

# Children's Court of Victoria Celebrates its Centenary — and a Baton Change

On Friday 21 April 2006, at a function attended by many members of the judiciary, the Bar, solicitors and government officers, the Children's Court of Victoria celebrated 100 years since its inception in 1906. It marked the occasion by:

*launching an exhibition* — made possible by the generosity of the Law Foundation of Victoria — of documents, artefacts, photo-graphs, archival and historical material and memorabilia of and about the Children's Court spanning the past 100 years;

*announcing the retirement* of the outgoing inaugural President of the Children's Court, Judge Jennifer Coate

and the appointment of its next President, Judge Paul Grant;

*exhibiting and displaying* an array of materials to be placed in a time capsule in the Court's foyer to be opened in 100 year's time; and

*announcing* that the school that won the time capsule competition was Shelford Girls' Grammar (the school had created and produced a video about the operations of the court to be placed in the time capsule).

In honour of the centenary celebrations and to formally launch the centenary exhibition, special guest Attorney-General Rob Hulls gave the following address.

**T**HIS jurisdiction touches the face of human frailty in almost all its forms. In dealing, as it does every day, with the extremities of human experience and their effects on the truly vulnerable, this court has a rare and precious opportunity — the capacity, in a small way, to make good our promise to the next generation.

In a perfect world, of course, we wouldn't need a Children's Court. In a perfect world all children would live free from the long-term poverty, social exclusion, relationship breakdown, family violence, substance abuse, mental illness and disabilities which extract such a heavy toll on families and their most treasured charges.

As long as children need to come before this court, however, it is upon us to ensure that they are treated with compassion and in a way that returns to them their opportunity to be children, their opportunity



*Attorney-General Rob Hulls.*

to greet each day in hope, security and innocence. This court is entrusted with a weighty responsibility, and today we can celebrate the fact that it is meeting this obligation better than ever before.

Because of the importance with which the Government views this jurisdiction, when we first came to office we established the Court, until that time a division of the Magistrates' Court, as an independent court. In doing so, we also provided that it be headed by a County Court judge, to be known as the President of the Children's Court of Victoria.

The Court's recent history has been marked by diligence, integrity and imagination, and all who have been involved in its operation over the last few decades should be very proud indeed. This exhibition, however, put together by the Victorian Law Foundation and commemorating the Court's centenary, shows us that these



*An enthusiastic crowd of well-wishers at the Children's Court Centenary celebrations.*

qualities have not always been present as the jurisdiction has struggled with changing attitudes about poverty, disadvantage, and the very nature of childhood itself.

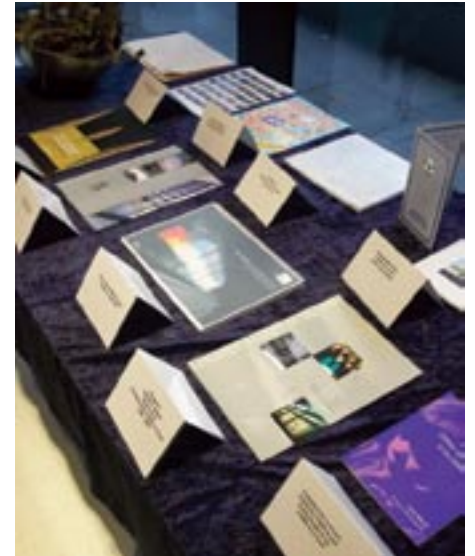
The exhibits around us are at once sad and uplifting. The concept of childhood was only just emerging at the time this jurisdiction was created and, as this exhibition indicates, before 1906 children were dealt with in adult courts, using the same procedures and often penalties as those meted out to adults. The establishment of a Children's Court, then, was the first step in recognising that youth and consequent lack of power and legal standing meant that children needed care and protection.

We could be forgiven for assuming that this brought an end to the horrendous punishment routinely meted out to children whose only offence may have been begging. It is chilling, then, to read that:

From 1906, when a child was found guilty of an offence, the Children's Court had the power to ... order that the child be whipped ... [to] be done by a constable, parent or guardian no more than three times with a cane.

It is just as sobering to remember that, until the 1960s, believe it or not, the official definition of neglect criminalised children who were simply orphaned, receiving charity or simply deemed to be "uncontrollable". As this exhibition recounts:

Police dealt with neglected children in the same way as they dealt with children committing crimes. Often, police would ... arrest the child on the street. Sometimes bystanders or even the child's parents would report the child ... The police did not need a warrant to arrest a child. The child would be charged with being "neglected" or "uncontrollable".



*Time capsule contents.*

For the child, this often ended not only in a conviction but in being placed in the care of the state in a children's home or industrial school.

This is, on the face of it, unimaginable to us. Everyone here, whether as professionals or simply as parents, would struggle to fathom how any civil society could conduct itself in this way. Yet it is a phenomenon with which one sector of the population is only too familiar.

The business between Indigenous and non-Indigenous Australia remains unfinished and it is to our collective shame that the establishment of this Court initially did little to ensure fairer decisions about removing Koori children from their families, many being placed in dismal circumstances in reformatories and industrial schools. As the exhibition recounts:

Aboriginal children being taken by police... would be charged before [this] court with being ... neglected and in need of protection and custody. This continued until 1985, [while] before the 1960s, Aboriginal children often appeared ... without legal representation.

We owe, as a nation, an enormous apology to the Indigenous children of yesterday — to those who have grown up swimming in grief and who, as adults, still carry their quiet despair. I am proud, therefore, that we have now established the Children's Koori Court to show compassion and respect to the Indigenous children of today and tomorrow: a court that follows in the footsteps of four grown-up and successful cousins and which I hope will go some way to



*Minister for Children Cheryl Garbutt receives a DVD to be placed in the time capsule from Shelford Girl's Grammar students Kylie Dolan, Francesca Kopeman and Molly Scanlon.*

steering the burgeoning number of Indigenous young people away from the criminal justice system and towards community, hope and home.

This latest development in the Children's Court story shows how far we have come collectively over the past century, and how optimistic we can be about our future.

One of the sources of this optimism, of course, is to be found in the people who contribute to the functioning of this Court and I would like to pay tribute to those groups and individuals: officers from Juvenile Justice; members of the Salvation Army and Court Network who provide invaluable information, advice and support services; Victoria Legal Aid whose duty lawyers serve their clients so diligently; and the interpreters who make sure that the court's proceedings are accessible to all.

It is also my privilege, of course, to thank Judge Jennifer Coate for her magnificent contribution as first President. Judge Coate has served in this jurisdiction since 1995, first as Senior Magistrate, then Deputy Chief Magistrate and, since 2000, has been an exemplary first President.

She has presided over enormous change, from computerisation; the development of judicial and community education programs and guidelines for professionals; and the increase of the age of the court's jurisdiction to 18 years under this Government's reforms; to a



*Newly appointed President of the Children's Court, Paul Grant.*

range of initiatives which have made the jurisdiction far more effective, accessible and welcoming for those it is designed to help.

Judge Coate is someone with outstanding judicial ability who has acted as superb representative of the Court and a powerful advocate for those who lack the capacity to advocate for themselves. She returns to the County Court to expand her judicial experience and, on behalf of all Victorians, I thank her enormously for her unparalleled contribution.

It is also my great pleasure today to welcome Paul Grant, who as you know, was announced this week as incoming

President. Paul will bring immeasurable skills, intelligence and compassion to his position and I look forward to the next successful chapter in the Children's Court story on Paul's watch, charged as he is with this crucial responsibility.

There is, quite simply, nothing more important than the opportunities we give our children, and the energy and the faith we invest in the early years of life.

There is a familiar saying that it takes a village to raise a child and, at the dawn of its second century, this Court can and must be a symbol of how we want to raise those who have no choice but to invest their trust in us — of how we accept our obligation to vindicate this trust. In declaring this exhibition open, then, I wish this Court and, more importantly, all who come through its doors a bright, happy and promising future.

The exhibition of the centenary of the Children's Court was exhibited in Bendigo from Law week until 16 June but returns thereafter to the foyer of the Children's Court until at least the end of the year. Members of the public and any interested practitioners are encouraged to view the exhibition of documents and memorabilia over the next six months, after which the exhibition may tour to other provincial centres within Victoria.

A welcome to His Honour Judge Paul Grant appears elsewhere in this issue of *Bar News*.