



The Magistrates'
Court of
Victoria

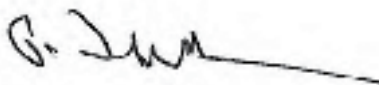
Annual Report 2013/14



18 September 2014

To His Excellency
The Hon Alex Chernov AC 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 2013 to 30 June 2014,
to Your Excellency, pursuant to
section 15(3) of the *Magistrates'*
Court Act 1989.

A handwritten signature in black ink, appearing to read 'G. Jura' or similar, followed by a long horizontal line.

Yours sincerely

PETER LAURITSEN

The Magistrates' Court of Victoria is an innovative, accessible and responsive court that provides quality service to the Victorian community. The Court sits at 53 metropolitan and regional locations and is comprised of 114 magistrates, 14 reserve magistrates, eight judicial registrars, 546 staff and 75 elders and respected persons. This is our 2013/14 report.

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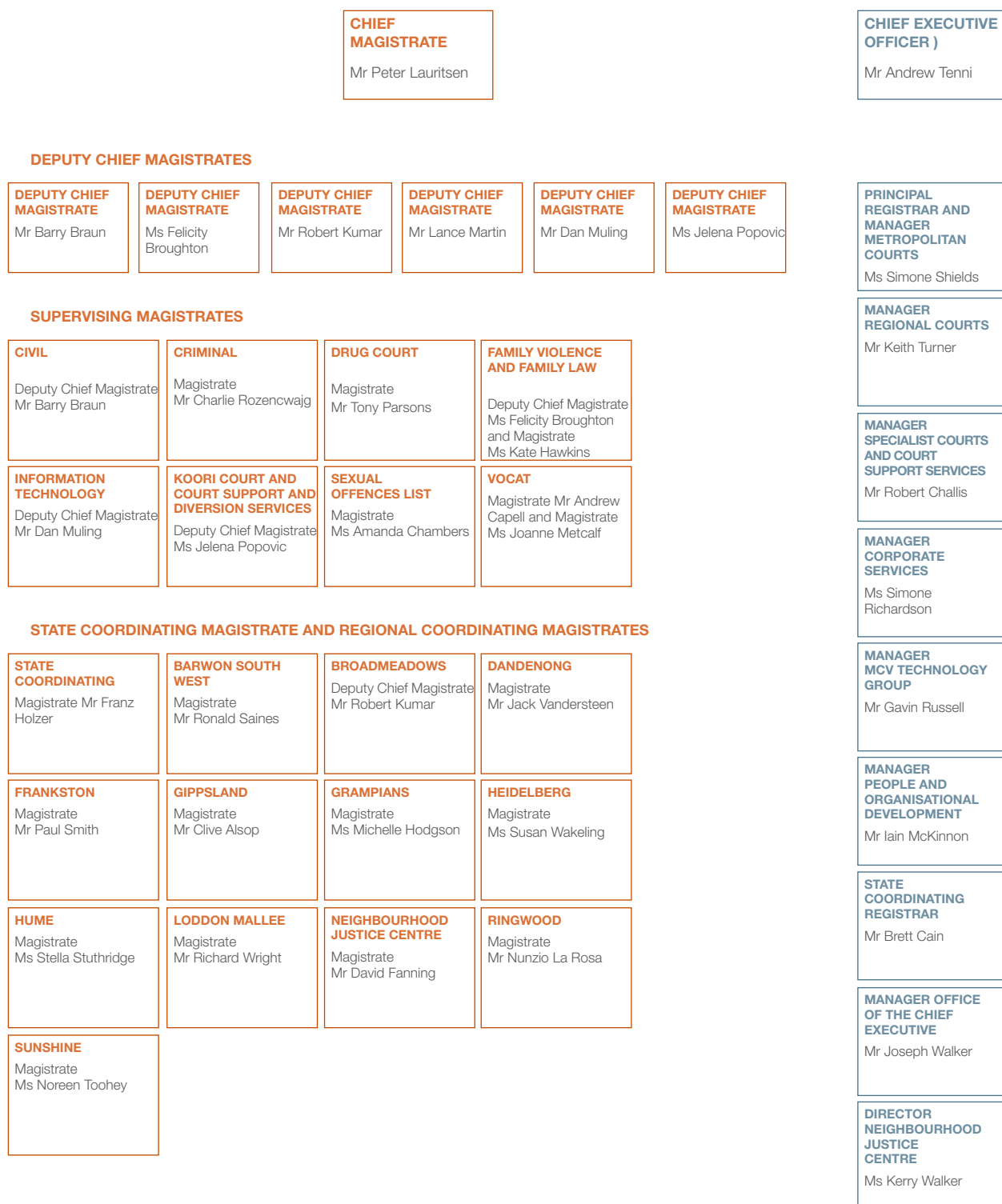
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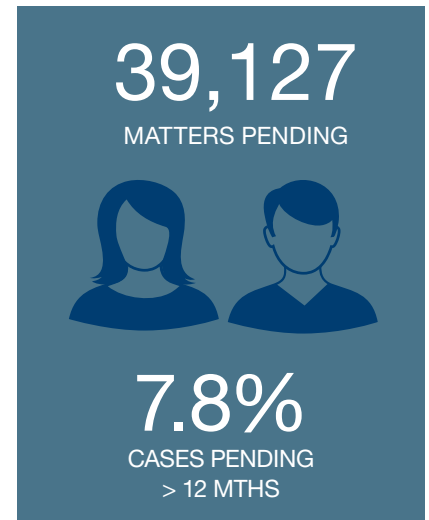
The Year at a Glance

Magistrates' Court of Victoria Organisational Chart

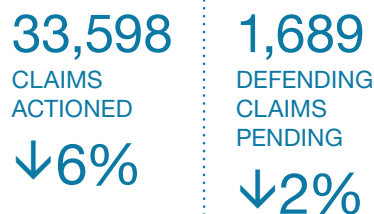
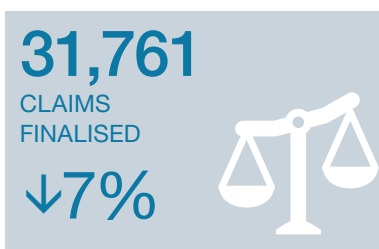


Please refer to page 96 for the full Directories.

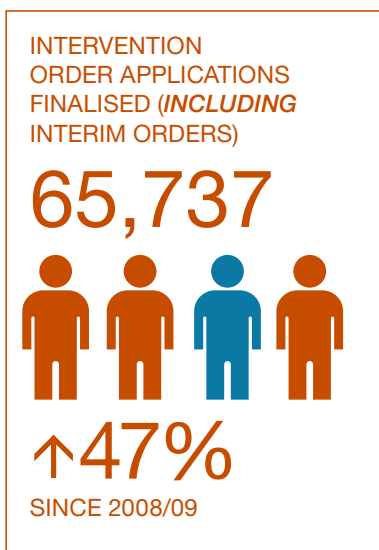
Criminal Law Statistics – more on page 79



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INTERIM INTERVENTION ORDERS MADE

INTERVENTION ORDER APPLICATIONS FINALISED (EXCLUDING INTERIMS)



Message from the Chief Magistrate



It is with pleasure that I present the Annual Report for the Magistrates' Court of Victoria for the year ending 30 June 2014.

The Court

The Court operates from 53 venues throughout the State. It divides the State into 12 regions, each with a headquarter courthouse located in a major metropolitan and regional centres. Melbourne is a headquarter courthouse. It is the largest by far, housing 30 courtrooms and 2 hearings rooms.

There are 114 magistrates, 14 reserve magistrates, eight judicial registrars, 546 staff and 75 elders and respected persons. The Court hears and determines 300,000 cases each year and about 2,500,000 people visit the Court during the year. It is exceedingly busy and it is a credit to all that it runs so well.

Family violence and personal safety

In the family violence and personal safety areas, the number of applications grew rapidly. They remain the fastest growing areas in the Court. In order to relieve the pressure of these and criminal cases on some metropolitan venues of the Court, certain catchment areas were changed in November 2013. In the main, this resulted in an increase in the work at Melbourne and decreases at Sunshine and Heidelberg.

In 2004, Parliament created the Family Violence Court Division. Then and now, it operates in just two of the Court's venues - Ballarat and Heidelberg. The

Division replicates many of the features of American domestic violence courts. A feature of the Division is its ability to make counselling orders. This is not its defining feature. Division brings together dedicated magistrates, court staff, police prosecutors and others to deal with family violence, across both the civil and criminal jurisdictions.

The Division is a successful program however it remains restricted to the two venues of the Court. Even within those venues, it still does not cover the entirety of their catchments. The Court wants to expand the Division, or at least elements of it, to other venues of the Court.

Non-production of persons in custody

Since September 2013, the Court has experienced the rare circumstance that persons in custody were not produced at the Court in response to a remand warrant or gaol order. Initially, a significant number of such persons were not produced. This issue is a by-product of the increasing prison population. To counteract this, the Court developed two interim measures:

- (a) sittings of two lists in the County Court at Melbourne
- (b) sittings each Saturday and Sunday at the Court at Melbourne.

The former enables the Court to use cell capacity in the County Court and two of its courtrooms. The latter enables accused in custody to be

brought before the Court at the earliest opportunity. It also gives the Court greater control of the further listing of the those cases where persons are not released.

These measures, coupled with the intense work of Court staff, have reduced the number of persons not produced; however, they have not eliminated the problem.

The problem may intensify with the abolition of the suspended sentence of imprisonment on 1 September 2014. In 2013-2014, the Court imposed 4,311 wholly suspended sentences and 777 partially suspended sentences, a total of 5,088. In 2012-2013, the total figure was 5,532 and, in 2011-2012, 5,603. Since a suspended sentence should only be imposed if an unsuspended sentence was appropriate¹, the implication for the overall prison population is significant.

In the longer term, the Court sees the solution to non-production in technology. The Court is receiving funds to build a new audio-visual system, based on an Internet network. This will be a pilot programme. If successful, it should lead to a court-wide construction. This should reduce the number of times persons in custody need to attend a court physically.

At its weekend sittings, the Court has experimented with the use of different

¹ S 27(3) of the *Sentencing Act 1991*.

approaches to video conferencing. It has linked Courtroom 1 at Melbourne with the Dandenong Police Station. This enables a police member to give evidence from Dandenong in a bail application. It avoids the need for that person to travel to Melbourne and wait at court until the matter is heard.

Koori Court

The Koori Court Division has existed since 2003, starting at Shepparton and then Broadmeadows. It has now reached seven other venues of the Court. In August 2014, it will start at Melbourne.

In 1991, the Royal Commission into Aboriginal Deaths in Custody delivered its final report. It recommended 393 measures to reduce the number of aboriginal offenders in custody. Many have been implemented. At the time of its report, the rate of imprisonment for Victorian aboriginal adults per 100,000 persons was 767.9. In March 2014, the rate was 1,543 per 100,000 adults, more than double.

The Koori Court has made a significant contribution to reducing the number of Victorian aboriginal offenders in custody. Without it, the Victorian imprisonment rate would be nearer the national rate of 2,164.2 per 100,000 adults.

Court buildings

For many years, there has been insufficient monies to carry out repairs to the court buildings around the State. Towards the end of the year, the Court allocated some additional funding, which enabled significant repairs to occur. Longer term, the Court needs significant investment in repairing the courthouses around the state.

In May, the Government announced the development of a new, multi-jurisdictional courthouse at Shepparton. Through Court Services Victoria, planning has already commenced. This represents an opportunity to achieve a modern building catering for the issues concerning courts, including family violence.

Work continues on the building of an additional courtroom at Bendigo in the new justice centre facility with an expected completion by October 2014.

The creation of a new Children's Court at Broadmeadows will have incidental benefits to the existing courthouse, not least, the construction of a new entrance and larger ground floor foyer.

Committal case conferences

The Court strives to make the committal process more effective. During the year, the Court introduced committal case conferences for cases where the principal offence was against the person. This has proven successful in reducing the number of cases listed for a hearing and ensuring the narrowing of issues for those that are.

Court Services Victoria

On 1 July 2014, the *Court Services Victoria Act 2014* commenced. It creates a body corporate called "Court Services Victoria". The Act has a single objective:

"The object of this Act is to support judicial independence in the administration of justice in Victoria by establishing a body (Court Services Victoria) to provide the administrative services and facilities necessary for the Victorian courts and VCAT to operate independently of the direction of the

executive branch of government."

As said by the Attorney-General in his Second reading speech, the creation of Court Services Victoria serves two purposes²:

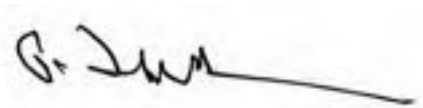
"It is preferable in principle because it reduces the potential for executive government to interfere in the operations of the courts, and preferable in practice because remote and divided responsibilities can impede and frustrate the ability of the courts to manage their own operations and to introduce efficiencies and reforms."

The governing body of Court Services Victoria is the Courts Council, consisting, mainly, of the heads of jurisdiction.

In part, the success of Court Services Victoria is dependent upon adequate resourcing.

Acknowledgements

Since September 2013, many venues of the Court have faced the non-production issue. Both magistrates and staff have done their best. I thank my judicial colleagues, registrars and court staff for their efforts in managing this issue to ensure the Court continues to operate efficiently.



Peter Lauritsen
Chief Magistrate

² Hansard, Legislative Assembly, 30 October 2013 at p. 3661.

Message from the Chief Executive Officer



A number of major challenges arose in 2013/14 that tested the resilience and flexibility of the Court. It is a reflection on the quality of people working within the Magistrates' Court that not only enabled those challenges to be met, but also provided the ability for the Court to continue to develop at the same time.

During the reporting period, demand for services provided by the Court continued to grow. In terms of caseload, 237,452 criminal cases were finalised in 2013/14, a rise of 26 per cent compared to the previous year.

In the area of family violence, the number continued to rise, with an increase of 5.5 per cent. There has been an overall 47 per cent increase in both family violence and personal safety intervention orders since 2008/09.

However, during the reporting period, there have been a number of achievements in various areas of the Court.

Family Violence

In relation to family violence intervention orders, the numbers in caseload alone do not reflect the effort of the Court in this sensitive area. The challenge is to manage the ongoing increase in workload whilst also trying to maintain high standards of service, assistance and support to those directly participating in matters before the Court. This not only includes applicants and respondents, but also others involved in the process such as children, extended family members and those within the community touched by instances of family violence.

During 2013/14, a number of events further reinforced the sensitive, complex and tragic nature of family violence within the community. The safety and wellbeing of those affected by family violence is critical and so enhancing the Court's response continues to be a priority. The Court implemented initiatives during the period to further strengthen the system including:

- preparation for the expansion of court-directed Men's Behaviour Change Programs to the Frankston and Moorabbin Courts. This allows these courts to make counselling orders, directing eligible men to attend a Men's Behaviour Change Program upon the making of a final intervention order.
- working collaboratively with Victoria Police to develop an electronic interface between the Court's case management system and the police database. The interface enables the exchange of data between the two organisations to ensure access to timely and accurate information, and will further close the information gap between the Court and Victoria Police in managing these complex matters.

There is still a lot more work to be done in improving the family violence system and the Court is committed to further enhancing its responses in this area.

Operations

During 2013/14, the bushfires that took hold in regional Victoria proved to be another challenge for the Court. With magistrates and staff travelling to outside venues, we had to remain vigilant. Latrobe Valley experienced some of the worst conditions as the fires took hold of Gippsland and smoke lingered from the mine.

The staff in affected areas worked closely with various jurisdictions and stakeholders to manage the situation and keep operations going. It was a credit to all involved that the Court continued to function and the impacts of the situation were minimised.

To manage demand for services within existing resources and infrastructure, the Court undertook a process to review its boundaries and the catchment areas around different venues. Population growth in Victoria, particularly through the western, eastern and northern metropolitan corridors, has contributed to increased caseload. These pressures result in increased daily hearing lists,

increased listing delays and delays in accessing the affected court venues generally.

As a result of the review, the Court adjusted its boundaries to release pressure on venues such as Heidelberg and Sunshine in particular, whilst at the same time ensuring the revised boundaries were more consistent with Local Government Areas and with Police Service Areas.

In consultation with Victoria Police and other prosecuting agencies, the boundary changes commenced in October 2013. The realignment of the boundaries provided a better distribution of work and assisted in the better management of caseloads for those venues affected. The Court will continue to monitor the impacts of those boundary changes and explore further opportunities to redistribute work to ensure resources are used as effectively as possible.

The Court continues to improve services available in the Victims of Crime Assistance Tribunal. Improvements to listing and case management practices, as well as an increased role of judicial registrars in determining applications for assistance has helped reduce delays and improve the efficiency of the Tribunal. During the reporting period, pending cases were reduced by 527 and an overall clearance rate of 115% was achieved.

Custody

Since September 2013, the coordination of cases involving accused in custody has become a major challenge. The pressures on corrections facilities and police cells has led to complexities in the movement of prisoners to attend hearings. Our staff have worked tirelessly with Corrections Victoria and Victoria Police to manage these matters through the organisation of video links and the making of alternate hearing arrangements.

In order to manage the impacts of the increased numbers of accused in custody, a number of initiatives were introduced.

These initiatives include:

Weekend Remand Court

In collaboration with Victoria Police and Victoria Legal Aid, the Court introduced weekend sittings in order to deal with remand matters that arose over the weekend at the earliest opportunity. From November 2013, one court sat at Melbourne Magistrates' Court on Saturday and Sunday to hear remand matters from across metropolitan Victoria. The objective was to provide accused with the ability to apply for bail at the earliest opportunity, and the Court greater control over its custody listings. From November 2013 to the end of June 2014, 950 matters were listed, with 22% of accused being granted bail and a further 15% of people having their matters finalised.

Sittings in the County Court building

The Magistrates' Court, in cooperation with the County Court of Victoria, established the sitting of two courts per day in the County Court building to hear both summary and committal stream matters with accused in custody. The use of courtrooms in the County Court was designed to utilise the cells there, reducing pressure on the Melbourne Custody Centre located under the Melbourne Magistrates' Court. This has assisted in the delivery of accused in custody to the Court at Melbourne and other metropolitan courts locations as required. Over 1,500 have been listed in the County Court between November 2013 and June 2014.

Reactivation of the cells at Ringwood

The Senior Registrar worked with Corrections Victoria and Victoria Police on the re-activation of Ringwood Court cells to reduce the non-transporting of prisoners to the Court at Ringwood.

As well as these strategic initiatives, Senior Registrars at various locations have made improvements locally to assist in the management of custody matters to ensure that they were able to continue to operate as effectively as possible.



Andrew Tenni
Chief Executive Officer

Court Support Services

The Court continues to build on the success of its problem solving approaches to help reduce re-offending and address the underlying causes of offending.

In partnership with Corrections Victoria, the Court Integrated Services Program (CISP) was expanded to operate out of a number of prisons and remand centres this year. The program which is known as the CISP Remand Outreach Pilot (CROP), started in February 2014. CROP aims to assist those remanded into custody to address issues such as homelessness, drug and alcohol use and mental health issues, which can be barriers to receiving bail. Early indicators suggest that the program is working well to meet objectives.

The Assessment and Referral Court List was acknowledged for its work in meeting the needs of accused persons who have a mental illness or cognitive impairment by receiving a Melbourne City Council Award in 2013, in the category of Contribution to Community by a Corporation.

The list aims to reduce the risk of harm to the community by addressing underlying factors that contribute to offending behaviour.

Facilities

The management of our facilities continues to be a challenge. With 19 buildings over 100 years old and the average age of all buildings being around 70 years old, the list of maintenance issues is extensive. During this financial year, additional funding was allocated to some of the more urgent and essential works required including the installation of new chillers at Warrnambool and Werribee, the upgrading of heating and cooling at Heidelberg and new counters at a number of venues to improve security and service.

The announcement of funding for the new facility at Shepparton was a major outcome. This will provide a boost for the community of Shepparton and the Hume region. Some preliminary preparation activity commenced during the reporting period such as site and soil testing with the longer planning and development process set to get underway. This will be the first major capital project to be managed under Court Services Victoria and the jurisdictions look forward to working together to make the Shepparton Court development the blueprint for court designs of the future.

In December 2013, the Court was able to consolidate its administration in the William Cooper Justice Centre. This brought all the corporate functions together in one building and has improved the efficiency of their operations.

Court Services Victoria

The transition to Court Services Victoria, and the separation of courts from the Department of Justice has provided a number of challenges and opportunities for the Magistrates' Court. Throughout the transition, the Magistrates' Court worked proactively and collegiately with the Department of Justice and other jurisdictions to ensure that Court Services Victoria was able to operate effectively when it came into being on 1 July 2014.

Whilst a lot of work has already been done, more is needed to finalise roles and responsibilities. As Court Services Victoria evolves, opportunities to improve the services we provide and way in which we provide them, will continue to develop.

Achievements:

During the reporting period, a number of achievements were delivered or celebrated, including:

- Assisting in the implementation of the new centralisation model of case management in the Coroners Court which included a focus on the processing of outstanding matters in regional locations.
- In conjunction with the Children's Court, commenced sittings of the Koori Children's Court at Swan Hill and Shepparton.
- Celebrating the 10 year anniversary of sittings of the Koori Court at Warrnambool, this included the unveiling of a mural on the wall just outside the Koori Court room celebrating the rich indigenous history in the region.
- Completion of renovations at Wangaratta Court to improve the condition of the facilities.
- Installation of CCTV cameras at a number of identified regional court locations.

The Future

A number of initiatives were delivered during this reporting period through a collaborative approach where we worked closely with our stakeholders to meet challenges in the justice system together. We will be taking this approach into the next year and continue to work in partnership with those around us to meet the challenges that present themselves.

Acknowledgements

Once again, I would like to acknowledge and thank our talented and dedicated staff, who continue to provide quality services in challenging circumstances. The efforts of our staff are fundamental to the Court being able to operate to the high standards that it does.

I would also like to thank the Chief Magistrate, Peter Lauritsen, and Deputy Chief Magistrates for all the support that they have provided to myself and the staff of the Court.



Andrew Tenni

Chief Executive Officer



About the Magistrates' Court

The Magistrates' Court of Victoria has a long and proud history of providing justice for the people of Victoria in metropolitan and regional courts across the State.

The Court's objective is to be an efficient, modern and responsive court that provides the impartial administration of summary justice and high quality registry services.

The Magistrates' Court is the busiest court in Victoria and handles approximately 90 per cent of all cases that come before Victorian courts each year.

The Court exercises criminal, civil, family law and intervention order jurisdictions and operates a Drug Court, Koori Court, Municipal Electoral Tribunal, Neighbourhood Justice Centre (NJC), Sex Offence List and Court Support Services as specialist jurisdictions.

Magistrates also sit in the Children's Court, the Coroner's Court and Victims of Crime Assistance Tribunal (VOCAT). For further information about the Children's Court, the Coroners Court or VOCAT, please refer to the following websites:

www.childrenscourt.vic.gov.au
www.coronerscourt.vic.gov.au
www.vocat.vic.gov.au

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 2014, there were 114 magistrates allocated to the 53 venues of the Court.

Reserve Magistrates

Reserve Magistrates are appointed pursuant to section 9 of the *Magistrates' Court Act 1989*. Reserve Magistrates are former magistrates who sit on a needs basis to assist with peak case loads and to cover periods of leave. As at 30 June 2014, there were 15 reserve magistrates.

Judicial Registrars

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

There are currently eight judicial registrars appointed to the Court. They sit at various court locations across the Melbourne metropolitan area and at regional and rural court venues and have made a substantial contribution to the disposition rates of, in particular, matters which were infringement offences.

With a core group servicing the Melbourne Magistrates' Court, judicial registrars are now operating in the following courts: Ballarat, Bendigo, Broadmeadows, Dandenong, Dromana, Echuca, Frankston, Geelong, Heidelberg, Korumburra, Kyneton, Latrobe Valley, Moorabbin, Ringwood, Shepparton, Sunshine, Swan Hill, Wangaratta, Warrnambool, Werribee and 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

- breach of undertaking charges under the *Sentencing Act 1991* where a judicial registrar made the original order
- revocation applications under the *Infringements Act 2006*
- any offence under any Act for which an infringement could have been issued
- criminal (where service by post) rehearing applications (but not the power to deal with the principal matter if the subject matter is beyond the jurisdiction of a judicial registrar)

- matters in the Special Circumstances List both at Melbourne and the Neighbourhood Justice Centre, which deals with offenders who suffer a mental or intellectual disability, are homeless or who have a serious addiction to drugs or alcohol
- adjourn a criminal proceeding to allow an accused to undertake the Criminal Justice Diversion Program
- applications-
 - » for a licence eligibility order under the *Road Safety Act 1986* and *Sentencing Act 1991*
 - » for removal of an alcohol interlock device
- give directions as to property seized under search warrant.

Civil

- civil arbitrations (ie: less than \$10,000)
- an interpleader summons under the *Magistrates' Court Civil Procedure Rules 2010* where the value of the property is less than \$5000
- any proceeding involving the exercise of power under the *Magistrates' Court Civil Procedure Rules 2010* (with some exceptions). This includes applications under the *Judgment Debt Recovery Act 1984*, the *Instruments Act 1958* and applications for summary judgment under s.63. *Civil Procedure Act 2010*
- civil re-hearing applications
- mediations in the Court's Industrial Division.

VOCAT

Judicial Registrars can consider all applications for assistance except where –

- the act of violence alleged is a sexual offence
- the act of violence arises in circumstances of family violence and the alleged offender is a family member.

Personal Safety Intervention Orders Act 2010

In May 2014, judicial registrars were delegated power to deal with applications under this Act (with the exception of those matters under Part 8 dealing with family members). It is anticipated this delegation will substantially assist the Court in its flexibility to list and dispose of these matters.

Court sitting time saved by Judicial Registrars

Based on past statistics, the total time spent on specific chambers duties including return of search warrants and interlocutory applications (in Melbourne alone) from July 2013 to June 2014 would amount to at least 60 days thus freeing up sitting time for magistrates. This does not take into account many days saved at suburban and regional courts.

Past statistics also indicate that in the period from June 2013 to May 2014, successful Industrial Division mediations have also saved the Court substantial sitting time.

Committees and Reviews

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

- Civil Rules Committee
- VOCAT Coordinating Committee
- The Special Circumstances Infringements Project, which is a joint Melbourne City Council and UN Global Compact Cities Programme venture.

Judicial registrars have also been involved in:

- The Beggars Diversion Programme run in conjunction with Salvation Army - Project 614, Justice Connect, Vic Pol and Melbourne City Council
- Infringements Workshop run by PILCH/Justice Connect
- guest speakers to Certificate IV students
- ANPSG 16th Annual Australian Parking Workshop about court preparation and presentation.

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

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:

Deputy Chief Magistrate Robert Kumar

Dandenong Region:

Magistrate Lesley Fleming (to 31 December 2013)

Magistrate Jack Vandersteen (from 1 January 2014)

Frankston Region:

Magistrate Paul Smith

Gippsland Region:

Magistrate Clive Alsop

Grampians Region:

Magistrate Michelle Hodgson

Heidelberg Region:

Magistrate Susan Wakeling

Hume Region:

Magistrate Stella Stuthridge

Loddon Mallee Region:

Magistrate Richard Wright

Neighbourhood Justice Centre:

Magistrate David Fanning

Ringwood Region:

Magistrate Nunzio La Rosa

Sunshine Region:

Magistrate Noreen Toohey

The role of Regional Coordinating Magistrates is to:

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

During the 2013/14 period, the Regional Coordinating Magistrates met on 05 November 2013, 14 February 2014 and 09 May 2014.

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.

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

State Coordinating Magistrate

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

The role and functions of the State Coordinating Magistrate include:

- day-to-day coordination and allocation of magistrates and reserve 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 state wide 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 2013/14 reporting period, the Council of Magistrates met on 26 July 2013, 29 November 2013 and 28 March 2014.

The Executive Committee is 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.

Appointments, Retirements and Service Acknowledgements

Magistrates

Appointments

Mr Ian Christopher Alger (appointed 10 September 2013)
Mr Mark Francis Stratmann (appointed 6 November 2013)
Mr Barry John Schultz (appointed 6 November 2013)
Mr Timothy Walsh (appointed 12 November 2013)
Mr Ross Frederick Betts (appointed 19 November 2013)
Mr Alan John Spillane (appointed 19 November 2013)
Ms Mary-Anne Elizabeth MacCallum (appointed 18 March 2014)

Retirements

Mr William Paterson Gibb (retired 12 July 2013)
Mr Francis Ross Hodgins (retired 10 October 2013)
Mr James Maxwell Brooke Cashmore (retired 8 November 2013)
Ms Heather Margaret Spooner (retired 14 February 2014)

Service Acknowledgements

The Court congratulates and thanks Magistrates Barry Braun, Lou Hill and Peter White for 25 years of service and Magistrate Spanos for 20 years of service.

Judicial Registrars

Appointments

Mr Michael Bolte (appointed 30 July 2013)
Mr David McCann (appointed 13 August 2013)

Structure of Court Administration

Leadership Group

Court administration of the Magistrates' 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 Keith Turner

Manager, Specialist Courts and Court Support Services

Mr Robert Challis

Manager, Corporate Services

Ms Simone Richardson

Manager, Technology Group

Mr Gavin Russell

Manager, People and Organisational Development

Mr Iain McKinnon

State Coordinating Registrar

Mr Brett Cain

Manager, Office of the Chief Executive

Mr Joseph Walker

Director, Neighbourhood Justice Centre

Ms Kerry 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 Department of Justice, and as of 1 July 2014, Court Services Victoria. The group is established to support the Chief Executive in effectively discharging his responsibilities as the accountable officer.

Internal Committees

The judiciary and court staff work closely to ensure the effective management and operation of the Court and its resources and sit on committees to ensure targets and goals are met and new initiatives are developed. 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.

Members:

Magistrates S. Cameron, P. Dunn, P. Goldberg, M. Harding, J. Hardy, A. Hawkins, J. Maclean, A. McKenna, P. Mellas and T. Parsons.

The Executive Committee meets on a monthly basis and is responsible, on behalf of the Council of Magistrates, for the development, monitoring and oversight of the various Court policy directions. It can cover a wide range of issues including court infrastructure, technology developments, court staff and human resources. It also considers issues arising with regard to judicial terms and conditions, professional development, court governance and structure, case management and practice directions. The Committee offers advice and expresses views on behalf of the Council to assist the Chief Magistrate.

During the reporting period, the Executive has considered (inter-alia) the following matters:

- Issues arising from the Howie Report and the Chief Magistrate's discussions with the Aboriginal Justice Forum about Mr Howie's findings relating to his investigation.
- The Long Service Service entitlements of Magistrates appointed within the public service and recognition of that service for Long Leave.
- Various infrastructure matters and in particular the Bendigo Court/Bull Street development and the proposed new Shepparton court complex.
- The eligibility and quantum of Living Away from Home allowances and the effect of Australian Tax Office changes with regard to such entitlements extending beyond a 12 month period.
- Issues arising from problems caused by Corrections Victoria's failure to produce remanded prisoners before the Court when their cases were listed, including issues relating to the use of the Melbourne Custody Centre as a gazetted gaol.

As an interim measure, the Court introduced weekend sittings at Melbourne Magistrates' Court and access to two custody courtrooms in the County Court complex to hear matters involving prisoners held by Corrections Victoria, rather than Victoria Police. The problem is ongoing with regard to non-production of prisoners before the Court although the Court's innovative steps have reduced the impact of the problem

- Consideration of the Chief Judge of the County Court's proposals as to changing the appeal procedure to that court.
- Significant changes made to the Parole Board and its processes and the impact upon the Magistrates' Court of a large number of its magistrates becoming judicial officers to sit on the reconstituted Parole Board.
- Discussion of a proposal of various magistrates that the Court request amendments to the *Magistrates' Court Act 1989* to allow the Court's magistrates to wear robes and regalia and the resultant plebiscite of the Council of Magistrates that resolved that the majority of members of the Court wished to retain the status quo and not wear gowns or regalia when sitting in court.
- Consideration of additional computer based audio-visual facilities to assist the Court to deal with hearings involving persons in custody and police, thus avoiding the need for actual attendance of parties for remands and other procedural/preliminary hearings.
- Various Court funding issues relating to the NJC, interpreters, weekend and County Court building sittings and future audio visual developments.
- Considerations of the review into the Court's after hours service with particular regard to establishing it as an emergency service, rather than a replacement for normal court processes.
- Discussions pertaining to the consistent practice of Contest Mention hearings and how they are rostered and conducted.
- Considerations of the Department of Justice's proposal to change the basis upon which Magistrates' Superannuation has been assessed and paid since its inception in 1993.

The Executive Committee is elected each year by the Council of Magistrates and it meets monthly, save for December and January. Its members acknowledge the Chief Magistrate's contribution to and his cognisance of its deliberations over the past year.

Civil Practice Committee

Committee Chair:

Deputy Chief Magistrate and Supervising Magistrate Barry Braun.

Members:

Chief Magistrate Peter Lauritsen and Magistrates, Philip Ginnane, Phillip Goldberg, Amanda Chambers, Franz Holzer, Jan Maclean, Ross Maxted, Hugh Radford and Brian Wright, Judicial Registrar Barry Johnston, Registrar Michael Conway (Registry Manager), Deputy Registrar Mark Vendy, Renee Lemmon (Court Advice Officer, Legislation and Policy) and Nicole Smallacombe (Civil Coordinating Registrar), Frank Ravida and Justin Foster (Victorian Bar), Robert White and John Dunne (Law Institute of Victoria), Jim Soundias and Christine Petering (Parliamentary Counsel).

The purpose of this Committee is to monitor processes of the Court to ensure that best practices are in place to secure efficient, economic and speedy resolution of its cases. This Committee meets as required and has convened on five occasions during the reporting period. It has considered various changes required to be made to rules of court for the purposes of making recommendations to the Chief Magistrate. Two or more Deputy Chief Magistrates, jointly with the Chief Magistrate are empowered to make rules of court relating, inter-alia, to the practice and procedure of the Court in civil proceedings.

Since June 2013, the Committee has considered amendments to the following Rules:

- *Magistrates' Court General Civil Procedure (Scale of costs amendment) Rules 2013*
- *Magistrates' Court (Chapters I and II Miscellaneous Amendments) Rules 2014*
- *Magistrates' Court General Civil Procedure (Offers of Compromise Amendments) Rules 2014*
- *Magistrates' Court (Miscellaneous Civil Proceedings) (Arbitration Costs Amendment) Rules 2014*

The Court is grateful for the participation of each of the members in the work of this important Committee.

Criminal Law Committee

Committee Chair:

Supervising Magistrate Charlie Rozencwajg

Members:

Deputy Chief Magistrates Jelena Popovic and Dan Muling, Magistrates Gerard Lethbridge, Amanda Chambers, Jennifer Bowles, Sarah Dawes, Peter Reardon, Susie Cameron, Fiona Stewart, Jack Vandersteen, Tom Barrett, Donna Bakos, Martin Grinberg, Sharon Cure, Peter Mellas, Renee Lemmon (Court Advice Officer, Legislation and Policy), Aranea Carstairs (Legal Research Officer-until March 2013) and Lisa Lee (Legal Research officer-from March 2013).

The purpose of this Committee is to address all issues relating to the criminal jurisdiction. This encompasses specific issues raised by individual magistrates, making recommendations for improvements to create efficiencies and address delay, responding to proposed government legislative change as it affects this jurisdiction, meeting with relevant policy sections of Department of Justice to review various areas of criminal procedure, disseminating information of legislative and administrative changes to keep magistrates informed and updating the Court Companion for Magistrates.

This year, members of the Criminal Law Committee have met intermittently with Corrections Victoria to address issues relating to Community Corrections Orders and how best to improve the effectiveness of the various conditions that may be imposed. This is an ongoing process as magistrates are concerned to ensure that the orders are implemented in the manner intended. The Court will continue to discuss these issues with Corrections.

The discussions with the Victorian Law Reform Commission as part of a review of the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*

concluded this year and no doubt the Commission's recommendations will be the subject of future discussion.

Members of the Committee also met with the DOJ to discuss proposed legislation relating to move on orders, area exclusion orders and alcohol exclusion orders, raising concerns with the latter order that some of the protections for co-residents, mainly spouses, in the making of such orders as part of a Community Corrections Order were not included in the *Summary Offences and Sentencing Amendment Act 2014*.

The Committee also participated in a discussion group formed by DOJ to consider the nature of appeals to the County Court.

In the last year, the Committee has been increasingly concerned with overcrowding in police cells and the crisis in bringing accused in custody before the Court. The latter has been significantly ameliorated with the sitting of remand courts on weekends and the use of two courts in the County Court building during the week. However, the problem continues, especially with regard to police cells and will only increase with time.

With the abolition of suspended sentences due to commence on 1 September 2014, the Committee welcomed the proposed legislation in Part 5 of the Sentencing Amendment (Emergency Workers) Bill 2014 amending sections 5 and 36 of the *Sentencing Act 1991*, making clear the intent of the legislature that it may be appropriate to impose a Community Corrections Order with conditions 48 (f) to (j) of the *Sentencing Act 1991*, where previously a suspended sentence may have been ordered. The Committee will monitor the sentencing trends from 1 September 2014.

The Committee meets monthly and works closely with the Criminal Court Users Committee formed in 2008 and chaired by the Supervising Magistrate. This is a bi-monthly user group whose members represent most of the agencies that intersect with the jurisdiction of the



Magistrates' Court, from the Victorian Forensic Services Department (VFSD), Victoria Police, CISP, Corrections Victoria, Office of Public Prosecutions, Criminal Bar Association, Law Institute of Victoria, Victorian Legal Aid, the Melbourne Custody Centre, Commonwealth Director of Public Prosecutions and Worksafe.

Through the Criminal Court Users Group, the perennial issue of delay with forensic analysis is constantly on the agenda. The three track approach by the OPP to clandestine laboratories categorised as simple, standard and complex has been adopted by the Court allowing flexibility with the listing of committal mentions in those cases. This approach would see a greater portion of those categorised as simple matters dealt with in the summary jurisdiction and a more efficient system in listing drug conferences with the VFSD, so that the Court may more reliably be informed of relevant timelines for analysis.

A new holistic approach by VFSD allowing multiple analyses to be conducted simultaneously would also greatly reduce unnecessary delay in waiting, for example, for the results from the fingerprint department before the exhibit is transferred to the DNA section.

Whether the expert evidence practice directions recently introduced in the County and Supreme Courts will result in delay in the Magistrates' Court remains to be seen. The Committee has discussed the appropriateness of a jurated preliminary 'forensic report' from VFSD as sufficing, at least for the requirements of the committal proceeding. If the matter were to proceed to trial, a report complying with the practice directions could then be obtained.

Summary Case Conferences in the summary stream has been a regular topic for discussion. Although acknowledging improvements in this area, the Committee is still concerned with the Victoria Police practice of not conducting such conferences after 1pm as well as the desirability for these conferences to be increasingly conducted between the parties prior to the listed court date. The latter would enable the parties to come to court prepared to have the matter dealt with expeditiously.

The Committee has long recommended the Chief Magistrate request the Attorney-General introduce legislative change to the diversion procedure removing the requirement in section 59 of the *Criminal Procedure Act 2009* that the prosecution consent to the matter being dealt with by way of diversion. Though the section refers to the 'prosecution', in practice Victoria Police procedures have required the consent of the 'informant' with an accompanying form signed by him/her. Frequently, this required a further adjournment to obtain the consent. This year, the Court met with the Chief Commissioner of Victoria Police advancing the case for legislative change, failing which we recommended a change in Victoria Police procedures that authorised the 'prosecutor' in court

to consent to diversion without the need to refer back to the Informant. The Chief Commissioner responded that he would not recommend legislative change but is agreeable that the prosecutor be authorised to consent without recourse to the Informant. This has now been implemented.

The Committee also recommended Practice Direction 4 of 2014 be brought into line with all aspects of bail in accordance with the amendments introduced by the *Bail Amendment Act 2013*. Such amendments relate to applications for bail, which were previously refused/revoked or varied. This was adopted by the Chief Magistrate.

In 2013, at the Committee's recommendation, the Court introduced the Filing Hearing Checklist in the indictable stream. The prosecution is now required to complete this form, the aim of which is to focus, at the earliest stage, on practical considerations such as the obtaining and formatting of CCTV footage, the lodgement of exhibits requiring forensic analysis, etc. This approach has been adopted by the Office of Public Prosecutions. The Checklist has altered the nature of the filing hearing from merely establishing timelines for service of the hand-up brief and the first committal mention, to a substantive hearing ensuring that the period between filing hearing and committal mention is used productively. It has also allowed magistrates to make orders and directions to ensure the parties are able to progress the matter at the committal mention.

Late last year, the Court introduced Practice Directions 6 & 7 of 2013.

Practice Direction 6 required the parties to have meaningful resolution discussions at least 14 days prior to the first committal mention. The aim was to achieve early resolution or failing that, the filing of a Case Direction Notice Form 32 for leave to cross-examine witnesses and having the matter listed for a contested committal at the first committal mention without the need for further mentions.

Practice Direction 7 required a committal case conference to be conducted at the first committal mention for offences against the person including armed robbery and aggravated burglary. This was to be a pilot to be evaluated after 9 months.

The evaluation has yet to be undertaken, however preliminary indicators are that the resolution rate has increased by approximately 10 per cent and the non-utilisation of court allocated time for contested committals has reduced by approximately 10 per cent. These figures would indicate an increased effectiveness of the process.

The Committee continues to focus on an infinite variety of issues that the administration of justice, by its dynamic nature, will inevitably present.

Dispute Resolution Committee

Committee Chair:

Chief Magistrate Peter Lauritsen (until 28 October 2013)

State Coordinating Magistrate Franz Holzer (from 28 October 2013).

Members:

Magistrate Caitlin English, Court Administration representatives Simone Shields (Principal Registrar), Tanya Turner (Acting Listings Manager), Mark Vendy (Registrar), Nerida Wallace (Principal & Consultant Transformation Management Services), Gina Ralston (Director Dispute Settlement Centre of Victoria [DSCV]), and Marcel Alter, Bernie Crosbie, Carey Nichol and Carmel Morfuni (Australian Legal Practitioners).

Other attendees:

Bridget Dixon, Nussen Ainsworth and Mark Hebblewhite.

Welcomed guests: Professor Tania Sourdin and Patrick Holt.

The Court's Dispute Resolution Committee met on seven occasions and had an online dispute resolution presentation. The Committee met with Judges O'Neill and Misso of the County Court and also with representatives of Queensland Public Interest Law Clearing House and Justice Net in South Australia.

The Committee considered the following:

- the expansion of the civil mediation program
- the interaction between its work and the business of the Court's Civil Practice Committee
- the single list of external mediators, its removal process, and ongoing accreditation requirements and applications for accreditation

- the single list of external mediators pro bono short notice list
- liaison with the Law Institute of Victoria Civil Litigation Committee regarding external mediators
- the increasing challenges created by self-represented litigants, including the guide available in the Civil Jurisdiction of the County Court
- the DSCV log book system
- liaison with Justice Connect (formally known as Public Interest Law Clearing House)
- the draft report of the Productivity Commission into Access to Justice
- the Portals for Fixed Costs and Fixed Recoverable Costs in the United Kingdom
- a Charter to progress the adoption of Alternative Dispute Resolution (ADR) and ADR innovations within the Court.

The Committee made submissions on:

- the Court's Pro Bono Mediation Scheme Discussion Document
- recognition of practical mediation experience gained by Nationally Accredited Mediators within the Court to the Mediator Standards Board, pursuant to sections 6(1)(a) (i) and 6(1)(b)(iv) of the National Mediator Accreditation Scheme Approval Standards.

The Committee published a Practitioner Alert regarding the single list of external mediators scheme. The Committee noted the National Mediation Conference 2014 to be held in Melbourne from 9-11 September 2014.

The Court acknowledges the participation and contribution of each of the Committee members.



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, Gail Hubble and John O'Callaghan (until Dec 2013), together with Alison Paton 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 and personal safety intervention orders and family law throughout the state.

The work of the Committee included:

- promoting the principles set out in the preamble of the *Family Violence Protection Act 2008*; monitoring the systems established under this Act to promote a 'best practice' justice response for children and adults who have experienced family violence and to hold perpetrators of family violence accountable for their actions
- considering strategies for managing the growing demand within the intervention order jurisdiction, without the allocation of further resources, including process and legislative reform
- providing detailed feedback and formal responses to the Department of Justice on proposed legislative changes
- developing professional development programs for magistrates including an intensive family violence program with the Judicial College of Victoria (JCV), and making proposals to the JCV for ongoing family violence training programs for all magistrates
- reviewing the way the Court identifies and manages criminal matters arising from allegations of family violence, and working with other agencies to develop solutions and address this issue
- consulting about the development of the expanded Men's Behaviour Change Program to Frankston and Moorabbin courts
- participating in the evaluation of the personal safety intervention orders system and responding to recommendations made in the evaluation
- considering new information technology innovations for family violence including the Enforcement Assistance Program Electronic Interface, online application forms, case management system improvements and other IT based initiatives
- providing training and presenting to external agencies including community legal centre lawyers and the Department of Human Services.

Information Technology Committee

Committee Chair:

Deputy Chief Magistrate Dan Muling

Members:

Members: Members of the Leadership Group Andrew Tenni, Gavin Russell, Joseph Walker, Magistrate Peter Power, Eddie Dolceamore (MCV Information Technology Coordinator), Russell Hastings (Project Manager Children's Court of Victoria) and the Court Services Victoria (CSV) representatives: Krist Davood (Chief Information Officer), Ross Capuana (Court Systems Manager Technology Services), David Hoy (Manager In Court Technology), Lynn Germaine (Systems Support Manager), Kaye Fox Business Engagement Manager Information Technology Services)

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 on various IT Initiatives.

The Committee was involved in the following projects:

- identification of enhancements to Courtlink Case Management System and monitoring application and system upgrades
- investigation into providing a hardware replacement (Courtlink Mainframe) and Disaster Recovery solution
- Video Conferencing Pilot, IP Video Conferencing to various court locations and prisons
- multi-Function Device (Printer, Scanner, Copier, Fax) refresh / upgrade
- PC and SOE (System Operating Environment) refresh / upgrade
- online payments, introduction of a payment system to manage the payment of fines, fees and other payments
- introduction of an online portal for Family Violence and VOCAT applications
- Document Management System to enable online access to all MCV documents along with electronic filing from practitioners and the public
- VOIP (Voice Over Internet Protocol) Telephony expansion as an alternative to traditional telephony.

Occupational Health and Safety Committee

Committee Chair:

Magistrate Simon Garnett

Members:

Magistrates Susan Armour, Noreen Toohey and Brian Wright, Ken Young (Court Administration representative) and Gayle Sherwell (DOJ representative).

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 metropolitan and regional courts.

The Committee is formulating a car park policy to address the car park overcrowding issues at Melbourne and the related safety concerns.

Professional Development Committee

Committee Chair:

Magistrate Jennifer Bowles

Members:

Chief Magistrate Peter Lauritsen, Deputy Chief Magistrate Jelena Popovic, Magistrates Jennifer Bowles, Caitlin English, Fiona Hayes, Kay Robertson, Ann Collins, Stella Stuthridge, Ros Porter and Gail Hubble (from 4 February 2014). A representative from the Judicial College of Victoria (JCV) also attends all of the meetings. During the reporting period, Manager, Programs Fiona Dea and on occasions Melanie Shiell and Erik Dober represented the JCV.

The Committee acknowledges the exceptional administrative support provided to the Committee by Lisa Eldridge (until April 2014) and thereafter Emily Holland-Tam. In addition together with Georgia Mills, Louise Leone and Sharon Hughes, they provided tremendous assistance in ensuring the professional development conferences proceeded smoothly.

The Committee is a subCommittee of the Council of Magistrates, established to assist the Chief Magistrate to provide for the professional development of magistrates. The Committee meets monthly.

During the reporting period, the Committee coordinated and organised the Magistrates Conferences on 24 July 2013, 25 July 2013, 11 October 2013 and 02 May 2014. In addition, the Committee assisted Deputy Chief Magistrate Lance Martin to organise the Country Magistrates' Conference, which took place on 29 and 30 August 2013. Discussions also took place with judicial registrars regarding their professional development.

The Committee liaises very closely with the Judicial College of Victoria (JCV). As indicated, a representative from the JCV attends all of the Committee Meetings and the JCV is also represented on the Magistrates' Court Benchbook Committee. This year, the JCV conducted a Family Violence Program for all magistrates and reserve magistrates on 28 February 2014. Deputy Chief Magistrate Felicity Broughton, Magistrates Jennifer Bowles and Kate Hawkins were on the Steering Committee.

The collaborative relationship between the Court and the JCV assists in the effective planning, promotion and delivery of judicial education programs for magistrates. The Papers presented at the MCV Conferences are uploaded onto Judicial Officers Information Network (JOIN), as well as the JCV website.



The JCV conducts day and multiple day programs together with twilight seminars, which magistrates and other judicial officers attend. Magistrates were members of JCV Steering Committees and have undertaken their own professional development by attending and presenting at both national and international conferences.

The evaluations of the MCV Conferences, including the Country Magistrates' Court Conference and the Family Violence Conference, indicated that they were considered to be of a very high standard. The evaluations provide an opportunity for all magistrates to make suggestions for topics for future conferences. The Committee has regard to these suggestions and selects topics based upon their relevance and interest to magistrates.

As in the case of 2012/13, the conferences included a combination of presentations from guest presenters and magistrates. Keynote addresses were delivered by:

- The Honourable Justice Maxwell, President of the Court of Appeal - "Verdicts and Sentencing"
- The Honourable Justice Kaye, Supreme Court of Victoria - "The Complexity of Sentencing Koori Offenders"
- Dr Hayley Bennett-NSW Bar - "Intuitive Versus Deliberate Decision-Making"

Other presentations included:

- Professor James Ogloff - "Mental Health of Koori Offenders"
- Panel Discussion - "The ARC List"
- Fiona McCormack and Danny Blay - "Family Violence Dynamics"
- Magistrate Duncan Reynolds - "Self Represented Litigants"
- Dr Deam, Professor Currie and Dr Jacka - "Effects and Treatments for an Ice Addiction"
- Shane Kirne, Deputy Director Commonwealth DPP - "Sentencing Federal and State Offences"
- Magistrates Andy Capell and Jo Metcalf - "Conduct of VOCAT Hearings and Current VOCAT Issues"
- Panel Discussion - "CCOs and Judicial Monitoring".

Magistrates also discussed sentencing scenarios in small break out groups.

Judicial Mentoring

The Court's Judicial Mentoring Program, which commenced on 1 January 2013, has continued throughout the reporting period. Upon appointment, all new magistrates are provided with a mentor. Due to the number of new appointments, in October 2013 additional mentors (Magistrates Caitlin English, Cathy Lamble, John Hardy, Donna Bakos and Jo Metcalf) undertook the judicial mentoring program. The Honourable Bernard Teague AO conducted the program. There are now 13 judicial mentors. Evaluations completed by the mentors and mentees have confirmed the program is valuable. Some changes have been incorporated as a result of constructive comments received. The continued support of the Honourable Bernard Teague AO has again been very much appreciated.

Magistrates' Intensive

Deputy Chief Magistrate Dan Muling and Magistrate Clive Alsop organised and conducted the biennial Magistrates' Intensive held on 22 May 2014 to 24 May 2014. Fourteen magistrates and two judicial registrars took part in 'The Intensive', which was held in Ballarat. The Intensive is a two day, live-in program with a structured lecture/tutorial/discussion format that encourages the participants to discuss practice and procedure within the context of their daily work. The sessions include presentations by other magistrates in relation to many of the specialised areas of a magistrate's day. The Intensive is also an opportunity to hear from speakers outside of the court environment about issues that directly affect the Court. In that context, the gathering was addressed by Ms Nicole Ch'vastek of ABC radio on the role of media outlets in accurately reporting court proceedings. The Intensive provided an ideal context for the mutual exchange of information and advice to assist in the conduct of court proceedings.

Magistrates' Court Benchbook Committee

The Benchbook is a resource that focuses specifically on the jurisdiction of the MCV. The Benchbook Committee is a subcommittee of the Professional Development Committee. Chief Magistrate Peter Lauritsen and Magistrates Caitlin English and Annabel Hawkins have resigned from the Committee. The contribution of the retiring committee members has been significant. Magistrate English in particular, has chaired the

Benchbook Committee since its inception 10 years ago. Magistrate English was the driving force behind the establishment of the Benchbook and has been tireless in her commitment as Chair of the Committee.

Deputy Chief Magistrate Barry Braun and Magistrate Jennifer Bowles (Chair) have joined the hard working existing members of the Committee, being Magistrates Duncan Reynolds and Marc Sargent, the JCV representative-Jane Mevel and the Court's legal researchers. The JCV publishes amendments to the Benchbook on line.

Acknowledgements

The Committee records its appreciation to all who presented at the Conferences and assisted in another successful year.

Sexual Assault Management Committee

Committee Chair:

Supervising Magistrate Amanda Chambers

Members:

Deputy Chief Magistrate Broughton, Magistrates Donna Bakos, Jennifer Bowles, Ann Collins, Darrin Cain, Sarah Dawes, Jo Metcalf, Peter Reardon, Duncan Reynolds, Jenny Tregent, Jack Vandersteen, Sue Wakeling, Belinda Wallington; Alan Wilkinson (Acting Sex Offences Co-ordinator); Eden Murphy (Administrative Officer)

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

Case management

The Committee continues to consider ways to improve the case management of sex offence matters in both the committal and summary streams, particularly where the complainants involved are children or have a cognitive impairment.

In late 2013, the Chief Magistrate published Practice Direction 6 of 2013 requiring the parties to have discussions aimed at resolving issues in dispute at least 14 days prior to the first committal mention. It is the expectation of the Court that practitioners appearing in the Sex Offence List will be in a position to advise the Court

early in the proceedings if the case requires a contested committal or will proceed immediately to the County Court for a plea to be heard or for trial. Particularly where there are young complainants, it is the aim of the Sex Offence List to reduce unnecessary delay.

Similarly, in relation to summary offences such as indecent assaults/indecent exposure and possessing child pornography, the summary case conference and early contest mention process has resulted in a significant increase in the number of summary offences resolving at an early stage. This is despite a significant increase in the number of summary offences filed in the Sex Offence List, with an increase of 49 per cent Statewide¹. Notwithstanding this increasing caseload, there has been a Statewide increase of 20 per cent in the number of summary offences resolving to a plea of guilty compared to the reporting period last year. The Committee acknowledges that the success of these initiatives also relies on the continued allocation of resources and training for Victoria Police Prosecutors, Victoria Legal Aid and other practitioners.

Additionally, the Children's Court has allocated three magistrates to a pilot Sex Offence List in the Family Division following the successful introduction of a specialist list in the Criminal Division with an increased focus on treatment and rehabilitation outcomes for young offenders.

Legislative reforms

Members of the Committee have held discussions with representatives of the DOJ following publication of its Review of Sexual Offences and more specifically, the legislative reforms in the area of "sexting". Members of the Committee also participated in an Australian Institute of Judicial Administration Seminar on Restorative Justice Alternatives for certain kinds of sexual assault cases and continued to participate on the Sexual Assault Advisory Committee and Child Witness Advisory Committee.

The Committee also considered guidelines to assist with the expansion of the Assessment and Referral Court to all sex offences following the introduction of the *Courts and Other Legislation Amendment Act 2013*.

¹ An increase that may be explained, in part, by the inclusion of the offence of failing to comply with registration requirements under the *Sex Offenders Registration Act 2004* in the Sex Offence list.

E-crime

Representatives of the Committee also met with Victoria Police and members of the E-Crime Squad to discuss ways to improve the delays associated with the forensic analysis of computer equipment. The delays in analysis, often said to be in the vicinity of 12-18 months, is an issue of significant concern particularly in the area of child exploitation material and the growth in online child sex offences. Noting that Victoria Police state that recorded child pornography offences have almost doubled in the last decade and that “child pornography is said to be the fastest growing crime type in the world”², dealing with these delays will continue to present challenges to the efficient management of such offences in the Sex Offence List.

Professional development

The Committee recognises the importance of ongoing professional development for magistrates and practitioners in relation to sex offences. In the past year, the Supervising Magistrate provided specific sex offence training to newly appointed magistrates at the Magistrates’ Intensive and to Victoria Police specialist prosecutors and at the Quality Brief Assurance course conducted by Victoria Police for authorising officers. The Committee is also represented on the JCV Steering Committee to develop professional development training for judicial officers on recent reforms and developments in sexual offences later this year. The Committee continues to report to all magistrates on recent cases relevant to this portfolio, including the recent decision of the Court of Appeal on tendency evidence.

The Committee acknowledges the commitment of those who have acted in the role of Sexual Offences Co-ordinator over the past year and pays tribute to the clerks of court for the sensitivity they are required to show in their roles in this difficult and demanding area.

Victims of Crime Assistance Tribunal (VOCAT) Coordinating Committee

Supervising Magistrates:

Magistrates Andrew Capell, Catherine Lamble (to 31 December 2013) and Jo Metcalf (from 1 January 2014)

Committee Chair:

Magistrate Catherine Lamble (to 31 December 2013), Magistrate Jo Metcalf (from 1 January 2014)

Committee Members:

Deputy Chief Magistrates Dan Muling, Felicity Broughton and Lance Martin, Magistrates Amanda Chambers, Susan Wakeling, Catherine Lamble, David Fanning, Duncan Reynolds, Ann Collins, Caitlin English Tony Parsons and Judicial Registrar, Sharon McRae. The Court Administration was represented by Robert Challis (Principal Registrar), Melanie Quinn (Acting Principal Registrar), Donna Caruana (Standards and Compliance Officer) and Sandra Tennant (Registry Manager).

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

- oversight of state-wide roll-out of a case management approach to managing VOCAT files to reduce double handling by Tribunal members and improve the efficiency of how applications are determined
- continued monitoring of the delegation of VOCAT cases to judicial registrars. Over the reporting period, the Chief Magistrate expanded the delegation to allow judicial registrars across the state to determine applications for extensions of time and variations
- development of new Practice Directions 1 and 2 of 2014 for awards for counselling expenses and the preparation of assessment reports by psychologists and psychiatrists to incorporate reference to the Tribunal’s expectations of expert witnesses who give opinion evidence
- updated Guidelines reflecting CPI increases for fees for legal costs and for the preparation of counselling reports and provision of counselling services

² Victorian Police Blue Paper: A vision for Victoria Police in 2025

- revising proper venue rules for the lodging of VOCAT applications following the re-drawing of MCV jurisdictional boundaries
- implementation of recommended changes after a review of VOCAT's financial management practices, including the management of trust funds held on behalf of vulnerable victims
- 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
- 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 reviews of VOCAT decisions to ensure that tribunal members are informed of relevant decisions and that decisions of sufficient interest are placed on the VOCAT website
- discussing professional development and training events for magistrates, judicial registrars 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
- reviewing and amending correspondence generated by the Tribunal's case management system to victims and agents to better inform them of the progress, requirements and outcomes of their application before the Tribunal

- issues arising from the Royal Commission into Institutional Responses to Child Sexual Abuse
- the implementation of an online application process for the Tribunal
- the inclusion of VOCAT work in the Law Institute of Victoria's Personal Injury Accreditation curriculum for 2015
- procedural changes regarding the payment of Medicare funded counselling sessions.

Members of the Committee participated in:

- providing materials and information sessions about VOCAT for new magistrates, and presenting at professional development days for all magistrates and judicial registrars
- continuing professional development and information sessions for staff of the Victims Assistance and Counselling Program and presenting at regional forums
- 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 Magistrates' Court at Melbourne during Law Week 2014
- 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, and VOCAT Reform Working Group, both convened by the DOJ
- meetings of the Victims of Crime Consultative Committee.



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 the public 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 apply for a licence eligibility order after a drink-driving offence, seek an adjournment of a hearing or get procedural guidance and information about the range of services available from court staff.

Some of things court staff can assist with include:

- provide information on court procedures and processes
- give general information about relevant legislation and court rules
- provide the public with court forms or brochures or refer court users to the Court's website
- refer court users to a duty solicitor at court or give court users information about legal services in the community that may be able to assist with legal advice
- advise court users 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 of Victoria provides a variety of services and programs to improve the Court's responsiveness to the community when they attend court. These initiatives support the objectives of the Court and provide improved understanding and communications between courts, the government, court users and the public.

In addition, Court Support and Diversion 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 by offering support programs to meet varying needs of accused persons. A number of programs refer court users to various services within the community for treatment and support, whilst being monitored by the Court. Such programs act to reinforce the link between the Court and the community and its service systems.

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

For further information on Court Support and Diversion Services, please refer to page 53.

Specialist Courts and Lists

The purpose of providing for Specialist Courts and Lists within the Magistrates' Court is to improve outcomes for persons presenting at the Court as well as for the community. The participants in these courts generally present with one or more underlying issues including social or cultural disadvantage, mental health, disability or substance abuse.

Specialist Courts and Lists attempt to address the pre-existing issues that may have led to offending or other anti-social behaviour.

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

The Specialist Courts and Lists 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.

For further information about Specialist Jurisdictions, please refer to page 65.

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, family violence, 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 caseflow 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

Court Support and Diversion Services staff 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.

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

Court Support and Diversion Services staff run the Court's specialist and diversion programs and provide assistance to clients by way of case management and referrals to other services. Court Support and Diversion Services staff also provide clients' progress reports 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 services support
- project roles.

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

People and Organisational Development Unit

The People and Organisational Development Unit, formerly Organisational Change and Development, aims to improve the Court's capacity to meet its current and future business objectives through effectively managing and developing its people, relationships, structure and culture.

The unit has provided a range of services to support the Court 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 representatives from DOJ and a range of external stakeholders.

In late 2013, Mr Iain McKinnon was appointed to the role of Manager, People and Organisational Development. This role has overall responsibility for the management of the human resources and learning and development functions for the the Court and is part of the Court's leadership group.

Human Resources

The Human Resources (HR) team continued to review its people management processes to improve service delivery. Much of 2014 has involved partnering with the Courts and Tribunals Service of DOJ to review policies, practices and procedures in preparation for the transition to CSV on 1 July 2014. Each member of the HR team is responsible for a portfolio made up of different work areas of the Magistrates' and Children's Courts, Specialist Courts and Court Support Programs. 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, Judicial Officers and Koori Court Elders (that sit in the Koori Court).

The HR team complete processing within prescribed deadlines including entering new starters, changing employee details, higher duties and other employee movements, variations, 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.

Payroll reports and analysis of data are from time to time provided on request to senior management for workforce planning and reporting.

Recruitment

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

WorkCover

Most 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 (Determination), and whole of Government and DOJ policies and guidelines.

Learning & Development

Learning & Development manages the development and delivery of learning pathways and accreditation of learning for the Court's staff.

Magistrates' Court Induction Program

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

The objectives of the program are that:

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

Bench Clerk Induction

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

Certificate IV in Government (Court Services)

The Certificate IV in Government (Court Services) is aimed at providing transportable 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 Magistrates' Court of Victoria.

In late 2013, the Court entered into an auspice arrangement with Court and Tribunal Services and the DOJ Registered Training Organisation (RTO). Learning and development staff have been involved in the facilitation of the program under the new structure. Recently, an external review of entry level training of registry staff recommended that following the current auspice arrangement ending, that entry-level training be delivered as non-accredited training. An impact statement and transition plan is currently being developed.

Trainee Registrar Recruitment & Assessment Centre (ACP)

The Learning and Development 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 (Court Services). We have continued to use the ACP this year, short listing candidates from their online application and asking selected candidates to attend an Assessment Centre.

In the ACP, candidates' skills and abilities are observed and assessed by senior court personnel and learning and development 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 the learning and development team.

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.

Change & Organisational Development

The Manager, People and Organisational Development, represents the Court on the Human Resources Portfolio Committee as a delegate of the CEO and has been involved in a range of change and organisational development initiatives, including:

- representing the Court in external industrial relations matters at Fair Work Australia
- liaising with the Community and Public Sector Union on a range of workforce related issues, change programs consulted under Clause 10 of the Determination and employee grievance matters
- operationalising actions associated with human resources strategic objectives outlined in the Court's Strategic Plan 2013-16
- preparing for the development of a learning strategy for the Court in the second half of 2014, which will help to build an agile and responsive learning culture where learning happens every day in everything we do.



Operations

A number of major challenges arose in 2013/14 that tested the resilience and flexibility of the Court. It is a reflection on the quality of people working within the Court that not only enabled those challenges to be met, but also provided the ability for the Court to continue to develop at the same time.

Legislative reform

Consistent with recent years, sentencing reforms continued to be implemented throughout 2013/14. In addition, the Court has managed numerous legislative amendments to the criminal and civil jurisdictions generally.

Extensive consultation was undertaken with the Department of Justice, Victoria Police, Corrections Victoria, VicRoads and other stakeholders to ensure each change was implemented successfully.

A number of programming changes were made to the Court's case management system, Courtlink, to provide the necessary support to judicial officers and registrars.

Sentencing Reform

The *Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* made amendments to Community Correction Orders (CCO), enforcement of infringement fines and court fines (generally and enforcement). Further sentencing reforms related to contraventions of CCO's and licence orders and related applications. The details of these are as follows.

Community Correction Orders

The *Sentencing Amendment (Community Correction Reform) Act 2011* enabled Corrections Victoria to impose administrative sanctions for low-level non-compliance of CCOs, such as issuing an infringement or directing the person undertake additional unpaid community work or meet curfew requirements. These powers were implemented on 1 August 2013.

In addition, the legislation created a right for the offender to apply to the Court to review a direction for unpaid community work or curfew.

Amendments introduced on 20 December 2013 enabled the Court to credit unpaid community work by completion of treatment and rehabilitation programs, when both conditions were imposed as part of a CCO.

Infringements

New sections 160A to 160E were introduced into the *Infringements Act 2006* on 17 February 2014, to enable an infringement offender to apply:

- to vary an instalment order given during enforcement of outstanding infringement fines
- for a rehearing of the enforcement of outstanding infringement fines, where the offender was ordered to be imprisoned (certain circumstances only).

Fines

Part 3B of the *Sentencing Act 1991* was restructured on 19 April 2014. The majority of the substantive powers within the provisions remain unchanged; the amendments clarified the legislation relating to fines and fine enforcement. The amendments also introduced:

- a new definition of 'fine'
- an ability for the Court to discharge (in part or full) outstanding fines in certain circumstances
- a new section for dealing with contraventions of 'fines work orders' (when outstanding fines are converted into unpaid community work).

Drivers licence/permit orders

The *Road Safety and Sentencing Acts Amendment Act 2013* commenced on 30 September 2013 and amended a number of provisions in both the Road Safety and Sentencing Acts, including:

- provision for the Court to make an order suspending or cancelling and disqualifying a licence/permit for a specified period for 'any offence', regardless of whether driving was an element of the offence
- for non-driving offences, ability for the Court to find that the offence was committed while the offender was under the influence of alcohol or a drug, or both alcohol and a drug, which contributed to the offence

- consolidation of the provisions governing the process for applying to the Court for a Licence Eligibility Order (LEO) (formerly a Licence Restoration Order) and imposing an alcohol interlock condition on, or removing one from, a licence/permit
- giving discretion to the Court to impose an alcohol interlock condition on a licence/permit, if the offence was found to have been committed under the influence of alcohol or both alcohol and a drug
- new tables included setting out the requirements in relation to whether a person needs to complete an assessment before applying for a LEO (Schedule 1A) and when an alcohol interlock condition must or may be imposed and for what minimum period (Schedule 1B)
- ability for a person to apply to court to stay the operation of an alcohol interlock condition pending appeal.

Subsequent changes were made to the *Magistrates' Court (Judicial Registrar) Rules 2005* to reflect the new sections governing LEO and removal of alcohol interlock condition hearings, to ensure the judicial registrars could continue to hear these matters. Consequently, their powers were extended to be able to determine all LEO applications, whether the licence/permit order was made under the Road Safety or Sentencing Act.

Further sentencing reform amendments to commence

The majority of the sentencing reform legislation has commenced, save and except for the abolition of suspended sentences in the Magistrates' Court. This change is due to commence in September 2014.

Fortification Removal

On 6 October 2013, the *Fortification Removal Act 2013* created new powers for the Court to make orders relating to the removal and/or modification of fortification at a premises that is connected to certain criminal offences. Also introduced within these powers were a number of provisions relating to:

- notices of applications
- objections to applications for a forfeiture order
- extension or abridgment time to make an objection
- extending compliance period when an order is made
- withdrawal of a forfeiture order
- inspection orders
- enforcement notices.

Trans-Tasman Proceedings

Legislation developed and passed during the last few years in relation to trans-Tasman proceedings commenced on 11 October 2013. This included the *Trans-Tasman Proceedings Act 2010 (Cth)*, *Trans-Tasman Proceedings Regulation 2012 (Cth)* and the *Magistrates' Court General Civil Procedure (Trans-Tasman Proceedings Amendment) Rules 2012*.

The purpose of the legislation is to streamline the process for resolving civil proceedings with a trans-Tasman element in order to reduce costs and improve efficiency. To meet this purpose, the Magistrates' Court was prescribed to deal with certain trans-Tasman matters, including staying of New Zealand proceedings, providing interim relief, allowing and facilitating remote appearances (i.e. audiovisual link) and registration and enforcement of specified New Zealand judgments.

Suppression and Closed Court Orders

The *Open Courts Act 2013* commenced on 1 December 2013 and introduced a number of legislative and procedural changes to support the principles of open justice. The Act consolidated and reformed the powers of all courts and tribunals to make suppression orders and closed court orders.

The legislation introduced four types of prohibitive orders:

- proceeding Suppression Orders
- interim Proceeding Suppression Orders
- broad Suppression Orders
- closed Court Orders.

Intervention Orders

The *Children, Youth and Families Amendment Act 2013* commenced on 1 December 2013 and contained amendments to the *Family Violence Protection Act 2008* and *Personal Safety Intervention Orders (PSIO) Act 2010*. The amendments:

- removed the requirement for an 'appropriate registrar' to perform certain functions under the Acts and allocated them to a 'court official' or to the court generally
- gave the Children's Court of Victoria concurrent jurisdiction to deal with an intervention order application that is related to a child protection proceeding (even if the parties in the intervention order proceeding are all adults)
- allow cost orders made under the Acts to be enforced as a civil debt
- allow cost orders made in child protection and intervention order proceedings in the Children's Court, to be registered with the Court (if under \$100,000) for enforcement.

Bail

On 20 December 2013, the *Bail Amendment Act 2013*, together with the *Bail Further Amendment Regulations 2013* commenced, which respectively updated the *Bail Act 1977* and the *Bail Regulations 2012* and provided for the following:

- introduction of a prescribed, non-exhaustive list of bail conditions the Court may impose
- further applications for bail and applications to vary bail are, where reasonably practicable to do so, to be heard by the same magistrate who determined the previous application

- requirement for an accused to serve a notice on the informant/prosecution when making certain bail applications
- requirement of a notice of obligations to be given to the accused, surety or parent with the undertaking of bail
- new prescribed court forms
- creation of new bail related offences.

Coordination Summary

In 2013/14, the Court finalised 237,452 criminal cases, an increase of 25 per cent on the previous year.

In the same period, Family Violence and Personal Safety Intervention Orders have also increased although initiations in these areas has stabilised and slowed over the past 12 months. VOCAT initiations and finalisations have remained stable over the past year.

The State Coordination Unit has focused on a number of different areas of listing over the past 12 months building on the achievements of the previous year.

Contest mention hearings were a focus for the Court in the previous year. Under the supervision of Deputy Chief Magistrate Kumar, this area has continued to be a key focus for the Court particularly in relation to consistency of practice and the Court's expectations of parties involved

in the contest mention process across all regions. This approach has been highly successful with the Court recording a large decrease in the number of matters being listed for contested hearings coupled with reduced criminal listing delays.

In the latter part of 2013, the State Coordination Unit undertook a review of regions to analyse catchment areas and caseloads in response to workload issues and listing delays at some courts. As a result, a number of recommendations were made to the Chief Magistrate. The primary recommendation was to realign the boundaries of a number of regions to facilitate a more equitable caseload. This recommendation was implemented in November 2013. Initial results six months after the implementation of the changes have shown reductions in caseload pressures. The State Coordination Unit will continue to monitor and report on the changes.

The Victorian criminal justice system is currently experiencing pressures that affect, among other things, occupancy in police cells and prisons, which in turn affects the listings and sitting practices at courts. As a result of this, the Court has developed a number of initiatives designed to ease this pressure. These initiatives included the implementation of the Weekend Remand Court and the County Court sittings.



The Weekend Remand Court pilot was an initiative developed and implemented by the Court in partnership with key agencies such as Victoria Police, Victoria Legal Aid and Corrections Victoria. The Weekend Remand Court commenced sitting in November 2013 and provides a mechanism to list remanded accused (arrested between 3pm Friday to 3pm Sunday) before a magistrate to be dealt with rather than being remanded and listed to appear at court the following Monday. This allows an accused to make an application for bail before the Court at the earliest opportunity on a Saturday or Sunday and where successful, be released immediately. Where an accused is further remanded, an appropriate day and date is provided based on the circumstances of the case and other factors. The Court aims to achieve a better distribution of 'in custody' matters listed through out the week and in doing so avoid having large numbers of remand matters listed on a Monday. Historically this has not only placed enormous pressure on the resources of the Court but also on various agencies such as Victoria Police, Victoria Legal Aid and the legal profession to deal with the high numbers listed.

Since its introduction in November 2013 until 30 June 2014, the Weekend Remand Court has listed 950 matters. Of these cases the Court has granted bail in 22 per cent of matters with a further 15 per cent finalised on the day. This in effect has removed from the system the requirement to transport 352 'in custody' accused to court.

The number of remands listed on Mondays across metropolitan courts has reduced by 71 per cent.

The Weekend Remand Court currently covers the metropolitan suburbs at this point.

As with the Weekend Remand Court, the County Court sittings is a further initiative of the Court working to reduce pressure on the daily listings of 'in custody' matters at both Melbourne Magistrates' Court and metropolitan courts to ensure that accused are delivered as required in order to have their matters heard and determined. In order to develop and implement this initiative the Court consulted widely and relied upon the cooperation of the County Court and other key agencies to develop the appropriate processes and procedures which would allow the sittings to be successful.

The County Court sittings consist of two courts per day hearing both summary and committal stream matters. The court has been able to list in excess of 1500 'in custody' matters from Melbourne Magistrates' Court and other Courts, thereby ensuring that these accused would be transported to court and have their matters heard and determined.

The State Coordination Unit continues to provide data on the operations of the Court, to strategically assess listing structures and practices in light of a changing environment and provide advice to the Chief Magistrate and Chief Executive Officer to ensure the Magistrates' Court of Victoria continues to list and hear cases as efficiently as possible.

Civil Jurisdiction Summary

The Court's civil jurisdiction comprises of three main jurisdictions:

- (a) the general civil jurisdiction
- (b) the jurisdiction conferred by the *Accident Compensation Act 1985* and the *Workers Compensation Act 1958*
- (c) proceedings within the Industrial Division.

General civil jurisdiction

This jurisdiction deals with proceedings in which the amount in dispute does not exceed \$100,000 or, in the case of equitable relief, the value of the relief does not exceed \$100,000.

Within this jurisdiction, there is a sub-set entitled 'arbitration for small claims'. Unless the Court orders or the regulations provide otherwise, all complaints must, pursuant to Section 102 of the *Magistrates Court Act 1989*, be referred to arbitration where the amount of monetary relief is less than \$10,000. There are two distinctive features of arbitration for small claims. The rules of evidence and procedure may be relaxed and the costs of the successful party are regulated at an amount, which is less than that normally obtainable in the Trial division of the Court.

Notwithstanding the substantial alignment of its Rules with those of the Supreme and County Courts and the introduction of the *Civil Procedure Act 2010*, the Court continues to carefully monitor its processes to ensure that best practices are in place to secure efficient, economic and speedy resolution of its cases.

WorkCover

The WorkCover jurisdiction dealt with claims under the *Accident Compensation Act 1985* and the *Workers Compensation Act 1958*. As at 1 July 2014, the Accident Compensation Act and the *Accident Compensation (WorkCover Insurance) Act 1993* are replaced by the *Workplace Injury Rehabilitation and Compensation Act 2013*.

The Court has jurisdiction to hear and determine matters arising out of decisions of the Victorian WorkCover Authority, an authorised insurer, an employer, a self-insured or conciliation officer.

Pursuant to section 266(1) of the *Workplace Injury Rehabilitation and Compensation Act 2013*, the Court has a like jurisdiction to inquire into, hear and determine any question or matter under that Act as well as the Accident Compensation Act and the Workers Compensation Act that the County Court has jurisdiction to consider. The only exception is that the Court cannot grant a serious injury certificate for common law damages purposes.

The number and complexity of cases issued in the Court continues to increase. In this reporting period there has been an increase of approximately 27 per cent, totalling 1903. The number of WorkCover complaints has more than doubled in the last six years.

WorkCover complaints arising in the metropolitan area are issued at the Magistrates' Court of Victoria at Melbourne and from May 2014 there has been two daily WorkCover trial lists in operation. Complaints, which originate outside the metropolitan area are heard and determined in the Court sitting at Ballarat, Bendigo, Geelong, La Trobe Valley, Mildura, Wangaratta and Warrnambool.

When written decisions are delivered, they may be published on the respective web sites of the Magistrates' Court of Victoria and the WorkCover Authority.

Industrial

The Industrial Division of the Magistrates' Court of Victoria continues to exercise an extensive and varied jurisdiction under the *Fair Work Act 2009 (Cth)* and associated legislation governing the entitlements of employees, outworkers and contractors including the determination of penalties in appropriate cases. It has power to impose monetary penalties in civil proceedings and also to impose penalties in prosecutions commenced for breaches of obligations arising under Commonwealth law relating to employment obligations under the *Fair Work Act 2009*. As well, it has the jurisdiction to hear and determine prosecutions under the *Long Service Leave Act 1992*.

The predominant work of the Division is the hearing and determination of employment disputes involving both simple and complex employment arrangements. The Court has the power to award damages for breaches of contractual and statutory obligations and to order compensation for amounts found to be due pursuant to such obligations.

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

During the year, the Court directed particular attention to the management of matters commenced as Small Claims. Parties are very often self represented in these cases and not attune to litigation. A process has been implemented whereby suitable matters will be referred to a pre-hearing conference on the first listing of the claim before the court. In the event that a matter is not settled in the pre-hearing conference, directions as may be required to prepare a claim for final hearing are made by the Court on the same day. The arrangement is designed to reduce the number of occasions parties are required to attend court.

Although the practice is still in its infancy and no meaningful statistics are yet available, it would seem to be valuable in achieving settlements at the earliest available opportunity.

The Division is conducted primarily from the Melbourne court complex but, when required, arrangements are made for hearings to be conducted in the regional courts.

Alternative Dispute Resolution

The overarching purpose of the *Civil Procedure Act 2010* and the rules of court is to facilitate the just, efficient, timely and cost-effective resolution of civil disputes. Under that Act, this purpose may be achieved by, amongst other things, any appropriate dispute resolution process ordered by the court. In furtherance of that purpose, the Court provides three appropriate dispute resolution processes: pre-hearing conference, mediation and Early Neutral Evaluation.

Prehearing Conference

A pre-hearing conference is a compulsory conference process conducted by the Court. It has two objectives: (1) identification of the issues in dispute between the parties and the promotion of settlement that is acceptable to the parties; and (2) management of cases from defence to settlement or listing for hearing.

The Court will:

- identify, clarify and explore issues in dispute in a proceeding
- promote a settlement of the proceeding by conciliation or mediation
- identify the questions of law and fact to be decided by the Court
- make directions concerning the conduct of the proceeding.

A pre-hearing conference will normally be conducted by a registrar or deputy registrar of the Court who is highly experienced in this process but may be conducted by a magistrate or a judicial registrar.

The subject matter at pre-hearing conference may include any civil dispute commenced in the Court (including certain Workcover disputes).

A new pre-hearing conference program commenced in April 2014 in the Industrial Division of the Court for "small claims" disputes as defined by section 548 of the *Fair Work Act 2009 (Cth)* (disputes claiming no more than \$20,000). Registrars and deputy registrars conduct these conferences.

Mediation

A civil dispute may be referred to mediation in claims where the amount in dispute is \$30,000 or more and shows some complexity of fact or law, instead of pre-hearing conference.

Mediation must be conducted by an “acceptable mediator”. The Rules define “acceptable mediator” to include a wide range of appropriately accredited mediators, mediators of the Dispute Settlement Centre of Victoria, the Court’s registrars and judicial registrars. Judicial registrars also mediate in the Industrial Division of the Court.

The standard timeframe allowed for completion of mediation is 60 days after the order. Where the parties fail to agree on the appointment of a mediator within 14 days of the order, the Court will appoint the mediator from the Single List of External Mediators. There are 203 nationally accredited mediators on the list.

In certain suburban and regional venues, the Court provides a mediation service for claims of less than \$40,000, in conjunction with the Dispute Settlement Centre of Victoria.

Early Neutral Evaluation

Early Neutral Evaluation (ENE) is a process in which, in the presence of the parties and their legal representatives, a magistrate investigates a civil dispute and provides a non-binding opinion on the likely outcome. ENE has proved to be a successful opportunity to resolve a significant number of complex cases that would have otherwise involved the parties in a trial requiring substantial time and cost.

Whilst any dispute of appropriate complexity might be referred to ENE, the process is generally applied in cases where the amount in dispute is \$50,000 or more.

To avoid any resistance to full and frank disclosure of their respective positions, the parties are assured that the Magistrate who has conducted the ENE will not be allocated the trial of the case in the event that a resolution cannot be achieved.

In those cases that fail to resolve, directions are given as to the future conduct of the proceeding concentrating on the pleadings and the interlocutory steps necessary to ensure a properly prepared case, which is fit for speedy trial. Indeed, unresolved cases will be given an early trial where the parties require it.

In the event that the dispute is not resolved by ENE, the parties will not be required by the Court to undertake any other form of dispute resolution. However, it remains open to the parties to agree to participate in mediation or any other form of dispute resolution process outside the Court.

In short, the Court provides many and various opportunities for settlement of disputes outside the courtroom, which can be accessed at an early stage of litigation.



Making a difference

The Court values the strong engagement it has with the community and strives to improve its efficiency and accessibility through a number of initiatives and activities conducted by the judiciary and court staff.

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 also regularly participate in conducting talks to visiting school groups.

Deputy Chief Magistrate Jelena Popovic and Magistrates Jennifer Bowles, Louis Hill and Brian Wright provide a snapshot of community engagement activities conducted by magistrates during the reporting period.

Deputy Chief Magistrate Jelena Popovic

Deputy Chief Magistrate Jelena Popovic was:

- Member, Council of the Australian Institute Judicial Administration
- Presenter, Judicial Colloquium of Australia Annual Conference October 2013
- Member, Adult Parole Board (resigned December 2013)
- Member, Sir Zelman Cowen Centre, Victoria University Law School Program Advisory Committee
- Presenter, National Judicial College of Australia Phoenix Program
- Chair, Solution Focussed Judging Program, National Judicial College of Australia
- Member, Aboriginal Justice Forum
- Member, Judicial Officers' Cultural Awareness Committee
- Presenter, National Judicial College of Australia and Australian National University Sentencing Conference, February 2014
- Worldwide "Who's Who" 2014 Professional of the Year.



Magistrate Jennifer Bowles, recipient of the Churchill Fellowship Award 2014

Magistrate Jennifer Bowles

Magistrate Bowles was awarded a Churchill Fellowship for 2014. As part of this fellowship, Magistrate Bowles will review overseas residential therapeutic facilities for young people with

drug/alcohol/mental health issues including gaining an understanding of the approaches adopted in other countries, for example, mandated treatment in Sweden and Scotland, the relevant legislative framework, the features of the residential facilities and the philosophies underpinning the treatment regime.

Magistrate Bowles will visit New Zealand, England, Scotland and Sweden.

Magistrate Louis Hill

Bairnsdale police, solicitors, and Workways Australia (an employment and community services organisation) with the encouragement and cooperation of the local Magistrate, Mr Louis Hill, developed a successful Bairnsdale Children's Court diversionary program known as New Directions. The program commenced on 30 January 2014 and young persons charged with offences are considered by the Police Youth Resource Officer (PYRO) for suitability to participate in the New Directions program. If suitable and if the young person agrees, the Court adjourns the matter for eight weeks. A Workways representative is present at court to liaise with the young person and make arrangements for future contact. The young person is then assisted by Workways to engage with counselling, education, employment and other services. Workways reports on the young person's cooperation and progress to the PYRO and if positive, the charges are withdrawn when the matter returns to court, the young persons are congratulated and further encouraged to continue to attend services.

From 30 January 2014 to 15 April 2014, 15 young persons had entered the program and 13 had successfully engaged. One girl who told the magistrate that she did not care what happened to her has sought permission to be placed on the program after returning to court and others have voluntarily continued to engage after the charges were withdrawn.

This program is utilising local community services at no further costs providing assessment and new directions to young people without the negative effect of a criminal record.

For further information about the Children's Court, please refer to <http://www.childrenscourt.vic.gov.au/>.

Magistrate Brian Wright

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

In 2013, Magistrate Wright edited the fact scenarios for Civil Moots for the Victorian Bar Readers Course and gave a Seminar on conducting civil proceedings in the Magistrates' Court to the Victorian Bar Readers.

Judicial Mentoring Program

The Magistrates' Court of Victoria, La Trobe and RMIT Universities have continued to sustain an educational partnership throughout 2013/14 whereby magistrates provide a mentoring program for law students. 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.

During the reporting period, magistrates from the Coroner's Court, Dandenong, Frankston, Geelong, Heidelberg and Melbourne Magistrates' Court participated in the program.

Law Week 2014

Law Week is an annual festival of events promoting community education about the Victorian legal system. This year, Law Week ran from 12-18 May 2014 and events were conducted at a number of court locations across the state. Ballarat, Bacchus Marsh, Portland, Wangaratta and Warrnambool Magistrates' Courts conducted court tours and Ringwood Magistrates' Court held an information and mock court session.

This year's Court Open Day at Melbourne Magistrates' Court was a great success with over 600 people attending this event. There were a range of activities and events on offer including:

- an 'All Stand' Magistrates' Court Mock Hearing. Participants observed a mock criminal court case involving an accused charged with sending sexually explicit images. This session was highly relevant to young people and explored the legal and social consequences of 'sexting'
- 'Walk in Her Shoes' tours that outlined the process of applying for a family violence intervention order
- tours of the Melbourne Magistrates' Court with Deputy Chief Magistrates and registry staff

- a 'Career as a Court Registrar' information session presented by the Court's Learning and Development Unit
- 'Saying No to Family Violence' session, which was an interactive information session based on intervention order proceedings that come before the Court. This session highlighted the nature and impact of family violence on individuals and the community
- CISP/Credit Bail information session presented by a magistrate and case worker
- a Road Trauma Support Services Victoria presentation about the effects of road trauma on the community
- a number of court stakeholder information stalls.

The Court would like to thank all the participating stakeholders and staff for their valuable contribution to Law Week 2014.

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 generally used its website and email as tools to connect with the public. In July 2012, the Court created its twitter account to expand the way it communicates with the public and court users. @MagCourtVic is managed by two staff, the Strategic Communication Advisor and the Manager, Magistrates' Support Services. Known as the 'MCV Tweeters', they tweet regularly and respond to questions received from the public.

The Court is continually expanding the way it uses twitter and has found it to be an effective way of communicating and engaging with the Victorian public. During the reporting period, the Court's twitter followers increased from 1100 to over 1900 and counting.

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

Across the State, court locations are situated within 12 regions. Each region consists of a headquarter court and some regions are made up of multiple satellite courts.

A Regional Coordinating Magistrate and a Senior Registrar manage each region.



Throughout the regions, the judiciary and court staff work closely with a wide range of stakeholders to promote effective community engagement and to provide improved understanding and communications between the Court and the public. This section provides insight into the differing regions across the State. Detailed statistics relating to the caseload and efficiency of each region can be found in the Statistics and Financials chapter on page 76.

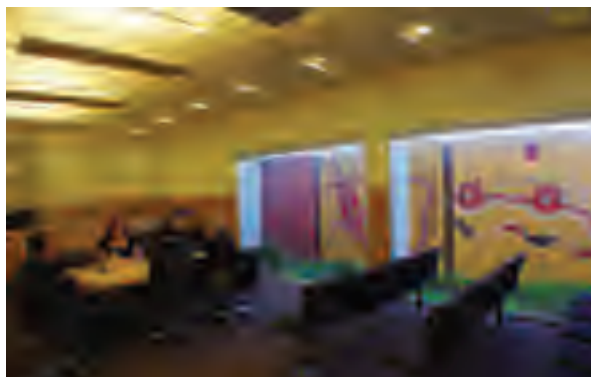
The Barwon South West Region includes Geelong, Colac, Hamilton, Portland and Warrnambool Magistrates' Courts. Barwon South West is a multi-jurisdictional region conducting Koori, Coroners and Children's Court hearings and County and Supreme Court Circuits. There are five magistrates and 37 staff throughout the region.



Barwon South West

During the reporting period, Barwon South West courts participated in the following community engagement activities:

- In January 2014, The Honourable Chief Justice Warren formally opened the legal year at Geelong. All jurisdictions of the courts were represented on the bench during the opening with Justice Croft, Judge Mullaly and Magistrate Coghlan sitting with Chief Justice Warren. Over 100 courts users from within the legal profession and community attended the opening.



Mural painted by local Aboriginal artists at Warrnambool Magistrates' Court.

- The Koori Court at Warrnambool celebrated 10 years of operation on 11 February 2014. The Honourable Robert Clark MP Attorney-General, Chief Magistrate Peter Lauritsen, President of the Children's Court Judge Peter Couzens and Coordinating Koori Court Deputy Chief Magistrate, Jelena Popovic, invited elders, respected persons, staff and community to attend the Warrnambool Court to celebrate. The Koori Court sits in the Magistrates' and Children's Court jurisdictions at Warrnambool monthly and on circuit at Hamilton and Portland Courts. The Attorney-General Robert Clark unveiled a mural that had been painted by local artists which celebrated the 10 year anniversary. The mural can be seen from the courtroom where Koori Court sits and it depicts each of the locations that the Koori Courts sits within the region.

Aunty Laura Bell announced her retirement from the Koori Court at the anniversary. Aunty Laura has sat on Koori Court since its first sitting in Warrnambool and has made a considerable contribution to the ongoing success of the Koori Court in this area. We thank and acknowledge Aunty Laura for her contribution to the Koori Court.

- New Model Conferencing in the Children's Court commenced across the region in March 2014 after training and consultation with local stakeholders and court users. A Conciliation Conference is intended to facilitate the early resolution of applications through a non-adversarial process.
- In May 2014, Court Network volunteers were acknowledged across the region during National Volunteers Week. During Law Week, courts across the region were opened to the public.
- Significant works at the Warrnambool Court has resulted in the roof top chillers being replaced

Broadmeadows

The region has six magistrates, who also preside over Children's Court matters in the region.



The change of regional boundaries has seen a substantial increase in the number of matters coming before the Court. Whilst the number of intervention order applications has remained relatively steady, the numbers of charges laid by various prosecution agencies has increased substantially.

Following extensive consultation with the Court, construction of the Broadmeadows Children's Court began in 2014. Subject to any unplanned delays, practical completion will be in early April 2015. It is anticipated that hearings will commence by May 2015. During the construction period, there will be minimal impact on the ongoing hearings of the Magistrates' Court and normal court operations will continue.

Community Engagement

Again, the Court continued to facilitate and participate in a number of community engagement activities.

The primary activities this year were:

- **Kill the Possum: Roxburgh College**
Registrars and the Broadmeadows Community Legal Service



attended at Roxburgh College to present a "Family Violence Myth Busters Forum" to 260 Year 9 students. Students are questioned about their understandings of family violence and then given a 60 minute interactive presentation, which incorporated statistics, current media events and the legislative process for applying for intervention orders that utilised different media forums including slides, audio, music and a "ready steady cook" type game where students held up the correct answer to multiple choice questions. A post forum survey was then done to evaluate the Forum.

Students from the Year 9 Student Body at Roxburgh College also attended at the Court and participated in a mock trial with a magistrate, where they applied for an interim intervention order and then participated in a contested intervention order hearing, based on the characters from a novel "Kill the Possum". The script was developed by the Court in consultation with the Broadmeadows Community Legal Service and is endorsed by the author of the novel.

- **Week Without Violence**
In collaboration with the Broadmeadows Community Legal Service and a survivor of family violence, Registrars attend the Roxburgh College to co-present a "Week Without Violence" Forum. There, the Court displayed T-shirts painted by the students with anti violence slogans and presented an

information forum to the students consolidating the learning from the "Myth Busters Forum" and the Mock Trial.

- **Moreland Domestic Violence Network Meeting** a Registrar attended as a guest presenter and outlined the intervention order processes, from the preparation of the initial application through to the court hearing.
- **Adult Multicultural Education Services (AMES)**

The Court hosted an information forum for 20 participants from AMES. AMES is Australia's largest provider of humanitarian settlement, education, training and employment services for refugees and newly arrived migrants.

The forum consisted of presentations relating to Victorian courts and covered services and procedures affecting clients in the criminal, civil and family violence jurisdictions of courts.

Other activities included:

- training sessions delivered to the Royal Australian Air Force and delete International Law students on the Victorian justice system
- presentations and talks to the numerous school groups who attended the Court
- continued support of the Hume Council, through participation of the Safe City Taskforce
- state-wide Court Network Training Day.

Construction of the Broadmeadows Children's Court

Six magistrates service the Dandenong region and preside over both Magistrates' Court and Children's Court matters. The Drug Court sits at Dandenong Magistrates' Court (further information about the Drug Court can be found on page 65).

Dandenong

During the reporting period, Dandenong Magistrates' Court participated in the following community engagement activities:

- Collaborated with Victoria Legal Aid's Westernport Office to deliver the "Better Connections" forum. Court users and external support agencies heard from Ross Hyams (Monash University), Elissa Scott (VLA) and Magistrate Pauline Spencer about how therapeutic jurisprudence approaches can improve the effectiveness of mainstream courts.
- Students from Monash University in partnership with the Court and the Springvale/Monash Legal Service took part in a 14-week Clinical Law Program. Students took instructions from an accused who had been charged with minor offences and relevant information for a plea. The students, under supervision and with the leave of the Court, conduct pleas of guilty on behalf of the accused.
- In partnership with CatholicCare, the Court delivered a Justice Education Program for newly arrived refugees. Presentations were given by senior members of Victoria Police, a child psychologist, VCAT members, magistrates, court staff, Consumer Affairs Victoria staff and local government workers.
- In November 2013, the Court celebrated a traditional Smoking Ceremony and Welcome to Country. Over 80 guests attended this event. The Court welcomes the Dandenong Children's Koori Court, which is scheduled to commence in September 2014.
- In December 2013, after many of years of outstanding leadership, friendship and guidance, we farewelled Magistrate Lesley Fleming. Her Honour was a passionate supporter of Dandenong Court and under her guidance introduced many new and exciting initiatives. Her Honour worked extremely hard with members of the newly arrived community and her Justice Community Education programs will be her legacy at Dandenong Court.
- In January 2013, the staff of Dandenong Court welcomed Magistrate Jack Vandersteen as the new Regional Coordinating Magistrate.
- Staff from the Court played in a round robin Street Soccer event to celebrate Cultural Diversity Week and were presented with the Harmony Cup Fair Play Award. Street Soccer promotes social inclusion and personal change for participants by providing support and promoting participation, inclusiveness, commitment and team spirit.



The Frankston Region includes the Moorabbin, Frankston and Dromana Magistrates' Courts and consists of seven magistrates, one judicial registrar, and 31 court staff.

Magistrates, judicial registrars and staff are regularly rotated between the three venues and this has achieved a greater use of judicial and administrative resources across the region.

Frankston

To help manage the increased caseload, particularly in the criminal jurisdiction, which is up 10 per cent on last year's record year, the region has utilised the judicial registrar for an additional mention day each month at Dromana Court and the capacity for some VOCAT claims to be determined by judicial registrars has also been of great benefit to the region.

In addition, the Court actively encourages early resolution of contested criminal cases, and conducted a special mention blitz over July and August 2013 for all pending contested hearings, which significantly reduced the number of contested hearings and thereby further reducing delays.

The high numbers of Family Violence and Personal Safety Intervention Order applications continue to present significant challenges to the judiciary and administration of the Court and to the Court's stakeholders.

The Family Violence Counselling Orders Program will commence on 1 July 2014 at the Frankston and Moorabbin courts and will be supported by the Department of Human Services.

Through this program, the Court can direct men against whom a final intervention order has been made to attend an eligibility assessment interview. If assessed as eligible, the Court will make a Counselling Order for the eligible men to attend a Men's Behaviour Change Program, which will be facilitated by a community service organisation. The region will employ a Family Violence Registrar and an Applicant and Respondent Support Worker at Moorabbin together with a Respondent Support Worker at Frankston Court. A Family Violence Registrar and Applicant Support Worker have been employed at the Frankston Court since the commencement of the Specialist Family Violence Service in 2006.

On 15 November 2013, Magistrate Holzer became the State Coordinating Magistrate and Magistrate Smith became the Regional Coordinating Magistrate for Frankston on 18 November 2013.

Magistrate Holzer addressing the local Seniors as part of the Seniors Festival tours which were organised in conjunction with Frankston City Council. This is one of a 'range' of community engagement initiatives held throughout the year within the Frankston region.



Community Engagement

The region continued to place a strong emphasis on community engagement in 2013/14 and activities included the following:

- Victorian Seniors Festival tours and presentation by Regional Coordinating Magistrate Holzer and the Senior Registrar Julian Bartlett on the court system and hierarchy and the cases determined by each jurisdiction
- magistrates, court staff and police prosecutors regularly spoke to secondary school students as part of the school tours, which is a way of educating students on the court processes and the penalties from criminal behaviour
- Regional Coordinating Magistrate Smith hosted the "Meet the President of Court Network" lunch, which enabled the judiciary and court staff to show appreciation for the work done within the region by Court Network
- continuation of the Walk in Her Shoes tours, which has seen over 120 support workers from various agencies within the region learn about the procedures to apply for an intervention order over the past year
- court staff regularly attended and spoke at Family Violence information forums including the Outer South Peninsula Integrated Family Violence Partnership Practice Forum "It's worth more than a piece of paper".



The Gippsland region covers eight locations with regional headquarters based at the Latrobe Valley Court in Morwell. Registrars are also based at Bairnsdale, Korumburra, Moe, Sale and Wonthaggi Courts. Omeo and Orbost Courts 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

The Latrobe Valley Court is a multi-jurisdictional court complex with 6 courtrooms. The Court of Appeal, Supreme Court, County Court, Children's Court, VCAT, Federal Court and Fairwork Australia all held circuits at the Latrobe Valley Court during 2013/14

Other courts in the region also conducted hearings for Supreme Court, County Court and VCAT matters.

Four magistrates are permanently assigned to the region and an additional magistrate is allocated five days per month. Judicial registrars are also allocated to the region and two judges sit for most of the year at Latrobe Valley.

During the reporting period, the Gippsland region continued the theme of therapeutic justice:

- The Koori Court heard matters in the County, Magistrates' and Children's Courts
- CISP team operated at Latrobe Valley
- Department of Education and Early Childhood Development in Children's Koori Court (pilot to be extended state-wide) with plans for a further pilot to include mainstream Children's Court.

Community Engagement

The Gippsland Region also continued to maintain a strong community focus throughout 2013/14 and was collaboratively involved in the following:

- Methamphetamine (ice) forums, which were started by this region and run by Magistrate Clive Alsop and the CISP team. The forums involved local agencies and professionals and included family members of ICE users. Public forums were held at Warragul, Sale, Wonthaggi, Traralgon and Moe. Approximately 1800-2000 people attended these forums.
- School programs to address drug taking and sexting and to discuss careers in courts were organised by local education representatives and Legal Aid in conjunction with court staff. Speakers have included representatives from the Court, police and local legal practitioners. The community saw this as stimulus for prevention within our communities.

The Grampians Region consists of eight locations with the headquarters based at Ballarat. Courts include Bacchus Marsh, Ararat, Stawell, Horsham, Nhill, St Arnaud, Edenhope and Hopetoun. Grampians is a multi jurisdictional region conducting Coroners, Children's, County and Supreme Court hearings.



Grampians

There are three magistrates based within the region sitting at all locations with an additional judicial registrar sitting at Ballarat on a weekly basis.

The Grampians welcomed Magistrates Cynthia Toose and Peter Mithen into the region and Magistrate Michelle Hodgson continues her appointment as Regional Coordinating Magistrate.

During the reporting period, Ballarat Court completed a major listing review, which resulted in implementation of a new listing structure that has streamlined listings and reduced delays in accordance with the Court's listing protocols.

Community Engagement

Courts in the Grampians region were involved in several community engagement activities including;

- as part of Law Week 2013, staff facilitated court tours for the public to attend
- school visits to the Ballarat Law Court to observe court proceedings and have discussions with magistrates and staff
- several staff attended the Road Safety Awareness Program held regularly in Ballarat
- the Court is represented on various committees including both Regional and Local Aboriginal Justice Advisory Committees and Family Violence Prevention Networks across the region
- the Family Violence Registrar continued to present at various forums across the Region including at the Country Women's Association Family Violence Forum
- the Family Violence Applicant Worker continued her work in the community including co-facilitating 'Identifying Family Violence training', which was rolled out to maternal health nurses and participated on a panel at an Elder Abuse Forum, where attendees came from the disability council and hospital services sector
- staff also attended events as part of NAIDOC Week in July 2013
- 'Walk in My Shoes' tours were conducted throughout the reporting period and held in conjunction with White Ribbon Day activities. The tours were hosted by Magistrate Hodgson and the Family Violence Division Registrar with support from the Family Violence Applicant and Respondent Workers
- Registrar Damien Mullane was an ambassador for White Ribbon Day 2013 and participated in the swearing in ceremony.

The Heidelberg Region includes Heidelberg and Prston Magistrates' Courts. There are five magistrates sitting at Heidelberg who also preside over Children's Court matters in the region.

Heidelberg

Significant work was undertaken at Heidelberg throughout the reporting period in response to the ever-increasing caseload of the Court.

In November 2013, changes to the regional boundaries of the Magistrates' Court were implemented in order to address workload impacts on various courts due to actual and anticipated population changes. For the first time in many years, the number of new criminal and family violence proceedings fell slightly in the region. The listing of cases in three time slots throughout the day began to have an impact; reducing waiting times for people attending the Court, enabling the court staff to better identify and respond to priority cases, and reducing congestion within the building.

In anticipation of a decreased workload, one of the six magistrates assigned to the Court was withdrawn. With this change and changes to the jurisdiction of judicial registrars, more matters were listed before judicial registrars. The judicial officers and registrars of the Court succeeded in finalising an even greater number of cases than in previous years and ensured that the changes did not result in greater delay in the finalising of cases.

The frequent failure of Corrections Victoria to deliver accused persons remanded to appear before the Court has represented a significant challenge to these achievements and to the administration of justice in those cases.

The work undertaken by the Court, key agencies and the Aboriginal community also came to fruition with the commencement of monthly Aboriginal Hearing Days at the Court. There was no additional funding received by the Court or the services working within it and the establishment of Aboriginal Hearing Days reflects the commitment made by all participants in the Heidelberg Magistrates' Court Aboriginal Partnership Group to strengthen the relationship between the Court and the Aboriginal community and to improve the experience of Aboriginal participants in the court process. The commencement of the List was celebrated with a launch on 6 December 2013 and the first official sitting was in January 2014. The List is scheduled on the last Wednesday of each month. Participation in the List is voluntary and has been strong.

The Court has welcomed Aboriginal Liaison Officer, Shirley Annesley, who attends Heidelberg Court on two days each week to coordinate the Aboriginal Hearing Day, maintain the Heidelberg Magistrates' Court Aboriginal Partnership Group, and raise the awareness of court staff and judicial officers of the local Aboriginal community.

The Court has worked closely with the Children's' Court of Victoria and the Magistrates' Court Koori Unit to establish sittings of the Koori Children's Court at Heidelberg. The Attorney-General will launch the initiative on 27 August 2014 and the first sitting will take place on 10 September 2014.



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 being attended by a registrar on a visiting basis.



Hume

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

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

The region is staffed by 16 Registrars and seven Trainee Registrars. Additionally, there are Jury Keepers who work at the multi-jurisdictional Courts at Shepparton, Wangaratta and Wodonga and are employed by the Supreme Court.

The Supreme and County Court sit regularly on circuit at Shepparton, Wangaratta and Wodonga, whilst Children's Court, Coroners Court and VOCAT matters are heard at all courts in the region. VCAT also sits almost daily in the region, with a full-time administrative staff member based at Wangaratta Court.

In October 2013, the Attorney-General launched the Children's Koori Court at Shepparton, which sits fortnightly, as does the Magistrates' Koori Court. The establishment of the Children's Koori Court has been very well received by the Shepparton Koori community.

During the year, building works continued at Wangaratta Court to remedy damage to the Western wing of the building caused by building movement that had rendered it unusable. Work was completed in June 2014 and that part of the building now includes much improved and secure facilities for jurors and also provides further administrative office spaces and mediation appropriate facilities.

In May 2014, the Victorian Government announced funding for a new Court complex in Shepparton to replace the present inadequate Court. Works are to commence by the end of 2014 with completion due in the 2017/2018 financial year.

Community Engagement

During the reporting period, the Hume region participated in the following community engagement activities:

- Magistrates presented regularly at "Cool Heads" programs at Shepparton, Wangaratta and Wodonga. Cool Heads is an interactive program aimed at young drivers that 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.
- In March 2014, Magistrate John O'Callaghan presented at a forum in Shepparton entitled "Therapeutic Justice Integrated Services for Goulburn Valley Courts".
- Magistrates have also met with Regional Law Associations, and been involved in Young Lawyers events.
- Registrars participated as members of committees and reference groups in such areas as Culturally and Linguistically Diverse Justice Access, Crime Prevention, Family Violence and Koori Court. Registrars also presented across the region at various service clubs and community organisations and to visiting student groups.

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 sitting in the County and Supreme Court jurisdiction. There are four magistrates located at Bendigo, which services the region with the exception of Mildura, Ouyen and Robinvale.



Magistrates and staff travel extensively across the region to service all the court locations.

The region also hears and determines Children's Court and Coroners Court matters. A judicial registrar sits at Bendigo weekly and at other courts in the region as required. There are 34 staff members within the Loddon Mallee region.

With the retirement of Magistrate William Gibb on 12 July 2013, Magistrate Richard Wright was appointed as the Regional Coordinating Magistrate. Magistrate David Faram joined the region in September 2013.

The region underwent significant listing changes at the start of 2014, in order to maintain the Court's Listing Protocols. This saw the introduction of a contest mention circuit for the region. Visiting magistrates conduct contest mentions at Bendigo, Kyneton, Echuca and Swan Hill. There has been significant and ongoing consultation in the development of this listing schedule to ensure the best use of judicial resources.

The Bendigo Court and Justice Service Centre expansion announced by the Attorney-General in June 2012 continues to progress. Construction is well under way and the project is due for completion by October 2014, with occupancy in November 2014. This project will see the addition of a secure courtroom, holding cells and interview rooms.

The Children's Koori Court was launched in Swan Hill in late 2013. The Koori Courts at Swan Hill and Mildura held community events throughout the year.

The Children's Court Conciliation Conference Model (CCM) was rolled out in the Loddon Mallee at the beginning of 2014. A Conference Convenor and Intake Officer have been appointed at Bendigo and service all the courts within the region.

Community Engagement

The region was involved in a number of community events throughout the year:

- Staff at Bendigo participated in Heritage Week in May 2014 and conducted weekend court tours. Visitors were provided with guided tours of the building and courtrooms together with commentary of the history of the building. The staff did a fantastic job by giving up their own time to allow the community to visit this historic building. Tours of the building were also provided during Law Week 2014.
- The Bendigo Court has loaned some exhibition pieces to the Bendigo Art Gallery. The three items are all c1890 and will form part of the Galleries Crime and Punishment: A history of Bendigo's Law and Order Exhibition. This Exhibition runs from May-December 2014.
- Courts across the region acknowledged the work Court Network volunteers do across all the regions courts during National Volunteer Week.
- School visits continued across the region with students observing court proceeding and having discussions with magistrates and staff.

Melbourne

The Melbourne Magistrates' Court is located in the central business district of Melbourne and accommodates up to 45 magistrates and judicial registrars and 110 registry staff. A total of 30 courtrooms and two hearing rooms plus using two additional courts at the Melbourne County Court enable listings of between 600 - 900 matters per day across the criminal, civil, family violence and VOCAT jurisdictions. Between 2000 - 3000 people enter the complex on any given day.



There are a number of support services maintained within the Melbourne Magistrates' Court. These services include:

- Court Network
- Salvation Army
- Victoria Legal Aid
- Community Corrections Services
- Courts Integrated Services Program
- Mental Health Court Liaison Service
- Youth Justice Services
- Multicultural Liaison Officer
- Women's Legal Service

During the reporting period:

- the first **Melbourne Magistrates' Court** Koori Court was established and will be launched in July 2014
- weekend sittings have commenced in order to alleviate pressures surrounding persons in custody
- County Court sittings have been commenced in order to alleviate prisoner transport problems across Victoria
- the Early Neutral Evaluation program continued within the civil jurisdiction
- all metropolitan committals are now redirected to **Melbourne Magistrates' Court** as opposed to being listed at suburban court locations
- boundary changes occurred, in order to better streamline listings in high pressure regions, and the **Melbourne Magistrates' Court** has taken a large share of these re-allocated matters.

Community Engagement

During the reporting period, the **Melbourne Magistrates' Court:**

- continued to engage with the local community via the Court Open day programs, Moot courts, school visits and delegation visits from all over the world
- the Koori Family Violence Program continued to provide services to families requiring support in matters of family violence within our local community.

The Ringwood Magistrates' Court consists of 5 magistrates and a Judicial Registrar, who presides 6 days each fortnight. Magistrates also hear Children's' Court matters.

Ringwood

During the reporting period Ringwood Court continued to respond to demand increase across the criminal and family violence jurisdictions. **The Court finalised 94.3 per cent of all intervention order applications within 6 months of lodgement in 2013/14, the highest ratio state-wide.** Sessional listings structures, additional judicial registrar lists and additional family violence return days were introduced in response to increased workloads.

In April 2014, the Ringwood Court cells were re-activated, which resulted in a significant reduction in the number of prisoners not transported to Ringwood Court and also reduced delivery time in relation to the previous process where prisoners were driven to the Court from Ringwood Police Station.

Community Engagement

The region continues to maintain a strong focus on community engagement and in 2013/14, the following activities took place:

- A smoking ceremony was held, where representatives from the Wurundjeri community attended and performed, as part of NAIDOC week celebrations. Approximately 70 attendees from the local aboriginal community attended along with dancers from the Worowa Aboriginal College.
- Continuation of the Ringwood Intervention Order Support Service Information Sessions. These sessions provide organisations with information on court processes as well as an opportunity to build relationships between service networks. The aim being to improve service responses of legal and support services to victims of family violence in a coordinated and integrated manner.
- The Court hosted a legal information session for the Karen community in conjunction with Victoria Legal Aid. The Senior Registrar provided an overview of the criminal and family violence processes inclusive of a question and answer component.
- In conjunction with Knox City Council and The Family Violence Integration Project, court staff provided process information at Eastland Shopping Centre to assist members of the community to better understand the intervention order process as well as promote services available to parties within the region
- In November 2013, Magistrate Max Cashmore retired after 21 years on the bench. A bench farewell was attended by representatives from the legal community.



Smoking ceremony at Ringwood Magistrates' Court.

The Sunshine region consists of the Sunshine and Werribee Courts. The region has seven magistrates and one judicial registrar. There are 38 staff within the region comprising of registrars, an Applicant Support Worker, Court Integrated Service Program (CISP) and administrative staff.



Sunshine

The region continued to provide a number of innovative services and programs to the community, court users and students during the reporting period. These include:

- CISP, which provides short term assistance before sentencing for accused with health and social needs, working on the causes of offending through individualised case management, providing priority access to treatment and community support services and attempting to reduce the likelihood of re offending
- increasing access to family violence services including the Family Violence Applicant Support Worker, Women's Health West and 'In Touch' who provide a multicultural family violence and legal service for women
- a new pilot project with McAuley Family Services to provide a Children's Support Worker to assist family violence applicants when making applications and appearing in court
- continued facilitation of the Prevention of Alcohol and Risk related Trauma in Youth Program (PARTY) conducted within a hospital setting (featured in previous annual reports)
- the Court worked with Youth Junction in relation to deferrals of sentence for young offenders providing a holistic approach to address offending behaviours

- **Financial Counsellors from Anglicare and Footscray Community Legal Centre** were available for people attending court in relation to civil debts and enforcement warrants
- **Sunshine Youth Legal Service** provided an appearance program at Sunshine Court
- Victoria University and Footscray Community Legal Centre worked with the Court **on the "Helper Project"** to assist those who appear without legal representation to better understand the court process
- student placements, work experience and court tours and information sessions.

Community Engagement

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

- **Community Forums**
A number of community forums were held including Wills & Bills days for the Koori community in Werribee and Melton.
- **Hosting a Vietnamese delegation**
In September 2013, the Court hosted members of the Vietnamese Courts, justice department, prosecutors and National Assembly to obtain a greater understanding of the Children's Court model.

- **African Reference Group**
Regular meetings were held with magistrates, Victoria Police, African and multicultural organisations assisting African youth in the justice system.
- **Indian Family Violence Forum**
The Forum was held in September 2013 and involved representatives from the Court, Victoria Police, legal services, the Indian community and other relevant agencies. The Forum focused on addressing family violence issues within the Indian community. A plan was developed to ensure the provision of family violence support services, information and advice to the parties, particularly where the parties reconciled.



Specialist Courts and Services

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

Court Support and Diversion Services – Year in Review.

Court Support and Diversion Services comprises of the following programs:

CISP Remand Outreach Pilot

The CISP Remand Outreach Pilot is a 12-month pilot extension of the CISP that has been developed in collaboration with Corrections Victoria. Full details page 54.

Court Integrated Services Program (CISP) and Koori Liaison Officer Program

The CISP and Koori Liaison Officer Programs participated in a variety of community/stakeholder engagement this year. Full details page 55.

Court Advice and Support Officer

Referrals to the court advice and support officer have increased significantly, with referrals received from magistrates from all court venues, court program coordinators, legal practitioners, Victoria Police, Court Network and court users. Full details page 57.

Assessment and Referral Court (ARC) List

After commencing as a pilot in 2010, this year the ARC List was awarded a 2014 Melbourne Award, in the Contribution to Community by a Corporation category. Full details page 58.

CREDIT/Bail Support Program

The CREDIT and the Bail Support Program is a pre-sentence program that seeks to increase the likelihood of an accused being granted bail and successfully completing a bail period. Full details page 59.

Criminal Justice Diversion Program

During 2013/14, 42 accused were ordered to undertake a total of 633 hours of voluntary work with various community organisations. Full details page 60.

Enforcement Review Program

In 2013/14, the ERP received 42,044 individual infringements for listing in the Special Circumstances List, relating to 1663 accused. Full details page 62.

CISP Remand Outreach Pilot

Program description	Program aims	Locations
Commenced February 2014 as a 12-month pilot. Comprises of a team leader and three Court Advice and Liaison Officers.	To identify barriers to accused receiving bail and facilitating bail by linking eligible accused into treatment and support services.	Dame Phyllis Frost Centre (DPFC) Melbourne Assessment Prison (MAP) Metropolitan Remand Centre (MRC) Port Phillip Prison (PPP) (outreach service)

The CISP Remand Outreach Pilot is a 12-month pilot extension of the CISP that has been developed in collaboration with Corrections Victoria. CISP Remand Outreach Pilot proactively identifies remand prisoners for whom the possibility of securing bail may be improved by linking them into appropriate community supports. CISP Assessment and Liaison Officers based at the remand prisons provide brief casework interventions which focus on reducing barriers to bail, such as arranging accommodation and referrals for mental health and drug and alcohol treatment.

CISP Remand Outreach Pilot participants who present with complex psychosocial issues may also be assessed for participation in the CISP or CREDIT/Bail Support Program if the participant's matters are listed to be heard at a court where the CISP or CREDIT/Bail Support Program operate.

CISP Remand Outreach Pilot reviews all remand prisoners received into custody at the MAP and the DPFC. Priority is given to remand prisoners who:

- are not alleged to have committed a serious or significant indictable offence (an offence listed in Schedule 1 of the *Sentencing Act 1991*)
- are not alleged to have committed an offence while on parole
- do not have an extensive history of failing to appear on bail
- do not have an extensive history of serious violent offences
- are of Aboriginal or Torres Strait Islander descent.

Community/Stakeholder Engagement

The following stakeholder engagement has taken place since the commencement of the CISP Remand Outreach Pilot:

- operational meetings with:
 - » Offender Services Managers at each CISP Remand Outreach Pilot prison location
 - » Salvation Army Adult Services and Justice Connect, regarding housing pathways
 - » Salvation Army at the Melbourne Magistrates' Court, regarding the interface between CISP Remand Outreach Pilot and court chaplains
 - » Justice Health, regarding medical services
 - » Australian Community Support Organisation (ACSO) regarding the Novo program at the DPFC
 - » Transition Pathways Program.
- liaison with the South Australian Department of Justice Corrections, regarding the CISP Remand Outreach Pilot and screening accused held on remand.

CISP and Koori Liaison Officer Program

Court Integrated Services Program

Program description	Program aims	Locations
Commenced in November 2006. A multi disciplinary case management program for accused on bail or summons. 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 participant.	Providing participants 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.	Magistrates' Courts at Latrobe Valley, Melbourne and Sunshine.

Koori Liaison Officer Program

Program description	Program aims	Locations
Commenced in 2002. An outcome of the Victorian Aboriginal Justice Agreement. Since the commencement of the CISP, the Koori Liaison Officer Program has operated as part of the CISP. It offers the range of services provided by the CISP to accused on bail or summons, including case management up to four months.	To address the over-representation of Koori people in the Victorian justice system by working with Koori accused when they enter the court system. To assist Koori people to maximise their changes of rehabilitation through culturally appropriate and sensitive intervention	State-wide service located at the Magistrates' Court at Melbourne.

CISP REMAND OUTREACH PILOT CASE STUDY

Jake

Jake* is a 31 year old male who was remanded in custody in March 2014 on charges including stalking, making threat to kill, reckless conduct endangering serious injury, careless driving of a motor vehicle and use hand held mobile phone when vehicle moving.

Jake was due to appear at the Magistrates' Court at Bendigo in April for a mention. A bail application was not listed.

Jake requested assistance from CISP Remand Outreach Pilot shortly after arriving at the MAP. Jake was interested in applying for bail and identified support needs relating to drug and alcohol use, anger management, mental health and past suicidal behaviour.

The CALO contacted Jake's solicitor to obtain further information regarding Jake's legal status and informed him of the support and intervention CISP Remand Outreach Pilot could offer. The solicitor identified that Jake lacked accommodation and advised that Jake was unlikely to be granted bail unless supports were arranged upon his release.

With the solicitor preparing a bail application, the Court Advice and Liaison Officer met with Jake to identify suitable accommodation and to prepare a treatment and support plan. This consisted of Jake staying with his sister, a referral to a community health service (for drug and alcohol as well as anger management counselling) and a referral to a general practitioner to address mental health concerns.

The CISP Remand Outreach Pilot advised Jake's solicitor of these arrangements, confirmed the accommodation arrangements with Jake's sister and prepared a report for the Court. The solicitor subsequently listed a bail application in mid-April. Jake was consequently granted bail.

**not his real name*



Program Achievements/Enhancements/Changes

- The Latrobe Valley CISP has facilitated an arrangement with the Centrelink Community Engagement Officer to attend the Magistrates' Court at Latrobe Valley each Thursday to provide support to CISP clients at the Latrobe Valley.
- The Latrobe Valley CISP and the Latrobe Community Health Service are streamlining processes for CISP participants to be assessed for involvement in the Men's Behaviour Change Program to address family violence.
- The CISP at the Magistrates' Court at Melbourne commenced conducting screening assessments in the cells at the County Court for accused appearing before magistrates sitting at the County Court.
- Refurbishment of the CISP office accommodation at the Magistrates' Court at Sunshine, aimed at improving the functionality of this workplace.
- Planning a financial counselling outreach service at the Magistrates' Court at Melbourne to commence in July 2014.

Community/Stakeholder Engagement

The CISP and Koori Liaison Officer program participated in the following community/stakeholder engagement this financial year:

Latrobe Valley

- Latrobe Valley CISP staff attended a Community Forum titled 'Skating on Thin Ice' where Regional Coordinating Magistrate Alsop was a keynote speaker. The aim of the forum, through education and information, was to promote increased community awareness of the effects of the drug methamphetamine.
- Staff attended the SPIN, a pharmacotherapy network meeting, facilitated by the Department of Health and Latrobe Community Health Centre.
- Links were developed with the Latrobe Community Health Service and quarterly meetings were established.
- Establishment of closer lines with the Morwell Youth Justice Unit.

Melbourne

- CISP case managers and the Manager, CSDS, provided training on court programs, mental health and drug and alcohol to Court Network volunteers.
- Outreach workers from ACSO attended the CISP team meeting to discuss referral pathways for the Forensic Mental Health program and the Disability Outreach program.
- Guest speaker from Gambler's Help attended CISP to discuss referral pathways.

Sunshine

- Case manager participated in a panel discussion and conducted a 45-minute workshop on the CISP and its response to young offenders at the Youth Justice Conference in September 2013.
- Attended a stakeholder meeting at ReGen to learn about the single session group program developed by ReGen for methamphetamine users.
- Guest speaker Abraham Mamer from the Brotherhood of St Laurence attended the combined Sunshine CISP and Ballarat and Geelong CREDIT/Bail Support Program team meeting. Mr Mamer presented on the programs delivered by the Brotherhood of St Laurence, including the community justice program.

Koori Liaison Officer Program

- The Koori Liaison Officer Program Advisory Group met this financial year. Due to the change in purpose for the group, the name of the group and the terms of reference changed.
- The Koori Liaison Officer program coordinator attended a number of networking and stakeholder engagement functions during the financial year:
 - » NAIDOC events
 - » Ngwalla Willumbong, community engagement
 - » Koori Youth Network event at Wulgunggo Ngalu
 - » Reconciliation Week morning tea
 - » Koori Court Officers' team meeting
 - » Malmsbury Youth Justice Centre, community event
 - » Western Gathering Place, service visit

Court Advice and Support Officer

Program description	Program aims	Locations
<p>Commenced July 2012 as a pilot.</p> <p>Works as part of the CISP at the Magistrates' Court at Melbourne.</p> <p>Service for court users with complex psychosocial issues that arise in court and require urgent once off intervention.</p> <p>Also refers court users to the CISP if it is recognised that the accused would benefit from an episode of case management.</p>	<p>Provides advice to sitting magistrates, connects court users to government or community services, or where appropriate, a court based program or victims' service.</p>	<p>Magistrates' Court at Melbourne</p>

Program Achievements/Enhancements/Changes

- Referrals have increased significantly, with referrals received from magistrates from all court venues, court program coordinators, legal practitioners, Victoria Police, Court Network and court users.
- The Court Advice and Support Officer provides immediate assistance to CISP Remand Outreach Pilot participants exiting custody on bail at Melbourne Magistrates' Court such as providing an explanation of their bail conditions, information in relation to the treatment and support arranged on their behalf by CROP and or the provision of material aid.
- In conjunction with the Forensicare Mental Health Court Liaison Service at the Melbourne Magistrates' Court, the Court Advice and Support Officer assists the ARC List and CISP participants who present at the Court as difficult and volatile due to mental health presentations.

CISP AND CREDIT/BAIL SUPPORT PROGRAM TEAM LEADER FOCUS

Joanne de Lacy, Sunshine CISP

I am the team leader of the CISP at the Magistrates' Court at Sunshine and provide team leader support to CREDIT/Bail Support Program case managers at the Magistrates' Courts at Ballarat and Geelong.

I commenced with CISP as a case manager at the Magistrates' Court at Sunshine in 2009. In 2011, I became a team leader at the Magistrates' Court at Latrobe Valley CISP, before returning to the Sunshine CISP at the end of 2012 as team leader.

I had never aspired to being a team leader until I attended some training and the facilitator explained that, as a case manager, you can create the opportunity for change one person at a time, but, as a team leader, you can do that for every staff member; and that is an incredibly powerful tool for change. I was hooked. Today, mentoring staff is one of best parts of my job.

After five years with the CISP, I have developed strong relationships with many key stakeholders and service systems, from the Central Highlands to Barwon to Gippsland, into the Western suburbs and other suburbs of Melbourne. These relationships have enabled me to provide timely support to the CISP and CREDIT/Bail Support Programs located in these areas, without disruption to the participant's case management plan.

Each day is unique, and flexibility is an essential quality every CISP and CREDIT/Bail Support Program staff member develops very quickly. One of the greatest skills a CISP or CREDIT Bail Support Program worker has is the ability to adapt and respond to situations that arise, and to jump in, at a moment's notice, to ensure that the quality of service to the participant and the Court is not undermined.

The work is always incredibly satisfying and stimulating and after five years, I still cannot imagine working anywhere else.

Assessment and Referral Court List

Program description	Program aims	Locations/magistrates
<p>Commenced April 2010 as a pilot.</p> <p>Funding received to 30 June 2015.</p> <p>A specialist problem solving court which assist accused on bail who have a mental illness and/or cognitive impairment by addressing underlying causes of offending.</p> <p>Participants may be involved with the ARC List for up to 12 months and attend hearings, usually monthly.</p> <p>Hearings are interactive and support therapeutic jurisprudence principles.</p>	<p>Reduce risk of harm to the community by addressing underlying factors contributing to offending behaviour.</p> <p>Improve health and wellbeing of accused with mental impairment by facilitating access to treatment and support services.</p> <p>Increase public confidence in the criminal justice system by improving court processes and increasing options available to courts in response to accused with mental impairment.</p> <p>Reduce the number of offenders with mental impairment received into the prison system.</p>	<p>Magistrates' Court at Melbourne.</p> <p>This financial year the list sat on Wednesdays and Thursdays</p> <p>In 2013-2014, Magistrates Popovic, Collins, Goldsbrough, Harding, Lesser and Hardy sat in the ARC List.</p>

Program Achievements/Enhancements/Changes

The following achievements, program enhancements and changes have taken place in the ARC List this financial year:

- The Assessment and Referral Court (ARC) List was awarded a 2014 Melbourne Award, in the Contribution to Community by a Corporation category. This Award was a significant achievement for the Magistrates' Court of Victoria. The award recognises the commitment of staff in establishing and operating the ARC List, not just court staff but Victoria Police, legal representatives and community services. The award acknowledged the positive changes the ARC List makes to peoples lives both during and post their participation in the program
- Produced a short video about the ARC List. The video highlights the work of the ARC List and the contributions by various people from the extended ARC List team.
- Planning for and implemented a third weekly sitting day, due to commence 1 July 2014. The increase in the number of sitting days will create efficiencies in listings within the ARC List and provide additional hearing time for program participants.
- The development and strengthening of a risk framework for participants of the ARC List continued during the reporting period. A strategic meeting has been established with the relevant court security staff and individual plans are developed for high-risk individuals. To ensure all risk factors are reviewed, case studies of higher risk ARC List participants continue to be presented at the Court Support and Diversion Services High Risk Panel meeting. Staff from other organisations are invited to sit on the panel. These include Department of Human Services Disability Services, Forensicare and the Office of the Public Advocate. Their support of the panel is invaluable.

Community/Stakeholder Engagement

The ARC List participated in the following community/stakeholder engagement this financial year:

- Dr Frank Lambrick, Forensic Psychologist, was invited by the ARC List to speak to court staff and magistrates about sex offending and disability. Dr Lambrick is the Senior Practitioner, Department of Human Services, Disability Services.
- The ARC List also hosted a presentation to magistrates and court staff by Ms Leanne Beagley, Director, Mental Health, Department of Health and Ms Emma Montgomery, Manager, Mental Health Act Review, Department Health, on the *Mental Health Act 2014*.
- The ARC List Court Processes Working Group and the ARC List Management Committee met regularly. These groups oversee the operations of the ARC List.
- A telephone conference was held with program managers of the mental health courts in Tasmania and Western Australia to share ideas on the operation of these types of courts.
- Magistrate Collins, the Manager, CSDS, the Program Manager ARC List and representatives from Victoria Police and Victoria Legal Aid (VLA) participated in a panel discussion at the ACSO 2013 Forensic Disability conference.
- Staff from the ARC List team, including Magistrates Lesser and Collins, Victoria Police Prosecutors and VLA, participated in a panel discussion at the Magistrates' Development Day.
- A wide range of individuals and services from overseas, interstate and Victoria have attended the ARC List, as visitors, to observe how the Court operates.
- Ongoing liaison with the Department of Human Services Disability Forensic Assessment Treatment team to develop links between the two programs.
- Creation of a link with the Office of the Public Advocate, which provides the opportunity to consult about vulnerable people who are before the ARC List.

CREDIT/Bail Support Program

CREDIT/Bail Support Program

Program description	Program aims	Locations
<p>The CREDIT and the Bail Support Program merged in 2004.</p> <p>A pre-sentence program that seeks to increase the likelihood of an accused being granted bail and successfully completing a bail period.</p> <p>Provides case management up to four months including access to drug and alcohol treatment, accommodation, health, welfare, legal and other community supports according to the assessed needs of the participant.</p>	<p>To reduce the number of accused who are remanded in custody due to a lack of accommodation or treatment and support in the community.</p> <p>Long term reduction in the participant's offending behaviour.</p> <p>Successful placement of clients in drug treatment and rehabilitation programs.</p> <p>Successful completion of bail by participants who would, otherwise, be remanded in custody.</p>	<p>One case manager is located at Magistrates' Court venues at:</p> <ul style="list-style-type: none"> • Ballarat • Broadmeadows • Frankston • Geelong • Heidelberg • Moorabbin • Ringwood. <p>The Magistrates' Court at Dandenong has two case managers, one of whom provides a relief case manager role to CREDIT/Bail Support Program courts.</p>

Community/Stakeholder Engagement

The CREDIT/Bail Support Program has participated in the following community/stakeholder engagement this financial year:

- Attended at the Dandenong City Council Rooming House Group.
- Participated in the Dandenong Integrated Services Program, which was a group established by the Dandenong Magistrates' Court judiciary as a networking meeting for court support services at the Court.
- Participated in the Dandenong Central Business District Walkabout, arranged by the Department of Human Services, as a networking opportunity, for service providers in the Dandenong area.
- Liaised with the Salvation Army to find out about Salvation Army programs for CREDIT/Bail Support Program participants.
- Met with housing providers to develop links to enable accused persons in custody to access the service.
- Attended community stakeholder forums on crystal methamphetamine (ice).
- Presented on the CREDIT/Bail Support Program to students at Gordon TAFE studying Cert IV Youth Studies.
- Visited South East Drug and Alcohol Service to provide information on the CREDIT/Bail Support Program.

Criminal Justice Diversion Program

Program description	Program aims	Locations
<p>Governed by section 59 of the <i>Criminal Procedure Act 2009</i>.</p> <p>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.</p> <p>Where a charge involves a victim, the court seeks the victim's view of the matter.</p> <p>Performing voluntary work is an option in the CJDP.</p> <p>Where possible, accused perform voluntary work in their local community or the area where the offence was committed.</p>	<p>The Program:</p> <ul style="list-style-type: none"> • reduces the likelihood of reoffending 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. 	<p>Diversion is available at all Magistrates' Courts of Victoria venues.</p> <p>A Diversion Coordinator is located at each of the following courts:</p> <ul style="list-style-type: none"> • Ballarat • Bendigo • Broadmeadows • Dandenong • Frankston • Geelong • Heidelberg • Latrobe Valley • Melbourne • Ringwood • Shepparton • Sunshine • Werribee

Program Achievements/Enhancements/Changes

- The Criminal Justice Diversion program has worked with Victoria Police to change the Diversion Notice with a view to enhancing the Diversion procedure by obtaining victim contact details.
- The Criminal Justice Diversion program was a partner in Operation Minta, a Victoria Police begging operation; with collaboration between Victoria Police, the City of Melbourne, Criminal Justice Diversion program and the Salvation Army.

Community/Stakeholder Engagement

- The Criminal Justice Diversion program delivered a presentation on court processes and procedures at the Road Trauma Support Services Victoria conference.
- The Criminal Justice Diversion program delivered fortnightly lectures on the CJDP and its processes to Victoria Police recruits.
- During the year, the Criminal Justice Diversion program worked extensively on developing partnerships with community organisations state-wide 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
 - » Uniting Care – ReGen
 - » Lifeline.

Criminal Justice Diversion Program-Statistical Data

During 2013/14, 42 accused were ordered to undertake a total of 633 hours of voluntary work with various community organisations including:

- Salvation Army - 614 Project
- Salvation Army clothing stores across Victoria
- City of Moonee Valley
- RSPCA Wangaratta.

Donations

- Each year accused in the Criminal Justice Diversion program direct donations to local charities or not-for-profit organisations. During 2013/14, 3557 accused undertook to pay a total of \$1,019,782.21 in donations to charities and local community projects. Approximately \$254,000.00 of the donations ordered were directed to be paid to the Magistrates' Court of Victoria Court Fund.
- The Court Fund distributes monies to local community services. In addition, over \$20,000.00 in donations was allocated to Whitelion, Berry Street, Kids Undercover, 20th Man Fund and the Youth Substance Abuse Service.
- A further \$18,000.00 in donations was directed to community run safety initiatives such as Road Safety Awareness and Initiatives and, the Victorian Women's Health Program.
- Over \$90,000.00 was allocated to hospitals state-wide and more than \$40,000 to community health and family support centres.

Restitution

- A further \$727,233.00 in restitution was undertaken to be paid to victims during 2013/14.
- There was an 8 per cent increase in the number of referrals received from various prosecuting agencies during 2013/14, compared with 2012/13.
- The highest number of referrals were male, representing 69 per cent of referrals received. The most commonly represented age category was the 18-25 year olds. Of the referrals received, 73 per cent of accused were placed on a diversion plan (accepted into the program), compared with 76 per cent in 2012/13.
- During 2013/14, accused undertook 12,894 conditions, compared with 12,123 in 2012/13.
- In 2013/14, 935 matters were found not suitable and refused by magistrates and judicial registrars, representing 13 per cent of referrals that were refused.
- During 2013/14, a total of 4682 accused successfully undertook conditions and completed their diversion plan, representing 91 per cent of accused who were placed on the Criminal Justice Diversion program, compared with 4465 (92 per cent) in 2012/13.
- During 2013/14, 96 accused identified as Aboriginal and/or Torres Strait Islander during the diversion interview process.

Enforcement Review Program

Program description	Program aims	Locations
<p>Special circumstances matters are identified by section 65 of the <i>Infringements Act 2006</i>.</p> <p>A person must demonstrate that she or he is unable to understand that her or his conduct constitutes an offence or control her or his conduct that constitutes an offence.</p> <p>Special circumstances may include:</p> <ul style="list-style-type: none"> • an intellectual disability • a diagnosed mental illness • an acquired brain injury • a serious addiction to drugs, alcohol or a volatile substance • homelessness. 	<p>Assists members of the community who are experiencing 'special circumstances' and have outstanding fines registered at the Infringements Court.</p> <p>It enables the Magistrates' Court of Victoria to impose outcomes that appropriately reflect the circumstances of the accused.</p>	<p>The Enforcement Review program is jointly managed by the Infringements Court and the Magistrates' Court and operates at the Magistrates' Court at Melbourne.</p> <p>The Special Circumstances List also sits at the Neighbourhood Justice Centre (NJC) in Collingwood.</p>

Program Achievements/Enhancements/Changes

- The Enforcement Review program has implemented a 'large file' listing day once a month to deal with offenders who have one hundred infringements or more.

Community/Stakeholder Engagement

- The Enforcement Review program delivered information sessions on the Special Circumstances List to Victoria Legal Aid and legal students from Melbourne University.

Enforcement Review Program -Statistical Data

- In 2013/14, the Enforcement Review program received 42,044 individual infringements for listing in the Special Circumstances List, relating to 1663 accused.
- A total of 2368 matters were listed in the Special Circumstances List in 2013/14. Of these matters, 1319 were finalised by a magistrate or judicial registrar, representing an overall clearance rate of 56 per cent of the matters listed for the financial year. This is a decrease of 23 per cent compared to matters finalised in 2012/13.
- Of the 1319 matters finalised in the Special Circumstances List, 914 accused appeared in open court and 405 were heard ex parte.

Court Support and Diversion Services

Court Support and Diversion Services Program Enhancements/Changes

In addition to the individual program enhancements detailed in the previous pages, Court Support and Diversion Services Program (CSDS) has introduced a number of key service enhancement initiatives. These include:

- development and implementation of a Cultural Diversity Action Plan, a Koori Action Plan, a Family Violence Action Plan and an Ice (Crystal Methamphetamine) Action Plan
- formation of a Rooming House Working Group to identify accommodation options for program participants
- implementation of systems to enable accused appearing before weekend sittings at the Melbourne Magistrates' Court to be referred to the CISP and CREDIT/Bail Support Program across metropolitan Melbourne
- ARC List, CISP and CREDIT/Bail Support Program case managers commenced using the new ACSO database system Penelope. The aim of Penelope is to streamline information exchange regarding program participants who are referred to drug and alcohol services
- design and implementation of the pilot CISP Remand Outreach Pilot initiative
- review of program participation by young people accessing CISP and CREDIT/Bail Support Program undertaken by Mr Timothy Bass (an RMIT postgraduate student on placement with CSDS)
- an internal review of the CISP Initial Assessment and Planning housing service
- a new model for writing case notes was implemented across CSDS programs.

Community/Stakeholder Engagement

CSDS staff delivered the following presentations this financial year:

- ARC List and CISP presented on the programs to staff from the ACSO Link Out Program.
- Representatives from CISP and the ARC List attended the Victorian Association for the Care and Resettlement of Offenders team meeting to provide information on the ARC List and CISP.
- Presentations on the CISP and CREDIT/Bail Support Program were delivered to remand prisoners at the MRC and DPFC.
- Presentation on the ARC List, CISP and CREDIT/Bail Support Program delivered to representatives from the Disability Action Group Eastern Region.
- CISP and ARC List presented on court support programs to Department of Human Services Disability Client Services – Southern Region.

During 2013/14, CSDS was represented on the following groups:

- Victorian Custody Reference Group
- Justice Access Advisory Group convened by Homeless Law
- Department of Justice Regional Monitoring Group on the National Disability Insurance Scheme (NDIS)
- Reducing the Alcohol and Drug Toll – Diversion Working Group.

CSDS also provided input into the Department of Health Service Plan for Forensic Mental Health Services and the Victorian Law Reform Commission Review of the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*.

Media

- The AGE newspaper interviewed the judiciary and ARC List staff in relation to people with an acquired brain injury who are involved in the criminal justice system.
- Live interview given to 104.7 FM Gippsland Community Radio on the CISP by the Manager CSDS and Latrobe Valley CISP Team Leader.

Professional development

ARC List, CISP, CISP Remand Outreach Pilot and CREDIT/Bail Support Program staff access a variety of training opportunities during the year to improve and enhance their knowledge and skills in order to meet the diverse needs of the participant group. In addition to attendance at individual training, CSDS staff have attended the following:

- Applied Suicide Intervention Training (ASIST) delivered by Living Works
- Understanding Addiction and Working with Forensic and Anti-Social Presentations
- The 'First Peoples' Exhibition at the Bunjilaka Aboriginal Cultural Centre, Melbourne museum attended by twelve Melbourne CISP staff as an Aboriginal cultural awareness opportunity
- two-day Motivational Interviewing training delivered by Helen Mentha, Mentha Consulting
- two day Mental Health First Aid training delivered by two CISP case managers, who are accredited trainers, in July, August and October 2013. Training provided to CSDS and other court staff
- The Centre for Excellence into Injecting Drug Use Colloquium 'Exploring injecting related harms'
- Pink Elephants in the Room - trauma informed care in the AOD sector. Delivered by the Victorian Alcohol and Drug Association
- ACSO Criminal Justice conference
- Understanding Sexual Offending. Facilitated by vicpsychplus
- Dealing with Hard to Like Clients. Delivered by Forensicare

- In February 2014, all staff from the ARC List, CISP, CREDIT/Bail Support Program, CISP Remand Outreach Pilot and the Drug Court, attended a Program Day facilitated by the CISP team leaders, Program Manager Drug Court and the Manager CSDS. The agenda included sessions on CSDS updated case note policy and individual support plans for case managers and the afternoon sessions included guest speakers from Reconnexion and Drug Health Services, who presented information about benzodiazepines and methamphetamines.

CSDS works closely with a range of organisations that outpost staff to the court, including:

- Corrections Victoria, Community Correctional Services
- Forensicare, Mental Health Court Liaison Service
- HomeGround Services
- Salvation Army
- Sign for Work
- Youth Justice Court Advice Services.

Community Correctional Services-Court Services Unit

Community Correctional Services is a business unit of Corrections Victoria. A key function of Community Correctional Services is to provide 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.

Due to the volume of activity at the Melbourne Magistrates' Court, a dedicated team of community correctional services court advice staff are located in the Court Services Unit at the Court.

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

Mental Health Court Liaison Service

The Mental Health Court Liaison Service 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 Magistrates' Court at Sunshine as part of 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 Magistrates' Courts at Ballarat, Bendigo, Geelong, Latrobe Valley and Shepparton.

The Mental Health Court Liaison Service 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, 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 Youth Justice Court Advice Service 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 adult criminal justice system through the provision of specialist youth focused court advice.

The service is provided to the Melbourne Magistrates' Court, the County and Supreme Courts and the Court of Appeal. The Youth Justice Court Advice Service is also available at all adult courts state-wide.

Sign for Work

The Melbourne Magistrates' Court works with Sign for Work, a generalist and specialist provider of employment services, which attends at the Court and provides free support to participants who are seeking full or part-time employment or career/study guidance.

Sign for Work provides a personally tailored service, taking into account the skill and circumstances of each individual keen to secure employment. Sign For Work also assists some participants with costs associated with undertaking courses, travelling when starting work, uniform costs and other financial assistance to help participants returning to work.

During the past 12 months, Sign For Work provided case management support for in excess of 40 participants. 18 of these undertook formal study/training qualifications or were placed into employment. Sign for Work also provided informal referral support and advocacy advice for approximately another 40 participants to help them look at their options, liaise with Centrelink or gain resume advice.

Drug Court

The Drug Court administers drug treatment orders (DTO) under section 18z of the *Sentencing Act 1991*. Participants on a DTO receive a judicially supervised, therapeutically oriented, intensive and integrated drug supervision and treatment regime; which focuses on improving many aspects of their lives including drug dependency, physical & mental health, homelessness, education and employment, self-esteem and family and social relationships.

The DTO consists of two parts:

- treatment and supervision
- custodial.

The treatment and supervision part allows for the treatment of a person's drug and/or alcohol dependency, as well as any other issues such as disability or mental health.

The custodial part of a DTO is the period of time the person would have been sentenced to serve in prison, had they not been sentenced to a DTO.

If sentenced to a DTO, the custodial part is temporarily stopped, to allow for treatment and supervision to take place.

Eligibility Criteria

In order to be considered eligible for a DTO, the following criteria must be met:

- the accused must plead guilty to all offences referred to the Drug Court
- the accused's usual place of residence must be within a postcode area as specified in the Government Gazette
- there must be a link between the accused's offending and their drug or alcohol dependence
- the offence must be within the jurisdiction of the Magistrates' Court of Victoria and punishable upon conviction by imprisonment
- the offence must not be a sexual offence or involve the infliction of actual bodily harm.

Applicants who satisfy the eligibility criteria are referred to the Drug Court for further screening and assessment, before a final decision is made as to their suitability for the program.

The DTO operates for up to two years from the date it was imposed, unless it is cancelled before this time. Participants who fully comply with their DTO conditions and achieve all their specified treatment goals may graduate from the program early.

What is required on a DTO?

Participants are expected to comply with a number of conditions, including:

- frequent urine drug testing and possible breath testing
- regular attendance at Court Review Hearings
- alcohol & drug counselling
- frequent attendance at case management and clinical advisor appointments
- any other conditions set by the Drug Court to assist them in overcoming their drug or alcohol dependence.

In addition, the Drug Court Magistrate can activate various periods of imprisonment if the participant 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 individual to serve their imprisonment term.

Benefits

Benefits for Drug Court participants include:

- assistance to break the cycle of offending
- abstinence from substance use
- improved health and wellbeing
- improved employment prospects and training
- connection to local community
- reduced risk of relapse
- greater self esteem.

Benefits to the community include:

- cost savings surrounding reduced time in custody
- lower rates of recidivism
- fewer victims of crime
- greater sense of personal and community safety
- lower drug and alcohol related health costs
- less welfare dependency and associated costs.

This therapeutic jurisprudential approach is a fundamental shift from the mainstream management of offenders.

Activity in 2013-2014

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 exceeded this range, sentencing 59 people to a DTO, despite experiencing significant periods of reduced staffing.

Over the past financial year, the Drug Court has undertaken the following initiatives:

Drug Court Community Work Garden



This initiative, a collaboration between Jesuit Social Services, the Court and Corrections Victoria, enables Drug Court participants to undertake community work in the Drug Court Garden growing vegetables, herbs and native plants whilst achieving competencies towards a certificate in adult education. All produce grown in the garden is donated to local charities.



Participants Charity BBQs

Drug Court participants approached the team and requested the opportunity to hold BBQs in the Drug Court with a gold coin donation to raise money for local charities. These were a huge success and participants valued the opportunity to give back to the local community.

Drug Court Photography Program

The photography project offered Drug Court participants the opportunity to participate in a program that encouraged positive personal development and creative thinking, whilst teaching them hands-on photography and photo-production skills. At the end of a ten week program, whereby participants attended weekly photography workshops taught by various professional photographers, an exhibition of works was opened up to the public for viewing by the Hon Heidi Victoria, Minister for the Arts at the Dandenong Town Hall.



Drug Court Case Study

Sam* is a 34-year-old male who reports a stable upbringing and good home life. Despite a number of positive influences, he identifies that as a teenager he had a fascination with the criminal world that led him to fall in with the wrong crowd, and at 15 years of age, he commenced illicit substance use.

Many years later, he married and was able to cease drug use and achieve a four-year period of abstinence. At 32 years of age, he received news that a close friend had died in a car accident and as a result, relapsed back into substance use, his marriage ended and he committed the offences that brought him to the Drug Court.

Sam presented as highly motivated on his DTO, and despite a relapse into cannabis use early on was able to utilise a high degree of available support to achieve abstinence. During his engagement with the Drug Court team, Sam was afforded the opportunity to undertake education and access vocational support and subsequently secured employment in a gym. In addition, he was able to develop a drug free peer group and reunify with his estranged family. Sam has successfully completed the DTO and is currently pursuing his ambition to open up his own health clinic as an opportunity to follow his newfound passion for life and to give back to the community.

Letter from Sam to the Drug Court:

I am writing this letter to let you know what I have learned over the duration of my order and what it has done for my life. Where do I start, well look at me now. If you had asked me 15 months ago could I have been a club manager of a gym and a highly respected strength and conditioning coach in the fitness industry I would have laughed and told you I probably could be but never going to happen! Well it has and I would never have gotten to where I am now if it wasn't for you and the Drug Court team. This experience has taught me more about myself in 16 months than I learned in 34 years of life itself. It started with you being kind enough to see past my criminal errors and believe in me enough to give me a chance on this order, and for that, I say thank you.... I have learned how to control my emotions, my behaviour and my mind. I have learned that let yourself be surrounded by negative people you will end up living a negative life. I have learned what the word morals really mean. I can't thank you enough for helping me establish a relationship with all my family I honestly thought I had sabotaged... I will end it on this note:

'Sometimes the people with the worst pasts can have the best futures'.

*Not his real name

Family Violence & Personal Safety Intervention Orders

Intervention Order Jurisdiction

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 Magistrates' Court of Victoria website.

Intervention order growth

During the reporting period there were:

- 35,135 family violence intervention order applications finalised across the state
- 10,450 personal safety intervention order applications finalised across the state

As the above figures indicate, the Court continues to experience significant growth and demand within the intervention order jurisdiction. Over the last 10 years, there has been an 83 per cent increase in the number of family violence intervention order applications finalised. The Court continues to finalise a high number of personal safety intervention order applications.

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.

Structure of the Jurisdiction

The Court hears and determines intervention order applications at all venues. There are a range of 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 the Magistrates' Courts at Ballarat and Heidelberg. 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 the Magistrates' Court at Melbourne, Frankston and Sunshine/Werribee. 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. The Supervising Magistrates have responsibility for the Court's intervention order jurisdictions, both family violence and personal safety. The Family Violence Programs and Initiatives Unit is responsible for operational, workforce development 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.

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

- Violence against Women and Children Forum
- the Department of Justice Family Violence Steering Committee
- the Family Violence State-wide Advisory Committee
- the Family Violence Stakeholders Reference Group
- Indigenous Family Violence Regional Action Group
- Systemic Review of family violence deaths reference group
- the Victoria Police / Magistrates' Court Family Violence Committee.

Programs and Initiatives

During the reporting period, the Court has explored, improved and implemented initiatives to accommodate the growth within the intervention order jurisdiction, both through reviews of internal procedures and listing practices, Information Technology reform and in partnership with other stakeholders.

Family Violence IT Innovations

The Court and Victoria Police have worked closely to develop an electronic interface between the Court's case management system, Courtlink and the police database, LEAP, to enable intervention order information to be electronically sent between the two organisations. This project ensures that both organisations have timely and accurate information concerning intervention orders. Stage one of the Interface project commenced on 4 March 2014 and allows the details of all intervention orders made by the Court to be sent to Victoria Police automatically. Stage two, which is set to commence in September 2014, will allow information from Victoria Police to be electronically sent to the Court, including applications for intervention orders, Family Violence Safety Notices and service details. In a recent announcement, the Court received a grant of funding from the Victoria Law Foundation to develop and publish a new website specifically for intervention orders and providing information about the process particularly for self-represented persons. Work on this project has commenced and it is anticipated the website will be available from November 2014.

Koori Family Violence and Victims Support Program

The Koori Family Violence and Victims Support Program (formerly the Koori Family Violence Court Support Program) recommenced at the Melbourne Magistrates' Court in December 2013. The Program assists Aboriginal and Torres Strait Islander families who have a family violence related matter before the 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. Although the program is based at Melbourne, the service is offered and provided to all courts across the state.

Family Violence Counselling Orders Program

The Court received funding to expand court-directed Men's Behaviour Change Programs to two additional court locations. The Family Violence Counselling Orders Program was developed to support this expansion and operate at the Magistrates' Courts at Frankston and Moorabbin. The Court has worked closely with the Department of Human Services to engage with community service organisations who deliver the Men's Behaviour Change Programs. Through this program, and upon the making of a final intervention order, the Court can make a Counselling Order directing eligible men to attend the Men's Behaviour Change Program. This program focuses

on enhancing the safety of women and children who have experienced family violence, as well as encouraging the accountability of perpetrators of family violence for their actions. The program will commence at the Magistrates' Court at Frankston on 1 July 2014, with the program at Moorabbin to commence shortly after.

Judicial Registrars' increased power

The *Magistrates' Court (Judicial Registrars) Rules 2005* were amended in May 2014 to give Judicial Registrars the power to hear applications for intervention orders under the *Personal Safety Intervention Orders Act 2010*. However, they do not have the power to preside over criminal proceedings relating to contravention of personal safety intervention orders.

This rule change allows the Court more flexibility in listing arrangements, and provides for magistrates to spend more time in hearing complex family violence matters.

Family Violence Discussion Group

Due to the increasing community focus on family violence and the demand for family violence intervention orders, the Court formed the Family Violence Discussion Group to respond to and address current issues relating to family violence. The group continually looks at issues facing the court to improve service delivery, court practice and strengthening information sharing processes.

Professional Development

Professional development in family violence for both magistrates and court staff continues to be a priority in ensuring an effective response by the Court to family violence.

During the reporting period, magistrates attended a family violence specific professional development day, and the Court's Family Violence Resource Officers attended a seminar on recent changes and issues in family violence. The Court continues to develop and provide opportunities to the judiciary and staff to enhance their knowledge and understanding of family violence.

Looking forward – 2014/15

The Court will continue to identify ways in which it can improve its response to family violence. Within the next year, the Court will be investigating and undertaking in a number of new initiatives including:

- enhancing the use of videolink facilities for applicants in crisis
- better identification of high risk clients
- improving access to services and family violence information state-wide
- providing specific and detailed training to specialist support staff and court registrars on family violence and assessing safety.



CASE STUDY

Family Violence Case Study-A practical response to promote safety

Narelle's* partner was in gaol for an assault which had left her with a fractured cheek. Her physical injuries were not as bad as the emotional scars she and their daughter had experienced from the years of his violent and unpredictable behaviour.

Most of the time, his abuse would not leave any visible marks. She was too ashamed and afraid to tell anyone. She worried that the authorities might take her child from her. Since he had been locked up, she had felt safer, even though she was getting indirect threats from his family who lived in the same town. He was now due for release and she was scared he would come back to the small country town where she and their daughter lived and the abuse would start again.

With the support of the family violence applicant support worker, Narelle applied to the Court for an intervention order to prevent her ex partner contacting her and coming back to the town. To improve her safety at home, she also applied to VOCAT to cover the cost of installing new window and door locks and some external sensor lighting. The Magistrate, sitting in the VOCAT jurisdiction, made an award to cover the security expenses sought by Narelle.

After Narelle's ex partner was served with the intervention order papers, he attended at court via a video link from the prison. He did not oppose the intervention order being made in favour of Narelle and their daughter, even though he denied he was a threat to them. He said he loved his daughter, he had never harmed her and he never would harm her. After discussion with the Magistrate, he agreed that he had a problem with anger and alcohol which he needed to address. He agreed to contact the Men's Referral Service to help him be a better father. The Magistrate made a final intervention order for 5 years which included his agreement to contact the Men's Referral Service.

*not her real name

Family Law Jurisdiction

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

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

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

Exercising Family Law Jurisdiction in Family Violence Cases

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

Koori Court

The need for a Koori Court arose due to the over representation of Aboriginal and Torres Strait Islander people across all levels of the criminal justice system. Despite Victoria having the lowest imprisonment rate of 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 the following criminal justice and community building aims:

- 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 2013/14, 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, Warrnambool, Swan Hill and Shepparton.

Work Force

The Koori Court currently employs 75 Aboriginal community Elders and Respected Persons around the state, along with an additional 14 operational program staff members. The Courts remain the largest employer of Aboriginal and Torres Strait Islander staff members within the Department of Justice. In addition, approximately 30 magistrates regularly sit at the various Koori Court locations around the state.

Children's Koori Court expansion

Following significant consultation with the Koori community and associated stakeholders in Swan Hill and Shepparton, the Court's Koori Court Unit assisted in the expansion of the Children's Koori Court jurisdiction to Swan Hill and Shepparton. The Court will continue to explore options for the further expansion of the Children's Koori Court jurisdiction to establish Koori Court sites during 2014/15.

In 2013/14, mental health awareness training was provided to the Elders and Respected Persons involved in Koori Court processes throughout Victoria.

Koori Elders or Respected Persons, the Koori Court Officer, Koori accused and their families can contribute during the Court hearing. This helps ensure sentencing orders are appropriate to the cultural needs of Koori offenders and assists them to address issues relating to their offending behaviour.

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 and provide the opportunity to engage new services to be a part of the Koori Court process in particular the supporting of clients. NAIDOC events at Koori Court locations were also organised.

In response to a high level of young Koori youth attending the Koori Children's Court in Morwell, the Koori Court Unit began work with the Department of Education in the Latrobe Valley region to ensure active support for Koori youth throughout the court process and to expand education pathways for young Koori people who come into contact with the Koori Court.

Activity

The Koori Courts recorded a slight decrease in listed matters (2242) for the 2013/14 year; this result is comparable with the performance recorded in 2012/13 of 2348. 2013/14 was the second consecutive year there has been an increase in Koori Court sittings for both jurisdictions. The Koori Courts finalised 40 per cent of all listed matters in 2013/14 year, on par with previous year's figures.

Overall, the Koori Court reduced the amount of warrants in 2013/14 with 146 out of 1766 listed matters becoming a warrant equating to 8 per cent.

This follows a recent pattern of Koori Court warrants slightly reducing over the past two financial years.

The performance of finalised matters in Koori Courts for 2013/14 indicated a slight decrease with 689 matters finalised out of 1766 listed matters. However Bairnsdale Koori Court recorded the most finalised matters in the state with 67 per cent finalised per listing.

In a positive for Koori Court, the past five years have indicated a downward trend in the number of matters adjourned with 536 matters adjourned in 2013/14.

In 2013/14 Mildura Koori Court recorded an increase in sittings, accused and listed matters in comparison to 2012/13. Mildura Koori Court also performed well, finalising 159 matters, which represents an increase of 22 per cent from the previous reporting period.

KOORI COURT CASE STUDY

JJ's Story

JJ* appeared before the Koori Court at the age of 20 in the latter months of 2013. The offences with which he had been charged occurred in late 2012.

The police summary indicated that he had been drinking to the stage of intoxication at the wake of a family member. Three other people, including his ex-girlfriend, arrived at the wake. JJ and his former partner began arguing, so the three newcomers decided to leave. JJ followed them out, continued arguing and became abusive to the two others as he approached them. He was pushed away and swung punches at both of the other two people. The police were called and attended. Neither victim sustained any injuries apart from slight soreness. JJ was charged with drunk in a public place and two charges of assault.

JJ first appeared at the Children's Court at the age of 14 on assault and damage charges. At the age of 17, he again faced the Children's Court on violence and damage charges. He was sentenced to 12 months Youth Justice Detention the following year for further violence and robbery charges after having charges dealt with in the adult jurisdiction. At the age of 19 in 2012, he again faced violence charges. Those offences involved serious injury. JJ was sentenced to a suspended sentence and a Community Corrections order. These sentences were breached in mid-2013 by a further violent offence. JJ's Corrections order was cancelled and suspended sentence restored. He served two months gaol. All of JJ's offending was alcohol related.

JJ elected to appear before his elders in the Koori Court. The assault charges were served on JJ while he was in prison serving the restored suspended sentence and he was in custody at the time he appeared before the Court. JJ told the elders that he loathed his time in gaol and did not want to come back to gaol ever again. During his time in gaol, JJ attended some alcohol treatment and cultural courses. JJ was released from prison and placed on a deferral of sentence.

The elders, alcohol clinicians, police prosecutor, JJ and the magistrate discussed frankly and openly, the harms associated with alcohol abuse, and the positives that JJ could make of his life.

After leaving gaol, JJ decided he would not drink at all. He had a drink on his birthday, but apart from that occasion, abstained from alcohol. Regrettably, his mother and aunt died within a week of each other but JJ continued to abstain from alcohol. When he returned to Koori Court after 10 months to have his case finalised, JJ had re-signed on a traineeship through his local TAFE, was living independently in a flat, had cut ties with some friends whom he believed to be a bad influence and was managing on Centrelink benefits. JJ had not come under police attention. He had reconnected with the local aboriginal co-operative and had been attending the men's yarnning group. JJ was also looking to get involved with National Parks through the Department of Primary Industry and the Country Fire Association. JJ had not been able to attend alcohol counselling throughout the entire period due having to attend interstate funerals for many weeks although he did continue attending when he was able to do so. His drug and alcohol counsellor attended at court to support JJ and provided a written reference.

The elders, prosecutor, Koori Court Officer, magistrate, drug and alcohol clinician and support worker from the co-operative all complimented JJ on his commitment, maturity and reconnection with culture.

Due to the excellent progress JJ had made during the 10 month period of the deferral, (notwithstanding the tragic death of his parents), and also due to the fact that the magistrate was prevented from ordering any concurrency with the sentence JJ had served (because the charges were laid a long time after the event) the magistrate placed JJ on a 12 month adjourned undertaking.

*Not his real name.



Wayne Walsh and Auntie Steph Charles, Swan Hill Children's Koori Court launch smoking ceremony

Neighbourhood Justice Centre

It was a year of significant change for the Neighbourhood Justice Centre (NJC). Following the May 2013 State Budget, in 2013/14 the NJC transitioned from a pilot project to an organisation with an ongoing funding base. The NJC also came within the Court's administrative structure for the first time.

As a community justice centre, the NJC aims to

- prevent and reduce criminal and other harmful behaviour in the City of Yarra community
- increase confidence in and access to justice for the Yarra community
- strengthen the NJC community justice model and develop innovations that can be adopted by other courts and communities.

In June 2014, a study by Dr Stuart Ross, University of Melbourne found that "the NJC has achieved significant improvements in at least two areas critical to the justice system: community order compliance and recidivism."³

The study found that:

- The NJC had a significantly lower rate of unsuccessful community orders than comparison sites, particularly for high-moderate risk cases, where the NJC's rates were less than half that at comparable sites⁴.
- The NJC had a 33 per cent recidivism rate compared to 44 per cent for the comparison group in a two-year follow-up period. It also found an increased likelihood of recidivism for the comparison group over a period of 900 days than the NJC cohort.
- A 31 per cent decrease in total crime in Yarra since the NJC began, a fall greater than those in comparable areas⁵.

The NJC developed a prototype for an online Family Violence Intervention Order application form. User testing produced excellent results and the prototype was well received by supervising magistrates. The NJC will pilot the online form in 2014/15.

The NJC developed the Online Multilingual Family Violence Intervention Order (FVIO) Application Guide in several community languages and in text and audio formats.

The NJC and Fitzroy Legal Service introduced a Family Law Clinic.

At the request of Regional Coordinating Magistrate Wakeling, the NJC provided technical assistance to Heidelberg Magistrates' Court, in establishing an Aboriginal Hearing Day. This included the secondment of the NJC's Koori Justice Worker to Heidelberg for six months. The Aboriginal Hearing Day is an NJC innovation, operating within a mainstream court setting and was developed to make the court system more culturally responsive to the Koori community and to increase attendance rates. Heidelberg launched its Aboriginal Hearing Day in November 2013.

Australian Community and Support Organisation and NJC developed a Client Services Consortium Project for Dandenong Magistrates' Court, mirroring the integrated NJC client services model.

With Portable Australia, the NJC developed a proposal using technology to address court delays and help citizens navigate the court system. Funding outcomes will be known in early 2014/15.

The NJC is developing a Student Law Clinic with Victorian universities and Fitzroy Legal Service, to give law students practical experience of the community justice model.

In April 2014, the NJC Magistrate and Director spoke on the future of community justice at the International Community Justice Summit in San Francisco.

The NJC facilitates the Smith Street Working Group with elders, traders, the Department of Justice, council and local agencies to build relationships, create cultural understanding and bring harmony to Smith Street. In July 2013, the Working Group staged Smith Street Dreaming, a successful music festival featuring local indigenous artists. The group's work has made a significant contribution to the 33 per cent reduction in crime in Smith St in 2013.

Magistrate David Fanning produced a series of online learning modules with Monash University examining the way courts are practising therapeutic jurisprudence.

³ *Evaluating Neighbourhood Justice: Measuring and attributing outcomes for a community justice program*, Ross, 2014, p. 9

⁴ Ross, p.9. High risk, NJC=23.1 per cent versus 65.2 per cent across the comparison sites; Medium risk, NJC= 13.6 per cent versus 38.4 per cent across the comparison sites

⁵ Ross, p.4

Judicial Community engagement snapshots

Smith Street Dreaming

In July 2013, NJC Magistrate Fanning opened Smith Street Dreaming, a successful music festival featuring local indigenous artists. The Smith Street Working Group – comprising local elders, Smith Street traders, NJC, Department of Justice, council and local agencies – created the project to build relationships, create cultural understanding and bring harmony to Smith Street. The group's work has made a significant contribution to the 33 per cent reduction in crime in Smith St in 2013.

Collingwood All Stars Soccer Program

Victoria Police operate the Collingwood All Stars Soccer Program providing recreation and building connections between justice agencies and local disadvantaged children. The NJC Registry team supervises weekly CASP training sessions after hours. Magistrate Fanning spoke at the CASP awards presentation in December 2013, engaging parents to celebrate their childrens' sporting achievements.



The Junior Collingwood All Stars Soccer Program Team



Participants on stage at the Smith Street Dreaming Festival



A photograph of two women sitting at a large wooden table in a courtroom. The woman on the left has blonde hair and is wearing a white blazer over a black top. The woman on the right has dark hair and is wearing a purple long-sleeved top. They are both looking towards the camera. Behind them is a tall wooden bookshelf filled with many purple-bound books. The room has wood-paneled walls and a whiteboard is visible in the background.

Statistics and Financials

Magistrates' Court Of Victoria Financial Statement

for year ending 30 June 2014

	Note	Actual 2013/2014	Actual 2012/2013
SPECIAL APPROPRIATIONS			
Magistrates' Salaries and Allowances		37,959,147	36,825,799
Total Special Appropriations Expenditure		37,959,147	36,825,799
ANNUAL APPROPRIATIONS			
Salaries, Overtime and Annual Leave		25,809,467	24,125,359
Superannuation		2,393,590	2,189,596
Payroll Taxation		1,411,046	1,322,279
Fringe Benefits Taxation		8,795	6,078
Provision for Long Service Leave		1,054,201	718,477
Work Cover Levy		212,072	153,429
Workforce Reduction Payments		4,000	3,817
Total Salaries and Associated Expenditure		30,893,172	28,519,033
OPERATING EXPENDITURE			
Travel and Personal Expenses		569,408	600,674
Printing, Stationery and Subscriptions		1,278,156	1,311,997
Postage and Communication		1,200,307	955,557
Grants, Contractors, and Professional Services		2,423,806	844,372
Training and Development		158,293	126,574
Motor Vehicle Expenses		48,769	2,157
Operating Expenses	6	-1,810,377	-1,316,333
Jury, Witness and Award Payments		48,837	57,292
Information Technology Costs		415,741	645,573
Urgent and Essentials		423,725	393,087
Rent and Property Services		2,270,433	1,127,647
Property Utilities		1,535,257	1,358,275
Repairs and Maintenance		2,459,064	1,356,784
Finance Lease Interest (including Bank Charges)		67,398	70,695
Court Security Project		3,649,860	3,211,165
Losses on Sale of Motor Vehicles		5,744	9,704
Total Operating Expenditure		14,744,423	10,755,221
Total Salaries and Operating Expenditure	3	45,637,595	39,274,254
Court Diversion Project	4	1,391,220	1,100,018
Bail Support Program	4	456,359	892,744
CREDIT	4	1,106,744	1,153,223
Drug Court	4	1,431,407	1,550,177
Koori Court	4	2,123,397	2,411,324
Family Violence Program	4, 5	2,263,116	1,881,255
Specialist Family Violence Project	4	855,967	753,174
Court Integrated Services Program	4	3,726,539	3,121,981
Assessment and Referral Court	4	1,460,964	1,351,271
Total Court Support Programs Expenditure		14,815,713	14,215,167
Total Annual Appropriations Expenditure		60,453,308	53,489,421
DEPARTMENTAL CONTROLLED EXPENDITURE			
Rental Accommodation	1	3,009,692	3,522,855
Depreciation— Land and Buildings	2	7,900,608	7,907,281
Amortisation— Land and Buildings	2	185,975	196,140
Amortisation— Motor Vehicles	2	1,185,409	1,208,382
Depreciation— Plant and Equipment	2	85,378	56,435
Total Department Controlled Expenditure		12,367,062	12,891,093
CAPITAL EXPENDITURE			
Building Projects		2,494,439	0
Plant, Equipment, and Motor Vehicles		3,245,160	0
Total Capital Expenditure		3,245,160	0

Notes to and forming part of the Financial Statements

Note 1

Items identified as departmental controlled expenditure were 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.

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

The increase in expenditure relative to the prior year reflects the inclusion of the Neighbourhood Justice Centre in the operations of the court from 2013/14.

Note 4

Court support programs are 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

Family Violence Program is inclusive of family violence, court intervention, and supporting Kooris programs.

Note 6

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.

This financial statement is based on data available at 12 August 2014.

Magistrates' Court Of Victoria Statistics 2013/14

*N/A denotes data not available for specified financial year

Criminal Summary

	See Page	2009/10	2010/11	2011/12	2012/13	2013/14
Cases initiated	79	160,444	166,791	172,323	175,345	218,409
Cases finalised	79	176,132	177,828	180,754	188,537	237,452
Applications finalised	80	57,965	60,372	62,881	65,935	73,119
Breach cases	80	n/a	11,299	11,226	8,907	8,060
Criminal listings	81	n/a	559,060	575,998	591,736	684,004

Caseload

	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Cases initiated	1	160,444	166,791	172,323	175,345	218,409
Cases finalised	2, 3	176,132	177,828	180,754	188,537	237,452
Cases finalised per court region	4					
Barwon South West		8,268	6,244	6,504	7,666	8,416
Broadmeadows		10,854	10,064	11,555	11,199	14,015
Dandenong		14,671	14,178	14,184	13,933	16,524
Frankston		7,546	6,767	13,422	15,649	17,538
Gippsland		6,977	6,172	6,200	7,740	8,010
Grampians		5,457	4,286	4,666	5,802	6,075
Heidelberg		12,906	12,513	14,485	13,991	15,570
Hume		7,053	5,760	6,186	6,233	7,550
Loddon-Mallee		7,701	6,573	6,710	7,285	8,646
Melbourne		70,034	80,006	68,553	67,586	101,076
Ringwood		8,454	9,384	10,318	10,525	12,906
Sunshine		14,861	14,589	16,376	19,265	19,512
NJC		1,350	1,292	1,595	1,663	1,614
Total		176,132	177,828	180,754	188,537	237,452

Note 1: Cases initiated refers to criminal cases commenced in the Magistrates' Court of Victoria for the financial year specified. The totals do not include some enforcement hearings, or applications.

Note 2: 2010/11 cases finalised revised down from 180,337. All region finalisations also revised.

Note 3: These totals are reported to the Government as part of the Magistrates' Court of Victoria's Budget Paper No. 3 requirements.

Note 4: The above totals break down the criminal cases finalised by region. Across the state, court locations are divided into 12 regions. Each region consists of a headquarter court and some regions are made up of satellite courts.

Criminal continued

Applications						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Application Types	1					
Licence restoration applications		12,838	12,870	11,700	10,894	10,021
Interlock removal applications		5,388	6,026	6,190	5,685	5,392
Applications for bail	2	14,150	14,162	16,791	20,118	24,248
Applications for bail variation	2	6,919	7,321	8,251	9,307	9,954
Application for revocation of bail	2	1,675	1,673	2,251	2,693	3,447
Rehearing applications		1,425	1,500	1,440	1,281	1,799
Application to vary or cancel sentencing order		1,280	1,451	1,551	1,332	1,658
Application for restoration of suspended sentence		2,189	2,069	1,964	906	294
Application to question/ investigate a person in custody		803	678	680	763	692
Application for forfeiture of property		387	421	408	402	413
Application for forensic procedure		1,284	1,068	1,088	1,164	1,231
All remaining applications	3	10,108	11,523	10,975	11,791	14,509
Applications finalised		57,965	60,372	62,881	65,935	73,119

Note 1: There are many different types of applications that can be determined in the criminal jurisdiction of the Magistrates' Court of Victoria. Some applications are heard in conjunction with a case also before the Court, whereas others can be listed independent of a pending case. This total is capturing applications where a formal application is filed with the Magistrates' Court. Common application types are highlighted above.

Note 2: Bail related applications include both applications formally filed with the court and applications heard in open court where no formal application has been filed with the Court.

Note 3: There are 52 remaining criminal application types.

Breaches of sentencing orders						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Number of cases listed for a breach of sentencing order		n/a	9,262	9,262	6,894	6,158
Number of cases listed for restoration of suspended sentence		n/a	2,037	1,964	2,013	1,902
Total		n/a	11,299	11,226	8,907	8,060

Finalised cases with particular sentencing orders can be relisted at the Magistrates' Court of Victoria under breach proceedings. These hearings are attached to the original case and are not counted as part of the Budget Paper No. 3 reporting requirements. The above are the number of breach cases that had their first listing in the specified financial year.

Committals and Appeals						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Committal proceedings finalised	1	2,834	2,953	2,785	3,265	3,156
Appeals lodged against conviction and/or sentence	2	2,721	2,511	2,378	2,804	2,713

Note 1: The above total is included in the cases finalised on page 79.

Note 2: Appeals lodged against conviction and/ or sentence to the County Court of Victoria.

Fine enforcement						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Infringements Court - Enforcement Orders Made	1	1,226,665	1,559,261	1,565,585	1,848,784	1,811,495
Infringement warrant case initiations	2	n/a	n/a	2,656	2,395	3,666
Individual infringement warrant initiations	2	n/a	n/a	171,260	172,328	266,661

Note 1: The Infringements Court is a division of the Magistrates' Court of Victoria. Some enforcement matters dealt with by the Infringements Court can be referred to the Magistrates' Court for determination, or election to appeal by the person or company subject to the enforcement. If referred to the Magistrates' Court, these cases are counted in the Magistrates' Court cases finalised on page 79.

Note 2: Infringement warrant case initiations counts the number of people who have been referred to the Magistrates' Court by the Sheriff's Office of Victoria on unpaid warrants for fines. Individual infringement warrant initiations refers to the number of individual warrants that have been listed before the Court for enforcement. These cases are not captured as part of the Budget Paper No. 3 reporting requirements.

No appearances by accused						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Warrants to arrest issued by the Magistrates' Court		28,567	29,134	33,740	38,237	43,935
Matters determined at an ex parte hearing		4,823	4,193	3,410	2,476	2,272

If an accused fails to appear on the listed Court date, a Magistrate may issue a warrant to arrest. If a warrant is executed, the person subject to the warrant will be bailed or remanded to the Magistrates' Court.

Timeliness						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Criminal cases finalised within six months		87.8%	88.8%	88.9%	88.1%	87.0%
Number of cases pending as at 30 June 2014		30,506	30,345	32,149	36,686	39,127
Of the pending cases, the amount of cases that have been pending for over 12 months		2,555	2,420	2,782	2,777	3,065

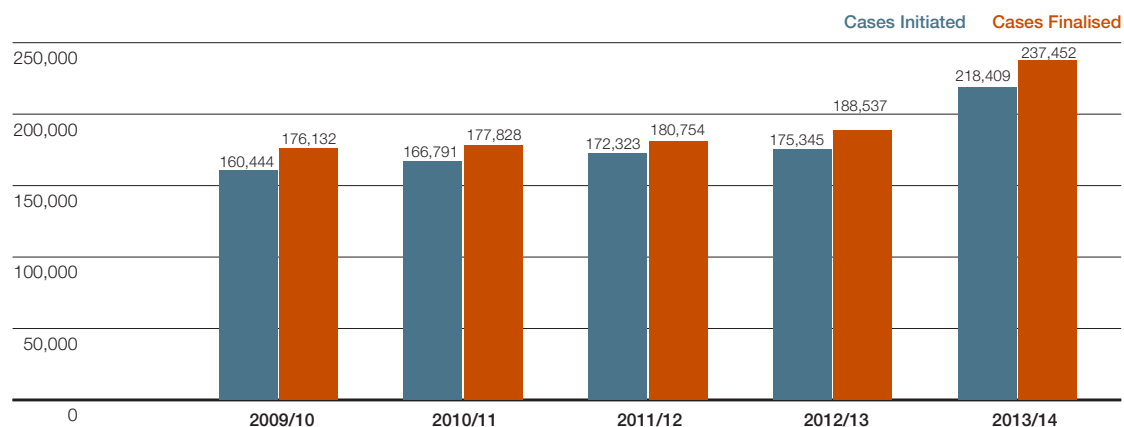
The Magistrates' Court of Victoria aims to finalise 85 per cent of criminal cases within 6 months or less. The Magistrates' Court is required to report to the Government on this target as part of Budget Paper No. 3 requirements.

Listings						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Total listings in the Magistrates Court of Victoria	1	n/a	559,060	575,998	591,736	684,004
Common hearing types	2					
Mention listings		n/a	240,869	255,919	269,644	323,147
Plea of guilty listings		n/a	42,817	42,760	47,049	51,403
Contest mention listings		n/a	10,752	12,350	12,048	13,499
Contested hearing listings		n/a	12,121	10,523	10,117	9,062
Application listings		n/a	98,694	110,279	104,906	137,232
Breach sentencing order listings		n/a	25,378	28,329	24,276	21,870
Restoration of suspended sentence listings		n/a	3,666	3,432	3,636	3,532

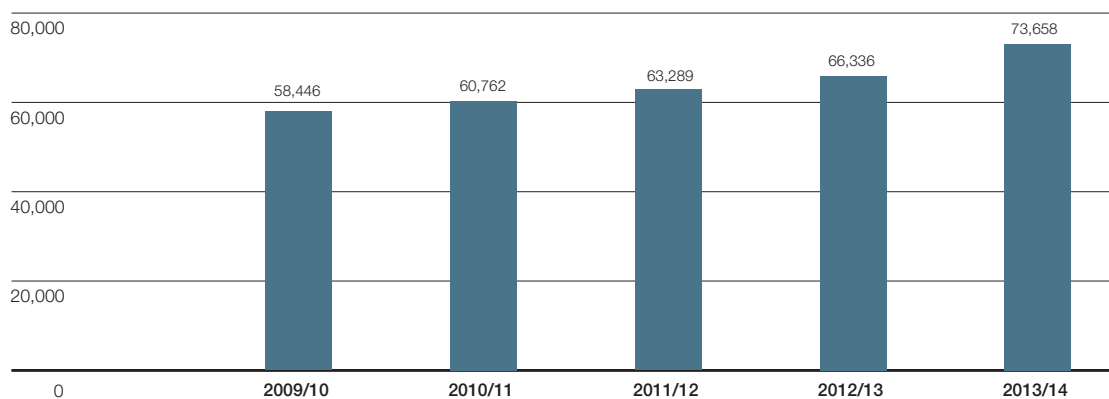
Note 1: Total listings include all cases and applications that have been before the Magistrates' Court of Victoria for a hearing in the specified financial year.

Note 2: The above table highlights the common listings types of the Magistrates' Court. Important: A case can be determined by plea of guilty at different stages of a court proceeding, not limited to the plea of guilty hearing type.

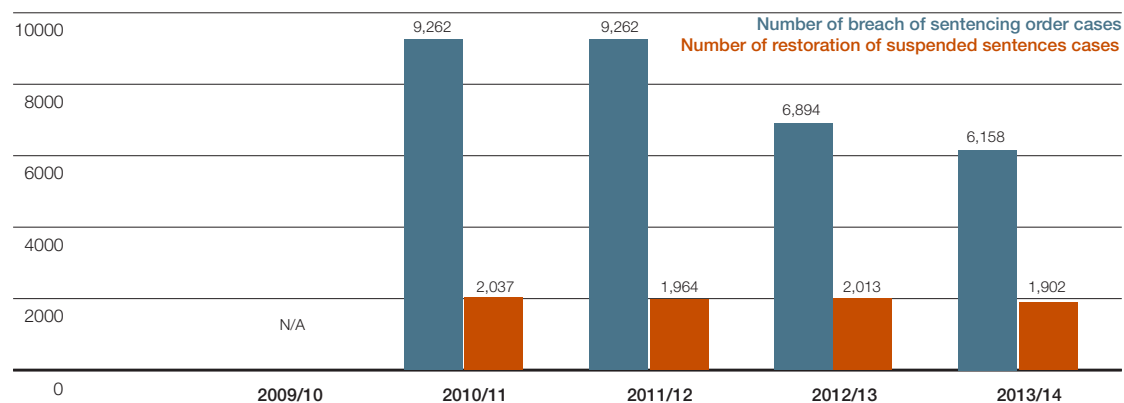
Criminal initiations/finalisations 2009/10 – 2013/14



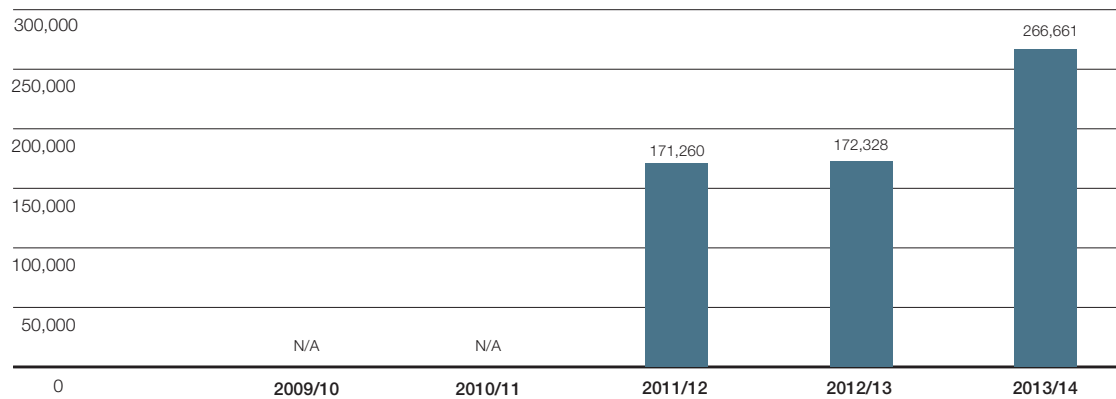
Criminal applications finalisations 2009/10 – 2013/14



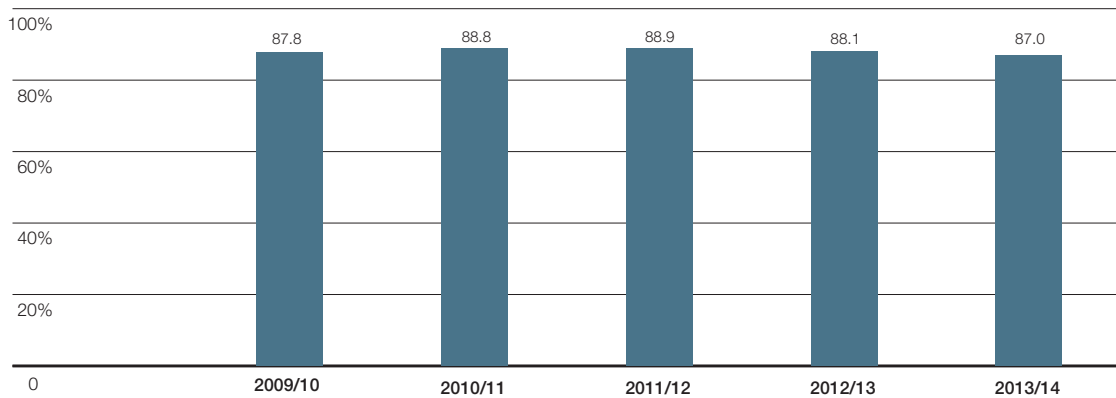
Breach/restoration of suspended sentence cases 2009/10 – 2013/14



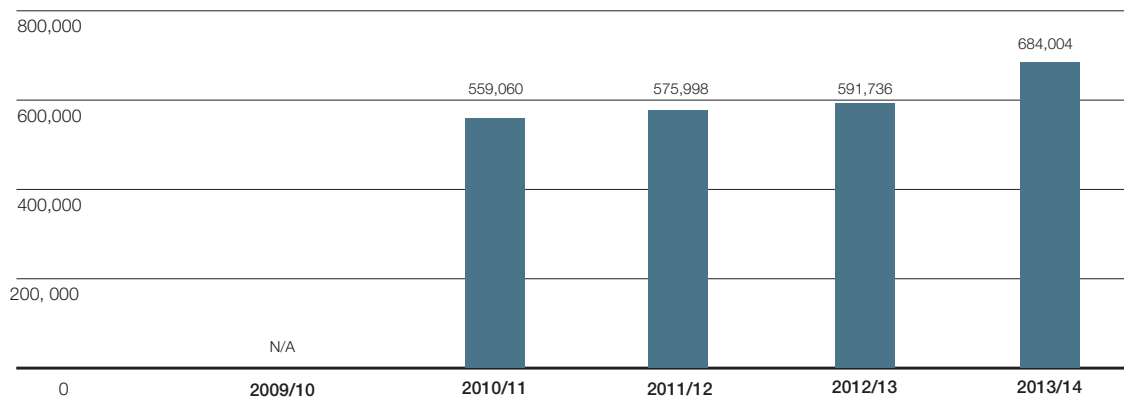
Individual infringement warrants listed for enforcement 2009/10 – 2013/14



Timeliness 2009/10 – 2013/14



Criminal listings 2009/10 – 2013/14

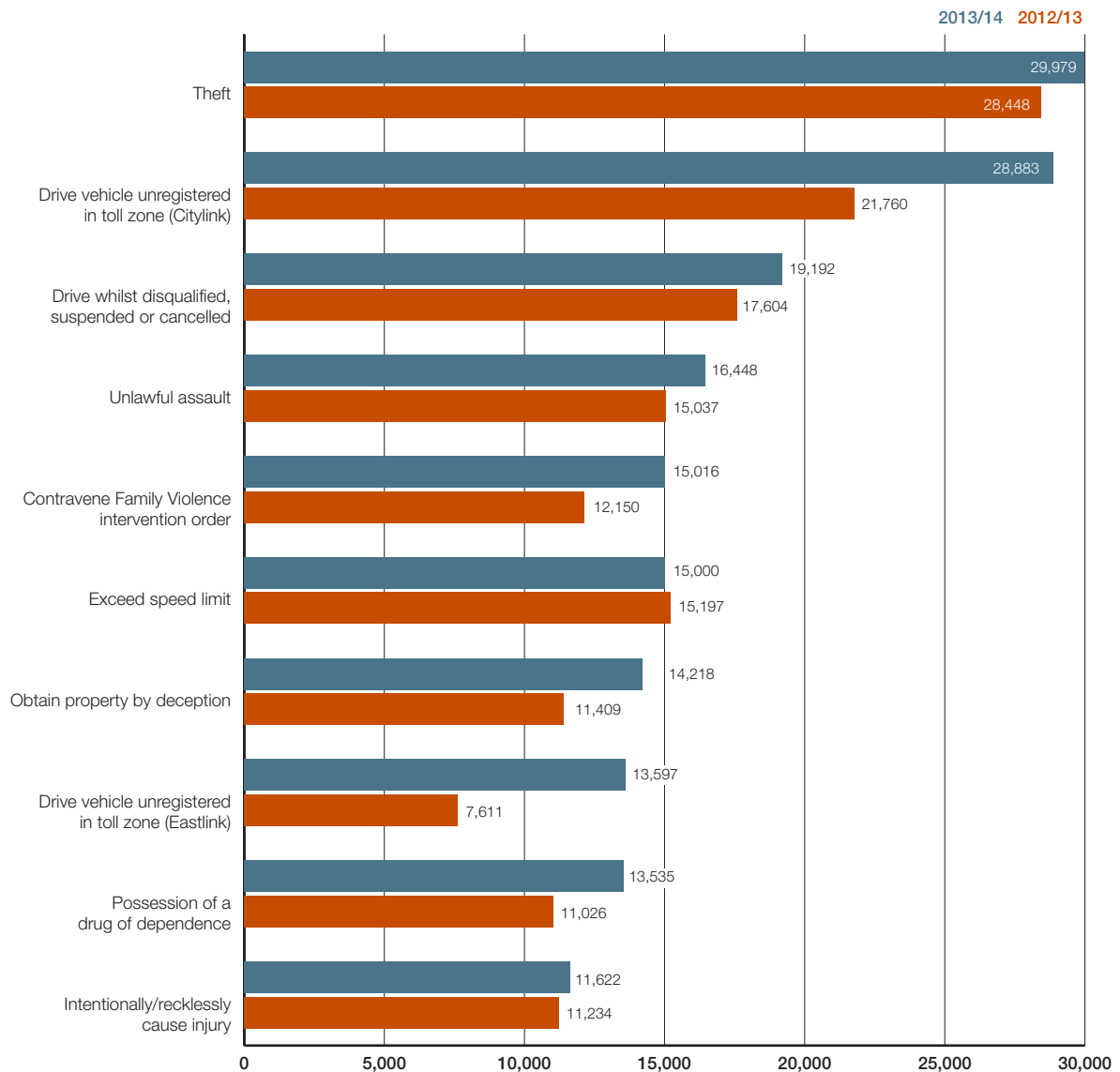


Top 25 Charges 2013/14

Rank*		Offence	Number of charges		Difference
			2013/14	2012/13	
1	(1)	Theft	29,979	28,448	1,531
2	(2)	Drive vehicle unregistered in toll zone (Citylink)	28,883	21,760	7,123
3	(3)	Drive whilst disqualified, suspended or cancelled	19,192	17,604	1,588
4	(5)	Unlawful assault	16,448	15,037	1,411
5	(7)	Contravene Family Violence intervention order	15,016	12,150	2,866
6	(4)	Exceed speed limit	15,000	15,197	-197
7	(8)	Obtain property by deception	14,218	11,409	2,809
8	(13)	Drive vehicle unregistered in toll zone (Eastlink)	13,597	7,611	5,986
9	(10)	Possession of a drug of dependence	13,535	11,026	2,509
10	(9)	Intentionally / recklessly cause injury	11,622	11,234	388
11	(6)	Have exceeded prescribed concentration of alcohol whilst driving (incl. refuse PBT)	11,258	13,641	-2,383
12	(11)	Fail to answer bail	10,582	9,057	1,525
13	(12)	Criminal damage	8,885	8,350	535
14	(14)	Use unregistered motor vehicle / trailer on highway	7,567	7,189	378
15	(22)	Fail / refuse to furnish a return / information under tax law	7,150	4,382	2,768
16	(18)	Park for longer than indicated	6,186	5,226	960
17	(16)	Unlicensed driving	6,008	5,556	452
18	(19)	Deal property suspected proceeds of crime	5,893	5,188	705
19	(21)	Handle / receive / retain stolen goods	5,791	5,109	682
20	(20)	Assault / resist / hinder / obstruct / delay police	5,489	5,119	370
21	(15)	Burglary	5,466	5,889	-423
22	(17)	Careless driving	5,284	5,307	-23
23	-	Obtain financial advantage by deception	5,015	Not in top 25	n/a
24	-	Assault in company / by kicking / with weapon / with instrument	4,134	Not in top 25	n/a
25	(24)	Attempt to commit an indictable offence	3,800	3,329	471

*2012/13 ranking in brackets

Top 10 Charges 2013/14



Civil Summary

	See Page	2009/10	2010/11	2011/12	2012/13	2013/14
Complaints issued	86	65,617	59,202	56,174	52,442	46,095
Claims finalised	86	44,926	40,696	36,836	34,182	54,686
Number of cases where a defence notice filed	87	8,318	7,663	7,806	7,495	7,502
Applications finalised	87	n/a	16,629	14,953	14,375	13,917

Complaints

	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Complaints issued or filed						
Up to \$10,000 claimed		51,972	46,349	44,587	40,098	34,121
More than \$10,000 claimed		13,645	12,853	11,587	12,344	11,974
Total complaints issued		65,617	59,202	56,174	52,442	46,095

Complaints can be filed in the Magistrates' Court of Victoria for a monetary value up to \$100,000.

Claims finalised

	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Defended claims finalised at a hearing						
Arbitration	1	2,706	2,274	2,218	2,269	2,001
Hearing		2,295	2,100	2,266	2,279	2,093
Pre-hearing conference or mediation		2,481	2,189	1,791	1,545	1,571
Total of defended claims finalised at a hearing		7,482	6,563	6,275	6,093	5,665
Default Orders Made						
	2	37,444	34,133	30,561	28,089	26,096
Complaints dismissed (under Regulation 21.11 of Magistrates' Court Civil Procedure Rules 2010)						
	3	n/a	n/a	n/a	n/a	22,925
Total claims finalised	4, 5	44,926	40,696	36,836	34,182	54,686

Note 1: Cases where defences have been lodged and have been finalised, sorted into the hearing type where the matter was finalised.

Note 2: Plaintiff applies to the court for an order in default of a defence being filed by the defendant.

Note 3: Regulation 21.11 of the Magistrates' Court Civil Procedure Rules 2010 states that a complaint will be dismissed against any defendant three months after the expiration of the validity of service period of the complaint.

Note 4: Total claims finalised is the total of both the defended claims finalised at a hearing, and default orders made.

Note 5: 2013/14 totals also include complaints dismissed (under regulation 21.11 of the Magistrates' Court Civil Procedure Rules).

Claims finalised continued						
Civil cases finalised per court region	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Barwon South West		1,589	1,390	1,265	1,011	938
Broadmeadows		978	770	621	717	634
Dandenong		2,436	2,320	2,015	1,611	2,007
Frankston		1,838	1,617	1,957	1,834	1,464
Gippsland		1,053	953	699	422	440
Grampians		1,068	875	890	923	769
Heidelberg		996	865	833	701	522
Hume		1,531	1,415	1,228	1,361	863
Loddon-Mallee		2,423	2,049	2,054	1,997	1,498
Melbourne		26,561	24,463	21,357	20,104	19,385
Ringwood		1,941	1,760	1,667	1,762	1,415
Sunshine		2,512	2,219	2,250	1,739	1,826
Total		44,926	40,696	36,836	34,182	31,761

The above totals break down the civil cases finalised by region. Across the state, court locations are divided into 12 regions. Each region consists of a headquarter court and some regions are made up of satellite courts.

Defence notices						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Defence notices (including Workcover) filed						
Against complaints of up to \$10,000 claimed		4,839	4,209	4,256	4,087	3,998
Against complaints of more than \$10,000 claimed		3,479	3,454	3,550	3,408	3,504
Total number of cases where a defence notice filed		8,318	7,663	7,806	7,495	7,502

A defendant to a claim can file a defence within specified timeframes depending on the complaint type. Defences can be filed outside specified timeframes as long as a default order has not been made. When a defence is filed with the Magistrates' Court, the case will be listed for either an arbitration, pre hearing conference, or mediation.

Applications						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Application Types	1					
Interlocutory applications		n/a	1,743	1,309	1,438	1,195
Applications for preliminary discovery		n/a	239	129	77	36
Applications for substituted service		n/a	1,613	1,697	2,039	2,669
Applications for summary order		n/a	112	92	88	72
Applications to extend complaint		n/a	119	165	175	166
Application for re hearing		n/a	3,615	3,383	3,270	3,150
Applications under s24 of <i>Second-Hand Dealers and Pawnbrokers Act 1989</i>	2	n/a	395	393	386	362
All remaining applications		n/a	370	307	317	218
Applications finalised		n/a	16,629	14,953	14,375	13,917

Note 1: There are 72 types of applications that can be determined in the civil jurisdiction of the Magistrates' Court of Victoria. Some applications are heard in conjunction with a case also before the Magistrates' Court, whereas others can be listed independent of a pending case. The total applications above also capture the applications in the civil enforcement section on page 88, except for warrants to seize property. Common application types are highlighted above.

Note 2: Applications under s24 of the *Second-Hand Dealers and Pawnbrokers Act 1989* are generally dealt with by a Registrar. A person who identifies their property at a second hand dealer or pawn shop, and has sufficient evidence to prove it is their property, can apply to the Magistrates' Court to obtain an order to have their goods returned.

Civil continued

Timeliness						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Defended claims finalised within six months		82.3%	79.2%	81.6%	80.7%	80.9%
Defended claims pending as at 30 June 2014		2,058	1,789	1,791	1,726	1,689
Of the pending cases, the amount of cases that have been pending for over 12 months		161	173	150	131	115

The Magistrates' Court of Victoria aims to finalise 80 per cent of civil cases within 6 months or less. The Magistrates' Court is required to report to the Government on this target as part of Budget Paper No. 3 requirements.

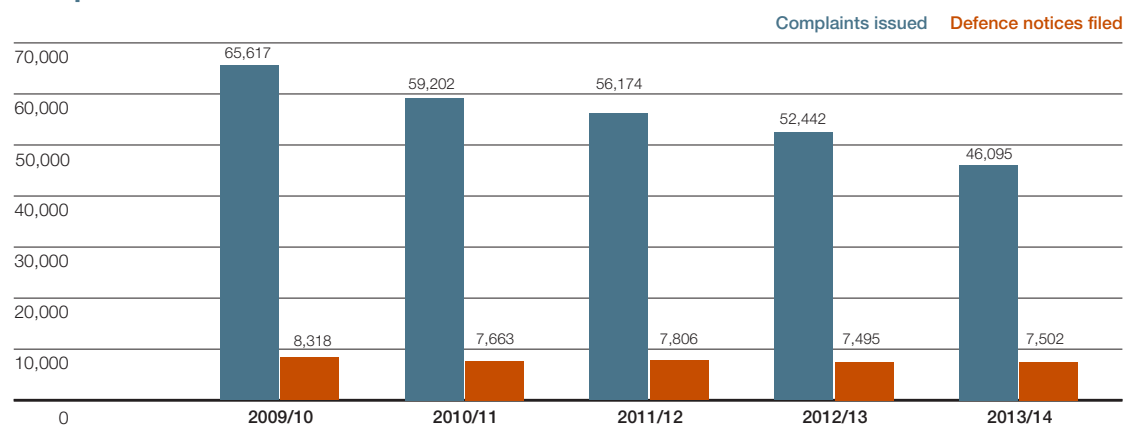
Civil enforcement						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Oral examinations finalised (including those under the Judgement Debt Recovery Act 1984)	1	n/a	6,649	5,646	4,953	4,572
Attachment of earnings hearings finalised	1	n/a	1,450	1,379	1,174	1,035
Attachment of debt hearings finalised	1	n/a	80	62	79	86
Applications for instalment order finalised	2	n/a	244	391	379	356
Warrants to seize property issued	3	6,435	5,766	5,116	4,715	4,829
Total		n/a	14,189	12,594	11,300	10,878

Note 1: The above are hearings where a debtor in a civil matter must attend. These hearings are conducted by a Registrar of the Magistrates' Court of Victoria.

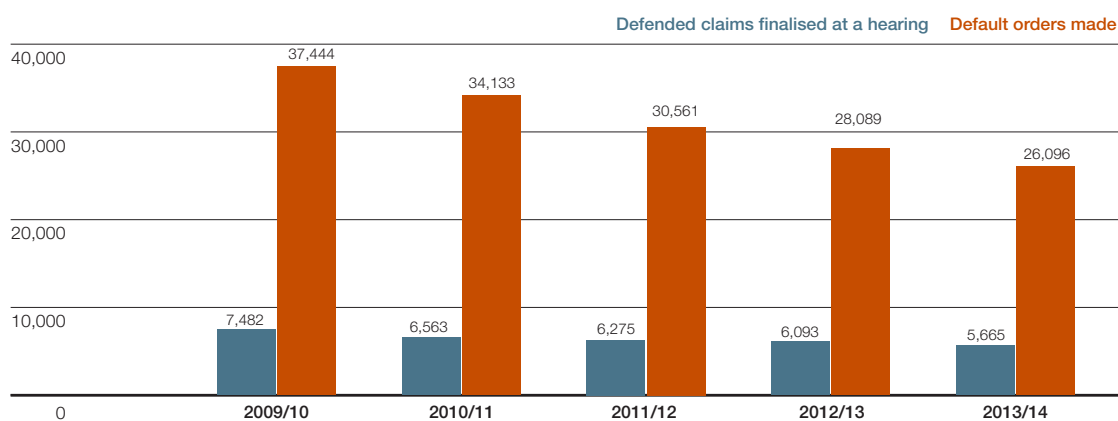
Note 2: A debtor or creditor can apply to the Registrar of the Magistrates' Court for an instalment order. The applicant does not need to appear for a determination to be made.

Note 3: Warrants to seize property are requested by the creditor and filed with the Sheriff's Office of Victoria for execution.

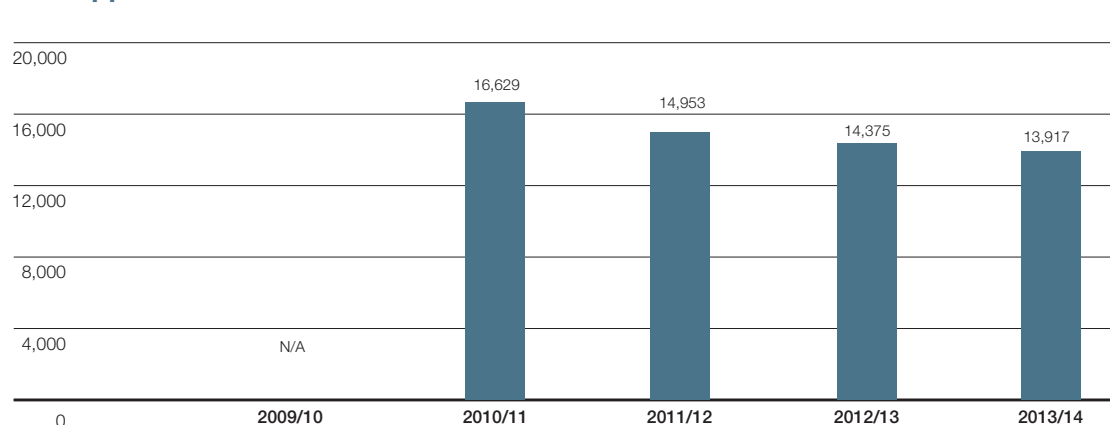
Complaints issued/defence notices filed 2009/10 – 2013/14



Defended claims finalised/default orders made 2009/10 – 2013/14



Civil applications finalised 2009/10 – 2013/14



Intervention Orders Summary

	See Page	2009/10	2010/11	2011/12	2012/13	2013/14
Interim orders made	90	14,708	16,331	17,741	18,954	20,152
Original matters finalised	90	30,507	32,985	36,577	39,352	39,961
Applications finalised	90	3,346	3,787	4,197	5,103	5,624
Total matters	90	48,561	53,103	58,515	63,409	65,737

Intervention order listings	92	80,497	88,548	96,895	98,131	99,868
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Caseload

	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Family Violence intervention order (FVIO) applications						
Interim orders made	1	10,696	12,043	12,883	13,720	15,073
Original matters finalised	2	22,991	24,925	27,668	29,217	29,978
Application for extension	3	826	971	951	1,202	1,327
Application for revocation	3	800	796	753	822	783
Application for variation	3	1,463	1,677	2,120	2,638	3,047
Total		36,776	40,412	44,375	47,599	50,208
Personal Safety intervention order (PSIO) applications						
Interim orders made	1	4,012	4,288	4,858	5,234	5,079
Original matters finalised	2	7,516	8,060	8,909	10,135	9,983
Application for extension	3	136	191	230	237	272
Application for revocation	3	48	50	30	51	53
Application for variation	3	73	102	113	153	142
Total		11,785	12,691	14,140	15,810	15,529
Total family violence and personal safety matters		48,561	53,103	58,515	63,409	65,737

Note 1: Interim orders can be made before a final order is made on the case.

Note 2: Original matters refer to finalising orders made on an application and summons, an application and warrant or a family violence safety notice. Finalising order does not necessarily mean an intervention order has been made.

Note 3: Applications refer to application for extension, variation and revocation. These applications can occur at any time of the hearing, and after a final order made. Any party to the proceeding is able to make an application.

Caseload continued						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Family violence and personal safety matters per region						
Barwon South West		3,639	3,552	4,259	4,707	5,098
Broadmeadows		4,695	4,863	4,857	4,921	4,928
Dandenong		5,258	5,814	6,106	6,323	6,123
Frankston		5,623	6,566	7,224	8,451	8,342
Gippsland		2,859	3,153	3,753	4,088	4,521
Grampians		2,705	2,918	3,526	3,533	3,963
Heidelberg		4,208	4,317	5,206	5,558	6,154
Hume		2,832	3,228	3,309	3,896	3,800
Loddon-Mallee		3,720	4,009	4,853	4,898	5,247
Melbourne		3,563	3,933	4,117	4,187	4,852
Ringwood		4,006	4,280	4,191	4,571	4,772
Sunshine		5,146	6,133	6,755	7,802	7,506
NJC		307	337	359	474	431
Total		48,561	53,103	58,515	63,409	65,737

The above totals break down the cases finalised by region. Across the state, court locations are divided into 12 regions. Each region consists of a headquarter court and some regions are made up of satellite courts.

Mode of issue						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
FVIO & PSIO Applications commenced (by initiation type)						
	1					
Application and Summons		22,214	23,632	24,833	26,875	28,101
Application and Warrant		6,114	6,912	8,619	8,898	7,147
Family Violence Safety Notice		5,525	6,228	7,322	8,682	10,337
Total		33,853	36,772	40,774	44,455	45,585
FVIO applications commenced (by applicant)						
	2					
Victoria Police		13,664	15,523	18,783	21,944	23,210
Private application		12,416	12,846	12,709	11,936	11,925
PSIO orders commenced (by applicant)						
	2					
Victoria Police		565	624	1,182	1,985	2,096
Private application		7,208	7,779	8,100	8,590	8,354
Total Victoria Police applications		14,229	16,147	19,965	23,929	25,306
Total private applications		19,624	20,625	20,809	20,526	20,279

Note 1: The above shows a breakdown of how the family violence or personal safety intervention order case was commenced in the Magistrates' Court of Victoria. Application and warrants and safety notices are commenced by Victoria Police.

Note 2: The above shows the breakdown between police commenced applications and private applications.

Intervention orders continued

Listings						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Number of family violence listings		62,530	69,023	75,527	74,692	77,303
Number of personal safety intervention order listings		17,967	19,525	21,368	23,439	22,565
Total		80,497	88,548	96,895	98,131	99,868

Total listings include all cases and applications that have been listed before the Court for a hearing in the specified financial year. A listing is not indicative of a finalisation, the cases and applications may be adjourned to further hearings.

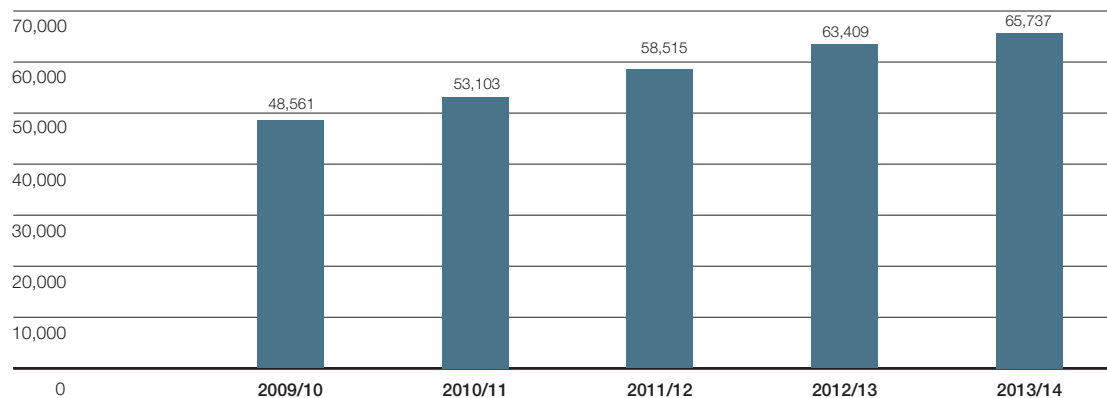
Family Law						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Total Family Law finalisations		1,591	1,376	1,243	1,082	1,204

The Magistrates' Court of Victoria has limited powers under the Family Law Act 1975.

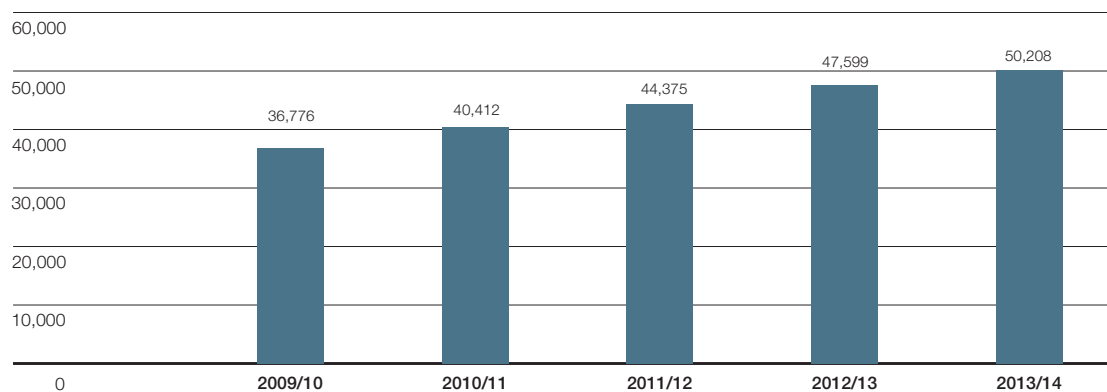
After hours service						
	Notes	2009/10	2010/11	2011/12	2012/13	2013/14
Intervention order applications received by After Hours Service		8,582	9,199	11,153	11,443	11,448

A significant proportion of the After Hours Service of the Magistrates' Court of Victoria comprises of Family Violence and Personal Safety Intervention Order matters. 2013/14 "Intervention order applications received by After Hours Service" includes intervention orders under Family Violence Protection Act 2008 (FVPA) & Personal Safety Intervention Orders Act 2010. Previous years only count applications under FVPA.

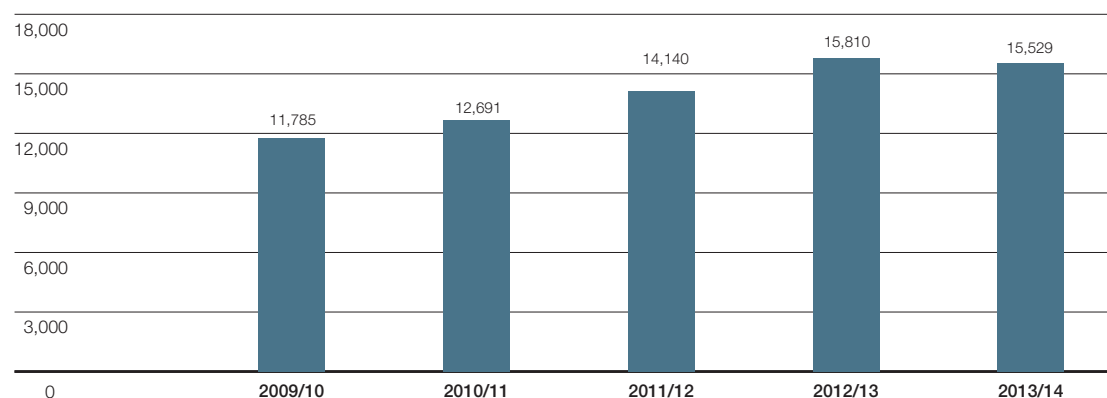
FVIO and PSIO matters 2009/10 – 2013/14



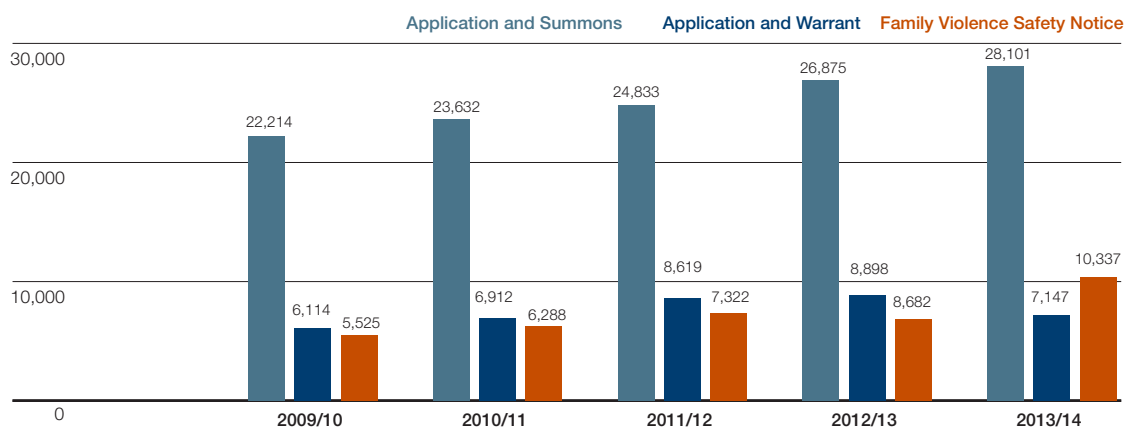
FVIO matters 2009/10 – 2013/14



PSIO matters 2009/10 – 2013/14



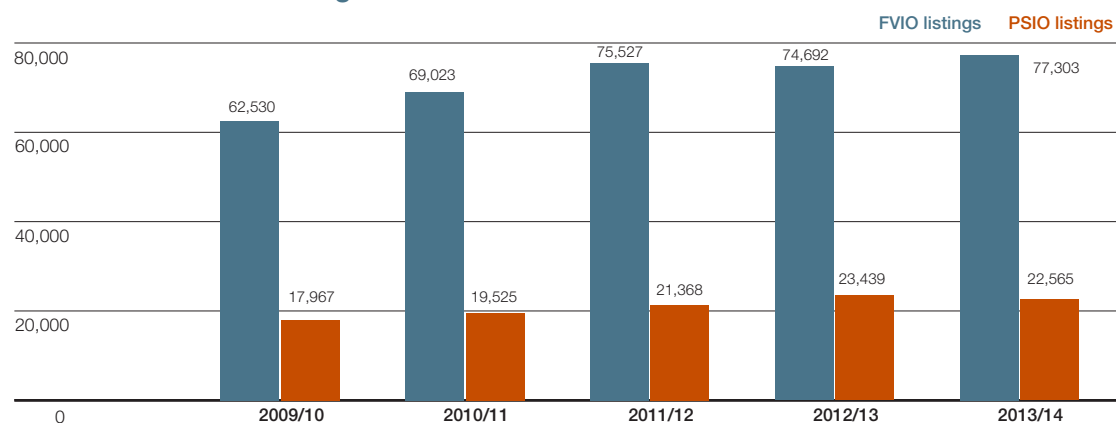
Mode of issue 2009/10 – 2013/14



Applications commenced (by applicant) 2009/10 – 2013/14



Intervention Order Listings 2009/10 – 2013/ 14



Referrals to Court Support and Diversion Services

	2012/2013	2013/2014
ARC List	172	168
CISP	2,044	2,014
CISP participants who identified as Indigenous	205	164
Court Advice & Support Officer	413	547
CREDIT	1,385	1,207
Bail Support	1,279	1,178
CREDIT Bail Support participants who identified as Indigenous	68	68
Criminal Justice Diversion Program	6,584	7,078

CREDIT/Bail Support – Top six referrals by reason*

	2012/2013	2013/2014
Alcohol and drug issues, incl prescription medication abuse	1,062	1,080
Mental health issues, including unclear mental health status	517	564
Housing	228	221
Anger management	149	183
Acquired brain injury, including ABI risk factors	110	105
Physical health issues	70	76

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

CISP – Top six referrals by reason*

	2012/2013	2013/2014
Alcohol and drug issues, incl prescription medication abuse	2,155	2,123
Mental health issues, incl suicidal ideation and unclear mental health status	669	1,179
Housing	606	696
Anger management	325	317
Acquired brain injury, including ABI risk factors	269	226
Physical health issues	159	190

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



Magistrates

Mr Ian Christopher Alger
(appointed 10 September 2013)

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)

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
(retired 08 November 2013)

Ms Amanda Chambers

Mr Michael Patrick Coghlan

Ms Ann Elizabeth Collins

Mr Gregory Connellan

Mr Simon Mitchell Cooper
(resigned 12 August 2013)

Mr David Bruce Sidney Cottrill

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

Ms Michelle Pauline Elizabeth Ehrlich

Ms Caitlin Creed English

Ms Rosemary Elizabeth Falla

Mr David Kevin Fanning

Mr David Faram

Mr Bernard Robert FitzGerald

Ms Lesley Ann Fleming

Mr Simon Gerard Garnett

Mr William Paterson Gibb
(retired 12 July 2013)

Ms Jane Catherine Gibson

Mr Philip John Ginnane

Mr Phillip Goldberg

Ms Jennifer Anne Benn Goldsbrough

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 Hodgins
(retired 10 October 2013)

Ms Michelle Therese Hodgson

Mr Franz Johann Holzer

Ms Gail Anne Hubble

Ms Audrey Graham Jamieson

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

Mr John Leon Lesser

Mr Gerard Michael Lethbridge

Mr Gregory John Zalman Levine

Ms Denise Mary Livingstone

Ms Mary-Anne Elizabeth MacCallum
(appointed 18 March 2014)

Ms Jan Maree Maclean

Ms Kay Helen Macpherson

Mr Lance Ivan Martin
(Deputy Chief Magistrate)

Mr Ross Graeme Maxted

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

Mr Daniel John Muling
(Deputy Chief Magistrate)

Mr John Martin Murphy

Mr Stephen Paul Myall

Mr John Lawrence O'Callaghan

Ms Julie Ann O'Donnell

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 Rozencwaig

Mr Ronald Norman Saines

Mr Marc Anthony Sargent

Mr Barry John Schultz
(appointed 06 November 2013)

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
(retired 14 February 2014)

Ms Fiona Margaret Stewart

Mr Mark Francis Stratmann
(appointed 06 November 2013)

Ms Stella Maria Dolores Stuthridge

Ms Noreen Mary Toohey

Ms Cynthia Anne Toose

Ms Jennifer Beatrix Tregent

Mr Jack Vandersteen

Ms Susan Melissa Wakeling

Ms Belinda Jane Wallington

Mr Timothy Walsh
(appointed 12 November 2013)

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

Reserve Magistrates

Mr Ross Frederick Betts
(appointed 19 November 2013)

Mr John Douglas Bolster

Mr Lewis Phillip Byrne

Mr Brian Joseph Clifford

Mr Thomas Kevin Hassard

Ms Jacinta Heffey

Mr Frank William Dudley Jones

Mr Ian Thomas McGrane

Mr Peter Thomas Power

Mr Steven Raleigh

Mr Alan John Spillane
(appointed 19 November 2013)

Mr Ian Maxwell Von Einem

Mr William Peter White

Mr Terry John Wilson

Judicial Registrars

Ms Ruth Andrew

Mr Michael Bolte
(appointed 30 July 2013)

Mr Graeme John Horsburgh

Mr Barry Raymond Johnstone

Mr David McCann
(appointed 13 August 2013)

Ms Sharon McRae

Mr Richard O'Keefe

Ms Angela Assunta Soldani

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Criminal Coordinator 03 9628 7808
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The transition to Court Services Victoria and the separation of courts from the Department of Justice has provided a number of challenges and opportunities for the Magistrates' Court of Victoria. Throughout the transition, the Magistrates' Court of Victoria worked proactively and collegiately with the Department of Justice and other jurisdictions to ensure that Court Services Victoria was able to operate effectively when it came into being on 1 July 2014.

Whilst a lot of work has already been done, more is needed to finalise roles and responsibilities. As Court Services Victoria evolves, opportunities to improve the services we provide and way in which we provide them, will continue to develop.

A number of initiatives were delivered during this reporting period through a collaborative approach where we worked closely with our stakeholders to meet challenges in the justice system together. We will be taking this approach into the next year and continue to work in partnership with those around us to meet the challenges that present themselves.



The Magistrates'
Court of
Victoria

233 William Street
Melbourne 3001
Australia

Ph: 03 9628 7777

www.magistratescourt.vic.gov.au