australia.

In accepting the award, Mr Doherty was quick to praise all those who had helped him along the way. He described it as a totally unexpected honour and says that it also reflects on the great work done by his fellow magistrates.

He says that the role of a magistrate is a tremendous job that brings with it tremendous responsibilities. Mr Doherty recognises the reasons why people get into trouble with the law and, from the beginning, he sought to use community resources to keep them out of the criminal justice system.

Some of Mr Doherty's key achievements for which he was recognised include:

- he is a co-founder of Kick Start, an initiative between the Collingwood Football Club, the court and Victoria Police, which has enabled some 5000 children to attend a football game and exercise an interest in the sport to be a positive influence with the community

- he is involved with 'Spirit West', which established a school at the Whitten Oval for 15 children who had difficulty coping in conventional schools
- he holds the position as Honorary Chair of Infoxchange Australia (Technology for Social Justice), which enabled the provision of computers to support the school, which in turn connected with Victoria University's networks, opening opportunities for students to go on to TAFE or other higher education
- he is a member of the Horn of Africa Advisory Committee where he works to support education, training and employment needs of refugees and migrants from the region who are settling in the city's west.

Significantly, he established the 'Visy Cares Hub' in 2007 with the support of the Pratt Foundation. This has been described as a living demonstration of Mr Doherty's philosophy for the courts to work in partnership with the community. The 'Visy Cares Hub' is a collaborative effort aiming to maximise opportunities for young people in the western suburbs. Coming together in the same building, the Hub offers a wide range of support services, in housing, employment, legal and health. It is fast becoming Australia's largest co-located youth service centre.

Mr Doherty also acknowledges the potential of education to transform lives and he has been particularly keen to encourage young offenders to return to school.

The court is extremely proud of Magistrate Doherty's recognition.



China-Australia Human Rights Technical Cooperation Program

On 20-23 April 2009, Magistrate Anne Goldsbrough participated in the *China-Australia Human Rights Technical Cooperation Program* by the invitation of the Australian Human Rights Commission. Chinese Premier Li Peng and then-Prime Minister John Howard established the program in 1997. Its purpose is to maintain a high level dialogue on Human Rights between the countries by undertaking a program of technical cooperation and provision of Australian experts and expert information to contribute to the promotion of human rights in the Chinese community. This particular activity was to enhance the capacity to promote and protect the rights of women and children to live free from family and domestic violence.

Ms Goldsbrough was one of two Australians invited to address, provide training and contribute to a four-day domestic violence workshop attended by over 100 Chinese judicial officers drawn from a wide cross-section of provinces and autonomous regions in China.

Human Rights, Reconciliation and the Koori Court – Argentina

Chief Magistrate Ian Gray visited Buenos Aires from 6 – 13 June to discuss the work of the Magistrates' Court of Victoria with leading academics, judicial officers, the Argentine Association of Comparative Law and local press in relation to human rights and access to justice programs. Magistrate Charlie Rozencwajg and Natalie Plumstead, the court's Project and Research Officer, also attended.

Mr Gray presented a lecture regarding the Koori Court at the Centre for Legal and Social Studies (CELS) in Argentina on 9 June. CELS has operated as a major public interest law organisation for over 30 years, agitating for the prosecution of some of the most difficult cases in Argentina. The lecture brought together Argentine public interest lawyers, academics, anthropologists, sociologists and students from Valparaiso University in an exchange of ideas in relation to access to justice issues faced by Indigenous peoples.

The visit also provided the opportunity to make important contacts with academics and public interest lawyers for future legal research work and to develop knowledge of human rights law.

A presentation by Mr Gray as a panel participant at the Valparaiso University and Argentine Catholic University 'Human Rights and Access to Justice' forum held on 11 June focused on the many specialist courts and programs of the Magistrates' Court of Victoria that deal with offender well-being issues.

The Australian Ambassador to Argentina, Mr John Richardson held a dinner in Mr Gray's honour on the 11 June. The dinner drew together local politicians, judges, human rights lawyers and academics with an interest in the comparative justice issues of Australia and Argentina.

Transforming Timor Leste Conference

Chief Magistrate Ian Gray visited East Timor from 6 – 7 July 2009 to address the 'Transforming Timor Leste' conference developed jointly by the National University of Timor Leste and Victoria University.

The Chief Magistrate spoke on family violence in the context of human rights both in Victoria, Australia and internationally as part of a panel of speakers. Over 450 East Timorese students and members of non-government organisations attended the plenary session that was addressed by the former Deputy Prime Minister now Prosecutor-General, Ms Ana Pessoa and Mario Araujo former head of 'Men Against Violence Against Women.'

The conference was an opportunity to draw together leaders in the law and justice system to share experiences and ideas at a critical time of reconstruction and renewal in East Timor. The Chief Magistrate, along with Justice Marshall of the Federal Court of Australia met with Deputy Chief Justice Maria Pereira Natercia Gusmao and Judge Jacinta da Costa of the Court of Appeal to foster the connections between the judiciary of the two countries.

The Chief Magistrate's relationship with East Timor has developed from his appointment in 2000 as head of the Land & Property Unit of the United Nations Transitional Administration. Since that time he has continued to offer his expertise and knowledge as a member of the Board of the Balibo House Trust, a Victorian Government initiative to support the development of an Australian 'Flaghouse' in Balibo and as a participant at a number of East Timor forums.



Milestones and Initiatives

Each year, the magistrates and staff of the Magistrates' Court celebrate important milestones and engage in key initiatives.

This section provides a snapshot of some of the court's key milestones and initiatives for the reporting period.

- The 'New Directions' initiative is aimed at bringing about organisational reform and modernisation to the court's administration and this section reflects on some of the key outcomes achieved by the program in its first year.
- The 'Brief Integration Project' at Heidelberg Court is an excellent example of how the court and key agencies like Victoria Police can work together to bring upon key reforms in the way services are provided to other court users.
- Similarly, the 'REDD Alert Program' describes the court's response to a significant issue in collaboration with local health services.
- The 'A Walk In Her Shoes Tours' feature describes an innovative service developed by staff from Melbourne's Specialist Family Violence Service.
- The 'Special List' details the ongoing success of a local initiative in the Hume region.

New Directions for the Magistrates' Court 2008-2011

'New Directions' is the theme for the organisational change and improvement initiatives currently taking place across the court. The 'New Directions' agenda focuses on delivering service excellence to clients, building capacity across the organisation, and the continuous improvement of the court's business processes.

The primary focus during the first year of the program has been to begin engaging staff in the projects and initiatives that will reform the court's operations over the next three years. Staff across the organisation have been involved in consultations, working groups and project teams, with some significant work already completed and a large number of projects underway and progressing well.

Of those projects already completed, the 'Fast Track Leadership' development program was a successful initiative involving senior registrars and middle managers, which ran from October 2008 to May 2009. The program provided the management group with a valuable opportunity to share ideas and build their capabilities in a range of areas including strategy development and implementation. The program culminated with each manager producing a local management plan that will guide the implementation of reforms in their local court or program. Other achievements to date include:

- a comprehensive study of the operations at the Melbourne Magistrates' Court, in which telephone services were revitalised and a new team building program was piloted
- launch of the court's new website – new features include a virtual court tour introducing criminal and family violence procedures, and summaries of significant judgments
- data analysis capacity enhanced, improving the quality of strategic and operational decision-making
- provision of EFTPOS facilities in all metropolitan courts
- appointment of a Manager, Change and Organisational Development to develop an organisational change agenda and oversee workforce planning
- the Performance Support Team established to develop court-wide performance standards, and establish a program of court performance reviews

Whilst making the 'New Directions' goals a reality is a responsibility that is shared by all staff across the court, a specialist project management team has been established to support the reform agenda. The 'New Directions' project team collaborates with staff and management in assessing and developing ideas, and assists staff project teams in managing and delivering each initiative. This approach will allow staff to be involved in the project management of the 'New Directions' program, giving each person the opportunity to be involved in the organisational changes that affect their work.

Brief Integration Project – Heidelberg Court

In 2007, the Victoria Police at Heidelberg introduced the initiative of a 'Brief Resolution Officer' to the Heidelberg Magistrates' Court. The purpose of the initiative was to reduce delays in relation to contest mention and contested hearings. It was also introduced to provide practitioners with the opportunity to discuss briefs listed at the court with a designated prosecutor at the earliest opportunity. Following the success of this initiative and in preparation for the *Criminal Procedure Act 2009*, in late 2008 the Heidelberg Magistrates' Court and the police jointly launched the 'Brief Integration Project' (BIP) pilot.

The aim of the project was to incorporate the existing 'Brief Resolution Officer' role into a 'Case Conference Manager' (CCM) role, in addition to implementing a new system relating to the compilation of preliminary briefs and the listing of matters for the first mention date. The ultimate aim of the pilot is to streamline coordinating processes, reduce delays and promote early resolution of matters.

The CCM was implemented to minimise the number of matters referred to contest mention and contested hearing to increase compliance with listing timeframes as outlined in the Magistrates' Court of Victoria 'Listing Protocols'. This is achieved through referring all requests for contest mention and contested hearing to the CCM to engage in discussions, negotiation, resolution and effective screening in the first instance.

This system offers practitioners the chance to have meaningful discussions with a prosecutor at the earliest opportunity. It also provides a contact point for practitioners to engage in discussions with a CCM on the day of the mention hearing or prior to the court hearing date via telephone or email.

The second aspect of the project relates to the compilation of preliminary briefs and the listing of matters for the first mention date¹³. When an informant is in the initial stages of preparing charges and a brief, the matter is referred to the brief sergeant at the Heidelberg Police Station. The sergeant will have discussions with the informant regarding if the matter is suitable for preliminary brief compilation, the appropriate charges to be laid and the appropriate statements to be taken having regard to the charges laid.

The purpose of this process is to enhance the quality of the brief material, while reducing the amount of time required to produce it. Once authorised, these matters are then listed at Heidelberg Court within 28 days of the offence date and the preliminary police brief is served on the defendant at the time of service of the charge and summons.

Since the commencement of this project, Heidelberg Court has experienced a significant decrease in the number of matters listed for contest mention. The contest mention delays have been reduced from 18 weeks to 4 weeks. Due to the significant decrease in contest mention listings, Heidelberg Magistrates' Court has been in a position to reduce the sitting of contest mentions from each week to each fortnight as of 1 July 2009. This has also allowed the court to overhaul its entire listings.

Importantly, the pilot has ensured that the contest mention system is able to operate as intended by managing matters that are identified as complex, rather than those that can be resolved in other ways. This also ensures that those matters that cannot be resolved are listed for contested hearing in a timely and efficient manner.

The pilot was rolled out to the Ballarat Court in March 2009, followed by Dandenong and Ringwood in early July 2009.

¹³ This relates only to the compilation of briefs at the Heidelberg Police Station for the purposes of this pilot.



'REDD Alert' Program - Frankston Court

'REDD Alert' is a program for recidivist drink drivers who are sentenced at the Frankston Court. As a result of high numbers of recidivist drink drivers coming before the Frankston Magistrates' Court, a program was developed through consultation and collaboration between the Frankston Court and the Peninsula Drug and Alcohol Program (PENDAP).

The magistrates at Frankston identified alcohol abuse as a major problem in the Frankston and Mornington Peninsula regions. As a result, attention was focused on early intervention of cases and the utilisation of programs that might assist with rehabilitation of recidivist drink drivers. Former Regional Coordinating Magistrate Christine Thornton initially made contact with PENDAP to develop a program for recidivist drink and disqualified drivers within this region – the result was the 'REDD Alert' program.

The program, which commenced in January 2008, is a 6-week program held for two hours per week, and is a combination of therapy and psycho-education designed to identify and challenge the core beliefs of the participant to develop strategies to maintain positive behavioural changes and reduce the risk of reoffending.

Participants form part of an interactive group who are able to talk about themselves and are challenged as to their rationale for driving. It includes anger management, communication and dealing with stress, and identifies the triggers that can cause the behaviour to get in the car and drive. The program teaches participants better planning such as public transport, designated drivers, other choices to getting in the car when drunk and includes a session on road rules and information about safe standards regarding alcohol intake.

PENDAP contacts participants for a six month and 12 month follow up and have reported that there is significant positive change in the short term. Given the relatively short period of the program, the long-term benefits are still unable to be assessed.

The 'REDD Alert' program provides a good example of Justice and non-Justice agencies working together to identify issues and provide education and treatment for offenders, and to promote safer communities through reduced rates of re-offending. The program has proven to be very successful with 93% of defendants referred actually completing the program.

'A Walk In Her Shoes' Tours

The 'A Walk In Her Shoes' tours are an innovative and ground-breaking initiative developed by staff in the Specialist Family Violence Service (SFVS) at the Melbourne Magistrates' Court approximately 18 months ago.

The aim of the tour is to have participants go through the process of applying for an intervention order, and recognise the strength that is required to stop abusive behaviour and begin a life without family violence. The tours serve to demystify the intervention order process and give participants a first-hand experience of the process from the perspective of the applicant. Those who participate in the tours are varied, but have largely included professionals and individuals from organisations who commonly deal with the family violence jurisdiction.

The tour includes:

- an overview of the interview process an applicant experiences with a registrar and the applicant support worker
- the provision of information regarding the Victims of Crime Assistance Tribunal (VOCAT) and the Victorian Civil and Administrative Tribunal (VCAT)
- a brief presentation by the manager of the After Hours Service (approximately 70% of the work of this unit relates to intervention orders applications and family violence safety notices).

These presentations are followed by a visit to the court's remote witness facility, before the participants are led to level six to observe the location of the support services such as the offices of Womens' Legal Service, Legal Aid, the Applicant Support Worker, the Dispute Settlement Service, Women's Health West and Court Network.



The tour ends in a courtroom for a session with Supervising Magistrate of the family violence jurisdiction, Cathy Lambie, where participants have the opportunity to participate in an interactive question and answer session.

When the tours originally commenced, the intent was to hold a session once a month. The response was so positive, however, that after the first few months the team increased sessions to weekly to cope with the demand. Since then, the tours have continued to run on a weekly basis and the team have led over 800 people through 'A Walk in Her Shoes'.

The tours have provided a wonderful and unique opportunity for the court to build stronger relationships with service providers and also provide a venue for information and idea sharing to assist in effective referral pathways of support.

As a further validation of this initiative, the Sunshine Magistrates' Court began similar tours in July 2008 based on the same concept. In the twelve months that 'Walking Into Sunshine' has been operating, tours have been facilitated for participants from Centrelink, Melbourne City Mission, Womens' Health West, Anglicare, MacKillop Family Services, DHS, Relationships Australia, Good Shepherd, Melton Council and a Family Violence Crisis Centre. The Sunshine tours are aimed at social services, government and non-government agencies inviting people to participate in a tour that will equip them with knowledge about court processes in relation to applying for an intervention order. The tours are conducted monthly and over 60 people have participated to date.

Other Specialist Family Violence Service venues of the court are currently planning to launch their own versions of the tour in the future.

The Special List

The Special List (originally known as the Mental Impairment List), was established at Shepparton Magistrates' Court by Magistrate Angela Bolger together with Mike Gibson, the first appointed Psychiatric Court Liaison Officer (PCLO), who retired in 2008.

The Special List is convened every three weeks and consists of matters that have been first referred to the PCLO, who will interview the defendant, review any information held by the local area mental authority, speak with treating professionals, carers and family and prepare a report which is then discussed with the presiding magistrate and the defendant's legal practitioner.

The key to the good working operation of the list is the attendance of the treating psychiatric staff and carers. It provides the ability to discuss openly, with all these parties in such a setting, the offending behaviour, its effect on victims and the defendant's family, the current treatment and plans for the defendant in the future. It means that the defendants, who are often profoundly unwell and for whom normal sentencing outcomes mean nothing – where insight is lacking or minimal – are more likely to have and retain an understanding that:

- what they did was wrong and a bad thing
- what they did hurt others and has upset them
- they must not do it again
- they must continue with their medication regime
- they must follow all directions of any treating professional or agency.

The list has continued to improve and expand under the current Regional Coordinating Magistrate Reg Marron and PCLO Gary Said and is well supported by prosecutions and defence practitioners.

Informing Principles of Special List

- actively engage the defendant in the discourse
- encourage input from carers and health and welfare service providers
- provide context of social and cognitive deficits to deliberations
- focus attention on the possible facilitation of behavioural change
- share views of strategic therapeutic opportunities among participants
- avoid complex social/medical problems being identified as primarily having judicial solution.

Inclusion Criteria

- defendant has a mental impairment due to psychiatric illness, intellectual disability or acquired brain injury
- offending likely to be related to disability
- defendant intends to plead guilty
- there is significant involvement of care persons or agencies.

Psychiatric Court Liaison Officer (PCLO) Role in Special List

- prepares 'Intake Report' in line with formal inclusion criteria
- coordinates involvement of carers and health welfare agencies
- ensures appropriate reports available
- prepares own report to present at hearing
- follow-up if required to facilitate or monitor outcomes agreed to in hearing.

Referral Process

- referral made by solicitor to PCLO
- PCLO prepares intake assessment
- magistrate determines inclusion in the list
- case allocated a Special List hearing date usually in the afternoon to allow for professionals to attend.

Hearing Format

- hearings are held as a distinct group at a specified date and time
- defendant and PCLO sit at bar table with defence counsel and police prosecutor
- carers and service providers and family are asked to sit at table
- magistrate presides at the table
- after the police and defence cases are presented, all parties are encouraged to provide views regarding the offending behaviour and behavioural change
- magistrate considers all views in sentence deliberation which is focused on developing a management plan.



Action in the Community

The court is very proud of the range of ways it engages with the community each year and the 2008-09 year was no different in this regard. Each year the court participates in many recurrent activities such as 'Law Week', 'Court User Forums', the La Trobe University 'Judicial Mentoring Program', along with hosting thousands of students as part of school group visits and work experience programs.

In addition to these regular activities, this report also details some significant local activities the court has initiated.

Annual Broadmeadows Open Day

The annual Broadmeadows Magistrates' Court 'Open Day' is an example of one venue's proactive initiatives in responding to and understanding the needs of its community. It is demonstrative of the court's commitment to actively engaging its local community and to providing service excellence.

In early 2007, it became apparent to the Broadmeadows Court that intervention orders taken out by the Arabic and Turkish-speaking community were not representative of the high number of issues reported informally at local Domestic Violence Network meetings.

A number of consultative meetings were held between the court and the Hume Domestic Violence Network to discuss how to engage these women to seek assistance at the court. The court was represented by the Regional Coordinating Magistrate Mr Bob Kumar, the Senior Registrar, Mr Rick Roberts and the Family Violence Resource Officer, Ms Lisa Grey.

As a result of these consultations, it was agreed that the court would organise an event focusing on introducing the court to the local community in a non-threatening manner. The 2007 Open Day was the first step in this trust-building exercise between the court and its community.

This year, the partnership between the Hume Domestic Violence Network and the Broadmeadows Magistrates' Court strengthened. The purpose of the relationship between the network and the court was recognised as a means to link local service providers and strengthen and promote an integrated response to domestic violence services in the local community.

The benefit of this strengthened relationship to the court is that it helped to ensure that the service that is delivered to the community is being done so in the most effective and efficient way; and to ensure that the court remains responsive to the local issues faced in the community.

This reporting period, the Broadmeadows Magistrates' Court Open Day was held on 29 October 2008, with the theme of the day termed '*Touched by Violence*'. There was a festive theme to this year's program with the upstairs foyer decorated with green, purple and white helium balloons, to reflect the colours of suffrage. Magistrate Bob Kumar opened the day and gave a historical legal overview of the domestic violence laws in Victoria. Guest speaker Judy Johnstone OA delivered a powerful talk on her experiences working with survivors of domestic violence. Judy has been in the domestic violence sector for over 20 years and has been involved with numerous ministerial and advisory committees and was awarded the Medal of the Order of Australia in 2007 for her services to the community through providing support and counselling services in the field of domestic violence.

A market style display table set up in a courtroom allowed each of the network members, and any other interested service providers, to display their relevant brochures. A powerful DVD of one survivor's story played throughout the day in another courtroom.

Interpreters in the languages of Turkish, Arabic, Assyrian and Chaldean were also provided by the court to ensure the CALD community were able to enjoy the full experience of the program.

Magistrates Bob Kumar, Ann Collins and Caitlin English participated in the event, moving freely throughout the community participants and answering questions. In addition to this local police, prosecutors, as well as other representatives of the court's support services actively participated in the event. The support of the senior registrar and the registry staff, generally, were integral to the success of the day.



Straighttalk

Staff members at the Latrobe Valley Magistrates' Court, have been active participants in a local program called Straighttalk, which is run by The Smith Family and the Latrobe Learning and Employment Network.

Straighttalk is a two hour lunch time seminar run for year eight students within the Gippsland region, where a group of Year 8 boys meet with a group of experienced male guests from various backgrounds and different areas of employment.

Straighttalk aims to provide an informal environment for year 8 boys to interact with experienced male guests from within their community. The students get the opportunity to talk to the guests about employment options, sport, hobbies, education and the transition from school life into the working world. There is one guest speaker at each seminar who talks about his career path and gives advice to the students.

Clinton Taylor, a registrar, has been attending the Straighttalk seminars for approximately three years. He talks to the students about how he became a court registrar, about his school life and what he enjoys doing outside of work. He encourages the students to seek work within the Gippsland region, and to stay in school and out of trouble. Another registrar, David Byrne, also regularly attends.

This program presents an excellent example of the positive ways in which court registrars engage with their local communities.

New Website and Virtual Tour Launch

The Magistrates' Court of Victoria officially launched a new website on 5 June 2009. The Parliamentary Secretary for Justice, Brian Tee MLC and Chief Magistrate, Ian Gray launched the event.

The modern, user-friendly site offers many new and improved features to enhance information to court users and the way the court performs its business on-line. Some of the new features include court location pages that outline opening times and services available at individual venues; email addresses for court coordinators and a new language icon panel that links to information in other languages. The website includes a judgments and decisions page and provides increased legal resource and help links. A greater number of court forms are also available for users to download.

A new feature of the website is the introduction of a virtual court experience that enables users to view videos of two mock court hearings – one a contested family violence intervention order application and the other a criminal case in which a defendant is self-represented.

The films provide explanations, through voice-over and text, about what occurs in the courtroom at various stages of the court process. Users are able to access a 360-degree view of a courtroom, with explanations of the roles of persons present. One of the central aims of the virtual court is to demystify the court process for those who are going to court, particularly those appearing for the first time.

Seniors' Week Open Court Event

The Ringwood Magistrates' Court participated in the Seniors' Week activities during October 2008. The participants in the event were:

- Police Prosecutor – Senior Sergeant Jeff Birrell
- Solicitor – Kieran Cox
- Magistrate Nunzio La Rosa
- Community Corrections Victoria – Chris Fry
- Senior Registrar – Robert Allen
- Sheriff – Charles Gormley

The court held an information session for approximately 35 members of the community and also ran mock court hearings with the subject of proceedings a .05 case. The mock court was quite interactive with each of the participants explaining their role in the process and what would ordinarily take place as the case proceeded through the various phases of the justice system and its agencies.

Law Week

The Magistrates' Court of Victoria continued its support of the Law Week program in 2009, as it had in previous years. Law Week festivities are managed and facilitated by the Victoria Law Foundation in conjunction with each of the courts.

In 2009 Law Week was held over the week 11 May to 17 May 2009, and a number of venues from around the court's metropolitan and country regions took part in the event. Activities were well-attended by a range of individuals and groups.

Law Week provides an opportunity for participants to gain an enhanced overview of how the court operates, as well as an insight into specialist courts and services the court provides. It also provides a unique opportunity for members of the community to liaise with and talk to the staff and magistrates who participate in the events.

Law Week activities include court tours, mock hearings and information sessions.

Some of the highlights across the state included:

Melbourne

The Melbourne Court held an 'Open Day' for members of the public on Saturday 16 May 2009. The day was formally opened by the Chief Magistrate and was well attended by over 140 people who participated in mock court sessions with Magistrate Clive Alsop, solicitor Diana Piekusis, police prosecutor Senior Constable Justin Shaw and trainee registrar Kirsty-Ann Boseley. The day also featured a short tour of the Melbourne Custody Centre, a historical display, an information display and an interactive question and answer session with Mr Alsop and Jo Beckett from CISP.

As in previous years, the court also featured a display for the Victoria Law Foundation's *Law Week School Poster Competition*, and the Chief Magistrate Ian Gray presented awards to the winning students.

Bendigo

On 15 May 2009, Bendigo participated in an 'Open Day' along with other Law Week activities, primarily organised by the local Consumer Affairs Victoria branch. There was a major focus on interagency activities with a number of different mock hearings held involving Consumer Affairs, Victoria Legal Aid, the local Community Legal Centre, Senior Rights Victoria, Office of Corrections, local police, sheriffs and the Bendigo Court.

The subject matter for the mock hearings was very topical focusing on subjects like elder abuse, 'hoon' legislation and family violence.

During the event there were manned information stalls, which the court staff participated in as well as offering tours of the court.

Ringwood

In a slight deviation to the popular open day themes, the Ringwood Court participated in the Law Week program by offering an 'Open Night', with the focus on careers in justice system.

During the evening, participants from the court and other agencies such as VCAT, Corrections and the Sheriff's Office provided an overview of the service they provide and how they work together and complement each other within the justice system.

Court User Forums

There are a range of initiatives that the court participates in each year to assist it to actively engage with the community. One of the most universal ways that each venue uses is the Court User Forum. These are run at most venues of the court at regular intervals, ranging from monthly to quarterly.

Court User Forums are critical tools used by each court to build, develop and foster relationships with key local users of the court, such as police, corrections, legal aid, local practitioners and local support services, legal services and community groups. They are a means to opening up the lines of communication between the main players of the court, and providing a forum for information and idea sharing, discussion and resolution of issues.

The great benefits of the forums are that they can be very easily adapted to fit with the local goals, plans and needs. Some venues run multiple forums with different user groups, so that the sessions are better targeted to specific jurisdictions and issues. The forums provide an invaluable opportunity to widely disseminate important information about changes to processes or procedures.

The Heidelberg Court found that their forums were a most useful way of educating stakeholders in relation to the joint court-prosecutions 'Brief Resolution Officer' project. Similarly, the Ringwood Court found that their family violence forums were a critical tool for discussion in relation to the significant changes to practices and procedures brought about by the new family violence legislation in December 2008.

Some courts simply find the Court User Forums as an effective way of confirming whether things are working or not, or as a way to find simple solutions to age-old dilemmas or as a way to identify potential pilots.



Educational Programs

Judicial Mentoring Program

The Magistrates' Court of Victoria and La Trobe University have continued to sustain an educational partnership throughout 2008-09. 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.

This year magistrates from Melbourne, Broadmeadows, Dandenong, Geelong, Sunshine, Ringwood, Wangaratta and Coroner's Courts have 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.

In addition to the normal scheme, this year two students were fortunate to be selected to participate in a two week project with Magistrate Charlie Rozencwajg at the Melbourne Magistrates' Court, to provide assistance with the development of information tools regarding new processes and procedures arising out of the *Criminal Procedure Act 2009*.

Schools

Magistrates' Courts also participate in work experience programs at a statewide level. 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, roughly half of these students attended the Melbourne Magistrates' Court as part of that 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 their local school communities.

'Life in the Law' Program

The 'Life in the Law' program provides junior lawyers with the opportunity to meet with members of the judiciary on an informal basis. The program is organised through the Law Institute of Victoria and aims to inspire and motivate young lawyers to remain in the legal profession by offering them a unique opportunity to meet with a judge or magistrate on a regular and informal basis. This program has been actively supported by magistrates for a number of years. This year, magistrates from Latrobe Valley Court participated in the program.



Financial Statements – Year Ended 30 June 2009

	NOTE	ACTUAL 2008-09	ACTUAL 2007-08
SPECIAL APPROPRIATIONS			
Magistrates' Salaries and Allowances		29,517,329	29,698,002
Total Special Appropriations		29,517,329	29,698,002
ANNUAL APPROPRIATIONS			
Salaries, Overtime and Annual Leave		17,863,144	16,863,070
Superannuation		1,689,372	1,651,977
Payroll Taxation		1,030,259	994,181
Fringe Benefits Taxation		-594	33,203
Provision for Long Service Leave		552,849	531,865
WorkCover Levy		140,804	108,181
WorkCover		570	1,171
Total Salaries and Associated Expenditure		21,276,404	20,183,648
OPERATING EXPENDITURE			
Travel and Personal Expenses		1,425,044	1,316,536
Printing, Stationery and Subscriptions		1,252,651	1,036,226
Postage and Communication		792,125	642,697
Contractors and Professional Services		117,678	273,629
Consultants		0	0
Training and Development		167,579	385,534
Motor Vehicle Expenses		62,233	-31,910
Operating Expenses		671,219	550,701
Jury, Witness and Award Payments		63,074	73,738
Information Technology Costs		489,128	410,470
Urgent and Essentials		202,127	89,710
Rent and Property Services		644,736	364,781
Property Utilities		607,339	638,547
Repairs and Maintenance		2,093,450	249,179
Finance Lease Interest (including Bank Charges)		68,488	141,707
Court Security Project		2,862,385	524,263
Losses on Sale of Motor Vehicles		70,863	101,115
Congestion Levy		0	0
Total Operating Expenditure		11,590,119	6,766,923
Total Salaries and Operating Expenditure		32,866,523	26,950,571

Financial Statements – Year Ended 30 June 2009 Continued

	NOTE	ACTUAL 2008-09	ACTUAL 2007-08
COURT FEE INITIATIVES			
Shortfall in Operating Expenses	3	446,306	445,043
Security and Engineering Services	3	0	274,703
After-Hours Project	3	471,132	675,486
Victims of Crime Koori Initiative	3	150,364	0
New Directions Project	3	679,639	81,492
Telephony Upgrade	3	0	83,039
Crime Trials Act	3	0	101,886
Total Court Fee Expenditure		1,747,441	1,661,649
COURT SUPPORT PROGRAMS			
Court Diversion Project	4	1,200,440	1,140,384
Bail Support Program	4	786,936	767,014
CREDIT	4	1,344,117	1,085,418
Drug Court	4	1,110,953	1,554,200
Aboriginal Liaison Officer	4	0	0
Koori Court	4	2,295,040	1,532,646
Family Violence Program	4	995,238	989,992
Specialist Family Violence Project	4	825,918	798,968
Magistrates' Disability Benefits Assessment	4	45,455	0
Court Integrated Services Program	4	2,266,592	1,925,963
Total Court Support Programs Expenditure		10,870,689	9,794,585
Total Annual Appropriations Expenditure		45,484,653	38,406,805

Financial Statements – Year Ended 30 June 2009 Continued

	NOTE	ACTUAL 2008-09	ACTUAL 2007-08
DEPARTMENTAL CONTROLLED EXPENDITURE			
Essential Services Maintenance	5	989,465	976,818
Rental Accommodation		2,529,890	2,359,893
Depreciation – Land and Buildings	1, 2	7,641,639	6,909,193
Amortisation – Land and Buildings	1, 2	26,902	119,576
Amortisation – Motor Vehicles	1, 2	1,026,609	962,571
Depreciation – Plant and Equipment	1, 2	41,478	45,937
Total Department Controlled Expenditure		12,255,983	11,373,988
CAPITAL EXPENDITURE			
Purchases of Plant and Equipment		590,375	78,324
Total Capital Expenditure		590,375	78,324

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 recurrent budget. Any budget savings achieved in these expenditure items cannot be redeployed to meet other general expenses.

Note 2

Depreciation is the process of allocating the value of all non-current physical assets controlled by the court over their useful life, having regard to any residual value remaining at the end of the assets' economic life. The Department of Justice finance unit 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.

Note 3

Included in the total annual appropriations expenditure are court fee funded initiatives (revenue retention), which were approved and completed during the 2008-09 financial year.

Note 4

The court has several court support programs that have been incorporated into its operations. Although these programs are funded individually, the overall annual expenditure forms part of the total annual appropriations expenditure of the court.

Note 5

The Department of Justice contracted Urban Maintenance Systems in December 2004 to maintain the essential services within departmental buildings. The Magistrates' Court (including the Children's Court) were allocated \$700,000 for the year to ensure that all essential services in court buildings are compliant with the Essential Services Legislation. This expenditure is not directly controlled by the court, however expenditure exceeding the budget of \$289,465 was funded from the Courts annual appropriations budget.

July 2009

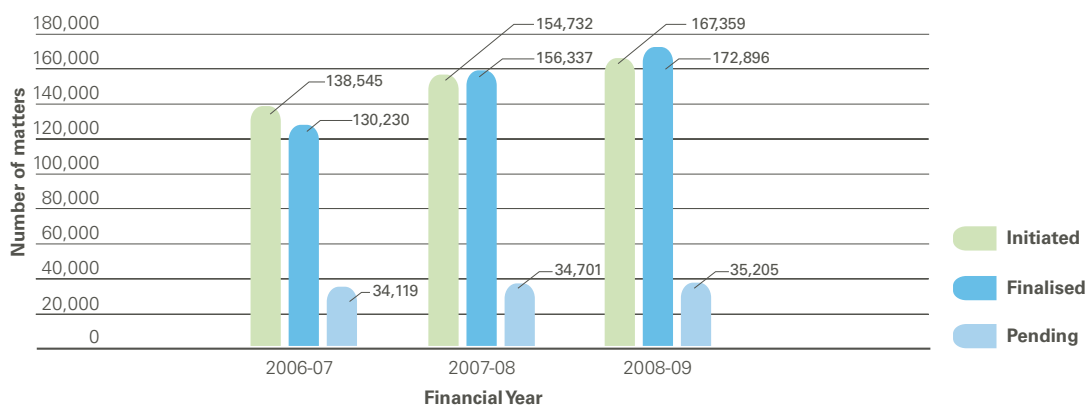
Criminal Law Statistics

20 Most Common Offences 2008-09

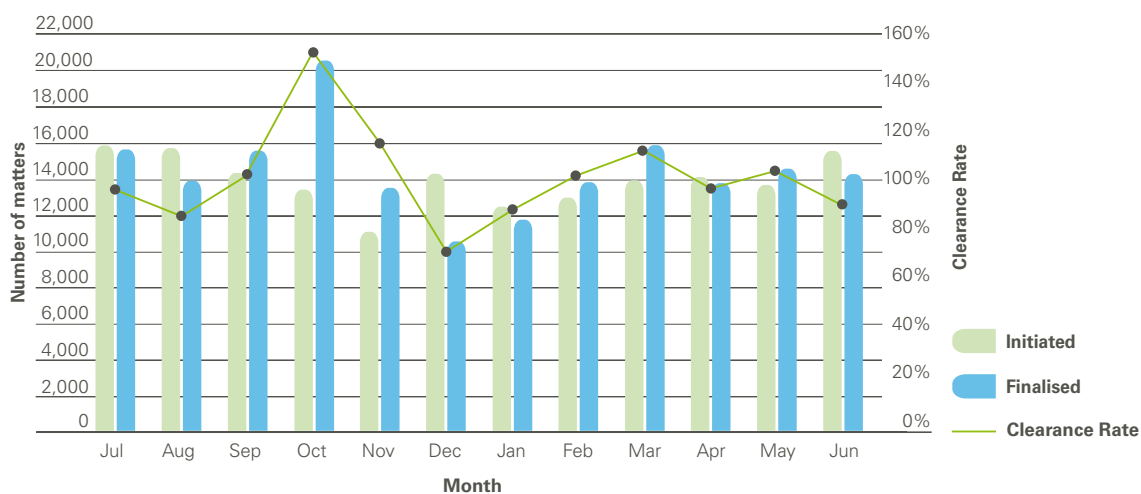
RANK	OFFENCE DESCRIPTION	ACT / REGULATION	NUMBER OF PROVEN OFFENCES
1	Theft	<i>Crimes Act 1958</i>	26,613
2	Drive whilst disqualified/authorisation suspended/cancelled	<i>Road Safety Act 1986</i>	15,572
3	Drunk in a public place	<i>Summary Offences Act 1966</i>	11,943
4	Obtain property by deception	<i>Crimes Act 1958</i>	10,253
5	Have/exceeded PCA within 3 hours of breath test	<i>Road Safety Act 1986</i>	8,613
6	Exceed signed speed limit	<i>Road Safety (Road Rules) Regulations 1999</i>	8,578
7	Drive vehicle unregistered in toll zone	<i>Melbourne City Link Act 1995</i>	8,431
8	Use unregistered vehicle/trailer on highway	<i>Road Safety Act 1986</i>	6,989
9	Fail to answer bail	<i>Bail Act 1977</i>	6,590
10	Possess a drug of dependence	<i>Drugs, Poisons and Controlled Substances Act 1981</i>	6,504
11	Careless driving	<i>Road Safety Act 1986</i>	5,819
12	Criminal damage	<i>Crimes Act 1958</i>	5,711
13	Unlicensed driving	<i>Road Safety Act 1986</i>	5,001
14	Refuse/fail to furnish information/a return	<i>Taxation Administration Act 1953</i>	4,983
15	Burglary	<i>Crimes Act 1958</i>	4,824
16	Hinder/obstruct/delay police	<i>Summary Offences Act 1966</i>	4,467
17	Unlawful assault	<i>Summary Offences Act 1966</i>	4,234
18	Breach intervention order	<i>Crimes (Family Violence) Act 1987 (Repealed)/ Family Violence Protection Act 2008</i>	3,907
19	Intentionally/recklessly cause injury	<i>Crimes Act 1958</i>	3,469
20	Use other drug of dependence	<i>Drugs, Poisons and Controlled Substances Act 1981</i>	3,400
TOTAL			155,901

Criminal Law Statistics Continued

Criminal Case Activity

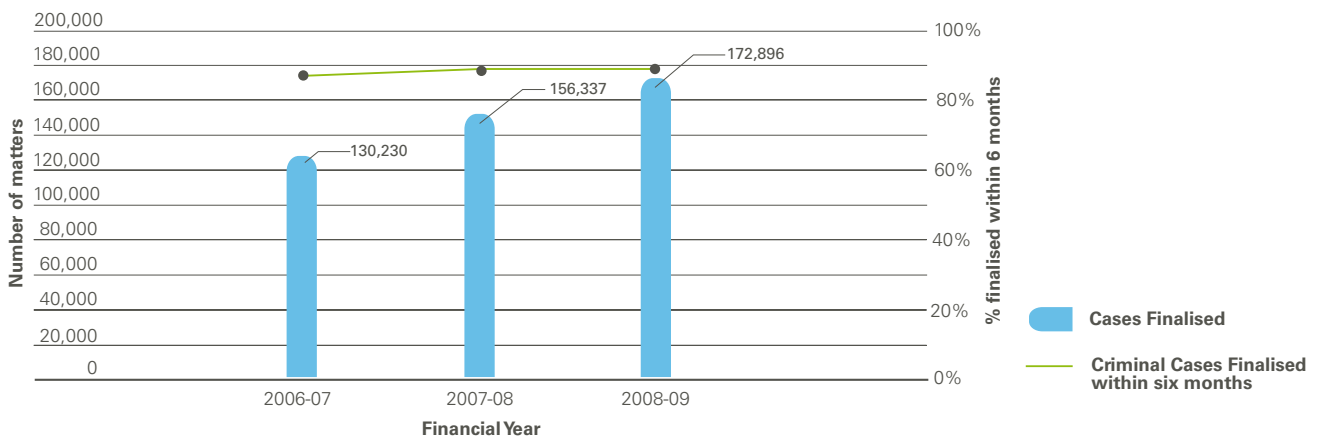


Criminal Clearance Actual: 1 July 2008 – 30 June 2009

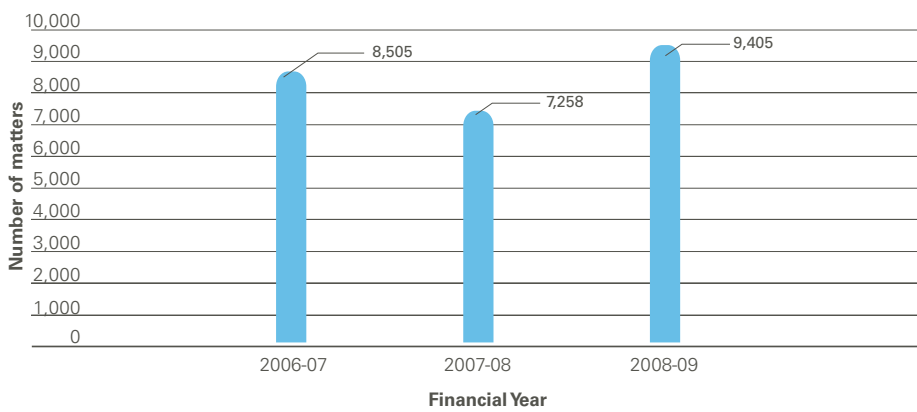


Criminal Law Statistics Continued

Criminal Cases Finalised Within 6 Months

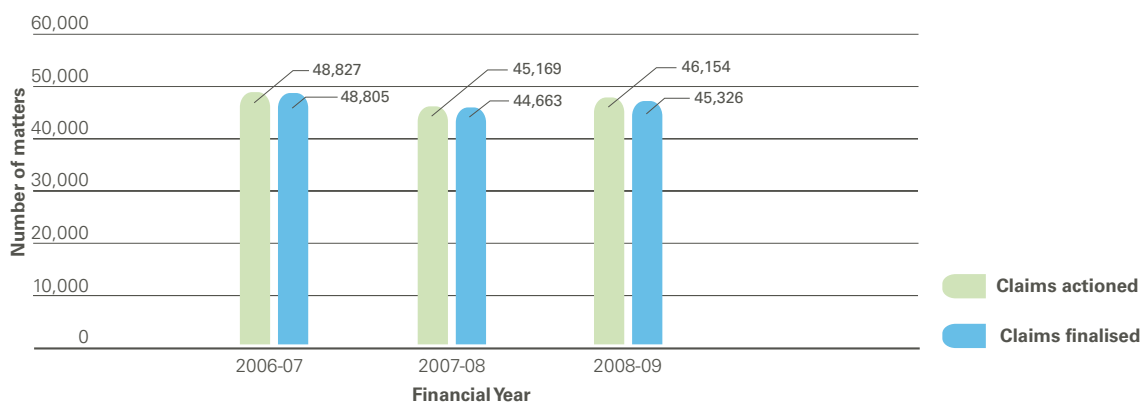


Criminal Cases Finalised at Contest Mention

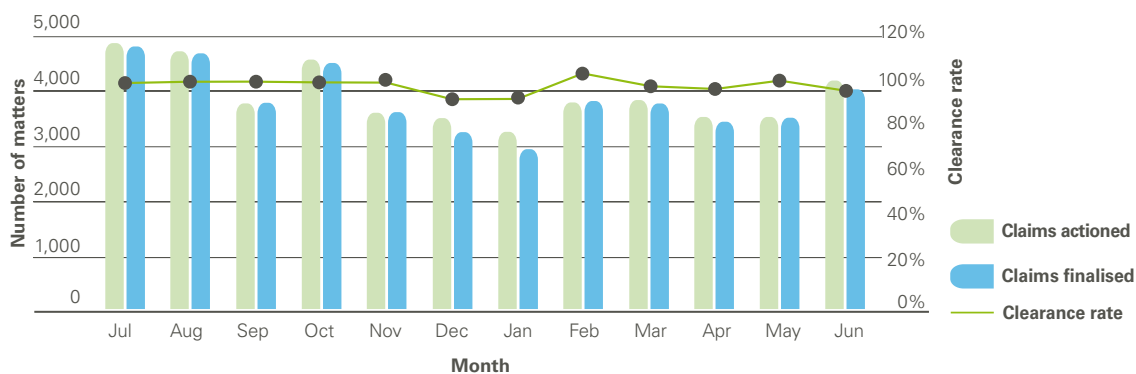


Civil Law Statistics

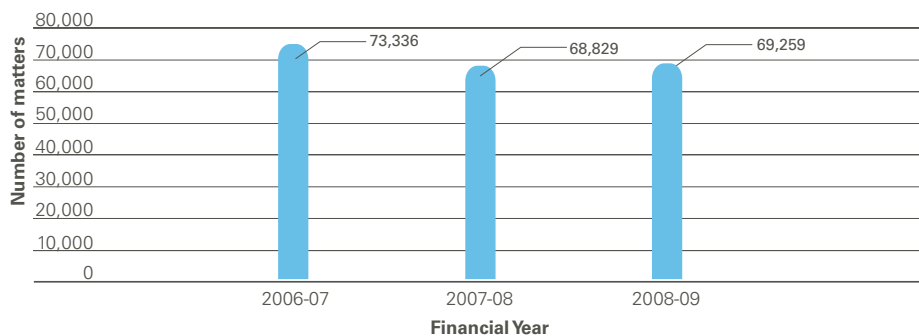
Civil Case Activity



Civil Clearance Rate Actual: 1 July 2008 – 30 June 2009

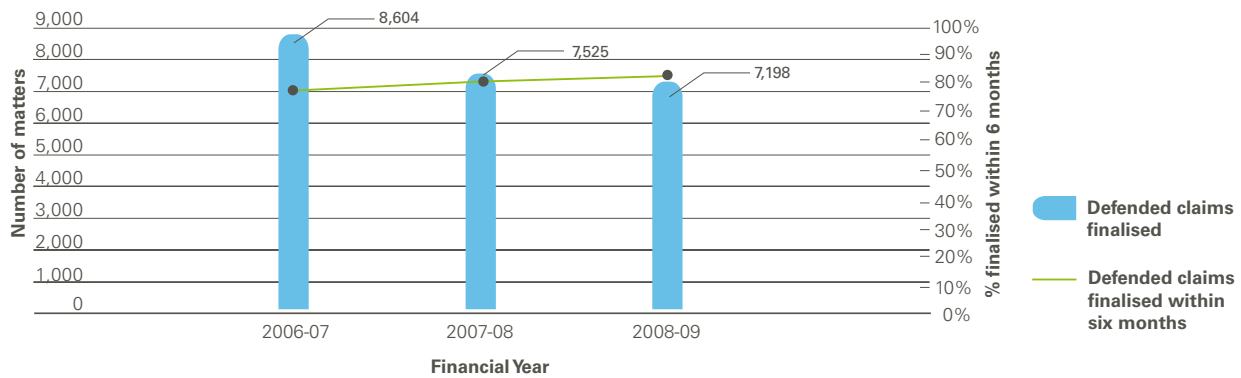


Civil Complaints Issued or Filed

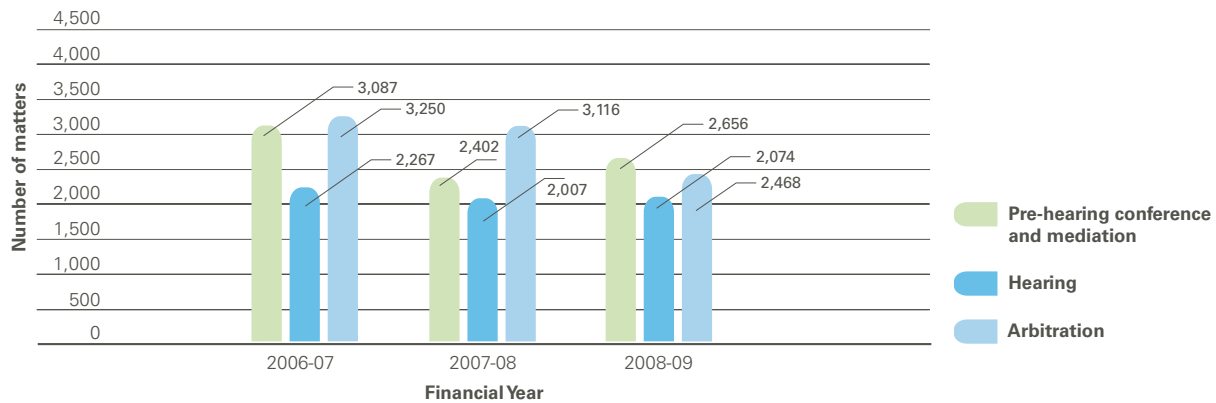


Civil Law Statistics Continued

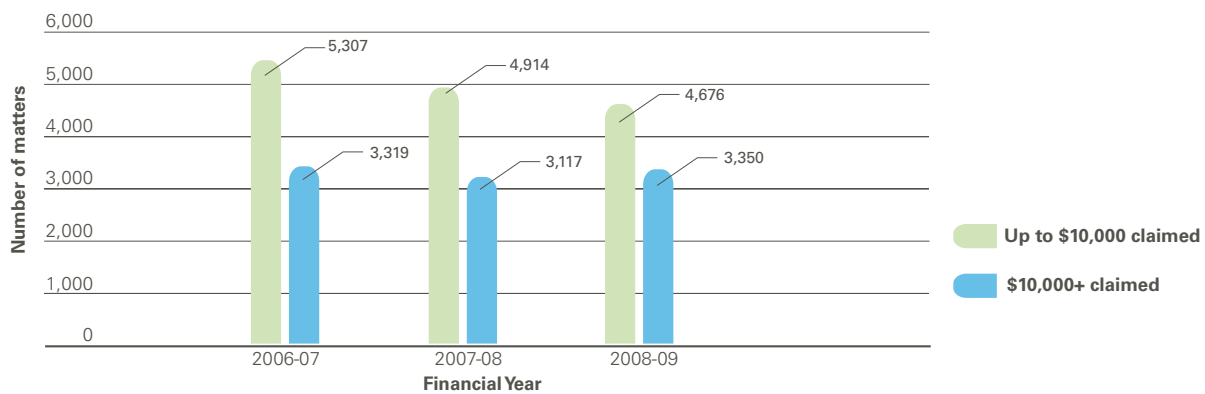
Civil – Defended Claims Finalised Within Six Months



Civil – Defended Claims Finalised Activity

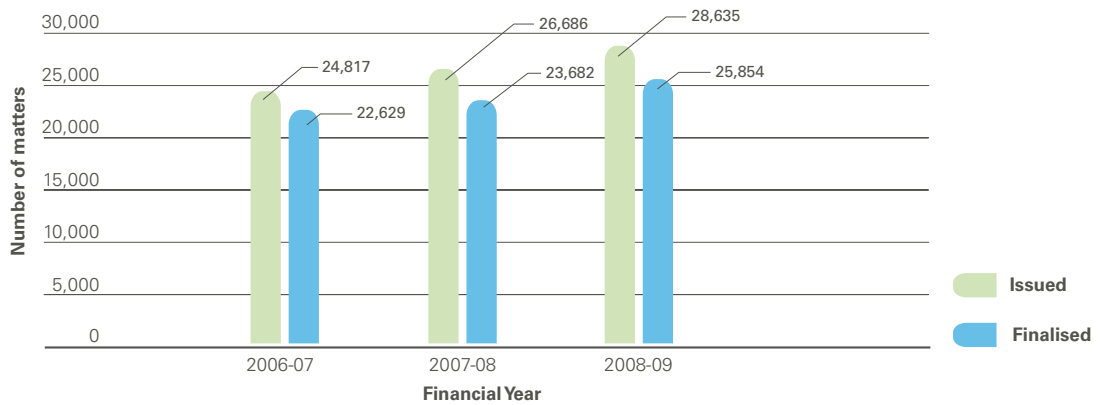


Civil – Defence Notices Filed (including WorkCover)

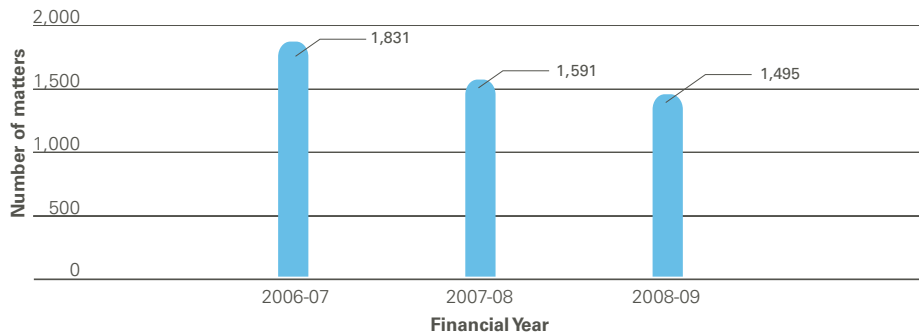


Family Violence

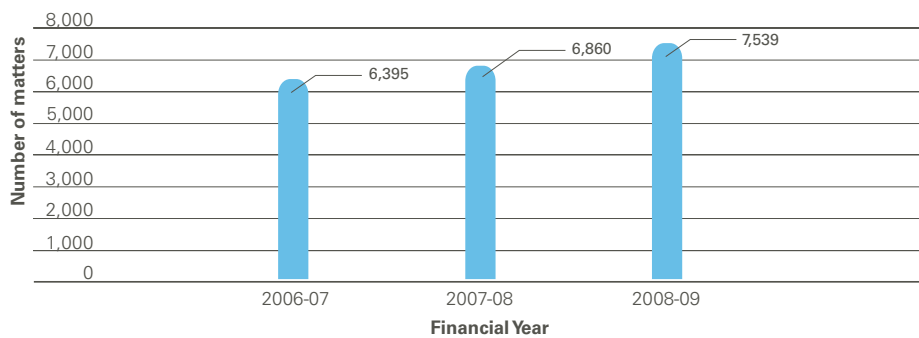
Family Violence Case Activity



Family Law Finalisations



Applications for Intervention Orders Received by After Hours Service



Specialist Courts

Drug Court

DRUG COURT ACTIVITY	2006-07	2007-08	2008-09
Total Drug Court orders made	41	48	56
Total sanction days imposed	2,476	2,187	2,451
Total reward days granted	760	871	810
Total imprisonment days served	732	1,348	1,551
Total variations to orders	274	291	546
Total referrals	82	113	56
Total refusals	31	13	26
Total cancelled	28	25	34
Total order graduates and completions	12	14	19

Court Support and Diversion Services

REFERRALS/APPLICATIONS BY PROGRAM	2006-07	2007-08	2008-09
Court Integrated Services Program (CISP)	1,060	2,046	2,218
Aboriginal Liaison Officer Program	348	203	165
CREDIT/Bail Support Program			
CREDIT	1,535	1,588	1,883
Bail Support Program	665	1,055	1,527
Community Mental Health Court Liaison Service	1,285	781	1,056
Criminal Justice Diversion Program	7,267	7,710	7,280

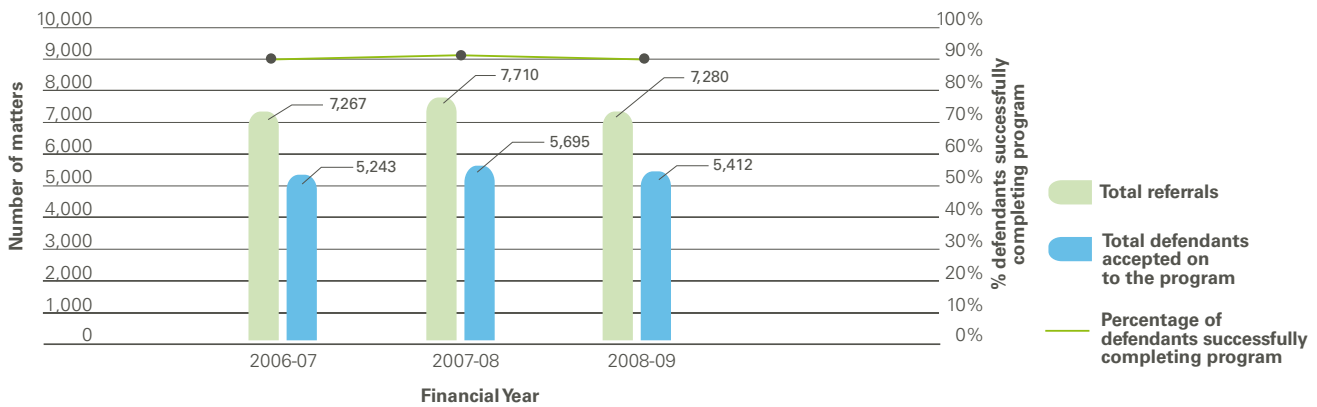
COURT INTEGRATED SERVICES PROGRAM (CISP)	2006-07	2007-08	2008-09
Total referrals	1,060	2,046	2,218
Total assessed	871	1,792	1,796
Total accepted	668	1,283	1,368
Total not accepted	153	509	428

CRIMINAL JUSTICE DIVERSION PROGRAM	2006-07	2007-08	2008-09
Total referrals	7,267	7,710	7,280
Total defendants/participants accepted into program	5,243	5,695	5,412
Percentage of defendants successfully completing program	91%	92%	90%

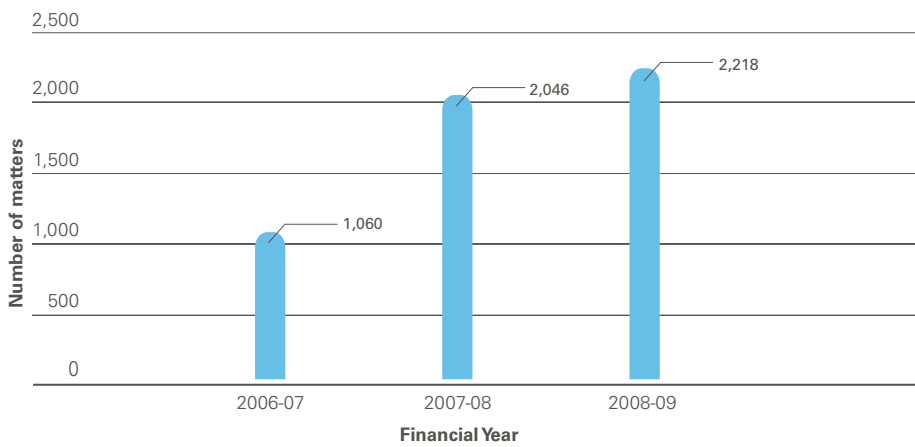
ENFORCEMENT REVIEW PROGRAM (ERP)	2006-07	2007-08	2008-09
Total matters finalised/heard	579	632	1,507

Court Support and Diversion Services Continued

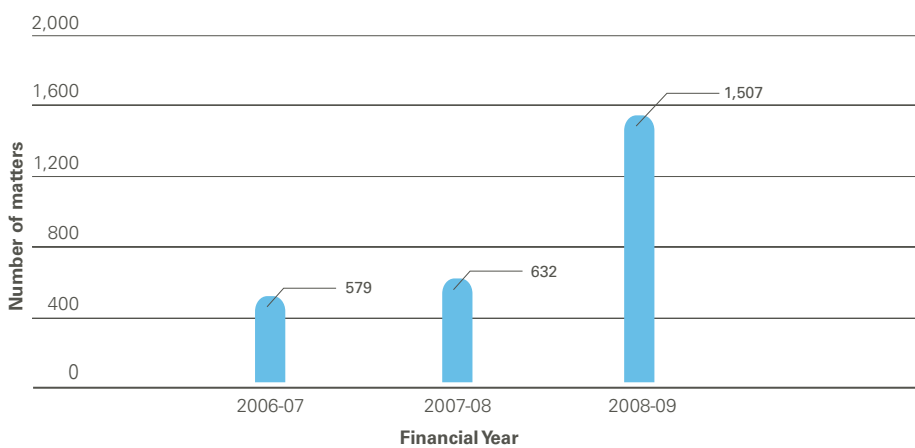
Criminal Justice Diversion Program Activity



CISP Referrals



ERP Total Matters Finalised/Heard



Court Support and Diversion Services Continued

Criminal Justice Diversion Program Conditions

	2006-07	2007-08	2008-09
Total conditions¹⁴	11,508	12,273	12,560
Condition breakdown			
Apology to victim	1,973	2,261	2,411
Voluntary work	317	246	178
Compensate victim	1,004	1,100	1,063
Counselling/Treatment-Alcohol	110	136	160
Counselling/Treatment-Drug	189	186	194
Counselling/Treatment-Gambling	11	11	12
Counselling/Treatment-Other	331	418	342
Defensive Driving Course	343	392	326
Donation	3,874	4,160	4,056
'Fare Enough!' Education Program	n/a	19	27
Good behaviour ¹⁵	n/a	602	982
Letter of gratitude to informant	2,130	2,143	2,260
Road Trauma Awareness Seminar	265	194	191
Other	961	405	358

ERP Breakdown of Open Court Orders Made

	2006-07	2007-08	2008-09
Adjourned undertaking without conviction	138	150	459
Adjourned undertaking with conviction	0	1	2
Dismissed pursuant to section 76 <i>Sentencing Act 1991</i>	196	240	560
Reduction of fine	2	39	265
Struckout/Withdrawn	241	201	221
Other	2	1	0
Total orders made in open court	579	632	1507

¹⁴ Defendants may undertake more than one condition as part of their diversion plan.

¹⁵ Condition to be of good behaviour was recorded as a separate statistic as of 1/8/07. Prior to this, all conditions relating to good behaviour were included in the 'other' categories.



Directory of Magistrates and Judicial Registrars

Chief Magistrate

Mr Ian Leslie Gray

Deputy Chief Magistrates

Mr Daniel John Muling
Ms Jelena Popovic
Mr Peter Henry Lauritsen
Ms Felicity Anne Broughton
Mr Paul Anthony Smith (to August 2008)
Mr Lance Ivan Martin (from 26 August 2008)

State Coordinating Magistrate

Mr Lance Ivan Martin

Regional Coordinating Magistrates

Barwon South West

Mr Ronald Norman Saines

Broadmeadows

Mr Robert Krishnan Ashok Kumar

Dandenong

Ms Lesley Ann Fleming (from 4/8/08)¹⁶

Frankston

Mr Ross Frederick Betts

Gippsland

Mr Henry Clive Alsop

Grampians

Ms Mary Kay Robertson

Heidelberg

Ms Jillian Mary Crowe

Hume

Mr Reg Marron (resigned 31/7/09)¹⁷

Loddon Mallee

Mr William Paterson Gibb

Moorabbin

Mr Paul Anthony Smith

Neighbourhood Justice Centre

Mr David Kevin Fanning

Ringwood

Mr Nunzio LaRosa

Sunshine

Ms Noreen Mary Toohey

¹⁶ Prior to 4 August 2008, this position was held by Magistrate Edwin Batt.

¹⁷ Magistrate Reg Marron resigned on 31 July 2009 to take up an appointment as a magistrate in the Magistrates' Court of Tasmania.

Supervising Magistrates

Civil

Mr Peter Henry Lauritsen – DCM

Criminal

Mr Charlie Rozencwajg (from 26/6/08)¹⁸

Family Violence and Family Law

Ms Catherine Frances Lamble

Information Technology

Mr Daniel John Muling – DCM

Koori Court

Ms Jelena Popovic – DCM

Sexual Offences List

Ms Felicity Anne Broughton – DCM

Victims of Crime Assistance Tribunal

Ms Amanda Chambers (co-chair from April 2009)

Ms Susan Melissa Wakeling (co-chair from April 2009)¹⁹

Magistrates

Mr Henry Clive Alsop
Ms Donna Bakos
Mr Raffaele Barberio
Mr Thomas Arthur Dent Barrett
Mr Edwin Charles Batt
Ms Luisa Rita Bazzani
Mr Isaac Joseph Beder
Mr John Stephen Bentley
Mr Ross Frederick Betts
Ms Susan Adele Blashki
Ms Angela Joy Bolger
Ms Jennifer Carolyn Anne Bowles
Mr Barry Bernard Braun
Mr Leonard Harold Brear
Ms Felicity Anne Broughton
Mr Gerard Robert Bryant
Mr Andrew Thomas Capell
Ms Rosemary Carlin
Mr James Maxwell Brooke Cashmore
Ms Amanda Chambers
Mr Brian Joseph Clifford (retired 7/11/08)²⁰
Mr Michael Patrick Coghlan
Ms Ann Elizabeth Collins
Mr Gregory Connellan
Mr David Bruce Sidney Cottrill
Mr Peter Couzens
Mr Rodney Leslie Crisp
Ms Jillian Mary Crowe
Ms Sharon Elizabeth Cure (appointed 2/12/08)
Ms Sarah Kingsley Dawes
Mr John William Doherty
Mr John Philip Dugdale
Ms Caitlin Creed English
Mr David Kevin Fanning
Mr Bernard Robert FitzGerald
Mr Julian Francis Fitz-Gerald
Ms Lesley Ann Fleming
Mr Roger Wilson Franich
Mr Simon Gerard Garnett
Mr William Paterson Gibb
Ms Jane Catherine Gibson
Mr Phillip Goldberg

¹⁸ Between 24 June 2008 – 26 February 2009, Magistrate Rozencwajg was the Acting Supervising Magistrate, Criminal before being appointed permanently to the role. Prior to this, the position was substantively held by Magistrate Donna Bakos.

¹⁹ Prior to April 2009, this position was substantively held by Magistrate Heather Spooner.

²⁰ Following his retirement, Brian Clifford was appointed an Acting Magistrate on 28 March 2009.



Ms Jennifer Anne Benn Goldsbrough
 Mr Ian Leslie Gray
 Mr Martin Grinberg
 Ms Jennifer Margaret Grubissa
 Mr Maurice Gurvich
 Mr Harley James Harber (retired 7/11/08)
 Ms Margaret Gill Harding
 Mr John William Hardy
 Mr Thomas Kevin Hassard
 Ms Annabel Mary Hawkins
 Ms Kate Isabella Hawkins
 Ms Fiona Ann Hayes
 Ms Jacinta Mary Heffey
 Mr Louis Joseph Hill
 Mr Francis Ross Hodgens
 Ms Michelle Therese Hodgson (appointed 2/12/08)
 Mr Franz Johann Holzer (appointed 8/7/09)
 Ms Audrey Graham Jamieson
 Mr Graeme Douglas Johnstone
 Mr Frank William Dudley Jones
 Mr Graham Douglas Keil
 Mr Jonathan George Klestadt
 Mr Robert Krishnan Ashok Kumar
 Ms Elizabeth Anne Lambden
 Ms Catherine Frances Lamble
 Mr Nunzio LaRosa
 Mr Peter Henry Lauritsen
 Mr Gerard Michael Lethbridge
 Mr Gregory John Zalman Levine
 Ms Kay Helen Macpherson
 Mr Ian Thomas McGrane (retired 5/12/08)
 Mr Rowan George McIndoe (retired 17/7/09)
 Mr Gregory Laurence McNamara
 Mr Reg Marron
 Mr Lance Ivan Martin
 Mr Peter Harry Mealy
 Mr Peter Mellas (appointed 2/12/08)
 Mr Daniel John Muling
 Mr John Martin Murphy
 Mr Stephen Paul Myall
 Mr William John George O'Day
 Mr Thomas Michael O'Dwyer (retired 14/4/09))
 Ms Denise Mary O'Reilly
 Ms Kim Michelle Willmott Parkinson
 Mr Anthony William Parsons (appointed 16/9/08)
 Mr Richard John Pithouse (appointed 30/9/08)
 Ms Jelena Popovic
 Mr Peter Thomas Power
 Mr Steven Raleigh (retired 8/8/08)

Ms Carmen Maria-Francesca Randazzo (resigned 26/6/09)
 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
 Ms Paresa Antoniadis Spanos
 Ms Pauline Therese Spencer
 Mr Alan John Spillane (retired 15/9/2008)
 Ms Heather Margaret Spooner
 Ms Fiona Margaret Stewart
 Mr Michael Henry Lewis Stone
 Ms Noreen Mary Toohey
 Ms Jennifer Beatrix Tregent
 Mr Ian Maxwell Von Einem
 Ms Susan Melissa Wakeling
 Ms Belinda Jane Wallington
 Mr Iain Treloar West (Deputy State Coroner)
 Mr William Peter White
 Mr Brian Robert Wright
 Mr Richard Thomas Wright
 Mr Brian Philip Wynn-Mackenzie (retired 22/8/08)

Acting Magistrates

Mr Brian Stirtevant Barrow
 Mr John Douglas Bolster
 Mr Brian Joseph Clifford (assigned 28/3/09)
 Mr Barry Francis Docking (retired 19/6/09)
 Ms Michelle Pauline Elizabeth Ehrlich
 Mr Timothy John McDonald
 Mr James Stanislaus Mornane
 Ms Stella Maria Dolores Stuthridge (appointed 10/3/09)
 Mr Terry John Wilson
 Mr Lionel Cedric Winton-Smith
 Mr Francis Patrick Zemljak

Judicial Registrars

Mr Graeme John Horsburgh
 Mr Barry Raymond Johnstone
 Mr Peter Mithen (appointed 12/12/08)
 Mr Richard O'Keefe (appointed 12/12/08)
 Ms Angela Assunta Soldani



Directory of Magistrates' Court of Victoria Executive Group

Chief Executive Officer

Charlotte Stockwell

Principal Registrar & Manager, Metropolitan Courts

Simone Shields

Manager, Regional Courts

Peter McCann

Manager, Specialist Courts & Court Support Services

Graeme Chirgwin

Manager, Change and Organisational Development

Iain McKinnon

Manager, Corporate Services

Victor Yovanche

Project Manager, New Directions

Stewart Fenwick



Court Locations and Contacts

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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
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