



## *Children's Court of New South Wales*

### **PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC No. 6**

**9 July 2020**

The Children's Court continues to monitor the advice of health authorities in response to the COVID-19 pandemic. While the pandemic is currently well managed in NSW it is clear that the risk of further outbreaks remains. Therefore, it continues to be in the general public interest to reduce the number of people who would ordinarily physically attend court on any given day as much as possible.

The Children's Court must also ensure that court proceedings are conducted fairly and that those involved in court processes have a genuine opportunity to participate in proceedings that affect them. Transparency and delay are also key considerations in ensuring fairness of the process.

With these considerations in mind the Children's Court will transition to the following arrangements over the coming weeks with an expectation that all agencies will be in a position to comply with these arrangements by 3 August 2020.

#### **Criminal jurisdiction**

1. Defendants and their lawyers are to attend court in person for sentences and hearings unless a direction is obtained to appear by some other means.
2. Lawyers and police prosecutors are generally expected to appear in person for all other listings but appearance by video conference will be permitted in appropriate circumstances.
3. The presumption that defendants are excused from attending if legally represented will continue to apply to listings where case management directions are expected to be made and/or applications in relation to bail are to be made.
4. Non-custodial court attendance notices are, in the usual course, to be listed 3 weeks in advance in lieu of the current 6-week time frame. Domestic Violence related matters will continue to be listed within approximately 14 days.

5. Readiness hearings will continue to be conducted in accordance with the processes set out in Public Notice no. 4 to ensure that hearings can proceed in a manner that takes into consideration the current health advice.
6. The Youth Koori Court will accept new referrals and one Community Panel Member will be rostered to sit from the week commencing 13 July 2020. Defendants and their lawyers are expected to attend in person and other participants are expected to attend by video conference or phone.

### **Care jurisdiction**

7. Parties who have provided full instructions to a lawyer will continue to be excused from attending in person for directions hearings unless the Court otherwise directs.
8. The arrangements set out in Public Notice no. 3 will continue to apply and video conference appearances by lawyers will continue to be available for directions hearings and hearings on the papers except as provided in the following paragraph.
9. Lawyers for the parents are expected to attend in person on the first return date for an application for an Emergency Care and Protection order (ECPO) or an application for a care order where the child has been removed or assumed into care. Parents are excused from attending if legally represented.
10. Parties and their lawyers are expected to attend in person for hearings except where hearings are conducted by submissions only or where a judgment is being delivered.
11. A Children's Magistrate will continue to sit at Parramatta Children's Court in relation to matters on the Riverina Children's Court circuit with participants appearing by video conference.
12. A Children's Magistrate will resume travel on the Western Children's Court circuit from the week commencing 27 July 2020.
13. A special hearing week at Dubbo Children's Court has been allocated for the week commencing 6 October 2020. All hearings are to be listed on Tuesday 6 October 2020 with hearings being conducted on the basis of a rolling list.
14. Hearings at other locations on the Riverina and Western Children's Courts will be allocated as special fixtures.

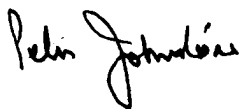
15. Readiness hearings will continue to be conducted in accordance with the processes set out in Public Notice no. 4 to ensure that hearings can proceed in a manner that takes into consideration the current health advice.
16. Dispute Resolution Conferences will continue to be conducted in a manner as determined by the relevant Children's Registrar having regard to the available facilities and any other considerations that the Children's Registrar considers relevant in the circumstances. The use of shuttle conferences, telephone and video conference will be considered.

### **Education jurisdiction**

17. The Children's Court will receive new applications filed by the Department of Education.
18. Referrals for Compulsory Schooling Conferences to be conducted by Children's Registrars will be accepted by arrangement between the Department of Education and the Senior Children's Registrar.
19. Compulsory Schooling Conferences conducted by Children's Registrars will be conducted in person unless the Children's Registrar considers that suitable arrangements cannot be made having regard to the facilities available at a particular location.

### **General**

20. Any person who is required to come to court should only bring a maximum of 2 support persons. Parents or carers of children and young people involved in court proceedings should come to court.
21. All other arrangements specified in earlier Public Notices issued in response to the COVID-19 pandemic will continue to operate.
22. Please note that these arrangements are subject to change at short notice.



Judge Peter Johnstone

President of the Children's Court of NSW