

PRACTICE DIRECTION NUMBER 1 OF 2014

CHILDRENS COURT OF QUEENSLAND

CONDUCT OF YOUTH JUSTICE MATTERS

1. This Practice Direction applies to proceedings under the *Youth Justice Act 1992* (YJA) that are dealt with in the Childrens Court of Queensland as constituted by a Judge or a Magistrate.
2. The purpose of this Practice Direction is to ensure that:
 - (a) relevant applications in youth justice matters are dealt with fairly and expeditiously; and
 - (b) there is compliance with provisions introduced to the *Childrens Court Act 1992* (CCA) and the YJA by the *Youth Justice and Other Legislation Amendment Act 2014*.
3. If a party intends to make a relevant application they are required to file a Youth Justice Notice within 7 days of the date set for the appearance.
4. To assist the court, when the parties first appear before the court, if they have not already filed a Youth Justice Notice, the parties should hand to the court a Youth Justice Notice that:
 - (a) has been completed to the extent possible at the commencement of proceedings;
 - (b) is agreed upon by all parties.If agreement cannot be reached as to the completion of the Notice:
 - (i) each party must hand to the court a Notice they consider accurate; and
 - (ii) the parties must also be in a position to inform the court as to the issues in dispute.
5. The court may exercise its discretion to excuse the requirements in paragraphs 3 and 4 of this Practice Direction.
6. The court expects that by the time the matter is before the Judge or Magistrate, all relevant issues will have been considered by the parties and any issues brought to the attention of the Judge or Magistrate at the commencement of proceedings.
7. Orders granted to close the court or prohibit publication will remain in place for all subsequent proceedings that deal with the same charges, until further order of the court.

8. If the court is open for a matter that has had a publication prohibition order made, the prosecution must bring to the court's attention the existence of such an order at the commencement of the proceedings. The purpose is to alert the Magistrate or Judge, as well as the general public seated in the courtroom, about the existence of such an order.
9. In this Practice Direction:
- (a) a **relevant application** includes an application for:
 - (i) whether or not the child is a first-time offender (if contested);
 - (ii) an order to close the court (ss21C & 21D CCA)
 - (iii) an order to permit a person to remain in a closed court (ss21C & 21D CCA);
 - (iv) an order to exclude people from the court (ss21C & 21D CCA);
 - (v) a publication prohibition order (s299A YJA).

 - (b) A **party** refers to any person or representative who wishes to make a relevant application to the court pursuant to applicable legislation (s299A YJA and s21A CCA). For the sake of clarity, this includes representatives of the media.

 - (c) **Youth Justice Notice** means the notice that is annexed to this Practice Direction as Annexure A.

Judge M Shanahan
President
Childrens Court of Queensland
14 April 2014

Annexure A to Childrens Court of Queensland Practice Direction No 1 of 2014

Youth Justice Notice

[Insert matter details]

Notice prepared by:

(circle relevant answers in the table below)

1. Have all parties indicated their agreement with the notice:	Yes/No				
2. Is the child a first-time offender:	<table> <tr> <td>Yes</td> <td>• Closed court unless proceedings is on indictment</td> </tr> <tr> <td>No</td> <td>• Open court • Go to 3</td> </tr> </table>	Yes	• Closed court unless proceedings is on indictment	No	• Open court • Go to 3
Yes	• Closed court unless proceedings is on indictment				
No	• Open court • Go to 3				
3. Is an application being made to close the court:	Yes/No				
4. If first-time offender, is an application for publication being made:	Yes/No				
5. If not a first-time offender, is an application being made for non-publication:	Yes/No				