



Children's Court of Western Australia
Practice Direction 5 of 2022
Review and Rehearing Applications

1. Application of Practice Direction

- 1.1. This Practice Direction applies to an application made under:
- (a) s 14 of the *Bail Act 1982*;
 - (b) s 28 of the *Children's Court of Western Australia Act 1988*;
 - (c) s 40 of the *Children's Court of Western Australia Act 1988*.
- 1.2. Practice Direction 4 of 2006 is revoked.
- 1.3. This Practice Direction has effect from 17 October 2022.

2. Forms and lodgment

- 2.1. An application made under s 28 or s 40 of the *Children's Court of Western Australia Act* or s 14 of the *Bail Act* is to be lodged at the Perth Children's Court registry using the form – Application for Review or Rehearing (www.childrenscourt.wa.gov.au – Forms).
- 2.2. An urgent application (together with any supporting documents) must be emailed by the applicant to the President's Associate at the same time as lodgment at the registry.

3. Urgent and ordinary applications

- 3.1. Urgent applications will be listed for immediate hearing before the President or a judge who will determine whether the review must be dealt with immediately or adjourned and programming orders made.
- 3.2. Ordinary applications will be listed before the President or a judge for programming orders.

4. Supporting materials

- 4.1. Urgent applications may be lodged without supporting materials.
- 4.2. Ordinary applications must be supported by the following materials:
 - (a) transcript of decision maker;
 - (b) all the materials before the decision maker;
 - (c) any additional materials the party seeks to rely on;
 - (d) an affidavit, if changed or new factual circumstances are relied upon.
- 4.3. Before determining an application the President or a judge may order additional reports and written submissions from the parties.

5. Service

- 5.1. An application for review or rehearing must be served on each other party as soon as practicable after it is lodged. Urgent applications must be served within 1 hour of lodgment.
- 5.2. An application for review or rehearing must be served on all of the parties who participated in the original proceeding the subject of the review or rehearing and any others the Act governing the review or rehearing requires.

6. Directions

The Court may dispense with a requirement of this Practice Direction if:

- (a) the urgency of the application requires; or
- (b) for any other reasons the Court considers it appropriate to do so.



Judge Hylton Quail

President

Children's Court of Western Australia

11 October 2022