

Specialist Courts & Mainstream Court Support Programs

MAINSTREAM COURT LIST PROGRAMS:

Navigation and Triage Pilot:

Navigation and Triage is a pilot program currently available at Melbourne and Sunshine Magistrates' Courts. Navigators do timely assessments of issues and provide advice, verbally or by way of a brief written Navigation Plan, to judiciary, lawyers, prosecutors, court staff and people before the court on the best support pathway. The plan may include recommendations for one off referrals to community-based emergency housing, mental health and alcohol and other drug services, as well as advice about referral pathways to MCV mainstream court support programs or Specialist Courts.

Navigation can provide support on the day but work best when they are notified ahead of the court date to get things in place prior to court.

The Melbourne Navigation team have Koori Support Practitioners who can provide cultural support and referrals for Aboriginal and Torres Strait Islander people attending court.

Referrals

Referrals can be made in person or via MCVNavTriage@courts.vic.gov.au.

Diversion Program

Available at all courts, the Diversion Program for criminal matters operates under section 59 of the *Criminal Procedure Act*. To be eligible, Victoria Police must be recommending diversion and then a magistrate must find a person suitable for diversion. While a diversion is aimed at first time offenders, it does not exclude someone with prior convictions. However, a judicial officer may take prior convictions into consideration when determining the suitability of a diversion.

If a person is found suitable for diversion by the magistrate, the person enters into a diversion plan. Such a plan can be wide ranging and commonly involves conditions such as paying restitution to a victim, writing a letter of apology, donating to a charity or participation in supports/treatment to reduce the likelihood of reoffending.

Upon successful completion of a diversion plan the matter is marked discharged and the person does not have a criminal record for this matter.

Court Integrated Services Program (CISP)

CISP is available at [20 locations state-wide](#). It is a 3-4 month bail or pre-sentence (deferral of sentence) program which aims to reduce the likelihood of people re-offending by assisting them to access support services.

The CISP program works with a combination of assessment, development of a support program, connection to community services, meeting regularly with a Court employed case manager and appearing regularly in court before a magistrate to motivate behaviour change and increase accountability.

CISP workers at each site can also provide one off referrals to community services.

Eligibility

The accused is

- charged with an offence;
- experiencing mental health issues, drug or alcohol issues, disability, homelessness and/or lack of support; and
- consents to CISP involvement.

Referral

- A referral form – [an online form or PDF form](#) - must be completed and submitted to the site CISP team.
- Lawyer referrals for assessments that day are to be completed and submitted by 10am (except for new first remands).
- If a person is in custody, they can be assessed for the CISP program via the CROP (CISP Remand Outreach Program) workers. The referral process is the same, assessments are completed by the CROP team who work out of the prisons.
- In Melbourne only, CISP in the indictable crime stream provides case management that can continue after person is committed to the County Court. In other indictable crime stream locations CISP as usual operates.

Family Violence Supports

[Family Violence Applicant/Respondent Practitioners](#) undertake family violence risk assessments, provide expert advice to the judiciary and other agencies involved in the family violence courts and link protected persons and respondents to support programs.

[LGBTIQ+ Family Violence Applicant/Respondent Practitioners](#) are also available to support the delivery of a professional, non-discriminatory, accessible response to family violence. LGBTIQ+ FV Practitioners promote trust and understanding between the Victorian Courts and LGBTIQ+ communities ensuring confidence in a fair and equitable court response. The LGBTIQ+

FV Practitioners are based at the Neighbourhood Justice Centre. There are outreach components to other Melbourne metropolitan Courts with an ability to provide secondary consults to remote Courts within the Victorian region.

[Umalek Balit, Koori Family Violence program](#) is a culturally safe and relevant program for Aboriginal and Torres Strait Islander families who come to specific MCV locations (Melbourne, Mildura, Shepparton, Ballarat and Heidelberg) for family violence related proceedings. It offers support, information and referrals to Aboriginal and Torres Strait Islander families. Umalek Balit includes a Koori Women's and Men's Family Violence Practitioner. Please note, for courts where this program isn't located, Umalek Balit is available to provide advice and referrals via the family violence registrar or FV practitioners.

[CISP \(see above\)](#) is also available for accused persons or offenders appearing in the criminal lists of the Specialist Family Violence Courts and is particularly useful if there are co-occurring issues that may heighten the risk of family violence such as substance use, unmanaged mental health or disability.

Mainstream Court Supports provided by partner agencies:

Forensicare Mental Health Advice and Response Service (MHARS)

MHARS clinicians are available at all Headquarter Courts. MHARS supports people involved in the court system who need mental health advice, treatment or support. With the help of an experienced mental health clinician, the program helps court users:

- With an existing mental illness
- Who require mental health treatment and support
- Who present with possible mental illness symptoms

They assist courts users and courts by:

- Identifying people with a mental illness
- Providing mental state assessments and court reports to support informed judicial decisions to reduce delays in court proceedings and remands
- Providing advice on diverting clients from the judicial system (if possible) through mental health legislation
- Establishing links to mental health providers for court users as required to support early intervention
- Providing specialist clinical mental health advice to judges and correctional services to ensure appropriate mental health interventions for people who are in custody.
- Referring people to appropriate services for further testing and treatment if necessary (as listed under the *Mental Health Act 2014*)
- Liaising with public and private service providers, facilitating streamlined inter-agency collaboration

- Screening and assess people being considered for a community-based order who may not have a documented or self-reported mental illness

For more information see: <https://www.forensicare.vic.gov.au/our-services/community-forensic-mental-health-services/court-mental-health-response-service/>

Court Network

Court Network is a frontline community organisation that enables court users to better understand and navigate the court system in Victoria. Court Network volunteers provide non-legal support, information and appropriate referrals to other services, such as family violence services, victim support, housing, mental health and community legal centres. Court Network's core services are grounded in three key service elements – support, information and referral – delivered before, during and after court. <https://courtnetwork.com.au/>

SPECIALIST COURTS:

Koori Court

Koori Court is established by section 4D of the *Magistrates' Court Act 1989* (**MCA**) and is available at 17 locations. It is a culturally appropriate sentencing court for Aboriginal and Torres Strait Islander people whose matters have resolved to a plea of guilty. The Koori Court facilitates conversations with the defendant, their family and lawyer sitting around a table, directly engaging with Koori Court Elders and Respected People, the magistrate, Victoria Police, Corrections and a Koori Court Officer to address underlying issues which may have led to the offending. A person appearing in Koori Court can also be supported by Navigation (Melbourne and Sunshine) and CISP (see above) to assist to link them with support services.

Eligibility (MCA s 4F)

- Accused is Aboriginal (definition available in s 3 MCA);
- Non-sexual offence as defined under s 6B of the *Sentencing Act 1991* (**SA**);
- Accused consents; and
- Offences can include a contravention of sentence imposed by the MCV (ss 4E and 4EA MCA).

Referral

A [Koori Court referral form](#) must be completed and filed with the relevant MCV before a Koori Court Officer can start work on the case. Please see [Listing of matters in the Magistrates' Court Koori Court - Practice Direction No. 11 of 2022](#).

Assessment and Referral Court (ARC)

ARC is established by section 4S of the MCA and is available at nine locations with further expansion to all headquarter courts underway. For eligible postcodes see [here](#).

ARC is a specialist therapeutic and solution-focused court designed to ensure access to justice and improved outcomes for accused individuals who have a mental illness and/or cognitive impairment such as intellectual disability, autism and brain injury.

To participate in ARC an accused person must usually be on bail. A referral may be made to ARC while a person is in custody, if it is likely that they will be released into the community. The CISP program can sometimes provide a pathway from custody to bail and while matters resolve to likely pleas of guilty. Once in ARC, a case manager is allocated and an individual support plan is developed, and case managers work with the person to link them with community supports that are then overseen by a magistrate at regular review hearings.

Eligibility

To be eligible for ARC, a participant must meet the diagnostic and functional criteria (s 4T MCA).

Diagnostic criteria

Diagnosed with a mental illness; an intellectual disability; an acquired brain injury; autism spectrum disorder; or a neurological impairment including, but not limited to dementia.

Functional criteria - the diagnosis causes a substantially reduced capacity in at least one area of:

- self-care;
- self-management; or
- social interaction and/or communication.

Needs/Benefit Criteria (s 4Y MCA)

The accused will likely benefit from receiving coordinated services in accordance with an individual support plan.

Referral

An [Assessment and Referral Court \(ARC\) Referral Form](#) (for the relevant court) – an online form or PDF – is completed and submitted to the ARC Coordinator at the relevant court. The referral should include proof of diagnosis or details of a reasonable basis for a diagnosis (to enable further assessment) and information about support services.

The lawyer may consult with the ARC team leader about the criteria. A recommendation about eligibility is made to the magistrate by the team leader. The magistrate makes the decision about accepting a participant into ARC, and their suitability.

Drug Court:

Drug Court is established by section 4A of the MCA and sits in four locations. To identify location eligibility see [here](#).

The Drug Court provides offenders with a drug and/or alcohol dependency the option to serve a sentence of imprisonment in the community under a drug and alcohol treatment order (**DATO**). The intensive, integrated drug treatment program is judicially supervised and provides a therapeutic response to address the underlying causes of drug addiction. Structured to promote honesty, accountability and a change in participants' behaviour, DATO non-compliance attracts swift and significant consequences, including the imposition of jail sanctions.

Sections 18X to 18ZF of the SA set out the process for imposing and administering a DATO.

Eligibility (s 18Z SA)

- On the balance of probabilities, the court is satisfied that the accused is dependent on drugs and/or alcohol and dependency contributed to the offence;
- Lives within an area serviced by the Drug Court. The accused's usual place of residence must be within a [DC postcode area](#) or the person is homeless and the magistrate deems the referral appropriate;
- Be pleading guilty to the offence(s);
- Be facing an immediate term of imprisonment not more than two years;
- Not have committed a sexual offence (s 6B SA) or an offence involving the infliction of actual bodily harm. The Drug Court magistrate may make a DATO where the offence involved the infliction of actual bodily harm if it is satisfied that the harm was of a minor nature;
- Not be on parole, a combined custody and treatment order or sentencing order of the County/ Supreme Court; and
- Consents to the order.

Referral

Once the matter has been resolved to a plea of guilty, the accused (or their representative) must speak to the Drug Court Registrar to book a screening hearing. Once this has been booked, the [Request to Access Drug Court form](#) must be returned within two business days.

Neighbourhood Justice Centre:

The Neighbourhood Justice Centre (**NJC**) was established by section 4M of the MCA. The NJC specialises in using highly tailored justice services to improve public safety; as well as to identify and address the underlying issues that have brought a person before the Court.

Eligibility (s 40 MCA)

- Must live in the City of Yarra (s 4N MCA); or
- A homeless person who is alleged to have committed the offence in the City of Yarra; or
- A homeless person who is living in crisis accommodation, transitional accommodation or any other accommodation provided under the *Supported Accommodation Assistance Act 1994*; or
- An Aboriginal person (including non-City of Yarra residents who can demonstrate a close connection to the City of Yarra) and is alleged to have committed the offence in the City of Yarra; and
- the matter is not a committal proceeding or an offence under s 6B SA.

Referral

- A matter may be transferred to the NJC whether sitting at the same or a different venue (s 4P MCA).
- If the accused is eligible for the NJC please contact the NJC Registrar.

**FOR INFORMATION ABOUT MCV COURT SUPPORTS & SPECIALIST COURTS
SEE WWW.MCV.GOV.AU**