



Children's Court of New South Wales

Memorandum

Sitting arrangements during Christmas/New Year period from Friday 25 December 2020 to Sunday 10 January 2021 inclusive

The usual sittings of the Children's Court will be suspended from Friday 25 December 2020 until Sunday 10 January 2021 inclusive.

During this period the Children's Court will continue to sit to deal with bail proceedings, urgent care and protection applications and urgent domestic and personal violence applications.

Bail proceedings

1. The Children's Court will sit at Parramatta Children's Court each day between Friday 25 December 2020 and 10 January 2021 including public holidays to deal with all first appearance bail applications from across the state by audio visual link (AVL).
2. Consistent with s9 of the *Children (Detention Centres) Act 1987* all bail hearings will be conducted at Parramatta Children's Court from a Youth Detention Centre unless it is impracticable for the young person to be transported and detained in a Youth Detention Centre.
3. For the purposes of these arrangements it has been agreed between the relevant agencies that ordinarily it is to be considered impracticable for the young person to be transported to a Youth Detention Centre from a police station where the relevant police station is more than 2 hours from a Youth Detention Centre.
4. Notwithstanding this, the Children's Court at Parramatta will consider dealing with a young person from a police station by AVL in circumstances where the bail application would be dealt with the following day if the young person was transported to a Youth Detention Centre, provided that appropriate arrangements can be made to enable the young person to obtain adequate confidential legal advice by AVL.

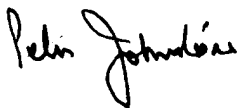
5. Standard operating procedures have been developed and circulated across the relevant agencies to facilitate the smooth operation of the bail courts during this period. A departure from these arrangements should only occur when it is in the interests of the young person.

Care and protection applications

6. Where an application for an emergency care and protection order under s46 of the *Children and Young Person's (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 at Parramatta Children's Court on a weekday that is not a public holiday during the Christmas/New Year period.
7. Legal practitioners may appear by video conference provided they have obtained adequate instructions from their client.

Domestic and Personal Violence applications

8. It is anticipated that in the ordinary course urgent provisional orders will be made by the police and listed after 10 January 2021 to protect complainants in relation to domestic and personal violence incidents during the Christmas/New Year period.
9. However, urgent applications for interim domestic and personal violence orders or urgent interim variations of domestic and personal violence orders may be listed at Parramatta Children's Court on a weekday that is not a public holiday during the Christmas/New Year period but only following consultation with the registrar of Parramatta Children's Court.



Judge Peter Johnstone

President of the Children's Court of NSW

5 November 2020