

Children's Court of Western Australia ("the Court")

Practice Direction No. 1 of 2009

Video Link Appearances in the Children's Court of Western Australia ("the Court"), at Perth, for Adults in Custody

Commentary and Scope

1. It is undesirable for adults to be held in detention and secure holding areas with children.
2. There is only one secure holding area at the Court building in Perth and its construction does not always enable children and adults to be adequately separated.
3. To avoid undesirable and unnecessary contact between adults and children in the secure holding area in the Court building at 160 Pier Street Perth and to also avoid undesirable and unnecessary transportation of adults in custody from detention centres and prisons to the Court at 160 Pier Street Perth it is necessary to ensure that the number of personal appearances before the Court at 160 Pier Street Perth by adults in custody is limited to only those appearances where the interests of justice requires it.
4. For the purpose of this practice direction an adult is a person who is or will be eighteen years of age or older at the time of the relevant appearance and it does not matter if the person was less than eighteen years of age at the time of the offence(s) or alleged offence(s) for which the appearance is required or whether the person is in custody at a detention centre or a prison.
5. This practice direction only applies to appearances by adults in custody who are required to appear before the Court held at 160 Pier Street Perth.
6. This practice direction applies to all appearances in the criminal jurisdiction of the Court (eg. prosecutions for offences) and also to all appearances in the civil jurisdiction of the Court (eg. child protection matters and violence restraining order matters).

Practice Direction

1. Every appearance by an adult in custody before the Court, held at 160 Pier Street Perth, shall be by video link rather than in person UNLESS the appearance is for sentence, for trial, for a hearing on the facts, for the final hearing in protection proceedings, or is ordered to be in person by a Judicial Officer of the Court
2. Nothing in this practice direction prevents a Judicial Officer of the Court from at any time ordering that an adult appear before the Court by video link or in person for any listing whatever its purpose.

3. A Judge's Associate or an Officer of the Registry staff of the Court, as the case maybe, shall put an indication on the Remand Warrant for an adult to show whether the next appearance before the Court is to be by video link or personal appearance.
4. This practice direction commences on the 25th day of May 2009.

His Honour Judge D J Reynolds

PRESIDENT, Children's Court of Western Australia

Dated this 19th day of May 2009