

Children's Court Jurisdiction – stakeholder communication

Transfer of ancillary bail decisions from Authorised Officers to Judicial Officers from 3 March 2025

From 3 March 2025, bail decisions that Authorised Justices are currently able to make under the Bail Act 2013 will be transferred to Judicial Officers. The listing arrangements below are based on advice from the President of the Children's Court and may be subject to change as necessary.

Scenario under the Bail Act 2013		Process from 3/03/2025
Bail status unchanged (continuation of bail) Notation that bail is to continue (<u>except</u> under s 12(4))	Unchanged – Authorised Justice will continue to note the continuance of a previous bail decision for administrative purposes (in the same terms only). Note: this does not include matters where bail has previously been granted for a specified period and will cease to have effect – such matters to go before a judicial officer for bail decision	
Review/variation of bail Application to vary bail – in court (ss. 51, 52)	If variation is consented to by all parties, matter to be listed before a Judicial Officer (in chambers) If there is no consent or the judicial officer requires more information the matter is to be listed in court.	
Variation of conditions reviewable by an authorised justice – counter application (s. 52)	Written application using the Bail Variation application limited conditions (same day listing) form. Administratively processed by Court registry staff. Applications will be determined by a Judicial Officer (in chambers). If the Judicial officer is unavailable, will be determined by a Judicial Officer at Parramatta Children's Court. Originating Court will provide copy to child/young person (in person, via email, post).	
Own decision to vary a previous bail decision on first appearance (s. 53)	Matter to be listed before a Judicial Officer (in court)	
Where accused person remains in custody	Matter to be listed before a Judicial Officer (in court)	

Children's Court Jurisdiction – stakeholder communication

Scenario under the Bail Act 2013		Process from 3/03/2025
following a decision to grant bail (s. 55)		
Refusal of bail Power to refuse bail where bail is not applied for (s. 54)		Matter to be listed before a Judicial Officer (in court)
Deferral of bail decision Discretion to defer bail decision if accused person is intoxicated (s. 56)		Matter to be listed before a Judicial Officer (in court)
Bedside Bail Court Duties if bail refused or if accused person not released (s.46)		Registrars will liaise with their presiding magistrate about how the bedside bail hearing is to be conducted noting the decision maker must be a Judicial Officer. The court will also liaise with police and the legal representative about the time, location/mode of hearing (if via AVL).