

Children's Well-Being: Indicators and Research 7

Rosemary Sheehan
Allan Borowski *Editors*

Australia's Children's Courts Today and Tomorrow

 Springer

Rosemary Sheehan • Allan Borowski
Editors

Australia's Children's Courts Today and Tomorrow



Editors

Rosemary Sheehan
Department of Social Work
Monash University, Victoria, Australia

Allan Borowski
School of Social Work
and Social Policy
La Trobe University, Victoria, Australia

ISSN 1879-5196
ISBN 978-94-007-5927-5
DOI 10.1007/978-94-007-5928-2
Springer Dordrecht Heidelberg New York London

ISSN 1879-520X (electronic)
ISBN 978-94-007-5928-2 (eBook)

Library of Congress Control Number: 2013932341

© Springer Science+Business Media Dordrecht 2013

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed. Exempted from this legal reservation are brief excerpts in connection with reviews or scholarly analysis or material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work. Duplication of this publication or parts thereof is permitted only under the provisions of the Copyright Law of the Publisher's location, in its current version, and permission for use must always be obtained from Springer. Permissions for use may be obtained through RightsLink at the Copyright Clearance Center. Violations are liable to prosecution under the respective Copyright Law.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

While the advice and information in this book are believed to be true and accurate at the date of publication, neither the authors nor the editors nor the publisher can accept any legal responsibility for any errors or omissions that may be made. The publisher makes no warranty, express or implied, with respect to the material contained herein.

Printed on acid-free paper

Springer is part of Springer Science+Business Media (www.springer.com)

Australia's Children's Courts Today and Tomorrow

Children's Well-Being: Indicators and Research Series

Volume 7

Series Editor:

ASHER BEN-ARIEH

Paul Baerwald School of Social Work & Social Welfare, The Hebrew University of Jerusalem

Editorial Board:

J. LAWRENCE ABER

New York University, USA

JONATHAN BRADSHAW

University of York, U.K.

FERRAN CASAS

University of Girona, Spain

ICK-JOONG CHUNG

Duksung Women's University, Seoul, Korea

HOWARD DUBOWITZ

University of Maryland Baltimore, USA

IVAR FRONES

University of Oslo, Norway

FRANK FURSTENBERG

University of Pennsylvania, Philadelphia, USA

ROBBIE GILLIGAN

Trinity College, Dublin, Ireland

ROBERT M. GOERGE

University of Chicago, USA

IAN GOUGH

University of Bath, U.K.

AN-MAGRITT JENSEN

Norwegian University of Science and Technology, Trondheim, Norway

SHEILA B. KAMERMAN

Columbia University, New York, USA

JILL E. KORBIN

Case Western Reserve University, Cleveland, USA

DAGMAR KUTSAR

University of Tartu, Estonia

KEN LAND

Duke University, Durham, USA

BONG JOO LEE

Seoul National University, Seoul, Korea

JAN MASON

University of Western Sydney, Australia

KRISTIN A. MOORE

Child Trends, Washington, USA

BERNHARD NAUCK

Chemnitz University of Technology, Germany

USHA S. NAYAR

Tata Institute, Mumbai, India

WILLIAM O'HARE

Kids Counts project, Annie E. Casey

Foundation, Baltimore, USA

SHELLY PHIPPS

Dalhousie University, Halifax, Nova

Scotia, Canada

JACKIE SANDERS

Massey University, Palmerston North, New Zealand

GIOVANNI SGRITTA

University of Rome, Italy

THOMAS S. WEISNER

University of California, Los Angeles, USA

HELMUT WINTESBERGER

University of Vienna, Austria

This new series focuses on the subject of measurements and indicators of children's well being and their usage, within multiple domains and in diverse cultures. More specifically, the series seeks to present measures and data resources, analysis of data, exploration of theoretical issues, and information about the status of children, as well as the implementation of this information in policy and practice. By doing so it aims to explore how child indicators can be used to improve the development and the well being of children.

With an international perspective the series will provide a unique applied perspective, by bringing in a variety of analytical models, varied perspectives, and a variety of social policy regimes.

Children's Well-Being: Indicators and Research will be unique and exclusive in the field of measures and indicators of children's lives and will be a source of high quality, policy impact and rigorous scientific papers.

For further volumes:

<http://www.springer.com/series/8162>

Preface and Acknowledgments

The Children's Court is a critical social institution, deciding important social and legal issues relating to children and families. It is one of society's major means of holding parents accountable for the care and protection of their children and keeping them free from harm and of holding children accountable for their behaviour. There is a strongly held belief that this Court is an effective method of transforming the treatment of children by their parents or carers and of influencing the future behaviour of both criminal defendants and potential young offenders in the community.

The Children's Courts occupy a unique position in child welfare and juvenile justice in Australia given their authority to determine what is in the child's best interests. Both in Australia and overseas, there are philosophical and structural shifts which suggest that how the community and the legal system respond to vulnerable children and their families is ineffective and is contributing to longer-term problems that create social and economic challenges to governments and communities alike. Across Australia, the states and territories have looked to different ways to respond to these challenges. The idea for this book came from the findings of the first national study undertaken in Australia that both examined the operation of Children's Courts and sought the voices of key professionals – particularly judicial officers – about the current and future challenges faced by the child welfare and youth justice jurisdictions in Australia. Significantly, the study was funded by the Australian Research Council (Discovery Projects DP0987175 2009–11: awarded to Allan Borowski and Rosemary Sheehan). The study is significant as no previous effort has been made to 'assess' the Children's Court on a national basis. This book offers a unique contribution to potentially informing social policy responses to children and families who are often on the margins of Australian society.

This book was made possible by the generous support provided by Springer and their Social Sciences Division, whose interest in welfare and social policy matters encourages the kind of research and debate found in this book. Our thanks go to National Advisory Group who provided advice about aspects of the study's direction and implementation: Professor Arie Freiberg (Dean, Faculty of Law, Monash University), Professor Terry Carney (Professor of Law, University of Sydney), Judge Paul Grant (President, Children's Court of Victoria), Associate Professor

Helen Rhoades (University of Melbourne Law School), Magistrate David Fanning (Neighbourhood Justice Centre, Melbourne) and Andrew McGregor (Solicitor, Children's Court of Victoria). Grateful thanks go to all those who contributed to the writing of the book, providing a unique cross-sectoral perspective on the role and functioning of Children's Courts as they determine how best to deal with the individual needs and community expectations that underpin children in need of protection and youth offending.

Rosemary Sheehan
Allan Borowski

Contributors

Jane Bolitho School of Social Sciences, University of New South Wales, Sydney, NSW, Australia

Allan Borowski School of Social Work and Social Policy, Faculty of Health Sciences, La Trobe University, Melbourne, VIC, Australia

Peter Camilleri School of Social Work, Australian Catholic University, Canberra, ACT, Australia

Judy Cashmore Sydney Law School, University of Sydney, Sydney, NSW, Australia

Brenda Clare Discipline of Social Work and Social Policy, University of Western Australia, Crawley, Perth, WA, Australia

Joseph Clare Crime Research Centre, School of Law, University of Western Australia, Crawley, Perth, WA, Australia

Mike Clare Crime Research Centre, School of Law, University of Western Australia, Crawley, Perth, WA, Australia

Marie Connolly Department of Social Work, School of Health Sciences, University of Melbourne, Parkville, VIC, Australia

Andrew Day School of Psychology, University of Adelaide, Geelong, VIC, Australia

Paul Delfabbro School of Psychology, University of Adelaide, Adelaide, SA, Australia

Elizabeth Fernandez School of Social Sciences, University of New South Wales, Sydney, NSW, Australia

Patricia Hansen School of Social Work, Australian Catholic University, Strathfield, NSW, Australia

David Heath Department of Social Work and Community Studies, Charles Darwin University, Darwin, NT, Australia

Myvanwy Hudson School of Social Sciences, University of New South Wales, Sydney, NSW, Australia

Daniel King School of Psychology, University of Adelaide, Adelaide, SA, Australia

Morag McArthur Institute of Child Protection Studies, Australian Catholic University, Canberra, ACT, Australia

Michael McKinnon School of Sociology and Social Work, University of Tasmania, Hobart, Tasmania, Australia

Paul Mazerolle Professor and Pro Vice Chancellor (Arts, Education and Law), Griffith University, Queensland, Australia

Rosemary Sheehan Department of Social Work, Monash University, Caulfield, VIC, Australia

Caroline Spiranovic Crime Research Centre, Faculty of Law, University of Western Australia, Crawley, Australia

Lorraine Thomson Institute of Child Protection Studies, Australian Catholic University, Canberra, ACT, Australia

Clare Tilbury School of Human Services and Social Work, Griffith University, Queensland, Australia

Max Travers School of Sociology and Social Work, University of Tasmania, Hobart, Tasmania, Australia

Deborah West Director of Education and Training Development, Charles Darwin University, Darwin, NT, Australia

Rob White School of Sociology and Social Work, University of Tasmania, Hobart, Tasmania, Australia

Contents

1 Introduction: Australia’s Children’s Courts – The Study and Its Context.....	1
Rosemary Sheehan	

Part I The Mandate of the Children’s Court

2 The Childrens Court in the Australian Capital Territory.....	9
Peter Camilleri, Lorraine Thomson, and Morag McArthur	
3 The Children’s Court in New South Wales.....	27
Elizabeth Fernandez, Jane Bolitho, Patricia Hansen, and Myvanwy Hudson	
4 Youth Justice, Child Protection and the Role of the Youth Courts in the Northern Territory	45
Deborah West and David Heath	
5 The Children’s Court in Queensland: Where to from Here?	65
Clare Tilbury and Paul Mazerolle	
6 The Children’s Court of South Australia.....	85
Daniel King, Andrew Day, and Paul Delfabbro	
7 The Children’s Court in Tasmania.....	103
Max Travers, Rob White, and Michael McKinnon	
8 The Children’s Court of Victoria	123
Allan Borowski and Rosemary Sheehan	
9 Youth Justice and Child Protection: The Children’s Court in Western Australia	143
Caroline Spiranovic, Joseph Clare, Mike Clare, and Brenda Clare	

Part II Australia in the International Context

**10 A Portrait of Australia’s Children’s Courts:
Findings of a National Assessment 165**
Allan Borowski

11 Care and Protection: Australia and the International Context 187
Marie Connolly

**12 Juvenile Justice: Australian Court Responses
Situated in the International Context 197**
Judy Cashmore

About the Authors..... 209

Index..... 213

Chapter 1

Introduction: Australia's Children's Courts – The Study and Its Context

Rosemary Sheehan

Abstract This chapter introduces this first Australian study undertaken of Children's Courts which comprehensively analyses the core business of the Children's Court in each of Australia's eight child welfare and juvenile justice jurisdictions. It presents judicial officers' and key stakeholders' perspectives of the contemporary status of, and current challenges faced by, Australia's Children's Courts and identifies what reforms they believe might be necessary and feasible to respond to these challenges and their degree of support for any such reforms. The chapter outlines how Children's Courts in Australia have become specialised courts with an exclusive jurisdiction. Child welfare legislation has been established that provides the legal parameters for child protection intervention and the statutory framework to respond to children in need of care and protection. However, the adversarial system which underpins the Children's Court is seen as less amenable to the multidisciplinary approaches and welfare role of the Children's Court, which feature in many US and European jurisdictions. The nexus between child protection and juvenile justice systems, with young people moving from state care to state custody, is noted by this study and remains a challenge for Children's Courts. The juvenile justice domain of the Children's Court and patterns of youth offending are compared with international trends and what approaches these might offer to Australia's Children's Courts. What is clear from the Australian study is that child maltreatment and youth offending continue to be significant social problems and challenge judicial decision-makers and others responding to the complex needs these problems create.

Keywords Research study • Legislation • Judicial officers • Child protection • Juvenile offending

R. Sheehan (✉)
Department of Social Work, Monash University,
Caulfield 3145, VIC, Australia
e-mail: Rosemary.Sheehan@monash.edu

1.1 Introduction

Australian governments have varied in their enthusiasm about being involved in the well-being of children and young people (Picton and Boss 1981: 21). In the first half of the nineteenth century, responses to children who lived in socially unacceptable conditions were confined to founding orphanages and asylums. As far as young offenders were concerned, they were dealt with in the same courts as adults and were often sentenced to prison. The first dedicated Children's Court was established in South Australia in 1895 (Daly 1999) to deal with minor offences. Deviant child behaviour was generally attributed to poverty, destitution, abandonment by parents and incompetent or abusive parenting, and the court's remit was to aim for better care rather than prison for these children (Liverani 2005). Over the years, Australia's Children's Courts have assumed responsibility for handling both juvenile crime and child abuse and neglect cases.

1.2 Australia's Children's Courts

Children's Courts in Australia have become specialised courts with an exclusive jurisdiction. They balance the many conflicting social demands including advancing the best interests of the child, punishment, rehabilitation and buttressing legitimate adult authority. They regularly deal with individuals and their families whose social and economic deprivation is very often associated with their appearance in court (Roach Anleu and Mack 1997). Each of the six states and two territories in Australia has its own child welfare legislation that establishes the legal parameters for child protection intervention and the statutory framework to respond to children in need of care and protection. Children's Courts across Australia differ in approaches to child protection matters, although common to all is the adversarial framework of the justice system. Various states have incorporated family decision-making principles into child protection legislation and introduced alternative dispute resolution, to better accommodate welfare and legal concerns and address the unhelpful distance the adversarial approach creates between these (Seymour 2005).

The difference between enquiry-based and adversarial systems is perhaps the most significant difference in the legal framework of child protection systems in Australia, New Zealand, the UK and Western Europe. Most Western European child welfare systems, including England and Scotland, use the legal system as a last resort. There is considerable emphasis on informal discussions between parents and welfare and legal decision-makers to resolve child protection matters and less emphasis on legal representation of parties. Emphasis on the welfare role of the Children's Court, and the need for multidisciplinary approaches, is found also in many US jurisdictions – in which there are forums, or similar administrative processes, chaired by judicial officers or magistrates that bring together the main agencies involved in child protection (e.g. police, education, health and mental health, child and family support services as well as child protection), to debate

issues that impact on decision-making and achieving good outcomes for children. These approaches are perceived as preferable to the more intrusive court processes of Australian Children's Courts and involve the range of professionals who are responding to the growing complexity of problems experienced by child protection client families, including the increasing incidence of parental mental illness, drug abuse and intellectual disability.

The differences between the Children's Courts in the states and territories (and the juvenile justice systems in which they are embedded) are succinctly captured in the marked differences in the rates of juvenile detention (due to being either sentenced or remanded in custody awaiting trial or sentencing) across Australia. The detention rate in 2005 in Victoria per 100,000 people aged 10–17 years was 11.8, while this rate was 21.7 in Queensland, 29.7 in New South Wales, 36.4 in South Australia, 46.5 in Western Australia and 66.8 in the Northern Territory (Naylor 2006). Sentencing options that allow young offenders to be supported in the community with a range of interventions that seek to change behaviour explains Victoria's low rate of juvenile detention (Grant 2007). Indigenous Australians are subject to still higher rates of incarceration. For example, in Western Australia, Indigenous young people are 44 times more likely to be detained than non-Indigenous youth. This multiple is 24 in New South Wales, 22 in South Australia and 18 in Queensland (Naylor 2006).

The nexus between the child protection and juvenile justice systems, with young people moving from state care to state custody, remains a challenge for Children's Courts. The high rate of children moving between these two systems is exacerbated by the co-morbidity and increasing complexity of issues children bring to the attention of the courts (Freiberg 2004). With a view to keeping children out of the courts and enhancing rehabilitative capacity, many of the states and territories (e.g. South Australia's and New South Wales' *Young Offenders Act 1997* and the Northern Territory's new *Youth Justice Act* which came into effect in August 2006) have established forms of diversion from prosecution using restorative justice practices, such as mediation and conferencing, which emphasise both the social integration of perpetrators and the rights and needs of victims. However, as courts now find themselves dealing with more serious offences and repeat offenders, there is renewed emphasis on formal justice and attention to legal procedure and holding the offender accountable for his/her behaviour. These developments are underpinned by the dominant contemporary theories of crime which emphasise individual choice, personal responsibility and risk rather than the effects of socio-economic factors on crime causation (Roach Anleu and Mack 2007).

In Australia, as overseas, Children's Courts are the subject of debate and suggested changes that might better respond to both the legal and increasingly complex welfare concerns of children and young people who are brought to the attention of the court. Therapeutic jurisprudence and restorative justice approaches have become increasingly popular in Australian justice systems (Freiberg 2001). Problem-oriented courts, including Indigenous courts, drug courts, mental health courts, community courts and family violence courts, have been introduced in some jurisdictions, recognising that adversarial, punishment-oriented responses do not tackle the underlying personal (and

social) causes of offending and recidivism (Feinblatt et al. 2002: 437). It is an approach that offers individualised rehabilitation interventions which focus on opportunity for change, albeit within a criminal justice framework (Roach Anleu and Mack 2007).

Changes in court structure have also been advocated. It has been proposed, for instance, that the Children's Courts be replaced with a unified court system which integrates the Family Court and the Children's Court (Edwards 1996; Nicholson 2003; Freiberg et al. 2004) to provide a coherent and systemic approach to child-related law (Seymour 2005). This unified court would combine public law child welfare and youth justice matters with private law family and matrimonial matters, recognising the often interlocking problems of families: family breakdown, criminal behaviour, abuse and neglect. It is an approach that offers the opportunity to move away from adversarial towards non-adversarial approaches (Freiberg 2007), more akin to inquisitorial and problem-solving approaches characteristic of other jurisdictions.

1.3 Previous Research

There has been little empirical research on the Children's Court in Australia. Previous research has included, for instance, studies of defendants' experiences and judicial officers' sentencing decisions. Sheehan (2001) interviewed magistrates in Victoria who presided over child protection cases and observed and tracked cases in order to identify the factors they took into account in deciding child protection matters. Travers (2007) undertook a qualitative study, based on both observation and analysis of transcripts, of how sentencing decisions are made in the Youth Justice Division of the Magistrates' Court in Hobart, Tasmania. The only national study of Australian judicial officers was a national survey of magistrates presiding over adult Magistrate's Courts undertaken by Roach Anleu and Mack (2007). Magistrates were interviewed about their work and their views about social change and social justice in Australia. The study found that the magistrates believe their work is less about "refined legal issues" and more about "offending behaviour, social inequalities, and human emotion (that) are directly apparent and remain fused" (Roach Anleu and Mack 2007: 196) and that do not fit easily into adversarial, punishment-oriented approaches. However, no national studies involving a focus on the Children's Courts' judicial officers have been undertaken, nor has there been any focus on the contemporary and future issues and challenges that confront the Children's Court. The few international empirical studies of Children's Courts' judicial officers have focused on the criminal jurisdiction of the court to the exclusion of its child welfare jurisdiction.

1.4 A National Assessment of Australia's Children's Courts

This book offers a comprehensive analysis of the core business of the Children's Court in each of Australia's eight child welfare and juvenile justice jurisdictions. It presents judicial officers and key stakeholders' perspectives of the contemporary status of, and current challenges faced by, Australia's Children's Courts and

identifies what reforms they believe might be necessary and feasible to respond to these challenges and their degree of support for any such reforms. The book draws on findings from this first Australian study undertaken of Children's Courts to explore such perspectives. The inclusion of the views of judicial officers and other key stakeholders is unique to this study and offers those engaged in the policymaking process a major contribution about what is desirable and acceptable to implementing any reforms. Unique also is the support for such a study from each senior judge or senior magistrate from each of Australia's Children's Courts. Importantly, the operation of Australian Children's Courts and the challenges they face, as presented in this book, allow comparison with other jurisdictions.

The study participants were drawn from both metropolitan and country areas of Australia. Judges and magistrates who only hear Children's Court cases (located mostly in metropolitan areas) as well as magistrates who periodically hear Children's Court cases (who are located in regional and rural centres) around Australia were individually interviewed. Focus groups were conducted in each state and territory, both in city and regional areas, with key stakeholders (e.g. police, statutory child welfare and juvenile justice personnel, legal aid lawyers, representatives of community service agencies and Indigenous agencies, representatives of child welfare and children's rights advocacy groups, select academics and researchers). The questionnaires developed for both individual interviews and focus groups were shared with a small number of judicial officers and key experts for comment, prior to data collection. Interview and focus group responses were thematically analysed to identify the issues and challenges they deemed salient. Each of the eight national jurisdictions set up an advisory committee to assist the implementation of the study, to assure its rigour and to enhance the prospects that its findings and recommendations would be adopted.

The book is divided into two sections: the first part comprises Chaps. 2, 3, 4, 5, 6, 7, 8 and 9 of the book and profiles each of the eight state and territory Children's Courts in Australia, examining the responses of the judicial officers and other key stakeholders involved in the core business of the court to questions posed about the current and future status and operation of the court. The second section – Chaps. 10, 11 and 12 – explores commonalities across all Australian jurisdictions and how these resonate with approaches found in the international context.

Chapters 2, 3, 4, 5, 6, 7, 8 and 9 thus present findings from the study, as undertaken in each of their respective states and territories. Chapter 2 profiles the Australian Capital Territory, the smallest jurisdiction in Australia, while Chap. 3 profiles New South Wales, the most populous state in Australia. Chapters 4 and 5 profile the Northern Territory and Queensland, both of which feature significant Indigenous populations. Chapters 6, 7 and 8 profile South Australia, Tasmania and Victoria. Chapter 9 profiles Western Australia, which as the largest state in Australia is challenged by distance and isolated communities.

Chapter 10 examines what is common across each court in terms of its socio-political context and organisational purpose and what such commonalities suggest about national challenges confronting the institution of the Australian Children's Court. Chapter 11 extends these ideas to explore how the functioning of the child welfare jurisdiction in Australia compares with international trends and what the

Children's Court can draw on from these approaches. Chapter 12 attends to the juvenile justice domain of the Children's Court and explores the functioning of this jurisdiction compared with international trends and what approaches they might offer to Australia's Children's Courts.

What is clear from the Australian study is that child maltreatment and youth offending continue to be a significant social problem. The rapid growth of child protection and the increased role of legal institutions in children's and young people's lives challenge legal and welfare systems internationally. We hope that this book encourages ongoing discussion and debate; we hope it contributes to greater understanding of the role of Children's Courts and the difficulties they face in their day-to-day work and the need for national support in the approaches taken to respond to reduce the vulnerability and marginalisation that underpins both child maltreatment and youth offending.

References

- Daly, K. (1999, 16 October). *What is the future of the Youth Court? Reflecting on the relationship of informal and formal justice?* Presentation at the Australian and New Zealand Youth Court Judges and Magistrates Conference, Adelaide, South Australia, Australia.
- Edwards, L. (1996). The future of the juvenile court: Promising new directions. *The Future of Children*, 6(3), 131–139.
- Feinblatt, J., Berman, G., & Denckla, D. (2002). Judicial innovation at the crossroads: The future of problem-solving courts. In G. M. Griller & E. K. J. Stott (Eds.), *The improvement of the administration of justice* (pp. 435–449). Chicago: American Bar Association.
- Freiberg, A. (2001). Problem-oriented courts: Innovative solutions to intractable problems. *Journal of Judicial Administration*, 11, 8–27.
- Freiberg, A. (2004, 29–30 November). *Innovations in the court system*. Paper presented at the Australian Institute of Criminology International Conference, Melbourne, Australia.
- Freiberg, A. (2007). Non-adversarial approaches to criminal justice. *Journal of Judicial Administration*, 16, 205–222.
- Freiberg, A., Kirby, P., & Ward, L. (2004). *The report of the panel to oversee the consultation on protecting children: The child protection outcomes project*. Melbourne: Victorian Department of Human Services.
- Grant, P. (2007 June). Children's Court: A busy body. *Law Institute Journal*, 81(6), 32–33.
- Liverani, M. R. (2005 October). Raising a toast to the Children's Court on its 100th anniversary. *Law Society Journal (Law Society of NSW)*, 43(9), 24–26.
- Naylor, N. (2006). Juveniles in detention in Australia, 1981–2005 (Technical and Background Paper No. 22). Canberra: Australian Institute of Criminology.
- Nicholson, A. (2003). Justice for Families and Young Offenders: A unified court system as a 21st century reform. The 2003 John Barry Memorial Lecture, Department of Criminology, The University of Melbourne, 14 October 2003, Melbourne, Victoria, Australia. See <http://www.familycourt.gov.au/wps/wcm/resources/file/eba9b049d23aff6/justice.pdf>
- Picton, C., & Boss, P. (1981). *Child welfare in Australia*. Sydney: Harcourt Brace Jovanich Group.
- Roach Anleu, S and Mack, K. (1997). Sentence discount for a guilty plea: Time for a new look, *Flinders Journal of Law Reform*, 1, 123–143.
- Roach Anleu, S., & Mack, K. (2007 April). Magistrates, magistrates courts, and social change. *Law & Policy*, 29(2), 183–209.
- Seymour, J. (2005). Parental rights and the protection of children: A presumption against state intervention. *Australian Journal of Professional and Applied Ethics*, 7(2), 16–28.
- Sheehan, R. (2001). *Magistrates decision-making in child protection cases*. Aldershot: Ashgate.
- Travers, M. (2007). Sentencing in the Children's Court: An ethnographic perspective. *Youth Justice*, 7(1), 21–35.