



CHILDREN'S COURT OF WESTERN AUSTRALIA

INFORMATION NOTE

TRIAL BASIS LISTING ARRANGEMENTS FOR FREMANTLE, ARMADALE AND ROCKINGHAM CHILDREN'S COURT FROM MONDAY 15 NOVEMBER 2021

New sitting and listing arrangements will apply in the Fremantle, Rockingham and Armadale Children's Courts from 15 November 2021. These arrangements are commencing on a trial basis and will be continuously reviewed. They are dependent on the workload and resourcing of the Court. Any changes will be notified to all court users.

A magistrate will relocate from Perth to Fremantle Children's Court and preside there, apart from the usual rostered Children's Court days in Armadale and Rockingham Children's Courts when the magistrate will sit in those Courts. To accommodate the new arrangements the following changes will be made to listings procedures.

Protection and care matters

Protection and care trials which are usually listed in Perth Children's Court may be listed and heard in Fremantle Children's Court instead. Parties will be told at the trial allocation hearing which court the trial (and any readiness hearing) will proceed in. Parties who reside in the southern metropolitan area can apply at the trial allocation hearing to have their trial listed in Fremantle.

All trial documents (apart from any which are physically produced at trial) and pre-trial applications must be filed in Perth Children's Court. Fremantle Children's Court will not provide registry services in protection and care matters.

Criminal matters

Magistrates jurisdiction criminal matters (except for trials) in Armadale, Rockingham and Fremantle Children's Courts will continue to be listed and heard as they presently are. Magistrates jurisdiction criminal trials which originate from Armadale, Rockingham and Fremantle Children's Courts may be transferred administratively back to Fremantle Children's Court for trial. Affected parties will be contacted by the Clerk of Court if the trial is to be moved and allowing sufficient notice for witness and counsel arrangements to be made. From 15 November 2021, Fremantle, Armadale and Rockingham Children's Court criminal matters where not guilty pleas are indicated or entered will be adjourned to a call-over list in the Fremantle Children's Court where the presiding magistrate will set a date for trial in the Fremantle Children's Court. Return of s 19B papers will remain in the original court where the prosecution commenced.

Registry services for filing of documents, issuing of summonses and conduct money in criminal matters will be provided by Fremantle Children's Court after a matter is transferred to Fremantle.

Restraining order matters

The existing arrangements in relation to lodgement of metropolitan court restraining order applications will continue subject to the following changes: When a metropolitan court contacts Perth Children's Court to arrange lodgement or transfer of a restraining order application, the listings officer at Perth Children's Court will direct which court the application is to be lodged in or transferred to. Generally, where applicants are in the southern metropolitan area and it is easier for them to get to Fremantle rather than Perth, those applications will be directed to the Fremantle Children's Court, provided the magistrate is sitting there that day. Applications which are lodged, heard and adjourned in the Fremantle Children's Court will go to either the regular Fremantle Children's Court day or a call-over list in the Fremantle Children's Court and if necessary, programmed to trial in the Fremantle Children's Court from the call-over list.

Registry services for filing of documents and issuing of summonses in restraining order matters will be provided by Fremantle Children's Court after a matter is transferred to Fremantle.



Judge Hylton Quail

President of the Children's Court of Western Australia

2 November 2021