

**Statistics of the Magistrates' and  
Children's Courts of Victoria**

**Intervention Order Statistics  
2002/03 to 2006/07**

**Prepared by Courts and Tribunals Unit, Department of Justice**

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## Preface

This report, Victorian Magistrates' and Children's Court Intervention Order Statistics, 2002/03 – 2006/07, is published by Courts and Tribunals Unit, Department of Justice. This is the third publication of intervention order statistics relating to Magistrates' and Children's Courts of Victoria and follows on from the:

- Statistics of the Magistrates' and Children's Courts of Victoria, Intervention Order Statistics, 1994/95 – 2000/01; and
- Statistics of the Magistrates' and Children's Courts of Victoria, Intervention Order Statistics, 1998/99 – 2002/03.

The report presents statistics on complaints for an intervention order finalised in the Magistrates' and Children's Courts of Victoria for the five years from 2002/03 – 2006/07. Statistics on the outcomes of complaints, aggrieved persons, defendants and charges for breach of an intervention order are presented.

I would especially like to thank Nathan Woolhouse, Senior Business Analyst, and Noel Moloney, Manager, in the Court Statistical Services Unit, who have applied their experience and knowledge of court practice to undertake the analysis and interpretation required to produce this report. Their efforts are acknowledged and greatly appreciated.

The Courts and Tribunals Unit is committed to the continual development and distribution of accurate and timely reports to support the courts and the legal profession, and to inform the community of court practices and procedures.

John Griffin

**Executive Director, Courts**

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## Forward from the Chief Magistrate

I welcome the publication of this report, *Victorian Magistrates' and Children's Court Intervention Order Statistics 2002/03 – 2006/07*, published by Courts and Tribunals Unit, Department of Justice. I believe that this report will provide Victorian Magistrates with very useful information about trends in complaints for intervention orders.

I am pleased that Courts and Tribunals Unit, in co-operation with the Magistrates' Court of Victoria, is committed to the ongoing development of statistical information that assists and supports courts, and also informs the community about court outcomes and sentencing.

I gratefully acknowledge the work undertaken by the Court Statistical Services Unit, in particular Nathan Woolhouse, in the preparation of this report.

Ian Gray  
Chief Magistrate, Magistrates' Court of Victoria

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## Acknowledgements

This report was developed by Courts and Tribunals Unit, Department of Justice, in consultation with the Magistrates' and Children's Courts of Victoria.

Staff within the following agencies are thanked for their valuable contributions regarding the development of this report:

- Courts and Tribunals Unit, Department of Justice
- Magistrates' Court of Victoria
- Children's Court of Victoria
- Courtlink, Magistrates' Court of Victoria

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## Executive Summary

This publication presents statistics on complaints for an intervention order finalised in the Magistrates' and Children's Courts from 2002/03 to 2006/07. During the period, the *Magistrates' Court (Family Violence) Act* 2004 and the Victoria Police Code of Practice into dealing with family violence matters by the police were introduced. The amendments to the legislation and introduction of the Victoria Police Code of Practice resulted in changes in the trends of complaints for an intervention order over the reporting period. Noticeable differences occurred primarily between 2003/04 and 2004/05.

### Number of Complaints for an intervention order finalised

Between 2002/03 and 2006/07, the number of complaints for an intervention order finalised in the Magistrates' and Children's Courts of Victoria increased by 26.1% (+5,461 complaints).

The overall increase was driven by an increase in both complaints relating to family members and those relating to non family members. Complaints relating to non family members increased by 13.3% (+750). Complaints of this nature have increased consistently since 1996/97. In contrast, complaints relating to family members were consistent at approximately 15,000 since 1996/97 until 2004/05 when they increased to approximately 19,000 complaints, with a total of just over 20,000 in 2006/07. This increase was driven by the introduction of the Victoria Police Code of Practice into dealing with family violence matters by the police.

### Timeliness

As a result of the increase in the total number of complaints finalised, between 2002/03 and 2006/07, the number of complaints finalised within one month increased by 18.5% (+3,225). However, the proportion of complaints finalised in less than one month of the complaint being made fell from 83.1% to 78.2%. This also resulted in the proportion of complaints finalised between 1 month > 3 months increasing from 12.1% to 14.3% and 3 months > 6 months from 3.0% to 5.0%.

### Complainants

The majority of complaints for an intervention order were made by the aggrieved person themselves, followed by the police. Between 2002/03 and 2006/07, the proportion of total complaints for an intervention order made by police increased significantly from 18.7% to 37.4%. This was mostly driven by the introduction of the Victoria Police Code of Practice.

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## Executive Summary, continued

### Mode of issue of Complaint

Complaints can be initiated through the issuing of a complaint and summons or a complaint and warrant to arrest. Most complaints for an intervention order were issued by a complaint and summons. However, between 2002/03 and 2006/07, the proportion of complaints issued by a complaint and warrant to arrest for an intervention order increased from 16.8% to 25.5%.

### Outcome of complaint

For the period, more than half of all complaints for an intervention order resulted in an intervention order being granted. The proportion of complaints on which orders were granted increased slightly from 52.4% to 54.1%.

Between 2002/03 and 2006/07,

- Of the complaints relating to family members finalised, the proportion that resulted in an intervention order being granted increased from 54.4% to 56.4%.
- Of the complaints relating to non family members finalised, the proportion that resulted in an intervention order being granted increased slightly from 46.8% to 47.0%.

Where an intervention order was not made, the complaint was more often withdrawn by the aggrieved person or struck out due to the aggrieved person failing to appear at Court, rather than being refused by the Court.

### Duration of intervention orders

Between 2002/03 and 2006/07, the majority of intervention orders (76%) were made for a period of up to one year duration. Over the reporting period, the proportion of intervention orders made for a duration of up to one year increased steadily from 68.5% to 81.8% whilst the proportion of orders made for all other time periods decreased consistently.

### Aggrieved persons

Between 2002/03 and 2006/07, the total number of aggrieved persons who had a complaint for an intervention order finalised increased by 45.0% (+12,817). Growth in the number of aggrieved persons seeking an intervention order was driven primarily by the introduction of the *Magistrates' Court (Family Violence) Act* 2004. The legislative changes make it easier to include children as aggrieved persons.

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## **Executive Summary, continued**

### **Relationship between aggrieved persons and defendants**

The relationship between the aggrieved person and defendant was more often recorded as domestic partner / former domestic partner (27.8%). Between 2002/03 and 2006/07, the proportion of aggrieved persons who were recorded as a non family member fell from 28% to 23.6%.

### **Sex of aggrieved persons**

Over the reporting period, the majority of aggrieved persons included in complaints for an intervention order were female (approximately 67%). There was, however, a steady increase in the proportion of aggrieved persons who were male over the reporting period (up from 31.8% to 34.3%).

### **Sex of defendants**

Between 2002/03 and 2006/07, the proportion of male defendants who were the subject of a complaint for an intervention order was consistent at approximately 75%.

Around 81% of defendants to finalised complaints relating to family violence were male. In contrast, the proportion of male defendants to finalised complaints relating to non family members was 60%.

### **Age of aggrieved persons**

Between 2002/03 and 2006/07, the proportion of aggrieved persons who were aged 30 to 39 and 20 to 29 decreased whilst the proportion of aggrieved persons aged less than 15 increased from 22.4% to 31.6%. This is as a result of the legislative changes effecting children as aggrieved persons where children may now become aggrieved persons if they hear or witness family violence.

### **Age of defendants**

Over the reporting period, the majority of defendants to finalised complaints for an intervention order were aged 30 to 39 years, with approximately one in three defendants falling into this age bracket. The second most common age bracket was 20 to 29 years (24.1%). Overall, less than 1% of defendants were aged less than 15 years.

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## **Executive Summary, continued**

### **Applications to extend an intervention order**

Between 2002/03 and 2006/07, the number of applications to extend an intervention order finalised in the Magistrates' and Children's Courts of Victoria varied between 474 and 647 applications, with 596 being finalised in 2006/07. Almost all of these applications (96.3%) resulted in the application to extend an intervention order being granted.

### **Applications to vary an intervention order**

Over the reporting period, there was an 41.0% increase in the number of applications to vary an intervention order finalised (+342 applications). Between 2002/03 and 2006/07, most applications to vary an intervention order were granted (96.0%).

### **Applications to revoke an intervention order**

Between 2002/03 and 2006/07, the number of applications to revoke an intervention order finalised increased by 4.8% (+43 applications) to 2005/06 before a relatively sharp 22.6% decrease (-90 applications) in 2006/07. The proportion of applications to revoke which were granted decreased over the period from 77.2% to 65.7%. Alternatively, the proportion of applications to revoke an intervention order which were varied, rather than revoked, increased from 21.2% to 31.6%.

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## Executive Summary, continued

### Breach of an intervention order

Between 2002/03 and 2006/07, the number of charges finalised for breaching an intervention order (s. 22 *Crimes (Family Violence) Act* 1987) in the Magistrates' Court of Victoria increased from 4,167 to 5,635 (increase of 35.2%). The majority of these charges were found proven (72.0%).

Of the charges proven, the most common sentencing outcome was a sentence with conviction (73.6%). Approximately 24% of charges proven attracted a sentence and no conviction, and approximately 3% of charges proven were dismissed / discharged.

Of the charges proven that resulted in a sentence being handed down, the majority attracted a non-custodial sentence (82%) and the most common non custodial sentence was a fine (30.1%).

Between 2002/03 and 2006/07, the number of charges proven for breach of an intervention order that resulted in a custodial sentence being handed down increased by 32% (+168).

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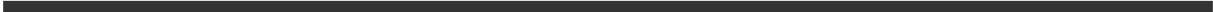
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