



Magistrates' Court of
Victoria



ANNUAL REPORT

2015
2016

30 September 2016

The Honourable Linda Dessau AM, Governor of
Victoria

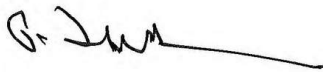
Government House

Melbourne Vic 3004

Dear Governor,

On behalf of the Council of Magistrates, I present
the Magistrates' Court Annual Report for the year
1 July 2015 to 30 June 2016 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 103 magistrates, 16 reserve magistrates, 10 judicial registrars, 614 staff and 85 elders and respected persons.

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44	RINGWOOD		
45	SUNSHINE		

ORGANISATIONAL STRUCTURE

Mr Peter Lauritsen
CHIEF MAGISTRATE

DEPUTY CHIEF MAGISTRATES

Mr Barry Braun	Ms Felicity Broughton	Mr Robert Kumar (until 17 November 2015)
Mr Lance Martin	Mr Dan Muling (until 22 December 2015)	Ms Jelena Popovic

Mr Andrew Tenni
**CHIEF EXECUTIVE
OFFICER**

SUPERVISING MAGISTRATES

Mr Barry Braun CIVIL	Mr Charlie Rozenwajg CRIMINAL	Mr Anthony Parsons DRUG COURT
Ms Felicity Broughton Ms Kate Hawkins FAMILY VIOLENCE AND FAMILY LAW	Ms Jelena Popovic KOORI COURT AND COURT SUPPORT AND DIVERSION SERVICES	Ms Belinda Wallington SEX OFFENCES LIST
Mr Andrew Capell Ms Johanna Metcalf VOCAT		

Ms Simone Shields
PRINCIPAL REGISTRAR
& MANAGER
METROPOLITAN COURTS

Mr Keith Turner
MANAGER REGIONAL
COURTS

Mr Rob Challis
MANAGER SPECIALIST
COURTS & COURTS
SUPPORT SERVICES

STATE COORDINATING MAGISTRATE AND REGIONAL COORDINATING MAGISTRATES

Mr Franz Holzer STATE COORDINATING MAGISTRATE	Mr Ronald Saines BARWON SOUTH WEST	Mr Robert Kumar (until 17 November 2015) Mr Patrick Southey (from 18 November 2015) BROADMEADOWS
Mr Jack Vandersteen DANDENONG	Mr Paul Smith FRANKSTON	Ms Fiona Hayes GIPPSLAND
Ms Cynthia Toose GRAMPIANS	Ms Susan Wakeling HEIDELBERG	Ms Stella Stuthbridge HUME
Mr Richard Wright LODDON MALLEE	Mr David Fanning NEIGHBOURHOOD JUSTICE CENTRE	Mr Nunzio La Rosa RINGWOOD
Ms Noreen Toohey SUNSHINE		

Ms Simone Richardson
MANAGER CORPORATE
SERVICES

Ms Sharon McAnelly
MANAGER ICT
SYSTEMS

Mr Iain McKinnon
MANAGER PEOPLE
& ORGANISATIONAL
DEVELOPMENT

Mr Brett Cain
STATE COORDINATING
REGISTRAR

Mr Joseph Walker
MANAGER CEO's
OFFICE

Ms Kerry Walker
DIRECTOR
NEIGHBOURHOOD
JUSTICE CENTRE

THE YEAR AT A GLANCE

INTERVENTION
ORDER
APPLICATIONS
RECEIVED BY AFTER
HOURS SERVICE

10,681

CRIMINAL
MATTERS
FINALISED

199,960

CIVIL
DEFENCES
FILED

7,240

INTERVENTION
ORDER
APPLICATIONS
FINALISED
(INCLUDING INTERIM
ORDERS)

74,551

TOTAL CIVIL
CLAIMS FINALISED
(INCLUDING DEFAULT
ORDERS)

46,231

CRIMINAL CASES
FINALISED WITHIN SIX
MONTHS

84.3%

DEFENDED CIVIL
CLAIMS FINALISED
WITHIN 6 MONTHS

79.9%

TOTAL
CRIMINAL
LISTINGS

683,709

TOTAL
INTERVENTION
ORDER HEARINGS

122,909

MESSAGE FROM THE CHIEF MAGISTRATE



With pleasure, I present the Annual Report of the Magistrates' Court of Victoria for the year ending 30 June 2016.

Heidelberg

In my message last year, I spoke of the closure of the Heidelberg Courthouse and the transfer of its work to other venues of the Magistrates' Court and Children's Court. After a long closure, on 25 July 2016, the Courthouse re-opened. Given the population of the area covered by the Heidelberg Courthouse is nearly the same as the combined population of the Northern Territory and the Australian Capital Territory, one realises the significance of the transfer of work and the remarkable efforts of all involved in making it work so smoothly.

Non-production of Persons in Custody

Last year, I thought the temporary measures had almost solved this issue. Unfortunately, I was wrong. The issue persists. In recent times, it has become significant despite a rapid increase this year in the number of audio visual links ordered by magistrates. The issue must be seen in context.

In 2015–16, about 6,700 males were remanded in custody. This was 2,900 more than 2013–14, an increase of 77 per cent in two years. At present, there are almost 2,000 persons on remand or about 30 per cent of the prison population.

As I said last year, the long-term answer lies in technology. In the 2015–16 State Budget, monies became available to expand the Court's audio visual capacity by installing an internet-based system alongside the existing telephone based system. By July 2017, the 151 new units will be installed statewide. At the same time, Corrections Victoria are installing 79 new units in its prisons.

Parliament enacted the *Justice Legislation (Evidence and other Acts) Amendment Act 2016*. Broadly, this Act creates a presumption in favour of audio visual links in relation to most court appearances by an accused person. This Act should commence on 12 September 2016, after which I expect a significant increase in the use of audio visual links.

The disturbance at the Metropolitan Remand Centre in July 2015 reduced its capacity to hold persons on remand dramatically. It has not reached its former capacity yet. However, Corrections Victoria has increased the remand capacity of other prisons. This process continues. I hope that my message for next year will say that the problem has been solved.

Family Violence

On 29 March 2016, the Royal Commission into Family Violence (the Commission) delivered its report. The Commission made 227 recommendations, many of which affected the Court and the Children's Court directly or indirectly. For this message, I will speak briefly about recommendation 60, which envisages the expansion of the elements of the Family Violence Court Division to the headquarter courts in the other 10 regions of the Court and to two other venues. This is a significant undertaking. Since 29 March, both Courts have spent a lot of time planning for the implementation of this and the other recommendations.

The fast tracking of criminal proceedings arising out of family violence incidents continues. In my report last year, the process operated at Dandenong alone. Since then, the process has expanded to Broadmeadows, Shepparton, Ballarat, Ringwood, Frankston and Moorabbin. It will start at Bendigo and Geelong on 1 September.

Safety and Security

In the recent State Budget, monies were set aside:

- (a) To employ extra security officers so that whenever a court or tribunal sits in the state there will be a security presence.
- (b) Obtain extra x-ray machines, portable walk-through metal detectors and hand held screening wands so that electronic security is present whenever a court or tribunal sits.
- (c) Significant building improvements to 15 venues of the Court and to the Children's Court at Melbourne. These improvements will include separate waiting areas for applicants and respondents in applications for family violence intervention orders.

This is an important initiative. At present, almost all of the Court's regional venues have little or no security. This position will change in each of the respects set out.

Drug Court Expansion

Again in the recent State Budget, monies will be provided for the expansion of the Drug Court to Melbourne. At present, the Drug Court operates at Dandenong. The Melbourne expansion will create a court more than twice the size of Dandenong. In combination, these Drug Courts should have a significant impact on those offenders with serious drug habits who are committing serious offences. They will rehabilitate many who would otherwise spend long periods in prison. The benefits to the community are obvious.

Courtlink

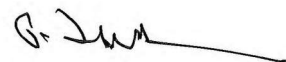
Last year, I spoke about the Court's case management system (Courtlink). The Commission also looked at it. In a number of parts of its Report, the Commission noted Courtlink's inadequacies. The Report also made a number of recommendations to strengthen

the Court's IT capabilities. For example, in the discussion leading to recommendation 63, it urged the setting up of a "user-friendly, reliable, integrated IT platform for use by Victorian courts". The Court will work with government to respond properly to the recommendations.

Acknowledgment

I thank my judicial colleagues, the Chief Executive Officer, registrars and staff for their efforts in coping with the various issues which beset the Court. Without their efforts, the Court could not run as smoothly as it does.

Finally, on 31 May 2016, Ian Gray retired as a judge of the County Court. He had earlier retired as State Coroner. Mr Gray was the longest serving Chief Magistrate of this Court or any of its predecessors. He served the Court with distinction.



Peter Lauritsen
Chief Magistrate

MESSAGE FROM THE CHIEF EXECUTIVE OFFICER



2015–16 has been an unprecedented year for the Court. Two Royal Commissions, record numbers of hearings, major events with our buildings and a major organisational review have all contributed to a big agenda.

At the same time, the Court has continued to pursue and deliver initiatives aimed at continually improving what we do and the way we do it.

Case Demand

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

Family violence continued to increase. In terms of caseload, there were 74,551 family violence and personal safety matters heard by the Court in 2015–16, an overall increase of 3 per cent on last year. This has meant a 27 per cent increase since 2011–12. In finalising those cases, there were 122,909 listings of family violence matters before the Court.

In the criminal jurisdiction, almost 200,000 cases were finalised in 2015–16. This appears to be a decrease on last year. However, this actually reflects a change in the way that matters are being dealt with by the Court. During 2015–16, the Court introduced a change relating to infringement matters and how they are initiated by the Court. In the past, each infringement was initiated as one case. To manage cases more efficiently, matters are now being initiated by person. In many instances, a person may have multiple infringement matters that are consolidated and heard together from the point of initiation.

In 2014–15, it is reported that there

were 100,771 infringement cases initiated. In 2015–16, it is reported that only 14,922 infringements were initiated. This reflects the change in approach to moving from a case based count of infringement matters to a person based count.

This change has had an impact on the overall numbers of criminal initiations and finalisations. In 2014–15, the Court initiated 247,025 cases. In 2015–16, 160,942 cases were reported as being initiated. This appears to be a reduction in initiations for the Court. However the reduction directly correlates with the changes to infringement revocation initiation. If the counting rules for 2014–15 were applied to 2015–16, the number of finalisations would have been 281,053, which would have been a two per cent increase on 2014–15.

The number of criminal applications dealt with also continues to increase with 94,177 applications finalised, a 17 per cent increase from last year. The biggest increase in this area again has been in the number of applications for bail with 51,803 applications heard (including applications to vary and revoke bail), an increase of 18 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.

In terms of the civil jurisdiction, the number of cases finalised for the year was 46,231, a decrease of 9 per cent again in 2015–16.

With the overall increase in caseload, the Court has continued to work on improvements to the management of functions performed and the services provided.

Facilities

Throughout 2015–16, work continued on the reconstruction of the building at Heidelberg. In the meantime, matters were dispersed between Broadmeadows, Melbourne and Ringwood. The bulk of the workload was dealt with at Melbourne, which put even greater pressure on the Melbourne Magistrates' Court.

Also in 2015–16, two buildings were closed down as a result of being extensively damaged by fire. The Drug Courthouse in Dandenong

was completely burnt down and a fire in the main part of the Cobram Courthouse caused major damage and the closing of the facility shortly after. In both instances, interim arrangements were put in place to ensure operations continued in the best possible manner. Reinstatement work continues and these locations will be re-opened as soon as possible.

In Shepparton, progress on the development of the new facility has progressed well. To enable construction to take place on the site, Magistrates' and Children's Court matters have been moved to the old 1937 building and County Court trials have been relocated to Wangaratta. This has caused some inconvenience for those involved but the final product will be well worth it.

Reform in the Magistrates' Court

During 2015–16, there were two significant processes that together form the foundation from which the Court is set to embark on a major reform program.

The first was the Royal Commission into Family Violence (the Commission). As mentioned by the Chief Magistrate, the Commission delivered its final report in March 2016. In all, there were 227 recommendations made to strengthen government's response to incidents of family violence. In reviewing the report, there are a number of recommendations that either directly or indirectly impact on the Court.

The second was an organisational review undertaken by Boston Consulting Group. The review was commissioned by the Court and had two main objectives:

1. To identify the funding gap emerging between available funding and funding required to support levels of service required by the Court.
2. To explore the structures and resources necessary to modernise the Court's processes and operations.

A final report was provided to the Court in November 2015 and outlined 12 recommendations.

Both processes outlined recommendations designed to deliver a modern and responsive Magistrates' Court. In very broad terms, the modern court will deliver:

- A new service delivery model: Providing online channels for various case flow steps and allowing transactional matters to be processed online from end-to-end. Case management to be facilitated early and often for parties and support provided to all court users with complex needs, regardless of where they live in Victoria.
- A focus on better and fit-for-purpose facilities: Buildings to be upgraded to ensure facilities are state-of-the-art, fit-for-purpose and safe. The use of video conferencing is to be maximised for custodial listings as well as other matters wherever appropriate to improve efficiency and safety.
- A high-performing workforce transitioned to a new service delivery model: Registry staff to be freed up by the automation of manual tasks, with many roles redeployed to deliver higher value work in case management, judicial support and specialist services.

Current Initiatives

In response to this overall reform agenda, a number of initiatives have already commenced.

- In November 2015, 'CaseTrack' was launched to enable accused persons, practitioners and victims to register and follow cases and to receive electronic notifications of hearings dates via email and SMS.
- In June 2016, online notifications commenced with hearing dates and notifications being delivered to accused persons via email and/or SMS through the 'Case Track' program, eliminating the printing of notifications in paper form and posting them out.
- A business services project has been established to a) look at small 'immediate' opportunities to put functions online (i.e. relicense applications, sending documents that are currently faxed), b)'medium' term approaches that can be done online (i.e. filing of documents), c) 'long' term approach – complete processes to be facilitated online (i.e. civil cases, municipal prosecutions and summary prosecutions).
- B-Pay capabilities fully implemented to facilitate the online payment of fines.
- The use of video conferencing has been expanded to:
 - » Facilitate the appearance of accused and informants from police stations to the Weekend Remand Court.
 - » Enabling the capability for practitioners to conference with clients and the Court via software based video

conferencing via their own device.

- » Enable applicants in high risk family violence matters to appear in court from a secure location.
- » Conducting assessments for the Court Integrated Services Program and Community Correction Orders.
- Automating the transfer of family violence information from the Court directly into Victoria Police systems.
- Expanding the trial of the online family violence intervention order application form, developed at the Neighbourhood Justice Centre, to the courts at Warrnambool and Ringwood.
- An additional 13 Court Integrated Services Program staff have been rolled out to 10 locations as part of previous family violence funding.
- Work commenced on the development of a 'problem solving court' model for accused needing 'tailored' levels of management.
- The development of the Court Strategic Asset Plan with the Assets and Security Branch within Jurisdictional Services that outlines the capital priorities for courts in providing safe, fit-for-purpose facilities.
- Planning for building works funded through other strengthening responses to family violence initiatives has commenced for courts including Geelong, Latrobe Valley, Horsham, Ringwood and Sunshine.
- A shared facilities management service model has been developed and implemented between the Court and the Asset and Property Management branch.
- A Training and Development Strategy has been developed for Court staff.

Future Initiatives

As outlined by the Chief Magistrate, planning has commenced to inform the Court's response to the recommendations to the Commission. Planning is also underway in relation to delivering the expansion of the Drug Court and

the roll out of the safety and security initiatives as funded.

All this planning will be consolidated into an extensive work plan that will ostensibly form the basis of a wider reform program of works for the Court.

So the next year will be another year of major change for the Court.

Acknowledgements

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

I would also like to thank the Chief Magistrate, the wider magistracy and judicial registrars for all the support that they have provided to myself and the staff of the Court.



Andrew Tenni
Chief Executive Officer

ABOUT THE MAGISTRATES' COURT

The Court has a long and proud history of providing justice for the people of Victoria in metropolitan and regional locations. 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 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, the Drug Court, the Koori Court, the Neighbourhood Justice Centre 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:

childrenscourt.vic.gov.au

coronerscourt.vic.gov.au

vocat.vic.gov.au

THE 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 2016, there were 103 magistrates allocated to the 51 locations of the Court and 16 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 2016, there were 10 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 2015–16 reporting period, the Council of Magistrates met on 24 July 2015, 27 November 2015 and 18 March 2016.

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 the Deputy Chief Magistrates.
- Issuing practice directions.
- Performing statutory functions.

Deputy Chief Magistrates

Deputy Chief Magistrates Barry Braun, Felicity Broughton, Lance Martin 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 2015–16 period, the Regional Coordinating Magistrates met on 14 August 2015, 6 November 2015, 5 February 2016 and 13 May 2016.

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's operations. 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

Magistrate Meagan Keogh (appointed 28 July 2015).

Magistrate Charles Tan (appointed 28 July 2015).

Magistrate Timothy Gattuso (appointed 8 December 2015).

Magistrate Megan Aumair (appointed 7 January 2016).

Magistrate Urfa Masood (appointed 26 April 2016).

Judicial Registrar Julian Bartlett (appointed 17 May 2016).

Judicial Registrar Samantha Dixon (appointed 17 May 2016).

Magistrate Michael King (appointed 14 June 2016).

Retirements

Deputy Chief Magistrate Robert Kumar

(retired 17 November 2015 appointed as a reserve magistrate on 18 November 2015).

Deputy Chief Magistrate Daniel Muling

(retired 22 December 2015).

Service Acknowledgements

The Court acknowledges the following significant judicial service milestones:

30 years of service

Magistrate Peter Mealy.

25 years of service

Magistrate Margaret Harding.

20 years of service

Magistrates Anne Goldsbrough, Cathy Lamble and Noreen Toohey.

The Court thanks these magistrates for their distinguished service.



Deputy Chief Magistrate Kumar's bench farewell held at Broadmeadows Magistrates' Court on 15 November 2015



Deputy Chief Magistrate Muling's bench farewell held at Melbourne Magistrates' Court on 22 December 2015

COMMITTEES

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, Peter Dunn, Phillip Goldberg, Gerard Lethbridge, Andrew McKenna, Gregory McNamara, Peter Mellas, Hugh Radford and Charlie Rozencwajg.

Function

The Executive Committee represents a Council of the magistrates and considers the operation of the *Magistrates' Court Act 1989* and the Rules, the working of the offices of the Court and examines defects in the procedure and administration of the law.

During the reporting period, the Executive Committee considered issues including:

Non-production of Prisoners

There are instances where prisoners are not being brought to Court. The Committee was addressed by members of the Victoria Police Prisoner Management Group. Notwithstanding the implementation of the Weekend Remand Court, the use of County Court day cells, the greater use of video link to prisons and the implementation of reformed prisoner management processes, the failure to bring prisoners in response to warrants continues.

This stems from an increased number of prisoners, an inadequate number of prison beds, the use of cells in police stations for remand prisoners and persons serving sentences and prisoner management issues. The Committee urges representations to government to encourage exclusive use of a sufficient number of cells to maximise presentation of prisoners at court.

Delayed Applications for Remand and Bail

Delays have been experienced

in court with the result that the Court may not be able to hear all applications in a timely manner. The Committee recommended informing the Law Institute, the Bar Council, the Criminal Bar Association and Victoria Legal Aid of the necessity to act expeditiously to ensure better access to justice.

Courtlink

The Court operates a computer based case management and administrative system known as Courtlink. The Committee received reports as to the progress of maintenance and updating of the system. A replacement system is required.

Audio Visual

The Chief Executive Officer reported on the acquisition and implementation of increased audio-visual capacity. Implementation will enhance access to court, reduce the instances of prisoners not being produced to the Court and allow better allocation of time for the Court and court users.

The Law Library of Victoria

Library services are provided by the Law Library of Victoria. Financial limitations have been reflected in the reduction of hard copy and greater reliance upon information technology. The Committee recommended an increase in access to hard copy and improvement of access to computer resources.

Family Violence

Recommendations of the Royal Commission into Family Violence were presented to the Committee. A plan will be created to implement relevant recommendations. Service delivery of a specialist court, information technology, safety and security, listings, timeliness, jurisdictional issues and the establishment of reporting functions were identified for consideration.

Drug Court

Two full time Drug Courts are being established at Melbourne Magistrates' Court. Previously the Court sat only at Dandenong. Facilities to support the functions of the Drug Court need to be provided. The Committee supports the initiative.

Contest Mentions

The Committee has been concerned with the process of contest mentions. A contest mention is a useful case management tool. The Committee is concerned that the object is promoted in the context of the proper administration of justice.

Diversion

The Committee received a report in relation to the operation of diversion. The Committee considers that diversion should be available at the instance of a magistrate and not initiated by notice of a member of Victoria Police. The Committee supports the current court operational guidelines.

Orders for Costs

An anomaly was identified. A failure to pay costs by a litigant may result in an imprisonment order. The Committee endorsed the proposition that costs should not be subject to an imprisonment regime.

Court Governance

The Committee contributed to discussions relating to the structure of the Court; particularly the articulation of the roles and responsibilities of judicial officers performing administrative functions. The intent was to promote an administrative organisation with an increased capacity to provide predictability and support for judicial officers and to improve access to justice for the public.

Sitting Hours

The Committee was concerned that the same court sitting hours were not consistently applied in all courts. The Committee recommended a consistent approach be implemented.

Appointments

The Chief Magistrate was appointed a Judge of the County Court. The Committee congratulates the Chief Magistrate on this appointment.

Magistrates and judicial registrars have been appointed during the reporting period. Access to justice can be enhanced by an increase in numbers of judicial officers and Court staff.

Title

'Magistrate' has become outdated and the role of magistrates has

expanded since its inception. The Committee continues to support a change of title to 'Judge'. This change can be effected without significant cost and the Committee notes that magistrates in the Northern Territory Local Court now have the title 'Judge'.

Health and Wellbeing

The Committee noted the availability of confidential counselling services and the need to promote health and wellbeing in the context of an arduous role.

Security

A safety audit has been conducted. Evaluation of risk is being undertaken. Seventy-eight extra security officers will be appointed. Building upgrades, including changes of layout are being implemented to protect court users, staff and judicial officers.

The Future

The Court obtained a report (from Boston Consulting Group) addressing the future needs of the Court. The Committee supports the proposition that the Court needs to evolve and provide services in an accessible cost efficient manner. There is a gap emerging between available funding and required funding. The Committee is concerned that the Court is underfunded with the resultant decrease in capacity to provide access to justice.

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), Civil Coordinating Registrar (Melbourne Magistrates' Court) Nicole Hall, Court Advice Officer (Legislation & Policy) Renee Lemmon, Registrar Mark Vendy, John Dunne (Law Institute of Victoria), Justin Foster (Victorian Bar), Frank Ravida (Victorian Bar), Robert White (Law Institute of Victoria), Catherine Schipano (Parliamentary

Counsel) and Jim Soundias (Parliamentary Counsel).

The Committee reviews the processes of the Court to ensure that appropriate and effective practices are in place to secure efficient, economic and timely resolution of its cases. The Committee meets and communicates electronically as required. The Committee convened three times during the reporting period.

As was noted in last year's report, the number of self-represented litigants appearing in the Court shows no sign of abating. This phenomenon provides a particular challenge to registry staff and judicial officers in ensuring access to appropriate services. In almost all cases, self-represented litigants lack an understanding of the law applicable to their cases and the relevant procedures of the Court. The Court continues to provide invaluable assistance through its staff to those attending Court.

With these challenges in mind, the Committee is concerned to achieve a balance in the Court's processes and procedural rules, which secures the entitlement of each member of the public to access to services and procedural fairness. 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 the steps they need to take upon being served with a complaint.

As a result of recommendations made by the Committee, 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 achieved 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.

In addition, the Committee has overseen amendments to the *Magistrates' Court (Judicial Registrars) Rules 2015*, which increased the power of judicial registrars and improved the structure

of those rules.

The Committee is presently undertaking work to address any necessary amendments to the Rules of Court and to any relevant legislation in order to take account of postal delivery times resulting from changes implemented by Australia Post.

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 Magistrate Jelena Popovic, Magistrates Julian Ayres, Donna Bakos, Thomas Barrett, Jennifer Bowles, Suzanne Cameron, Sarah Dawes, Timothy Gattuso, Carolene Gwynn, Gerard Lethbridge, Peter Mellas, Andrew McKenna, Peter Reardon, Jack Vandersteen and Belinda Wallington, Aranea Carstairs (Legal Research Officer), Renee Lemmon (Court Advice Officer [Legislation and Policy]), Katarina Palmgren (Legal Research Officer) and Alison Paton (Performance Support Adviser).

The Committee oversees the implementation of criminal justice in the Court. The Committee addresses many diverse issues be they substantive, procedural or administrative; responses to proposed legislative initiatives; the drafting of Practice Directions; responding to discussion papers from government; drafting prescribed forms and overseeing changes to the Criminal Procedure Rules when necessary.

To ensure uniform and effective implementation of its recommendations, representatives of the Court's administration, Renee Lemmon and Alison Paton are permanent members of the Committee.

The Committee benefits from new appointments to the magistracy bringing with them diverse and current experiences from various limbs of the criminal justice system.

In the current year, the Committee welcomed Magistrates Gwynn,

Gattuso and Ayres coming respectively from the Criminal Bar, private practice and the Office of Public Prosecutions.

Criminal Court Users Committee

The Criminal Court Users Committee (formed by the Court's criminal division in 2008) often deals with similar issues to the Criminal Law Committee. This Committee is constituted by representatives of all the court users agencies including Victoria Police prosecutions, the Law Institute of Victoria, the Office of Public Prosecutions, Criminal Bar Association, Corrections Victoria, Victorian WorkCover Authority, Victoria Legal Aid, Victoria Police Forensic Science Department, Child Witness Service, the Melbourne Custody Centre, Commonwealth Director of Public Prosecutions, Central Prisoner Records in Corrections, Court Integrated Services Program and various sub-departments of these agencies.

The Criminal Court Users Committee provides vital consultation and communication about proposed initiatives with the various agencies. It disseminates information to court users and provides a forum for discussion of perceived difficulties any individual members may have. The Committee continues to be a productive forum to tackle problems and engage with the diverse agencies in a co-operative environment. It also permits the various agencies to engage with each other and develop individual avenues of communication. The Committee thanks the members of the Committee for their constructive contributions throughout the year.

Challenges

This has been a challenging year for the Court's criminal jurisdiction.

Increased Caseload

The increasing caseload, the prisoner transport issues, difficulty with obtaining properly accredited interpreters and the increasingly serious matters that now fall within the jurisdiction of the Court have placed very substantial pressures on the Court's ability to deal with cases efficiently, fairly and effectively.

Summary Case Conferences

In 2012, the Chair wrote that "the *Criminal Procedure Act 2009* in

its application to the summary jurisdiction of the Court has continued to be a challenge, with the much anticipated goals at its inception being subjected to the reality of available resources. The lack of resourcing of Victoria Police prosecutions and the failure of an agreed funding arrangement between Victoria Legal Aid and the Law Institute of Victoria have been significant obstacles in producing the anticipated benefits of the Summary Case Conference."

Unfortunately, those comments are just as relevant today. The goal of early resolution through case conferencing now seems to have shifted to the contest mention.

Failure to bring Accused in Custody before the Court

The failure to bring accused in custody before the Court has caused substantial disruption and delay of court proceedings. On a number of occasions, significant hearings with multiple co-accused have had to be adjourned and thus delayed.

This has also impacted on the Court's administrative staff who must spend considerable time attempting to make alternative arrangements.

The increase in appearances via video-link following the commencement of the amendments to the *Evidence (Miscellaneous Provisions) Act 1991* will go some way to alleviate this situation. However, prior to the commencement of these amendments, the Court has already altered the culture and introduced a focus on appearance via video-link through amendments to Courtlink.

Both the Criminal Law Committee and the Criminal Court Users Committee have been involved in publicising the extended facilities across the court system for use of appearance via video-link and audio visual conferencing for practitioners.

Failure in Obtaining Interpreters for Court Proceedings

The Court is currently experiencing difficulty obtaining properly accredited interpreters. This impacts severely on listed hearings and frequently necessitates adjournments. In some instances where a booking has been made, the interpreter has simply refused to attend. Together with Melbourne

Magistrates' Court Senior Registrar, the Committee has met with the Contract Manager, Court Services Victoria, to explore options in this regard. The Chief Magistrate is also involved in the consultations on this issue.

Self-represented Accused

The Court's resources are increasingly stretched by the growing number of self-represented accused. The time taken for a judicial officer to explain the processes and procedures affects the efficient running of the Court, which causes further delays. Victoria Legal Aid's changes to its eligibility guidelines has been a substantial cause of the increased number of self-represented accused.

Prosecution Agencies

Likewise, the apparent lack of resources of Victoria Police and to a lesser extent, Corrections Victoria prosecutions have also adversely impacted on the Court's processes.

Committal Amendments

The legislative amendments to s124 of the *Criminal Procedure Act 2009* have assisted in confining cross-examination at committal to witnesses with relevance to the real issues in a case. This results in fewer witnesses being required at committal and reduces the scope of the cross-examination. Unfortunately, the Court's case load pressures have required a second summary mention court and a second remand court. Without additional magistrates, this deprives the committal stream of diary space and restrains the efficient and timely listing of committal hearing.

Community Correction Orders

Community Correction Orders commenced on 16 January 2012. Of increasing concern is Corrections' delay in commencing the rehabilitative terms of an order. In some locations, the delays make completion of a rehabilitative program impossible during the operational period of the order. Delays with Men's Behavioural Change Programs and Mental Health programs are particularly troubling. The Committee has raised these concerns with Corrections Victoria and continues to liaise with Corrections Victoria.

The Committee from time to time invites members of Australian Community Support Organisation/Community Offender Advice and Treatment Service and Court Integrated Services Program to attend its meetings. This assists the Committee to understand the processes by which offenders are screened and assessed for programs.

Court Integrated Services Program

The Committee has for many years supported the Court Integrated Services Program and advocated its expansion across Victoria. This was increasingly seen as necessary given the proliferation of the drug ice and the rise in mental health issues existing in the criminal justice system. The Committee is pleased that this expansion of Court Integrated Services Program is finally occurring.

Melbourne Custody Centre

The Committee has for several years raised concerns with the performance of the Melbourne Custody Centre in bringing prisoners to the court room and in facilitating practitioners gaining access to clients to obtain instructions. Both issues impact significantly on the ability of a remand court to function efficiently.

Victoria Police contract G4S for the running of the custody centre. Hitherto, the Court has had no input into the contractual arrangements. This year, a new tender process was begun for contracts commencing in 2017. The Committee, in conjunction with the Melbourne Magistrates' Court Senior Registrar, Debra Gallucci, has met with Victoria Police managers and conveyed to them the expectations of the Court in the management of the custody centre. It is hoped that these performance indicators will be incorporated into the contract.

Consolidated Plea Listing Pilot

Along with the Melbourne Magistrates' Court Summary Crime Coordinator, Clinton Taylor, the Committee introduced a pilot procedure at Melbourne for the listing of consolidated plea hearings. The pilot places the requests for a consolidation listing before an out of court registrar who thoroughly checks to ensure that the plea is in fact ready to proceed. The pilot is aimed at addressing the fact that so many of these listed plea hearings

result in adjournments. It is yet to be evaluated.

Courtlink

Courtlink is the official register of the Court, yet it has its shortcomings. It is a very old system with significant limitations. The Committee regularly makes requests for changes to Courtlink, however such changes take many months to resolve as there is a lengthy queue for amendments to the system.¹

Diversion

The Committee participated in a review of the Diversion Program and made recommendations to the Chief Magistrate.

The Committee reinforced its longstanding view that the Chief Magistrate recommend to the Attorney-General that the granting of the diversion program should be a matter for the discretion of the magistrate and not be subject to veto by the prosecution.

Other Responses

The Committee has also drafted responses on behalf of the Court to the VicRoads Discussion Paper on Forfeiture and Impoundment Orders under the *Road Safety Act 1986* and on enhancing the role of the Auditor-General, Ombudsman and Independent Broad-based Anti-corruption Commission.

The Committee is currently drafting a response to the Department of Justice & Regulation's Review of Appeals from the Summary Jurisdiction as well as the proposed amendments to s464 provisions of the *Crimes Act 1958* contained in the Investigative Powers Amendment Bill.

Criminal Court Companion

The Criminal Court Companion was produced by the Committee several years ago to provide assistance to magistrates on the bench when

¹ Amongst such issues recently was the need for a separate code, "toll", for citylink fines which are properly judgement debts, to ensure they do not come within the definition of "fine" within the *Sentencing Act 1991*, which could result on default with imprisonment; to overcome the restriction on magistrates dealing with penalty and infringement enforcement warrants with both a partial discharge of the amount owing and a community work order for the remainder instead of having to choose one or the other; introducing the option on Courtlink that would indicate that a Community Correction Order imposed in addition to a term of imprisonment commences upon release from prison as is the law, rather than forcing a magistrate to guess at a date when that release might occur. This is just an example of many suggestions made to improve Courtlink.

dealing with frequently arising issues such as infringements, mandatory requirements under the *Sentencing Act 1991* like safe driving programs, suppression orders, s128 procedures under the *Evidence Act 2008*, family violence issues, protected witnesses and much more. The Committee regularly updates the Court Companion and distributes it to magistrates in electronic form, hyperlinked to the relevant legislation.

The Chair would like to thank all the members of the Committee for their efforts in raising and contributing to issues in a communal effort to improve the quality of justice that the Court provides.

Dispute Resolution Committee

Committee Chair:

State Coordinating Magistrate Franz Holzer.

Members:

Coroner Caitlin English, Principal Registrar Simone Shields, Registrar Mark Vendy, Nussen Ainsworth (Victoria University), Irene Chrisafis (Law Institute of Victoria), Carmel Morfuni (Australian Legal Practitioner), Carey Nichol (Victorian Bar) and Gina Ralston (Dispute Settlement Centre of Victoria).

The Court's Dispute Resolution Committee met on four occasions.

Whilst some of its work continues to be subsumed into that of the Civil Practice Committee, the core function and purpose of the Committee remains one of identifying areas of relevance where dispute resolution may generally facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute. Work has also been done to develop a future work plan and mission statement.

The business of the Committee has included:

- Dealing with correspondence.
- Consideration of ongoing accreditation requirements and assessing applications for accreditation and currency of the single list of external mediators.
- Consideration of new National Mediator Standards and their impacts on members of the legal profession.

- Publication and refinement of an article on the single list of external mediators.
- Continuing liaison with representatives of the Victorian Bar, Law Institute of Victoria and Victoria University.
- Fostering ongoing relationships with superior court jurisdictions on matters of mutual concern and interest.
- Ongoing association with the Dispute Settlement Centre of Victoria.
- Promotion of various forms of appropriate dispute resolution.
- Updating information on the Court's website regarding dispute resolution.
- Identification of opportunities to introduce further dispute resolution within the Court.
- Consideration of the Attorney-General's Access to Justice Review.
- Consideration of the emerging issue of on-line dispute resolution and the importance of modern case management systems to support same.
- 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 standard conditions of family violence intervention orders into plain and simple language, enhancing the understanding of intervention orders and ensuring accountability for respondents.
- Advocating for the establishment of family violence lead magistrates across all headquarter courts in Victoria.
- Participating in the Court's response to the Royal Commission into Family Violence report and recommendations.
- 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

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:

Deputy Chief Magistrate Lance Martin, Magistrates David Faram, Anne Goldsbrough, Carolene Gwynn, Fiona Hayes, Gail Hubble, Gerard Lethbridge, Johanna Metcalf, Pauline Spencer, Noreen Toohey, Susan Wakeling and Belinda Wallington and Manager Family Violence Programs and Initiatives Unit, Lisa Eldridge.

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:

private solicitors and barristers, the Department of Health & Human Services, Victoria Police prosecutors and various community and government organisations.

Human Resources Committee

Committee Chair:

Deputy Chief Magistrate Lance Martin and Manager People and Organisational Development Iain McKinnon.

Members:

Magistrates Simon Garnett (until 27 October 2015), Anne Goldsbrough (from 27 October 2015), Jan Maclean and Paul Smith (until 27 October 2015), Judicial Registrars Ruth Andrew (from 23 February 2016) and Barry Johnstone (until 27 October 2015), Operations Manager Mark Baker (Barwon South West), Senior Registrars Julian Bartlett (Frankston Magistrates' Court [until 26 April 2016]), Debra Gallucci (Melbourne Magistrates' Court) and Mark McCutchan (Dandenong Magistrates' Court [from 28 June 2016]), Senior OHS & Wellbeing Adviser Penny Addison, Manager People Services Cam Arrubla, Manager Dandenong Drug Court Kristy Rowe, Senior Consultant People Services Lina Defazio and Consultant People Services Romany Olson.

The purpose and objectives of the Human Resources Committee (HRC) are to:

- Support the Court to attract and retain talented people who have the capability and expertise to ensure the work of the Court is properly supported.
- Support the Court in aligning all OHS practices to achieve an embedded and effective management system that provides a safe environment for all staff, contractors, visitors and volunteers.
- Provide comment, informed advice, strategic guidance and recommendations on matters considered by the HRC at its regular meetings.
- Provide reports and recommendations for decision or noting (as appropriate) to the Chief Magistrate and the Chief Executive Officer.

Where the Chief Magistrate and Chief Executive Officer have delegated authority, the HRC may also make decisions on human resources matters. However, the HRC does not replace established management responsibilities and financial delegations or reporting lines and responsibilities of regular operational functions.

The responsibilities of the HRC are to:

- Make recommendations on human resource management issues of a strategic nature including those specific to the magistracy (not including terms and conditions).
- Make recommendations on issues that have been reported to the HRC from the Human Resources Portfolio Committee (HRCP), the Human Resources Community of Practice or other areas of Court Services Victoria.
- Review Court Services Victoria policies and inform the HRCP Policy Sub-Committee on policy issues and procedures that are of interest to the Court and develop draft policies and procedures for the Chief Magistrate that are specific to the magistracy.
- Make recommendations about OHS and employee wellbeing matters related to the magistracy and staff.

Information Technology Committee

Committee Chair:

Deputy Chief Magistrate Daniel Muling (to 22 December 2015).

Chief Executive Officer Andrew Tenni (from 23 December 2015).

Members:

Deputy Chief Magistrate Barry Braun, State Coordinating Magistrate Franz Holzer, Principal Registrar Simone Shields, Manager ICT Systems Sharon McAnelly, IT Coordinator Eddie Dolceamore, Business Alignment Manager, Jurisdiction Services Ross Capuana, Service Delivery Manager, Jurisdiction Services Sharon Butchard and Project Manager, Children's Court of Victoria, Russell Hastings.

The Court's Information Technology (IT) Committee is responsible for

overseeing the work of the Court's IT service in the maintenance and improvement of the various IT systems necessary to support the proper operations of the Court and the Children's Court. Its work includes consideration of an increasingly comprehensive program of IT initiatives to improve service delivery.

A key focus area is the preparation of a funding submission for the 2017–18 budget for the replacement of case management systems (Courtlink and LEX), which is required to deal with current system limitations and approaching obsolescence.

During the last reporting period, the Committee was involved in overseeing the following projects, which are now complete:

- Implementation of new hardware to stabilise Courtlink in the medium term (capacity and disaster recovery hardware and services).
- Deployment of a new system operating environment for end user computing (Windows XP to Windows 8.1.1) and refresh of personal computers.
- Video Conferencing Expansion Project (Stage 1) using enhanced, IP-based services.
- Wi-Fi Expansion (Stage 1) in public, court and registry areas of all metro courts.

The following additional initiatives are in progress, many of which have been built on successful pilots:

- Courtlink – on-going necessary enhancements to legacy applications and supporting infrastructure to ensure they continue to meet the Courts' needs until transition to a new system.
- Online processes – further development and deployment of online processes to improve community access and reduce the congestion at registries, including family violence intervention orders, licence eligibility orders, Electronic Filing of Appearance System, and electronic notification of hearing dates for accused.
- Information exchange – enhancements to interfaces

with Victoria Police to enable better information exchange such as communication details of accused to enable electronic court notifications; automation of existing data interfaces; and more timely electronic exchange of charges and warrants.

- Video Conferencing Expansion Project (Stage 2) – this project aims to increase video conferencing capacity in various court locations and prisons. Enhanced video conferencing capability will streamline preparation for, and conduct of, court hearings by enabling video-based communication with persons in custody, remote witnesses, legal practitioners, support organisations and other court users. In addition, a video conferencing trial between courts and police stations will be used to identify process improvements.
- Wi-Fi Expansion Project (Stage 2) – this project will enable consistent internet access across metro, regional and rural courts for authorised users.
- Key ongoing responsibilities include working collaboratively to improve delivery by existing service providers including:
 - » Jurisdictions Services, Court Services Victoria who manage the delivery of information technology services on behalf of the Court, namely Courtlink and other business systems, in-court technology and IT infrastructure such as data centres, servers, printers and telephony, through contracts with its service providers: Department of Justice & Regulation, CenITex, Fujitsu, Telstra, etc.
 - » Additional IT service providers are engaged directly to the Court to support including Wi-Fi and Voice Over Internet Protocol telephony.
- Department of Justice & Regulation Works Program – Support Court Services Victoria to coordinate the upgrade of ICT infrastructure across all courts in conjunction with CenITex and Department of Justice & Regulation.

- Support for the Court's priorities such as the implementation of:
 - » Recommendations of the Royal Commission into Family Violence.
 - » Reform projects such as Fines Reform and Drug Court.
 - » Recommendations from Operations and Finance Review (Boston Consulting Group).

Professional Development Committee

Committee Chair:

Magistrate Jennifer Bowles.

Members:

Chief Magistrate Peter Lauritsen, Deputy Chief Magistrate Jelena Popovic, Magistrates Ann Collins, Caitlin English, Carole Gwynn (from December 2015), Fiona Hayes, Gail Hubble (until February 2016), Catherine Lamble, Ros Porter, Kay Robertson and Mark Stratmann (from June 2016), 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. Reserve magistrates and judicial registrars are also invited to attend the Conferences.

The Committee's close collaborative relationship with the Judicial College of Victoria (JCV) continued during the reporting period. Fiona Dea attended the committee meetings; informing the Committee of the JCV programs and providing advice regarding programs and speakers. Her expertise and commitment have been greatly appreciated. In addition, the JCV provided further jurisdiction specific programs for the Court and Ms Carly Schrever, Judicial Wellbeing Project Advisor at the JCV attended a number of committee meetings to inform the Committee of the Judicial Wellbeing Pilot Program conducted by the County Court and the

Judicial Officers' Assistance Program available for all judicial officers in Victoria.

Magistrates' Professional Development Conferences

The Conferences were conducted on 22 and 23 July 2015 and 9 October 2015. They included presentations from guest speakers and magistrates, including updates from the supervising magistrates regarding their portfolios. The evaluations have continued to confirm that the conferences have been highly regarded based upon their relevance to the duties of a judicial officer and being also of personal interest. The Committee has had regard to suggestions by magistrates regarding topics for future conferences.

The speakers and topics for 2015–16 included:

- The Hon. Justice Virginia Bell AC – 'The Role of a Judicial Officer – Sentencing, Victims and the Media'.
- The Hon. Chief Justice Diana Bryant AO – 'Intersection of Family Law, Child Protection and Family Violence' and launch of the Family Law Manual for Magistrates.
- The Hon. Chief Justice Wayne Martin AC – 'The Law's Recognition of Cultural Diversity: Developing of Dismantling Equality before the Law'.
- Her Honour Judge Amanda Chambers – '*Children Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*'.
- Her Honour Judge Judy Small – 'Parenting Orders and Applications without Notice in a Family Violence Context'.
- Dr Troy McEwan – 'Profiles of a Stalker'.
- Professor Greg Barton – 'Radical Islamism's War of the Mind: the Drawing Power of the Islamic State'.
- Dr Kate Barrelle – 'Radicalisation Towards and Disengagement from Violent Extremism'.
- Ms Jan Cheslin and Mr Danny Gamble – 'Mental Health Services for People in Custody'.

- Ms Laurie Atkinson – 'The Law Library of Victoria'.
- Mr Matt Weatherson – '*Crimes Amendment (Abolition of Defensive Homicide) Act 2014*'.
- Deputy Chief Magistrate Popovic – 'Bail scenarios – terrorism charges'.
- Magistrate Jennifer Bowles – 'Churchill Fellowship 2014 – What can be done? Therapeutic residential facilities for young people with substance abuse and mental health issues'.
- Magistrates Donna Bakos, Andrew McKenna and Stella Stuthridge – 'Sentence indications'.
- Magistrates Andrew Capell, Fiona Hayes, Marc Sargent and Carolene Gwynn – 'Implications of DPP v Boulton – Sentencing considerations'.
- Magistrate Michelle Hodgson – 'It's against the Constitution'.
- Magistrate Catherine Lamble and Mr Matt Weatherson – 'Family law for magistrates'.
- Magistrate Greg Levine - 'From Churchill Fellowship to the establishment of the Family Drug Treatment Court'.
- Magistrate Kay Macpherson – 'Future direction of the Family Drug Treatment Court'.
- Magistrate Anthony Parsons – 'Evaluation of the Drug Court'.

Country Magistrates' Conference

The Annual Country Magistrates' Conference was conducted on 27 and 28 August 2015. The Conference provides an important opportunity for magistrates in the regional courts not only to meet but also to discuss unique issues they face. The Conference included presentations on the Children's Court, judicial independence, cultural diversity, on line resources and library services.

Judicial College of Victoria – Magistrates' Court of Victoria – Jurisdiction Specific Programs

The JCV requested that the Professional Development Committee propose jurisdiction specific programs for the JCV to provide for magistrates. Magistrates were members of the steering

committees. The programs were:

The Intimate Terrorism of Family Violence

The two day family violence program which had been conducted on 19–20 February 2015, was repeated on 6–7 August 2015 and 18–19 February 2016 in order for all magistrates to attend. Together with Fiona Dea, the Steering Committee consisted of Chief Magistrate Peter Lauritsen, Supervising Magistrate Kate Hawkins and Magistrates Jennifer Bowles and Anne Goldsbrough. The evaluations were once again very positive.

Summary Contested Hearings

A program which examined judicial decision making and conducting summary contested hearings was held on 29 April 2016. Fiona Dea, Supervising Magistrate Charlie Rozencwajg, Regional Coordinating Magistrates Fiona Hayes and Susan Wakeling and Magistrate Jennifer Bowles constituted the Steering Committee. Judicial officers including their Honours Judge Elizabeth Gaynor and Lisa Hannan, Deputy Chief Magistrate Felicity Broughton and Magistrates Simon Garnett, Peter Reardon and Belinda Wallington contributed to an excellent program. Special acknowledgement to Magistrate Fiona Hayes for proposing the program and for being instrumental in its success.

Other Professional Development

In addition to the conferences detailed above, magistrates participated as members of steering committees and attended programs conducted by the JCV, which included the specialist jurisdictions of the Children's Court and the Coroners' Court.

Magistrates also undertook their own professional development by attending and presenting at both national and international conferences. A submission regarding conference leave was submitted on behalf of the Committee.

There are a number of benchbooks and manuals which have specific relevance to proceedings in the Court. During the reporting period, a review of the Induction Manual for newly appointed magistrates commenced. Magistrates Catherine Lamble and Kay Robertson and

Elizabeth Quonoey, Senior Adviser Professional Development, Courts Technology Group are acknowledged for conducting the review.

Magistrate Lamble has also been instrumental in liaising on behalf of the Committee with the Law Library of Victoria and in particular, Renee Naylor, the Court's reference librarian. One of the major initiatives included magistrates having the opportunity to learn to use on line legal information more effectively and to be on line legal resource mentors to assist their colleagues.

Judicial Mentoring

The Court's Judicial Mentoring Program (JMP) has continued to provide a magistrate as a mentor to all magistrates appointed since January 2013. In the reporting period there were six magistrates appointed. The JMP is a key feature of the induction process. An evaluation of the JMP will be conducted in the next reporting period.

Acknowledgements

The Chair acknowledges the commitment and support of the members of the Committee. All members have made an invaluable contribution. Thank you to Magistrate Gail Hubble who temporarily resigned from the Committee. She has assisted in the provision of conference materials and nominating presenters, as well as presenting herself. The Committee acknowledges those who have contributed to the success of the conferences, including colleagues who have presented. Emily Holland-Tam has again provided outstanding administrative and logistical support to the Committee, including assisting in the organisation of the conferences. She has been ably supported by Louise Leone, Katarina Palmgren and Michelle Partridge. The Committee also acknowledges the JCV 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.

Sexual Assault Management Committee

Committee Chair:

Supervising Magistrate Belinda Wallington.

Members:

Deputy Chief Magistrate Felicity Broughton, Magistrates Donna Bakos, Jennifer Bowles, Sarah Dawes, Carolene Gwynn, Fiona Hayes, Gerard Lethbridge, Johanna Metcalf, Peter Reardon, Duncan Reynolds, Jennifer Tregent and Susan Wakeling, Registrars Melanie Ricardo (Sexual Offences List 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 sexual offence matters in both the committal and summary streams particularly where the complainants involved are children or have a cognitive impairment.

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.

Committal case conferences are utilised to assist in the resolution of matters in the indictable stream. Appropriate matters are adjourned from the Sexual Offences List and

listed at 9.15am. The parties are encouraged to frankly discuss the strengths and weaknesses of the evidence with legislative protection for the accused.

In the summary stream, a practice has developed of obtaining the brief of evidence from the prosecution to assist in meaningful input from the bench at the contest mention stage. Matters may also be listed as a special mention to determine pre-hearing issues in order to avoid delay on the day of the hearing. Where possible, these special mentions are listed before the magistrate hearing the contest.

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 the 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

Victoria is in a period of significant legislative change in the area of sexual offences with the second half of the amendments to indictable sexual offences currently before parliament. Members of the Committee continued to have discussions with representatives of the Department of Justice & Regulation in relation to its implementation. The Committee will continue to monitor and inform the magistracy about the wide-ranging reforms introduced by the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014*, the *Jury Directions Act 2015*, the *Sexual Offenders Registration Amendment Act 2016* and the Crimes (Sexual Offences) Bill 2016.

Policy and Practice

The Supervising Magistrate attends meetings of the Family Violence and Criminal Law Portfolios and

is a member of the Sexual Assault Advisory Committee and the Child Witness Service Consultative Committee.

Members of the Committee are also involved in discussions with the County Court, Department of Justice & Regulation, Office of Public Prosecutions, Victoria Police and the Child Witness Service in relation to the introduction of an intermediary scheme to assist vulnerable witnesses to give their evidence.

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 Victoria Legal Aid lawyers, Victoria Police specialist prosecutors and those authorising sexual offences prosecution briefs.

Members of the Committee prepared the program for, and participated, in the Judicial College of Victoria one day seminar on the preparation and management of summary offence contested hearings. The Committee is represented on the Judicial College of Victoria's Steering Committee for professional development training for judicial officers on historical sex offences to be held in August 2016. 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 and coincidence evidence and confidential communications.

Challenges

There is work to be done in achieving consistency of practice in managing sex offences across Victoria and in extending protections for vulnerable witnesses in the criminal justice system. The Committee continues to follow the work of the Royal Commission into Institutional Responses to Child Sexual Abuse with a particular interest in its research on sex offence trials with multiple complainants.

Thank You

The Committee acknowledges the commitment of Melanie Ricardo as Sexual Offences Coordinator and

Lauren Patrick as bench clerk and the assistance given by both of them to the Supervising Magistrate.



Magistrate Belinda Wallington at the Embassy in Washington

Victims of Crime Assistance Tribunal Coordinating Committee

Committee Chair:

Supervising Magistrates Andrew Capell and Johanna Metcalf.

Members:

Deputy Chief Magistrates Felicity Broughton, Lance Martin and Daniel Muling (until 22 December 2015), Magistrates Timothy Bourke, Ann Collins, David Fanning, Carolene Gwynn, Catherine Lamble, Duncan Reynolds, Susan Wakeling, Judicial Registrar Sharon McRae, VOCAT Principal Registrar Rod Ratcliffe, Standards and Compliance Officer Donna Caruana and Melbourne VOCAT Registry Manager Sandra Tennant.

VOCAT's Coordinating Committee drives many of the initiatives aimed at improving VOCAT's operation, increasing VOCAT's community presence and contributing to positive outcomes for victims of crime. Having decision makers as well as those who manage the administrative functions of VOCAT on the Committee promotes consistency between the judiciary and registrars and takes into account issues affecting them.

To support consistency across venues, the Coordinating Committee also regularly reviews the Chief Magistrate's Practice Directions and Guidelines. The Committee makes recommendations to the Chief Magistrate for the issue of new Practice Directions and Guidelines where necessary.

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

- The Court's submission to the Royal Commission into Family Violence.
- The inclusion of VOCAT training in the Victoria Police academy curriculum.
- A review of the Tribunal's panel of independent dentists.
- A review of the Tribunal's management of subpoenas.
- Preparation of submission to the Victorian Law Reform Commission's Victims of Crime Consultation Paper.
- Preparation of submission on Victorian Redress Scheme for Institutional Child Abuse.
- A review of the Tribunal's application form and legislative change to remove the requirement for an application to be verified by way of statutory declaration.
- A review of appropriate counsellor qualifications and fee guidelines.
- Monitored the progress of the Tribunal's eManagement project.
- A review of the delegation to registrars to make interim awards of financial assistance.
- Monitored the delegation of VOCAT cases to judicial registrars.
- Ongoing oversight of the Koori VOCAT List.
- Endorsement and publication of amended guidelines and practice directions for:
 - » Legal costs.
 - » Applications for extension of time.
 - » Counselling fees.
 - » Funeral expenses.
- Consideration of Victorian Civil and Administrative Tribunal's reviews of VOCAT decisions to ensure that tribunal members are informed of relevant decisions and that decisions that are of sufficient interest are placed on the VOCAT website.
- Discussion of professional development and training events for magistrates and registrars.
- Monitored statistical information across venues regarding the number of applications for assistance lodged and determined, awards of assistance made (including interim awards) and the amount of assistance awarded.
- A review of legal publications and information guides to ensure plain language information about the Tribunal is available to assist applicants, the victim support network and wider community to access, understand and navigate through the Tribunal's practices and procedures.
- Reviewed and amended correspondence generated by the Tribunal's case management system to victims and agents to better inform them of the progress, requirements and outcomes of their application before the Tribunal.
- Discussion of issues arising from the 2009 Victorian Bushfires.

Members of the Committee participated in:

- The provision of materials and information sessions about VOCAT for new magistrates.
- The provision of VOCAT training for new judicial registrars.
- Professional development and information sessions for staff of the Victims Assistance Program.
- Liaison with the Aboriginal Victims of Crime Coordinator at the Victims Support Agency and with the Aboriginal Family Violence Prevention Legal Service.
- Regular meetings with the Victims Support Agency to discuss issues relating to services to victims of crime.

Leadership Group

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

During 2015–16, the Leadership Group comprised of:

- Chief Executive Officer, Mr Andrew Tenni.
- State Coordinating Registrar, Mr Brett Cain.
- Manager Specialist Courts and Court Support Services, Mr Robert Challis.
- Manager ICT Systems, Mr Gavin Russell (until 8 April 2016) & Ms Sharon McAnelly (from 2 May 2016).
- Manager People and Organisational Development Unit, Mr Iain McKinnon.
- Manager Corporate Services, Ms Simone Richardson.
- Principal Registrar and Manager Metropolitan Courts, Ms Simone Shields.
- Manager Regional Courts, Mr Keith Turner.
- Manager Office of the Chief Executive, Mr Joseph Walker.
- Director Neighbourhood Justice Centre, Ms Kerry Walker.



(From L-R) Senior Registrar of the Hume Region, Chief Magistrate and Chief Executive Officer at the "Turning of the Sod" for the new Shepparton Court April 2016

THE COURT'S SERVICES

Registries

The Court's registries are an integral part of the efficient administration of the Court and every court venue has a registry. 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, where these forms and brochures and other information about the Court can be found.
- 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

Between the hours of 5pm and 9am on weekdays and 24 hours on weekends and public holidays, the Court provides the services of a magistrate and registrar to deal with urgent applications for child protection matters, intervention orders and search warrants from Victoria Police, the Australian Federal Police and the Department of Health & 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 services and programs offered by the Court can also provide assistance in the higher courts such as the County Court and the Court of Appeal. Such programs act to reinforce the link between the Court and the community and its service systems.

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.

The Staff

The *Court Services Victoria Act 2014* established Court Services Victoria as an independent statutory body corporate from 1 July 2014. Staff are employed by Court Services Victoria and allocated to the Court in accordance with the *Court Services Victoria Act 2014*.

Senior Registrars

Senior registrars manage all court operations within a defined geographical region and are responsible for providing leadership to all staff employed within the court complex and associated satellite courts. 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.

A significant function of registrars, deputy registrars and trainee registrars is to provide support to magistrates and judicial registrars in the operation and 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 common passion for 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 by fostering a culture of learning and development and building effective relationships and capabilities in its people.

The Manager, People and Organisational Development leads all functions of the Unit, represents the Court on the Human Resources Portfolio Committee as a delegate of the Chief Executive Officer and is involved in a comprehensive range of change and organisational development and design initiatives. In the 2015–16 financial year, this included coordinating the development of a learning strategy to be implemented in the 2016–17 financial year.

The Unit has provided a range of services to support the Court including:

- Integrating the functions and activities of the People Services, Occupational Health and Safety (OHS) and Employee Wellbeing,

Courtlink Training and Learning & Development teams.

- Providing advice on complex people management, industrial relations and organisational development and design issues.
- Liaison and engagement with relevant representatives from Court Services Victoria and a range of external stakeholders.

The Unit is structured into four teams which encompass a full range of people related services. The four teams deal with functions including general human resource functions such as employee relations, industrial relations, recruitment, performance development management, Courtlink training, trainee court registrar recruitment and learning and development, OHS and employee wellbeing.

People Services

Following the restructure of the Human Resources (HR) team and the transition of the payroll function to Jurisdiction Services (JS), the remaining team was renamed People Services, effective from 1 July 2015.

The People Services team continues to refine the HR function, with a bespoke approach, improving its service delivery to managers, employees and judiciary within the Court. People Services are moving towards a strategic business partnering model by:

- Finalising the devolvement of the payroll function to JS.
- Monitoring of best practice recruitment and vacancy management.
- Developing an intranet hub to include up-to-date policies and procedures.
- Implementing a more comprehensive process to support managers and employees with their return to work after extended absence.
- Reviewing the employee induction/orientation process and developing an employee handbook.

Following the results of the Employee Engagement and Culture Survey 2015, it was identified that formal reward and recognition was one of the areas requiring attention.

In response to this, in March 2016, the People Services team led the organisation of a successful Reward and Recognition Day, with over 240 attendees from the majority of courts across the state.

Learning and Development Unit

The Learning and Development Unit (LDU) manages the recruitment, induction and training of all court registrars and the development and delivery of learning pathways for the Court's staff generally.

Trainee Registrar Recruitment & Assessment Centre

The LDU undertakes the recruitment, selection and placement of trainee court registrars (TCRs). Candidates are short listed and selected to attend an Assessment Centre Process. The candidate's skills and capabilities are comprehensively assessed by senior registrars and LDU staff using multiple selection criteria.

Following these activities, a collaboration session is held to select candidates for referee checks. Successful candidates will be offered a position as a TCR.

Magistrates' Court Induction Program

With the exception of TCRs, all new staff attend the Court's Induction Program.

Some objectives of the program are to support new staff:

- Gain an overview of Court Services Victoria, the Court, Specialist Courts and Programs and how staff can contribute to the Court's operations and success.
- Become familiar with the Employee Assistance Program, the Code of Conduct, court security, OHS and employee wellbeing and other relevant policies such as the Respect in the Workplace Policy and the Social Media Policy.

Magistrates' Court Bench Clerk Induction Program

All new TCRs attend the Court's Bench Clerk Induction Program. The objectives include those in the Court's Induction Program. In addition, this program provides staff with:

- Basic court skills.
- Training in family violence procedures and protocols.
- Training in the Courtlink case management system.

Certificate IV in Government (Court Services)

TCRs successfully complete this study to qualify as a registrar. The Certificate IV was provided in an auspice arrangement with TAFE SA until May 2016 and will no longer be offered.

Certificate in Court Services

Entry level training of TCRs is now non-accredited. This allows the Court to adapt the curriculum to support any change of focus in court operations such as the increase in family violence matters. LDU staff developed and now coordinate and facilitate the Certificate.

Qualification of Trainee Registrars

After two years of service and upon completion of the certificate program, TCRs are eligible to attend a qualification interview. LDU staff and a senior registrar conduct the interviews. If assessed as suitable, they are recommended to the Chief Executive Officer for qualification. If deemed unsuitable, they undertake a training plan and re-interviewed when the relevant standards are attained.

Scheduled Transfers

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

The objectives and benefits of scheduled transfers are to:

- Enable TCRs to gain the necessary experience relevant to successfully complete the Certificate in Court Services.
- Enable the development of a multi-skilled workforce, through exposure to locations

including the Children's Court, metropolitan and regional courts.

- Improve job satisfaction, motivation and morale by increasing staff development.

Occupational Health & Safety and Employee Wellbeing

This year's OHS performance has been strong, with all locations utilising monthly safety packs. These packs are designed to deliver a regular training session with topics addressing both compliance obligations and issues relating to wellbeing, in particular vicarious trauma. The packs also incorporate a hazard identification and risk control process that enables the Court to proactively manage risks locally.

Of particular note, there was improvement in the WorkCover area with no new claims submitted in the 2015–16 financial year. Incident reporting frequency did not vary greatly from the previous year and a number of proactive initiatives continue to be implemented to identify hazards and minimise injury to staff. Ergonomic assessments continue to be available for all staff and a number of high/low desks have been installed across a number of locations.

Following the introduction of annual self-assessments, quarterly hazard inspections and monthly safety checks, opportunities for improvement have been identified and captured across the state. These will inform new organizational targets and objectives, greatly assisting the Court in its OHS management model of continuous improvement. The Court's Leadership Group undertook a one and a half day intensive training course to assist them to understand their OHS obligations.

A new employee assistance program was also introduced with two successful providers being appointed. Davidson Trahaire Corpsych were awarded the contract for all public sector staff and the FBG Group awarded the contract for judicial staff. This arrangement acknowledges the varying needs of the Court's staff and judicial officers.

Despite the numerous challenges, including the flooding and subsequent closure of Heidelberg and the fires at both the Dandenong Drug Court and the Cobram Courthouse, staff continue to demonstrate an admirable willingness to work together and take responsibility for providing a safe working environment for staff, visitors, courts users and volunteers.

Courtlink Training

All new magistrates, judicial registrars and trainee registrars receive training in Courtlink, the Courts' case management system. The Courtlink Trainer develops, co-ordinates and facilitates training which is responsive to legislative reform or change in court requirements. Training ranges from two days for TCRs through to five days for the judiciary. The judiciary receive in-court assistance for their first two days on the bench. In the past 12 months, eight magistrates, two judicial registrars and 39 TCRs have been trained and refresher training and on-going support is provided.



Court staff at Melbourne Magistrates' Court



Koori Court staff at the opening of the Koori Court at Geelong

COURT OPERATIONS

The Court is continuing to respond to increases in caseload. The following section provides information regarding the management of listings and other initiatives aimed at improving how the Court operates and strengthening the Court's presence in the community.

The Court's 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.

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 where 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 is similar to the previous year. In this reporting period, there has been a five per cent decrease in issued complaints, totalling 1822 cases.

WorkCover complaints arising in the metropolitan area are issued at the Melbourne Magistrates' Court. There are two daily WorkCover trial lists in operation at 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.

The Court regularly convenes meetings of the WorkCover Users Group. The Group consists of magistrates sitting in this jurisdiction, various barristers and solicitors and representatives of the Victorian WorkCover Authority. The meetings provide an opportunity for all members to raise and discuss any problems or issues arising out of the Court's WorkCover jurisdiction.

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 exercises an extensive jurisdiction under the *Fair Work Act 2009* (Cth) and in matters concerning the interpretation and application of awards and other industrial instruments that govern the entitlements of employees, outworkers and contractors including the determination of and imposition of penalties in appropriate cases. The Court has the power to impose monetary penalties in civil industrial proceedings and to impose criminal convictions and impose penalties and order the recovery of monies due in prosecutions commenced for breaches of obligations under the *Fair Work Act 2009* (Cth). It has exclusive jurisdiction to hear and determine prosecutions under the *Long Service Leave Act 1992*.

The work of the Industrial Division involves hearing and determination of both simple and complex employment arrangements.

The main volume of work during the year continued to be small claims, that is, proceedings in which a party is seeking an amount whether by way of damages or underpayments of \$20,000 or less.

Suitable matters are referred to a pre-hearing conference (PHC) on the first listing of the claim before the Court. The Court will make any directions required on the same day to prepare a claim for final hearing. The arrangement is designed to reduce the number of occasions parties are required to attend court.

The Court has finalised the introduction of revised forms for use in small claims designed to provide more user friendly and consistent practice in employment related matters.

The Industrial Division is conducted primarily from the Melbourne Magistrates' Court but, when required, arrangements are made for hearings to be conducted at regional courts.

During the course of the reporting period, 116 complaints were filed of which 89 were small claims.

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 this Act, this purpose may be achieved by, amongst other things, any appropriate dispute resolution process ordered by the Court. In furtherance of that purpose, the Court provides three appropriate dispute resolution processes: 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 issues in dispute between parties and 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

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.

COORDINATION SUMMARY

Video Conferencing

Over the course of the year, the Court has continued to install new internet based audio visual link (AVL) units across the state. The Court has committed to installing 151 units at 37 court venues across Victoria.

The Court's use of AVL to facilitate the appearance of an accused in custody has increased significantly over the past 12 months. The number of AVLs is projected to further increase with the introduction of legislation, which creates a presumption in favour of AVL in relation to most court appearances by an accused person. It is anticipated that these amendments will provide for a more efficient process to facilitate the appearance of in custody accused rather than the physical transportation of all accused.

Operation Gallium

Following the disturbance at the Metropolitan Remand Centre in late June 2015, more than a 100 prisoners were charged with various offences and referred to the Court's committal stream, which resulted in an unprecedented number of co-accused. The Court was able to efficiently list and deal with the matters by dedicating a case management team and by fully utilising the video link system for accused persons to appear for their cases.

Fast Tracking of Family Violence Related Criminal Matters

The fast tracking initiative was introduced to the Dandenong Magistrates' Court in December 2014. The purpose was to ensure all family violence related criminal matters are listed within designated listing time frames. The objective of the approach is to list and finalise these matters in a compressed timeframe to increase perpetrator accountability and enhance the safety of victims.

The Court has expanded the fast tracking initiative to Broadmeadows, Shepparton, Ringwood, Ballarat,

Moorabbin and Frankston Magistrates' Court in the past 12 months.

The program is expected to be further implemented at Geelong and Bendigo Courts in September 2016. Melbourne Magistrates' Court, the Neighbourhood Justice Centre and Heidelberg Magistrates' Court will then follow in January 2017. The Court anticipates a complete statewide rollout in the second half of 2017.

Case Tracking

Case tracking was introduced in May 2015 and provides a mechanism for parties, court users and members of the public to be provided with updated listing dates of cases that they have elected to follow through the daily list section of the Court's website. The notification is sent via email or SMS.

The number of cases being followed has continually increased each month since implementation in May 2015. There were over 20,000 notifications sent in 2015–16 financial year. The aim of the initiative is to provide an alternative means for people to be advised of listing dates and to reduce the number of calls and enquiries to the Court requesting updated information.

Electronic Notification for Accused

In June 2016, the Court implemented electronic notification for accused persons. The initiative provides for accused persons who have criminal matters before the Court, which are adjourned, to be notified of upcoming court dates electronically either by SMS or email.

At the time a person is charged with an offence, police obtain the mobile phone number and email address of the accused and include that information on the charge sheets. If those details are not included on the charge sheets, a mobile phone number or email address can be collected by a court staff member when an adjournment is requested. Then, on the adjournment of a case, an electronic notification will be automatically sent by the Court to the accused person either by SMS or email outlining the details of the next court date.

If the hearing date changes or the matter is further adjourned, the accused will receive a further electronic notification with the new arrangements. To further assist those with an upcoming appearance, a reminder will also be sent 48 hours before the hearing date. If an accused does not have a mobile phone number and/or email address recorded, an 'Advice of Hearing' notice will still be generated and mailed to the accused.

Judicial Registrars

Judicial registrars are independent judicial decision makers appointed by the Governor in Council to assist the Court in disposing of a variety of matters that come within the Court's criminal and civil jurisdictions. Judicial registrars exercise the powers and jurisdictions as delegated to them by the Chief Magistrate. In December 2015, the *Magistrates' Court (Judicial Registrars) Rules 2015* came into operation and consolidated the various amendments that have been made since 2006.

Following the appointment of two further judicial registrars in May 2016, there are currently 10 judicial registrars appointed to the Court. They sit at various court locations across the state and have made a substantial contribution to the disposition rates of those courts. With a core group servicing the Melbourne Magistrates' Court, judicial registrars also sit at the following courts: Bairnsdale, Ballarat, Bendigo, Broadmeadows, Dandenong, Echuca, Frankston, Geelong, Heidelberg, Koroit, Kyneton, Latrobe Valley, Moorabbin, the Neighbourhood Justice Centre, Ringwood, Orbost, Sale, Shepparton, Sunshine, Swan Hill, Warrnambool and Werribee.

Matters Dealt with by Judicial Registrars

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

Civil

- Civil arbitrations together with all claims for council/water rates and fees where the amount claimed is less than \$10,000.
- An interpleader summons under the *Magistrates' Court Civil*

Procedure Rules 2010 where the value of the property is less than \$10,000.

- Any proceeding involving the exercise of power under the *Magistrates' Court Civil Procedure Rules 2010* (with some exceptions), including applications under the *Judgment Debt Recovery Act 1984* and the *Instruments Act 1958*.
- Applications for summary judgment under s.63 of the *Civil Procedure Act 2010* where the amount sought is less than \$10,000.
- 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.

Criminal

- 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, which deals with accused who suffer a mental or intellectual disability, are homeless or who have a serious addiction to drugs or alcohol.
- Adjourn a proceeding to allow an accused to undertake the Criminal Justice Diversion Program
- Applications:
 - » for a licence eligibility order under the *Road Safety Act 1986* and *Sentencing Act 1991*.
 - » for removal of an alcohol interlock device or for 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 a search warrant.

As from 26 June 2016, the *Infringements Regulations 2016* replaced the *Infringements (General Regulations) 2006*, which, inter alia, amended the schedules therein that list the lodgeable infringement offences that judicial registrars are able to deal with.

Personal Safety Intervention Orders Act 2010

Judicial registrars have been delegated power to deal with applications under this Act (with the exception of those matters under Part 8 dealing with family members). This delegation has substantially assisted the Court in its flexibility to list and dispose of these matters. Judicial registrars currently deal with the majority of these applications that are listed at the various courts in the metropolitan area as well as most major country venues.

Victims of Crime Assistance Tribunal

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.

Committees and Reviews

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

- Civil Practice Committee.
- Family Violence and Family Law Portfolio Group meetings.
- IMES and Court's Management Group meetings (Fines Reform).
- Magistrates' Court HR Committee.
- VOCAT Coordinating Committee.

Judicial registrars have also been involved in:

- Meeting with representatives of the Ombudsman investigating Transport Fare Enforcement.
- The MINTA programme (Beggars List).

- Speaking to students undertaking a Certificate in Court Services.
- School talks to secondary college students attending the Court.

THE LAW LIBRARY OF VICTORIA

The Law Library of Victoria manages the combined resources of the Supreme Court, the County Court, the Magistrates' Court and VCAT Libraries. The Law Library provides services to judicial officers, tribunal members, court staff, members of the legal profession and the public. There is a librarian in each jurisdiction, assisting metro, suburban and regional courts.

In 2015–16, the Law Library created new legal research programs and facilitated a regular calendar of publisher information sessions.

Highlights include:

- A 5 week pilot program: 'Using Online Legal Information Effectively'.
- Visits by the librarian to 50 per cent of the headquarter courts.
- Library staff presented at Melbourne and regional conferences.
- Magistrates and judicial registrars attended workshops presented by library staff.
 - » Legal Alerts.
 - » iPads for Legal Research.
 - » A library resources overview.
- Library session included as part of the induction program for new magistrates.
- Development of learning materials including handouts, guides and reading lists.
- The fortnightly Library Bulletin.
- Information sessions from Jade Barnett, Thomson Reuters and Lexis Nexis.

The Law Library also added many new titles to the print collection.

Collection advice and updates were provided to courts across the state, including the sorting of the Heidelberg Court collection.

LEGISLATIVE REFORM

The legislative reforms which commenced during the year included amendments relating to sexual offences, drink and drug driving, homosexual offences expungement, prevention of cruelty to animals, civil disputes and bail. Accordingly, consultation regarding these amendments was undertaken with a range of stakeholders, including:

- Court Services Victoria.
- The Supreme Court.
- The County Court.
- Department of Justice & Regulation.
- Department of Health & Human Services.
- Victoria Police.
- VicRoads.
- The Office of Public Prosecutions.
- Corrections Victoria.

Necessary support and advice was provided to the Court's judicial officers and registrars to assist in understanding and applying the legislative amendments. Further, required enhancements to support legislative change were made to Courtlink.

Bail

On 14 October 2015, the *Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Act 2015* commenced. This Act introduced two additional categories where an accused needs to 'show cause' why bail should be granted:

- Accused is charged with an indictable offence, allegedly committed while accused is subject of a serious sex offender

supervision order (interim or final).

- Accused is charged with an indictable offence, and the accused, at any time during the proceeding with respect to bail is the subject of a serious sex offender supervision order (interim or final).

A further show cause category was introduced on 2 May 2016 by the *Bail Amendment Act 2016*.

- Accused is charged with a 'serious offence' (per *Sentencing Act 1991*) and within the preceding five years has been convicted or found guilty of failure to answer bail.

The *Bail Amendment Act 2016* also:

- Made it a mandatory that the Court shall refuse bail, unless satisfied that exceptional circumstances exist, if an accused is charged with certain terrorism related offences.
- Added further terrorism related behaviour to the circumstances that must be considered when determining if an unacceptable risk exists in granting bail.
- Increased the penalty for failure to answer bail offence.

Sexual Offences Reform

On 1 July 2015, the *Crimes Amendment (Sexual Offences and Other Matters) Act 2014* commenced, completing the first stage of major reforms to sexual offence legislation. This Act amended the *Crimes Act 1958*, the *Criminal Procedure Act 2009* and the *Sentencing Act 1991* in respect to rape and sexual offences. Specifically, the Act clarified the terminology and made the offences clear, simple and consistent. This included:

- Removing the archaic term 'indecent assault' and replacing it with 'sexual assault'.
- Formulation of six distinct offences.
- Introduction of a new objective fault element in rape and sexual assault: the accused does not reasonably believe that the complainant is consenting.
- Introducing a 'course of conduct charge', relating to repeated and

systematic sexual abuse over a period of time.

The second stage of the sexual offences reforms are currently being considered by parliament.

Historical Homosexual Convictions Expungements

On 1 September 2015, the *Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014* commenced. This Act amended the *Sentencing Act 1991* to establish a scheme under which convictions for certain offences relating to sexual activity of a homosexual nature may be expunged. The legislation recognises that homosexual sex between consenting adults should never have been a crime. Successful applications will cause the relevant conviction to be expunged from police, prosecution and court records.

Drink and Drug Driving

Building upon the recent changes to drink and drug driving legislation and the expansion of the Alcohol Interlock Program, the *Road Safety Amendment Act 2014* created a new offence of combined drink and drug driving. This offence recognises the increased safety risks of driving under the influence of both alcohol and a drug(s). This is reflected in the higher penalties and lengthier licence suspension/disqualification orders that apply if found guilty of the offence. This amendment commenced on 1 August 2015.

In addition, the Act also expanded the motor vehicle impoundment scheme to cover drink driving offences where a blood alcohol concentration is 0.10 or above.

Child Pornography

Substantive amendments were introduced on 1 December 2015 in relation to child pornography by the *Crimes Amendment (Child Pornography and Other Matters) Act 2015*. These included:

- Introduction of new child pornography offences.
- Doubling the maximum penalty for the current offence of possession of child pornography.
- Providing for the use of random

sample evidence in child pornography proceedings

- Restricting disclosure and inspection of exhibits where to do so would result in the disclosure of child pornography to the accused personally
- Enabling authority to be given to police when issuing a search warrant that police may direct a specified person to assist in accessing, copying or converting data from a computer or storage device.

Prevention of Cruelty to Animals

To strengthen the enforceability and administration of the animal welfare legislation, the *Prevention of Cruelty to Animals Amendment Act 2015* commenced on 23 December 2015. This Act:

Increased the monetary penalties for offences.

- Introduced new offences in relation to baiting, luring and fighting of animals.
- Added circumstances where an inspector may apply for a search warrant.
- Amended the provisions relating to control orders.
- Enabled the Court to authorise an inspector to monitor compliance with a control order.
- Enabled the Court to make Adverse Publicity Orders for certain offences.

Demerit Point Scheme

On 1 July 2015, the Demerit Point Scheme within the *Road Safety Act 1986* was restructured by the *Road Legislation Amendment Act 2013*. The amendment introduced a requirement for the appellant to apply for a stay of any suspension/disqualification pending the appeal, where previously the stay was automatic.

Child Abuse Civil Proceedings

The limitation periods that applied to actions relating to death or personal injury resulting from child abuse were removed by the *Limitations of Actions Amendment (Child Abuse) Act 2015* on 1 July 2015.

Private Car Park Fees

On 26 August 2015, the *Road Safety Amendment (Private Car Parks) Act 2015* commenced. This Act cancelled any entitlement for a private car park to apply to the Court for a preliminary discovery order against VicRoads (i.e. ascertaining the identity or whereabouts of a person) for the purpose of recovering private car park fees.

Nurse/Midwife to Patient Ratio Breach Disputes

The process for resolving local disputes between a nurse or midwife (or their union representative) and operator of a hospital regarding alleged breaches of ratios was amended under the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015*. From 23 December 2015, these matters now come to the Court (instead of the Fair Work Commission).

Judicial Registrar Court Rules

The *Magistrates' Court (Judicial Registrars) Rules 2015* commenced on 14 December 2015 to replace the 2005 rules which were due to sunset. The new rules restructured but maintained the content of the previous rules. They also made it clear that a judicial registrar has jurisdiction to hear and determine civil matters under any relevant legislation where the claim amount is less than \$10,000.

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 Jennifer Bowles, Graham Keil and Brian Wright provide a snapshot of the judicial community engagement activities conducted during the reporting period.

Deputy Chief Magistrate Jelena Popovic

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.
- Set up and 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 Court on the Judicial Officers Aboriginal Cultural Awareness 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 affect Koori accused in the Court.
- Sat on the Council of the Australian Institute of Judicial Administration (AIJA) and continued her membership of the AIJA's Education, Indigenous

Justice and Membership Committees.

- Presented a paper in Prato at the Forensic Psychiatry, Psychology and the Law Conference entitled 'Doli Incapax and Beyond 14: Principles, Practice and Problems of Sentencing Mentally Impaired Child Offenders'.
- Presented on the implementation and design of sustainable court support programs at the Therapeutic Jurisprudence Conference in Auckland.
- Facilitated the arrangements for RMIT juris doctor students participating in a subject relating to Innovative Justice.
- Regularly spoke to police recruits and provided refresher sessions for bail justices.
- Presented to Monash Master of Law and Melbourne University Criminology students.
- Represented the magistrates with respect to the Courts Services Victoria Koori Inclusion Action Plan.
- Presented to the professional body, Women in Crime, with respect to bail.
- Represented the Court on the Judicial Officers Aboriginal Cultural Awareness Committee.
- Attended the Bail Program at the Judicial Studies Institute in Wellington, New Zealand.

Magistrate Jennifer Bowles

An international conference 'Young people and the Law' was held in Prato, Italy from 21 to 23 September 2015. Magistrate Jennifer Bowles attended the conference and presented the findings of her 2014 Churchill Fellowship – 'What can be done? Therapeutic residential facilities for young people with substance abuse and mental health issues.'

Magistrate Graham Keil

During the reporting period, the late Dr Jim Ranglov asked Magistrate Graham Keil and members of the legal profession to speak to his law students at Victoria University.

Magistrate Keil reports that delivering these short lectures was a beneficial experience. The feedback

received from the students was very positive and Magistrate Keil would be pleased to continue to be involved in delivering similar lectures.

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 its educational partnership with RMIT University 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, Dandenong, Geelong and Melbourne Magistrates' Courts participated in the program.

Law Week 2016

Law Week is an annual festival of events promoting community education about the Victorian legal system. This year, Law Week ran from 16–21 May 2016 and a range of fantastic events were held at numerous court locations across the state.

The Ballarat, Hamilton, Wangaratta and Warrnambool Magistrates' Courts conducted court tours.

The Sunshine Magistrates' Court partnered with Victoria University for Law Week in the West. The Court hosted a movie night with law students, legal studies students and Visy Cares Hub patrons. A movie about dispute resolution was followed by information sessions and a Q & A with Jesuit Social Services and Victoria Police.

In partnership with the Fitzroy Legal Service, the Neighbourhood Justice Centre hosted two afternoon tea events at the Fitzroy and Collingwood housing estates where a range of legal information and resources were provided.

Melbourne Magistrates' Court

participated in the Courts Open Day on Saturday 21 May 2016 and this free event attracted 603 people. Chief Magistrate Peter Lauritsen, Magistrates Clive Alsop, Ann Collins and Timothy Gattuso ran a range of interactive sessions that included:

- An 'All Stand' mock criminal hearing session involving an accused charged with serious violent and drug related offences.
- '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.
- An information session on the Court Integrated Services Program.
- The Salvation Army, Court Network and a Court Support and Diversion Services held information stalls and the Court was fortunate to have the Salvation Army Band in attendance.

The Court would like to thank all the participating stakeholders and staff for their invaluable contributions to Law Week 2016.

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 two websites (magistratescourt.vic.gov.au and familyviolence.courts.vic.gov.au) and its twitter account have become effective communication tools.

magistratescourt.vic.gov.au

During 2015–16, there were a total of:

- 1,343,183 sessions on the Court's general website.
- 5,706,140 page views of this website.
- 46.73 per cent of sessions recorded were first time visits to this website.

familyviolence.courts.vic.gov.au (launched 25 November 2015)

From 25 November 2015–30 June 2016, there were a total of:

- 6,460 sessions on the Court's family violence website.
- 19,429 page views of this website.
- 76.19 per cent of sessions recorded were first time visits to this website.

Social Media

As at 30 June 2016, the Court's twitter account (@MagCourtVic) had 3,776 followers, a 25 per cent increase from the last reporting period.

Open Courts Act 2013 and Suppression Orders

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

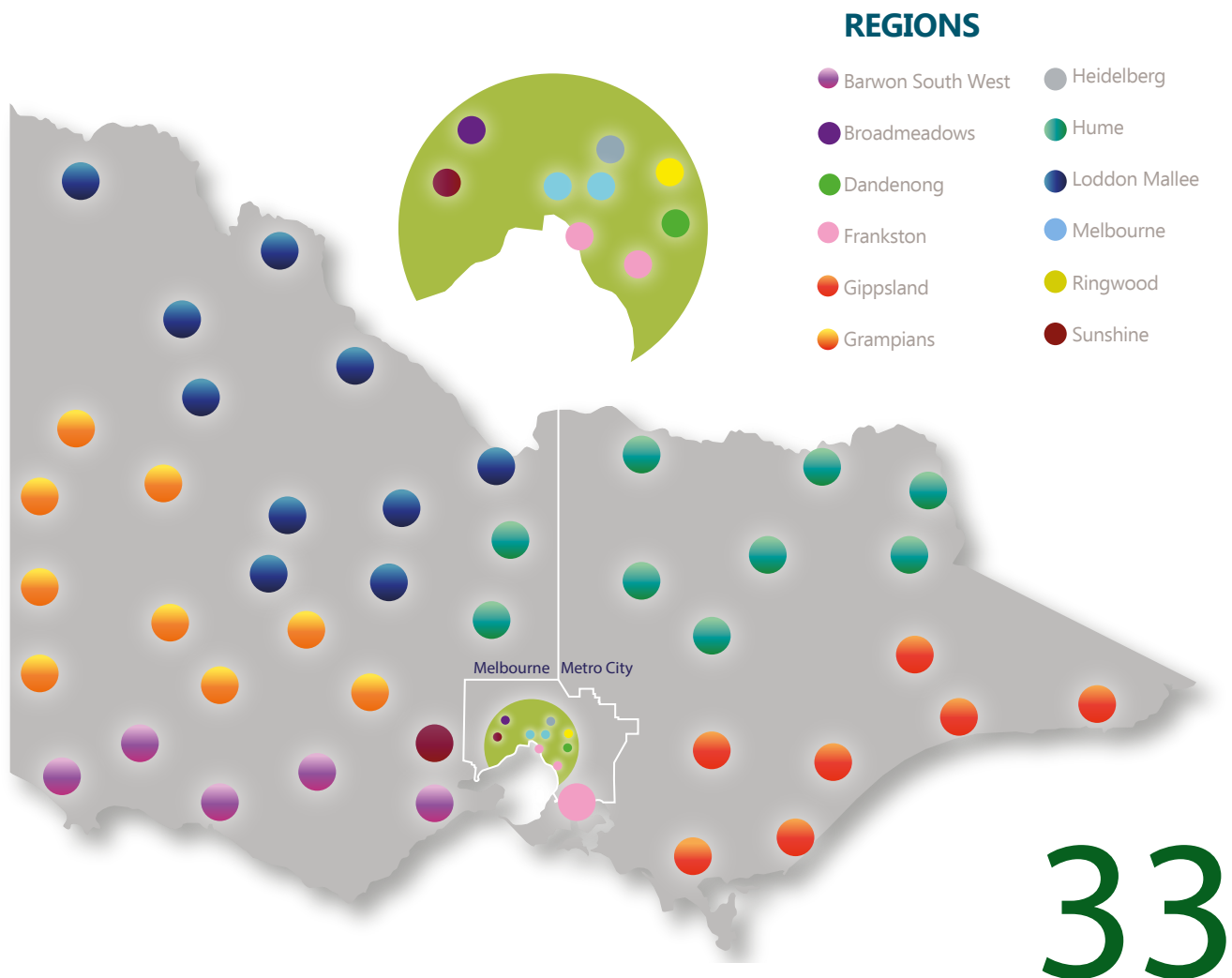
During 2015–16, the Court received 42 notices of application for suppression order in advance of the hearing and made the following number of orders under the *Open Courts Act 2013*:

- 36 Interim Suppression Orders.
- 42 Broad Suppression Orders.
- 94 Proceeding Suppression Orders.

There were three revocations made during this period and 60 orders expired during the reporting period.

STATEWIDE PERSPECTIVE

Across the state, the Court is divided into 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.



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

Initiatives

In March 2016, the Attorney-General officially launched the Geelong Koori Court. Koori Court sittings are held both in the Magistrates' and Children's Court jurisdictions. The opening was well attended with over 100 guests. Attendees watched local dancers and there was a smoking ceremony held in the court building. Koori Court now sits across all venues other than Colac throughout the region.

In May and June 2016, the Attorney-General announced safety and security upgrades for the Colac and Hamilton Courts. Separate waiting areas will be created, safe interview rooms and building security will be upgraded in line with key recommendations from the Royal Commission into Family Violence.

All courts across the region will have video-conference facilities installed by the end of 2016.

Community Engagement

- In partnership with CatholicCare, the Geelong Court delivered a Justice Education Program for newly arrived refugees in 2015. Presentations were given by court staff, Consumer Affairs, the Dispute Settlement Centre of Victoria, Victoria Police and local government agencies. The program was delivered over a 10 week period and the end of the program was celebrated with a traditional signing and lunch.
- A similar program for youth at risk and newly arrived youth refugees is being delivered in 2016.
- The commencement of the legal year, January 2016, was marked with a formal opening presided over by Justice Croft, accompanied by Judge Maidment, Chief Magistrate Lauritsen and Magistrate Coghlan. The Attorney-General also attended.
- The Geelong Court hosted the Law Association's Geelong High Schools Mock Court Competition. Over six rounds,

local high schools battled against each other. The final was presided over by a local magistrate and court staff explained their role in court to the students.

- Courts across the region acknowledged the valuable service provided to the region by Court Network volunteers during National Volunteer Week.
- During Law Week, Warrnambool hosted local high schools at the Court, providing a tour and explaining the role of a registrar.
- Staff and judiciary from across the region toured the traditional homelands of the Gunditjmarra people, including Lake Condah and Tyrendarra Indigenous Protected Area in south west Victoria.
- The Court of Appeal sat in Geelong during June 2016 and law students from Deakin University were provided with an insight into the appeal process and the opportunity to speak with the judges.



Judiciary and staff visiting the Tyrendarra Indigenous Protected Area

There are five magistrates who preside over Magistrates' Court and Children's Court matters, a judicial registrar (who sits three days per week) and 27 registry, administrative and court support services staff in the region.



BROADMEADOWS

Listings

During 2015–16, a number of listing initiatives were introduced at the Broadmeadows Court in both the Magistrates' Court and Children's Court criminal listings:

- On 3 August 2015, the expansion of the family violence fast tracking listing process commenced. This listing process commenced at Dandenong Court on 1 December 2014 and was expanded to Broadmeadows Court. The intention of the new listing practice is to improve perpetrator accountability and enhance the safety of victims by having criminal matters dealt with as early as possible.
- Jesuit Social Services Youth Diversion Pilot Program (inclusive of Detours Pilot) commenced in Broadmeadows Children's Court in June 2015 and has been extended until the end of December 2016.
- In partnership with Youth Justice, deferral of sentence for young offenders has been introduced. Youth Justice now supervise young offenders on bail and if the person engages successfully, the young person can avoid the imposition of a Community Correction Order.

Family Violence

In September 2015, an applicant practitioner and a respondent practitioner commenced in newly created roles in response to the increasing number of family violence listings. These roles provide support

and referrals to both applicants and respondents in intervention order matters and related criminal listings.

Community Engagement

The Court has continued to prioritise community engagement in the family violence area. Through its membership of the Hume Domestic Violence Network, the Court actively participates in local family violence education activities in Hume including the White Ribbon Day event and the Network's annual Clothes-line Project. This project involves participants painting anti violence messages on t-shirts and hanging them on a clothes-line as a public stance against family violence.

The Court has continued its partnership with the Northern Community Legal Service and Roxburgh Secondary College in its delivery of the 'Kill the Possum' project and the 'Week without Violence' presentations. 'Kill the Possum' is a novel by James Moloney and is part of the year nine English curriculum at Roxburgh Secondary College. The novel is used as a tool to educate students about the nature of family violence and part of the project involves the active participation of students in a 'mock trial' at Broadmeadows Court. This is the Court's fifth year partnering this project.

Whilst the Court continued its focus on stakeholder and community engagement in the family violence jurisdiction, highlights of the Court's other activities include:

- July 2015:** The Honourable Chief Justice Warren observed the Broadmeadows Koori Court.

- September 2015:** Magistrate Falla presented at Hume Road Safety Forum for Young Drivers.
- May 2016:** Magistrate Falla presented at the Gunung Willum Biluk Annual Reconciliation Lunch at Indigenous Education Centre - Kangan Tafe Broadmeadows.
- May 2016:** Regional Coordinating Magistrate Southey presented to the students of the Defence International Training Centre.

Deputy Chief Magistrate Kumar

On 18 November 2015, Deputy Chief Magistrate Kumar retired after almost 30 years as a magistrate, which included 23 years as the Regional Coordinating Magistrate at Broadmeadows. The occasion was marked by a ceremonial sitting in Court 1 at Broadmeadows Court on 13 November 2015, where the Chief Magistrate, Judge Grant and representatives from the Victorian Bar, the Law Institute of Victoria, Victoria Police Prosecutions, Victoria Legal Aid and local private practitioners spoke of Deputy Chief Magistrate Kumar's significant contribution to the Court. On 20 May 2016, Deputy Chief Magistrate Kumar was given an Access to Justice Award at the 2016 Law Institute of Victoria Awards Dinner.

Broadmeadows Children's Court Family Division

On 23 October 2015, the Broadmeadows Children's Court Family Division was officially opened.



Opening of the Broadmeadows Children's Court Family Division on 23 October 2015

Dandenong Court services a large catchment area including the City of Greater Dandenong, City of Casey and the Shire of Cardinia. There are seven magistrates and a judicial registrar who preside over the Magistrates' Court, the Children's Court and the Drug Court.



DANDENONG

Criminal Listings

As a result of previous restructuring of criminal lists, this year has seen the continual reduction of criminal case delays. Over a two year period, this has resulted in pending criminal matters reducing by approximately 60 per cent. The Court acknowledges the commitment of the Dandenong Prosecutions Unit, Dandenong Victoria Legal Aid, Corrections Victoria and local defence practitioners in their support in reducing delay. The Court is now able to progress matters before it in a more timely and efficient manner.

Listing timeframes for criminal matters at the end of the reporting period are:

- First mention: six weeks.
- Contest mention: one–two weeks.
- Contested hearing: two–four weeks.

Family Violence

During the reporting period, there has been a seven per cent increase in intervention orders finalised by the Court. This coupled with similar increases over the three years has led to a number of challenges including maintaining court lists, overcrowding in public areas and a strain on existing family violence services.

Dandenong Court has received funding for building works, which will provide victims of family violence with a safe and more secure area within the court building. This work is scheduled to commence during the second half of 2016.

Dandenong Court now has a dedicated Department of Health & Human Services worker in attendance on police initiated intervention order days, which has aided the Court and allows for a more seamless approach to Department of Health & Human Services involvement with families subject to family violence.

The Dandenong Court continues to consistently hear and determine family violence criminal matters within time limits set by Practice Direction No 10 of 2014.

Alcohol Diversion Program

The Alcohol Diversion Program is a local collaboration between Victoria Police, the Sheriff's Office, City of Greater Dandenong, Australian Community Support Organisation (ACSO), local alcohol treatment and other support agencies and the Dandenong Magistrates' Court.

This program aims to assist people who are struggling with alcohol abuse to access treatment and support and is offered to people who are having regular contact with police. A representative from ACSO attends court once a month to conduct alcohol assessments and to design a treatment plan in collaboration with local treatment agencies such as SECADA, Monash Health and the Youth Support Advocacy Service. A consistent magistrate is assigned to the list who monitors a participant's engagement with their treatment plan over a number of months. The magistrate encourages participants to continue treatment by using a range of solution-focused judging techniques

including motivational interviewing, collaborative problem solving, identification of strengths and goal setting.

Any infringement warrants for outstanding fines are brought before the Court and if a person has engaged well in treatment, then the Court may consider a discharge of outstanding fines under the *Infringements Act 2006*.

To date, the program has seen some very positive results including increased health and wellbeing of participants, less prison time, greatly improved relations between police and people on the street and improved community safety. A formal evaluation of the program is currently underway.

Community Engagement

During the reporting period, Dandenong Court engaged with the community primarily through education.

In partnership with CatholicCare, the Court delivered a Justice Education Program for newly arrived refugees.

In partnership with the Court and the Springvale/Monash Legal Service, students from Monash University took part in a 14 week Clinical Law Program. The students, under supervision and with the leave of the Court, conducted pleas of guilty on behalf of accused.

The Court continues to meet with members of the community and has engaged in a number of community forums such as the Victims Forum.

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. Additionally, Moorabbin Court also sits daily as a Children's Court (Family Division). Magistrates, judicial registrars and staff are regularly rotated between the three venues and this continues to effectively use judicial and administrative resources across the region.



FRANKSTON

Listings

The region has continued to see an increase in caseload during 2015–16. A number of initiatives have been implemented to mitigate the impacts, including:

- Additional judicial resource in the region since April 2016.
- Changing the listing day of Children's Court matters at Frankston to allow for the creation of a family violence contest court.
- Additional video-link facilities across the region, allowing for increased capacity for custody matters.
- Custody call-overs at Frankston to allocate time certainty for custody matters.

Family Violence

Improving responses to family violence has been a focus in the region. A number of strategies were employed throughout the 2015–16 period. Fast tracking of family violence related criminal matters commenced on 1 May 2016. Fast tracking aims to improve perpetrator accountability and enhance the safety of victims having criminal matters dealt with as early as possible.

The Integrated Response Team Initiative – Taskforce Alexis aims to provide an inter-agency, cross sectorial, coordinated response to high risk and recidivist family violence incidents within the inner middle catchment of Melbourne, including the local government areas of Glen Eira, Kingston and Bayside, in order to reduce the incidents of repeat victimisation and perpetration of family violence with this catchment area. Moorabbin Court supported Taskforce Alexis

by participating in monthly coordination meetings, discussing particularly high-risk cases and working towards a multi-disciplinary response to families experiencing crisis and chronic levels of family violence.

The Peninsula Community Legal Centre Early Legal Advice Project was launched at Frankston Court. An additional duty lawyer is now available to assist in family violence and family law related matters right from the initial application stage.

Additional support workers are available on police initiated intervention order days to ensure more victims can benefit from early intervention of support services.

The Frankston and Mornington Peninsula Family Violence Network Clothesline Project displays t-shirts with anti-violence messages created by local women and children who have experienced family violence and has been on display at Frankston Court since November 2015.

Community Engagement

The region continued to place a strong emphasis on community engagement in 2015–16 and activities included:

- Victorian Seniors Festival tours and presentation.
- Court staff and police prosecutors regularly presented to school students as part of school tours as a way of educating students on the court processes and the potential penalties for criminal behaviour.
- Continued participation in the schools Work Experience Program hosting over 60 students throughout the year.

- Magistrates hosted a lunch recognising the valuable service provided by Court Network volunteers as part of National Volunteer Week.
- More than 300 workers from various agencies have learnt about the procedures to apply for an intervention order by participating in the Walk in Her Shoes tours. These have been operating at Frankston since 2011 and are now at Moorabbin.
- The inaugural annual Moorabbin Justice Centre Community Engagement Event was held on 30 September 2015. The event provided opportunity for local service and treatment agencies to gain a better understanding of court processes and services to assist them in addressing the needs of the local community.
- Law Week initiatives for 2016 included a careers seminar for Frankston High School students at the Frankston Court.
- The Frankston and Mornington Peninsula Family Violence Network Clothesline Project displays t-shirts with anti-violence messages created by local women and children who have experienced family violence and has been on display at Frankston Court since November 2015.



Information session at the inaugural Moorabbin Justice Centre Community Forum held on 30 September 2015

The Gippsland region encompasses Bass Coast Shire, Baw Shire, East Gippsland Shire, Latrobe City, South Gippsland Shire and Wellington Shire. There are approximately 256,000 residents in an area covering 41,000 square kilometres.



GIPPSLAND

Courts in the Gippsland Region

- The Latrobe Valley Law Courts (headquarters) is a multi-jurisdictional court complex with six courtrooms. Specialist services include a Court Integrated Services Program team, Mental Health Liaison, Housing Officer and Koori Court in the Magistrates', Children's and County Courts. Latrobe Valley has 13 registrars, five trainee court registrars, four support staff and 10 specialist staff.
- Bairnsdale Law Courts is multi-jurisdictional court with two courtrooms and four full-time staff. Koori Court sits in the Magistrates' and Children's Court. The staff also service Omeo and Orbost Court.
- Korumburra Law Courts sits as the Magistrates' and Children's Court. There are currently three staff working part-time with assistance from Latrobe Valley. Wonthaggi is serviced by two staff two days per week.
- Sale Law Courts is multi-jurisdictional court with two courtrooms and two full-time staff with assistance from Bairnsdale and Latrobe Valley.

Four magistrates cover the entire region.

The region accommodates a number of other jurisdictions including the Supreme Court, County Court, Children's Court, VOCAT, Victorian Civil and Administrative Tribunal, Federal Circuit Court and Fair Work Australia.

Listings

In this reporting year, the main challenge faced by the region has been the increase in intervention

order applications. In 2015–16, the region initiated 4,450 applications. Data indicates that finalisations have increased from 3,753 applications in 2011–12 to 7345 in 2015–16, which is an increase of 51 per cent.

During this reporting period, the region initiated 8,296 criminal cases. Finalisations have increased from 6,200 to 8,718 over five years, which equates to a 29 per cent increase.

Initiatives

The Court continues to benefit from the Courts Education Liaison role, which is funded by the Department of Education and Training. The development of strong partnerships has ensured the success of this role.

The ROPES program has been re-established at Latrobe Valley with 35 young people participating to date.

The Koori Women's Diversion Pilot Program has commenced at Latrobe Valley. Magistrates' referrals is one of the paths to the program. The program is designed to:

- Reduce Koori women's contact with the criminal justice system.
- Provide a referral pathway into programs and services to reduce Koori women's offending and reoffending.
- Support Koori women on court orders, bail and community corrections orders to successfully complete their orders.
- Assist Koori women to navigate the justice and broader service system.

At the Bairnsdale Children's Court, the success of the New Directions Diversion Program was recognised at a large meeting attended by the President of the Children's Court, Judge Chambers. The New

Directions Program diverts young offenders into a program overseen by the local Police Youth Officer and involves a combination of support services and community work. The program has been very successful in reducing the reappearance of young people before the Court.

Community Engagement

Latrobe Valley has maintained a strong work experience program with 15 students participating in the program in the reporting period.

The 10 Year Celebration of Koori Court in Latrobe Valley took place in July 2016. The actual date was in May but due to sorry business, the celebration was deferred to 22 July 2016. A number of speeches and presentations were highlights of the day together with dancers, a smoking ceremony and an art exhibition. Screens depicting icons of the Gunai Kurnai people have been mounted on the front of the building to commemorate the celebration.



Koori Court screens at Latrobe Valley Magistrates' Court.

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



GRAMPIANS

There are three magistrates based within the region sitting at all locations with a judicial registrar sitting at Ballarat twice a week.

Magistrate Cynthia Toose is the Regional Coordinating Magistrate. Magistrates Greg Robinson and Mark Stratmann continue in the region. Magistrate Noreen Toohey visits the region each Tuesday to sit in the Specialist Family Violence Court Division, which conducts hearings of family violence intervention order applications and related criminal prosecutions. The Ballarat Specialist Family Violence Division has been visited by a number of agencies, including international and interstate delegations.

During the reporting period, the Royal Commission into Institutional Responses to Child Sex Abuse held public hearings at the Ballarat Law Courts on a number of occasions.

Recently, the Independent Broad-based Anti-corruption Commission held public examinations at the Ballarat Law Courts.

The fast tracking listing process for charges arising out of family violence incidents commenced at Ballarat Magistrates' Court on 12 October 2015. Proceedings issued during the fast tracking pilot program have by and large complied exceptionally well with all the listing protocols.

The Ararat, Ballarat and Stawell Children's Courts participated in the Youth Diversion Pilot Program. In the 2016–17 Budget, the Victorian Government announced funding to deliver this program statewide.

Community Engagement

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

- As part of Law Week 2016, staff facilitated court tours for the public.
- Ballarat Law Court conducted school visits in which students observed court proceedings and had discussions with magistrates and staff.
- The Court was represented on various committees including

both Regional and Local Aboriginal Justice Advisory Committees and Family Violence Prevention Networks across the region.

- Walk in Her Shoes tours were conducted throughout the reporting period and held in conjunction with White Ribbon Day activities. The tours were hosted by Regional Coordinating Magistrate Toose and the family violence division registrar with support from the family violence applicant practitioner and the respondent practitioner.
- Damien Mullane continued as the White Ribbon Ambassador and attended several events associated with this role.

Supported by five magistrates, one judicial registrar, 23 registry staff and four support staff, the Heidelberg Court provides services for Children's Court of Victoria, Children's Koori Court, civil debt proceedings, Court Integrated Services Program 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 practitioner, together with specialist family violence staff and VOCAT. The Victorian Civil and Administrative Tribunal operates one day a week.



HEIDELBERG

In February 2015, the Heidelberg Magistrates' Court building was flooded due to a ruptured water main and suffered significant damage. Court hearings were immediately re-scheduled to occur at Broadmeadows, Melbourne and Ringwood Magistrates' Courts and at the Melbourne Children's Court. Records, staff and magistrates were also relocated. The agencies which provide a service in the Court, including Police Prosecutors, Corrections Victoria, Victoria Legal Aid, Darebin Community Legal Centre and Youth Justice, also faced the challenge of relocation.

When the extent of the damage had been fully assessed, it became clear that an extended court closure was required. A decision was made to incorporate into the repair and restoration works, important initiatives to improve the security and capacity of the Court. Plans for reconfiguration of available spaces enabled the amalgamation of works to improve security particularly for family violence proceedings.

The challenge for the Heidelberg Court in 2015–16 was to maintain the effective operation at alternative venues while these extensive works were completed.

Approximately 140 family violence or personal safety intervention order applications and 800 criminal cases, along with civil hearings and VOCAT hearings, were rescheduled to other court venues each week.

The challenge of scheduling and communicating these changes to all participants was immense. In the 12 month period, more than 15,000 cases were heard in courts designated as Heidelberg courts. Many more were absorbed, due to geographic convenience, into the lists of surrounding courts. This achievement reflects the impressive leadership and commitment of the Senior Registrar and management team of the Heidelberg Magistrates' Court, the support of staff and judiciary at surrounding courts and the flexibility and forbearance of the staff of the Heidelberg Court and all agencies working within it.

The Court's best endeavours could not, of course, avoid inconvenience to the community. The Court thanks the community for their patience.

The key benefits of the repair and restoration project have been:

- Separation of entrances, waiting areas and court counters for participants in family violence proceedings and re-orientation of toilet and baby change facilities.
- Provision of a secure room for court participants with safety concerns and secure, direct access to the family violence court for such participants.
- Re-location of the Court's remote witness facility to increase safety for protected witnesses and children.

- Re-orientation and upgrading of the main stair, waiting, foyer and counter areas and also the public lift to increase floor area and improve public access.
- Relocation and improvement of agency offices to create 'hubs' for family violence and criminal services.
- Addition of meeting rooms for court users and pre-hearing conferences.
- New secure docks in courts and a refitted custody lift to increase security in the management of accused persons in custody.
- Upgrade of video conferencing facilities to enable remote access for participants and witnesses.
- Fully upgraded lighting, IT, communication, sewerage and stormwater services.

The project is expected to be completed on time and within budget. The Attorney-General will formally re-open the re-developed Court on 22 July 2016 and full court sittings will resume on Monday 25 July 2016.

The Court also acknowledges, upon his retirement, the outstanding contribution of Registrar, Stephen Janson, in his 48 years at the Court.

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



HUME

Regional Coordinating Magistrate Stella Stuthridge, Magistrates Ian Watkins, Annabel Hawkins and John O'Callaghan continued to sit 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. Construction commenced in April 2016 with a completion date of March 2018.

In March 2016, the Cobram Court was damaged by fire with the courtroom destroyed and damage occurring to large parts of the building.

Reconstruction has commenced with the Court expected to be operational in the last quarter of 2016. In the meantime, the Court has sat in temporary accommodation and has recently commenced using temporary premises next to the police station and will continue to do so until the Court is rebuilt.

Refurbishment of the registry at Wangaratta Court has also been

completed, which has improved functionality and security at that court for staff and clients.

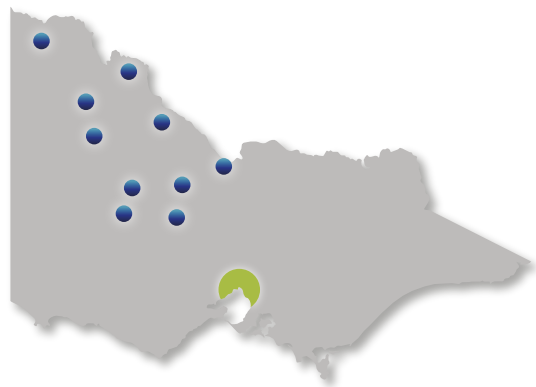
In 2015, the Goulburn Valley Community Legal Centre introduced a program to facilitate responses to clients with complex care needs. This program has been funded for three years by the Victorian Legal Services Commissioner and seeks positive legal and health/ wellbeing outcomes for clients, to build 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 lsbc.vic.gov.au.

Community Engagement

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

- Regional Coordinating Magistrate Stuthridge, together with Judge Chambers, presented two professional development days for local professionals involved in the area of child protection.
- Magistrates also met with Regional Law Associations and were involved in Young Lawyers events.
- Registrars participated as members of committees and reference groups focussing on such areas as culturally and linguistically diverse access to justice, crime prevention, family violence and the Koori Court. Registrars also presented across the region at various service clubs, community organisations and to visiting student groups.
- 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.

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 39 staff members within the Loddon Mallee region.



LODDON MALLEE

Magistrates and staff travel extensively across the region to service all court locations. The region also hears and determines Children's 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 10 weeks in the criminal and civil divisions during the year.

The region was fortunate enough to have continued support for the contest mention circuit at Bendigo, Echuca, Kyneton and Swan Hill. The success of this circuit continues and the region currently has the shortest listing delays it has had for some time. There continues to be significant and ongoing consultation with court users and magistrates to ensure that the best use of judicial resources occurs.

The Specialist Family Violence Services were rolled out during the last 12 months. An applicant practitioner was appointed at Bendigo.

The Court Integrated Services Program was rolled out to the Mildura Court in 2015.

An applicant practitioner position was created and filled at the Bendigo Law Courts during the reporting period.

As part of the recent State Budget, the region received funding for redevelopment works at Kyneton and Echuca, additional secure counters and guards at satellite courts. These works are programmed to commence in the next reporting period.

The Mildura Koori Court celebrated its tenth year in operation in July 2015.

The Court supported the implementation of the Koori Women's Diversion Program in December 2015. This program has resulted in a decrease of Koori women in prison and a decrease in recidivism.

Community Engagement

- Staff at Bendigo participated in Heritage Week in April 2016 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 enable the community to visit and enjoy the historic building.

- Courts across the region participated in Law Week in May 2016 and conducted court tours and information sessions for their local communities.
- School visits and the work experience program continued across the region with students observing court proceedings and having discussions with magistrates.
- Courts across the region acknowledged the important role of Court Network volunteers during National Volunteer Week.
- Koori Courts in Mildura and Swan Hill continued to hold community events throughout the year.
- The Court is represented on various committees across the region including the Regional Aboriginal Justice Advisory Committee, Local Aboriginal Justice Action Committee and Family Violence Action Committees.

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.



MELBOURNE

This reporting period was an exciting year for the Melbourne Magistrates' Court, which provided support to the Heidelberg Magistrates' Court during a period of major reconstruction. In order to maintain operations whilst works on the flooded Heidelberg Magistrates' Court were undertaken, the Melbourne Magistrates' Court accommodated Heidelberg's staff, hearings and support services.

Criminal listings within the boundaries of the Melbourne Magistrates' Court region continue to rise and as a result, higher numbers of custody matters were heard day to day. Pressures in relation to prisoner transport limitations were managed strongly and the weekend sittings and County Court listings continued to provide productive support in this area, also assisting in alleviating similar pressures in other regions.

The second phase of the Video Conferencing Expansion Project has been completed during the reporting year and the Melbourne Magistrates' Court now has a full suite of video conferencing facilities to offer the community. This enables greater flexibility for persons in custody to appear before the court and ensures greater access to justice.

Initiatives

During the reporting period:

- The Koori Court, initially established and launched in 2014, increased listings in 2016 to sit every week in response to increasing community demand.

- The Melbourne Magistrates' Court Drug Court has been announced with plans now underway to develop the new list for commencement in early 2017.
- Electronic case tracking of matters at the Melbourne Magistrates' Court continues to attract increasing numbers.
- The Family Violence Video Conferencing Pilot commenced, providing greater access and safety to victims of family violence who can now give evidence via an internet based Video Conferencing system at an anonymous 'safe' location supported by a community based support service.
- A family violence respondent practitioner commenced in early 2016 at Melbourne Magistrates' Court which provides support, assistance and referrals to respondents in family violence applications.
- A Koori family violence support worker was engaged with the assistance of the Family Violence Prevention Legal Service to support Aboriginal clients in the community by provide a culturally based support service.
- Listing of matters at the County Court continued to alleviate prisoner transport issues.
- Weekend sittings continued to assist prisoner accommodations pressures in police cells across Victoria. A total of 2,061 matters

were heard across the reporting period, of which 20 per cent of accused were released on bail and a further 12 per cent had their matters finalised in this list.

Community Engagement

This continues to be a focus for this Court with continued events such as:

- Law Week – Open Day events which highlight the Court's partnerships with local agencies.
- Moot Court sittings where magistrates provide support to law students.
- International delegations who visit the Melbourne Magistrates' Court to view the Court's processes in operation and liaise with magistrates and court administration to learn about the Court's workplace initiatives.
- Walk in Her Shoes tours held regularly to provide an overview of family violence support services and processes at the Melbourne Magistrates' Court for local community members and support services.

The Ringwood Magistrates' Court consists of five magistrates and a judicial registrar who presides six days each fortnight. Magistrates also hear Children's Court matters. There are 27 staff, including newly appointed family violence practitioners and two Court Integrated Services Program practitioners.



RINGWOOD

The Ringwood Court provides a number of innovative programs and services for court users and the community including:

- Australian Community Support Organisation Coats Alcohol and Other Drug Assessor.
- Court Network.
- Court Integrated Services Program.
- Forensic Mental Health Service.
- Protected Persons Waiting Space for intervention order applicants.
- Salvation Army.
- Victoria Legal Aid.

During the reporting period, the Ringwood Court finalised 15,988 criminal proceedings (a 17 per cent increase compared with 2014–15), 6,010 family violence and personal safety intervention orders (a 7 per cent increase from 2014–15) and 1,176 civil claims (a 9 per cent decrease from 2014–15).

The fast tracking of criminal family violence offences commenced on 12 October 2015 for offences that were committed after that date. In the eight months of operation up until 31 May 2016, the Court finalised a total of 386 matters with the average time taken from first listing to finalisation being 34 days.

Listings

The Court has made changes to its listings structure as a result of demand increase in the criminal and family violence jurisdictions and to accommodate a magistrate from the Heidelberg region. These changes include:

- Two weekly stand-alone criminal contest mention lists to increase court hearing time to facilitate resolution and dispute discussion between parties with the aim of early resolution of matters.
- An additional family violence return day on Thursdays to reduce listing delays and the number of intervention order applications listed.
- The Personal Safety Intervention Order List was heard by the Heidelberg magistrate instead of a judicial registrar, which provided greater listing flexibility by allowing the judicial registrar to sit at other venues across the state.

Community Engagement

The Court continues to maintain a strong focus on community engagement activities and undertook the following:

- Acknowledgement of Court Network volunteers and the work they undertake during National Volunteer Week.

- The presentation of information about court process to newly arrived immigrants of Burmese background as part of the Migrant Information Centre's Safe and Settle Program. The program aims to provide information about access to justice services and supports to community members from linguistically diverse backgrounds.
- The hosting of multiple Intervention Order Support Service Information Sessions. These sessions provide organisations with information on court processes as well as an opportunity to build relationships between service networks. The sessions support improved service responses of legal and support services for victims of family violence in a coordinated and integrated manner. These sessions will continue to be supported by the Court through participation in the Eastern Metropolitan Region Regional Family Violence Partnership.
- Walk in Her Shoes tours provided local support agencies with information on Court process and facilities.

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 staff, a family violence applicant practitioner and administrative staff



SUNSHINE

The region continues to be an extremely busy court environment with the region's caseload increasing by 17 per cent from the previous year. Custody cases have also continued to provide challenges to the region with the Werribee Court not suitable for custody matters and the Sunshine Court facing significant issues with the non-production of prisoners. Over 600 prisoners were not produced during the 2015–16 year. To assist with this, the Court dealt with over 1,100 listings via video link.

Initiatives

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

Court Integrated Services Program

Providing short term assistance before sentencing for accused with health and social needs, working on the causes of offending through individualised case management, providing priority access to treatment and community support services and attempting to reduce the likelihood of re offending.

Increasing Access to Family Violence Services

The family violence applicant practitioner engages, validates and supports victims of family violence. The position commenced at Sunshine and Werribee Court in 2006. For the financial year to date, the applicant practitioner has supported 585 clients.

There has been a successful recruitment for a family violence respondent practitioner. The respondent practitioner is due to commence at Sunshine and Werribee Court on 26 August 2016.

This role will increase respondent accountability and offer a pathway into the Men's Behaviour Change Program.

Womens Health West and inTouch Legal Centre provide multicultural family violence assistance to the Court. inTouch Legal Centre continues to provide outreach services with multilingual case workers. In addition, it provides a specialist legal service consisting of four lawyers who arrange appointments and legal representation for clients and clients are accompanied by bilingual case workers. A client on a police intervention order application from South Sudan was supported through the intervention order process, was legally represented at Sunshine Court and supported in her Victims of Crime Assistance Tribunal application and her Federal Circuit Court proceedings in relation to property and child custody issues.

The Court is assisted by Court Network and a Centrelink social worker provides an outreach service to the Court.

A Children's Support Worker is provided by McAuley Family Services to assist family violence applicants attending Court with their children when making applications and in appearing in Court. The McAuley Support Worker is trained in 'specialist trauma informed' approaches to children affected by family violence.

The Court Network Family Violence Court Support Pilot Project commenced at Sunshine Court on 25 January 2016. The project aims to provide support to women in collaboration with court staff and court support services; to increase safety for women and children; to simplify access to and improve

understanding of the justice system; to develop and improve referral pathways to specialised family violence services and the broader community in the Brimbank and Melton region. The program manager is Jennie Child. From 25 January 2016 to 30 June 2016, support was provided to 89 women including women from 11 different cultural backgrounds. Sixty-seven per cent of women had not been linked to a family violence service or identified by the Court or services at the Court as being at risk. All Court Network volunteers involved in this project attend specialist training. The project will now be funded to June 2017 as a result of the successful pilot. Some feedback from the project:

"In February this year, I attended Sunshine Court for a contested intervention order hearing. I had no personal support and my ex, the defendant on the intervention order was present, making me feel scared and intimidated. A Court Network Support Worker, Nikki approached me and offered for me to sit with her in the Court Network Office, an offer which I gladly accepted. Nikki was extremely kind and sensitive. She made me feel safe. I was introduced to other workers present and all were lovely women. Nikki stayed with me all day. She listened to my story and offered me reassurance. Without her support, I doubt that I would have remained so calm and stuck to my guns. I want to thank Court Network for providing this service and in particular thank Nikki for her support and care".

The Court is currently undergoing White Ribbon Workplace

Sunshine continued

Accreditation. Sunshine Court's Family Violence Registrar, Karen Field (a representative on the White Ribbon Committee) organised a Sunshine White Ribbon event in July 2016. The Winter Wonderland Exhibit won the Magistrates' Court White Ribbon Best Exhibit.

The Court hosts social work masters and undergraduate students from RMIT in a family violence court experience.

Building works will soon commence to incorporate a safe waiting area and changes to the family violence registry.

Prevention of Alcohol and Risk Related Trauma in Youth (PARTY) Program

This Program commenced in April 2010 at Sunshine and Werribee Courts. It is now conducted at the Royal Melbourne Hospital in conjunction with Victoria Police, Youth Junction (Visy Cares Hub). PARTY offers a therapeutic approach in sentencing for young offenders between 18 and 25 years who appear in Court for offences involving risk taking behaviour. Since 2014, 122 young people have completed the program. A 12 month review of each offender has revealed only a 16 per cent rate of recidivism.

Youth Community & Law Program

This program was developed with Youth Junction in 2009. This program is a pre-sentence program for young people 18–25 who have

been referred by the Sunshine and Werribee Court. Offenders are referred for intensive psycho-social assessment and a tailor made package is developed to respond to the needs of the young offenders with a view to preventing further offending. The program has now been successfully evaluated and is about to receive government funding.

Financial Counsellors

Anglicare (Werribee Court) and WestJustice (Sunshine Court) provide an advice service for people attending Court in relation to civil debts and enforcement warrants.

Children's Court Diversion Pilot

Sunshine and Werribee were two of a small number of courts to pilot the Children's Court Diversion program in conjunction with Jesuit Social Services. That project is currently being evaluated.

Community Engagement

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

- Community Justice Education Program in conjunction with Catholic Care. The program was an education program for newly arrived refugees living in the west of Melbourne. Approximately 20 participants from Chin, Karen and Ethiopian backgrounds attended four

sessions at the Sunshine Court covering the Victorian Court system, Victoria Legal Aid, Centrelink, Victorian Civil Administrative Tribunal and family violence response from Victoria Police. Feedback from participants was that the sessions provided were valuable and useful information about a range of issues that affect refugee communities provided.

- Celebrating volunteers with a morning tea held with staff, judiciary and Court Network volunteers.
- Student placements, work experience and Court tours and information sessions.
- Hosting students through student placements, work experience, court tours and information sessions.
- The Court partnered with Victoria University for Law Week in the West. The Court hosted a movie night with law students, legal studies students and Visy Cares Hub patrons. A movie about dispute resolution was followed by information sessions and a Q & A with Jesuit Social Services and Victoria Police. The Court looks forward to expanding this partnership and expanding the programs available for next year's Law week.



Community Justice Education Program Participants



Sunshine Court's Winter Wonderland White Ribbon Exhibit

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 of the Court established under legislation that seek to address the underlying causes of criminal offending.

COURT SUPPORT AND DIVERSION SERVICES

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

Court Support Services

- 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 (CBSP).
- Mental Health Court Liaison Service.
- Youth Justice Court Advice Service.

Diversion Services

- Criminal Justice Diversion Program (CJDP).
- Enforcement Review Program (ERP).

CSDS Data Snapshot

Name of Program / Service	Referrals		
	2013-14	2014-15	2015-16
ARC List	168	206	181
CISP	2,014	1,890	2,170
CISP participants who identified as Koori	164	170	240
Court Advice & Support Officer	547	456	367
CREDIT	1,207	1,305	1,128
Bail Support Program	1,178	1,185	1,141
CREDIT Bail Support participants who identified as Koori	68	66	87
Criminal Justice Diversion Program	7,078	7,286	6,872

During June 2016, a snapshot of ARC List, CISP and CBSP participants indicated that six per cent were alleged victims of family violence and 37 per cent were alleged perpetrators of family violence.

	% of alleged victims	% of alleged perpetrators
ARC List	0%	30%
CISP	5%	46%
CBSP	8%	32%

During June 2016, a snapshot of ARC List, CISP and CREDIT/Bail Support Program participants indicated that in 67 per cent of cases methylamphetamine (ice) was a contributing factor in the alleged offending.

	% of participants where ice was a contributing factor in the alleged offending
ARC List	57%
CISP	68%
CBSP	68%

Program Enhancements/ Changes

During 2015–16, CSDS introduced a number of key service enhancement initiatives. These include:

- In December 2015, CISP commenced at Mildura Magistrates' Court.
- In early 2016, the case management teams for the ARC List and the CISP team at Melbourne Magistrates' Court were integrated into the Melbourne Court Support Services team. Case managers in this team now have both ARC List and CISP participants on their case load. This change will allow participants to move from CISP to the ARC List without having to change case managers, thereby enhancing continuity of support.
- As part of the integration of the two teams, five advanced case manager roles were created and recruited to in the areas of mental health, alcohol and other drugs, acquired brain injury,
- disability and family violence. As well as providing case management to participants, these roles are responsible for sector engagement and provision of training and advice to other case managers in the area of specialty. In addition, the role of Manager, Court Support Services – Melbourne was created and recruited to. This role is responsible for the day to day operations of the ARC List, CISP and CASO at Melbourne Magistrates' Court.
- As part of an expansion of Court Support Services, an operations manager and two additional team leader roles were created and recruited to. These roles will ensure that case managers are appropriately supported and that service delivery is consistent across all locations.
- The CISP Remand Outreach Pilot (CROP) received further funding in the 2015–16 Victorian State Budget, allowing it to continue to June 2017.
- In June 2016, CROP commenced an outreach service to Barwon
- Prison, with planning underway to commence an outreach service to Marngoneet Correctional Centre.
- In collaboration with Victoria Police, the Court Support Services team at Sunshine Magistrates' Court commenced the Sunshine Ice Intervention Pilot. This sought to provide accused in the early stages of an addiction to ice with priority access to CISP, with the aim of determining if earlier intervention reduces the incidence of further offending.
- In November 2015, the Broadmeadows Magistrates' Court implemented a trial with Banyule Community Health Service for it to provide outreach assessments for CBSP participants requiring referral to Gambler's Help.
- The Court Support Services Team at Melbourne commenced the regular use of videolinks for assessments of accused who are in Corrections Victoria custody. These assessments are usually undertaken prior to an accused

CASE STUDY: COURT INTEGRATED SERVICES PROGRAM

Todd is aged 34 years. He did not have any convictions prior to being apprehended in relation to the charges which resulted in him being on remand. Prior to his offending, he was a fully employed tradesman in a stable relationship with a son aged 18 months.

Todd started using ice recreationally and this escalated to daily use of large quantities.

As his ice use escalated, Todd's financial situation became drastic, his work spasmodic, his behaviour erratic and he became unemployed. It was during this period that he perpetrated an act of violence towards his partner. An intervention order was applied for and obtained and Todd was required to leave the residence he had shared with his family. He breached the intervention order by contacting and threatening his former partner. As a result of this, the intervention order was varied and all contact with his child was ceased.

Todd was charged with serious indictable charges of trafficking ice and remanded in custody. At the time he was charged, Todd was on bail for the family violence intervention order breach and assault of his former partner. While on remand for the drug trafficking charges, Todd was assessed as suitable for CISP by a CISP Remand Outreach Pilot Worker.

After spending two weeks in custody, Todd came before the Court with the assessment for CISP and was bailed with strict conditions, including compliance with CISP. Todd presented before the magistrate who judicially monitored him on monthly CISP rollovers for a period of four months and met with his CISP case manager weekly.

While on CISP, a detoxification regime was implemented. This was fortified by an ongoing drug counselling program. Additionally, as Todd was homeless as a result of the relationship breakdown, assistance was provided to obtain emergency accommodation. Todd also attended a Men's Behaviour Change Program during the CISP episode.

During the four months on CISP, Todd became completely abstinent from ice and obtained new employment. Now in a better financial position, Todd was able to obtain independent rental housing. Additionally, he resumed a cordial relationship with his former partner such that he was able to resume contact with his son.

The serious indictable charges were withdrawn at the committal mention hearing. With respect to the summary criminal matters, he was placed on a Community Corrections Order.

person being brought to court. Other Court Support Services locations have subsequently commenced use of this technology.

- Completion of a review of the Criminal Justice Diversion Program, facilitated by Magistrate Doherty. The review made a number of recommendations which are being implemented.
- An external review was commissioned to examine the provision of housing support services to Court Support Services, the Drug Court and the Neighbourhood Justice Centre. The findings of this review were utilised in the tendering of housing support services for Court Support Services and will guide future development of court funded housing services.
- Court Support Services and the Neighbourhood Justice Centre undertook a public tender process for the Initial Assessment and Planning Service provided at the Neighbourhood Justice Centre and three Court Support Services locations and for the provision of support for tenants in 40 transitional housing management properties that are funded via Court Services Victoria. The successful tenderer was Launch Housing. This arrangement is in place until June 2018.

Community/Stakeholder Engagement

With the aim of promoting CSDS 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 2015–16 included but were not limited to:

CSDS

- The Manager Court Support & Diversion Services and the Sunshine Court Support Services Team Leader presented to the

Royal Commission into Family Violence.

- Meeting with representatives from the Department of Premier & Cabinet and Department of Treasury & Finance to discuss CSDS programs. Department of Premier & Cabinet and Department of Treasury & Finance representatives observed ARC List hearings.
- Meeting with the President of the Australian Vietnamese Health Professionals Association to discuss strategies to engage Vietnamese health professionals.
- Meeting with the Office of Multicultural Affairs and Citizenship to discuss how to link migrant and settlement services with the Court to facilitate access to and an understanding of court processes.
- Membership of, or attendance at, the Victorian Custody Reference Group, Criminal Justice and Mental Health Systems Planning and Strategic Coordination Board, National Disability Insurance Scheme-Department of Justice & Regulation-Department of Health & Human Services Justice Interface Working Group and the Victorian Countering Violent Extremism Reference Group.
- In collaboration with Dr Brianna Chesser (who has completed a PhD on the ARC List), the Manager CSDS presented on the ARC List at the Fourth International Therapeutic Jurisprudence Conference (the Aotearoa Conference). In collaboration with Deputy Chief Magistrate Popovic, the Manager CSDS also presented on CISP at the same conference.
- CSDS also work closely with a range of government and non-government organisations that outpost staff to the Court, including:
 - » Consumer Action Law Centre.
 - » Corrections Victoria.
 - » Court Network.

» Department of Health & Human Services.

» Forensicare.

» Salvation Army.

» Youth Justice.

ARC List

- Presentation to the Partners in Recovery staff meeting on the ARC List participant group and referrals.
- Presentation on the ARC List to staff from Community Brain Disorders Assessment and Treatment Service.
- Presentation to the Northern Region Alcohol and Other Drug Forum regarding the ARC List.

CISP

- The Latrobe Valley CISP and Latrobe Community Health Service have regular meetings to discuss the provision of the Latrobe Community Health Service Alcohol and Other Drug (AOD) service and the Men's Behaviour Change Program to CISP participants.
- Latrobe Valley CISP has quarterly meetings with Quantum Support Services to enhance service provision to program participants.
- Agency visit to Mind Australia and attendance at team meeting increased CISP profile with the agency and provided information on the Partners in Recovery Service.
- Representative from the Family Mediation and Counselling Victoria attended a Melbourne CISP team meeting to provide information on services provided by the organisation.
- CISP Koori case managers attended the Sisters' Day Out event at the Dame Phyllis Frost Centre.
- Latrobe Valley CISP met with Corrections Victoria Morwell, in relation to the interface between CISP participants and those subject to a Community

Corrections Order.

- With the commencement of CISP at the Mildura Magistrates' Court, the CISP case manager has been involved in a number of community engagement events with local service providers, including a Barkindji Community Cultural tour, including visiting cultural heritage site, bush tucker, storytelling, art and smoking ceremony. The Mildura Court Support Services case manager has also met with representatives from Victoria Police, Mildura Base Hospital, Australian Community Support Organisation, Salvation Army, Sunraysia Community Health Service, Mallee District Accommodation Services, Mallee and District Aboriginal Service and the Sheriff's Office to discuss CISP.
- The Coordinator of Women and Mentoring visited the Sunshine and Melbourne Court Support Services teams to present on the Women and Mentoring program.

CROP

- Due to the recent expansion of a CROP outreach service to remand prisoners at the Barwon Prison, CROP staff provided an information session on the CROP and CISP to custodial and VPS staff and prisoners.
- CROP attended a discussion on "Women and Mentoring: Keeping Women out of Prison". The CROP CISP Assessment and Liaison Officer provided information about the CROP.

CBSP

- Attended Ballarat Community Health interagency meeting to promote regional organisations working in partnership.
- Presentation on the CBSP and ice to Court Network staff at the Ballarat Court.
- Meeting with UnitingCare AOD team Ballarat to discuss the Court's requirements in relation

to treatment and support services working with CBSP participants.

- Attended a forum facilitated by the South Eastern Consortium of Alcohol and Drug Agencies to provide an overview of the CBSP and requirements of AOD clinicians in regard to Penelope (a database introduced by the Australian Community Support Organisation to assist in the coordination of the Community Offender Advice and Treatment Service scheme) and progress reports for the Court and communication between the parties.
- Attended the Rooming House Environment Forum where an overview of the rooming house situation in Dandenong was provided.
- Meeting with representatives of Turning Point to share information about the CBSP and the Culturally and Linguistically Diverse Outreach AOD Program.
- Meeting with Responsible Gambling Victoria North West to develop collaborative working relationships. Meeting also attended by Deputy Chief Magistrate Kumar and Broadmeadows Magistrates' Court based services. Meeting organised by the Broadmeadows CBSP Case Manager with North West Housing Intake Portal to provide information on barriers to stable accommodation experienced by program participants; in particular those with mental health, AOD and family violence concerns. The purpose of the meeting was to strengthen service linkages and provide the Broadmeadows Magistrates' Court with an understanding of available supports and pathways. Attendees included representatives from Vincent Care, Corrections Victoria, Koori Court Officer Broadmeadows Magistrates and Children's courts and court support services that operate from the

Broadmeadows Magistrates' Court.

- Meeting with representatives from Windana – Stepping Up Consortium, to discuss programs, referral pathways and working collaboratively.
- Site visit and tour of the Youth Substance Abuse Service (YSAS) AOD withdrawal unit. Informed about the services provided by YSAS, the referral process and rules of the unit.
- Attended the official opening of Samaritan House - providing accommodation for homeless men in Geelong.
- Agency visit to ReGen Moreland, AOD service provider, Heidelberg.
- The Moorabbin Justice Centre held a large community engagement event facilitated by the Moorabbin CREDIT/ Bail Support Program Case Manager and CSDS Cultural Diversity Project Officer. The event received solid support and assistance from all staff at the Moorabbin Justice Centre.
- A range of welfare and treatment services were invited into the Moorabbin Justice Centre. These services were able to meet with staff to gain a better understanding of court processes and raise awareness about the different pathways to access support and assistance.
- Agencies such as Clayton Community Mental Health, Centrelink, Department of Health & Human Services, Ngwala Willumbong Aboriginal Services, MonashLink Community Health, Launch Housing, Inner South Community Services, TASKFORCE, Family Life, Family Mediation Services and New Hope Foundation were represented by 56 people. Presentations at the event were provided by:
 - » Paul Smith, Regional Coordinating Magistrate.
 - » Bridget Box, Case Manager,

CREDIT/Bail Support Program.

- » David Christie, Moorabbin Court Registrar.
- » Cameron Cunningham, Acting Senior Sergeant, Police Prosecutions.
- » Fiona Downing, Victorian Civil and Administrative Tribunal Administration Officer.
- » Paul Drost, Program Manager, Court Network.
- » Graeme Hallett, Salvation Army.
- » Jacqueline Hough, Family Violence Applicant Practitioner.
- » Jo Linard, Youth Justice.
- » Anna McKenzie-McHarg,

Family Violence Registrar.

- » Maree Nugent, Crime and Diversion Court Coordinator.
- » Julie Speirs, Family Violence Respondent Practitioner.
- » Rebecca Symington, Acting Senior Community Corrections Officer, Corrections Victoria.
- » Louise Wildberger, Senior Victoria Legal Aid Lawyer.

CJDP

- Operation Minta was conducted for the third consecutive year. Operation Minta is aimed at providing appropriate court outcomes for accused charged with a begging offence. This is a joint collaboration between the

CJDP, Victoria Police, Melbourne City Council, Homeless Law and the Salvation Army.

- Regular lectures on the CJDP to Victoria Police recruits.
- CJDP developed partnerships with the following organisations to provide voluntary work placements for Diversion participants:
- Salvation Army – Project 614.
- Salvation Army, Brunswick, Maryborough and Morwell.
- RSPCA.
- Warrnambool City Council.
- Lifeline Gippsland.
- Connect GV (Shepparton).

ROLE OF THE COURT SUPPORT SERVICES KOORI CISP CASE MANAGER



Morgan Miller CISP

I am an Aboriginal woman from Toowoomba in Queensland. My connection is to the Kanju mob in Far North Queensland through my biological grandmother. My family and I have been greatly affected by The Stolen Generation and, as a result, I have grown up with a disconnection to culture, which has contributed to my determination to want to learn more about Aboriginal culture and to create my own identity in community.

I have always had an interest in law and the justice system. On completion of year 12, I continued my role working in retail. In March 2013, I made the decision to move to Melbourne.

In April 2013, I undertook a role as a Paralegal Support Worker at the Aboriginal Family Violence Prevention Legal Service (FVPLS). While working at FVPLS, I had the opportunity to attend Tranby Aboriginal College in Sydney to undertake a Diploma of Legal Advocacy which specifically looks at supporting Aboriginal people who have interactions with the legal system. The course took two years to complete and while studying, I was successful with a scholarship application to travel to Singapore and Burma (Myanmar) for the purposes of a research trip.

During my time at FVPLS, I was seconded for three months to the Melbourne Magistrates' Court as the female Koori Family Violence Worker. While in this role, I was able to engage with both affected persons and respondents by making referrals to appropriate services, as well as supporting them in court. At the time I was working two days at FVPLS and three days at the Court. It was in this role that I was introduced to CISP.

In September 2015, I was successful in gaining the position as Koori CISP Case Manager based at the Melbourne Magistrates' Court. Since commencing in this role, I already feel as though I am a part of the change in reducing the risk of recidivism by Koori people by supporting, case managing and linking them in with support services.

What I enjoy most about my role is being a part of a team that is in a position to help Koori participants by encouraging them to engage in a treatment and support plan that can assist in addressing their needs. I feel a great sense of fulfilment when the participants are doing well on the program and when they acknowledge they are doing well.

The most challenging issue I face in this role is that Koori participants can face many issues, including but not limited to, mental and physical health, alcohol and other drugs, family violence and intergenerational trauma, which can perpetuate the cycle of recidivism.

My advice to anyone who may be considering a career in the justice sector would be to find within yourself, that part of the change you wish to be. When you find that passion, stay true to yourself and be a voice for those who are not often heard.

Assessment and Referral Court List

Program description	Program aims	Locations
<p>Commenced April 2010 as a pilot.</p> <p>Funding for further four years allocated in the 2015–16 State Government budget.</p> <p>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.</p> <p>Participants may be involved with the program for up to 12 months and attend hearings, usually monthly.</p> <p>Hearings are interactive and support principles of therapeutic jurisprudence.</p>	<p>Reduce risk of harm to the community by addressing underlying factors contributing to offending behaviour.</p> <p>Improve health and wellbeing of accused with mental impairment by facilitating access to treatment and support services.</p> <p>Increase public confidence in the criminal justice system by improving court processes and increasing options available to courts in response to accused with mental impairment.</p> <p>Reduce the number of offenders with mental impairment received into the prison system.</p>	<p>Melbourne Magistrates' Court.</p> <p>The List sits on Tuesdays, Wednesdays and Thursdays.</p> <p>In 2015–16, Deputy Chief Magistrates Martin and Popovic and Magistrates Collins, Goldsbrough and Hardy sat in the ARC List.</p>

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	2013-14	2014-15	2015-16
CISP	17	6	6
Community Service / Organisation	3	3	5
Department of Health & Human Services	1	0	2
Legal - Community Legal Centre	8	18	14
Legal - Legal Representative	118	168	146
Magistrate	18	8	3
Self-referral	2	3	3
Victoria Police	1	0	2
TOTAL	168	206	181

Removal of matters from the ARC List prior to acceptance	2013-14	2014-15	2015-16
Not accepted onto the List	15	5	4
Removed due to non-attendance, remanded and/or further offending	23	53	36
Plea of not guilty prior to acceptance	4	0	1
Magistrate exited client from the program	12	32	24
Client death	0	3	0
Client did not wish to participate	0	6	8
TOTAL	54	99	73

ARC List Data Snapshot continued

Number of persons accepted in each diagnostic criteria (primary diagnosis)	2013-14	2014-15	2015-16
Mental illness	43	58	46
Intellectual disability	7	8	10
Acquired brain injury	13	10	7
Autism spectrum disorder	3	2	0
Neurological impairment	0	0	0

Clients finalising matters in the ARC List	2013-14	2014-15	2015-16
Completed program - plea of guilty	78	81	46
Did not complete ISP - non attendance	13	3	1
Did not complete program ISP - remanded/further offending	9	8	2
Consent to participate withdrawn	2	0	0
Client death	2	0	0

Outcomes of proceedings referred to the ARC List	2013-14	2014-15	2015-16
Number of accused accepted onto the List	66	78	63
Number of accused discharged in accordance with section 4U or 4Y of the <i>Magistrates' Court Act 1989</i>	7	9	2
Number of proceedings finalised	110	128	87
Number of proceedings transferred out	54	96	74
Number of individual support plans approved	72	75	54
Number of hearings conducted in the ARC List	1,620	1,772	1,667
Number of proceedings transferred out of the ARC List in accordance with section 4X(2) of the <i>Magistrates' Court Act 1989</i>	6	4	1

Court Integrated Services Program and Koori Liaison Officer Program

CISP

Program description	Program aims	Locations
CISP commenced in November 2006. A multi-disciplinary case management program for accused on bail or summons. Support can range from providing referrals to community services with no further involvement in the program, to case management (up to four months) depending on eligibility and the assessed needs of the participant.	Providing participants with short term support and targeted interventions with respect to a range of health and social needs. Working on the causes of offending through individualised case management support. Assisting participants to access appropriate treatment and community support services.	Latrobe Valley, Melbourne, Mildura and Sunshine Magistrates' Courts.

KLO Program

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

CISP Data Snapshot 2015-16

Top six referrals by reason*

Problems with illicit drugs	1,824
Mental illness/other mental disorder	1,289
Accommodation - Long Term	535
Accommodation - Emergency	480
Problems with alcohol	457
Acquired brain injury/cognitive impairment	279

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

CISP top six treatment and support services to which participants referred

Alcohol and other drug: including pharmacotherapy	1,721
Material aid: including travel cards, food vouchers, crisis packs and backpack swags	1,128
Mental health: including the Court's Mental Health Court Liaison Service and psychological services	973
Housing: including the CISP Initial Assessment and Planning Service, crisis and transitional housing	714
Medical: including assessment of medical needs, medication review and specialist services	523
Men's behaviour change programs	186

Court Advice and Support Officer

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

CASO Data Snapshot 2015-16

Top six referrals by reason*	2014-15	2015-16
Legal	189	176
Mental Health	154	109
Material Aid	75	80
Accommodation	110	66
Drug and alcohol	90	57

Number of people assisted	2014-15	2015-16
Advice	15	2
Brief intervention	441	365

CISP Remand Outreach Pilot

Program description	Program aims	Locations
<p>Developed in collaboration with Corrections Victoria as an extension of CISP.</p> <p>Commenced in February 2014 as 12-month pilot; expanded and extended to 30 June 2016, and then further extended to 30 June 2017.</p> <p>CROP works with remand prisoners who have a realistic prospect of being granted bail if appropriate community supports were to be put in place.</p>	<p>CROP CISP Assessment and Liaison Officers (CALOs) identify and address barriers to remandees receiving bail and facilitate bail by providing brief casework interventions.</p> <p>These interventions focus on linking eligible remandees into appropriate community treatment and support services, such as accommodation, mental health and drug and alcohol treatment.</p>	<p>CROP CALOs are based at the Dame Phyllis Frost Centre, the Melbourne Assessment Prison, the Metropolitan Remand Centre and Port Phillip Prison.</p>

CROP Data Snapshot 2015-16

	2014-15	2015-16
Number of remandees provided with CROP assistance	899	781
Accused received bail following CROP involvement	273	342

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 CREDIT/Bail Support Program courts.</p>

CREDIT / Bail Support Program Data Snapshot 2015-16

Top six referrals by reason*

Problems with illicit drugs	1,115
Mental illness/other mental disorder	786
Problems with alcohol	221
Anger management	202
Accommodation – Emergency	196
Accommodation – Long term	137

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

Top six treatment and support services to which participants are referred

Alcohol and other drug services, including pharmacotherapy	887
Mental health: including psychological services and the Mental Health Court Liaison Service	501
Material aid: including travel cards, food vouchers and key passes	377
Medical: including assessment of medical needs, general practitioner and specialist services	200
Housing: including crisis accommodation	136
Men's Behaviour Change Program	102

Criminal Justice Diversion Program and Enforcement Review Program

CJDP

Program description	Program aims	Locations
<p>Governed by section 59 of the <i>Criminal Procedure Act 2009</i>.</p> <p>Provides mainly first time offenders with the opportunity to avoid a criminal record, by undertaking conditions that benefit the offender, victim and community as a whole.</p> <p>Where a charge involves a victim, the Court seeks the victim's view of the matter.</p> <p>Performing voluntary work is an option in the CJDP and where possible, accused perform voluntary work in their local community or the area where the offence was committed.</p>	<p>Reduce the likelihood of reoffending by tailoring an order according to the needs of the offender.</p> <p>Assist offenders to avoid an accessible criminal record.</p> <p>Assist in the provision of rehabilitation services to the offender.</p> <p>Increase the use of community resources to provide counselling and treatment services.</p> <p>Ensure that restitution is made to the victim of the offence if appropriate.</p> <p>Ensure the victim receives an apology if appropriate.</p> <p>Assist local community projects with voluntary work and donations.</p> <p>Provide more flexibility for orders.</p> <p>Monitor cases and conditions (by a diversion coordinator) ensuring accountability of the offender..</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 2015-16

Voluntary work	38 offenders were ordered to undertake 502 hours of voluntary work at the Salvation Army 514 Project.
Donations	<p>Each year offenders in the CJDP direct donations to local charities or not-for-profit organisations.</p> <p>In 2015–16, 3,332 offenders undertook to pay a total of \$954,345.08 in donations to charities and local community projects.</p> <p>Approximately \$350,000 of the donations ordered were directed to be paid to the Magistrates' Court Fund. The Court Fund distributes monies to local community services. In addition, over \$250,000 in donations was allocated to the Country Fire Authority, Blue Ribbon Foundation, Beyond Blue, White Ribbon Foundation and the Salvation Army.</p> <p>Over \$100,000 in donations was directed to community run safety initiatives such as Whitelion, Berry Street, Kids Under Cover, 20th Man Fund, Youth Substance Abuse Service, Road Safety Awareness, Victorian Women's Health Program and Women's Domestic Violence Crisis Service.</p> <p>Approximately \$250,000 was allocated to hospitals, community health and family support centres.</p>
Restitution	\$634,660.15 in restitution was undertaken to be paid to victims.
Referral breakdown	<p>There was a 6 per cent increase in the number of referrals received from various prosecuting agencies during 2015–16 compared with 2014–15.</p> <p>The highest number of referrals were male, representing 67 per cent of referrals received. The most commonly represented age category was the 17–25 year olds. Of the referrals received, 89 per cent of offenders were placed on a diversion plan (accepted into the program), compared with 90 per cent in 2014–15.</p> <p>Seven hundred and nine matters were found not suitable and refused by magistrates and judicial registrars, representing 11 per cent of referrals that were refused.</p> <p>During 2015–16, 110 accused identified as Aboriginal and/or Torres Strait Islander during the diversion interview process.</p>
Conditions	<p>During 2015–16, offenders undertook 11,607 conditions, compared with 13,174 in 2014–15.</p> <p>A total of 5,030 offenders successfully undertook conditions and completed their diversion plan, representing 90 per cent of all offenders who were placed on the CJDP. This is the same as in 2014–15.</p>

ERP

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>Assist 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 Neighbourhood Justice Centre.</p>

ERP Data Snapshot 2015-16

Individual infringements	The ERP received 47,014 individual infringements for listing in the Special Circumstances List, relating to 1,971 accused. This is a 23 per cent decrease in the number of infringements received for listing and a 16 per cent decrease in the number of accused compared to 2014–15.
Matters listed	A total 3,020 matters were listed in the Special Circumstances List. This is a 3 per cent decrease compared to 2014–15.
Finalisations	<p>Of the matters listed, 1,754 were finalised by a magistrate or judicial registrar, representing an overall clearance rate of 59 per cent of the matters listed for the financial year. This is a 5 per cent increase in the clearance rate compared to 2014–15.</p> <p>In 2015–16, there was a 5 per cent increase in the number of matters finalised compared to 2014–15.</p> <p>Of the 1,754 matters finalised, 70 per cent of accused appeared in open court and 30 per cent were heard ex parte.</p>

Community Correctional Services-Court Services Unit

Community Correctional Services (CCS) is a business unit of Corrections Victoria. CCS officers 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, the CCS Court Advice Team is located in the Court Services Unit at the Court. In addition to this specialised team, CCS staff are located at (or in close proximity to) Magistrates' Courts statewide. This ensures that all courts have access to CCS 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 & Human Services, 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.

The Court funds a mental health court liaison position at Sunshine Magistrates' Court as part of 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) 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 Melbourne Central Courts Unit is situated at the Melbourne Magistrates' Court.

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 is an innovative sentencing option which 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.

DTOs consist of two parts:

- Treatment and supervision.
- Custodial.

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 order, they are not required to serve this custodial term. In the event the person fails to comply with the order or commits a further offence, they can be ordered to serve the remaining custodial period or be resentenced.

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 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 the community and this is certainly reflected in the intensiveness and requirements of the order. The Court also has a number of mechanisms in place to preserve community safety, ensuring that there is a swift response to any lack of compliance with the order.

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 to participants

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 in 2015–16

Drug Court Expansion Project

The Court is delighted that the Victorian Government has allocated funding through the 2016–17 State Budget to expand the Drug Court to the City of Melbourne and the surrounding metropolitan region.

The new Melbourne Drug Court will operate two courts and is funded to work with a maximum of 170 active participants at any given time. A Steering Committee chaired by Chief Magistrate Lauritsen is overseeing the expansion project and it is anticipated that the first court will be

operational in February 2017, with the second court commencing in July 2017.

Client Snapshot

With a cap of 60 participants on a DTO at any one time, each order lasting for a maximum of 2 years, the Drug Court typically imposes between 45 and 55 DTOs per year. This financial year, the Drug Court significantly exceeded this range, sentencing 63 people to a DTO. As at 1 July 2016, the Drug Court was overseeing 79 DTOs, which is a significant increase on previous years. Of these 79 individuals, a staggering 76 reported current or historical methamphetamine use.

The average age of a DC participant is 35 (with 52 per cent being between 30–39 years of age). On average nine out of 10 participants are male and eight in 10 report being born in Australia. Eighty-two per cent have a recorded education level of less than Year 12 (with 63 per cent identifying Year 9/10 as their highest level of education). Ninety-four per cent report being unemployed at their time of initial intake. Sixty-two per cent of participants have deeply entrenched criminal behaviour and have been imprisoned previously on multiple occasions. The majority of

participants present with multiple and complex vulnerabilities and histories of poly substance abuse.

Drug Court House Fire

In November 2015, the Drug Court House was significantly damaged through fire and staff and the services, including the urinalysis service, had to be re-located. This caused significant disruption to participants and staff and it was thanks to the resilience of the team and the support of key stakeholders, all services were maintained until a temporary relocation site was able to become operational. Many, and continued, thanks go to the Drug Court partners, particularly at both Corrections Victoria and Clinical Labs, for their understanding, flexibility and support during this period.

Housing Needs

The ongoing partnership between Drug Court and the Department of Health & Human Services to provide housing for participants who are either homeless or at risk of homelessness continues to greatly improve outcomes for participants. This year saw 87 Drug Court participants supported by this program, 57 of supported participants were new referrals, with 36 of those being placed into

transitional housing.

Conferences and Forums

Drug Court Magistrate Anthony Parsons was a member of the Judicial College of Victoria's Steering Committee for a Judicial Education Program for Drugs.

In March 2016, Magistrate Parsons delivered a paper on the Drug Court to the County Court Judge's Education Day at Mount Eliza.

Magistrate Parsons continued his involvement with the Premier's Ice Action Task Force.

Professional Development

In March 2016, the Drug Court was visited by Judge Hora from the USA. Judge Hora is a global leader in solution-focused courts and a Senior Judicial Fellow for both the National Drug Court Institute and the Global Centre for Drug Treatment Courts. Judge Hora gave a full day of training to the entire Drug Court staff on the latest evidence-based practices being implemented by drug courts worldwide and she also sat in on the Dandenong Drug Court's proceedings and gave feedback to the Court, based on her observations.

CASE STUDY: DRUG COURT

Bob* commenced on a DTO in November 2014. He was released on to the DTO after serving a period of remand for his offending. Bob identified that over the years his ice use and offending had destroyed his family relationships, isolated him from the community and impaired his ability to gain employment or pursue educational avenues. Bob had a lengthy history of drug related offences and despite several years in the justice system, he had been unable to stop using. Bob claims that it was not until commencing on the DTO that he was able to make significant changes to his lifestyle and behaviour and stop using drugs for the first time in his life.

Bob identified that there were three key areas of his lifestyle that had contributed to both his substance use and offending including unresolved grief issues, ongoing association with negative peer influences and boredom. In an effort to address his substance use, Bob participated in a detox episode for eight days as arranged by his Drug Court Clinical Advisor. Despite obtaining control of his substance use, Bob was required to serve imprisonment sanctions for failing to attend his appointments and engaging in occasional use thereafter. However, following his second term of custody he presented with a greater sense of commitment to graduate from the program. He firmly stated he would not return to prison and would be remaining substance free.

Bob has steadily progressed throughout the phases of the DTO and in June 2016, surrounded by his family and the Drug Court Team, Bob graduated from the Order. Bob attributes his success to the intensive support and increased level of accountability provided by the Drug Court Program and is proud of his achievements in respect to his commitment to treatment, the elimination of crime from his life and becoming a father. The changes that Bob was able to make were so significant that he went on to present to lawyers about how the Drug Court assisted him to change his life and featured in a Victoria Legal Aid promotional video as a success story.

*not his real name

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 Family Violence website (familyviolence.courts.vic.gov.au).

Intervention Order Growth

During the reporting period there were:

- 58,934 family violence intervention order applications finalised across the state (including interims).
- 15,617 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 a 95 per cent increase in the number of family violence intervention order applications finalised. The Court also 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 practitioners and respondent practitioners 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 practitioners, 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 & 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 and Moorabbin

Magistrates' Court in 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 applicant and respondent practitioners, support operations at each of the Family Violence Court Divisions 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 Taskforce.
- The Chief Magistrate's Family Violence Discussion Group.
- The Department of Justice & Regulation Family Violence Steering Committee.
- The Family Violence Statewide Advisory Committee.
- 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.

Review of the Standard Conditions

The Court has recently undertaken a review of the standard conditions of family violence intervention orders. Working with the Centre for Innovative Justice, the Court undertook wide-ranging stakeholder consultation to develop the new set of conditions which are in simple and plain language. The revised conditions will also undergo user testing to ensure their effectiveness prior to their commencement in late 2016.

Royal Commission into Family Violence

The Royal Commission into Family Violence delivered its report and 227 recommendations in March 2016.

The Royal Commission recognised and highlighted the integral role the Court plays within an effective family violence response.

The Court identified a significant number of the recommendations that relate to improving the court experience for victims of family violence, enhancing their safety and ensuring perpetrators are held accountable.

Together with the Children's Court, the Court established a Steering Committee to lead its response to the recommendations. It is a key priority for the Court to work closely with government and stakeholders to implement the relevant recommendations of the Commission.

The Court's Response to Family Violence 2015–17

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 Ballarat, Bendigo, Broadmeadows, Dandenong, Frankston, Geelong, Heidelberg, Latrobe Valley, Melbourne, Ringwood, Shepparton and Sunshine. 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 practitioners are currently available at Ballarat, Bendigo, Broadmeadows, Dandenong, Frankston, Heidelberg, Melbourne, Moorabbin, Ringwood, Sunshine and Werribee Courts.

A number of planned building initiatives are underway to further expand and accommodate the practitioners 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 and will be commencing at Heidelberg Magistrates' Court in late 2016. 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 initially commenced at the Dandenong Magistrates' Court on 1 December 2014. It has since commenced at the Broadmeadows and Shepparton Magistrates' Courts in August 2015, Ringwood and Ballarat Magistrates' Courts in October 2015 and Frankston and Moorabbin Magistrates' Court in May 2016.

A process review of the operation of the fast tracking listing model is currently underway. The outcomes of this review will inform the statewide implementation of this project.

Professional Development

Professional development in family violence for magistrates and court staff continues to be a priority to ensure an effective response by the Court to family violence. The Court has provided specially designed induction programs for family violence registrars and applicant and respondent practitioner roles. The Court conducted a number of professional development sessions for specialist staff throughout the year, including; how to engage with men non-collusively (facilitated by the Men's Referral Service), vicarious trauma training, motivational interviewing, ASIST Suicide Prevention training and technology 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 Common Risk Assessment Framework and have attended a workshop run by the specialist provider No to Violence on working with perpetrators of family violence.

The Court has provided internal professional development for magistrates including 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 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 two-day course ran over three sessions, focusing on the social context of family violence. The last session was held in February 2016.

Planning is underway to develop a second tranche of this specialised professional development.

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 Court's family violence website (familyviolence.courts.vic.gov.au) was launched on White Ribbon Day in November 2015. The website is a 'one-stop shop' for information on intervention orders and includes written content, videos and helpful links to family violence resources.

Improved Use of Technology and Information Sharing

The Family Violence Online Application Form was launched at the Neighbourhood Justice Centre in July 2015. The initiative enables victims of family violence seeking the protection of an intervention order to apply online. The pilot will be rolled out to Ringwood and Warrnambool Courts in September 2016.

As part of this project, the Court also engaged a service design team to review the end-to-end court experience for victims seeking an intervention order. A number of recommendations were made and the Court will look to implement these initiatives to improve people's experience at court.

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 operated at the Melbourne Magistrates' Court until 30 June 2016 when funding was stopped. The Program assisted Aboriginal and Torres Strait Islander families who had a family violence related matter before the Court. The Program engaged a Women's Family Violence Practitioner to provide support and information about the court process and family violence services. Although the program was based at Melbourne, the service was offered and provided to all courts across the state.

Chief Magistrate's 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.

The Taskforce has undertaken a scan of government and community resources that presently support the victims and perpetrators of family violence and formulated views to enhance or improve those resources.

Since the Royal Commission, the Taskforce has undertaken an advisory role to government on issues relating to the intersection of family violence and the courts and justice system.

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.

CASE STUDY: FAMILY VIOLENCE

An integrated response to family violence is vital to ensure that victims are supported throughout the court process, risks are identified at the earliest possible stage and appropriate referrals and safety plans are made. Specialist Family Violence Services are available at a number of courts across Victoria, where specially trained staff are available and victims applying for an intervention order can seamlessly access a number of legal and support services. These services ensure that the Court is more accessible to victims of family violence.

Adina* arrived at Sunshine Magistrates' Court after the police had searched her house on an unrelated matter, resulting in Taye* becoming verbally abusive towards her and her children.

Adina was from an Ethiopian background and had arrived in Australia in December 2013, with her husband, Taye and her three daughters (12 year old twins and a four year old). Adina and Taye had been in a relationship for 15 years.

Adina presented at the family violence counter visibly distressed. After a short conversation with the specialist family violence registrar, concerning risk factors were identified and she was referred to the family violence applicant practitioner, Nadine*.

Nadine conducted a comprehensive risk assessment, discussed the court process and created a safety plan with Adina. Throughout the risk assessment, Adina reported that Taye had threatened to take the children if she ever tried to leave him. Adina indicated that the reason she has decided to leave is that she could see that his behaviour was now having an effect on the children. She stated that they were too scared to sleep by themselves due to constant fear of their father.

Nadine made a notification to child protection for the ongoing welfare and safety of the children. Adina supported this notification and was relieved to gain assistance and support to understand the child protection system.

Adina reported to Nadine that Taye was constantly verbally abusive and had defamed her to their community members telling them she had an affair. He would get drunk and threaten to smash bottles over her head if she didn't admit to the affair. In the past, he had threatened her with kitchen knives and had sexually assaulted her on numerous occasions.

Nadine referred Adina to the inTouch Legal Service onsite at the Court. Adina commented that it was so validating and supportive meeting people that understood her situation and the cultural implications as well.

The inTouch lawyer represented her in the interim proceeding where she was granted her interim order. They were also able to assist her to make applications to the Family Court.

Nadine made a referral to the onsite Centrelink Social Worker who was able to redirect the account her payments were going to and increase the security on her account and information. The Worker also assisted her with a crisis payment and application for special benefits.

Nadine also made a referral to the local community family violence service who assisted her to urgently change the locks on her property and accepted her as a client for case management.

When Adina returned to court for the next hearing, arrangements had been made for her to use the remote witness facility. She was supported by a Court Network Family Violence volunteer. Adina commented that she never felt scared while she was at court, she felt people understood and wanted to help.

Adina was granted a final intervention order with full conditions. She remains in her home with her three children. She is still being supported by inTouch Legal Service and the family violence service as she finalises her Family Court proceedings. Adina commented that the range of specialist staff and services available at court helped her navigate the court system and made her feel supported through the process.

*Not their real names.

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, Mildura, Shepparton, Swan Hill, Warrnambool (on circuit to Hamilton and Portland) and Geelong. Children's Koori Courts also operated at Bairnsdale, Latrobe Valley, Melbourne (circuit to Dandenong and Heidelberg), Mildura, Shepparton, Swan Hill, Warrnambool (circuit to Hamilton and Portland) and Geelong.

Approximately 30 magistrates regularly sit at the various Koori Court locations around the state.

Staff

The Koori Court currently employs 85 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 2015–16, there were various professional development activities to support the elders and respected persons and Koori Court staff. This included training in the traditional language used in Swan Hill to open the Koori Court sitting.

The Koori Court Conference 2016 was held on 26–27 May, at Phillip Island, Victoria. It provided an important opportunity for elders and respected persons, judicial officers and Koori court officers to come together to share experiences and learnings and identify key issues of current concern. The themes of the Koori Court Conference 2016 closely reflected the underlying themes of National Sorry Day and Reconciliation Week.

The Conference observed National Sorry Day as an opportunity to come together and share the steps towards healing for the Stolen Generations, their families and communities. The themes for Reconciliation Week

2016 were 'Our History', 'Our Story' and 'Our Future'. These themes were derived from the State of Reconciliation in Australia Report, which asked all Australians to reflect on Australia's national identity and the place of Aboriginal and Torres Strait Islander histories, cultures and rights in the nation's story. These themes were reflected in much of the conference discussion in context of healing, strengthening identity and moving forward.

Magistrates' and Children's Koori Court Expansion

Following consultation with the Koori community and associated stakeholders in Geelong, the Koori Court Unit assisted with the expansion of the Koori Court at the Geelong Magistrates' Court. The Geelong Koori Court launch was very successful and attended by over 100 guests. Those included key stakeholders, court staff and the Koori community. The Geelong Koori Court will now conduct sittings at the Geelong Magistrates' Court on a monthly basis. The Court will continue to explore options for the further expansion of 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 the 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 response to a high level of Koori young people who are disengaged from education attending the Koori Children's Courts, the Koori Court Unit and the Department of Education & Training developed an initiative whereby a Department of Education & Training representative attends the Children's Court sittings.

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 Children's Court.

Further to the successful evaluation of the partnership between the Koori Court Unit and the Department of Education & Training, this initiative was expanded and a Department of Education & Training representative will now be present at all Koori Children's Court sittings across the state.



Dancers at the Geelong Koori Court opening

Listings

The Koori Court listed 3,448 matters for 2015–16, which is a 2 per cent increase on the 3,363 listed matters for 2014–15. The number of accused has also increased slightly on the previous year. This rise is due to the Melbourne Koori Court sitting weekly in 2015–16 as opposed to fortnightly in 2014–15, leading to an increase in matters heard and numbers of accused accessing the Koori Court. There has been a similar rise in numbers accessing the Koori Court in Mildura.

The launch of Koori Court in Geelong, celebration of significant milestone 10 year anniversaries in Mildura, Melbourne Children's and Latrobe Valley Koori Courts, has lifted the profile of Koori Courts statewide. Continued community education about the program carried out by Koori court staff and key stakeholders has also contributed to increased numbers accessing the courts. This is the third consecutive year that there has been an increase in Koori Court sittings for the Magistrates' and Children's Court jurisdictions. The Koori Court finalised 38 per cent of

all listed matters, which is on par with previous year's figures.

During 2015–16, 70 per cent of accused were male and 30 per cent were female, showing a 5 per cent increase in the number of females accessing the Koori Court.

Ongoing Judicial Education

In October 2015, the magistrates who sit in Koori Court attended a two day meeting in Gippsland. The meeting culminated at Wulgunggo Ngalu where the magistrates were given the opportunity to tour the healing centre and meet staff and Koori men undergoing Community Correction Orders.

MAGISTRATE WALLINGTON'S KOORI COURT CASE STUDY

There was a matter heard in early 2016 involving five co-accused and charges arising out of an illegal motorcycle drag race in which a young man died. One of the co-accused's matter is being heard in the committal stream due to the fact that he was riding neck and neck with the young man who lost control of his bike and died in the resulting crash. The other four co-accused were dealt with over two days before me. The first two were in the committal mention stream but were granted summary jurisdiction. One was the young man who had flagged the start of the race and the other was the third fastest rider. The other two co-accused whose matters were heard in the Koori Court had both ridden in the race but appeared to have gone at a deliberately slow pace and it was not clear whether they were still competing at the time of the collision.

On the first hearing day in the Committal Mention List, numerous members of the deceased's family were present and there were approximately seven victim impact statements. All of these victim impact statements were read to the Court by the prosecutor except for that of the deceased young man's sister, which she read. It was heart-breaking.

The following day in Koori Court, all the family members were in Court again and wanted their victim impact statements read out again. The magistrate allowed all statements to be read out again notwithstanding that they had been read the previous day. After all seven victim impact statements had been read out, one of the Elders, Uncle Shaun, asked the accused to speak. They spoke beautifully about how terrible they felt, how they missed their mate and how they felt so bad they could hardly imagine how the family felt. They spoke about being cousins and though being very close before the accident, their feelings of grief and guilt meant that they had had no contact with each other since the accident.

As the magistrate left the court room, the family of the deceased expressed how important it had been for them to hear directly from the accused as to their feelings about the loss of their son and brother. The cousins ended up hugging each other - possibly having felt forgiven by the family. Some of the family also hugged the accused. At the hearing on the day before Koori Court, the family of the deceased young man had had their say but the Koori Court process was so much more personal and cathartic than the day before.

Neighbourhood Justice Centre

The Neighbourhood Justice Centre (NJC) is Australia's only community justice centre. It provides a place-based orientation to the provision of justice services, with its composition and practices setting it apart from the specialist court framework. As a community justice approach the NJC prioritises community safety, at all levels, in a way that is unparalleled within the broader Magistrates' Court system.

Based in the City of Yarra, the NJC is involved in the delivery of justice services at a series of points in the continuum of community life from primary prevention programs to court based intervention and into the post court sphere, aiming to increase community safety at all levels.

The NJC magistrate hears criminal, civil and Children's Court matters involving residents of the City of Yarra. The magistrate hears matters involving moderate to high-risk offenders, as well as lesser offences that tend to degrade the experience of safety for local residents.

Working in partnership with the Court, 17 independent welfare agencies and Community Correctional Services help clients break the cycle of offending by treating damaging underpinning conditions.

In addition, the NJC's community engagement practitioners work with citizens and services to overcome the societal factors that lead social harm.

Caseload

During the reporting period, 3,015 matters were initiated, 3,849 were finalised. This is a reduction on the previous year's figures of 4,249 and 4,091 respectively (the disparity rests on changes introduced 30 June, 2015. Infringements are initiated per person and not per infringement. This means the person not the case

number is counted).

In the year of the Royal Commission into Family Violence, 375 family violence matters were initiated and 341 finalised, up on the previous year of 309 and 273 respectively (a 22 per cent increase in finalised family violence matters).

Accepting supervision of clients sentenced for corrections orders at other Magistrates' Courts and an increased number of offenders receiving a Community Corrections Order (CCO) and CCO with imprisonment, the average number of clients being supervised by the NJC's Community Correctional Services was approximately 120.

Endorsing Integrated Services

In November of 2015, the Australian Institute of Criminology (AIC) released two independent investigations of the NJC. Authors, Morgan and Brown (2015) and Ross (2015) sought to establish a cost modelling framework for community justice and a review of the impact of the NJC's community justice approach on crime in the City of Yarra respectively.

The AIC found 76.9 per cent of NJC's clients on CCOs successfully completed their orders, compared to the state average rate of 40.1 per cent.¹

Of note, the AIC found 22 per cent of offenders on NJC-imposed CCOs classified as high risk, compared to the state average of 12 per cent.²

Additionally, the AIC found that NJC clients were less likely to reoffend in the two years after sentencing, when compared with matched controls.³

While the report found criminal matters were \$58⁴ (17 per cent)

more expensive than 'mainstream' courts, it identified that the NJC bears a number of operation costs alone, has outstanding compliance and recidivism rates. Additionally, a higher proportion of substantive hearings (41 per cent) last more than 15 minutes (compared to state average of 18 per cent) and its breadth of services is wider than CISP and three per cent cheaper.⁵

These points are considered to justify the increased expenditure in this area. The AIC also identified that the comparative costs for mainstream courts represented costs averaged over 51 court sites, rather than a comparison with other similar therapeutically-oriented specialist programs.

The AIC concluded that its research provided a foundation for a more meaningful discussion of the costs associated with community justice in the Victorian context.

Addressing the Community Justice International Summit in Chicago early 2016, NJC's Magistrate said that while the place-based justice was designed for places with high prevalence of low level offending, it is clearly suitable for places with more serious criminality. As such, the NJC's community justice approach is proving that premise community justice is equally applicable, indeed, more so, for those with more entrenched histories of offending and disenfranchisement who are engaged in more serious offending.

Giving Citizens New Services

The NJC contributed to the Royal Commission into Family Violence, resulting in recommendations being made in relation to the translation of a number of NJC innovations into the broader justice sector.

Most notably, the recommendation that the Court adopt an online intervention order application system within two years based on

¹ Ross, Stuart, Evaluating Neighbourhood Justice: Measuring and attributing outcomes for a community justice program, Trends and Issues in crime and criminal justice, p4

² Ibid p5

³ Ibid p5

⁴ Morgan & Brown, Estimating the costs associated with community justice, Trends and Issues in crime and criminal justice, p5

⁵ Ibid p5

NJC's electronic Family Violence Intervention Order application (e-FVIO).⁶ An Australian first, e-FVIO supports the Court's access to justice strategic objectives by enabling applicants to apply for court protection when and where it suits their safety needs.

NJC secured \$364,000 Public Sector Innovation Funding to install e-FVIO at Ringwood and Warrnambool Magistrates' Courts and Warrnambool's satellite courts in Hamilton and Portland.

The Commission also recommended that the Court provide an e-registration system based on NJC's MyCase.⁷ Another Australian first, MyCase is a digital case management system that links each court user with their lawyer, case-worker and court staff. Including airport-styled information boards displaying court cases and status, MyCase will reduce the stress of court attendance and increase court efficiencies. The NJC is piloting MyCase and addressing the Commission's correlated recommendations with the Court.

The Commission also recommended an integrated service model, based on the NJC, be used to inform the establishment of Family Violence Safety Hubs throughout the state. The Hon. Marcia Neave visited and representatives from the Department of Premier and Cabinet toured the NJC several times to see first-hand how the NJC manages its family violence list.

Hearing family violence matters on the same day enables the NJC to triage matters, while its Client Services triage victims into community care, perform risk assessments, and give clients counselling and support.

Innovative Collaborations

The NJC is piloting Victoria's first online guilty plea system for less serious charges (usually traffic or public transport). Yarra residents now

have convenient way to plead guilty to the charges without the need to attend court.

Reflective of the Queensland system on which it is based, NJC built its system using the Code for Australia Fellowship Scheme, which also afforded the NJC a sophisticated new intranet.

Yarra residents have been provided with greater access to legal help to deal with the common but legally complicated issues of divorce, fines, repairs and compensation, migration and wills through the establishment of the NJC's first flotilla of legal 'clinics' in March 2016.

Supervised by senior lawyers, volunteer university law and social sciences students from RMIT and LaTrobe Universities run NJC's Legal Help Service on Fridays. Comparable services exist, but the NJC improves the model in several key ways. Clients receive practical and emotional assistance because students work in pairs (one law, one social science). Students design and produce the programs and train the next tranche of students, which gives the next generation of practitioners who will be engaged with the justice system exceptional experience. And university collaborations offers new synergistic initiatives.

Finally, the NJC embarked on a collaboration with the Victorian Commercial Teachers' Association to introduce community justice into school curricula.

Taking Justice to the Street - Alternative Dispute Resolution

The NJC launched its Community Conferencing Program (CCP) early 2016. Yarra resident groups in conflict now repair harm inflicted by one or both parties by developing solutions and mending the emotional damage together.

Based on the acclaimed Baltimore Community Conferencing Centre, CCP gives victims a voice and puts matters best suited to cultural, collective and restorative solutions

back in the community. Research shows CCP is often more effective in reducing reoffending than traditional justice methods.⁸

The NJC's lauded community crime prevention initiated, Smith Street Dreaming music festival, won the 2015 AIC's Crime and Violence Prevention Award.

Influencing Justice Internationally

Use of deferred sentencing, NJC-styled Judicial Officer and Problem Solving Program were identified as pilot projects for Cambodia's justice system.

Since 2009, Australia's courts have supported the development of Cambodia's Juvenile Justice System.

In early 2016, Cambodia's justice and social welfare ministers, judicial officers and Cambodian Legal Aid toured Australian courts, including NJC to develop the system and the Council of Ministers passed the first Juvenile Justice law largely as a result of the tour.

The NJC started work with Cambodia, Child Rights International, Legal Aid Cambodia, Hagar, Plan International and UNICEF to pilot practices and training. UNICEF will fund the three year implementation process, managed by Child Rights International.

⁶ RCFV, Recommendation 74
⁷ RCFV, Recommendation 63

⁸ Restorative Justice In Australia, Australian Institute of Criminology <http://bit.ly/1Ug1sNf>

STATISTICS AND FINANCIALS

MAGISTRATES' COURT OF VICTORIA

FINANCIAL STATEMENT

FOR YEAR ENDING 30 JUNE 2016

	Note	Actual 2014-15 \$'000	Actual 2015-16 \$'000
REVENUE			
Annual Appropriations	1	73,748	79,861
Special Appropriations		39,681	43,802
Grants	2	5,026	6,224
Total Operating Revenue		118,455	129,887
EXPENSES			
Employee expenses	3	81,848	85,525
Depreciation and Amortisation		9,109	9,022
Interest Expense		159	142
Grants, Contracts, and Professional Services		8,744	10,072
Property Services	4	13,141	12,465
Other Operating Expenses	5	5,290	7,056
Total Operating Expenses	6	118,291	124,282
Net Operating Surplus (Deficit)		163	5,605
OTHER ECONOMIC FLOWS			
Revaluations and Write Downs	7	(1,528)	(1,806)
Net Result		(1,365)	3,799
CAPITAL EXPENDITURE			
Capital Expenditure	8	3,144	15,043
Total Capital Expenditure		3,144	15,043

Notes to and forming part of the Financial Statements

Note 1

Annual Appropriation is inclusive of Treasurers Advance funding received for 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 & Regulation and other external organisations.

Note 3

Growth in employee expenses reflects new and expanded initiatives including family violence and court support services.

Note 4

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

Note 5

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

Note 6

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 Assistance Tribunal. Victims of Crime Assistance Tribunal Awards payments are excluded.

Note 7

The revaluation and write down amount reflects an adjustment to the provision for long service leave during 2015-16. This is a non-budget adjustment and has no impact on the Court's annual appropriation budget.

Note 8

Capital expenditure includes costs associated with the Video Conferencing Expansion initiative, Heidelberg Court recovery works, the new Shepparton Court and a range of major maintenance and renewal programs.

This financial statement is based on data available at 4 August 2016.

MAGISTRATES' COURT OF VICTORIA

STATISTICS 2015-2016

Criminal Summary						
	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Cases initiated	170,040	175,345	218,409	247,025	160,942	-35%
Cases finalised	180,754	188,537	237,452	275,552	199,960	-27%
Applications finalised	63,289	66,336	73,658	80,451	94,177	17%
Breach cases	11,226	8,907	8,060	8,806	9,466	7%
Criminal listings	575,998	591,736	684,004	766,091	683,709	-11%

Caseload							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Cases initiated	1, 2, 3	170,040	175,345	218,409	247,025	160,942	-35%
Cases finalised	1, 2	180,754	188,537	237,452	275,552	199,960	-27%
Cases finalised per court region							
	4						
Barwon South West		6,504	7,666	8,416	9,317	9,699	4%
Broadmeadows		11,555	11,199	14,015	15,829	19,243	22%
Dandenong		14,184	13,933	16,524	19,624	17,150	-13%
Frankston		13,422	15,649	17,538	19,300	22,114	15%
Gippsland		6,200	7,740	8,010	8,642	8,718	1%
Grampians		4,666	5,802	6,075	6,693	6,615	-1%
Heidelberg	5	14,485	13,991	15,570	13,026	9,854	-24%
Hume		6,186	6,233	7,550	8,059	8,573	6%
Loddon-Mallee		6,710	7,285	8,646	9,627	9,827	2%
Melbourne		68,553	67,586	101,076	128,725	48,599	-62%
Ringwood		10,318	10,525	12,906	15,898	15,988	1%
Sunshine		16,376	19,265	19,512	18,780	21,911	17%
NJC		1,595	1,663	1,614	2,032	1,669	-18%
Total		180,754	188,537	237,452	275,552	199,960	-27%

Note 1: The reduction in caseload from 2014-15 to 2015-16 is the direct result of changes to the way infringement cases are processed on the case management system. Under the previous counting rules, the 2015-16 initiations would have been 272,599 (a 10 per cent increase on previous year), and the finalisations would have been 281,053 (a two per cent increase on the previous year).

Note 2: Cases initiated and finalised refer to criminal cases commenced or finalised in the Magistrates' Court of Victoria for the financial year specified. The totals do not include some enforcement hearings, or applications.

Note 3: 2011-12 initiations have been revised down to 170,040 from 172,323.

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 were held at Heidelberg Magistrates' Court in financial year 2015-16. Most list 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.

Initiation Breakdown							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Charge and Summons		84,562	92,006	96,510	105,850	101,807	-4%
Charge and Information		26,547	29,969	31,558	36,258	39,767	10%
Charge and Warrant		3,034	3,470	3,874	3,949	4,230	7%
Notice to Appear		100	109	287	197	216	10%
Infringement Revocation		55,797	49,791	86,180	100,771	14,922	-85%
Total		170,040	175,345	218,409	247,025	160,942	-35%

Cases in the Magistrates' Court can be commenced by different initiation types. The Charge and Information and Charge and Warrant initiation types include the accused persons that have come before the Court in the first instance on bail or on remand.

Applications							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Application Types	1						
Driver's Licence Eligibility Order applications		11,700	10,894	10,021	9,860	8,037	-18%
Interlock removal applications		6,190	5,685	5,392	5,238	4,981	-5%
Applications for bail	2	16,791	20,118	24,248	29,074	35,667	23%
Applications for bail variation	2	8,251	9,307	9,954	10,648	11,130	5%
Application for revocation of bail	2	2,251	2,693	3,447	4,252	5,006	18%
Rehearing applications		1,440	1,281	1,799	1,747	2,543	46%
Application to vary or cancel sentencing order		1,551	1,332	1,658	1,733	1,836	6%
Application for restoration of suspended sentence		1,964	906	294	94	37	-61%
Application under section 84U <i>Road Safety Act 1986</i>		218	542	373	510	831	63%
Application to question/investigate a person in custody		680	763	692	118	59	-50%
Application for forfeiture of property		408	402	413	490	465	-5%
Application for forensic procedure		1,088	1,164	1,231	2,431	5,878	142%
Application for special mention		1,247	1,025	947	890	849	-5%
Committal related applications		1,794	1,767	1,799	1,763	1,739	-1%
Infringement related applications		4,735	4,047	6,380	7,258	9,636	33%
All remaining applications		2,981	4,410	5,010	4,615	5,483	19%
Applications finalised		63,289	66,336	73,658	80,721	94,177	17%

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.

Breaches of sentencing orders							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Number of cases listed for a breach of sentencing order		9,262	6,894	6,158	6,826	8,264	21%
Number of cases listed for restoration of suspended sentence		1,964	2,013	1,902	1,980	1,202	-39%
Total		11,226	8,907	8,060	8,806	9,466	7%

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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Committal proceedings finalised	1	2,785	3,265	3,156	2,839	2,842	0%
Appeals lodged against conviction and/or sentence	2	2,378	2,804	2,713	2,875	2,988	4%

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.

Infringements							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Appeals against Infringement Registrar's refusal to revoke enforcement	1	23,897	24,958	45,556	43,102	70,508	64%
Infringement revocations granted and defaulted to Magistrates' Court	1	3,201	2,036	3,433	2,310	5,221	126%
Infringement matters referred to the special circumstances list of the Magistrates' Court	1	28,564	22,716	37,050	55,184	49,537	-10%
Total matters referred to the Magistrates' Court from the Infringements Court		55,662	49,710	86,039	100,596	125,266	25%
Infringement warrant case initiations	2	2,656	2,395	3,666	4,579	4,263	-7%
Individual infringement warrant initiations	2	171,260	172,328	266,661	310,570	280,259	-10%

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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Warrants to arrest issued by the Magistrates' Court		33,740	38,237	43,935	53,085	62,316	16%
Matters determined at an ex parte hearing		3,410	2,476	2,272	1,639	1,468	-10%

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

Timeliness							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Criminal cases finalised within six months		88.9%	88.1%	87.0%	89.9%	84.3%	-6%
Number of cases pending as at 30 June 2015		32,149	36,686	39,127	45,762	44,254	-3%
Of the pending cases, the amount of cases that have been pending for over 12 months		2,782	2,777	3,065	3,192	3,853	21%

The Magistrates' Court aims to finalise 85 per cent of criminal 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.

Listings							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Total listings in the Magistrates' Court of Victoria	1	575,998	591,736	684,004	766,091	683,709	-11%
Common hearing types	2						
Mention listings		255,919	269,644	323,147	354,551	305,068	-14%
Plea of guilty listings		42,760	47,049	51,403	59,552	62,461	5%
Contest mention listings		12,350	12,048	13,499	15,707	16,900	8%
Contested hearing listings		10,523	10,117	9,062	8,175	8,657	6%
Application listings		110,279	104,906	137,232	136,239	75,042	-45%
Breach sentencing order listings		28,329	24,276	21,870	24,768	29,086	17%
Restoration of suspended sentence listings		3,432	3,636	3,532	3,744	2,621	-30%
Judicial monitoring listings		-	1,745	2,227	3,233	4,412	36%

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 2015-16

Rank*		Offence			% Difference 2014-15
			2014-15	2015- 16	
1	(1)	Drive vehicle unregistered in toll zone (Citylink)	36,696	45,834	25%
2	(2)	Theft	31,012	33,852	9%
3	(5)	Drive vehicle unregistered in toll zone (Eastlink)	17,924	27,300	52%
4	(4)	Contravene Family Violence intervention order	18,343	21,274	16%
5	(3)	Drive whilst disqualified, suspended or cancelled	20,965	20,412	-3%
6	(7)	Possession / attempted possession of a drug of dependence	16,260	18,146	12%
7	(8)	Exceed speed limit	15,579	17,850	15%
8	(6)	Unlawful assault	17,168	17,253	0%
9	(9)	Obtain property by deception	15,005	15,386	3%
10	(10)	Fail to answer bail	11,610	11,704	1%
11	(11)	Intentionally / recklessly cause injury	11,307	10,164	-10%
12	(13)	Criminal damage	9,603	9,888	3%
13	(12)	Exceeded prescribed concentration of alcohol (incl. refuse PBT)	10,835	9,731	-10%
14	(14)	Use unregistered motor vehicle / trailer	8,490	9,326	10%
15	(20)	Commit indictable offence whilst on bail	5,339	8,943	68%
16	(17)	Handle / receive / retain stolen goods	6,081	8,788	45%
17	(15)	Park for longer than indicated	7,464	7,937	6%
18	(16)	Unlicensed driving	7,200	7,740	8%
19	(18)	Deal property suspected proceeds of crime	6,607	6,192	-6%
20	--	Contravene conduct condition of bail	n/a	6,118	n/a
21	(19)	Burglary	5,684	5,910	4%
22	--	Fail to furnish tax information	n/a	5,826	n/a
23	(23)	Fail to pay parking fine	4,800	5,747	20%
24	(22)	Careless driving	5,242	5,163	-2%
25	(25)	Attempt to commit an indictable offence	4,358	4,491	3%

*2014-15 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						
	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Complaints issued	56,174	52,442	46,095	41,884	37,209	-11%
Claims finalised	36,836	34,182	54,686	50,824	46,231	-9%
Total number of cases where a defence notice filed	7,806	7,495	7,502	7,570	7,240	-4%
Applications finalised	14,953	14,375	13,917	14,152	14,662	4%

Complaints							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Complaints issued or filed							
Up to \$10,000 claimed		44,587	40,098	34,121	30,567	26,757	-12%
More than \$10,000 claimed		11,587	12,344	11,974	11,317	10,452	-8%
Total complaints issued		56,174	52,442	46,095	41,884	37,209	-11%

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

Claims finalised							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Defended claims finalised at a hearing							
Arbitration	1	2,218	2,269	2,001	1,808	2,200	22%
Hearing		2,266	2,279	2,093	1,937	2,060	6%
Pre-hearing conference or mediation		1,791	1,545	1,571	1,300	1,080	-17%
Any other hearing type		1,529	1,467	1,874	2,519	1,828	-27%
Total of defended claims finalised at a hearing		7,804	7,560	7,539	7,564	7,168	-5%
Default Orders Made							
	2	30,561	28,089	26,096	24,675	20,961	-15%
Complaints dismissed (under Rule 21.11 of <i>Magistrates' Court Civil Procedure Rules 2010</i>)	3	n/a	n/a	22,925	21,104	18,102	-14%
Total claims finalised	4, 5	38,365	39,649	56,560	53,343	46,231	-13%

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: Rule 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, 2014-15 and 2015-16 totals also include complaints dismissed (under Rule 21.11 of the *Magistrates' Court Civil Procedure Rules 2010*).

Claims finalised continued							
Civil cases finalised per court region	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Barwon South West		1,265	1,011	938	708	703	-1%
Broadmeadows		621	717	634	719	620	-14%
Dandenong		2,015	1,611	2,007	1,770	1,425	-19%
Frankston		1,957	1,834	1,464	1,420	1,597	12%
Gippsland		699	422	440	661	478	-28%
Grampians		890	923	769	758	637	-16%
Heidelberg		833	701	522	462	395	-15%
Hume		1,228	1,361	863	1,043	916	-12%
Loddon-Mallee		2,054	1,997	1,498	1,524	1,418	-7%
Melbourne		21,357	20,104	19,385	17,272	15,311	-11%
Ringwood		1,667	1,762	1,415	1,298	1,176	-9%
Sunshine		2,250	1,739	1,826	2,085	1,625	-22%
Total		36,836	34,182	31,761	29,720	26,301	-12%

The above totals break down the civil cases finalised at either arbitration, hearing, pre hearing conference or default order 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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Defence notices filed							
Against complaints of up to \$10,000 claimed		3,186	3,006	2,657	2,621	2,791	6%
Against complaints of more than \$10,000 claimed		3,191	3,073	3,091	3,070	2,678	-13%
Workcover defences filed		1,429	1,416	1,754	1,879	1,771	-6%
Total number of cases where a defence notice filed		7,806	7,495	7,502	7,570	7,240	-4%

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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Application Types	1						
Interlocutory applications		1,309	1,438	1,195	1,146	1,216	6%
Applications for preliminary discovery		129	77	36	43	18	-58%
Applications for substituted service		1,697	2,039	2,669	2,887	3,612	25%
Applications for summary order		92	88	72	63	71	13%
Applications to extend complaint		165	175	166	185	353	91%
Application for re hearing		3,383	3,270	3,150	3,227	3,390	5%
Applications under s24 of <i>Second-Hand Dealers and Pawnbrokers Act 1989</i>	2	393	386	362	319	371	16%
All remaining applications		307	317	218	274	329	20%
Enforcement applications	1	7,478	6,585	6,049	6,008	5,302	-12%
Total applications finalised		14,953	14,375	13,917	14,152	14,662	4%

Note 1: There are numerous types of applications that can be determined in the civil jurisdiction of the Magistrates' Court of Victoria. Some applications are heard in conjunction with a case also before the Court, whereas others can be listed independently of a pending case. The total applications above also capture the applications in the civil enforcement section on page 81, 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. Persons who identify their property at a second hand dealer or pawn shop and have sufficient evidence to prove it is their property can apply to the Court to obtain an order to have their goods returned.

Timeliness							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Defended claims finalised within six months		81.6%	80.7%	80.9%	79.1%	79.9%	1%
Defended claims pending as at 30 June 2016		1,791	1,726	1,689	1,695	1,767	4%
Of the pending cases, the amount of cases that have been pending for over 12 months		150	131	115	136	181	33%

The Magistrates' Court of Victoria 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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Oral examinations finalised (including those under the <i>Judgement Debt Recovery Act 1984</i>)	1	5,646	4,953	4,572	4,470	3,810	-15%
Attachment of earnings hearings finalised	1	1,379	1,174	1,035	1,170	1,180	1%
Attachment of debt hearings finalised	1	62	79	86	77	53	-31%
Applications for instalment order finalised	2	391	379	356	291	259	-11%
Warrants to seize property issued	3	5,116	4,715	4,829	4,129	4,007	-3%
Total		12,594	11,300	10,878	10,137	9,309	-8%

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 Order Summary

Family Violence and Personal Safety combined

	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Total finalised cases with one or more interim orders	17,741	18,954	20,152	23,365	24,256	4%
Total original matters finalised	36,577	39,352	39,961	43,105	43,434	1%
Total applications finalised	4,197	5,103	5,624	6,155	6,861	11%
Total matters finalised	58,515	63,409	65,737	72,625	74,551	3%

Total listings for finalised matters	96,895	98,131	99,868	111,639	122,909	10%
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Caseload

	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Family Violence intervention order (FVIO) applications finalised							
Finalised cases with one or more interim orders	1	12,883	13,720	15,073	17,711	18,865	7%
Original matters finalised	2	27,668	29,217	29,978	32,614	33,763	4%
Application for extension	3	951	1,202	1,327	1,550	1,686	9%
Application for revocation	3	753	822	783	852	770	-10%
Application for variation	3	2,120	2,638	3,047	3,302	3,850	17%
Total		44,375	47,599	50,208	56,029	58,934	5%
Personal Safety intervention order (PSIO) applications finalised							
Finalised cases with one or more interim orders	1	4,858	5,234	5,079	5,654	5,391	-5%
Original matters finalised	2	8,909	10,135	9,983	10,491	9,672	-8%
Application for extension	3	230	237	272	266	317	19%
Application for revocation	3	30	51	53	36	42	17%
Application for variation	3	113	153	142	149	195	31%
Total		14,140	15,810	15,529	16,596	15,617	-6%
Total FVIO and PSIO matters finalised		58,515	63,409	65,737	72,625	74,551	3%

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.

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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
FVIO and PSIO matters per region finalised							
Barwon South West		4,259	4,707	5,098	5,740	6,041	5%
Broadmeadows		4,857	4,921	4,928	5,733	5,785	1%
Dandenong		6,106	6,323	6,123	6,657	6,962	5%
Frankston		7,224	8,451	8,342	8,828	8,353	-5%
Gippsland		3,753	4,088	4,521	6,736	7,343	9%
Grampians		3,526	3,533	3,963	3,447	3,968	15%
Heidelberg		5,206	5,558	6,154	5,480	4,835	-12%
Hume		3,309	3,896	3,800	3,700	4,098	11%
Loddon-Mallee		4,853	4,898	5,247	5,700	5,663	-1%
Melbourne		4,117	4,187	4,852	5,940	6,352	7%
Ringwood		4,191	4,571	4,772	5,604	6,010	7%
Sunshine		6,755	7,802	7,506	8,299	8,262	0%
NJC		359	474	431	761	879	16%
Total		58,515	63,409	65,737	72,625	74,551	3%

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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
FVIO & PSIO Applications commenced (by initiation type)							
	1						
Application and Summons		24,833	26,875	28,101	29,496	28,093	-5%
Application and Warrant		8,619	8,898	7,147	6,755	7,146	6%
Family Violence Safety Notice		7,322	8,682	10,337	13,009	15,056	16%
Total		40,774	44,455	45,585	49,260	50,295	2%
FVIO applications commenced (by applicant)							
	2						
Victoria Police		18,783	21,944	23,210	26,000	27,951	8%
Private application		12,709	11,936	11,925	12,318	12,118	-2%
PSIO orders commenced (by applicant)							
	2						
Victoria Police		1,182	1,985	2,096	2,477	2,728	10%
Private application		8,100	8,590	8,354	8,465	7,498	-11%
Total Victoria Police applications		19,965	23,929	25,306	28,477	30,865	8%
Total private applications		20,809	20,526	20,279	20,783	19,610	-6%

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.

Listings							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Number of family violence listings		75,527	74,692	77,303	87,215	98,861	13%
Number of personal safety intervention order listings		21,368	23,439	22,565	24,424	24,048	-2%
Total		96,895	98,131	99,868	111,639	122,909	10%

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	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Total Family Law finalisations		1,243	1,082	1,204	1,088	1,050	-3%

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

After hours service							
	Notes	2011-12	2012-13	2013-14	2014-15	2015-16	% diff 14-15
Intervention order applications received by After Hours Service		11,153	11,443	11,448	10,555	10,681	6%

A significant proportion of the After Hours Service of the Magistrates' Court of Victoria comprises of Family Violence and Personal Safety Intervention Order matters. In 2013-14, 2014-15 and 2015-16 "Intervention order applications received by After Hours Service" includes intervention orders under *Family Violence Protection Act 2008* & *Personal Safety Intervention Orders Act 2010*. Previous years only count applications under *Family Violence Protection Act 2008*.

Total referrals received by MCV family violence practitioners		
	2014-15	2015-16
Applicant support workers	3,930	6,268
Respondent support workers	3,275	5,050
Total	7,205	11,318

Number of counselling orders made (Men's Behaviour Change Programs)		
	2014-15	2015-16
Total counselling orders made	348	395

Number of Counselling orders made (Men's Behaviour Change Programs) by court location		
	2014-15	2015-16
Ballarat	88	100
Frankston	80	109
Heidelberg	144	139
Moorabbin	35	47
Total	348	395

FURTHER INFORMATION

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Magistrates

Mr Ian Alger
 Ms Susan Armour
 Ms Megan Aumair
 Mr Julian Ayres
 Ms Donna Bakos
 Mr Thomas Barrett
 Ms Luisa Bazzani
 Mr John Bentley
 Ms Angela Bolger
 Mr Timothy Bourke
 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
 Mr Michael Coghlan
 Ms Ann Collins
 Mr Gregory Connellan
 Mr David Cottrill
 Mr Rodney Crisp
 Ms Jillian Crowe
 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
 Mr Timothy Gattuso
 Ms Jane Gibson
 Mr Philip Ginnane

Mr Phillip Goldberg
 Ms Anne Goldsbrough
 Mr Martin Grinberg
 Ms Jennifer Grubissa
 Ms Carolene Gwynn
 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
 Ms Meagan Keogh
 Dr Michael King
 Mr Jonathan Klestadt
 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)
 Ms Urfa Masood
 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 Stephen Myall
 Mr John O'Brien

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
 Mr Charlie Rozencwajg
 Mr Ronald Saines
 Mr Marc Sargent
 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
 Mr Charles Tan
 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
 Mr Francis Zemljak

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 Mr Douglas Bolster
 Mr Phillip Byrne
 Mr Brian Clifford
 Mr Louis Hill
 Mr Frank Jones
 Mr Robert Kumar
 Mr Gregory Levine
 Mr Ian McGrane
 Mr John Murphy
 Mr Peter Power
 Mr Steven Raleigh
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 Mr Ian Von Einem
 Mr Peter White

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 Mr Graeme Horsburgh
 Mr Barry Johnstone
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Magistrates and Koori Court elders meeting with representatives from the Canadian Aboriginal Legal Service in February 2016.

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