

**YOUTH COURT OF SOUTH AUSTRALIA**  
**PRACTICE DIRECTION No 1**  
**CASE FLOW MANAGEMENT**

I, Alan Peter Moss, Senior Judge of the Youth Court of the South Australia, (“the Court”) pursuant to Rule 4.01 of the Youth Court Rules issue this practice direction in relation to the listing and disposition of criminal cases under the Young Offenders Act 1993 (“the Act”).

1. All previous practice directions concerning the listing and disposition of criminal cases are revoked.
2. Criminal cases will be listed at 9.30am, 10.00am, 11.30am and 2.15pm on each weekday. Lists shall be prepared and time set aside for cases so as to permit the orderly conduct of the Court and the enhancement of case flow management.
3. On the first return of a complaint/information the Court shall advise the youth, if not legally represented, of his/her rights to be legally represented and of such other information as may be necessary to satisfy the requirements of Cooling v Steele 2 SASR 249 in the youth’s particular case.
4. If the youth does not plead guilty on the first return of the complaint/ information then the proceedings may be adjourned/remanded for a period not exceeding 6 weeks, to enable the youth to seek and arrange legal aid and to be legally advised and represented.
5. On the second return of the complaint/information the youth shall advise the Court whether he/she intends to plead guilty or not guilty.
6. If, on the second return of the complaint/information the youth advises the Court that he/she intends to plead guilty but the matter is not immediately dealt with, the proceedings may be adjourned/remanded for such period as may be necessary to enable the Court and the youth to obtain all such information, evidence and reports as may be required for consideration of penalty.
7. When a youth has advised that he/she intends to plead guilty but the proceedings have not been finalised on the second return then the Court shall, if reasonably possible, finalise the proceedings and impose penalty upon the third return of the complaint/information.
8. If, on the second return of the complaint/information, the youth advised the Court that he/she intends to plead not guilty, then the Court shall adjourn/remand the proceedings for a further 8 weeks for a pre-trial conference. The parties shall, during that 8 week adjournment/remand period comply with Rule 26 of the Magistrates Court Rules (applies by virtue of Rule 19.01 of the Youth Court of South Australia Rules)
9. When the Court sets a date for trial the proceedings shall be listed to continue as follows: -
  - (a) Adelaide Youth Court  
On successive days over the balance of the week in which it is listed and thereafter on successive days for the balance of the week to which it is adjourned/remanded until the sworn evidence is completed.

(b) Regional (suburban) Courts

On successive weekdays until the sworn evidence is completed.

(c) Circuit Courts

On such successive days as may be available during the circuit week.

10. The Court will expect counsel to make realistic and achievable estimates of the length of trials to be listed and to be available for the whole of the period for which the trial has been listed.
11. The Court may depart from these practice directions to achieve the objects and policies of the Act, or if it is otherwise necessary to do so, in the interests of the administration of justice but in doing so the Court shall make orders designed to preserve the spirit and intention of the practice directions.
12. This practice direction will come into operation on 1<sup>st</sup> March 2003.

DATED the 30th day of January 2003.

**ALAN MOSS**

Senior Judge

**YOUTH COURT OF SOUTH AUSTRALIA**  
**PRACTICE DIRECTION No 2**  
**CARE AND PROTECTION TELEPHONE LINKUPS**

We, Alan Peter Moss, Barry John Jennings, Patricia Ann Rowe and Christopher Charles Vass the Judiciary of the Youth Court of the South Australia, (“the Court”) pursuant to Rule 4.01 of the Youth Court Rules issue this practice direction in relation to care and protection cases under the Children’s Protection Act 1993 (“the Act”) where a telephone/video link is required to a Regional Court.

13. That the Crown/CYFS file a notice identifying whether a phone/video link is required at time of filing any application for investigation and assessment or care and protection.
14. Upon receipt of notice and application from the Crown/CYFS, the listing coordinator immediately advise the Regional Court of the listing date and requirement for a phone/video link.
15. That all care and protection applications via telephone/video link be held within the court precincts in a formal environment presided over by the Registrar of the Court.
16. That a Sheriffs Officer be present at all care and protection hearings on telephone/video link.
17. That wherever possible video link be used in preference to a telephone link.

18. The Court may depart from these practice directions to achieve the objects and policies of the Act, or if it is otherwise necessary to do so, in the interests of the administration of justice but in doing so the Court shall make orders designed to preserve the spirit and intention of the practice directions.

19. This practice direction will come into operation on 1<sup>st</sup> November 2004.

DATED the 17th day of September 2004.

**ALAN PETER MOSS**

Senior Judge

**BARRY JOHN JENNINGS**

Judge

**PATRICIA ANN ROWE**

Magistrate

**CHRISTOPHER CHARLES VASS**

Magistrate

**YOUTH COURT OF SOUTH AUSTRALIA**  
**PRACTICE DIRECTION No 3**  
**CARE AND PROTECTION APPLICATIONS**

We, Alan Peter Moss, Barry John Jennings, Stephen Kevin McEwen, Patricia Ann Rowe and Christopher Charles Vass the Judiciary of the Youth Court of South Australia, (“the Court”) pursuant to Rule 4.01 of the Youth Court Rules, issue this practice direction in relation to the listing and disposition of Care and Protection Applications.

1. Applications

- 1.1 For matters in which there is an existing Care and Protection order and the Minister requires continuity of orders, the Application shall be filed not less than 14 calendar days prior to expiration of the existing order.
- 1.2 Prior to service upon the parties the Registry shall endorse upon the Application, the proposed dates of:
  - (a) the first return,
  - (b) the pre-trial conference (if required), which shall be approximately 6 weeks from the date of the lodgement of the Application
  - (c) the expiry of the 10 weeks pursuant to s.39(a) Children’s Protection Act 1993.
- 1.3 Form No 106 may be modified to facilitate compliance with this practice direction.

2. Supplementary Affidavits, Reports etc.

- 2.1 In an Application for Care and Protection, any documents upon which a party proposes to rely, shall be filed at the Registry and served at least 48 hours prior to the relevant hearing; and the Court expects that counsel will have taken instructions on those documents prior to that date.

3. Compliance with Children’s Protection Act s.27

- 3.1 Applications for Orders pursuant to the Children's Protection Act s. 38 shall be endorsed with,
- (a) the date upon which the Family Care Meeting was held,
  - or
  - (b) the relevant matter(s) pursuant to s.27(2) upon which the Applicant relies.
4. The Court may depart from these practice directions to achieve the objects and policies of the Act or if it is otherwise necessary to do so on the interests of the administration of justice but in doing so the Court shall make orders designed to preserve the spirit and intention of these practice directions.
5. This practice direction will come into operation on 3 April 2006

Dated this 10<sup>th</sup> day of February 2006

**ALAN PETER MOSS**

Senior Judge

**BARRY JOHN JENNINGS**

Judge

**STEPHEN KEVIN MCEWEN**

Acting Judge

**PATRICIA ANN ROWE**

Magistrate

**CHRISTOPHER CHARLES VASS**

Magistrate