



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

### **PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC No. 11**

**30 September 2021**

The Children's Court continues to adapt operations in response to the Delta strain of the COVID-19 virus.

The Children's Court will operate safely in a manner that reduces the risk of transmission of the COVID-19 virus, having regard to the lower vaccination rates of children and young people.

#### **Part 1 – General listing arrangements applicable to all Children's Court proceedings**

1. All crime, parole, care and protection and AVO lists will continue to operate.
2. Education lists will resume in all locations from 1 November 2021.
3. All first appearance bail matters are to be conducted by AVL.
4. Legal practitioners may appear by AVL and are encouraged to do so.
5. All parties are excused from attending if legally represented unless otherwise directed by a judicial officer.
6. Parties may appear by telephone, or by AVL at courts where remote appearance by parties has been approved. Parties should contact their legal practitioner or the court registry to make arrangements to attend by telephone or AVL.
7. In care and protection proceedings legal practitioners should endeavour to reach a consent position in accordance with [COVID-19 Public Notice No. 3](#). Filing directions should be adjusted to allow sufficient time for consultation between parties prior to the next listing.
8. Judicial officers will resume travel on Children's Court circuits from 1 November 2021.

## Part 2 – Arrangements for the resumption of hearings

9. All cases listed for hearing in the criminal, AVO and care and protection jurisdictions will be listed for Readiness Hearing approximately one month prior to the hearing date. Any case that is listed for hearing and does not have a Readiness Hearing date will be relisted for Readiness Hearing.
10. Parties are required to file a joint [Readiness Hearing checklist](#) by 12 noon the day before the Readiness Hearing.
11. Hearings that do not require witnesses or can be conducted by AVL will proceed if a court is available and subject to judicial officer and staffing capacity at the relevant location.
12. Hearings listed after the 1 November 2021 that require the personal attendance of a party or a witness may proceed if the hearing can be conducted safely after consideration of the following factors:
  - The government restrictions in place at the relevant location.
  - The health risk to any participant involved in the hearing including consideration of any particular medical vulnerabilities.
  - The impact of further delay of the hearing on any persons involved in the case.
  - The number of parties involved in a case and whether it is appropriate for one or more parties to appear in the hearing by AVL.
  - Whether witnesses are required for cross examination.
  - The number of witnesses required for cross examination.
  - The type of witnesses required for cross examination and whether the evidence can appropriately be given by AVL.
  - Whether interpreters are required and whether suitable arrangements can be made to enable an interpreter to properly assist the conduct of the hearing.
  - Whether a decision about the admissibility of any evidence may shorten the hearing.
  - The type and quantity of evidence that is likely to be tendered during the hearing and whether suitable arrangements can be made for the tender of documents or other material.

- The length of the hearing.
  - Whether the defendant in a criminal hearing is in custody and whether suitable arrangements can be made for the defendant to attend in person or by AVL with facilities that allow the defendant to instruct their lawyer.
  - The size and configuration of the court room and logistics of implementing physical distancing measures during the hearing.
  - The availability and suitability of using video conference technology from another room within the court building.
  - The availability of registry staff to support the arrangements.
  - Whether any party is likely to be prejudiced by conducting the hearing in the manner proposed.
13. Where a party is concerned that a hearing delay is impacting the safety, welfare and wellbeing of a child, they should notify the Registrar and request that the case be listed before a judicial officer for consideration of allocating a priority hearing date.

### **Part 3 - Listing arrangements for Parramatta and Surry Hills Children's Court**

14. The weekly call-over of hearing matters will cease from the week commencing 5 October 2021 and will be replaced by Readiness Hearings.
15. From the 18 October 2021 the number of courts operating at Parramatta and Surry Hills Children's Court will commence a transition to full capacity subject to the availability of judicial officers and registry staff.
16. The parole list will be conducted weekly from Wednesday 20 October 2021.

### **Part 4 – Youth Koori Court**

17. Regular Youth Koori Court sittings will resume from the week commencing 18 October 2021 with sittings at Surry Hills each Wednesday and Parramatta each Friday.
18. New admissions will be accepted into the Youth Koori Court.

19. Attendances at the Youth Koori Court are to be by AVL or telephone unless directed by a judicial officer.
20. Community Panel Members will appear by AVL unless alternative arrangements are made by the Court.

### **Part 6 – Special Fixture Hearings**

21. 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.
22. Parties involved in special fixtures during the operation of these arrangements will be notified when a matter is relisted.
23. Parties are required to file a joint [Readiness Hearing checklist](#) by 12 noon the day before any Readiness Hearing.

### **Part 7 – Dispute Resolution Conferences**

24. Dispute Resolution Conferences will be conducted by AVL across NSW unless otherwise determined by the Senior Children's Registrar.
25. Requests for in-person attendance will be considered at Children's Courts located in Greater Sydney, the Central Coast and the Illawarra in relation to conferences listed after 1 November 2021.
26. Travel for Children's Registrars will resume from 1 November 2021 but only in circumstances where it is considered necessary.

### **Part 8 – Compulsory Schooling Order Conferences**

27. Requests for Compulsory Schooling Order Conferences to be conducted after 1 November 2021 will be considered on a case-by-case basis by the Senior Children's Registrar.

### **Part 9 – Youth Justice Background Reports**

28. Matters requiring the preparation of a Youth Justice Background Report should be adjourned for a period of two weeks where a young person is in

custody and for eight weeks (instead of the usual six week adjournment) where a young person is in the community.

**Part 10 – General**

29. 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.

30. Please note that arrangements are subject to change at short notice.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke ending in a small tick mark.

Children's Magistrate Ellen Skinner

**Acting President of the Children's Court of NSW**