

Magistrates' Court  
Victoria

**MAGISTRATES' COURT  
OF VICTORIA**

**ANNUAL REPORT**

**1 JULY 2002 - 30 JUNE 2003**

**The Council of Magistrates**



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## Introduction

Pursuant to the provisions of section 15(3) of the *Magistrates' Court Act* 1989, the Council of Magistrates presents its *Annual Report* on the operation of the Court for the year ending 30 June 2003.

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

In the **Criminal jurisdiction**, there was an increase in the number of criminal cases lodged — up from 114,311 in 2001/02 to 132,425 in 2002/03. In relation to the number of cases finalised, there was an increase from 96,606 in 2001/02 to 120,057 in 2002/03\*.

In Contest Mention matters there was an increase over the previous year of 898 (or 13.0%) in the number of matters dealt with.

In the **Civil jurisdiction**, there was a 4% increase in the number of complaints issued — up from 71,485 in 2001/02 to 74,269 in 2002/03.

43% of all Complaints were filed with the Court via the Electronic Data Interchange Service.

Despite the increase in the number of Complaints issued, the total number of defence notices filed decreased — down from 12,253 in 2001/02 to 10,930 in 2002/03. Where the claim exceeded \$10,000, the number of defence notices decreased by 153 in 2002/03. In 2002/03, 30% of defended claims involved a claim amount above \$10,000.

\*Largely as a result of the inclusion of PERIN Court finalisations

The number of complaints finalised for an Intervention Order under the *Crimes (Family Violence) Act* 1987 in relation to family violence has remained consistent at approx. 15,000 over the past five years. In 2002/03, the number of Complaints finalised was 14,749 which is a decrease of 437 over the previous year.

Complaints for an Intervention Order finalised based on allegations of stalking under provisions of the *Crimes Act* 1958 increased by 339 or 7.0% in 2002/03. In the last three years, these Complaints comprised approximately 25% of all Complaints for an Intervention Order finalised.

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

The two new divisions of the Magistrates' Court — the Koori Court and the Drug Court — continued to be developed during the year. Details about these developments are set out in the body of this Report.

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

**Budget:** A budget surplus of \$65,214 was achieved in the recurrent budget for 2002/03 financial year. The Court has several Parallel Programs 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.

# Achievements and Highlights

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

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

## Business Plan 2002/03

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

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

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

## Criminal Justice Diversion Program

Due to the outstanding success of this Program, which commenced at the Broadmeadows Magistrates' Court in 1997 the Program has been extended to all major metropolitan Magistrates' Courts.

## Parallel Programs and Services

The Court continued to provide a variety of valuable programs during the 2002/03 year.

These programs include:

- Disability Co-ordinator
- Community Forensic Mental Health Court Liaison Service
- Juvenile Justice Court Advice Unit
- Criminal Justice Diversion Program
- Aboriginal Liaison Service
- Bail Advocacy Service
- Enforcement Review Program.

In October 2002, an interactive seminar was presented by Magistrates, Registrars and Court Support Services to 120 barristers and solicitors. This seminar introduced and detailed practical aspects of the various programs offered by the Court. The aim of the seminar was to provide information and advice on their interrelationships and referral mechanisms with a view to creating greater awareness and encouraging increased participation in the programs.

## Community Involvement

The Court has been involved in a large number of programs which is part of the Court's way of responding to the needs of a culturally-diverse society. The Magistrates' Court of Victoria was awarded the Premier's Award for Community Harmony for its *Building Bridges* initiative.

The Award recognised the Court's response to the needs of Victoria's culturally diverse communities with a specific emphasis on the Horn of Africa community and through the provision of specific support, training and recreational programs such as OnSide Soccer.

During the year, the Premier Mr Steve Bracks presented the Court with a most impressive and inscribed glass trophy.

# Chapter 1

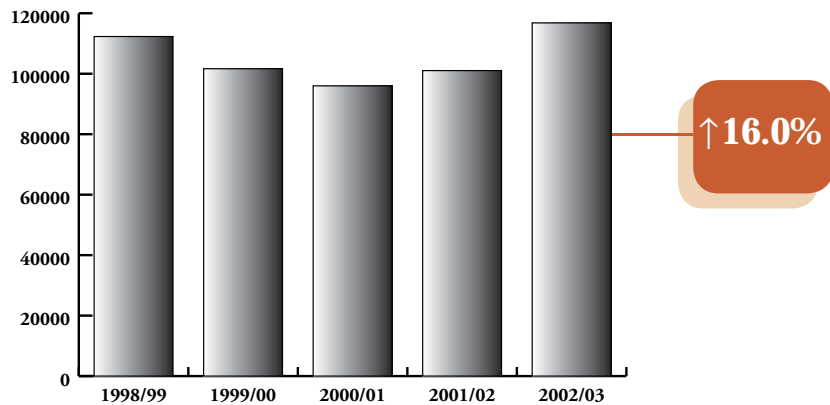
## OVERVIEW

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

# Criminal Jurisdiction ...at a glance

## Criminal Prosecutions Lodged

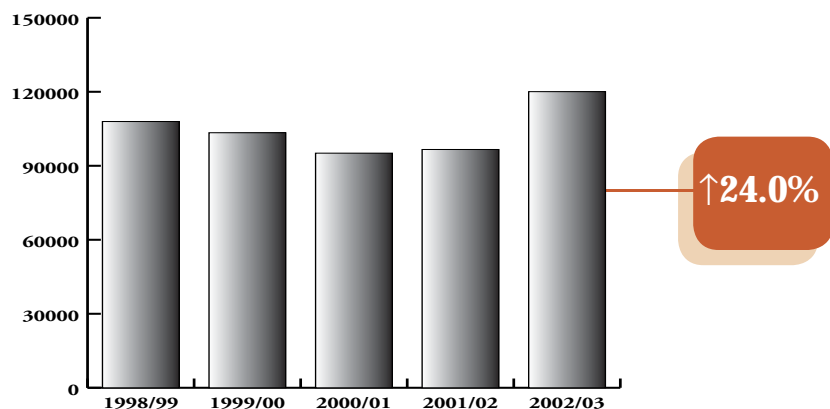
There were 116,812 arrest and summons cases initiated which is an increase of 16% over the previous year.



## Criminal Prosecutions Finalised

There were 120,057 cases finalised which is an increase\* of 24% over the previous year.

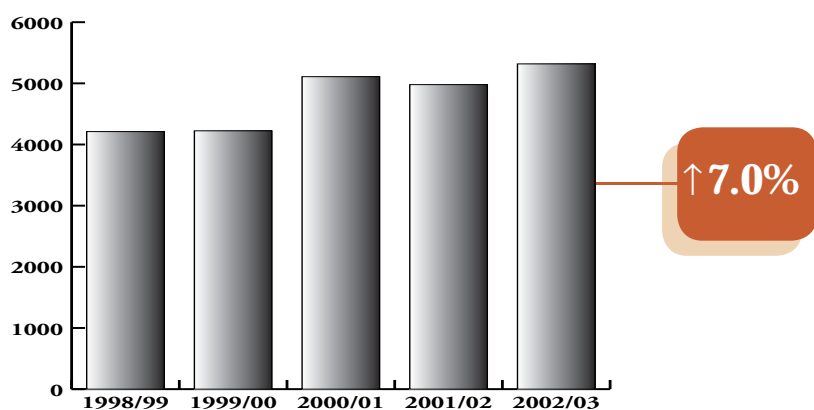
\*Largely as a result of the inclusion of PERIN Court finalisations from 2002/03.



## Intervention Orders

In 2002/03, complaints finalised under the stalking provisions of the *Crimes Act* 1958 increased by 7% over the previous year. In the last 3 years, complaints made under the stalking provisions of the *Crimes Act* 1958 comprised approx. 25% of the total number of complaints finalised.

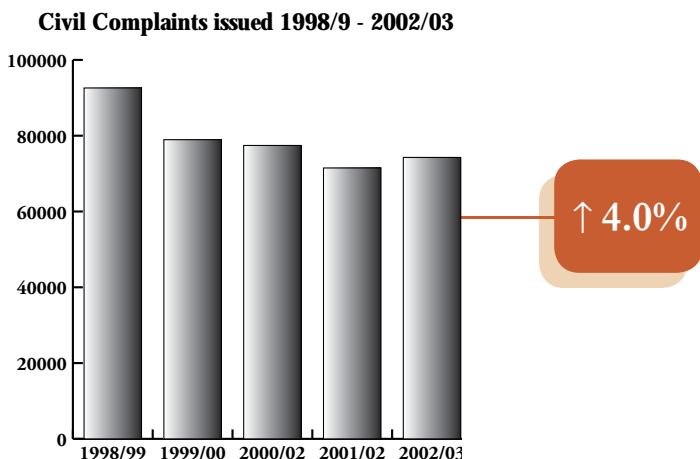
Complaints for Intervention Orders (Stalking) finalised 1998/99 - 2002/03



# Civil Jurisdiction ...at a glance

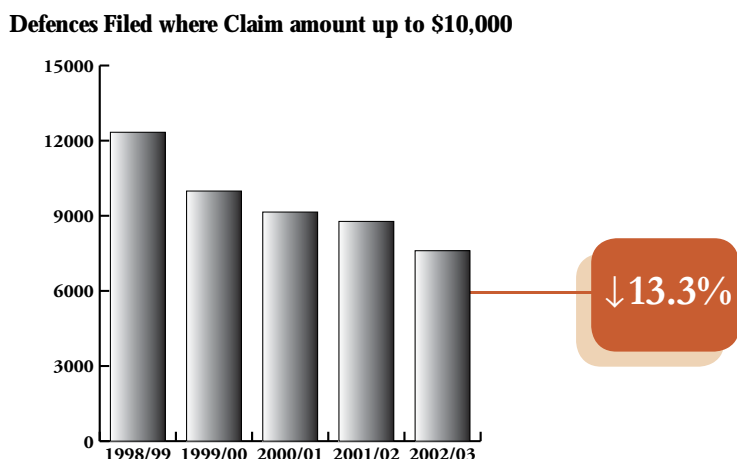
## Civil Complaints Filed

The total number of civil complaints filed in 2002/03 was 74,269 which is 4% more than the previous year.



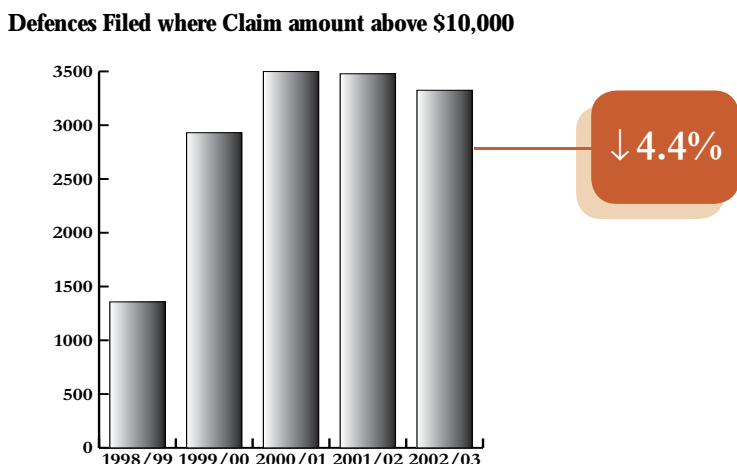
## Defence Notices Filed (Claim Amount up to \$10,000)

The number of defence notices filed in 2002/03 in relation to claims up to \$10,000 was 7,605 which was 13.3% lower than the previous year.



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

The number of defence notices filed where the claim amount was more than \$10,000 decreased by 153 or 4.4% over the previous year.





Magistrates' Court  
Victoria

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

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

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

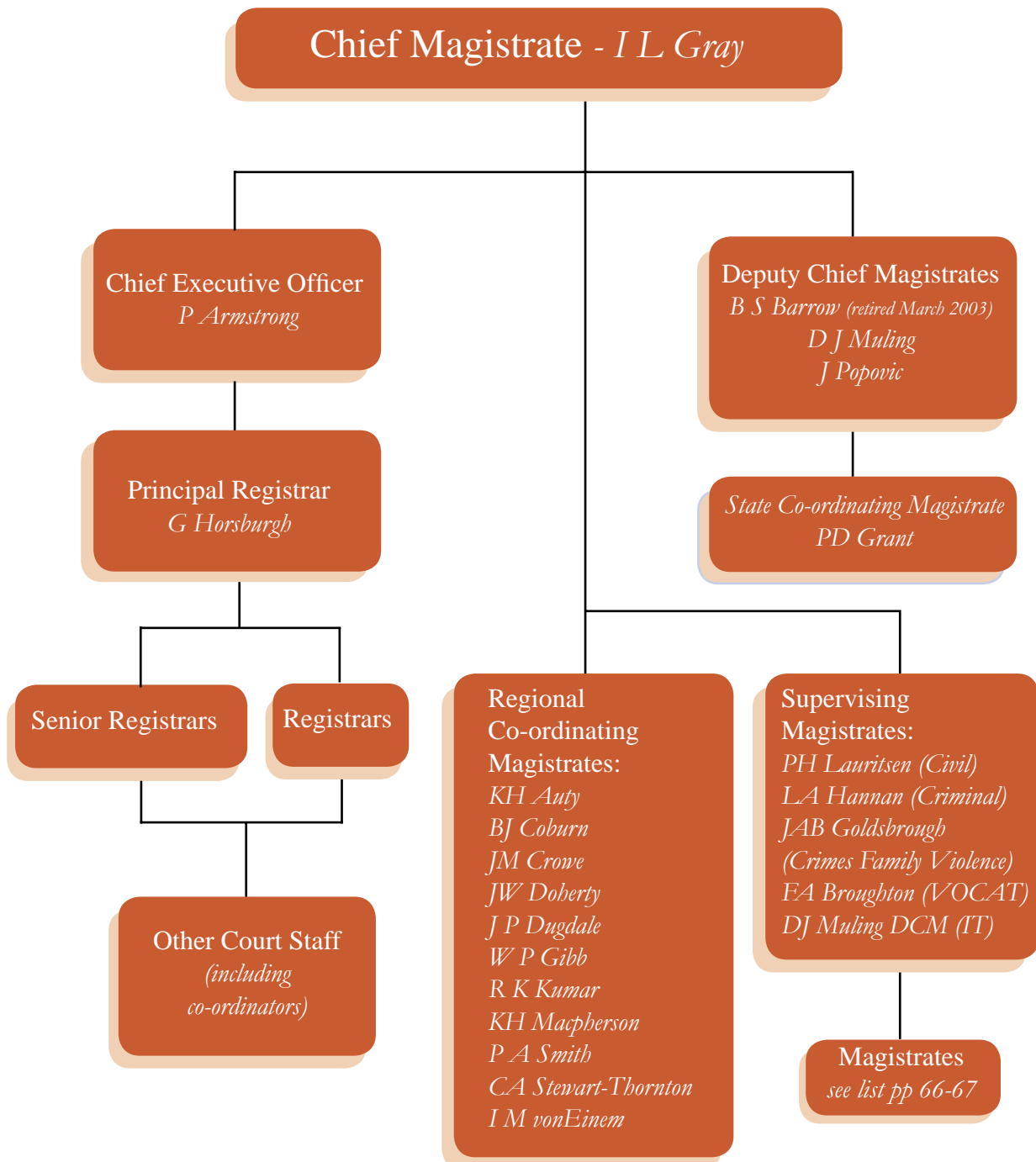
Pursuant to section 15(3) of the Act, the magistrates must report annually to the Governor on the operation of the Court.

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

In 2001, the Council of Magistrates adopted new governance arrangements: an annually-elected Committee of the Council was created. It meets monthly, deals with matters of policy and reports to the Council of Magistrates.

# ORGANISATIONAL STRUCTURE

as at 30 June 2003



# The Magistrates' Court of Victoria

## VISION

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

## PURPOSE

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

# Business Plan

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

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

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

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

Particular **targets** are:

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

The Magistrates' Court **values**:

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

## Structure and Operation - Listing Protocols

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

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

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

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

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

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

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

The Objects of the *Listing Protocols* are to:

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

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

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

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

## The Koori Court

The Magistrates Court – Koori Court Division – was established to fulfil a commitment of the Victorian Government set out in the Victorian Aboriginal Justice Agreement of May 2001.

The first Koori Court was opened in Shepparton and involved senior men and women from the Yorta Yorta, Bangerang, and Wongaibon Aboriginal communities in the hearing process. The Aboriginal Justice Officer attached to the court is also from the Yorta Yorta community.

A Koori court has also been established in Wurundjeri country at the Broadmeadows Magistrates' Court, and another will be launched in Gundijmara and Kirrae Wurrung country at the Warrnambool Magistrates' Court.

The Koori Court is a pilot court and will be evaluated by La Trobe University at the conclusion of two years of operation. The evaluation is presently being conducted subject to La Trobe University ethics committee approval and will involve qualitative and quantitative assessments.

The objectives of the major stakeholders, the Department of Justice and the Koori community, were expressed in the Aboriginal Justice Agreement. The Department of Justice wishes to see the pilot court promote a decrease in Aboriginal defendants' failures to appear on bail; a reduction in breaches of court community based orders and a reduction in recidivism.

The intention is to make the court a less intimidating and more responsive environment

for Aboriginal defendants, their extended families and other senior community members who have wished to have an input into the operations of the legal system but have felt constrained from doing so in the past. The aim is to reduce the alienation of the defendant and the Aboriginal community and thus respectively increase defendants' compliance with legal processes and more broadly, the community's engagement with the justice system.

Evidence of increased involvement and commitment to the legal process can be seen in the manner in which parties involve themselves in the court processes and also, already anecdotally, in the reductions in breaches, failures to appear and re-offending.

Statistics are being kept about court processes and these will be reflected in the final evaluation.

The other aims of the pilot are to promote specific and general deterrence amongst Aboriginal defendants and to improve community safety and perception of same.

It is anticipated that these aims will be achieved through greater compliance with court orders and increased community ownership of the court procedures. The objective of the court is to encourage a stronger identification with Aboriginal community and cultural values. The court promotes, through its broad engagement with the Aboriginal and non-Aboriginal and justice personnel and non-justice personnel, a greater degree of mutual understanding and potentially, reconciliation. The court is completely open and its procedures transparent, and all justice stakeholders are visible, open

## The Koori Court (cont'd)

and accessible. In including senior Aboriginal personnel in formal roles in the court, both sitting with the court and participating from the floor of the court, the Koori Court actively encourages adoption of a community code of conduct which frowns upon offending and the harm that offending visits on the Aboriginal and broader community. The recognition of the power and significance of kinship obligations and the respect evinced for senior people demonstrates the growth of a respectful relationship between Aboriginal and non-Aboriginal people generally, and between offenders and senior people in the Aboriginal community.

The Koori Court provides a real opportunity for change in the relationships between Aboriginal and non-Aboriginal people in justice and more broadly, the engendering of mutual respect and participation promoted by the Koori Court will be its indelible contribution to justice and reconciliation.

### **The Koori Community**

The Koori community aims to achieve the following attributes from participation in the Koori Court. Enhance community participation, develop a more positive, as in responsive, involvement of both defendants and the Aboriginal community; increase ownership and therefore accountability of both the community and individuals in justice outcomes; and increase awareness of the manner in which the court and the justice system operates whilst at the same time developing, through practice, consultation and negotiation, a community code of conduct. This code of conduct involves respect for elders, and for country. The code of conduct also involves an understanding and acknowledgement that

an Aboriginal defendant is a member of his or her community, not simply an unconnected unresponsive individual.

The Koori Court at Shepparton employs four Elders and two Respected Persons as members of the court who work from a roster so that their participation is shared evenly. The Elders and Respected Persons bring significant cultural and community knowledge and wisdom to the hearing process, and they are important personnel in the court itself. The Elders and respected Persons who sit in the court received initial training and also conducted a cultural awareness course for court and prosecution staff. This demonstrates the manner in which knowledge and experience is becoming a shared enterprise in the court process.

Accompanying the magistrate at the Bar table where all the hearings are convened are the police prosecutor, Office of Corrections representative, Koori Justice Worker, and family members of the defendant. The Koori Court has a designated registrar whose role involves both court craft and more general communication and liaison. In the Shepparton Koori Court all regional magistrates conduct hearings. Victims are invited to attend the court.

The Koori Court has helped the court embark upon cultural exchanges which were previously unattainable. These exchanges have been undertaken in a spirit of good will and reconciliation and with a degree of understanding between the parties upon which foundations we will continue to work.

## The Drug Court

The *Sentencing (Amendment) Act* 2002 which was assented to on 26 March 2002, established a Drug Court as a division of the Magistrates' Court. The Court is responsible for the sentencing and supervision of offenders who have committed offences whilst under the influence of drugs or to support a drug habit.

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

The Drug Court Pilot Project commenced in April 2002 at the Dandenong Magistrates' Court and is seen as a new approach to dealing with offenders in an attempt to reduce drug-related crime by addressing its underlying causes. In the reporting period July 2002 - June 2003, the Court dealt with 117 referrals and made 51 drug treatment orders.

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

Offenders accepted into the Drug Court program are placed on a Drug Treatment Order whereby the magistrate sentences the offender to a term of imprisonment and also imposes a supervision order. The term of imprisonment will not be served provided the offender complies with the supervision order.

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

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

The Drug Court may make a drug treatment order if—

- (a) an offender pleads guilty to an offence that is within the jurisdiction of the Magistrates' Court and punishable on conviction by imprisonment, other than—
  - (i) a sexual offence as defined in section 6B(1); or
  - (ii) subject to sub-section (5), an offence involving the infliction of actual bodily harm; and
- (b) the Drug Court convicts the offender of the offence; and
- (c) the Drug Court is satisfied on the balance of probabilities that—
  - (i) the offender is dependent on drugs or alcohol; and
  - (ii) the offender's dependency contributed to the commission of the offence; and
- (d) the Drug Court considers that—
  - (i) a sentence of imprisonment would otherwise be appropriate; and
  - (ii) it would not have ordered that the sentence be served by way of intensive correction in the community nor would it have suspended the sentence in whole or part; and
- (e) the Drug Court has received a drug treatment order assessment report on the offender.

## Community Involvement

The Magistrates' Court has developed and participated in a number of initiatives designed to improve the Court's responsiveness to the community.

The purpose of this is to bridge gaps of understanding and communication between the Court, other Courts, the Government, court users and the public generally.

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

The Regional Co-ordinating Magistrates engage extensively with their local community, and the Supervising Magistrates and a number of other Magistrates represent the Court in a wide variety of forums throughout the State.

### A Representative Sample of Initiatives during 2002/03

*July 2002:*

Mr Ian Gray, Chief Magistrate, launched a series of multilingual information brochures to promote the new Drug Court at the Dandenong Magistrates' Court.

More than 30 representatives from community groups and welfare associations in the Drug Court catchment area took part in the launch.

Mr Gray, CM told the guests that the brochures were another step in building strong relations between the courts and the State's multicultural communities. "This is just another way of supporting the diverse cultural community by allowing more Victorians to have access to justice despite language, culture or religion," Mr Gray said.

*August 2002:*

### Victorian Family Violence Database

The Chief Magistrate, Mr Ian Gray attended the launch of the Victorian Family Violence Database on 7 August 2002.

Family violence data from a range of sources, including the Magistrates' Court, has been brought together into a single statewide database to enable comprehensive analysis of the incidence of family violence.

The development of the database involved collaboration between the Victorian Community Council Against Violence, the Magistrates' Court, Victoria Police and the Department of Human Services.

### Aboriginal Bail Justice Course

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

The Committee which prepared the course included Mr Peter Power, magistrate, and a number of Court Registrars throughout the State.

### Excellence in Multicultural Affairs

The Magistrates' Court of Victoria was awarded the Premier's Award for Community Harmony for its *Building Bridges* initiative.

The Award recognised the Court's response to the needs of Victoria's culturally diverse communities with a specific emphasis on the

*[Continued next page]*

## Community Involvement (Cont'd)

Horn of Africa community, and through the provision of specific support, training and recreational programs such as OnSide Soccer.

The Premier Mr Steve Bracks presented the Court with a most impressive and inscribed glass trophy.

*September 2002:*

On 9 September 2002 a workshop aimed at improving communication and partnership and developing a holistic approach to supporting newly-arrived migrants and young people took place at the Melbourne Magistrates' Court.

It was attended by representatives from the Magistrates' Court and Children's Court, government and non-government organisations, business enterprise managers, the Victorian Multicultural Commission and others.

Extensive discussions were held on a collaborative approach to assisting families to engage with young people, and practical means of supporting newly-arrived young people in order to assist their future well-being.

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

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

The aims of the Program are to:

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

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

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

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

Since the program commenced, the following trends have emerged:

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

C.R.E.D.I.T. has been available at Melbourne Magistrates' Court since 1998, and Sunshine and Dandenong Courts since 2000. The program commenced at Moe, Geelong and Ringwood Courts and in 2002/03 commenced at Frankston, Broadmeadows, Heidelberg and Ballarat Courts. In the reporting period July 2002 - June 2003 a total of 624 new clients were placed on the program.

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

## **Chapter 2**

# **OPERATIONAL REPORT**

- **Courts & Tribunal**
- **Jurisdiction Generally**
- **Parallel Programs & Services (in brief)**
- **The Criminal Jurisdiction**
- **Applications**
- **Most Common Charges Adjudicated**
- **Applications**
- **After Hours Service**
- **The Civil Jurisdiction**
- **Family Law Proceedings**
- **WorkCover Jurisdiction**
- **Intervention Orders**
- **Office of the State Coroner**

## Courts & Tribunal

### The Magistrates' Court

The Magistrates' Court which is established under section 4 of the *Magistrates' Court Act* 1989, comprises 99 Magistrates and 8 Acting Magistrates. They are supported by 406.5 full time equivalent Registrars and support staff working in the Magistrates', Coroner's and Children's Courts, and the Victims of Crime Assistance Tribunal as at 28 June 2003 (being the end of the pay period for 2002/03). The Magistrates' Court sits at various locations in the metropolitan and country areas.

### Chief Executive Officer, Senior Registrars and Registrars

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

The Court cannot carry out its functions without the assistance of the Senior Registrars and Registrars. The Council of Magistrates acknowledges the sterling performance of Registrars and Clerks in their responsiveness to the community with the added workload they bear when Legal Aid is curtailed and unrepresented persons increasingly require a high degree of assistance in order to properly access the Justice system.

### The Coroner's Court

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

### The Children's Court

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

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

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

### Victims of Crime Assistance Tribunal

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

VOCAT compiles its own *Annual Report*. For details of the proceedings before the Tribunal, amounts of awards made and the number of applications dealt with, reference should be made to VOCAT'S *Annual Report* 2002/03.

## Jurisdiction of the Magistrates' Court

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

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

### The Criminal Jurisdiction

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

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

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

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

### The Civil Jurisdiction

The Civil jurisdiction of the Court is provided for in Part 5 of the Act and comprises a General Division and an Arbitration Division. The Court has jurisdiction to hear and determine claims up to \$40,000 including claims for damages for personal injury.

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

### Family Law Jurisdiction

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

### WorkCover Jurisdiction

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

### After Hours Service

This Service makes available between the hours of 5:00pm and 9:00am the services of a Magistrate and a Registrar. The duty magistrate issues search warrants, warrants to arrest and urgent interim intervention orders under the provisions of the *Crimes (Family Violence) Act* 1987.

### Pre-Hearing Conferences

The Court makes available to parties in civil proceedings the services of Registrars to conduct Pre-Hearing Conferences whereby the issues in dispute can be identified and clarified in order to promote settlement.

## Parallel Programs & Services

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

- Disability Service Co-ordinator
- Community Forensic Mental Health Court Liaison Service
- Bail Advocacy Service
- Juvenile Justice Court Advice Unit
- Aboriginal Liaison Service
- Criminal Justice Diversion Plan
- Enforcement Review Program.

### Disability Co-ordinator

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

### Community Forensic Mental Health Court Liaison Service

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

### Bail Advocacy Service

The Bail Advocacy Program (BAP) aims to enhance the likelihood of a defendant being granted bail and successfully completing the bail period by providing appropriate accommodation, supervision and access to treatment.

### Juvenile Justice Court Advice Unit

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

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

### Aboriginal Liaison Service

Mr Craig Taylor was appointed as the Aboriginal Liaison Officer to the Magistrates' Court on 15 April 2002. The service provides advice and access to services for indigenous offenders who come in contact with the Court.

### Criminal Justice Diversion Plan

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

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

The scheme was extended to all major metropolitan courts in 2002/03.

### Enforcement Review Program

The Enforcement Review Program was established to support members of the community who have special circumstances and who are incurring a variety of multiple infringements that have been registered at PERIN (*Penalty Enforcement Registration of Infringement Notices*) Court which are progressing to warrant stage.

# The Criminal Jurisdiction

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

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

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

During the year, the Court committed 2,518 persons for trial at the County Court or Supreme Court.

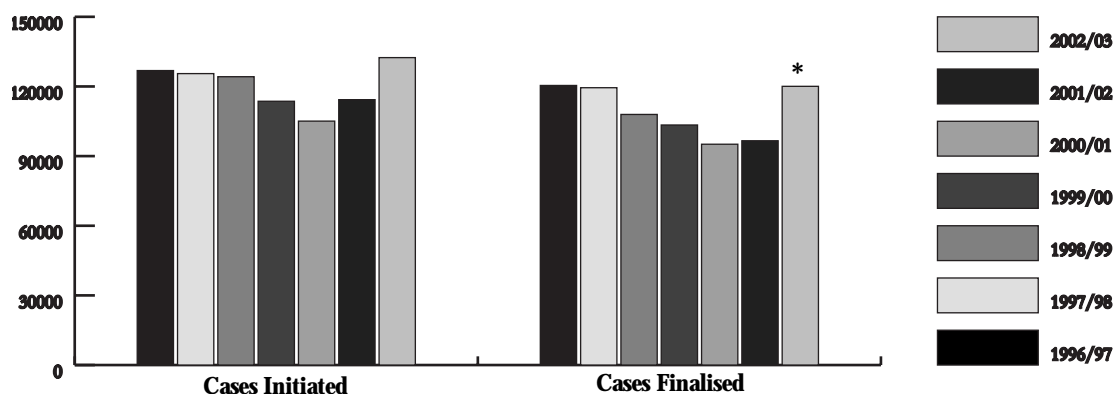
The Table below sets out the Court's caseload in relation to the criminal jurisdiction in the past seven years.

**Table 1. Magistrates' Court, Victoria  
Criminal Cases Initiated and Finalised 1996/97 - 2002/03**

	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Cases lodged	126,846	125,539	124,197	113,623	105,070	114,311	132,425
Cases finalised	120,428	119,459	107,946	103,399	95,117	96,606	120,057*

\*Includes PERIN revocations

**Criminal Cases Initiated and Finalised 1996/97 - 2002/03**



\*Includes PERIN revocations

## Cases Initiated and Finalised

Cases for hearing and determination in the criminal jurisdiction are initiated by members of the Victoria Police, the Federal Police and other prosecuting authorities.

In 2002/03 there were 132,425 cases initiated, which is 16% higher than the number initiated in the previous year. Prior to 2001/02 criminal cases initiated had exhibited a downward trend.

There were 116,812 arrest and summons cases initiated, which is 16% higher than the number initiated in the previous year. Of all the cases initiated in 2002/03, 88% were by arrest and summons.

The total number of cases initiated in the Magistrates' Court varied over the past 7 financial years, decreasing from 126,846 cases in 1996/97 to 105,070 cases in 2000/01, then increasing over the last 2 years to 132,425 in 2002/03.

Since the trough in 2000/01, the total number of criminal cases commenced in the Magistrates' Court increased by 26%.

There were 15,613 PERIN Court revocations initiated in 2002/03, which is 18% higher than the number initiated in the previous year.

**Table 2. Cases Initiated by type of lodgment, 1996/97 - 2002/03**

	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Arrest or Summons Cases	121,656	118,733	112,308	101,651	95,990	101,043	116,812
Revocation of Infringement Notices	5,190	6,806	11,889	11,972	9,080	13,268	15,613
<b>Total</b>	<b>126,846</b>	<b>125,539</b>	<b>124,197</b>	<b>113,623</b>	<b>105,070</b>	<b>114,311</b>	<b>132,425</b>

**Table 3. Cases finalised, 1996/97**

	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Number cases finalised	120,428	119,459	107,946	103,399	95,117	96,606	120,057*

\*PERIN revocations included from 2002/03

## Contest Mention

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

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

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

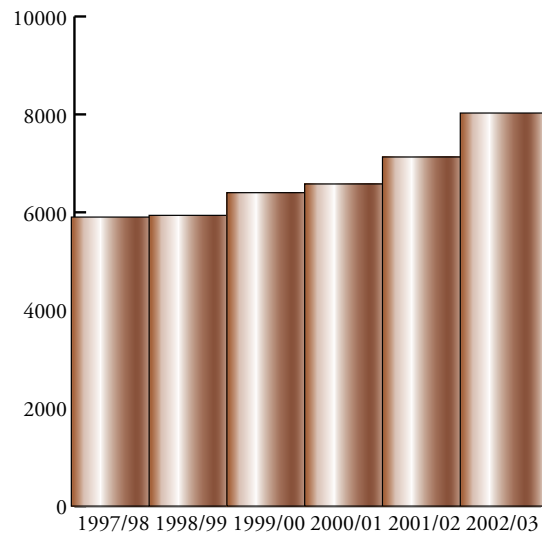
The Contest Mention system now operates throughout Victoria and has realised significant savings in financial terms, court time and court resources.

During the year, a total of 8,028 matters were finalised at Contest Mention compared with 7,130 in the previous year. This is an increase of 898 cases (or 13.0%).

**T**he graph below shows that there has been a steady increase in the number of matters finalised at Contest Mention in the past few years.

The number of cases finalised has increased from 5,903 in 1997/98 to 8,028 in 2002/03, a percentage increase of 26.5.

**Graph of Cases finalised at Contest Mention  
1997/98 - 2002/03**



**Table 4. Number of Cases finalised at Contest Mention, 1997/98**

	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Number finalised*	5,903	5,938	6,401	6,579	7,130	8,028
Proportion cases commenced	5%	5%	6%	7%	7%	7%

\*Excludes PERIN matters referred to a magistrate

## Committal Proceedings

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

In the twelve months ending 30 June 2003, 3,136 cases were finalised in the committal stream of the Magistrates' Court compared with 2,796 in the previous year.

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

Whilst the number of defendants in the committal population remained steady each year between 1997/98 and 2001/02, the number of defendants committed to a higher court in 2002/03 increased by 9.5% over the previous year. There was also an increase in the number of defendants in this population dealt with summarily in the Magistrates' Court, up to 618 in 2002/03 from 497 in the previous year.

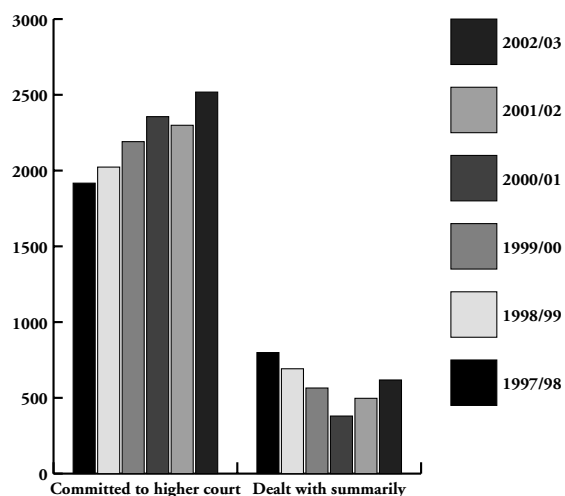
**Table 5a. Defendants finalised in Committal stream Number, 1997/98 - 2002/03**

Year	Committed to higher court	Dealt with summarily	Total
1997/98	1,917	799	2,716
1998/99	2,023	692	2,715
1999/00	2,191	565	2,756
2000/01	2,356	380	2,736
2001/02	2,299	497	2,796
2002/03	2,518	618	3,136

**Table 5b. Defendants finalised in Committal stream Percentage, 1997/98 - 2002/03**

Year	Committed to higher court	Dealt with summarily	Total
1997/98	70.6%	29.4%	100.0%
1998/99	74.5%	25.5%	100.0%
1999/00	79.5%	20.5%	100.0%
2000/01	86.1%	13.9%	100.0%
2001/02	82.2%	17.8%	100.0%
2002/03	80.3%	19.7%	100.0%

**Defendants finalised in Committal stream Number, 1997/98 - 2002/03**



## Pending Cases

A case is pending if at the end of the reporting period it has not been finalised. For this Report, the time spent pending is the elapsed time between the date of initiation (date the case details were entered into Courtlink for the first time) and the 30 June 2003.

There were 26,633 criminal cases pending (ie, waiting to be determined) at the close of business on 30 June 2003 which was 10% higher than the number pending at the end of the previous year. The increase in the number of cases pending is due to the increased lodgments in 2002/03.

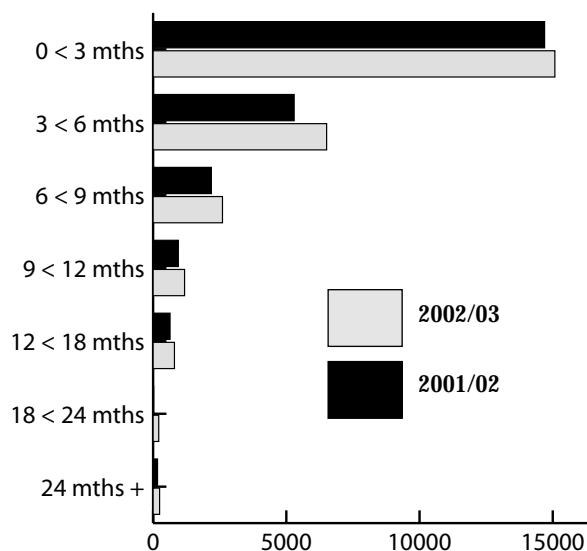
19% of the cases had been pending for more than 6 months and 5% had been pending for more than 12 months.

The increase in the age of pending cases is partly attributable to the method of recording participation in the Criminal Justice Diversion Program. Up until July 2003, defendants who entered a Diversion Plan had their cases adjourned for up to 12 months while undertaking the conditions of the Plan, thereby impacting on the age of the Court's pending caseload.

**Table 6. Age distribution of pending caseload 2001/02 - 2002/03**

	2001/02	2002/03
0 < 3 mths	14,694 (60.9%)	15,079 (56.6%)
3 < 6 mths	5,294 (21.9%)	6,513 (24.5%)
6 < 9 mths	2,186 (9.1%)	2,604 (9.8%)
9 < 12 mths	947 (3.9%)	1,181 (4.4%)
12 < 18 mths	636 (2.6%)	801 (3.0%)
18 < 24 mths	220 (0.9%)	211 (0.8%)
24 mths +	166 (0.7%)	244 (0.9%)
<b>Total</b>	<b>24,143</b>	<b>26,633</b>
<b>12 mths +</b>	<b>4.2%</b>	<b>4.7%</b>

**Age distribution of pending caseload 2001/02 - 2002/03**



## Most Common Charges Adjudicated

In 2002/03, of the 223,216 charges adjudicated, the offence of Theft was the most common charge with 34,153 such charges. This represents 15.3% of all cases adjudicated.

The second most common charge adjudicated was Obtaining property by deception (12,623 charges or 5.7% of total charges adjudicated).

The Court adjudicated 8,557 charges of drink-driving, and also dealt with 11,279 charges of persons being drunk in a public place.

Table 7 opposite shows the 25 most common charges finalised in the Magistrates' Court in the 2002/03 year. The Table excludes charges that were struck out or committed to a higher court.

The total of the 25 most common offences adjudicated was 154,983 or (69.4%). Remaining charges dealt with by the Court totalled 68,233 (or 30.6%).

**Table 7. Most Common Offences Adjudicated by Act and Section, 2002/03**

Offence Description	Number	Percent
Theft	34,153	15.3
Obtain property by deception	12,623	5.7
Drunk in a public place	11,279	5.1
Exceed PCA	8,557	3.8
Drive whilst disqualified	7,088	3.2
Burglary	7,045	3.2
Fail to answer bail	6,359	2.8
Careless driving	5,813	2.6
Possess drug of dependence	5,663	2.5
Use unregistered motor car	5,480	2.5
Unlicensed driving	4,921	2.2
Exceed speed limit	4,657	2.1
Criminal damage	4,553	2.0
Assault/resist police	4,228	1.9
Handle stolen goods	4,142	1.9
Unlawful assault	3,626	1.6
Use drug of dependence	3,597	1.6
Possess proceeds of crime	3,457	1.5
Attempt commit indictable offence	3,349	1.5
Breach Intervention order	3,256	1.5
Intentionally/recklessly cause injury	2,876	1.3
Go equipped for theft	2,789	1.2
Learner driver w/out experienced driver	2,029	0.9
Obtain fin. advantage by deception	1,790	0.8
Possess/carry/use/regulated/controlled weapon	1,653	0.7
<i>Sub-total 25 most common offences</i>	154,983	69.4
<i>Sub-total remainder</i>	68,233	30.6
<b>TOTAL</b>	<b>223,216</b>	<b>100.0</b>

## After Hours Service

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

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

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

One of the main types of search warrant issued relates to the provisions of the *Drugs, Poisons and Controlled Substances Act 1981*. In the year under review, there were 391 such warrants compared with 309 in the previous year.

In relation to orders made pursuant to the *Crimes (Family Violence) Act 1987*, 3,231 warrants to arrest were issued compared with 2,760 in the previous year. This is an increase of 471 or 17.1% in the one year. A significant increase was also noted for the 2001/02 year.

**Table 8a. After Hours Service Search Warrants  
1999/00 - 2002/03**

Search Warrant type	1999/00	2000/01	2001/02	2002/03
Stolen goods	232	236	250	268
Drugs	437	305	309	391
Evidence ( <i>Crimes Act</i> s465)	366	403	465	551
Firearms	27	35	38	42
Ch & Young Persons Act	298	316	300	325
Crimes/ Customs (Cwth)	31	49	47	29
Other	114	129	122	180
<b>Total</b>	<b>1,505</b>	<b>1,473</b>	<b>1,531</b>	<b>1,786</b>

**Table 8b. Arrest Warrants Issued under  
*Crimes (Family Violence) Act 1987*  
1999/00 - 2002/03**

Year	Warrant to Arrest
1999/00	1,684
2000/01	1,548
2001/02	2,760
<b>2002/03</b>	<b>3,231</b>

## Applications

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

Some of the main types of applications are:

- Restoration of Driver Licence
- To Set aside and Rehear
- Forfeiture and Disposal of property
- Bail
- Variation of Conditions of bail
- Application for a Forensic Procedure
- Reduce report time between assessments.

**Table 9a. Applications finalised by type and outcome, Number  
1 July 2002 - 30 June 2003**

Application type	Granted	Refused	Struckout	Unknown	Total
Application to restore driver licence	6,501	170	167	648	7,486
Application to reduce report time between assessments	2,172	91	45	3	2,311
Re-hearing application	834	49	231	70	1,184
Application for permission to drive pending re-hearing	95	5	16	-	116
Application to a magistrate for bail	653	398	343	10	1,404
Application to a magistrate to vary bail	863	116	237	6	1,222
Application for forensic procedure	1,140	381	267	8	1,796
Application to question/investigate a person in custody	726	9	94	-	829
Application to retain fingerprints/forensic evidence	215	3	15	2	235
Application to be deemed non-prohibited person	64	3	19	-	86

**Table 9b. Applications finalised by type and outcome, Percentage  
1 July 2002 - 30 June 2003**

Application type	Granted	Refused	Struckout	Unknown	Total
Application to restore driver licence	86.8	2.3	2.2	8.7	100.0%
Application to reduce report time between assessments	94.0	3.9	1.9	0.1	100.0%
Re-hearing application	70.4	4.1	19.5	5.9	100.0%
Application for permission to drive pending re-hearing	81.9	4.3	13.8	0.0	100.0%
Application to a magistrate for bail	46.5	28.3	24.4	0.7	100.0%
Application to a magistrate to vary bail	70.6	9.5	19.4	0.5	100.0%
Application for forensic procedure	63.5	21.2	14.9	0.4	100.0%
Application to question/investigate a person in custody	87.6	1.1	11.3	0.0	100.0%
Application to retain fingerprints/forensic evidence	91.5	1.3	6.4	0.9	100.0%
Application to be deemed non-prohibited person	74.4	3.5	22.1	0.0	100.0%

'Unknown' refers to archived cases

## Ex Parte Hearings

An increase of 217 in the number of cases finalised at an *ex parte* hearing (that is, cases finalised where the defendant does not appear) has been noted for the 12 months ending 30 June 2003.

The number of cases finalised at an *ex parte* hearing in 2002/03 (5,788) remained constant over the past 6 years at 5-6% of the total number of summons/arrest cases commenced.

**Table 10. Cases finalised at Ex parte Hearing  
1997/8 - 2002/03**

Year	Ex parte hearing
1997/98	7,590
1998/99	6,337
1999/00	5,777
2000/01	5,522
2001/02	5,571
<b>2002/03</b>	<b>5,788</b>

## Warrants

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

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

In 2002/03, a total of 19,719 warrants were issued by the Magistrates compared with 19,270 in the previous year.

## Appeals

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

In the year ending 30 June 2003, there were 2,327 appeals lodged against conviction or sentence which is 8% higher than the number lodged in the previous year.

Appeals are lodged in about 2% of finalised cases. The increase in appeals being lodged is consistent with the increase in cases being lodged.

**Table 11. Number of Appeals lodged  
2000/01 - 2002/03**

Year	2000/01	2001/2	2002/03
<b>Number</b>	2,144	2,149	2,327

## PERIN Court

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

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

The numbers of infringement penalties initiated in the PERIN Court since 1996/97 can be found in the Table below. There have been significant increases in the numbers initiated in the past few years.

During 2002/03, the total number of infringement penalties initiated in the PERIN Court was 882,766 which represents an increase of 218,257 matters (or 33.0%) over the previous year.

**Table 12. Infringements initiated and revoked and referred to Open Court  
1996/97 - 2002/03**

Year	Infringements initiated	Open Court revocations and appeals	Ratio of Open Court matters against infringements initiated
1996/97	359,113	5,190	1.4%
1997/98	416,411	6,806	1.6%
1998/99	463,871	11,889	2.6%
1999/00	516,000	11,972	2.3%
2000/01	661,234	9,080	1.4%
2001/02	664,509	13,268	2.0%
2002/03	882,766	15,613	1.8%

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

In 2002/03, there were 15,613 PERIN revocations and appeals against the PERIN Registrar's refusal to revoke initiated in open Court compared with 13,268 in the previous year. This represents an increase of 2,345 (or 17.7%).

Between 1996/97 and 2002/03, the number of Open Court cases arising from PERIN infringement notices tripled, up from 5,190 to 15,613. The total number of infringements registered at the PERIN Court has increased greatly in the last decade, and the rise in the revocation of infringement notices and referral to open Court is a direct result of this increase. While this is a significant increase in caseload for the Magistrates' Court, the ratio of revocations to infringements initiated at the PERIN Court has remained in the range of 1.4% to 2.0%.

## The Civil Jurisdiction

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

The total number of civil complaints issued/ filed in 2002/03 was 74,269 which is 4% higher than the number issued/ filed in the previous year, reversing an annual trend of decreasing lodgments.

Through the Electronic Data Interchange Service (EDI), legal practitioners may file a complaint with the Court without the need for physical attendance at a court location. Upon receipt, the complaint will be 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 2002/03, 43% of Complaints were filed with the Court via the EDI service.

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

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

Between 1996/97 and 2002/03 the total number of defences filed decreased by 3,398 (or 23.7%).

While the number of defence notices filed in 2002/03 was 11% lower than the number filed in the previous year, the proportion of defended claims where the claim amount was above \$10,000 increased. In 2002/03, 30% of defended claims involved a claim amount above \$10,000, compared with 28% in the previous year.

**Table 13a. Magistrates' Court Civil Jurisdiction Civil Complaints Issued/Filed 1996/7 - 2002/03**

Year	Processed by Registrar	Processed by EDI Service	Total
1996/97	76,516	30,514	107,030
1997/98	69,281	33,216	102,497
1998/99	63,587	29,008	92,595
1999/00	51,445	27,504	78,949
2000/01	46,391	31,038	77,429
2001/02	43,400	28,085	71,485
<b>2002/03</b>	<b>42,585</b>	<b>31,684</b>	<b>74,269</b>

**Table 13b. Number of Defence Notices filed by claim amount, 1996/97 - 2002/03**

Year	Under \$10000	\$10000 +	Total
1996/97	13,989	339	14,328
1997/98	13,654	1,444	15,098
1998/99	12,335	1,357	13,692
1999/00	9,988	2,930	12,918
2000/01	9,149	3,499	12,648
2001/02	8,775	3,478	12,253
<b>2002/03</b>	<b>7,605</b>	<b>3,325</b>	<b>10,930</b>

## Case processing times

There were 10,601 defended claims finalised in the Magistrates' Court in 2002/03, which is 8% lower than the number finalised in the previous year.

Of the 10,601 defended claims finalised, 73% were finalised within 6 months of a defence notice being filed, while 95% were finalised within 12 months of a defence notice being filed. Case processing times in 2002/03 were similar with those of the previous year.

**Table 14a. Age distribution of Defended claims finalised 2001/02 - 2002/03**

	2001/02	2002/03
0 < 3 mths	3,828 (33.1%)	3,224 (30.4%)
3 < 6 mths	4,926 (42.6%)	4,473 (42.2%)
6 < 9 mths	1,626 (14.0%)	1,726 (16.3%)
9 < 12 mths	619 (5.3%)	598 (5.6%)
12 < 18 mths	360 (3.1%)	369 (3.5%)
18 < 24 mths	130 (1.1%)	98 (0.9%)
24 mths +	87 (0.8%)	113 (1.1%)
<b>Total</b>	<b>11,576</b>	<b>10,601</b>

**Table 14b. Age distribution of Defended claims finalised 2001/02 - 2002/03**

Elapsed time	2001/02	2002/03
0 < 6 mths	8,754 (76%)	7,697 (73%)
6 < 12 mths	2,245 (19%)	2,324 (22%)
12 mths +	577 (5%)	580 (5%)
<b>Total</b>	<b>11,576</b>	<b>10,601</b>

## Claims finalised

Of the total claims finalised in 2002/03, almost 80% were finalised by way of a default judgment.

**Table 15a. Defended Claims finalised, by method of finalisation, 2001/02 - 2002/03**

Year	Default judgment	Finalised after defence notice	Total
2001/02	41,015 (78%)	11,576 (22%)	<b>52,591</b>
2002/03	40,313 (79%)	10,601 (21%)	<b>50,914</b>

**Table 15b. Defended claims finalised, by hearing type, 2001/02 - 2002/03**

	2001/02	2002/03
Arbitration	3,419 (29.5%)	2,793 (26%)
Pre-hearing Conference	4,619 (39.9%)	4,036 (38%)
Contested hearing	3,538 (30.6%)	3,772 (36%)
<b>Total</b>	<b>11,576</b>	<b>10,601</b>

## Hearings

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

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

During the year under review, 3,772 defended claims were finalised when listed for hearing before a magistrate. This is 7% higher than the number finalised in the previous year.

Of the 3,772 defended claims finalised in 2002/03, 44% of these claims were finalised within 6 months of the defence notice being filed, while 88% were finalised within 12 months of the defence notice being filed.

**Table 16a. Defended claims finalised at a Contested Hearing, Case Processing Times, Number, 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number
0 < 3 mths	459	695
3 < 6 mths	1,150	968
6 < 9 mths	1,046	1,198
9 < 12 mths	400	443
12 < 18 mths	308	302
18 < 24 mths	105	88
24 mths +	70	78
<b>Total</b>	<b>3,538</b>	<b>3,772</b>

**Table 16b. Defended claims finalised at a Contested Hearing, Case Processing Times, Percentage, 2001/02 - 2002/03**

Elapsed time	2001/02 Percent	2002/03 Percent
0 < 3 mths	12.9	18.4
3 < 6 mths	32.5	25.7
6 < 9 mths	29.6	31.8
9 < 12 mths	11.3	11.7
12 < 18 mths	8.7	8.0
18 < 24 mths	3.0	2.3
24 mths +	2.0	2.1
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>

**Table 16c. Defended claims finalised at a Contested Hearing, Case Processing Times, Number and Percentage 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number	2001/02 Percent	2002/03 Percent
0 < 6 mths	1,609	1,663	45	44
6 < 12 mths	1,446	1,641	41	44
12 mths +	483	468	14	12
<b>Total</b>	<b>3,538</b>	<b>3,772</b>	<b>100.0%</b>	<b>100.0%</b>

## Arbitrations

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

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

During the year, 2,793 defended claims were finalised by Arbitration compared with 3,419 in the previous year. This represents a decrease of 18% on the 2001/02 year.

Of the 2,793 defended claims finalised in 2002/03 at arbitration, 86% were finalised within 6 months of a defence notice being filed, while 98% were finalised within 12 months of a defence notice being filed.

**Table 17a. Defended claims finalised at Arbitration, Case Processing Times, Number, 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number
0 < 3 mths	2,264	1,762
3 < 6 mths	766	628
6 < 9 mths	277	254
9 < 12 mths	73	86
12 < 18 mths	29	36
18 < 24 mths	5	4
24 mths +	5	23
<b>Total</b>	<b>3,419</b>	<b>2,793</b>

**Table 17b. Defended claims finalised at Arbitration, Case Processing Times, Percentage, 2001/02 - 2002/03**

Elapsed time	2001/02 Percent	2002/03 Percent
0 < 3 mths	66.2	63.1
3 < 6 mths	22.4	22.5
6 < 9 mths	8.1	9.1
9 < 12 mths	2.1	3.1
12 < 18 mths	0.8	1.3
18 < 24 mths	0.15	0.1
24 mths +	0.15	0.8
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>

**Table 17c. Defended claims finalised at Arbitration, Case Processing Times, Number and Percentage 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number	2001/02 Percent	2002/03 Percent
0 < 6 mths	3,030	2,390	89	86
6 < 12 mths	350	340	10	12
12 mths +	39	63	1	2
<b>Total</b>	<b>3,419</b>	<b>2,793</b>	<b>100.0%</b>	<b>100.0%</b>

## Pre-Hearing Conferences

Pre-Hearing Conferences in relation to civil complaints are conducted Statewide by Registrars of the Court.

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

During the year, 4,036 claims were finalised at a Pre-Hearing Conference which is 13% lower than the number finalised in the previous year. Of the 4,036 defended claims finalised, 90% were finalised within 6 months of a defence notice being filed, while almost all claims were finalised within 12 months of a defence notice being filed.

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

**Table 18a. Defended claims finalised at a Pre-Hearing conference, Case Processing Times, Number 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number
0 < 3 mths	1,105	767
3 < 6 mths	3,010	2,877
6 < 9 mths	303	274
9 < 12 mths	146	69
12 < 18 mths	23	31
18 < 24 mths	20	6
24 mths +	12	12
<b>Total</b>	<b>4,619</b>	<b>4,036</b>

**Table 18b. Defended claims finalised at a Pre-Hearing conference, Case Processing Times, Percentage 2001/02 - 2002/03**

Elapsed time	2001/02 Percent	2002/03 Percent
0 < 3 mths	23.9	19.0
3 < 6 mths	65.2	71.3
6 < 9 mths	6.6	6.8
9 < 12 mths	3.2	1.7
12 < 18 mths	0.5	0.8
18 < 24 mths	0.4	0.1
24 mths +	0.3	0.3
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>

**Table 18c. Defended claims finalised at a Pre-Hearing conference, Case Processing Times, Number and Percentage 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number	2001/02 Percent	2002/03 Percent
0 < 6 mths	4,115	3,644	89	90.3
6 < 12 mths	449	343	10	8.5
12 mths +	55	49	1	1.2
<b>Total</b>	<b>4,619</b>	<b>4,036</b>	<b>100.0%</b>	<b>100.0%</b>

## Pending

A case is pending, if at the end of the reporting period, it has not been finalised. The time spent pending is the elapsed time between the date the complaint was issued and the 30 June 2003.

There were 3,637 defended claims pending (ie, waiting to be determined) at the close of business on 30 June 2003. This was 10% less than the number pending at the end of the previous year.

17% of these claims had been pending for more than 6 months, compared with 14% at the end of the previous financial year.

There was a slight increase in the proportion of claims that had been pending for more than 12 months compared with the previous year.

**Table 19a. Age Distribution of Defended claims pending on 30 June, Number, 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number
0 < 3 mths	2,772	2,413
3 < 6 mths	757	620
6 < 9 mths	286	256
9 < 12 mths	101	142
12 < 18 mths	66	100
18 < 24 mths	26	37
24 mths +	54	69
<b>Total</b>	<b>4,062</b>	<b>3,637</b>

**Table 19b. Age Distribution of Defended claims pending on 30 June, Percentage, 2001/02 - 2002/03**

Elapsed time	2001/02 Percent	2002/03 Percent
0 < 3 mths	68.2	66.3
3 < 6 mths	18.6	17.0
6 < 9 mths	7.0	7.0
9 < 12 mths	2.5	3.9
12 < 18 mths	1.6	2.7
18 < 24 mths	0.6	1.0
24 mths +	1.3	1.9
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>

**Table 19c. Age Distribution of Defended claims pending on 30 June, Number and Percentage 2001/02 - 2002/03**

Elapsed time	2001/02 Number	2002/03 Number	2001/02 Percent	2002/03 Percent
0 < 6 mths	3,529	3,033	87.0	83
6 < 12 mths	387	398	9.5	11
12 mths +	146	206	3.5	6
<b>Total</b>	<b>4,062</b>	<b>3,637</b>	<b>100.0%</b>	<b>100.0%</b>

## Default Judgments

The number of default judgments made annually has remained consistent over the past 3 years. There were 40,313 default orders made in 2002/03 which is a decrease of 1.7% on the previous year.

Through the Electronic Date Interchange (EDI) Service, legal practitioners are able to lodge requests for default judgment online, eliminating the need for physical attendance at a court location. Upon receipt, the application for default judgment is processed electronically without the need for intervention by a court registrar.

In 2002/03, 32% of default judgments were made upon the lodgment of an application lodged via the EDI service.

**Table 20. Default Judgments made 1996/97 - 2002/03**

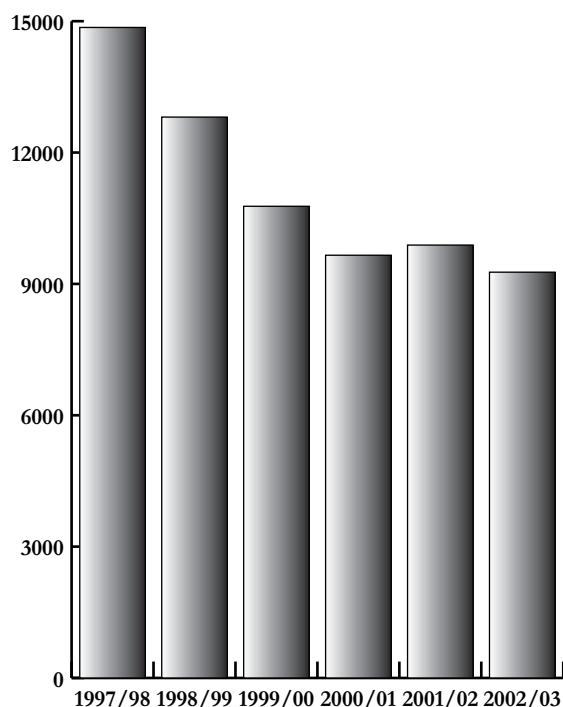
Year	Processed by Registrar	Processed by EDI
1996/97	52,895 (87.5%)	7,575 (12.5%)
1997/98	49,682 (83.5%)	9,842 (16.5%)
1998/99	42,088 (80.8%)	10,002 (19.2%)
1999/00	36,077 (75.9%)	11,471 (24.1%)
2000/01	29,603 (72.5%)	11,226 (27.5%)
2001/02	28,788 (70.2%)	12,227 (29.8%)
<b>2002/03</b>	<b>27,468 (68.1%)</b>	<b>12,845 (31.9%)</b>

## Interstate Registrations

The number of judgements registered from interstate in 2002/03 was 6% (or 619) lower than the previous year.

A total of 9,268 interstate judgments were registered in 2002/03 compared with 9,887 in the previous year.

**Interstate Judgments registered 1997/98 - 2002/03**



## Enforcement Actions

A significant part of the Magistrates' Court's jurisdiction concerns the enforcement of judgments. Judgments may be entered by application for a default order, at a hearing or arbitration, registered from other jurisdictions or entered upon reinstatement of a matter.

A judgment may be enforced in a number of ways, including the issue of a Warrant to Seize Property, a Summons for Oral Examination, or Applications for an Instalment Order or to attach Earnings. The number of Summonses for Oral Examination (SOE) issued in 2002/03 was 15,819 which is a decrease of 4% compared with the previous year.

The proportion of Summonses for Oral Examination issued electronically has increased each year since 1997/98. In 2002/03, 33.4% were issued via the EDI service.

**Table 21. Summonses for Oral Examination Issued  
1996/97 - 2002/03**

Year	Processed by Registrar	Processed by EDI
1996/97	20,654 (100%)	- (0.0%)
1997/98	20,886 (98.7%)	272 (1.3%)
1998/99	20,659 (93.1%)	1,542 (6.9%)
1999/00	15,850 (86.5%)	2,472 (13.5%)
2000/01	12,979 (83.9%)	2,482 (16.1%)
2001/02	11,825 (72.0%)	4,590 (28.0%)
<b>2002/03</b>	<b>10,538 (66.6%)</b>	<b>5,281 (33.4%)</b>

There were 9,268 Warrants to Seize Property issued in 2002/03 which is a decrease of 6% compared with the previous year.

The proportion of Warrants issued electronically has increased each year since the introduction of the EDI service in 1994. In 2002/03, 20% of Warrants to Seize Property were issued upon the lodgment of an application via the EDI service.

**Table 22. Warrants to Seize Property Issued  
1996/97 - 2002/03**

Year	Processed by Registrar	Processed by EDI
1996/97	15,203 (93.7%)	1,016 (6.3%)
1997/98	12,967 (87.3%)	1,890 (12.7%)
1998/99	11,201 (87.4%)	1,609 (12.6%)
1999/00	8,973 (83.3%)	1,800 (16.7%)
2000/01	7,858 (81.4%)	1,797 (18.6%)
2001/02	7,983 (80.7%)	1,904 (19.3%)
<b>2002/03</b>	<b>7,430 (80.2%)</b>	<b>1,838 (19.8%)</b>

## Enforcement Actions (cont'd)

Where an order has been made, the judgment debtor or creditor may make an application to a Registrar for an instalment order under the provisions of the *Judgment Debt Recovery Act 1984*.

Since 1996/97 there has been a steady decline in the number of such applications.

Where a judgment debtor or creditor wishes to object to an application which was granted or refused by a Registrar, the matter may be referred to a Magistrate for determination. In the Table opposite, the number of such objections which were granted is the total of all objections which were confirmed or varied.

**Table 23. Notices of Objection finalised under Judgment Debt Recovery Act 1984, by outcome 1996/97 - 2002/03**

Year	Granted	Refused	Struck Out	With-drawn	Total
1996/97	161	57	75	30	<b>323</b>
1997/98	152	49	92	29	<b>322</b>
1998/99	102	34	90	20	<b>246</b>
1999/00	62	26	55	18	<b>161</b>
2000/01	75	28	58	18	<b>179</b>
2001/02	51	11	50	19	<b>131</b>
<b>2002/03</b>	<b>50</b>	<b>26</b>	<b>43</b>	<b>13</b>	<b>132</b>

**Table 24a. Applications for an Instalment Order under Judgment Debt Recovery Act 1984, by outcome, Number, 1996/97 - 2002/03**

Outcome	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Granted	1,434	1,622	1,124	974	781	793	488
Refused	802	709	675	481	402	388	322
Struck Out	60	54	45	23	48	23	20
Withdrawn	11	20	3	6	4	2	10
Unknown	2	-	-	-	-	-	-
<b>Total</b>	<b>2,309</b>	<b>2,405</b>	<b>1,847</b>	<b>1,484</b>	<b>1,235</b>	<b>1,206</b>	<b>840</b>

**Table 24b. Applications for an Instalment Order under Judgment Debt Recovery Act 1984, by outcome, Percentage, 1996/97 - 2002/03**

Outcome	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Granted	62.1%	67.4%	60.9%	65.6%	63.2%	65.8%	58.1%
Refused	34.7%	29.5%	36.5%	32.4%	32.6%	32.2%	38.3%
Struck Out	2.6%	2.2%	2.4%	1.5%	3.9%	1.9%	2.4%
Withdrawn	0.5%	0.8%	0.2%	0.4%	0.3%	0.2%	1.2%
Unknown	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

## Enforcement Actions (cont'd)

Where an order has been made by the Magistrates' Court, it may be enforced by an Application for an Attachment of Earnings or Attachment of Debt.

The provisions for these procedures can be found in the *Magistrates' Court Civil Procedure Rules* 1999, Order 27.

**Table 25. Attachment of Earnings Applications finalised, by outcome, 1996/97 - 2002/03**

Outcome	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Granted	1,653	1,907	1,992	1,599	1,257	1,423	1,387
Refused	21	15	5	3	8	6	10
Struck Out	455	377	419	467	330	582	432
Withdrawn	200	138	173	155	135	164	261
Unknown	-	-	1	-	-	-	-
<b>Total</b>	<b>2,329</b>	<b>2,437</b>	<b>2,589</b>	<b>2,225</b>	<b>1,730</b>	<b>2,175</b>	<b>2,090</b>

**Table 26. Attachment of Debt Applications finalised, by outcome, 1996/97 - 2002/03**

Outcome	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Granted	162	180	239	266	278	257	235
Refused	33	13	12	16	10	9	28
Struck Out	1	5	2	6	5	9	6
Withdrawn	1	3	-	1	2	-	2
Unknown	-	-	-	-	-	-	1
<b>Total</b>	<b>197</b>	<b>201</b>	<b>253</b>	<b>289</b>	<b>295</b>	<b>275</b>	<b>272</b>

## Family Law Proceedings

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

The jurisdiction of the Magistrates' Court includes:

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

Some of the figures for the years 1997/8-2002/03 are set out in the Table below.

**Table 27. Orders Made in the Magistrates' Court under the *Family Law Act 1975*, 1997/98 - 2002/03**

Year	All Orders Made
1997/98	3,911
1998/99	3,901
1999/00	3,605
2000/01	3,621
2001/02	3,537
<b>2002/03</b>	<b>3,357</b>

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

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

## WorkCover

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

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

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

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

The figures for the number of WorkCover complaints filed and defences filed are included in the Tables to be found on page 35 of this Report.

## Intervention Orders

The *Crimes (Family Violence) Act* was enacted in 1987. In 1998/99 the number of complaints for an intervention order was 15,246. Since then, finalised complaints in relation to family violence have remained consistent at approx. 15,000 each year.

The number of complaints finalised decreased by 437 in 2002/03 compared with the previous year.

Of the complaints for an intervention order finalised under the *Crimes (Family Violence) Act* 55% resulted in the making of an Intervention Order.

Complaints finalised based on allegations of stalking under the *Crimes Act* 1958 increased by 339 or 7% in 2002/03.

The proportion of stalking complaints initiated and finalised under the *Crimes Act* 1958 has increased from 22% in 1998/99 to 26% in 2002/03.

Of the complaints for an intervention order finalised under the *Crimes Act*, 47% resulted in the making of an Intervention Order.

**Table 28a. Complaints for an Intervention Order finalised by Act under which complaint made, 1998/99 - 2002/03**

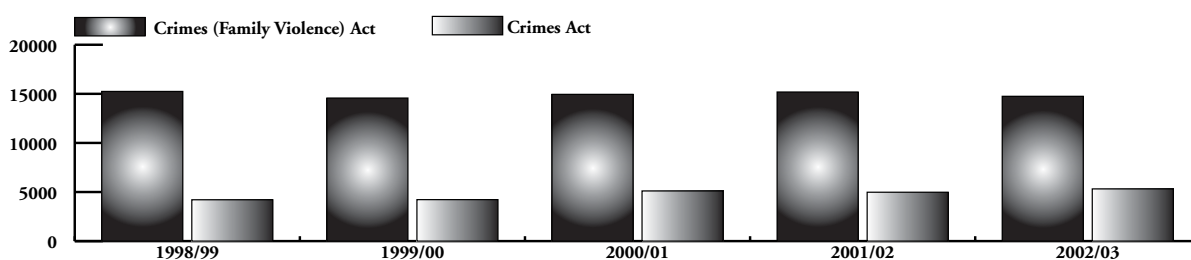
Act	1998/99	1999/00	2000/01	2001/02	2002/03
Crimes (Family Violence) Act	15,246	14,571	14,948	15,186	14,749
Crimes Act	4,211	4,224	5,109	4,979	5,318
<b>Total</b>	<b>19,457</b>	<b>18,795</b>	<b>20,057</b>	<b>20,165</b>	<b>20,067</b>

**Table 28b. Proportion of Complaints finalised under each Act\* 1998/99 - 2002/03**

Act	1998/99	1999/00	2000/01	2001/02	2002/03
Crimes (Family Violence) Act	78.4%	77.5%	74.5%	75.3%	73.5%
Crimes Act	21.6%	22.5%	25.5%	24.7%	26.5%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

\* Excludes complaints finalised in the Children's Court jurisdiction and complaints that were adjourned to a date to be fixed

**Complaints for an Intervention Order finalised by Act under which complaint made 1998/99 - 2002/03**



## Outcome of Complaints

Approximately 53% of finalised complaints for an intervention order resulted in an intervention order being made in 2002/03.

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

**Table 29a. Complaints finalised by outcome\*  
Number, 1998/99 - 2002/03**

Outcome	1998/99	1999/00	2000/01	2001/02	2002/03
Intervention Order made	11,322	11,106	11,560	11,743	10,582
Refused	894	982	1,142	1,017	1,471
Struck out	4,252	3,704	4,253	4,401	4,543
Withdrawn	2,976	2,988	3,072	2,987	3,441
Revoked	13	15	30	17	30
<b>Total</b>	<b>19,457</b>	<b>18,795</b>	<b>20,057</b>	<b>20,165</b>	<b>20,067</b>

\*Excludes Complaints that were adjourned to a date to be fixed

**Table 29b. Complaints finalised by outcome\*  
Percentage, 1998/99 - 2002/03**

Outcome	1998/99	1999/00	2000/01	2001/02	2002/03
Intervention Order made	58.2%	59.1%	57.6%	58.2%	52.7%
Refused	4.6%	5.2%	5.7%	5.0%	7.3%
Struck out	21.9%	19.7%	21.2%	21.8%	22.6%
Withdrawn	15.3%	15.9%	15.3%	14.8%	17.1%
Revoked	0.1%	0.1%	0.1%	0.1%	0.1%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

## Case Processing Times

Of the complaints for an intervention order finalised in 2002/03, 16,805 or 83.7% were finalised within 30 days of the complaint being made. 1,779 (or 8.7%) were finalised within 30-60 days. A total of 3,262 (or 16.28%) were finalised in excess of 30 days.

**Table 30a. Case Processing Times, Complaints finalised, Number, 1998/99 - 2002/03**

Elapsed time	1998/99	1999/00	2000/01	2001/02	2002/03
0 - 30 days	17,145	16,639	17,581	17,373	16,805
31 - 60 days	1,515	1,430	1,461	1,574	1,779
61 - 90 days	367	324	400	501	549
91 - 180 days	286	261	377	429	588
181 - 270 days	82	62	111	150	165
271 - 365 days	8	16	22	45	38
366 days +	54	63	105	93	143
<b>Total</b>	<b>19,457</b>	<b>18,795</b>	<b>20,057</b>	<b>20,165</b>	<b>20,067</b>

**Table 30b. Complaints finalised by outcome\*  
Percentage, 1998/99 - 2002/03**

Elapsed time	1998/99	1999/00	2000/01	2001/02	2002/03
0 - 30 days	88%	89%	88%	86%	84%
31 - 60 days	8%	8%	7%	8%	9%
61 - 90 days	2%	2%	2%	2%	3%
91 - 180 days	1%	1%	2%	2%	3%
181 - 270 days	0%	0%	1%	1%	1%
271 - 365 days	0%	0%	0%	0%	0%
366 days +	0%	0%	1%	0%	1%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
181 days +	1%	1%	1%	1%	2%

\*Excludes Complaints finalised in the Children's Court jurisdiction or complaints that were adjourned to a date to be fixed.

## Intervention Orders: Relationship of Aggrieved Person to Defendant

In 2002/03 there were 14,437 aggrieved persons who were granted an intervention order in the Magistrates' Court of Victoria compared with 15,532 in the previous year. This represents a decrease of 7.0% or 1,095 aggrieved persons over the previous year.

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

In relation to complaints based on stalking allegations under the *Crimes Act* 1958, s21A, a total of 3,588 persons were granted an intervention order in 2002/03. This figure represents 24.9% of the total number of aggrieved persons who were granted an intervention order during that year.

Number of aggrieved persons granted an intervention order by relationship of aggrieved person to defendant, 1998/99 - 2002/03

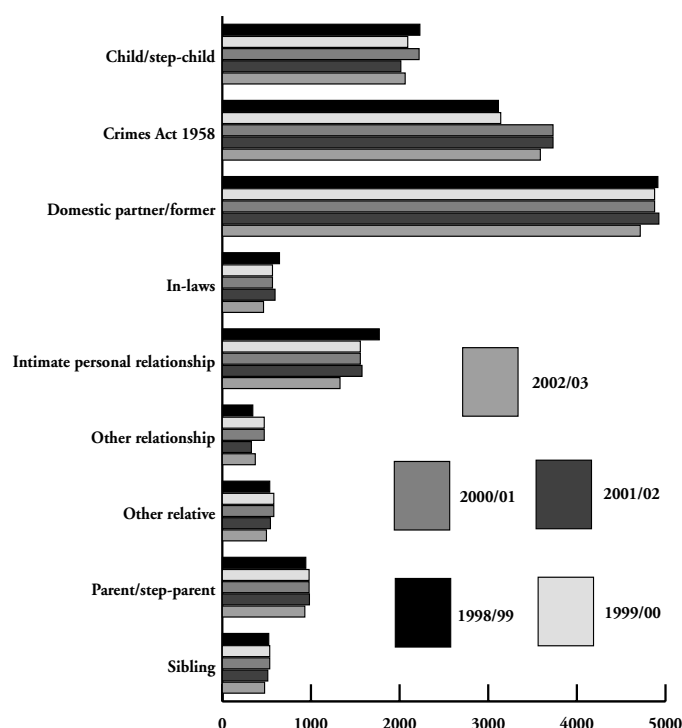


Table 31. Number of Aggrieved Persons granted an Intervention Order by Relationship to Defendant 1998/9 - 2002/03\*

Relationship to defendant	1998/99	1999/00	2000/01	2001/02	2002/03
Child/step-child	2,229	2,092	2,220	2,014	2,063
Crimes Act 1958	3,115	3,141	3,731	3,714	3,588
Domestic partner/former	4,914	4,877	4,925	5,130	4,715
In-laws	645	566	595	575	465
Intimate personal relationship	1,771	1,557	1,576	1,611	1,328
Other relationship	344	473	328	320	372
Other relative	535	581	543	531	498
Parent/step-parent	942	979	983	1,076	931
Sibling	524	535	513	561	477
<b>Total</b>	<b>15,019</b>	<b>14,801</b>	<b>15,414</b>	<b>15,532</b>	<b>14,437</b>

\*Excludes Complaints finalised in the Children's Court and Complaints that were adjourned to a date to be fixed.

## Secondary Applications

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

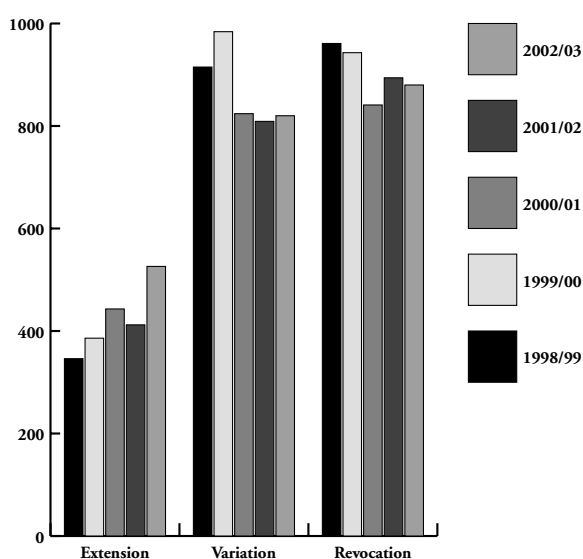
In such cases, an application may be made to extend, vary or revoke the Intervention order.

On average there are 2,197 secondary applications per year.

**Table 32. Secondary Applications finalised 1998/9 - 2002/03**

Application	1998/99	1999/00	2000/01	2001/02	2002/03
Extend intervention order	346	386	443	412	526
Vary intervention order	915	984	824	809	820

**Secondary Applications finalised, 1998/99 - 2002/03**



## Pending

A case is pending, if at the end of the reporting period, it has not been finalised. The time spent pending is the elapsed time between the date the complaint was issued and the 30 June 2003.

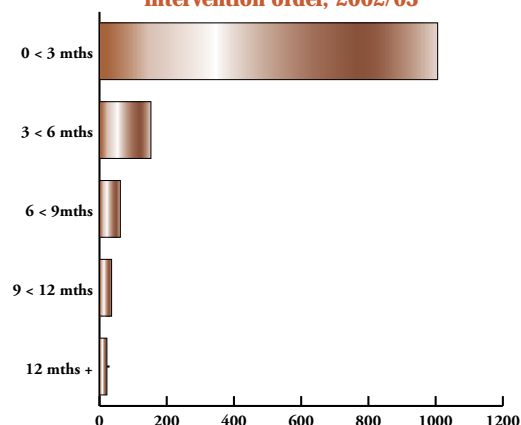
There were 1,279 complaints for an intervention order pending (ie, waiting to be determined) at the end of 2002/03. Of the complaints that were pending, 78.7% had been pending for less than 3 months, while 90.7% had been pending for less than 6 months.

**Table 33. Age distribution of complaints for an intervention order pending, 2002/03\***

Age	Number	Percent
0 < 3 mths	1,006	78.7
3 < 6 mths	153	12.0
6 < 9 mths	62	4.8
9 < 12 mths	36	2.8
12 < 18 mths	14	1.1
18 < 24 mths	5	0.4
24 mths +	3	0.2
<b>Total</b>	<b>1,279</b>	<b>100.0%</b>
<b>12 mths +</b>	<b>22</b>	<b>1.7%</b>

\*Excludes complaints for an intervention order that were pending within the Children's Court jurisdiction.

**Age distribution of pending complaints for an intervention order, 2002/03**



## State Coroner's Office of Victoria

The Office of State Coroner was established by the *Coroners Act* 1985 section 1. Pursuant to section 6 of the Act, Mr Graeme Douglas Johnstone was appointed as State Coroner and Mr Iain Treloar West as Deputy State Coroner.

For the purposes of this Report, Mr Johnstone has provided the following:

"It is with great satisfaction that I comment upon a number of achievements of the past year.

In January 2003 our office received a visit from the Fundamental Review Team for *Death Certification and Investigation in England, Wales & Northern Ireland*. The team spent three days in Victoria and one member of the team also visited New South Wales and New Zealand. The Review Report was issued in June 2003 and commented that:

*'We have been impressed by the way in which the large majority of investigations are recorded in Ontario, Canada and Victoria, Australia.'*

The review team made a number of recommendations and commented in particular on our research work:

*'In Victoria the service has a small budget for such purposes and the service has three research officers, one financed by the Justice Department and one by the Health Department. Examples of work include a project done jointly with 'WorkCover' (the Health and Safety at work agency) on the top 10 causes of workplace deaths, and a study of commercial vessel fatalities in Victoria 1991-2001. Another was a study done jointly between the Chief Coroner's Office and the*

*Department of Human Service titled Unintentional Drowning: Toddlers in Dams in Victoria 1989-2001.*

They also commented on the National Coroners Information System:

*'Of particular interest is the Australian National Coroners Information System a national internet-based data storage and retrieval system for coronial cases in Australia. It is set up and managed by the Monash University (Melbourne) Centre for Coronial Information.*

*'It covers all Australian coroner investigations since July 2000, giving details of the individual who has died, cause of death, the incident and circumstances of death and its classification, autopsy and toxicology reports and the coroner's findings. Its costs were met by funds from key public safety agencies in the states and Federal funding.*

*'It is accessible to all Australian coroners, who can quickly find out whether there are other cases similar to cases they are investigating. It is also accessible to Australian Government agencies and research organizations with public health and safety interests. New Zealand coroners are also using the system.*

*'Though not yet evaluated this system promises to be a major innovation in the provision of information to coroners and others on public health and safety risks.'*

Whilst our system has potential for improvement, the Review Team was complimentary and adopted many of the practices that we have been using as the central thrust in its Report and recommendations. Also, the team said "it is plain that more attention has been paid to developing these systems (the coroner) in the new world and so far in the old."

Also, in the Third Report of the Shipman

## State Coroner's Office of Victoria (cont'd)

Inquiry (Recommendations) Dame Janet Smith was complimentary and commented that:

*'The modern role of the Victoria coroner system in the field of death and injury prevention is one which, in my view, the system in England and Wales should also embrace. In order for that to be done, a system such as the NCIS is plainly necessary.'*

It is noted that Dame Janet Smith also positively commented on our recent pilot project (Clinical Liaison Service) which is designed to assist Coroners in the investigation of adverse events within the Health Sector and to improve understanding of the role of the Coroner for all those working within that Sector.

What should be recognized is the outstanding contribution that a number of my staff made to the community in the aftermath of the Bali bombing. From forming part of a multi-disciplinary team that assisted in the identification of the victims to the ongoing support that our counsellors made to the families of the bereaved.

We have also been working on improving early contact and advice to families about the role of the coroner and their rights following a sudden and tragic death, developing the Counselling and Support Service and improving our systems in case of a major disaster or event, like Bali.

It is important to recognize that our Coroners' system is still developing and aims to improve its performance and service to the community. Hopefully by having core focus on quality investigations and prevention, we will assist in reducing the preventable death and injury rate in our community.

I would also like to thank my fellow Coroners, Principal Registrar Rick Roberts and his staff, Senior Sergeant Richard Read and his fellow police officers of the State Coroner's Investigation Unit and Magistrates and Court Registrars from country Victoria, for their contributions during the past year."

**Graeme Johnstone**  
State Coroner

**Table 34. Office of State Coroner for the year ending 30 June 2003**

Reportable Deaths	4,219
Inquests Held	247
Findings Made without an Inquest	3,813

## **Chapter 3**

# **PARALLEL PROGRAMS and SERVICES**

- **Community Forensic Mental Health  
Court Liaison Service**
- **Disability Co-ordinator**
- **Enforcement Review Program**
- **Juvenile Justice Court Advice Unit**
- **Bail Advocacy Service**
- **Criminal Justice Diversion Program**
- **Aboriginal Liaison Officer**

## Community Forensic Mental Health Court Liaison Service

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

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

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

Experienced senior Registered Psychiatric Nurses provide 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 magistrates' courts and their users. Clients consist of individuals who appear before a magistrate and have been referred for assessment and identification of issues requiring psychiatric intervention and support. The assessment will typically include information gathering, referral and linkage to either community or prison based support services.

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

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

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

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

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

During the 12 months ending 30 June 2003, the Mental Health Court Liaison Service saw 813 referred clients and 1,483 family members and various professional persons involved in the clients' court attendance and continuing care.

Court was attended on 390 occasions and 1,027 reports and file entries completed. Psychiatric consultative advice and assistance was given on 1,342 occasions to metropolitan and country courts and their users.

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

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

Since the commencement of the program the contacts with the Mental Health Court Liaison Officers has significantly increased.

In 2002/03 there was a 23% increase in the number of contacts over the previous year.

The increase in the number of contacts during 2002/03 can be partly attributed to the appointment of two additional Mental Health Court Liaison Officers towards the end of 2001/02.

## Disability Co-ordinator

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

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

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

Another function of the Co-ordinator is to advise the Court in relation to issues concerning disability as they affect the Court, and this has given rise to the identification of the need for the development of a specific service to meet the needs of defendants who present with complex care issues. The Department of Human Services has recently launched a new Program to provide a service for this difficult target group.

Where a Magistrate has concerns about the vulnerability or special needs of a person in custody, the Disability Co-ordinator is able to alert prison management, so that these factors are taken into account when deciding classification.

The role of the Disability Co-ordinator is not restricted to the Criminal jurisdiction. There has been an increasing number of referrals from matters involving the *Crimes (Family Violence) Act* and also from cases within the civil jurisdiction.

By 30 June 2003, a total of 448 matters had been referred to the Disability Co-ordinator in respect of which 142 files were opened. The Co-ordinator also submitted 12 written reports to the Guardianship & Administration Tribunal at VCAT.

Whilst the majority of referrals emanated from the Magistrates, many also came from the Victoria Police and the legal profession.

Now that the service is well established, referrals also come from the mainstream human services, allied services and a wide cross-section of the general community.

Referrals also come from the following:

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

## Enforcement Review Program

The Enforcement Review Program is governed by Schedule 7 Clause 10A of the *Magistrates' Court Act* 1989 and is government funded until December 2003. The ERP is a joint initiative of the Sheriff's Office and Melbourne Magistrates' Court.

The ERP was established to support members of the community who have special circumstances and who are incurring a variety of multiple infringements that have been registered at PERIN (*Penalty Enforcement Registration of Infringement Notices*) Court which are progressing to warrant stage. Although the concept of "special circumstances" is not legislatively defined, it is generally considered to include people who have experienced severe social dysfunction, homelessness, diagnosed mental illness, an intellectual disability, an acquired brain injury or a severe physical disability.

The ERP was established with a number of key objectives.

- Identification of members of the community who have "special circumstances"
- To assist and advise members of the community and develop a process that brings the "special needs" of the offenders to the attention of the Magistrates' Court.
- To assist clients who have no social support services in place and link them with services in the community to accommodate their special needs
- Co-ordinate service delivery and promote knowledge of issues relating to people with "special circumstances".

An application for revocation of fines based on the client's "special circumstances" can be made by a parent or guardian, social worker, case manager, legal representative or a disability worker. A referral can also be made by a Magistrate or prosecutor. Referrals have come from a diverse range of community organisations, government agencies, law firms, mental health services, financial counselling agencies and employment agencies.

Promotional activities have included 60 presentations made to agencies by the ERP officer in the forum of staff meetings, workshops and seminars. In addition, references to ERP have been made in the Journal of Judicial Administration, PARITY magazine, Info-xchange website, financial counsellors newsletter, D.H.S internal guidelines and the Magistrates' Court website.

Since the implementation of the program ERP has received in excess of 377 applications amounting to \$1,078,691.80 of Court Orders and PERIN Warrants being revoked by PERIN Court based on clients' "special circumstances".

The service has now expanded to two hearing dates a month to cater for the number of applications. 86% of clients have attended court since the initial application for revocation of fines.

The Enforcement Review Program has endeavoured to provide a means by which the needs of a particular group of disadvantaged people may be addressed by the justice system.

## Juvenile Justice Court Advice Unit

The Juvenile Justice Court Advice Unit commenced at the Melbourne Magistrates' Court on 1 January 1998 to provide an information service on behalf of young people aged between 17 to 20 years. Mr Stephen Riordan was appointed as the Court Advice Officer to assist the Melbourne Central Courts (Melbourne Magistrates' Court, County and Supreme Courts).

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

The Adult Court Advice and Support Service was established in response to the high numbers of young people male and female (17yrs to 20yrs) entering the Senior Youth Training Centre (YTC) system.

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

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

The ACAS service provides:

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

Some of the benefits of the program include:

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

## Juvenile Justice Court Advice Unit (cont'd)

In the year ending June 2003 the Central Courts Unit noticed a decline in the number of young people being sentenced to youth training centres and imprisonment. Bail and deferral clients have also declined marginally.

Over the past year, the Court Unit has noticed some issues which have impacted upon the young people within the court system. The unit has experienced increasing difficulty accessing appropriate accommodation for young people. There appears to be a lack of accommodation options in all areas of Melbourne. Crisis, short term and medium term and long term accommodation services are all affected. Also, a number of young people are presenting with a range of mental health problems.

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

**Table 37. Adult Court Advice & Support Services (Central Courts) Service Provision 2002/03**

Activity	Number
Pre-sentence Report	120
City Courts on bail	325
City Courts on Sentence Deferral	105
Female	19
Male	118

**Table 38. Adult Court Advice and Support Services (Central Courts) Number of Clients Assisted by Age 2002/03**

Age	Number
17	21
18	30
19	46
20	22
21	5
22	1
24	1
Unknown	11
<b>Total</b>	<b>137</b>

## Criminal Justice Diversion Program

The Criminal Justice Diversion Program is governed by Section 128A of the *Magistrates' Court Act* 1989. It is government funded until June 2004. In June of 2003 the legislation was amended to permit the inclusion of charges subject to demerit points such as careless driving. It also provided that demerit points are to be recorded in the prescribed manner when a person is discharged via diversion.

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

The following criteria must be met before a diversion can be recommended:

- the offence is triable summarily;
- the defendant admits the facts;
- there is sufficient evidence to gain a record;
- a diversion is appropriate in the circumstances.

The over-riding consideration is that diversion be appropriate in the circumstances. The existence of prior convictions does not disqualify an offender from this program but is a factor to be considered in determining appropriateness. No offence punishable by a minimum or fixed sentence or penalty can proceed by way of Diversion.

The program provides the following benefits:

- By ensuring that appropriate restitution is made to the victim of the offence and where appropriate to tender an apology to the victim either by letter or in person;
- Through the prevention of reoffending ;
- By avoiding an accessible criminal record;
- By assisting the offender's rehabilitation;
- By utilising community resources for appropriate counselling or treatment; and
- By assisting local community projects with voluntary work and donations.

A total of 6,090 referrals were received from various prosecuting agencies for the 2002/2003 period. 55% of the referrals related to offenders aged between 17 and 25 years. The highest category referrals related to male offenders aged between 17 and 25 years (43%). 4,725 of these offenders were placed on a diversion plan. The following is a break down of the conditions undertaken by persons who completed a Diversion Plan in 2002/03.

**Table 39. Conditions Undertaken on Diversion Plan**

Condition	No. of Orders
Apology to Victim	2,199
Community Work	536
Compensate Victim	971
Counselling/Treatment Alcohol	156
Counselling/Treatment Drug	276
Counselling/Treatment Gambling	42
Counselling/Treatment Other	417
Defensive Drivers Course	578
Donation to Charity/Community Project	3,112

Note: An offender may be required to undertake (or fulfil) more than one condition as part of the same diversion plan. Offenders perform the community work where possible within their own local community or within the area that they commit the offence. Voluntary or non-profit organisations are utilised such as Keep Australia Beautiful Victoria, the Salvation Army and various local graffiti clean-up programs. Likewise donations are directed to similar local charities or non-profit organisations.

A total of 4,455 (94.4%) offenders successfully undertook conditions and completed their diversion plan within the 2002/03 period. Overall since the commencement of the program in November 2000 until 30 June 2003, 7,318 (94.7%) offenders have successfully completed the Program with 407 (5.3%) returned to the mention court having not completed their plan.

## Bail Advocacy Program

**T**he Bail Advocacy Program (BAP) aims to enhance the likelihood of a defendant being granted bail and successfully completing the bail period by providing appropriate accommodation, supervision and access to treatment.

The Bail Advocacy Program provided case management, support and referral to 321 clients in the year under review.

Clients are assisted in accessing a range of supports in the community including accommodation, drug treatment, parenting support, material aid, Centrelink and anger management groups.

The Bail Advocates arrange all appointments and provide travelcards to clients in attending their appointments. By facilitating effective access to support networks, the bail advocates maximise the opportunities for defendants on bail and hopefully reduce their contact with the criminal justice system.

The advocates provide an education role to the clients and encourage them to contact their legal representative to arrange any bail variations. Clients on the BAP contact the informant to discuss any change of address thus reducing the likelihood of breach of bail.

**F**eedback from Victoria Police has been very encouraging, and on many occasions police officers have contacted the bail advocates to enquire as to the progress of clients on the program.

Wise Employment attend the BAP weekly and accept referrals for assistance with training and employment. Clients attend a 10-day training session which includes resumé development, goal setting, grooming and interview skills.

Following the training session, clients are supported in contacting prospective employers, attending interviews and are provided with a mentor from the community who they can meet on a regular basis for employment support.

The BAP expresses its gratitude to all community agencies, parallel services, Corrections Victoria and court personnel for their support of BAP and its clients.

## Aboriginal Liaison Officer

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

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

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

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

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

Since the commencement of the position in April 2002 the service has been well utilised by offenders, families, legal representatives and the Judiciary. An average of 25 clients per month are assisted.

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

- Identification of specific needs/issues pertaining to individual Aboriginal offenders
- Provision of information relating to individual Aboriginal offenders to enable a sentencer to make a better informed decision in relation to disposition
- Liaison with the Community, police and other services
- Pro-active community involvement to reduce over-representation of Aboriginals in the criminal justice system
- Liaison with regional Aboriginal Justice Advisory Committees
- Assisting in the provision of ongoing professional development of Magistrates in regard to Aboriginal issues.
- Collaboration with the other services available within the Magistrates' Court to address any other needs of the clients.

## Chapter 4

# GENERAL

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

## Technology and Computerisation

Focusing on recommendations from the Magistrates Court Business Process Reengineering Project completed in November 2001, the Magistrates' Court Technology Group continued on their progressive implementation in the following areas:

### **Court On-line (Internet Strategy):**

With the assistance of Acumentum and the Department of Justice On-Line Services Group, the Court redeveloped and launched its new web presence. Located at

*[www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au)*

the Court's new web-site incorporates the most frequently asked questions, legislation resources, daily updated court-lists for the state and information on all of the Court's Services.

The site has been designed with usability and ease of information as its paramount consideration and includes direct portal links for the Court's frequent users.

In 2003 the Court also launched the web site for the State Coroners Office at

*[www.coronerscourt.vic.gov.au](http://www.coronerscourt.vic.gov.au)*

### **Contacting the Court (Telephony Strategy):**

In December 2002 the Court commenced the development of its State-wide Telephony Strategy to improve its communication with, and service to the community. The strategy outlines a telephony systems upgrade to commence in the 2003/2004 financial year with replacement systems targeted for 30 regional courts.

In June 2003 the telephony system at the Melbourne Magistrates' Court was replaced improving the call handling rate by approximately 40%.

### **Registering Judgments (Graphical Interface for Case Management System):**

In September 2003 the Court released a Request for Information for a solution to introduce a

graphical user interface to its mainframe based Case Management System to improve the capture of Court Orders. This has resulted in a user interface design and functional specification for development in the 2003/04 financial year. This will form the interface for all of the Courts Case Management systems.

### **Recording Proceedings (Digital Recording of court cases):**

A series of pilot projects was conducted to determine the suitability of a digital recording system for the capture of Court proceedings.

Subsequent to a concentrated architecture design and usability study the Court completed the development of a bespoke digital recording application targeted for progressive implementation in the 2003/2004 financial year.

### **Courtlink**

During the reporting period, 150 changes were made to the Courtlink System in response to legislative and procedural changes and from user requests. A review and functional specification was developed for a replacement case management system for the State Coroners Office.

### **Technology Infrastructure and other Initiatives:**

Infrastructure upgrades and replacement occurred at the following locations:

- Keyboard and printer replacement/renewal at all court locations state-wide.
- Technology refresh for a quarter of the Court's desktop environment.

The Council of Magistrates acknowledges the continued expertise and professional response from the Court Technology Group.

## Building Maintenance and Construction

### Completed Projects/Building Events

#### Horsham Court Upgrade

Building additions for a new jury pool room/multi purpose hearing room, interview rooms, Office of Public Prosecutions office areas and associated amenities. Minor aesthetic upgrade to existing areas within the building (ie. carpet replacement, painting). Removal of the cooling tower to replace and upgrade air conditioning system to air cooled condenser units.

Budget: \$640,000

Completion: June 2003

Attorney-General Launch: 11 September 2003

#### Bendigo Court Upgrade

Installation of heating and cooling to this complex and significant Heritage building. Minor works to integrate staff into one area on basement level (former Court 4) and convert existing office spaces into interview rooms and a hearing room.

Budget: \$1.463 million

Completion: June 2003

Attorney General Launch: July 2003

#### Wangaratta Court Upgrade

Building modifications to include a disabled lift and fit out of rear apartment for new jury pool room. Modifications to staff office areas including new counter, additional interview rooms and improved storage and amenities.

Budget: \$537,000

Completion: June 2003

Attorney General Launch: October 2003

### Capital Works Projects Underway

#### Warrnambool Court Complex

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

Budget: \$13.5 million

Completion target: September 2004

Progress: All stages of building design complete. Hooker Cockram Builders were the successful contractor appointed following the tender process. The builder commenced on site in April 2003. Work is progressing on schedule with all ground works now complete and pre-cast panel installation commencing.

#### Mildura Court Complex

New four-Court multi jurisdictional complex.

Budget: \$15.22 million

Completion target: September 2004

Progress: All stages of building design complete. SJ Weir Builders were the successful contractor appointed following the tender process. The builder commenced on site in April 2003. Work is progressing with all concrete footings complete. Pre-cast walls have been poured and will be erected in the near future.

#### LaTrobe Valley Court and Police Complex

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

Budget: \$25 million

Completion target: December 2004

Progress: Design completed and project tenders have closed. At the time of writing, the Project Control Group is in the process of assessing the tenders prior to appointing a contractor. 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, Morwell until completion of the project.

## Library & Secretarial Staff

### Minor Works

153 minor works projects were undertaken during the 2002/03 financial year with the more significant projects being the upgrade of the Colac Court, roof replacement at Kerang, installation of new mechanical systems at Korumburra and minor upgrade works at Benalla. The total expenditure on minor works for the financial year was \$362,045.

### Urgent and Essential Works

506 urgent and essential works orders were completed during the financial year at a cost of \$205,926.

## Video Conferencing

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

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

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

The Magistrates' Court, represented by Magistrate Mr Clive Alsop, gave a presentation on *Video Conferencing Technology in Victorian Courts* to the Commonwealth Grants Commission at the Mildura Magistrates' Court on 18 July 2002. The presentation was very well received.

Since 1997, the actual usage of video conferencing has continued to increase each year.

### Magistrates' Court Library

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

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

### Secretarial Staff

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

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

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

# The Magistracy of Victoria

The Magistrates and Coroners of the State of Victoria as at 30 June 2003 were as follows:

## Chief Magistrate

Mr Ian Leslie Gray

## Deputy Chief Magistrates

Mr Brian Stirtevant Barrow (retired March 2003)  
Mr Daniel John Muling  
Ms Jelena Popovic

## State Co-ordinating Magistrate

Mr Paul Douglas Grant

## State Coroner

Mr Graeme Douglas Johnstone

## Deputy State Coroner

Mr Iain Treloar West

## Regional Co-ordinating Magistrates

Dr Kathryn Helen Auty  
Mr Bernard Joseph Coburn  
Ms Jillian Mary Crowe  
Mr John William Doherty  
Mr John Philip Dugdale  
Mr William Paterson Gibb  
Mr Robert Krishnan Ashok Kumar  
Ms Kay Helen Macpherson  
Mr Paul Anthony Smith  
Ms Christine Anne Stewart-Thornton  
Mr Ian Maxwell vonEinem

## Supervising Magistrates

Mr Peter Henry Lauritsen (Civil)  
Ms Lisa Anne Hannan (Criminal)  
Ms Jennifer Anne Benn Goldsbrough (CFV)  
Ms Felicity Anne Broughton (VOCAT)  
Mr Daniel John Muling DCM (IT)

## Magistrates

Mr Henry Clive Alsop  
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  
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

## The Magistracy of Victoria (cont'd)

Ms Catherine Frances Lamble  
Mr Nunzio La Rosa  
Mr Gregory John Zalman Levine  
Mr Keith William Lewis  
Mr Timothy John McDonald  
Mr Ian Thomas McGrane  
Mr Rowan George McIndoe  
Mr Colin Eunan Macleod  
Mr Clive James McPherson  
Mr Lance Ivan Martin  
Ms Anne Jeanette Maughan  
Mr Peter Harry Mealy  
Mr Michael Francis Moloney (retired Nov 2002)  
Mr John Martin Murphy  
Mr John Charles Myers  
Mr William John George O'Day  
Mr Thomas Michael O'Dwyer  
Ms Denise Mary O'Reilly  
Ms Kim Michelle Willmott Parkinson  
Ms Jane Marie Josephine Patrick  
Mr Peter Thomas Power  
Mr Noel Brian Purcell  
Mr Steven Raleigh  
Mr 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  
Ms Wendy Anne Wilmoth (appointed  
County Court Judge April 2003)  
Mr Brian Philip Wynn-Mackenzie

### Acting Magistrates

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

### Appointments

Mr Michael Patrick Coghlan (24 September 2002)  
Mr Nunzio La Rosa (24 September 2002)  
Ms Donna Bakos (24 September 2002)  
Mr Peter Anthony Reardon (29 October 2002)  
Mr Andrew Thomas Capell (8 April 2003)  
Ms Belinda Jane Wallington (8 April 2003)

### Administration

#### Chief Executive Officer

Mr Patrick Armstrong

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

Mr Graeme Horsburgh

## Acknowledgements

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

- Mr Mick Francis, CEO
- Ms Glenda Smith, Project Officer
- Mr Victor Yovanche, Manager, Finance and Administration
- Ms Samantha Adrichem and Ms Kelly Burns, Court Services, DoJ
- Mr Peter Elliott, Computer Programmer
- Ms Lisa Farrell, Chief Magistrate's Chambers
- Mr Barry Bolton, Co-ordinator *After Hours Service*
- Mr Chris Balfour, Manager, Information Technology
- Mr Trevor Ripper, Registrar, PERIN Court
- Ms Jo Beckett, Bail Co-ordinator Melbourne Magistrates' Court

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

## Chapter 5

# FINANCIAL STATEMENT

## Financial Statement for the Year Ending 30 June 2003

	<b>Budget</b>	<b>Actuals</b>
<b>SPECIAL APPROPRIATIONS</b>		
<b>Magistrates' Court of Victoria</b>		
Magistrates' salaries and allowances	20,460,000	20,713,111
<b>Victims of Crime Assistance Tribunal</b>		
Operating expenses	1,515,000	1,562,772
Compensation payments	Note 1 37,100,000	18,011,166
<b>TOTAL SPECIAL APPROPRIATIONS</b>	<b>59,075,000</b>	<b>40,287,049</b>
<b>RECURRENT APPROPRIATIONS</b>		
Salaries, Overtime and Annual Leave	12,438,562	13,414,208
Superannuation	1,280,792	1,270,018
Payroll Tax	865,710	781,410
Fringe Benefits Taxation	5,000	(317,982)
WorkCover	0	1,431
<b>Total Salaries Expenditure</b>	<b>14,590,064</b>	<b>15,149,085</b>
<b>OPERATING EXPENDITURE</b>		
Travel & Personal Expenses	597,312	564,045
Printing, Stationery & Subscriptions	1,107,738	1,140,449
Postage & Communication	650,885	711,957
Contractors and Professional Services	235,724	181,564
Consultants	0	-
Training and Development	244,738	212,913
Motor Vehicle Expenses	780,783	714,229
Operating Expenses	499,957	446,185
Jury, Witness and Award Payments	97,621	109,152
Information Technology Costs	41,959	56,364
Urgent and Essentials	181,500	209,369
Rent and Property Services	912,024	1,109,241
Property Utilities	708,263	625,328
Repairs and Maintenance	440,430	602,871
<b>Total Salaries and Operating Expenditure</b>	<b>21,088,998</b>	<b>21,832,752</b>
<b>REVENUE RETENTION INITIATIVES</b>		
Shortfall in Operating Expenses	500,000	504,799
Children's Court Pre-Hearing	135,000	135,293
Security and Engineering Services	350,000	352,728
Education and Training of Magistrates	150,000	167,293
Court On-line Web Development	Note 4 500,000	501,866
Replacement of Keyboards	Note 4 50,000	50,207
Replacement of Laser Printers	Note 4 90,000	91,651
Rollover of outdated non-SOE PCs	Note 4 220,000	131,206
Coroners Court Case Management System	Note 4 75,000	51,663
<b>Total Revenue Retention Expenditure</b>	<b>2,070,000</b>	<b>1,986,706</b>

		<b>Budget</b>	<b>Actuals</b>
<b>PARALLEL PROGRAMS</b>			
2152 Court Diversion Pilot Project		788,969	727,575
2157 Bail Co-ordinator		236,272	251,015
2166 CREDIT (Children's Court Clinic)		200,000	140,529
2166 CREDIT		1,022,740	786,775
2162 Drug Court		761,946	424,574
2161 Aboriginal Liaison Officer		80,000	83,381
2161 Koori Court		128,155	78,559
<b>Total Parallel Programs Expenditure</b>		<b><u>3,218,082</u></b>	<b><u>2,492,408</u></b>
<b>Total Recurrent Expenditure</b>	Note 6	<b><u>26,377,080</u></b>	<b><u>26,311,866</u></b>
<b>DEPARTMENTAL CONTROLLED EXPENDITURE</b>			
Corporate Card Fees	Note 2	0	166
Bank Fees	Note 2		28,553
Provision for Annual Leave	Note 2		265,934
Provisional LSL	Note 2	319,900	610,601
WorkCover Levy	Note 2	98,600	222,585
Rental Accommodation	Note 2	1,805,120	1,733,241
Government Finance Charge	Note 2, 5	11,164,000	9,926,972
Depreciation – Land & Buildings	Note 2, 3	2,822,000	3,057,153
Amortisation – Land & Buildings	Note 2, 3	303,500	484,564
Depreciation – Plant & Equipment	Note 2, 3	736,000	557,947
<b>Total Departmental Controlled Expenditure</b>		<b><u>17,249,120</u></b>	<b><u>16,887,716</u></b>
<b>CAPITAL EXPENDITURE</b>			
Purchases of Plant & Equipment		334,750	440,247
<b>Total Works &amp; Services</b>		<b><u>334,750</u></b>	<b><u>440,247</u></b>

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

**Note 1:** This figure reflects the amount paid out which differs from the amount awarded by the Tribunal. For details of amounts see the VOCAT Annual Report.

**Note 2:** Items identified as Departmental controlled expenditure are fully funded for the year. Any surplus or deficit outcome for the year has no impact on the Magistrates' Court recurrent budget. Any budget savings achieved in these expenditure items cannot be redeployed to meet other general expenses.

**Note 3:** 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 4:** Included in operating expenses are Retained Court Fees for "one-off" capital expenditure initiatives which were approved during the year.

**Note 5:** The Capital Asset Charge is a charge made by the Department of Treasury and Finance (DTF) as a measure of the cost of Capital that entities have invested in assets under their control. Currently, DTF sends a monthly invoice to Finance for payment. As the Court has no control over funding allocated, the Court's budget is not affected by any surplus or deficit at the financial year's end.

**Note 6:** A budget surplus of \$65,214 was achieved in the recurrent budget for 2002/03 financial year.

**Note 7:** The Magistrates' Court has several Parallel Programs that have been incorporated into the operations of the Court. Although these programs are funded individually, the overall annual funding forms part of the total annual recurrent funding of the Court.

**28 November 2003**

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