

Listings Protocol for the management of Children’s Court cases at Tamworth and Moree

The purpose of this protocol is to set out listing practices to accommodate the shared management of Children’s Court cases between the Children’s Magistrate assigned to the monthly Children’s Court circuit and the local Magistrates sitting at Tamworth and Moree.

The Children’s Court circuit will operate in week 3 commencing on **Monday 19 February 2024**.

An update to the Moree sittings will commence from **Thursday 20 June 2024**. Please note that from October, a dedicated Care & Education list will be commencing on Friday Week 3 and further updates will be issued prior to this change.

Week	Monday	Tuesday	Wednesday	Thursday	Friday
3	Tamworth Crime Sentence & DPP list	Tamworth Care Short Hgs*	Tamworth Care & Education List Travel PM	Moree Crime List (including Crime Sentence & DPP list)	Moree Crime Hgs

*Note: Tamworth Tuesday Week 3 will be primarily focused on Short Care hearings but also be used for Doli hearings, section 14 applications and dealing with preliminary issues for special fixtures such as tendency.

Tamworth arrangements

Care Proceedings

1) An application for

- a) an emergency care and protection order (s46),
- b) a care application following the removal of a child or young person (s43) or
- c) a care application following the assumption of a child or young person into care (s45)

is to be listed no later than 3 working days after the application is filed (para 12.1 Practice Note 5).

The application is to be listed before the Children’s Magistrate if this date falls on a date when the Children’s Court circuit is sitting at Tamworth.

Otherwise, it is to be listed before the local Magistrate in the first instance and then adjourned to the Wednesday in week 3 following the determination of any interim orders.

2) Any application that does not require the Children's Court to make a determination on an urgent basis is to be listed on the Wednesday of week 3 on the Children's Court circuit. Examples include:

- a) Applications for Parent Capacity Orders.
- b) Other applications for a Care order where the child or young person has not been removed or assumed into care.
- c) s90 applications unless the current order will expire in the interim period or the parties request for the case to be listed urgently.

3) The Children's Magistrate will determine all short care hearings (e.g. applications for joinder, s.90 leave applications, assessment applications) within the Children's Court circuit.

4) Any care hearing with an estimate in excess of one day will be allocated a special listing by the Children's Court unless the local Magistrate is able to accommodate the hearing on an earlier date. The Children's Magistrate will communicate with the Registrar at Tamworth and the Children's Court listing co-ordinator to determine suitable dates and the allocation of a Children's Magistrate to hear the case.

5) Tamworth Children's Court will deal with care proceedings filed by the Tamworth CSC. Where a case originates from another CSC but is listed at Tamworth for interim orders the case will be adjourned to the appropriate Children's Court following the determination of interim orders.

This does not prevent a party from making an application in the interests of justice to transfer the proceedings to Tamworth Children's Court.

6) Chambers work (reports, applications and release of clinic reports) will be determined by the circuit Children's Magistrate.

Criminal proceedings

1) The Children's Magistrate will assist with bail applications where requested by the local Magistrate.

2) The first mention for all proceedings will be listed before the local Magistrate.

3) If the ODPP takes over the prosecution of the case the matter is to be adjourned to the Monday in week 3 for case management. Related matters not involving the ODPP should also be adjourned to the Monday of week 3 where appropriate.

4) If a child or young person enters a plea of guilty the local Magistrate will finalise the proceedings unless the matter requires an adjournment for the preparation of reports or to action breach proceedings.

5) Proceedings that have been adjourned for sentence or breach action may be listed before the Children's Magistrate on Mondays in week 3. Associated AVO proceedings may be adjourned to the same date where appropriate.

6) At the discretion of the Local Court Magistrate, when there is a sentence matter involving a Young Person in the Monday Children's Court Crime List, and the Young Person has other non-sentence matters listed, then the Children's Magistrate may make administrative directions (i.e. service and reply dates) but will adjourn the non-sentence matters to the Children's Court list on Week 1 Tuesday.

7) Applications under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* may be listed before the Children's Magistrate on Mondays in week 3.

8) Hearings will be dealt with by the local Magistrate unless it is determined that the hearing should be dealt with by a Children's Magistrate due to the complexity of the case or the length of the hearing. In that instance the relevant magistrate will communicate with the Registrar at Tamworth and the Children's Court listing co-ordinator to determine suitable dates and the allocation of a Children's Magistrate to hear the case as a special fixture.

9) Chambers work will be determined by the local Magistrate (bail reviews etc) who will forward any relevant requests to the circuit magistrate.

AVO proceedings

1) AVO proceedings will be dealt by the local Magistrate unless associated criminal charges have been adjourned to the Children's Court circuit.

Education proceedings

1) All education applications are to be listed before the Children's Magistrate on the Wednesday of week 3.

Moree arrangements

Care & Education Proceedings

- 1) All care proceedings are to be dealt with by the local Magistrate unless an urgent application for an interim order can more conveniently be dealt with by the Children's Magistrate on the Thursday or Friday of week 3. The Country Assistance Protocol applies to the hearing of care of proceedings.
- 2) All Education proceedings are to be dealt with by the local Magistrate.

Criminal & AVO Proceedings

- 1) All fresh bail applications will be listed before the local Magistrate unless the Children's Magistrate is present at Moree on the Thursday or Friday of week 3. Following the bail determination cases will be adjourned to the Moree Children's Court list unless it is more appropriate for the Local Court magistrate to determine the matter.
- 2) All new criminal & AVO cases will be listed on the Thursday of week 3 before the Children's Magistrate unless it is determined that it must be dealt with as a matter of urgency by the Local Court Magistrate.
- 3) Where the ODPP takes over the prosecution of the case it is to be adjourned to the Thursday of week 3 before the Children's Magistrate. Related matters not involving the ODPP should also be adjourned to the Thursday of week 3.

- 4) If a child or young person enters a plea of guilty the local Magistrate will finalise the proceedings unless the matter requires an adjournment for the preparation of reports or to action breach proceedings.
- 5) Proceedings that have been adjourned for sentence may be listed before the Children’s Magistrate on the Thursday of week 3. Associated AVO proceedings may be adjourned to the same date where appropriate.
- 6) Applications under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* may be listed before the Children’s Magistrate on the Thursday of week 3.
- 7) The Local Court Presiding Magistrate and the Children’s Magistrate will liaise with the Children’s Listing Coordinator before matters are listed for hearing on the Friday of Week 3. Where possible, hearings will be dealt with by the Children’s Magistrate. Hearings with a high degree of complexity or an estimated length of 1 day or longer should be communicated to the Registrar at Moree and the Children’s Court listing co-ordinator to determine suitable dates and the allocation of a Children’s Magistrate to hear the case as a special fixture.
- 8) Applications to vary bail will be listed before the circuit magistrate during week 3 but will otherwise be managed by the Local Court Registry.

Version	Effective date	Reason for amendment	Approval	Date
1.0	19 Feb 2024	First Version	Judge Skinner	18 Feb 2024
2.0	20 June 2024	Update to Moree Sittings	Judge Skinner	14 June 2024