



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

### **PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC No. 2**

**24 March 2020**

In view of the further government announcements in relation to the continued spread of COVID-19 within New South Wales together with advice from the Chief Executive Officer, of Legal Aid NSW in relation to the reduced capacity of Legal Aid to continue to provide legal representation in the Children's Court during the pandemic I have made the difficult decision to make further changes to the sitting arrangements in the Children's Court.

#### **Information relevant to all cases in the Children's Court**

1. Subject to information contained below in relation to criminal proceedings all hearings in the care or criminal jurisdictions of the Children's Court which have been listed between Tuesday 24 March 2020 and Friday 1 May 2020 will be vacated.
2. Vacated cases will be listed for call-over on a date after 1 May 2020 to set a new hearing date. Part-heard matters may continue at the discretion of the relevant judicial officer in consultation with the parties. The judicial officer will need to consider whether arrangements can be put in place to ensure the safety of all persons involved in the hearing.
3. This direction does not prevent a party from seeking to re-list the matter for bail variation, release application, variation of court orders, an application for hearing on the papers or further directions that will assist the progress of the matter. Any such application should be made by email to the relevant court registry.

#### **Crime jurisdiction**

4. Notwithstanding the decision to vacate hearings between 24 March and 1 May 2020 a judicial officer may hear a case where the defendant is in custody as long as the young person is legally represented and appropriate arrangements can be put in place to ensure the safety of all persons involved in the hearing.
5. Crime lists will continue to operate. The young person's legal practitioner will be excused if they have submitted proposed orders by

email prior to the date of court. The young person's legal practitioner must be available by phone or AVL on the date of court.

6. If a young person does not have legal representation the case will be adjourned for approximately 4 weeks.
7. At some locations the magistrate may appear by audio visual link (AVL) from another court (please see below)
8. From Wednesday 25 March 2020 and until Friday 3 April 2020 young persons appearing in custody on the first appearance of the relevant matter are to be listed at Parramatta Children's Court. Court vacation standard operating procedures will apply.
9. Police in regional areas may make an application under s 5BA(4) of the *Evidence (Audio and Audio Visual Links) Act 1998* for the young person to appear by AVL due to safety and welfare considerations but only where it is not practicable for the young person to be detained in a detention centre during the period between being charged with the relevant offence and the first appearance before the court (s 9 (3) of the *Children (Detention Centres) Act 1987*).
10. If the young person is granted bail the case is to be adjourned to the Children's Court where they would otherwise have been brought and young person is to be excused if legally represented on the next occasion. Young people are to be provided with information about contacting Legal Aid and in appropriate cases, the Aboriginal Legal Service upon release.
11. If the young person is refused bail the next court appearance is to be by AVL. The case is to be adjourned to the Children's Court where they would otherwise have been brought provided that court has AVL facilities. If not, the case should be adjourned Parramatta Children's Court
12. Where appropriate, brief orders or other case management directions should be made on the first appearance.
13. Discussions with key legal stakeholders will continue during this period and this arrangement may be continued.

### **Care jurisdiction**

14. Lists scheduled in the care jurisdiction of the Children's Court will continue to operate. Wherever possible parties and legal practitioners should not attend the court premises. Further advice to legal

practitioners will be provided to support the attendance of legal practitioners by means other than personal attendance.

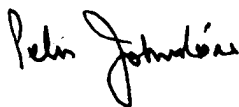
15. Where an application for an emergency care and protection order is made under s 46 of the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act) or a care application is made following the removal or assumption into care of a child or young person under s45 of the Care Act the application is to be listed in the first instance at Parramatta Children's Court from Thursday 26 March 2020.

### **Children's Court circuits**

16. All travel of judicial officers as part of Children's Court circuits is suspended from Wednesday 25 March 2020. Children's Magistrates will continue to sit at Parramatta, Surry Hills, Campbelltown, Port Kembla, Woy Woy, Broadmeadow and Lismore. Children's Magistrates will continue to deal with cases by AVL from other courts on their respective circuits.
17. Parties should contact the court registry where they are due to appear for further information.

### **General**

18. The Children's Court will continue to work closely with key stakeholders to develop arrangements that will allow the Court to continue to operate during the pandemic without the need for physical attendance at Court.
19. Please note that arrangements are subject to change at short notice.



Judge Peter Johnstone

President of the Children's Court of NSW