



A varied, substantial and extensive jurisdiction



About this report

This year's report reflects on and highlights the Court's 'varied, substantial and extensive jurisdiction'. The objective is to communicate the breadth of skills and services provided by the Magistrates' Court of Victoria.

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22 October 2013

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

On behalf of the Council of Magistrates, I have the honour to present the Annual Report for the year 1 July 2012 to 30 June 2013, to Your Excellency, pursuant to section 15(3) of the *Magistrates' Court Act 1989*.

Yours sincerely

PETER LAURITSEN
Chief Magistrate

The **Magistrates' Court of Victoria**,
was established under section 4
of the *Magistrates' Court Act 1989*.
The Court sits at 54 metropolitan and
regional locations and at 30 June 2013,
comprised of 116 magistrates, 12 reserve
magistrates and six judicial registrars.
This is our 2012/13 report.



The Year at a Glance

Sentencing Reform

Significant consultation, communication and support from the department of Justice greatly assisted the implementation of the continuing sentencing reforms.

More on page 32

Judicial registrars

Legislative amendments have meant that judicial registrars can now deal with a larger variety of matters. More information of these reforms and judicial registrars

on page 12 and 34

Social media

The Court launched its Twitter account to communicate, inform and educate the community about the law, court processes, activities and events. **More on page 74**

Regional Courts

The Court operates across twelve regions in Victoria. It is important to recognise the work of the judiciary, staff and community within these regions. **More on page 36**

Family Violence

Deputy Chief Magistrate Felicity Broughton details a significant case that highlights how the Court and its support services can help keep families safe from family violence. **More on page 52**

Koori Court

Deputy Chief Magistrate Jelena Popovic speaks about her experience in the Koori Court, and what it means to her as a magistrate. **More on page 57**

Drug Court

Drug Court Magistrate Tony Parsons provides an insight into the Drug Court, and how it can assist participants.

More on page 60

ARC List

Magistrate Anne Goldsbrough reflects on the challenges and the importance of the work of the judiciary in the ARC List. **More on page 64**

During the reporting period, judicial registrars expanded their services, and now operate at more regional courts including:

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

Criminal Law Statistics – more on page 80

188,537

criminal matters
finalised

↑4%

175,345

criminal matters
initiated

↑2%

88.1%

cases finalised within six months

3,265

committal
proceedings finalised

↑17%

36,686

matters pending

↑14%

7.6%

cases pending
more than 12 months

Civil Law Statistics – more on page 86

52,442

complaints
issued or filed

↓7%

35,584

claims actioned

↓7%

37%

finalised
at hearing

25%

finalised
at arbitration

34,182

claims finalised

↓7%

1,726

defended cases
pending

↓4%

80.7%

defended
claims finalised
within six months

Intervention Order Statistics – more on page 84

44,455

intervention order
applications
finalised

↑42%
over 5 years

33,879

FVIO applications
finalised

↑8%

11,443

intervention order applications received
by After Hours Service

↑3%

10,576

PSIO applications
finalised

↑15%

18,953

applications where at
least one interim order
was made

↑12%

1,082

Family Law
matters finalised

Message from the Chief Magistrate

With pleasure, I present the Annual Report for the Magistrates' Court of Victoria for the year ending 30 June 2013.

During the year, the Court has maintained its sole, real function of delivering justice according to law. It has done so through its various jurisdictions and venues throughout the state. Its therapeutic justice jurisdictions have continued to prosper with the support of government.



Court performance

As detailed elsewhere in this Annual Report, the number of proceedings continues to increase. In part, it is due to the growth of population. However, in the family violence area, it is also due to the increased efforts of Victoria Police in investigating and prosecuting complaints.

Contest mentions

The Court constantly monitors the time between the commencement of a proceeding and its finalisation. It is concerned to avoid delay. In the early 1990s, the Court at Broadmeadows introduced a process called "contest mention" in criminal proceedings. In relation to most proceedings where the accused wishes to plead not guilty to some or all of the charges, a contest mention was held to explore resolution and shorten the time needed for the trial. Its use spread throughout the venues of the Court. However, in recent years, its practice has waxed and waned. Following my appointment as Chief Magistrate, I asked a Deputy Chief Magistrate to assume responsibility for the conduct of contest mentions throughout the Court. His task is to ensure that best practice is maintained in each of the venues of the Court where contest mentions are conducted. This involves visiting venues of the Court, conducting mention lists and assisting other magistrates in conducting such lists.

This process represents a major element in reducing delay in criminal proceedings in the Court. Its success enables police prosecutors to focus more effort into conducting summary case conferences at the beginning of a criminal proceeding.

Committal for trial

During last year and again this year, the Court has conducted an examination of the committal process. Last year, several recommendations emerged, some administrative, others legislative, designed to increase the efficiency of the committal process. The former were implemented, the latter are under consideration. During this year, the examination was renewed with the involvement of others, including the Director of Public Prosecutions and the Office of Public Prosecutions. Several matters have been implemented, while others remain under consideration. A primary aim is to reduce the number of matters which resolve at the door of the Court with the consequent waste of court time.

Family violence and personal safety

The number of applications under the *Family Violence Protection Act 2008* and the *Personal Safety Intervention Orders Act 2010* has increased significantly each year for the last decade. During the latter part of 2012, the Court conducted an examination of its listing practices. Brett Cain, State Co-ordinating Registrar and Keith Turner, then Acting Manager, Regional Courts, conducted the examination of each region of the Court and made recommendations.

Although they recommended changes for each region, there were four general recommendations:

- each venue of the Court adopt a more comprehensive approach to sessional listings, in particular, listing appropriate matters in the afternoon session;
- implement staggered listings within listing sessions;
- introduce extra listing sessions or days for intervention order applications; and
- manage safety notice numbers by use of a mention book system.

These recommendations are being implemented. I thank Mr Cain and Mr Turner for their excellent work.

Sentencing

During 2013, Parliament passed legislation which affects sentencing in the Court by introducing the community corrections order and progressively abolishing the suspended sentence of imprisonment. The former order replaced several orders, in particular the community based order and the intensive corrections order. The latter will cease as a sentencing option for magistrates by 14 September 2014. Through professional development, the magistracy has examined the various elements of the community corrections order. This professional development has been provided internally and through the Judicial College of Victoria.

Victoria Legal Aid

During the year, Victoria Legal Aid tightened its eligibility criteria. This has resulted in more accused persons representing themselves before the Court. Where an accused person is represented, a judicial officer can assume he or she knows of all matters necessary for the conduct of a fair trial. Unrepresented, no such assumption can be made. The obligation falls on the judicial officer to ensure such a person is aware of a number of things before commencing a trial, whatever plea is made. For an unrepresented accused person wishing to plead guilty, the judicial officer must advise of:

- the ability to obtain legal advice and representation;
- the right to seek a reasonable adjournment to obtain that advice or representation;
- the seriousness of the charge and of the penalties that may be imposed, especially where there is a risk of imprisonment, disqualification, compensation or forfeiture;
- the plea of guilty being entirely a matter for his or her independent decision;
- the ability to dispute or comment upon the facts alleged by the prosecutor including previous convictions;
- the ability to put before the Court any matter in mitigation – by statement or on oath; and by calling witnesses or producing relevant material.

These matters represent part of the obligation of a judicial officer to afford procedural fairness and thereby conduct

a fair trial. If a judicial officer feels there are areas which the accused person has not covered, then he or she must invite that person to cover them. If the judicial officer believes the accused person should not have pleaded guilty, then he or she should ask that person whether he or she adheres to the challenge of material facts or explanation. If the accused person does, then a plea of not guilty should be entered. In the context of large mention lists, these necessary matters add time to each proceeding and delay in determining a list.

Listings

By 2012, the normal starting time for the Court had become 9.30 am. During 2012, the previous Chief Magistrate, Ian Gray, initiated a review of this practice. The Court engaged an external evaluator. He delivered his report in late January 2013. Primarily, he found that the earlier starting time of 9.30 am had not had a positive impact on case flow. In March, the Council of Magistrates discussed the report at length and recommended the normal starting time for most lists return to 10.00 am. In part, it did so as a matter of convenience to litigants and their legal representatives. The latter often had no prior opportunity to confer properly with their clients and opposing parties before the start.

Court Services Victoria

Previously, this item has appeared under the headings “Courts Executive Service” and then “Courts and Tribunals Service”. In order to assist the transition, in late 2012, an Advisory Council was established. Its membership consists of the heads of each of the Courts and the Victorian Civil and Administrative Tribunal with the Chief Justice as the chair. The Council has created four portfolio groups to assist with its work of creating a viable statutory body – finance; assets and accommodation; information technology; and human resources management.

The Court supports the creation of a body with responsibility for the provision of administrative services to the jurisdictions and controlled by those jurisdictions for it enhances their institutional independence. While the Court supports this process, it will strive to ensure that it does not impact negatively upon it.

Acknowledgments

I thank all magistrates, judicial registrars, the chief executive officer, registrars and other court staff for their efforts. Their efforts saw the court efficiently, expeditiously and justly dispose of about 300,000 proceedings during the year.



Peter Lauritsen
Chief Magistrate

Message from the Chief Executive Officer

It has once again been an enormous year for the Magistrates' Court. In a tight budgetary environment and with increasing demand for services, the Court has managed to maintain high standards of service delivery.

The year in review

The 2012/13 period has been one of extraordinary change. At a departmental level, a new Secretary for Justice was appointed and the interim CEO Court Services commenced. Within the Magistrates' Court a new Chief Magistrate was appointed in November 2012, and permanent Chief Executive Officer in May 2013.

The challenge of adapting to such significant leadership change can never be underestimated. The anxiety and uncertainty of such change can impact an organisation's ability to focus and operate effectively. It is a credit to the Court, and all those within it, that the Court has been able to continue to maintain highly effective operations throughout this transition period.

At the same time, the Court has had to meet increasing demand for services. The caseload growth in a number of the jurisdictions is an example of this. In 2012/13, the Court finalised 188,537 criminal matters, rising by more than 4 per cent on last year. The number of family violence matters finalised also reached record levels. During 2012/13, the number of intervention order applications finalised increased 8 per cent on the previous year and personal safety intervention order applications also increased 15 per cent. Of greater significance is that over the five year period from 2008/09, the total number of family violence applications finalised by the Court has increased 42 per cent. Growth was also recorded in the Victims of Crime Assistance Tribunal (VOCAT) and Children's Court proceedings heard in the Magistrates' Court over the last twelve months.

In addition to the work of the Magistrates' Court, across regional Victoria the Court continued to support the operations of the County and Supreme Courts.

In order to meet this ever increasing demand, the Court continues to review current approaches in an attempt to improve the way it does business. Specific focuses for the period have been:

- reducing delay through the use of effective contest mention practices
- reviewing the committals process
- reviewing listings approaches generally
- exploring opportunities to better facilitate the management of family violence and personal safety intervention orders through the Court.

Further discussion on these initiatives is contained throughout this report.

In 2013/14, the Court will look to continue to build on this work and further improve the efficiency of the way it operates.



Facilities

Throughout 2012/13 the Court has worked with the department of Justice (the department) on a number of major facilities projects.

Work continued on the design and development of a combined courtroom and justice facility at Bendigo. The design of the new facility was settled during the reporting period enabling the project to progress through the formal council planning process. According to the current schedule it is anticipated that construction will commence late 2013 with the new facility operational by December 2014.

At Broadmeadows, work continues on the development of the new Children's Court facility that will be built next to the existing Magistrates' Court building. The two jurisdictions have been working together to develop a design that will prove to be mutually beneficial and provide a better environment for the community regardless of which jurisdiction they are attending.

In Wangaratta, discussions and designs have been developed for works to be conducted on the west wing of the existing Court building. A tender process has commenced to engage a contractor and it is hoped that the upgraded facility will be operational in 2014.

The Court continues to respond to urgent and essential building maintenance issues across the state as best it can within the funding provided. We will continue to work to develop a longer-term strategy to manage the ongoing maintenance issues that a number of our facilities have.

Information technology

In July 2012, an updated website for the Court was launched. The new site offers increased functionality and is easier for users to navigate, and locate forms, publications and general information about the Court.

The use of social media has become an ever evolving and key tool in communicating messages to the wider public that may not usually visit the Court's website. The Court has embraced the use of social media, launching a Twitter account in July 2012. The Twitter account is used to communicate information about the Court including changes to legislation and procedures, any upcoming community engagement activities as well as any urgent information relating to court locations. The account has already started to attract a large number of followers and continues to grow.

Over the next year, the Court will build on these initiatives as it continues to explore the use of technology to increase access to information and services by the community.

The future

The Court continues to work with stakeholders on various ideas of how to approach the increasing demand for services, particularly in the area of family violence. The increased incidents of reporting being experienced by Victoria Police, translates into further pressure on the Court to provide the ability for these matters to be heard and determined.

The creation of Court Services Victoria (CSV), and the separation of Courts from the department provides a number of opportunities and challenges for the Court. Throughout the transition process, it is vital that the Court works proactively and collegiately with the department and the other jurisdictions to ensure that the newly formed CSV is able to operate effectively as an independent entity and provide an improved service to the Victorian community.

Acknowledgements

I would like to take this opportunity to thank our talented and dedicated staff who continue to provide quality services in circumstances that at times can be extremely difficult. The efforts of our staff are fundamental to the Court being able to operate as well as it does.

I would also like to thank the former Executive Director of Courts, Graham Hill, Interim CEO CSV, Alan Clayton and Court Services for all the support provided to the Court over the period.

During the reporting period, the Court has also had two Acting Chief Executive Officers, Rudy Montelone and Peter McCann. I would like to acknowledge their efforts and thank them for the leadership and guidance they provided during their time which ensured that the Court was provided with the leadership required to continue to operate effectively.

Finally, I would like to thank the Chief Magistrate, Peter Lauritsen, for all his support that he has provided to me personally.



Andrew Tenni

Chief Executive Officer

Overview of the Magistrates' Court

The Magistrates' Court of Victoria, was established under section 4 of the *Magistrates' Court Act 1989*.

The Court sits at 54 metropolitan and regional locations and, as at 30 June 2013, comprised of 116 magistrates, 12 reserve magistrates and six judicial registrars.

550 court employees support the judiciary and provide various services to the community.



Overview

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

The Court exercises a varied, substantial and extensive jurisdiction, which continues to evolve and grow. Our jurisdictions include criminal, civil, workcover, industrial, intervention orders and family law. More information about the Court's jurisdiction can be found on our website, www.magistratescourt.vic.gov.au.

The Victims of Crime Assistance Tribunal (VOCAT) sits at Magistrates' Court locations across Victoria. All magistrates are also tribunal members. In accordance with the *Victims of Crime Assistance Act 1996*, the Tribunal provides financial assistance to help victims of crime recover from physical or mental injuries sustained as a result of an act of violence. A number of magistrates and staff make up the VOCAT Coordinating Committee who discuss matters of concern to the Tribunal. Please refer to the committee report on page 28.

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

The Children's Court of Victoria was established by the *Children and Young Persons Act 1989* (repealed) and is continued by the *Children, Youth and Families Act 2005*.

The Children's Court has two divisions that deal with criminal charges of young people, and protection and family matters. All magistrates sit in the Children's Court in locations across Victoria, including a dedicated Children's Court in Melbourne.

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

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

Our Services

Registries

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

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

Some of things court staff can assist with include:

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

Court staff cannot provide legal advice.

After-Hours Service

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

Court Support and Diversion Services

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

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

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

For more information on Court Support and Diversion Services refer to page 63.

Specialist Courts and Lists

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

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

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

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

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

More information about the specialist courts can be found in the **Specialist Courts and Services** chapter.



Our Judiciary

Magistrates

Magistrates are appointed by the Governor in Council pursuant to section 7 of the *Magistrates' Court of Victoria Act 1989*. As at 30 June 2013, there were 116 magistrates allocated to the 54 locations of the Court.

Reserve Magistrates

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

As at 30 June 2013, there were 12 reserve magistrates. Generally, reserve magistrates are used to address peak workloads of the Court, and also to cover periods of extended leave.

Judicial Registrars

Judicial registrars are independent judicial decision makers appointed by the Governor in Council pursuant to section 16C of the *Magistrates' Court Act 1989*. Judicial registrars exercise the powers and jurisdictions as delegated to them by the Chief Magistrate.

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

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

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

Matters dealt with by Judicial Registrars

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

Criminal

- hear and determine all criminal offences where the maximum penalty is not imprisonment, and charges of contravene an adjourned undertaking where the undertaking was imposed by a judicial registrar
- return of search warrants
- hear and determine matters in the Special Circumstances List, which deals with offenders who suffer a mental or intellectual disability, are homeless or who have a serious addiction to drugs or alcohol
- sit on the Neighbourhood Justice Centre's monthly Special Circumstances List
- consider and determine applications to adjourn criminal proceedings to allow offenders to undertake the Court's diversion program
- make forfeiture and disposal orders



Civil

- exercise the powers under the Magistrates' Court Civil Procedure Rules with some exceptions
- determine civil interlocutory, rehearing, summary judgement and other applications, both in chambers and in open court
- Issue a warrant to arrest where a debtor fails to appear for a Summons for Examination
- hear and determine civil arbitrations
- industrial mediations.

VOCAT

Judicial Registrars can consider all applications for assistance except where –

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

Committees and Reviews

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

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

Judicial registrars have also:

- provided input into Monash University Research Project on the Victorian Infringements System
- participated as a member of the Special Circumstances Infringements Project, which is a joint Melbourne City Council and UN Global Compact Cities Programme venture
- served as guest speakers to Certificate IV students
- participated as panel members at various workshops about the Infringement System & Court practice, and the operation of the Special Circumstances List.
- been involved in the pilot diversion programme for repeat begging offenders which was in co-operation with the Salvation Army, Victoria Police and Melbourne City Council.
- presented at a Local Government Infringements Information session.

Our Staff

Senior Registrars

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

Court Registrars

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

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

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

Coordinators/Listings Staff

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

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

They are responsible for monitoring the performance outputs of the Court in conjunction with the State Coordinating Magistrate, Regional Coordinating Magistrates and Senior Registrars.

Court Support and Diversion Services Staff

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

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

Court Support and Diversion Services staff run the court's programs as well as providing assistance to clients by way of case management and referrals to other services. They also provide reports of the progress of their clients to the judiciary.

Administrative and Support Staff

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

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

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

Organisational Change and Development Unit

The Organisational Change and Development Unit (OCDU) aims to improve capacity to meet current and future business objectives by effectively managing and developing people, relationships, structure and culture.

The OCDU provides a range of services to support the Magistrates' Court of Victoria and the Children's Court of Victoria including:

- developing strategic programs, procedures and reports
- providing advice on complex people management and organisational issues
- integrating the functions and activities of the Human Resources and Learning & Development teams
- liaising with relevant Court Services and departmental stakeholders.

Human Resources

This year, the Human Resources (HR) team has focussed on reviewing people management processes to improve service delivery.

As part of this improvement program, each member of the HR team is now responsible for a portfolio, made up of different work areas of the Courts. Each HR team member delivers a broad range of HR services to managers and employees within their portfolio area.

Payroll

HR is responsible for processing payroll on a fortnightly basis for over 700 people, including employees, magistrates and Koori Court Elders.

The HR team complete processing within prescribed deadlines including entering new starters, changing employee details, higher duties and other employee movements, leave and changes of hours and rosters, overtime and employee terminations. This activity ensures that our people are paid accurately and that the organisation's workforce data is maintained.

Recruitment

HR provides support to managers as required in job review and design (including updating position descriptions), advertising positions, candidate management, interviewing candidates, reference checking and managing offers of employment.

WorkCover

All members of the HR team are qualified to manage WorkCover claims, including:

- providing information to employees when making standard and minor claims
- claims management and accident compensation
- return to work coordination, including preparation of return to work plans.

General HR Consultancy

The HR team provides advice about employment conditions and processes to employees, managers and the judiciary. This service supports compliance with employment related legislation, the *Victorian Public Service Workplace Determination 2012*, and government and department policies and guidelines.

Learning & Development

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

Magistrates' Court Induction Program

All new staff attend the Court's one-day Induction Program. It is provided to all corporate support staff, specialist staff and trainee registrars.

The program objectives ensure participants:

- gain a thorough overview of the Court's jurisdiction, specialist courts and programs
- learn how they fit in the organisation
- are assisted in their transition into their new workplace.

Bench Clerk Induction

The Bench Clerk's induction is a five-day training program providing trainee registrars with basic court skills and abilities, and the opportunity to apply their learning in a simulated courtroom environment.

Certificate IV in Government (Court Services)

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

Trainee Registrar Recruitment & Assessment Centre

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

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

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

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



Structure and Governance

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

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



Structure of the Judiciary

Chief Magistrate

Chief Magistrate Peter Lauritsen is the head of the Court and the senior judicial officer.

The Chief Magistrate is responsible for:

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

Deputy Chief Magistrates

There are currently six Deputy Chief Magistrates appointed to the Court. They are:

- Deputy Chief Magistrate Dan Muling
- Deputy Chief Magistrate Jelena Popovic
- Deputy Chief Magistrate Felicity Broughton
- Deputy Chief Magistrate Lance Martin
- Deputy Chief Magistrate Robert Kumar
- Deputy Chief Magistrate Barry Braun

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

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

Regional Coordinating Magistrates

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

During the reporting period, the Regional Coordinating Magistrates were:

Barwon South West Region:

Magistrate Ronald Saines

Broadmeadows Region:

Magistrate Robert Kumar

Dandenong Region:

Magistrate Lesley Fleming

Frankston Region:

Magistrate Franz Holzer

Gippsland Region:

Magistrate Clive Alsop

Grampians Region:

Magistrate Michelle Hodgson (from 1 May 2013)

Magistrate Peter Couzens (to 30 April 2013)

Heidelberg Region:

Magistrate Susan Wakeling

Hume Region:

Magistrate Paul Smith

Loddon Mallee Region:

Magistrate William Gibb

Ringwood Region:

Magistrate Nunzio La Rosa

Sunshine Region:

Magistrate Noreen Toohey

The role of a Regional Coordinating Magistrate is to:

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

During the 2012/13 period, the Regional Coordinating Magistrates met on 16 November 2012, 15 February 2013 and 14 June 2013.

Supervising Magistrates

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

During the reporting period, the Supervising Magistrates were:

- *Criminal jurisdiction* – Magistrate Charlie Rozencwajg
- *Civil jurisdiction* – Chief Magistrate Peter Lauritsen
- *Family Violence and Family Law jurisdiction* – Deputy Chief Magistrate Felicity Broughton and Magistrate Kate Hawkins
- the *Victims of Crime Assistance Tribunal* – Magistrate Andrew Capell, and Magistrate Cathy Lamble (from 1 January 2013), and Magistrate Amanda Chambers (to 31 December 2012)
- the *Sexual Offences List* – Magistrate Amanda Chambers (from 1 January 2013), Deputy Chief Magistrate Felicity Broughton (to 31 December 2012)
- the *Koori Court* – Deputy Chief Magistrate Jelena Popovic
- *Court Support Services and Specialist Programs* – Deputy Chief Magistrate Jelena Popovic
- *Information Technology* – Deputy Chief Magistrate Dan Muling
- other areas of responsibility as the council determines.

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

State Coordinating Magistrate

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

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

The role and functions of the State Coordinating Magistrate include:

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

Council of Magistrates

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

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

During the 2012/13 reporting period the Council of Magistrates met on 27 July 2012, 30 November 2012 and 22 March 2013.

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

Pursuant to section 15(3) of the *Magistrates' Court Act 1989* the magistrates must report annually to the Governor of Victoria on the operation of the Court.

Structure of Court Administration

Leadership Group

Court administration of the Magistrate's Court of Victoria is led by the Leadership Group. The Court's Leadership Group comprises of the:

Chief Executive Officer

Mr Andrew Tenni

Principal Registrar, Manager Melbourne and Metropolitan Courts

Ms Simone Shields

Manager, Regional Courts

Mr Peter McCann

Manager, Specialist Courts and Court Support Services

Mr Robert Challis (*Acting*)

Manager, Corporate Services

Mr Victor Yovanche

Manager, Organisational Change and Development

Ms Kathleen Sanderson (*Acting*)

State Coordinating Registrar

Mr Brett Cain

Manager, Office of the Chief Executive

Mr Joseph Walker

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

The group is collectively accountable for the operational management of the Court and the delivery of objectives contained in the current Business Plan, Strategic Plan, and directives from the department.

The group is established to support the Chief Executive Officer in effectively discharging his or her responsibilities as the accountable officer.

Internal Committees

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

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

Executive Committee

Committee Chair: Chief Magistrate Peter Lauritsen (from November 2012), Former Chief Magistrate Ian Gray (to November 2012).

Members: Magistrates Donna Bakos, Susie Cameron, Lesley Fleming, Anne Goldsbrough, John Hardy, Fiona Hayes, Greg McNamara, and Tony Parsons.

The Executive Committee meets on a monthly basis and is responsible for the formulation, monitoring and supervision of policy. The wide range of issues generally covered by the committee include court infrastructure and resources, technology in courtrooms, judicial terms and conditions, professional development, court governance and structure, case management reforms, security issues, practice directions, court staff and human resources.

During the reporting period, the Executive discussed the following matters –

Sessional/Early Listings - Review

The review, known as the *Landsell Report* was completed in January 2013. The Executive discussed the report at length, and it was placed on the agenda for the Council of Magistrates meeting. A motion was passed and considered by the Chief Magistrate who determined the standard court commencement time would change to 10am and encouraged regions to adopt staggered listings and sessional listings where possible. The 10am Court starting time (with some exceptions) is set to commence on 1 July 2013.

Recognition of Prior Service

A number of magistrates were appointed whilst employed in the public service. Due to the nature of the appointment process, many 'soon to be appointed' magistrates did not have the opportunity to address matters of leave and long service. For some time it was believed that such entitlements that accrued in their former public service employment would be carried over to their current positions. This issue is still under consideration by the Attorney.

Court Building and Infrastructure

A number of building and infrastructure issues were discussed including:

- Bull Street Redevelopment
- Broadmeadows Children's Court
- Shepparton Court

Victoria Legal Aid

The Executive discussed the recent changes to Victoria Legal Aid guidelines and the closure of the Preston Office. This action was taken without consultation with the Court. The Executive discussed the potential effects of the changes upon the Court statewide. The Executive agreed that the recent cuts to aid is a great threat to the Court's efficiency. This is a matter of great concern and remains an active agenda item.

Conference Attendance Guidelines

The Executive discussed the issue of Conference leave and agreed with the Chief Magistrate's view that conference attendance is part of the official duties of a magistrate. If authorised to attend a conference, a magistrate should have all reasonable expenses paid in accordance with department policy. Although an important issue, the Court's budget is not the overwhelming factor for the Chief Magistrate when considering applications for conference attendance. Along with other matters, the Chief Magistrate will also consider the benefit for magistrates to participate in professional development programs which will include conference attendance. The Chief Magistrate has prepared new Conference Attendance Guidelines to reflect the discussion of the Executive.

After Hours Service

The Executive discussed the After Hours Service and its impact on resources. In the last five years, the number of matters dealt with in a year doubled from 9,000 to 18,000. This has placed pressure on after hours staff and magistrates. The Executive discussed the nature of matters fed through the after hours service. Performance Support Advisor, Keith Turner is conducting a review of the After Hour Service. This is a work in progress and will remain an important issue for the Executive.

Other issues discussed by the Executive include:

- Safety/security issues
- Living away from home allowance (LAFHA)
- Legislative changes
- Media access to material
- Audio recording protocols
- Victims of Crime Assistance Tribunal
- Search warrants and return of search
- Council of magistrates agendas
- Court governance

Terms and Conditions Committee

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

In April 2013, the Terms & Conditions Committee considered the key proposals outlined in a Consultation Paper provided by the department of Justice for the Judicial Entitlements Bill. The Bill outlines the establishment of a Judicial Entitlements Panel as a successor to the Judicial Remuneration Tribunal to consider and make recommendations regarding judicial

allowances and conditions. The Terms & Conditions Committee provided a detailed response to the proposals outlined in the Consultation Paper on 22 April 2013.

Information Technology Committee

Committee Chair: Deputy Chief Magistrate Dan Muling

Members: Magistrate Ann McGarvie, Reserve Magistrate Peter Power, Chief Executive Officer, Magistrates' Court Andrew Tenni, Assistant Director, Court Services Technology Services Jon Thomson, Information Technology Coordinator Eddie Dolceamore, Court Systems Manager, Court Services Technology Services Ross Capuana, Courtlink Manager Lynne Germaine and Manager Court Services, In Court Technology David Hoy

The Court's Information Technology (IT) Committee is an active sponsor of continuous improvement to the Courtlink Case Management System. The Committee provides an increasingly comprehensive body of information delivered electronically through the Internet and the intranet.

The Committee was involved in the following projects:

- identification of enhancements to Courtlink Case Management System and monitoring application and system upgrades
- 'Access Court' pilot – linking Latrobe Valley, Korumburra, Wonthaggi via remote desktop technology. The technology will project a life size image of magistrate, bar table and witness box from one court to another, minimising the need for magistrates to travel and increasing access to justice
- new and improved Magistrates' Court website
- Voice Over Internet Protocol (VOIP) telephony system for Heidelberg Court and the Children's Court Conference Unit
- implementation of video conferencing facilities at Ringwood and Frankston Courts
- Computer & Multi Function Device Refresh
- investigation into possible phone upgrades for various court locations.

Occupational Health & Safety Committee

Committee Chair: Magistrate Simon Garnett

Members: Magistrates Susan Armour, Noreen Toohey, and Brian Wright, Court administration representative, Ken Young and Department representative, Gayle Sherwell.

The function of the Committee is to focus on occupational health and safety issues brought to its attention by magistrates to ensure that the health and well being of magistrates is addressed by the implementation of appropriate health and safety standards. Past discussions and actions by the Committee resulted in improved court security in Melbourne and regional courts. In the past year the provision of ergonomically suitable bench and chamber chairs has been discussed and implemented.

The Committee is also looking at the car park overcrowding issue at Melbourne and the related safety concerns.

Professional Development Committee

Committee Chair: Magistrate Jennifer Bowles

Members: Former Chief Magistrate Ian Gray (until November 2012), Chief Magistrate Peter Lauritsen (from November 2012), Deputy Chief Magistrate Jelena Popovic, Magistrates Jennifer Bowles, Audrey Jamieson (until 14 May 2013), Caitlin English, Fiona Hayes, Catherine Lamble (until 5 December 2012), Michelle Hodgson (until 20 March 2013), Ann Collins, Stella Stuthridge, Kay Robertson and Ros Porter (from 14 May 2013).

In addition, representatives from the Judicial College of Victoria (JCV) being Carly Schrever, Fiona Brice, Jane Mevel, Amy Peek and Fiona Dea attended the Committee meetings and have assisted the Committee during the year. The Committee also acknowledges the invaluable administrative and organisational support provided by Nola Los (until 4 December 2012), Michelle Etherington (until 2 October 2012) and the outstanding ongoing support of Lisa Eldridge and Georgia Mills.

The Professional Development Committee is a Committee of the Council of Magistrates, established to assist the Chief Magistrate to provide for the professional development of magistrates. The Committee meets once every month. During the reporting period, the Committee coordinated and organised the Magistrates' Court Conferences which took place on 25 July 2012, 12 October 2012 and 19 April 2013. The second day of the mid year Conference was jointly conducted with the Australian Association of Magistrates. The Committee also assisted Deputy Chief Magistrate Lance Martin to organise the Country Magistrates' Conference which took place on 30 and 31 August 2012.

The Committee liaises closely with the JCV. A representative from the JCV attends all of the Committee Meetings and the JCV is also represented on the Magistrates' Court Benchbook Committee. The collaborative relationship between the Court and the JCV assists in the effective planning, promotion and delivery of judicial education programs for magistrates. Many magistrates have



participated in the excellent programs conducted by the JCV, have been members of JCV Steering Committees and have undertaken their own professional development activities by attending and presenting at conferences.

The evaluations of the Magistrates' Court Conferences have indicated that they were well received and considered to be of a consistently high standard. All of the conferences included a combination of presentations from guest presenters and magistrates and during the October Conference, there were small group break out sessions as well. The evaluations also provide an opportunity for all magistrates to make suggestions for future professional development. The Committee selects topics because of their relevance to the role of being a judicial officer. The presentations during this year have included:-

- "The Association between Mental Disorder, Substance Abuse and Depression,"
- Evidence – Hearsay,
- Family Violence,
- VOCAT – case studies and a panel discussion,
- "The Essence of Wellbeing,"
- Introductory and Advanced iPad sessions,
- "Reflections on the Lives of Refugees and Asylum Seekers,"
- "What I have Learned about Drugs,"
- Confidential Communications,
- Sentencing scenarios, including the application of Verdins.

Judicial Mentoring Program

One of the highlights for the Committee has been that the establishment of the Judicial Mentoring Program, which was foreshadowed in the last Annual Report, commenced during the reporting period. All magistrates appointed since 1 January 2013 have selected a mentor from those magistrates who have undertaken the judicial mentoring training (Jennifer Bowles, Audrey Jamieson, Ann Collins, Kate Hawkins, Ged Lethbridge, Greg McNamara, Duncan Reynolds, Kay Robertson). The program will be evaluated in December 2013. The continued support of the Honourable Bernard Teague has been greatly appreciated.

Magistrates' Benchbook Committee

The Magistrates' Court Benchbook Committee is a sub committee of the Professional Development Committee. The members include Chief Magistrate Peter Lauritsen, Magistrates Duncan Reynolds, Caitlin English, Marc Sargent, Annabel Hawkins and as previously indicated representatives from the JCV. In January 2013, a researcher, Kerryn Cockroft, was appointed to assist the Committee. The JCV publishes amendments to the benchbook on line.

Acknowledgements

There have been a number of resignations from the Committee as indicated above. The Committee acknowledges the commitment and contribution they have made. In particular, the resignation of Magistrate Audrey Jamieson, is acknowledged. Audrey previously chaired the Committee and has been a dedicated

contributor to professional development in the Court. She was pivotal in establishing the Judicial Mentoring Program. In addition, the Committee acknowledges the tremendous support and commitment of Nola Los, Carly Schrever and Fiona Brice and records its appreciation to all who presented at the conferences and assisted in such a successful year.

Criminal Law Committee

Committee Chair: Supervising Magistrate Charlie Rozencwajg

Members: Deputy Chief Magistrates Jelena Popovic and Dan Muling, Magistrates Mandy Chambers, Donna Bakos, Jack Vandersteen, Lesley Fleming, Gerard Lethbridge, Sarah Dawes, Suzie Cameron, Rose Falla, Tony Parsons, Tom Barrett, Martin Grinberg, Peter Mellas, Peter Reardon, Fiona Stewart, Sharon Cure, and Court Advice Officer Renee Lemmon and Legal Research and Judicial Support Officer Aranea Carstairs

The Committee addresses all issues relevant to the administration of the criminal jurisdiction in the Court, including matters raised by magistrates, court users and government. The aim of the Committee is to continually improve the Court's procedures as well as respond to proposed government legislation or make recommendations for legislative or procedural change to the Chief Magistrate. The Committee members frequently represent the Court on external reviews by government or bodies such as the Victorian Law Reform Commission, the Sentencing Advisory Council and VicRoads. These reviews address diverse issues ranging from a review of the *Crimes (Mental Impairment) Act*, the *Road Safety Act*, and the *Bail Act*, to reporting on the impact of legislation introducing new offences such as, crimes involving gross violence, on the Court.

In the reporting period, the Committee recommended the Chief Magistrate request legislative change in the following areas:

- removing the requirement in s59 of the *Criminal Procedure Act 2009* that for an accused to be dealt with by way of diversion, the consent of the prosecution must be obtained
- that Judicial Registrars be delegated with the authority to make limited CCO without the punitive conditions (s161 of the *Magistrates Court Act 1989*)
- amending s78 (5) of the *Magistrates Court Act 1989* to enable photographs of items seized under warrant to be used in all return of searches, not merely where the items are 'bulky or cumbersome'. This would obviate the need for informants to bring the actual items seized to the Court, which can create occupational health and safety issues as well as risks of contamination where DNA is relevant.

In recent years, the Committee has focused on the committal stream to increase efficiency and reduce delay. Administratively the Court has introduced changes to more efficiently achieve resolution and limit the time required for contested committals.

To address this, the Committee has:

- produced for discussion with the OPP, a filing hearing checklist for OPP prosecutors as well as a list of possible relevant directions to be made by the magistrate
- recommended that sections of the *Criminal Procedure Act 2009* governing committals be amended by:
 - » restricting the right to cross-examine witnesses (s124 of the CPA)
 - » limiting the issues subject to cross-examination once leave is granted to those identified in the Form 32, subject to further leave (s132)
 - » altering the test for committing for trial (s141)

The Chief Magistrate this year established a Committal Reform Committee that adopted these recommendations and proposed legislative change for leave to cross-examine requiring ‘*special reasons*’ to be established akin to the South Australian legislation. Special reasons would be established having regard to the need for the prosecution case to be adequately disclosed, the issues for trial adequately defined, the need to ensure sufficient evidence to commit to trial and the interests of justice.

It also recommended a requirement to obtain further leave to cross examine beyond the issue identified in the Form 32, for which leave was originally granted.

The Committee also agreed that the test at committal was too low, resulting in many cases sent for trial ending with verdicts of acquittal. It concluded that the test should be amended from the requirement for “*sufficient evidence to support a conviction*” to “*a reasonable prospect that a jury would convict*”. These recommendations have been conveyed to government.

The Committal Reform Committee is ongoing with representatives from the Director of Public Prosecutions (DPP), Victorian Legal Aid and the County Court. This committee is currently considering procedures to ensure the period from service of the hand-up brief to first committal mention is productive in achieving resolution or, at the least defining the issues for a contested committal *by the time of the first committal mention*. This would involve the filing hearing being more than a mere rubber-stamping of timelines for service of brief and first committal mention. Presently under consideration is a proposal to create a special event for the parties to discuss resolution *prior* to the first committal mention.

The Committee discussed a number of other issues and areas for improvement including:

- delays in Courts Integrated Services Program (CISP) assessments – The Committee drafted a proposal in 2012 and invited CISP to attend its meeting. In association with CISP managers, the Committee have recently settled the criteria by which a magistrate’s referral is required, before a CISP assessment will be conducted. These include for example, cases involving a breach of parole or the commission of a ‘serious’ or ‘significant’ offence whilst on bail for another offence.

- delay in forensic drug analysis – The Committee continued to engage with the Office of Public Prosecutions (OPP) and the Victorian Forensic Sciences Department (VFSD) urging improvements in this area, particularly in relation to clandestine laboratories. Recently, a working party including the OPP, VFSD and Victoria Police produced a set of guidelines that the Court has accepted, which will significantly reduce the number of such cases in the committal stream and direct them into the summary stream. This should enable the forensic analysis in those cases that require it, to be completed in a far shorter period than is presently the case. This ‘3 track’ system will commence on 1 July 2013 and will be monitored by the Committee in association with the OPP.
- the Committee has also directly engaged with the VFSD who, at the Committee’s request, have now agreed to conduct analysis of illicit drugs if directed by a magistrate, *without waiting until the matter is listed for a contested hearing*. The obvious benefit will be, for example, with a trafficking charge alleging a commercial quantity of the specified drug, which quantity will be dependent on the analysis on the purity of the powder seized. In the committal stream, such a direction will avoid a minimum of three months delay.

The Committee was involved in a number of other activities including:

- the formulation of listing protocols for the Magistrates’ Court in cases involving informers. This issue has now been raised by the DPP who chairs a committee involving all three Victorian courts, with the aim that a uniform approach will be achieved.
- the debate about de novo County Court Appeals
- issues relating to the Melbourne Custody Centre and overcrowding in police cells
- procedures for post committal bail where sureties are involved.
- prescribed forms for gaol orders, bail applications and the listing of consolidated plea hearings to ensure that the Court has relevant information and to focus parties’ attention on issues such as the need for a victim impact statements, and the desirability of a prisoner appearing via video-link.

The Committee produced ‘the Court Companion’ in 2011, which is a readily accessible publication for the assistance of magistrates in criminal matters. This year, the Committee produced a hyperlinked electronic version of the publication giving easy access to any relevant legislation.

This committee continues to be a valuable forum for discussion of issues concerning the Court, as well as a vehicle for the dissemination of new initiatives to the respective agency members. The collaborative work of this committee has been most rewarding and beneficial to the administration of justice.

Sexual Assault Management Committee

Committee Chair: Supervising Magistrate Amanda Chambers (from 1 January 2013) Deputy Chief Magistrate Felicity Broughton (to 31 December 2012)

Members: Deputy Chief Magistrate Felicity Broughton, Magistrates Donna Bakos, Jennifer Bowles, Amanda Chambers, Ann Collins, Sarah Dawes, Jo Metcalf, Peter Reardon, Duncan Reynolds, Jenny Tregent, Jack Vandersteen, Sue Wakeling and Belinda Wallington. Sexual Offences Listing Coordinator Filipa Gonclaves (2012/13) and Ann-Marie Norton (2013) and Legal Research and Judicial Support Officer Aranea Carstairs

The Sexual Assault Management Committee meets bi-monthly to oversee the criminal jurisdiction of the Magistrates' Court and the Children's Court in the area of sexual offences and to consider issues arising from the Sexual Offences Lists (SOL) in both courts. The Committee has active participation from metropolitan, regional and Children's Court magistrates.

In this reporting period, a Sexual Offences Users Group was established, comprising representatives from the Magistrates' and Children's Courts, Victoria Police, the Law Institute of Victoria, the Office of Public Prosecutions (metropolitan & regional), the Criminal Bar Association, Victoria Legal Aid, Corrections, the Child Witness Service, the Witness Assistance Service (OPP) and Remote Witness support officers.

The Users Group met in February, 2013. There was constructive discussion on a range of issues relevant to the SOL, including the reduction in delay, the early identification and management of cases involving child witnesses and the management of complex s32C & s342 applications. The Users Group agreed bi-annual meetings would be useful to continue to monitor and implement improved processes. The Court thanks the members of the Users Group for their participation and constructive contributions.

A number of key issues were discussed by the Committee during the reporting period including:

- reporting on meetings of the Sexual Assault Advisory Committee and the findings of the Sexual Assault Reform Strategy Final Evaluation report, particularly the favourable evaluation of the Magistrates' Court SOL and the recommendations with respect to vicarious trauma, responding to sexual assault victims with cognitive impairment and exploring restorative justice options for sexual assault victims
- considering the issue of 'sexting' particularly in the context of the Children's Court, and reporting on discussions with the department of Justice and the submissions made by the President President of the Children's Court to the Victorian Parliamentary Law Reform Committee

- reporting on the establishment of the specialist sex offence unit within VLA, headed by Laura McDonough and discussions with the Unit regarding management of the SOL, with particular focus on the increasing demand in the summary stream
- the creation of specialist list in the Children's Court and pilot within the Family Division
- reporting on discussion with VicPol prosecutors and representatives of the criminal bar, VLA and LIV to improve the summary contest mention system particularly targeting matters involving child complainants
- the development of professional development training provided to Magistrates on s32C – Confidential communications

The Supervising Magistrate continued as a member of the Child Witness Advisory Group, of the Sexual Assault Advisory Committee and Working Group and of the Violence against Women and Children Forum.

Supervising Magistrate Amanda Chambers also provided professional development training to the specialist sex offence prosecutors with Victoria Police and to authorising officers as part of a Brief Quality Assurance Course – SOCIT training.

Special acknowledgement to the Sexual Offences Listing Coordinators Filipa Conglaves (until 15 March 2013) and Ann-Marie Norton (from 18 March 2013) for their professionalism and commitment to the administration of the sexual offences list in very demanding circumstances.

Civil Rules Committee

Committee Chair: Chief Magistrate Peter Lauritsen.

Members: Deputy Chief Magistrate Barry Braun, Magistrates Caitlin English, Brian Wright, Franz Holzer, and Ross Maxtead, Judicial Registrar Barry Johnston, Registrar Mark Vendy, Court Advice Officer Alison Paton, Barristers Frank Ravida and Justin Foster, Australian Legal Practitioners Robert White and John Dunne, Parliamentary Counsel representatives Christine Petering and Jim Soundias.

During the year, the Committee met on six occasions.

The Committee made the following legislative amendments during the reporting period:

- **Magistrates' Court General Civil Procedure (Amendment No. 5) Rules 2012**
S.R. No. 109/2012
Date of Making: 1.10.12
Date of Commencement: 8.10.12: rule 3
Object: to amend the Magistrates' Court General Civil Procedure Rules 2010 to make further provision for certification costs.

- **Magistrates' Court General Civil Procedure (Trans-Tasman Proceedings Amendment) Rules 2012**

S.R. No. 110/2012

Date of Making: 1.10.12

Date of Commencement: 8.10.12: rule 3

Object: to amend Chapter I of the Rules of the Magistrates' Court to provide for procedures in relation to civil proceedings to which the *Trans-Tasman Proceedings Act 2010* of the Commonwealth applies.

- **Magistrates' Court (Judicial Registrars) Amendment Rules 2012**

S.R. No. 119/2012

Date of Making: 23.10.12

Date of Commencement: 26.10.12: rule 3

Object: to amend the Magistrates' Court (Judicial Registrars) Rules 2005 to make further provision for the proceedings and powers of the Magistrates' Court that may be dealt with and exercised by judicial registrars.

- **Magistrates' Court General Civil Procedure and Miscellaneous Civil Proceedings (Scale of Costs and Other Amendments) Rules 2012**

S.R. No. 158/2012

Date of Making: 12.12.12

Date of Commencement: Rules 4, 5 on 1.1.13: rule 3

Object: (a) to amend the Magistrates' Court General Civil Procedure Rules 2010 to make further provision for (i) costs payable in matters and proceedings before the Court; and (ii) orders in default of defence; and (b) to amend the Magistrates' Court (Miscellaneous Civil Proceedings) Rules 2010 to make further provision for orders in default of defence in proceedings under the *Instruments Act 1958*.

- **Magistrates' Court General Civil Procedure (Certification Amendments) Rules 2013**

S.R. No. 35/2013

Date of Making: 22.3.13

Date of Commencement: 31.3.13: rule 3

Object: to amend the Magistrates' Court General Civil Procedure Rules 2010 to make further provision for certification by a legal practitioner of prior overarching obligations under the *Civil Procedure Act 2010* as a consequence of the enactment of the *Civil Procedure Amendment Act 2012*.

- **Magistrates' Court General Civil Procedure (Costs and Other Amendments) Rules 2013**

S.R. No. 89/2013

Date of Making: 25.6.13

Date of Commencement: 1.7.13: rule 3

Object: to amend the Magistrates' Court General Civil Procedure Rules 2010 in relation to (a) the taxation of costs in a proceeding; and (b) a defendant's address for service of documents in a proceeding.

The Court is grateful for the participation of each of the committee members.

Dispute Resolution Committee

Committee Chair: Chief Magistrate Peter Lauritsen

Members: Magistrates Brian Wright and Franz Holzer, Principal Registrar Simone Shields, Registrar Mark Vendy. External organisations were represented by Marcel Alter, Carey Nichol, Gina Ralston and Nerida Wallace.

The Court's Dispute Resolution Committee met on 28 August, 18 September, 31 October, and 5 December 2012, and 30 April and 27 May 2013.

The Committee considered the following:

- the challenges and strategies for dealing with self-represented litigants ("SRLs")
- the possible adoption of procedures for judgment by confession, which were in fact ultimately not adopted by the Court
- the review of the March 2012 Dandenong Project, at the Dandenong Registry of the Federal Circuit Court, and particularly the opportunities it contained if the Court's civil jurisdiction were to be increased to \$200,000
- the extension of Dispute Settlement Centre Victoria (DSCV) court annexed civil mediation to Bendigo, Koroit and Wonthaggi Courts from January 2013
- the possible increased use of on-line legal services, and on-line dispute resolution, and
- continuing mediator accreditation requirements.

The Committee *noted*:

- the effectiveness of the civil single mediator model at Broadmeadows Court, and
- the input to the presentation on ENE by Prof. Paula Gerber on 13 September 2012 to the Victorian Bar.

The Committee *reviewed*:

- the ongoing use and composition of the single list of external mediators ("SLEM's"), with its expansion within the Court. publication of an article about it on page 27 in the Spring Edition of Victorian Bar News, and greater availability of its members at short notice.

Finally, the Committee *welcomed*:

- Liz Richardson from the Australian Centre for Courts, Innovation and Justice, who presented and led an informative discussion on SRL's, and
- Ross Nankivell from the Victorian Bar, who assisted and coordinated the increased use of the SLEM's.

The Court wishes to thank the members of the Committee for their participation.

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

The Tribunal heard five matters during the reporting period.

Family Violence and Family Law Portfolio Committee

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

Members: Magistrates Anne Goldsbrough, Gerard Lethbridge, Jo Metcalf, Pauline Spencer, Noreen Toohey, Susan Wakeling, Amanda Chambers and Francis Zemljak; Mereana White (5 April 2013), Ross Porter (7 April – 31 May 2013) and Alison Paton (from 3 June 2013) from the Family Violence Programs and Initiatives Unit.

The objective of the Committee is to monitor the operations of the Court in relation to family violence, personal safety and family law throughout the state.

The Committee discussed a number of issues when included:

- considering strategies for managing the growing demand within the intervention order jurisdiction, without the allocation of further resources, including:
 - » involvement in a broad ranging review of listing practices of family violence matters throughout our Court
 - » examining interstate and overseas family violence courts
 - » process reform
 - » pilot of an “informed consent order”
 - » Information technology efficiencies
 - » legislative reform
 - » liaising with the department of Justice regarding a service demand discussion paper
 - » extension of the operation of police issued family violence safety notices from 72 hours to 120 hours (5 days)
- contributing to the development of the Family Law Bench Book as well as updates to the Family Violence Bench Book to reflect legislative amendments and practice innovations including a chapter on the social context
- developing professional development programs for magistrates including a session on new indictable offences for second and subsequent breaches of intervention orders and persist offending; and a focus on induction of new magistrates
- reviewing the way criminal matters arising from allegations of family violence are identified and managed, by the Court, and other agencies
- consulting about the expansion of men’s behaviour change programs following additional funding from the Government.
- monitoring the implementation of the recommendations from both the Australian and New South Wales Law Reform Commissions’ family violence inquiry
- oversight of the preparation and publication of a “best practice” operating procedures manual for family violence registrars
- consideration of coronial recommendations arising from family violence related deaths
- participating in the mainstreaming of family violence related initiatives from the Neighbourhood Justice Centre.

Multicultural and Diversity Portfolio

Magistrate Anne Goldsbrough has had the responsibility for this portfolio of the Court since 2011. The role provides opportunities for the Court to identify and increase engagement with multicultural and linguistically diverse and emerging communities and matters touching on equality before the law.

The Magistrates' Court has a strong record of support both to and from members of Victoria's diverse multicultural community, and a long record of many individual magistrates leading community engagement events and projects in their local court regions. A number of these activities are highlighted in the **Statewide Perspective** Chapter.

During the reporting period, on behalf of this portfolio, Magistrate Goldsbrough facilitated a number of events, including:

- on behalf of the Australian Human Rights Commission conducting a tour and workshop at the Melbourne Court in February 2013 for a delegation of Judges from the Supreme People's Court of China including the Deputy President of the Supreme People's Court. The topic and presentations were on judicial responses to family violence and sentencing in family violence related crime, the role of men's behaviour change programs and the Victims of Crime Assistance Tribunal
- facilitating the Australian Arab Women's Dialogue on 26 March 2013, which brought together nine women leaders from Egypt, Morocco, Lebanon, Jordan, the Palestinian Territories, Iraq, Libya, the UAE, and Saudi Arabia. The Arab delegates were from very diverse backgrounds; all are making significant contributions to their emerging democracies; and all occupy positions of leadership. They exchanged views with a wide range of interested members of the justice system in Victoria. The event focussed on reform in specialist judicial responses and the rule of law
- Magistrate Goldsbrough also visited China on behalf of the Australian Human Rights Commission and the Court to present papers to the *'Sino-Australia Criminal Justice Reform Seminar on Domestic Violence'* in Putian, Fujian Province held in June 2013. This seminar brought together judges from the Supreme, Intermediate and Peoples' Courts of China. Her presentations included the judicial responses to family and domestic violence, the development of integrated justice system responses and specialist court responses in family violence and sentencing in family violence related crime.

Victims of Crime Assistance Tribunal Coordinating Committee

Committee Chair: Supervising Magistrate Catherine Lamble

Committee Members: Deputy Chief Magistrates Dan Muling and Felicity Broughton, Supervising Magistrate Andrew Capell, Magistrates Amanda Chambers, Susan Wakeling, David Fanning, Duncan Reynolds, Ann Collins, Jo Metcalf, Caitlin English, Tony Parsons and Judicial Registrar, Sharon McRae. Registry staff were represented by Robert Challis (Principal Registrar), Melanie Quinn (Acting Principal Registrar and Acting Standards and Compliance Officer), Donna Caruana (Standards and Compliance Officer) and Sandra Tennant (Registry Manager).

The Victims of Crime Assistance Tribunal (VOCAT) Coordinating Committee met on a monthly basis over the reporting period and considered a range of issues, including:

- continued monitoring of the delegation of VOCAT cases (that do not involve allegations of sexual offences, family violence or applications outside the 2 year time limit) to Judicial Registrars. The pilot that commenced in February 2012 was evaluated by the Committee and it was decided to expand the role of the judicial registrars to all metropolitan courts. In the 2014 financial year, judicial registrars will consider VOCAT applications across the state
- ongoing oversight of the Koori VOCAT List including arranging meetings for Tribunal members sitting in the list to ensure they are able to keep each other informed of developments
- development and publication of amended guidelines for:
 - » legal Costs
 - » counselling fees
 - » funeral expenses
- considering issues raised by systemic deficiencies in the regulation of counselling services provided to victims of crime
- considering the Victorian Civil and Administrative Tribunal's (VCAT) reviews of VOCAT decisions to ensure that Tribunal members are informed of relevant decisions and that decisions that are of sufficient interest are placed on the VOCAT website
- discussing professional development and training events for magistrates and registrars
- monitoring statistical information across venues regarding the number of applications for assistance lodged and determined, awards of assistance made (including interim awards), and the amount of assistance awarded

- considering issues of confidentiality arising from the issue of summons to produce Tribunal files for the hearing of criminal charges and civil proceedings, to protect confidential documents held by VOCAT
- undertaking a review of legal publications and information guides to ensure plain language information about VOCAT is available to assist applicants, the victim support network and wider community to access, understand and navigate through VOCAT's practices and procedures
- reviewing and amending correspondence generated by VOCAT's case management system to victims and agents to better inform them of the progress, requirements and outcomes of their application before the Tribunal
- developing listing and case management practices aimed at improving the timeliness of VOCAT decision-making
- discussing issues arising from the 2009 Victorian Bushfires.

Members of the Committee were involved in:

- the provision of materials and information sessions about VOCAT for new magistrates
- the provision of VOCAT training for Judicial Registrars
- continuing professional development and information sessions for staff of the Victims Assistance and Counselling Program
- liaison with the Aboriginal Victims of Crime Coordinator at the Victims Support Agency and with the Aboriginal Family Violence Prevention Legal Service
- providing information about VOCAT at an Open Day at the Melbourne Magistrates' Court during Law Week 2013
- regular meetings with the Victims Support Agency to discuss issues relating to services to victims of crime
- regular meetings of the Victim Impact Statement Steering Committee, convened by the department of Justice, leading to legislative reform in this area.





Year in Review 2012/13

In 2012/13, the Court welcomed the appointments of a new Chief Magistrate and Chief Executive Officer. As well as significant changes in the leadership of the Court, there have also been a number of legislative changes, which have had a great impact on the Court.

Legislative reform

Sentencing Reform

Sentencing reforms continued in 2012/13. Once again there was significant consultation, communication and support from the department, which greatly assisted with the implementation of the continuing reforms.

The sentencing reforms have required major programming changes to be made to the Court's case management system, Courtlink. The effective implementation of these reforms would not have been possible without the additional funding provided to support the programming works.

Reforms contained in the *Sentencing Amendment (Community Correction Reform) Act 2011* continued to be implemented throughout last year. A number of additional sentencing amendments also commenced:

16 July 2012 - Courts and Sentencing Legislation Amendment Act 2012

This act provided for the following:

- new terms for Community Correction Orders (CCO), Fine Conversion Orders (FCO) and Fine Default Orders (FDO)
- Magistrates' Court registrars empowered to issue all contravention summonses/warrants for all jurisdictions
- requirement for Magistrates' Court registrars to transfer contravention proceedings to the sentencing court (where the sentencing court is not the Magistrates' Court).
- new provisions to allow the Court to vary or cancel a FCO or FDO.
- new provisions which set out the maximum number of hours in which community work must be completed on a FCO or FDO.
- creation of a new charge of contravening an old Community Based Order for unpaid fines.
- greater flexibility for the Court to make orders when dealing with contraventions of old orders (such as Community Based Orders, Intensive Corrections Orders, Home Detention Orders).

17 August 2012 - Road Safety and Sentencing Acts Amendment Act 2012

This act provided for the following:

- amended the Road Safety Act to ensure that when the court makes an order for a person to be re-licensed, the Court may further order that an interlock condition be placed on a person's licence. Prior to this amendment, the Court could not impose an interlock condition when a person's licence was cancelled by way of infringement notice. The amendment also applied retrospectively.
- amended the Sentencing Act to respond to issues raised before the Court of Appeal in *DDP v Leys and Leys*.
- the amendment clarified the Court's powers of imposing imprisonment and a CCO.
- prohibited combining a CCO with a suspended sentence.

Prior to this legislative amendment, the practice of combining a CCO with a suspended sentence was a common sentencing outcome in the Magistrates' Court. The Act validated any previous combinations of CCO and suspended sentences that were made prior to the amendment.

1 May 2013 - Bond condition

The bond condition was introduced as a new optional condition which can be ordered on a CCO, this condition:

- requires an offender to pay an amount of money as a bond, for the purpose of ensuring compliance with the order;
- ensures any money paid is held by Courts Finance for the duration of the order;
- provides that the money will be repaid to the offender, if the CCO is completed; or
- provides that the court may forfeit all or part of the bond amount if the CCO is contravened.

Further amendments to commence

The Court is continuing to plan for remaining sentencing reforms which are likely to be implemented in 2013/14, including:

- administrative sanctions for low level contraventions of CCO's, which can be imposed by Corrections Victoria
- new drivers licence cancellation powers
- abolition of suspended sentences
- fines reform
- crediting of community work hours on a CCO for completion of treatment and rehabilitation programs

Safe Driving Program

The *Road Safety Amendment Act 2012* introduced a new Part 6AB into the *Road Safety Act 1986 (the Act)*, which established a requirement for certain offenders to complete a 'Safe Driving Program' after being found guilty of an applicable offence. Where applicable, the Court must impose this requirement at the time of sentencing.

Providers approved by VicRoads administer the Safe Driving Program.

The Court may also exempt a person from the requirement to complete the Safe Driving Program.

Public Interest Monitor

The Public Interest Monitor (PIM) was established to act as a safeguard in the issue of applications for certain warrants. For the Magistrates' Court, the relevant warrants are those issued under the *Surveillance Devices Act 1999*.

When making applications for warrants under that Act, applicants must now consult with the PIM, and the Court must give the PIM an opportunity to make submissions in respect of that application.

Family Violence

Amendments were made to the *Family Violence Protection Act 2008*:

- extending the operation of family violence safety notices (FVSNs) from 72 hours to 120 hours
- removing sunset provision for counselling orders and expanding the court locations where counselling orders can be made to 'relevant courts' (as defined in the Act)
- creating two new indictable offences for contravention of a family violence intervention order or FVSN.

New fees

The *Magistrates' Court (Fees) Regulations 2012* commenced on 29 September 2012. The Regulations significantly changed the structure and value of fees levied in Magistrates' Court criminal and civil proceedings.

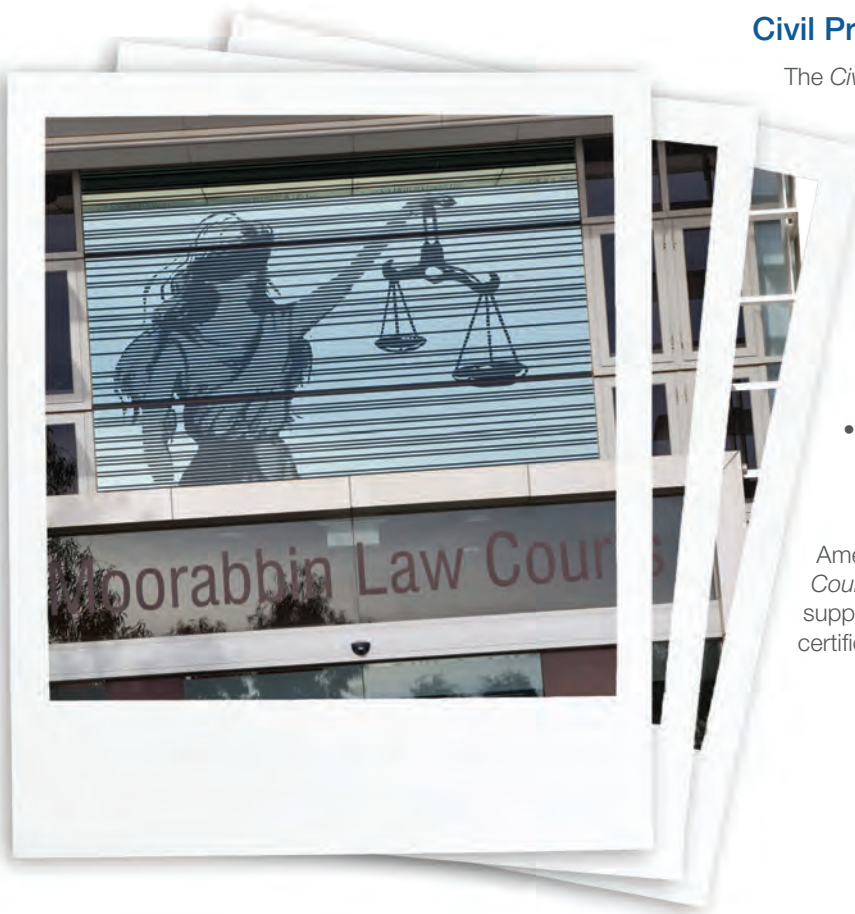
The new regulations caused significant issues for many of the Court's major stakeholders. These issues were raised with Government, and the regulations were subsequently amended. Those amendments (predominantly concerning exemptions to the regulations) commenced on 30 October 2012.

Civil Procedure Act

The *Civil Procedure Amendment Act 2012* amended a number of provisions of the Civil Procedure Act, with the amendments commencing in December 2012 and March 2013. The amendments included:

- changes to costs and expert witness provisions
- changes to the certification requirements contained in the Act, which:
- expanding the circumstances in which certifications are to be filed by parties;
- changing the requirements of who must complete and sign certain certificates (providing greater flexibility for the completion of necessary certificates)

Amendments were also made to the *Magistrates' Court General Civil Procedure Rules 2010* to support the changes in the Act and amend the certification forms.



Criminal Procedure Rules

Changes were made to the *Magistrates' Court Criminal Procedure Rules 2009* regarding the adjournment of criminal proceedings.

The amendments prescribed:

- the circumstances where an accused may apply for an administrative adjournment of a criminal proceeding
- the process by which an accused may apply for an adjournment; and
- the circumstances where an accused is/is not required to attend court for the adjournment of a criminal proceeding

These amendments provided the Court with greater certainty and clarity for the management of criminal proceedings.

Judicial Registrars

The *Magistrates' Court (Judicial Registrars) Rules 2005* were amended to allow judicial registrars to deal with the following types of matters:

- issue a warrant to arrest where a debtor fails to appear after being served with a Summons for Examination (s17(2) *Judgment Debt Recovery Act 1984*);
- hear any complaint referred to arbitration (cap of \$5000 was removed);
- grant an Appeal Costs Fund certificate in relation to the adjournment of a proceeding before a judicial registrar;
- hear applications for summary judgment under s63 of the *Civil Procedure Act 2010*;
- make forfeiture and disposal orders under the *Confiscation Act 1997* or *Firearms Act 1966* in relation to a proceeding before a judicial registrar;
- hear a charge of contravention of an adjourned undertaking, where the adjourned undertaking was initially imposed by a judicial registrar;
- hear an application to stay a judicial registrar's order when a request for review of a judicial registrar's decision has been made.



Other changes

In addition to the major changes outlined above, the Court implemented many other legislative reforms, such as:

- a new application to the Court for a declaration that an impounded vehicle is not abandoned
- new civil rules to support the *Trans-Tasman Proceedings Act (Cth)* and changes to the civil scale of costs
- new forms as a result of the *Bail Regulations 2012*
- multi-jurisdictional courts implemented new Supreme and County Court fees
- participated in the development of procedures to support automatic cancellation of parole
- changes to the practice of ordering charitable payments as a condition of an adjourned undertaking
- changes to the requirement for articles or things seized under search warrant to be brought before the court
- removal of office of 'Acting Magistrate' and addition of 'Reserve Magistrates'
- changes to how and when fees are charged in Family Law proceedings in the Magistrates' Court
- changes to how compensation orders as a result of criminal proceedings are managed by the court

Appointments and Retirements

Appointments

<i>Magistrate</i>	<i>Appointment Date</i>
Peter Dunn	29 January 2013
Rosemary Falla	29 January 2013
David Faram	26 March 2013
Ross Maxted	16 April 2013
Dominic Lennon	21 May 2013
Peter Mithen	4 June 2013
Cynthia Toose	4 June 2013

<i>Reserve Magistrate</i>	<i>Appointment Date</i>
Ian Von Einem	26 March 2013
Phillip Byrne	9 April 2013

Retirements

<i>Magistrate</i>	<i>Retirement Date</i>
Graeme Johnstone	16 November 2012 (deceased)
Ian Von Einem	20 November 2012
Ian Gray	28 November 2012 (appointed Judge, County Court)
Julian FitzGerald	21 December 2012
Len Brear	18 March 2013
Peter Couzens	30 April 2013 (appointed Judge, County Court)

<i>Reserve Magistrate</i>	<i>Retirement Date</i>
Tim McDonald	14 April 2013 (ceased to hold office)
Brian Barrow	30 June 2013 ¹

¹ Brian Barrow has not sought further engagement pursuant to section 9C of the *Magistrates' Court Act 1989*

Statewide Perspective

The Magistrates' Court of Victoria consists of 12 regions across the state. Each region consists of a headquarter court and some regions can be made up of up to nine courthouses. A regional coordinating magistrate and a senior registrar manage each region. Please refer to page 18 for a list of regional coordinating magistrates.

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

This chapter provides an insight into the perspective of the Court within each of its regions across Victoria.

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



Barwon South West



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

The region has five magistrates, and the use of judicial registrars has increased during 2012/13.

During the reporting period, approximately 97 of every 100 criminal matters were finalised within six months of initiation in the region, the highest ratio recorded across the state.

In November 2012, the region's far south west experienced a technology black out due to the **Warrnambool Telstra Exchange fire**, however the courts within the region are not technology dependent. The staff simply reverted to manually completing forms which each court has in ample supply. The courts continued working via manual orders and forms, these forms were then transported, faxed or SMS'd through to Geelong Court to be entered into the Court's case management system and faxed through to the appropriate organisation.

The efforts of the staff were acknowledged through the Court's long established rewards and recognition program.

The region engaged in a number of events throughout the reporting period including:

- As of the 1 July 2012 every court within the region had implemented **sessional listings**.
- The Attorney General visited Hamilton Court on 12 July 2012, and Geelong Court on the 31 August 2012
- The region celebrated and supported the success of the **Koori Court** Children's Court at Warrnambool, Portland and Hamilton, as well as the roll out of this model in other regions.
- Continual support of the very successful **Newstart program** at Geelong.
- The implementation and launch of **VACRO** at the Geelong Court Complex, an independent agency to assist families of persons "within" the Victorian Prison system.
- Participated in the Geelong and District first **Open Door Day** in November 2012. Open House is held annually in many cities around the world. These events open the doors to buildings with a cities that people would usually never attend.

Broadmeadows



The Broadmeadows region includes the Broadmeadows and Moonee Ponds Magistrates' Courts. The region has five magistrates, who also preside over Children's Court matters in the region.

The criminal list at Broadmeadows Court has grown at a faster pace during 2012/13 compared to previous years, with theft, unlawful assault and driving whilst disqualified or suspended the most common charges initiated.

Broadmeadows Magistrates' Court continues to facilitate and participate in a number of community engagement activities. Most of these activities are coordinated through two key groups, the Broadmeadows Court Legal Focus Engagement Group & the Broadmeadows Justice Working Group.

- The Broadmeadows Court Legal Focus Group** is a partnership between the Broadmeadows Magistrates' Court and the Broadmeadows Community Legal Service. The Group organises a number of education sessions in collaboration with other services as required, aimed at educating our community primarily on family violence issues. The key project for 2012/13 was again "Kill the Possum". This project is an annual youth engagement activity delivered to the year 9 students of Roxburgh College. It is in its third year and includes an information session at the school to the year 9 student body, which explains applying for an intervention order, referral to support services available, and identifying early warning signs of family violence. Of the 150 students at that information session, 30 are then selected to attend the Broadmeadows Magistrates' Court and participate in a "mock trial" where they apply for and contest an intervention order. The mock trial is based on a script written by the Legal Focus Group centred on the characters of a Year 9 English textbook "Kill the Possum", which explores the subject of family violence.
- The Broadmeadows Justice Working Group** is a collaboration of government agencies and local community groups in the Broadmeadows region working together to educate, primarily the Culturally and Linguistically Diverse (CALD) community, on a number of justice related issues. The key 2012/13 project was the "Open Day Law Week Event" held on 16 May 2013. Deputy Chief Magistrate Ronert Kumar opened the event and participants from a

number of agencies including Consumer Affairs Victoria, Dispute Settlement Centre, Salvation Army, Victorian Aboriginal Legal Service, Hume City Council, Victoria Legal Aid, and the Migrant Resource Centre were on site to promote their services. A formal presentation was given by the registry and attendees were provided with the opportunity to speak with the Deputy Chief Magistrate at the end of the session.

The region also participated in other key activities during the reporting period, including:

- attending the Mount Ridley college Careers Expo and the Hume / Whittlesea "Making Choices" **Careers Expo** to promote a career as a registrar.
- Conducting **training sessions** delivered to the RAAF Military Officers on the Australian Justice System.
- presenting to the numerous **school groups** who attend the Court
- conducting an information session to the **Women's Arabic Welfare Association** on "What is the Magistrates' Court?"
- supporting the Hume Council, through participation of the **Safe City Taskforce**
- participating in the statewide **Court Network Training Day**

The 10th anniversary of the first sitting of the Koori Court was celebrated on 3 April 2013. Speeches from the Chief Magistrate Peter Lauritsen and Uncle Kevin Coombes, emphasised the importance of the Court to the Koori Community.

It is with regret that the region notes the recent passing of **Aunty Norma Langford**. Aunty Norma was a proud and respected member of the Koori Court and sat as a member of the Court on its first sitting.

The region also recognised the appointment of **Magistrate Robert Kumar** as a Deputy Chief Magistrate. He has successfully led the Broadmeadows region for a number of years.

Dandenong



The Dandenong region includes the Dandenong Magistrates' Court as well as the Drug Court. More information about the Drug Court can be found on page 58. Six magistrates service this region, and preside over both Magistrates' and Children's Court matters.

Despite reaching a record level last year, intervention orders at Dandenong Court continue to grow. The Court finalised 4,198 in 2012/13, which is 4.4 per cent greater than at its previous peak and 29 per cent more than 2008/09.

It is important to all the magistrates and staff within this region to continually engage and support the community in a positive and vital way. These community engagement activities and initiatives included:

- the Dandenong Court, with the support of Catholic Care and the Community Engagement Officer, ran a 5 week **Justice Education Program** for refugee women in the southern region. Topics covered included 'An introduction to the Justice system' with speakers including senior police members and magistrates, and 'Parenting and disciplining your child', with guest speaker Michael Carr-Gregg. Further sessions included the role of the police, family violence concerns in CALD communities, safe driving and tenants rights and responsibilities with guest speakers from Consumer Affairs and VCAT. Women from South Sudan, Afghanistan, Cook Islands, Vietnam and China participated.
- the Dandenong Court has initiated the **Koori Users Group**, which meets regularly. This initiative was implemented at the start of 2013 to cover the loss of the Koori Engagement Officer and to ensure that the Court was responsive to the needs of the community. The group comprises Koori Elders, Victoria Police, representatives from the local Cooperatives, Victorian Civil and Administrative Tribunal, Victorian Aboriginal Legal Service, Casey-Cardinia Legal Service, and other support and services agencies. The Committee is currently planning a Smoking Ceremony to be conducted at the Courthouse.
- magistrates and staff attended the campaign launch of "Take a stand against bullying", an initiative of the department.
- youth from the **New Start program** attended the Dandenong Court. The program is run for school students and provides a range of activities to engage and challenge students in the process of change.

- magistrates and staff from the region participated in the Harmony Cup (Street Soccer Program run by the Big Issue). This program uses sport as a way to engage homeless and marginalised people and promote social inclusion, involving males and females 16 years and over. Great skill and fitness was on show at the final which was not won by the Court.
- the Dandenong Court continues to work in partnerships with all law schools, with magistrates **mentoring law students** from the University of Melbourne, Monash University, RMIT, Latrobe University and Victoria University. Monash students involved in the Monash / Springvale Legal Service participate in moots at the Dandenong Court. The magistrates judge these moots.
- The region would like to acknowledge **Reserve Magistrate Brian Barrow** who after 51 years of service in the Court, has not sought further engagement. A bench farewell was very well attended by all court users.

The Court continues to be well supported by the Mental Health Court Liaison Service and also the CREDIT clinicians who have provided presentations to the magistrates from Drug and Alcohol Counsellors specifically relating to CALD communities.

The Duty Barrister Scheme continues to support the Dandenong Court and the region thanks the Victorian Bar for its continuation.

Frankston



The Frankston region includes the Moorabbin, Frankston and Dromana Magistrates' Courts. The region has seven magistrates, who also preside over Children's Court matters.

The region has continued to encourage staff and judicial rotation between the Moorabbin and Frankston locations, which has resulted in greater flexibility and camaraderie, and a greater use of judicial and administrative resources across the region.

The criminal list in the Frankston region continues to grow, up 19.4 per cent compared to the previous year. Theft, driving whilst disqualified or suspended and unlawful assault were the most common charges initiated in 2012/13.

The increase in workload has presented significant challenges both to the judiciary and administration of the region and its external stakeholders.

Despite the increases in caseload, the Frankston Court has experienced a reduction in the number of criminal cases listed for contest since October 2012. This result reflects the effectiveness of the operation of the Summary Case Conference and Contest Mention systems. In addition, the region actively encourages early resolution of contested criminal cases, and is conducting a special mention blitz by the Regional Coordinating Magistrate for all pending contested hearings. This will likely reduce numbers of contested hearings and thereby further reduce delays.

The Frankston location is a Specialist Family Violence Service and has increased mention days for intervention orders from three to four per week which has enabled a more manageable list and a better service for victims of family violence.

The Frankston location now has a Videolink facility to bring it in line with other metropolitan courts and has seen a quick uptake in the use of this facility, particularly by legal representatives, to avoid their clients being transported to court from prison.

The region continues to place a strong emphasis on community engagement in 2012/13 and activities included the following:

- **Law Week Careers Seminar** for Chisholm TAFE Criminal Justice students held at the Frankston Court in conjunction with Victoria Legal Aid, Peninsula Health, Victoria Police, Youth Justice and Corrections Victoria. Speakers gave presentations on the roles performed within each organisation and the seminar

was attended by over 40 students. Comments were received that it was very useful as the majority of attendees were specifically looking at working within the justice area.

- **Law Week Moot Court** for Year 12 Legal Studies students from Frankston High School presided over by Magistrate Graham Keil on the criminality of graffiti versus the right to freedom of expression as contained in the Victorian Charter of Human Rights.
- **Victorian Seniors Festival** tours and a presentation by the Regional Coordinating Magistrate and the Senior Registrar on the court system and hierarchy and the cases determined by each jurisdiction.
- the Regional Coordinating Magistrate regularly conducts presentations to secondary school students as part of the school tours which are aimed at educating students on court processes and the penalties arising from criminal behaviour.
- the Regional Coordinating Magistrate commenced a **mentoring program for law students** and recently appointed lawyers. Magistrate Keil also commenced mentoring law students.
- the Regional Coordinating Magistrate presented to the Mornington Peninsula Lawyers on new trends in civil litigation, and to local lawyers and health service providers on VOCAT and the expectations of the Tribunal.
- Continuation of the **Walk in Her Shoes** tours, which have seen in the last year, over 120 support workers from various agencies within the region learn about the procedures to apply for an intervention order.
- the Senior Registrar along with Victoria Police spoke with over 100 TAFE trade school students about the **White Ribbon campaign** to stop violence against women.
- Court staff regularly attend and present at **Family Violence Information Forums**, which includes forums for parents on Adolescent Violence in the Home, for Child Protection workers on court processes, and for prevention and response to the abuse of older women and men.

Gippsland



The Gippsland region covers eight locations with regional headquarters based at the Latrobe Valley Court in Morwell. Registrars are also based at Bairnsdale, Sale, Korumburra, Moe and Wonthaggi Courts. Omeo and Orbost are visited by the registrar from Bairnsdale. Four magistrates are assigned to the region and judicial registrars are rostered to the Latrobe Valley Court.

Gippsland is a multi-jurisdictional region, conducting Koori, Coroners and Children's Court hearings and Supreme and County Court circuits at specific venues.

The Gippsland region finalised 7,740 criminal matters in 2012/13, which is 24.8 per cent greater than last year.

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

Courts in the Gippsland region were involved in a number of community engagement activities during the reporting period including:

- the **U-Turn program**, which continues to run at the Latrobe Valley Court, where the concept originated. U-Turn is an education program for young offenders, referred through the diversion program. The program discusses driving choices and includes short presentations from the Regional Coordinating Magistrate, a member from Victoria Police Traffic Management Unit, and a registrar with Coroners Court experience.
- **school visits** to view court proceedings at Latrobe Valley continue. These visits are supported by magistrates and staff who discuss court processes with the groups.
- the Regional Coordinating Magistrate continues to attend **driving seminars** at local schools to highlight the dangers of inappropriate driving, and the choices to be made.

The region supports the roll out of New Model Conferencing (NMC) in the Children's Court, which is soon to commence.

An NMC Convenor and Intake Officer have been appointed and will take up their roles in August 2013. The model will be based at Latrobe Valley Court, and it will also be scheduled at courts within the region.

The Koori Court continues to hear matters in the Magistrates' Court and Children's Court. A local initiative at the Latrobe Valley Children's Koori Court is that Department of Education staff now attend in an effort to relink Koori children to the education system.

Magistrates and staff continue to engage in significant fundraising efforts to raise money for Motor Neurone Disease. This has been a passionate cause for all, as a well-respected and loved staff member from this region passed away from the disease.

Grampians



The Grampians region consists of Bacchus Marsh, Ararat, Stawell, Horsham, Nhill, St Arnaud, Edenhope and Hopetoun Courts, with the headquarter court located at Ballarat. Grampians is a multi jurisdictional region conducting Children's, Coroners, County and Supreme Court hearings. Three magistrates service this region.

Within a busy criminal jurisdiction, obtain financial advantage by deception was the most common charge initiated in the Grampians region this year.

- During the reporting period, **Regional Coordinating Magistrate Peter Couzens** was appointed Judge of the County Court, and President of the Children's Court. The Chief Magistrate has since appointed Michelle Hodgson as Regional Coordinating Magistrate for the region

Alyson Neilson is now in the role of Senior Registrar, a position she took over from Steven Merbach who had provided outstanding service to the Region for 27 years. The change of guard has facilitated an opportunity to review practices that have worked well for Ballarat over many years.

We are currently in the process of finalising a new case management structure and liaising with local stakeholders in order to implement a new listing structure.

Courts in the Grampians Region were involved in several community engagement activities including:

- as part of **Law Week** staff at Ballarat facilitated court tours for the public to attend.
- school visits** to the Ballarat Court to observe court proceedings and have discussions with magistrates and staff.

- the region is represented on various committees including both Regional and Local Aboriginal Justice Advisory Committees and Family Violence Prevention Networks.
- in November 2012, several staff attended the three day **'No to Violence' Conference** in St Kilda.
- the Family Violence Division Registrar presented at the **Stawell Police Forum** in May 2013 on court process for intervention orders to local practitioners and family violence support workers as well as police from the Grampians region.
- Walk in My Shoes** tours were conducted throughout the reporting period.
- local family violence support workers and practitioners were invited to attend a 'Walk in my Shoes' tour in May 2013, hosted by Magistrate Hodgson and the Family Violence Division Registrar with support from the Family Violence Applicant and Respondent Workers. The tour hosted a large group from the local Ballarat and District Aboriginal Co-operative (BADAC) and had a strong indigenous focus.

The region supports many initiatives across the different jurisdictions, including the commencement of New Model Conferencing in the Children's Court.

Heidelberg



The Heidelberg region includes Heidelberg & Preston Magistrates' Courts. There are six magistrates sitting at Heidelberg, who also preside over Children's Court criminal matters.

Heidelberg Court finalised 3,790 intervention orders in 2012/13, which is 10 per cent greater than last year and 56 per cent more than 2008/09.

The Court at Heidelberg undertook a number of projects and engagement opportunities throughout 2012/13. These included:

- **Family Violence Court Division**

All family violence matters in the region are within the jurisdiction of the Family Violence Court Division of the Magistrates Court. As the number of applications rise there has been no corresponding increase to resources to the Court, or to the services providing legal advice, support and counselling.

The region undertook a review of its listing practices, and in consultation with prosecutors and legal services, restructured them in order to best utilise court time and legal and support services available.

Cases will now be listed at staggered times through the day in order to reduce delays and overcrowding of public spaces, and maximise our capacity to respond to the individual circumstances of each person. Legal services have agreed to provide information sessions to participants in order to better equip them to participate in the process on the court day.

Another initiative is the engagement with Relationships Australia who now attend the Court to provide linkage to family mediation services.

- **Family Violence Community Engagement**

The Regional Coordinating Magistrate attended a number of important events including:

- » the Standing Firm for Change: A Journey to Justice National Conference, this is a National Conference regarding the experience of family violence in indigenous communities
- » the No to Violence 2012 Australian Conference on *Responses to Men's Domestic and Family Violence: Experience, Innovation and Emerging Directions*
- » Hume Strengthening Risk Management Demonstration Project - High Risk Workshop

Court staff attended these and other events and forums including:

- » InTouch Legal Services Launch
- » Kildonan Family Northern Family Violence Court Support Network
- » Men's Domestic Violence & Family Violence Conference
- » Whittlesea Early Years Family Violence Working Group

- **Engagement with the Indigenous Community**

On 3 August 2012, the Heidelberg Court held an Open Day for the Koori community of the region. The event was very well attended by magistrates, court staff, elders, the legal profession, police, local support services and community members.

Following the Open Day, an Aboriginal Partnership Group was established comprising representatives from the Court and community agencies. The purpose of the group is to build a sustainable partnership to strengthen the relationship between the Court and community, and improve the court experience for aboriginal participants. The group identified the introduction of an Aboriginal hearing day as a priority project.

The commencement of the list will be celebrated at an Open Day on 29 November 2013. The list will be developed in consultation with the Aboriginal Partnership Group.

- **Judicial Mentoring Program**

All magistrates and the judicial registrar supported this program by mentoring Latrobe University students. Each student attended the Heidelberg Court on 10 days over a 3 month period, completed a research project and observed the Court at work with the benefit of personal interaction with a judicial officer. The students each expressed gratitude for the opportunity to increase their understanding of the legal process and to interact with a judicial officer. More information can be found on page 77.

Hume



The Hume region encompasses those courts in the North/North East of Victoria, with the headquarter court being Shepparton. Other staffed courts in the region are Wangaratta, Wodonga, Benalla and Seymour with Cobram, Mansfield, Myrtleford and Corryong courts, which are attended on a visiting basis. Hume is a multi jurisdictional region conducting Koori, Coroners, Children's, County and Supreme Court hearings.

Four magistrates are based permanently in the region, and sit at all the courts.

Additionally, a Judicial Registrar sits at courts across the region on fortnightly basis, predominately at Shepparton, Wangaratta and Wodonga.

Growth in intervention order applications continued in the region this year. The region finalised 523 more intervention orders in this year compared to 2011/12, which was the highest increase recorded in regional Victoria in 2012/13. The region finalised 238 intervention orders per month on average in 2012/13, significantly higher than 153 per month in 2008/09.

Throughout the year, the region has participated in a number of community engagement activities including:

- magistrates presented regularly at “**Cool Heads**” programs at Shepparton, Wangaratta and Wodonga. Cool Heads is an interactive program aimed at young drivers and is produced by Victoria Police, and supported by the Court. The program has been running for several years, and has a high profile in the community and local media.
- magistrates have also met with Regional Law Associations, and been involved in **Young Lawyers events**.
- Registrars participate as members of **committees** and reference groups in such areas as CALD Justice Access, Crime Prevention, Family Violence and Koori Court. Registrars presented across the region at various service clubs and community organisations, as well as visiting **student groups**.

During the year there was a significant impact on the operations of the Shepparton Court during remediation works to rectify termite damage at the Court. The administration operations relocated to the old court next door, which was re-configured to provide office accommodation. Staff did a fantastic job, maintaining full registry services in difficult circumstances during this six week period. Termite damage was rectified, and the administrative area is again fully functional.

There was also an amount of \$2.7 million allocated to refurbish the holding cells area and the western administrative area at Wangaratta Court. The cells are once again operational; and works progressing on the administrative area are due for completion by the end of 2013.

Loddon Mallee



The Loddon Mallee Region includes , Bendigo, Kyneton, Castlemaine, Echuca, Maryborough, Kerang, Swan Hill, Robinvale, Ouyen and Mildura. All courts are multi-jurisdictional with Bendigo and Mildura also sitting in the County and Supreme Court jurisdictions. There are four magistrates located at Bendigo, which service the region with the exception of Mildura, Ouyen and Robinvale. The Koori Court sits at Mildura and Swan Hill. The region also hears and determines Children's Court and Coroners Court matters.

Intervention orders continue to grow in the region, up 5.2 per cent relative to last year and 39 per cent compared to 2008/09.

Over the past twelve months there have been a number of expansions in services the region provides. On 2 January 2013 the civil mediation programme commenced in Bendigo. All civil complaints for \$40 000 or under are now referred for mediation prior to being heard in court. The mediations are conducted by the Dispute Settlement Centre Victoria and this is a free service. This initiative has been well received within the community.

The Bendigo Court and Justice Centre expansion announced by the Attorney-General Robert Clark in June 2012 continues to progress with planning well underway. This project will see the addition of a secure courtroom, holding cells and interview rooms.

The Koori Court at Swan Hill will be expanding to the Childrens' Court jurisdiction. Community consultation has taken place and has been received well. The Childrens' Koori Court is expected to be launched in Swan Hill during the second half of 2013. Koori Courts at Mildura and Swan Hill hosted community luncheons throughout the year.

The Kerang Courthouse celebrated its centenary of operation in its current location on 10 December 2012. The Regional Coordinating Magistrate presided over the centenary acknowledgement. Community members, police, and councillors recalled their memories and experiences in the Court. The original plans and photographs of the building were made available for public display by the Gannawarre Shire Council on the day. The celebration was well attended. The Kerang Court is attended every Monday by staff and court sits approximately every three weeks as a mention court and other sittings as required.

The region was also involved in a number of community events including:

- Staff at Bendigo participated in **Heritage Week** in May 2013, opening the Court for tours over the weekend. Visitors were provided with a guided tour of the building and courtrooms together with commentary on the history of the building.
- Courts across the Region acknowledged the work Court Network volunteers do across all the Courts during **National Volunteers week** in May 2013.
- **Magistrate William Gibb** announced his retirement and was formally acknowledged with a bench farewell on 7 June 2013. Magistrate Gibb was the Regional Coordinating Magistrate for twelve years and commenced as a Stipendiary Magistrate in 1986. Prior to this, he worked as a registrar, commencing in 1966, with a total of 47 years working in courts.

Melbourne



The Melbourne Magistrates' Court is located in the Central Business District (CBD) of Melbourne and accommodates up to 45 magistrates and judicial registrars.

A total of 30 court rooms and hearing rooms facilitate listings of up to 700 matters per day across the Criminal, Civil, Family Violence and VOCAT jurisdictions and up to 2000 people attend the Melbourne Court daily.

Driving a vehicle unregistered in a toll zone, theft and exceeding speed were the most common charges initiated in the Melbourne Court over the last 12 months.

Despite being located in the CBD, the Melbourne Court continues to engage strongly with the local community. These activities included:

- **Courts Open Day**, which was held in May 2013, was attended by a large number of members of the public to view displays which spanned various agencies across the department. Valuable information was offered via these displays which showcase services available through the Court. Magistrates and staff volunteered their time to support this event and provided a face for the public to connect with. More information about Law Week and Open Day can be found on page 76.
- hosting **visiting delegations** from overseas or interstate by providing overviews of the court processes and services. Presentations were made by the judiciary and staff, and tours of facilities were provided. Some of these delegations have included visitors from China, Zimbabwe, Japan, Victorian Victim Support Agency and the NSW Parliamentary Committee.

- facilitating a number of **mooting competitions** held by Victorian and Interstate Universities. A number of institutions attended the Melbourne Court to hold these competitions which were supported by volunteer magistrates and staff.
- connecting with various indigenous groups via the **Koori Family Violence Court Support Program**, in order to extend services in the areas of family violence support. This involved attending meetings with agencies such as West Metro Aboriginal Family Violence Regional Action Group, Victoria Police and the Aboriginal Justice Community Forum, which helped build strong networks and promote the services available to both men and women of the Aboriginal community. The program enabled support and referral assistance to many experiencing impacts of family violence.

Across registries work continued throughout the year whilst engaging with organisations such as Lifeworks, VLA, Salvation Army, Victoria Police Academy, Victorian Aboriginal Health, Department of Human Services, Centrelink and local city councils. The work involved developing and maintaining existing court linked programs which are offered to court users. Work in maintaining these relationships ensures information available is current and accessible to the community.

Our focus is to strive to provide a first class service to all court users, with the commencement of a number of internal review projects. Of major consideration for the upcoming period will be the provision of listing practices and opportunities to ensure maximum efficiency for court users.

In 2013 a new listing/case management system was introduced for processing VOCAT applications. The initiative has resulted in 75% saving in judicial resources and contributed to a reduction in delay.

Ringwood



The Ringwood Magistrates Court consists of six judicial officers including five magistrates and one judicial registrar (who sits two days a week). The Ringwood region also conducts Children's Court hearings.

Ringwood Court finalised all intervention order applications within 12 months of lodgement in 2012/13, which was the highest ratio in Victoria, and thus reduced the number of intervention orders pending finalisation. Ringwood Court implemented sessional listings and a stand alone personal safety intervention orders mention day to better manage the increase in cases listed and demand on court infrastructure.

The Ringwood Court has continued to maintain a strong community focus throughout 2012/13 including:

- the launch of the **Protected Persons Waiting Area** on 9 November 2012 by Attorney General Robert Clark. The Protected Persons space provides a safe space for intervention order applicants, and a secure and separate waiting area whilst attending Court.
- hosting a **legal services information session** and morning tea for members from the Haka Chin community. This was an opportunity for the Haka Chin community to discuss the Victorian Justice system, laws and the roles of key justice agencies.
- presenting a number of **Ringwood Intervention Order Support Services Information Sessions**. These sessions provided organisations with information on court processes as well an opportunity to build relationships between service networks. The aim of these sessions is to improve the response of legal and support services to victims of family violence in a coordinated and integrated manner. The information sessions were coordinated by steering group formed as part of the Family Violence Integration Project and included presentations from the Eastern Community Legal Centre and Eastern Domestic Violence Outreach Service
- facilitating a pilot program involving the attendance of a **Aboriginal Support Worker** at the Ringwood Court on family violence return days. The worker from the Boorndawan William Aboriginal Healing Centre provides support and referrals to members of the aboriginal community, it is anticipated this will increase awareness and access to services in the justice system within the local aboriginal community.

Sunshine



The Sunshine region consists of the Sunshine and Werribee Courts. The region has seven magistrates and one judicial registrar, who also preside over Children's Court matters.

The Sunshine region finalised 19,265 criminal matters in 2012/13, an increase of 17.8 per cent over the previous year and constitutes more than 10 per cent of the Court's criminal caseload.

The Sunshine region continues to provide a number of innovative services to the community, court users and students including:

- **Youth Community & Law Program** which operates in conjunction with Youth Junction on a deferral of sentence for young offenders. The program has operated for 3 years as a pilot but has now secured funding for the next two years as a fully funded program.
- **Walking into Sunshine tours** for service providers within the family violence sector
- increasing access to family violence services including the Family Violence Applicant Support Worker, Women's Health West and the In Touch service for women who have been subject to family violence. In Touch now offers a legal service for women from CALD communities. **In Touch Legal Service** has now commenced a pilot project at Sunshine Court. Referrals have been made linking clients to lawyers who have extensive experience in family violence and family law. This project will ensure women from CALD communities are assisted by a legal service from the time they apply for an intervention order through until family law and other related issues are finally determined. The Legal Service was launched by the Attorney General on 21 November 2012.
- **Financial counsellors** from Anglicare and Footscray Community Legal Centre have been made available for people attending court in relation to civil debts and enforcement warrants.
- actively engages students from high schools and universities and conduct tours and information sessions for school groups
- **Sunshine Youth Legal Service** now operate an appearance program at Sunshine Court.

The region has also been involved in a number of community engagement activities and initiatives including:

- hosting a **Cambodian delegation** in August 2012 comprising members of the Cambodian Justice Department, Judges, Prosecutors and Legal Aid Lawyers. The delegation visited Melbourne to obtain a greater understanding of the Victorian Children's Court model with a view to establishing a Children's Court in Cambodia.
- hosting **Chinese and Mongolian delegations** of senior prosecutors, who visited the Sunshine Court on 28 September and 31 October 2012. A presentation was given on our legal system, as well as a tour of the court with the Senior Registrar, and they had an opportunity to sit in open court.
- establishing a **Reference Group** for the African Australian community in conjunction with the Neighbourhood Justice Centre (NJC), the Brotherhood of Saint Lawrence and Victoria Police. The group met on 27 February and 17 April 2013 with representatives from Legal Aid, the NJC, Youth Justice, Corrections Victoria, Victoria Police, Department of Human Services (DHS) and young African leaders. Magistrates attended a creative performance at the African Australian Community Centre in Footscray.
- hosting elders from the **Burmese Chin community** in conjunction with the Western Region Health Centre. Two registrars provided an overview of the criminal and family violence court processes, and facilitated a question and answer session with the group.
- conducting a court tour and information session with elderly **Indian citizens**

The Sunshine region continues to facilitate the Prevention of Alcohol and Risk-related Trauma in Youth (PARTY) Program (featured in last year's annual report). The program continues to grow and succeed with the number of participants increasing from 72 in 2010 to 269 in 2012. Eight programs were scheduled through the 2012 calendar year.

Specialist Courts and Services

There are a number of specialist courts and services within the Magistrates' Court. Their purpose is to improve outcomes for persons presenting at the Court, as well as for the community.

Specialisation allows for the development of best practice in a range of jurisdictions including criminal and family violence.

Specialist courts are generally less formal and provide a response to the revolving door nature of crime and punishment, taking a more individualised, therapeutic and service-focused approach.



Family Violence & Personal Safety Intervention Orders

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

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

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

Intervention order growth

During the reporting period there were:

- 33,879 family violence intervention order applications finalised across the state
- 10,576 personal safety intervention order applications finalised across the state

As the above figures indicate, the Court is experiencing significant growth and demand within the intervention order jurisdiction. Over the last 10 years, the number of family violence intervention order applications finalised has more than doubled. Since the 2011/12 financial year, there has been a 14.7 per cent increase in the number of personal safety intervention order applications finalised. This growth is putting increasing pressure on court staff, magistrates, legal services and support services who respond to people with family violence and personal safety matters. The Court continues to explore ways to accommodate the growth of the intervention order jurisdiction, through reviews of listings and internal procedures together with information technology improvements.

Structure of the Jurisdiction

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

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

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

The Court operates a 24-hour response to urgent intervention order applications through its after hours service. The after hours service is staffed by registrars and a duty magistrate from 5.00pm to 9.00am each weekday and all day during the weekend and public holidays. In addition to processing urgent applications from police, staff provide procedural information to police about intervention order applications.

Management of the Jurisdiction

Deputy Chief Magistrate Felicity Broughton and Magistrate Kate Hawkins hold the position of Supervising Magistrates, Family Violence and Family Law. Magistrate Gerard Lethbridge is the Lead Magistrate, Personal Safety. This includes supervisory responsibility for the Court's civil intervention order jurisdictions, both family violence and personal safety. The Family Violence Programs and Initiatives Unit is responsible for operational and policy work within the jurisdiction and supporting the three Supervising Magistrates.

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

The Family Violence Supervising Magistrates chair the Family Violence and Family Law Portfolio Committee, an internal committee of family violence magistrates. Members of the Portfolio Committee provide feedback about the operation of the *Family Violence Protection Act 2008* and *Personal Safety Intervention Orders Act 2010*, lead professional development for magistrates in the jurisdiction and guide best practice in intervention order proceedings. The committee's report can be found on page 27.

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

- the department of Justice Family Violence Steering Committee
- the Family Violence Statewide Advisory Committee
- the Family Violence Stakeholders Reference Group
- the Koori Family Violence Court Support Program
- the Victoria Police / Magistrates' Court Family Violence Committee
- the Coroner's Court Systemic Review of Family Violence Deaths Reference Group (no meetings held during reporting period)

Koori Family Violence Court Support Program

The Koori Family Violence Court Support Program commenced operations at the Melbourne Magistrates' Court in July 2011. The Program assists Aboriginal and Torres Strait Islander families who have a family violence matter at the Melbourne Magistrates' Court. The Program employed a Koori Men's and Women's Family Violence Support Worker, to provide support and information about the court process and family violence services. The pilot program funding ended at 30 June 2013. However, the program has recently secured further funding for another 12 months.

Professional development

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

- family violence induction training for all new magistrates
- training for country magistrates in family violence and family law
- training for registrars on the family violence operating procedures
- training for specialist family violence registrars in responding to men's domestic and family violence
- All trainee registrars complete the 'Recognise and Respond to Domestic Violence' subject as part of the Certificate IV in Government (Court Services)
- Professional development for magistrates regarding the new indictable offences

Business improvements and efficiencies

To assist with growing intervention order demand, the Court continues to investigate and maximise efficiencies in the jurisdiction.

Key projects implemented over the reporting period include:

- a statewide review of intervention order listing practices and demand to better manage caseload
- continuation of technical upgrades to the court's case management system to facilitate the flow of intervention order information between the Court and Victoria Police
- scoping of Information Technology works to improve access to justice, improve work flows and facilitate information exchange
- publishing of family violence operating procedures for registrars

Judicial activities and community engagement

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

- hosting family violence information sessions for international and interstate delegations
- preparing submissions on law reform projects
- speaking at a variety of conferences, workshops and forums within Australia and internationally
- attending family violence related events, including White Ribbon Day and the launch of the InTouch Multicultural Centre Against Family Violence
- participating in the "Women Steering Justice Reform" project run by Domestic Violence Victoria

Personal Safety Intervention Orders

The *Personal Safety Intervention Orders Act 2010* (the PSIO Act) has been in operation for almost two years. The PSIO Act introduced a range of reforms to the way the Court determines non-family violence intervention order applications, primarily:

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

Non-family violence intervention order applications continue to increase, despite the reforms introduced in September 2011. This growth is putting increasing pressure on court staff, magistrates, legal services and support services. During the reporting period, the number of matters that were referred to mediation are consistent with the previous reporting period.

Reflection of Family Violence and the Court

Deputy Chief Magistrate Felicity Broughton

As a supervising magistrate for the Family Violence jurisdiction, it is important to identify the ways the Court can help keep families safe from family violence. One significant case that came before me highlights how the Court and its support services can help.

It was about 8.30 one evening when Paul* heard crying and yelling coming from next door. When he went outside to investigate, he saw Anita* and her four children fleeing down the street; distressed and crying. From inside their house, Paul could hear yelling and swearing. It sounded like Sam*, Anita's husband. Paul called 000.

When the police got the call, they had an inkling of what to expect. They had attended a family violence incident at this address before. When they arrived, Anita said Paul been drinking since he got home from work and had become more and more angry with her. He had broken the baby's cot and then attacked her and threatened to kill her. Her nine year old son had tried to intervene and it was then that she and the children had been able to escape.

Inside the house, the police found a drunk, aggressive and ranting Sam. The police arrested Sam. He spent the night in the cells and appeared before the Melbourne Magistrates' Court the next morning. Not only was Paul charged with a number of offences including intentionally causing injury and threat to kill, he was charged with being in breach of the intervention order which had been made at the Sunshine Magistrate's Court two months earlier. That order had been made after the police last attended Anita and Sam's house and issued a family violence safety notice. Sam was initially ordered not to live at home. However, after Sam had sobered up and said he was sorry, Anita wanted Sam to come home again. Because of this, the Court had made a limited intervention order with conditions prohibiting Sam from committing family violence or damaging property. However, Sam was allowed to come back home.

After Sam was arrested this time, the police made an application to the after hours service of the Magistrates' Court to vary the intervention order to exclude Sam from living at home. The after-hours Magistrate made the order excluding Sam on an interim basis until the proceedings could be finalised.

When Sam came before me the next day, he made a bail application. Even though Sam had no prior convictions, the police opposed bail. They said Sam was an unacceptable risk to Anita and the children's safety and that he would commit further offences. They said that if he was released, he would go back home as he had nowhere else to live. However, the police said Anita wanted the charges against Sam withdrawn and that she wanted him to come home. They also said that Anita also opposed a final intervention order being made which would exclude Sam from living at home. Anita said Sam was a good husband and father when he wasn't drinking. She said that if he wasn't released, he would lose his job and the family would lose their house and they would be left with nothing.

The family were living under significant pressure. Anita and Sam had migrated to Australia a few years earlier. They had four children aged between one and nine years and Anita looked after them full time. Anita spoke little English and she was very isolated. Sam was a taxi driver and his income was the only income for the family. They had a big mortgage on the house, they owed money for the taxi and they were behind in their payments. They barely had enough money for food.

To support his bail application, Sam was referred to the Courts Integrated Services Program (CISP) to see if a plan could be devised to help address the underlying causes of Sam's offending. Sam was assessed as suitable for the CISP program and recommendations were made for him to be treated for his alcohol abuse, to attend a program to stop his family violence, to attend a financial counsellor and to attend for assessment for a mental health care plan to address his depression. CISP were also able to find Sam alternative accommodation and they would provide weekly case management.

Anita was referred to the applicant family violence support worker who helped Anita devise a safety plan for herself and her children and she was also referred to counselling and to other culturally appropriate supports to help reduce her isolation and to help her with the children.

Anita was also provided with some food vouchers as she had no money for food whilst Sam was in custody.

A few days later, Sam returned to court and I granted bail on conditions including that Sam comply with the CISP recommendations. I also varied the intervention order on an interim basis to prohibit Sam from living at home and to put strict conditions on how and when Sam was allowed to see or have contact with Anita and the children.

Sam was required to come back before me every month for a review of how he had been progressing on CISP and to ensure that there had not been any further safety concerns for Anita and the children. During the review period, Sam began to identify why he found controlling his drinking was such a problem. He had been drinking since he was young, most of his friends also drank a lot and he felt pressure to drink with them. He had also been drinking more as his financial and other pressures had mounted. He stopped thinking about his problems when he was drinking. However, when he sobered up he felt bad and he couldn't remember things. He also began to understand how bad things were for Anita and his children. He knew that not only might he go to gaol; he could lose everything unless he changed. The financial counsellor helped Sam and Anita restructure their debt and to make a financially sustainable plan. Anita was linked with her local community and to a counsellor. With some support with caring for the children, she was also able to commence a few hours casual work to help the family finances.

After four months, Sam successfully completed the CISP program. The police withdrew some charges and even though Anita did not want the police to proceed with the remaining charges, Sam pleaded guilty and was placed on a community corrections order (CCO) for 18 months.

The intervention order was varied and Sam was allowed to move home. The conditions of the CCO were similar to the CISP conditions, which meant that Sam continued with his treatment. I also imposed a judicial monitoring condition, which meant that Sam had to continue to meet with me every few months to ensure his compliance and progress on the order. Sam ultimately completed his CCO with success.

** Not their real names*



Koori Court

The need for a Koori Court arose due to the overrepresentation of Aboriginal and Torres Strait Islander people across all levels of the criminal justice system. Despite Victoria having the lowest imprisonment rate of Aboriginal accused in Australia (with the exception of Tasmania), in 2001 it was estimated at the commencement of the adult Koori Court pilot, that Koori's were 12 times more likely to be imprisoned than other Victorians. The Koori Court is a division of the Magistrates' Court and is established under the *Magistrates' Court Act 1989*. The Koori Court offers an alternative approach to sentencing by enhancing the ability of the Court to address the underlying issues that lead to a person's offending behaviour.

The Koori Courts have both criminal justice and community building aims, these are:

- to reduce Aboriginal over-representation in the prison system
- to reduce the failure to appear rate at court
- to decrease the rates at which court orders are breached
- to reduce the rate of repeat offending
- to deter crime in the community generally
- to increase community safety
- to increase Aboriginal ownership of the administration of the law
- to increase positive participation by Koori accused and community
- to increase accountability of the Koori community for Koori accused
- to promote and increase community awareness about community codes of conduct/standards of behaviour.

Current locations

The Koori Court program has grown significantly from its initial pilot locations of Shepparton (2002) and Broadmeadows (2003). In 2012/13, adult Koori Courts sat regularly at Shepparton, Broadmeadows, Warrnambool (on circuit to Portland and Hamilton), Bairnsdale, Latrobe Valley, Mildura and Swan Hill.

Children's Koori Courts also operated at Melbourne, Mildura, Latrobe Valley, Bairnsdale and Warrnambool.

Workforce

The Koori Court currently employs 67 Aboriginal community Elders and Respected Persons around the state, along with an additional 14 operational program staff members. The courts remain the largest employer of Aboriginal and Torres Strait Islander staff members within the department. In addition, approximately 30 magistrates regularly sit at the various Koori Court locations around the state.

Children's Koori Court expansion

Following significant consultation with the Koori community and associated stakeholders in Gippsland,

the Court's Koori Court Unit assisted in the expansion of the Children's Koori Court jurisdiction to Bairnsdale and Latrobe Valley. On 7 December 2012, both Bairnsdale and Latrobe Valley Children's Koori Courts commenced their first sitting. The Court will continue to explore options for the further expansion of the Children's Koori Court jurisdiction to establish Koori Court sites during 2013/14.

Activity

The Koori Courts recorded an increase of 11 per cent in listed matters (1,946) for the 2012/13 year; this result is comparable with the performance recorded in 2009-2011.

The Koori Court sat on 137 occasions in the Magistrates' Court during 2012/13. This number was a reduction of four per cent on last year's results. 2012/13 was the second consecutive year there has been a reduction in Koori Court sittings. However, the Koori Court finalised more matters in 2012/13 than the previous two years with an 18 per cent increase in finalisation numbers (873).

Professional Development and Community Engagement

Elders and Respected Persons from Latrobe and Bairnsdale County, Magistrates' and Children's Koori Courts visited Wulgunggo Ngalu, Learning Place, a diversionary program for young men to carry out their orders within a culturally safe, inclusive and responsive environment. The Elders and Respected Persons were provided with a presentation outlining the affects of drugs and alcohol, withdrawal process and the strategies put into place to assist young Aboriginal men who are experiencing drug and alcohol issues.

Koori Court Officer training and professional development included an information session on the impact of ICE, a drug which is presenting as a one of the key issues Koori Court clients are facing.

Stakeholder Engagement

Koori Court stakeholders and community meetings have been held across the state to celebrate achievements and to provide an opportunity for Elders and Respected Persons to meet with key stakeholders. These meetings ensure that key stakeholders and the Court develop a greater understanding of what services/programs are available to assist Koori Court clients. They also give the opportunity to engage new services to be a part of the Koori Court process in particular supporting clients.

In October 2012, the Annual Elders and Respected Persons Koori Court Conference was held in Shepparton and approximately 150 guests attend the conference. The conference was aligned with the acknowledgement of the 10-year anniversary of Koori Courts, which was celebrated with the Attorney-General presenting the Court with a 10 year acknowledgment plaque for the Shepparton building.

Reflection on the Koori Court

Deputy Chief Magistrate Jelena Popovic

Recently, at a professional development seminar arranged for judicial officers by the Judicial College of Victoria and the Judicial Officers' Aboriginal Cultural Awareness Committee, I met the mother of a young man whose case was heard before a magistrate and Elders at Koori Court several years ago.

The young man's mother said that, as an Aboriginal person, the most significant development in Aboriginal social justice was the introduction of Koori Courts. It was her firm belief that her son's life may have taken a different turn entirely had his offending been dealt with in a conventional manner. The family had been part of the Stolen Generation and as a result, the son had not been particularly cultural before the Koori Court hearing. The hearing changed his life. For the first time in his life, the Elders connected him up to his elders and family members and he felt a sense of inclusion. Actually, he was made to feel valued by the community. The Elders told him about his family, provided him with support and reinforced community expectations. His sentence was deferred, during which period he attended Koori specific drug and alcohol counselling. He left the Court not only with a sense of identity, but of pride, purpose and belonging. He has not reoffended, has completed a trade and has a family of his own.

This story encapsulates what Koori Court means to me as a magistrate. It demonstrates how powerful a culturally appropriate court process can be. The young man did not become a statistic in the substantial overrepresentation of Aboriginal persons in custody. The process connected him to his culture and community and assisted him to become a contributing member of the wider community. His response to Koori Court had the further effect of allaying his mother's concerns about his drug and alcohol abuse and his diminished future prospects.

A magistrate's day to day work can be dispiriting in the sense of the revolving door of dealing with offenders, sentencing them to gaol and the offenders reappearing on fresh sets of charges shortly after release from custody. An outcome such as this is exceptionally pleasing.



Drug Court

The Drug Court began in 2002 and has been operating from the Dandenong Magistrates' Court for 11 years. It combines the powers of the criminal justice system with a therapeutic focus on treating drug and alcohol dependency and other complex needs.

The Drug Court is a division of the Magistrates' Court and is established under the *Magistrates' Court Act 1989*. The Drug Court is responsible for the sentencing and supervision of offenders who have committed offences to which drug and/or alcohol dependency have contributed. Offenders accepted onto the Drug Court program are placed on a Drug Treatment Order (DTO). Under the order, the magistrate sentences an offender to a term of imprisonment not exceeding two years. This sentence is not activated provided the offender complies with the two-year supervision and treatment component of the DTO.

Supervision and Treatment

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

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

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

To maximise effectiveness, treatment and planning takes a holistic approach to address issues of mental and physical health and other material and psycho-social needs.

Criteria for Drug Court

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

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

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

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

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

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

In August 2012, the Drug Court welcomed Magistrate Tony Parsons as the dedicated magistrate of the division. He leads a professional multi-disciplinary team made up of a Program Manager, Registrar, Case Managers, Clinical Advisors, Legal Aid solicitor, Police Prosecutors and Liaison Officer and the Drug Court Homelessness Assistance Program (DCHAP) housing support workers and other service providers.

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

Rewards and Sanctions

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

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

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 contributing members of the community.

Other benefits to participants include:

- helping to eliminate criminal offending and time spent in custody
- harm minimisation and improved health including mental health
- improved employment prospects and training
- better social and family relations
- support in learning and maintaining positive parenting skills
- less homelessness and associated risks
- greater self esteem.

Benefits to the community include:

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

Activity in 2012/13

With a cap of 60 participants on a DTO at any one time, each order lasting for a maximum of 2 years, the Drug Court typically imposes between 45 and 55 DTOs per year. This financial year, the Drug Court fell within this range, sentencing 48 people to a DTO. However, despite the cap of 60 participants engaged in the program at a time, the average number of participants this year fell to 49 participants from 59 the previous year. This is most likely due to the significant decrease in participant numbers the Drug Court experienced in the six months between Magistrate Harding's departure and Magistrate Parsons' commencement in 2012, demonstrating that consistency of the lead judicial officer is key to the success of the Drug Court program.

Despite the challenges faced this year, the Drug Court celebrated 18 full graduations from the program during the reporting period, while only 10 participants had their DTO cancelled.



Reflection on the Drug Court

Drug Court Magistrate Tony Parsons

David* is a 42 year old man who has struggled with alcohol and amphetamine addiction since he was 13 years old when he was introduced to both substances through his peers. Until this point, David had led a childhood characterised by violence, transient housing, and sexual abuse.

He appeared in the Drug Court in December 2012 charged with nine burglaries, thirteen thefts and fourteen counts of obtaining property by deception. The burgs, the most serious offences, were on unoccupied factories to steal the valuable copper wiring and pipes which were sold as scrap to get money to buy drugs.

David had a substantial criminal history over twenty-four years involving twenty-one appearances in the adult criminal courts, thirteen of which resulted in prison sentences. Over this period he had committed an armed robbery, a serious assault, twenty-one burglaries and one hundred and sixty-four thefts. His new offences barely fitted under the two year gaol jurisdictional limit of the Drug Court. Furthermore, he suffered a range of serious and very painful physical ailments from which his illicit drug use would have given some relief. In addition his house mate, the only supporter he had in the community, was his older brother who was his co-accused for the factory burglaries and who himself was addicted to methamphetamine.

Drug Court Magistrate Tony Parsons sums up David's initial first months on the order:

"In the face both of opposition from the police and grave doubts among the Drug Court Team, I sentenced David to a Drug Treatment Order. But his background and the fact that he was so institutionalised and his level of recidivism so entrenched gave me little hope that he could make a success of the Order.

"Shortly after commencing the program, David obtained accommodation independent of his brother. Thrice weekly urine drug screens showed that he used ice or heroin eight times in the first month of the order. However, since then he has been completely drug free.

"In the first weeks he appeared very sad & lost but he stuck closely to his clinicians and supervisors and attended to all his Drug Court commitments. In the early days of abstinence he was able to make observations about his life and the world around him of which he'd been previously unaware, acknowledging that his awareness had been distorted for years by constant intoxication. As sobriety became the norm rather than the exception the development of his self confidence, strength and resilience was palpable.

"He enthusiastically participates in all of the rich therapeutic opportunities provided as part of the Drug Treatment Order, including addressing his physical ailments, and he continues to delight and amaze me, the Drug Court Team and himself with his extraordinary progress."

David has not used amphetamines or any other drug since those first weeks on the DTO. He continues to connect with the positive influences he had once known; people he thought had left him far behind. David progressed to Phase Two of his Drug Treatment Order in three months - the minimum time. He is now looking forward to getting to Phase Three and continues to find meaningful sustainable ways to re-engage with his community.

**Not his real name*



Neighbourhood Justice Centre

A long term commitment to community justice

In May 2013, the Court received funding to continue the work of the Neighbourhood Justice Centre (NJC). This positive outcome was based on the strength of its achievements in the past 6 years. Independent evaluations showed the NJC has delivered on its goals including reduced re-offending and increasing participation in justice.

Court

The NJC finalised over 3,600 matters in 2012/13 and in doing so has exceeded its workload forecasts from 2006 and increased its overall caseload. From 2007/08 to 2012/13, NJC total finalisations have increased by 97%. The criminal jurisdiction finalisations have risen by 18 per cent each year, driven by the introduction of the special circumstances list and increased use of the NJC as proper venue. The NJC has a sole magistrate presiding over the Court and hears matters in the Criminal, Civil, Family Violence, Personal Safety and Victims of Crime Assistance Tribunal (VOCAT), and the Victorian Civil Assistance Tribunal (VCAT) residential tenancy, guardianship and civil lists. The assistance of a VCAT member has enabled a greater number of those matters to be heard at the NJC.

Recidivism

The NJC's recidivism results show that the community justice model is effective in reducing re-offending. The NJC's recidivism study (which concluded in 2012) revealed NJC offenders were 26 per cent less likely to re-offend than the control cohort who were selected from courts without ready access to therapeutic programs and pair matched with the NJC cohort based on age, gender, type of offence and offending history. NJC's results were statistically significant and support that timely deferral of sentences and therapeutic interventions are associated with a reduction in recidivism. These results are a critical indicator of success of the community justice model in Victoria.

Community Corrections Order (CCO) successful completion

At the NJC the successful completion rate for community correctional orders was 77% compared with a state average of 67%, with NJC offenders having a 15% greater likelihood of succeeding on their orders compared to the state average.

The outstanding order completion results at the NJC are also statistically significant. The differences are attributable to the extensive use of judicial monitoring, a stronger therapeutic focus and support prior to the community corrections orders being imposed, to ensure offenders are ready and able to undertake the order.

Judicial monitoring of orders has since been legislated state-wide based in part on NJC's successful experiences with this practice.

Client Services

NJC clients can access multiple services through the Client Services team in a given year. In 2012/13, there were 657 client referrals, which represented 481 different clients, a ratio of approximately 1 to 1.3 referrals per client.

While in the last three financial years, most NJC client service areas have had a stable number of clients, Housing Support services have experienced an increase in demand (60% in the last two financial years).

Fluctuations in the number of clients seen by Client Services is influenced by a range of factors, including referrals received, community knowledge, resourcing of positions, changes to court practices (for example introduction of the Special Circumstances list and targeted interventions for specific lists such as Residential Tenancies) and changes in staffing levels.

Community Partnerships and Initiatives

The community justice model involves working with and in the community to address the underlying causes of crime and harmful behaviour. A range of crime prevention, education and community building initiatives implemented and or supported by the NJC achieves this.

The NJC's analysis of these community initiatives, estimated that for every \$1 NJC commits to resourcing local crime/justice projects, it leverages \$6.46 in additional resources or funding from other local community agencies towards these projects. Together these combined projects work to target priority crime/harm issues affecting the City of Yarra.

Results from an external 2012 ORDA® (Organisational Relationship Diagnostic Assessment) report evaluated the effectiveness of the NJC's relationship with its partners, concluding the NJC is fostering a culture that values stakeholder relationships and working successfully to maintain these.

Spot light on community justice education

Community justice education, of which 'legal education' is an aspect, is a key component of the community justice model and a significant mechanism for the NJC to increase community confidence in and access to the justice system.

Education activities for 2012/13 include but are not limited to:

Ongoing development of tertiary partnerships

The NJC has been working in partnership with Monash University, RMIT and others to incorporate the community justice approach into curriculum. Activities include:

- NJC Magistrate David Fanning has been instrumental in the production of a series of films with Australian Centre Justice Innovation at Monash. This project represents an innovative approach to socio-legal research, creating new knowledge about the way in which courts that are underpinned by therapeutic jurisprudence theory apply therapeutic justice techniques in practice.
- A Memorandum of Understanding has been signed between the NJC and RMIT which commits workers from both organisations to collaborate in the design and delivery of innovative learning opportunities for students undertaking the Certificate IV in Alcohol and Other Drugs Work.
- Similarly the NJC have worked with the Board of Studies, Curriculum Planning Group (CPG) of Certificate IV in Government (Court Services) and Course Coordinator to develop a Innovation Project and Senior Registrars Award for Victorian trainee registrars.

Police Orientation

In 2012 the NJC established an ongoing orientation program for police new to Yarra. This half day workshop aims to increase the new officers awareness of community justice, local programs and projects and ensure they meet key NJC staff, creating connections for the future. Feedback from Police and staff to date indicate it is well spent time with significant learning outcomes for new officers.

Restorative Justice Conference

The NJC co planned and co hosted the "Broadening Restorative Perspectives" International Conference in June 2013. This conference attended by over 250 people explored the applications of restorative justice principles and practice, giving consideration to how they are broadening in imaginative ways.

Placements

In 2012/13, 24 people on placements including volunteers (other than Court Network) interns and work experience contributed approx. 1,868 hours of work. The NJC placement program provides an opportunity for these people to get involved in the varied work of justice delivery. An innovative dual supervision model has been developed and implemented with steering group oversight. The NJC experience has been that people want to contribute to the NJC, are highly motivated and want to learn more about our justice system.

Visitors

One of the most effective mechanisms for exposing people to the community justice model continues to be through the tours provided by the centre. On average there is one tour group a week. This has included international guests, local agencies and many students from secondary and tertiary institutions.

Court Support and Diversion Services

Court Support and Diversion Services (CSDS) comprises the following programs:

- Assessment and Referral Court (ARC) List
- Court Integrated Services Program (CISP)
- Koori Liaison Officer (KLO) Program
- Court Advice and Support Officer (CASO)
- CREDIT/Bail Support Program
- Criminal Justice Diversion Program
- Enforcement Review Program.

In addition, CSDS works closely with a range of organisations that outpost staff to the court.

Assessment and Referral Court List

The Assessment and Referral Court (ARC) List is a pilot specialist problem solving court. The ARC List commenced operations in April 2010 as part of a four-year trial. In 2013, the Court received funding to operate the ARC List for a further two years.

Currently the ARC List sits at Melbourne Magistrates' Court on Wednesdays and Thursdays. During 2012/13, Deputy Chief Magistrate Jelena Popovic, and Magistrates John Lesser, Ann Collins, Anne Goldsbrough and John Hardy sat in the ARC List.

The ARC List primarily assists accused persons who have a mental illness and/or a cognitive impairment. By addressing issues that underlie offending behaviour the ARC List seeks to reduce the likelihood of re-offending and ongoing contact with the criminal justice system.

During their involvement in the ARC List, which may be for up to 12 months, participants attend regular hearings, usually monthly. Hearings are interactive and support the principles of therapeutic jurisprudence through recognising the needs of participants and taking a problem solving approach to issues, barriers and progress.

Collaborative relationships with Victoria Police Prosecutions Branch, Victoria Legal Aid and various community support and welfare agencies support the continued achievement of positive outcomes within the ARC List.

Statistical data on the ARC List can be found in the **Statistics and Financials** chapter on page 90.

Court Integrated Services Program

The Court Integrated Services Program (CISP) is a multi-disciplinary case management program, which supports accused, applicants and respondents in all jurisdictions of the Court. The CISP operates at the Latrobe Valley, Melbourne and Sunshine Courts.

Support can range from providing referrals to community services with no further involvement in the program, to case management up to four months, depending on eligibility and the assessed needs of the client.

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

This is achieved by:

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

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

- a comprehensive needs-based assessment
- appropriate, targeted interventions based on identified need
- case management support, up to four months, for eligible accused
- referrals and linkages to treatment and community support services, including but not limited to:
 - » accommodation
 - » acquired brain injury, disability, mental and physical health services
 - » drug and alcohol treatment
 - » financial counselling and support agencies
 - » gambling interventions
 - » Koori liaison officers
 - » specialist assessments
 - » vocation and education services.

In 2012/13 CISP received 2044 referrals, of those 968 (47%) received case management.

Reflection on the ARC List

Magistrate Anne Goldsbrough

The judicial work in the ARC List is some of the most challenging, confronting, yet rewarding work I have encountered in my 17 years as a magistrate. Whilst overseeing an accused prior to sentence, it is immensely satisfying to see the return of hope, the development of insight, acceptance of personal challenges or limitations and often the acceptance of the reality of a mental health diagnosis.

In the majority of participants, I see trust and a sense of self worth return or develop. Many who appear in our courts have had few people engage with them at this level. I have been regularly impressed at the level of engagement of participants in this list, and their determination to meet my expectations.

Each month the participant (the accused person) must return to court to discuss progress and setbacks, to find motivation, to accept judicial oversight, meet with medical practitioners, confront their own fears and importantly, not re-offend. To meet small or large goals, all relative to their personal circumstances of course. Critically, they must always be accountable to the Court, to me as the presiding magistrate, and to the ARC clinicians.

Many of our ARC participants are also parents. Some remain connected with their own parents or another relative. Many relatives also attend the ARC hearings each month.

Sadly, some participants have little or no contact with their children usually due to their own past behaviour in neglect of their children's needs, their violence, high levels of illicit drug use, and criminal offending. In some circumstances, they may be the only living parent for their child or children. Many participants are also before the Children's Court Family Division, or the Family Court.

It is my experience, that with the identification and management of particular issues for an accused, including mental health review, Acquired Brain Injury, and drug use, with the ARC list approach and court oversight, stability can return. In some participants, this enables safe and meaningful contact with children to recommence, or relationships be developed or perhaps rekindled. It is a critical acknowledgement of how a participants success through the ARC list approach can have impact on many other people.

With one participant, his determination to succeed through ARC had wonderful results.



Ben* had significant charges and a long prior criminal history including burglaries, thefts, driving matters, begging, property offences, drug possession, commencing with a care application for him in the early 1970s. He was sentenced to 12 months in a youth training centre a few years after that.

His history was all too common. As a child, he was exposed to significant family violence in his home and was injured protecting his mother. He was a heavy drinker and heroin user by the time he was 20. As he aged, his offending diminished in style but not frequency. He had spent long periods in custody. He had four children, all under the care of the department of Human Services (DHS). His long term partner died of a drug overdose some years before. He had a significant history of depression, lack of support or counselling for grief and loss. He was diagnosed with severe anxiety. He continued to use heroin spasmodically when charged and referred to the ARC list by a Magistrate. He was party to matters in the Children's Court attempting to see, and desperately wanting to support, his children. They are indigenous.

Over the period of involvement in ARC, Ben became compliant on methadone, reducing to very modest levels. He accepted treatment for depression and anxiety. He obtained housing (he had also often been sleeping rough) and had to accept housing in a country region. He was determined to stay on the list and travelled each month to the hearing day. His hearing time was set later in the day so he could make the train connections. Saving for the train fare, and walking an hour to the station from his home to meet the connections became part of his goals. He saved for, maintained a mobile phone, and was in regular phone contact with the clinician. He did not re-offend at all. Local country psychological services were arranged, one of the most challenging things to achieve. He became a very compliant and resourceful member of the list. Ben was encouraged to consider providing copies of his progress reports to the Children's Court with my consent. He became engaged in social activities, arranged connections with and maintained the support of a local aboriginal co-operative to assist his relationship with DHS and the children.

Ultimately, through the decision of the Children's Court, his son is now living with him, and he is having regular contact with his daughter, who has a range of complex circumstances herself. The Children's Court magistrate who dealt with these matters approached me recently to acknowledge Ben's wonderful progress on the ARC list and how critical it seemed to have been in ensuring he had a stable life, and enabling him to now undertake such an important parenting role with his own children.

I consider Ben's outcome to be an ARC success story indeed.

**Not his real name*

Koori Liaison Officer Program

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

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

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

Support and services can range from providing referrals to community services with no further involvement in the program, to case management up to four months, depending on eligibility and the assessed needs of the client.

The objectives of the KLO Program include:

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

The KLO Program Working Group serves as a reference group for the KLO Program. Membership of this group includes community representatives from the Western Gathering Place and Ngwala Willumbong. Their time and advice is gratefully acknowledged.

Court Advice and Support Officer

Working as part of the CISP at the Melbourne Magistrates' Court, the pilot Court Advice and Support Officer (CASO) service became operational on 16 July 2012.

The CASO provides advice to sitting magistrates, connects court users to government or community services, or where appropriate, a court based program or victims' service.

The service is for court users with complex psychosocial issues who require urgent once off intervention.

Since its inception, the CASO has developed strong links with the specialist family violence service and the Enforcement Review Program (ERP), providing support to court users presenting with mental health, anger and accommodation issues.

An internal review of the CASO role has found that the role has proven its value. The court is seeking to secure funding to continue this role beyond the pilot phase.

CREDIT/Bail Support Program

The CREDIT/ Bail Support Program is a pre sentence program that aims to achieve the following outcomes:

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

Services Provided

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

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

Locations

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

Transitional Housing properties

Both the CISP and the CREDIT/Bail Support Program have access to transitional housing management (THM) properties for the programs' clients. HomeGround Services provide all clients living in these houses with housing support. This accommodation and support provides clients with stability and assists them to meet their bail conditions.

Criminal Justice Diversion Program

The Criminal Justice Diversion Program (CJDP) provides mainly first time offenders with the opportunity to avoid a criminal record by undertaking conditions that benefit the offender, victim and community as a whole. The CJDP is governed by section 59 of the *Criminal Procedure Act 2009*.

The program provides the following benefits:

- reduces the likelihood of re-offending by tailoring an order according to the needs of the accused
- assists offenders to avoid an accessible criminal record
- assists in the provision of rehabilitation services to the accused
- increases the use of community resources to provide counselling and treatment services
- ensures that restitution is made to the victim of the offence if appropriate
- ensures the victim receives an apology if appropriate
- assists local community projects with voluntary work and donations
- provides more flexibility for orders
- cases and conditions monitored by a diversion coordinator, ensuring accountability of the accused.

Victim Involvement

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

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

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

Community Involvement

Voluntary Work

Performing voluntary work is an option in the Diversion program. Where possible, accused perform voluntary work in their local community or the area where the offence was committed.

In 2012/13, the CJDP worked extensively on developing partnerships with community organisations statewide to provide voluntary work placements for Diversion participants.

Partnerships have been developed with the following organisations:

- Salvation Army - 614 Project
- Salvation Army - Brunswick, Maryborough and Morwell
- Boroondara Central Lions Club
- Connect GV – Disability provider in the Goulburn Valley
- RSPCA Wangaratta
- City of Moonee Valley.

The Court would like to acknowledge the community organisations that have agreed to accept voluntary work placements.



During 2012/13, 23 accused were ordered to undertake a total of 596 hours of voluntary work with various community organisations including:

- St Mary's House of Welcome
- City of Moonee Valley
- Salvation Army

Donations

Each year accused in the CJD direct donations to local charities or not-for-profit organisations. During 2012/13, 3,027 accused undertook to pay a total of \$858,810.90 in donations to charities and local community projects. Approximately \$173,000 of the donations ordered were directed to be paid to the Magistrates' Court Fund.

The Court Fund distributes monies to local community services. In addition, over \$20,000 in donations was allocated to child and youth support services statewide. These include Whitelion, Berry Street, Kids Undercover, 20th man fund and Youth Substance Abuse Service (YSAS).

A further \$103,000 in donations was directed to community run safety initiatives such as lifesaving clubs, rescue squads and road safety initiatives.

Over \$85,225 was allocated to hospitals statewide and more than \$187,000 to community health and family support centres.

Restitution

A further \$596,733.87 in restitution was undertaken to be paid to victims during the reporting period.

Enforcement Review Program

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

The ERP, which is jointly managed by the Infringements Court and the Magistrates' Court, operates at the Melbourne Magistrates' Court. The Special Circumstances List also sits at the Neighbourhood Justice Centre in Collingwood.

Eligibility

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

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

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

If revocation is not granted and matters are not withdrawn, they will be listed for hearing in the Special Circumstances List before a magistrate or judicial registrar.

Court Support & Diversion Services – Program Enhancements

Court Support and Diversion Services' (CSDS) seeks to continuously improve service provision. In accordance with this goal, a range of quality improvement initiatives has commenced for CSDS programs. These take into account the priorities of the court, input from staff and emerging trends in the needs of accused persons accessing the programs. Recent key initiatives include:

- regular updates to the program databases and improved methods of data collection
- introduction of a high-risk client review panel to identify and review clients who present with significant risks. The panel seeks to provide advice and support to case managers and clinicians in the management of clients who present with a high level of behavioural, health or further offending risk
- a review of brokerage provision and related policies on the use of private specialists and neuropsychologists
- the establishment of working groups to explore how the program can better support clients who present with issues relating to mental illness, acquired brain injury, intellectual disability, suicide or self harm and homelessness
- the establishment of working groups to review and amend program policies and procedures, including the design of an improved screening assessment tool, a refinement of client file structures and enhancements to recruitment, induction and training processes
- the development of a cultural diversity action plan and a Koori action plan to ensure that CSDS provides a culturally responsive service to clients

Sign For Work

Many clients who access the CSDS' programs report a history of sporadic employment or lengthy periods of unemployment. As a result, the vast majority of clients cite Centrelink benefits as their main source of income.

The opportunity to gain meaningful employment improves individual pro-social peer networks, enhances social interaction skills and complements existing treatment and support plans.

In August 2012, the Court signed a protocol with Sign For Work. Sign For Work is a generalist and specialist provider of employment services for those who are seeking full and part-time employment and career options. Sign For Work provide a personally tailored service, taking into account the skill and circumstances of each individual keen to secure employment.

Restart Program

In late 2012, the Court signed a memorandum of understanding with Mission Australia for eligible CSDS clients to access the Restart Program.

The Restart Program is a pilot and an initiative under the Victoria Homelessness Innovation Action Projects. The program is targeted toward women involved in the criminal justice system with housing issues. A requirement for eligibility to the program is that the women housed must be willing to engage in training and or employment.

Victoria Police – SupportLink

In January 2013, SupportLink Early Intervention and Diversion Program completed a statewide rollout that included all CREDIT/Bail Support locations.

This initiative provides a single referral gateway for Victoria Police, diverting matters to a range of organisations depending on need and presenting concerns. It allows operational police to refer accused to specialist agencies as soon as charges have been laid.

The early intervention pathway aims to mitigate multiple re-engagements by police and creates a systemic partnership between police and the social services sector.

Criminal Justice Diversion Program – SMS Reminders

Commencing 2 July 2012, the Criminal Justice Diversion Program (CJDP) implemented an SMS reminders pilot. The aims of the pilot were to increase compliance with Diversion plans and to increase the efficiency of program administration, from the perspective of operating costs and resourcing. Accused persons who have not finalised their Diversion plans within one month, 14 days and one week of their stated completion date, receive an SMS reminder to do so.

Court Support and Diversion Services - Community Engagement

Court Support and Diversion Services (CSDS) staff liaise with treatment and support providers in their local area on an ongoing basis to ensure they have up to date knowledge of the services available for their clients and have a pool of practitioners to whom to refer clients. In addition to collaborative working relationships developed with external services, CSDS case managers and clinicians work closely with other court services to ensure appropriate collaboration.

Community engagement by CSDS staff also includes meetings and linkages with the following:

- attendance at the Southern Metropolitan Region Drug and Alcohol Forensic Forum
- attendance at the Aboriginal services Open Day held at the Heidelberg Magistrates' Court
- attendance at the 9th Annual Ningulabul Reconciliation lunch at the Kangan Institute, Gunung-Willam-Ballak Learning Centre

- Barwon Drug and Alcohol Services
- DASWest, drug and alcohol detoxification unit, Footscray
- First Step Program (medical and psycho social programs)
- Northern Disability Justice team, Department of Human Services
- Ongoing Change – anger management support group
- Peninsula Drug and Alcohol Program (PenDAP)
- Salvation Army, Positive Lifestyle Program, Dandenong
- South East Drug and Alcohol Services (SEADS), Dandenong
- Stepping Up Consortium – drug and alcohol services, western suburbs
- Turning Point, drug and alcohol services
- Victorian Association for the Care and Resettlement of Offenders (VACRO), Family Links pilot program – providing medium term support to families of accused
- regular meetings with Corrections Victoria, Forensicare, Youth Justice, HomeGround Services, Latrobe Valley Community Health and other external organisations
- the creation of a western region service forum in partnership with Drug Health Services, Community Correctional Services and Voyage – ISIS Primary Care. The focus of this initiative is to build stronger community service relationships. The forum will be expanded over the next 12 months to include other major service providers, including mental health services and additional drug and alcohol treatment providers.
- regular meetings with Koori specific services by the Koori Liaison Officers to develop strong links and facilitate easy access to the services by the program's clients. These services include:
 - » Bundji Bundji Program Whitelion – Youth Support and Court Advocacy
 - » ReGen – Aboriginal Liaison Officer
 - » Ngwala Willumbong Cooperative
 - » Victorian Aboriginal Health Service
 - » Western Gathering Place – Indigenous Justice Community Worker

Working Groups

Court Support and Diversion Services has had representation on and input into a number of working groups including:

- Broadmeadows Koori Court Reference Group meeting
- Criminal Court Users' forum
- Criminal Law Committee
- SupportLink Reference Group
- Victorian Custody Reference Group.

Presentations

Court Support and Diversion Services programs regularly host visits or deliver presentations to individuals and groups interested in the work of the programs. During the reporting period, visitors included:

- representatives from Australian Community Offenders Advice and Treatment Service (ACSO)
- legal practitioners from New Zealand
- Court Network volunteers
- Department of Treasury and Finance and Department of Premier and Cabinet staff
- Eastern Drug and Alcohol Services staff
- Forensicare staff
- forensic psychology researchers from Pennsylvania USA
- Forensic Mental Health Program Co-ordinator
- NSW police
- PHD student from Australian Catholic University
- representatives from Senior Master's office
- staff from Victorian Law Reform Commission

Staff have also delivered presentations to the following:

- Court Network volunteers
- international forensic psychiatry staff from Singapore
- remandees at the Metropolitan Remand Centre and the Dame Phyllis Frost Centre, providing information on the referral process and services offered
- representatives from the Sexual Crimes Squad and Homicide Squad, Victoria Police
- students undertaking a Diploma of Community Welfare and students from Kangan TAFE and Latrobe University
- participants in the community rehabilitation program – 'Learning, Lifestyle, Living Program - learning skills to live life in recovery after addiction' facilitated by the Salvation Army
- forensic workers at treatment agencies in the Geelong region
- Taskforce clinicians.



Court Support and Diversion Services – Staff Training

Court Support and Diversion Services (CSDS) case managers and clinicians work with accused persons who are experiencing a range of complex psychosocial issues. Ensuring that the workforce has appropriate skills continued to be a priority during the reporting period.

In recognition of this, outlined below is some of the training that CSDS staff accessed in 2012/13:

- two Melbourne CISP staff undertook training to become accredited Mental Health First Aid trainers to provide in-house training for CSDS and court staff. So far, two two-day Mental Health First Aid workshops have been held for CSDS staff.
- two two-day workshops on Cultural Responsiveness delivered by the Victorian Transcultural Psychiatry Unit
- presentation on Drug and Alcohol Clients and Pharmacological Treatment delivered by Dr John O'Donoghue
- one day workshop on pharmacotherapy delivered by Turning Point Alcohol and Drug Centre
- one day workshop on Working with Sex Offenders - delivered by Vic Psych Plus
- two day workshop on Applied Suicide Intervention Skills Training (ASIST) – delivered by Lifeline Melbourne, Living Works 2013

Community Correctional Services – Court Services Unit

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

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

In addition to this specialised team, CCS court advice staff are located within (or within close proximity for rural locations) Magistrates' Courts statewide. This ensures that all courts have the same access to CCS pre-sentence court advice and prosecutorial services.

Mental Health Court Liaison Service

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

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

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

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

Youth Justice – Court Advice Service Melbourne Central Courts Unit

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

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

The service is provided to the Melbourne Magistrates' Court. The YJCAS is also available at all adult courts statewide.

Making a difference

The Court is always working hard to improve its efficiency and accessibility through innovations and community engagement. The development of new initiatives as well as opening the Court to the public for education are just some of the ways the Court aims to improve service delivery and the Court image.

This chapter details a number of initiatives and activities conducted by the judiciary and staff to enhance the operation of the Court as well as its engagement with the community.



Social Media/Twitter

The Court is continually looking at ways to communicate, inform and educate the community about the law, court processes, activities and events. In the past, the Court had generally used its website and email as tools to connect to the public. In July 2012, the Court decided to expand on the ways it could communicate with the public and launched a twitter account. @ MagCourtVic is managed by two staff, the Manager, Magistrates' Support Services and the Court Advice Officer (Operations). Known as the 'MCV Tweeters', they tweet regularly and respond to questions received from the public.

Twitter has become a useful tool to publish information about the Court, recent legislative changes, procedural reforms and upcoming community engagement activities, as well as recruitment opportunities and urgent information about regional and metropolitan court locations.

With over 1,100 followers and counting, the Court continues to connect with more court users and members of the public.

Follow @MagCourtVic for all the latest information and news about the Magistrates' Court of Victoria.

Listing Reforms

In the financial year of 2012/13, the State Coordination Unit within the Magistrates' Court of Victoria continued to implement new changes, as well as consolidate and monitor previous changes introduced as part of the Court's commitment to listing reforms and sessional listings.

A revised adjournment policy was implemented in early 2013. The aims of the adjournment policy are to encourage summary case conferences at an earlier stage of proceedings, as well as facilitating judicial intervention on cases. The policy states that on a second or subsequent mention the accused must attend the hearing, whether or not the accused wishes to apply for an adjournment. Any applications for adjournment must include details as to the status of the case, including if the brief is in receipt, whether the case conference has occurred, and any outcome of the case conference.

Use of the Electronic Filing Appearance System (EFAS) has continued to grow and become an important communicative tool between case parties and the Court. In 2012/2013 EFAS registered the 500th external user of the system.



EFAS also compliments the new adjournment policy, facilitating contact with the court and requests for time certainty.

On 1 July 2013, some listings will return to a 10am start. However, mention courts will continue to start at 9:30am, with a maintained focus on improved case distribution throughout morning and afternoon sessions.

There has been significant work on contest mentions, with Deputy Chief Magistrate Robert Kumar attending different regions to assist in the contest mention lists. This has been successful with an immediate positive impact on delays shown. The State Coordinating Registrar in conjunction with Deputy Chief Magistrate Kumar will continue to monitor contest delays and contest mention outcomes and provide assistance to any locations.

The State Coordination Unit has revised many listing practices in multiple jurisdictions and locations across the state. Data collection and use of electronic diaries gives the State Coordination Unit an accurate picture of listing practices and areas for improvement. A recent example was at the Ballarat Court where the criminal mention court was re evaluated, allowing sessions to be redistributed to other jurisdictions, such as family violence and Children's Court family division.

Family Violence matters continue to be a focus area for the Magistrates' Court of Victoria, with the State Coordinating Registrar contributing to an assessment on each region's listing practices resulting in some modifications ensuring the court locations could continue to cope with increasing demands on the jurisdiction.

The Magistrates' Court Infringement Support Unit has continued to support the Magistrates' Court state wide, saving registries thousands of hours of administrative work. This allows registries to focus their resources into other areas of the court, mainly customer service and assisting the Judiciary. The Unit also monitors listing delays for infringement matters in each location, ensuring any delays are addressed quickly.

The State Coordination Unit has many projects underway for 2013/14, with the focuses of the Unit continuing to include providing listing data for the Magistrates' Court of Victoria, as well as assisting Regional Coordinators in executing their duties. The Unit is continually critically and strategically assessing listing structures, as well as monitoring and implementing changes to ensure the Magistrates' Court of Victoria listings are operating efficiently.

Judicial Community Engagement

While the primary role of a magistrate is to preside over and make decisions on a range of cases, the breadth and nature of the work of a magistrate goes well beyond this. Magistrates participate in an extensive range of other duties beyond their work on the bench, with many regularly involved in various projects and initiatives, as well as community engagement activities on behalf of the court. Many magistrates regularly participate in conducting talks to visiting school groups.

Magistrates Anne Goldsbrough, Brian Wright, Clive Alsop and Reserve Magistrate Brian Barrow provide a snapshot of community engagement activities conducted by magistrates during the reporting period.

In March 2013, **Magistrate Anne Goldsbrough** was nominated for the Diversity and the Law Award made by the Migration Council of Australia at the inaugural 2013 Australian Migration and Settlement Awards held at Parliament House, Canberra. The Hon Julia Gillard MP was the key note speaker.

The award is made to recognise an organisation or individual who has worked to raise awareness of Australian social and justice systems among new migrants and the rights and responsibilities of citizenship.

Magistrate Goldsbrough was one of the four finalists for her work "leading the Victorian Magistrates Courts' involvement in the Community Bilingual Educators Program and generally assisting culturally and linguistically diverse communities in relation to access to justice issues".

As part of Drug Action Week in June 2013, **Magistrate Clive Alsop** participated in an interview with the Latrobe Valley Express to educate and inform the community of the effects the drug 'ice' is having on society. His comments and reflections were published over two articles and he was congratulated by local community services for increasing public knowledge of the damage caused and issues being faced by the families and victims of this drug.

Magistrate Brian Wright is the convenor of the Fitzroy Legal Service Publications Committee, which produces the 'Law Handbook' in hard copy and on-line formats. Magistrate Wright wrote three chapters of this year's handbook.

The Magistrates' Court has been a regular contributor to the 'Whitelion Bail Out' charity event held at the Old Melbourne Gaol. The event commences at the old Magistrates' Court where participants are processed through the old watch house and spend time in the cells of the old remand centre. A mock trial is then held. This year **Reserve Magistrate Brian Barrow** showed his ongoing support for the event and presided over the hearing. The night continued with a function at the Old Melbourne Gaol. The event highlights issues faced by young people and raises over \$500,000 for the cause.

Law Week 2013

Law Week and Courts Open Day gives the Magistrates' Court of Victoria a great opportunity to open our doors and welcome the community to the Court.

This year, Law Week was held from 13-19 May, and the Court conducted events at a number of court locations across the state. Information sessions, tours, mock tours and career forums were held in locations from Ballarat to Ringwood, and Shepparton to Moorabbin. Details of some of the regional events can be found in the **Statewide Perspective** chapter.

Courts Open Day is the highlight event of Law Week and was held on Saturday 18 May 2013 in the legal precinct of Melbourne CBD. This year's Open Day was a fully collaborative event with all Victorian courts and tribunals participating.

Almost 350 people visited the Melbourne Magistrates' Court. Those who attended were presented with a range of events and activities to participate in, including:

- guided tours of the Melbourne Magistrates' Court by registry staff,
- 'Walk in her Shoes' guided tours of the process of applying for a family violence intervention order,
- 'All Stand' mock court hearings which gave the public the opportunity to observe a criminal matter featuring a magistrate, prosecutor and defence lawyer, with the accused and assistant magistrate being chosen from the audience,



- 'Career as a Court Registrar' information session presented by an experienced court registrar and the court's Learning and Development Unit, outlining the role of a registrar and the experiences they have gained during their time working at the court,
- 'Behind the Bench', where three magistrates gave an insight into the specialist areas of the Court, including Koori Court, CISP & VOCAT,
- 'Drug Treatment Orders' information session, was presented by the Drug Court magistrate who explained how the Drug Court orders work, and
- Road Trauma Support Services Victoria put on a special presentation on the effects of Road Trauma on the community.

The Court also hosted a VCAT mock hearing and the Coroners Court 30 year Ash Wednesday exhibition.

There were a number of court stakeholder information stalls hosting activities and responding to questions. Visitors were also provided an opportunity to win an iPad and other great prizes on completion of an Open Day quiz and feedback form.

Many thanks to the staff who coordinated the event and participated on the day.

Educational Programs

Judicial Mentoring Program

The Magistrates' Court of Victoria and La Trobe University have continued to sustain an educational partnership throughout 2012/13. The La Trobe University Mentoring Program is a clinical legal education program organised jointly by the School of Law and Legal Studies at La Trobe University and the Magistrates' Court. It forms part of a law subject called Criminal Procedure and Evidence.

During the reporting period, magistrates from Melbourne, Coroners, Dandenong, Frankston, Geelong, Heidelberg, and Sunshine Courts participated in the scheme. The program provides magistrates with an opportunity to engage in practical legal education, and law students with a constructive opportunity to experience and participate in the operation of the law in practice.

In 2012/13, the Court also engaged with RMIT University and established a placement program for their juris doctor students. This program has now run over two semesters, with a number of students participating at courts across the state.

Schools

Magistrates' Courts work closely with schools across all regions, and participate in work experience programs at a number of court locations. Work experience programs provide students from high schools, TAFE colleges and universities with the opportunity to experience the daily operations of a court.

In addition to providing students with work experience opportunities, throughout the year the court also hosted thousands of students from visiting school groups across the state. These court visits provide students with a 'day in the life' view of the Magistrates' Court of Victoria and assists in enhancing their understanding of the Victorian justice system.

During the year, students attended the Melbourne Magistrates' Court as part of the court's 'School Talks' program. The program operates on a roster basis with a pool of registrars and magistrates volunteering their time to provide a short information session on the operation of the Court and an opportunity for students to ask questions. Courts around the state also provide similar programs to the local school communities.

Statistics and Financials

The following chapter contains the Statistical and Financial reports for the Magistrates' Court of Victoria for the 2012/13 reporting period.



Year at a Glance – Criminal*

	2008/09	2009/10	2010/11	2011/12	2012/13
Cases Initiated	167,359	160,444	166,791	172,323	175,345
Cases Finalised [†]	177,987	176,132	180,337	180,754	188,537
Criminal Cases finalised within six months	88.7%	87.8%	88.8%	88.9%	88.1%
Cases Pending as at 30 June	35,205	30,506	30,345	32,149	36,686
Criminal Cases pending for more than twelve months as at 30 June	8.0%	8.4%	7.7%	8.7%	7.6%
Cases finalised at contest mention	9,405	7,521	4,101	4,375	4,431
Committal proceedings finalised	2,767	2,834	2,953	2,785	3,265
Cases finalised at ex parte hearings	5,375	4,823	4,193	3,410	2,476
Appeals lodged against conviction or sentence	2,142	2,721	2,511	2,378	2,804
Licence Restoration applications	12,584	12,838	12,870	11,700	10,894
Interlock removal applications	3,992	5,388	6,026	6,190	5,685
Infringement Court - Enforcement Orders Made	1,129,275	1,226,665	1,559,261	1,565,585	1,848,784
Regional Distribution - Criminal cases finalised	2008/09	2009/10	2010/11	2011/12	2012/13
Barwon South West	8,896	8,268	6,186	6,504	7,666
Broadmeadows	10,573	10,854	10,172	11,555	11,199
Dandenong	13,496	14,671	14,365	14,184	13,933
Frankston	7,482	7,546	6,899	13,422	15,649
Gippsland [^]	7,335	6,977	6,162	6,200	7,740
Grampians	5,722	5,457	4,335	4,666	5,802
Heidelberg	14,430	12,906	12,700	14,485	13,991
Hume	7,123	7,053	5,817	6,186	6,233
Loddon-Mallee	8,841	7,701	6,478	6,710	7,285
Melbourne	69,454	71,384	82,885	70,148	69,249
Ringwood	9,488	8,454	9,641	10,318	10,525
Sunshine	15,147	14,861	14,697	16,376	19,265
Total	177,987	176,132	180,337	180,754	188,537

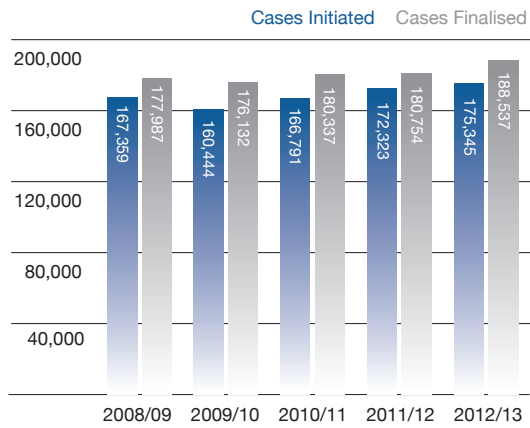
NOTE

* The court's criminal activity includes matters heard in the Koori Court jurisdiction.

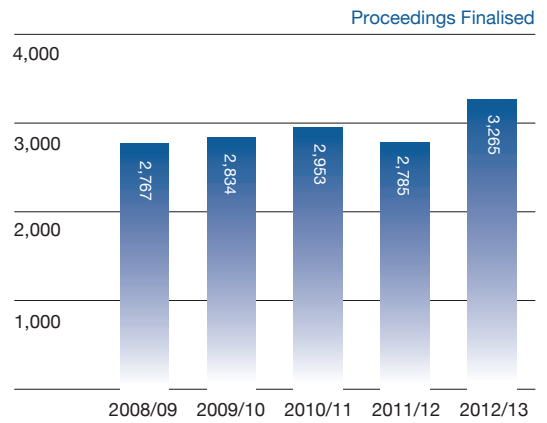
[†] The number of criminal matters finalised in 2011/12 has been revised up from 180,731 as previously reported.

[^] The number of criminal matters finalised in 2011/12 has been revised up from 6,177 as previously reported.

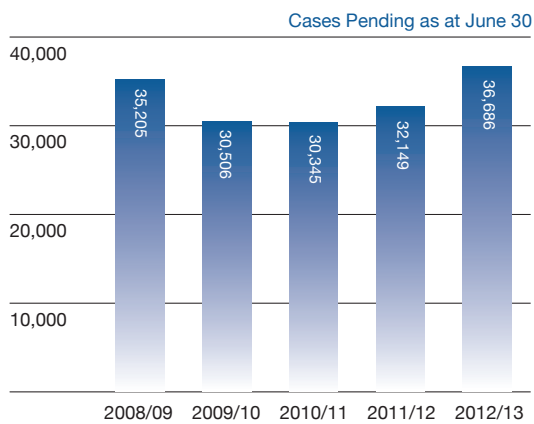
Criminal Case Activity



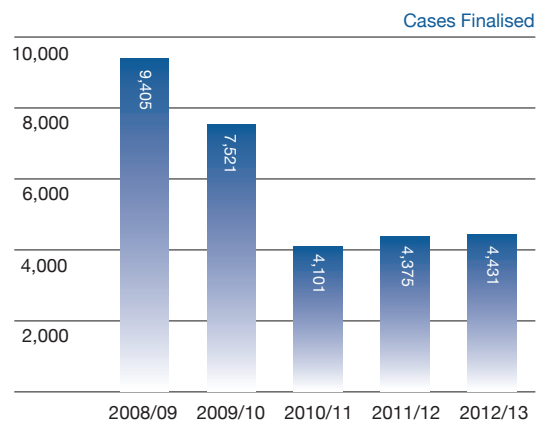
Committal Proceedings Finalised



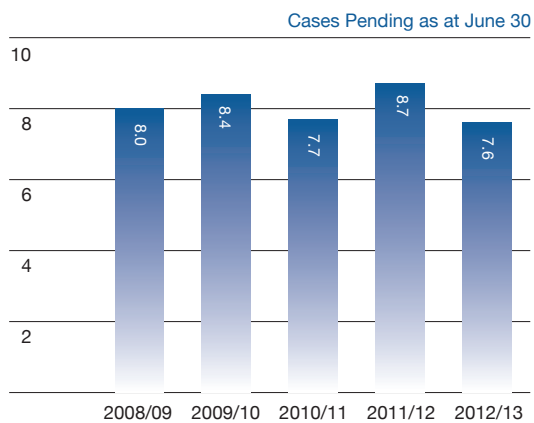
Criminal Pending



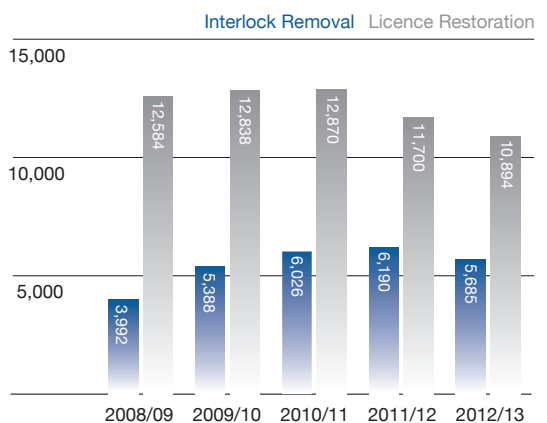
Cases Finalised at Contest Mention



Pending more than 12 months (%)



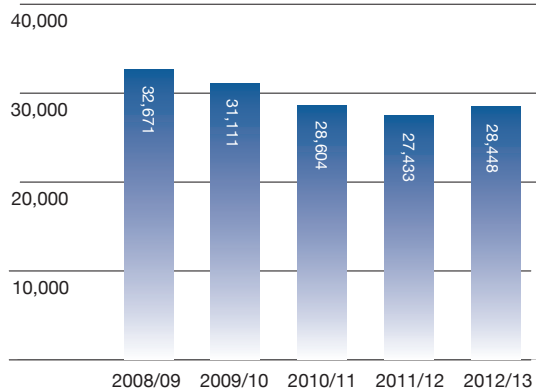
Criminal Applications



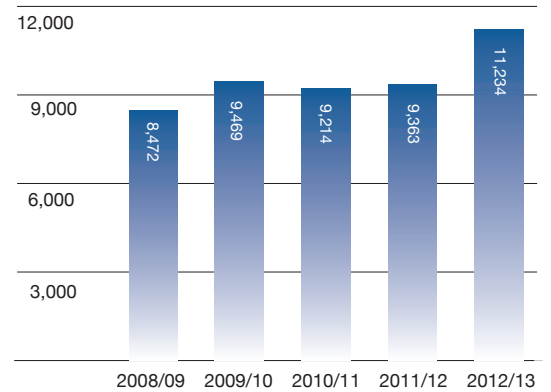
Top 25 Most Common Charges in 2012/13

Rank	Offence	Act/Regulation	No. of charges
1	Theft	s74 Crimes Act 1958	28,448
2	Drive vehicle unregistered in toll zone (Citylink)	s73 Melbourne City Link Act 1995	21,760
3	Drive whilst disqualified, suspended or cancelled	s30 Road Safety Act 1986	17,604
5	Exceed speed limit	r20 Road Safety Road Rules 2009	15,197
4	Unlawful assault	s23 Summary Offences Act 1966	15,037
6	Have exceeded prescribed concentration of alcohol whilst driving (incl. refuse PBT)	s49 Road Safety Act 1986	13,641
7	Contravene Family Violence intervention order	s30 Family Violence Protection Act	12,150
8	Obtain property by deception	s81 Crimes Act 1958	11,409
9	Intentionally/recklessly cause injury	s18 Crimes Act 1958	11,234
10	Possession of a drug of dependence	s73 Drugs Poisons and Controlled Substances Act 1981	11,026
11	Fail to answer bail	s30 Bail Act 1977	9,057
12	Criminal damage	s197 Crimes Act 1958	8,350
13	Drive vehicle unregistered in toll zone (Eastlink)	s204 Eastlink Project Act 2004	7,611
14	Use unregistered motor vehicle/trailer on highway	s7 Road Safety Act 1986	7,189
15	Burglary	s76 Crimes Act 1958	5,889
16	Unlicensed driving	s88 Road Safety Act 1986	5,556
17	Careless driving	s65 Road Safety Act 1986	5,307
18	Park for longer than indicated	r205 Road Safety Road Rules 2009	5,226
19	Deal property suspected proceeds of crime	s195 Crimes Act 1958	5,188
20	Assault/ resist/ hinder/ obstruct/ delay police	s52 Summary Offences Act	5,119
21	Handle/ Receive/ Retain stolen goods	s88 Crimes Act 1986	5,109
22	Fail / refuse to furnish a return/ information under tax law	s8 Australian Taxation Act 1953	4,382
23	Use a drug of dependence	s75 Drugs Poisons and Controlled Substances Act 1981	3,444
24	Att to commit an indictable offence	s321 Crimes Act 1958	3,329
25	Local Law Offences		3,134

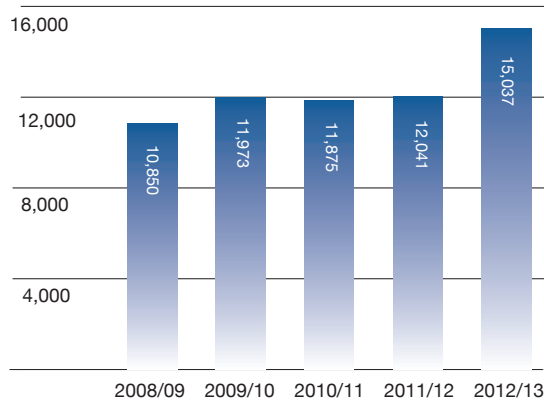
Theft



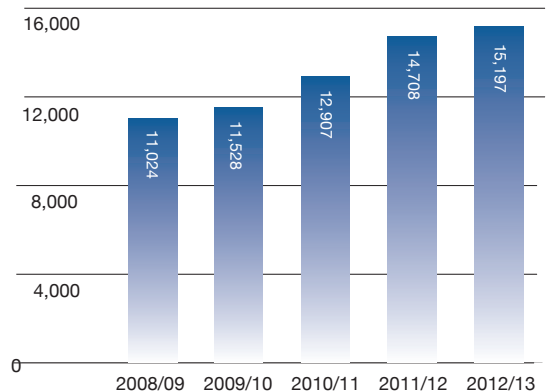
Intentionally/recklessly cause injury



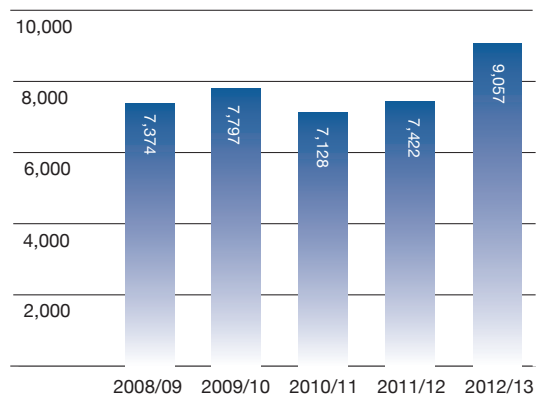
Unlawful Assault



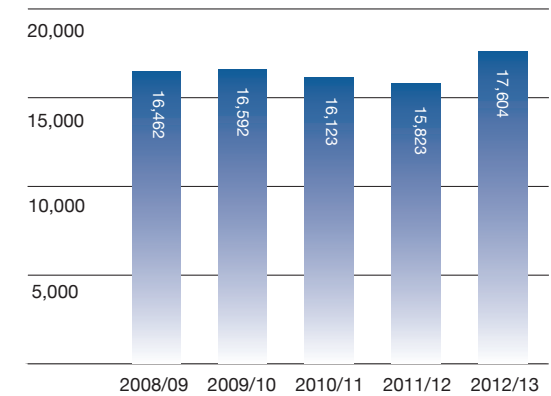
Exceed Speed Limit



Fail to answer bail



Drive while disqualified, suspended or cancelled



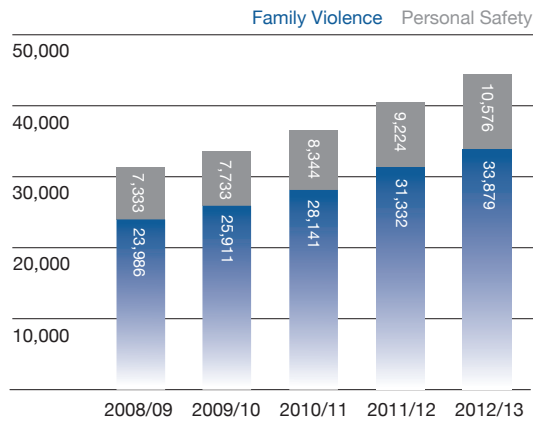
Year at a Glance - Intervention Orders (IVO)

	2008/09	2009/10	2010/11	2011/12	2012/13
Family Violence intervention order applications finalised	23,986	25,911	28,141	31,332	33,879
Extension	632	861	1,006	1,022	1,202
Original	21,425	22,783	24,638	27,346	29,217
Revocation	787	784	781	741	822
Variation	1,142	1,483	1,716	2,223	2,638
Personal Safety intervention order applications finalised	7,333	7,733	8,344	9,224	10,576
Extension	147	139	205	245	237
Original	7,046	7,455	7,964	8,824	10,135
Revocation	54	49	47	27	51
Variation	86	90	128	128	153
Family Violence interim orders made	9,505	10,511	11,392	12,199	13,720
Personal Safety interim orders made	3,793	3,974	4,210	4,780	5,233
Total Family Law finalisations	1,495	1,591	1,376	1,376	1,082
Intervention order applications received by After Hours Service	7,539	8,582	9,199	11,153	11,443

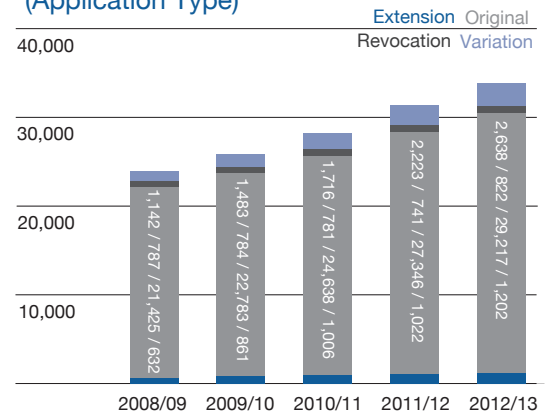
Regional Distribution - Intervention order applications finalised

Court Region	2008/09	2009/10	2010/11	2011/12	2012/13
Barwon South West	1,798	2,652	2,630	3,223	3,587
Broadmeadows	2,562	2,982	3,125	3,291	3,402
Dandenong	3,262	3,573	3,870	4,020	4,198
Frankston	2,403	2,643	2,948	4,706	5,464
Gippsland	2,355	2,565	2,783	3,396	3,651
Grampians	2,196	1,560	1,720	2,042	2,099
Heidelberg	2,619	2,856	2,914	3,453	3,790
Hume	1,831	2,006	2,287	2,334	2,857
Loddon-Mallee	2,601	2,777	2,809	3,427	3,606
Melbourne	3,588	3,553	3,981	2,825	3,073
Ringwood	2,230	2,566	2,863	2,947	3,153
Sunshine	3,874	3,911	4,555	4,892	5,575
Total	31,319	33,644	36,485	40,556	44,455

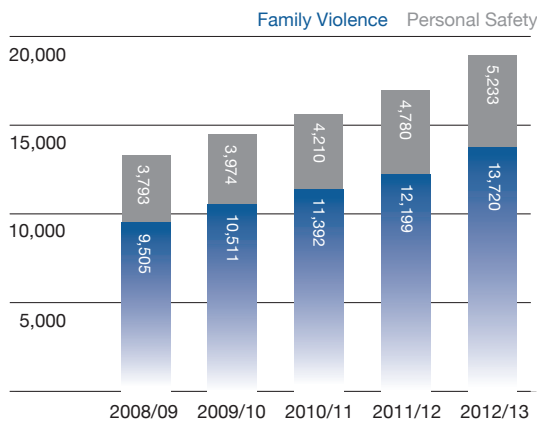
IVO Applications Finalised



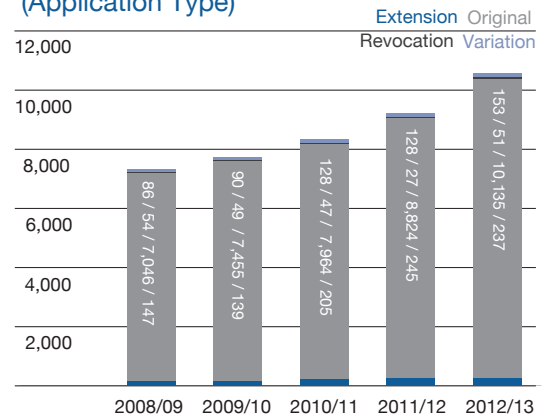
Family Violence IVO Applications Finalised (Application Type)



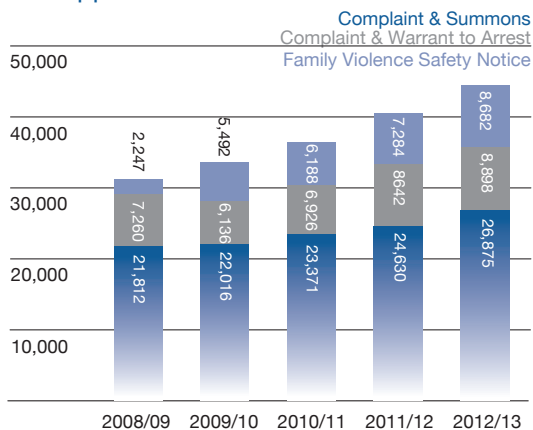
Interim Orders Made



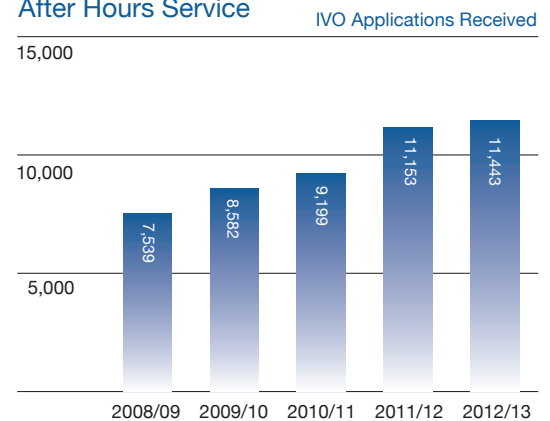
Personal IVO Applications Finalised (Application Type)



IVO Applications Finalised – Mode of Issue



IVO Applications received by After Hours Service



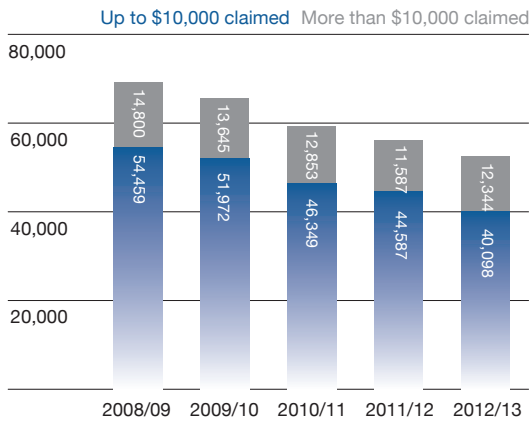
Year at a Glance – Civil

	2008/09	2009/10	2010/11	2011/12	2012/13
Complaints issued or filed	69,259	65,617	59,202	56,174	52,442
Up to \$10,000 claimed	54,459	51,972	46,349	44,587	40,098
More than \$10,000 claimed	14,800	13,645	12,853	11,587	12,344
Claims actioned	46,154	45,762	41,796	38,367	35,584
Claims finalised	45,326	44,926	40,696	36,836	34,182
Default Orders Made	38,128	37,444	34,133	30,561	28,089
Defence notices filed (including WorkCover)	8,026	8,318	7,663	7,806	7,495
Up to \$10,000 claimed	4,676	4,839	4,209	4,256	4,087
More than \$10,000 claimed	3,350	3,479	3,454	3,550	3,408
Defended claims finalised, comprising:	7,198	7,482	6,563	6,275	6,093
Arbitration	2,468	2,706	2,274	2,218	2,269
Hearing	2,074	2,295	2,100	2,266	2,279
Pre-hearing conference and Mediation	2,656	2,481	2,189	1,791	1,545
Defended claims finalised within six months	82.8%	82.3%	79.2%	81.6%	80.7%
Defended claims pending as at 30 June	2,266	2,058	1,789	1,791	1,726
Defended claims pending for more than twelve months as at 30 June	9.0%	7.8%	9.7%	8.4%	7.6%

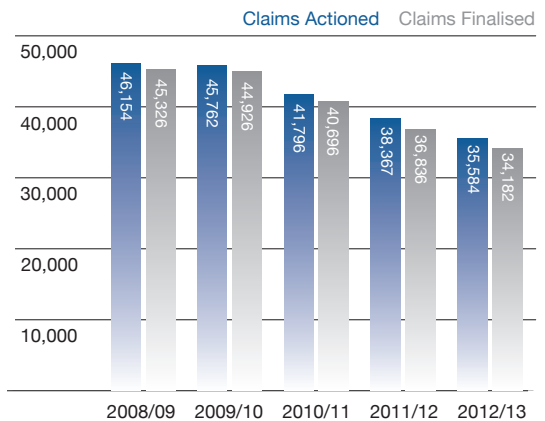
Regional Distribution - Civil claims finalised

Court Region	2008/09	2009/10	2010/11	2011/12	2012/13
Barwon South West	1,493	1,589	1,390	1,265	1,011
Broadmeadows	947	978	770	621	717
Dandenong	1,659	2,436	2,320	2,015	1,611
Frankston	1,230	1,838	1,617	1,957	1,834
Gippsland	1,196	1,053	953	699	422
Grampians	1,057	1,068	875	890	923
Heidelberg	1,169	996	865	833	701
Hume	1,501	1,531	1,415	1,228	1,361
Loddon-Mallee	2,273	2,423	2,049	2,054	1,997
Melbourne	28,062	26,561	24,463	21,357	20,104
Ringwood	2,100	1,941	1,760	1,667	1,762
Sunshine	2,639	2,512	2,219	2,250	1,739
Total	45,326	44,926	40,696	36,836	34,182

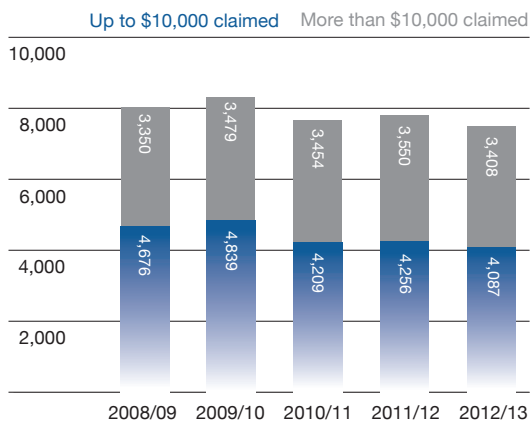
Complaints Issued or Filed



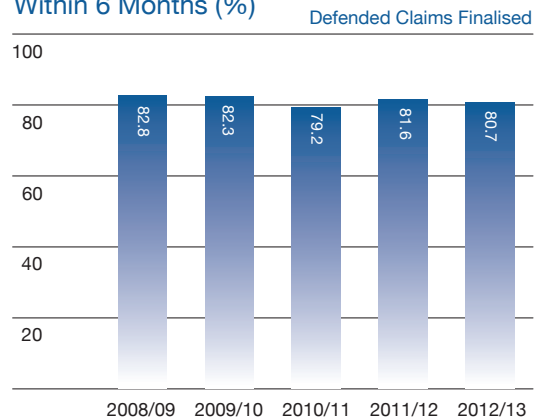
Civil Case Activity



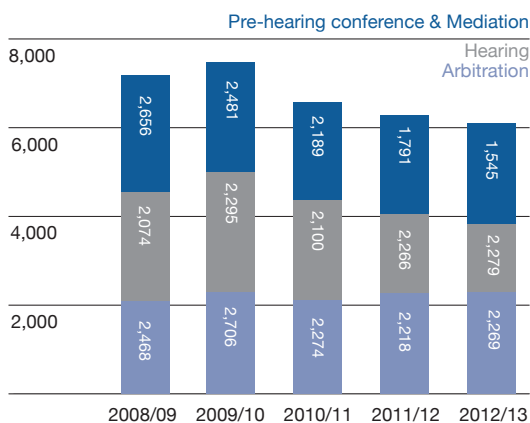
Civil Defence Notices Filed (\$)



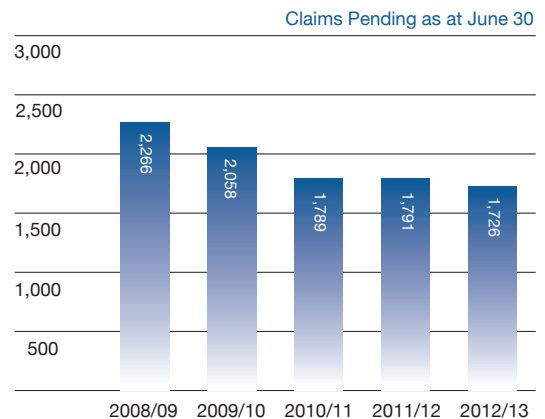
Defending Claims Finalised Within 6 Months (%)



Civil Defence Claims Finalised



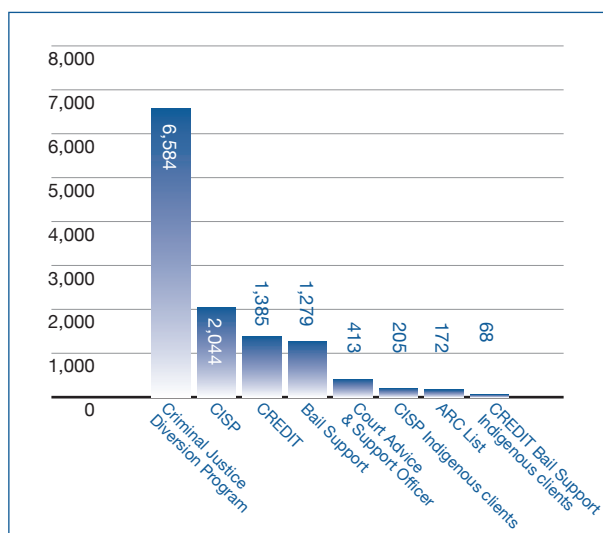
Defended Claims Pending



Court Support and Diversion Services – Data 2012-2013

Referrals to Court Support and Diversion Services

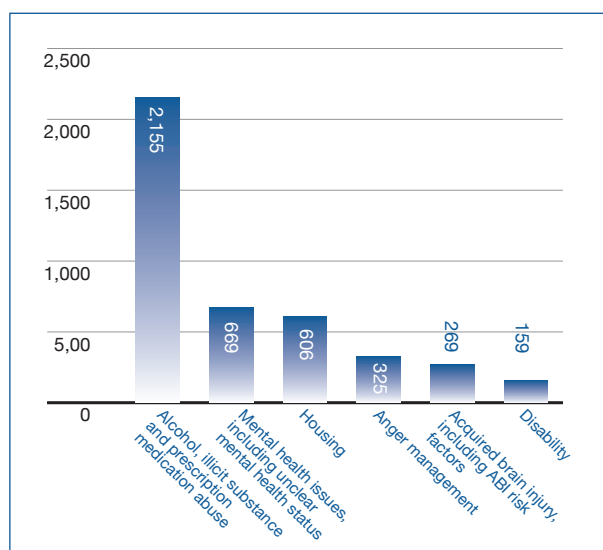
ARC List	172
CISP	2,044
CISP Indigenous clients	205
Court Advice & Support Officer	413
CREDIT	1,385
Bail Support	1,279
CREDIT Bail Support Indigenous clients	68
Criminal Justice Diversion Program	6,584



CISP – Top six referrals by reason*

Alcohol, illicit substance and prescription medication abuse	2,155
Mental health issues, including unclear mental health status	669
Housing	606
Anger management	325
Acquired brain injury, including ABI risk factors	269
Disability	159

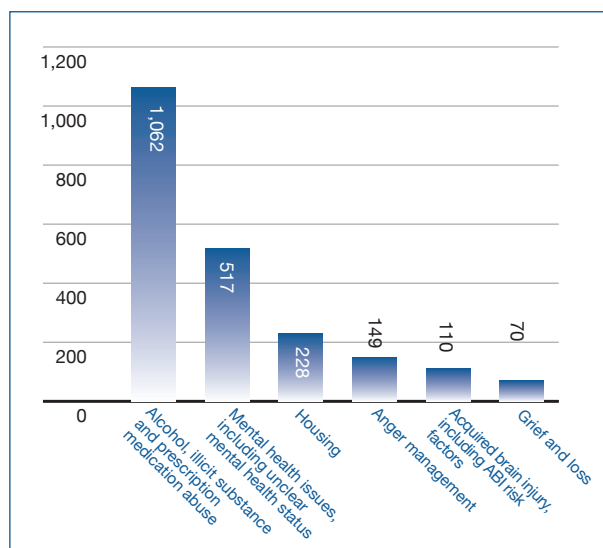
* Please note clients may have more than one identified reason for referral



CREDIT/Bail Support Program – Top six referrals by reason*

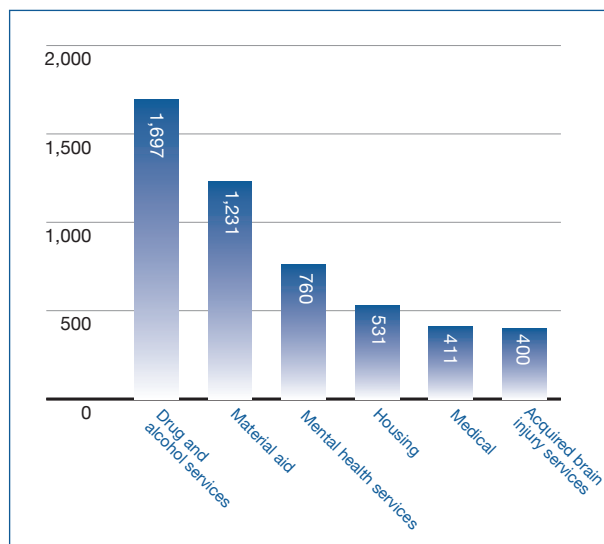
Alcohol, illicit substance and prescription medication abuse	1,062
Mental health issues, including unclear mental health status	517
Housing	228
Anger management	149
Acquired brain injury, including ABI risk factors	110
Grief and loss	70

* Please note clients may have more than one identified reason for referral



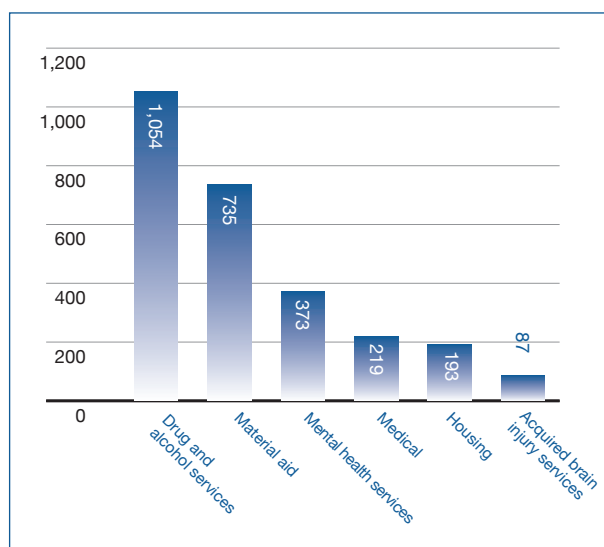
CISP – Top six treatment and support services to which clients are referred

Drug and alcohol services	1,697
Material aid	1,231
Mental health services	760
Housing	531
Medical	411
Acquired brain injury services	400



CREDIT/Bail Support Program – Top six treatment and support services to which clients are referred

Drug and alcohol services	1,054
Material aid	735
Mental health services	373
Medical	219
Housing	193
Acquired brain injury services	87



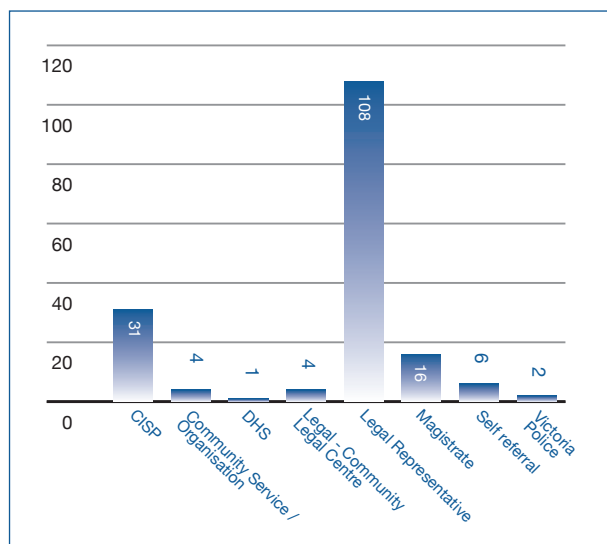
Assessment and Referral Court (ARC) List Statistical data

Outcomes of proceedings referred to the ARC List

Number of accused accepted onto the List	97
Number of accused discharged in accordance with section 4U or 4Y of the <i>Magistrates' Court Act 1989</i>	13
Number of proceedings finalised	81
Number of proceedings transferred out	40
Number of Individual Support Plan (ISP) approved	100
Number of hearings conducted in the ARC List	1,742
Number of proceedings transferred out of the ARC List in accordance in section 4X(2) of the <i>Magistrates' Court Act 1989</i>	3

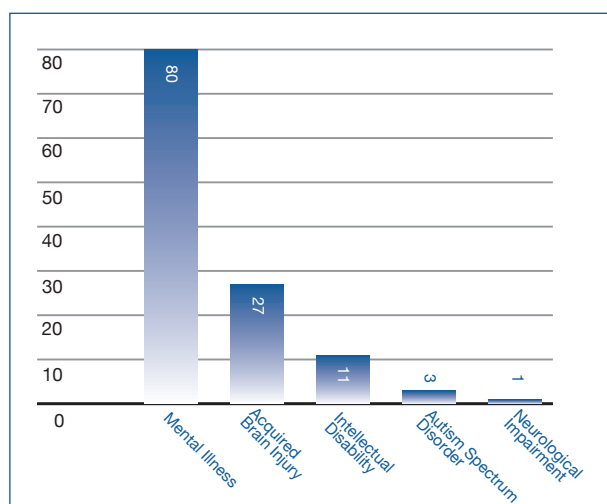
Referral Source

CISP	31
Community Service / Organisation	4
DHS	1
Legal - Community Legal Centre	4
Legal Representative	108
Magistrate	16
Self referral	6
Victoria Police	2
Total	172



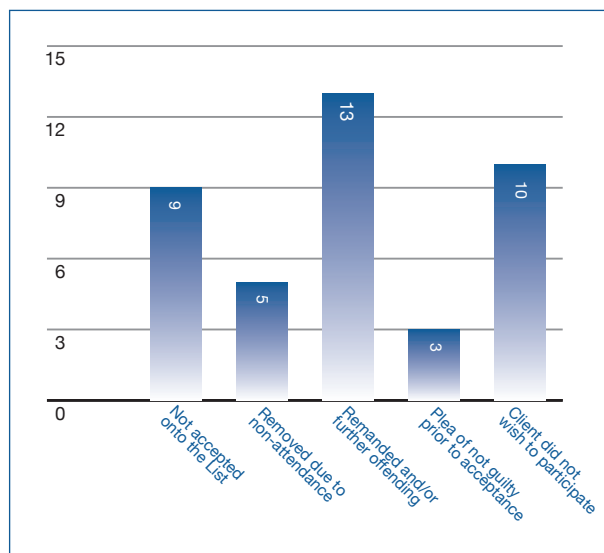
Number of persons in each diagnostic criteria (primary diagnosis)

Mental Illness	80
Intellectual Disability	11
Acquired Brain Injury	27
Autism Spectrum Disorder	3
Neurological Impairment	1



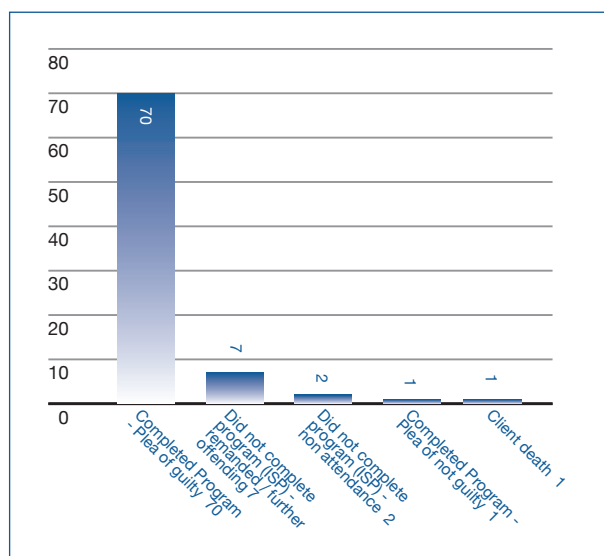
Removal of matters from the ARC List

Not accepted onto the List	9
Removed due to non-attendance	5
Remanded and/or further offending	13
Plea of not guilty prior to acceptance	3
Client did not wish to participate	10



Clients finalising matters in the ARC List

Completed Program - Plea of guilty	70
Did not complete program (ISP) - non attendance	2
Did not complete program (ISP) - remanded / further offending	7
Completed Program - Plea of not guilty	1
Client death	1



Criminal Justice Diversion Program Statistical data

There was an 11% increase in the number of referrals received from various prosecuting agencies during 2012/13 compared with 2011/12.

The highest number of referrals was male, representing 70% of referrals received. The most commonly represented age category was the 17-25 year olds. Of these accused, 2,760 were placed on a diversion plan (accepted into the program), compared with 2,636 accused in 2011/12.

During 2012/13, accused undertook 11,329 conditions, compared with 11,247 in 2011/12.

In 2012/13, 918 matters were found not suitable and refused by magistrates and judicial registrars, representing 14% of referrals that were refused.

During 2012/13, a total of 4,465 accused successfully undertook conditions and completed their diversion plan, representing 92% of accused who were placed on the CJDP, compared with 4,245 (91%) in 2011/12.

During 2012/13, 92 accused identified as Aboriginal and/or Torres Strait Islander during the diversion interview process.

Enforcement Review Program Statistical data

In 2012/13, the ERP received 21,123 individual infringements for listing in the Special Circumstances List, relating to 1314 accused.

A total 2,529 matters were listed in the Special Circumstances List in 2012/13. Of these matters, 1,709 were finalised by a magistrate or judicial registrar, representing an overall clearance rate of 66% of the matters listed for the financial year.

The 1,709 matters finalised in 2012/13 is an increase of 12% compared to matters finalised in 2011/12.

Of the 1,709 matters finalised in the Special Circumstances List, 70% of accused appeared in open court and 30% were heard ex parte.

Financial Statements

for the year ended 30 June 2013

	Note	Actual 2012/2013	Actual 2011/2012
SPECIAL APPROPRIATIONS			
Magistrates' Salaries and Allowances		36,825,799	36,132,744
Total Special Appropriations		36,825,799	36,132,744
ANNUAL APPROPRIATIONS			
Salaries, Overtime and Annual Leave		24,681,690	23,937,938
Superannuation		2,238,461	2,206,795
Payroll Taxation		1,350,732	1,306,651
Fringe Benefits Taxation		6,078	16,883
Provision for Long Service Leave		735,063	725,287
Work Cover Levy		156,846	171,723
Workforce Reduction Payments		3,817	0
Work Cover		0	770
Total Salaries and Associated Expenditure		29,172,687	28,366,047
OPERATING EXPENDITURE			
Travel and Personal Expenses		604,109	706,270
Printing, Stationery and Subscriptions		1,320,115	1,203,427
Postage and Communication		959,358	895,672
Contractors and Professional Services		965,834	1,406,609
Training and Development		136,425	166,237
Motor Vehicle Expenses		11,910	64,876
Operating Expenses	6	-1,266,333	-1,652,292
Jury, Witness and Award Payments		57,292	58,800
Information Technology Costs		649,129	814,225
Urgent and Essentials		393,087	545,419
Rent and Property Services		1,133,226	1,195,360
Property Utilities		1,362,962	1,111,048
Repairs and Maintenance		1,358,066	930,731
Finance Lease Interest(including Bank Charges)		73,266	66,145
Court Security Project		3,493,142	3,091,335
Losses on Sale of Motor Vehicles		9,704	7,775
Total Operating Expenditure		11,261,292	10,611,637
Total Salaries and Operating Expenditure		40,433,979	38,977,684
COURT FEE INITIATIVES			
Shortfall in Operating Expenses	3	0	0
New Directions Project	3	0	49,754
Court Signage Project	3	0	262,308
Criminal Listing Coordinators	3	0	35,493
Total Court Fee Expenditure		0	347,555

Financial Statements for the year ended 30 June 2013 continued

	Note	Actual 2012/13	Actual 2011/12
COURT SUPPORT PROGRAMS			
Court Diversion Project	4	1,100,018	1,271,432
Bail Support Program	4	892,744	671,233
CREDIT	4	1,153,223	1,111,798
Drug Court	4	1,550,177	1,452,565
Koori Court	4	2,411,324	2,158,080
Family Violence Program	4	721,530	1,576,856
Specialist Family Violence Project	4	753,174	1,072,460
Court Integrated Services Program	4	3,121,981	2,830,056
Assessment and Referral Court	4	1,351,271	
Total Court Support Programs Expenditure		13,055,442	12,144,480
Total Annual Appropriations Expenditure		53,489,421	51,469,719
DEPARTMENTAL CONTROLLED EXPENDITURE			
Essential Services Maintenance	5	0	760,822
Rental Accommodation	1	3,522,855	3,348,881
Depreciation— Land and Buildings	2	7,907,281	7,873,987
Amortisation— Land and Buildings	2	196,140	40,713
Amortisation— Motor Vehicles	2	1,208,382	1,273,428
Depreciation— Plant and Equipment	2	56,435	46,940
Total Department Controlled Expenditure		12,891,093	13,344,771
CAPITAL EXPENDITURE			
Purchases of Plant and Equipment		0	205,178
Total Capital Expenditure		0	205,178

Notes to and forming part of the Financial Statements

Note 1

Items identified as departmental controlled expenditure are fully funded for the financial year by the department of Justice. Any surplus or deficit outcome for the financial year has no impact on the Court's annual appropriation budget. Any budget savings achieved in these expenditure items cannot be redeployed to meet other general operating expenses.

Note 2

Depreciation is the process of allocating the value of all non-current physical assets controlled by the Court over their useful life, having regard to any residual value remaining at the end of the assets' economic life. The Department of Justice allocates this charge on a monthly basis as part of the end-of-month process.

Depreciation charges are based on the value of each individual asset, the method of depreciation used for each asset, the specified rate of depreciation and the physical location of the asset, which are fully funded and remain as non-discretionary expenditure for the court.

Note 3

Included in the total annual appropriations expenditure are court fee funded initiatives (revenue retention), which were approved and completed during the 2011/12 financial year. There were no court fee funded initiatives approved for the 2012/13 year.

Note 4

Court support programs have been established and incorporated into the operations of the Magistrates Court. Although these programs are funded individually, the overall annual expenditure forms part of the total annual appropriations expenditure of the Court.

Note 5

Within the department of Justice, Built Environment and Business Sustainability (BEBS) manage assets, accommodation planning, capital projects and environmental issues. Services relating to the court infrastructure include the essential safety measures program (ESM), which is fully funded by the Magistrates Court of Victoria. Total expenditure for the 2012/13 year has been included as part of the annual repairs and maintenance expenditure of \$1,358,066.

Note 6

In 2012/13, cost recovery from specialist court and support programs was received concerning central overhead operating expenses, which were recorded as an Operating Expense Recoup rather than as a direct reduction to expenditure across various individual operating expense line items. This approach was also applied to the reimbursement of costs incurred on behalf of other Departmental, State and Commonwealth agencies.

Directory of Magistrates and Judicial Registrars

Magistrates

Mr Henry Clive Alsop
Ms Susan Jane Armour
Ms Donna Bakos
Mr Thomas Arthur Dent Barrett
Ms Luisa Rita Bazzani
Mr John Stephen Bentley
Ms Angela Joy Bolger
Ms Jennifer Carolyn Anne Bowles
Mr Barry Bernard Braun (*Deputy Chief Magistrate*)
Mr Leonard Harold Brear (retired 18 March 2013)
Ms Felicity Anne Broughton (*Deputy Chief Magistrate*)
Mr Gerard Robert Bryant
Mr Darrin Cain
Ms Suzanne Lara Cameron
Mr Andrew Thomas Capell
Ms Rosemary Carlin
Mr James Maxwell Brooke Cashmore
Ms Amanda Chambers
Mr Michael Patrick Coghlan
Ms Ann Elizabeth Collins
Mr Gregory Connellan
Mr Simon Mitchell Cooper
Mr David Bruce Sidney Cottrill
Mr Peter Couzens
(appointed President Children's Court 30 April 2013)
Mr Rodney Leslie Crisp
Ms Jillian Mary Crowe
Ms Sharon Elizabeth Cure
Ms Sarah Kingsley Dawes
Mr John William Doherty
Mr Peter Gordon Dotchin
Mr Peter Stewart Dunn (appointed 29 January 2013)
Ms Michelle Pauline Elizabeth Ehrlich
Ms Caitlin Creed English
Ms Rosemary Elizabeth Falla (appointed 29 January 2013)
Mr David Kevin Fanning
Mr David Faram (appointed 26 March 2013)
Mr Bernard Robert FitzGerald
Mr Julian Francis Fitz-Gerald (retired 21 December 2012)
Ms Lesley Ann Fleming
Mr Simon Gerard Garnett
Mr William Paterson Gibb
Ms Jane Catherine Gibson
Mr Philip John Ginnane

Mr Phillip Goldberg
Ms Jennifer Anne Benn Goldsbrough
Mr Ian Leslie Gray
(appointed State Coroner 28 November 2012)
Mr Martin Grinberg
Ms Jennifer Margaret Grubissa
Ms Margaret Gill Harding
Mr John William Hardy
Ms Annabel Mary Hawkins
Ms Kate Isabella Hawkins
Ms Fiona Ann Hayes
Mr Louis Joseph Hill
Mr Francis Ross Hodgens
Ms Michelle Therese Hodgson
Mr Franz Johann Holzer
Ms Gail Anne Hubble (appointed 24 October 2012)
Ms Audrey Graham Jamieson
Mr Graeme Douglas Johnstone
(deceased 16 November 2012)
Mr Graham Douglas Keil
Mr Jonathan George Klestadt
Mr Robert Krishnan Ashok Kumar (*Deputy Chief Magistrate*)
Ms Elizabeth Anne Lambden
Ms Catherine Frances Lamble
Mr Nunzio La Rosa
Mr Peter Henry Lauritsen (*Chief Magistrate*)
Mr Dominic Lennon (appointed 21 May 2013)
Mr John Leon Lesser
Mr Gerard Michael Lethbridge
Mr Gregory John Zalman Levine
Ms Jan Maree Maclean
Ms Kay Helen Macpherson
Mr Lance Ivan Martin (*Deputy Chief Magistrate*)
Mr Ross Graeme Maxted (appointed 16 April 2013)
Ms Ann Judith McGarvie
Mr Andrew Richard McKenna
Mr Gregory Laurence McNamara
Mr Peter Harry Mealy
Mr Peter Mellas
Ms Johanna Margaret Metcalf
Mr Peter Patrick Mithen (appointed 4 June 2013)
Mr Daniel John Muling (*Deputy Chief Magistrate*)
Mr John Martin Murphy
Mr Stephen Paul Myall

Mr John Lawrence O'Callaghan
 Mr William John George O'Day (retired 30 April 2013)
 Ms Julie Ann O'Donnell
 Ms Denise Mary O'Reilly
 Ms Kim Michelle Willmott Parkinson
 Mr Anthony William Parsons
 Mr Richard John Pithouse
 Ms Jelena Popovic (*Deputy Chief Magistrate*)
 Ms Roslyn Jane Porter
 Mr Reginald Hugh Storrier Radford
 Mr Peter Anthony Reardon
 Mr Duncan Keith Reynolds
 Ms Mary Kay Robertson
 Mr Charlie Rozencajg
 Mr Ronald Norman Saines
 Mr Marc Anthony Sargent
 Mr Michael Leslie Smith
 Mr Paul Anthony Smith
 Ms Sharon Elizabeth Smith
 Mr Patrick Southey
 Ms Paresa Antoniadis Spanos
 Ms Pauline Therese Spencer
 Ms Heather Margaret Spooner
 Ms Fiona Margaret Stewart
 Ms Stella Maria Dolores Stuthridge
 Ms Noreen Mary Toohey
 Ms Cynthia Anne Toose
 (appointed 4 June 2013)
 Ms Jennifer Beatrix Tregent
 Mr Jack Vandersteen
 Mr Ian Maxwell Von Einem
 (retired 20 November 2012)
 Ms Susan Melissa Wakeling
 Ms Belinda Jane Wallington
 Mr Ian John Watkins
 Mr Iain Treloar West (Deputy State Coroner)
 Mr Michael Gerard Wighton
 Mr Brian Robert Wright
 Mr Richard Thomas Wright
 Mr Francis Patrick Zemljak
 (appointed 26 February 2013)

Reserve Magistrates

Mr Brian Sturtevant Barrow
 (appointment ended 30 June 2013)
 Mr John Douglas Bolster
 Mr Lewis Phillip Byrne
 (appointed 9 April 2013)
 Mr Brian Joseph Clifford
 Mr Thomas Kevin Hassard
 Ms Jacinta Heffey
 Mr Frank William Dudley Jones
 Mr Timothy John McDonald
 (appointment ended 14 April 2013)
 Mr Ian Thomas McGrane
 Mr Peter Thomas Power
 Mr Steven Raleigh
 Mr Ian Maxwell Von Einem
 (appointed 26 March 2013)
 Mr William Peter White
 Mr Terry John Wilson

Judicial Registrars

Ms Ruth Andrew
 Mr Graeme John Horsburgh
 Mr Barry Raymond Johnstone
 Ms Sharon McRae
 Mr Peter Patrick Mithen
 (appointed Magistrate 4 June 2013)
 Mr Richard O'Keefe
 Ms Angela Assunta Soldani

Court Venue Contact Details

Ararat

Cnr Barkly
and Ingor Streets
PO Box 86 Ararat 3377
Ph: 03 5352 1081
Fax: 03 5352 5172

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Fax: 03 5367 7319

Bairnsdale

Nicholson Street
PO Box 367
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Ph: 03 5152 9222
Fax: 03 5152 9299

Ballarat

100 Grenville Street South
PO Box 604
Ballarat 3350 (DX 214276)
Ph: 03 5336 6200
Fax: 03 5336 6213

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Bridge Street
PO Box 258
Benalla 3672 (DX 214469)
Ph: 03 5761 1400
Fax: 03 5761 1413

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71 Pall Mall
PO Box 930 Bendigo 3550
(DX 214508)
Ph: 03 5440 4140
Fax: 03 5440 4173

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Cnr Pearcedale Parade and Dimboola
Road
PO Box 3235
Broadmeadows 3047
(DX 211268)
Ph: 03 9221 8900
Fax: 03 9221 8901

Castlemaine

Lyttleton Street
PO Box 92
Castlemaine 3450
Ph: 03 5472 1081
Fax: 03 5470 5616

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Cnr Punt Road
and High Street
Cobram 3644
(C/- PO Box 607 Shepparton 3630)
Ph: 03 5872 2639
Fax: 03 5871 2140

Colac

Queen Street
PO Box 200
Colac 3250
(DX 215272)
Ph: 03 5234 3400
Fax: 03 5234 3411

Corryong

Jardine Street
(C/- PO Box 50
Wodonga 3690)
Corryong 3707
Also see WODONGA

Dandenong

Cnr Foster
and Pultney Streets
PO Box 392
Dandenong 3175
(DX 211577)
Ph: 03 9767 1300
Fax: Criminal 03 9767 1399
Fax: Civil 03 9767 1352

Dromana

Codrington Street
PO Box 105
Dromana 3936
Ph: 03 5984 7400
Fax: 03 5984 7414

Echuca

Heygarth Street
PO Box 76
Echuca 3564
Ph: 03 5480 5800
Fax: 03 5480 5801

Edenhope

Shire Offices
West Wimmera
Shire Council
49 Elizabeth Street
(C/- PO Box 111, Horsham 3400)
Edenhope 3318
Also see HORSHAM

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Frankston 3199
(DX 211788)
Ph: 03 9784 5777
Fax 03 9784 5757

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Railway Terrace
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Geelong 3220
(DX 216046)
Ph: 03 5225 3333
Fax: 03 5225 3392

Hamilton

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PO Box 422
Hamilton 3300
(DX 216376)
Ph: 03 5572 2288
Fax: 03 5572 1653

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Jika Street
PO Box 105
Heidelberg 3084
(DX 211906)
Ph: 03 8488 6700
Fax: 03 8458 2001

Hopetoun

Shire Offices
Shire of Karkaroc
75 Lascelles Street
(C/- PO Box 111, Horsham 3400)
Hopetoun 3396
Also see HORSHAM

Horsham

Roberts Avenue
PO Box 111
Horsham 3400
(DX 216519)
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Fax: 03 5362 4454

Kerang

Victoria Street
PO Box 77
Kerang 3579
(DX 216739)
Ph: 03 5452 1050
Fax: 03 5452 1673

Korumburra

Bridge Street
PO Box 211
Korumburra 3950
Ph: 03 5658 0200
Fax: 03 5658 0210

Kyneton

Hutton Street
PO Box 20 Kyneton 3444
Ph: 03 5422 1832
Fax: 03 5422 3634

Latrobe Valley

134 Commercial Road
PO Box 687 Morwell 3840
(DX 217729)
Ph: 03 5116 5222
Fax: 03 5116 5200

Mansfield

Cnr High and Highett Sts
PO Box 105
Mansfield 3722
Ph: 03 5775 2672
Fax: 03 5775 3003

Maryborough

Clarendon Street
PO Box 45
Maryborough 3465
Ph: 03 5461 1046
Fax: 03 5461 4014

Melbourne

233 William Street
GPO Box 882G
Melbourne 3001
(DX 350080)
Ph: 03 9628 7777
Fax: Committal Coordinator
03 9628 7733
Fax: Criminal Coordinator
03 9628 7808
Fax: Criminal Registry
03 9628 7826
Fax: Civil Coordinator
03 9628 7736
Fax: Civil Pre-hearing
Conference
03 9628 7837
Fax: Civil Registry
03 9628 7728
Fax: Family Law
03 9628 7874
Fax: VOCAT
03 9628 7853

Mildura

Deakin Avenue
PO Box 5014
Mildura 3500
(DX 217506)
Ph: 03 5021 6000
Fax: 03 5021 6010

Moe

Lloyd Street
PO Box 87
Moe 3825
(DX 217629)
Ph: 03 5127 4888
Fax: 03 5127 8780

Moonee Ponds

Kellaway Avenue
(C/- PO Box 3235
Broadmeadows 3047)
Moonee Ponds 3039
Ph: 03 9370 7111
Fax: 03 9370 5067

Moorabbin

1140 Nepean Highway
PO Box 2042 Moorabbin
Highett 3190
(DX 212145)
Ph: 03 9090 8000
Fax: 03 9090 8001

Myrtleford

Myrtle Street
Myrtleford 3737
Ph: 03 5752 1868
Fax: 03 5752 1981

Neighbourhood Justice Centre

241 Wellington Street
PO Box 1142
Collingwood 3066
(DX 211512)
Ph: 03 9948 8777
Fax: 03 9948 8799

Nhill

110 MacPherson Street
(C/- PO Box 111, Horsham 3400)
Nhill 3418
Ph: 03 5391 1207
Also see HORSHAM

Omeo

Shire Offices
Day Avenue
(C/- PO Box 367 Bairnsdale 3875)
Omeo 3898
(DX 214191)
Also see BAIRNSDALE

Orbost

Wolsley Street
(C/- PO Box 367 Bairnsdale 3875)
Orbost 3888
(DX 214191)
Ph: 03 5154 1328
Also see BAIRNSDALE

Ouyen

Shire Offices
Oke Street
(C/- PO Box 5014,
Mildura 3500)
Ouyen 3490
Ph: 03 5021 6000
Fax: 03 5021 6010
Also see MILDURA

Portland

67 Cliff Street
PO Box 374
Portland 3305
Ph: 03 5523 1321
Fax: 03 5523 6143

Preston

Cnr Roseberry Avenue
& Kelvin Grove
PO Box 268
Preston 3072 (DX 212407)
Ph: 03 9470 2768
Fax: 03 9478 4957

Ringwood

Ringwood Street
PO Box 333
Ringwood 3134
(DX 212456)
Ph: 03 9871 4444
Fax: 03 9871 4463

Robinvale

George Street
(C/- PO Box 5014
Mildura 3500)
Robinvale 3549
Ph: 03 5026 4567
Also see MILDURA

Sale

Foster Street
(Princes Highway)
PO Box 351
Sale 3850
(DX 218574)
Ph: 03 5144 2888
Fax: 03 5144 7954

Seymour

Tallarook Street
PO Box 235
Seymour 3660
(DX 218685)
Ph: 03 5735 0100
Fax: 03 5735 0101

Shepparton

High Street
PO Box 607
Shepparton 3630
(DX 218731)
Ph: 03 5821 4633
Fax: 03 5821 2374

St Arnaud

Napier Street
PO Box 17
St Arnaud 3478
Ph: 03 5495 1092
Also see MARYBOROUGH

Stawell

Patrick Street
PO Box 179
Stawell 3380
Ph: 03 5358 1087
Also see ALARAT

Sunshine

10 Foundry Road
PO Box 435
Sunshine 3020
(DX 212686)
Ph: 03 9300 6200
Fax: 03 9300 6269

Swan Hill

Curlewis Street
PO Box 512
Swan Hill 3585
(DX 218991)
Ph: 03 5032 1352
Fax: 03 5033 1955

Wangaratta

Faithful Street
PO Box 504
Wangaratta 3677
(DX 219436)
Ph: 03 5721 0900
Fax: 03 5721 5483

Warrnambool

218 Koroit Street
PO Box 244
Warrnambool 3280
(DX 219592)
Ph: 03 5564 1111
Fax: 03 5564 1100

Werribee

Cnr Duncans Road and Salisbury
Street
PO Box 196
Werribee 3030
(DX 212868)
Ph: 03 9974 9300
Fax: 03 9974 9301

Wodonga

5 Elgin Boulevard
PO Box 50
Wodonga 3690
(DX 219762)
Ph: 02 6043 7000
Fax: 02 6043 7004

Wonthaggi

Watt Street
PO Box 104
Wonthaggi 3995
Ph: 03 5672 1071
Fax: 03 5672 4587

Glossary

ADR	alternative dispute resolution, including mediation for civil matters
ARC List	Assessment and Referral Court List, for more information refer to page 63
CCO	Community Corrections Order, a sentencing order that can be made by a magistrate pursuant to section 37 of the Sentencing Act 1991
CCS	Community Correctional Services, a service provided by the Corrections Victoria. For further information, refer to page 71
CISP	Courts Integrated Service Program, for more information refer to page 63
CJDP	Criminal Justice Diversion Program, for more information refer to page 67
Courtlink	The Court's case management system
CREDIT	Court Referral and Evaluation for Drug Intervention and Treatment Program
DTO	Drug Treatment Order, a sentencing order that can be made by a magistrate sitting in the Drug Court pursuant to section 18Z of <i>Sentencing Act 1991</i> . For further information, refer to page 58
FVIO	Family Violence Intervention Order
L&D	Learning and Development Unit of the Magistrates' Court of Victoria, for more information refer to page 15
NJC	Neighbourhood Justice Centre, for more information refer to page 61
OPP	Office of Public Prosecutions
PSIO	Personal Safety Intervention Order
The Court	refers to the Magistrates' Court of Victoria
The department	refers to the Department of Justice
VCAT	Victorian Civil and Administrative Tribunal
VOCAT	Victims of Crime Assistance Tribunal
YJCAS	Youth Justice Court Advice Service, a service provided by Youth Justice. For further information, refer to page 71

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