



Children's Court of Western Australia

Public Notice and Practice Direction 3 of 2020 COVID-19 Measures

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 24 March 2020. All earlier COVID-19 notices are rescinded.

In response to the impact of COVID-19 on the operation of the Children's Court and to minimise the risk of infection to staff, court users and the public and to ensure the continuing operation of the court, the following procedures and practices will be implemented until further notice.

Court listings

All trials across all jurisdictions and listed to commence in the Perth Children's Court between 24 March and 29 May 2020 inclusive are hereby adjourned and will now be listed for mention on what was to be the first day of the trial. The presiding judicial officer will decide then whether any particular orders need to be made, and if a trial is still required, adjourn the matter to a call over in July 2020.

In matters which were listed for trial before the President and involving particularly vulnerable child witnesses, the President will consider on a case by case basis whether a pre-recording of the witnesses' evidence can be conducted. Counsel should liaise with each other and email any application and brief supporting submissions and reports to the Registry at least seven days in advance of what was to be the trial commencement.

All Children's Court lists in suburban Perth and Mandurah will be presided over by a magistrate sitting via video link from Perth Children's Court.

If regional Children's Courts are unable to sit for COVID related reasons, bail and other urgent matters will be transferred to Perth Children's Court to be conducted by video or telephone link where possible.

All other Children's Court listings remain unaffected for the time being.

Court appearances in Perth Children's Court

All court users are encouraged to consider alternatives to appearing in person. The Registry can be contacted on 08 9218 0100 to discuss other arrangements. Where possible, attendance by telephone or video link will be organised subject to the following guidelines.

Criminal matters:

Plea, bail variation and sentencing can be dealt with by video or telephone link at the discretion of the Court. Arrangements should be made with the Registry in advance. Adjournments can be dealt with by video or telephone link or by consent in the absence of the accused and counsel. A consent form is on the home page of the Court website for prosecution and defence use.

Children in custody:

Detainees will only be brought up in person on overnight arrests. All other appearances will be by video link from Banksia Hill 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.

Protection and care matters:

Adjournments can be dealt with by video or telephone link. Where all parties are represented adjournments can be done by consent in the absence of the parties and counsel. A consent form is on the home page of the Court website for the parties use.

Restraining order matters:

Applicants are encouraged to download an online application and lodge it electronically if possible. New applications will be heard by video link or by telephone. Adjournments can be dealt with by video or telephone link or by consent in the absence of the parties. A consent form is on the home page of the Court website for the parties use.

Entry to the Perth Children's Court

The following people are NOT permitted to enter the Perth Children's Court building:

- People who have flu like symptoms
- People who should be in isolation or quarantine
- The general public.

Media entry to the Court remains unaffected.

Court users will only be permitted in court when their matter is called.

Entry to the Registry and Chambers is prohibited to everyone except rostered court staff and people authorised by the clerk of court.

Agencies who operate from the building must reduce staff numbers and arrange their workspaces to comply with current social distancing requirements.

Unless permitted by security on entry to the building or ordered otherwise by the presiding judicial officer:

- Accused and offenders may only be accompanied to court by their responsible adult and lawyer.
- Parties in care and protection and restraining order matters may only be accompanied by their lawyer and one other person.

People who enter the building must comply with safe hygiene and current social distancing rules.

- Wash your hands on entry and before leaving the building
- Avoid personal contact (stay 1.5 metres away from others)
- Cough or sneeze into a tissue or the crook of your arm, not your hands.
- Dispose of the tissue in a bin and wash your hands.

Filing documents

Registry services will continue to operate as they usually do.

All consent adjournments, applications and other correspondence are to be lodged by email to childrenscourt@justice.wa.gov.au.

Documents must not be handed up in court. They must be emailed beforehand.

Court staff

All staff and judicial officers of the court have been told that:

- If they have COVID-19 (flu like) symptoms and have had possible exposure to the virus, they should not come to work until they have a medical clearance.
- If they have no symptoms but have just returned from overseas OR had contact with a confirmed case of COVID-19, they should not come to work and should place themselves in isolation for 14 days.

If staff levels are affected by illness, rostering or quarantine, 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.

The Court's priority at this difficult time is with the health and safety of everybody. Your patience is appreciated.

Regular updates to this advice will be published on the Court's website and posted on the doors of the Perth Children's Court.



Judge Hylton Quail

President of the Children's Court of Western Australia

24 March 2020