



Children's Court  
Victoria

**PRACTICE DIRECTION  
NO. 2 OF 2020  
CRIMINAL DIVISION - COVID-19**

This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005*.

**PREAMBLE**

This Practice Direction introduces temporary measures necessitated by the COVID-19 pandemic. It is informed by the latest medical advice from Victorian public health authorities to ensure the health, safety and wellbeing of all Court users. In order for the Children's Court to continue its critical role in the administration of justice for the children, young people and families of the State of Victoria, the following Directions are made.

This Practice Direction applies to all Criminal Division proceedings filed in the Children's Court throughout Victoria with effect from 25 March 2020.

**DIRECTIONS**

**FILING**

1. All initiating documents, Court reports and other relevant documentation must be filed electronically with the relevant [Children's Court Registry](#).

**ATTENDING AT CHILDREN'S COURTS**

2. Entry to Children's Courts is restricted in order to protect the safety of all persons at Court premises and in order to maintain the security, good order and management of Court premises in the interests of all Court users. Entry to Children's Courts will be permitted in accordance with the attached [Notice](#).

3. Any person who meets the criteria for isolation according to the [Australian Government Department of Health guidelines](#) must not attend Court.
4. Any person attending Court must comply with the Court's social distancing protocol (see paragraphs 21 to 25 — Social Distancing Protocol at Court).
5. Wherever possible, child accused and informants should not attend Court in person.
6. Where a child accused's lawyer has up-to-date instructions and can contact their client by telephone or other means, that child is not required to attend Court and should not do so (even if on bail) unless the Court otherwise directs.
7. Where a party must attend Court, the Court directs that their legal representative give priority to obtaining those instructions to enable that party to leave Court without undue delay.

## **MANAGEMENT OF CRIMINAL DIVISION PROCEEDINGS**

8. Unless the Court otherwise directs, Criminal Division proceedings will be case managed in accordance with the directions set out below.
9. All Children's Koori Court hearings are suspended until further notice.
10. Children's Court Clinic assessments will continue to be undertaken with increased use of audio visual facilities. Unless otherwise ordered by the Court, all other clinical assessments will be suspended temporarily until further notice.
11. All CAYPINS matters are to be adjourned for 16 weeks.
12. The current 21 day remand arrangements remain in effect. However, legal representatives of children in custody are urged to file waivers wherever possible and children on remand who seek to appear at Court should appear by videolink, audio visual link or audio link.
13. All cases in which child accused have been charged on summons are to be adjourned for 12 weeks.

14. All cases in which the child accused is on remand or on bail are to be adjourned (with bail extended/varied) to a date to be determined by the Court.
15. The Court will list cases for urgent hearings as defined in paragraph 16. If practicable submissions will be heard by videolink, audio visual link or audiolink at the direction of the Court.
16. Urgent hearings are:
- i. any application under the *Bail Act 1977*;
  - ii. a plea of guilty by a child accused who is in custody;
  - iii. applications for breach, revocation or variation of a sentencing order;
  - iv. applications under the following provisions of the *Crimes Act 1958*:
    - section 464B [extension of time];
    - section 464M [fingerprints];
    - sections 464U & 464V [forensic procedure]; and
  - v. any other cases that the Court considers it necessary to deal with as a matter of urgency.
17. Following an urgent hearing, the further case management of the proceedings will be in accordance with paragraphs 12-14 above.
18. Any reports ordered during the adjournment period must be filed and served electronically no later than 3 days prior to the adjourned listing.

## **CURRENT LISTINGS - NOTIFICATIONS**

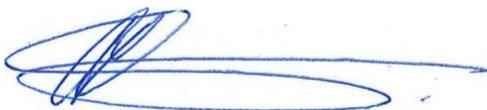
19. The Registry will use every endeavour to contact the parties in advance of any current listing to advise the parties and/or their legal representatives of the date to which the Court proposes to adjourn the proceedings. That notification will include advice about whether the proceeding is to be listed for mention or special mention.
20. Where the parties consent or do not oppose an adjournment and where appropriate an extension (with or without a variation) of bail, the prosecutor and the legal representative of the child accused are to complete this [electronic form](#) "Consent/Unopposed Proposed Orders — Criminal Division" which must be filed by the prosecution no later than one

business day before the scheduled hearing date. Parties are then not required to attend Court unless advised otherwise. The Court will notify the parties if an attendance is required.

## **SOCIAL DISTANCING PROTOCOL AT COURT**

21. No party is to enter the courtroom before their matter is called.
22. The accused (where possible) and counsel, solicitors and prosecutors are to adhere to appropriate social distancing.
23. Legal representatives who have not entered their appearance for a party electronically or by telephone prior to the hearing will be required to announce their appearance for a party at the commencement of the proceedings.
24. Parties are to refrain from approaching the bench clerk and should place any hard copy documents in the tray provided.
25. Parties are to leave the Court immediately after the hearing has concluded, and then make their way promptly to leave the Court premises unless they have further matters before the Court.

This Practice Direction commences on 25 March 2020.



Judge Amanda Chambers  
President  
Children's Court of Victoria  
24 March 2020