



CHILDREN'S COURT OF WESTERN AUSTRALIA

INFORMATION NOTE

PROTECTION AND CARE PROCEEDINGS **CONTINUING IMPLEMENTATION OF PRACTICE DIRECTION 6 OF 2021**

I would like to thank all legal practitioners and agency workers who appear in the Children's Court for their co-operation as the Court implements new practices and procedures in the protection and care (P&C) jurisdiction. Following are the details of the next stage of changes which will occur under Practice Direction 6 of 2021.

Pre-Hearing Conferences in Perth Children's Court

Most Pre-Hearing Conferences (PHC) are now presided over by Registrar Martin. PHCs are listed on Mondays, Tuesdays and alternate Wednesdays at 9:30am, 11:30am and 2:15pm. The initial results from registrar mediation are very encouraging.

Once minor building works are completed, the Court will move to shuttle mediation in appropriate cases.

Case Management List in Perth Children's Court

The Case Management List will commence from **4 October 2021**.

Magistrate Vose will be the judicial officer in charge of the list and responsible for deciding whether a matter is accepted into case management or not. He will sit fortnightly on Monday at 2:15pm in a Case Management Assessment List. Matters which are within the Eligibility Guidelines and may be suitable for case management may be adjourned to his list for decision. There will be a cap of 10 matters in the

Assessment list each fortnight (a matter may include related files for other children). The cap on total matters in case management will be 60, thus allowing for a roughly three to four-week adjournment cycle. Caps will be reviewed from time to time.

The Case Management List will not be docket managed for the foreseeable future, rather, the daily P&C magistrate will preside over the list, conscious of the purpose of case management and without the timeline prescription that applies to matters in the general list.

Magistrate Vose will manage the Case Management List in accordance with the Act and Practice Direction. If case management fails, the matter will be adjourned back to the Assessment list where the Magistrate will decide whether it will be sent back to the general list or to trial allocation. Magistrate Vose will also call on case management matters for review in the Assessment list at his discretion.

From **18 October 2021** the daily P&C list will be split between 9:00am and 11:00am for general P&C matters and 2:15pm for case management matters. There will be a maximum of 4 matters in each Case Management List, allowing 30 minutes for each.

Interim applications and hearings (all Children's Courts)

The only interim applications by a party which can be made orally are urgent applications arising at a First Hearing pursuant to para 9.2 of the Practice Direction. Notice must have been given to the other parties for the Court to hear and determine (or program) such an application.

All other interim applications by a party must be written, supported by affidavit and lodged at the registry where the protection matter is listed.

Interim applications lodged in Perth Children's Court will be listed in the daily P&C list or before an available magistrate in Perth or Fremantle Children's Court.

Interim applications must be heard and finalised quickly and should not, other than in exceptional circumstances, be adjourned part heard more than once. Interim hearings must not to be used for case management.

Readiness hearings

From **4 October 2021**, P&C trials will be assigned to the trial magistrate four weeks prior to the trial date and the file delivered to the magistrate to prepare for the readiness hearing and trial. Readiness hearings for metropolitan and regional trials will take place before the trial magistrate approximately two weeks in advance of the trial at 9.00am in Perth or Fremantle Children's Court.

Trial Allocation Hearings and Trial

A judge of the Court will preside over Trial Allocation Hearings. The venue for trial will be determined at the Trial Allocation Hearing. Metropolitan trials will be listed in Perth or Fremantle Children's Court, with final court allocation four weeks before trial. Regional matters will usually be listed in the region and the magistrate and support staff will travel on circuit from Perth Children's Court.

P&C Warrants (all Children's Courts)

Paragraph 25 of the Practice Direction must be complied with. In appropriate cases, the judicial officer who issues a warrant will authorise redaction of the service copy of the warrant to protect the anonymity of a notifier and other confidential information.

P&C Forms (all Children's Courts)

The Court and Department of Communities are close to finalising new P&C forms. I expect all forms will be implemented by the end of the transition period on **30 November 2021**.

P&C Orders (all Children's Courts)

From now, court orders will be extracted strictly in accordance with the Practice Direction.

Attendance of case workers at court hearings

The responsible Department of Communities case worker is required to attend at the following court hearings: First Hearing, Interim Hearing, Pre-Hearing Conference, Readiness Hearing and Trial. In the Case Management and Pilot Therapeutic lists, the case worker should attend unless excused by the magistrate at the previous hearing.

In appropriate cases, attendance may be pre-arranged by audio or video link in accordance with the Court's usual procedures.

Case workers are not required to attend other court hearings, but counsel who attend for the Department of Communities must be fully instructed and the case worker contactable on telephone if required.



Judge Hylton Quail

President of the Children's Court of Western Australia

22 September 2021