



# Magistrates' Court of Victoria

## 2003–04 Annual Report



*Justice for the  
Community*



## Vision

*Our vision is to be a leader in the administration of justice by providing a professional, accessible and responsive court system that ensures equal access to justice for all Victorians.*

## Purpose and Values

Our purpose is 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 that is easily understood and accessible by Court users and the general public.

Our values are:

- Independence of the judiciary
- Equal access for all Court users
- Prompt resolution of disputes
- Innovative use of systems and technology
- Community confidence in the provision of services
- Developing staff and encouraging initiative

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## Letter to the Governor

To His Excellency

The Honourable John Landy, AC, MBE

Governor of the State of Victoria and its

Dependencies in the Commonwealth of Australia

May it please your Excellency

The members of the Council of Magistrates are pleased to present the Annual Report covering the operations of the Magistrates' Court of Victoria from 1 July 2003 to 30 June 2004 pursuant to the provisions of Section 15 of the *Magistrates' Court Act of Victoria 1989*.

Sincerely



Ian L Gray

**Chief Magistrate**

30 September 2004

## About our Cover

We chose the theme *Justice for the Community* for this year's Annual Report to reinforce the Magistrates' Court as the *people's court*, which communicates our highest aim of serving people and communities.

Clockwise from left—Drug Court representatives Solicitor Jill Fischer, Deputy Registrar Lucille Grimshaw, Case Manager Rob Francis, Magistrate Margaret Harding, Police Prosecutor Nigel King and Program Manager Graeme Ebert; Shepparton Regional Coordinator of the Koori Court Magistrate Dr Kathryn Auty (back row, third from left) with Aboriginal elders and dancers; Magistrates Anne Goldsbrough, Noreen Toohey and Noel Purcell (retired), with Judge Jennifer Coate, President of the Children's Court; Senior Diversion Coordinator Joe Shields, Melbourne Division Coordinator Simon Walker, GRP Officer Annie Mereos and Division Assistant Iain Griffiths; and Deputy Chief Magistrate Jelena Popovic (centre) with representatives of the Islamic Young Women's Association.

# Overview of the Magistrates' Court of Victoria

The Magistrates' Court of Victoria (the Court) is established under section 4 of the *Magistrates' Court Act 1989* (the Act).

The Court comprises 99 Magistrates and nine Acting Magistrates. They are supported by 390 full-time equivalent Registrars and 34 support staff, including staff working in the Coroner's Court, Children's Court and the Victims of Crime Assistance Tribunal. The Court's Magistrates sit at 54 locations in metropolitan, suburban and country areas.

## The Court's Jurisdiction

The Court exercises a varied, substantial and extensive jurisdiction as follows.

### **Criminal Jurisdiction**

In addition to the Act, the criminal jurisdiction of the Court derives from various State and Federal Acts, including the *Crimes Act 1958* (State) and *Crimes Act 1914* (Commonwealth), the *Sentencing Act 1991* and the *Judiciary Act 1903*.

The Court has jurisdiction to determine summary offences and a wide range of indictable offences. Section 53(1) and Schedule 4 of the Act empower the Court to hear indictable offences, such as:

- causing injury intentionally or recklessly;
- conduct endangering persons;
- indecent assault;
- robbery/theft;
- burglary/aggravated burglary;
- obtaining property by deception; and
- destroying or damaging property.



*With a strong commitment to assisting victims of crime, the Court appoints staff and all Magistrates to the Victims of Crime Assistance Tribunal (VOCAT). From centre, Deputy Registrars Amy Stuart and Renee Hanson are part of a team devoted to helping victims of violent crime recover from their ordeals and assisting with expenses that may have resulted from the crime.*

The Court has jurisdiction to hear and determine certain indictable 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 indictable offences summarily, the Court conducts committal proceedings to determine if there is sufficient evidence for the accused to be committed to stand trial at either 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. The Court has jurisdiction to hear and determine claims up to \$40,000, including claims for personal injury damages.

In addition, the Court 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.

At the time of publication, legislation has been passed to increase the Court's civil jurisdiction from \$40,000 to \$100,000.

### **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 of up to \$40,000.

# Overview of the Magistrates' Court of Victoria

## **After Hours Service**

The Court provides the services of a Magistrate and Registrar between the hours of 5.00 p.m. and 9.00 a.m. The Duty Magistrate issues search warrants, warrants to arrest, and urgent interim intervention orders under the provisions of the *Crimes (Family Violence) Act 1987*.

## **Court Support Services**

The Magistrates' Court develops and participates in a number of initiatives designed to improve the Court's responsiveness to the community. The purpose of these initiatives is to bridge gaps of understanding and communication between the Court, other courts, the Government, Court users and the general public.

The Court provides a number of important programs as follows. More information on the activities of these programs may be found starting on page 44 of this Annual Report.

## **Disability Coordinator**

The Court provides a Disability Coordinator to assist persons with a disability who come in contact with the Court.

## **Community Forensic Mental Health Court Liaison Service**

Four experienced registered psychiatric nurses identify and assess persons attending court who may require psychiatric intervention.

## **Bail Support Program**

The Bail Support Program aims to enhance the likelihood of a defendant being able to meet the conditions of bail and successfully completing the bail period by providing appropriate accommodation, supervision and access to treatment.

## **Juvenile Justice Court Advice Unit**

The Juvenile Justice Court Advice Unit advises the Court about young persons charged with committing offences and provides suitability assessments for courts making Youth Detention Orders.

## **Aboriginal Liaison Officer**

The Aboriginal Liaison Officer provides advice and access to services for indigenous offenders who come in contact with the Court.

## **Criminal Justice Diversion Program**

The Criminal Justice Diversion Program diverts minor offenders from the trial process. The plan is available at all major metropolitan courts.

## **Enforcement Review Program**

The Enforcement Review Program supports individuals who have incurred a variety of multiple infringements registered at the PERIN Court that are progressing to warrant stage.

## **Victims of Crime Assistance Tribunal**

Established under the *Victims of Crime Assistance Act 1996* (VOCAT Act), the Victims of Crime Assistance Tribunal (VOCAT) not only provides financial assistance to help victims of crime recover from their ordeals but also acknowledges the suffering they have experienced. In a symbolic way, VOCAT represents the Victorian community's expression of sympathy and condolence to victims and their families.

The Court appoints all Magistrates as members of VOCAT. Specially trained registrars assist victims with their applications and develop strong links within their local communities to support victims of crime.

Refer to the VOCAT Annual Report for details of its proceedings, amounts of awards made and case statistics.

## **Children's Court**

All Magistrates sit in the Children's Court in locations across Victoria, including a dedicated Children's Court in Melbourne. For more information, refer to the Children's Court Annual Report.

## **State Coroner's Office**

Established under the *Coroners Act 1985*, the State Coroner's Office comprises the State Coroner, Deputy State Coroner, coroners, registrars, counsellors, researchers and other Court support staff. Magistrates, who are also coroners, and registrars deal with coronial matters that occur in rural Victoria.

Coroners investigate 'reportable deaths' and fires and hear inquests. In addition, coroners make recommendations regarding public health and safety to assist in reducing the incidence of preventable death and injury within the community.

Registrars perform important quasi-judicial functions and, together with other Court staff, are responsible for non-judicial operations and providing administrative support to coroners.

Refer to the State Coroner's Office of Victoria report on page 34 for more information.

# Year at a Glance

Item		2003-04	2002-03	% Change
<b>All Criminal Prosecutions:</b>				
• Initiated, comprising:	No	138,280	132,425	4.4
– Arrest and summons cases	No	122,923	116,812	5.2
– PERIN Court revocations	No	15,357	15,613	(1.6)
• Finalised	No	130,890	120,057	9.0
• Pending	No	27,518	26,633	3.3
Criminal cases finalised within six months	%	89.1	89.5	(0.4)
Criminal cases pending for more than 12 months	%	4.5	4.7	(0.2)
Cases finalised at Contest Mention Court	No	9,082	8,028	13.1
Committal proceedings finalised	No	3,198	3,136	1.9
Persons committed for trial to a higher court	No	2,571	2,523	1.9
Defendants summarily dealt with by the Court (from the committal stream)	No	627	618	1.5
Applications received by After Hours Service	No	1,937	1,786	8.4
Cases finalised at ex parte hearings	No	7,242	5,788	25.1
Warrants issued	No	20,799	19,719	5.5
Appeals lodged against conviction or sentence	No	2,167	2,327	(6.9)
PERIN Court infringements initiated	No	768,061	882,766	(13.0)
<b>All Civil Cases:</b>				
• Complaints issued or filed	No	71,165	74,269	(4.2)
• Defended claims finalised, comprising:	No	9,499	10,601	(10.4)
– Pre-hearing conference	No	3,897	4,036	(3.4)
– Hearings	No	3,212	3,772	(14.8)
– Arbitrations	No	2,390	2,793	(14.4)
• Defended claims pending	No	3,710	3,637	2.0
Defended claims finalised within six months	%	74.7	72.6	2.1
Defended claims pending for more than 12 months	%	8.2	9.6	(1.4)
Defence notices filed (up to \$10,000 claimed)	No	7,226	7,605	(5.0)
Defence notices filed (more than \$10,000 claimed)	No	3,503	3,325	5.4
Default orders made	No	38,340	40,313	(4.9)
Interstate judgments registered	No	8,384	9,268	(9.5)
Family Law orders made	No	3,229	3,357	(3.8)
Crimes Family Violence complaints issued	No	20,789	22,006	(6.0)
WorkCover complaints issued	No	1,233	1,455	(15.2)
Koori Court matters heard since October 2002	No	230	n/a	n/a
Drug Court orders made	No	37	59	(37.3)
Coronial investigations initiated	No	4,498	4,219	6.6

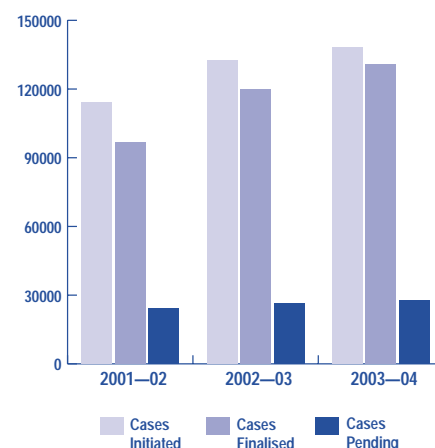
n/a=not available

## Five-Year Financial Summary

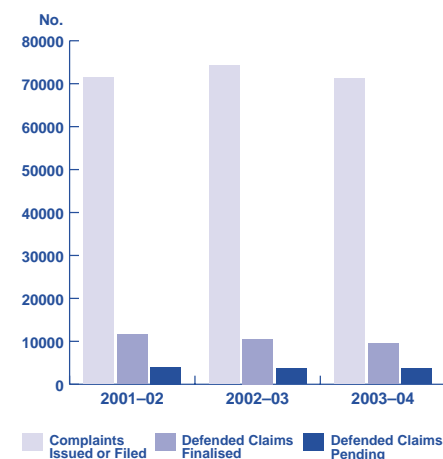
Item (\$'000)	2003-04	2002-03	2001-02	2000-01	1999-00
Special Appropriations	51,707	40,287	46,223	32,532	35,916
Salaries	14,785	15,149	15,293	14,250	16,511
Operating	6,235	6,684	6,012	4,979	3,847
Revenue Retention	1,024	1,987	2,115	1,705	1,945
Parallel Programs	3,003	2,492	-	-	-
Minor Capital Works	291	440	507	489	1,012
Department Controlled Expenditure	14,823	16,888	16,642	15,656	15,737

Note: prior to 2003-04 budget figures included the Children's Court.

## Case Profile Criminal—2001-04

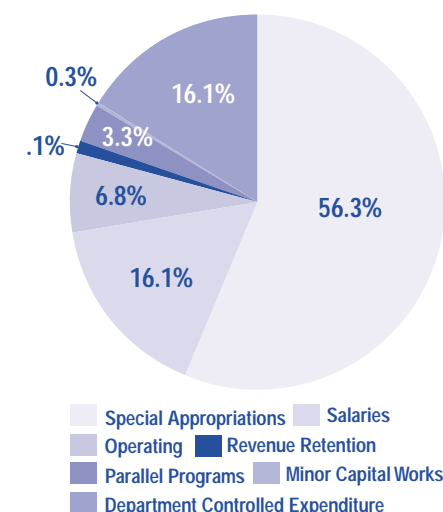


## Case Profile Civil—2001-04



As the two graphs above illustrate, the Court experienced a year of growth in the criminal workload and a small reduction in the civil workload.

## Operating Expenditure—2003-04



The bulk of the Court's expenditure related to special appropriations, including VOCAT award payments.

# Our Objectives and Achievements in 2003–04

## 1. Provide Court facilities that are modern, responsive, accessible and secure.

Key Strategies	Achievements
<b>Determine cases justly expeditiously and efficiently.</b>	<p>Continued to determine cases within established time frames.</p> <p>Participated in a pilot to divert Crimes Family Violence applications involving neighbourhood disputes to mediation.</p>
<b>Provide safe and secure Court facilities.</b>	<p>Participated on the Courts Security Review Committee.</p> <p>Developed the Victorian Courts and Victorian Civil and Administrative Tribunal Safety, Security and Emergency Action Handbook.</p> <p>Developed statewide emergency and duress procedures.</p> <p>Provided all staff with a Court Security Ready Reference and Court Security Emergency Action Guide.</p> <p>Provided ongoing training to staff regarding dealing with potentially violent clients.</p> <p>Developed personal security procedures for Magistrates.</p>
<b>Develop and maintain accessible Court facilities.</b>	<p>Commenced the construction of new court complexes at Mildura and Warrnambool.</p> <p>Oversaw the completion of the design and commenced the tendering for a new court in the LaTrobe Valley.</p> <p>Commenced site master planning and negotiations for a new court in Moorabbin.</p>
<b>Develop modern Court practices through technology.</b>	<p>Trialed digital recording of evidence at Melbourne Magistrates' Court.</p> <p>Installed personal computers and DVD facilities in all courtrooms at Melbourne.</p> <p>Implemented Business Process Re-engineering recommendations resulting in the installation of an improved telephone system and increased acceptance and use of Electronic Data Interchange (EDI) service and video conferencing technology as business tools.</p>
<b>Ensure continued professional development of Court personnel.</b>	<p>Trained 16 registrars in mediation techniques.</p> <p>At total of 225 staff attended the Court's Annual Registrars and Court Staff Conference.</p> <p>Provided training to VOCAT staff, enabling them to make interim awards.</p>
<b>Implement Courts Strategic Directions.</b>	<p>Participated on the Attorney-General's Justice Statement Working Party and Courts Strategic Directions Working Party.</p>

## 2. Provide effective and efficient management of practices and procedures across all jurisdictions.

### Key Strategies

**Ensure the Court embraces best practice management and business excellence principles.**

### Achievements

Implemented a robust Business Excellence Program and Business Excellence Groups met regularly throughout the year.

Projects researched during 2003–04 included:

- conducting court user forums;
- developing screen savers that promote the Court's Strategic Plans;
- developing an 'Innovations Register';
- ensuring security information is easily accessible from the Resource Centre;
- conducting regular performance feedback sessions; and
- introducing a statewide staff rewards and recognition program.

**Review Court procedures to ensure they are efficient and effective.**

Held a Strategic Planning Seminar between the Chief Magistrate and Deputy Chief Magistrates, together with the Chief Executive Officer, State Coordinating Magistrate and Principal Registrar, to review Court practices and procedures.

Magistrates and Registrars undertook a review of the Act and made recommendations regarding possible amendments to the Act to the Attorney-General.

Achieved a 62.0% success rate in the mediation pilot of civil disputes at Melbourne, involving claims exceeding \$30,000.

Participated on various reference groups concerning the new Crimes Family Violence Division.

Conducted statewide seminars and forums on VOCAT practices and procedures.

**Support innovative approaches to improve sentencing outcomes and prevent re-offending.**

Conducted a cost benefit analysis during the performance cycle on the CREDIT and Diversion Programs.

Findings included:

- achieving a re-offending rate within the first 12 months for people who had undertaken the Diversion Program of only 3.5%—the general recidivism rate is 17%; and
- achieving a re-offending rate for people who had undertaken the CREDIT Program of only 38.0%, which compares favourably with the general re-offending rate for drug and property offenders within 18 months of 64.0%.

Extended the Bail Support program to other metropolitan and regional courts.

# Our Objectives and Achievements in 2003–04

## 3. Meet the needs of the community, with particular regard to those who are victims, disadvantaged or have specific cultural needs.

### Key Strategies

**Develop the Court's role in community education.**

### Achievements

Held regular Court user forums at Melbourne.

Introduced a new Crimes Family Violence user forum involving major service providers at Melbourne.

Made additional information available regarding the Court's operations via the Internet.

Court Registrars continued to conduct Bail Justice Courses.

VOCAT staff conducted regular meetings with relevant VOCAT user groups.

**Enhance victim support services.**

Produced a VOCAT manual and provided a copy of the manual to all VOCAT staff.

Conducted statewide seminars and forums on VOCAT practices and procedures.

Re-designed VOCAT pamphlets to better inform the public of services provided.

Distributed VOCAT guidelines to service providers.

*Note: refer to the VOCAT Annual Report for more information.*

# Our Future Objectives and Strategies

Objectives	Strategic Approach
<p><b>1. Ensure the Court remains a trusted, respected part of the community by providing timely, cost-effective disposition of cases and adequate and appropriate remedies.</b></p>	<p>Monitor, evaluate and implement changes to listing practices to ensure that criminal and civil case management practices minimise delay, waste and expense.</p> <p>Consult and engage with relevant justice agencies, stakeholders and community groups to identify and develop case management and process improvements.</p> <p>Investigate technology to support innovative approaches to case management.</p>
<p><b>2. Respond effectively to the needs and expectations of the Victorian community and work cooperatively with other courts, tribunals and justice agencies to deliver mutually-beneficial outcomes.</b></p>	<p>Integrate existing therapeutic and restorative approaches into mainstream Court operations.</p> <p>In consultation with specific groups, develop strategies and programs to ensure the Court is accessible and responsive to disadvantaged or marginalised groups and individuals.</p> <p>Continue to develop the Court's role in community education.</p> <p>Continue to investigate online service providers to improve service delivery and business processes.</p>
<p><b>3. Provide Court facilities that are safe, secure, accessible and built for the future.</b></p>	<p>Develop, upgrade and maintain modern, accessible Court facilities.</p> <p>Review the Safety and Security Master Plan 2003 as part of the overall risk and threat management strategy to ensure a safe and secure environment for staff, Magistrates and Court users.</p> <p>Provide appropriate accommodation for all Court users and support agencies in existing and future Court facilities.</p> <p>Complete the Courts Strategic Facilities Development Plan to identify future planning of Court facilities for the next three, five and 10 years.</p> <p>Continue to properly maintain and improve regional Court facilities.</p> <p>Support development and implementation of the CBD Strategy Plan.</p> <p>Promote and, where appropriate, expand use of technologies, including conferencing and Internet-based technology, to improve access to Court services.</p>
<p><b>4. Embed a service culture founded on excellence, supported by an operational structure that is flexible, data smart and outcome driven.</b></p>	<p>Review planning processes to integrate activities with the business improvement program.</p> <p>Encourage visible leadership (management and judicial) support for an active business improvement program as a vehicle for change and innovation across the Court.</p> <p>Develop the skills of staff and enhance leadership skills and potential across the Court through appropriate training and development programs.</p> <p>Focus on customers and customer feedback to understand clearly what customers and Court users need and expect of the Court.</p> <p>Retain the skills and experience of staff by supporting flexible work arrangements to enable staff to maintain an effective work-life balance.</p> <p>Continue to support the rewards and recognition program to encourage and reward innovation, initiative and excellence.</p>

# Report of the Chief Magistrate

Over the last 12 months the Court has remained on a path of steady change, as it continues to evolve from being, essentially, a one-dimensional summary court to a much more complex, multi-jurisdictional, high volume court. Continuing a process of change the Court is today characterised by jurisdictional reform, increasing judicial specialisation and the availability and development of more sophisticated sentencing options and techniques, combined with the removal to the PERIN Court of the bulk of minor traffic and criminal charges.

Overall the reporting year has encapsulated a period of growth and continuing change, as the Court prepared for expanded jurisdictions and an increasing workload.

## Court Performance

The Court experienced a year of growth in the criminal workload and a small reduction in our civil workload. Since the majority of our workload (approximately 80.0%) continued to revolve around criminal cases, we considered the increase to be significant.

The number of criminal cases initiated totalled 138,280, representing a 4.4% increase, compared with 132,425 cases in 2002–03. The number of civil complaints issued or filed in 2003–04 totalled 71,165, representing a 4.2% decrease, compared with 74,269 issued or filed in 2002–03.

## Output Targets

Like all Victorian institutions, the Court is funded according to a series of output targets set by Treasury. In broad terms, we are meeting these targets, although they present some problems for the Court. While they are useful analytical measuring tools, they measure only output and number—not the true extent or complexity of the Court's workload. They fail to differentiate between complex and simple cases, and they fail to identify and count numerous interlocutory and miscellaneous applications, e.g. bail applications, applications for restoration of driver's licences and many others.

While accurate measuring of the Court's workload and performance is necessary, ultimately the Magistrates' Court of Victoria is a court of justice and it should always be remembered that courts are best measured not by numbers alone but by public confidence in the quality of justice delivered by the Court.

## Courts Strategic Directions

At the Attorney-General's request, the Court played an active role in the Courts Strategic Directions Project, resulting in the companion piece to the Attorney-General's Justice Statement. The document outlines objectives, principles and strategic directions for the courts over the next 10 years and articulates a critique by the courts and VCAT of current governance arrangements. I welcome the Government's willingness to engage in an evaluation of the governance arrangements for Victorian courts.



*Chief Magistrate Ian L. Gray.*

## Preparing for New Jurisdictions

The Government committed to, and has since passed, legislation that will increase the civil jurisdiction of the Court from 1 January 2005. This is a significant reform for the Court and we have undertaken a review of the Civil Rules to accord with the proposed changes. In April the Attorney-General launched the Court's Mediation Referral Program in conjunction with the Law Institute of Victoria and the Victorian Bar.

The Court has taken an active consultative role in developing a new Family Violence Division of the Court by virtue of legislation due to be passed in September 2004. We look forward to implementing that division at the Heidelberg and Ballarat Courts in 2005.

## A Problem-Solving Approach

The Koori Court and Drug Court are based, in part, on therapeutic jurisprudence principles and the application of a problem-solving approach to sentencing.

As a more intensive justice process, cases heard and determined in these courts require far more judicial time than would ordinarily be devoted to such cases in the Court's general lists, with significant resource implications. These pilot courts are being evaluated, and the results of the evaluations, which will be critical in terms of determining the resources required for the future, will be included in the next Annual Report.

## Reactivating the Industrial Division

During 2003–04 we prepared for the reactivation of the Industrial Division of the Court. A pre-existing jurisdiction, the Division has effectively remained dormant over many years, since Government transferred much of the industrial workplace relations' activity in Victoria to the Commonwealth arena. The Division is expected to become busy by early 2005.

## Remuneration

During the reporting period the Judicial Remuneration Tribunal made a salary determination for Judges and Magistrates. Parliament disallowed the determination and the Government passed legislation to link increases in Victorian judicial salaries to those of Federal Court Judges.

## Judicial Registrars

The Court has developed a proposal to create the position of Judicial Registrar, a significant step in modernising the Court and enabling it to more effectively manage its workload. If created, the position will deliver increased efficiency, enabling the Court to divert or reassign a number of functions from Magistrates to appropriately qualified Registrars. The proposal has been submitted to Government.

## Increased Security

We have focused our attention on security—both buildings and the personal security of Magistrates and Registrars. We created the position of Security Officer and implemented a variety of measures to ensure Victoria Police are able to respond quickly to security issues, both during and after work hours. The security of courts and individual judicial security will remain a vital issue for the future, as will occupational health and safety for Magistrates and Court staff in Victoria.

## New Executive Leadership

In August 2003, Mick Francis joined the Court as Chief Executive Officer. From the outset, Mick has contributed drive and dynamism, enabling the Court to embark on a range of initiatives. Supremely positive, he has proactively engaged the union and Court Registrars in a challenging industrial environment. I consider his appointment a key event for the Court, which has helped to solidify a strong management team.

## Resourcing

Ensuring the Court is adequately resourced to enable it to sustain increases in its jurisdictions and responsibilities remains an issue of fundamental importance. The Court's ongoing modernisation needs to be paralleled by the development of a new resourcing model with recognition of the judicial resource implications of dedicated/specialised courts with a problem-solving approach to case disposition.

It is critical that the Court continues to both work and negotiate with Government to ensure that the Court is resourced in a way that accurately reflects its workload, statewide operation, expanded jurisdictions and the role it plays in the community, including its pivotal role in instituting innovations such as the Criminal Justice Diversion Program, Drug Court, Koori Court and Family Violence Court.

## Support Services

As a high volume criminal court we continue to deal with criminal and civil cases within the parameters of the traditional adversarial system. However, in many cases, defendants display a range of problems that require early intervention and an emphasis on problem-solving approaches.

To support the bail and sentencing decisions of Magistrates the Court provides a variety of services that focus on the specialised needs of defendants and other Court users. These services deal with a range of issues such as mental health,

# Report of the Chief Magistrate

homelessness, disability and drug addiction. A variety of other measures fits within this area of the Court's work, including diverting minor offenders from the trial process, juvenile justice initiatives and Aboriginal liaison.

## Consistent Sentencing

The Government reactivated the *Victorian Magistrates' Court Sentencing Statistics* after a five-year hiatus—a positive development during the reporting period. Published in December 2003, the report documents the collection and analysis of sentencing data for all Victorian courts from 1996–97 to 2001–02.

This data is available on a new computer platform shared by Judges and Magistrates called JOIN (the Judicial Officer Information Network), enabling judicial officers to easily access the data on the bench and compare various sentencing ranges and approaches for similar cases in real-time. This valuable tool will help to promote consistency of sentencing by increasing awareness of other sentencing in like cases.

## Professional Education

The Court provides professional education programs to Magistrates through the work of the Professional Development Committee and an external partnership with the Judicial College of Victoria. Along with other heads of jurisdictions, I am a board member of the college. Since its creation in 2002, the college has matured rapidly and now offers an excellent range of educational services to judicial officers. Deputy Chief Magistrate Peter Lauritsen also represents the Court as a member of the college's Educational Advisory Committee. During the reporting period the Court worked closely with the college on projects such as the creation of a new, modern bench book, an induction manual and various other publications. A number of significant educational activities took place, including a very successful intensive course for Magistrates in June 2004, comprising orientation, induction and refresher training.

## Senior Appointments

During 2003–04 we welcomed as new Magistrates Mr Gregory McNamara and Mr Reg Marron, both of whom were appointed in December 2003. Mr McNamara and Mr Marron were experienced barristers when appointed and they bring a wealth of experience and expertise to their roles as Magistrates.

## Retirements

During the year under review Noel Purcell and Keith Lewis retired—Noel from the Melbourne Magistrates' Court and Keith from Gippsland. Both made great contributions to the Court and the community, and were fulsomely thanked and acknowledged at bench farewells. I wish them well in their retirement.

## The Community

The Court's connection with the community is a central and abiding theme for us. In particular Regional Coordinating Magistrates engage extensively with their local communities. Magistrates represent the Court in various State and local forums, and the Court provides a steady stream of Magistrates and registrars for public speaking engagements. In addition, Magistrates and Registrars promote an understanding of the Court's work within the community through such activities as Law Week and the hosting of the many hundreds (if not thousands) of school students who visit the Court throughout the State each year.

## Acknowledgments

I acknowledge with gratitude the Court's Magistrates and Registrars for their tireless work throughout the year under review. In particular I thank the Deputy Chief Magistrates, Supervising Magistrates and Magistrates who have served on committees and contributed to countless extra curricular activities within the Court, including educational activity. I also wish to thank Chief Executive Officer Mick Francis and his staff for their tremendous work in supporting Magistrates across Victoria. I particularly wish to acknowledge and thank my personal assistant Lisa Farrell for her loyalty, support and hard work for both me and Magistrates across the State. I also thank Josie Barbaro and Librarian Libby Gray for their support to Magistrates throughout the reporting year.

## The Way Ahead

While the independence of Courts and of judicial officers remains a cornerstone of our system, it is important for the Court to maintain a constructive and productive relationship with Government. I look forward to maintaining such a relationship, particularly through the Court Services Division. I take this opportunity to thank both the Secretary of the Department Penny Armytage and the Executive Director Courts John Griffin and his staff for their assistance to the Court over the course of the reporting year.

The Justice Statement, the Courts Strategic Directions document and our own strategic planning mark the way ahead for the 'people's court'. Among other developments I expect that there will be a review and increase of the Court's criminal jurisdiction, including the creation of a criminal rule making power. The Court is committed to a successful implementation of its increased civil jurisdiction, a strengthening of its alternative dispute resolution capacity and a renewed emphasis on modernising its case management practices. At the same time the Court will continue operating various innovative pilot programs and developing its extensive court support services, which have been so successful in recent years.



Ian L Gray  
**Chief Magistrate**

# Chief Executive Officer's Review

This is my first year as Chief Executive Officer of the Court and I am enormously grateful for the warm welcome extended to me by staff and Magistrates over the last year. I have been impressed by the professionalism, ability and dedication of the Court's staff across the State in developing and embracing new initiatives, and working with local communities to ensure the Court remains responsive and effective in its approach to problem-solving. This approach exemplifies the Court's evolution toward meeting the challenges presented by an increasingly diverse and complex society in which it plays an important part.

## Meeting the Needs of Victorians

During the reporting year we began a process of ensuring the Court has the leadership and management skills, structures, programs, and financial and resource management strategies to enable it to perform effectively in a continually changing and challenging operating environment. In doing so, the Court aims to meet the needs of the justice system and the Victorian community.

Over the past decade we have embraced innovative technology to improve our accessibility and effectiveness in managing workflow. We have taken a broad view of our responsibilities to the Victorian community in our approach to community consultation and customer service. In particular, we have a well-earned reputation for taking a leadership role in developing and implementing problem-solving approaches in criminal proceedings. I am particularly pleased with the progress made in the Criminal Justice

Diversion Program. The program has had a tremendous impact in terms of decreasing the rates of re-offending, achieving a low offending rate of 3.5%, compared with a general recidivism rate of 17.0%.

For any organisation as large and diverse as the Court, serving a large and diverse community, the challenges of providing effective and efficient service remains constant.

## Operational Performance

Operationally the Court experienced a busy and efficient period.

According to performance data the Court's overall workload has continued to increase and diversify. The caseload management practices and strategies the Court employs continued to be effective in ensuring the Court disposed of cases within acceptable timeframes. While the latter part of the financial year was impacted by industrial unrest as a result of continuing negotiations in relation to the Clerk of Courts Category Review, the vast majority of staff performed their duties with great professionalism throughout this operationally challenging period.

## Key Activities and Initiatives

During 2003–04 the Court undertook a range of key activities and initiatives, as follows:

- The Koori Court in Shepparton and Broadmeadows continued to play a significant role within the justice system while expanding its operations to Warrnambool, Portland and Hamilton in December 2003.
- As part of his Integration into the Community Program, the Attorney-General handed over the Moonee Ponds Court to the community to enable a number



Chief Executive Officer Mick Francis.

of local community groups to use the building at times when the Court was not using it for sittings or other Court services.

- In November 2003, we implemented a new classification system for non-executive Victorian Public Service (VPS) staff (refer to page 40).
- Construction commenced on two new multi-jurisdictional court complexes in Mildura and Warrnambool, and we completed considerable preliminary work on a proposal for another two new courts in Moorabbin and the LaTrobe Valley.
- Bail Justices continued to play a significant role in ensuring the ongoing accessibility of the Victorian justice system. During the reporting year we trained 174 community volunteers and Court Registrars for appointment as Bail Justices.
- We integrated BP3 Targets into our planning, providing the Court with agreed targets to measure aspects of effectiveness, efficiency and quality in the services we provide.

- We conducted a *snapshot* survey of various aspects of customer service and I am pleased with the results of the surveys conducted at Melbourne and Moe Courts in June 2004. In each of the services surveyed, including, counter enquiries, telecommunications and email, the Court exceeded performance targets.
- In July 2003 a total of 225 staff attended the Court's Annual Registrars and Court Staff Conference.

### Financial Performance

The Court managed its financial resources to within 1.0% of recurrent budget and secured \$3.0 million per annum in additional recurrent funding for the CREDIT and Diversion Programs.

For more information, refer to the Financial Statements on page 52 of this Annual Report.

### Key Appointments

Key appointments during the year under review included Operations Manager Peter McCann, Technology Coordinator Hans Wolf, Manager Family Violence Division Samantha Adrichem, Manager Court Support and Diversion Services Simone Shields and State Training Manager Mark McCutcheon. I congratulate these individuals and am confident they will bring significant ability and leadership to their roles.

### Acknowledgments

I extend my thanks to the Court's staff across the State for their continuing hard work and commitment. The Court can only be as good as its staff and we are fortunate to have diverse, talented and highly

committed people who perform their functions professionally and with great dedication. Congratulations to the 21 trainees who completed their training during the financial year and were appointed as qualified Court Registrars.

I particularly wish to acknowledge the efforts of the Court's Operations Manager Mr Peter McCann. Peter has shown outstanding leadership in this newly created role over the course of the financial year and, in particular, has provided me with invaluable support, advice and assistance.

Special mention must go to Rick Roberts and Bernard Lewis of the Coroner's Court, each of whom was awarded a Public Service Medal in the Australia Day Honours List for their work in Bali after the tragic bombings.

In addition, I congratulate and thank staff recognised for their contributions and special efforts as part of the Department of Justice's Partnership Awards and the Court's Reward and Recognition Program, which the Business Excellence Group, led by Anna McCasker, developed and implemented during the year under review.

My personal thanks go to Chief Magistrate Ian Gray and the Deputy Chief Magistrates for the encouragement and support they have given me over the past 12 months.

Finally, I wish to note my deep appreciation for my personal staff, Maree Laskaris, Kaye Johnston, Daphne Christopherson and Cate Ryan, for their support and very capable efforts throughout the period.

### Future Focus

For the Court to continue to evolve and be a respected and highly effective part of the justice system, we must continue to focus on achieving stakeholder needs and, importantly, be results-driven. The next financial year will mark a period of continuing review and restructure to ensure that, in an organisational sense, the Court is optimally placed to deliver the Government's outcomes for the Victorian community.

A critical task for the Court will be to implement a flexible and dynamic organisational approach supported by an adequately resourced operational structure. In this way, I hope to encourage forward thinking approaches to business improvement, customer service and people management, and engage in constructive partnerships with the Department of Justice and other jurisdictions and justice agencies, to make optimal use of limited resources to achieve common goals.

Impending changes, such as those brought about by major criminal committals, will provide the Court not only with new challenges but also with great opportunities to demonstrate initiative and vision.

I am confident the future will continue to be challenging and look forward to the Court's continuing evolution as a modern, progressive part of the Victorian justice system.



Mick Francis

**Chief Executive Officer**

# Our Performance: Criminal Jurisdiction

## Criminal Jurisdiction at a Glance

### Objective

- Finalise 85.0% of criminal cases within six months of the defendant's first appearance in Court.

### Results

- Cases initiated rose 4.4%, totalling 138,280 cases.
- Arrest and summons cases initiated rose 5.2%, totalling 122,923.
- PERIN Court revocations initiated fell 1.6%, totalling 15,357.
- Cases finalised at Contest Mention Court rose 13.1%, totalling 9,082.
- Committal proceedings finalised rose 1.9%, totalling 3,198.
- Finalised 89.1% of criminal cases within six months of the defendant's first appearance in Court.
- Cases pending rose by 3.3%, totalling 27,518.

### Future

- Finalise 85.0% of criminal cases within six months of the defendant's first appearance in Court.

During the year under review the Court dealt with an increasing number of offences. The Court exercised jurisdiction in relation to a wide range of both summary offences and indictable offences triable summarily. Determination in the Magistrates' Court provides a timely and cost-efficient means of disposition where adequate sentencing power exists. The Court actively seeks to exercise summary jurisdiction where appropriate. Such an approach involves increased workload for the Court but is consistent with the objectives set out in the Attorney-General's Justice Statement.

In addition the Court continues to hear and determine a range of summary offences initiated by a variety of agencies, including the Victoria Police, Australian Federal Police, Australian Securities and Investment Commission, Australian Tax Office, city councils, Citylink and other statutory bodies. With continuing increases in statutory framework and regulations, the Court experienced an increase in terms of caseload and complexity in this area.

## Cases Initiated

In 2003–04, cases initiated totalled 138,280, representing a 4.4% increase, compared with 132,425 cases in 2002–03.

Arrest and summons cases initiated totalled 122,923, representing a 5.2% rise compared with 116,812 in 2002–03. PERIN Court revocations initiated in 2003–04 totalled 15,357, representing a 1.6% decrease, compared with 15,613 cases in 2002–03.

### Cases Initiated by Type of Lodgement

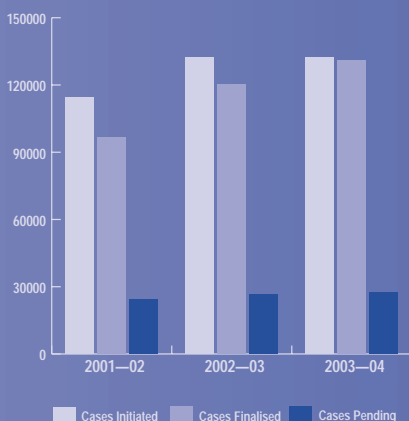
The breakdown of cases initiated by type of lodgement include:

- 88.9% Arrest or Summons (88.2% in 2002–03); and
- 11.1% Revocation of Infringement Notices (11.8% in 2002–03).

## Cases Finalised

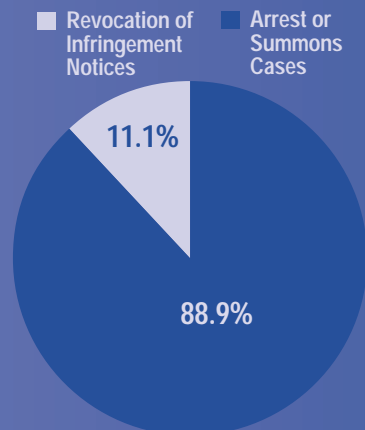
The number of cases finalised totalled 130,890, compared with 120,057 in 2002–03, representing a 9.0% increase. The Court finalised 89.1% of criminal cases within six months of the defendant's first appearance in Court.

## Criminal Case Activity—2001–04



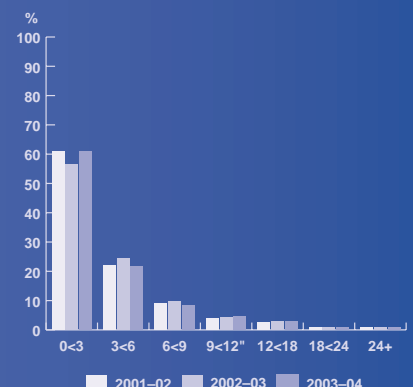
The number of cases initiated has varied, with a three-year downward trend reversing in 2000.

## Types of Criminal Cases—2003–04



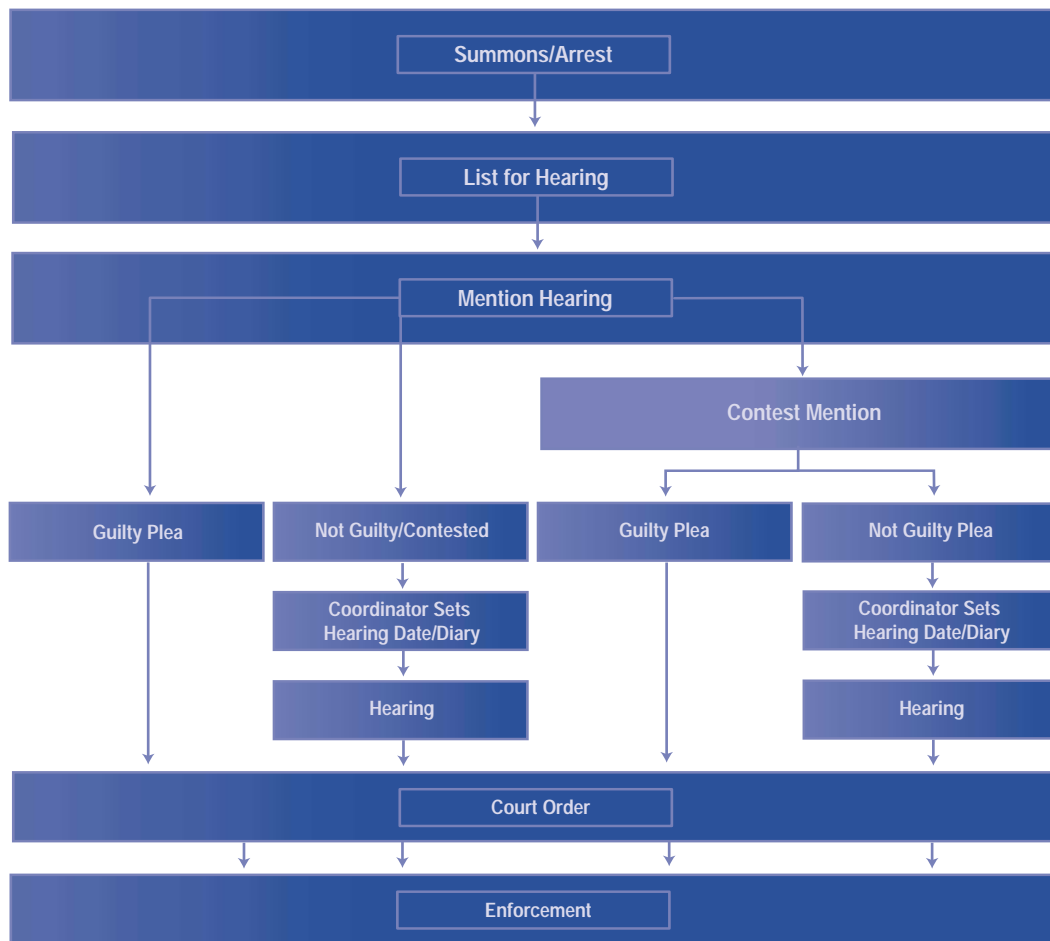
The vast majority of cases initiated involved arrest or summons cases.

## Age of Pending Cases in Months—2001–04



Of cases pending as at 30 June 2004, 82.6% had been pending for less than six months.

## How We Handle Criminal Matters



### Contest Mention System

The Court seeks to increase efficiency via the operation of a Contest Mention system. Contest Mentions operate throughout Victoria, resulting in significant savings in Court resources through the identification of matters that are capable of disposition other than by way of contested hearing. Where matters do proceed to contest, the contest mention process identifies and refines issues, resulting in reduced hearing times.

During 2003–04, cases finalised at Contest Mention Court totalled 9,082, compared with 8,028 in 2002–03, representing an increase of 13.1%. These cases represented 7.4% of all arrest and summons cases commenced (7.0% in 2002–03).

### Committal Proceedings

Committal proceedings are a significant source of workload and a substantial component of listing delays in the Court. Multi-head complex committals continue to increase and impact upon the resources of the Court.

Cases finalised in the committal stream during 2003–04 totalled 3,198, compared with 3,136 in 2002–03. The number of defendants finalised in the committal stream comprised less than 2.4% of the total number of defendants finalised in the Court.

The number of defendants committed to a higher court in 2003–04 increased by 1.9%, totalling 2,571

(80.4%) compared with 2,523 (80.3%) in 2002–03. The number of defendants summarily dealt with in the Court increased from 618 (19.7%) in 2002–03 to 627 (19.6%) in 2003–04, representing a 1.5% increase.

### Increasing Responsiveness

The Court has instituted a number of initiatives throughout the year aimed at increasing the responsiveness of the Court to the community it serves, as follows:

- *Introduction of case conferencing for committals*—Conferences are listed at the request of the parties or by direction of the Court and are conducted at 9.15 a.m. each

# Our Performance: Criminal Jurisdiction

morning. At an early stage, the results of this initiative indicate that conferences are assisting in resolution.

- *Pilot of child sexual offences list*—The Court conducted its first specialist child sexual offence list in January 2004. The list gives priority to matters involving child sexual offence complainants and promotes early resolution. The Court intends to conduct another list in January 2005.
- *Introduction of street workers' list*—This list operates at Melbourne Magistrate's Court on the first Tuesday of each month. It aims to increase attendance of street workers at Court so that services can be engaged to reduced offending.
- *Introduction of complex fraud management list*—This list operates every second Thursday and aims to increase early case management of complex fraud matters. In the Court's experience, early management reduces hearing time.

## Cases Pending

Cases pending measures the elapsed time between the date the case details were first entered into Courtlink and 30 June 2004.

On 30 June 2004 cases pending totalled 27,518, an increase of 3.3%, compared with 26,633 cases pending on 30 June 2003. Cases pending for more than six months represented 17.4% (18.9% in 2002–03) and cases pending for more than 12 months represented 4.5% (4.7% in 2002–03).

## Most Common Charges Heard

In 2003–04, of the 349,916 charges heard, the offence of theft was the most common charge totalling 43,161. This result represents 12.3% of all cases heard.

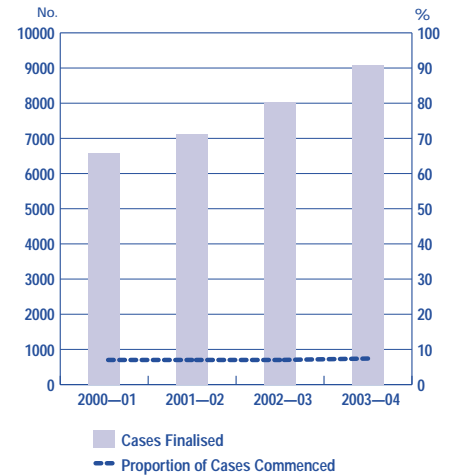
The second most common charge heard was obtain property by deception (20,436 charges or 5.8% of total charges heard).

The Court heard 9,249 charges of drink-driving and dealt with 12,222 charges of persons being drunk in a public place.

The table on page 17 shows the 25 most common charges finalised in the Court during 2003–04, excluding charges that were struck out or committed to a higher court.

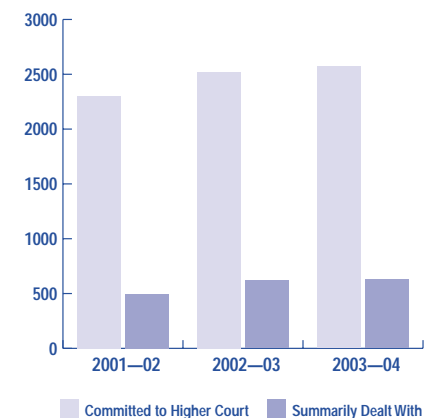
The total of the 25 most common offences heard was 223,586 or (63.9%). All other charges dealt with by the Court totalled 126,330 (or 36.1%). *Note that these numbers do not reflect allocation of resources or actual hearing time.*

## Cases Finalised at Contest Mention Court—2000–04



*The number of matters finalised continued to increase while the proportion of cases commenced remained steady.*

## Defendants Finalised in Committal Stream—2001–04



*The number of defendants committed to a higher court and summarily dealt with continued to rise.*

## After Hours Service

During 2003–04, the Court continued to provide an After Hours Service. A Magistrate and Registrar are available for urgent matters between 5.00 p.m. and 8.45 a.m. on weekdays and 24 hours a day on weekends and public holidays. The service responds to applications that originate from both State and Federal agencies.

The After Hours Service draws on Registrars' staff resources from the 24-hour Initial Investigations Office attached to the State Coroner's Office and On-Call Registrars of the Court. A Registrar is available to assist the Magistrate and, where necessary, to consider applications for issuing warrants to arrest and orders for the purposes of the *Crimes (Family Violence) Act 1987*.

During 2003–04, the After Hours Service received 1,937 applications for search warrants, compared with 1,786 in 2002–03, representing a 8.4% increase.

One of the main types of search warrants issued related to provisions under the *Drugs, Poisons and Controlled Substances Act 1981*.

Search warrants comprised the following types:

- 292 stolen goods (268 in 2002–03);
- 453 drugs (391 in 2002–03);
- 598 evidence pursuant to section 465 of Crimes Act (551 in 2002–03);
- 61 firearms (42 in 2002–03);

- 345 Children and Young Persons Act (325 in 2002–03);
- 53 Commonwealth crimes and customs (29 in 2002–03); and
- 135 other (180 in 2002–03).

The service received 2,806 applications for warrants to arrest relating to orders made under the *Crimes (Family Violence) Act 1987*, compared with 3,231 in 2002–03, representing a 15.0% decrease.

However, this result is still substantially higher, compared with previous financial years.

## Application Types

The Court has power to hear and determine more than 980 applications. While some applications are relatively straightforward the Court has experienced substantial increases in applications that require resources in terms of hearing time.

Applications pursuant to section 464 of the Crimes Act continue to occupy substantial court time. The recent interlock provisions under the *Road Safety Act 1986* have also demanded resource allocation.

Bail applications occupy a significant portion of the Court's workload. Increases in applications for bail, both at first instance and involving change of facts and circumstances, create delays in criminal hearings. Bail applications in serious matters where defendants face an *exceptional circumstances test* can occupy multiple hearing days. Applications where defendants face a *show cause test* also require significant hearing time.

## Most Common Charges Heard—2003–04

Description	No.	%
Theft	43,161	12.3
Obtain property by deception	20,436	5.8
Drunk in public place	12,222	3.5
Driving while disqualified	10,131	2.9
Unlawful assault	9,809	2.8
Driving while exceeding blood alcohol limit	9,249	2.6
Exceeding blood alcohol limit with three hours of breath test	8,628	2.5
Burglary	8,523	2.4
Possessing drug of dependence	7,957	2.3
Driving over speed limit	7,956	2.3
Failing to answer bail	7,315	2.1
Intentionally/recklessly causing injury	7,067	2.0
Criminal damage	6,958	2.0
Handling/receiving stolen goods	6,636	1.9
Careless driving	6,542	1.9
Using unregistered motor vehicle on highway	6,478	1.9
Bringing money/proceeds of crime to Victoria	6,330	1.8
Assaulting/resisting police/person assisting police	5,773	1.6
Obtaining financial advantage by deception	5,572	1.6
Unlicensed driving	5,334	1.5
Attempting to commit indictable offence	5,038	1.4
Breaching intervention order	4,392	1.3
Driving vehicle unregistered in toll zone	4,277	1.2
Using drug of dependence	4,257	1.2
Assault in company/by kicking/with weapon etc.	3,545	1.0

# Our Performance: Criminal Jurisdiction

During 2003–04 the major types of applications finalised included:

- 8,707 to restore driver licence (7,486 in 2002–03);
- 2,770 to reduce report time between assessments (2,311 in 2002–03);
- 1,501 re-hearing (1,184 in 2002–03);
- 130 for permission to drive pending re-hearing (116 in 2002–03);
- 1,444 to a Magistrate for bail\* (1,404 in 2002–03);
- 1,254 to a Magistrate to vary bail (1,222 in 2002–03);
- 1,534 for forensic procedure (1,796 in 2002–03);
- 917 to question/investigate a person in custody (829 in 2002–03);
- 283 to retain fingerprints/forensic evidence (235 in 2002–03); and
- 172 to be deemed a non-prohibited person (86 in 2002–03).

## Ex Parte Hearings

Ex parte hearings occur where a defendant fails to appear. During 2003–04, cases finalised at ex parte hearings totalled 7,242, representing a 25.1% increase, compared with 5,788 in 2002–03.

The number of cases finalised at ex parte hearings represented 5.9% of the total number of summons and arrest cases commenced, compared with 5.0% in 2002–03.

## Warrants

The Court has power to issue search warrants and other warrants under various Acts of Parliament, including:

- section 92 of the *Crimes Act 1958* (stolen goods);
- section 465 of the *Crimes Act 1958* (evidence);
- section 81 of the *Drugs, Poisons and Controlled Substances Act 1981* (drugs); and
- section 46 of the *Firearms Act 1996* (firearms).

In 2003–04, Magistrates issued a total of 20,799 warrants, compared with 19,719 in the previous financial year, representing a 5.5% rise.

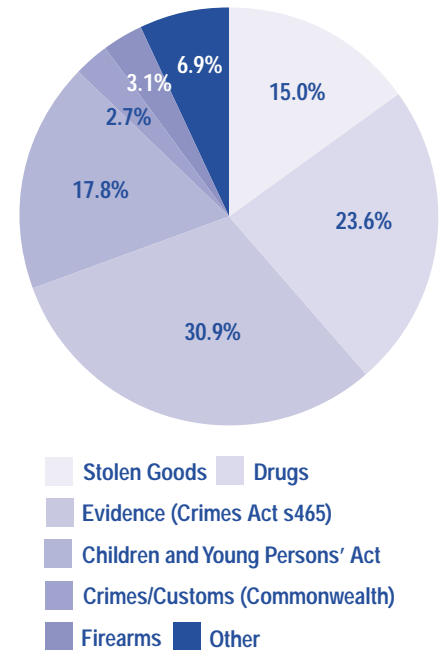
## Appeals

A party may appeal to the County Court with respect to a conviction and/or sentence imposed by the Magistrates' Court.

As at 30 June 2004, appeals lodged against conviction or sentence totalled 2,167, representing a 6.9% decrease, compared with 2,327 as at 30 June 2003.

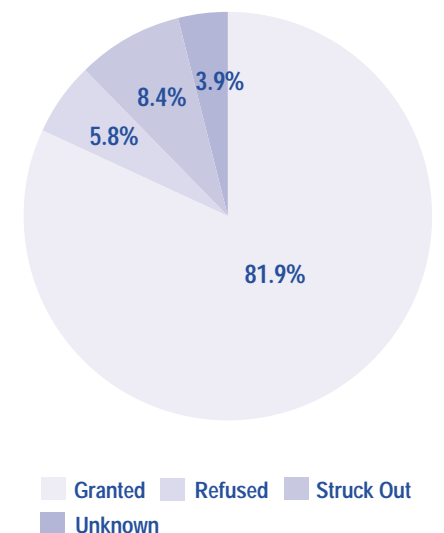
About 2.0% of finalised cases result in an appeal being lodged.

After Hours Service Search Warrants Issued by Type—2003–04



The majority of search warrants involved stolen goods, drugs, evidence under section 465 of the *Crimes Act* and provisions under the *Children and Young Persons' Act*.

Major Applications Finalised by Outcome—2003–04



The Court granted most of the major applications finalised during 2003–04.

\*Figures exclude numerous applications for bail and variations of bail that are made orally, which are not counted for statistical purposes.

## PERIN Court

The Penalty Enforcement of Infringement Notices (PERIN) Court enforces infringement penalties and penalties imposed by penalty notices.

The PERIN Court deals with large numbers of unpaid infringement notices in such a way as to reduce the workload of the Court's judicial and administrative resources. However, the PERIN Court does not remove the right of a person to appear before a Magistrate. The infringement notices contain fixed penalties and involve parking, driving, public transport, animal and litter offences.

During 2003–04, the number of infringements initiated totalled 768,061, compared with 882,766 cases in 2002–03, representing a 13.0% decrease. Although this result is lower than last financial year's result, the upward trend continued, compared with financial years prior to 2002–03. The PERIN Court finalised 53,480 applications for revocation.

Where 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 2003–04, there were 15,357 PERIN revocations and appeals against the PERIN Registrar's refusal to revoke initiated in open court (2.0% of infringements initiated), compared with 15,613 in 2002–03 (1.8% of infringements initiated).

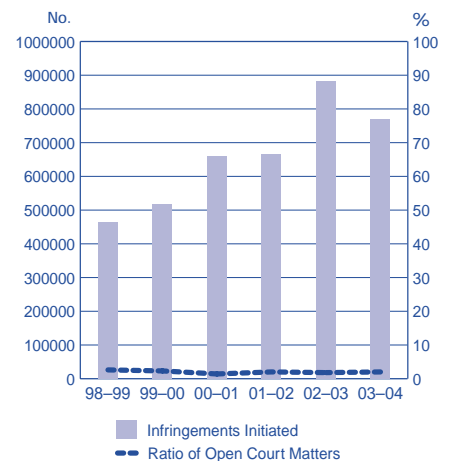
## Enforcement Review Program

Under the Enforcement Review Program (ERP), 6,869 matters were revoked. A support service of the Court, the ERP assists people who suffer physical or intellectual disabilities or a diagnosed mental illness by revoking their orders and referring them to a Magistrate for a more appropriate disposition.

During 2003–04, the Department of Justice set up an Infringements Framework Project to investigate how to broaden the ERP to include people experiencing homelessness and drug addiction.

Refer to page 49 for more information regarding the ERP.

## Infringements Initiated and Revoked and Referred to Open Court—1998–2004



Despite a 13.0% decrease in the number of infringements initiated in 2003–04, the upward trend experienced over financial years prior to 2002–03 continued. The ratio of open court matters rose from 1.8% to 2.0%.

# Our Performance: Civil Jurisdiction

## Civil Jurisdiction at a Glance

### Objective

- Finalise 75.0% of defended claims within six months of the defence notice being filed.

### Results

- Civil complaints issued or filed decreased 4.2%, totalling 71,165.
- Defended claims finalised decreased 10.4%, totalling 9,499.
- Claims finalised at pre-hearing conferences decreased 3.4%, totalling 3,897.
- Defended claims finalised when listed for hearing decreased 14.8%, totalling 3,212.
- Finalised 74.7% of defended claims within six months of the defence notice being filed.
- Defended claims pending on 30 June 2004 increased 2.0%, totalling 3,710.

### Future

- Finalise 75.0% of defended claims within six months of the defence notice being filed.

Part 5 of the Act deals with civil proceedings. The nature of the causes of action, which can be heard and determined by the Court, are broad and include claims for damages, debt and equitable relief. Principally, the jurisdiction of the Court is limited in two ways:

- The amount claimed or the value of the relief sought must not exceed the jurisdictional limit of \$40,000.
- The material part of the cause of action must arise in Victoria or the defendant must reside within Victoria at the time the complaint is served.

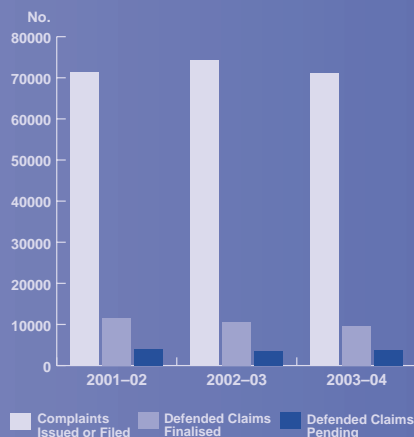
Division 2 of Part 5 provides for a simplified means of hearing and determining claims for monetary relief amounting to less than \$5,000. The Magistrates' Court (Arbitration) (Professional Costs) Regulations 2003 set out the limitations regarding costs awarded to parties in these proceedings.

The Magistrates' Court Civil Procedure Rules 1999 contains the procedure followed in bringing claims to a hearing. The Court's Civil Rules Committee meets to consider and recommend changes to the Rules. The power to make or amend the Rules lies with the Chief Magistrate and two or more Deputy Chief Magistrates.

Most claims listed for a hearing by a Magistrate undergo a pre-hearing conference—an essential part of resolving civil claims. Registrars and Deputy Registrars experienced in alternative dispute resolution methods conduct these conferences.

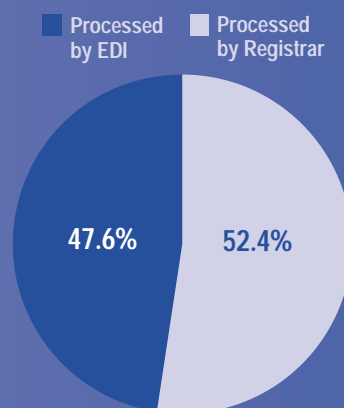
During the financial year, Registrars and Deputy Registrars who conducted the pre-hearing conferences continued to provide a pilot mediation program for civil disputes at Melbourne with conspicuous success. During 2003–04, the Court expanded the pilot program to include mediators from the legal profession.

## Civil Case Activity—2001–04



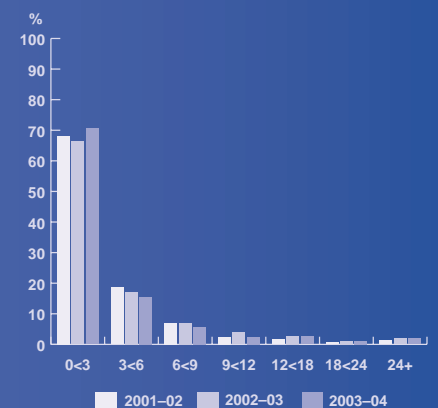
The number of civil complaints issued or filed decreased 4.2%, totalling 71,165.

## Civil Cases by Lodgement Type—2003–04



Almost half of all civil cases were lodged via the electronic data interchange (EDI) service.

## Age of Pending Cases in Months as at 30 June—2001–04



Of defended claims pending as at 30 June 2004, 86.0% had been pending for less than six months.

## Complaints Issued or Filed

The number of civil complaints issued or filed in 2003–04 totalled 71,165, representing a 4.2% decrease, compared with 74,269 issued or filed in 2002–03.

### How Complaints are Filed

Legal practitioners may file a complaint with the Court without the need for attending a court location by using the Electronic Data Interchange Service (EDI). Upon receipt, the complaint is processed electronically, without the need for intervention by a Court Registrar. The proportion of complaints filed electronically with the Court has increased steadily since its introduction in 1994.

In 2003–04, legal practitioners filed 47.6% of complaints with the Court via the EDI service, an 11.5% rise compared with 42.7% in 2002–03.

## Notices of Defence

A defendant may give notice of defence at any time after serving the complaint, except where a Magistrate has entered judgment or made a default order. When a legal practitioner files a notice of defence with the Registrar and serves a copy on the plaintiff, the Court refers the matter to a pre-hearing conference before a Registrar or lists the matter for an arbitration hearing.

During 2003–04 the Court experienced a slight decrease in the number of defences filed, totalling 10,729, compared with 10,930 in 2002–03. The proportion of defended claims where the claim amount exceeded \$10,000 increased 5.4%, totalling 3,503 and making up 33.0% of claims, compared with 3,325 making up 30.0% of claims in 2002–03. The number of defended claims involving amounts up to \$10,000 decreased by 5.0%, totalling 7,226, compared with 7,605 in 2002–03.

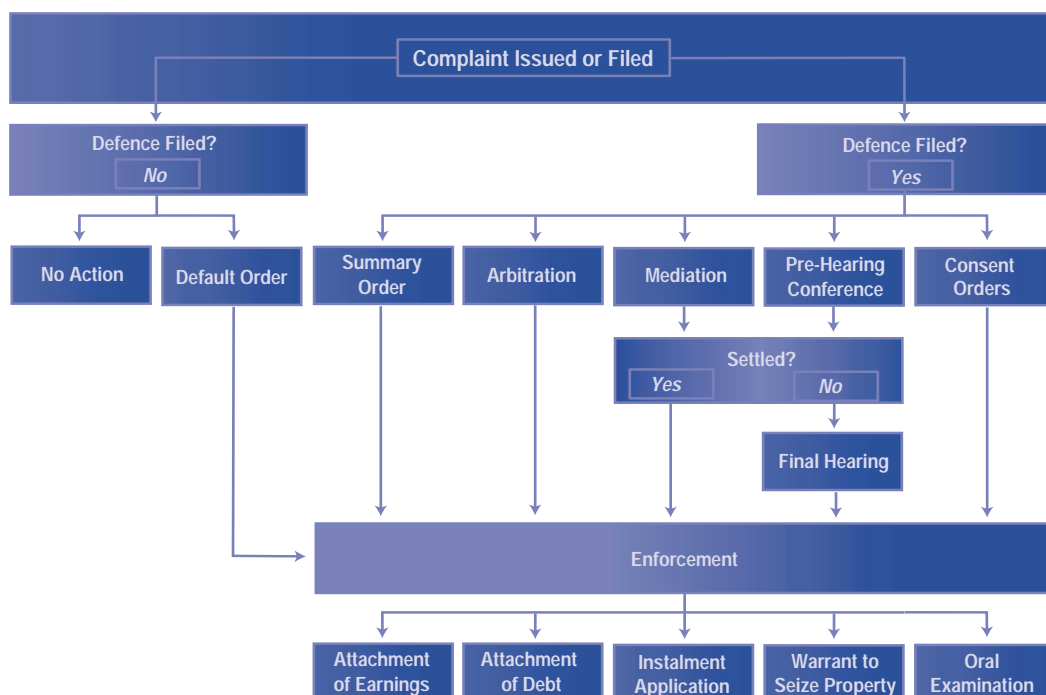
## Defended Claims Finalised

The number of defended claims finalised totalled 9,499, representing a 10.4% decrease, compared with 10,601 finalised in 2002–03.

Of the 9,499 defended claims finalised, 74.7% were finalised within six months of a defence notice being filed and 94.8% within 12 months. This result compares with 73.0% being finalised within six months of a defence notice being filed and 95.0% within 12 months in 2002–03.

Of the total claims finalised in 2003–04, 80.1% finalised by way of a default judgment and 19.9% finalised after a defence notice was filed. This result compares with 2002–03 when the Court finalised 79.0% of claims by way of a default judgment and 21.0% after a defence notice was filed.

## How We Handle Civil Complaints



# Our Performance: Civil Jurisdiction

## Caseflow Management Prior to Hearing

An integral part of the Court's caseflow management process prior to hearing, pre-hearing conferences and mediations assist the Court in maintaining acceptable timelines for case disposal rates and freeing up the judiciary for the more complex responsibility of adjudication.

### Pre-Hearing Conferences

Acting in the specialised role of Pre-hearing Conference Convener, Registrars, Senior Deputy Registrars and, at times, Magistrates, order pre-hearing conferences in defended civil proceedings and constitute a court under the Act and the Rules.

Conveners conduct pre-hearing conferences at Court venues containing a civil registry. At Melbourne, where the majority of the Court's civil business is listed, two Deputy Registrars act as Conveners, conducting up to 30 conferences a day.

After receiving a notice of defence, the Convener sets down the matter for a pre-hearing conference within three months. The Convener allocates the parties a date and time for the conference with the aim of minimising waiting periods and unnecessary delays at Court. The conference brings the parties together so that any issues in dispute can be identified and clarified, while providing an opportunity for settlement to take place.

In the conference, the Convener establishes the:

- issues in dispute;
- nature, number and availability of witnesses to be called;
- requirements for interpreters, if any;
- estimated amount of court time to be allocated for the hearing or arbitration; and

- timeframe for proper interlocutory steps, as required.

To assist the parties in dispute to resolve issues, including the whole of the dispute, the Convener allocates a substantial amount of conference time to discussion and negotiation.

The Convener monitors the readiness of the parties for hearing, their compliance with any orders made at the conference and any progress toward settlement. The Convener lists a proceeding for hearing only after he or she has determined that it is ready for adjudication and, if needed, has set in place a proper interlocutory timeframe. The Convener provides hearing dates in consultation with the Civil Listing Coordinator.

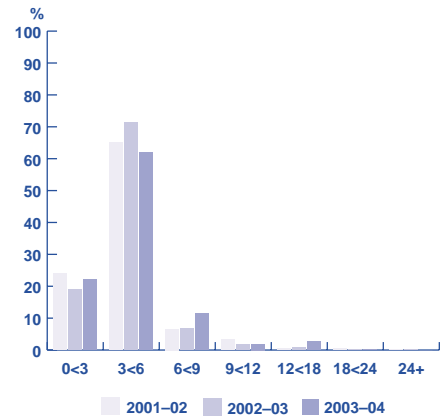
During 2003–04, the number of claims finalised at a pre-hearing conference totalled 3,897, representing a 3.4% decrease, compared with 4,036 claims finalised in 2002–03. Almost all claims were finalised within 12 months of a defence notice being filed.

Of the 3,897 claims finalised, 88.1% finalised within six months of the defence notice being filed and 98.1% within 12 months. This result compares with 90.0% being finalised within six months and almost all claims within 12 months in 2002–03.

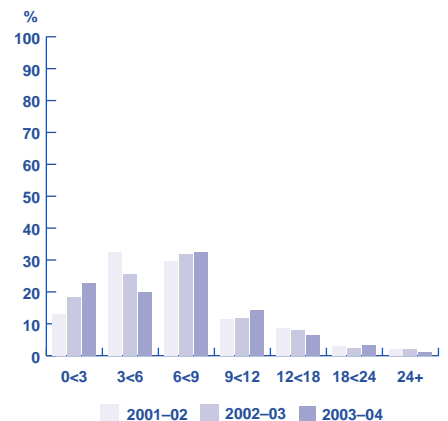
### Mediations

Since late 2002, the Court has been conducting a mediation pilot program in anticipation of an increased civil jurisdiction commencing in 2005. Under the program, the parties must elect to mediation. However, the Court intends to develop Rules to allow compulsory mediation to be ordered, in line with other jurisdictions.

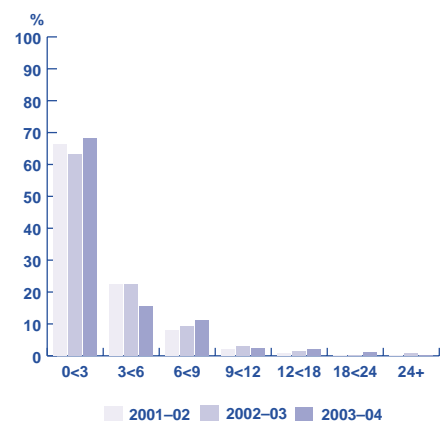
Time Taken to Finalise Claims at Pre-Hearing Conference—2001–04



Time Taken to Finalise Claims at Hearing—2001–04



Time Taken to Finalise Claims at Arbitration—2001–04



Conveners, who are also qualified mediators, may conduct mediations under the pilot at Melbourne. Mediation allows the parties more time to discuss and negotiate issues in dispute than is normally available in pre-hearing conferences.

### Hearings

Where a matter fails to settle at the pre-hearing conference or mediation, the Registry sets down the matter for hearing and determination by a Magistrate.

Depending on the complexity of the matter and the number of witnesses, the Registry allocates the case a certain time for resolution. At the Court, we aim to ensure that matters proceed on the days allocated and that there are sufficient judicial resources available.

During 2003–04, the number of defended claims finalised when listed for hearing before a Magistrate totalled 3,212, representing a 14.8% decrease, compared with 3,772 defended claims finalised in 2002–03. Of the 3,212 defended claims finalised, 50.3% finalised within six months of the defence notice being filed and 88.9% within 12 months. This result compares with 44.1% being finalised within six months of the defence notice being filed and 87.6% within 12 months in 2002–03.

### Arbitrations

Where a claim amounts to less than \$5,000, the Court must refer the matter to arbitration by a Magistrate, as required by the Act. Since the Court is not bound by rules of evidence, it conducts arbitration in an informal and expeditious manner. If a complaint involves complex

questions of law or fact, or it is considered 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 \$5,000, costs are not awarded. In matters involving awards that exceed \$5,000, there are limits on the amount of costs allowed.

During 2003–04, the number of defended claims finalised by arbitration totalled 2,390, compared with 2,793 in 2002–03, representing a decrease of 14.4%. Of the 2,390 defended claims finalised by arbitration, 85.8% finalised within six months of the defence notice being filed and 97.5% within 12 months. This result compares with 85.6% being finalised within six months of the defence notice being filed and 97.7% within 12 months in 2002–03.

### Complaints Pending

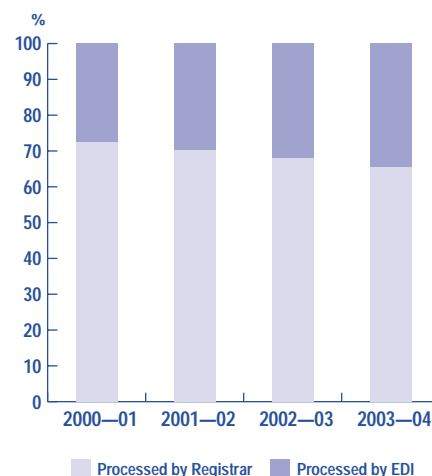
Complaints pending represents claims waiting to be determined and covers the elapsed time between the date the complaint was issued and 30 June each year.

On 30 June 2004 the number of defended claims pending totalled 3,710, an increase of 2.0%, compared with 3,637 pending on 30 June 2003. Claims pending for more than six months represented 14.0% (16.6% in 2002–03) and cases pending for more than 12 months represented 8.2% of defended claims (9.6% in 2002–03).

### Default Judgments

Over the past four years, the number of default judgments has maintained a steady trend. However, the number of default orders made in 2003–04 totalled 38,340, representing a 4.9% decrease,

Default Judgments by Type of Lodgement—2000–04



compared with 40,313 default orders in 2002–03.

Legal practitioners lodge requests for default judgments online by way of the EDI Service, eliminating the need for attending court locations. Upon receipt, the EDI Service processes applications for default judgments electronically without the need for intervention by a Court Registrar. In 2003–04, 34.5% of default judgments were made upon lodging an application via the EDI service, compared with 32.0% in 2002–03.

### Interstate Registrations

During 2003–04, interstate judgments registered totalled 8,384, representing a 9.5% decrease, compared with 9,268 in 2002–03. Such matters involve judgement debts, made in another State or Territory of Australia, against an individual, firm or corporation domiciled or having a registered office in Victoria. Since each State has its own legislation pertaining to enforcement of debt orders, a sealed copy of the order (together with an affidavit in support) must be registered in the Court to enable enforcement action to take place.

# Our Performance: Civil Jurisdiction

## Enforcement Actions

A significant part of the 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, which include issuing:

- a Warrant to Seize Property;
- a Summons for Oral Examination; or
- an Application for an Instalment Order or to Attach Earnings.

The number of Summonses for Oral Examination issued in 2003–04 totalled 16,603, representing an increase of 5.0%, compared with 15,819 in 2002–03.

In 2003–04, the proportion of Summonses for Oral Examination issued upon lodging an application via the EDI Service represented 37.8%, compared with 33.4% in 2002–03.

The Court issued 7,797 Warrants to Seize Property during 2003–04, a decrease of 15.9% compared with 9,268 in 2002–03.

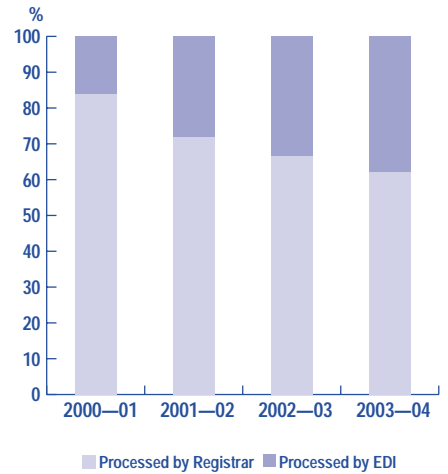
In 2003–04, the proportion of Warrants to Seize Property issued upon lodging an application via the EDI Service made up 23.0% of warrants issued, compared with 20.0% in 2002–03.

Where an order has been made and granted or refused by a Registrar, the judgment debtor or creditor may apply to a Registrar for a Notice of Objection or an Instalment Order under the provisions of the *Judgment Debt Recovery Act 1984*. In such instances, the matter may be referred to a Magistrate for determination.

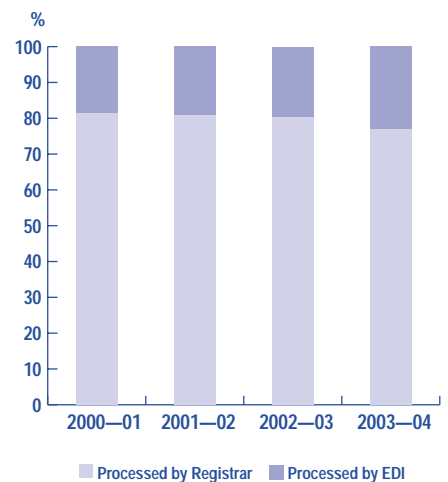
The number of Notices of Objection applied for in 2003–04 totalled 106, representing a decrease of 20.9%, compared with 134 in 2002–03. The number finalised totalled 99, compared with 132 in 2002–03. The number of such objections granted represented the total of all objections confirmed or varied.

The number of Instalment Orders applied for in 2003–04 totalled 889, representing an increase of 18.2%, compared with 752 in 2002–03. The number finalised totalled 818, compared with 840 in 2002–03. The number of Instalment Orders granted represented the total of all orders confirmed or varied.

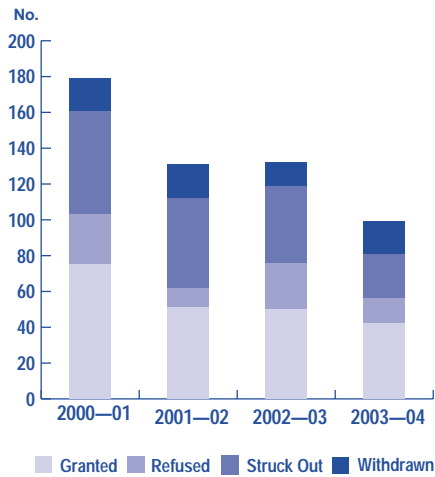
## Summonses for Oral Examination Issued—2000–04



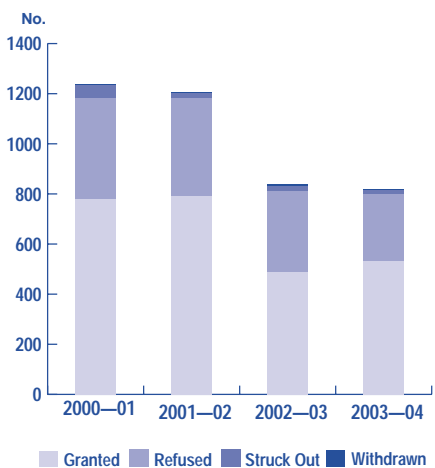
## Warrants to Seize Property Issued—2000–04



### Notices of Objection Finalised by Outcome—2000–04



### Instalment Orders Finalised by Outcome—2000–04

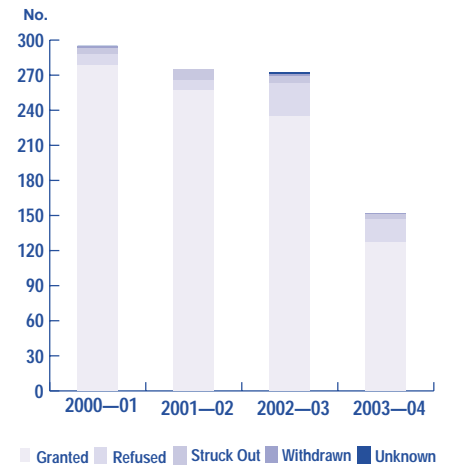


Where the Court makes an order, it may be enforced by an Application for an Attachment of Debt or Attachment of Earnings.

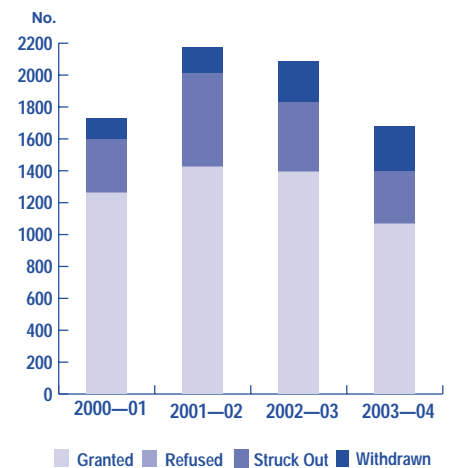
The number of applications for an Attachment of Debt received in 2003–04 totalled 151, representing an decrease of 36.8%, compared with 239 in 2002–03. The number finalised totalled 152, compared with 272 in 2002–03.

The number of applications for an Attachment of Earnings received in 2003–04 totalled 1,844, representing a decrease of 4.2%, compared with 1,925 in 2002–03. The number finalised totalled 1,678, compared with 2,090 in 2002–03.

### Attachment of Debt Applications Finalised by Outcome—2000–04



### Attachment of Earnings Applications Finalised by Outcome—2000–04



# Our Performance: Family Law Jurisdiction

## Family Law Jurisdiction at a Glance

### Objective

- Hear all applications filed under the *Family Law Act 1975* (as amended) in an efficient and timely manner.

### Results

- The number of orders made totalled 3,229, representing a decrease of 3.8%, compared with 3,357 orders made in 2002–03.

### Future

- Continue to hear and determine many applications for orders in the Family Law jurisdiction, particularly in country locations.

The Court has jurisdiction to deal with some matters pursuant to the *Family Law Act 1975* (as amended), *Child Support Assessment Act 1989*, *Regulations (Cwlth)*, *Commonwealth Marriage Act 1961* and *Firearms Act 1996* (relating to intervention orders). The Court has many applications listed at first instance for transfer to the Family Court, or to the Federal Magistrates' Service, on circuit or in metropolitan locations.

During the reporting year, the Court dealt with a variety of applications made pursuant to these Acts, seeking interim or final orders regarding:

- child contact and residence;
- spousal maintenance and enforcement orders;
- 'adult' child maintenance where certain circumstances exist;
- enforcement of child maintenance orders;
- departure from child support assessments;
- declarations for eligibility for child support under section 106 of the *Child Support Assessment Act*;
- declarations for authority to marry under age (marriage of minors) pursuant to the *Commonwealth Marriage Act*;
- resolution of property distribution;
- injunctions;
- making, reviving, varying or discharging child contact orders (when making an intervention order pursuant to section 68T of the *Family Law Act*);

- authority for registration of a change of a child's name or authority to have a passport issued in certain circumstances;
- the separate representation of children before transfer to the Family Court; and
- seeking a declaration to be a non-prohibited person pursuant to section 189 of the *Firearms Act* (after the Court has made an intervention order).

## Orders Made

In 2003–04, the number of orders made totalled 3,229, compared with 3,357 in 2002–03, representing a decrease of 3.8%. Orders made in the Court included all:

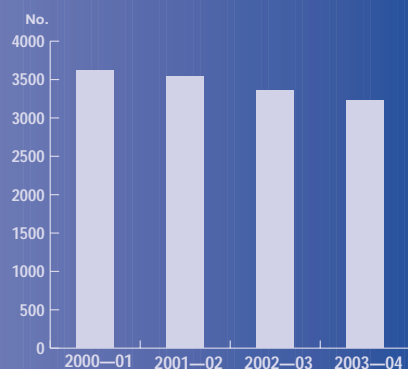
- interim and final orders made, including those matters transferred to the Family Court; and
- orders where an interim order had been made and the matter adjourned for further hearing.

## Maintaining Close Links

There is a significant inter-relationship between the Family Law and Crimes Family Violence jurisdictions. For example, when making an intervention order, a Magistrate may make, revive, vary or suspend a child contact order, pursuant to section 68T of the *Family Law Act* in certain circumstances.

The Supervising Magistrate for Family Law and Family Violence ensures close links and the exchange of information are maintained between the Family Court and Magistrates' Court. The Family Court will provide Magistrates with access to the Family Court Judges' Electronic Bench Book in the next financial year.

Orders Made under Family Law Act—2000–01 to 2003–04



The Court experienced another decline in Orders made under the Family Law jurisdiction.

# Our Performance: Crimes Family Violence Jurisdiction

## Crimes Family Violence Jurisdiction at a Glance

### Objective

- Finalise 99.0% of complaints within six months of being issued.

### Results

- Complaints issued decreased by 6.0%, totalling 20,789.
- Complaints finalised between family members fell by 1.4%, totalling 14,546.
- Complaints finalised based on allegations of stalking rose by 6.3%, totalling 5,653.
- Finalised 98.0% of complaints within six months of being issued.
- Complaints pending on 30 June 2004 fell by 15.7%, totalling 1,078.

### Future

- Finalise 99.0% of complaints within six months of being issued.

The Court has exclusive jurisdiction to deal with matters under the *Crimes (Family Violence) Act 1987* at first instance. The Court heard and determined complaints for intervention orders at every Court location across Victoria.

Complaints for intervention orders can be made pursuant to section 4 of the *Crimes (Family Violence) Act* for family members and those involved in intimate personal relationships. In addition, complaints can be made with respect to the stalking behaviour provisions under section 21A of the *Crimes Act 1958*.

### Ongoing Support

The Supervising Magistrate continued to oversee, monitor and support the Court's response in both the Crimes Family Violence and Family Law jurisdictions, including ongoing support for:

- communication between the Court and agencies involved with parts of the Family Violence and Family Law jurisdiction of the Court;
- links to local family violence services and support networks and men's counselling programs;
- numerous referral groups and steering committees; and

- a referral to Mediation Process for Neighbourhood Disputes using the Dispute Settlement Centre of Victoria located at a number of metropolitan Court locations.

### Protocols Updated

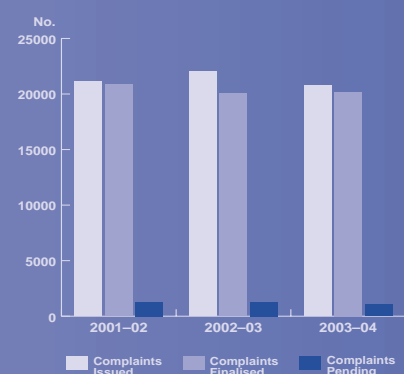
In November 2003 a committee of Magistrates and Registrars reviewed and updated the *Courts' Family Violence and Stalking Protocols*. The document ensures that in dealing with intervention order proceedings, the practises of the Court are responsive, consistent, efficient and transparent. The Protocols are monitored and reviewed at least annually and are available on the Court's web site and at all Court locations.

Pursuant to the protocols, local courts operate Family Violence Application Lists, using the assistance of Family Violence Duty Lawyer schemes, specialist workers and local agencies. In addition, these courts hold regular family violence court user meetings.

### How We Manage Complaints

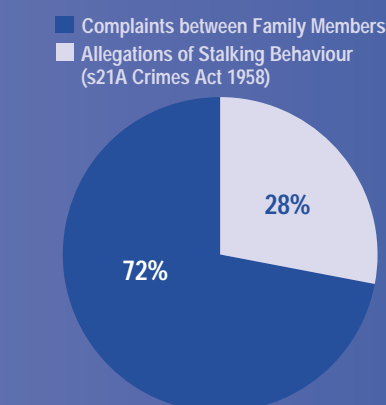
Court Registrars interview complainants and complete all Court documents required for complaints to be listed before the Court, and ensure the delivery of documents to police to

Crimes Family Violence Case Activity—2001–02 to 2003–04



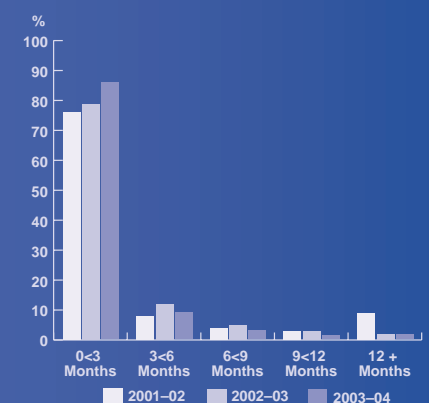
Complaints issued decreased by 6.0%, while complaints finalised increased slightly and pending complaints decreased by 15.7%.

Types of Complaints for Intervention Orders Finalised—2003–04



The majority of Intervention Orders made continued to involve complaints between family members.

Age of Pending Complaints at 30 June—2001–02 to 2003–04



Of complaints pending as at 30 June 2004, 94.8% had been pending for less than six months.

arrange warrants and intervention orders to be served on defendants. This important service provides an efficient and effective response to people requiring protection orders. According to the Court's Family Violence protocols, Registrars ensure a person in urgent need of protection attends a Court for an interview and, if necessary, be listed before a Magistrate for urgent hearing the same day.

### Complaints Issued

During 2003–04, the number of complaints for an intervention order to be issued decreased by 6.0%, totalling 20,789, compared with 22,006 issued in 2002–03. This result excludes complaints for an intervention order issued in the Children's Court jurisdiction.

Included in the number of complaints issued, the After Hours Service accepted a total of 2,806 complaints from police seeking that warrants and intervention orders be issued on behalf of complainants (refer to page 17 for more information about the After Hours Service). Police have the authority to bring a complaint for a person needing intervention order protection, making approximately 20.0% of the applications listed across Victoria.

### Complaints Finalised

Of the complaints finalised in 2003–04, approximately 72.0% were between family members and 28.0% were based on allegations of stalking behaviour pursuant to section 21A of the *Crimes Act 1958*.

Complaints finalised between family members decreased by 1.4%, totalling 14,546, compared with 14,749 finalised in 2002–03. Of these complaints, 55.5% resulted in the Court making an intervention order.

Complaints finalised based on allegations of stalking behaviour increased by 6.3%, totalling 5,653 in 2003–04, compared with 5,318 in 2002–03.

Of these complaints, 49.1% resulted in an intervention order being made. This data excludes complaints for an intervention order finalised in the Children's Court jurisdiction. (*Note that the counting rules used to collect data on finalised complaints is based on slightly different counting rules to that used for reporting the number of cases finalised for output reporting purposes.*)

The reasons for the Magistrate not making an intervention order was most often due to the complainant withdrawing the complaint or failing to appear in court, resulting in the Court ordering the complaint to be struck out, rather than refusing to make an intervention order.

### Time Taken to Finalise Complaints

Of all complaints for an intervention order finalised in 2003–04:

- 83.4% were finalised within 30 days of the complaint being made (83.7% in 2002–03);
- 8.3% were finalised within 31 to 60 days (8.7% in 2002–03); and
- 8.3% were finalised in excess of 60 days (7.6% in 2002–03).

Overall, the Court finalised 98.0% of complaints within six months of being issued.

### Relationship of Aggrieved Person to Defendant

The complaint for an intervention order sets out the relationship between the applicant and the defendant. A complaint for an intervention order may include multiple aggrieved persons if children are included and the complaint in relation to the children arose out of the same or similar circumstances to that of the parent.

In 2003–04, the Court finalised complaints relating to intervention orders for 26,816 aggrieved persons. Of the complaints finalised, the Court granted intervention orders for 14,520 aggrieved persons (54.0%), as follows:

- 10,739 (74.0%) involved aggrieved family members, compared with 10,849 in 2002–03, representing a decrease of 1.0%; and
- 3,781 (26.0%) involved persons issuing complaints based on allegations of stalking behaviour (pursuant to section 21A of the Crimes Act).

### Secondary Applications

Where a Magistrate has previously made an intervention order, a party to a proceeding may make a secondary application under the Crimes (Family Violence) Act to extend, vary or revoke that order.

During 2003–04, the Court finalised 2,092 secondary applications, representing a 6.0% decrease, compared with 2,226 in 2002–03.

Secondary applications comprised:

- 469 to extend an intervention order (526 in 2002–03);
- 725 to vary an intervention order (820 in 2002–03); and
- 898 to revoke an intervention order (880 in 2002–03).

In addition, secondary applications included applications seeking orders for substituted service on the defendant.

### Complaints Pending

This data excludes complaints for an intervention order pending in the Children's Court jurisdiction.

Complaints for intervention orders pending on 30 June 2004 totalled 1,078, compared with 1,279 on 30 June 2003, representing a 15.7% decrease. Of these complaints, 86.8% had been pending for less than three months (78.7% in 2002–03) and 94.8% had been pending for less than six months (90.7% in 2002–03).

The decrease in the age of pending cases can be attributed to modification of some administration practices in recording cases as finalised in the Courtlink database.

# Our Performance: WorkCover Jurisdiction

## WorkCover Jurisdiction at a Glance

### Objective

- Hear and determine matters under the *Accident Compensation Act 1958* as expeditiously as possible.

### Results

- Complaints issued fell by 15.2%, totalling 1,233.
- Complaints finalised rose by 37.3%, totalling 784.
- Defences filed fell by 3.0%, totalling 1,141.

### Future

- Continue to hear and determine matters under the *Accident Compensation Act 1958* as expeditiously as possible.

The Court has jurisdiction to hear and determine matters under the *Accident Compensation Act 1958* and arising out of decisions of the Victorian WorkCover Authority, authorised insurer, employer, self-insurer or conciliation officer.

As stated in section 43(1)(b) of the *Accident Compensation Act*, the Court is subject to two limitations:

- the amount claimed or the value of the relief sought must not exceed the jurisdictional limit of \$40,000; and*
- the need for a material part of the cause of action to arise in Victoria or the residence of the defendant to be within Victoria at the time of service of the complaint.*

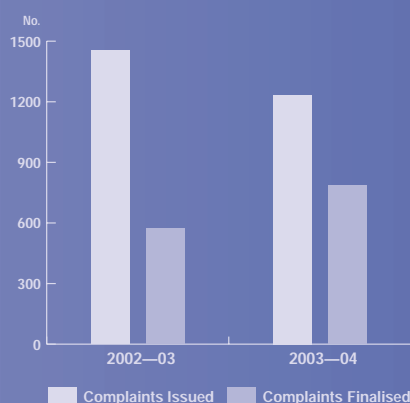
On 3 March 2004, the Court issued Practice Direction No. 2 of 2004, which has operated since 5 April 2004, and only applies to proceedings issued out of the Court at Melbourne. In relation to claims regarding weekly payments, this practice direction enables parties to access the records of relevant medical

practitioners and other health professionals more quickly. Complaints arising in the metropolitan area are issued out of the Melbourne Magistrates' Court. To hear and determine WorkCover complaints originating outside the metropolitan area, Magistrates regularly visit courts at Ballarat, Bendigo, Geelong, Mildura, Moe, Shepparton, Wangaratta and Hamilton.

## Case Statistics

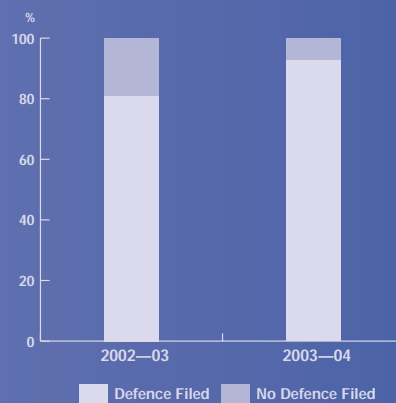
In 2003–04, the number of complaints issued totalled 1,233, representing an decrease of 15.2%, compared with 1,455 in 2002–03. The number of defences filed in relation to complaints issued totalled 1,141, representing an decrease of 3.0%, compared with 1,177 in 2002–03. Complaints where a defence was filed rose 11.6%, representing 92.5% of all complaints issued, compared with 80.9% in 2002–03. The number of complaints finalised increased 37.3%, totalling 784, compared with 571 in 2002–03.

WorkCover Complaints Activity—2002–04



The number of complaints issued decreased by 15.2%, while complaints finalised increased by 37.3%.

Comparison of Defences Filed and Complaints Issued—2002–04



Complaints where a defence was filed rose 11.6%, representing 92.5% of all complaints issued.

Note that WorkCover pending data is incorporated into the total pending figure of the Civil jurisdiction. A further breakdown of pending data is unavailable due to limitations in data capture.

# Our Performance: Koori Court

## Koori Court at a Glance

### Objective

- The Koori Court aims to tackle the disproportionate numbers of Aboriginal people in the criminal justice system by decreasing the numbers of repeat offenders, reducing failures to appear, decreasing breaches of court orders and increasing community safety.

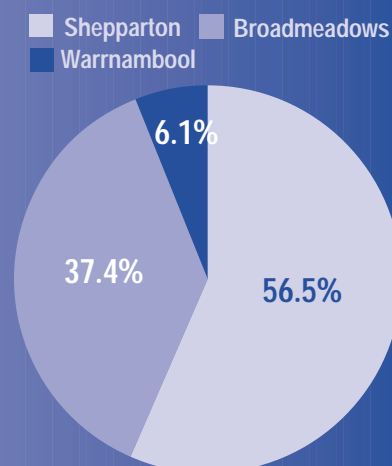
### Results

- On 18 December 2003 we established the Koori Court in Warrnambool.
- Heard 130 matters in Shepparton, 86 in Broadmeadows and 14 in Warrnambool since October 2002.

### Future

- Present findings by La Trobe University of the Final Evaluation Report examining the Koori Court's first two years of operation as a pilot project.

Koori Court Matters Heard by Location since October 2002



In the criminal justice system, Aboriginal people are six times as likely to be arrested as non-Indigenous persons, and are 13 times as likely to be imprisoned.

As a major initiative of the Victorian Aboriginal Justice Agreement negotiated in May 2001 to maximise Aboriginal participation in developing policies and programs in all areas of the justice system, the Victorian Government established the Koori Court Division.

The Koori Court aims to tackle the disproportionate numbers of Aboriginal people in the criminal justice system by decreasing the numbers of repeat offenders, reducing failures to appear, decreasing breaches of court orders and increasing community safety.

We achieve these aims by modifying the Court's existing processes and ensuring greater participation of the Aboriginal community in the sentencing process. This approach creates a culturally-responsive court system that encourages offenders to take responsibility for their actions by recognising the consequences of their behaviours.

In October 2002 we established the first Koori Court in Shepparton, followed by Broadmeadows on 4 March 2003 and Warrnambool on 18 December 2003.

## How the Koori Court Operates

The Koori Court only deals with cases involving an Aboriginal offender who pleads guilty to the charges and, ideally, shows an intention to take responsibility for his or her actions. The Koori Court cannot hear cases involving breaches of intervention orders or sexual offences. The court conducts hearings with as little formality as possible. The Koori

Court ensures that defendants and their families and any members of the Koori community, who are present in court, understand all proceedings by using easily understood language and avoiding legal jargon.

In addition, the offender must consent to the case being heard by the Koori Court. The court process involves meaningful participation of the Koori community in the sentencing process. The Magistrate who hears the case has the assistance and advice of an Aboriginal Elder or Respected Person. The Koori community recognises such individuals as significant community members. Bringing significant cultural and community knowledge and wisdom to the hearing process, they play the role as cultural advisor, providing information about the offender and, in some cases, the victim, in addition to assisting the Magistrate in understanding the reasons for the offending behaviour. Participation by the Aboriginal Elder or Respected Person sends a clear message to the offender that neither the Aboriginal nor non-Aboriginal communities condone their behaviour and communicates the impact such offending has on the community.

A Koori justice worker assists the court, consulting with offenders and their families before, during and after the hearing. The worker identifies the offender's support systems and assesses the offender's ability to comply with various sentencing orders available to the Koori Court. The worker explains the effect of the sentencing order and the consequences of failing to comply. The worker's participation reduces the risk of the offender breaching the sentencing order.

## Case Statistics

Between October 2002 when the first Koori Court began operations and 30 June 2004, the number of matters heard totalled 230, comprised by court location as follows:

- 130 Shepparton
- 86 Broadmeadows
- 14 Warrnambool

The Final Evaluation Report, to be presented in December 2004, will provide a full statistical report.

## Koori Court Established in Warrnambool

On 18 December 2003 Attorney-General Rob Hulls opened the Koori Court at Warrnambool. On 20 January 2004 the court held its first sitting at the Warrnambool Court. The Warrnambool circuit involves sittings at the Warrnambool, Portland and Hamilton courts on a monthly basis.

During its first six months of operation, the Koori Court at Warrnambool handled a broad spectrum of cases. Some of the defendants who appeared before the court had been long-term participants in the criminal justice system. Despite this fact, no person to date has been charged for breaching a sentencing order imposed by the Koori Court.

## Training Course Conducted

In October 2003, interested parties participated in a training course. A number of persons who had been involved in the Koori Courts at Shepparton and Broadmeadows, including the Aboriginal justice workers and prosecutors, conducted the course. In the course, participants took part in mock courts and

participated in an Aboriginal awareness program—a very moving experience for all participants.

## Final Evaluation Report

In December 2004, La Trobe University will present the Final Evaluation Report assessing the Koori Court's first two years of operation as a pilot project. The statistics included in the final evaluation will determine whether the Koori Court has increased involvement and commitment to the legal process, as evidenced by reductions in breaches, failures to appear and re-offending.

While being only one of the factors to be considered in the review, very few people to date have either breached orders imposed by the Koori Court or re-offended. Such outcomes benefit the offenders and the broader community.

## Playing a Vital Role

As the Koori Court allows the Aboriginal community to take ownership in the court process, the Aboriginal offenders will more likely accept the court process and the orders imposed by the Koori Court. Reducing the number of offences committed by Aboriginal people, promoting their rehabilitation and reducing the number of Aborigines in prisons can only benefit the whole community.

Dated May 2004, the Attorney-General's Justice Statement contains the following passage:

*It is not in the interests of the defendant, the court system, the government or the wider community for defendants to be continually represented before the courts as a result of*

*the same matrix of problems. Appropriate punishment must be imposed for recidivist behaviour, but the courts should also explore informed opportunities to creatively address the sources of offending behaviour.*

In its short period of operation, the Koori Court has already played a vital role.



## An Interview with Elder of the Koori Court Uncle Colin Walker

"I am a mission man—Yorta Yorta. I was brought up in the mission under two laws—white fella and black fella law. As I grew up, I realised that the laws were different and that the white law discriminated against us blacks. I had no time for white law because it was so discriminatory."

"When I was told about the new Koori Court being set up, I was very suspicious. And when I was asked to be an elder sitting on it, I thought to myself that I didn't want to be part of a white law court and sit with a crabby old white woman. Then I decided that although I didn't have any faith that it would be any good, I would take part so I could at least see what it was all about."

(At this point, Uncle Colin became very emotional.)

"The Koori Court shows that white law and black law can work together. I feel that finally, there is a just law for my people and justice for my people."

# Our Performance: Drug Court

## Drug Court at a Glance

### Objectives

- Hear and determine Drug Court referrals in an efficient and timely manner.

### Results

- Received 61 referrals, compared with 148 in 2002–03.
- Refused 15 referrals at the initial screening, compared with 66 referrals in 2002–03.
- Refused five referrals at assessment, compared with 24 in 2002–03.
- Made 37 orders, compared with 59 orders in 2002–03.
- Cancelled 21 orders, compared with 17 orders in 2002–03.
- Participants completing, and graduating from, the program totalled four, compared with no graduates in 2002–03.
- On 30 June 2004, four referrals were awaiting assessment, compared with no orders on 30 June 2003.

### Future

- Continue to hear and determine Drug Court referrals in an efficient and timely manner.

On 20 May 2002, the Drug Court Division was established at the Dandenong Magistrates' Court in response to the Victorian Government's commitment to trial a specialist drug court in the region. The Victorian Drug Court model is based on national and international best practice as follows:

- Criminal sanctions for drug related offences are more likely to have positive, long lasting effects if they involve treatment.
- Sentencing powers are appropriate and necessary as a basis for extensive intervention into the life of a Drug Court participant.
- Drug abusing offenders are most susceptible to successful intervention in the therapeutic moment after arrest.
- Active and ongoing judicial supervision and engagement, including imposing rewards and sanctions, can positively influence offender behaviour in addressing drug addiction.
- To be effective, treatment for drug addiction may need to address other elements of a participant's life, such as education, accommodation, employment, family and personal relationships to provide stability.

- Frequent relapse forms part of the recovery from drug addiction and it is unrealistic to expect participants to achieve immediate or total abstinence from drug use.

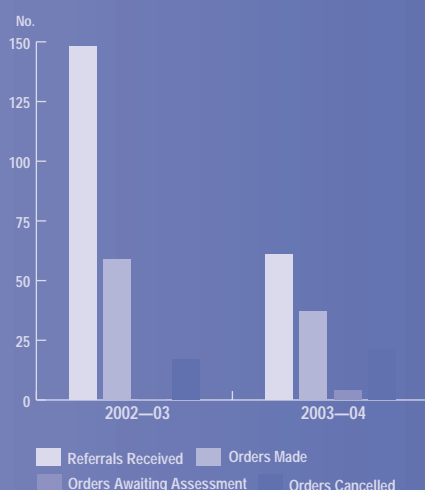
Magistrates offer their particular skills, qualifications, aptitude, interest and/or commitment to the concept and aims of the Drug Court. A Drug Court Magistrate who sentences a participant will retain responsibility for the ongoing judicial supervision of that participant for the duration of the drug treatment order. During 2003–04, the Magistrates assigned to the Drug Court included Ms Margaret Harding, Mr Peter Lauritsen, Mr Paul Grant, Mr Daniel Muling, Mr Ian Gray and Ms Jelena Popovic. Magistrate Margaret Harding was the regular Drug Court Magistrate in 2003–04.

### Purpose of Orders Imposed

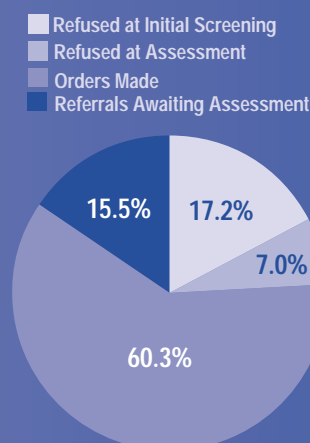
The particular purposes of a drug treatment order imposed by the Drug Court include the following:

- Facilitate the rehabilitation of the offender by providing a judicially-supervised, therapeutically-oriented, integrated drug or alcohol treatment and supervision regime.
- Take account of an offender's drug or alcohol dependency.
- Reduce the level of criminal activity associated with drug or alcohol dependency.

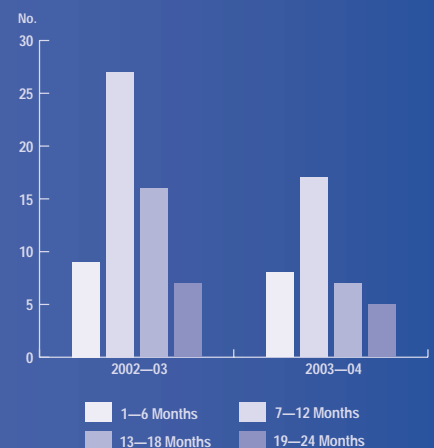
Referral Activity—2002–04



Outcome of Referrals Received—2003–04



Length of Imprisonment Sentences Imposed on Orders—2002–04



- Reduce the offender's health risks associated with drug or alcohol dependency.

### How the Drug Court Operates

The Drug Court Magistrate heads a team comprising a senior case manager and three case managers, two clinical advisers, a prosecutor and defence counsel, treatment agencies and other service providers, such as a Legal Aid solicitor, the Salvation Army Positive Lifestyle Program, and a number of local medical practitioners and pharmacies. In addition, participants without stable accommodation are offered housing.

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 offender will not serve the term of imprisonment provided the offender complies with the supervision order.

Under Section 18Z of the *Sentencing (Amendment) Act 2001*, offenders are eligible for referral to the Drug Court if they plead guilty and reside within a postcode area as specified in the Government Gazette, and are willing to consent, in writing, to such an order.

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

- the offender is dependant on drugs or alcohol;
- the offender's dependency contributed to the commission of the offence;
- the offence must be within the jurisdiction of the Court and punishable upon conviction by imprisonment;
- the offence must not be a sexual offence or involve the infliction of actual bodily harm;
- the offender must not be subject to a parole order, combined custody and treatment order, intensive corrections order,

community based order, or a County or Supreme Court sentencing order;

- it considers, upon conviction, that a sentence of imprisonment is appropriate; and
- it considers that it would not have ordered that the sentence be served by way of intensive corrections in the community, nor would it have suspended the sentence.

Referrals can be made to the Drug Court from any Magistrates' Court in Victoria. Referrals can also be made from the County Court in relation to appeals from the Court.

### Rewards and Sanctions

At the Drug Court, Magistrates use rewards or incentives to acknowledge a participant's positive progress in addressing his or her drug or alcohol addiction and to encourage continuing compliance with the program. In addition, the Magistrate will use sanctions to help motivate participants to comply with treatment conditions, thereby achieving the therapeutic goals of the Drug Court program.

Rewards and sanctions include:

#### Rewards:

- Verbal praise/encouragement
- Advance to next phase
- Decreased supervision and court appearances
- Reduced drug testing, community service and imprisonment sanction
- Graduation
- Removal of conditions on order

#### Sanctions:

- Verbal warning
- Demotion to earlier phase
- Increased supervision, court appearance or drug testing
- Community service
- Added imprisonment sanction
- Cancellation
- Added conditions to order

### Referral Statistics

Eligible participants were identified early and referred promptly to the Drug Court for immediate assessment and intervention.

During 2003–04, referrals received totalled 61, compared with 148 in 2002–03. Of these referrals:

- 15 were refused at the initial screening (66 in 2002–03);
- five were refused at assessment (24 in 2002–03); and
- 37 orders were made (59 in 2002–03).
- On 30 June 2004, four referrals were awaiting assessment (no referrals on 30 June 2003).

Of the 37 orders made in 2003–04, sentences imposed comprised:

- eight imprisoned one to six months (nine in 2002–03);
- 17 imprisoned seven to 12 months (27 in 2002–03);
- seven imprisoned 13 to 18 months (16 in 2002–03); and
- five imprisoned 19 to 24 months (seven in 2002–03).

The number of orders cancelled totalled 21, compared with 17 in 2002–03 and four participants successfully graduated from the program in 2003–04, compared with no graduates in 2002–03.

When the pilot began, we set a target caseload of 43 active orders. This target was reached in the first six months of operation and no further participants could be accepted into the program unless an order was cancelled or a participant graduated (the first graduation was in October 2003). As a result referrals reduced significantly. The addition of a second clinical adviser in January 2004 made it possible to increase the number of active orders.

# State Coroner's Office of Victoria

## State Coroner's Office at a Glance

### Objectives

- Complete investigations in an efficient and timely manner.

### Results

- Initiated a total of 4,498 investigations (3,401 in Melbourne and 1,097 in rural Victoria).
- Completed a total of 4,112 investigations (3,828 without an inquest and 284 with an inquest).
- Completed 53.3% of investigations without inquests within three months and 2.5% (96 investigations) took longer than 24 months to complete.
- Completed 26.4% of investigations involving inquests within six months and 34.0% (97 investigations) took longer than 24 months to complete.

### Future

- Distribute the soon to be published manual and reference text relating exclusively to the coronial jurisdiction.

## Overview

Established under the *Coroners Act 1985*, the State Coroner's Office comprises the State Coroner, Deputy State Coroner, coroners, registrars, counsellors, researchers and other Court support staff and registrars dealing with coronial matters that occur in rural Victoria. All Magistrates, who are also coroners, hold inquest hearings as required.

While the State Coroner's Office is an independent specialist court, its administrative structure is encompassed within the Magistrates' Court of Victoria Business Unit.

Magistrates Ms Heather Spooner, Mr Frank Hender and Acting Magistrate Lewis Phillip Byrne performed coronial duties at the State Coronial Services Centre at Southbank, assisting the State Coroner Mr Graeme Johnstone and Deputy State Coroner Mr Iain West. In addition, Magistrates in country areas regularly carried out coronial duties.

Under section 3.1 and 31 of the *Coroners Act*, coroners investigate 'reportable deaths' and fires and

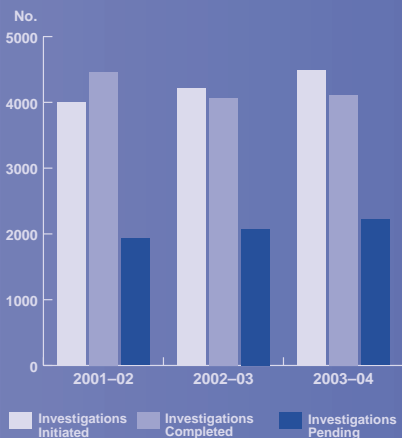
hear inquests in a just and equitable manner. In addition, coroners make recommendations regarding public health and safety to assist in reducing the incidence of preventable death and injury within the community. Registrars perform important quasi-judicial functions and, together with other Court staff, are responsible for non-judicial operations and providing administrative support to coroners.

The Counselling and Support Office offers incident debriefing and vital assistance and support to those in grief and experiencing difficulties in the immediate aftermath of death.

The Research Office collects and provides information to coroners during their investigations and to the community, particularly in the areas of workplace death, suicide and general injury prevention.

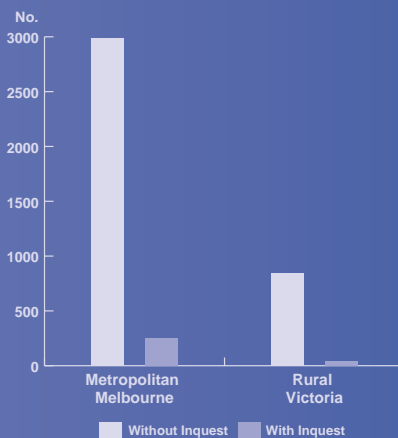
Registrars and other Court support staff provide administrative and investigative support to coroners. In addition, registrars provide an after hours service for issuing warrants under the *Crimes Family Violence Act* and search warrants.

Investigations Activity—2001–04



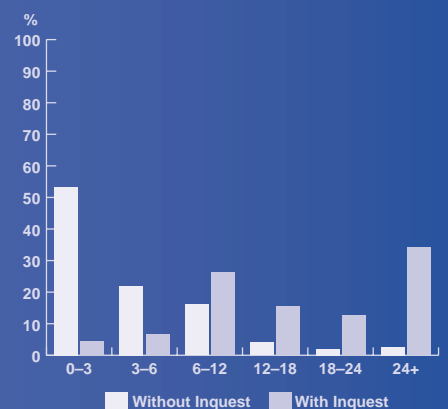
We experienced increases in investigations initiated, completed and pending.

Types of Investigations—2003–04



We completed the majority of investigations without the need for an inquest.

Timeliness in Months—2003–04



We completed the majority of investigations without inquests within three months, whereas most investigations involving inquests lasted more than 24 months.

## From the State Coroner

During 2003–04 we continued to undertake improvements and contributed significant achievements toward assisting the community.

In May 2004 the Victorian Attorney-General released his *Justice Statement—New directions for the Victorian justice system 2004–2014*.

The document specified improvements to the role of the coroner as being one of the 25 “initiatives to be undertaken over the next five to 10 years.” The Justice Statement identified a need to review the Coroners Act and, in part, to “improve” the Court’s “capacity to continue accident prevention and safety strategies”.

Significantly, the document comments that the Coroner’s role, unlike other judicial officers, goes beyond making relevant findings on law and facts in a case to include “making recommendations that would prevent re-occurrence of similar deaths or accidents in the future” and that the role is regarded as being an “important and valuable one for improving the safety of the community”. Additionally, the Justice Statement comments on the contribution that the Victorian coronial system has made to developing the National Coroners Information System and recognises that the Court has “actively pursued its accident prevention role and is recognised as one of the world’s leading jurisdictions in this field”.

Importantly, the Justice Statement acknowledges the need to temper the Coroner’s role with “appropriate and sensitive consideration of the needs of families and others” affected by the Coroner’s investigation. In recognition of this fact, the State Coroner’s Office, with the assistance of the

Victorian Institute of Forensic Medicine, has recently developed the Family Contact Program pilot project. Alluded to in the previous Annual Report, the project aims to streamline communication with families and improve service response. Shortly after the Coroner receives a report of a death, a trained staff member from the Coronial Services Centre contacts the family to give general information and basic advice on their rights and to provide a single point of contact. During 2003–04, we ran this program for metropolitan cases and we anticipate that it will be progressively introduced statewide early in 2004–05.

We are still developing our coroners’ system and we need to be open to new ways of dealing with the increasing complexity of incidents occurring in the community that we are tasked to investigate.

I would like to express my appreciation to my fellow coroners and staff and, in particular, the following individuals, for their assistance, valued work and dedication throughout the year under review: Principal Registrar Rick Roberts, my personal assistant Katrina Beesley, Sergeants Ed Pollard and Dave Dimsey and their fellow police officers at the Coroner’s Assistants Unit, Magistrate-coroners and Court registrars from country Victoria, clinicians from the Clinical Liaison Service, and the Director and staff of the Victorian Institute of Forensic Medicine.



Graeme Johnstone  
**State Coroner**

## Our Achievements

Our varied achievements during 2003–04 included the following:

- Awarded the Public Service Medal and a Premier’s Commission to the staff responding to the Bali tragedy.
- Provided ongoing response in the aftermath of the Bali tragedy.
- Implemented the Family Contact Project, making proactive contact with most bereaved metropolitan Melbourne families.
- Established greater links with the medical profession and improved the quality of medical investigations through the Clinical Liaison Service.
- In October 2003 published and circulated *In Quest*, a review of noteworthy coronial issues, research and findings, to coroners in Australia, New Zealand, Papua New Guinea and other locations.
- Constantly reviewed and edited the State Coroner’s Office web site at [www.coronerscourt.vic.gov.au](http://www.coronerscourt.vic.gov.au) to publish relevant and timely information that meets community expectations.
- Provided greater liaison with regional courts performing duties in the coronial jurisdiction.
- Provided ongoing training of country coroners and registrars.
- Established greater links to community services for those bereaved through sudden death.
- Developed links to community support services in rural Victoria to enable an improved response to the needs of the bereaved.

# Court Profile: How We Are Governed

## Establishment of the Court

The Magistrates' Court of Victoria (the Court) is established under the provisions of the *Magistrates' Court Act 1989* (the Act).

A Magistrate constitutes the Court or a Registrar may perform certain duties provided by the Act or the Rules of Court.

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

The Chief Magistrate assigns duties and makes the necessary arrangements for Magistrates to attend Courts throughout Victoria, as required.

## The Court's Jurisdiction

The Court exercises a varied, substantial and extensive jurisdiction, including the following:

- Criminal Jurisdiction
- Civil Jurisdiction
- Pre-Hearing Conferences
- Family Law, including Crimes Family Violence
- WorkCover
- After Hours Service

Refer to page 1 of this Annual Report for more information on the Court's jurisdiction.

## Structure and Operation

The structural plan for the role and direction of the Court *Structure and Operation of the Magistrates' Court* states that the Chief

Magistrate is the head of the Court and its Senior Judicial Officer.

The Chief Magistrate is responsible for:

- assigning 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 Deputy Chief Magistrates;
- issuing practice directions; and
- performing statutory functions.

The structural plan sets out the proposed direction of the Court and specifies the various roles of the Deputy Chief Magistrates and the Supervising Magistrates.

The plan identifies locations and boundaries of the various regions and allocates the Regional Coordinating Magistrates and Magistrates to regions.

In relation to administration, the positions of Chief Executive Officer, Senior Registrar and Registrar are defined, and an Organisational Chart sets out the structural hierarchy of the Court (see page 37 of this Annual Report).

## Council of Magistrates

A Council of the Magistrates (excluding acting Magistrates) must meet at least once in each year on a day or days fixed by the Chief Magistrate to:

- consider the operation of this 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 that appear to exist in the system of procedure or administration of the law in the Court.

The Chief Magistrate must cause adequate notice of a meeting to be given to all the Magistrates.

The Magistrates must report annually to the Governor on the operation of the Court.

During 2003–04, the Council of Magistrates met on 25 July 2003, 28 November 2003 and 26 March 2004.

## Executive Committee

In 2001, the Council of Magistrates adopted new governance arrangements and created an annually-elected Executive Committee. Members meet monthly, deal with matters of policy and report to the Council of Magistrates.

During 2003–04, committee members met on the third Friday of each month.

## Rules Committee—Civil Jurisdiction

Section 16 of the Act empowers the Chief Magistrate and two or more Deputy Chief Magistrates jointly to make rules of court for civil proceedings. This Civil Rules Committee meets, as required, to recommend proposed changes to the civil rules of the Court. Chaired by a Deputy Chief Magistrate committee members comprise Magistrates, Registrars and Deputy Registrars of the Court and members of each arm of the legal profession. A member of the Office of the Chief Parliamentary Counsel assists the committee.

The committee did not meet during 2003–04. However the Court anticipates that the committee will meet on a number of occasions in the next financial year in view of the passing of the *Magistrates' Court (Increased Civil Jurisdiction) Act 2004*.

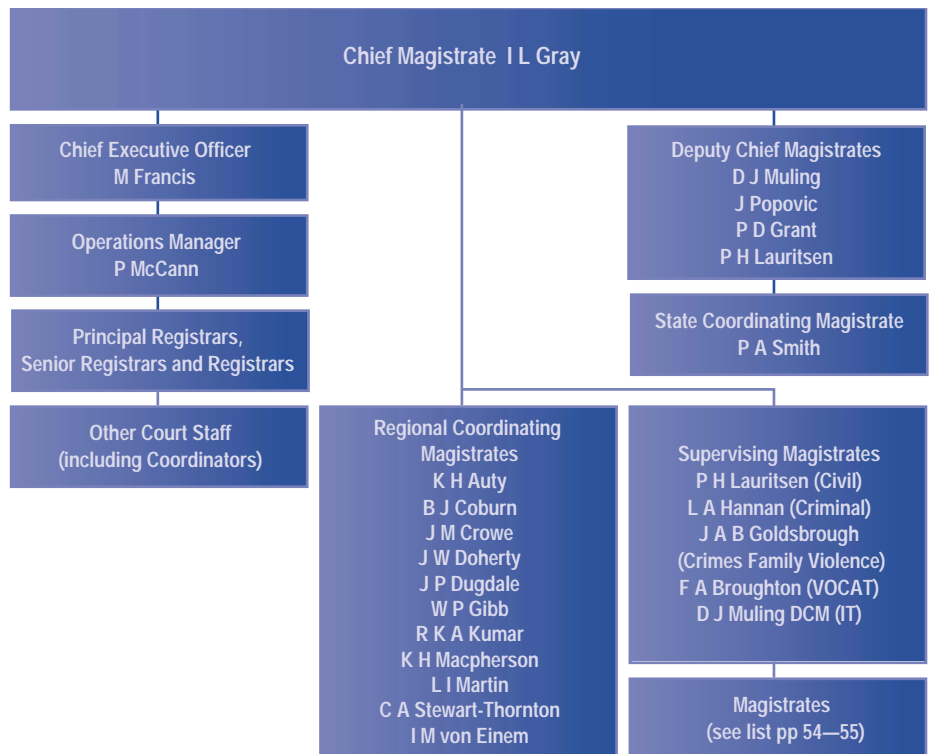
## Jurisdictional Committees

The Court has established committees for each jurisdiction, including Criminal, Civil, VOCAT and Crimes Family Violence. A Supervising Magistrate heads each committee and reports to the Chief Magistrate about the work of their respective committee. Minutes of all committee meetings are circulated throughout the Court's many locations to promote effective information sharing.

## Judicial Conduct

In 2002 the Chief Justices of Australia released their *Guide to Judicial Conduct* providing guidelines to judicial behaviour in court. The Council of Magistrates adopted the guide.

## Organisational Structure as at 30 June 2004



The guide summarises judicial conduct as follows:

Judges are to maintain a standard of behaviour in court that is consistent with the status of judicial office and does not diminish the confidence of litigants, in particular, and the public, in general, in the ability, integrity impartiality and independence of the judge. Therefore, it is desirable to display personal attributes such as punctuality, courtesy, patience, tolerance and good humour.

In addition, a judge must be firm but fair in maintaining the decorum of the trial and, above all, be even-handed in conducting the trial. Such conduct involves not only observing the principles of natural justice but also the need to protect a party or witness from any display of racial, sexual or religious bias or prejudice.

# Court Profile: Judicial Administration

## The Professional Development Committee

Members of the Professional Development Committee oversee the professional development of the Court's Magistrates. Committee members arrange internal seminars and courses, produce educational materials and organise the attendance of Magistrates at various external conferences and seminars.

During 2003–04, the committee met on the first Tuesday of each month, excluding January 2004. The committee arranged regular conferences held in July 2003, November 2003 and March 2004, and produced programs using the expertise, knowledge and skills of Magistrates to communicate information to the body of Magistrates. The Committee adopts the view expressed by Lord Chief Justice Woolf when he spoke of judicial professional development at the launch of a Court Bench Book on 12 May 2004, stating he is “totally committed to the idea that training by judges of judges should be at the heart of any judicial system”.

With the invaluable assistance of the Judicial College of Victoria (JCV) staff, the Committee provided the opportunity during the conferences for considering and discussing issues with regard to dealing sensitively, confidently and fairly with matters that arise in Court each day. To that end the Committee arranged for experts in their fields to address Magistrates at the conferences, usually as keynote speakers.

In addition to the regular conferences, Magistrates were involved in the following activities:

- In June 2004 a total of 20 Magistrates attended a Magistrates Intensive. The program included orientation, induction and refresher training. The responses to the post-conference survey indicated the program was well received and consideration will be given to similar conferences in the future.
- A total of five Victorian Magistrates participated in the Mutual Observation Program with the South Australian magistracy.
- A sub-committee headed by Caitlin English with Peter Lauritsen, Christine Stewart-Thornton and Duncan Reynolds updated the Court Bench Book.
- Peter Lauritsen acted as Court representative on the Judicial College Syllabus Advisory Committee. The committee meets four times each year and advises the Board of the JCV on proposals for judicial professional development. The committee comprises five members, including a judicial officer from each of the Supreme, County and Magistrates' Courts, a non-judicial member from VCAT and Professor Peter Sallmann representing the Attorney-General. The Chair is Justice Nettle.

# Court Profile: The Registry Function

The Court's Registry function plays a vital role in the efficient administration and processing of the vast workload of the Court. The Registry provides its services in the most efficient and cost-effective manner possible.

Victoria's criminal court administration was rated the most efficient in administering justice. In the Court's civil jurisdiction, the Court recorded the lowest number of court appearances per matter finalised.

Registrars have the duties, powers and functions provided by the Act, the Regulations and the Rules, including:

- issuing process;
- administering oaths;
- extending bail;
- issuing warrants to arrest;
- endorsing certain licences and certificates;
- determining certain types of applications;
- conducting pre-hearing conferences in civil cases and making appropriate orders;
- scheduling cases for hearing;
- providing procedural advice regarding court processes; and
- receiving and disbursing money paid as a result of Court orders.



*Registrars, from left—John Walsh, Kevin Hussey, Betty Kagarakis, Steve Maloney, Graeme Horsburgh, Julian MacLeod, Adrian McGirr, Susan Higgs and Kathleen Sanderson.*

Section 17 of the Act provides for the appointment of “a Principal Registrar and as many Registrars and Deputy Registrars as are necessary”.

The Principal Registrar oversees the administration and management of the Court's records and orders and issues practice directions to all Court staff regarding changes to or the introduction of new administrative practices and procedures.

Senior Registrars manage the administration of a particular region. There are currently 12 regions within Victoria and a region may consist of one or many outside Courts.

Registrars are appointed to outside Courts within a region (this mainly applies to country regions) and are responsible for staff and the operations of that particular court. They report to the Senior Registrar for that region.

Qualified and Trainee Court Registrars perform in-court work of prioritising and calling cases, recording the proceedings, administering oaths, initiating process and documenting the production of exhibits. Victoria is the only State that requires formal training and the completion of qualifying examinations to perform duties as a Court Registrar, with some States beginning to introduce similar systems. There are 390 Registrars and 34 support staff working at 54 Court locations throughout the State. Court Registrars are also located in the Children's, Coroners, County and Supreme Courts as well as at the Victorian Civil and Administrative Tribunal.

# Court Profile: Court Administration

As at 30 June 2004, the number of full-time staff equivalent employees totalled 464.7, representing a 16.5% increase, compared with 448.2 on 30 June 2003. Staff numbers increased due to new programs requiring additional resourcing, including:

- an Aboriginal Liaison Officer and Koori Court personnel;
- a Drug Court Clinical Advisor;
- six VOCAT staff recruited at the end of 2003; and
- five staff employed for the courts.

## Employee Wages

Non-judicial employee wages totalled \$12.2 million in 2003–04, compared with \$13.4 million in 2002–03. The reason for the decrease in total wages was due to the Children's Court budget being removed from the Magistrates' Court budget and funded independently.

## New Career Structure

On 1 November 2003, the new Victorian Public Service (VPS) career structure for non-executive employees was introduced. Under the new structure, positions are classified within a VPS Grade from one to six or the Senior Technical Specialist Grade based on work value.

The Victorian Public Service Agreement was finalised in 2004 and will remain in force until 1 July 2007. The first salary and allowances increase of 3.0% became payable with effect from 1 March 2004.

## Clerk of Courts Structure

The Clerk of Courts Structure was the subject of an arbitration hearing before the Industrial Relations Commission in June 2004. As at the end of the reporting period, the Court was awaiting the outcome of that structural review hearing.

## Equal Employment Opportunity

The Court is an equal employment opportunity employer. We are committed to selecting the best applicants based on merit and equity principles. We regularly update staff on issues relating to harassment and discrimination within the workplace by conducting seminars, workshops and circulating relevant literature.

## Occupational Health and Safety

We aim to provide and maintain a safe working environment that ensures the health and wellbeing of Court employees, Magistrates and visitors to the Court. During 2003–04, we reviewed and tested emergency and evacuation procedures and building security on a

regular basis. We accepted a total of four WorkCover claims during the financial year, with 61 work days lost, compared with 228 work days lost from claims in 2002–03.

## Career Structure and Work Organisation Review

The Career Structure and Work Organisation Review provides the Department of Justice (DOJ) with the opportunity to enhance the way it manages performance and progression. The new program has been broadened to include:

- performance in the job;
- professionalism;
- experience and efficiency in the role; and
- learning and development.

These four elements are combined to create a basis for individual progression through a seven-grade structure with defined progression steps or payments.

## Performance Management and Progression System

The Department of Justice Performance Management and Progression System is designed to:

- clearly link the achievement of individual Performance Management and Progression

Staff Numbers and Composition by Victorian Public Service (VPS) Band/Grade\*—2002–03 to 2003–04

VPS Grade:	2003–04			VPS Band:	2002–03		
	Women	Men	Total		Women	Men	Total
VPS Grade 6	-	8	8	VPS-5	-	14	14
VPS Grade 5	8	30	38	VPS-4	13	36	49
VPS Grade 4	14	32	46	VPS-3	63	47	110
VPS Grade 3	73	35	108	VPS-2	66	15	81
VPS Grade 2	133	67	200	VPS-1	75	45	120
VPS Grade 1	2	-	2				
<b>Total</b>	<b>230</b>	<b>172</b>	<b>402</b>		<b>217</b>	<b>157</b>	<b>374</b>

\*On 1 November 2003 the Victorian Public Service career structure changed from a five-level structure to a six-level structure.

- Plans to the success of the overall business plan;
- provide tangible guidance to staff on the conduct and values that are important to exhibit when undertaking their duties; and
- facilitate a comprehensive learning and development strategy that supports current and future job and career needs.

### Training and Development

To ensure our staff receive appropriate and relevant training in a number of areas, the Training and Development Unit recruits Trainee Court Registrars, as well as develops and presents training programs for Court staff. Refer to the table below for training courses conducted.

During 2003–04, the number of Trainee Court Registrars appointed totalled 45, compared with 42 in 2002–03. The number of Trainee Court Registrars promoted to Qualified Court Registrars totalled 21, compared with 24 in 2002–03.

The introduction of a new Performance Management System necessitated training for all Court staff. The Training Unit went to most courts across Victoria to deliver this training to 276 staff.

We will run additional courses in *Managing a Potentially Violent Client* for staff starting in the next financial year.

### Bail Justice Accreditation

To effectively provide a more just, responsive and accessible legal system, the Court appointed an increased number of Bail Justices during 2003–04.

Court Registrars and Magistrates conducted nine Bail Justice Accreditation Courses attended by 174 individuals. Bail Justices perform an important voluntary role in our community.

They are empowered to hear applications for bail under the *Bail Act 1977* and applications for Interim Accommodation Orders for children under the *Children and Young Persons Act 1989*.

### Snapshot Customer Survey

We completed a *snapshot* customer survey to assess the Court's responsiveness to enquiries received, within established timeframes, via the counter, telephone and email.

On Monday, 21 June 2004 counter, telephone and email traffic was measured between 9.00 a.m. and 4.30 p.m. at the Melbourne and Moe Courts, achieving the following results:

- Counter**—*Target:* 75.0% of counter enquiries will be attended to in five minutes or less. *Result:* 93.0% of counter enquires were attended to in five minutes or less.
- Telephone**—*Target:* 70.0% of telephone calls will be answered within 30 seconds of the first

ring. *Result:* 85.0% of telephone calls were answered within 30 seconds of the first ring.

- Email**—*Target:* 90.0% of emails will be responded to within 14 days. *Result:* 100.0% of emails were responded to within 14 days.

### Staff Rewards and Recognition

We developed and implemented a Rewards and Recognition Program to recognise staff achievements at a local level. Initially implemented as a pilot in November 2003, we have since established the program on a permanent basis.

During 2003–04 the program made 98 awards to staff in the areas of:

- customer service excellence;
- improvements and ideas;
- team awards;
- workplace harmony;
- the quiet achiever; and
- community spirit.

### Training Courses Conducted by Training and Development Unit—2003–04

Course	Description	Number of Participants
<b>Induction Program</b>	Gives new Trainee Court Registrars an overall picture of how the Court operates.	54
<b>Client Service Course</b>	Covers topics such as dealing with difficult clients, letter writing, communication and telephone techniques.	24
<b>Interview Skills</b>	Designed for staff applying for positions within the VPS, particularly Court positions. Topics included writing an application and the interview process.	10
<b>Performance Management System Training</b>	Delivered training to all Court staff across Victoria on the new Performance Management System.	276
<b>Managing a Potentially Violent Client</b>	Presented to Court staff from all jurisdictions to help address the ongoing issue of Court security.	28
<b>Bail Justice Accreditation Course</b>	Delivered to volunteers from the community and Court Registrars to be appointed as Bail Justices.	174
<b>Corporate Training Program</b>	The Department of Justice provides a Corporate Training Program that is accessible to all Court staff. The program offers competency-based training, self-management programs and cultural awareness programs.	113 attending 30 courses

# Court Profile: Serving the Court's Users

## Information Technology

Information technology provided by the Court's Information Technology Group (IT Group) plays a key role in serving the Court's users by ensuring its services are delivered in a timely and efficient manner.

### **Court Infrastructure Strategy**

In providing a modern and efficient workplace through the use of technology, the Court Infrastructure Strategy ensures our core infrastructure continues to comply with industry standards.

As a result, the Court's IT Group:

- devised a cost-effective strategy to replace one third of the Court's PCs every year to ensure each PC is de-commissioned every three years;
- began a printer refresh cycle to ensure we have modern devices and minimise disruption caused by printer failures;
- will upgrade the Court's network connecting 52 Court locations to form a combination of bandwidth upgrades and network compression, which will be managed, implemented and funded in cooperation with other Department of Justice business units; and
- began rolling out Windows XP, including new support models, on all PCs across the network—a large and complex task that will be completed by March 2005.

## **The Court's Web Site**

The Court's web site, located at [www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au) incorporates the most frequently asked questions, legislation resources, daily updated court lists for Victoria and information on all of the Court's services. During 2003–04, the Court's web site attracted approximately 18,000 hits per day.

As a key focus, the IT Group supports the Integrated Courts Management Systems (ICMS) program. The IT Group expects the ICMS program to deliver the strategy for courts' technology for the next five to 10 years, with particular focus on effective case management systems and providing greater access to the courts using technology such as the Internet.

In February 2004, the Magistrates' Court and County Court began a trial of shared information technology resources. Both courts viewed the project as a cost-effective means of sharing expertise in a specialised area. As of 30 June 2004, the trial has been a success.

## **Telecommunications**

In August 2003, the Court initiated a systems upgrade as part of its statewide Telephony Strategy to improve communication with and service to the community. As a result, the call handling rate has greatly improved.

## **Courtlink**

As the Court's core case management system, Courtlink captured a 99.0% availability rating during 2003–04. In response to legislative and procedural changes and user requests, the IT Group expanded Courtlink to capture the following data:

- Home Detention Orders
- Restraining Orders
- Gaol Orders
- Alcohol Interlock changes
- Changes to Community-Based Orders (new conditions)
- Part heard cases reports
- VOCAT order entry changes

The IT Group introduced a Graphical User Interface (GUI) to improve the capture of Court Orders made by Magistrates. The design forms the interface for all of the Court's case management systems. As at 30 June 2004, a request for tender was underway and we expect to receive responses to the tender early in the next financial year.

## **Digital Audio Recording**

The IT Group began a pilot of a digital audio recording application to record proceedings in courtrooms. The IT Group installed the pilot application in three courtrooms during 2003–04. In conjunction with the Windows XP rollout, the IT Group will progressively roll out the application to all Court locations. The target dates for implementation are December 2004 for Melbourne and all Courts by mid-2005.

## Video Link Service

The video link service is an innovative communication tool that enables Court users to participate in hearings in circumstances where they are unable to attend court locations.

The Court's video link model attracted international interest and, as such, the Court is regarded as a world leader in this field.

Since 1997, the use of video links has continued to increase each year. During 2003–04, video link use continued to rise, with a high level of acceptance within the Court. The number of video links decreased by 17.6%, totalling 1,030, compared with 1,250 in 2002–03.

## Court Library

The Court Library provides a valuable legal and information resource for Magistrates, handling numerous enquiries from Magistrates throughout the year. The Court Library continued to develop its library acquisitions in electronic format and extended the types of law reports, texts and relevant reference materials available to Magistrates.

## Court Safety and Security

In ensuring court safety and security, we implemented recommendations outlined in the 2001 Court Safety and Security Master Plan. We developed a Safety, Security and Emergency Action Handbook for Victorian Courts and VCAT that has been distributed to all jurisdictions. In addition, we developed an Emergency Action Guide and distributed the guide to all Court staff. The guide provides a ready reference for all Court staff if a critical incident should occur. Copies of the handbook and guide are available at the Court Resource Centre.

### **Staff Safety**

While distributing the Safety, Security and Emergency Action Handbook and Emergency Action Guide, the Court Security Manager visited each court in Victoria and provided familiarisation training for all staff in both duress and emergency procedures, as well as how to make effective use of the handbook and action guide.

In addition, the Court Security Manager incorporated the handbook and action guide as part of an induction program for new staff, introducing as well as providing information about court safety and security procedures and policies, as well as how to obtain safety and security advice and assistance.

The issue of staff safety was the focus of a one-day workshop created, in consultation with the Court Security Committee and a leading behavioural psychologist, to assist staff in developing better strategies to manage difficult clients.

During 2003–04, more than 90 staff attended the workshops and the Court Security Manager will seek funding to make the program available to all staff.

### **Evacuation Placards**

We began work on a project to ensure that all courts have up-to-date and compliant evacuation placards. We developed a standard template that allows individual site differences to be accommodated and includes ready reference information that can easily be accessed in an emergency. At the end of the reporting period, most courts were equipped with the new placards.

# Court Profile: Court Support Services

The Court takes a leadership role in developing and implementing problem-solving approaches in criminal proceedings. This approach exemplifies the Court's evolution to meet the challenges presented by an increasingly diverse and complex society of which it plays an important part.

The Court provides a range of services that focus on therapeutic and restorative approaches in the criminal jurisdiction. A number of programs assist offenders, including young offenders and offenders with specific problems, such as physical or mental disability, drug dependency, psychiatric illness and homelessness.

## Aboriginal Liaison Officer

The purpose of the Aboriginal Liaison Officer is to address the issue of over-representation of Indigenous people in the Victorian justice system by working with Indigenous clients when they enter the Court system. In addition, the service helps Aboriginal people to maximise their chances of rehabilitation through culturally-appropriate and sensitive intervention.

Offenders, families, legal representatives and the judiciary extensively use the service, assisting an average of 25 clients per month.

The purpose of this service is to:

- assist and advise the Court of matters relating to cultural issues that exist for Indigenous people in Victoria;
- provide advice and access to services for Indigenous offenders and families that come in contact with the Court;
- raise awareness within the criminal justice system of cross-cultural issues;

- provide advice and report to Magistrates and relevant Court staff in relation to appropriate courses of action for Indigenous offenders;
- liaise with members of local Aboriginal communities to inform them of the Court process; and
- consult, negotiate and liaise with government agencies and non-government organisations to coordinate service delivery and promote knowledge of issues relating to Aboriginal persons.

During 2003–04, the Court established processes to collect reportable statistics for inclusion in future Annual Reports.

## The Bail Support Program

The Bail Support Program (BSP) aims to increase the likelihood of a defendant being able to meet the conditions of bail and successfully completing the bail period by providing appropriate links and referrals to Court and community-based support systems. The BSP case manages clients for a period of up to four months and clients attend fortnightly appointments with their BSP workers.

During 2003–04, the program attracted 355 referrals for case management and support, compared with 321 referrals in 2002–03, representing a 10.6% increase. The breach rate for clients on the program remained steady at 18.0%, with 82.0% of clients completing their bail period successfully.

On many occasions, sentences imposed at trial for clients actively participating in the BSP resulted in non-custodial dispositions, mostly

## Case Study: Aboriginal Liaison

Mr S is a 33-year-old Indigenous man who is a recovering heroin addict, with a partner and a two-year-old daughter. Mr S was facing a breach of a Community-Based Order (CBO) and 12 charges of theft. Upon assessment it became clear that Mr S was willing to undergo further assessment and assistance to review his breach and drug rehabilitation, and partake in support programs.

The Aboriginal Liaison Officer (ALO) assessed Mr S and provided him with assistance, through supervisory support, referral to a workplace training program and advocacy by the ALO with both the Magistrate and Correctional Services. As a result, Corrections withdrew the breach proceedings and the Magistrate deferred the sentencing and ordered Mr S to complete a four-month case plan with the Aboriginal Liaison Program, pending a review by the Magistrate in February 2005.

## Case Study: Bail Support

Mr B had spent 10 of his 33 years in prison. In 2002, the Court bailed him to the BSP, requesting support and drug treatment. BSP workers referred Mr B to counselling, pharmacotherapy and rehabilitation. He remained on the program and attended it weekly for further support, even when he was no longer required to attend.

On July 18, His Honour Judge Kelly sentenced Mr B and stated that a report written by the BSP regarding Mr B, "caused him to think that while further imprisonment might be thought by some to be not only justified but also mandated by the commission of this burglary, it might be that others would see the community better served by fostering the prisoner's reform and breaking the cycle of criminality".

The client received a non-custodial sentence and 12 months later, remains in full-time employment and secure housing, is drug-free and has half-time custody of his son.

due to the motivation of clients to address their issues and work toward a positive future.

BSP workers assess clients in custody and support the client in addressing issues by developing a case plan and referring clients to appropriate agencies relating to accommodation, pharmacotherapy, drug treatment, medical assistance, food and clothing vouchers, and Centrelink referral letters.

During 2003–04, clients most often requested supports relating to accommodation and drug treatment referral. Acquiring accommodation for clients constituted a daily challenge for BSP workers. Crisis accommodation provided by housing agencies is extremely scarce, while supported accommodation is rarely available.

The BSP acquired seven fully furnished transitional properties located in the North Western region from the Office of Housing for clients of the program. A housing worker supported the properties and assisted clients with such issues as completing their requirements for public housing, attending appointments, budgeting, life skills and accessing long-term housing. All clients residing in the BSP properties have not re-offended.

During the financial year, the BSP began the process of expanding its service to the following courts:

- Heidelberg
- Sunshine
- Ballarat

With the application process underway, the Court anticipates that BSP workers will be trained and commence services in these courts by October 2004.

## CREDIT Program

The Court Referral and Evaluation for Drug Intervention and Treatment (CREDIT) Program serves to address the escalation of offending due to illicit drug dependence.

CREDIT aims to:

- provide early treatment when the defendant is first arrested;
- implement drug treatment measures while the defendant is on bail awaiting hearing;
- develop a commitment on the part of the defendant to rehabilitation by capitalising on the immediacy of the arrest and the impact of the alleged offending at the time of arrest;
- divert defendants with substance issues from prison;
- reduce risks of further offending; and
- minimise harm to the offender and community by addressing the issues related to substance abuse.

Since the program began, the following trends have emerged:

- Re-offending while on bail has decreased.
- An increasing number of offenders have requested withdrawal services in addition to the counselling.
- Motivation by some defendants to extend treatment beyond initial recommendation has increased.
- The number of referrals from Corrections Victoria recommending that defendants participate in the program prior to imposing a Community-Based Disposition has increased.

## Case Study: CREDIT Program

Ms H was a 26-year-old woman, the youngest of three siblings. Since one brother died of cot death before she was born and another brother died in a car accident when she was 12, Ms H felt the pressure of both her parents' expectations.

The Magistrate referred Ms H to CREDIT after being arrested on charges of failing to answer bail and twice breaching an intervention order taken out by her mother. Prior to starting CREDIT, she entered Teen Challenge but struggled to remain in the program and was injecting heroin daily. She had a history of amphetamine, cocaine, cannabis, benzodiazepine and ecstasy use, and she overdosed and was revived on 15 occasions.

The Court transferred Ms H to a drug and alcohol supported accommodation program (SHARC). She complied fully, and she rebuilt her relationship with her parents. Accordingly, she successfully completed CREDIT and received an adjourned undertaking.

Some months later, the Magistrate once again referred her to CREDIT after she relapsed into daily heroin use and financed her habit through street prostitution. She went through a troubled period, including her relationship with her parents breaking down and being abducted and raped. Ms H commenced on buprenorphine treatment and eventually returned home to live with her parents. She attended counselling appointments close to home and participated in regular psychological counselling sessions, which she found very helpful, in relation to her abduction and rape. At sentencing, the Magistrate dismissed the charges against her.

Ms H has since begun a course in youth work and continues to live at home, reporting a much healthier and more honest relationship with her parents. At her last report, she commented that she continues to be drug free.

# Court Profile: Court Support Services

- Defendants, who demonstrated their commitment to treatment and were subsequently placed on Community-Based Dispositions, received orders of a shorter duration and were more likely to complete their orders.
- Issues in addition to substance abuse were being addressed, such as family reunification, accommodation and mental health issues.
- The success with which some defendants addressed their drug issues has enabled them to rejoin the work force.
- Participants have reported a positive interaction with the criminal justice system and often commented that being charged was a positive motivating factor in changing their behaviour.
- As the program became known within the community as effective and culturally appropriate, it forged links with groups such as the Indo-Chinese community. Vietnamese participants and their families expressed a sense of empowerment with the assistance provided through the program.

During 2003–04, the Court referred 1,593 defendants to the program, which operated at Court locations in Ballarat, Bendigo, Broadmeadows, Dandenong, Frankston, Geelong, Heidelberg, Melbourne, Moe, Ringwood and Sunshine. In other rural areas, the Department of Human Services assists drug and alcohol dependent defendants through a program known as Rural Outreach Diversion Workers.

CREDIT conducted the following activities to promote community interest and staff training and development:

- Presented papers at relevant conferences, including Magistrates conferences, to raise awareness of the CREDIT Program among service providers.
- Made presentations to the Law Institute, Court Network, Drug Treatment Services and Custodial Health, Alcohol and Drug Nurses.
- Held staff meetings for CREDIT staff to provide best practice training opportunities.
- Staff completed certificates and diplomas in alcohol and other drugs.
- Nurtured a stronger team culture within geographically isolated locations.
- Improved case management of clients between CREDIT and the Drug Court.
- Participated in initiating and implementing a street sex-workers' list.
- Held preliminary meetings regarding the establishment of a Mental Impairment Court.
- Gave presentations to and participated in regional and statewide drug treatment service providers conferences.
- Provided consultation, information and a model for establishing a similar CREDIT program in the Northern Territory.

## Criminal Justice Diversion Program

The Criminal Justice Diversion Program provides first-time offenders with an alternative procedure to case processes by undertaking various conditions that benefit the offender, victims and the community.

The program provides the following advantages:

- Prevents re-offending by tailoring an order around the defendant's needs.
- Enables first-time offenders to avoid their first criminal record.
- Assists the offender's rehabilitation.
- Utilises community resources for appropriate counselling or treatment.
- Ensures that appropriate reparation is made to the victim of the offence and, where appropriate, offenders tender an apology to the victim either by letter or in person.
- Assists local communities through voluntary work and donations.
- Provides more flexibility for orders.
- A Diversion Coordinator monitors cases and conditions, ensuring accountability of the offender.

## Services Provided

Employed at each of the Court's regions, a Diversion Coordinator:

- acts as a central contact for diversion issues and actively promotes the program within his or her local community;
- identifies and supports relevant community based programs within the region;
- interviews offenders and provides advice on appropriate links to community services to the presiding Magistrate; and
- monitors the performance of the offender in completing his or her program conditions.

## Funding

Funded until 30 June 2008, the program received a further four years funding from the State Government. As a result, the Court has made all Diversion Coordinator positions permanent, giving a solid foundation to the program.

## Independent Evaluation

During 2003–04, Health Outcomes International conducted an independent evaluation of the program. The evaluation showed that only 3.5% of diversion offenders re-offended within 12 months of their orders. This result compares with 17.0% of first-time offenders processed within the normal court process who re-offended within 18 months of their orders.

## Keep Australia Beautiful, Victoria

Offenders perform community work where possible within their local community or the area where they committed the offence. One of the voluntary organisations involved with the program, Keep Australia Beautiful, Victoria (KABV) agreed to provide links to the community for voluntary work purposes for a further 12 months. Since the program began, KABV has placed more than 1,000 offenders undertaking more than 20,000 hours of voluntary work within the community. KABV places approximately 50.0% of all work placements undertaken by the program.

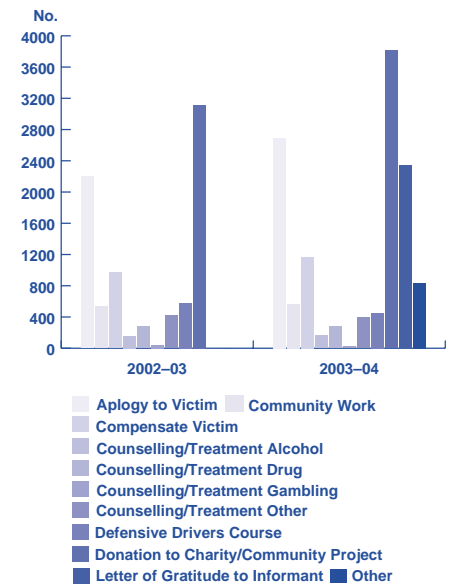
## Donations

Each year, offenders in the program direct donations to local charities or non-profit organisations. Offenders undertook to pay a total of \$207,273 in donations to charities and local community projects in the three months from April to June 2004.

## Road Trauma Awareness Workshop

A joint initiative of the Court and the Road Trauma Support Team, the Road Trauma Awareness Workshop is designed for road traffic offenders and aims to educate offenders about the impact of road trauma and to create safer drivers. Volunteers who have experienced major trauma relay the consequences to young offenders.

## Diversion Plan Orders by Type of Condition Undertaken—2002–04



## Case Study: Diversion

After drinking at a local park with mates, a 17-year-old male defendant broke into the Buninyong Swimming Pool Kiosk early that morning. He and the co-offender stole \$300 worth of confectionery and distributed it between their friends.

Since the confectionery was never recovered, the conditions of the defendant's diversion plan included paying \$300 restitution to the victim, writing a letter of apology, completing 50 hours' community work and abiding by a curfew from 11.30 p.m. to 6.00 a.m., seven days a week. The program coordinator notified the informant via email of the conditions and asked him to notify the rest of the officers at Buninyong Police Station for the purposes of any breach. The informant has since advised how very impressed he is with the diversion program. He commented that the curfew will work effectively in his small town. This experience was his first with the program and he stated he will be using the program again in the future. The defendant must abide by the conditions for a period of six months.

# Court Profile: Court Support Services

The Court conducted 17 workshops during the financial year attended by approximately 300 offenders.

## **Case Statistics**

The program received a total of 6,971 referrals from various prosecuting agencies during 2003–04, representing a 14.5% increase compared with 6,090 referrals received in 2002–03.

The highest number of referrals related to male offenders aged 17 to 25 years, representing 44.0% of referrals received, compared with 43.0% in 2002–03. A total of 5,454 of these offenders were placed on a diversion plan, compared with 4,725 offenders in 2002–03.

During 2003–04, the program made a total of 9,542 orders, compared with 8,287 in 2002–03. The following shows a breakdown of the number of orders made by type of condition undertaken by persons who completed a diversion plan:

- Apology to Victim 2,692 (2,199 in 2002–03)
- Community Work 564 (536 in 2002–03)
- Compensate Victim 1,167 (971 in 2002–03)
- Counselling/Treatment Alcohol 160 (156 in 2002–03)
- Counselling/Treatment Drug 281 (276 in 2002–03)
- Counselling/Treatment Gambling 20 (42 in 2002–03)
- Counselling/Treatment Other 395 (417 in 2002–03)
- Defensive Driving Course 452 (578 in 2002–03)
- Donation to Charity/Community Project 3,811 (3,112 in 2002–03)

During 2003–04, a total of 4,960 offenders successfully undertook conditions and completed their diversion plan, representing 93.8% of offenders who were placed on the program, compared with 4,455 (94.4%) in 2002–03.

## **Activities Promoting Community Interest**

The program promotes community interest through the following activities:

- Sunbury Street Server Bus
- Road Trauma Awareness Course outlining the impact of road accidents
- Upper Yarra Community Graffiti Removal Program
- Boronia Police Ropes Program aiming to break down the barriers between young people and police
- PENDAP Drug and Alcohol Assessment, including education sessions on the effects of binge drinking and drinking practices
- Mt Martha Community House benefiting disadvantaged young people
- Adopt a Bus Shelter—City of Greater Geelong encouraging young people to adopt and clean a bus shelter of graffiti
- Kicking Goals Youth Program providing disadvantaged youth with opportunities to attend AFL games
- Keep Australia Beautiful, Victoria providing services to local communities and links to other voluntary organisations
- Local driving skill courses in Moe and East Gippsland
- SAM's Cottage in Bairnsdale

providing emergency accommodation

- Blackwood Youth Foundation assisting kids struggling with mainstream schooling

## **Outlook for 2004–05**

Staff in the Criminal Justice Diversion Program and the Enforcement Review Program will be incorporated to give a more efficient and better skill base for both programs. An evaluation will be held to assess the value of Diversion Coordinators assisting the expansion of the Enforcement Review Program to rural Victoria.

## **Disability Coordinator**

The Court responds to the special needs and circumstances of persons with disabilities who appear before it and, more particularly, within the criminal justice system. The Disability Coordinator provides a consultancy function for the Court to assist Magistrates in managing persons with a disability within the sentencing process. In addition, she advises the Court in relation to issues concerning disability as they affect the Court. This advice provides an environment for implementing new initiatives and programs within the Court to meet the needs of disabled Court users.

Initiatives implemented during the financial year included raising awareness of the complex needs of individuals suffering a disability, particularly with regard to incurring PERIN fines.

## **Australasian Disability Forum**

In June 2004 the Court held an Australasian Disability Forum, addressed by Associate Professor Julian Davis, with the aim of developing a network of national court support services to promote shared learning and exchanging new ideas.

As a result of the forum, the Court will hold bi-annual forums and establish a web site that will allow for enhancing therapeutic jurisprudence.

## **Disability Action Plan**

At the forefront of providing support services for those with special needs, the Court is committed to developing a Disability Action Plan, as part of the Victorian State Disability Plan, launched by the Government in 2002. Much of the ground work for this action plan is already well established within the Court's disability and support services.

The number of people with disabilities entering the justice system continued to be high, with a total of 466 referrals being made to the Disability Coordinator during the financial year. This result compares with 448 referrals in 2002–03. Of these referrals, the Disability Coordinator opened 109 files—a 23.2% decrease, compared with 142 in 2002–03. In addition, the Disability Coordinator submitted 11 written reports to the Guardianship List of VCAT, compared with 12 reports in 2002–03.

While the Magistrates referred the majority of matters, the Victoria Police and the legal profession referred many of these matters. In addition, referrals came from the

mainstream human services, allied services and a wide cross-section of the general community, including:

- Salvation Army
- Major city hospitals
- Community Health Services
- Melbourne City Council
- Public Advocate
- Human Services

## **Enforcement Review Program**

A support service of the Court launched on 24 June 2002, the Enforcement Review Program (ERP) assists clients with outstanding fines registered at PERIN Court and who have special circumstances, such as an intellectual disability, a diagnosed mental illness, an acquired brain injury or a severe physical disability that impairs their judgement.

Registered users of the ERP comprise 95 government and non-government agencies, including mental health services, voluntary and religious groups, funded community services and legal services.

The ERP officer:

- screens and assesses clients to determine their eligibility for the program;
- compiles applications for revocation of fines to be determined by the PERIN registrars;
- educates and promotes the ERP to government and non-government agencies;
- coordinates the Special Circumstances List for hearing and alerts defendants of their dates of hearing;

- mediates and negotiates with the Sheriffs' Department and prosecutors to improve the efficiency and effectiveness of the ERP;
- answers general enquires and makes text entries on the Sheriffs' database, alerting users to the special circumstances of clients;
- records monthly results from the dates of hearing and directs applications made to the ERP; and
- makes referrals to other services, where appropriate, and to achieve continual monitoring of the ERP.

The number of applications received to revoke fines under the special circumstances category during 2003–04 increased significantly, totalling 502, compared with 261 during 2002–03, representing a 52.0% increase. This result can be attributed to ongoing community education and training.

During 2003–04, 502 applications encompassed 5,991 separate matters. Since the implementation of the program \$2.2 million in PERIN Warrants and Court Orders have been revoked by the registrars at the PERIN Court, and were subsequently heard in the Court's Special Circumstances List.

# Court Profile: Court Support Services

To cater for the rise in applications, the Court increased the hearing dates to twice a month, with two sessions conducted during 10.00 a.m. and 2.00 p.m. During the financial year, 637 people attended the Special Circumstances List, compared with 220 during 2002–03—a significant 189.0% increase.

The ERP officer held approximately 20 workshops, seminars and staff meetings for representatives of outreach services, community organisations, legal services, financial counselling services and government departments.

In response to overwhelming interest in the program, the ERP Officer was invited to sit on working groups, including a working group devoted to disadvantaged people in the infringements system, whereby recommendations and immediate changes will be made to improve the efficiency of the system. In addition, the ERP Officer participated in the Public Transport Enforcement Forum Working Group established to provide an opportunity for representatives of disadvantaged groups to meet with enforcement representatives of the Department of Infrastructure to discuss public transport enforcement issues.

## Community Forensic Mental Health Court Liaison Service

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

Since first established at the Melbourne Magistrates' Court in November 1994, the service has steadily grown, with individuals and organisations across Victoria increasingly using the service. Due to this increased demand, the service has since been extended to other metropolitan Magistrates' Courts at Broadmeadows in November 1996, Ringwood in January 2002 and Dandenong in July 2002.

Experienced senior registered psychiatric nurses provide on-site services with an on-call consultant forensic psychiatrist and psychiatrist team providing additional support when required.

The service provides thorough and impartial psychiatric assessments, consultation and advice to all metropolitan Court users. Clients comprise individuals who appear before a Magistrate after being referred for assessment and who require psychiatric intervention and support. An assessment typically involves information gathering, referral and links to either community or prison-based support services.

The service can effectively accelerate the sentencing process by reducing the frequency and length of custodial remands for psychiatric reports.

The service provides:

- psychiatric or bio-psychosocial assessments and subsequent recommendations and options regarding appropriate clinical management and welfare of referred clients;
- options for diverting mentally impaired offenders from the criminal justice system to appropriate health care specialists with assessment and diagnostic skills in the community or prison;
- coordinating referral and links 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;
- the transfer of acutely mentally impaired clients to appropriate mental health services; and
- training and education to all relevant support services regarding interaction with and operation of mental health services in the context of the court system.

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

During 2003–04, the service assisted 825 of the 1,180 referred clients, compared with 813 in 2002–03, representing a 1.5% increase. In addition, the service assisted 2,013 family members and various professional persons involved in the court attendance and continuing care of clients, compared with 1,483 in 2002–03—a 35.7% increase.

Representatives of the service attended court on 569 occasions, compared with 390 in 2002–03, representing a 45.8% increase, and completed 1,157 reports and file entries, compared with 1,027 in 2002–03. The service gave psychiatric consultative advice and assistance on 2,358 occasions to metropolitan and country Courts and their users, compared with 1,342 occasions in 2002–03, representing a substantial 75.0% increase.

Primary referral sources comprised Magistrates, legal practitioners, Court staff of parallel services, police, custody staff, mental health services and other sources.

While requests from Magistrates take priority, the service accepts referrals from anyone who has some concern about the mental health of individuals who will be coming before the Court.

## Juvenile Justice Court Advice Unit

Officers of the Juvenile Justice Court Advice Unit provide an information service on behalf of young offenders aged between 17 and 21 years and cover all metropolitan and rural Courts. The officers not only provide detailed qualitative information to the Court about young persons appearing but also seek to intervene at the time of the young person's first court appearance to ensure that personal issues that may lead to further offending are addressed prior to sentencing.

The unit provides the following services:

- Timely pre-sentence reports for young offenders being considered for Youth Training Centre Orders.
- A comprehensive case management approach for young people on bail or subject to a deferral of sentence by linking them to appropriate services, such as accommodation services, intensive support agencies, drug treatment programs, psychiatric or psychological services, employment services and legal services.
- Appropriate supervision and counselling for young offenders from the time of their first appearance in the Court to the time of sentencing in a higher court.

- Comprehensive bail reports tendered to the Court at the end of the bail period to provide accurate information to the Courts.
- Accurate and timely information to Magistrates and Judges with respect to remissions or parole that might apply to any period of detention a young offender might be undergoing at the time of sentencing.
- Information about eligibility for parole or treatment in progress for a young offender undergoing a sentence and what effect a cumulative sentence may have upon eligibility for parole and current programs or treatment.

The unit works closely with the Court's other parallel services to provide a quality service to the Court and its clients.

# Appendices: Financial Statements for the year ended 30 June 2004

	Note	2003-04		2002-03	
		Budget	Actual	Budget	Actual
<b>SPECIAL APPROPRIATIONS</b>					
Magistrates' Salaries and Allowances		19,961,000	<b>20,845,074</b>	20,460,000	20,713,111
Victims of Crime Assistance Tribunal					
– Operating expenses		1,753,000	<b>1,756,265</b>	1,515,000	1,562,772
– Compensation payments		25,600,000	<b>29,106,115</b>	37,100,000	18,011,166
<b>Total Special Appropriations</b>		<b>47,314,000</b>	<b>51,707,454</b>	59,075,000	40,287,049
<b>RECURRENT APPROPRIATIONS</b>					
Salaries, Overtime and Annual Leave		12,490,100	<b>12,246,168</b>	12,438,562	13,414,208
Superannuation		1,211,939	<b>1,264,771</b>	1,280,792	1,270,018
Payroll Tax		715,000	<b>731,059</b>	865,710	781,410
Fringe Benefits Taxation		5,000	<b>36,051</b>	5,000	(317,982)
Provision for Long Service Leave		508,300	<b>506,015</b>	-	-
WorkCover		-	<b>1,130</b>	-	1,431
<b>Total Salaries Expenditure</b>		<b>14,930,339</b>	<b>14,785,194</b>	14,590,064	15,149,085
<b>OPERATING EXPENDITURE</b>					
Travel and Personal Expenses		734,100	<b>732,040</b>	597,312	564,045
Printing, Stationery and Subscriptions		991,100	<b>1,015,144</b>	1,107,738	1,140,449
Postage and Communication		573,300	<b>704,417</b>	650,885	711,957
Contractors and Professional Services		292,500	<b>145,281</b>	235,724	181,564
Consultants		-	-	-	-
Training and Development		75,300	<b>91,960</b>	244,738	212,913
Motor Vehicle Expenses		531,000	<b>693,986</b>	780,783	714,229
Operating Expenses		380,500	<b>570,881</b>	499,957	446,185
Jury, Witness and Award Payments		114,500	<b>109,750</b>	97,621	109,152
Information Technology Costs		153,000	<b>408,213</b>	41,959	56,364
Urgent and Essentials		130,000	<b>144,013</b>	181,500	209,369
Rent and Property Services		788,000	<b>745,511</b>	912,024	1,109,241
Property Utilities		530,100	<b>479,746</b>	708,263	625,328
Repairs and Maintenance		231,900	<b>394,486</b>	440,430	602,871
<b>Total Salaries and Operating Expenditure</b>		<b>20,455,639</b>	<b>21,020,622</b>	21,088,998	21,832,752
<b>REVENUE RETENTION INITIATIVES</b>					
Shortfall in Operating Expenses	3	500,000	<b>495,102</b>	500,000	504,799
Children's Court Pre-Hearing		-	-	135,000	135,293
Security and Engineering Services	3	350,000	<b>357,621</b>	350,000	352,728
Education and Training of Magistrates	3	150,000	<b>162,787</b>	150,000	167,293
Court Online Web Development		-	-	500,000	501,866
Replacement of Keyboards		-	-	50,000	50,207
Replacement of Laser Printers		-	-	90,000	91,651
Roll-over of outdated non-SOE PCs		-	-	220,000	131,206
Coroner's Court Case Management System		-	-	75,000	51,663
Upgrade of Telephony Systems	3	-	<b>8,583</b>	-	-
<b>Total Revenue Retention Expenditure</b>		<b>1,000,000</b>	<b>1,024,093</b>	2,070,000	1,986,706

	Note	2003-04		2002-03	
		Budget	Actual	Budget	Actual
<b>PARALLEL PROGRAMS</b>					
Court Diversion Pilot Project	6	885,140	800,535	788,969	727,575
Bail Coordinator	6	-	(4,155)	236,272	251,215
CREDIT	6	1,059,121	949,861	1,022,740	786,775
Drug Court	6	1,073,100	962,834	761,946	424,574
Aboriginal Liaison Officer	6	80,000	56,915	80,000	83,381
Koori Court	6	214,300	237,282	128,155	78,559
<b>Total Parallel Programs Expenditure</b>		<b>3,311,661</b>	<b>3,003,272</b>	<b>3,218,082</b>	<b>2,492,408</b>
<b>Total Recurrent Expenditure</b>	5	<b>24,767,300</b>	<b>25,047,987</b>	<b>26,377,080</b>	<b>26,311,866</b>
<b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>					
Finance Lease Interest		-	6,155	-	-
Corporate Card Fees	1	-	172	-	166
Bank Fees	1	9,500	31,236	-	28,553
Provision for Annual Leave		-	-	-	265,934
Provisional LSL		-	-	319,900	610,601
WorkCover Levy	1	98,800	230,439	98,600	222,585
Rental Accommodation	1	1,805,200	1,771,959	1,805,120	1,733,241
Government Finance Charge	1, 4	9,333,600	9,313,555	11,164,000	9,926,972
Depreciation— Land and Buildings	1, 2	2,051,000	2,555,862	2,822,000	3,057,153
Amortisation—Land and Buildings	1, 2	303,500	513,816	303,500	484,564
Depreciation—Plant and Equipment	1, 2	1,102,000	399,688	736,000	557,947
<b>Total Department Controlled Expenditure</b>		<b>14,703,600</b>	<b>14,822,882</b>	<b>17,249,120</b>	<b>16,887,716</b>
<b>CAPITAL EXPENDITURE</b>					
Purchases of Plant and Equipment		289,400	290,573	334,750	440,247
<b>Total Works and Services</b>		<b>289,400</b>	<b>290,573</b>	<b>334,750</b>	<b>440,247</b>

## Notes to and forming part of the Financial Statements

### Note 1

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

### Note 2

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

Depreciation charges are based on the value of each individual asset, the method of depreciation used for each asset, the specified rate of depreciation and the physical location of the asset.

### Note 3

Included in operating expenses are retained court fees for 'one-off' capital expenditure initiatives, which were approved during the financial year.

### 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. Since the Court has no control over funding allocated any surplus or deficit at the financial year's end does not affect the Court's budget.

### Note 5

A budget deficit of \$280,687 was achieved in the recurrent budget for 2003-04.

### Note 6

The Court has several parallel programs that have been incorporated into its operations. Although these programs are funded individually, the overall annual funding forms part of the total annual recurrent funding of the Court.

# Appendices: Directory of the Magistracy of Victoria

The Magistrates and Coroners of the State of Victoria as at 30 June 2004 were as follows:

## Chief Magistrate

Mr Ian Leslie Gray

## Deputy Chief Magistrates

Mr Paul Douglas Grant

Mr Peter Henry Lauritsen

Mr Daniel John Muling

Ms Jelena Popovic

## State Coordinating Magistrate

Mr Paul Anthony Smith

## State Coroner

Mr Graeme Douglas Johnstone

## Deputy State Coroner

Mr Iain Treloar West

## Regional Coordinating 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 Lance Ivan Martin

Ms Christine Anne Stewart-Thornton

Mr Ian Maxwell von Einem

## Supervising Magistrates

Ms Lisa Anne Hannan (Criminal)

Mr Peter Henry Lauritsen DCM (Civil)

Ms Jennifer Anne Benn Goldsbrough (Crimes Family Violence)

Ms Felicity Anne Broughton (VOCAT)

Mr Daniel John Muling DCM (Information Technology)

## Magistrates

Mr Henry Clive Alsop

Ms Donna Bakos

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 Andrew Thomas Capell

Mr James Maxwell Brooke Cashmore

Mr Brian Joseph Clifford

Mr Michael Patrick Coghlan

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 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 Nunzio La Rosa

Mr Gregory John Zalman Levine

Mr Timothy John McDonald

Mr Ian Thomas McGrane

Mr Rowan George McIndoe

Mr Gregory Lawrence McNamara

Mr Colin Eunan Macleod

Mr Clive James McPherson

Mr Reginald John Marron  
Ms Anne Jeanette Maughan  
Mr Peter Harry Mealy  
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 Steven Raleigh  
Mr Peter Anthony Reardon  
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  
Ms Belinda Jane Wallington  
Mr Hugh Malcolm Walter  
Mr William Peter White  
Mr Brian Philip Wynn-Mackenzie

### Acting Magistrates

Mr Brian Stirtevant Barrow  
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

# Appendices: Activities of Internal Committees

## Court Security Committee

The Court Security Committee was chaired by the Court Security Manager and included representatives from all jurisdictions, including the Department of Justice, contract security providers, the Victoria Police, and the Department of Education and Training Emergency and Security Management Branch. This committee meets monthly and achieved effective outcomes for courts and Court staff. Some of the initiatives of the committee included:

- improved levels of support from Victoria Police in providing additional Protective Service Officers;
- immediate advice and support for Court staff and members of the judiciary; and
- increased information flow between jurisdictions and Victoria Police intelligence.

A Circuit Kit was developed for and distributed to judicial staff visiting other court locations. In addition, the committee developed protocols for reporting and monitoring security incidents in all jurisdictions.

## Occupational Health and Safety Committee

The Occupational Health and Safety (OHS) Committee comprises 15 members who meet every two months to implement health and safety measures.

Committee members achieved the following initiatives during 2003–04:

- Conducted a presentation to trainees at the induction program held by the State Training Unit relating to OHS practices and procedures, as well as a video followed by a quiz to test the knowledge of trainees regarding OHS issues.
  - Developed and distributed a Guideline Checklist for managers to use in inducting new trainees to the workplace, including such information as the location of duress alarms.
  - Conducted regular audits at each court to improve risk prevention and compliance with OHS requirements, and conducted electrical inspections and safety checks.
  - Updated the First Aiders List, comprising Court staff with first aid qualifications, on a regular basis.
- Conducted ongoing electrical testing and tagging of portable electrical appliances at six courts.
  - Conducted a presentation to all staff at Melbourne regarding the implementation of the Safety, Security and Emergency Handbook and to discuss various OHS issues.
  - Arranged for an ergonomist to conduct two training sessions at Melbourne on correct posture to minimise such work-related injuries as repetitive strain injury and back problems.

# Appendices: Community Relationships

The Court actively participates in community programs throughout Victoria. Magistrates and Registrars lend their specialised expertise by giving presentations and donating their time to worthwhile community projects, as follows:

- Adult Parole Board—A Magistrate sits regularly as a board member involved in the release of prisoners on parole, providing a framework that enables prisoners to undertake a step-by-step re-entry into the community.
- Victims of Crime Assistance Tribunal (VOCAT)—The Court appoints all Magistrates as members of VOCAT and they, along with specially trained Court staff, assist in providing financial aid to victims of crime so they may recover from their ordeals, while acknowledging the suffering they experienced.
- Judicial College of Victoria—The college offers an comprehensive range of educational services to assist in the professional development of judicial officers. Chief Magistrate Ian Gray serves as board member of the college and Deputy Chief Magistrate Peter Lauritsen acts as member of the college's educational advisory committee. They and other Magistrates offer their skills and experience in developing various educational initiatives.
- Road Trauma Awareness Workshops—Designed to educate road traffic offenders about the impact of road trauma and to create safer drivers.
- Keep Australia Beautiful, Victoria—Provides services to local communities and links to other voluntary organisations, including graffiti management programs.
- Family Violence Programs and Services—Magistrates communicate with agencies involved with parts of the Family Violence and Family Law jurisdiction of the Court and maintain links with local family violence services and support networks.
- In conjunction with local councils and relevant agencies, regularly conducting community education and information programs regarding various aspects of the Court, such as VOCAT, Crimes Family Violence, Koori Court and Aboriginal liaison.
- Conducting school programs, including court visits by school groups, talks to school students by Registrars, moot courts and providing work experience for students.
- Carrying out programs to assist schools and their students located in disadvantaged areas.
- Directing youth and victims of domestic violence to agencies offering emergency relief and accommodation.
- Holding community education and information programs and seminars, such as Road Safe and Driver Education Programs and Alcohol and Drug Awareness Programs.
- Organising sporting related activities for young people in conjunction with police and local communities, such as the Ropes Program, Kick-start, On-side Soccer All Nations Competition and involving Australian Football League clubs.
- Conducting education and information seminars regarding Mental Health issues.
- Involvement with universities in courses and work placement programs.
- Hosting visits for overseas and interstate Magistrates, judges and other personnel seeking information about the Court's programs and procedures.
- Conducting frequent consultations with local police, corrections agencies, community legal services, law associations and community service groups.

## Public Speaking

Examples of public speaking and community education on behalf of the Court during 2003–04 include:

- Homelessness and the Law, PILCH lunchtime seminar, October 2003.
- Addressing students of Leo Cussen Institute on the Magistrates' Court.
- Bar Reader's course, November 2003—Addressing readers in relation to Court Support Services.
- Numerous school groups, including ongoing interaction with Thornbury Primary School and Box Forest Secondary College.
- Homelessness Forum, Supreme Court of Queensland, June 2004.
- Delivered paper on the Court's view of *Problem Solving Courts* at the Justice Statement Conference, October 2003.
- Presented paper on the proposed Mental Impairment List at the ANZAPPL conference, July 2004.
- Overdose Day commemoration, August 2003, for City of Melbourne.
- Training of Service providers for Port Phillip Council.

# Appendices: Court Locations

## Metropolitan Courts

Melbourne	233 William Street, GPO Box 882G, Melbourne 3001 Committal Coordinator Fax: 9628 7733; Criminal Coordinator Fax: 9628 7808 Criminal Registry Fax: 9628 7826; Civil Coordinator Fax: 9628 7736 Pre-hearing Conference Fax: 9628 7907; Civil Registry Fax: 9628 7728 Family Law Fax: 9628 7874; Victims of Crime Assistance Tribunal Fax: 9628 7853	Tel: 9628 7777
Broadmeadows	Cnr Pearcedale Pde and Dimboola Rd, PO Box 3235, Broadmeadows 3047	Tel: 9309 1555 Fax: 9309 4686
Dandenong	Cnr Foster and Pultney Streets, PO Box 392, Dandenong 3175	Tel: 9767 1300 Criminal Fax: 9767 1399 Civil Fax: 9767 1352
Frankston	Fletcher Road, PO Box 316, Frankston 3199	Tel: 9784 5777 Fax: 9784 5757
Heidelberg	Jika Street, PO Box 105, Heidelberg 3084	Tel: 8458 2000 Fax: 8458 2001
Moonee Ponds	Kellaway Avenue, Moonee Ponds 3039 PO Box 3235, Broadmeadows 3047	Tel: 9370 7111 Fax 9370 5067
Preston	Cnr Roseberry Avenue and Kelvin Grove, PO Box 268, Preston 3072	Tel: 9470 2768 Fax: 9470 3982
Ringwood	Ringwood Street, PO Box 333, Ringwood 3134	Tel: 9871 4444 Fax 9871 4463
Sunshine	10 Foundry Rd, PO Box 435, Sunshine 3020	Tel: 9300 6200 Fax: 9300 6269
Werribee	Cnr Duncans Road and Salisbury Street, PO Box 196, Werribee 3030	Tel: 9741 4288 Fax 9741 9522
PERIN Court	Level 7, 436 Lonsdale Street, Melbourne 3000 P.O. Box 14487, Melbourne 8001	Tel. 9603 9167 Fax 9603 9168

## Country Courts

Ararat	Cnr Barkly and Ingor Streets, PO Box 86, Ararat 3377	Tel: 5352 1081 Fax: 5352 5172
Bacchus Marsh	Main Street, PO Box 277, Bacchus Marsh 3340	Tel: 5367 2953 Fax: 5367 7319
Bairnsdale	Nicholson Street, PO Box 367, Bairnsdale 3875	Tel: 5153 1000 Fax: 5152 1405
Ballarat	100 Grenville Street South, PO Box 604, Ballarat 3350	Tel: 5336 6200 Fax: 5336 6213
Benalla	Bridge Street, PO Box 258, Benalla 3672	Tel: 5761 1400 Fax: 5761 1413
Bendigo	71 Pall Mall, PO Box 930, Bendigo 3550	Tel: 5440 4140 Fax: 5440 4174
Castlemaine	Lyttleton Street, PO Box 92, Castlemaine 3450	Tel: 5472 1081 Fax: 5470 5616
Cobram	Cnr Punt Road and High Street, Box 607, Shepparton 3630	Tel: 5872 2639 Fax: 5871 2140
Colac	Queen Street, PO Box 200, Colac 3250	Tel: 5231 5455 Fax: 5232 1054
Corryong	Jardine Street, Box 50, Wodonga 3690	Tel: (02) 6043 7000 (Wodonga)
Dromana	Codrington Street, PO Box 105, Dromana 3936	Tel: 5987 2606 Fax: 5987 2191
Echuca	Heygarth Street, PO Box 76, Echuca 3564	Tel: 5482 1006 Fax: 5482 5597
Geelong	Railway Terrace, PO Box 428, Geelong 3213	Tel: 5225 3333 Fax: 5225 3392
Hamilton	Martin Street, PO Box 422, Hamilton 3300	Tel: 5572 2288 Fax: 5572 1653
Hopetoun	Shire Offices, Shire of Karkaroc, 75 Lascelles Street Box 111, Horsham 3400	Tel: 5362 4444 (Horsham Court)
Horsham	Roberts Ave, PO Box 111, Horsham 3400	Tel: 5362 4444 Fax: 5362 4454
Kerang	Victoria Street, PO Box 77, Kerang 3579	Tel: 5452 1050 Fax: 5452 1673
Korumburra	Bridge Street, PO Box 211, Korumburra 3950	Tel: 5655 1766 Fax: 5658 1468
Kyneton	Hutton Street, PO Box 20, Kyneton 3444	Tel: 5422 1832 Fax: 5422 3634
Mansfield	Cnr High and Highett Street, PO Box 105, Mansfield 3722	Tel: 5775 2672 Fax: 5775 3003
Maryborough	Clarendon Street, PO Box 45, Maryborough 3465	Tel: 5461 1046 Fax: 5461 4014
Mildura	Deakin Avenue, PO Box 5014, Mildura 3500	Tel: 5023 0519 Fax: 5021 1794

Moe	Lloyd Street, PO Box 87, Moe 3825	Tel: 5127 4888 Fax: 5127 8780
Myrtleford	Myrtle Street, Myrtleford 3737	Tel: 5752 1868 Fax: 5752 1981
Nhill	110 MacTelerson Street, PO Box 8, Nhill 3418	Tel: 5391 1207
Omeo	Shire Offices, Main Street, Omeo 3898, Box 367, Bairnsdale 3875	
Orbost	Wolsley Street, Orbost 3888, Box 367, Bairnsdale 3875	Tel: 5154 1328 (Court days only)
Ouyen	Shire Offices, Oke Street, Ouyen 3490, PO Box 5014, Mildura 3500	Tel: 5023 0519 (Mildura Court)
Portland	67 Cliff Street, PO Box 374, Portland 3305	Tel: 5523 1321 Fax: 5523 6143
Robinvale	George Street Robinvale 3549, Box 5014, Mildura 3500	Tel: 5026 4567
Sale	Foster Street (Princess Highway) PO Box 351, Sale 3850	Tel: 5144 2888 Fax: 5144 7954
Seymour	Tallarook Street, PO Box 235, Seymour 3660	Tel: 5735 0100 Fax: 5735 0101
Shepparton	High Street, PO Box 607, Shepparton 3630	Tel: 5821 4633 Fax: 5821 2374
St Arnaud	Napier Street, St Arnaud 3478, PO Box 111, Horsham 3400	Tel: 5495 1092
Stawell	Patrick Street, PO Box 179, Stawell 3380	Tel: 5358 1087
Swan Hill	Curlewis Street, PO Box 512, Swan Hill 3585	Tel: 5032 1352 Fax: 5033 1955
Wangaratta	Faithful Street, PO Box 504, Wangaratta 3677	Tel: 5721 0900 Fax: 5721 5483
Warrnambool	Cnr Timor and Gillies Streets, PO Box 244, Warrnambool 3280	Tel: 5562 2444 Fax: 5561 1403
Wodonga	5 Elgin Boulevard, PO Box 50, Wodonga 3690	Tel: (02) 6043 7000 Fax: (02) 6043 7004
Wonthaggi	Watt Street, PO Box 104, Wonthaggi 3995	Tel: 5672 1071 Fax: 5672 4587

# Appendices: Building Maintenance and Construction

The Court oversees the management of 54 courthouses throughout Victoria. These facilities combine the Magistrates' Courts, State Coroner's Office, Children's Court of Victoria and rural multi-jurisdictional facilities. The Department of Justice owns 45 courthouses, six locations are under commercial leasing agreements and the remaining three sites are Shire offices used on a periodical basis. The Buildings and Services Unit aims to provide modern, responsive and accessible Court facilities where staff and members of the public feel safe and comfortable.

The Court undertook the following capital works projects during 2003–04:

## Warrnambool Court Complex

### **Description:**

New four-court multi-jurisdictional complex adjacent to the existing police station.

### **Budget:**

\$15.5 million

### **Completion target:**

September 2004

### **Progress:**

Construction nearing completion. Project due for completion in September with staff relocation in October 2004.

## Mildura Court Complex

### **Description:**

New four-court multi-jurisdictional complex.

### **Budget:**

\$16.7 million

### **Completion target:**

September 2004

### **Progress:**

Construction nearing completion. Project due for completion in September with building occupation in October 2004.

## LaTrobe Valley Court and Police Complex

### **Description:**

New six-court multi-jurisdictional complex and 24-hour police facility.

### **Budget:**

\$27.5 million

### **Completion target:**

Mid-2006

### **Progress:**

Design completed and fully documented. The existing Morwell Court building has been demolished as part of an early works package with Court operations transferring to a shopfront in Commercial Road until completion of the project. Project has been to tender and a letter of intent has been issued to the successful builder.

## Moorabbin Court Complex

### **Description:**

New six-court Magistrates' Court facility.

### **Budget:**

\$28.2 million

### **Completion target:**

To be announced following completion of site purchase.

### **Progress:**

Site master planning has begun to identify a suitable portion of land fronting the Nepean Highway. Negotiations will continue with the Victorian Government Property

Group from whom the land will be purchased. A project manager, architect and quantity surveyor have been appointed to assist in the master planning and in preparing a schematic design to begin following the completion of site purchase negotiations.

## Minor Works

The Court undertook 58 minor works projects, as follows:

- Mechanical installation at Castlemaine Court.
- External Heritage building upgrade at Bairnsdale.
- Modifications to the counter and coordinators' area at Broadmeadows.
- Security duress alarm upgrade works throughout Victoria.
- Roof replacement at Seymour Court.

Minor works expenditure totalled \$332,768.

## Urgent and Essential Works

The Court completed 593 urgent and essential work orders at a cost of \$168,115, compared with \$205,926 for 506 work orders in 2002–03.

# Map of Hearing Locations

## Magistrates' Court Regions

- Melbourne
- Ballarat

*Headquarters Court:* Ballarat

*Other Courts:* Ararat, Casterton, Edenhope, Hamilton, Hopetoun, Horsham, Maryborough, Nhill, Portland, St. Arnaud, Stawell, Warrnambool.

- Bendigo

*Headquarters Court:* Bendigo

*Other Courts:* Echuca, Kerang, Mildura, Ouyen, Robinvale, Swan Hill.

- Broadmeadows

*Headquarters Court:*

Broadmeadows

*Other Courts:* Castlemaine, Kyneton, Moonee Ponds.

- Dandenong

- Frankston

*Headquarters Court:*

Frankston

*Other Court:* Dromana

- Geelong

*Headquarters Court:* Geelong

*Other Court:* Colac

- Heidelberg

*Headquarters Court:*

Heidelberg

*Other Court:* Preston.

- Moe

*Headquarters Court:* Moe

*Other Court:* Bairnsdale, Korumburra, Morwell, Omeo, Orbost, Sale, Wonthaggi.

- Ringwood

- Shepparton

*Headquarters Court:*

Shepparton

*Other Courts:* Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga.

- Sunshine

*Headquarters Court:* Sunshine

*Other Courts:* Bacchus Marsh, Werribee.





**Magistrates' Court of Victoria**  
**233 William Street**  
**Melbourne, Victoria 3000**  
**Telephone: 9628 7777**  
**Web site: [www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au)**