



The Children's Court of New South Wales

Timeline of major events

1905 – 2011

1905

- The *Neglected Children and Juvenile Offenders Act 1905 Act* was assented to on 26 September 1905 and came into operation on 1 October 1905.
- In New South Wales, Children's Courts were proclaimed on 29 September 1905 at Sydney, Newcastle, Parramatta, Burwood and Broken Hill.
- The Children's Court commenced sitting at Ormond House, Paddington in October 1905. Two "Special Magistrates" were appointed from the ranks of existing magistrates.
- The purpose of the *1905 Act* (as set out in its long title) was "to make better provision for the protection, control, education, maintenance and reformation of neglected and uncontrollable children and juvenile offenders; to provide for the establishment and control of institutions and for contribution by near relatives towards the support of children in institutions; to constitute Children's Courts and to provide for appeals from such court...".

1911

- The court in 1911 moved to new premises in Albion Street Sydney (which came to be known as the "Metropolitan Children's Court"). This also housed the "Metropolitan Shelter for Boys". Female detainees continued at Ormond House until 1923 when the "Metropolitan Girl's Shelter" was opened at Glebe

1923

- The Child Welfare Act 1923 repealed both the Children's Protection Act 1902 and the 1905 Act.

1939

- The *Child Welfare Act 1939* substantially re-enacted the earlier legislation with some modifications. The minimum age of criminal responsibility was raised from 7 to 8 years of age.

1962

- The law remained relatively static for the next 30 years but forces for change were building. In the field of child protection, Watershed Research (1962) highlighted the need to focus on issues surrounding child abuse.

1975

- The Law Society of New South Wales created a scheme of rostered private practitioners providing for the legal representation of children.

1977

- An amendment provided additional protection to child offenders while being interviewed in police stations.
- The minimum age of criminal responsibility was raised from 8 to 10 years.

1978

- A Green Paper issued in 1978 opens with this comment – “It has been recognised for a number of years by all political parties that State laws relating to child and community welfare are in need of thorough revision.” A review of the proposals in the green paper and further submissions led to the introduction of the *Community Welfare Act 1982*. Substantial amendments were proposed to that largely unproclaimed Act and by mid 1986 the project had stalled. The experience of these proposals resulted in a package of Bills in 1987. The enactments included the *Children’s Court Act 1987*, the *Children (Criminal Proceedings) Act 1987*, the *Children (Community Service Orders) Act 1987* and the *Children (Detention Centres) Act 1987*.
- The office of Senior Special Magistrate was created and Senior Children’s Magistrate Blackmore (as he later was known) took up that position on 8 August 1978.

1979

- The International Year of the Child in 1979 heightened public awareness of children’s issues generally.
- The scheme created by the Law Society was taken over by the Legal Aid Commission. Since that time, most children before the Children’s Court have been legally represented with costs being met by the State.

1981

- The Australian Law Reform Commission issued a report on “Child Welfare”.

1982

- The *Local Court Act* removed the former system of grading Special Magistrates lower than magistrates presiding on the general bench in the Metropolitan area.

1983

- On April 29, the Metropolitan Children's Court at Albion Street closed with the opening of Bidura Children's Court at Glebe. The Bidura Remand and Assessment Centre was not suitable because it provided little barrier to the many escapees. It now only holds in custody those appearing in court that day. However, the Court continued to operate.

1987

- The *Children's Court Act 1987*, the *Children (Care and Protection) Act 1987*, the *Children (Criminal Proceedings) Act 1987*, *Children (Community Service Orders) Act 1987*, and the *Children (Detention Centres) Act 1987* were enacted representing a significant reform of Children's Law.
- The *Children's Court Act 1987* provides, amongst other things, for the appointment by the Chief Magistrate of the Local Courts of a Senior Children's Magistrate (who is taken to be a Deputy Chief Magistrate appointed under the Local Courts Act 1982), and for reports to be submitted to the Attorney-General on the Court's activities.
- The Children's Court Advisory Committee, established by the Attorney General under section 15A *Children's Court Act 1987*, is comprised of members from all stakeholders within the Children's Court and plays an important communication and advisory role.

1993

- A Green Paper prepared by the Juvenile Justice Advisory Council of NSW ("Future Directions for Juvenile Justice in NSW") was released. Of the many proposals, was included one for the establishment of a scheme of Community Youth Conferencing that was further developed in a White Paper.

1997

- A concern both for the welfare of children found in public places and without supervision and their potential for involvement in crime, resulted in the enactment of the *Children (Parental Responsibility) Act 1994* that came into effect on 13th March 1995. This Act was replaced by the *Children (Protection and Parental Responsibility) Act 1997* (and for court purposes) substantially in the same terms. Section 11 created an offence for a parent who by wilful default has contributed directly or in a material respect to an offence committed by his/her child.
- The *Young Offenders Act 1997* is introduced to establish a scheme that provides an alternative process to court proceedings for dealing with children who commit certain offences through the use of youth justice conferences, cautions and warnings. The scheme aims to enable a community based negotiated response to offences, emphasising acceptance of responsibility by

the offender for his or her behaviour and to address the over representation of Aboriginal and Torres Strait Islander children in the criminal justice system.

1998

- The *Children and Young Persons (Care and Protection) Act 1998* is enacted to replace the *Children (Care and Protection) Act 1987*. Representing a significant change to both court process and the administration of children in care, the Act is commenced in stages over a period of years.

2000

- Following recommendations stemming from the 1999 Drug Summit in New South Wales the Youth Drug and Alcohol Court is established as a pilot program within the legislative framework of the Children's Court to provide a specialised justice service closely tailored to the needs of children and young people affected by an addiction to drugs/alcohol.
- Four Children's Registrars are appointed to conduct preliminary conferences under section 65 of the newly commenced provisions of the *Children and Young Person (Care and Protection Act 1998)*. The purpose of the preliminary conference is to assist the parties to identify the areas of agreement and the issues in dispute, assessing the best way of resolving the dispute without proceeding to a hearing in the Children's Court. Other significant provisions in the new Act impacting of the way in which proceedings are conducted in the Children's Court are also commenced.

2001

- A periodical journal is first published by the Children's Court called 'Children's Law News' to inform legal practitioners and other interested persons of recent developments in law relating to Children.
- The Children's Court Clinic is established to carry out independent assessments for the information of the Court of person seeking parental responsibility and children subject to care and protection proceedings.
- At approximately this time a Guardian Ad Litem Panel is established by the Children's Court to assist the Court to identify and appoint appropriate persons to properly instruct a legal representative and to safeguard and represent the interests of a parent or child in care and protection proceedings where a parent is incapable of instructing a solicitor, or, in the case of a child, where there are special circumstances

2004

- A comprehensive Children's Court website was established at: [\[www.childrenscourt.justice.nsw.gov.au/childrenscourt\]](http://www.childrenscourt.justice.nsw.gov.au/childrenscourt)

2006

- A new purpose-built Children's Court is opened at Parramatta. With state of the art audiovisual link, digital recording and conference facilities the new 6

courtroom complex allows the Children's Court to deal with criminal cases and care and protection cases in the one location more efficiently. Following the opening of these new premises smaller Children's Courts within the metropolitan area at St James (Sydney city), Campsie, Lidcombe and Cobham (Werrington) are closed.

- A second purpose-built Children's Court is opened at Broadmeadow to service the Newcastle area and allowing for the closure of Worimi Children's Court.

2008

- Care Circles are introduced in Nowra as a form of alternative dispute resolution in care and protection cases enabling Aboriginal families to meet with the other parties involved in care and protection proceedings together with Aboriginal leaders and a Children's Magistrate to discuss issues that have led to action being taken in the Children's Court and to develop a plan for the future safety and wellbeing of the child.
- Retired Supreme Court Judge, the Honourable James Wood AO QC presents his report to Government under a *Special Commission of Inquiry into Child Protection Services*. This Inquiry followed the deaths of two children in 2007 that caused widespread public concern about the capacity of the child protection system to prevent such deaths.
- The use of audiovisual link facilities allows the Children's Court to conduct bail courts before a Magistrate at weekends throughout NSW from Parramatta Children's Court in lieu of the previous system whereby juveniles were brought before a Registrar at weekends. This initiative also allows all children to be legally represented at weekend bail courts.

2009

- The Government presents *Keep them Safe: A shared approach to child wellbeing* in response to the Wood Report detailing an extensive plan to reform the child protection system including a number of proposals directed towards improving processes in the Children's Court.
- Judge Mark Marien SC is appointed as the first President of the Children's Court on 1 June 2009 as part of the Keep them Safe reforms to reflect the importance of the care and protection of children and the complexity of many of the cases heard in the jurisdiction.

2010

- The Children's Court introduces a modified form of docket system for care and protection cases at Parramatta Children's Court. This means that as far as practicably possible the same judicial officer is allocated in two of the three care and protection lists to ensure consistency in the management of cases prior to hearing and to reduce the time taken to finalise the case.

- With the appointment of two additional Children’s Magistrates the Children’s Court expands the previous country assistance program and introduces a country circuit roster to allow specialist Children’s Magistrates to hear the bulk of care and protection cases in rural and regional NSW as part of the Keep them Safe reforms.
- Amendments are introduced to the *Education Act 1990* to provide for an application to be made to the Children’s Court for a compulsory schooling order and, in appropriate circumstances, referral to a conference to attempt to resolve issues relating to a child’s non-attendance at school.
- As part of a program to expand the use of alternative dispute resolution processes in care and protection cases external mediation is trialled in relation to care and protection cases at Bidura Children’s Court.
- Throughout other areas of the State additional Children’s Registrars are appointed to support the expansion of alternative dispute resolution processes in the care and protection jurisdiction.

2011

- In February a new model of conciliation conducted by Children’s Registrars is introduced.
- Three new permanent country care circuits are introduced that provide for specialist Children’s Magistrates to travel to the Far North Coast, Dubbo and Riverina regions to deal with all care and protection cases in those regions with assistance provided to other areas of the State on a needs basis.
- The Attorney General, the Honourable Greg Smith SC MP announces the expansion of the Care Circle program to Lismore.