



# **MAGISTRATES' COURT OF VICTORIA**

## **ANNUAL REPORT**

**1 JULY 2001 - 30 JUNE 2002**

**The Council of Magistrates**



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# Introduction

Pursuant to the provisions of section 15(3) of the *Magistrates' Court Act* 1989, the Council of Magistrates presents its *Annual Report* on the operation of the Court for the year ending 30 June 2002.

During the year under review, the Magistrates' Court of Victoria continued to process a large volume of cases. In this *Annual Report*, the statistics for all aspects of the Court's varied jurisdiction under the Act are set out and comparisons made with previous years.

In the **Criminal jurisdiction**, there was an increase in the number of criminal prosecutions initiated — up from 95,990 in 2000/01 to 101,043 in 2001/2. In relation to the number of prosecutions finalised, there was an increase from 95,117 in 2000/01 to 96,006 in 2001/02.

In Contest Mention matters there was an increase over the previous year of 553 (or 7.75%) in the number of matters dealt with.

In the **Civil jurisdiction**, there was a decrease in the number of complaints issued — down from 77,429 in 2000/01 to 71,485 in 2001/02.

Whilst the number of defence notices filed decreased, the proportion of notices filed where the claim exceeded \$10,000 increased from 27.7% to 28.4%. The proportion of such claims has increased each year since 1996/97 (by 2,034 or 41.4%).

The number of complaints finalised for an Intervention Order under the *Crimes (Family Violence) Act* 1987 in relation to family violence has remained consistent at approx. 15,000 each year.

However, between 1998/99 and 2001/02 complaints finalised based on allegations of stalking under provisions of the *Crimes Act* 1958 increased by 18%. Such complaints increased by 23.4% in 2001/02 over the previous year and they comprise 25% of the total number of complaints finalised.

During the year under review, the Court continued to develop and refine its *Business Plan, Listing Protocols, Structure and Operations Plan* and the *Building Bridges* initiative.

Two new divisions of the Magistrates' Court were established during the year – the Koori Court and the Drug Court. Details about these developments are set out in the body of this Report.

The C.R.E.D.I.T. program, whereby young persons who are affected by drugs of addiction are invited at an early stage of proceedings to participate in drug rehabilitation programs, was continued during the year under review.

**Budget:** A budget surplus of \$265,687 was achieved in the recurrent budget for 2001/02 financial year which can be attributed to a budget surplus in the C.R.E.D.I.T. program (\$144,274), Bail Advocacy program (\$78,772) and the revenue retention funded Feasibility Study for Court Refurbishment (\$62,942).

# Achievements and Highlights

## Strategic Plan & Annual Action Plan for the Magistrates' Court

These contain the effective plans for the development of the Court. They were refined and updated during the year in order to accommodate the changing needs of the Court.

## Business Plan 2001/02

This Plan declares the Court's Vision and Purpose. It also includes the *Building Bridges* initiative which was introduced to enhance responsiveness and to ensure that there is an increased awareness and understanding of the nature of the Magistrates' Court and how it operates.

## Listing Protocols

This initiative sets out the Court's objectives in relation to the listing of all matters in the Court. The Court is concerned to ensure that delays in the listing and completion of cases are kept to a minimum. The Court also monitors the number of times cases are adjourned to ensure that matters are listed for hearing as soon as possible.

## C.R.E.D.I.T program

This program was introduced by the Court in October 1998 as a major harm minimisation initiative. It is designed primarily for young persons who are addicted to drugs and offers them pre-trial counselling and rehabilitation programs. Since its introduction there has been a significant decrease in reoffending whilst on bail and some offenders have been motivated to extend treatment beyond initial recommendation.

## Parallel Programs and Services

The Court continued to provide a variety of valuable programs during the 2001/02 year. These programs include:

- Disability Co-ordinator
- Community Forensic Mental Health Court Liaison Service
- Juvenile Justice Court Advice Unit
- After Hours Service
- Criminal Justice Diversion Plan
- Aboriginal Liaison Service
- Pre-Hearing Conferences
- Bail Advocacy Service.

## Building Bridges

The Court has been involved in a large number of programs which is part of the Court's way of responding to the needs of a culturally-diverse society. Mr Brian Barrow DCM and other Magistrates have made commendable achievements in making the Magistrates' Court more accessible and understandable to the community.

## Criminal Justice Diversion Plan

Due to the outstanding success of this Plan, which commenced at the Broadmeadows Magistrates' Court in 1997, the Plan was extended in 2001/02 to all major metropolitan Magistrates' Courts.

In the 12 months ending 30 June 2002, 3,456 offenders were placed on a diversion plan and a significant number successfully undertook conditions and completed the plan.



# Chapter 1

## OVERVIEW

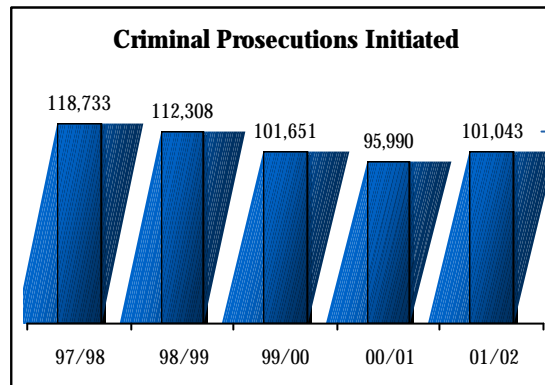
- **Criminal Jurisdiction - *at a glance***
- **Civil Jurisdiction - *at a glance***
- **Establishment**
- **Function & Powers**
- **Organisational Structure**
- **Objectives**
- **Business Plan**
- **Structure and Operation**
- **Listing Protocols**
- **The Koori Court**
- **The Drug Court**
- **Building Bridges Program**
- **C.R.E.D.I.T. program**

# Criminal Jurisdiction

...at a glance

## Criminal Prosecutions Initiated

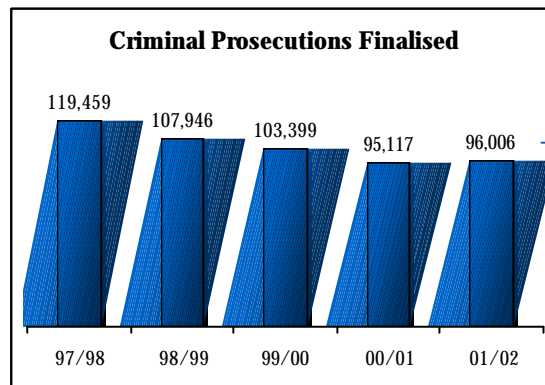
The increase in criminal prosecutions initiated in 2001/02 (5.3%) reversed the trend since 1995/96 of an annual decrease in cases initiated.



- 5.3%

## Criminal Prosecutions Finalised

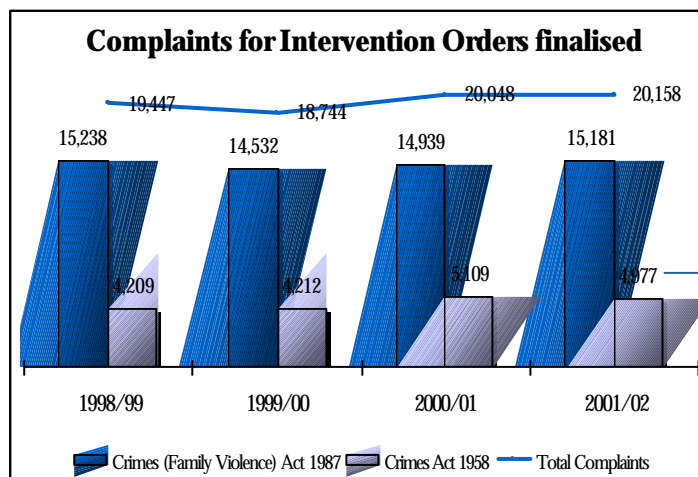
The increase in criminal prosecutions finalised in 2001/02 was 889 or 0.9% compared with the previous year.



- 0.9%

## Intervention Orders

Between 1998/99 and 2001/02, complaints finalised under the stalking provisions of the *Crimes Act 1958* increased by 18%. In the last 2 years, complaints made under the stalking provisions of the *Crimes Act 1958* comprised 25% of the total number of complaints finalised.



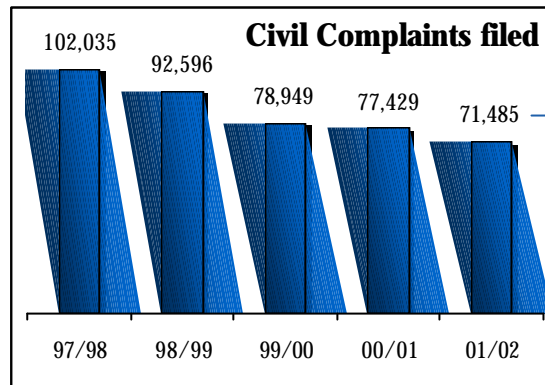
- 18% since 1998/99

# Civil Jurisdiction

## ...at a glance

### Civil Complaints Filed

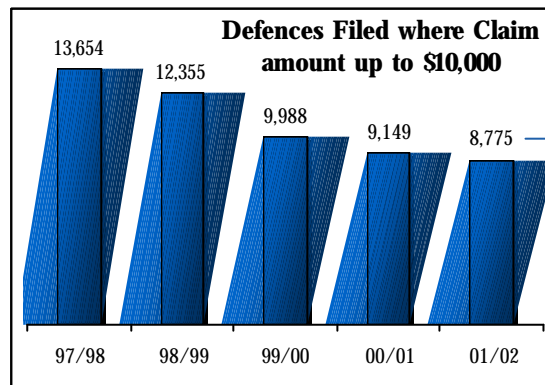
The total number of civil complaints filed in 2001/02 was 71,485 which was a decrease of 5,944 or 7.7% compared with the previous year.



- 7.7%

### Defence Notices Filed (Up to \$10,000)

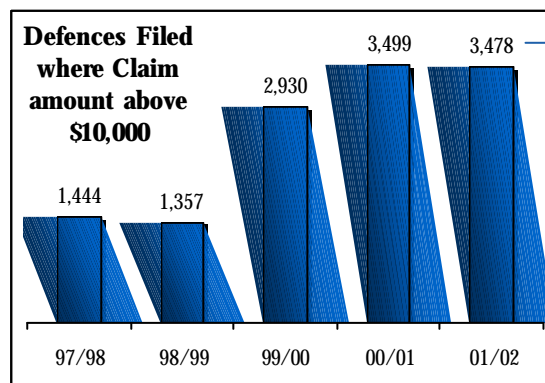
The number of defence notices filed in 2001/02 in relation to claims up to \$10,000 was 395 or 3.1% lower than the previous year.



- 3.1%

### Defence Notices Filed (\$10,000+)

The proportion of defence notices filed where the claim amount was more than \$10,000 increased from 27.7% to 28.4% between 2000/01 and 2001/02. Since 1997/98 such defence notices have increased by 2,034 or 41.5%.



- 41.5% since 1997/98



**Magistrates' Court  
of Victoria**

**T**he Magistrates' Court of Victoria is established under the provisions of the *Magistrates' Court Act 1989* ("Act") and consists of the Magistrates and the Registrars. The Court is constituted by a Magistrate or, where provided by the Act or the Rules of Court, by a Registrar.

Pursuant to section 15 of the Act, a Council of Magistrates is required to meet at least once in each year to—

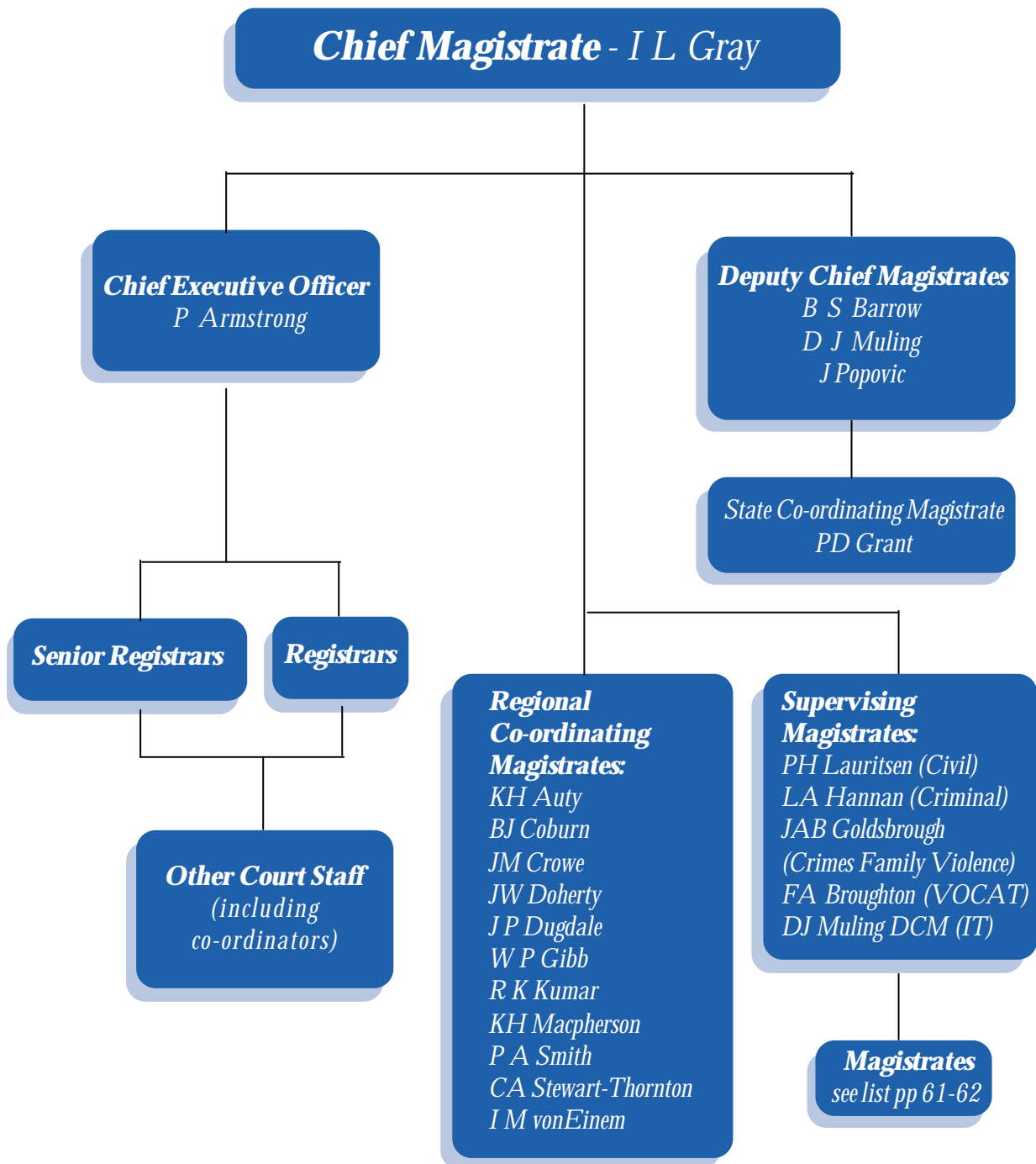
- consider the operation of the Act and the Rules
- consider the working of the offices of the Court and the arrangements relating to the duties of court officials; and
- inquire into and examine any defects which appear to exist in the procedure or administration of the law in the Court.

Pursuant to section 15(3) of the Act, the Magistrates must report annually to the Governor on the operation of the Court.

During the year under review, the Chief Magistrate continued to assign duties and make the necessary arrangements for Magistrates to attend Courts throughout the State of Victoria as required.

# ORGANISATIONAL STRUCTURE

as at 30 June 2002



# The Magistrates' Court of Victoria

## VISION

To lead in the administration of justice by providing a professional, accessible and responsive court system which ensures justice for all in the community which we serve.

## PURPOSE

To provide an efficient, modern and responsive Court of summary jurisdiction with associated statutory functions and jurisdictions focused on prompt resolution of disputes in a manner which is easily understood and accessible by court users and the public generally.

# Business Plan

**D**uring the year under review, the Court continued to develop and refine its **Business Plan** which was introduced in 1997/98 to demonstrate the Court's commitment to increasing efficiency and improvement of the justice system.

The **Business Plan** is designed to increase efficiencies and provide the highest degree of responsiveness to the needs of the community by—

- building on the traditions and structures of the Court developed over the last 150 years
- reviewing outdated practices
- introducing new practices.

The emphasis is focused on the ever-changing needs of the community which the Court serves.

Particular **targets** are:

- standardization of procedures whilst at the same time maintaining the independence of the judiciary
- identifying and responding to particular needs in the community
- building bridges between the Court, other Courts, government Court users, community groups and the public generally
- increasing co-operation with the legal and medical professions to ensure just outcomes which meet the needs of the litigants.

The Magistrates' Court **values**:

- Independence of the Judiciary
- A Court for the People
- Prompt Resolution of Disputes
- Proactive Utilisation of Systems and Technology
- Fostering Staff Development and Encouragement of Initiative.

## Structure and Operation - Listing Protocols

The structural plan for the role and direction of the Magistrates' Court — ***Structure and Operation of the Magistrates' Court*** — was reviewed and is under continuing review.

*Structure and Operations* declares that the Chief Magistrate is the Head of the Magistrates' Court and its Senior Judicial Officer. The Chief Magistrate's areas of responsibility include:

- Assignment of Duties for Magistrates
- Budget expenditure in consultation with the Chief Executive Officer
- Calling and chairing Meetings of the Council of Magistrates
- Making Rules of Court in consultation with the Deputy Chief Magistrates
- Issuing Practice Directions
- Performance of Statutory functions.

*Structure and Operations* sets out the proposed direction of the Magistrates' Court and specifies the various roles of the Deputy Chief Magistrates and the Supervising Magistrates.

The locations and boundaries of the various Regions are dealt with in detail together with the allocations of Regional Co-ordinating Magistrates and Magistrates to Regions.

In relation to Administration, the positions of Chief Executive Officer, Senior Registrars and Registrars are defined and an Organisational Chart sets out the structural hierarchy of the Court.

The *Listing Protocols* for the Magistrates' Court were refined and updated during the year under review.

The Objects of the *Listing Protocols* are to:

- List cases within acceptable timeframes
- Standardise co-ordination procedures state wide
- Establish best practice co-ordination
- Encourage co-operation between the Courts
- Set out chain-of-command for co-ordination
- Eliminate existing differences in co-ordination procedures.

The *Listing Protocols* set out the caseflow management listing requirements such as the listing of first Mention cases within four weeks of initiation and another eight weeks for hearing and determination.

The standard procedure for Sitting Times provides that the Court will commence at 10:00am and 2:00pm. Sittings will conclude at 4:00pm; however, there will be occasions where the sittings may extend in order to complete the giving of evidence or to finalise a case. The types of matters for particular listing times are set out and the manner in which cases are booked in for hearing is explained in detail.

The *Listing Protocols* will be amended and adjusted in future as required to ensure that the Court remains responsive to the needs of the litigants and the community.

## The Koori Court

The *Magistrates' Court (Koori Court) Act* 2002 was assented to on 12 June 2002.

The purposes of the Act are—

- (a) to establish a Koori Court Division of the Magistrates' Court; and
- (b) to provide for the jurisdiction and procedure of that Division—  
with the objective of ensuring greater participation of the Aboriginal community in the sentencing process of the Magistrates' Court through the role to be played in that process by the Aboriginal elder or respected person and others.

The Koori Court Division only has jurisdiction to deal with a proceeding for an offence (other than an offence constituted by a breach of a sentencing order made by it) if—

- (a) the defendant is Aboriginal; and
- (b) the offence is within the jurisdiction of the Magistrates' Court, other than—
  - (i) a sexual offence as defined in section 6B(1) of the *Sentencing Act* 1991; or
  - (ii) an offence against section 22 of the *Crimes (Family Violence) Act* 1987 (breach of intervention order or interim intervention order) or an offence arising out of the same conduct as that out of which the offence against section 22 arose; and
- (c) the defendant—
  - (i) intends to plead guilty to the offence; or
  - (ii) pleads guilty to the offence; or
  - (iii) intends to consent to the adjournment of the proceeding to enable him or her to participate in a diversion program; and
- (d) the defendant consents to the proceeding being dealt with by the Koori Court.

Establishment of the Koori Court is a commitment of the Victorian Government made in the Aboriginal Justice Agreement of May 2000.

When the Koori Court Division is considering which sentencing order to make in respect of a defendant it may consider any oral statement made to it by an Aboriginal elder or respected person.

The Koori Court may inform itself in any way it thinks fit, including by considering a report prepared by, or a statement or submission prepared or made to it by, or evidence given to it by—

- (a) a Koori Court officer employed as an Aboriginal justice worker; or
- (b) a community corrections officer appointed under Part 4 of the *Corrections Act* 1986; or
- (c) a health service provider; or
- (d) a victim of the offence; or
- (e) a family member of the defendant; or
- (f) anyone else whom the Koori Court Division considers appropriate.

The imposition of 'culturally sensitive' sentences will be achieved through the involvement of an Aboriginal Elder who will act as an adviser to the presiding Magistrate. The Elder will seek to enhance the Magistrate's knowledge in relation to culturally significant factors which may affect the type of sentencing order imposed or the conditions attached to the order.

Pilot Courts are to be established at Shepparton and Broadmeadows.

## The Drug Court

The *Sentencing (Amendment) Act 2002* which was assented to on 26 March 2002, established a Drug Court as a division of the Magistrates' Court.

The Drug Court Pilot Project commenced in April 2002 at the Dandenong Magistrates' Court and is seen as a new approach to dealing with offenders in an attempt to reduce drug-related crime by addressing its underlying causes.

The Court supervises offenders on intensive treatment programs and has power to imprison those who fail to comply with conditions imposed by the Court.

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

The Drug Court magistrate heads a team including a clinician, case manager, legal representative and a police prosecutor. The team develops a case management plan for each offender tailored to the needs of the individual and aimed at breaking the offender's drug dependency.

Offenders accepted into the Drug Court program are placed on a Drug Treatment Order whereby the magistrate sentences the offender to a term of imprisonment and also imposes a supervision order. The term of imprisonment will not be served provided the offender complies with the supervision order. Such an order contains strict conditions and failure to comply can lead to the imposition of a term of imprisonment.

The particular purposes of a drug treatment order imposed by the Drug Court are—

- (a) to facilitate the rehabilitation of the offender by providing a judicially-supervised, therapeutically-oriented, integrated drug or alcohol treatment and supervision regime;
- (b) to take account of an offender's drug or alcohol dependency;
- (c) to reduce the level of criminal activity associated with drug or alcohol dependency;
- (d) to reduce the offender's health risks associated with drug or alcohol dependency.

The Drug Court may make a drug treatment order if—

(a) an offender pleads guilty to an offence that is within the jurisdiction of the Magistrates' Court and punishable on conviction by imprisonment, other than—

- (i) a sexual offence as defined in section 6B(1); or
- (ii) subject to sub-section (5), an offence involving the infliction of actual bodily harm; and

(b) the Drug Court convicts the offender of the offence; and

(c) the Drug Court is satisfied on the balance of probabilities that—

- (i) the offender is dependent on drugs or alcohol; and
- (ii) the offender's dependency contributed to the commission of the offence; and

(d) the Drug Court considers that—

- (i) a sentence of imprisonment would otherwise be appropriate; and
- (ii) it would not have ordered that the sentence be served by way of intensive correction in the community nor would it have suspended the sentence in whole or part; and

(e) the Drug Court has received a drug treatment order assessment report on the offender.

## Building Bridges Program

**A**s a result of the introduction of the **Building Bridges** program, the Magistrates' Court has developed and participated in a number of initiatives designed to improve the Court's responsiveness to the community.

**Building Bridges** is designed to bridge gaps of understanding and communication between the Court, other Courts, the Government, court users and the public generally.

The Court is determined to enhance responsiveness and ensure that there is an increased awareness and understanding of the nature of the Court and how it operates.

### A Representative Sample of Initiatives during 2001/02

*August 2001:*

#### **Aboriginal Bail Justice Course**

The Magistrates' Court was involved in the active recruitment and training of Aboriginal people to become Bail Justices in accordance with the Victorian Aboriginal Justice Agreement.

This Agreement is a joint initiative developed by the Department of Justice, the Department of Human Services, the Aboriginal and Torres Strait Islander Commission and the Victorian Aboriginal Justice Advisory Committee. To ensure maximum indigenous participation within the justice system, the appointment of Indigenous Bail Justices has been identified as a key priority within the Aboriginal Justice Agreement.

*August 2001:*

(a) The Attorney-General, Mr Rob Hulls MP announced that a Drug Court trial would commence early in 2002 and that up to three different locations could operate within the pilot program of the Drug Court.

#### **(b) Kick Start Program**

This Program is an initiative of the Magistrates' Court, Victoria Police and the Collingwood Football Club. The aim of the program is to give disadvantaged children, particularly those in country areas, the opportunity to attend a major sporting event at the Melbourne Cricket Ground.

One thousand children were bussed to the MCG from areas such as Omeo, Orbost, Bairnsdale, Wonthaggi, Cowes, Rosebud and Hastings. Upon arrival at the ground, the children were given a show bag and were met by Mr Brian Barrow DCM, local magistrates, the Chief Commissioner of Police and local police officers. It is hoped that 20,000 children will take part in the program over the next five years.

*September 2001:*

#### **The Frossarbo Horse Project**

(a) Mr Brian Barrow DCM has been involved in discussions with the Department of Human Services in relation to the introduction of the Frossarbo Horse Project.

This is a program which originated in Sweden and is aimed at young women who are at risk of committing crimes or endangering their lives.

*[Continued next page]*

## Building Bridges (Cont'd)

### **The Frossarbo Horse Project (cont'd)**

The project is an alternative to custodial sentencing with the primary focus on rehabilitation and treatment through using horses as a form of engagement.

### **Indigenous Garden Project**

(b) Mr Brian Barrow DCM has been involved in this new initiative which was conceived and developed at the Parkville Youth Residential Centre. It has been recognised that the levels of incarceration of indigenous children and young persons is a systemic problem.

The Indigenous Garden project seeks to build effective links with Indigenous communities and create a more culturally sensitive custodial environment for this over-represented group. It also seeks to provide a cultural resource for all children and young persons and the wider community.

*October 2001:*

### **On-Side Soccer project**

(a) Mr Brian Barrow DCM attended the inaugural meeting of the On-Side Soccer initiative at the Melbourne Magistrates' Court. The aim of this project is to create opportunities for culturally isolated or socially disadvantaged young people through involvement in soccer and it focusses on culturally and linguistically diverse young people from new arrival and refugee communities.

Emphasis will be placed on school holiday programs, coaching clinics, the organisation of events and games and the establishment of new teams.

(b) The Magistrates' Court was involved in the establishment of regional Australia's first youth resource centre in Bendigo. This project has been developed to integrate youth information and a resource facility and has been funded by the State Government.

*January 2002:*

Mr Brian Barrow DCM met with Melbourne CityMission, Wise Employment and Victoria University Institute for Youth, Education and Community to implement a program to develop survival kits for young women.

*February 2002:*

(a) The Chief Magistrate Mr Ian Gray attended the launch of the On-Side Soccer project.

(b) Mr Brian Barrow DCM launched an information session at Ballarat for the Mental Health Legal Centre Inc on "Justice for People with Mental Illness".

*March 2002*

### **Risky Business Program**

(a) This is a three-year program developed by the Magistrates' Court and the University of Melbourne School of Creative Arts to investigate whether the involvement of 'at risk' teenagers in creative arts activities can act as effective diversions from harmful risk-taking behaviour.

The overall aim of this project is to demonstrate that creative expression and the arts are ideally suited to providing the means for positive intervention and rehabilitation of young people at risk.

*[Continued next page]*

## Building Bridges (Cont'd)

### **Survival Guide**

(b) The Survival Guide project is a training and employment project targeting young women and young single mothers from the Horn of Africa communities, particularly young Sudanese women. The project aims to provide full-time training, employment and personal development and is based on the successful Survival Kit program concept developed by the Melbourne CityMission.

### **BIG hART Program**

(c) This Program is an innovative community arts project and is designed to re-engage young people with their communities. During 2001-2002 the program has been piloted in Melbourne and regional Victoria.

### **J Division project**

(d) Mr Brian Barrow DCM is a member of a Working Group established to consider the possibility of developing the former 'J Division' of Pentridge Gaol as supported accommodation for homeless young men and women and families in crisis.

### **Straight Talk program**

(e) This program is focussed on crime prevention and involves current inmates of Correctional Institutions using a video presentation from arrest to incarceration as a catalyst for open discussion with Secondary School students and groups of 'at risk' young men and women.

The program is based on a concept of education through credibility. The message from the prisoners is accepted for what it is: a sharing of life experiences rather than a lecture from an authority figure.

*April 2002:*

### **Moonee Ponds Magistrates' Court**

(a) On 26 April 2002, the Attorney-General, Mr Rob Hulls MP launched the report of a working party which examined how the Moonee Ponds Magistrates' Court might be put to alternative community use.

The Attorney-General said that Court premises are valuable community facilities and he is keen to look at practical ways of maximising their use by making them available for use by community groups where this can be done without compromising court operations.

Expressions of interest from bodies who are interested in making use of this facility include:

- People Who Live with Pain
- Driver Education Programs
- ISIS Primary Care (Gamblers' Help)
- Council of Adult Education
- Neighbourhood Watch
- Transgender Victoria.

### **Drug Court Pilot Project**

(b) This Court which was established at Dandenong Magistrates' Court is a division of the Magistrates' Court and is responsible for the sentencing and supervision of offenders who have committed offences whilst under the influence of drugs or to support a drug habit.

The Drug Court magistrate heads a team including a clinician, case manager, legal aid solicitor and police prosecutor. For further details about the Drug Court, see page 16 of this Report.

## C.R.E.D.I.T. program

In 1998, the Magistrates' Court of Victoria identified a need to address the escalation of offending due to substance abuse. Of considerable concern to the Magistrates was the fact that in most instances, substance-abusing defendants were released on bail without anything in place to address their substance abuse. Many of these offenders continued to offend whilst on bail. As a result, the *Court Referral & Evaluation for Drug Intervention & Treatment Program* was introduced.

The aims of the Program are to:

- Provide treatment upon an offender's arrest.
- Implement drug treatment by way of bail conditions pending disposition of the case.
- Develop a commitment on the part of the alleged offender to rehabilitation by capitalising on the immediacy of the arrest, and confrontation with the impact of the alleged offending at the time of arrest.
- Divert substance-abusing offenders from prison
- Reduce the risk of further offending.
- Minimise harm to both the offender & community by addressing the issues related to substance abuse.

The Program is aimed at defendants arrested for non-violent offences and who:

- have a demonstrable drug problem.
- are at risk of re-offending whilst on bail.
- are at risk of harming themselves or others.
- would normally be released on bail.
- are suitable for drug treatment.

Suitable defendants are bailed to the next court sitting day when they are assessed by a court-based drug clinician who identifies and arranges appropriate treatment. The defendant is then bailed with conditions that he/she comply with the requirements of the C.R.E.D.I.T. Program.

Since the program commenced, the following trends have emerged:

- Significant decrease in reoffending whilst on bail.
- Some offenders are motivated to increase the level of treatment from counselling to withdrawal as their treatment progresses on the program.
- Motivation by some offenders to extend treatment beyond initial recommendation.
- Offenders who are placed on Community Based dispositions have a proven record in treatment. Their orders are of a shorter duration and they are able to continue the treatment regime.
- Issues other than substance abuse are being addressed— such as family reunification.
- Several defendants have decreased their substance abuse whereby they can rejoin the work force.
- Participants have reported a positive interaction with the criminal justice system.
- Links have been forged with specific communities such as the Irab-Chinese community, as the program becomes known within the communities as effective and culturally appropriate. Vietnamese participants and their families have expressed a sense of empowerment with the assistance provided under the program.

C.R.E.D.I.T. has been available at Melbourne Magistrates' Court since 1998, and Sunshine and Dandenong Courts since 2000. During the period of this Report, the program has commenced at Moe, Geelong and Ringwood Courts. It is anticipated that the program will be commenced at Frankston, Heidelberg and Bendigo in the next 12 months.

In rural areas where C.R.E.D.I.T. is not yet available, Courts now have access to assistance for drug and alcohol dependent defendants through a program initiated by the Department of Human Services early in 2002. The program is known by the acronym RODW (Rural Outreach Diversion Workers) and is accessed through the Community Offenders Advice and Treatment Agency (COATS).

## Chapter 2

# OPERATIONAL REPORT

- **Courts & Tribunal**
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- **Intervention Orders**
- **Applications**

## Courts & Tribunal

### The Magistrates' Court

The Magistrates' Court which is established under section 4 of the Magistrates' Court Act 1989, comprises 96 Magistrates, 8 Acting Magistrates, 350 Registrars and support staff as at 30 June 2002. The Magistrates' Court sits at various locations in the metropolitan and country areas.

### Chief Executive Officer, Senior Registrars and Registrars

The Council of Magistrates wishes to record its appreciation of the work carried out by the Chief Executive Officer, Mr Patrick Armstrong. The duties undertaken by Mr Armstrong are diverse and demanding and he has been outstanding in his administration of the Court and the way in which he has managed and supervised the Court's budget and finances.

The Court cannot carry out its functions without the assistance of the Senior Registrars and Registrars. The Council of Magistrates notes with much satisfaction the commendable capabilities of the staff and wishes to thank them sincerely for the valued assistance they have rendered to the Court.

### The Coroner's Court

Four magistrates namely, the State Coroner Mr Graeme Johnstone, Deputy State Coroner Mr Iain West and Magistrates Ms Jacinta Heffey and Ms Noreen Toohey performed coronial duties at the State Coronial Services Centre at Southbank. In addition, magistrates in country areas regularly carried out coronial duties during the year.

### The Children's Court

The Children and Young Persons (Appointment of President) Act 2000 was assented to by the Governor on 6 June 2000.

This Act provides for the appointment of a President of the Children's Court who must be a County Court Judge and transfers to the President the powers previously exercised by the Chief Magistrate.

Details concerning the Children's Court will be contained in the *Annual Report* of the President which is now provided for in the amending legislation.

### Victims of Crime Assistance Tribunal

Pursuant to the provisions of the *Victims of Crime Assistance Act* 1996 which came into operation on 1 July 1997, a Victims of Crime Assistance Tribunal (VOCAT) was established to replace the Crimes Compensation Tribunal.

All magistrates have been appointed members of VOCAT.

VOCAT compiles its own *Annual Report*. For details of the proceedings before the Tribunal, amounts of awards made and the number of applications dealt with, reference should be made to VOCAT'S *Annual Report* 2001/02.

## Jurisdiction of the Magistrates' Court

The Magistrates' Court of Victoria exercises a varied, substantial and extensive jurisdiction including the following:

- Criminal Jurisdiction
- Civil Jurisdiction/Pre-Hearing Conferences
- Family Law
- Crimes Family Violence
- WorkCover

### The Criminal Jurisdiction

The Magistrates' Court's criminal jurisdiction derives from various State and Federal Acts including the *Magistrates' Court Act 1989*, the *Crimes Act 1914 (Cth)* and the *Judiciary Act 1903 (Cth)*.

The Court has jurisdiction to determine summarily a wide range of indictable offences. For example, s53(1) of the Act gives power to the Court to hear offences such as:

- Causing injury intentionally or recklessly
- Conduct endangering persons
- Indecent assault
- Robbery/Theft
- Burglary/aggravated burglary
- Obtaining property by deception
- Destroying or damaging property.

The Court has jurisdiction to hear and determine certain offences where the amount or value of the property alleged to have been stolen, destroyed or damaged does not exceed \$25,000. Where the Court does not have jurisdiction to deal with charges summarily, the Court conducts committal proceedings to determine whether the accused should be committed to stand trial in the County Court or Supreme Court.

### The Civil Jurisdiction

The Civil jurisdiction of the Court is provided for in Part 5 of the Act and comprises a General Division and an Arbitration Division. As from 1 April 1997 the Court's civil jurisdiction was increased to hear and determine claims up to \$40,000 including claims for damages for personal injury.

The Court also has jurisdiction to hear claims for equitable relief such as applications for Injunctions, or for the return of property or to prevent disposal or dissipation of assets.

A large number of applications are heard by the Court including applications to set aside and rehear, applications for summary judgment, for further and better particulars of claim or defence, garnishee orders and *Judgment Debt Recovery Act* matters.

The cases dealt with range from debt cases to building disputes, vehicle property damage, defamation, breach of contract and matters arising under the *Fair Trading Act* and the *Trade Practices Act*.

### Family Law Jurisdiction

The Court has jurisdiction to deal with matters under the *Family Law Act 1975* and the *Crimes (Family Violence) Act 1987*.

### WorkCover Jurisdiction

The Court deals with a number of proceedings under the *Accident Compensation Act 1985* (as amended). The Court's jurisdiction in WorkCover matters extends to claims up to \$40,000.

## Parallel Programs & Services

The Magistrates' Court provides a number of important Programs including the following:

- After Hours Service
- Disability Service Co-ordinator
- Community Forensic Mental Health Court Liaison Service
- Juvenile Justice Court Advice Unit
- Aboriginal Liaison Service
- Criminal Justice Diversion Plan
- Bail Advocacy Service
- Audio/Visual Linking
- Pre-Hearing Conferences.

### After Hours Service

This Program makes available between the hours of 5:00pm and 9:00am the services of a Magistrate and a Registrar. The duty magistrate issues search warrants, warrants to arrest and urgent interim intervention orders under the provisions of the *Crimes (Family Violence) Act 1987*. This program is co-ordinated by the Registrar Mr Barry Bolton.

### Disability Co-ordinator

Ms Anne Condon was appointed the Disability Co-ordinator in July 1997. This program was initiated in response to the increasing number of persons with a disability entering the Criminal Justice system.

### Community Forensic Mental Health Court Liaison Service

Four experienced Registered Psychiatric nurses provide an essential service to the Magistrates' Court in identifying and assessing persons attending Court who may require psychiatric intervention.

### Juvenile Justice Court Advice Unit

Mr Stephen Riordan was appointed in January 1998 to provide advice to the Court about young persons charged with the commission of offences.

Where Courts are considering the making of Youth Detention Orders, Mr Riordan provides the Courts with suitability assessments.

### Aboriginal Liaison Service

Mr Craig Taylor was appointed as the Aboriginal Liaison Officer to the Magistrates' Court on 15 April 2002.

### Criminal Justice Diversion Plan

This scheme commenced at the Broadmeadows Magistrates' Court in January 1997 and at the Mildura Court in February 1998.

The scheme is designed to divert minor offenders from the trial process.

The scheme was extended to all major metropolitan courts in 2001/2.

### Pre-Hearing Conferences

The Court makes available to parties in civil proceedings the services of Registrars to conduct Pre-Hearing Conferences.

These Conferences provide an ideal opportunity for the issues in dispute to be identified and clarified and to promote settlement.

# The Criminal Jurisdiction

During the year under review, the Court dealt with a vast number of matters ranging from serious charges under the *Crimes Act 1958* such as burglary and causing injury intentionally or recklessly to charges laid under the *Road Safety Act 1986* and the *Regulations* such as drink-driving, dangerous and careless driving and failing to stop after an accident.

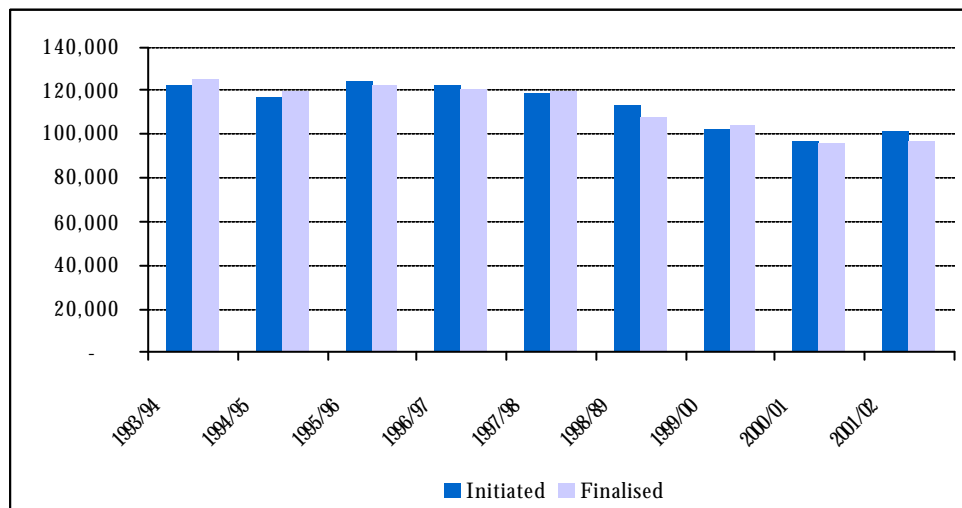
The Court also heard and determined a considerable number of offences under the *Summary Offences Act 1966* such as wilful damage, offensive behaviour, unlawful assault and resisting arrest.

Where the Court does not have jurisdiction to hear and determine any offences summarily, committal proceedings are conducted to decide whether the accused persons should be committed for trial at the County Court or Supreme Court.

During the year, the Court committed 2,299 persons for trial at the County Court or Supreme Court.

The Table below sets out the Court's workload in relation to criminal matters in the criminal jurisdiction in the past nine years.

**Magistrates' Court, Victoria  
Criminal Cases Initiated and Finalised — 1993/94 - 2001/02**



	'93/94	'94/95	'95/96	'96/97	'97/98	'98/99	'99/00	'00/01	'01/02
<b>Initiated</b>	121,433	117,092	124,452	121,656	118,733	112,308	101,651	95,990	101,043
<b>Finalised</b>	124,923	119,182	121,610	120,428	119,459	107,946	103,399	95,117	96,006
<b>Clearance rate %</b>	102.9	101.8	97.7	99.0	100.6	96.1	101.7	99.1	95.0

[Note: Excludes PERIN revocations]

## Cases Initiated and Finalised

Cases for hearing and determination in the criminal jurisdiction are initiated by members of the Victoria Police, the Federal Police and other prosecuting authorities. For the year under review, the total number of criminal prosecutions initiated was 101,043 compared with 95,990 in the previous year. This figure represents an increase of 5,053 (or 5.3%) over the previous year. This increase reverses the trend since 1995/96 of an annual decrease in cases initiated.

In 2001/02 there were 96,006 criminal prosecutions finalised compared with 95,117 in the previous year. This is an increase of 889 or 0.9%.

Of the criminal prosecutions finalised in 2001/02, approximately 69% (or 66,095) were finalised at a metropolitan court location and 31% (or 29,971) finalised at other locations. Almost 25% of criminal prosecutions were finalised at the Melbourne Magistrates' Court.

### Cases Initiated & Finalised 2001/02 by Court Region\*

Region	Initiated	Finalised	Pending at 30/6/02	** Clearance Rate %	Workload Distribution %
Ballarat	7,030	6,640	1,121	94.5	6.92
Bendigo	7,470	6,992	1,353	93.6	7.28
Broadmeadows	7,216	7,343	1,180	101.8	7.65
Dandenong	8,651	8,221	1,909	95.0	8.56
Frankston	7,518	7,064	1,543	94.0	7.36
Geelong	4,379	4,314	691	98.5	4.49
Heidelberg	7,113	6,639	1,949	93.3	6.92
Melbourne	23,069	22,340	6,295	96.8	23.27
Moe	6,623	6,078	1,506	91.8	6.33
Ringwood	7,352	6,941	1,751	94.4	7.23
Shepparton	6,502	5,881	1,284	90.4	6.13
Sunshine	8,120	7,547	2,021	92.9	7.86
Other	-	6	-		
<b>TOTAL Statewide</b>	<b>101,043</b>	<b>96,006</b>	<b>22,603</b>	<b>95.0</b>	<b>100.0</b>

\*Court Regions are as follows: **Ballarat** (Ararat, Ballarat, Casterton, Edenhope, Hamilton, Hopetoun, Horsham, Maryborough, Nhill, Portland, St Arnaud, Stawell and Warrnambool); **Bendigo** (Bendigo, Castlemaine, Echuca, Kerang, Kyneton, Ouyen, Mildura, Robinvale and Swan Hill); **Broadmeadows** (Broadmeadows); **Dandenong** (Dandenong); **Frankston** (Dromana and Frankston); **Geelong** (Colac and Geelong); **Heidelberg** (Heidelberg and Preston); **Moe** (Bairnsdale, Korumburra, Moe, Omeo, Orbost, Sale and Wonthaggi); **Ringwood** (Ringwood); **Shepparton** (Benalla, Corryong, Mansfield, Myrtleford, Shepparton, Seymour, Wangaratta and Wodonga); **Sunshine** (Bacchus Marsh, Sunshine and Werribee).

\*\*Clearance rate means the ratio of the number of prosecutions finalised in a given period to the number of prosecutions commenced in that period.

## Cases Finalised

The number of criminal prosecutions finalised when finalised in 2001/02 was 96,006. The Table below shows a count of the number of cases finalised by the hearing booking at the time the case was finalised. The greatest percentage of cases finalised occurred at the Mention hearing (71.7%).

**Criminal Prosecutions finalised by Hearing Booking 2001/02**

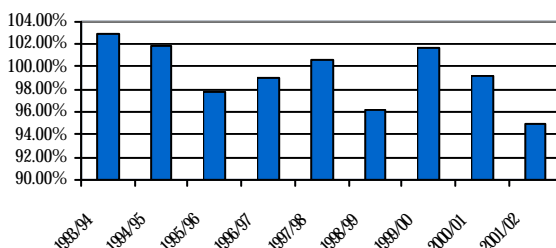
Hearing booking *	Number	Distribution %
Mention	68,831	71.7
Contest Mention	7,130	7.4
Ex Parte	5,571	5.8
Contested Hearing	8,890	9.3
Other	3,384	3.5
Committal Hearing	926	1.0
Committal Mention	1,177	1.2
Filing Hearing	97	0.1
<b>TOTAL</b>	<b>96,006</b>	<b>100.0</b>

\*Excludes PERIN revocations

## Clearance Rate

The Table below shows the clearance rate of criminal prosecutions in the Magistrates' Court between 1993/4 and 2001/02. Clearance rate is the ratio of the number of prosecutions finalised in a given period to the number of prosecutions commenced in that period.

**Criminal Prosecutions Clearance Rate 1993/94 - 2001/02**



## Contest Mention

Criminal prosecutions which are to be defended in the Magistrates' Court are first listed before the **Contest Mention court**

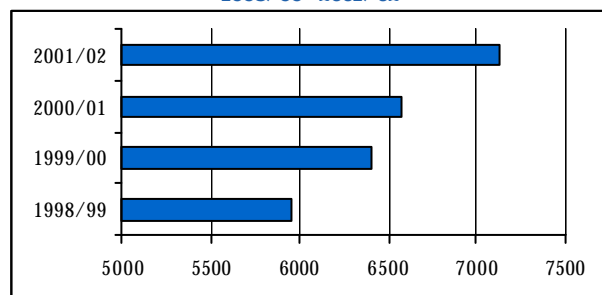
When a matter comes on for hearing in the Contest Mention Court, an opportunity is provided for:

- The issues in dispute to be defined or clarified
- The exchange of witnesses' statements and inspection of proposed exhibits
- The defendant to consider a plea at an early stage of the proceeding
- Ensuring as far as possible that the matter will proceed on the date allocated by the Court.

The Contest Mention system now operates throughout Victoria and has realised significant savings in financial terms, court time and court resources.

During the year, a total of 7,130 matters were finalised at Contest Mention compared with 6,577 in the previous year. This is an increase of 553 cases (or 7.75%). The graph below shows that there has been a steady increase in the number of matters finalised at Contest Mention in the past few years.

**Contest Mention Court - Prosecutions Finalised 1998/99 - 2001/02**



## Cases Finalised

### Mention Hearings

There has been a decrease in the number of cases finalised at a Mention Hearing. This decrease is probably related to the decline in the total number of cases initiated. Between 1994/5 and 2001/02 the number of cases finalised at a mention hearing decreased by 16,196 cases (or 19.0%).

Cases finalised at Mention Hearing 1994/5 - 2001/02

Year	Finalised at Mention Hearing	% of Total at Mention Hearing
1994/95	85,027	71.1
1995/96	88,964	73.1
1996/97	89,988	74.7
1997/98	88,804	74.3
1998/99	81,536	73.0
1999/00	78,446	75.8
2000/01	70,833	74.5
<b>2001/02</b>	<b>68,831</b>	<b>71.7</b>

### Ex Parte Hearings

A small increase in the number of cases finalised at an *ex parte* hearing (that is, where the defendant does not appear) has been noted for the 12 months ending 30 June 2002.

Between 1994/5 and 2001/02 the number of cases finalised at an *ex parte* hearing decreased by 929 cases (or 14.3%). See Table opposite above.

Cases finalised at *Ex parte* Hearing 1994/5 - 2001/02

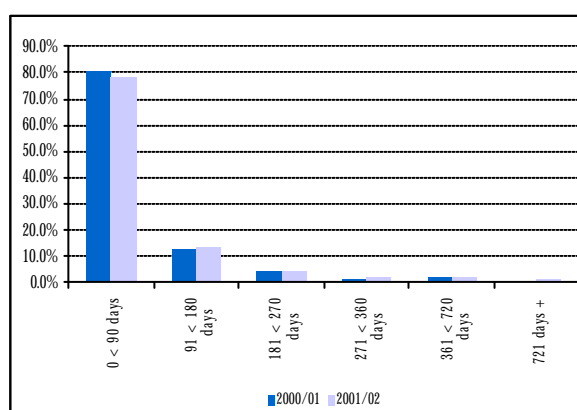
Year	Finalised at <i>Ex parte</i> Hearing	% of total at <i>Ex parte</i> Hearing
1994/95	6,500	5.44
1995/96	9,306	7.64
1996/97	8,425	7.00
1997/98	7,587	6.35
1998/99	6,334	5.67
1999/00	5,777	5.58
2000/01	5,521	5.80
<b>2001/02</b>	<b>5,571</b>	<b>5.80</b>

### Case Processing Times

During the year under review, 78% of criminal prosecutions were finalised within 90 days of the defendant's appearance at Court, while 97% were finalised within 12 months of the defendant's first appearance at Court.

Case processing times are affected by a number of factors, including participation in programs such as the Criminal Justice Diversion Scheme and the C.R.E.D.I.T. program. These programs impact on case processing times in varying ways and at different stages in the process.

Case processing times 2000/01 - 2001/02



## Committal Proceedings

The Court continued to conduct committal proceedings and committal mentions during the year under review. Where charges are laid which the Court has no jurisdiction to hear and determine summarily, they proceed through the Committal Mention Court and then to committal proceedings.

In the twelve months ending 30 June 2002, 2,796 cases were finalised in the committal stream in the Magistrates' Court compared with 2,736 in the previous year.

The number of defendants finalised in the 'committal stream' comprised less than 3% of the total number of defendants finalised in the Magistrates' Court. 'Committal stream' means the number of defendants committed to a higher court or dealt with summarily at the committal mention, committal hearing or filing hearing.

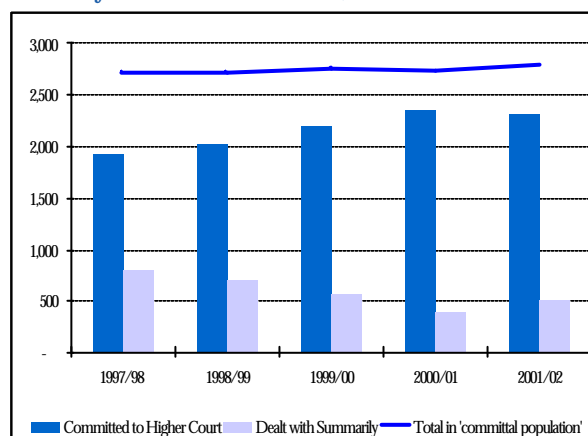
Whilst the number of defendants in the committal population has remained steady each year since 1997/98, the number of defendants committed to a higher court increased by 19.9%. There was a decrease in the number of defendants in this population dealt with summarily in the Magistrates' Court.

Although the number of defendants committed to a higher court increased between 1997/98 and 2001/02, the proportion of defendants who reserved their plea increased from 22.6% to 33.9%. In addition, the proportion of defendants who were committed to a higher court from committal mention increased from 43% to 53.6%.

Cases finalised at Committal hearing/  
mention/filing mention  
1997/98 - 2001/02

Year	Dealt with Summarily	Committed to higher Court	TOTAL
1997/98	799	1,917	2,716
1998/99	692	2,023	2,715
1999/00	565	2,191	2,756
2000/01	380	2,356	2,736
2001/02	497	2,299	2,796

Number of defendants finalised in committal stream,  
by method of finalisation, 1997/98 - 2001/02



## Pending Cases

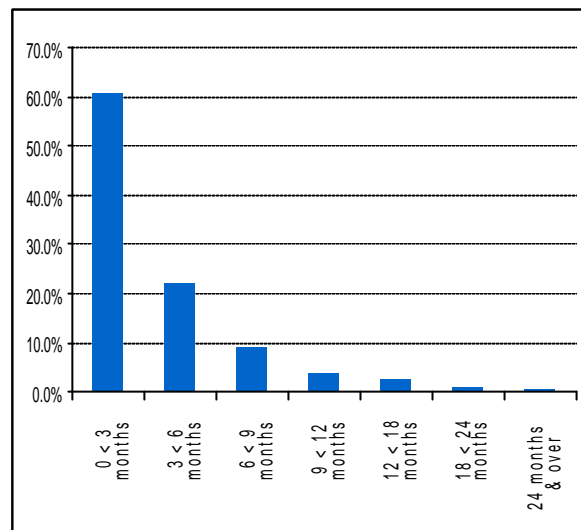
A case is pending if at the end of the reporting period it has not been finalised. For this Report, the time spent pending is the elapsed time between the date of initiation (date the case details were entered into Courtlink for the first time) and the 30 June 2002.

There were 24,163 criminal prosecutions pending (ie, waiting to be determined) at the end of 2001/02. Of the cases that were pending, 61% had been pending for less than 3 months, while 83% had been pending for less than 6 months.

**Number of criminal cases pending on 30 June 2002  
by age of pending**

Elapsed time	Number	Distribution %
0 < 3mths	14,694	60.9
3 < 6mths	5,294	21.9
6 < 9mths	2,186	9.1
9 < 12mths	947	3.9
12 < 18mths	636	2.6
18 < 24mths	220	0.9
24mths +	166	0.7
<b>TOTAL</b>	<b>24,143</b>	<b>100.0</b>

**Number of criminal prosecutions\*  
pending at 30 June 2002  
by age of pending**



\*Includes PERIN revocations

## Most Common Charges Finalised

In 2001/02, of the 303,463 cases finalised, the offence of Theft was the most common charge with 42,076 such charges being finalised. This represents 13.9% of all cases finalised.

The second most common charge finalised was Obtaining property by deception (17,645 charges or 5.8% of total charges finalised).

The Court finalised 20,572 charges of drink-driving, and also dealt with 11,557 charges of persons being drunk in a public place.

The Table opposite shows the 25 most common charges finalised in the Magistrates' Court in the 2001/02 year. A large number of charges were 'struck out'. Where a charge is laid as an alternative to another charge, such a charge is often withdrawn by the Prosecuting Authority and marked 'struck out' by the Court. For example, where a person is apprehended for a drink-driving offence, charges under s49(1)(b) and s49(1)(f) of the *Road Safety Act 1986* are frequently laid. However, the Prosecuting Authority usually elects to proceed on one of the charges and withdraws the other.

The total of the 25 most common offences finalised is 201,451 or (66.4%). Remaining charges dealt with by the Court totalled 102,012 (or 33.6%).

Charge	No. Finalised	Distribution %	No. Struck out	% Struck out
Theft	42,076	13.9	5,571	13.2
Obt prop by deception	17,645	5.8	2,666	15.1
Drunk in public place	11,557	3.8	703	6.1
Drive exceed .05%	10,582	3.5	8,777	82.9
Exceed PCA	9,990	3.3	494	4.9
Burglary	8,846	2.9	1,487	16.6
Unlawful assault	8,199	2.7	5,004	61.0
Possess drug dependence	6,930	2.3	1,332	19.2
Fail to answer bail	6,601	2.2	730	11.1
Tamper w/motor vehicles	6,463	2.1	814	12.6
Intent/Reck cause injury	6,179	2.0	3,277	53.0
Handling stolen goods	5,778	1.9	1,535	26.6
Drive whilst disqualified	5,732	1.9	306	5.3
Exceed speed limit	5,326	1.8	943	17.7
Criminal damage	5,304	1.7	914	17.2
Use unregistered m/vehicle	5,265	1.7	196	3.7
Attempt commit indictable offence	5,122	1.7	1,030	20.1
Assault police	5,005	1.6	1,322	26.4
Unlicensed driving	4,905	1.6	321	6.7
Possess proceeds of crime	4,687	1.5	1,948	41.6
Obt fin adv by deception	4,237	1.4	758	17.9
Breach Intervention Order	4,078	1.3	1,401	34.4
Go equipped for theft	4,004	1.3	787	19.7
Use drug of dependence	3,756	1.2	237	6.3
Assault in company	3,184	1.0	2,023	63.5
<i>Sub-total</i>	<i>201,451</i>	<i>66.4</i>	<i>44,576</i>	<i>22.1</i>
<i>Sub-total remaining offences</i>	<i>102,012</i>	<i>33.6</i>	<i>27,418</i>	<i>26.9</i>
<b>TOTAL</b>	<b>303,463</b>	<b>100.0</b>	<b>71,994</b>	<b>23.7</b>

## Warrants

The Court has power to issue Search Warrants and other Warrants under various Acts of Parliament. For example:

- *Crimes Act 1958, s92* (stolen goods)
- *Crimes Act 1958, s465* (evidence)
- *Drugs, Poisons and Controlled Substances Act, s81* (Drugs)
- *Firearms Act, s46*.

In 2001/02, a total of 19,270 applications for Warrants were finalised.

**Applications for Warrants - 2001/02**

Type of Warrant	No of Applications
Stolen Goods	1,086
Drugs	2,692
Evidence	3,885
Firearms	172
Charge & Warrant to Arrest	10,015
Other	1,420
<b>TOTAL</b>	<b>19,270</b>

## Appeals

A person may appeal to the County Court in respect of a sentence or conviction imposed by the Magistrates' Court.

In the year ending 30 June 2002, the number of appeals lodged was 2,149 compared with 2,144 in the previous year. In relation to the number of cases finalised, appeals were lodged in 2.23% of finalised cases (excluding PERIN revocations).

**Notices of Appeal Lodged by Region 2000/01 - 2001/02**

Region	2000/01		2001/02	
	No.	Distribution %	No.	Distribution %
Ballarat	235	11.0	222	10.3
Bendigo	141	6.6	175	8.1
Broadmeadows	98	4.6	143	6.7
Dandenong	295	13.8	225	10.5
Frankston	176	8.2	102	4.7
Geelong	139	6.5	112	5.2
Heidelberg	167	7.8	172	8.0
Melbourne	397	18.5	443	20.6
Moe	74	3.5	105	4.9
Ringwood	195	9.1	221	10.3
Shepparton	84	3.9	55	2.6
Sunshine	143	6.7	174	8.1
<b>TOTAL</b>	<b>2,144</b>	<b>100.0</b>	<b>2,149</b>	<b>100.0</b>

## PERIN Court

**P**ERIN is the Procedure for Enforcement of Infringement Penalties and penalties imposed by penalty notices.

Schedule 7 of the *Magistrates' Court Act 1989* sets out the procedure which may be used instead of commencing a proceeding against a person for an offence in the Magistrates' Court.

The numbers of infringement penalties initiated in the PERIN Court since 1994 can be found in the Table below. There have been significant increases in the numbers initiated in the past few years.

During 2001/02, the total number of infringement penalties initiated in the PERIN Court was 664,509 which represents an increase of 3,275 matters (or 0.495%) over the previous year.

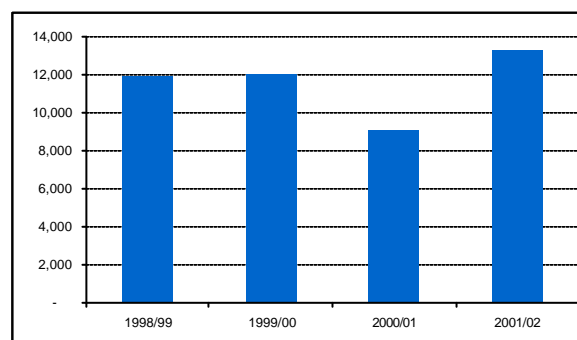
**PERIN Court  
Infringement Penalties Initiated  
1994/95 - 2001/02**

Year	Number of Matters Initiated
1994/95	370,336
1995/96	347,850
1996/97	359,113
1997/98	416,411
1998/99	463,871
1999/00	516,000
2000/01	661,234
2001/02	664,509

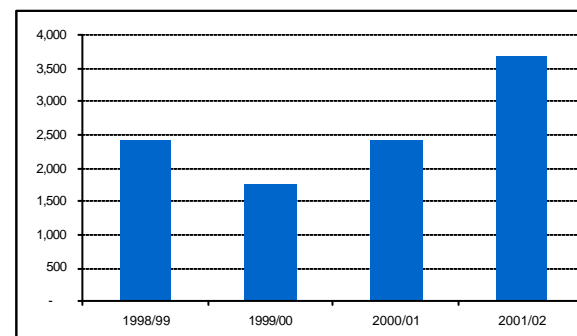
**W**here the PERIN Registrar refuses to grant revocation of an Infringement, the defendant may appeal against the refusal to a Magistrate in open court. If the Magistrate refuses the Revocation application, the charge remains the responsibility of the PERIN Court. If the Magistrate grants the Revocation application, the charge is dealt with in open court.

In 2001/02, there were 13,268 PERIN revocations finalised compared with 9,080 in the previous year. This represents an increase of 4,188 revocations (or 46.1%). In 2001/02 there were 3,685 objections against the PERIN Registrar's refusal to revoke an infringement notice finalised compared with 2,416 in the previous year.

**PERIN revocations finalised 1998/99 - 2001/02**



**PERIN refusal objections finalised 1998/99 - 2001/02**



# The Civil Jurisdiction

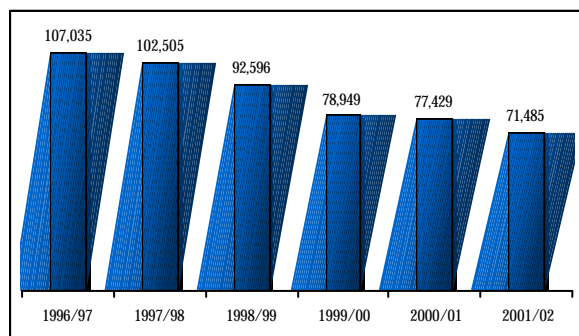
The Civil jurisdiction of the Magistrates' Court is provided for under Part 5 of the Act and comprises a General Division and an Arbitration Division. The General Division deals with claims of \$5,000 or more up to and including \$40,000.

The total number of civil complaints filed in 2001/02 was 71,485. This figure represents a decrease of 5,944 or 7.7% compared with the total of 77,429 in the previous year. Between 1996/7 and 2001/02 the total number of complaints filed decreased by 35,550 (or 33.2%).

**Magistrates' Court Civil Jurisdiction  
Civil Complaints Filed 1996/7 - 2001/02**

Complaints Issued	No.
1996/97	107,035
1997/98	102,505
1998/99	92,616
1999/00	78,949
2000/01	77,429
2001/02	71,485

**Magistrates' Court Civil Jurisdiction  
Civil Complaints Filed 1996/7 - 2001/02**



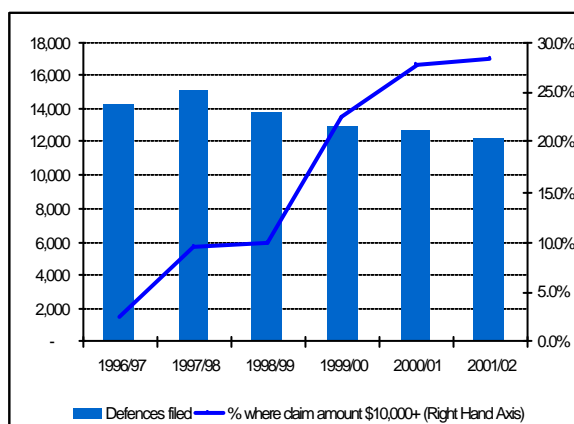
When a Notice of Defence is filed with the Registrar and a copy served on the plaintiff, the matter is listed for an arbitration hearing or referred to a pre-hearing conference before a Registrar.

A defendant may give notice of defence at any time after service of the complaint, except where judgment has been entered or a default order has been made.

Between 1996/7 and 2001/02 the total number of defences filed decreased by 2,075 (or 14.5%). However, the number did not decrease at the same rate.

While the number of defence notices filed in 2001/02 was 3.1% (or 395) lower than the previous year, the proportion of defence notices filed where the claim amount was above \$10,000 increased from 27.7% to 28.4%. The proportion of claims defended where the claim amount was above \$10,000 has increased each year since 1996/97.

**Number of Defence Notices filed and Proportion where  
Claim amount above \$10,000  
1996/97 - 2001/02**



## Pre-Hearing Conferences

**P**re-Hearing Conferences in relation to civil complaints are conducted State-wide by Registrars of the Court.

When a Notice of Defence is filed in the Registry, the matter is set down within a short time for a pre-hearing conference. In order to minimise waiting periods and unnecessary delays at the Court, the parties are allocated a certain date and time for the conference. The conference brings the parties together so that any issues in dispute can be identified and clarified. It also provides an opportunity for settlement discussions to take place.

During the year, 4,619 claims were finalised at a Pre-Hearing Conference. 24% of these claims were finalised within 3 months of the defence notice being filed while 90% were finalised within 6 months of the defence notice being filed.

The Council of Magistrates wishes to record with thanks the valuable work carried out during the year by the Conference Registrars.

**Case Processing times for Claims finalised at Pre-Hearing Conferences - 2001/02**

Elapsed Time	Number	Distribution %
0 < 3mths	1,105	23.9
3 < 6mths	3,010	65.2
6 < 9mths	303	6.6
9 < 12mths	146	3.2
12 < 18mths	23	0.5
18 < 24mths	20	0.4
24mths +	12	0.3
<b>TOTAL</b>	<b>4,619</b>	<b>100.0</b>

## Hearings

**W**here a matter fails to settle at the Pre-Hearing Conference it is set down for hearing and determination by a magistrate.

The case is allocated a certain time having regard to the complexity of the matter and the number of witnesses proposed to be called. The Court is keen to ensure that the matter proceeds on the day(s) allocated and that there are sufficient judicial resources available for that purpose.

During the year under review, 3,538 claims were finalised when listed for hearing before a magistrate. 45% of these claims were finalised within 6 months of the defence notice being filed, while 86% were finalised within 12 months of the defence notice being filed.

**\*Case Processing times for claims finalised at Contested Hearings - 2001/02**

Elapsed Time	Number	Distribution %
0 < 3mths	459	13.0
3 < 6mths	1,150	32.5
6 < 9mths	1,046	29.6
9 < 12mths	400	11.3
12 < 18mths	308	8.7
18 < 24mths	105	3.0
24mths +	70	2.0
<b>TOTAL</b>	<b>3,538</b>	<b>100.0</b>

\* Includes claims finalised by a contested hearing or settled before hearing.

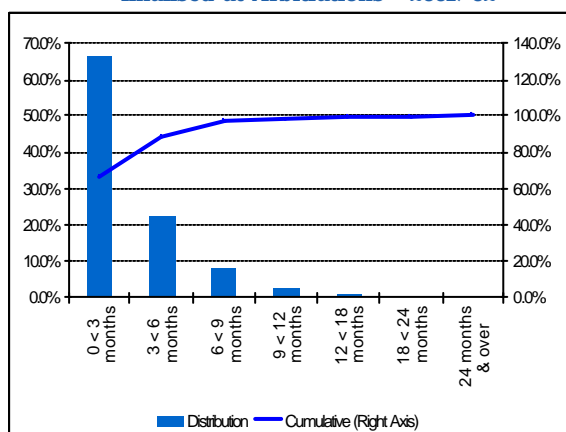
## Arbitrations

Where a claim is less than \$5000, the court is required by the Act to refer the matter to Arbitration by a magistrate. When a matter is referred for Arbitration, the Court is not bound by the rules of evidence and may inform itself on any matter as it thinks fit. Accordingly, Arbitrations are conducted in an informal and expeditious manner.

If a complaint involves complex questions of law or fact or it is undesirable that the matter be referred to Arbitration, the Court may order that the complaint be heard and determined in a formal hearing. If the court awards a party less than \$500, costs are not awarded. Where more than \$500 is awarded, there are limits on the amount of costs allowed.

During the year, 3,419 claims were finalised by Arbitration. This represents 29.5% of all civil claims finalised. 66% of claims were finalised within 3 months of the defence notice being filed, while 89% were finalised within 12 months of the defence notice being filed.

**Case Processing times for claims finalised at Arbitrations - 2001/02**



## Civil Cases Pending

A case is pending, if at the end of the reporting period, it has not been finalised. The time spent pending is the elapsed time between the date the defence notice was filed and the 30 June 2002.

There were 4,062 civil claims pending (ie, waiting to be determined) at the end of 2001/02. Of the cases that were pending, 68% had been pending for less than 3 months, while 87% had been pending for less than 6 months.

**Number of civil claims pending on 30 June 2002, by age of pending**

Elapsed Time	Number	Distribution %
0 < 3mths	2,772	68.2
3 < 6mths	757	18.6
6 < 9mths	286	7.0
9 < 12mths	101	2.5
12 < 18mths	66	1.6
18 < 24mths	26	0.6
24mths +	54	1.3
<b>TOTAL</b>	<b>4,062</b>	<b>100.0</b>

## Default Judgments

The total number of default orders made in 2001/02 was 41,015 which was 0.5% (186) higher than the number finalised in the previous year, reversing an annual trend of a decrease in the number of default orders made.

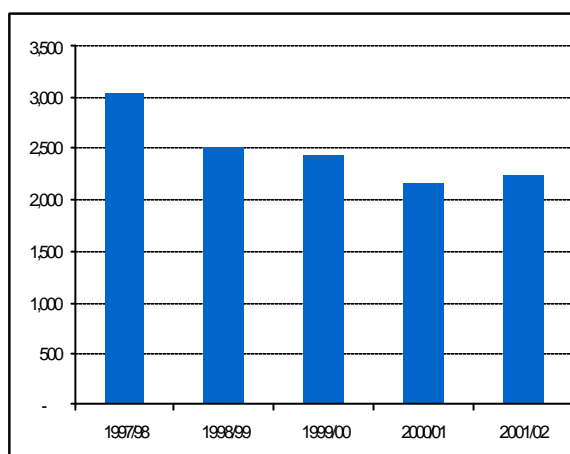
Number of Default Orders made,  
1996/97 - 2001/02

Year	Number
1996/97	60,470
1997/98	59,524
1998/99	52,090
1999/00	47,548
2000/01	40,829
<b>2001/02</b>	<b>41,015</b>

## Interstate Registrations

The number of judgements registered from interstate in 2001/02 was 3.8% (or 83) higher than the previous year reversing an annual trend of a decrease in the number of judgements registered from interstate.

Number of Interstate Judgments registered  
1997/98 - 2001/02



## Enforcement Actions

A significant part of the Magistrates' Court's jurisdiction concerns the enforcement of judgments.

Judgments may be entered by application for a default order, at a hearing or arbitration, registered from other jurisdictions or entered upon reinstatement of a matter.

A judgment may be enforced in a number of ways, including the issue of a Warrant to Seize Property, a Summons for Oral Examination, or Applications for an Instalment Order or to attach Earnings. The number of Summonses for Oral Examination issued in 2001/02 was 6.2% (or 954) higher than the number issued in the previous year. The number of Warrants to Seize Property issued in 2001/02 was 2.4% (or 232) higher than the number issued in the previous year.

**Number of Enforcement Actions  
1996/97 - 2001/02**

Year	Summ for Oral Exam	Warrant to Seize Property	TOTAL
1996/97	20,654	16,219	<b>36,873</b>
1997/98	21,158	14,857	<b>36,015</b>
1998/99	22,201	12,810	<b>35,011</b>
1999/00	18,322	10,733	<b>29,055</b>
2000/01	15,461	9,655	<b>28,063</b>
<b>2001/02</b>	<b>16,415</b>	<b>9,887</b>	<b>26,302</b>

## Family Law Proceedings

**D**uring the year under review, the Court continued to deal with a ~~variety of matters under the~~ *Family Law Act 1975* (as amended) and the Regulations.

The jurisdiction of the Magistrates' Court includes:

- Applications for custody/access
- Applications for spousal or child maintenance
- Enforcement of child maintenance orders and child support assessments
- Disputes in relation to property
- Injunctions
- Non-compliance with court orders.

Some of the figures for the years 1996/7-2001/02 are set out in the Table below.

Y e a r	A l l O r d e r s M a d e
1 9 9 6 / 7	4 4 3 1
1 9 9 7 / 8	3 9 1 1
1 9 9 8 / 9	3 9 0 1
1 9 9 9 / 0	3 6 0 5
2 0 0 0 / 1	3 6 2 1
<b>2 0 0 1 / 2</b>	<b>3 5 3 7</b>

**Note:** This Table is a count of all matters heard in the Magistrates' Court of Victoria and includes:

- All interim and final orders made including those matters transferred to the Family Court
- All orders where an interim or final order has not been specified
- All orders where an interim order has been made and the matter adjourned.

## WorkCover

**U**nder the *Accident Compensation Act 1958* (as amended), the court has jurisdiction to deal with WorkCover matters including the following:

- Lump sum claims up to \$40,000
- Weekly payments of compensation up to two years in arrears
- Weekly payments of compensation into the future
- Claims arising under the *Workers' Compensation Act 1958*.

Complaints arising in the metropolitan area are issued out of the Melbourne Magistrates' Court.

In order to hear and determine WorkCover complaints arising outside the metropolitan area, magistrates regularly visit courts at Ballarat, Bendigo, Geelong, Mildura, Moe, Shepparton, Wangaratta and Hamilton.

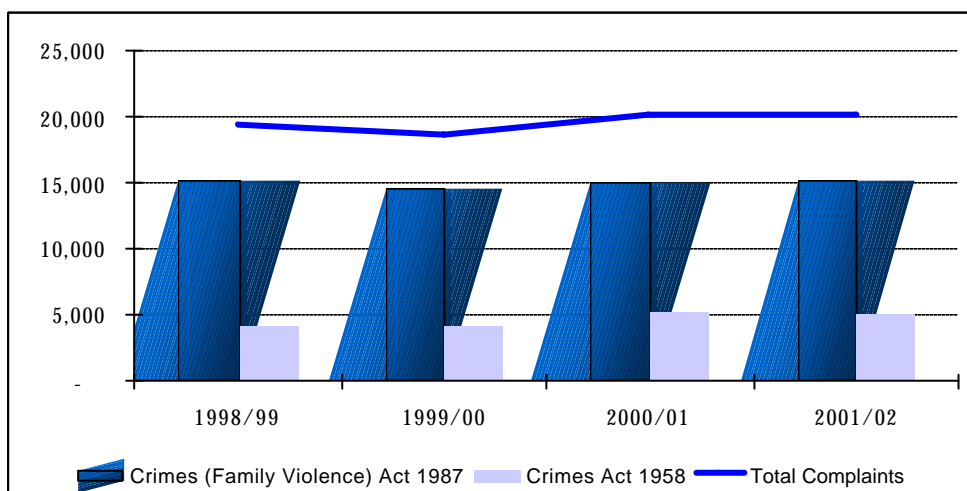
The figures for the number of WorkCover complaints filed and defences filed are included in the Tables to be found on page 34 of this Report.

# Intervention Orders

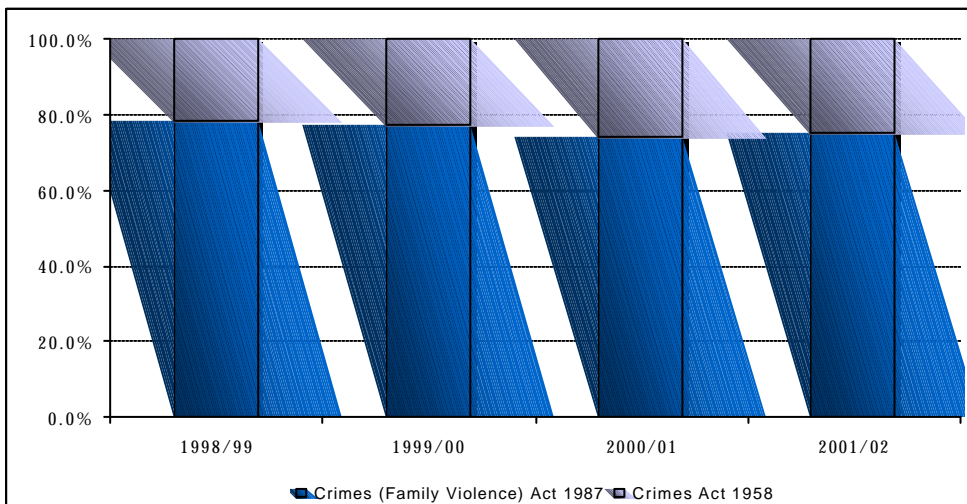
The *Crimes (Family Violence) Act* was enacted in 1987. Between 1998/99 and 2001/02 the total number of complaints for an Intervention Order finalised in the Magistrates' Court increased by 6.2% (1,201 complaints). Complaints in relation to family violence have remained consistent each year at approx. 15,000 complaints.

Complaints finalised based on allegations of stalking increased by 984 or 23.4% between 2000/01 and 2001/02. In the last 2 years, these complaints comprised approximately 25% of all complaints finalised. Of the complaints finalised each year, approximately 60% result in the making of an Intervention Order.

**Number of Complaints finalised by Act under which Complaint made  
1998/99 - 2001/02**



**Proportion of Complaints finalised under each Act  
1998/99 - 2001/02**



[Excludes all complaints finalised in the Children's Court jurisdiction]

## Outcome of Complaints

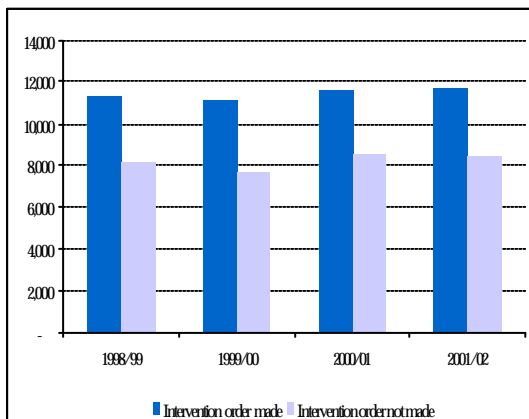
Approximately 60% of finalised complaints for an intervention order resulted in an intervention order being made.

Where an intervention order was not made, the complaint was more often withdrawn by the complainant or struck out due to the complainant failing to appear at court, rather than being refused by a magistrate.

Number of Complaints finalised by outcome  
1998/99 - 2001/02

Disposition	'98/99	'99/00	'00/01	'01/02
Order made	11,318	11,084	11,560	11,473
Refused	893	980	1,142	1,017
Struck out	4,252	3,693	4,253	4,401
Withdrawn	2,976	2,981	3,072	2,987
Revoked	8	6	21	10
<b>TOTAL</b>	<b>19,447</b>	<b>18,744</b>	<b>20,048</b>	<b>20,158</b>

[Excludes all Complaints finalised in the Children's Court.]

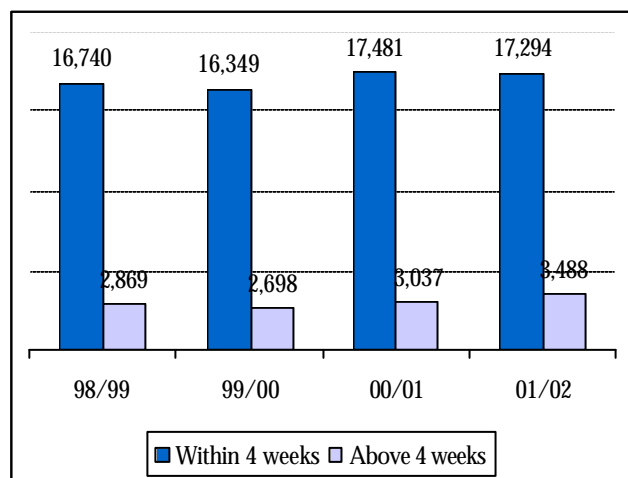


## Case Processing Times

Of the complaints for an intervention order finalised in 2001/02, 17,294 or 83% were finalised within 4 weeks of the complaint being made. 1,387 (or 6.7%) were finalised within 4-6 weeks. A total of 3,488 (or 16.8%) were finalised in excess of four weeks.

Case Processing Times 1998/99 - 2001/02

Year	Within 4 weeks	% within 4 weeks	More than 4 weeks	% More than 4 weeks
'98/99	16,740	85.4	2,869	14.6
'99/00	16,349	85.8	2,698	14.2
'00/01	17,481	85.2	3,037	14.8
'01/02	17,294	83.2	3,488	16.8



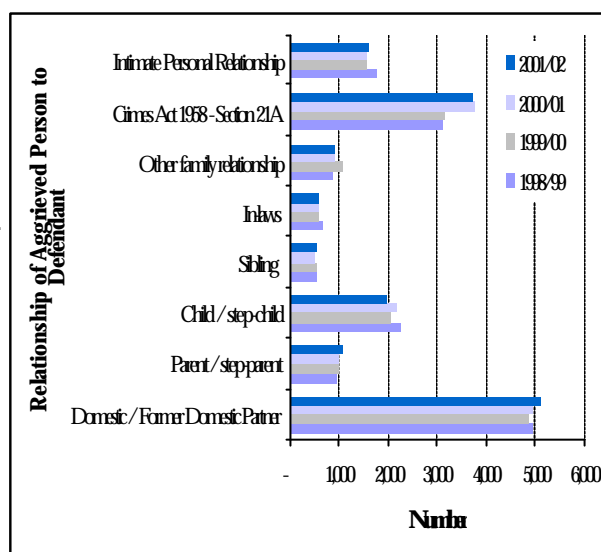
## Intervention Orders: Relationship of Aggrieved Person to Defendant

In 2001/02 there were 15,532 aggrieved persons who were granted an intervention order in the Magistrates' Court of Victoria compared with 15,414 in the previous year. This represents an increase of 0.8% or 118 aggrieved persons over the previous year.

A complaint for an intervention order may include multiple aggrieved persons. Children are often included in a complaint with a parent.

In relation to complaints based on stalking allegations under the *Crimes Act 1958, s21A*, a total of 3,714 persons were granted an intervention order. This figure represents 23.9% of the total number of aggrieved persons who were granted an intervention order.

Number of aggrieved persons granted an intervention order by relationship of aggrieved person to defendant, 1998/99 - 2001/02



Number of Aggrieved Persons granted an Intervention Order by Relationship to Defendant – 1998/9 - 2001/02

Number	1998/99	1999/00	2000/01	2001/02
Domestic/Former Domestic Partner	4,914	4,877	4,925	5,130
Parent/step-parent	942	979	983	1,076
Child/step-child	2,229	2,065	2,187	1,956
Sibling	524	535	513	561
In-laws	645	566	595	574
Other family relationship	879	1,081	926	910
Stalking	3,115	3,141	3,731	3,714
Intimate personal relationship	1,771	1,557	1,576	11
<b>TOTAL</b>	<b>15,019</b>	<b>14,801</b>	<b>15,414</b>	<b>15,532</b>

[Excludes Complaints finalised in the Children's Court.]

## Secondary Applications

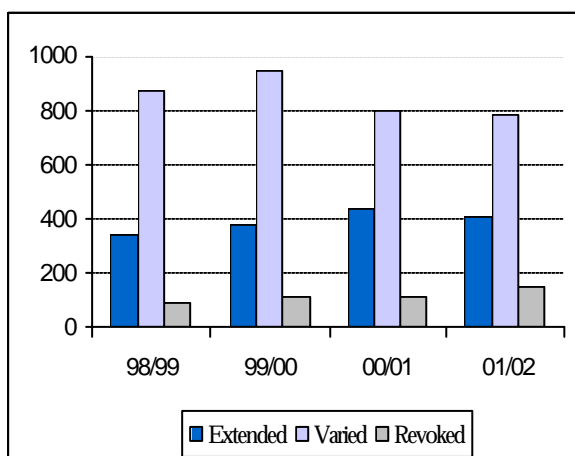
A Secondary application under *Crimes (Family Violence) Act 1987* relates to cases where an Intervention order has previously been made by a Court.

In such cases, an application may be made to extend, vary or revoke the Intervention order.

The Table below shows that the number of such applications in the past few years has averaged 1,357 per year.

**Number of Secondary Applications  
1998/9 - 2001/02**

Application to	'98/99	'99/00	'00/01	'01/02
Extend	339	379	436	03
Vary	874	945	799	780
Revoke	93	115	113	152
<b>TOTAL</b>	<b>1,306</b>	<b>1,439</b>	<b>1,348</b>	<b>1,335</b>



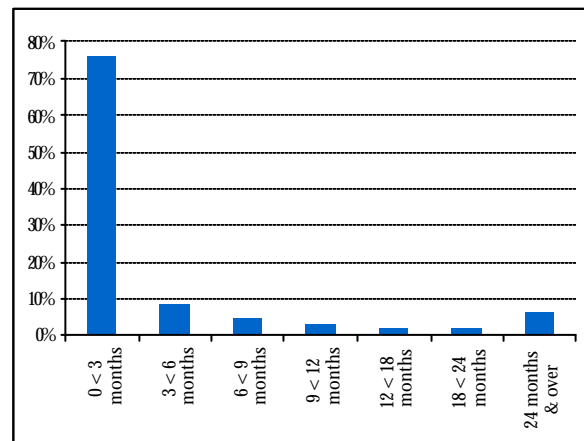
## Pending

A case is pending, if at the end of the reporting period, it has not been finalised. The time spent pending is the elapsed time between the date the complaint was issued and the 30 June 2002.

There were 1,193 complaints for an intervention order pending (ie, waiting to be determined) at the end of 2001/02. Of the complaints that were pending, 76% had been pending for less than 3 months, while 84% had been pending for less than 6 months.

**Number of complaints pending  
on 30 June 2002 by age of pending**

Elapsed time	Number	Distribution %
0 < 3 mths	907	76.0
3 < 6 mths	97	8.0
6 < 9 mths	49	4.0
9 < 12 mths	33	3.0
12 < 18 mths	23	2.0
18 < 24 mths	15	1.0
24 mths +	69	6.0
<b>TOTAL</b>	<b>1,193</b>	<b>100.0</b>



## Applications

Applications of various types occupy a significant part of the Court's workload. There are over 980 types of Applications which may be made to the Court. Whilst many of the applications do not occupy a large part of the Court's time, some applications which are opposed can take a considerable time for hearing and determination.

Some of the main types of applications are:

- Restoration of Driver Licence
- To Set aside and Rehear
- Forfeiture and Disposal of property
- Variation of Conditions of bail
- Revocation of PERIN Order
- Application for a Forensic Procedure
- Findings of Fact.

### Applications Heard and Determined 1 July 2001 - 30 June 2002

Type of Application	GRANTED		REFUSED		STRUCK OUT		TOTAL	
	2000/01	2001/02	2000/01	2001/02	2000/01	2001/02	2000/01	2001/02
Driver Licence	5,713	5,813	142	132	185	195	6,040	6,140
Reduce Time	2,046	1,914	109	68	66	29	2,221	2,011
To cross-examine witness	673	1,131	2	1	188	300	863	1,432
Set Aside & Rehear	782	884	32	104	335	193	1,149	1,181
Vary Bail	361	829	35	66	75	255	471	1,150
PERIN refusal	1,251	1,065	279	230	771	583	2,301	1,878
Bail	559	642	238	317	209	339	1,006	1,298
Forfeit Property	472	464	3	2	39	58	514	524
For Forensic Procedure	900	1,092	370	345	170	194	1,440	1,631
Stay licence order	110	115	-	1	22	28	132	144
Dispose property	215	128	2	1	104	53	321	182
Extend Comm date	620	464	6	1	23	42	649	507
Finding of Fact	53	32	-	-	8	5	61	37
Other	1,757	1,883	135	81	365	447	2,257	2,411
<b>TOTAL</b>	<b>15,512</b>	<b>16,456</b>	<b>1,353</b>	<b>1,349</b>	<b>2,560</b>	<b>2,721</b>	<b>19,425</b>	<b>20,526</b>

## Chapter 3

# PARALLEL PROGRAMS and SERVICES

- **Parallel Services Review**
- **After Hours Service**
- **Community Forensic Mental Health  
Court Liaison Service**
- **Disability Co-ordinator**
- **Juvenile Justice Court Advice Unit**
- **Bail Advocacy Service**
- **Criminal Justice Diversion Plan**
- **Aboriginal Liaison Officer**

## Parallel Services Review

In the past few years, the Magistrates' Court has been involved in the provision of Parallel Services. Particular areas of concern relate to those persons appearing before the Court who are mentally ill, those who have intellectual and other disabilities, those who suffer from drug addiction and young offenders, particularly homeless youth.

In order to address these issues, the Court introduced a system of liaison officers whose function it is to advise on the needs of specially disadvantaged persons and identify community services provided by either government and funded agencies or community organisations.

These programs are aimed at providing specially disadvantaged persons with increased access to justice. They are part of the Victorian Government's strategy to reduce the likelihood of re-offending and consequently to provide for a safer Victoria.

During the year under review, it was observed that there were issues with the existing services relating to:

- Management and reporting
- Performance targets
- Human resources
- Communications
- Data quality
- Service delivery models
- Location and accommodation.

These programs have developed in isolation of each other and are at varying stages of development and implementation. Also, they are funded through a variety of means and have different reporting requirements.

The Chief Magistrate, Mr Ian Gray, has requested Court Services, Department of Justice to undertake a review of the Parallel Services Unit in order to provide for the ongoing management of operations within a continuous improvement and business excellence framework.

This Project aims to provide the Magistrates' Court of Victoria with an empirically-supported report on the adequacy of the current delivery arrangements and where appropriate, identify opportunities for improving service delivery arrangements in terms of both individual programs and the wider service delivery system.

At the conclusion of the Project, a report will be provided making recommendations concerning strategies to address any issues that arise as a result of the Project.

The Report was due to be completed in July 2002.

## After Hours Service

The Magistrates' Court continued to provide the **After Hours Service** during the year. This Service provides the availability of a Magistrate for urgent matters between the hours of 5:00pm and 8:00am on weekdays and continuously throughout the weekends and on Public Holidays.

A Registrar is also available to assist the Magistrate and where necessary, to issue orders under the *Crimes (Family Violence) Act 1987*. The Council appreciates the invaluable assistance provided by the **After Hours Service** Registrar Mr Barry Bolton and his assistants.

One of the main types of search warrant issued relates to the provisions of the *Drugs, Poisons and Controlled Substances Act 1981*. In the year under review, there were 309 such warrants compared with 305 in the previous year.

A significant number of warrants are issued under the provisions of the *Children and Young Persons Act 1989*. In 2001/02, 300 search warrants were issued under that Act compared with 316 in the previous year.

In relation to orders made pursuant to the *Crimes (Family Violence) Act 1987*, 2,760 warrants to arrest were issued compared with 1,548 in the previous year. This is an increase of 1,211 or 78.2% in the one year.

The increase appears to be a direct result of the implementation of protocols developed between the Magistrates' Court and Victoria Police.

**After Hours Service Search Warrants  
1999/00 - 2001/02**

Search Warrant Type	1999/0	2000/1	2001/2
Stolen Goods	232	236	250
Drugs	437	305	309
Evidence (Crimes Act s465)	366	403	465
Firearms	27	35	38
Children/Young Persons	298	316	300
Crimes/Customs (Cwth)	31	49	47
Other	114	129	122
<b>TOTAL</b>	<b>1505</b>	<b>1473</b>	<b>1531</b>

**Orders made under  
*Crimes (Family Violence) Act 1987*  
1999/00 - 2001/02**

Type of Order	1999/0	2000/1	2001/02
Urgent Interim	3	1	-
Warrant to Arrest	1684	1548	2760
<b>TOTAL</b>	<b>1687</b>	<b>1549</b>	<b>2760</b>

## Community Forensic Mental Health Court Liaison Service

**T**he Forensic Mental Health Court Liaison Service is a court-based psychiatric support service provided by Forensicare, the Victorian Institute of Forensic Mental Health.

Since the establishment of the Service, it has steadily grown and is increasingly utilised by individuals and organisations across the state. Initially established at the Melbourne Magistrates' Court in November 1994, the increasing demand for this service has led to the extension of the service to other metropolitan magistrates' courts.

Positions were established at the Broadmeadows Magistrates' Court in November 1996 to service the western regional magistrates' courts, at the Ringwood Magistrates' Court in January 2002 to service the northern region magistrates' Courts and at the Dandenong Magistrates' Court in July 2002 to service the southern region magistrates' court.

Experienced senior Registered Psychiatric Nurses provide onsite services, with Ms Sally Plueckhahn based at the Melbourne Magistrates' Court, Ms Vivienne Miller at the Broadmeadows Magistrates' Court, Ms Teresa Kelly at the Ringwood Magistrates' Court and Ms Andiope Hatzis at the Dandenong Magistrates' Court.

An on-call Consultant Forensic Psychiatrist and psychiatric team provide additional support when required.

**T**he Service provides thorough and impartial psychiatric assessments, consultation and advice to all metropolitan magistrates' courts and their users. Clients consist of individuals who appear before a magistrate and have been referred for assessment and identification of issues requiring psychiatric intervention and support. The assessment will typically include information gathering, referral and linkage to either community or prison based support services.

Utilisation of the Service can effectively accelerate the sentencing process, by reducing the frequency and length of custodial remands for psychiatric reports.

The range of services provided by the Mental Health Court Liaison Service includes:

- Psychiatric or bio-psychosocial assessments and subsequent recommendations and dispositional options regarding the appropriate clinical management and welfare of referred clients.
- Recommending options for the diversion of mentally impaired offenders from the criminal justice system to appropriate health care specialists with assessment and diagnostic skills in the community or prison.
- Coordination of referral and linkages to appropriate support services including Area Mental Health services.
- Consultation and networking with various support agencies, professional representatives and family members involved in a client's care.
- Prioritising the transfer of acutely mentally impaired clients to the appropriate mental health services.
- Providing training and education to all relevant support services regarding the interaction and operation of mental health services in the context of the court system.

## Community Forensic Mental Health Court Liaison Service (cont'd)

To facilitate the exchange of mental health information and to ensure continuity of care for mentally impaired offenders, a critical role has been to develop and maintain a strong relationship with community health and welfare agencies, area mental health services, the Custodial Nursing Service, metropolitan police cells, the Melbourne Custody Centre, the public and private prison systems and private practitioners of various disciplines.

During the 12 months ending 30 June 2002, the Mental Health Court Liaison Service saw 590 referred clients and 1,198 family members and various professional persons involved in the clients' court attendance and continuing care.

944 reports and file entries were completed and court attended on 267 occasions. Psychiatric consultative advice and assistance was given on 1,298 occasions to metropolitan and country courts and their users.

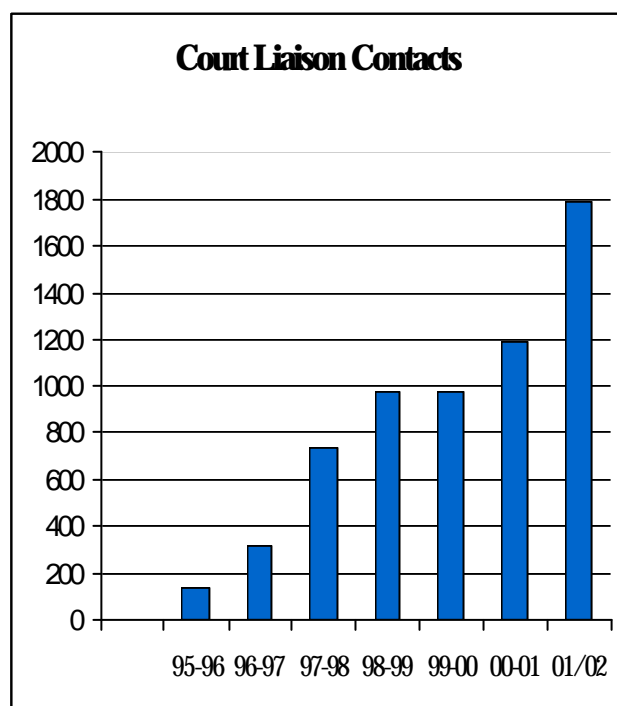
Primary referral sources consisted of magistrates, legal practitioners, court staff/parallel services, police, custody staff, mental health services and other sources.

Whilst requests from magistrates take priority, referrals are accepted from anyone who has some concern about the mental health of individuals who will be presenting before a magistrates' court.

The graph below demonstrates a dramatic increase in referral rates over the previous year. This increase cannot be explained by the expansion of the Court Liaison Service to two new locations, as this expansion occurred very late in the reporting period.

The Broadmeadows Court Liaison Service contributed significantly to the increase, possibly due to the temporary closure of Heidelberg Court and a general increase in demand for the Service and in a small part to a change in the way statistics are now recorded.

**Mental Health Court Liaison Service Contacts  
1995-96 - 2001/02**



## Disability Co-ordinator

The Disability Co-ordinator for the Magistrates' Court, Ms Anne Condon, commenced duties on 7 July 1997.

The primary task for the Co-ordinator is to provide a consultancy function for the Court to assist Magistrates in the management of persons with a disability within the sentencing process and to ensure that the Court has access to relevant and factual information in relation to such matters as:

- Social/Institutional background
- Treatment history/options
- Programs and services
- Family or support networks.

Another function of the Co-ordinator is to advise the Court in relation to issues concerning disability as they affect the Court, and this has given rise to the identification of the need for the development of a specific service to meet the needs of defendants who present with complex care issues. These are defendants who present with outrageous, anti-social and challenging behaviours, usually in the context of a mental illness or mental disorder, and who end up in the custodial system.

Where a Magistrate has concerns about the vulnerability or special needs of a person in custody, the Co-ordinator is available to organise special protection for the person and to negotiate with prison management the person's most suitable location upon classification.

By 30 June 2002, a total of 465 matters had been referred to the Disability Co-ordinator in respect of which 193 files were opened. The Co-ordinator also submitted 15 written reports to the Guardianship & Administration Tribunal at VCAT.

Whilst the majority of referrals emanated from the Magistrates, some also came from the Victoria Police and the legal profession. Now that the service is well established, referrals also come from the mainstream human services, allied services and a wide cross-section of the general community. Referrals also came from the following:

- Salvation Army
- Major City Hospitals
- Community Health Services
- Melbourne City Council
- Public Advocate
- Human Services.

On the 24 June 2002 the Enforcement Review Pilot Program (ERP) was established at Melbourne Magistrates' Court. The ERP (overseen by the Disability Co-ordinator) is a joint initiative of the Sheriff's Office and Melbourne Magistrates' Court to assist members of the community who have "special circumstances" such as mental illness, acquired brain injury, intellectual disability or physical disability, and who have outstanding warrants at enforcement stage.

### Aims of the Project

- To assist and advise members of the community and develop a process that brings the 'special needs' of the offenders to the Magistrates' Court for hearing.
- To assist those who may not comprehend the consequences of their actions, have no capacity to pay fines nor any assets that can be seized and sold.
- To demonstrate the economic and social futility of processing repeat offenders through the enforcement corridor, and hopefully lead to a review of the present system.

## Juvenile Justice Court Advice Unit

The Juvenile Justice Court Advice Unit commenced at the Melbourne Magistrates' Court on 1 January 1998 to provide an information service on behalf of young people aged between 17 to 21 years. Mr Stephen Riordan was appointed as the Court Advice Officer to assist the Melbourne Central Courts (Melbourne Magistrates', County and Supreme Courts).

The Adult Court Advice Service was established in response to the high numbers of young people male and female (17yrs to 21yrs) entering the Senior Youth Training Centre (YTC) system.

Also, the service assists young people to maximise their chances of rehabilitation through effective and targeted intervention.

As part of the implementation strategies at the court level, the service was authorised to ensure that any young person already in a YTC and attending court on new matters, would be assisted by the juvenile justice service and pre-sentence reports would be provided to the Court in an effective and timely manner.

The service has expanded due the high numbers of clients on bail. In response to this Ms Nicole Moriarty was appointed specifically to work with young people on bail or deferral of sentences. Ms Moriarty works part time (2 days per week) and is a soon to complete her Doctorate in Forensic Psychology.

The ACAS service provides:

- Pre Sentence Reports regarding suitability to the youth training system.
- Accurate and timely information to the Court in respect of remissions or parole for young people already serving YTC sentences.
- Bail assistance by linking young people to appropriate community services such as
  - ✓ Substance abuse counselling
  - ✓ Detoxification and rehabilitation programs
  - ✓ Accommodation
  - ✓ Intensive support agencies
  - ✓ Psychological and Psychiatric counselling
  - ✓ Legal services
  - ✓ Outreach support
  - ✓ Family support and counselling
- Detailed reports to the Court regarding a young person's progress during a bail or a deferral period.
- Counselling service for young people on bail.
- Outreach service when appropriate.

Some of the benefits of the program include:

- The reduction of offending whilst on bail or deferral.
- Maximising the young person's opportunities to rehabilitate.
- The reduction of young people entering custodial facilities.
- The reduction of time spent in custody.
- Comprehensive advice to the Magistrates and Judges regarding the young person's current situation.
- Assisting young people address social, family and personal issues.
- Assisting young people access supports in their own community.
- Improving relations between the young people and their families
- Improving relations between the young person and the larger criminal justice system.
- Reduction of young people entering the criminal justice system.

The Department of Human Services expanded the adult court advice service (ACAS) through the 'New Initiatives' program. Following the success of the pilot programs at the Melbourne, Dandenong and Frankston courts, Juvenile Justice allocated further funds to establish additional services state wide. The Adult Court Advice Service is now fully operational throughout the state and workers have been allocated to all metropolitan and regional courts.

In the year ending 30 June 2002 the Central Courts Unit noticed a decline in the numbers of young people being sentenced to youth training centres and imprisonment. The bail and deferral clients have also declined marginally.

The Court Unit has experienced increasing difficulty accessing appropriate accommodation for young people. There appears to be a lack of accommodation options in all areas of Melbourne. Crisis, short term and medium term and long term accommodation services are all affected. Also, there has been an alarming increase of young people presenting with psychiatric disturbance, particularly young men.

The service wishes to express gratitude to the continuing guidance and assistance given by a wide range of people and services within the court system: Judges, Magistrates, Judges' Associates, Clerks, Parallel Services, Administrative support, Juvenile Justice, Legal Advocates, Police Prosecutors, Office of Public Prosecutions, Drug and Alcohol agencies, Cultural support agencies and last but not least the young people themselves.

The Bail Advocacy Service which commenced as a pilot program in 2001 has provided assistance to 640 clients since commencement of the program.

The role of the Service is to:

- Assess clients in custody and provide a detailed plan outlining accommodation, treatment and support services in respect of clients eligible for release on bail
- Provide fortnightly supervision/support to clients in a case management role
- Assist clients in accessing housing services, employment/training programs and Centrelink
- Initiate and facilitate linkages to drug treatment agencies, medical practitioners and pharmacists for pharmacotherapies
- Provide an advocacy/education role for clients on bail
- Facilitate contact with family and friends in order to secure support for the clients on bail.

Referrals are accepted from Magistrates, Court officers, Prosecutors, legal representatives and defendants remanded in custody.

Of the 640 clients who have been case-managed by the Bail Advocacy Service, 17% have breached their bail conditions. The breaches have been due to reoffending or not adhering to the bail conditions.

The Bail Advocacy Service continues to follow a harm minimisation approach to working with people by increasing their access to legal, welfare and housing services in order to break their cycle of contact with the criminal justice system. A key factor in the continuing development of the Bail Advocacy Service is the nurturing of positive working relationships between the program and health/community agencies, police and the community as a whole.

## Criminal Justice Diversion Program

The Criminal Justice Diversion Program is governed by Section 128A of the *Magistrates' Court Act 1989* and is government funded until June 2004.

The program provides mainly first-time offenders with the opportunity to avoid a formal criminal record by undertaking various conditions that benefit the offender, victims and the community as a whole.

An initial pilot of the program commenced at Broadmeadows Magistrates' Court in 1997 and expanded to the Mildura and Sunshine Courts. A review of the pilot showed that less than 5% of offenders failed to complete their conditions and less than 1% re-offended.

As a result of the review, a revised scheme commenced in November 2000 and expanded to all metropolitan courts by August 2001. Country headquarter courts commenced the Program in November 2001 and it is now available at all Magistrates' Courts.

A total of 4,594 referrals were received from police for the 2001/2002 period. 3,456 of these offenders were placed on a diversion plan.

The Table in column 2 shows the break down of the conditions undertaken. Note: An offender may be required to undertake more than one type of order as part of the same diversion plan.

A total of 2,579 (94.9%) offenders successfully undertook conditions and completed their diversion plan.

Offenders perform the community work where possible within their own local community or within the area that they commit the offence. Voluntary or non-profit organisations are utilised such as Keep Australia Beautiful Victoria, the Salvation Army and various local graffiti clean-up programs. Likewise donations are directed to similar local charities or non-profit organisations.

There are 12 diversion co-ordinators, one for each Magistrates' Court region and one Senior Diversion Co-ordinator. Their role is to:

- Introduce the Program to their particular region
- Identify relevant community based programs for community work & donations
- Link offenders with suitable counselling/treatment as required.
- Be a central contact for diversion issues
- Monitor the performance of the offenders in completing their program conditions
- Generally control the running of the Program.

Condition	Number of Orders
Apology to Victim	1,693
Community Work	473
Compensate Victim	727
Counselling/Treatment Alcohol	58
Counselling/Treatment Drug	163
Counselling/Treatment Gambling	30
Counselling/Treatment Other	294
Defensive Drivers Course	531
Donation to Charity/Community Project	2,107
Letter of Apology/Gratitude to Informant	1,352
Other	543

## Aboriginal Liaison Officer

The Aboriginal Liaison Officer's position became operational on the 15<sup>th</sup> April 2002. Mr Craig Taylor, was appointed as the Aboriginal Liaison Officer and is a descendant of the Wiradjuri Tribe which is situated in and around the Riverina region of southern New South Wales.

The creation of this position was a direct result of the Victorian Aboriginal Justice Agreement, a partnership between the Victorian Government and Victorian Indigenous Communities.

This agreement was brought about by recommendations from the "Royal Commission into Aboriginal Deaths in Custody".

The role is designed to address the issue of the over-representation of Indigenous people in the Victorian Justice System and particularly in prisons.

This is the first time in the history of the Magistrates' Court that an Aboriginal Liaison Officer has been employed to assist Indigenous clients and assist staff within the Magistrates' Court and across the broader spectrum of all courts in Victoria.

Since the commencement of the position in April 2002 year the service has been well utilised. The number of contacts from defendants, legal representatives and the Judiciary has averaged 25 clients per month.

The Aboriginal Liaison Officer, Craig Taylor, brings to the position the following key objectives:

- Identification of specific needs/issues pertaining to individual Koori offenders
- Amassing of information relating to individual Koori offenders to enable a sentencer to make a better informed decision in relation to disposition
- Community liaison
- Police liaison
- Service liaison
- Pro-active community involvement to reduce representation of Kooris in the criminal justice system
- Liaise with regional Aboriginal Justice Advisory Committees
- To assist in the ongoing professional development of Magistrates in regard to Koori issues.
- To collaborate with the other services available within the Magistrates' Court to address any other needs of the clients.

## Chapter 4

# GENERAL

- **Technology and Computerisation**
- **Building Maintenance & Construction**
- **Video Conferencing**
- **Library & Secretarial Staff**
- **The Magistracy of Victoria**
- **Administration**
- **Acknowledgements**

## Technology and Computerisation

### **Business Process Reengineering (BPR) Project**

Commencing in August 2001 and completed in November 2001 the Court undertook a Business Process Reengineering Study. The report serves as a blueprint for judicial, registry and administrative staff to realise the improvements expected, while also providing a set of working papers to guide project and implementation activities going forward.

The improvements include:

- Increased access to the Court for the community, practitioners and agencies that interact with the Court through telephony and web-based initiatives.
- An efficient, responsive and more accurate service allowing the Court to focus on those in most need, including the introduction of digital recording of Court hearings and improved listing capabilities.
- Integrating the provision of parallel services and managed dispositions into the working process of the Court with a focus on supervising cases
- The direction to a new case management systems and avoid risks of the current ageing technology platforms.
- Delivering the interface to aid judicial functions in the courtroom.

This initiative establishes the basis for justifying to Government the funding and resources required to deliver the service improvements expected of the Court, whilst balancing the operative costs and increasing additional Court time.

The review has been an intensive study of the Court's operations in a relatively short timeframe, and one that has required a high level of interaction and consultation with the

Court. It has been conducted by a joint project team comprising Court and KPMG Consulting staff which has endeavored to place a large emphasis on frequent and continued communication with the Court and its users.

Project planning and functional requirements commenced in January 2002 with the initiatives planned to be delivered over a three year period.

### **Outputs Review**

In June 2001 the ERC commissioned an Output Review within the Department of Justice – *Review of the disposal of matters in the Magistrates Court*. The primary purpose of the Output Review was to provide ERC with better information and analysis upon which to base its budget decisions.

The Output Review was finalised in November 2001 with the release of the report *Output Evaluation and Price Review of the Magistrates' Court*. This Output Review contained a series of guiding principles and recommendations for improving the reporting of outputs to Treasury.

In response to the Output Review, the Court has developed a suite of output measures that will be used for internal management reporting as well as quarterly revenue certification purposes and public presentation through the relevant Budget Papers.

This suite of measures considers both performance indicators and workload measures, capturing the volume of Court output, timeliness of outputs, and their quality.

The recommended measures include:

- Backlog;
- Timeliness of finalised 'matters';
- Clearance rate;
- Quality of registry enquiries;
- Appeal rates and orders to review;
- Use of re-offending Reduction Programs;
- Workload ('Substantive Matters Finalised').

The Court will report on all of the above measures for internal management purposes (supported by an additional set of measures that relate to sub-outputs and activities).

The Court suggests that a subset of the above measures is appropriate for revenue certification and public reporting purposes. Those measures that are not specific to output reporting and revenue certification will be provided to Treasury to support explanations for any deviations from targets.

It is proposed that the 2002/2003 financial year will be used to collect data to enable the construction of meaningful and robust targets for the following year. Only when appropriate targets have been determined can the new indicators replace those currently employed.

It is expected that, for the 2002/2003 financial year, revenue certification will continue to be based on the current quarterly reporting (including BP-3) measures. During this period, the new performance measures also will be provided to Treasury, but targets for these measures will not initially be available.

## **Technology Infrastructure**

Major Technology upgrades and implementations occurred at the following locations:

- State Coroners Office: Replacement of all infrastructure and connection to the Department of Justice Wide Area Network
- Children's Court (Melbourne): Replacement of all desktop devices in the Registry. Major functionality upgrade to the Family Division Case Management System (LEX II).
- Wodonga Court: Replacement of all infrastructure to complement the new building.
- Heidelberg Court: Replacement of all infrastructure to complement the refurbished building and improved accommodation facilities.

## Building Maintenance and Construction

### Completed Projects/Building Events

#### **Wodonga Court and Police Complex**

Design and construction of a new four-Court multi-jurisdictional complex and a 24-hour Police facility.

Budget: \$11.9M

Completion: April 2002

Official Opening Ceremony: August 2002.

#### **Heidelberg Court Refurbishment**

Building additions for four new court rooms, new Magistrates' chambers and secure car parking, separate access for Children's Court matters, secure custody access to the Court from the adjacent police station and video conferencing facilities.

Budget: \$4.8M

Completion: May 2002

Official Opening Ceremony: August 2002.

### Capital Works Projects Underway

#### **Preston Court Upgrade**

Works to improve security, increase natural light, upgrade the air-conditioning system and provide additional interview rooms.

Budget: \$236,130

Completion target: October 2002

Progress: Cumayne Constructions on site.

Works near complete. Inspections will be conducted in the week commencing 14 October 2002 prior to builders' handover.

#### **Horsham Court Upgrade**

New Jury Pool room, two interview rooms, amenities and improved air-conditioning.

Budget: \$640,000

Completion target: June 2003

Progress: Schematic design complete.

Design development commencing. Tender documentation to be completed by early November 2002. Builder to be appointed in late January 2003.

#### **Wangaratta Court Upgrade**

Disabled access to first floor and fit-out of rear apartment to accommodate a jury pool room.

Budget: \$537,000

Completion target: June 2003

Progress: Schematic design complete. Design development commencing. Tender documentation to be completed by early November 2002. Documentation of the lift and lift shaft will be completed first so that the lift will be ordered as early as possible due to lengthy lead times.

#### **Bendigo Court Upgrade**

To provide heating and cooling and some minor building works to improve working conditions and security.

Budget: \$1,463M

Completion target: June 2003

Progress: Schematic design underway.

Engineers are discussing the preferred method of heating and cooling the building with Heritage Victoria before full documentation. Tender documentation to be completed by early November 2002. The appointment of a builder is scheduled for late January 2003.

#### **Warmambool Court Complex**

New four-Court multi-jurisdictional complex adjacent to the existing Police station.

Budget: \$8.8M

Completion target: December 2003

Progress: Schematic design signed off and project well into the design development phase. Tender documentation scheduled for completion by end October 2002. Tendering, evaluation and a recommendation to contract a builder is scheduled for late December 2002. Construction to commence in late January 2003.

## Capital Works Projects Underway (cont'd)

### **Mildura Court Complex**

New four-Court multi-jurisdictional complex.

Budget: \$9.7M

Completion target: December 2003

Progress: Schematic design signed off and project well into the design development phase. Tender documentation scheduled for completion by end October 2002. Tendering, evaluation and a recommendation to contract a builder is scheduled for late December 2002. Construction to commence in late January 2003.

### **LaTrobe Valley Court and Police Complex**

New six-Court multi-jurisdictional complex and 24-hour Police facility

Budget: \$25M

Completion target: December 2004

Progress: Design of the Court is underway. Morwell Court will close on 31 December 2002 in order to commence demolition on site with staff being relocated to Moe and County Court listings to Sale.

### **Minor Works**

305 minor works projects were undertaken during the 2001/2002 financial year with the two major projects being fire restoration works at Bacchus Marsh Court and the addition of a front canopy, internal minor works and rendering of the façade of the Dromana Court. The total expenditure on minor works for the financial year was \$392,782.

### **Urgent and Essential**

876 urgent and essential works were completed during the year at a cost of \$182,174.

## Video Conferencing

**D**uring the year under review, the Court continued to facilitate the appearance of parties and/or the giving of evidence by audio visual/audio link.

Increasingly the model of video conferencing in the Magistrates' Court of Victoria attracts international interest and approbation to the extent that the Court is now regarded as a world leader in this field.

The level of acceptance of video links within the Court is now so high that whenever possible they are used as a matter of course rather than the exception.

Since 1997, the actual usage of video conferencing has increased from 17% of total available court time to 28% by the end of 2001.

## Library & Secretarial Staff

### Magistrates' Court Library

**D**uring the year under review, the Magistrates' Court Library continued to develop its library acquisitions in the electronic format and extended the types of Law reports and texts relevant to magistrates.

Ready access to a variety of relevant reference materials is now available to Magistrates by way of the Supreme Court CD-rom tower.

The Council of Magistrates records its appreciation of the invaluable work done and the assistance given by the librarian, Ms Libby Gray. Ms Gray has been instrumental in implementing many useful library changes and has been continually helpful in handling the numerous enquiries from magistrates throughout the year.

### Secretarial Staff

**T**he Council of Magistrates wishes to record its appreciation for the secretarial assistance provided by Ms Lisa Farrell and Mrs Josephine Barbaro.

Both have been involved in the preparation and distribution of relevant material to the magistrates on a day-to-day basis and have willingly assisted in the typing of judgments and court orders for the magistrates.

They have also given outstanding support to the Chief Magistrate and the Deputy Chief Magistrates.

# The Magistracy of Victoria

The Magistrates and Coroners of the State of Victoria as at 30 June 2002 were as follows:

## Chief Magistrate

Mr Ian Leslie Gray

## Deputy Chief Magistrates

Mr Brian Stirtevant Barrow

Mr Daniel John Muling

Ms Jelena Popovic

## State Co-ordinating Magistrate

Mr Paul Douglas Grant

## Coroner

Mr Graeme Douglas Johnstone, *State Coroner*

Mr Iain Treloar West, *Deputy State Coroner*

## Regional Co-ordinating Magistrates

Dr Kathryn Helen Auty

Mr Bernard Joseph Coburn

Ms Jillian Mary Crowe

Mr John William Doherty

Mr John Philip Dugdale

Mr William Paterson Gibb

Mr Robert Krishnan Ashok Kumar

Ms Kay Helen Macpherson

Mr Paul Anthony Smith

Ms Christine Anne Stewart-Thornton

Mr Ian Maxwell vonEinem

## Supervising Magistrates

Mr Peter Henry Lauritsen (Civil)

Ms Lisa Anne Hannan (Criminal)

Ms Jennifer Anne Benn Goldsbrough (CFV)

Ms Felicity Anne Broughton (VOCAT)

Mr Daniel John Muling DCM (IT)

## Magistrates

Mr Henry Clive Alsop

Mr Raffaele Barberio

Mr Thomas Arthur Dent Barrett

Mr Edwin Charles Batt

Mr Maxwell Charles Speedie Beck

Mr Isaac Joseph Beder

Mr Ross Frederick Betts

Mrs Susan Adele Blashki

Ms Angela Joy Bolger

Ms Jennifer Carolyn Anne Bowles

Mr Barry Bernard Braun

Mr Leonard Harold Brear

Mr James Maxwell Brooke Cashmore

Mr Brian Joseph Clifford

Ms Ann Elizabeth Collins

Ms Barbara Ann Cotterell

Mr David Bruce Sidney Cottrill

Mr Peter Couzens

Mr Rodney Leslie Crisp

Ms Caitlin Creed English

Mr Julian Francis Fitz-Gerald

Ms Lesley Ann Fleming

Mr Roger Wilson Franich

Mr Phillip Goldberg

Mr Paul Douglas Grant

Mr Maurice Gurvich

Mr Harold Rupert Hallenstein AM

Mr Harley James Harber

Ms Margaret Gill Harding

Mr John William Hardy

Mr Thomas Kevin Hassard

Ms Kate Isabella Hawkins

Ms Jacinta Mary Heffey

Mr Francis William Hender

Mr Louis Joseph Hill

Mr Francis Ross Hodgens

Mr Frank William Dudley Jones

Mr Jonathan George Klestadt

Ms Elizabeth Anne Lambden

Ms Catherine Frances Lamble

Mr Gregory John Zalman Levine

# The Magistracy of Victoria (cont'd)

Mr Keith William Lewis  
Mr Timothy John McDonald  
Mr Ian Thomas McGrane  
Mr Rowan George McIndoe  
Mr Colin Eunan Macleod  
Mr Clive James McPherson  
Mr Lance Ivan Martin  
Ms Anne Jeanette Maughan  
Mr Peter Harry Mealy  
Mr Michael Francis Moloney  
Mr John Martin Murphy  
Mr John Charles Myers  
Mr William John George O'Day  
Mr Thomas Michael O'Dwyer  
Ms Denise Mary O'Reilly  
Ms Kim Michelle Willmott Parkinson  
Ms Jane Marie Josephine Patrick  
Mr Peter Thomas Power  
Mr Noel Brian Purcell  
Mr Steven Raleigh  
Mr Duncan Keith Reynolds  
Mr Ronald Norman Saines  
Mr Michael Leslie Smith  
Ms Paresa Antoniadis Spanos  
Mr Alan John Spillane  
Ms Heather Margaret Spooner  
Mr Michael Henry Lewis Stone  
Ms Noreen Mary Toohey  
Mr Robert Leslie Tuppen  
Ms Susan Melissa Wakeling  
Mr Hugh Malcolm Walter  
Mr William Peter White  
Ms Wendy Anne Wilmoth  
Mr Brian Philip Wynn-Mackenzie

## Acting Magistrates

Mr John Douglas Bolster  
Mr Lewis Phillip Byrne  
Mr Barry Francis Docking  
Mr William Desmond Martin  
Mr James Stanislaus Mornane  
Mr Philip John Rodda  
Mr Terry John Wilson  
Mr Lionel Cedric Winton-Smith

## Appointments

Ms Ann Elizabeth Collins (4 June 2002)  
Ms Kim Michelle Willmott Parkinson (24 July 2001)  
Mr Ronald Norman Saines (4 June 2002)

## Administration

### Chief Executive Officer

Mr Patrick Armstrong

### Principal Registrar and Registrar of the Melbourne Magistrates' Court

Mr Graeme Horsburgh

## Acknowledgements

The assistance of the following persons in the compilation of this *Annual Report* is noted with much appreciation:

- Mr Patrick Armstrong, CEO
- Mr Victor Yovanche, Manager, Finance and Administration
- Ms Samantha Adrichem, Strategic Operations and Analysis Services, DoJ
- Mr Peter Elliott, Magistrates' Court Statistics, DoJ
- Ms Lisa Farrell, Melbourne Magistrates' Court
- Mr Barry Bolton, Co-ordinator *After Hours Service*
- Mr Chris Balfour, Technology Co-ordinator
- Mr Tony Hargreaves, Registrar, PERIN Court
- Ms Jo Beckett, Bail Co-ordinator Melbourne Magistrates' Court

*This Annual Report*  
was designed and produced for the  
Magistrates' Court of Victoria  
by Patrick Street.

## Chapter 5

# FINANCIAL STATEMENT

## Financial Statement for the Year Ending 30 June 2002

	<b>Budget</b>	<b>Actuals</b>
<b>SPECIAL APPROPRIATIONS</b>		
<b>Magistrates' Court of Victoria</b>		
Magistrates' salaries and allowances	18,361,000	21,246,594
<b>Crimes Compensation Tribunal</b>		
Salaries	931,937	895,276
Operating	532,063	491,531
Compensation payments	33,100,000	23,589,221
<b>TOTAL SPECIAL APPROPRIATIONS</b>	<b><u>52,925,000</u></b>	<b><u>46,222,622</u></b>
<b>RECURRENT APPROPRIATIONS (INCLUDING REVENUE RETENTION)</b>		
Salaries	13,146,876	13,282,661
Overtime	10,000	9,606
<b>Total Salaries and Overtime</b>	<b><u>13,156,876</u></b>	<b><u>13,292,267</u></b>
Provision for Annual Leave	250,000	-267,465
Provision for Long Service Leave	307,792	413,939
WorkCover	95,855	63,082
Payroll Tax	865,671	817,721
Fringe Benefits Tax	5,000	-279,590
Superannuation	1,267,338	1,253,346
<b>Total Subsidiary Salary Costs</b>	<b><u>2,791,656</u></b>	<b><u>2,001,033</u></b>
Depreciation and Amortisation	3,461,500	4,032,117
Government Finance Charge	11,164,000	10,903,059
Travel Entertainment & Personal Expenses	631,812	584,629
Printing Stationery & Office requisites	1,092,907	1,237,638
Postage and Communication Expenses	777,173	746,498
Contractors, Consultants & Professionals	425,394	468,466
Training and Development	220,238	213,979
Motor Vehicle Expenses	835,763	824,078
Other Operating Expenses	499,957	468,755
Jury, Witness and Award Payments	97,621	105,214
Information Technology	800,668	766,794
Urgent and Essential Works	254,490	256,835
Rent and Property Services	3,032,924	2,990,064
Property Utilities	788,763	722,912
Maintenance	306,630	448,347
<b>Total Operating</b>	<b><u>24,389,840</u></b>	<b><u>24,769,385</u></b>
<b>TOTAL RECURRENT APPROPRIATIONS</b>	<b><u>40,338,372</u></b>	<b><u>40,072,685</u></b>

	<b>Budget</b>	<b>Actuals</b>
<b>CAPITAL EXPENDITURE</b>		
Capital Expenditure	400,000	506,658
<b>TOTAL CAPITAL EXPENDITURE</b>	<u><b>400,000</b></u>	<u><b>506,658</b></u>
<b>REVENUE</b>		
Court Fees	12,900,000	13,260,583
Fines — All others	11,000,000	10,800,324
Other Revenue	3,600,000	5,078,788
<b>TOTAL REVENUE</b>	<u><b>27,500,000</b></u>	<u><b>29,139,695</b></u>

### Notes to and forming part of the Financial Statement

**Note 1:** Items identified as non-discretionary, that is, any budget savings cannot be redeployed to meet other general expenses of the Magistrates' Court.

**Note 2:** Depreciation is the process of allocating the value of all non-current physical assets controlled by the Court over their useful life having regard to any residual value remaining at the end of the assets' economic life. Financial Management makes this charge on a monthly basis as part of the End of Month procedure. Depreciation charges are based on the value of each individual asset, the method of depreciation used for each asset, the specified rate of depreciation and the physical location of the asset.

**Note 3:** Included in operating expenses are Retained Court Fees for "one-off" capital expenditure initiatives which were approved during the year and are listed in further detail below:

	<b>Budget \$</b>	<b>Expend \$</b>
Shortfall in Court Operating Expenses	500,000	502,903
Children's Court Pre-hearing Conferences	135,000	142,199
Security and Engineering Services	350,000	350,867
Education and Training of Magistrates	150,000	145,377
Feasibility study for court refurbishment	150,000	87,058
Replacement of IT infrastructure	250,000	250,043
Upgrade of Children's Court computer system	50,000	50,000
Business Process ReEngineering Project	297,000	285,426
Upgrade of Coroner's Court IT system	300,000	301,473
<b>TOTAL</b>	<u><b>2,182,000</b></u>	<u><b>2,115,346</b></u>

**Note 4:** The Capital Asset Charge is a charge made by the Department of Treasury and Finance (DTF) as a measure of the cost of Capital that entities have invested in assets under their control. Currently, DTF sends a monthly invoice to Finance for payment. As the Court has no control over funding allocated, the Court's budget is not affected by any surplus or deficit at the financial year's end.

**Note 5:** A budget surplus of \$265,687 was achieved in the recurrent budget for 2001/2002 financial year which can be attributed to a budget surplus in the C.R.E.D.I.T. program (\$144,274), Bail Advocacy program (\$78,772) and the revenue retention funded Feasibility Study for Court Refurbishment (\$62,942)

**29 November 2002**

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