

2014

Annual Report



The Magistrates'
Court of
Victoria

2015

14 September 2015

The Honourable Linda Dessau AM, Governor of
Victoria

Government House

Melbourne Vic 3004

Dear Governor,

On behalf of the Council of Magistrates, I present the
Magistrates' Court Annual Report for the year 1 July
2014 to 30 June 2015 pursuant to section 15(3) of
the *Magistrates' Court Act 1989*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Lauritsen', with a long horizontal stroke extending to the right.

PETER LAURITSEN
Chief Magistrate

The Magistrates' Court of Victoria (the Court) is an innovative, accessible and responsive court that provides quality service to the Victorian community. The Court sits at 51 metropolitan and regional locations and is comprised of 96 magistrates, 13 reserve magistrates, 10 coroners, 8 judicial registrars, 624 staff and 61 elders and respected persons.

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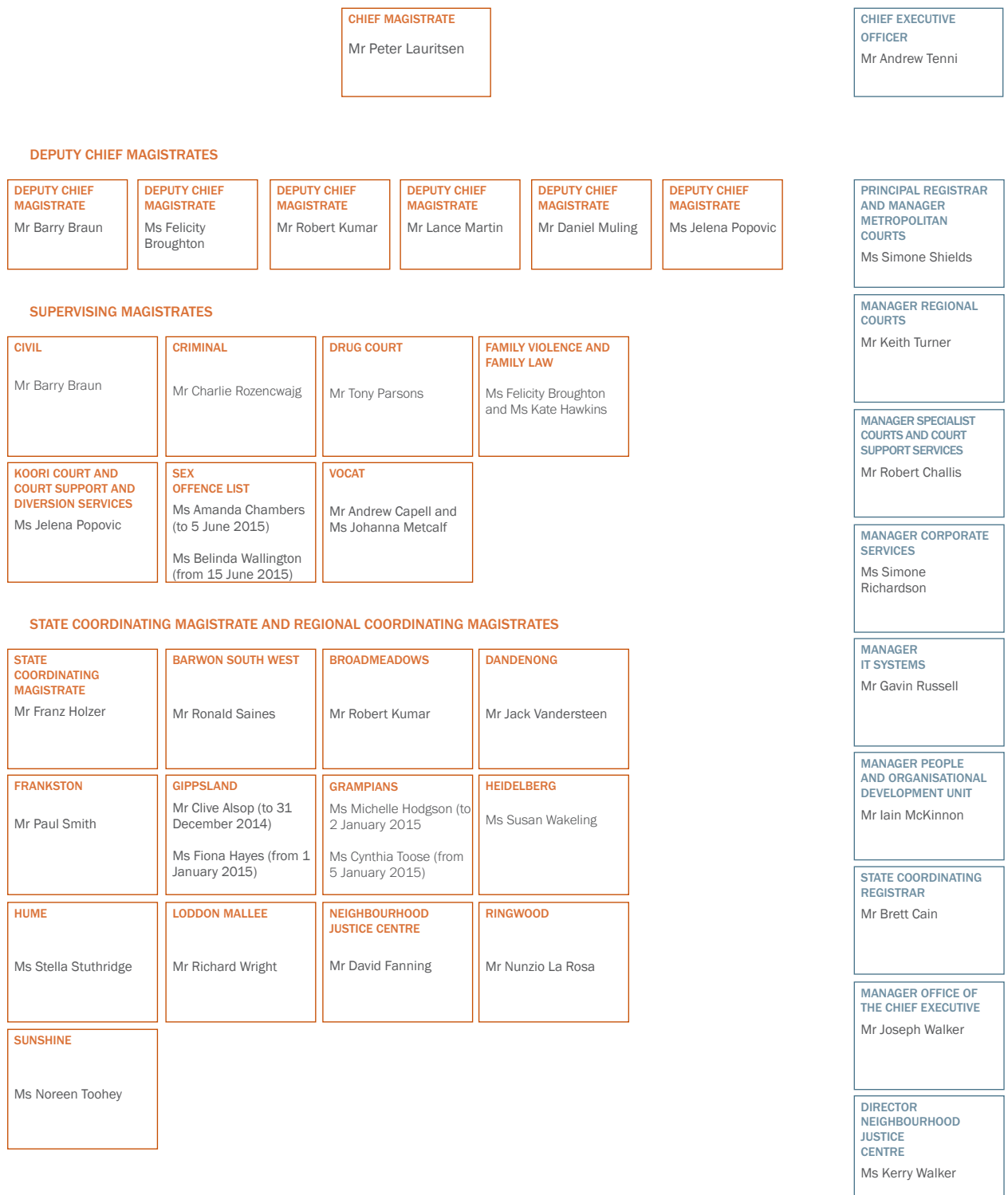
Detailed breakdown on data including 5-year trends

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Directories

Directory of Magistrates and Judicial Registrars
Contact details for all Court venues

Magistrates' Court of Victoria Organisational Chart



Please refer to page 86 for the full Directories.

YEAR AT A GLANCE

Criminal Law Statistics – more on page 75

CRIMINAL
MATTERS
FINALISED

↑16%

275,552



CRIMINAL
MATTERS
INITIATED

↑13%

247,025



89.9%

CASES FINALISED
WITHIN SIX MONTHS

2,839

↓10%

NUMBER OF
COMMITTAL
PROCEEDINGS
FINALISED

45,762

MATTERS PENDING



7%

CASES PENDING
> 12 MTHS

Civil Law Statistics – more on page 79

41,884

NUMBER OF COMPLAINTS ISSUED
OR FILED ↓9%



17%

FINALISED
AT HEARING

79%

DEFENDED CLAIMS
FINALISED WITHIN
6 MONTHS

29,720

DEFENDED CLAIMS
AND DEFAULT
ORDERS
FINALISED
↓6%



7,570

DEFENCES
FILED

↑1%

1,695

DEFENDING
CLAIMS
PENDING
NO CHANGE

6%

FINALISED AT ARBITRATION



Intervention Order Statistics – more on page 82

INTERVENTION
ORDER APPLICATIONS
FINALISED (INCLUDING
INTERIM ORDERS)

72,625



↑10%

23,365 ↑16%

FINALISED CASES WITH ONE OR
MORE INTERIM ORDERS MADE

INTERVENTION
ORDER
APPLICATIONS
FINALISED
(EXCLUDING
INTERIMS)



49,260 ↑8%

10,055

INTERVENTION ORDER
APPLICATIONS RECEIVED
BY AFTER HOURS
SERVICE



1,088

FAMILY LAW
MATTERS
FINALISED



It is with pleasure that I present the Annual Report for the Magistrates' Court of Victoria for the year ending 30 June 2015.

Heidelberg

There are 66 venues for all courts throughout the state, the Magistrates' Court operates from 51. The Court divides the state into 12 regions, each with a headquarter venue. Heidelberg is an instance. It has many courtrooms. The idea of headquarter venues arose in the 1980s with the closure of many single courtroom venues and the transfer of their work to larger venues.

Over the weekend of 16 and 17 February 2015, the Heidelberg courthouse was flooded, causing significant damage. All of the magistrates and part of the staff were relocated. Most of the cases, magistrates and staff came to the Court at Melbourne. Some went to Broadmeadows and Ringwood. Proceedings in the Children's Court went to that court at Melbourne. On 6 July, the rest of the staff were relocated, mainly to Melbourne.

The fact that these measures have worked as well as they have is a testament to the skill and dedication of all involved.

Non-production of persons in custody

Last year, I spoke of the non-production of persons in custody and the measures taken to overcome the problem. Those measures have been largely successful. The longer-term solution lies in technology. Too many persons

in custody are brought too often to the Court.

During 2014, the Court received monies to install modern audio-visual systems to supplement the existing system. The existing system is old with little capacity. By April 2015, this system started. In the May budget, the Court received monies sufficient to replace the old system and put the new system into venues where there had been none before.

Also last year, I linked this issue with the rapid increase in the numbers of persons in custody. I expressed fear as to the effect of the abolition of the suspended sentence of imprisonment in this Court. My fear has subsided through two measures. First, Parliament amended the *Sentencing Act 1991* to extend the length of a community correction order in this court; and extended the length of a term of imprisonment, which could be coupled with a community correction order. Second, the Court of Appeal delivered its guideline judgment in *Boulton and others v R* [2014] VSCA 342.

Family Violence

In October 2014, the previous State Government announced it would spend \$150 million over five years on various family violence initiatives. The Court will receive: \$15.39 million over five years to employ extra family violence registrars, applicant and respondent support workers; \$9.55 million over four years to expand the Court Integrated Support

Program; \$1.5 million for building works to accommodate these additional staff and \$2.75 million to improve safe waiting areas within the Court.

These staff make up an important part of the existing Family Violence Court Division. Since its inception, the Division has existed at only two of the Court's 12 regions. The additional staff will now give coverage to most of the regions. They are stepping stones to the full expansion of the Division, if thought appropriate. Naturally enough, a key aspect of the Court's submission to the Royal Commission into Family Violence was the expansion of the Division.

The Court started fast tracking of criminal proceedings arising out of family violence incidents at Dandenong on 1 December 2014. It aimed to have all such proceedings finished within 16 weeks of it entering the Court. Experience shows that delays in finishing these matters lead to additional incidents, often intensifying in severity. The Police experienced unexpected problems at Dandenong, which have now been solved. These problems delayed the start of fast tracking at Broadmeadows and Shepparton. I expect it will start there shortly.

It avoids the need for that person to travel to Melbourne and wait at court until the matter is heard.

Security

Security in the Court has three aspects: the safety of certain litigants from other litigants; the safety of court staff, including judicial officers and the safety of those persons using the services of the Court.

Dealing with parties to family violence incidents has highlighted safety within the courthouses. The Court is undertaking a safety audit. Separately, it is now receiving monies to improve safety. The cost of the necessary changes far exceeds the available monies so the Court will deal with the most pressing.

Security in the other categories is inadequate across the venues of the Court. In some, it is much better than in others. In regional Victoria, the level of security is poor.

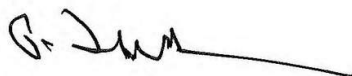
Courtlink

The Court's case management system is called 'Courtlink'. It is very old. During the year, the Court replaced its mainframe with a new one. The old mainframe will be located in Sydney. This will enable a far quicker recovery of data in the event of a disaster in Melbourne. It has a secondary benefit. It will allow more time for finding a suitable replacement for Courtlink.

A consulting firm is examining the Court's needs for a replacement. In addition, representatives of the Court travelled to Western Australia to examine its newly developed case management system. Initial impressions were favourable.

Acknowledgements

As I said last year, the non-production issue has taxed many of the Courts. I thank my judicial colleagues, registrars and staff for their efforts in coping with this issue as well as others, including the situation at Heidelberg.



Peter Lauritsen
Chief Magistrate



In 2014-15 the Court continued to pursue and deliver initiatives aimed at realising its vision of being an innovative, accessible and responsive court that provides quality services to the Victorian Community.

During the period, demand on the Court continued to grow.

Family Violence continued to be a major area of focus. In terms of caseload, there was nearly 73,000 family violence and personal safety matters heard by the Court in 2014-15, an overall increase of 10 per cent on last year. This has meant a 37 per cent increase since 2010-11. However, as mentioned in last year's report, the numbers in caseload alone do not reflect the work undertaken by the Court to provide the assistance and support required to deal with such sensitive matters.

In the criminal jurisdiction, over 275,000 cases were finalised in 2014-15, 16 per cent more than the previous year. Over the five year period from 2010-11 that has meant a 55 per cent increase in the number of criminal cases finalised across the Magistrates' Court.

Along with an increase in the number of cases heard, the number of criminal applications dealt with also continues to increase with over 80,000 applications finalised, a 10 per cent increase from last year. The biggest increase in this area has been in the number of applications for bail with 43,974 applications heard (including applications to vary and revoke bail), an increase of 17 per cent on last

year. More significantly this represents a 90 per cent increase in the number of bail applications heard over the past five years. The complex nature of these applications means they often require considerable time and resources to complete, placing further pressures on the court system.

In terms of the Civil jurisdiction, whilst the number of cases has decreased a further nine per cent in 2014-15, the number of defended cases (cases in which a defence notice is filed) remains steady with a one per cent increase for the reporting period. So whilst the number of cases is down, the work in administering defended cases through the system remains the same.

With the increase in caseload, the Court has continued to work on improvements to the management of functions performed and the services provided. During the reporting period, there have been a number of achievements in various areas.

Family Violence

In 2014-15, the Court developed a Family Violence response strategy to address the numerous challenges that exist. The vision for the response is to *increase the safety of women and children by ensuring a consistent service across the state, delivered*

with greater sensitivity, ensuring co-ordination and efficiency in the management of cases, and the ability to refer victims and offenders to services as required.

The strategy outlined six priority initiatives for the Court:

Expansion of family violence services

Dedicated family violence services (specialist registrars, applicant support workers and respondent support workers) to be expanded along with additional CISP services and improved waiting areas in courts for parties to increase safety.

Video conferencing pilot

In partnership with workers from support and legal services, develop the use of video conferencing as a safe means of appearing at court from secure locations. This approach is to be piloted at Heidelberg and Melbourne.

Fast tracking listing model

Working with Victoria Police and Victoria Legal Aid to improve perpetrator accountability and enhance the safety of victims by having criminal matters dealt with as early as possible through a listing model that will see family violence related criminal charges listed before a court within defined time frames.

A pilot of the fast tracking process was commenced at Dandenong in

December 2014 to test the process with a view to rolling it out statewide as soon as operationally possible.

Professional development

In partnership with the Judicial College of Victoria, ensure that staff and magistrates receive appropriate professional development in family violence.

In partnership with the Judicial College of Victoria, a two day intensive session was developed and delivered.

On line engagement

Make information relating to the intervention order process easily accessible and understood through the development of a new website relating to family violence.

Funding was received through the Victoria Law Foundation Grants Program to enable this development and the Court is working in consultation with a number of stakeholders in the build of the content to be delivered.

Improved use of technology and information sharing

Promote consistent information sharing across the state with other government agencies and stakeholders.

The Court is working with Victoria Police to further develop system interfaces to ensure the timely delivery of accurate information about intervention orders.

Further details on the Court's progress in delivering these initiatives is outlined later in the report.

In addition to these initiatives, the Neighbourhood Justice Centre (NJC) has developed an online intervention order form that enables applicants to safely prepare their application and send it to the Court online. The online form is now being trialled by the NJC and is accessible by those living in the City of Yarra.

In February 2015 the Royal Commission into Family Violence commenced. The Court has worked closely with the Commission to provide information as required. The Court also provided a submission to the Commission in two parts. The first outlining the current state of the system and the second outlining the approaches that the Court suggests should be implemented to strengthen the response to family violence.

There is still a lot more work to be done in improving the family violence system. The Court is committed to continuing its work internally and with partners to further enhance its responses in this area.

Video Conferencing

Throughout 2014-15 the Court worked to increase the use of video conferencing in a number of areas. The main initiative was the project in partnership with Corrections Victoria to update the video conferencing capacity and capabilities between courts and prisons.

The project consisted of two phases:

1. To implement and trial Internet Protocol (IP) based video conferencing between selected MCV and prisons to increase the capacity of the system and improve capability.
2. The inclusion of legal practitioners through software based video conferencing to allow legal practitioners to securely dial a link into a prison to conference with a client using multiple devices such as a laptop, phone or tablet.

The project installed 18 additional units at 12 court locations and additional units in four prisons to

increase the number of simultaneous calls that could be made between the two. Work continues on phase two with the profession and providing opportunities for them to interact with the new technology.

A Family Violence Conferencing Pilot was also commenced to explore opportunities for applicants to appear before a magistrate from secure locations. A number of cases have been successfully trialled and we will continue to work with stakeholders to build on this approach.

The 2015-16 budget committed funds to allow the Court to further update and expand the video conferencing units in courts. Over the next two years the Court will roll-out and install another 140 video conference units in Magistrates' Court buildings across the state.

The Court is also working with Victoria Police on a pilot project to trial the use of video conferencing from police stations for accused and members required to appear in court. The pilot is initially focusing on the weekend court and expands on the approach that was developed at Dandenong and Broadmeadows in the previous reporting period.

Service Delivery

In late 2014, the Court commenced the use of the new Bendigo facility in **Bull Street**, behind the main building. The new courtroom provides improved custody holding and access facilities as well as new infrastructure such as modern video conferencing capabilities.

Additional sittings of the **Koori Court** were commenced at two further venues. In August 2014, the Koori Court at Melbourne was launched

and shortly after in October 2014, sittings at Dandenong commenced. At both venues the Court sits one day a month. In the case of Dandenong, the sitting day is shared with the Children's Koori Court.

In February 2015, the Court introduced improved **online payment** capabilities through BPay for the payment of fines and other financial transactions. This was a major initiative that now enables up to 90 per cent of all monetary penalties and payments to be paid online and people not having to attend physically at Courts. The results in June 2015 indicated that up to 46 per cent of total payments were made online which is a strong uptake in just four months.

In May 2015 the Courts' **Electronic Filing of Appearance System** (EFAS) was upgraded to enable everyone to better follow cases online. The system was developed to:

- incorporate an online 'daily list' function that can be searched by practitioners, parties and the public
- provide a sign up system that will enable practitioners to sign up and receive notifications of court dates by SMS and email (that can then be imported into calendar systems)
- utilise SMS technology to notify and remind accused of upcoming court dates, or changes to court dates, by phone

Work is being undertaken with Victoria Police to capture mobile

phone and email details of accused at the time of charging so accused will receive messages relating to second and subsequent hearings automatically.

This approach has been developed to provide modern and timely information to all court users and reduce reliance on paper notices.

At the same time, the Court has worked to support other processes such as the Royal Commission into Institutional Responses to Child Sexual abuse and the Premier's Ice Action Taskforce.

Courtlink

As mentioned by the Chief Magistrate, the Court's case management system 'Courtlink' is a program that was implemented in around 1986. Over time it has gone through a significant amount of development that has impacted the stability of the system. Throughout 2014-15 major work has been undertaken to stabilise the system as much as possible considering its age.

There has been a great deal of focus on the timely exchange and provision of information to enable agencies (Victoria Police, Corrections Victoria etc) to have better information available earlier to enable a more efficient response and improve the safety of the community. The age and structure of Courtlink restricts capabilities in this regard.

The justice system relies heavily on the information from Courtlink to manage effectively. The Court has therefore commenced a process

to work on developing a business case and options for a modern replacement system that will enable the Court to work with its stakeholders to further improve the response of the justice system.

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) expanded the CISP Remand Outreach Pilot (CROP) that started in February 2014. CROP aims to assist those remanded in custody to address issues such as homelessness, drug and alcohol use and mental health issues, which can be barriers to receiving bail.

A great outcome for the Court was the government's decision to continue the Assessment and Referral Court List (a list aimed at reducing the risk of harm to the community by addressing underlying factors that contribute to offending behaviour) in Melbourne and ongoing funding was allocated to maintain it.

Again the ARC List was acknowledged for its work in meeting the needs of accused persons who have a mental illness or cognitive impairment by receiving a Certificate of Merit in the annual Australian Crime and Violence Prevention Awards.

Facilities

Major capital projects undertaken during the period included:

- the planning and design for the new facility at Shepparton commenced. It is anticipated at this stage that the new building will be delivered and operational by the end of 2017
- reinstatement of the building at Heidelberg
- a new wing at Wangarratta was opened and amenities for staff at the location were upgraded.

In addition, a number of smaller projects were undertaken to address numerous maintenance issues associated with the aging nature of court buildings.

Court Services Victoria

The first year of Court Services Victoria (CSV) has provided a number of challenges and opportunities for the Court. Throughout the transition, the Court has worked collegiately with the Department of Justice & Regulation and other jurisdictions to ensure that CSV has been able to operate effectively.

As CSV continues to evolve, opportunities for improvement will continue to develop.

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.



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 aims to be an innovative, accessible and responsive court that provides quality services to the Victorian community.

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

The Court exercises powers across a number of distinct jurisdictions including civil, criminal, family law and intervention orders. The Court also has a number of specific divisions including the Assessment and Referral Court List and the Neighbourhood Justice Centre (NJC) and a Sexual Offences List.

Magistrates also sit in the Children's Court, Coroners Court and Victims of Crime Assistance Tribunal (VOCAT). For further information about the Children's Court, 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 and Reserve Magistrates

The Governor in Council may appoint as many magistrates and reserve magistrates as are necessary for transacting the business of the Court. As at 30 June 2015, there were 96 magistrates allocated to the 51 locations of the Court and eight reserve magistrates.

Judicial Registrars

The Governor in Council may appoint judicial registrars. The Chief Magistrate together with two or more Deputy Chief Magistrates may jointly make rules of court for or with respect to the prescription of the proceedings or class of proceedings which may be dealt with by a judicial registrar. As at 30 June 2015, there were eight judicial registrars appointed to the Court.

Structure of the Judiciary

Council of Magistrates

A Council of the 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 offices of the Court and the arrangements relating to the duties of court officials
- inquire into and examine any defects which appear to exist in the system of procedure or administration of the law in the Court.

During the 2014–15 reporting period, the Council of Magistrates met on 25 July 2014, 28 November 2014 and 27 March 2015.

Chief Magistrate

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

The Chief Magistrate's responsibilities include:

- the assignment of duties to judicial officers
- 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

Deputy Chief Magistrates Barry Braun, Felicity Broughton, Robert Kumar, Lance Martin, Daniel Muling and Jelena Popovic are currently appointed to the Court.

Responsibilities of the Deputy Chief Magistrates include:

- assisting the Chief Magistrate as requested or undertaking duties as assigned by the Chief Magistrate
- in the absence of the Chief Magistrate, the senior Deputy Chief Magistrate shall act as the Chief Magistrate.

Regional Coordinating Magistrates

The Chief Magistrate appoints a Regional Coordinating Magistrate in each region for a period of three years. The role of Regional Coordinating Magistrates is to:

- develop and implement policy with respect to listing
- provide support to the magistrates and staff within their region
- supervise the disposition of cases listed in their region in accordance with protocols issued by the Chief Magistrate
- report regularly to the Chief Magistrate on the operation of their region.

During the 2014-15 period, the Regional Coordinating Magistrates met on 12 August 2014, 14 October 2014, 6 February 2015, 21 April 2015 and 16 June 2015.

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 judiciary, administrative staff and the community
- develop protocols, rules and practice directions to be recommended to the Chief Magistrate for implementation
- disseminate 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 of the State Coordinating Magistrate is to:

- oversee the day-to-day coordination and allocation of magistrates and reserve magistrates
- grant and record judicial leave entitlements
- develop, implement and review listing protocols and practices in conjunction with the Chief Magistrate, Chief Executive Officer and the State Coordinating Registrar
- liaise with the Regional Coordinating Magistrates, the State Coordinating Registrar and registrars on a statewide basis
- set court sitting dates, conferences and meetings in consultation with the Chief Magistrate.

Appointments, retirements and service acknowledgements

Appointments

Mr Gregory Robinson (appointed 1 July 2014)
Mr Timothy Bourke (appointed 21 October 2014)
Ms Carolene Gwynn (appointed 10 March 2015)
Mr John O'Brien (appointed 10 March 2015)
Mr Julian Ayres (appointed 5 May 2015)

Retirements

Mr Thomas Hassard (retired 25 November 2014)
Ms Jacinta Heffey (retired 28 January 2015)
Mr Clive Alsop (retired 12 June 2015)
Mr Terry Wilson (retired 26 June 2015)

Service acknowledgements

The Court acknowledges the following significant judicial service milestones:

30 years of service

Magistrate Rodney Crisp and Deputy State Coroner Iain West

25 years of service

Deputy Chief Magistrate Jelena Popovic, Magistrates John Doherty, Jonathan Klestadt and Duncan Reynolds

20 years of service

Magistrates Clive Alsop, Michael Smith and Paresa Spanos
The Court thanks these magistrates for their distinguished service.

On 14 November 2014, Magistrate Sharon Cure was appointed as a Tasmanian magistrate. The Court acknowledges Magistrate Sharon Cure's contribution to the Court over her six years of service.

Structure of Court administration

The judiciary and court staff sit on a number of internal committees that oversee and guide the effective management of the operation of the Court and its resources. The Court's primary committees are as follows:

Executive Committee

Committee Chair:

Chief Magistrate Peter Lauritsen

Members:

Magistrates Donna Bakos, Jennifer Bowles, Suzanne Cameron, Peter Dunn, Annabel Hawkins, Jan Maclean, Andrew McKenna, Gregory McNamara, Peter Mellas and Charles Rozencwajg.

The Executive Committee of the Council of Magistrates (the Executive) meets on a monthly basis, when the Council of Magistrates is not in session. The Executive is responsible for the formulation, monitoring and supervision of policy. The wide range of issues generally covered by the Executive include court infrastructure and resources, technology in court rooms, judicial terms and conditions, professional development, court governance and structure, case management reforms, security issues, practice directions, court staff and human resources.

During the reporting period, the Executive considered:

Non-production of persons in custody

As a result of legislative changes to parole and the abolition of suspended sentences, there were significant delays to the hearing and progress of cases before the Court. Overcrowded prisons often resulted in Corrections Victoria not delivering prisoners to the Court. The Court endeavoured to address this problem with the weekend court sittings and the appointment of a Registrar for Custody, Coordination and Planning. The Executive considers this issue to be of great significance as it affects the rights of people to be heard before a court of law. Further, it impacts upon the Court with added delay. The Executive will continue to address this problem.

Heidelberg Court

The Heidelberg Courthouse was significantly damaged by water. The Court's CEO Andrew Tenni briefed the Executive on a regular basis as to building and listings issues. As a result of elevated mould spore levels, no court could operate at that venue. The majority of Heidelberg Court cases are now listed at the Melbourne Magistrates' Court with some being listed at the Broadmeadows and Ringwood Courts. This has had a significant impact on the courts involved. The judiciary and court staff have made great efforts to address the problem so that inconvenience to members of the public is minimised. The procurement process is underway but there is no estimated completion date.

Court listings

The Executive discussed the increasing volume of cases listed at the Court. In the last 12 months, almost 10,000 more cases than anticipated have been listed. There is an ongoing concern that the increased workload of the Court is not met with any increase in resources. In addition to the sheer number of cases, the Court is increasingly faced with unrepresented accused and litigants. The Executive acknowledged that in such circumstances, delays are inevitable. The Court's Coordinating Unit continues to address the increasing workload.

Contest mentions

The Executive discussed the process and conduct of these hearings. A magistrate's primary objective is to administer justice and not to be overly concerned with listing delays. Discussion resulted in the Chief Magistrate's Practice Direction 3 of 2015.

Family violence

The Executive discussed the increasing volume of family violence applications and cases arising out of breaches. A cap on listings has been suggested for the Melbourne Magistrates' Court and a Fast Tracking System has been established at the Dandenong Magistrates' Court. The Chief Magistrate issued Practice Direction 10 of 2014 to facilitate the new process at Dandenong. In an effort to address the growth of applications in this significant area of practice, the Chief Magistrate is seeking the appointment of two additional judicial registrars to deal with personal safety matters.

Court security

The Executive has considered this issue at length and it remains a significant subject of discussion. Of major concern is the lack of any security at some country courts. The Executive also considered the issue of police and Protective Services Officers (PSOs) wearing firearms in courtrooms. A draft protocol has been discussed. The Executive resolved that police and PSOs should not be armed in a courtroom except in certain circumstances. A Security Committee has been established with representatives from all stakeholders. In light of the recent directive of the Chief Commissioner of Police that Police must be fully kitted at all times, the issue of firearms in court remains a significant matter that is yet to be resolved. The Executive acknowledged that threats to police safety is of great concern and the issue of firearms in courtrooms will remain on the Executive's agenda.

The Court Fund

The Executive confirmed the great value to the community of this fund. Any suggestion to abolish it or divert funds back to the Court is not supported.

Video conferencing and audio-visual links

The Executive acknowledged the value of having certain matters listed before the Court proceed by way of audio visual link. Inconvenience to prisoners and witnesses would be minimised and prison congestion at the Melbourne Custody Centre would be eased. On the issue of prison congestion, the Executive stands firm in its view that this is a matter for Corrections Victoria to address. There is concern that a default position whereby all matters are listed for audio-visual link to prisons would have negative consequences. In cases where prisoners appear via link, often the court process is pre-empted and adjournments are necessitated. Further, courts do not have appropriate facilities for solicitor/client conferencing. The Executive has expressed the view that it is for each magistrate to determine whether a matter is appropriate for hearing via audio-visual link.

Library Allowance

The Executive discussed the origins and status of the book allowance. Whilst there is no court policy or guidelines in relation to this entitlement, the Executive confirmed that it is the responsibility of each individual magistrate to be accountable for their claims.

Motor vehicle allowance

The Executive discussed the policies applicable to this entitlement. Magistrates are only permitted to select a vehicle from a certain category of vehicles and the choice of accessories is also limited. The Executive expressed the view that magistrates ought to be able to access any vehicle specified on the list of approved vehicles for salary packaging from the Department of Treasury & Finance along with the full choice of accessories. Magistrates, unlike other judicial officers, must pay for any vehicle they access under this allowance. The Chief Magistrate has raised the issue with the Courts Council. That Council resolved to establish a working group including a magistrate.

The issue will then be returned to the Finance Committee and then the Courts Council.

Other matters addressed by The Executive over the reporting period were:

- superannuation
- Courtlink payments
- induction program for newly appointed magistrates
- court interpreters
- court fee bids and other matters of finance
- judicial trauma
- legislative changes and relevant cases.

Civil Practice Committee

Committee chair:

Deputy Chief Magistrate and Supervising Magistrate Barry Braun

Members:

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

The Committee reviews processes of the Court to ensure that appropriate and efficient practices are in place to secure efficient, economic and speedy resolution of its cases. This Committee meets as required and convened five times during the reporting period. It has considered various changes required to be made to the Rules of Court and made a number of recommendations for rule, practice and procedure change to the Chief Magistrate.

The number of self-represented litigants appearing in the Court is steadily increasing. In almost each case, they are challenged by a lack of understanding of the law applicable to their cases and the relevant procedures of the Court. This also presents a significant challenge to the Court in ensuring that it remains independent of the parties whilst at the same time providing the necessary assistance to ensure that cases are decided on their merits in a just and efficient way. With these challenges in mind, the Committee reviews the Rules of Court for the purposes of clarification and simplification wherever possible.

In particular, significant time was spent by the Committee in reviewing the prescribed form of Complaint and the prescribed forms for proving service of a Complaint. The object being to improve the understanding of defendants as to what steps they need to take upon being served with a Complaint. Work is currently being undertaken by the Committee to investigate and consider improvement of the Court's website information and in particular, the provision

of information relating to interpreting services.

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 Daniel Muling and Jelena Popovic; Magistrates Donna Bakos, Thomas Barrett, Jennifer Bowles, Suzanne Cameron, Sarah Dawes, Carolene Gwynn, Gerard Lethbridge, Andrew McKenna, Peter Mellas, Peter Reardon, Jack Vandersteen, Renee Lemmon (court administration representative), Aranea Carstairs and Katarina Palmgren (research officers).

The Committee continues to discharge its charter to address all issues relating to the criminal jurisdiction. This encompasses specific issues raised by individual magistrates, making recommendations for improvements to create efficiencies in the Court and address delay, responding to proposed government legislative change as it affects this jurisdiction, meeting with relevant policy sections of the Department of Justice & Regulation 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.

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 committee whose members represent most of the agencies that intersect with the jurisdiction of the Court, from the Forensic Services Department (FSD), Victoria Police Prosecutions, CISP, Corrections Victoria, the Office of the Public Prosecutor, Criminal Bar Association, Law Institute of Victoria, Victoria Legal Aid, the Melbourne Custody Centre, Commonwealth Director of Public Prosecutions and Worksafe.

Over the last year the issues the Criminal Law Committee has addressed include:

- efficient use of court provided interpreters for accused and ensuring they are of the required NAATI level 3 standard. Liaising with FSD to minimise delay by early identification of need for forensic analysis
- drafting a revised form requesting a contested summary hearing so as to focus on the consent to jurisdiction and thus avoiding aborting a subsequent hearing when that consent is with-held. This will require amendment to the Criminal Procedure Rules
- the consequences in this jurisdiction of the judgement in *Williams v Hand* necessitating a magistrate to make apparent, when listing a matter for contested hearing, whether the issue of jurisdiction has been determined
- the Committee reviewed the law and disseminated information in relation to an accused seeking leave for change of plea or to withdraw consent to jurisdiction

- the drafting of a form for applications for bail to ensure that the administrative staff list such matters before the appropriate magistrate in accordance with the amendments to the *Bail Act 1977* and the Court's Practice Direction
- drafting of Practice Direction relating to Summons to Witness to produce documents to ensure returnable well before hearing date so the matter can proceed expeditiously on the listed date
- procedures in relation to the review of Judicial Registrar's decisions
- assessing anticipated effects on the Court's resources as a result of the legislative introduction of such matters as alcohol or geographic exclusion orders, minimum imprisonment sentences for causing injury to emergency workers and the power to interfere with a driver's licence for any offence. The consequences of these legislative changes may result in increases in contested hearings which may have otherwise resolved into pleas
- the drafting of Practice Directions to cover the procedures and orders for geographic and alcohol exclusion orders
- in this jurisdiction, Courtlink is the official register of the Court. Unfortunately, like any software program it has its limitations which creates difficulties for magistrates to impose their intended orders according to the law. Examples include the form of extradition warrants, inflexibility with the various alternative orders permitted under s161 of the *Infringements Act 2006*, and the consequences of the definition of "fine" in the *Sentencing Act 1991* as including 'cost'. The Committee will recommend to the Chief Magistrate to request legislative change to avoid a cost order resulting in an accused going to gaol
- in the area of Diversion, Chief Commissioner Lay had previously agreed to authorise the in-court prosecutor to provide the consent necessary under s59 of the *Criminal Procedure Act 2009*, as distinct from that of the informant. This has been productive and reduced the need for adjournments. The Committee however still feels this veto power should be a matter for an independent judicial officer. The Committee again requests the Chief Magistrate to seek legislative change in this regard
- reviewed the status of the Sheriff at hearings for Infringement Enforcement Warrants and considered the need for the Sheriff to appear
- participated in the review of the *Witness Protection Act 1991* conducted by Justice Frank Vincent
- with the Court's increased facilities for appearance via video link the Committee reviewed the guidelines for such appearances and the appropriateness for particular hearings. The Committee concluded that this issue should be determined by a magistrate on a case by case basis depending on circumstances at the time of the hearing. A Practice Direction was not considered appropriate
- the case loads of the Court, in particular the mention and remand courts, have been an area of ongoing concern. The Committee meets regularly with court administration staff and the State Co-ordinating Magistrate to seek to reduce magistrates' caseloads, which would enable them to productively manage individual cases before them. This also raises the issue of Victoria Police being able to prove sufficient numbers of prosecutors with adequate experience in these courts
- the Court's resources are increasingly stretched with the increase in self-represented accused and the need to explain procedure and the law to them. The change in the Victoria Legal Aid guidelines for eligibility for legal aid from an assessment that the sentence would result in a Community Corrections Order with 200 hours of unpaid community work or more, to an anticipated outcome involving a sentence of imprisonment has resulted in a greater number of accused being denied legal aid. The effects of *DPP v Boulton* means even more cases will be assessed as not likely to result in imprisonment and further add to the numbers not eligible for a legal aid. This also impacts on the summary case conference system making the task of the officers to achieve resolution far more difficult, which in turn impacts on the court processes and burdensome caseloads previously mentioned. This is an ongoing issue for the whole of the Court not merely this committee
- the Committee has also attempted to address the self-represented accused who continually files application after application for bail or variation of bail despite being refused. Such an applicant is not covered by the vexatious proceedings legislation. The Committee has made recommendations to address this situation
- the performance of the Melbourne Custody Centre in efficiently and without delay bringing accused into the courtroom and providing ready access to practitioners to obtain instructions from their clients has been an area of ongoing concern for the committee. Both impact on the court to hear cases in a timely manner and for a magistrate to efficiently manage the day's list. This issue is regularly on the agenda for both the Criminal Law and Criminal Court Users Committees
- the Magistrates' Court makes Community Corrections Orders some 20 times more than any other jurisdiction. Consequently, it deals with higher numbers of contraventions of such orders. For some years the Committee has harboured significant concerns about the provision of rehabilitative services under such orders by Corrections Victoria. The legislative scheme which provides for rehabilitative and punitive conditions underpinned the reasoning of the Court of Appeal in *DPP v Boulton*. However, the implementation of that scheme is less overwhelming. The area of alcohol and drug treatment has undergone a restructure which has given rise to delays in obtaining such treatment.

Since the introduction of the Community Corrections Order, Corrections Victoria has relied on the public health system in order for an offender to obtain psychiatric/psychological treatment and counselling requiring offenders to pay any outstanding amounts owed for these services.

- These issues arise in the context of contravention proceedings when it falls to the magistrate to initiate an inquiry into what services were actually provided in order to assess the degree of responsibility that attaches to the offender for the contravention.
- The Committee continues to work with Corrections Victoria, who are represented on the Criminal Court Users Committee, to address these issues.

Dispute Resolution Committee

Committee Chair:

State Coordinating Magistrate Franz Holzer

Members:

Coroner Caitlin English, Principal Registrar Simone Shields, Acting Listings Manager Tanya Turner [until 4 March 2015], Registrar Mark Vendy, Carey Nichol (Victorian Bar), Gina Ralston (Dispute Settlement Centre Victoria), Nerida Wallace [until 4 March 2015] (Law Institute of Victoria), Irene Chrisafis [from 4 March 2015] (Law Institute of Victoria), Nussen Ainsworth [from 4 March 2015] (Victoria University), Marcel Alter [until 4 March 2015], Bernie Crosbie and Carmel Morfuni (Australian Legal Practitioners).

The Court's Dispute Resolution Committee met on four occasions during the reporting period.

Whilst some of its work has been subsumed into that of the Civil Practice Committee, the core function and purpose of the Committee remains one of identifying areas of relevance where appropriate dispute resolution may generally facilitate the just and efficient resolution of the issues in dispute.

This has included:

- dealing with correspondence
- liaison with the Mediator Standards Board
- consideration of ongoing accreditation requirements and assessing applications for accreditation with the single list of external mediators
- publication of an article on the single list of external mediators
- continuing liaison with representatives of the Victorian Bar and Law Institute of Victoria
- fostering ongoing relationships with superior court jurisdictions on matters of mutual concern and interest
- ongoing association with the Dispute Settlement Centre of Victoria.

The Court is grateful for the participation and support of each of the members of this Committee.

Family Violence and Family Law Portfolio Committee

Committee Chair:

Deputy Chief Magistrate Felicity Broughton and Magistrate Kate Hawkins

Members:

Magistrates Amanda Chambers, Anne Goldsbrough, Gail Hubble, Gerard Lethbridge, Johanna Metcalf, Pauline Spencer, Noreen Toohey and Susan Wakeling together with Michelle Stevens from the Family Violence Programs and Initiatives Unit.

The objective of the Committee is to monitor and improve the operations of the Court in relation to family violence, personal safety 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
- participation in various committees to comprehensively review how the Court and the justice system more broadly manages family violence cases in the civil, criminal and family law jurisdictions
- considering strategies for managing the growing demand within the intervention order jurisdiction, including process and legislative reform
- reviewing the way the Court identifies and manages criminal matters arising from allegations of family violence and working with other agencies to develop solutions to address this issue
- providing detailed feedback and formal responses to the Department of Justice and Regulation on proposed legislative changes
- developing professional development programs for magistrates including an intensive family violence program with the Judicial College of Victoria and making proposals to the Judicial College of Victoria for ongoing family violence training programs for all magistrates
- conceptualising and supporting new IT innovations for family violence including the expansion of the LEAP Electronic Interface, online application forms, online engagement project, case management system improvements and other IT based initiatives
- providing training and presenting to external agencies including Community Legal Centres, Victoria Legal Aid and private solicitors and barristers, the Department of Health & Human Services; Victoria Police prosecutors and various community and government organisations
- liaising with government and opposition members regarding court family violence services

Information Technology Committee

Committee Chair:

Deputy Chief Magistrate Daniel Muling

Members:

Magistrate Peter Power, CEO Andrew Tenni, Manager, IT Systems Gavin Russell, Information Technology (IT) Coordinator Edward Dolceamore, Business Alignment Manager, Court Services Victoria (CSV), Ross Capuana, Systems Support Manager, CSV, Lynn Germain, Manager In Court Technology, CSV, David Hoy, Manager Office of the Chief Executive Joseph Walker, Chief Information Officer, CSV, Krist Davood, Service Delivery Manager, CSV, Sharon Butchard and Project Manager Children's Court of Victoria, Russell Hastings.

The Court's 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
- commencement of the PC and SOE (System Operating Environment) refresh
- VOIP (Voice Over Internet Protocol) Telephony expansion as an alternative to traditional telephony.

The following initiatives were delivered:

- Video Conferencing Pilot, IP Video Conferencing to various court locations and prisons
- Multi-Function Device (Printer, Scanner, Copier, Fax) refresh/upgrade
- introduction of 'BPAY' payment system to manage the payment of fines, fees and other payments
- Electronic Filing of Appearance System Update and Case Tracking for general court users
- Hardware replacement (Courtlink Mainframe) and Disaster Recovery solution
- Courtlink backlog reduction and finalisation
- introduction of an online portal for family violence and VOCAT applications.

Professional Development Committee

Committee Chair:

Magistrate Jennifer Bowles

Members

Chief Magistrate Peter Lauritsen, Deputy Chief Magistrate Jelena Popovic, Magistrates Jennifer Bowles, Ann Collins, Caitlin English, Fiona Hayes, Gail Hubble, Catherine Lamble (re-joined December 2014), Ros Porter and Kay Robertson, Fiona Dea (Manager Programs, Judicial College of Victoria) and Emily Holland-Tam (Manager Magistrates' Support Services).

The Committee is a sub-committee of the Council of Magistrates, established to assist the Chief Magistrate provide for the professional development of magistrates. The Committee met monthly during the reporting period and its principal role was to organise the Magistrates' Professional Development Conferences. The Committee enjoys a close collaborative relationship with the Judicial College of Victoria. Fiona Dea represented the Judicial College of Victoria and attended the committee meetings. Her expertise and advice regarding programs and speakers has been greatly appreciated.

Magistrates' Professional Development Conferences

The conferences were conducted on 23 and 24 July 2014 and 9 October 2014. They included presentations by magistrates including updates from the supervising magistrates and presentations by guest speakers. The evaluations of the conferences, including the Country Magistrates' Conference, consistently indicated that the conferences were highly regarded. Magistrates are invited 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.

The speakers and topics for 2014-2015 included:

- The Hon. Chief Justice Marilyn Warren AC - 'Judicial Independence'
- The Hon. Justice Michael Kirby AC CMG - 'Judicial Bullying and Stress'
- Dr Danny Sullivan - 'Psychiatric Perspectives on Methamphetamine'
- Richard Frankland - 'Maslow's Hierarchy of Needs in a Contemporary Aboriginal Context'
- Uncle Jim Berg - 'Returning Aboriginal Ancestors Home'
- Professor Jim Ogloff AM - 'Koori Prisoner Study'
- Belinda Duarte - 'Bran New Clan'
- Dr Rob Gordon - 'Identifying and Managing Stress and Vicarious Trauma'
- Magistrate David Heilpern - Local Court NSW - 'Controlling the Court'
- Dr Astrid Birgden - 'Maximising the Opportunity for CCOs to be Successful'
- Dr Stephane Shepherd - 'Interpreting Violence Risk Markers for Young Offenders'.

Presentations by magistrates included:

- Deputy Chief Magistrate Jelena Popovic and Magistrate Clive Alsop - Reluctant witnesses
- Magistrate Charlie Rozencwajg - Exclusion orders
- Magistrate Rose Falla - s.128 certificates (self-incrimination)
- Magistrate Gail Hubble - Functus officio
- Magistrate Hugh Radford - Injunctions
- Magistrate Donna Bakos - Unfavourable witnesses
- Magistrate Michelle Hodgson - Penalty infringement warrants
- Magistrate Ron Saines - Parole.

Country Magistrates' Conference

The annual Country Magistrates' Conference was conducted on 28 and 29 August 2014. This conference provides an important opportunity for magistrates in the regional courts to meet but also to discuss unique issues which they face. The presentations included summary case conferencing, the Children's Court, family violence, family law and fatigue.

The Intimate Terrorism of Family Violence

The Judicial College of Victoria offered to provide jurisdiction specific programs during the reporting period. Family violence was identified as being a pressing and significant issue confronting the Court. Together with Dr Ros Lethbridge and Fiona Dea from the Judicial College of Victoria, a steering committee consisting of Chief Magistrate Peter Lauritsen, Supervising Magistrate Kate Hawkins and Magistrates Jennifer Bowles and Anne Goldsbrough devised the program 'The Intimate Terrorism of Family Violence.' The two-day program was conducted on 19–20 February 2015. It will be repeated on 6–7 August 2015 and 18–19 February 2016. All magistrates have or will attend one of the two-day programs.

The February program included presentations regarding 'The Causes of Violence Against Women', 'How to Make Women Safer?', 'Making Children Safer', 'Perpetrator Readiness to Change: What Can We Do?', 'Men's Behaviour Change Programs', 'Family Violence in the Koori Community', 'Women with Disabilities', 'The Trauma Response' and 'Cultural Issues in Family Violence'. The evaluations indicated that the conference was very well received.

Other professional development

In addition to the conferences detailed above, the Judicial College of Victoria conducted day and multiple day programs together with twilight seminars. Magistrates were members of the Judicial College of Victoria steering committees, attended the programs and undertook their own professional development by attending and presenting at both national and international conferences.

There are a number of benchbooks and manuals, which have specific relevance to proceedings conducted in the Court. They are a valuable resource and are accessible on JOIN. The members of the Benchbook Committee were Magistrate Jennifer Bowles (Chair), Deputy Chief Magistrate Barry Braun, Magistrates Duncan Reynolds and Marc Sargent and Jane Mevel (Judicial College of Victoria). A comprehensive review of the Court's Benchbook and Search Warrants Manual is being undertaken by Katarina Palmgren and Aranea Carstairs, (Legal Researchers and Judicial Support Officers). In addition, in the next reporting period, Elizabeth Quonoey, Senior Adviser Professional Development, Courts Technology Group will review the Induction Manual for newly appointed magistrates.

The Senior Reference Librarian at the Law Library Victoria, Kirsty Wilson met with the Committee during the reporting period. Magistrate Lamble has continued to liaise with the Law Library on behalf of the Committee. This has included Magistrate Lamble meeting with Deputy Chief Magistrate Daniel Muling, Kirsty Wilson, Gavin Russell (Manager, IT Systems) and Matthew Weatherson (Judicial College of Victoria) regarding the technology to support the legal research requirements of magistrates.

Judicial mentoring

The Court's Judicial Mentoring Program (JMP) has continued to provide magistrates as mentors to all magistrates appointed since January 2013. In the reporting period there were five magistrates appointed. The JMP is a key feature of the induction process.

Acknowledgements

The Chair acknowledges the hard work and support of the members of the Committee. The Committee acknowledges those who have contributed to the success of the conferences and to the ongoing professional development in the court. Emily Holland-Tam has provided excellent administrative and logistical support to the Committee including assisting in the organisation of the conferences. She has been ably assisted in this regard by Louise Leone, Michelle Partridge and Katarina Palmgren. The Committee also acknowledges the Judicial College of Victoria in the promotion and delivery of judicial education programs for magistrates and the support provided by publishing the benchbooks and papers delivered at the Magistrates' Professional Development Conferences on JOIN.



Country Magistrates' Conference 2014

Sexual Assault Management Committee

Committee Chair:

Supervising Magistrates Amanda Chambers (to 5 June 2015) and Belinda Wallington (9 June 2015 to date)

Members:

Deputy Chief Magistrate Felicity Broughton, Magistrates Donna Bakos, Jennifer Bowles, Ann Collins, Darrin Cain, Sarah Dawes, Johanna Metcalf, Peter Reardon, Duncan Reynolds, Jennifer Tregent and Susan Wakeling, Registrars Melanie Ricardo [18 September 2014] (Sex Offences Coordinator), Alan Wilkinson [to 17 September 2014] (Acting Sex Offences Coordinator) and 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 on sexual offence issues in the criminal jurisdiction of the Court and issues associated with the Sexual Offences 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.

On 4 February 2015, the Chief Magistrate published Practice Direction 2 of 2015: that sexual offences initiated at a suburban venue of the Court in the summary stream shall be transferred to the Court at Melbourne to be listed in the Sexual Offences List for contest mention where the charges involve one or more child complainants and do not resolve to a plea of guilty following a summary case conference conducted pursuant to section 54 of the *Criminal Procedure Act 2009*. This will facilitate case management and enable early access to the Child Witness Service.

It is the expectation of the Court that practitioners appearing in the Sexual Offences 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. It is the aim of the Sexual Offences List to reduce unnecessary delay particularly where there are young complainants. Similarly, summary offences such as indecent assaults, indecent exposure and possessing child pornography, the summary case conference and early contest mention process have resulted in a significant increase in the number of summary offences resolving at an early stage.

A Specialist Sexual Offences List in the Criminal Division at Melbourne Children's Court has been operating since February 2009, with a focus on early treatment for young offenders. Cases from suburban courts involving lengthy or complex matters, or where there are young complainants, may be transferred to Melbourne Children's Court. In 2013, the Melbourne Children's Court piloted a management list for cases involving sex abuse allegations in the Family Division of the Children's Court. The pilot was favourably evaluated by Monash University and has now been established on a permanent basis; see Children's Court Practice Direction 1 of 2014.

Legislative reforms

Members of the Committee continued to have discussions with representatives of the Department of Justice & Regulation following publication of its Review of Sexual Offences and more specifically, the legislative reforms in the area of 'sexting'. The Committee will continue to monitor and inform the magistracy about the wide-ranging reforms introduced by the *Crimes Amendment (Grooming) Act 2014* and the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*. Members of the Committee 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 Service Consultative Committee.

The Committee also established 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*.

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. 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".¹ Dealing with these delays will continue to present challenges to the efficient management of such offences in the Sexual Offences List. It is anticipated that proposed legislative amendments will alleviate some of these difficulties.

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 the Victoria Police Authorising Officers for the Sexual Offences and Child Abuse Investigation Team prosecution briefs. The Committee was also represented on the Judicial College of Victoria Steering Committee, which provided professional development training for judicial officers on key reforms and developments in sexual offences over two days in October 2014. The Committee continues to report to all magistrates on recent cases relevant to this portfolio, including the recent decisions of the Court of Appeal on tendency evidence.

The Committee acknowledges the commitment of those who have acted in the role of Sexual Offences Coordinator 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.

¹ Victoria Police. 2014, Victorian Police Blue Paper: A vision for Victoria Police in 2025, Victoria Police, viewed 25 June 2015, www.police.vic.gov.au

Victims of Crime Assistance Tribunal Coordinating Committee

Committee Chair:

Supervising Magistrate Johanna Metcalf

Members:

Deputy Chief Magistrates Felicity Broughton, Lance Martin and Daniel Muling, Supervising Magistrate Andrew Capell, Magistrates Amanda Chambers (to 5 June 2015), Susan Wakeling, Duncan Reynolds, Ann Collins, Catherine Lamble and David Fanning, Judicial Registrar Sharon McRae, VOCAT Principal Registrar, Rod Ratcliffe (from 18 May 2015), Acting Principal Registrar, Lisa Gray (to 20 February 2015), Acting Principal Registrar (from 23 February to 17 May 2015) & Standards and Compliance Officer, Donna Caruana, Acting Standards and Compliance Officer Fergus Dunipace (from 10 March to 17 May 2015) and Melbourne VOCAT Registry Manager, Sandy Tennant.

Having decision makers as well as those who manage the administrative functions of VOCAT on the Committee promotes consistency between members and registrars and ensures a range of issues are taken into account.

The Committee met monthly and undertook the following activities:

- considered and supported the implementation of an online application form for the Tribunal. Approximately 300 applications were received in the reporting period
- considered issues arising out of the Royal Commission into Institutional Child Sexual Abuse and Committee members met with the Department of Justice & Regulation regarding the Victorian submission on redress scheme proposals
- monitored the delegation of powers to judicial registrars for the management of claims that do not involve allegations of sexual offences or family violence
- Practice Direction 9 of 2008 was revoked and new Practice Direction 1 of 2015 implemented, outlining the process for making an application to access Tribunal files
- commenced a review of all letters generated by the Tribunal's case management system to improve the quality of the Tribunal's communication with applicants and others, and implemented changes to key items of correspondence
- ongoing oversight of the Koori VOCAT List and

meetings of Tribunal members sitting in the list

- developed and published amended guidelines for:
 - legal costs
 - counselling fees
- considered issues raised by systemic deficiencies in the regulation of counselling services provided to victims of crime
- monitored the Victorian Civil and Administrative Tribunal's reviews of VOCAT decisions to ensure that Tribunal members are informed of relevant decisions and decisions of sufficient interest are published on the Tribunal's website
- discussed professional development and training events for the judiciary and registrars
- monitored statistical information across venues including the number of applications for assistance lodged and determined, the types of awards made and the amount of assistance awarded
- monitored applications arising out of the 2009 Victorian Bushfires. The Tribunal has 320 pending applications relating to the Murrindindi Bushfire which will be finalised once Supreme Court proceedings are concluded and after possible investigations by the Coroner
- Committee members met with the Victorian Government Solicitors Office to discuss a more streamlined approach to the Tribunal's representation at Victorian Civil and Administrative Tribunal review hearings. The cost of the Tribunal's representation was also considered
- established process for the management of review applications that are remitted back to VOCAT by the Victorian Civil and Administrative Tribunal, pursuant to section 51 of the *Victorian Civil and Administrative Tribunal Act 1998*
- considered and approved the transfer of trust awards held by the Tribunal, to the Senior Master of the Supreme Court
- reviewed and implemented new counselling Practice Directions 1 and 2 of 2014 to incorporate professional code of conduct provisions
- implemented an enhanced VOCAT training program for Victoria Police recruits
- provided assistance with the Court's submission to the Royal Commission into family violence.

Committee members also:

- met with the Victims of Crime Commissioner and participated as members of the Victims of Crime Consultative Committee
- participated as members of the Chief Magistrate's Working Group on VOCAT issues
- conducted training and information sessions about VOCAT with new magistrates and judicial registrars
- conducted professional development and information sessions for staff of the Victim Support Agency (VSA) and Victims' Assistance and Counselling Program
- met with the VSA's Aboriginal Victims of Crime Coordinator and with the Aboriginal Family Violence Prevention Legal Service
- met with the VSA regularly to discuss issues relating to services for victims of crime
- met with members from the Legal Services Department of Victoria Police regarding operational and policy issues, including the provision of Video and Audio Recorded Evidence
- represented the Tribunal at the Court's Open Day at Melbourne Magistrates' Court during Law Week in May 2015
- Magistrates Rose Falla and Peter Mellas, along with Koori List Registrar Fergus Dunipace and Acting Principal Registrar Lisa Grey, presented at the Victims of Crime Awareness Week Forums in Broadmeadows and Geelong.

Leadership Group

The Leadership Group is an administrative decision-making body that addresses the strategic and operational challenges faced by the Court.

The Leadership Group is comprised 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, IT Systems

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



Our Services

Registries

Every court venue has a registry which supports the operations of the Court. Registry staff can:

- provide information about court procedures and processes
- give general information about relevant legislation and court rules
- provide access to court forms or brochures or refer persons to the Court's website, which has these forms and brochures and other information about the Court
- refer persons to the duty solicitor at court or give information about legal services in the community that may be able to assist with legal advice
- provide an interpreter for an accused in a criminal matter (excluding any application under the Road Safety Act 1986 filed after 1 January 2014 with the exception of requests for Auslan interpreter services), an applicant or respondent in an intervention order matter or an applicant in a VOCAT matter
- assist persons to feel safe at court and provide separate waiting areas where possible
- advise about appropriate support services, such as the Family Violence Outreach Support Workers, Court Network volunteers, Salvation Army or Victims of Crime Helpline
- provide contact details for other organisations that may assist.

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 for child protection matters, intervention orders and search warrants from Victoria Police, the Australian Federal Police and the Department of Health and Human Services.

Court Support and Diversion Services

The Court provides a variety of services and programs that aim to assist accused with issues like substance abuse and mental illness and provide support for the magistrates dealing with such persons.

Accused are referred to and engage with various treatment and support services and programs within the community whilst being monitored by the Court. 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. Such programs act to reinforce the link between the Court and the community and its service systems.

For further information on Court Support and Diversion Services, please refer to page 51.

Specialist Courts and Lists

Specialist Courts and Lists are divisions established under legislation that seek to address the underlying causes of criminal offending.

While these divisions exercise the same sentencing powers that apply in the criminal division of the Court, the Specialist Courts and Lists aim to take a more individualised and service-focused approach and engage the accused in the process, which encourages greater compliance and responsiveness to court orders. For further information about the Specialist Courts and Lists, please refer to pages 63-72.



Our Staff

The *Court Services Victoria Act 2014* established Court Services Victoria (CSV) as a statutory public sector body from 1 July 2014 and staff are employed by CSV and allocated to the Court.

Senior Registrars

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

Court Registrars

Registrars perform a wide range of administrative tasks throughout the Court's registries. These may include in-court (bench clerk) duties, telephone and counter enquiries and administrative responsibilities. Registrars are required to fulfil responsibilities, obligations and exercise powers under the *Magistrates' Court Act 1989*, other acts and rules. These responsibilities may involve the preparation and processing of court process and the exercise of discretionary quasi-judicial powers.

Registrars also provide support to magistrates and judicial registrars in the running of court hearings.

Coordinators/Listings Staff

Coordinating and listings staff are court registrars who perform dedicated listing and case flow management roles.

Senior coordinating staff are responsible for supervising and assessing the day to day case workloads and listing practices and procedures of the Court. These staff 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 counselling or related disciplines and are supported by administrative staff.

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. They also share a commitment to providing assistance to those involved in the criminal justice system.

Court Support and Diversion Services staff run the Court's programs and provide assistance to clients by way of case management and referrals to other services. They 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:

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

These staff 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 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, Occupational Health and Safety and Employee Wellbeing and Learning & Development (L&D) teams
- liaising with relevant representatives from CSV and a range of external stakeholders.

The Unit is structured to encompass the full range of people related services, which comprises of three teams that deal with general human resource functions such as payroll, employee relations, recruitment, performance management and industrial relations, learning and development and safety and employee wellbeing.

Human Resources

The Human Resources (HR) team continued to review its people management processes to improve service delivery. Much of 2014-15 focused on developing relationships with staff in Jurisdiction Services. Each member of the HR team was responsible for a portfolio, made up of specific work areas of the Magistrates' and Children's Courts. Each HR team member delivers a broad range of HR services to managers and employees within their portfolio area.

In work undertaken by Jurisdiction Services prior to the formation of CSV, it was identified that the transition of payroll services from three jurisdiction based teams (the Magistrates', County and Supreme Courts) to the payroll team at Jurisdiction Services would provide an improved service and efficiency. As a result, the Court has transferred its payroll services to the team at Jurisdiction Services effective 1 July 2015.

As a result of the transition, the Court has taken the opportunity to review the structure of the HR team to ensure that those services remaining in the Court continue to be provided to the highest standard and that the opportunity to develop a more proactive service is afforded. During the consultation process for this restructure, it was agreed to rename the team People Services. The new name and structure also took effect from 1 July 2015.

Learning and Development

L&D manages the recruitment, induction and training of court registrars and the development and delivery of learning pathways for the Court's staff generally.

Magistrates' Court Induction Program

With the exception of trainee court registrars, all new staff attend the Court's Induction Program.

The objectives of the program are to:

- gain a thorough overview of all jurisdictions, courts and programs
- gain an understanding of how they and their role contribute to the Court's operations
- learn about the VPS (Victorian Public Service) Code of Conduct, security and OH&S requirements
- assist in their transition into their new workplace
- receive information about superannuation and other issues which may be of benefit to them as staff of CSV.

Magistrates' Court Bench Clerk Induction Program

All new trainee court registrars attend the five-day Court's Bench Clerk Induction Program. This is a five-day training program. The objectives include those listed above in the Court's Induction Program. In addition, this program aims to provide:

- staff with basic court skills and abilities and the opportunity to test their learning in a simulated courtroom environment
- training in family violence procedures and protocols
- training in the use of the Courtlink case management system

- provide information regarding the Certificate in Court Services which they will be required to complete as part of their traineeship.

Certificate IV in Government (Court Services)

The Certificate IV in Government (Court Services) was aimed at providing transferable skills for staff in all jurisdictions of CSV. Trainee court registrars successfully completed this two-year study of court services to qualify as a registrar and be eligible for appointment as a deputy registrar of the Court. The Certificate IV is provided in an auspice arrangement with the Court and TAFE South Australia until May 2016.

Certificate in Court Services

Following an external review of entry level training of registry staff, a recommendation was made that following the conclusion of the current auspice arrangement with TAFE South Australia in May 2016, entry-level training will be delivered as non-accredited training. This allows greater flexibility in which subjects are delivered and allows the Court to adapt the curriculum to support any change of focus in court operations such as the increase in family violence matters. The Certificate in Court Services is for all trainee court registrars. L&D staff developed and now coordinate and facilitate the Certificate and the first group of trainee court registrars commenced the non-accredited training in September 2014. As was the case with the Certificate IV, trainee court registrars must successfully complete the certificate to qualify as a registrar and be eligible for appointment as a deputy registrar of the Court.

Qualification of Trainee Registrars

After two years of service and upon successful completion of the certificate program, trainee court registrars are then eligible to attend a qualification interview. L&D and a senior registrar conduct the interviews. Trainee court registrars are asked to outline their experience in all jurisdictions of the court and a report with recommendations is sought from their senior registrar. If assessed as suitable, they are recommended to the CEO for qualification. If deemed unsuitable, they are placed on a training plan and re-interviewed when the relevant standards are attained.

Once a trainee court registrar is qualified and after three years of service, they are eligible, upon recommendation of their senior registrar, to be appointed as a deputy registrar by the Principal Registrar and CEO.

Trainee Registrar Recruitment & Assessment Centre

The L&D team undertakes the recruitment, selection and placement of trainee court registrars and assists with their development throughout the traineeship, including probation and the study of Certificate IV in Government (Court Services) or the Certificate in Court Services. The Court has continued to use the Assessment Centre Process (ACP) this year, short listing candidates from their on-line application and asking selected candidates to attend an ACP. In the ACP, candidate's skills and capabilities are observed and assessed by senior court personnel and L&D staff, based on their performances in:

- an interview
- a client service simulation

- a group problem solving activity
- a written organisation task
- a structured discussion with a member of L&D.

As there are often up to 100 candidates being assessed by different panels of assessors, at the completion of these activities, a collaboration session is held to assess the results and select candidates to proceed to referee check. This involves all assessors coming together to discuss each candidate and in particular, which areas of the assessment process they may have excelled in or may need further support with. Candidates assessed as suitable after this process are successful and will be offered a position as a trainee court registrar.

Scheduled Transfers

Scheduled transfers support the career development of all VPS 2 trainee court registrars, qualified court registrars and deputy court registrars and assists in providing flexible and experienced registrars capable of meeting organisational needs. L&D administer the scheduled transfer of all VPS 2 registrars between court locations.

The objective of scheduled transfers is to:

- enable trainee court registrars to gain experience relevant to completion of Certificate IV in Government (Court Services) or the Certificate in Court Services
- ensure that all VPS 2 court registrars are exposed to diverse court locations and jurisdictions to enable optimal learning and development and continuous improvement
- provide a flexible and mobile workforce capable of meeting changing organisational requirements.

The benefits of scheduled transfer are:

- promotion and development of a multi-skilled workforce, through exposure to a variety of court locations including the Children's Court, metropolitan and regional courts
- improving career progression by preparing VPS 2 court registrars for promotion to the next level and to obtain acting and secondment opportunities
- ensuring that VPS 2 court registrars that are promoted to higher levels with the necessary experience and capabilities
- improving job satisfaction and VPS 2 court registrars' motivation and morale by increasing their development.

Change and 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:

- liaising with the Community and Public Sector Union on a range of workforce related issues, change programs consulted under Clause 10 of the Victorian Public Service Determination 2012 and employee grievance matters
- implementing 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 2015.

Occupational Health & Safety and Employee Wellbeing

In late 2014, a review of the Court's occupational health and safety (OH&S) needs and requirements was undertaken and as a consequence, a Senior Advisor of OH&S and Wellbeing was appointed.

A new HR/OH&S Committee was established with representation from the judiciary, management and senior registrars. The objective of the Committee is to identify and facilitate operational OH&S matters and focus on wellbeing initiatives particularly in relation to vicarious trauma. Whilst this new model is still in its planning stage, the new financial year will see the introduction of a new judicial clinical support program and greater access to debriefing services.

In late 2014, an OH&S self-assessment was undertaken at all court locations in metropolitan and major regional areas and as a result, a new annual safety program has been established with all locations receiving planned quarterly visits as well as monthly safety packs, the establishment of regular hazard inspections and ergonomic assessments for all staff. There is still a significant amount of work to be done in maintaining safe systems of work in sometimes challenging environments, however people are the Court's biggest asset and this is reflected in actions, attitudes and willingness to work together and take responsibility for providing a safe working environment for staff, visitors, courts users and volunteers.



Ceremony for the Certificate IV in Government (Court Services) participants who graduated in March 2015.

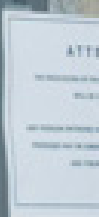
Operations



Ballarat
Law Courts

Office Hours
900am to 430pm
Monday to Friday

Smoking is
prohibited in
this building



in 2014-15 the Court finalised nearly 400,000 matters. The following information details the Court's jurisdiction, management of cases and use of alternative dispute resolution.

Coordination Summary

During the reporting period, the Court continued to experience strong growth in its caseload.

The State Coordination Unit continued oversight of the Weekend Remand Court and the County Court sittings. At the same time, the Unit has also assisted in the development and implementation of a number of new initiatives introduced into the Court.

Video Conferencing pilot

In conjunction with Corrections Victoria, the Court implemented an upgraded video conferencing system at a number of court and prison sites. The new internet based systems provide greater efficiency and reliability than the older systems they replaced. The new systems were commissioned in April 2015 and it is anticipated that there will be an increase in appearances to be dealt with via video link where the accused is in custody. The aim of this technology upgrade is to reduce the need to transport in custody accused to court for preliminary hearings when they can be safely, efficiently and reliably video linked into the courtroom.

During the course of the next financial year, the Court will continue its roll out of this video conferencing technology to other venues of the Court.

Fast Tracking of Family Violence Related Criminal Matters Pilot

In December 2014, the Dandenong Magistrates' Court implemented a Fast Tracking Pilot of family violence related criminal matters. The purpose of the pilot is to ensure that all family violence related matters are listed at the Court within designated time frames. The objective of the approach is to have these matters brought before the Court and finalised within 16 weeks to increase perpetrator accountability and reduce trauma for victims.

The Court expects this pilot to be further implemented at Shepparton and Broadmeadows in the near future with a complete statewide implementation to follow.

Electronic Appearance Filing System and Case Tracking

The Court has relaunched the Electronic Filing Appearance System (EFAS) with a number of enhancements. It is a communication tool used between the Court and the legal profession. The aim of EFAS is for the Court to receive early and important information about cases so they can make appropriate listing decisions to ensure cases are dealt with at the earliest opportunity.

The Court also launched a new initiative of electronic case tracking, whereby parties, court users and public can 'follow' cases through the website and receive email or SMS notification of hearing dates. The aim of this initiative is to reduce the number of calls and enquiries made to the Court regarding court dates and to ensure that people required to come to Court are aware of their hearing date. In the future, the Court aims to advise all parties of their hearing date via email or SMS and therefore reduce the reliance on paper and postage, which will result in increased efficiency for parties.

Civil Jurisdiction Summary

The Court's civil jurisdiction comprises three main jurisdictions:

- the general civil jurisdiction
- the jurisdiction conferred by the *Workplace Injury Rehabilitation and Compensation Act 2013*, the *Accident Compensation Act 1985* and the *Workers Compensation Act 1958*
- 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 fixed at an amount, which is less than that normally obtainable in the trial division of the Court.

The Court continues to carefully monitor its processes to ensure that best practices are in place to secure efficient resolution of cases.

The prescribed form of complaint was recently amended to improve defendants' understanding of the steps they need to take in relation to proceedings in the civil jurisdiction. This was done by incorporating plain English terms into the 'Information to the Defendant' section and moving the particulars to the beginning of the complaint to draw immediate attention to this information.

Work is currently being undertaken to improve information on the Court's website relating to actions in this jurisdiction.

WorkCover Division

The WorkCover jurisdiction deals with claims under the *Accident Compensation Act 1985* and the *Workers Compensation Act 1958*. From 1 July 2014, the WorkCover jurisdiction includes claims under the *Workplace Injury Rehabilitation & Compensation Act 2013*, which replaced the *Accident Compensation Act 1985* and the *Accident Compensation (WorkCover Insurance) Act 1993*.

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 1985* and the *Workers Compensation Act 1958* 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.

The number and complexity of cases issued in the Court continues to increase. In this reporting period, there has been a one and a half per cent increase in issued complaints, totalling 1919 cases.

WorkCover complaints arising in the metropolitan area are issued at the Melbourne Magistrates' Court. There are two daily WorkCover trial lists in operation in Melbourne. Complaints, which originate outside the metropolitan area are heard and determined in the Court sitting at Ballarat, Bendigo, Geelong, Latrobe Valley, Mildura, Wangaratta and Warrnambool.

When written decisions are delivered, they may be published on the respective websites of the Court, the Victorian WorkCover Authority and the Australasian Legal Information Institute.

Industrial Division

The Industrial Division of the Court 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 the 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* (Cth). It also has the jurisdiction to hear and determine prosecutions under the *Long Service Leave Act 1992*.

In 2014, the Court directed particular attention to the

management of matters commenced as small claims. These are proceedings in which a party is seeking an amount whether by way of damages or underpayments of \$20,000 or less. Applicants in these matters are frequently self-represented and not familiar with court processes. A process has been implemented whereby suitable matters will be referred to a pre-hearing conference (PHC) on the first listing of the claim before the Court. Where a matter does not resolve in the PHC, 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. During the current reporting year, the number of matters resolved at a PHC, conducted at the first listing, has been approximately 80–90 per cent.

The Industrial Division is conducted primarily from the Melbourne Magistrates' Court 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 that 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: PHC, mediation and Early Neutral Evaluation (ENE).

Pre-hearing Conference

A PHC 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
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 PHC 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.

A PHC may be conducted in any civil dispute commenced in the Court (including some WorkCover disputes).

Mediation

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

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 this 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

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.

For the period 1 July 2014 to 31 May 2015, there were:

- 41, 884 complaints filed (of which 1,919 were WorkCover claims and 112 Industrial Division claims)
- 7, 570 defences filed (of which 1879 were WorkCover defences and 81 Industrial defences)
- 1937 defended claims finalised at open hearing
- 1808 defended claims finalised at arbitration
- 1300 defended claims finalised at PHC.

Judicial Registrars

The Judicial Registrars sit at various court locations across the state. With a core group servicing the Melbourne Magistrates' Court, Judicial Registrars are now operating at the Bairnsdale, Ballarat, Bendigo, Broadmeadows, Dandenong, Dromana, Echuca, Frankston, Geelong, Heidelberg, Korumburra, Kyneton, Latrobe Valley, Moorabbin, the NJC, Ringwood, Sale, Shepparton, Sunshine, Swan Hill, Wangaratta, Warrnambool, Werribee and Wodonga Courts.

Matters dealt with by Judicial Registrars

The 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 NJC, 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 condition
 - or a direction that an applicant is not responsible for a failed attempt to start a motor vehicle with an interlock device
 - give directions as to property seized under search warrant.

Judicial Registrars have made a substantial contribution to the disposition rates of infringement offences matters.

Civil

- civil arbitrations (that is: less than \$10,000) and all claims for council rates and fees
- an interpleader summons under the Magistrates' Court Civil Procedure Rules 2010 where the value of the property is less than \$5,000
- 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 section of the *Civil Procedure Act 2010*

- civil re-hearing applications
- mediations in the Court's Industrial Division
- proceedings under the *Fences Act 1968* where the amount claimed is less than \$10,000.

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
- the act of violence has not been reported to police.

Personal Safety Intervention Orders Act 2010

The delegation of Judicial Registrars to deal with applications under this Act (with the exception of those matters under Part 8 dealing with family members) has substantially assisted the Court in its flexibility to list and dispose of these matters.

Court sitting time saved by Judicial Registrars

The total time spent by judicial officers on specific chambers duties including directions as to property seized under search warrants and interlocutory applications has freed up both sitting and chamber time for magistrates. The Industrial Division mediations conducted by judicial officers have also saved the Court sitting time.

Committees and Reviews

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

- Civil Practice Committee
- VOCAT Coordinating Committee and the VOCAT Discussion Group
- Department of Justice & Regulation Infringements Standing Advisory Committee
- Diversion Review Committee
- Magistrates' Court Human Resources Committee.

Judicial Registrars have also been involved in:

- Infringements Workshop run by the Public Interest Law Clearing House and Justice Connect
- guest speakers to Certificate IV students
- school talks to secondary college students attending the Court.

Legislative reform

A number of significant reforms were introduced during the reporting period, including the introduction of new fencing and vexatious proceeding legislation and an expansion of the alcohol interlock program, overseen by VicRoads, to all drink driving offenders who are disqualified from obtaining a licence. In addition, 2014-15 saw the completion of the sentencing reform legislation amendments.

To ensure successful implementation of these reforms, extensive consultation was undertaken with numerous areas of the Department of Justice & Regulation, Victoria Police, Office of Public Prosecutions, Corrections Victoria, VicRoads and other stakeholders. Within Court Services Victoria, a multi-jurisdictional, co-ordinated consultation was undertaken for the vexatious proceeding legislation with participation from all courts and tribunals.

Numerous enhancements were made to the Court's case management system, Courtlink, to provide the necessary support to the judicial officers and registrars in applying the legislative amendments.

Sentencing Reform

Since 2012, a number of significant sentencing reforms have been introduced, including amendments to infringements, fines, community corrections orders and drivers licence orders. During 2014-15, the final component of the sentencing reforms commenced.

Suspended Sentences

On 1 September 2014, the final provisions of the *Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* commenced. These provisions abolished the imposition of suspended sentences in the Court for offences committed prior to 1 September 2014.

Domestic Animals (Dogs)

On 1 July 2014, the *Domestic Animals Amendment Act 2014* commenced, introducing a number of new offences and expanding the search warrant and seizure powers to these offences. In addition, provisions allowed for new orders to be made in relation to owning or being in charge or control of a dog in regards to certain offences under the *Domestic Animals Act 1994* or the *Crimes Act 1958*.

Mentally Ill Offender Orders

The *Mental Health Act 2014* commenced on 1 July 2014, which, along with replacing the existing Mental Health Act, amended the *Sentencing Act 1991* in relation to orders available to the Court for mentally ill offenders.

The amendments replaced the previous orders available to the Court with the following:

1. Court Assessment Order – being either a:
 - Community Court Assessment Order (person examined in the community)
 - Inpatient Court Assessment Order (person examined in a designated mental health service)
2. Court Secure Treatment Order.

Move-On Exclusion Orders and Alcohol Exclusion Orders

The *Summary Offences and Sentencing Amendment Act 2014*, which commenced on 1 September 2014, created two new exclusion orders:

- **Move-On Exclusion Orders (Summary Offences Act)** – order prohibiting a person from entering or remaining in a public place, or part of a public place at all times during the period of an order, following numerous move-on directions from police. Note: These provisions were later repealed by the *Summary Offences Amendment (Move-on Laws) Act 2015*, which commenced on 28 March 2015
- **Alcohol Exclusion Orders (Sentencing Act)** – order prohibiting a person from entering or remaining in any licensed premises or major event in relation to offenders who commit certain violent assaults.

Fencing Disputes

The *Fences Amendment Act 2014* commenced on 22 September 2014, effectively re-writing the Fences Act to provide a procedure for the sharing of costs between neighbours for the construction and repair of dividing fences and a mechanism for the resolution of disputes about dividing fences.

The Act now specifies the circumstances where a person may lodge a complaint with the Court and the types of orders that the Court may make upon this complaint.

In addition, the Fences Regulations 2014 were introduced to prescribe a number of notices that may need to be given under the Act (e.g. the Fencing Notice).

Alcohol Interlock Program Expansion

Extensive amendments were made to the *Road Safety Act 1986* commencing on 1 October 2014 by the *Road Safety Amendment Act 2014* to increase the application of the alcohol interlock program to drink drivers, disqualified from obtaining a licence, where the offence is committed on or after 1 October 2014.

The amendments established an administrative scheme, operated by VicRoads, to impose alcohol interlock conditions for certain drink driving offenders. This scheme aims to reduce the Court's caseload regarding Licence Eligibility Orders and Alcohol Interlock Condition Removal Orders.

If VicRoads does not grant an application to remove an interlock condition because of a failure to start the vehicle due to the detection of alcohol, there is provision to apply to the Court for a direction (to VicRoads) that the failure is not to be attributed to the offender. The offender must have evidence that they were not the person who committed the failure. The Magistrates' Court (Judicial Registrars) Rules 2005 were amended to enable judicial registrars to determine these applications.

Vexatious Proceedings

On 31 October 2014, the *Vexatious Proceedings Act 2014* commenced. This Act repealed previous legislation regarding 'vexatious litigants' and introduced a new tiered system to manage vexatious applications and proceedings, with various tests and powers, across all courts and tribunals.

Orders that may be made by the Court include Limited Litigation Restraint Orders, Extended Litigation Restraint Orders (including on intervention order related cases), Acting in Concert Orders, Appeal Restriction Orders and Variation or Revocation Application Prevention Orders. The Act also requires the Court to process applications for leave to proceed.

The Court implemented the Magistrates' Court (Vexatious Proceedings Amendments) Rules 2014, which prescribed forms for certain applications and provided for specified processes under the Act.

Other Legislation Amendments

Numerous other amendments were made to legislation over the last year, including the following:

- The *Crimes Amendment (Investigation Powers) Act 2013* expanded the provisions for police to make application for a forensic procedure (i.e. taking DNA sample) to all indictable offences (previously limited to a list of specific charges)
- *Criminal Organisations Control and Other Acts Amendment Act 2014*
 - modified the content and process in regards to leave to cross-examine in committal proceedings;
 - specified that all applications to vary an alcohol exclusion order, including those made by the County and Supreme Courts, are to be filed with the Magistrates' Court
 - introduced provisions where a registrar of the Court must refuse to lodge an application for a personal safety intervention order
- *Sentencing Amendment (Emergency Workers) Act 2014*
 - introduced statutory minimum sentences for offenders found guilty of causing injury or serious injury to an emergency worker
 - new offences relating to assaulting emergency workers
 - clarified the use and purpose of Community Correction Orders (CCO) as an appropriate sentencing disposition to address serious offending
 - enabled the Court to impose a sentence of imprisonment of up to two years in addition to a CCO, to be completed upon release (imprisonment of any length with a CCO when sentencing for an arson offence)
- *Justice Legislation Amendment (Confiscation and Other Matters) Act 2014*
 - enabled the Dispute Settlement Centre of Victoria, for the purposes of assessing whether a matter is suitable for mediation, to request records or documents held by the Court in relation to a personal safety intervention order application
 - extended the maximum duration of a CCO (now up to 5 years)
 - introduced further guidelines to be considered when making a CCO or a combination imprisonment and CCO order
 - new offences relating to assaulting registered health practitioners
 - the Court is able to make an order requiring a specified person to provide any information or assistance that is reasonable and necessary to allow a police officer to undertake a specified activity (i.e. examination of computer)
- Amendments to the *Court Security Act 1980* to make provisions regarding offences to record, publish a recording of or transmit/give a recording of a proceeding in certain circumstances
- The Court was named as the 'designated tribunal' for specified disputes and applications under the *Co-operatives National Law Application Act 2013*
- *Sentencing Amendment (Correction of Sentencing Error) Act 2015*
 - removed the 14 day restriction on correcting specified mistakes and errors
 - new power for the Court to reopen proceeding to correct a penalty that is contrary to law or failed to impose a penalty that is required to be imposed by law.

Making a Difference

Judicial Community Engagement

The breadth and nature of the work of the judiciary is diverse and the judiciary participate in an extensive range of other duties beyond their work on the bench. Many magistrates and judicial registrars work tirelessly to make a difference and participate in various projects, initiatives and community engagement activities on behalf of the Court.

Deputy Chief Magistrate Jelena Popovic, Magistrates Clive Alsop, Suzanne Cameron, Anne Goldsbrough, Noreen Toohey and Brian Wright provide a snapshot of the judicial community engagement activities conducted during the reporting period.

Deputy Chief Magistrate Jelena Popovic

- represented the Court on the Criminal Justice & Mental Health System Board, which was established following the recommendations of the Victorian Auditor General's Report on Mental Health Services in the Criminal Justice System
- gave presentations on the Court's Integrated Support Program and other support programs and was a panellist on a session relating to judicial leadership of court innovation at the Centre for Justice Innovation London – Better Courts Conference in February 2015
- wrote a chapter titled 'Solution Focused Judging in the Time of Law & Order' for the book "Working within the Forensic Paradigm", which was edited by Rosemary Sheehan and James Ogloff and published early 2015
- participated in the Women Magistrates to Barristers Mentoring Program
- sat on the Sir Zelman Cowan Centre (Victoria University) Planning Advisory Committee and the Immigration Law Course Advisory Committee

- represented the Koori Court at the Aboriginal Justice Forum, which meets three times a year over two days and gave a presentation on sentencing issues as they effect Koori accused in the Magistrates' Court
- gave two presentations at Judicial College of Victoria events
- was the Chair for the National Judicial College's Planning Committee for the Judging to Facilitate Change Program and the facilitator for the College's Understanding and Engaging People in Tribunals two day program
- regularly spoke to police recruits and provided refresher sessions for bail justices
- presented to Monash Master of Law and Melbourne University Criminology students
- presented at the Seminar for Brain Injury Recovery Association.

Magistrate Noreen Toohey

Magistrate Noreen Toohey continues to attend and support many local organisations in the Sunshine and Werribee region. Some of Magistrate Toohey's highlights include:

- being invited to speak at the 'Fed Up Lunch' at the Flemington Racecourse on 21 February 2015 organised by community members in support of McAuley Community Services. McAuley Community Services assists Sunshine Magistrates' Court with the provision of a Child Support Worker
- on 7 March 2015, Magistrate Toohey was invited to speak at the Indian Holi Festival, which was held at the Werribee racecourse. A large crowd attended to enjoy the colourful festivities. Dr Manjula O'Connor and other community members addressed the crowd about the growing impact of family violence on the South Asian community.



Indian Holi Festival held at Werribee racecourse on 7 March 2015

Magistrate Jennifer Bowles

Magistrate Jennifer Bowles was appointed to the Court in October 1998 and has primarily sat in the Children's Court at Melbourne.

In 2014, Her Honour applied for and was awarded a Churchill Fellowship to review options for residential therapeutic treatment for young people suffering from alcohol/drug abuse/mental illness; many of whom do not voluntarily access treatment. International solutions were sought.

She visited Sweden, England, Scotland and New Zealand. The question was whether mandated therapeutic treatment could work. She visited secure homes, adolescent hospitals, therapeutic residential facilities and outreach services. Magistrate Bowles also visited courts and met with members of the judiciary in each country. She reviewed the different legislative regimes. She spoke to young people undergoing treatment together with numerous experts and practitioners. Magistrate Bowles concluded that mandated residential treatment can be as effective as voluntary treatment provided it is delivered in a homely and not punitive environment by high quality staff. It also requires schooling on site, external scrutiny, step down facilities and effective transition to the community. Her recommendations include introducing Youth Therapeutic Orders in the Children's Court of Victoria and the establishment of secure therapeutic residential facilities for young people. She has also recommended the introduction of a Youth Drug Court and a Crossover List, for young people subject to both criminal and child protection proceedings.



Magistrate Bowles, recipient of the Churchill Fellowship Award 2014

Magistrate Anne Goldsbrough

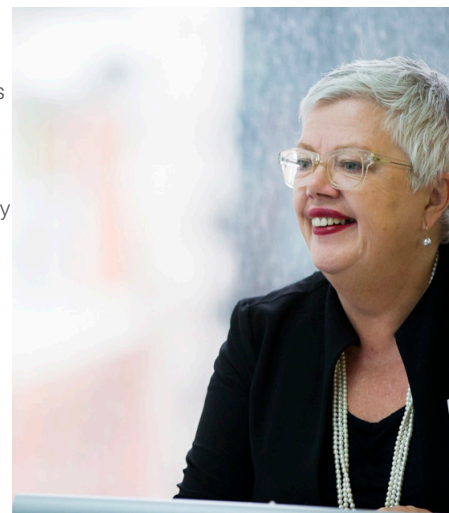
Magistrate Anne Goldsbrough has had the responsibility for the Court's Multicultural and Diversity Portfolio since 2011. The role provides opportunities for the Court to identify and increase engagement with multicultural and linguistically diverse and emerging communities and matters touching on equality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

In November 2014, Magistrate Goldsbrough was appointed as a member of the Judicial Council on Cultural Diversity (JCCD). The JCCD is an advisory body whose formation was endorsed by the Council of Chief Justices (CJJ). The JCCD aims to assist Australian courts, judicial officers and administrators to positively respond to the changing needs of Australian society and ensure all Australians have equal access to the courts.

JCCD membership is appointed by the CJJ and comprises mainly of judicial officers from across all state and federal jurisdictions. Current JCCD projects include developing guidelines for interpreters in courts and a major project on Access to Justice for Culturally and Linguistically Diverse Women. Magistrate Goldsbrough is a subcommittee member for the Access to Justice Project and is participating in the series of National Roundtables being convened to enable discussions about the JCCD's recommendations. These commenced at Parliament House Canberra on 24 June 2015 with an address by Chief Justice Robert French. The report is due to be delivered to the CJJ in 2016.

Over 2014-15, Magistrate Goldsbrough also:

- returned to China as part of her ongoing work on behalf of the Australian Human Rights Commission to present papers to the 'Sino-Australia Anti-Domestic Violence Multi-Agency Putian Pilot Program' in Putian, Fujian Province held 9-11 September 2014. This seminar brought together judges from the Supreme, Intermediate and Peoples' Courts of China and court and administrative staff undertaking the Specialist FV Court project. Her presentations included the Judicial Responses to Family and Domestic Violence, the development of integrated justice system responses and specialist court responses in family violence and sentencing in family violence related crime
- gave presentations to the Women's Access to Justice in the Pacific Forums facilitated by the Family Court of Australia, in October 2014 on Judicial and Specialist Family Violence responses in courts and the intersection of family violence, family law and crime
- contributed as a Steering Committee member and gave a presentation at the Australasian Institute of Judicial Administration and Migration Council's Cultural Diversity and the Law Conference in Sydney 13-14 March 2015
- contributed to the Court Support and Diversion Services Cultural Awareness training day on 27 March 2015 for CISP, CREDIT, ARC clinicians and the Court's Family Violence Support Workers and Family Violence Registrars
- gave a number of key note presentations over the year on the courts and judicial responses to family violence
- engaged with multicultural and diverse communities at events such as the Indian and South Asian Community Harmony Day December 2014, Mind your Family Conference October 2014 and the Settlement Conference in June 2015.



Magistrate Goldsbrough presenting at a Victorian women lawyers event

Magistrates Clive Alsop and Suzanne Cameron

In 2014, the National Trust of Victoria, in partnership with the Gippsland Legal Service, developed a courtroom drama entitled 'Respect Me', which was based on the 'Sexting - Mock Courts' Program delivered by Magistrate Clive Alsop in the Gippsland region. The Respect Me courtroom drama aims to inform students of the dangers of inappropriate use of social media and involves a realistic mock hearing scenario where students adopt the roles of participants in a real court hearing, play out the case and then engage in discussion about the legal and ethical considerations raised.

Magistrate Suzanne Cameron gave a presentation to a group of the courtroom drama facilitators and was a guest speaker at the launch of this program at the Old Melbourne Gaol in October 2014. Magistrate Alsop was a guest speaker at the February 2015 launch of the program in the Gippsland region.

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. He also continues to write three chapters in that publication.

Judicial Mentoring Program

The Court continued an educational partnership with La Trobe and RMIT Universities where 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 Children's Court, Bendigo, Broadmeadows, Dandenong, Geelong, Heidelberg, Melbourne, Ringwood and Sunshine Magistrates' Court participated in the program.

Law Week 2015

Law Week is an annual festival of events promoting community education about the Victorian legal system. This year, Law Week ran from 11-17 May 2015 and a range of fantastic events were held at a number of court locations across the state.

Court tours were conducted at Ballarat, Moorabbin, Wangaratta and Warrnambool Magistrates' Court. Frankston Magistrates' Court ran a careers seminar for Chisholm TAFE justice students, Mildura Magistrates' Court ran an intervention orders information session, the Moorabbin Justice Centre and Wodonga Magistrates' Court held mock criminal courts and the Bendigo Magistrates' Court held a 'Eureka - Democracy on Trial', which was a scripted re-enactment of the 1855 trial of Timothy Hayes who was facing treason charges.

Melbourne Magistrates' Court participated in the Courts Open Day on Saturday 16 May 2015 and this free event attracted over 530 people. Chief Magistrate Peter Lauritsen, Deputy Chief Magistrates Felicity Broughton and Jelena Popovic and Magistrates Clive Alsop, Johanna Metcalf and Tony Parsons ran a range of interactive sessions that

included:

- 'All Stand' mock criminal hearing sessions involving an accused charged with family violence and drug related offences
- a Drug Court information and mock court session
- a 'Saying No to Family Violence' session
- 'Walk in Her Shoes' tours, which outlined the process of applying for an intervention order and explored the impact of family violence on individuals and the community
- a Court Integrated Services Program information session
- a VOCAT information session.

There were also court tours, 18 stakeholder information stalls, a 'Careers as a Court Registrar' information session presented by the Court's People and Organisational Development Unit and a Road Trauma Support Services Victoria presentation about the effects of road trauma on the community.

The Court would like to thank all the participating stakeholders and staff for their invaluable contributions to Law Week 2015.

Communication and Media

The Court is continually striving for innovative ways to more effectively communicate with, inform and educate the community about the work of the Court. The Court's website (magistratescourt.vic.gov.au) and its twitter account (@MagCourtVic) have become fantastic communication tools. The Court's Strategic Communications Adviser manages the Court's website and twitter account and during 2014-15, there were a total of:

- 1,129,917 sessions on the Court's website
- 7,009,700 page views of the Court's website
- 48 per cent of website sessions recorded were first time visits
- and as of 30 June 2015, the Court's twitter followers stood at 3004

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 and closed court orders.

During 2014-15, the Court received 25 notices of application for suppression order and made the following orders under the *Open Courts Act 2013*:

- 27 Interim Suppression Orders
- 21 Broad Suppression Orders
- 68 Proceeding Suppression Orders.

There have been three revocations made.

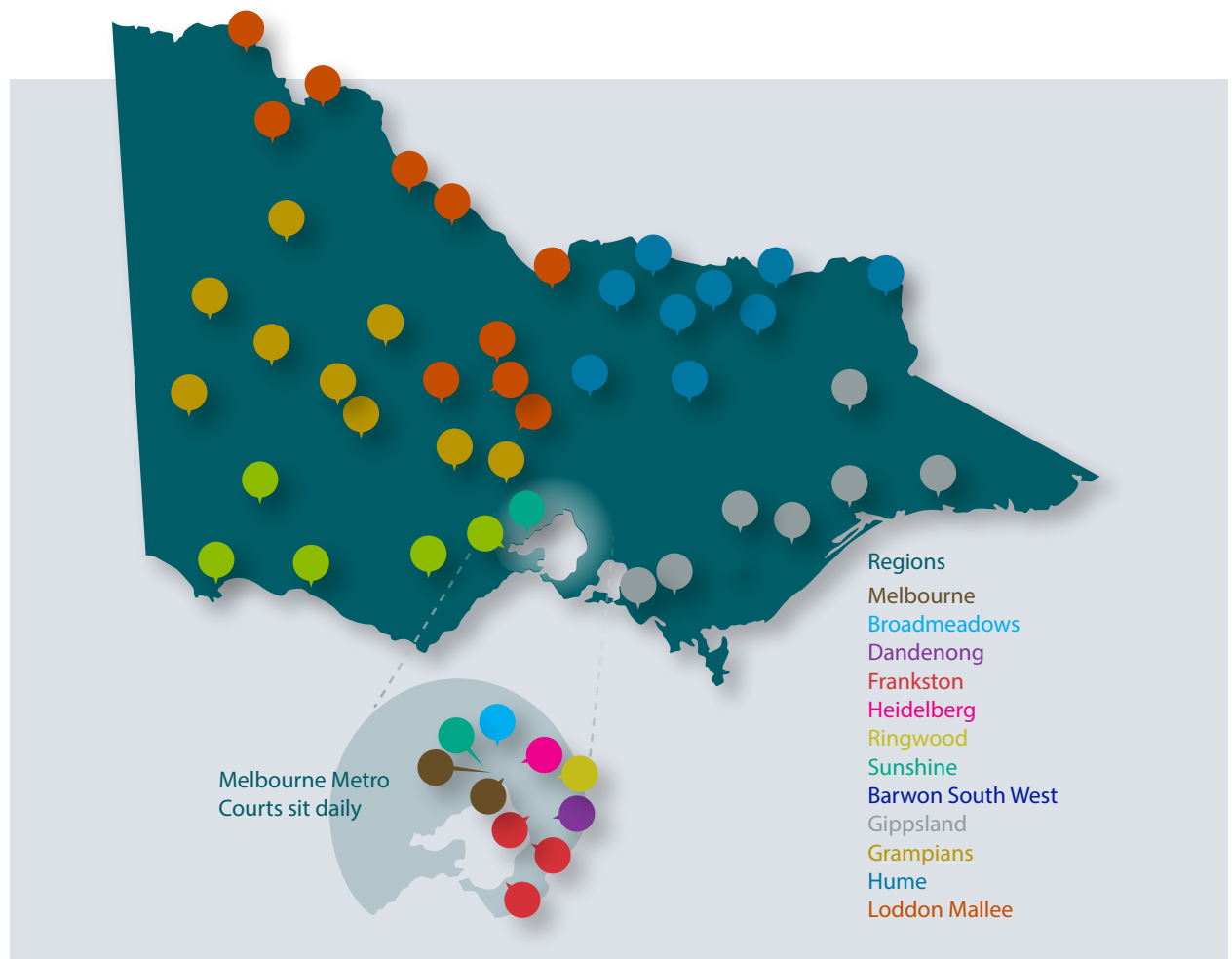
Across the state, the Court is divided in 12 administrative regions. Each region consists of a headquarter court and many also include multiple satellite courts.

A regional coordinating magistrate and a senior registrar manage each region.

Statewide Perspective

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 community.

This section provides insight into the differing regions across the state. Detailed statistics relating to the caseload and finalisation rates for each region can be found in the Statistics and Financials chapter on page 73.



The Barwon South West region includes Colac, Geelong (headquarter court), Hamilton, Portland and Warrnambool Magistrates' Courts. Barwon South West is a multi-jurisdictional region including Koori Court 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 October 2014, Geelong Court was one of 17 buildings across the region to open its doors to the public as part of the Geelong Open House Weekend. Over 60 people took the opportunity to explore the inner operations of the court building and staff provided tours
- in January 2015, The Honourable Justice Robert Osborn formally opened the legal year at Geelong. All jurisdictions were represented on the bench with Justice Clyde Croft, Judge Gerard Mullaly, Chief Magistrate Peter Lauritsen, Regional Coordinating Magistrate Ronald Saines and Koori Elder, Aunty Lyn Wilson in attendance and the opening was well attended by the legal profession and local community
- during Law Week and National Volunteers Week in 2015, the valuable services provided by Court Network across the region were acknowledged and Warrnambool Court conducted court tours and provided the opportunity for questions to be asked of the judiciary and staff
- in June 2015, the Court of Appeal sat on circuit in Geelong, presided by the Honourable Justice Robert Osborn, Justice Robert Redlich and Justice Mark Weinberg. During the sitting, law students from Deakin University were provided with an insight into the appeal process and the opportunity to speak with the judges.

There are five magistrates who preside over Magistrates' Court and Children's Court matters, a judicial registrar and 21 staff in the region.



Broadmeadows

Listings

During 2014-15, there has again been a strong growth in the number of cases coming before this Court. The increases are highlighted by:

- a 15.2 per cent increase in the criminal jurisdiction
- a 17.2 per cent increase in the initiation of intervention order applications
- a 23.3 per cent increase in the number of civil complaints initiated
- a 18.9 per cent increase in the number of Children's Court initiations.

Community engagement

The Court has again focused strongly on its intervention order jurisdiction and prioritised community engagement in this area.

The Court has been able to form a number of strong partnerships, in particular, the creation of a Hume Domestic Violence Network (the Network), has been a highlight. The Court is co-convenor of the Network.

The Network consists of a number of government and non-government agencies who are committed to the prevention and reduction of family violence, providing education about family violence and the support services to the wider community.

As an extension to the Network, the Court also presented a workshop on family violence applications and focused on the legislative requirements in the granting of intervention orders. This workshop further cemented the strong relationships between support agencies and the Court.

The Court had a strong presence in the 'Week Without Violence' activities held in the City of Hume. The highlight of the week was the 'Clothesline Project', which involved participants painting anti-violence messages on t-shirts and hanging them on a clothesline as an anti-violence statement.

The Court continued its partnership with the Broadmeadows Community Legal Service and Roxburgh Secondary College in the delivery of

the 'Kill the Possum' project. "Kill the Possum" is a novel by James Moloney and is part of the year nine English curriculum at Roxburgh Secondary College. The novel follows fictional teenage characters experiencing family violence and explores the strong emotional and devastating effect family violence has in their lives and on the community. The novel is used as an educational tool to educate students about the myths, realities and criminal nature of family violence. Part of the project involves active participation of students in the conduct of court hearings. This is the fourth year that the program has been delivered to the students.

Other activities included:

- presenting information sessions to numerous school and university groups who attended the Court
- presenting information sessions about intervention order applications and court procedures for police and prosecutors.
- presenting an information session about the Victorian justice system at the request of the Royal Australian Air Force.

There are six magistrates who preside over Magistrates' Court and Children's Court matters and 26 staff in the region. The Dandenong Court building has eight courtrooms, which are in use every session, every day. The Victorian Civil and Administrative Tribunal and Drug Court also hear cases at Dandenong Court on a daily basis.

Dandenong

Listings

Dandenong Court is one of the busiest courts in the state for intervention orders. Family violence intervention order applications in the region alone have increased by 58 per cent since 2001 and the size of the Family Violence Intervention Order List averages 55-60 cases on the days where Victoria Police applications are listed. Large family violence lists are commonplace, as a 2014 Herald Sun article outlined:

'This is last Thursday in a south-eastern suburbs court, when a record is set for the most intervention order applications processed in a day 76 cases through court no. 1. For five long hours, [the] magistrate decides on case after case of family bonds turned nasty, violent, and often dangerous. By 1.15pm, when [the magistrate] adjourns for lunch, he's decided on 51 cases, some simple, some not so. But the common thread is a high level of violence often associated with drug and alcohol use.'

The criminal jurisdiction caseload has increased by over 100 per cent in the same period. Work was undertaken at Dandenong Court throughout the reporting period in response to the ever-increasing caseload of the Court and to address listing delays. A restructuring of the listing model, more stringent case management by the judiciary and an increase in early resolution of matters by summary case conference or contest mention has led to a decrease in case delays:

- criminal case finalisations increased by 16 per cent
- criminal cases pending decreased by 43 per cent
- the number of pending contested criminal hearings reduced by 70 per cent
- first hearing delays reduced from 20 weeks to eight weeks

Fast tracking of family violence matters

The fast tracking of criminal family violence offences commenced as a pilot on 1 December 2014 with the intention being to hold perpetrators more accountable for their behaviour by bringing them before the Court in a timely manner. The Practice Direction establishing the pilot program (Practice Direction 10 of 2014) sets out that a perpetrator is to be brought to court within seven days of being entered into bail, or within 28 days if on summons and also establishes a strict listing timeframe for the conduct of a matter once listed at court. In the six months of operation to 30 May 2015, the Court had finalized 368 criminal family violence matters with the average time taken from first listing to finalisation being 31 days.

Family violence

In 2014, the Court received funding to expand family violence services to all headquarter courts. Dandenong Court has also implemented a number of innovative programs and ideas:

- family violence services attend on return days-including representatives from WAYSS Women's Outreach Program (to provide support, referrals and case management for female victims of family violence), Relationships Australia Men's Behaviour Change Program (to provide counselling, referrals and information regarding the Men's Behaviour Change Program), InTouch Multicultural Centre Against Family Violence (to provide support, referrals and case management for culturally and linguistically diverse female victims of family violence) and the Turning Point Drug and Alcohol Centre-Culturally and Linguistically Diverse Community Outreach Program (to provide support, referral and case management for

culturally and linguistically diverse community members involved in family violence who have drug and/or alcohol issues)

- The Court hosts a bi-monthly Family Violence Court Users Group Meeting, which is a meeting of court staff, legal services and support services that regularly attend the Court. This meeting is used to raise any issues and ensure that the Court and support services provide a coordinated and collaborative response to family violence.

Community Engagement

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, Victorian Civil and Administrative Tribunal members, magistrates, court staff, Consumer Affairs Victoria staff and local government workers.

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, conducted pleas of guilty on behalf of the accused.

The Family Violence Registrar is heavily involved with community organisations, ensuring the Court has appropriate networks and referral pathways with local organisations, as well as providing community and agency education where necessary and when requested. The Family Violence Registrar attends a bi-monthly meeting (titled Critical Linkages), which is a networking opportunity for local family violence support organisations.



The Frankston region consists of three court venues with the headquarters located at Frankston. Within the region are the Frankston and Moorabbin Courts, both six-courtroom complexes, together with a satellite venue at Dromana. There are seven magistrates and one judicial registrar based within the region. Each court location has magistrate and judicial registrar sittings. In addition, Moorabbin Court also sits daily as a Children's Court (Family Division).

Frankston

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

The Frankston and Moorabbin Courts commenced the Civil Mediation Program at the beginning of 2015. In accordance with the Chief Magistrate's Practice Directions 11 and 12 of 2014, defended civil complaints where the amount sought is less than \$40,000 are referred to mediation and conducted by a legally qualified trained mediator. The Courts have found this program to be successful in resolving disputes and thereby saving parties the costs associated with litigation together with saving valuable court time.

Listings

The region has seen an increase in caseload during 2014-15. A number of initiatives have been implemented to mitigate the impacts of this increase in caseload, including

- additional contest mention sitting days together with the use of magistrates from outside the region to conduct contest mentions
- additional family violence intervention order mention days to reduce list sizes, delays and at-court waiting times
- referral of significant numbers of neighbourhood dispute matters away from the Personal Safety Intervention Orders List to the Dispute Settlement Centre of Victoria, which has reduced Personal Safety Intervention Order sitting days from weekly to monthly

- additional sitting days at Dromana together with a redistribution of workload between magistrates and judicial registrars to reduce criminal mention delays
- additional criminal mention days at Moorabbin as a result of the Children's Court criminal division being transferred to the Children's Court
- additional capacity for judicial registrar criminal mention lists as a result of the separation of Victoria Police and other prosecution agency lists.

Community Engagement

The region continued to place a strong emphasis on community engagement in 2014-15 and activities included the following:

- Victorian Seniors Festival tours and presentation by Regional Coordinating Magistrate Paul Smith, Magistrate Sharon Cure 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 as a way of educating students on the court processes and the penalties from criminal behaviour
- magistrates hosted a lunch in recognition of the valuable service provided within the region by the Court Network volunteers as part of National Volunteers week
- 'Walk in Her Shoes' tours, which have been operating

since 2011. Over the past year, approximately 200 workers from various agencies within the region have learnt about the procedures to apply for an intervention order

- Law Week initiatives for 2015 included a tour of the Moorabbin Court, a careers seminar at the Frankston Court and a moot court for Parkdale Secondary College Legal Studies students.



Court Networkers joined magistrates and staff at Frankston Court for a lunch to celebrate National Volunteers week.



Justice students from Chisholm TAFE attending a careers seminar at Frankston Court as part of Law Week.

The Gippsland region includes the Bairnsdale, Korumburra, Latrobe Valley (headquarter court), Omeo, Orbost, Sale and Wonthaggi Courts. Four magistrates are assigned to the region, a judicial registrar sits at Latrobe Valley once per fortnight and on average bi-monthly at Bairnsdale, Korumburra and Sale. There are 38 staff in the region.

Gippsland



The Latrobe Valley Court is a multi-jurisdictional court complex with six courtrooms. The Children's Court, the County Court, Supreme Court, Court of Appeal, Federal Court and Victorian Civil and Administrative Tribunal all held circuits at the Latrobe Valley Court during 2014-15. The County and Supreme Courts and the Victorian Civil and Administrative Tribunal also sat at courts in the region.

Initiatives

In March 2013, a Courts Education Liaison role was introduced in the Koori Children's Court at the Latrobe Valley Court and was extended to all Children's Court sittings in the region in October 2014. The creation of this role was a unique initiative developed in the Gippsland region through consultation with the Koori Court Unit, Department of Education & Training, Regional Coordinating Magistrate, the local Koori Court Officers and the Senior Registrar. The role provides support to youth offenders to re-engage with education through a variety of pathways depending on the needs of the young person and their ability to engage with learning facilities.

Since July 2014, a total of 51 youth

have voluntarily accessed the services of the Courts Education Liaison Officer. Of the 51 youth, 44 have engaged with 35 fully engaged in a form of education, nine are in the process of re-engaging (that is they have either just begun a course/training or are about to commence a course/training) and there are seven who initially showed interest but did not continue to use the service. Of the 51 youth, 22 are of Indigenous heritage, 16 of whom are fully engaged in a form of education, two are in the process of re-engaging and four have failed to engage. There have been 38 males and 13 females, with an average time out of enrolled education of 11 months and others have been out for as long as 5 years. The success of this initiative is evident by these high rates of engagement and the proposed roll out of this initiative to other Children's Court locations.

The Grampians region consists of nine venues at Ararat, Bacchus Marsh, Ballarat (headquarter court), Edenhope, Hopetoun, Horsham, Nhill, Stawell and St Arnaud. The Grampians is a multi-jurisdictional region conducting Magistrates' Court, Coroners Court, Children's Court, County Court and Supreme Court hearings.



Grampians

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

During the reporting period, the Ballarat Family Violence Court Division (FVCD) held an afternoon tea to mark the 10-year anniversary of the FVCD, which commenced in June 2005. Chief Magistrate Peter Lauritsen and Magistrate Noreen Toohey spoke at the event and Magistrate Toohey, who has been involved since the commencement of the FVCD in 2005, acknowledged the valuable input of all stakeholders and staff who have contributed to the success of the FVCD.

The Royal Commission into Family Violence attended Ballarat Court on 21 April 2015. During a five week period in May-June 2015, the Royal Commission into Institutional Responses to Child Sex Abuse held public hearings at the Ballarat Court.

Community Engagement

Staff in the Grampians region were involved in several community engagement activities including:

- facilitating court tours for the public to attend as part of Law Week 2015
- school visits to the Ballarat Law Court to observe court proceedings and have discussions with magistrates and staff
- the Court is represented on various committees including both Regional and Local Aboriginal Justice Advisory Committees and Family Violence Prevention Networks across the region
- staff attended NAIDOC Week Family Day in July 2014. The Family Violence Applicant and Respondent Workers, the Credit Bail Support Worker and Court

Liaison Officer all attended and the Court had an information stall that provided information regarding the Koori Family Violence and Victims' Support Programs, Koori VOCAT and Diversion

- '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 Worker and the Family Violence Respondent Worker
- Damien Mullane continued as the White Ribbon Ambassador and attended several events associated with this role.

There are five magistrates sitting at Heidelberg who also preside over Children's Court matters in the region.

Heidelberg

Supported by five magistrates, one judicial registrar, 23 registry staff and three support staff, the Heidelberg Court provides services for:

- Children's Court of Victoria
- Children's Koori Court
- civil debt proceedings
- CREDIT/Bail Support for accused on bail
- criminal charges
- general registry services
- intervention orders including the Family Violence Court Division, which is supported by both an applicant and respondent support worker, together with specialist family violence staff
- VOCAT.

The Victorian Civil and Administrative Tribunal operates from the Court two days per week.

The Court acknowledges the following agencies for their support:

- Berry Street – Family Violence Service
- Court Network
- Corrections Victoria
- Darebin Community Legal Centre
- The Dispute Settlement Centre of Victoria
- Elizabeth Hoffman House Aboriginal Women's Service
- Forensicare Mental Health Court Liaison Service
- InTouch Multicultural Centre Against Family Violence
- Kildonan UnitingCare
- Salvation Army
- Victorian Aboriginal Family Violence Prevention and Legal Service

- Victorian Aboriginal Legal Service
- Victoria Legal Aid
- Victoria Police Prosecutions
- Youth Justice.

Initiatives

The Heidelberg Court introduced two key initiatives over the past twelve months with the introduction of the Civil Mediation Program and the Children's Koori Court.

Civil Mediation Program

In conjunction with the Dispute Settlement Centre of Victoria, the Civil Mediation Program piloted at Broadmeadows Magistrates' Court, expanded to Heidelberg, commencing operation on 1 August 2014.

Mediation is an informal problem-solving process. The parties meet together with the guidance of skilled impartial mediators employed by the Dispute Settlement Centre of Victoria. The issues of the dispute are discussed and the parties are helped to identify options, consider solutions and work toward a mutually acceptable agreement.

All defended civil proceedings where the amount sought in the complaint is less than \$40,000 or a dispute under the *Associations Incorporations Act 2009* will be referred to mediation pursuant to section 108 of the *Magistrates' Court Act 1989*.

The program aims to reduce the need for parties to attend court hearings and in turn reduce the cost to the proceedings and the listing delays for civil cases.

Children's Koori Court

On 27 August 2014, the previous Attorney-General, the Honourable Robert Clark MP, together with the former President of the Children's Court, Judge Peter Couzens, launched the Children's Koori Court at Heidelberg. The launch was well attended with over 80 people in attendance. It included a welcome to country and smoking ceremony.



Back row (L-R): Shirley Annesley, Koori Court Officer, Robbie Ahmat, Koori Court Officer, Aaron Davey, Respected Person, Felicity Polizzi, Trainee Registrar.

Front Row (L-R): Aunty Pam Pedersen, Elder, Her Honour Ms Wallington, Magistrate, Aunty Georgina Williams, Elder.

The Children's Koori Court deals with young Koori people who have been found guilty of committing a criminal offence. The sentencing outcomes in Koori Court are the same as in mainstream criminal cases but the court process is different.

The Children's Koori Court aims to address the over-representation of young Koori people in the criminal justice system, by involving the Koori community in the court process. The participation of Elders and Respected Persons aims to reduce offending behaviour and reduce the number of young Koori people being sentenced to a period of detention.



Heidelberg continued

Heidelberg Court Building Closure

The Heidelberg Magistrates' Court building experienced two significant flood incidents over the 12 months, the first causing disruption to the operations of the Court and the second closing it.

The first incident occurred in September 2014. Heavy rain and hail entered through the ceilings and caused damage to the court registry and areas of the public foyer.

In February 2015 a burst water pipe flooded the lower ground floor of the building. Water entered through the lift well at the front of the building spreading through all lower ground public areas, including all courtrooms, offices, lifts and storage rooms.

The requirement for building works caused various periods of disruption to normal operations.

Closure of Lower Ground Floor – 16 to 20 February 2015

The water caused the closure of all public areas on the lower ground floor. Only two courtrooms on the

ground floor were able to operate for this period, with all custody matters being referred to other courts. Registry services were provided from Heidelberg Court during this period.

Full Closure of Court Building – 20 February to 9 March 2015

On the afternoon of 20 February, the court building was closed to enable demolition work to commence.

Limited co-ordination services were provided from the front entrance of the building to assist those who attended the Court. Court hearings were held at Broadmeadows, Melbourne and Ringwood Magistrates' Courts and the Melbourne Children's Court. No registry services were provided with court users referred to their nearest courthouse.

Limited Registry Operations – 10 March 2015 to 3 July 2015

On 10th March 2015, the Court reopened to provide a limited registry service. Courtrooms were not available and matters continued to be listed at Broadmeadows, Melbourne and Ringwood Magistrates' Courts and the Melbourne Children's Court.

Court Building Closure – 3 July 2015

The court building was closed on 3 July 2015. This was due to the extent of the damage. The majority of the Heidelberg registry services and staff supporting these services now operate from the Melbourne Magistrates' Court.

The building will remain closed for at least the remainder of 2015. Information regarding the ongoing arrangements for court services can be obtained from the Court's website.

The Court acknowledges the extraordinary work undertaken in difficult circumstances and with much generosity by court staff, judiciary and agencies that support the Court.

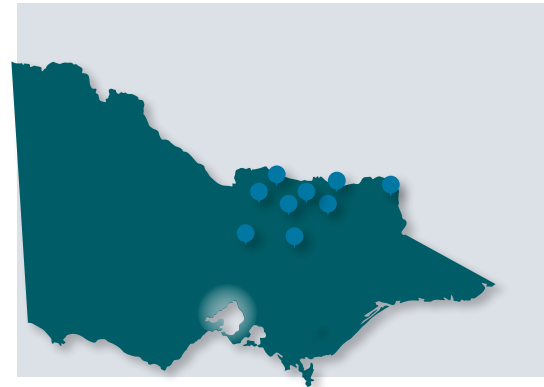
The Court also acknowledges the impact that the court closure has had on the community. For the most part people have been understanding and patient despite the inconvenience. The Court thanks them too and gives the assurance that the Heidelberg Court will re-open as quickly as possible.

Smoking ceremony at the opening of the Children's Koori Court at Heidelberg



The Hume Region encompasses the Benalla, Seymour, Shepparton (headquarter court), Wangaratta and Wodonga Courts with Cobram, Corryong, Mansfield and Myrtleford Courts being attended by a registrar on a visiting basis. 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, predominantly at Shepparton, Wangaratta and Wodonga.

Hume



Magistrate John Murphy retired after 21 years on the Victorian bench during the reporting period. Magistrate Annabel Hawkins was welcomed back into the region, having previously been based in Hume from 2009 to 2010 and joined Regional Co-ordinating Magistrate Stella Stuthridge, Magistrates Ian Watkins and John O'Callaghan as magistrates based in Hume.

The region is staffed by 16 registrars and seven trainee court 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.

Throughout the year, extensive consultation has occurred with the various jurisdictions and user groups around requirements for the new Shepparton Law Courts. Design works are well underway with works due to commence in 2015 with a completion date of 2017.

On 9 September 2014, the former Attorney-General Robert Clark together with the Chief Magistrate opened the redeveloped Wangaratta courthouse. The refurbishment provided an updated west wing and administration centre of the building and new roof. New mediation rooms were built and the jury room refurbished, increasing the capacity to 60 people. The entrance to the courthouse was also updated.

Refurbishment of the registry at Wangaratta Court is also planned, which will improve functionality and security at that court. Completion is planned for the second half of 2015.

The Goulburn Valley Community Legal Centre recently introduced a program to facilitate responses to clients with complex care needs. This program has been funded for three years by the Victorian Legal Services Commissioner and seeks positive legal and health/wellbeing outcomes for clients, to build interdisciplinary knowledge and respect and focus agency resources to achieve more therapeutic outcomes for identified clients at the Shepparton Magistrates' Court. For further information about this program, please refer to www.lsbcc.vic.gov.au.

Community Engagement

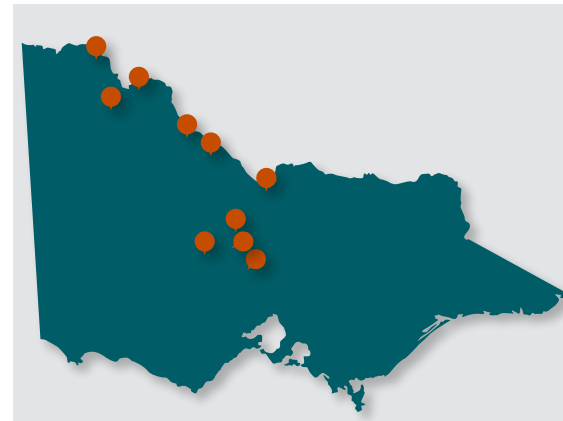
The Hume region participated in the following community engagement activities during the reporting period:

- 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
- Regional Coordinating Magistrate Stella Stuthridge participated in a "hypothetical" hosted by Brian Dawe, which

was part of the Pathways Family Violence Conference and spoke at the Women's Breakfast in Wodonga as part of Law Week

- Magistrate John O'Callaghan presented at several forums on family violence issues and presented at the North-East Law Association Annual Dinner
- magistrates also met with Regional Law Associations and were 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, community organisations and to visiting student groups.

The Loddon Mallee Region includes Bendigo (headquarter court), Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale and Swan Hill. All courts are multi-jurisdictional with Bendigo and Mildura sitting in the County and Supreme Court jurisdiction. There are four magistrates located at Bendigo and 34 staff members within the Loddon Mallee region.



Loddon Mallee

Magistrates and staff travel 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. The County Court sat on circuit for the whole of the reporting period and the Supreme Court sat for a total of 12 weeks during the year.

In 2014, work on the Bendigo Court and Justice Centre expansion commenced and was finalised. The noise and proximity of the works, impacted on the functioning of the Court during construction but there is now a new courtroom, space for some registry functions, judicial chambers and secure holding cells for persons in custody.

The building was officially opened on 30 October 2014 and hearings commenced in January 2015. In particular, the new secure holding cells for persons in custody have eased the pressure on the Court, police and local legal profession who formerly had to travel to the Bendigo Police Station to interview clients.

The region continued to receive support for the successful contest mention circuit at Bendigo, Echuca, Kyneton and Swan Hill and the region currently has the shortest listing delays it has had for some time.

Under the rollout of specialist family violence registrar positions, a specialist family violence registrar was appointed at Bendigo and assists in the training and development of registrars across the region.

Community Engagement

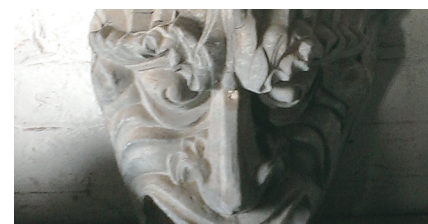
- staff at Bendigo participated in Heritage Week in April

2015 and conducted weekend court tours. Visitors were provided with guided tours and commentary about the history of the building and courtrooms. The staff did a fantastic job and gave up their own time to allow the community to visit and enjoy the historic building

- the Bendigo Court loaned a Discharged Prisoners' Contribution Box, a Sandhurst Jury Box and the original cast iron mould of the gargoyle figures on the interior walls of the courthouse to the Bendigo. The three pieces are all c1890 and formed part of the Gallery's Crime and Punishment: A History of Bendigo's Law and Order Exhibition
- courts across the region participated in Law Week in May 2015 and conducted court tours and information sessions for their local communities. Bendigo was extremely fortunate to be able to host a stage production by members of the Victorian Bar called 'Eureka: Democracy on Trial'. This production was based on the treason trial of Timothy Hayes who faced charges as a result of the Eureka rebellion in 1854. Two performances of the show ran on 16 May and both performances were well attended by the local community. Again, staff voluntarily gave up their time to ensure that the Court was able to host the event and the day was a success
- school visits and the work experience program continued across the region with students

observing court proceedings and having discussions with magistrates

- in May 2015, Bendigo held an information and court tour session for the Karen community as part of a local youth project. The session included discussion around accessing the Court for general information, family violence services, jury services and the Children's Court
- courts across the region acknowledged the important role of Court Network volunteers during National Volunteer's Week
- Koori Courts in Mildura and Swan Hill continued to hold community events throughout the year.



Bendigo Court pieces loaned to the Crime and Punishment: A History of Bendigo's Law and Order Exhibition

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 and administrative staff. The Neighbourhood Justice Centre (NJC) in Collingwood is also in the Melbourne region. For more information on the NJC, see page 72.

Melbourne

A total of 30 courtrooms, two hearing rooms and the additional use of two courts at the Melbourne County Court enable listings of up to 900 matters per day across the criminal, civil, family violence and VOCAT jurisdictions. Between 2,000-3,000 people enter the complex on any given day.

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

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

During the reporting period:

- the first Melbourne Magistrates' Koori Court was established and launched in July 2014
- weekend sittings continued to deal with remand cases and there were 1865 listed. Of these cases, the Court granted bail in 21 per cent of matters and

finalised 14 per cent on the day. This in effect has removed the requirement to transport 662 'in custody' accused to the Court, which has significantly helped to alleviate pressures surrounding persons in custody appearing in Court on normal business days

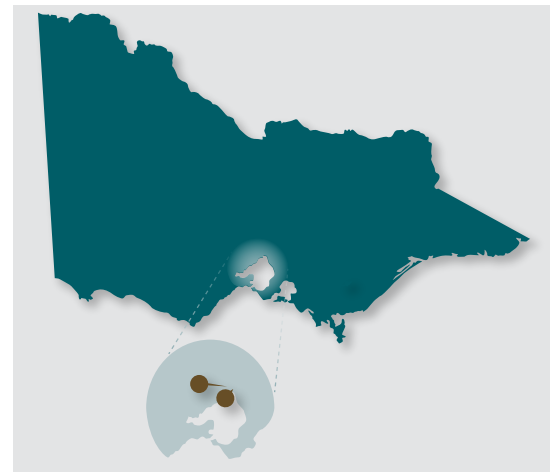
- sittings at the County Court continued to alleviate prisoner transport problems across Victoria
- the Video Conference Prison Pilot commenced, which saw the installation of updated video conferencing technology. This pilot increased the number of and types of hearings suitable to be heard by video conference and is an opportunity to reduce the need for prisoner movements in some circumstances
- the ENE Program continued within the civil jurisdiction.

Community Engagement

During the reporting period, the Melbourne Magistrates' Court:

- continued to engage with the local community via programs like Law Week, Court's Open Day, Senior Citizens week, moot courts, school visits and delegation visits from all over the world

- the Family Violence Unit ran regular 'Walk in Her Shoes' tours, which outline the process of applying for an intervention order in the Court to family violence stakeholders. The tours promote the services provided by the Specialist Family Violence Service at Melbourne and related court services such as VOCAT, the After-Hours Service and remote witness facilities. The program invites government and non-government agencies, with a vested interest in the area of family violence and final-year tertiary students to come to the Melbourne Magistrates' Court and witness first-hand the process of applying for an intervention order. The tours provide participants with the opportunity to hear from and speak with court staff and the magistracy and view facilities and services available at the Melbourne complex
- the Koori Family Violence Program continued to provide services to families requiring support in matters of family violence within the local community.



The Ringwood Magistrates' Court has five magistrates and a judicial registrar who presides six days each fortnight. Magistrates also hear Children's Court matters. There are 25 staff, including a newly funded family violence registrar and applicant support worker.



Ringwood

In response to an increasing caseload during the reporting period, particularly in the criminal and intervention order jurisdictions, work on the Court's case listing structure has been undertaken.

The Court has increased the number of intervention order return days from two to four, which has reduced list sizes, continued to stagger listings to reduce congestion within the building and increased the size of criminal mention lists.

The number of accused in custody not transported to court has reduced this financial year, due to the re-commissioning of the Ringwood Court Cells in April 2014 and the commencement of the Video Conference Pilot Project. Prior to the cells re-opening, an average of 12 prisoners per month were not being transported to Ringwood Court because cell capacity at the Ringwood Police Station had been reached. Since the re-commissioning of the cells, there have been nil accused persons not transported because of capacity issues.

The Court continued to facilitate the provision of a number of services including:

- a Drug and Alcohol Program provided by Mr Kerry Cussen. Mr Kerry Cussen has worked with disenfranchised members of the community suffering from substance abuse issues over the last 12 years at the

Ringwood Court. The Ringwood Court thanks Mr Kerry Cussen for his tireless and dedicated work and acknowledges the successful transformations he has made to the lives of many members of the community

- a Gamblers Help Clinician and intake and assessment screening provided by Eastern Access Community Health for those affected by drug and alcohol issues
- increased access to family violence services including a family violence applicant support worker and Boorndawan William koori support worker who provides culturally appropriate support to Koori victims of family violence.

organisations with information on court processes as well as an opportunity to build relationships between service networks. These sessions aim to improve the service responses of legal and support services to victims of family violence in a coordinated and integrated manner and will continue to be supported by the Court through participation in Eastern Metropolitan Region Regional Family Violence Partnership.

Community Engagement

The region continues to maintain a strong focus on community engagement activities including:

- acknowledging Court Network volunteers and the work they undertake during National Volunteer Week
- school visits and guided court tours followed by 'Question and Answer' forums with magistrates and court staff
- participation in multiple Intervention Order Support Service Information Sessions. These sessions provide

The Sunshine region consists of the Sunshine (headquarter court) and Werribee Magistrates' Courts. The region has seven magistrates and one judicial registrar. There are 38 staff within the region comprising of registrars, Court Integrated Service Program (CISP) staff, an applicant support worker and administrative staff.

Sunshine



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

- 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. A family violence case manager now also forms part of the CISP team
- increasing access to family violence services. A service coordination meeting to allocate clients is held each morning with the registrar, the family violence applicant support worker, Women's Health West, 'In Touch' who provide a multicultural family violence and legal service for women, children's support worker, Court Network and a Centrelink social worker
- continued facilitation of the Prevention of Alcohol and Risk Related Trauma in Youth (Party Program) conducted within a hospital setting (featured in previous annual reports)
- Youth Community & Law Program with Youth Junction on a deferral of sentence for young

offenders providing a holistic approach to address offending behaviours

- financial counsellors from Anglicare available for people attending Court in relation to civil debts and enforcement warrants
- Sunshine and Werribee Magistrates' Court are part of the Video Conferencing pilot aimed at utilising video links for accused in custody in order to reduce the issues being faced by Courts with prisoners not being transported
- the Court "Helper project" with Victoria University and Footscray Community Legal Centre assists 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:

- Regional Co-ordinating Magistrate Noreen Toohey continued to attend the Melton Community Road Trauma Safety Forums with the Melton City Council throughout the year
- the Court continued its community engagement with

the Indian community. In conjunction with Co-Health in Footscray, Regional Co-ordinating Magistrate Toohey, the specialist family violence services registrar and applicant support worker attended a dinner with the Project Coordinator of Upscale, Alice Henderson and members of the Indian community at the Aangan Indian Restaurant. The dinner presented a wonderful opportunity for the Court to discuss current issues in the Indian community, particularly the impact of family violence

- The Indian Family Violence Support Group set up in partnership with Djerrawarra Health services is now in its fifth year of operation. This group was originally developed to address the high level of isolation experienced by Indian women leaving their relationships. This group has been expanded to cater for women from all South Asian backgrounds. This group has actively participated in White Ribbon Day campaigns with the Court funding the creation of group banners and T-shirts to participate in the November march.



Specialist Courts and Services

The Court provides a variety of services and programs that aim to assist accused with issues like substance abuse and mental illness and provide support for magistrates dealing with such persons.

Specialist Courts and Lists are divisions established under legislation that seek to address the underlying causes of criminal offending.

Court Support and Diversion Services - Year in Review

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

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

CSDS Data Snapshot

| Name of Program / Service | Referrals | | |
|---|-----------|---------|---------|
| | 2012-13 | 2013-14 | 2014-15 |
| ARC List | 172 | 168 | 206 |
| CISP | 2,044 | 2,014 | 1,890* |
| CISP participants who identified as Indigenous | 205 | 164 | 170 |
| Court Advice & Support Officer | 413 | 547 | 456 |
| CREDIT | 1,385 | 1,207 | 1,305 |
| Bail Support | 1,279 | 1,178 | 1,185 |
| CREDIT Bail Support participants who identified as Indigenous | 68 | 68 | 66 |
| Criminal Justice Diversion Program | 6,584 | 7,078 | 7,286 |

*some CISP referrals now re-directed to CROP to commence assessment whilst accused is on remand

On 11 May 2015, a snapshot of ARC List, CISP and CREDIT/Bail Support Program participants showed that nine per cent were alleged/victims of family violence and 26 per cent were alleged/perpetrators of family violence.

| | Family Violence | |
|---------------------|--------------------|-------------------------|
| | alleged/victim (%) | alleged/perpetrator (%) |
| ARC List | 20 | 20 |
| CISP | 8 | 27 |
| CREDIT/Bail Support | 7 | 28 |

On 12 June 2015, a snapshot of ARC List, CISP and CREDIT/Bail Support Program participants showed that 53 per cent were either using/abusing/dependent on Methylamphetamine (Ice).

| | % of participants using/abusing/dependent on Ice |
|---------------------|--|
| ARC List | 41 |
| CISP | 52 |
| CREDIT/Bail Support | 58 |

Program enhancements and changes

CSDS has introduced a number of key service enhancement initiatives. These include:

- training for program staff, establishment of linkages with community organisations and changes to program practices aimed at improving the response of CSDS programs to participants from diverse backgrounds, including participants from culturally and linguistically diverse backgrounds, participants who are gay, lesbian, bisexual, transgendered or intersexed, and those with physical and sensory disabilities. This included a cultural diversity training day for all specialist court staff
- commencement of an outreach financial counselling service at Melbourne Magistrates' Court and an outreach Centrelink service at Latrobe Valley Magistrates' Court
- commencement of a third weekly sitting day of the ARC List
- a review of deaths involving participants in CSDS programs, with the aim of identifying strategies to reducing risks affecting program participants
- implementation of the family violence Common Assessment Risk Framework (CRAF) by ARC List, CISP and CREDIT/Bail Support Program staff and improved data collection in relation to family violence. Program staff were trained in the use of the CRAF and received training on working with perpetrators of family violence
- introduction of a CISP family violence case manager role at Sunshine Magistrates' Court. As well as case managing participants with complex family violence matters, the family violence case manager acts as consultant to CISP team members on family violence and assists in skill development around safety planning and identification of risk factors
- evaluation of the Assessment and Referral Court (ARC) List by Deloitte Access Economics
- employment of three youth trainees in CSDS programs through an agreement with APlus Apprentice and Trainee Services
- development of a protocol with Travellers Aid Australia for assistance with VLine train travel for program participants commenced
- review of the CISP/CREDIT-Bail Support Program screening assessment tool in relation to alcohol and other drugs
- CROP funding was extended to the 30 June 2015 and the pilot expanded to include an additional 3.4 FTE positions, comprising an operational support officer role, which determines remand prisoners eligibility for the program, additional positions at the Metropolitan Remand Centre and a position located at the Port Phillip Prison
- amendments were made to the CJDP forms to ensure compliance with the *Criminal Procedure Act 2009* in relation to 'accepting responsibility' rather than 'admitting the facts' and 'pleading guilty'
- work by CJDP with Victoria Police to change the Diversion Notice with a view to enhancing the Diversion procedure
- an internal review of the CJDP by Magistrate Doherty, the aim of which is to examine if the purposes of the CJDP are being met
- completion of the Beg Alms Operation, which was a collaboration between Victoria Police, City of Melbourne, the CJDP and the Salvation Army
- facilitation of a public tender for the provision of neuropsychology services to court programs
- implementation by the ERP of a 'multi agency' listing day once a month, to deal with offenders who have infringements from numerous prosecuting agencies.

Consumer Action Law Centre

This year, in collaboration with the Consumer Action Law Centre (CALC), CSDS initiated free financial counselling services at the Melbourne Magistrates' Court for court users, particularly those involved in the ARC list, CISP and Special Circumstances List.

The CALC is a Melbourne-based consumer advocacy and campaigning organisation, which provides free and independent legal assistance and financial counselling. The CALC provides financial counselling service to Victorians who are in financial difficulty. Financial counsellors are qualified professionals who provide information, support and advocacy to people in financial difficulty. Working in community organisations, its services are free, independent and confidential.

A financial counsellor from CALC attends at the MMC each Thursday. This financial year, CALC provided financial counselling and advocacy support for 63 court clients. The CALC also provided 28 clients with a 'warm' referral to a community based financial counselling service to help them with ongoing advocacy in relation to their issues.

Community Engagement

With the aim of promoting programs and facilitating closer working relationships, staff from CSDS programs actively engage with community groups, government departments and not-for-profit organisations. Engagement activities during 2014-15 included:

- fortnightly lectures on the CJDP to Victoria Police recruits
- facilitation of Special Circumstances List Stakeholder meetings
- information sessions on the Special Circumstances List to Victoria Legal Aid lawyers and law students from Melbourne University
- presentations to Victoria Legal Aid, Victorian Aboriginal Legal Service and Australian Government Department of Human Services Justice Reference Group to promote CSDS programs
- facilitation of training on mental health and alcohol and other drug issues for Court Network volunteers
- attendance at NAIDOC week events and the Eastern Community Justice Day at Mullum Mullum Indigenous Gathering Place
- meetings with representatives of Mallee District Aboriginal Services, Mildura Justice Service Centre and Victoria Police to promote the uptake of CJDP by Kooris in Mildura
- meeting with representatives from Spectrum Migrant Resource Centre to increase awareness of court based programs and community resources for new migrants
- membership of South East Pacifica Youth Action Group – Youth Justice Steering Group
- attendance at Department of Justice and Regulation Disability Action Plan forums
- attendance at the launch of the Salvation Army and Collingwood Football Club Magpie Nest Housing Project, the new Ballarat Community Health Centre, Mental Health Complaints Commission and the VEOHRC Beyond Doubt report
- involvement in information sessions on the Alcohol and Other Drug (AOD) sector reforms delivered by Australian Community Support (ACSO) Community Offenders Advice and Treatment Service (COATS)
- meeting with representatives of various AOD treatment agencies regarding AOD sector reforms, including Peninsula Drug and Alcohol Program (PenDAP), Geelong Withdrawal Unit, Stepping Up Consortium, ISIS Primary Care and Western Health Drug Health Services
- participation by CISP on a panel at the Victorian Alcohol and Drug Association (VAADA) conference in relation to the AOD Forensic Assessment Tool and presentation by CISP to the Yarra AOD forum
- meeting between representatives of the ARC List and the Department of Legislative Assembly, Northern Territory, to discuss the approach of the ARC List to Foetal Alcohol Spectrum Disorder.
- Attendance at meetings of the Victorian Coalition of ABI Providers (VCASP) Criminal Justice Network, Dandenong City Council Rooming House group, SPIN pharmacotherapy network and a Family Violence Practitioners quarterly meeting facilitated by Quantum Support Services
- liaison meetings with Department of Health and Human Services, Salvation Army Project 614, Australian Community Support Organisation (ACSO), Centrelink, CVGT Employment Services, Gamblers Help, HEADSPACE Bentleigh, Monash Health Mental Health Services, State-wide Autism Services Inc (SASI), Travellers Aid, Victoria Police and WAYSS
- liaison with program staff at Port Phillip Prison, Melbourne Assessment Prison, Metropolitan Remand Centre and the Dame Phyllis Frost Centre
- site visits by CSDS program staff to HomeGround Services' Common Ground Housing, Flagstaff Crisis Accommodation and Salvation Army Project 614
- regular liaison with stakeholders of the ARC List via the ARC List Court Processes Working Group which meets regularly
- regular meetings with the Latrobe Community Health Service regarding services to which Latrobe Valley CISP participants are referred
- regular meetings with Forensicare, ACSO and HomeGround Services regarding funding arrangements between MCV and those organisations
- presentation to CSDS program staff by Centrelink and Department of Immigration on welfare rights of New Zealand passport holders, a presentation to magistrates and court staff by Spectrum on borderline personality disorders and a presentation to magistrates and court staff by Department of Health staff on the new Mental Health Act
- membership of, or attendance at, Department of Justice & Regulation Regional Monitoring Group for the National Disability Insurance Scheme, Department of Health and Human Services Reducing the Alcohol and Drug Toll – Diversion Working Group, responsible for planning implementation elements of the State Strategy, Victorian Custody Reference Group, ACSO International Criminal Justice Conference Committee and the Criminal Justice and Mental Health Systems' Planning and Strategic Coordination Board.

Community engagement as part of the Cultural Diversity Action Plan included liaison with:

- City of Casey
- African Australian Community Centre
- Centrelink
- Department of Immigration and Border Protection
- Pasifika Youth Forum
- Maori Wardens
- Jesuit Social Services – African Volunteer and Mentoring Program
- Vietnamese Welfare Resource Centre
- AfroCare – African Mental Health and Wellbeing
- Afri-Aus Care
- Transgender Victoria
- Footscray Legal Service Employment Law Project

CJDP developed partnerships to provide voluntary work placements for Diversion participants with:

- Salvation Army – 614 Project
- Salvation Army – Brunswick, Maryborough and Morwell
- Boroondara Central Lions Club
- Connect Goulburn Valley
- RSPCA – Wangaratta
- City of Moonee Valley
- Uniting Care – ReGen
- Lifeline.

The CSDS also works closely with a range of government and non-government organisations that outpost staff to the court, including:

- Consumer Action Law Centre
- Corrections Victoria, Community Correctional Services, Court Services Unit
- Forensicare, Mental Health Court Liaison Service
- Launch Housing (formally HomeGround Services), Salvation Army Social Housing Services and Quantum Support Services for the provision of the initial assessment and planning service and transitional housing management housing support services
- Sign for Work, for the provision of employment support services
- Salvation Army
- Youth Justice, Court Advice Service
- Court Network
- ACSO.

Cultural Diversity Project Officer

I am the Cultural Diversity Project Officer with CSDS and am based at the William Cooper Justice Centre.

Previously a CISP Disability Case Manager at the Melbourne Magistrates' Court, on returning to work from maternity leave in 2013, the opportunity arose for me to develop and implement a Cultural Diversity Action Plan for CSDS program. Undertaking a degree in International Community Development at the Victoria University, I was looking for an opportunity to work in the area of cultural diversity so this was a great opportunity for me.

I am passionate about cultural diversity, with a particular focus on developing culturally appropriate pathways for participants in therapeutic court programs. This goes hand in hand with getting out into the community and building relationships with key stakeholders and attending forums, seminars and meetings on cultural diversity. In addition, I am committed to ensuring case managers have access to education and training on topics such as how different cultures understand and address issues of mental health, family dynamics, the use of verbal and non verbal communication, the journey of refugees and how all this impacts on the participant's ability to navigate a therapeutic court program.

Since my commencement in the role, it has expanded to include activities to improve the way that the programs work with participants who identify as gay, lesbian, bisexual, transsexual and intersexed and those who have a physical or sensory disability, issues which are areas of high interest to me.

I find this role to be a perfect fit for me due to the variety of tasks involved. allows me to use my networking and communication skills and most of all I gain incredible satisfaction knowing that, however small the steps are, the Magistrates' Court is becoming more accessible to those from a culturally diverse background.



Assessment and Referral Court List

| Program description | Program aims | Locations |
|--|--|--|
| Commenced April 2010 as a pilot. Funding for further four years allocated in the 2015-16 State Government budget. A specialist problem solving court which assists accused on bail who have a mental illness and/or cognitive impairment by addressing underlying causes of offending. Participants may be involved with the program for up to 12 months and attend hearings, usually monthly. Hearings are interactive and support principles of therapeutic jurisprudence. | Reduce risk of harm to the community by addressing underlying factors contributing to offending behaviour. Improve health and wellbeing of accused with mental impairment by facilitating access to treatment and support services. 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. Reduce the number of offenders with mental impairment received into the prison system. | Melbourne Magistrates' Court. The List sits on Tuesdays, Wednesdays and Thursdays. In 2014-15, Deputy Chief Magistrate Jelena Popovic, Magistrates Ann Collins, Anne Goldsbrough, Margaret Harding and John Hardy sat in the ARC List. |

In 2014 the ARC List was awarded a certificate of merit at the annual Australian Crime and Violence Prevention Awards.

The ARC List also received a silver achievement award at the annual The Mental Health Services Conference, in the category of assessment and/or treatment program or service.

The ARC List was allocated funding for a further four years in the 2015-16 State Government budget.

ARC LIST Data Snapshot

ARC List data is provided in accordance with Section 4S (9) of the *Magistrates' Court Act 1989* which outlines the annual reporting of the ARC List.

| Referral Source | 2012-13 | 2013-14 | 2014-15 |
|---|---------|---------|---------|
| CISP | 31 | 17 | 6 |
| Community Service / Organisation | 4 | 3 | 3 |
| Department of Health and Human Services | 1 | 1 | 0 |
| Legal - Community Legal Centre | 4 | 8 | 18 |
| Legal - Legal Representative | 108 | 118 | 168 |
| Magistrate | 16 | 18 | 8 |
| Self referral | 6 | 2 | 3 |
| Victoria Police | 2 | 1 | 0 |

| Removal of matters from the ARC List prior to acceptance | 2012-13 | 2013-14 | 2014-15 |
|--|-----------|-----------|-----------|
| Not accepted onto the List | 9 | 15 | 5 |
| Removed due to non-attendance, remanded and/or further offending | 18 | 23 | 53 |
| Plea of not guilty prior to acceptance | 3 | 4 | 0 |
| Magistrate exited client from the program | 0 | 12 | 32 |
| Client death | 0 | 0 | 3 |
| Client did not wish to participate | 10 | 0 | 6 |
| Total | 40 | 54 | 99 |

ARC List Data Snapshot cont

| Number of persons accepted in each diagnostic criteria (primary diagnosis) | 2012-13 | 2013-14 | 2014-15 |
|---|----------------|----------------|----------------|
| Mental illness | 80 | 43 | 58 |
| Intellectual disability | 11 | 7 | 8 |
| Acquired brain injury | 27 | 13 | 10 |
| Autism spectrum disorder | 3 | 3 | 2 |
| Neurological impairment | 1 | 0 | 0 |

| Clients finalising matters in the ARC List | 2012-13 | 2013-14 | 2014-15 |
|---|----------------|----------------|----------------|
| Completed program – plea of guilty | 70 | 78 | 81 |
| Completed program – plea of not guilty | 1 | 0 | 0 |
| Did not complete – non attendance | 2 | 13 | 3 |
| Did not complete program – remanded/further offending | 7 | 9 | 8 |
| Consent to participate withdrawn | 0 | 2 | 0 |
| Client death | 1 | 2 | 0 |

| Outcomes of proceedings referred to the ARC List | 2012-13 | 2013-14 | 2014-15 |
|--|----------------|----------------|----------------|
| Number of accused accepted onto the ARC List | 97 | 66 | 78 |
| Number of accused discharged in accordance with section 4U or 4Y of the <i>Magistrates' Court Act 1989</i> | 13 | 7 | 9 |
| Number of proceedings finalised | 81 | 110 | 128 |
| Number of proceedings transferred out | 40 | 54 | 96 |
| Number of individual support plans approved | 100 | 72 | 75 |
| Number of hearings conducted in the ARC List | 1,742 | 1,620 | 1,772 |
| Number of proceedings transferred out of the ARC List in accordance with section 4X(2) of the <i>Magistrates' Court Act 1989</i> | 3 | 6 | 4 |

CISP and Koori Liaison Officer Program

| CISP | | |
|--|--|---|
| Program description | Program aims | Locations |
| <p>CISP commenced in November 2006.</p> <p>A multi disciplinary case management program for accused on bail or summons.</p> <p>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.</p> | <p>Providing participants with short term support and targeted interventions with respect to a range of health and social needs.</p> <p>Working on the causes of offending through individualised case management support.</p> <p>Assisting participants to access appropriate treatment and community support services.</p> | <p>Latrobe Valley, Melbourne and Sunshine Magistrates' Courts.</p> |
| Koori Liaison Officer Program | | |
| Program description | Program aims | Locations |
| <p>Commenced in 2002.</p> <p>An outcome of the Victorian Aboriginal Justice Agreement.</p> <p>Since the commencement of the CISP, the Koori Liaison Officer (KLO) 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.</p> | <p>To address the over-representation of Koori people in the Victorian justice system.</p> <p>To assist Koori people to maximise their changes of rehabilitation through culturally appropriate and sensitive intervention.</p> | <p>Statewide service located at the Melbourne Magistrates' Court.</p> |

CISP Case Study

Jade* is a 42 year old female referred to the CISP. Her charges include drug possession, breach of an intervention order, dealing with the proceeds of a crime and various driving charges. Although Jade was referred for breach of an intervention order (IVO), at assessment Jade disclosed a history of violent relationships and reported that her current partner was very controlling, manipulative and emotionally and physically abusive.

Jade described incidents of violence by him including multiple assaults to her head, having a gun fired at her house and injuries resulting from attacks against her with a power saw and taser gun. Jade advised she is fearful but is currently undecided about whether she is prepared to end the relationship. Although there have been repeated police call outs due to family violence, Jade has so far declined to pursue charges against her partner.

The CISP Case Manager consulted with the CISP Family Violence Case Manager regarding safety concerns. Jade had an open head wound that she advised was inflicted by her partner following a recent court hearing. Jade was assessed to be at extremely high risk. Compounding the risk factors was the partner's past conviction for attempted murder of a family member. The CISP Case Manager completed a Common Risk Assessment Framework (CRAF) risk assessment with Jade and recorded incidences of violence including choking, the partner's access to and use of weapons, ongoing stalking and death threats toward her and her family. In addition, the Department of Health and Human Services (DHHS) recently removed Jade's ten-year-old daughter because of the family violence incidents against Jade. Further exacerbating risk factors were the limited supports Jade has due to isolation, lack of private transport (as the partner had damaged her car) and not residing near public transport.

A personalised safety plan was formulated which included referrals to Women's Health West (WHW) and to the High Risk Police Register, to occur alongside other treatment referrals for identified social needs. Women's Health West supplied Jade with an emergency telephone and a taxi voucher allowing her to flee an unsafe or violent situation. Arrangements were made for Jade to meet with WHW in a location which would not alert her partner to her meeting with women's family violence services as he often stalked Jade or had others shadow her movements.

The Court was advised of Jade's risk factors (a risk in itself given she is often accompanied by her partner or shadowed by persons sent by him), the ongoing concerns for her safety and information about how her continued experience of violence and trauma act as a barrier to her progress in treatment. Jade remains in a relationship with her violent partner, but is now linked to a specialised family violence psychologist, other family violence supports and alcohol and other drug counselling services that can remain in place after her completion of the CISP.

*Name changed to protect the participant's identity.

CISP Data Snapshot

Top six referrals by reason

| | 2014-15 |
|---------------------------------------|---------|
| Problems with illicit drugs | 1,532 |
| Mental illness/other mental disorders | 1,030 |
| Problems with alcohol | 501 |
| Accommodation – Long Term | 463 |
| Accommodation – Emergency | 393 |
| Anger management | 297 |

**Please note: participants may have more than one reason for referral*

Top six treatment and support services to which participants referred

| | 2014-15 |
|--|---------|
| Alcohol and other drug: including pharmacotherapy | 1,798 |
| Material aid: including travel cards, food vouchers, crisis packs and swags | 1,095 |
| Mental health: including the Court's Mental Health Court Liaison Service and psychological services | 878 |
| Housing: including the CISP Initial Assessment and Planning Service, crisis and transitional housing | 642 |
| Medical: including assessment of medical needs, medication review and specialist services | 482 |
| Acquired brain injury services | 170 |

Court Advice and Support Officer

| Program description | Program aims | Locations |
|---|--|-------------------------------|
| Commenced July 2012 as a pilot and became ongoing in December 2014. Works as part of the CISP at the Melbourne Magistrates' Court. Provides a brief intervention service for court users with complex psychosocial issues that arise in court and require urgent once off intervention. | Provides advice to sitting magistrates, connects court users to government or community services, or where appropriate, a court based program or victim's service. | Melbourne Magistrates' Court. |

CASO Data Snapshot

Top six referrals by reason

| | 2014-15 |
|--|---------|
| Legal | 189 |
| Mental health | 154 |
| Accommodation | 110 |
| Drug and alcohol | 90 |
| Material aid (food voucher or travel ticket) | 75 |
| Anger management | 19 |

Number of people assisted

| | 2014-15 |
|--------------------|---------|
| Advice | 15 |
| Brief intervention | 441 |

CISP Remand Outreach Pilot

| Program description | Program aims | Locations |
|--|---|--|
| Developed in collaboration with Corrections Victoria as an extension of the CISP. Commenced in February 2014 as a 12-month pilot; expanded and extended to 30 June 2015. CROP works with remand prisoners who have a realistic prospect of being granted bail if appropriate community supports were to be put in place. | CROP CISP Assessment and Liaison Officers (CALOs) identify and address barriers to remandees receiving bail and facilitate bail by providing brief casework interventions. These interventions focus on linking eligible remandees into appropriate community treatment and support services, such as accommodation, mental health and drug and alcohol treatment. | CROP CALOs are based at the Dame Phyllis Frost Centre, Melbourne Assessment Prison, Metropolitan Remand Centre, Port Phillip Prison. |

CROP Data Snapshot

| | 2014-15 |
|---|---------|
| Number of remandees provided with CROP assistance | 899 |
| Accused received bail following CROP involvement | 273 |

CREDIT/Bail Support Program

| Program description | Program aims | Locations |
|--|--|--|
| <p>The CREDIT/Bail Support Program was created in 2004 through the merger of the previously distinct CREDIT and the Bail Support Program.</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 each of the following Magistrates' Courts:</p> <ul style="list-style-type: none"> • Ballarat • Broadmeadows • Frankston • Geelong • Heidelberg • Moorabbin • Ringwood. <p>The Dandenong Magistrates' Court has two case managers, one of whom provides a relief case manager role to some CREDIT/Bail Support Program courts.</p> |

CREDIT / Bail Support Data Snapshot

Top six referrals by reason*

| | 2014-15 |
|--|---------|
| Problems with illicit drugs | 934 |
| Mental illness/other mental disorder | 643 |
| Problems with alcohol | 245 |
| Anger management | 206 |
| Accommodation - emergency | 164 |
| Acquired brain injury / cognitive impairment | 118 |

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

Top six treatment and support services to which participants referred

| | 2014-15 |
|--|---------|
| Alcohol and other drug services, including pharmacotherapy | 934 |
| Mental health: including psychological services and the Mental Health Court Liaison Service | 513 |
| Material aid: including travel cards, food vouchers and key passes | 465 |
| Medical: including assessment of medical needs, general practitioner and specialist services | 207 |
| Housing: including crisis accommodation | 128 |
| Men's Behaviour Change Program | 98 |

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 CJD and where possible, accused perform voluntary work in their local community or the area where the offence was committed.</p> | <p>Reduces the likelihood of reoffending by tailoring an order according to the needs of the accused.</p> <p>Assists offenders to avoid an accessible criminal record.</p> <p>Assists in the provision of rehabilitation services to the accused.</p> <p>Increases the use of community resources to provide counselling and treatment services.</p> <p>Ensures that restitution is made to the victim of the offence if appropriate.</p> <p>Ensures the victim receives an apology if appropriate.</p> <p>Assists local community projects with voluntary work and donations.</p> <p>Provides more flexibility for orders.</p> <p>Monitors cases and conditions by a diversion coordinator, ensuring accountability of the accused.</p> | <p>Diversion is available at all Magistrates' Courts statewide.</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. |

CJDP Data Snapshot 2014-15

| | |
|--------------------|--|
| Voluntary work | <p>Forty nine accused were ordered to undertake 655 hours of voluntary work at various organisations including:</p> <ul style="list-style-type: none"> • Salvation Army 614 Project • Salvation Army clothing stores across Victoria • City of Moonee Valley • RSPCA Wangaratta. |
| Donations | <p>Each year accused in the CJDP direct donations to local charities or not-for-profit organisations. In 2014-15, 3543 accused undertook to pay a total of \$1,042,468.15 in donations to charities and local community projects. Approximately \$277,130.00 of the donations ordered were directed to be paid to the Magistrates' Court Fund. The Court Fund distributes monies to local community services.</p> <p>In addition, over \$20,000.00 in donations was allocated to Whitellion, Berry Street Kids Undercover, 20th Man Fund and the Youth Substance Abuse Service.</p> <p>A further \$16,000 in donations was directed to community run safety initiatives such Road Safety Awareness and Initiatives and the Victorian Women's Health Program.</p> <p>Over \$80,000 was allocated to hospitals state-wide and more than \$40,000 to community health and family support centres.</p> |
| Restitution | \$591,374 in restitution was undertaken to be paid to victims. |
| Referral breakdown | <p>There was a three per cent increase in the number of referrals received from various prosecuting agencies during 2014-15 compared with 2013-14.</p> <p>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, 75 per cent of accused were placed on a diversion plan (accepted into the program), compared with 73 per cent in 2013-14.</p> <p>709 matters were found not suitable and refused by magistrates and judicial registrars, representing 10 per cent of referrals that were refused.</p> <p>During 2014-15, 110 accused identified as Aboriginal and/or Torres Strait Islander during the diversion interview process.</p> |
| Conditions | <p>During 2014-15, accused undertook 13,174 conditions, compared with 12,894 in 2013-14.</p> <p>A total of 4,489 accused successfully undertook conditions and completed their diversion plan, representing 91 per cent of accused who were placed on the CJDP, compared with 4682 (92 per cent) in 2013-14.</p> |

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 to impose outcomes that appropriately reflect the circumstances of the accused.</p> | <p>ERP is jointly managed by the Infringements Court and the Magistrates' Court, and operates at the Melbourne Magistrates' Court.</p> <p>The Special Circumstances List also sits at the NJC in Collingwood.</p> |

ERP Data Snapshot 2014-15

| | |
|--------------------------|--|
| Individual infringements | The ERP received 55,181 individual infringements for listing in the Special Circumstances List, relating to 2355 accused. This is a 22 per cent increase in the number of infringements received for listing and a 42 per cent increase in the number of accused compared to 2013-14. |
| Matters listed | A total 3057 matters were listed in the Special Circumstances List. This is an increase of 29 per cent compared to 2013-14. |
| Finalisations | <p>Of the matters listed, 1674 were finalised by a magistrate or judicial registrar, representing an overall clearance rate of 54 per cent of the matters listed for the financial year. This is a two per cent decrease in the clearance rate compared to 2013-14.</p> <p>In 2014-15, there was a 27 per cent increase in the number of matters finalised compared to 2013-14.</p> <p>Of the 1674 matters finalised, 61 per cent of accused appeared in open court and 39 per cent were heard ex parte.</p> |

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 is 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 to, for rural locations) Magistrates' Courts statewide. This ensures that all courts have 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 in metropolitan Melbourne by Forensicare, the Victorian Institute of Forensic Mental Health.

The aim of the service is to assist the Court to make appropriate dispositions where there is a suspected link between a mental illness and the commission of an offence, or where it is necessary to determine if a person attending the Court is in need of treatment for a mental illness.

The service, initially funded by the Department of Health, was established at the Melbourne Magistrates' Court in 1994. The service was later expanded to provide coverage at Broadmeadows, Dandenong, Frankston, Heidelberg and Ringwood Magistrates' Courts.

In 2007, the Department of Justice allocated funding for a full-time Mental Health Court Liaison position at Sunshine Magistrates' Court as part of the CISP.

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

Youth Justice – Court Advice Service (Melbourne Central Courts Unit)

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

The YJCAS was established in 1998 and forms part of the Victorian Youth Justice statutory services system. An emphasis of the program is the rehabilitation and suitable diversion of young people from the adult criminal justice system through the provision of specialist youth focused court advice and case support. The YJCAS undertakes assessments of adult offenders aged less than 21 years, likely to be sentenced to prison, as to their suitability for sentencing to a Youth Justice Custodial Centre.

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

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 and mental health, homelessness, education and employment, self-esteem and family and social relationships. A DTO represents a sentencing option that enables participants the opportunity to address a range of support needs within the community on the condition that they comply with the requirements of the order.

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 held in abeyance to allow for treatment and supervision to take place. Should the person complete or graduate from the DTO, they are not required to serve this custodial term. In the event, the person fails to comply with the DTO or commits a further offence, they can be ordered to serve the remaining custodial period or be re-sentenced.

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 Gazetted Drug Court Catchment
- 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 Court 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 is 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 earlier than the specified two year period. As previously outlined, in this event, the custodial component of their sentence would not need to be served in recognition that a DTO represents a term of imprisonment served in a community and this is certainly reflected in the intensiveness and requirements of the DTO.

The Court also has a number of mechanisms in place to preserve community safety and ensures that there is swift response to any lack of compliance with the DTO.

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 and 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 and training prospects
- 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.

Significant Events for 2014-15

With a cap of 60 participants on a DTO at any one time, each order lasting for a maximum of two years, the Drug Court typically imposes between 45 and 55 DTOs per year. This reporting period, the Drug Court exceeded this range, sentencing 65 people to a DTO. This represents an increase of 10 per cent from the previous financial year.

Premier's Ice Action Task Force

The Drug Court Magistrate, Magistrate Tony Parsons, was invited to join the 16 member Victorian Ice Taskforce with the remit to deliver an Ice Action Plan. The Taskforce

examined ways to reduce the demand, supply and harm of the drug and responded to the findings of the Victorian Parliamentary Committee by the March 2015 deadline.

National Ice Task Force

The Drug Court made a submission to the National Ice Taskforce focused on improving the efforts of the federal, state and territory governments to combat the growing use of ice in the community. The submission detailed the theory, role, operational structure and success of the Drug Court in addressing the entrenched substance use and criminal behaviour of participants.

Drug Court Evaluation

KPMG was engaged to complete an evaluation with objectives to assess the performance of the Drug Court, to document key lessons and to provide an evidence base for government decision making. The evaluation report was launched in March 2015 by the Attorney-General, The Honourable Martin Pakula MP, Chief Magistrate Peter Lauritsen and Magistrate Parsons at an event attended by a broad range of Drug Court participants, stakeholders, partners and supporters. The evaluation was also reported by the Global Centre for Drug Treatment Courts and is available at www.globaldrugcourts.com.

This evaluation documents the success and efficacy of the Drug Court in:

- saving \$145,000 per participant per year in imprisonment costs
- reducing recidivism by 29 per cent over two years
- reducing the severity of re-offending with a 90 per cent reduction in trafficking offences and 54 per cent reduction in violence with weapons offences
- saving \$1.2 million in recidivism imprisonment costs over two years
- achieving a 39 per cent DTO completion rate by participants with entrenched substance use and criminal behaviour
- increasing the safety of the community through improving the health and wellbeing of Drug Court participants.

Importantly, the KPMG evaluation also made recommendations in line with continuous improvement goals including broader and more detailed data collection and recording. Qualitative interviews with Drug Court stakeholders identified opportunities for operational improvement including enhanced resourcing for staff positions, longer opening hours and greater synergy with local health and medical professionals through complimentary database platforms. Stakeholders also identified expansion opportunities including broadening offence categories, establishing a secure detoxification facility (as used in the NSW Drug Court) and establishing additional Drug Courts in Victorian locations to address both equity of access issues and high incidences of drug related crime.

Conferences and Forums

In August 2014, Magistrate Parsons and Program Manager Kristy Rowe attended the Drug Court of NSW Practitioner Conference. The ties between the interstate Drug Courts were strengthened by visits to the Compulsory Drug Treatment Correctional Centre, which is a feature of the NSW program and point of difference with the Victorian model and the Kings Cross Medically Supervised Injecting Centre. The NSW Drug Court has been in operation since 1999 and was generous in sharing their operational learning and expertise.

In February 2015, Kristy Rowe participated in an expert panel at a Victorian Alcohol and Drug Association Conference presenting on the use of the Department of Health & Human Services' new forensic module alcohol and other drug (AOD) tool in a case study assessment. The introduction of this new tool to be used across the alcohol and other drug sector was followed by a discussion about treatment matching to respond to the different treatment needs of methamphetamine users.

In May 2015, Magistrate Parsons presented at the Yarra Drug and Health Community Forum titled 'Do Drug Courts & Diversion Work?' and gave an overview of the operation and efficacy of the Drug Court.

Magistrate Training

In March 2015, Magistrate Parsons attended Comprehensive Drug Court Judicial Training at the National Judicial College in Nevada, USA. The training included research findings on drug court best practice, leadership skills, new screening tools, exploration of causal links between licit and illicit substance use and facilitating effective drug testing. Magistrate Parsons described the training as inspiring and energising, confirming that the Drug Court was currently at the forefront of drug court best practice.

In the spirit of continuous improvement, Magistrate Parsons has embarked on a program of operational enhancements based on his learning from the training and proposed a visit for critical assessment from international drug court expert and retired California Superior Court Judge Peggy Hora to support this process.

Drug Court Community Work Garden

The Drug Court Community Work Garden initiative is a collaboration between Jesuit Social Services, the Court and Corrections Victoria. Initially a short-term program, it has been so popular and successful that it has increased operation to two days per week and received a Commendation in the Most Outstanding New Project Category of the Corrections Victoria Community Partnership Awards in October 2014. The Community Work Garden program enables Drug Court participants to undertake community work in the Drug Court Garden growing vegetables, herbs and native plants and building required structures including planter boxes, whilst achieving competencies towards a certificate in adult education. All produce grown in the garden is donated to local charities.

Drug Court Case Study

John* has a minimal criminal history, initially appearing in the Magistrates' Court at the age of 29 for theft charges with no conviction recorded. 15 years later, at the age of 46, John again re-entered the criminal justice system after committing numerous burglaries and thefts with his partner.

John stated that he and his partner (and co-offender) were initially using ice on a social basis but after the death of John's daughter, this use had escalated from half a gram once every three weeks to half a gram on a daily basis, dependent on finances. He states the lack of money was the main catalyst for their offending to enable them to continue to purchase drugs and keep up with their private rental accommodation.

The Drug Court team assessed John as a person who would benefit significantly from the therapeutic interventions of a DTO and he was sentenced to a term of imprisonment with a DTO component in late 2013. A DTO consists of three phases ranging in intensiveness and if an individual demonstrates a range of specified behaviours, the Drug Court Magistrate can respond by promoting them through the phases. Likewise, should there be a deterioration, the Drug Court Magistrate can elect to demote the person and increase the support and intensiveness of intervention. Initially motivated to address his substance abuse, John attended supervision, testing, counselling, Court and Treatment Planning sessions on a regular basis and his promotion to Phase 2 in mid-2014 indicated his determination to become drug free.

John was unable to maintain this progress and lapsed back into ice use, citing negative peer associations as his major risk factors.

He was subsequently demoted to Phase 1 in late 2014 to benefit from the more intensive and weekly support provided in this phase.

In early 2015, John was able to reverse this decline in his commitment and started to take advantage of the assistance of the Drug Court team. His drug free status resulted in him progressing to Phase 2, then Phase 3 soon after.

John's determination to achieve both his personal goals and those of the DTO resulted in him putting in place strategies to address both his physical needs and stabilise his depression through prescribed medication. He re-established friendships with people he used to know prior to his criminal lifestyle, gained permanent housing through the Drug Court Homelessness Assistance Program run by local housing service WAYSS and became fully employed. Further, he did not re-offend during the period of his DTO, demonstrating an increased insight into the ramifications of offending and a strong desire to embrace a positive crime free lifestyle.

John had significant grief and loss issues prior to being placed on to the Order. Prior to graduating from the DTO, he set himself further goals in an effort to extend his capabilities. He advised his Case Manager that he intended to sponsor a seven-year-old African child, as this would be a concrete way he could "give something back to the community". He also summarised his achievements on the DTO by stating he had "beaten" his addiction by looking at it "straight in the face" and that regaining his self-pride was his biggest achievement.

*Name changed to protect the participant's identity.



The drug court team with their Commendation certificates in recognition of the success of the Drug Court Garden community work project

Pictured from left: Trang Buick (Case Manager CV), Beth Garrett (community Work Regional Manager, CV), Amy Laylor (Officer In Charge, Drug Court House, CV) Robert Rukavina (Trainer and Assessor Jesuit Social Services), Jesuit Social Services staff member, Jesuit Social Services staff member, Michelle Yates (A/Program Manager Drug Court, Jan Shuard (Commissioner CV), Sarah Hennessey (Case Manager CV), Magistrate Tony Parsons (Drug Court Magistrate)

Family Violence and Personal Safety Intervention Orders

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

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

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

Intervention order growth

During the reporting period there were:

- 56,029 family violence intervention order applications finalised across the state (including interims)
- 16,596 personal safety intervention order applications finalised across the state (including interims).

As the above figures indicate, the Court continues to experience growth and demand within the intervention order jurisdiction. Over the last 10 years, there has been an 180 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.

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. Specialist family violence registrars, applicant support workers and respondent support workers are now provided at a number of locations.

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

The Family Violence Counselling Orders Program (FVCOP) operates at the Frankston and Moorabbin Magistrates' Courts. Through this program, and upon the making of a

final intervention order, the Court can make a Counselling Order directing eligible men to attend a men's behavioural change program. The Court has worked closely with the Department of Health and Human Services to engage with Community Service Organisations who deliver the men's behavioural 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 FVCOP commenced at the Frankston Magistrates' Court on 1 July 2014 and commenced at Moorabbin Magistrates' Court in October 2014.

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 Supervising Magistrates and Lead Magistrate.

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 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 family violence and intervention order proceedings.

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

- the Chief Magistrate's Family Violence Discussion Group
- the Department of Justice & Regulation Family Violence Steering Committee
- Family Violence Ministerial Advisory Roundtable
- the Family Violence State-wide Advisory Committee
- the Family Violence Stakeholders Reference Group
- the Family Violence Taskforce, comprised by members of the legal profession
- the Indigenous Family Violence Partnership Forum

- the Indigenous Family Violence Regional Action Group
- the Systemic Review of Family Violence Deaths Reference Group
- the Victoria Police / Magistrates' Court Family Violence Committee
- the Violence against Women and Children Forum.

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.

MCV Response to Family Violence

In recognition of the growing proportion of family violence related matters coming before the Court, the Court released its response to family violence in November 2014. The Court's vision in response to family violence is to "increase the safety of women and children by ensuring a consistent service across the state, delivered with greater sensitivity, ensuring co-ordination and efficiency in the management of cases, and the ability to refer victims and offenders to services". In considering the current demand for family violence related matters coming before the Court, six strategic priorities have been identified:

- Expansion of family violence services
- Video Conferencing Pilot
- Fast tracking listing model
- Professional development
- Online engagement
- Improved use of technology and information sharing

Expansion of Family Violence Services

The Court received funding to expand its Family Violence Services to all 12 headquarter courts located at Melbourne, Sunshine, Broadmeadows, Heidelberg, Ringwood, Dandenong, Frankston, Latrobe Valley, Ballarat, Bendigo, Geelong and Shepparton. These services enable the Court to better deal with family violence related proceedings, identify risks and make plans to improve safety for victims. The Family Violence Services ensure best practice, improved information sharing processes and lead stakeholder and community engagement activities. Each headquarter court now employs a specialist family violence registrar, who plays a key role on behalf of the Court in leading the local region's response to family violence. Family violence applicant and respondent support workers are currently available at Ballarat, Heidelberg, Frankston, Moorabbin, Melbourne, Sunshine, Ringwood and Dandenong Courts. Work continues to expand these support workers to all remaining headquarter courts.

Video Conferencing Pilot

The Court, in conjunction with support and legal services, has developed a Family Violence Video Conferencing Pilot to improve access to courts and provide alternative arrangements for victims and witnesses to give evidence in family violence matters. The video conferencing technology enhances the safety and security of applicants by enabling them to appear at court via video conferencing from remote locations. The technology also allows victims to have access to legal and support services from the remote location. This Pilot commenced at Melbourne Magistrates' Court in July 2015. The outcomes of the Pilot will be evaluated and the Court will work with partner agencies to make this approach accessible at other courts throughout the state.

Fast Tracking Listing Model

The Court has worked closely with Victoria Police and Victoria Legal Aid to develop a listing model that ensures family violence related criminal charges, including contraventions of intervention orders, are listed before a court within set timeframes. The fast tracking listing model aims to improve perpetrator accountability and enhance the safety of victims by having criminal matters dealt with as early as possible. This model commenced at the Dandenong Magistrates' Court on 1 December 2014. The outcomes of this initial stage will inform the statewide implementation of this project.

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. The Court has provided specially designed induction programs for the family violence registrars and support worker roles and conducted a number of professional development sessions for specialist staff throughout the year, including responding to women experiencing violence, cultural awareness training, and technology and family violence training. Family violence has also been incorporated as an area of focus in a number of the Court's training programs for staff, including induction of all new court staff and trainee court registrars and the Certificate in Court Services for trainee court registrars. Case managers and frontline managers from a number of the court support services have also received training on the dynamics of family violence and the use of CRAF and have attended a workshop run by the No to Violence on working with perpetrators of family violence.

The Court has provided internal professional development for magistrates consisting of induction for new magistrates and regular whole of court professional development days on various aspects of family violence theory, practice, legislation and legal developments.

The Court has recently collaborated with the Judicial College of Victoria to develop and provide an ongoing best practice curriculum of family violence education to all magistrates in Victoria. The first of three, two-day courses, focusing on the social context of family violence was held in February 2015. The remaining programs will run in August 2015 and February 2016.

The Court continues to develop and provide opportunities to the judiciary and staff to enhance their knowledge and understanding of family violence.

Online Engagement

The Court received a grant of funding from the Victorian Law Foundation to develop and publish a new website specifically for information relating to family violence and intervention orders, to remove barriers for self-represented litigants that prevent access to justice. The website will be a 'one-stop' shop for information on intervention orders and will include written content, videos and helpful links to existing family violence resources. Work on this project has commenced and the website will be available from November 2015.

Improved use of technology and information sharing

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 and family violence related criminal proceedings.

Koori Family Violence and Victims Support Program

The Koori Family Violence and Victims Support Program operates at the Melbourne Magistrates' Court. 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 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.

Magistrates' Court of Victoria Family Violence Taskforce

This Taskforce was established in November 2014 with the sole purpose of forming a high-level leadership group to discuss issues relating to family violence in Victoria and to undertake a scan of government and community resources that presently support the victims and perpetrators of family violence and formulate views to enhance or improve those resources.

Royal Commission into Family Violence

The Court prepared a submission to the Royal Commission into Family Violence. The Commission is inquiring into how Victoria's response to family violence can be improved

and will make practical recommendations. The Court's submission highlighted:

- current best practice in family violence courts
- key challenges and barriers the courts face in responding to family violence
- recommendations for the Royal Commission's consideration to enhance the Court's and the Children's Court of Victoria's responses to family violence.

The Commission is due to provide its report and recommendations to the government by 29 February 2016.

Family Law Council submission

The Court prepared a submission to the Family Law Council Terms of Reference in relation to families with complex needs who are seeking to resolve their parenting disputes. The focus of this submission was to provide context as to the Magistrates' Court's experiences with families with complex needs who are often required to navigate their way through state and federal jurisdictions. The Court recommended development of an effective case management and triage system, which is adequately resourced and supported.

Family Law Jurisdiction

The Court has jurisdiction to deal with a number of cases under the *Family Law Act 1975* (Cth), the *Child Support (Assessment) Act 1989* (Cth) and the *Marriage Act 1961* (Cth). Access to the family law jurisdiction in the 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.

Family Law Manual

A comprehensive manual developed by the Court in conjunction with the Judicial College of Victoria was launched during the reporting period. It provides a resource for magistrates when dealing with family law matters.

'Fast tracking' family violence criminal matters

A fast tracking listing process commenced at Dandenong Court on 1 December 2014. This listing process seeks to stop the escalation of family violence by having family violence related criminal matters dealt with according to strict timelines: Dealing with these charges quickly holds perpetrators accountable and enhances the safety of victims.

On the evening of 24 January 2015, Greg¹ slapped Katherine and abused her, calling her a "cow" and a "fat slag". Neighbours heard Greg yelling and plates breaking and called Dandenong Police. The Police initiated a Family Violence Safety Notice (FVSN) to protect Katherine and their two children and charged Greg with unlawful assault.

On Tuesday 27 January, Katherine attended Court in relation to the FVSN, and Greg agreed to a twelve-month Family Violence Intervention Order which prohibited him from contacting Katherine, except by text message or through lawyers regarding child contact.

Greg was further summonsed to appear at Dandenong Magistrates' Court on 23 February, in relation to the criminal charges (within four weeks of the incident).

Despite agreeing to the Intervention Order, Greg telephoned Katherine on 4 February 2015, after having a few drinks, and started yelling at her, calling her names and threatening her. Greg's behaviour was in breach of the intervention order.

Katherine reported the incident to the Police, who interviewed Greg on 5 February. The Police charged Greg and, in accordance with the fast tracking timelines, bailed him to appear at Dandenong Magistrates' Court on 12 February 2015 (within one week).

When Greg appeared at Court on 12 February, he pleaded guilty to the charge of contravening the intervention order. The original unlawful assault charge was also brought forward from 23 February and Greg pleaded guilty to both charges. Greg was placed on a Community Corrections Order with conditions to engage in treatment for alcohol abuse, mental health and to attend a men's behaviour change program.

As Greg pleaded guilty, Katherine was not required to come to court to give evidence against him.

In sentencing remarks, the Magistrate explained that if there were any further breaches of the order, the consequence would likely be imprisonment.

The timely criminal justice response provided by fast tracking ensured that Katherine and the children are safer. Greg was quickly held accountable for his actions and has not re-offended since the incident on 4 February. Both criminal matters were finalised within a month.

Before fast tracking was introduced at Dandenong, the average delay to first listings for both bail and summons matters was 165 days and the average time to hearing was 518 days.²

Fast-tracking Timeframes for listing FV related criminal matters are:

| | |
|--|---------|
| Filing to first listing for bail matters (the time to first listing from the release of an accused on bail) | 1 week |
| Filing to first listing for summons matters (the first listing from the issue of a summons) | 4 weeks |
| First listing to second listing (summary case conference is to be conducted on or before the second listing) | 4 weeks |
| Second listing to contest mention | 4 weeks |
| Contest mention to contested hearing | 4 weeks |

¹Not their real names

²As at January 2014

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. In 2001 when the Magistrates' Koori Court Pilot commenced, it was estimated that Koories 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 Court has 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 the community
- to increase accountability of the Koori community for Koori accused
- to promote and increase awareness about community codes of conduct and standards of behaviour.

Elders and Respected Persons make an important contribution to the Koori Court process. In addition, the Koori Court Officer, Koori accused and their families can all contribute during the hearing to ensure court orders are appropriate to the cultural needs of Koori accused and assist them to address issues relating to their offending behaviour.

Current locations

The Koori Court Program has grown from the pilot locations of Shepparton (2002) and Broadmeadows (2003). In 2014-15, the Koori Court sat regularly at Bairnsdale, Broadmeadows, Latrobe Valley, Melbourne (launched in August 2014), Mildura, Shepparton, Swan Hill and Warrnambool (on circuit to Hamilton and Portland). Children's Koori Courts also operated at Bairnsdale, Latrobe Valley, Melbourne (circuit to Dandenong and Heidelberg), Mildura, Shepparton, Swan Hill and Warrnambool (circuit to Hamilton and Portland). Approximately 30 magistrates regularly sit at the various Koori Court locations around the state.

Staff

The Koori Court currently employs 75 casual Elders and Respected Persons and 14 full time operational Koori Court program staff members. The Court remains the largest employer of Aboriginal and Torres Strait Islander staff members within the justice sector.

In 2014-15, there were various professional development activities to support the Koori Court staff. This included training in relation to the overall diagnosis and treatment of a person with an acquired brain injury and the Youth Support Advocacy Service facilitated information sessions about the drug Ice and how to communicate effectively with those affected by Ice.

Magistrates' and Children's Koori Court Expansion

Following consultation with the Koori community and associated stakeholders in Melbourne, the Koori Court Unit assisted with the expansion of the Koori Court at the Melbourne Magistrates' Court. The Melbourne Koori Court has been very successful and has sat 20 times, heard 536 matters, dealt with 50 accused in custody, issued 23 warrants of apprehension and made 17 referrals to the Court Integrated Support Program.

The Melbourne Children's Koori Court now conducts circuit sittings at the Dandenong and Heidelberg Courts and the Court will continue to explore options for the further expansion of the Koori Court sites during 2015-16.

Stakeholder Engagement

The Koori Court held a number of community meetings to celebrate key achievements and assist the Elders and Respected Persons to meet with key stakeholders across the state. There were also information sessions held to develop a greater understanding of what services and programs are available to assist Koori Court clients and provide the opportunity to engage new services for the Koori Court.

National Aboriginal and Islander Day Observance Committee Week (NAIDOC) and reconciliation events were also coordinated throughout the state.

In 2013-14, in response to a high level of young Koori youth attending the Koori Children's Court at Latrobe Valley, the Koori Court Unit and the Department of Education and Training developed an initiative whereby a Department of Education and Training representative attends the Koori Children's Court sittings at this location. This person provides active support for Koori youth throughout the court process and expands education pathways for Koori youth who come into contact with the Koori Court. Further to the successful evaluation of the partnership between the Koori Court and the Department of Education & Training, this initiative is due to be expanded and a Department of Education and Training representative will now be present at all Children's Koori Court sittings across the state.

Listings

The Koori Court listed 3,363 matters for 2014-15, which is an increase on the 2,240 listed matters for 2013-14 and dealt with more accused than in the previous year. This increase is due to the creation of the Melbourne Koori Court, the increased number of matters heard at the Mildura Koori Court and the community education about the Koori Court carried out by the Koori Court staff and other key stakeholders. This is the second consecutive year that there has been an increase in Koori Court sittings for the Magistrates' and Children's Court jurisdictions.

The Koori Court finalised 39 per cent of all listed matters, which is on par with previous year's figures and issued 227 warrants of apprehension for failures to appear. This equates to a warrant of apprehension being issued in 6.7 per cent of matters and follows a pattern where the number of Koori Court warrants of apprehension issued have reduced slightly over the past three financial years.

During 2014-15, 75.5 per cent of accused were male and 24.5 per cent were female.

Koori Court Summary

| | 2012-13 | 2013-14 | 2014-15 |
|---|---------|---------|---------|
| Number of sittings | 187 | 197 | 237 |
| Listed matters | 1,975 | 2,240 | 3,363 |
| Finalised | 988 | 895 | 1,310 |
| Failure to appear and warrants of apprehension issued | 174 | 164 | 227 |

Neighbourhood Justice Centre

The NJC is a division of the Court and Australia's only community justice centre.

The NJC is a multi-jurisdictional court with a variety of treatment and support services such as mediation, legal advice, employment and housing support, counselling and mental health services. The NJC works exclusively within the City of Yarra, one of Victoria's most socio-economically diverse municipalities and 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 City of Yarra community
- strengthen the NJC community justice model and develop innovations that can be adopted by other courts and communities.

Caseload

In this reporting period, 3,328 cases were initiated and 3,818 were finalised.

Since the NJC opened in 2007, the City of Yarra has enjoyed a 31 per cent drop in crime, which is the greatest drop in any Melbourne municipality for the same period. A recently completed independent analysis of the NJC showed 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. When compared to the NJC, the analysis also found an increased likelihood of recidivism in comparable groups, which is a gulf that increases over time. The NJC's recidivism rates are lower than comparable Victorian Magistrates' Courts. In 2010, offenders were 14 per cent less likely re-offend and in 2015, 27 per cent of offenders are now less likely to re-offend¹.

Youth offending in the City of Yarra has dropped to an all-time low and Victoria Police have attributed this reduction to the beneficial relationship between the NJC and local police.

The NJC also has a 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 sites. The NJC's Community Corrections Order completion rate is 10 per cent higher than the state average.

Innovations

In an Australian first, the NJC launched an online Family Intervention Order Application Form. This online form is mobile friendly and accessible via the NJC's website, which enables applicants to choose the most convenient time to fill out the form in the safest possible location. The form has a host of security features, can be saved for up to 30 days and has useful explanations. Completed forms are emailed to the NJC. The NJC is trialling the online form for six months and Chief Magistrate Peter Lauritsen has indicated that the online form may be used at other venues of the Court if any technical issues involved in doing this can be resolved and funded. As part of the creation of this app, the

NJC also standardised risk assessment for the registry and magistrates.

The NJC introduction of a Court Triage Service, which is a digital link and coordination system for the registry, magistrates, lawyers, police prosecutions, clinicians and court users, was another major innovation.

The NJC prepared for the mid-2015 introduction of the Mycase, which is an online coordination system that allows court users real time contact with lawyers, court staff and other personnel related to their case. This system will facilitate continuous productivity improvements and costs savings over five to 10 years.

Media

The Age ran a story in which one of the NJC clients called the NJC her "home away from home" and made reference to the treatment received from the NJC's multi-disciplinary Client Services Team and the NJC's problem-solving practices. The client indicated that these things have helped her to turn her life around and the power inherent in combining problem-solving and community justice to tackle crime was evident in this article².

As such, the NJC is proud of its revolutionary new services and ongoing evolution of its work.

Community engagement

During 2014–15:

- the Shepparton, Wyndham and Whittlesea municipalities approached the NJC for advice to formulate justice responses for their communities
- the ARC List implemented a financial counselling service based on the NJC's model
- the NJC funded and co-hosted the Innovation Initiative for the Court, which is providing a space for the Court's staff to increase their capacity to think in new ways and innovate to address challenges in the justice system
- over 100 men from the City of Yarra joined the NJC and its White Ribbon Day partner, the Metropolitan Fire Brigade, to swear to never to remain silent, condone or excuse violence against women
- the NJC facilitated another highly successful Indigenous music festival called Smith Street Dreaming, which went on to win the City of Yarra and the HAART community event awards.

¹ RMIT, 2015, Evaluating Neighbourhood Justice: Measuring and Attributing Outcomes for a Community Justice Program, Stuart Ross, viewed 10 July 2015, <http://search.informit.com.au>

² McColl, G. 2015, 'Victorian Female Prison Rates Soar', The Age, 1 June



Statistics and Financials

Magistrates' Court Of Victoria Financial Statement

for year ending 30 June 2015

| | Note | Actual 2013-14 \$'000 | Actual 2014-15 \$'000 |
|--|------|-----------------------------|-----------------------------|
| REVENUE | | | |
| Annual Appropriations | 1 | 72,710 | 73,748 |
| Special Appropriations | | 40,424 | 39,681 |
| Grants | 2 | n/a | 5,026 |
| Total Operating Revenue | | 113,133 | 118,455 |
| EXPENSES | | | |
| Employee expenses | | 78,456 | 81,848 |
| Depreciation and Amortisation | | 9,357 | 9,109 |
| Interest Expense | | 187 | 159 |
| Grants, Contracts, and Professional Services | | 6,802 | 8,744 |
| Property Services | 3 | 14,951 | 13,141 |
| Other Operating Expenses | 4 | 3,759 | 5,290 |
| Total Operating Expenses | 5 | 113,513 | 118,292 |
| Net Operating Surplus (Deficit) | | (380) | 163 |
| OTHER ECONOMIC FLOWS | | | |
| Revaluations and Write Downs | 6 | n/a | (1,528) |
| Net Result | | (380) | (1,365) |
| CAPITAL EXPENDITURE | | | |
| Building Projects | | 2,494 | 1,254 |
| Plant, Equipment and Motor Vehicles | | 3,245 | 1,890 |
| Total Capital Expenditure | | 5,740 | 3,144 |

Notes to and forming part of the Financial Statements

Note 1

Annual appropriations revenue is inclusive of Treasurers Advance funding for the Ending Violence Against Women and Children initiative, and preliminary recovery costs following extensive water damage to the Heidelberg Court facility.

Note 2

Grants revenue reflects allocations for various programs funded by the Department of Justice and Regulation and other external organisations.

Note 3

Property services expenses are inclusive of rental lease costs, utilities, security, property services contracts, and general repairs and maintenance.

Note 4

Other operating expenses includes general supplies and consumables, and recovery for costs incurred on behalf of other Departmental, State and Commonwealth agencies.

Note 5

Operating expenses includes costs associated with court operations, judicial officers, specialist courts, court support programs, corporate and executive support, and administration of the Victims of Crime Tribunal. VOCAT Awards payments are not included.

Note 6

The revaluation and write down amount reflects an adjustment to the written down value of the Heidelberg Court asset for the loss in value following extensive water damage during 2014-15. This is a non-budget adjustment and has no impact on the Court's annual appropriation budget.

This financial statement is based on data available at 10 August 2015.

Magistrates' Court of Victoria Statistics 2014-15

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

| Criminal Summary | | | | | | | |
|------------------------|----------|---------|---------|---------|---------|---------|--------------|
| | See Page | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Cases initiated | 79 | 166,791 | 172,323 | 175,345 | 218,409 | 247,025 | 13% |
| Cases finalised | 79 | 177,828 | 180,754 | 188,537 | 237,452 | 275,552 | 16% |
| Applications finalised | 80 | 60,762 | 63,289 | 66,336 | 73,658 | 80,451 | 9% |
| Breach cases | 80 | 11,299 | 11,226 | 8,907 | 8,060 | 8,806 | 9% |
| | | | | | | | |
| Criminal listings | 81 | 559,060 | 575,998 | 591,736 | 684,004 | 766,091 | 12% |

| Caseload | | | | | | | |
|----------------------------------|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Cases initiated | 1 | 166,791 | 172,323 | 175,345 | 218,409 | 247,025 | 13% |
| Cases finalised | 2, 3 | 177,828 | 180,754 | 188,537 | 237,452 | 275,552 | 16% |
| | | | | | | | |
| Cases finalised per court region | 4 | | | | | | |
| Barwon South West | | 6,244 | 6,504 | 7,666 | 8,416 | 9,317 | 11% |
| Broadmeadows | | 10,064 | 11,555 | 11,199 | 14,015 | 15,829 | 13% |
| Dandenong | | 14,178 | 14,184 | 13,933 | 16,524 | 19,624 | 19% |
| Frankston | | 6,767 | 13,422 | 15,649 | 17,538 | 19,300 | 10% |
| Gippsland | | 6,172 | 6,200 | 7,740 | 8,010 | 8,642 | 8% |
| Grampians | | 4,286 | 4,666 | 5,802 | 6,075 | 6,693 | 10% |
| Heidelberg | 5 | 12,513 | 14,485 | 13,991 | 15,570 | 13,026 | -16% |
| Hume | | 5,760 | 6,186 | 6,233 | 7,550 | 8,059 | 7% |
| Loddon-Mallee | | 6,573 | 6,710 | 7,285 | 8,646 | 9,627 | 11% |
| Melbourne | | 80,006 | 68,553 | 67,586 | 101,076 | 128,725 | 27% |
| Ringwood | | 9,384 | 10,318 | 10,525 | 12,906 | 15,898 | 23% |
| Sunshine | | 14,589 | 16,376 | 19,265 | 19,512 | 18,780 | -4% |
| NJC | | 1,292 | 1,595 | 1,663 | 1,614 | 2,032 | 26% |
| Total | | 177,828 | 180,754 | 188,537 | 237,452 | 275,552 | 16% |

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.

Note 5: No court hearings have been held at Heidelberg Magistrates' Court since February 2015. Most lists were transferred to Melbourne Magistrates' Court, with others transferred to Broadmeadows and Ringwood Magistrates' Court. Cases listed at Melbourne Magistrates' Court will be included in the Heidelberg region statistics.

Criminal continued

| Applications | | | | | | | |
|--|-------|---------------|---------------|---------------|---------------|---------------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Application Types | | | | | | | |
| Licence restoration applications | | 12,870 | 11,700 | 10,894 | 10,021 | 9,860 | -2% |
| Interlock removal applications | | 6,026 | 6,190 | 5,685 | 5,392 | 5,238 | -3% |
| Applications for bail | 2 | 14,162 | 16,791 | 20,118 | 24,248 | 29,074 | 20% |
| Applications for bail variation | 2 | 7,321 | 8,251 | 9,307 | 9,954 | 10,648 | 7% |
| Application for revocation of bail | 2 | 1,673 | 2,251 | 2,693 | 3,447 | 4,252 | 23% |
| Rehearing applications | | 1,500 | 1,440 | 1,281 | 1,799 | 1,747 | -3% |
| Application to vary or cancel sentencing order | | 1,451 | 1,551 | 1,332 | 1,658 | 1,733 | 5% |
| Application for restoration of suspended sentence | | 2,069 | 1,964 | 906 | 294 | 94 | -68% |
| Application under section 84U Road Safety Act 1986 | 3 | 143 | 218 | 542 | 373 | 510 | 37% |
| Application to question/ investigate a person in custody | | 678 | 680 | 763 | 692 | 118 | -83% |
| Application for forfeiture of property | | 421 | 408 | 402 | 413 | 490 | 19% |
| Application for forensic procedure | | 1,068 | 1,088 | 1,164 | 1,231 | 2,431 | 97% |
| All remaining applications | | 11,380 | 10,757 | 11,249 | 14,136 | 14,526 | 3% |
| Applications finalised | | 60,762 | 63,289 | 66,336 | 73,658 | 80,721 | 10% |

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: Applications under section 84U Road Safety Act 1986 added to 2014-15 Annual Report. Remaining application totals modified accordingly.

| Breaches of sentencing orders | | | | | | | |
|--|-------|---------------|---------------|--------------|--------------|--------------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Number of cases listed for a breach of sentencing order | | 9,262 | 9,262 | 6,894 | 6,158 | 6,826 | 11% |
| Number of cases listed for restoration of suspended sentence | | 2,037 | 1,964 | 2,013 | 1,902 | 1,980 | 4% |
| Total | | 11,299 | 11,226 | 8,907 | 8,060 | 8,806 | 9% |

Finalised cases with particular sentencing orders can be relisted at the Magistrates' Court under breach proceedings if a charge is issued. 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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13 - 14 |
| Committal proceedings finalised | 1 | 2,953 | 2,785 | 3,265 | 3,156 | 2,839 | -10% |
| Appeals lodged against conviction and/or sentence | 2 | 2,511 | 2,378 | 2,804 | 2,713 | 2,875 | 6% |

Note 1: The above total is included in the finalisations reported to the Government as part of Budget Paper no. 3 requirements.

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

| Fine enforcement | | | | | | | |
|---|-------|---------------|---------------|---------------|---------------|----------------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Appeals against Infringement Registrar's refusal to revoke enforcement | 1 | 16,595 | 23,897 | 24,958 | 45,556 | 43,102 | -5% |
| Infringement revocations granted and defaulted to Magistrates' Court | 1 | 11,141 | 3,201 | 2,036 | 3,433 | 2,310 | -33% |
| Infringement matters referred to the special circumstances list of the Magistrates' Court | 1 | 31,932 | 28,564 | 22,716 | 37,050 | 55,184 | 49% |
| Total matters referred to the Magistrates' Court from the Infringements Court | | 59,668 | 55,662 | 49,710 | 86,039 | 100,596 | 17% |
| Infringement warrant case initiations | 2 | n/a | 2,656 | 2,395 | 3,666 | 4,579 | 25% |
| Individual infringement warrant initiations | 2 | n/a | 171,260 | 172,328 | 266,661 | 310,570 | 16% |

Note 1: 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 finalisations in the caseload section.

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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Warrants to arrest issued by the Magistrates' Court | | 29,134 | 33,740 | 38,237 | 43,935 | 53,085 | 22% |
| Matters determined at an ex parte hearing | | 4,193 | 3,410 | 2,476 | 2,272 | 1,639 | -28% |

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. An ex parte hearing is determined in the absence of the accused.

| Timeliness | | | | | | | |
|---|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Criminal cases finalised within six months | | 88.8% | 88.9% | 88.1% | 87.0% | 89.9% | 3% |
| Number of cases pending as at 30 June 2015 | | 30,345 | 32,149 | 36,686 | 39,127 | 45,762 | 17% |
| Of the pending cases, the amount of cases that have been pending for over 12 months | | 2,420 | 2,782 | 2,777 | 3,065 | 3,192 | 4% |

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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Total listings in the Magistrates' Court of Victoria | 1 | 559,060 | 575,998 | 591,736 | 684,004 | 766,091 | 12% |
| Common hearing types | 2 | | | | | | |
| Mention listings | | 240,869 | 255,919 | 269,644 | 323,147 | 354,551 | 10% |
| Plea of guilty listings | | 42,817 | 42,760 | 47,049 | 51,403 | 59,552 | 16% |
| Contest mention listings | | 10,752 | 12,350 | 12,048 | 13,499 | 15,707 | 16% |
| Contested hearing listings | | 12,121 | 10,523 | 10,117 | 9,062 | 8,175 | -10% |
| Application listings | | 98,694 | 110,279 | 104,906 | 137,232 | 136,239 | -1% |
| Breach sentencing order listings | | 25,378 | 28,329 | 24,276 | 21,870 | 24,768 | 13% |
| Restoration of suspended sentence listings | | 3,666 | 3,432 | 3,636 | 3,532 | 3,744 | 6% |
| Judicial monitoring listings | | - | - | 1,745 | 2,227 | 3,233 | 45% |

Note 1: Total listings include all cases and applications that have been before the Court 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.

Top 25 Charges 2014-15

| Rank* | | Offence | Number of charges | | % Difference 2013-14 |
|-------|------|---|-------------------|---------|-------------------------|
| | | | 2013-14 | 2014-15 | |
| 1 | (2) | Drive vehicle unregistered in toll zone (Citylink) | 28,883 | 36,696 | 27% |
| 2 | (1) | Theft | 29,979 | 31,012 | 3% |
| 3 | (3) | Drive whilst disqualified, suspended or cancelled | 19,192 | 20,412 | 6% |
| 4 | (5) | Contravene Family Violence intervention order | 15,016 | 18,343 | 22% |
| 5 | (8) | Drive vehicle unregistered in toll zone (Eastlink) | 13,597 | 17,924 | 32% |
| 6 | (4) | Unlawful assault | 16,448 | 17,168 | 4% |
| 7 | (9) | Possession / attempted possession of a drug of dependence | 13,535 | 16,260 | 20% |
| 8 | (6) | Exceed speed limit | 15,000 | 15,579 | 4% |
| 9 | (7) | Obtain property by deception | 14,218 | 15,005 | 6% |
| 10 | (12) | Fail to answer bail | 10,582 | 11,610 | 10% |
| 11 | (10) | Intentionally / recklessly cause injury | 11,622 | 11,307 | -3% |
| 12 | (11) | Have exceeded prescribed concentration of alcohol whilst driving (incl. refuse PBT) | 11,258 | 10,835 | -4% |
| 13 | (13) | Criminal damage | 8,885 | 9,603 | 8% |
| 14 | (14) | Use unregistered motor vehicle / trailer | 7,567 | 8,490 | 12% |
| 15 | (16) | Park for longer than indicated | 6,186 | 7,464 | 21% |
| 16 | (17) | Unlicensed driving | 6,008 | 7,200 | 20% |
| 17 | (19) | Handle / receive / retain stolen goods | 5,791 | 6,801 | 17% |
| 18 | (18) | Deal property suspected proceeds of crime | 5,893 | 6,607 | 12% |
| 19 | (21) | Burglary | 5,466 | 5,684 | 4% |
| 20 | – | Commit indictable offence whilst on bail | not in Top 25 | 5,339 | n/a |
| 21 | (22) | Careless driving | 5,284 | 5,242 | -1% |
| 22 | (24) | Assault in company / by kicking / with weapon / with instrument | 4,134 | 4,843 | 17% |
| 23 | – | Fail to pay parking fine | not in Top 25 | 4,800 | n/a |
| 24 | (20) | Assault / resist / hinder / obstruct / delay Police or Protective Services Officer | 5,489 | 4,567 | -16% |
| 25 | (25) | Attempt to commit an indictable offence | 3,800 | 4,358 | 15% |

*2013-14 ranking in brackets

Finalised charges include all charges filed with the Magistrates' Court of Victoria that have been found proven, not proven, withdrawn by the prosecuting agency or committed to a higher jurisdiction within the financial year.

| Civil Summary | | | | | | | |
|--|----------|---------|---------|---------|---------|---------|--------------|
| | See Page | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Complaints issued | 79 | 59,202 | 56,174 | 52,442 | 46,095 | 41,884 | -9% |
| Claims finalised | 79 | 40,696 | 36,836 | 34,182 | 54,686 | 50,824 | -7% |
| Total number of cases where a defence notice filed | | 7,663 | 7,806 | 7,495 | 7,502 | 7,570 | 1% |
| Applications finalised | | 16,629 | 14,953 | 14,375 | 13,917 | 14,152 | 2% |

| Complaints | | | | | | | |
|----------------------------|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Complaints issued or filed | | | | | | | |
| Up to \$10,000 claimed | | 46,349 | 44,587 | 40,098 | 34,121 | 30,567 | -10% |
| More than \$10,000 claimed | | 12,853 | 11,587 | 12,344 | 11,974 | 11,317 | -5% |
| Total complaints issued | | 59,202 | 56,174 | 52,442 | 46,095 | 41,884 | -9% |

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

| Claims finalised | | | | | | | |
|--|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Defended claims finalised at a hearing | | | | | | | |
| Arbitration | 1 | 2,274 | 2,218 | 2,269 | 2,001 | 1,808 | -10% |
| Hearing | | 2,100 | 2,266 | 2,279 | 2,093 | 1,937 | -7% |
| Pre-hearing conference or mediation | | 2,189 | 1,791 | 1,545 | 1,571 | 1,300 | -17% |
| Total of defended claims finalised at a hearing | | 6,563 | 6,275 | 6,093 | 5,665 | 5,045 | -11% |
| Default Orders Made | | | | | | | |
| | 2 | 34,133 | 30,561 | 28,089 | 26,096 | 24,675 | -5% |
| Complaints dismissed (under Regulation 21.11 of Magistrates' Court Civil Procedure Rules 2010) | | | | | | | |
| | 3 | n/a | n/a | n/a | 22,925 | 21,104 | -8% |
| Total claims finalised | 4, 5 | 40,696 | 36,836 | 34,182 | 54,686 | 50,284 | -7% |

Note 1: Cases where defences have been lodged and have been finalised, sorted by 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 and 2014-15 totals also include complaints dismissed (under regulation 21.11 of the Magistrates' Court Civil Procedure Rules 2010).

| Claims finalised continued | | | | | | | |
|--|-------|---------------|---------------|---------------|---------------|---------------|--------------|
| Civil cases finalised per court region | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Barwon South West | | 1,390 | 1,265 | 1,011 | 938 | 708 | -25% |
| Broadmeadows | | 770 | 621 | 717 | 634 | 719 | 13% |
| Dandenong | | 2,320 | 2,015 | 1,611 | 2,007 | 1,770 | -12% |
| Frankston | | 1,617 | 1,957 | 1,834 | 1,464 | 1,420 | -3% |
| Gippsland | | 953 | 699 | 422 | 440 | 661 | 50% |
| Grampians | | 875 | 890 | 923 | 769 | 758 | -1% |
| Heidelberg | | 865 | 833 | 701 | 522 | 462 | -11% |
| Hume | | 1,415 | 1,228 | 1,361 | 863 | 1,043 | 21% |
| Loddon-Mallee | | 2,049 | 2,054 | 1,997 | 1,498 | 1,524 | 2% |
| Melbourne | | 24,463 | 21,357 | 20,104 | 19,385 | 17,272 | -11% |
| Ringwood | | 1,760 | 1,667 | 1,762 | 1,415 | 1,298 | -8% |
| Sunshine | | 2,219 | 2,250 | 1,739 | 1,826 | 2,085 | 14% |
| Total | | 40,696 | 36,836 | 34,182 | 31,761 | 29,720 | -6% |

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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Defence notices (including Workcover) filed | | | | | | | |
| Against complaints of up to \$10,000 claimed | | 4,209 | 4,256 | 4,087 | 3,998 | 4,040 | 1% |
| Against complaints of more than \$10,000 claimed | | 3,454 | 3,550 | 3,408 | 3,504 | 3,530 | 1% |
| Total number of cases where a defence notice filed | | 7,663 | 7,806 | 7,495 | 7,502 | 7,570 | 1% |

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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Application Types | 1 | | | | | | |
| Interlocutory applications | | 1,743 | 1,309 | 1,438 | 1,195 | 1,146 | -4% |
| Applications for preliminary discovery | | 239 | 129 | 77 | 36 | 43 | 19% |
| Applications for substituted service | | 1,613 | 1,697 | 2,039 | 2,669 | 2,887 | 8% |
| Applications for summary order | | 112 | 92 | 88 | 72 | 63 | -13% |
| Applications to extend complaint | | 119 | 165 | 175 | 166 | 185 | 10% |
| Application for re hearing | | 3,615 | 3,383 | 3,270 | 3,150 | 3,227 | 2% |
| Applications under s24 of Second-Hand Dealers and Pawnbrokers Act 1989 | 2 | 395 | 393 | 386 | 362 | 319 | -12% |
| All remaining applications | | 370 | 307 | 317 | 218 | 274 | 26% |
| Enforcement applications | | 8,423 | 7,478 | 6,585 | 6,049 | 6,008 | -1% |
| Applications finalised | | 16,629 | 14,953 | 14,375 | 13,917 | 14,152 | 2% |

Note 1: Some applications are heard in conjunction with a case also before the Court, whereas others can be listed independent of a pending case. The total applications above also capture the applications in the civil enforcement section below, 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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Defended claims finalised within six months | | 79.2% | 81.6% | 80.7% | 80.9% | 79.1% | -2% |
| Defended claims pending as at 30 June 2015 | | 1,789 | 1,791 | 1,726 | 1,689 | 1,695 | - |
| Of the pending cases, the amount of cases that have been pending for over 12 months | | 173 | 150 | 131 | 115 | 136 | 18% |

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

| Civil enforcement | | | | | | | |
|--|-------|---------------|---------------|---------------|---------------|---------------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Oral examinations finalised (including those under the <i>Judgement Debt Recovery Act 1984</i>) | 1 | 6,649 | 5,646 | 4,953 | 4,572 | 4,470 | -2% |
| Attachment of earnings hearings finalised | 1 | 1,450 | 1,379 | 1,174 | 1,035 | 1,170 | 13% |
| Attachment of debt hearings finalised | 1 | 80 | 62 | 79 | 86 | 77 | -10% |
| Applications for instalment order finalised | 2 | 244 | 391 | 379 | 356 | 291 | -18% |
| Warrants to seize property issued | 3 | 5,766 | 5,116 | 4,715 | 4,829 | 4,129 | -14% |
| Total | | 14,189 | 12,594 | 11,300 | 10,878 | 10,137 | -7% |

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

Note 2: A debtor or creditor can apply to the registrar 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.

| Intervention Orders Summary | | | | | | | |
|---|----------|---------|---------|---------|---------|---------|--------------|
| | See Page | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Total finalised cases with one or more interim orders | 90 | 16,331 | 17,741 | 18,954 | 20,152 | 23,365 | 16% |
| Total original matters finalised | 90 | 32,985 | 36,577 | 39,352 | 39,961 | 43,105 | 8% |
| Total applications finalised | 90 | 3,787 | 4,197 | 5,103 | 5,624 | 6,155 | 9% |
| Total matters | 90 | 53,103 | 58,515 | 63,409 | 65,737 | 72,625 | 10% |

| | | | | | | | |
|--|----|--------|--------|--------|--------|---------|-----|
| Total listings for finalised matters in financial year 2014-15 | 92 | 88,548 | 96,895 | 98,131 | 99,868 | 111,639 | 12% |
|--|----|--------|--------|--------|--------|---------|-----|

| Caseload | | | | | | | |
|--|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Family Violence intervention order (FVIO) applications | | | | | | | |
| Finalised cases with one or more interim orders | 1 | 12,043 | 12,883 | 13,720 | 15,073 | 17,711 | 18% |
| Original matters finalised | 2 | 24,925 | 27,668 | 29,217 | 29,978 | 32,614 | 9% |
| Application for extension | 3 | 971 | 951 | 1,202 | 1,327 | 1,550 | 17% |
| Application for revocation | 3 | 796 | 753 | 822 | 783 | 852 | 9% |
| Application for variation | 3 | 1,677 | 2,120 | 2,638 | 3,047 | 3,302 | 8% |
| Total | | 40,412 | 44,375 | 47,599 | 50,208 | 56,029 | 12% |
| Personal Safety intervention order (PSIO) applications | | | | | | | |
| Finalised cases with one or more interim orders | 1 | 4,288 | 4,858 | 5,234 | 5,079 | 5,654 | 11% |
| Original matters finalised | 2 | 8,060 | 8,909 | 10,135 | 9,983 | 10,491 | 5% |
| Application for extension | 3 | 191 | 230 | 237 | 272 | 266 | -2% |
| Application for revocation | 3 | 50 | 30 | 51 | 53 | 36 | -32% |
| Application for variation | 3 | 102 | 113 | 153 | 142 | 149 | 5% |
| Total | | 12,691 | 14,140 | 15,810 | 15,529 | 16,596 | 7% |
| Total family violence and personal safety matters | | 53,103 | 58,515 | 63,409 | 65,737 | 72,625 | 10% |

Note 1: Interim orders can be made before a final order is made on the case. The number expresses the amount of finalised cases that had an interim order made during the case. If more than one interim order was made on a case, only one is counted in this total.

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 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Family violence and personal safety matters per region | | | | | | | |
| Barwon South West | | 3,552 | 4,259 | 4,707 | 5,098 | 5,740 | 13% |
| Broadmeadows | | 4,863 | 4,857 | 4,921 | 4,928 | 5,733 | 16% |
| Dandenong | | 5,814 | 6,106 | 6,323 | 6,123 | 6,657 | 9% |
| Frankston | | 6,566 | 7,224 | 8,451 | 8,342 | 8,828 | 6% |
| Gippsland | | 3,153 | 3,753 | 4,088 | 4,521 | 6,736 | 49% |
| Grampians | | 2,918 | 3,526 | 3,533 | 3,963 | 3,447 | -13% |
| Heidelberg | | 4,317 | 5,206 | 5,558 | 6,154 | 5,480 | -11% |
| Hume | | 3,228 | 3,309 | 3,896 | 3,800 | 3,700 | -3% |
| Loddon-Mallee | | 4,009 | 4,853 | 4,898 | 5,247 | 5,700 | 9% |
| Melbourne | | 3,933 | 4,117 | 4,187 | 4,852 | 5,940 | 22% |
| Ringwood | | 4,280 | 4,191 | 4,571 | 4,772 | 5,604 | 17% |
| Sunshine | | 6,133 | 6,755 | 7,802 | 7,506 | 8,299 | 11% |
| NJC | | 337 | 359 | 474 | 431 | 761 | 77% |
| Total | | 53,103 | 58,515 | 63,409 | 65,737 | 72,625 | 10% |

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. If more than one interim order was made on a finalised case, only one interim order is counted in these totals.

| Mode of issue | | | | | | | |
|---|-------|---------------|---------------|---------------|---------------|---------------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| FVIO & PSIO Applications commenced (by initiation type) | | | | | | | |
| | 1 | | | | | | |
| Application and Summons | | 23,632 | 24,833 | 26,875 | 28,101 | 29,496 | 5% |
| Application and Warrant | | 6,912 | 8,619 | 8,898 | 7,147 | 6,755 | -5% |
| Family Violence Safety Notice | | 6,228 | 7,322 | 8,682 | 10,337 | 13,009 | 26% |
| Total | | 36,772 | 40,774 | 44,455 | 45,585 | 49,260 | 8% |
| FVIO applications commenced (by applicant) | | | | | | | |
| | 2 | | | | | | |
| Victoria Police | | 15,523 | 18,783 | 21,944 | 23,210 | 26,000 | 12% |
| Private application | | 12,846 | 12,709 | 11,936 | 11,925 | 12,318 | 3% |
| PSIO orders commenced (by applicant) | | | | | | | |
| | 2 | | | | | | |
| Victoria Police | | 624 | 1,182 | 1,985 | 2,096 | 2,477 | 18% |
| Private application | | 7,779 | 8,100 | 8,590 | 8,354 | 8,465 | 1% |
| Total Victoria Police applications | | 16,147 | 19,965 | 23,929 | 25,306 | 28,477 | 13% |
| Total private applications | | 20,625 | 20,809 | 20,526 | 20,279 | 20,783 | 2% |

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

Note 2: The above shows the breakdown between applications in which police were applicants, and private applicants. .

Intervention orders continued

| Listings | | | | | | | |
|---|-------|---------------|---------------|---------------|---------------|----------------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Number of family violence listings | | 69,023 | 75,527 | 74,692 | 77,303 | 87,215 | 13% |
| Number of personal safety intervention order listings | | 19,525 | 21,368 | 23,439 | 22,565 | 24,424 | 8% |
| Total | | 88,548 | 96,895 | 98,131 | 99,868 | 111,639 | 12% |

The above total represents the number of listings the finalised cases in the specified financial years had before completion. A case may come before the court on multiple occasions before it is finalised.

| Family Law | | | | | | | |
|--------------------------------|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Total Family Law finalisations | | 1,376 | 1,243 | 1,082 | 1,204 | 1,088 | -10% |

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

| After hours service | | | | | | | |
|---|-------|---------|---------|---------|---------|---------|--------------|
| | Notes | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | % diff 13-14 |
| Intervention order applications received by After Hours Service | | 9,199 | 11,153 | 11,443 | 11,448 | 10,555 | -12% |

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 and 2014-15 "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.

| Referrals received by the Court's family violence support workers | |
|---|--------------|
| | 2014-15 |
| Applicant support workers | 3,930 |
| Respondent support workers | 3,275 |
| Total | 7,205 |

| Number of counselling orders made (Men's Behaviour Change Programs) | |
|---|---------|
| | 2014-15 |
| Total counselling orders made | 348 |

| Number of counselling orders made (Men's Behaviour Change Programs) by court location | |
|---|------------|
| | 2014-15 |
| Ballarat | 89 |
| Frankston | 80 |
| Heidelberg | 144 |
| Moorabbin | 35 |
| Total | 348 |



Magistrates

Mr Ian Alger

Mr Clive Alsop
(retired 12 June 2015)

Ms Susan Armour

Mr Julian Ayres
(appointed 5 May 2015)

Ms Donna Bakos

Mr Thomas Barrett

Ms Luisa Bazzani

Mr John Bentley

Ms Angela Bolger

Mr Timothy Bourke
(appointed 21 October 2014)

Ms Jennifer Bowles

Mr Barry Braun
(Deputy Chief Magistrate)

Ms Felicity Broughton
(Deputy Chief Magistrate)

Mr Gerard Bryant

Mr Darrin Cain

Ms Suzanne Cameron

Mr Andrew Capell

Ms Rosemary Carlin

Ms Amanda Chambers
(appointed as the President of the
Children's Court 9 June 2015)

Mr Michael Coghlan

Ms Ann Collins

Mr Gregory Connellan

Mr David Cottrill

Mr Rodney Crisp

Ms Jillian Crowe

Ms Sharon Cure
(resigned 11 January 2015)

Ms Sarah Dawes

Mr John Doherty

Mr Peter Dotchin

Mr Peter Dunn

Ms Michelle Ehrlich

Ms Caitlin English

Ms Rosemary Falla

Mr David Fanning

Mr David Faram

Mr Bernard FitzGerald

Ms Lesley Fleming

Mr Simon Garnett

Ms Jane Gibson

Mr Philip Ginnane

Mr Phillip Goldberg

Ms Anne Goldsbrough

Mr Martin Grinberg

Ms Jennifer Grubissa

Ms Carolene Gwynn
(appointed 10 March 2015)

Ms Margaret Harding

Mr John Hardy

Ms Annabel Hawkins

Ms Kate Hawkins

Ms Fiona Hayes

Ms Michelle Hodgson

Mr Franz Holzer

Ms Gail Hubble

Ms Audrey Jamieson

Mr Graham Keil

Mr Jonathan Klestadt

Mr Robert Kumar
(Deputy Chief Magistrate)

Ms Elizabeth Lambden

Ms Catherine Lamble

Mr Nunzio La Rosa

Mr Peter Lauritsen
(Chief Magistrate)

Mr Dominic Lennon

Mr John Lesser

Mr Gerard Lethbridge

Ms Denise Livingstone

Ms Mary-Anne MacCallum

Ms Jan Maclean

Ms Kay Macpherson

Mr Lance Martin
(Deputy Chief Magistrate)

Mr Ross Maxted

Ms Ann McGarvie

Mr Andrew McKenna

Mr Gregory McNamara

Mr Peter Mealy

Mr Peter Mellas

Ms Johanna Metcalf

Mr Peter Mithen

Mr Daniel Muling

(Deputy Chief Magistrate)

Mr Stephen Myall

Mr John O'Brien
(appointed 10 March 2015)

Mr John O'Callaghan

Ms Julie O'Donnell

Ms Kim Parkinson

Mr Anthony Parsons

Mr Richard Pithouse

Ms Jelena Popovic
(Deputy Chief Magistrate)

Ms Roslyn Porter

Mr Hugh Radford

Mr Peter Reardon

Mr Duncan Reynolds

Ms Kay Robertson

Mr Gregory Robinson
(appointed 1 July 2014)

Mr Charlie Rozenccwajg

Mr Ronald Saines

Mr Marc Sargent

Mr Barry Schultz

Mr Michael Smith

Mr Paul Smith

Ms Sharon Smith

Mr Patrick Southey

Ms Paresa Spanos

Ms Pauline Spencer

Ms Fiona Stewart

Mr Mark Stratmann

Ms Stella Stuthridge

Ms Noreen Toohey

Ms Cynthia Toose

Ms Jennifer Tregent

Mr Jack Vandersteen

Ms Susan Wakeling

Ms Belinda Wallington

Mr Timothy Walsh

Mr Ian Watkins

Mr Iain West
(Deputy State Coroner)

Mr Michael Wighton

Mr Brian Wright

Mr Richard Wright

Reserve Magistrates

Mr Ross Betts
Mr John Bolster
Mr Lewis Byrne
Mr Brian Clifford
Mr Thomas Hassard
(retired 25 November 2014)
Ms Jacinta Heffey
(retired 28 January 2015)
Mr Louis Hill
(appointed 31 August 2014)
Mr Frank Jones
Mr Gregory Levine
(appointed 14 April 2015)
Mr Ian McGrane
Mr John Murphy
(appointed 25 March 2015)
Mr Peter Power
Mr Steven Raleigh
Mr Alan Spillane
Mr Ian Von Einem
Mr Peter White
Mr Terry Wilson
(retired 26 June 2015)

Judicial Registrars

Ms Ruth Andrew
Mr Michael Bolte
Mr Graeme Horsburgh
Mr Barry Johnstone
Mr David McCann
Ms Sharon McRae
Mr Richard O'Keefe
Ms Angela Soldani



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