



Children's Court of New South Wales

PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC No. 10

29 July 2021

Amended 5 August 2021

Amended further on 13 August 2021

In view of the further government announcements in relation to the current COVID-19 outbreak within New South Wales further changes to the sitting arrangements in the Children's Court will commence from Monday 2 August 2021. These arrangements will apply at least for period that the [Public Health \(COVID-19 Additional Restrictions for Delta Outbreak\) Order 2021](#) is in force, and these arrangements will continue in the event that the restrictions are further extended.

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Part 1 - Listing arrangements for Parramatta Children's Court

1. Only two courts will sit each day at Parramatta Children's Court to allow for the implementation of an alternate staffing model to minimise the health risks to the public and staff.
2. Crime, Parole, and Care and Protection lists will continue to be conducted.
3. Where possible, parole matters will be listed on a fortnightly basis (11 August 2021 and each alternate week thereafter). There remains scope for matters to be listed on the alternate week if there is a need for the matter to be listed earlier.
4. Youth Koori Court will sit on a limited basis during this period (arrangements for Youth Koori Court are outlined below).
5. All parties are excused from attending if legally represented.
6. All first appearance bail matters are to be conducted by audio visual link (AVL).
7. Legal practitioners may appear by AVL and are encouraged to do so.
8. Parties may appear by telephone and are encouraged to contact their legal practitioner or the court registry to make arrangements to do so.
9. In relation to care and protection proceedings legal practitioners should attempt to agree on a position consistent with the arrangements put in place under [COVID-19 Public Notice No. 3](#).
10. There will be limited capacity to conduct hearing matters by AVL or by way of submissions only whilst the alternate staffing model is in place. In exercising discretion in relation to whether hearings can be conducted, judicial officers will have regard to the limited capacity to conduct hearings, the urgency of the matter, and whether the hearing can be dealt with on the papers or by AVL.
11. In appropriate circumstances, some urgent matters which are able to proceed by AVL may be re-listed for hearing at an alternative court location where there is capacity to conduct the hearing.
12. In the criminal jurisdiction, a call over will be conducted each Wednesday (commencing 4 August 2021) to determine whether hearings listed the following week are able to proceed, and otherwise to fix a new hearing date and make any further orders and directions that may need to be made (NB hearings listed in the week

commencing 2 August 2021 will be considered during the week commencing 26 July 2021).

13. In the care and protection jurisdiction, a call over will be conducted each alternate Monday (commencing 2 August 2021) to determine whether hearings listed in the following two weeks are able to proceed, and otherwise to fix a new hearing date and make any further orders and directions that may need to be made (NB hearings listed in the week commencing 2 August 2021 will be considered during the week commencing 26 July 2021).
14. Where a new hearing date is fixed the matter will also be listed for Readiness Hearing within 14 to 28 days prior to the new hearing date to confirm whether the re-scheduled hearing can proceed in a safe manner having regard to the health advice at that time.
15. Education lists will not be conducted during this period. All matters in the education list will be administratively adjourned to a date to be fixed by the Registrar in consultation with the Department of Education. Parties will be notified in writing of the adjourned date.

Part 2 - Listing arrangements for Surry Hills Children's Court

16. Only one court will sit at Surry Hills Children's Court each day to allow for the implementation of an alternative staffing model to minimise the health risks to the public and staff.
17. Crime and Care and Protection lists will continue to be conducted.
18. Youth Koori Court will sit on a limited basis during this period (arrangements for Youth Koori Court are outlined below).
19. All parties are excused from attending if legally represented.
20. All first appearance bail matters are to be conducted by AVL.
21. Legal practitioners may appear by AVL and are encouraged to do so.
22. Parties may appear by telephone and are encouraged to contact their legal practitioner or the court registry to make arrangements to do so.
23. In relation to care and protection proceedings legal practitioners should attempt to agree on a position consistent with the arrangements put in place under [COVID-19 Public Notice No. 3](#).

24. There will be limited capacity to conduct hearing matters by AVL or by way of submissions only whilst this alternate staffing model is in place. In exercising discretion in relation to whether hearings can be conducted, judicial officers will have regard to the limited capacity to conduct hearings, the urgency of the matter, and whether the hearing can safely and whether the hearing can be dealt with on the papers or by AVL.
25. In appropriate circumstances, some urgent matters which are able to proceed by AVL may be re-listed for hearing at an alternative court location where there is capacity to conduct the hearing.
26. In the criminal jurisdiction, a call over will be conducted each Friday (commencing 6 August 2021) to determine whether hearings listed the following week are able to proceed, and otherwise to fix a new hearing date and make any further orders and directions that may need to be made (NB hearings listed in the week commencing 2 August 2021 will be considered during the week commencing 26 July 2021).
27. In the care and protection jurisdiction, a call over will be conducted each alternate Thursday (commencing 5 August 2021) to determine whether hearings listed in the following two weeks are able to proceed, and otherwise to fix a new hearing date and make any further orders and directions that may need to be made (NB hearings listed in the week commencing 2 August 2021 will be considered during the week commencing 26 July 2021).
28. Where a new hearing date is fixed the matter will also be listed for Readiness Hearing within 14 to 28 days prior to the new hearing date to confirm whether the re-scheduled hearing can proceed in a safe manner having regard to the health advice at that time.
29. Education lists will not be conducted during this period. All matters in the education list will be administratively adjourned to a date to be fixed by the Registrar in consultation with the Department of Education. Parties will be notified in writing of the adjourned date.

Part 3 - Listing arrangements for other Children's Courts conducted by Children's Magistrates

30. This part applies to the following courts and Children's Court circuits:
 - Sydney metro – Campbelltown, Sutherland

- Central Coast – Wyong, Woy Woy
- Illawarra – Port Kembla, Nowra, Goulburn, Moss Vale
- Newcastle/Hunter – Broadmeadow, Raymond Terrace, Singleton, Cessnock, East Maitland, Muswellbrook
- Mid-North Coast – Port Macquarie, Kempsey, Taree
- Riverina – Wagga Wagga, Dubbo, Griffith
- Western – Dubbo, Orange, Bathurst
- Northern Rivers – Ballina, Coffs Harbour, Grafton, Lismore, Tweed Heads

31. Care and protection and, where applicable, crime lists will continue to be conducted, although the judicial officer may appear by AVL from another court location.

32. All parties are excused from attending if legally represented.

33. All first appearance bail matters are to be conducted by AVL.

34. Legal practitioners may appear by AVL and are encouraged to do so.

35. Parties may appear by telephone and are encouraged to contact their legal practitioner or the court registry to make arrangements to do so.

36. In relation to care and protection proceedings legal practitioners should attempt to agree on a position consistent with the arrangements put in place under [COVID-19 Public Notice No. 3](#).

37. Education lists will not be conducted in areas that are subject to Public Health 'lockdown' orders. Any such matters already in the education list will be administratively adjourned to a date to be fixed by the Registrar in consultation with the Department of Education. Parties will be notified in writing of the adjourned date.

38. All hearings in locations that are subject to Public Health 'lockdown' orders will be vacated unless the case can be dealt with by submissions only or by AVL. Unless advised by the relevant Registrar that the matter has been relisted for a Readiness Hearing, vacated hearings will remain listed by AVL on the first date of hearing for consideration of whether they can proceed by AVL, or further directions.

39. At other locations hearings may be vacated having regard to the current health advice and the availability of court participants as advised by the relevant registrar.

Part 4 – Listing arrangements for Children’s Courts not otherwise specified

40. The listing arrangements in Children’s Courts conducted by Local Court magistrates will follow the directions given by the Chief Magistrate.

Part 5 – Youth Koori Court

41. Matters will be case managed by judicial officers based at Surry Hills Children’s Court and Parramatta Children’s Court. Some matters listed at Parramatta Children’s Court will temporarily be transferred to Surry Hills for case management.

42. Limited Youth Koori Court sittings will be conducted on a fortnightly basis for a half day each fortnight as follows:

- a. At Parramatta Children’s Court, each alternate Wednesday morning, commencing 4 August 2021;
- b. At Surry Hills Children’s Court, each alternate Friday morning, commencing 13 August 2021.

43. Matters will be listed in these sittings at the discretion of the Children’s Magistrate who is case managing the matter.

44. All appearances during these sittings are to be by AVL or telephone.

45. Community Panel Members will not sit in Court until further notice.

46. Matters that are not listed for these limited Youth Koori Court sittings will otherwise be administratively adjourned for two weeks from the current date listed for each young person. Matters will continue to be administratively adjourned for two weeks at a time until Youth Koori Court can resume usual sittings. Appearances are not required for these listings.

47. Requests may be made in writing to the Registrar for matters to be relisted to the general crime list as required for purposes including release applications, bail variations, sentence, or to fix a date for

sentence (where a Youth Justice Background Report is likely to be required).

Part 6 – Special Fixture Hearings

48. Special fixture hearings will be considered on a case-by-case basis and may be relisted for a further Readiness Hearing to ascertain whether the matter is able to proceed subject to current restrictions, including if necessary whether the matter is able to proceed by AVL.
49. Parties involved special fixtures during the operation of these arrangements will be notified as required in relation to any relisting arrangements.

Part 7 – Dispute Resolution Conferences

50. All Dispute Resolution Conferences will be conducted by video conference across NSW unless otherwise determined by the Senior Children's Registrar.
51. Requests for in person attendance will not be considered at Children's Courts located in Greater Sydney, the Central Coast and the Illawarra until further advice to minimise the health risks to the public and staff.
52. All travel by Children's Registrars located within Greater Sydney, the Central Coast and the Illawarra is suspended.
53. Legal practitioners are reminded that Children's Registrars have authority to refer a matter for a Dispute Resolution Conference with the consent of all parties. In appropriate circumstances, this request can be made administratively by emailing the Senior Children's Registrar at childrens-court-conference-co-ordinator@justice.nsw.gov.au **not less than three business days prior to the next court event** with the following information:
 - a. The name of the matter and file number;
 - b. The Registry location;
 - c. The date of the next listing;
 - d. An agreed date for the Dispute Resolution Conference (from the list of dates circulated by the Conference Co-Ordinator);

- e. A list of any other directions proposed to be made by consent in preparation of the Dispute Resolution Conference.

Part 8 – Compulsory Schooling Order Conferences

- 54. All Compulsory Schooling Order Conferences scheduled to be conducted by a Children’s Registrar during the operation of this Public Notice will be administratively vacated. Matters will be adjourned for a further conference on a date to be fixed by the Senior Children’s Registrar.

Part 9 – Youth Justice Background Reports

- 55. At courts in Greater Sydney, the Central Coast, the Hunter, Newcastle and the Illawarra, matters requiring the preparation of a Youth Justice Background Report should be adjourned for a period of eight weeks (instead of the standard six week adjournment) on account of the delays in the preparation of reports in locations impacted by the current lockdown.

Part 10 – General

- 56. Prosecutors and legal practitioners are to advise any party or witness that the requirement to wear a face covering in any indoor setting across NSW applies to an in-person attendance at a Children’s Court.
- 57. Please note that arrangements are subject to change at short notice.



Judge Peter Johnstone

President of the Children’s Court of NSW