



Children's Court of Western Australia

Public Notice and Practice Direction 2 of 2022 COVID-19

This Notice and Practice Direction is authorised under s 37 of the [Children's Court of Western Australia Act 1988 \(WA\)](#) and takes effect on 5 February 2022. This Practice Direction should be read in conjunction with the *Court and Tribunal Worker (Restrictions on Access) Directions* (the Directions).

1. Public Notice and Practice Direction 3 of 2021 is revoked at 4pm on 4 February 2022.

Court listings

2. All matters in Perth, Joondalup, Midland, Armadale, Fremantle, Rockingham and Mandurah Children's Courts will proceed as listed unless the parties are advised otherwise.
3. Some trials listed in Perth Children's Court may be moved to another courtroom in Perth or the metropolitan area. Parties in affected matters will be given notice of any change of court location.
4. Children's Court matters in Armadale, Fremantle, Joondalup, Mandurah, Midland and Rockingham courts will be presided over by a magistrate sitting in person, unless circumstances require the magistrate to sit via video link from another location.
5. If regional Children's Courts are unable to sit for COVID-19 related reasons and a magistrate from another regional court or Central Law Courts is not listed to preside instead, bail and other urgent matters

will be transferred to Perth Children's Court and conducted by video or audio link where possible.

Court appearances in Perth Children's Court

6. Persons who are listed to appear in Perth Children's Court but who are unwell, isolating or not permitted to enter the Court must appear by video or audio link. This direction takes priority over paragraphs 7 to 10 below.
7. In criminal matters, legal practitioners, accused and responsible adults are encouraged to apply for and appear by video or audio link for adjournments when no bail variation is likely. For bail, sentencing and trial matters, legal practitioners, accused, witnesses and responsible adults should appear in person unless otherwise directed by the presiding judicial officer. Youth Justice and other court support officers should continue to attend court in person unless otherwise directed by the presiding judicial officer.
8. In protection and care trial and interim hearing matters, legal practitioners, parties and witnesses should appear in person unless otherwise directed by the presiding judicial officer. In the protection and care general and case management lists parties, legal practitioners and Department of Communities employees are encouraged to apply for and appear by video or audio link.
9. In Dandjoo Bidi-Ak court and for pre-hearing conferences, legal practitioners and Department of Communities employees should appear by MS teams. Respondent parents and family members are encouraged to appear by MS Teams or telephone but can appear in person. All affected persons must follow any directions for appearances which are given by the presiding magistrate or registrar.
10. In restraining order trial and mention matters, legal practitioners, witnesses and parties should appear in person unless otherwise

directed by the presiding judicial officer. In other restraining order matters, including interim hearings, legal practitioners and parties are encouraged to apply for and appear by video or audio link.

11. Consent adjournments where no other orders are sought will continue to be allowed, provided signed consent forms are lodged no later than 2.00pm on the day before the scheduled appearance.
12. Forms for each jurisdiction can be downloaded from the Court website.
13. When health directions require masks to be worn in court, removal of masks when witnesses or counsel are speaking will be at the discretion of the presiding judicial officer.

Procedures for video and audio links in Perth Children's Court

14. Applications for video and audio links must be made to the Court registry no later than 2.00pm on the day before the scheduled appearance by emailing an [AV link request form](#) (which can be downloaded from the Court website or requested from the registry) to avrequests.childrenscourt@justice.wa.gov.au. Persons who are unable to complete the form or who do not have email access can request a video or audio link by telephoning the registry on (08) 9218 0100 no later than 2.00pm on the day before the scheduled appearance.
15. Late applications for video and audio links will **not be** considered.
16. Video links will primarily be via MS Teams but a person may be directed by the court to attend a particular location for a video link. Audio links will be by telephone.
17. Instructions for joining the video or audio link will be provided by the court once the link has been approved and organised. MS Teams

invitations will be sent to the contact email provided on the AV link request form.

18. When appearing in court by audio or video link a person must be in a quiet and private environment. Usual court formalities must be observed.

Accused in custody (all Children's Courts)

19. Accused in custody will appear in person on overnight arrests, for pre-recordings of evidence and for trial.
20. For sentencing, bail and other applications heard in Perth Children's Court, accused will be brought up in person and the responsible adult must attend at Perth Children's Court in person unless excused by the presiding judicial officer.
21. All other in custody appearances will be by video link from Banksia Hill Detention Centre or other remand prison unless the presiding judicial officer orders otherwise. Counsel may not appear in person from Banksia Hill unless authorised by the officer in charge of the detention centre.

Entry to the Perth Children's Court

22. The whole of the Perth Children's Court building at 160 Pier Street Perth is a court site for the purpose of the Directions.
23. For the purpose of the Directions, a court and tribunal worker also includes any person who works in the Perth Children's Court building and provides support services to a party or the Court.
24. In addition to those people affected by the Directions, the following people are currently NOT permitted to enter the Perth Children's Court building:
 - Persons who should be in isolation or quarantine.

- Persons who are feeling unwell and are experiencing any of the following symptoms – cough, fever, sore throat or shortness of breath.
 - Members of the public with no involvement in a matter before the Court that day.
25. Any person who enters the Perth Children's Court must comply with current government health directions unless they have an authorised exemption. Exemptions must be produced to security staff on entry to the building.
 26. On entry to Perth Children's Court, a person must provide evidence, in the form approved by the Chief Health Officer, of their vaccination status to security staff.
 27. Any person who is permitted to enter the Perth Children's Court must follow all directions given by security or court staff.
 28. Subject to government health directions and restricted court seating capacity, media entry to the Court remains unaffected.
 29. Court users are ONLY allowed to enter a courtroom to check in with the court orderly and again when their matter is called. People who disobey this direction will be removed from the courtroom and their matter stood down to the bottom of the list.
 30. Entry to the Court registry and chambers is prohibited to everyone except court staff and people authorised by the Clerk of Court.
 31. Agencies who operate from the building must arrange their workspaces to comply with current social distancing requirements and comply with all government health requirements.

32. People who enter the building must comply with current government health directions and practise safe hygiene including:
- Sanitising your hands on entry and before leaving the building.
 - Avoiding personal contact (stay 1.5 metres away from others).
 - Coughing or sneezing into a tissue or your elbow, not your hands.
 - Disposing of the tissue in a bin and washing your hands.
 - Wearing a mask if asked to do so by security officers or government health rules require it.

Perth Children's Court registry services

33. Perth Children's Court registry will continue to operate as usual but court users are encouraged to minimise face to face attendances at the registry and utilise telephone and electronic methods for registry service.
34. All consent adjournments, applications and other correspondence should be lodged by email to childrenscourt@justice.wa.gov.au.
35. Documents must not be handed up in court. They must be filed or emailed beforehand.

Court staff

36. All staff and judicial officers have been told that:
- If they have flu or COVID-19 symptoms they should not come to work.
 - They must comply with government testing and isolation requirements.

37. If staff levels are affected by illness or COVID-19 measures, court hearings may need to be adjourned to another day. Matters which can proceed will be assessed on a priority basis. Bail applications, new restraining order applications, accused in custody and urgent protection and care matters will take priority.
38. The Court's priority is with the health and safety of every person who attends the Court. Your patience is appreciated.



Judge Hylton Quail

President
Children's Court of Western Australia

4 February 2022