

Remarks of the Hon Marilyn Warren AC Chief Justice of Victoria

Launch of the Children's Court Bench Book

Judicial College of Victoria

27 February 2017

Children and young people are the 'tomorrow' of our society. The future of children and young people is in the top order of Social priorities. That priority is very, very high for judges and magistrates.

Dramatic change occurred with the establishment of the Children's Court as we now know it and the creation and elevation of the position of President at the level of a County Court judge to head the Court. We now have, in Victoria, an outstanding Children's Court operating in custom designed buildings in Melbourne and Broadmeadows. The Children's Court has been a national leader in terms of the protection and rehabilitation of children particularly as demonstrated by its Koori Court and the Education and Justice Initiative.

The Children's Court and its jurisdiction essentially sit under the *Children Youth and Families Act*. There are a number of essential things that a judge or magistrate must consider when dealing with children and young offenders. These matters are often forgotten. Broadly speaking they are:

- the need to strengthen and preserve the relationship between the child and the child's family;
- the desirability of allowing the child to live at home and allowing the child's education, training or development to continue without interruption or disturbance;
- the need to minimise stigma;
- if appropriate, making the child understand his or her responsibility for offending; and
- if appropriate, the protection of the community.

These statutory principles largely incorporate the principles set out in the Convention on the Rights of the Child.

Those of us working in the courts have observed in recent times an increase in Children's Court related matters. For example, in the Supreme Court we have seen a number of applications by children for bail, children sentenced on homicide counts and, also, matters where children seek judicial review of government decisions relating to children in custody.

It is essential as judicial officers that we comprehend the differences in dealing with matters concerned with children and young offenders and the distinctive role of the Children's Court.

The Judicial College of Victoria has a very important role to play in supporting the educational development of the Victorian judiciary. It also plays a role in increasing the awareness of the profession and the community in understanding the work of the courts. Hence, this afternoon provides a twofold occasion. A vital education tool is being launched that will assist both the judiciary and the profession. It will also provide an aide to the community to better understand the Children's Court. Hence, the timing of the Bench Book is excellent as it raises knowledge and awareness of the special protective function of the Court.

The media are now taking an intense interest in the work of the Children's Court. It is not unusual each day for representatives of the media to be present observing the sittings of the Children's Court. Largely the community is only informed in the media about matters where it, the media, disagrees with the disposition or where for some reason the disposition is otherwise regarded as controversial. That said, the Children's Court does an enormous amount of good for our society. The Children's Court Bench Book by its very list of contents outlining the operation of the Court, demonstrates why this is so. Media -> Bench Book.

Hence, for example, when it comes to sentencing the Children's Court is bound to apply the principles I listed earlier with their focus on family, education, responsibility and protection.

A few months ago my colleague, Justice Lasry in sentencing an individual, Price, for the murder of an innocent young woman who was a complete stranger lamented that:

The Executive government, through whichever instrumentality was appropriate, has both failed to treat you and, as these terrible crimes demonstrate, failed to protect the community from the danger you dearly posed with tragic results.

We cannot help but think that had there been an intervention in the childhood of that individual then perhaps his life would have turned out very differently and his vile offending avoided.

This is where the Children's Court plays such a critical role in the protection and rehabilitation of children and youth.

As Chair of the Judicial College it is a matter of immense pride that the Children's Court Bench Book is being launched today.