



**Children's Court
Victoria**

PRACTICE DIRECTION

No. 3 of 2012

LISTINGS – MELBOURNE CHILDREN'S COURT

THIS PRACTICE DIRECTION IS ISSUED PURSUANT TO
SECTION 592 OF THE *CHILDREN, YOUTH AND FAMILIES ACT* 2005

Preamble:

This Practice Direction is designed to address listing delays in child protection cases in the Family Division of the Melbourne Children's Court.

Background:

The Melbourne Children's Court has a 26-week delay between the completion of a New Model Conference (NMC) and the hearing of a final contest. The rising volume of work in the Family Division makes it likely that delay will worsen unless the court acts to address the problem. In addition, it is apparent that some cases not resolved at NMC are being booked for 'back up contest dates' even though the case is close to resolution. This practice is contributing to delay. Further, matters are being booked for contest without rigorous scrutiny as to the issues in the case, the number of witnesses required and the number of days the contest will take. The court must take a stronger role in managing cases identified as requiring a contest date.

Directions:

1. A case that –
 - is not resolved at NMC and is not adjourned for a further NMC or mention; or
 - after being adjourned for further NMC or mention does not resolve –is to be listed before a judicial officer for a directions hearing.
2. The coordinator is to fix the date for the directions hearing after taking advice from the convenor who conducted the NMC or further NMC or the judicial officer who conducted the mention. The matter will not be given a contest date at this stage. The date for the directions hearing will be within six weeks of the NMC, further NMC or mention. The parties are required to file a 'matters for direction' certificate (see Attachment A) at the time of booking the directions hearing. The parties will complete this certificate at the conclusion of the NMC, further NMC or mention hearing.
3. If the case does not resolve at the directions hearing, the judicial officer will list the case for contest or manage the case (this may include listing the matter for further direction) until it is fixed for final contest. As part of this process, the judicial officer may decide (in consultation with the coordinator) that a particular case be given a priority listing date.

Case management will include determining the matters in dispute, the witnesses required and the length of court time required for the contest.

4. Where the court has determined that a case is unsuitable for NMC, the case will be listed by the coordinator for a directions hearing to be conducted within six weeks of the determination of unsuitability. If the case does not resolve at the directions hearing, the process will be the same as that described in the previous paragraph.

This Practice Direction will apply from 1 October 2012.

Judge Paul Grant
President
Children's Court of Victoria

23 August 2012



MELBOURNE CHILDREN'S COURT

MATTERS FOR DIRECTION CERTIFICATE

| | |
|---|--|
| To be filed with the Court Co-ordinator if matter contested. | |
| Date: | NMC proceeded (please circle) Yes No |
| Name of case / child: | DoHS -v- |
| Case number: | / |
| DoHS office: | |
| DoHS worker/team leader: | |
| Applications listed: | |
| Child residing with parent: | (please circle) Yes No |
| Mother: | Legal rep: |
| Father: | Legal rep: |
| Child: | Legal rep: |
| Child: | Legal rep: |
| Child: | Legal rep. |
| Other party: | Legal rep. |
| Disposition sought by DoHS: | |
| Disposition sought by party: (Name of party): | |
| Disposition sought by party: (Name of party): | |
| Disposition sought by party: (Name of party): | |
| Disposition sought by party: (Name of party): | |
| Please outline areas of dispute: (eg. Frequency of access for father): | |



MELBOURNE CHILDREN'S COURT

MATTERS FOR DIRECTION CERTIFICATE

Estimated duration of contested hearing:

Number of witnesses to be called:

Witness names and titles:

- | | |
|----|-----|
| 1. | 7. |
| 2. | 8. |
| 3. | 9. |
| 4. | 10. |
| 5. | 11. |
| 6. | 12. |

The legal representatives/parties confirm that this matter has not resolved.

Signed: _____ (print name): _____ for (party):

_____ (print name): _____ for (party):

_____ (print name): _____ for (party):

_____ (print name): _____ for (party):

_____ (print name): _____ for (party):

Date:

Recommended time to Directions Hearing:

(to be completed by Conference Convenor after NMC or Court Coordinator)

Comments:

Signed: _____ (print name): _____

Conference Convenor / Court Coordinator