



## Children's Court of Western Australia

### Practice Direction 2 of 2023

## Trial Bundles in Protection Proceedings

### 1. Application of Practice Direction

- 1.1 This Practice Direction is supplementary to Practice Direction 6 of 2021.
- 1.2 This Practice Direction applies to:
  - (a) child protection applications initiated by the Department of Communities (**the applicant**);
  - (b) all trials proceeding on or after 1 July 2023.

### 2. Trial bundle

- 2.1 No later than 5 days before the day fixed for readiness hearing (or 5 days before the trial if no readiness hearing is ordered), the applicant is to lodge a bundle of materials for use by the judicial officer at trial (**the trial bundle**), comprising:
  - (a) the case outline lodged pursuant to 19.1 of Practice Direction 6 of 2021;
  - (b) the chronology of events lodged pursuant to 19.2 of Practice Direction 6 of 2021;
  - (c) any application being determined at trial;

- (d) affidavits and documentary evidence relied upon at trial, pursuant to paragraph 18.4 of Practice Direction 6 of 2021;
  - (e) the written proposal, cultural support plan (as appropriate) and, in the case of an application for a protection order (special guardianship), any report pursuant to s 61(2B) and s 61(3) of the *Children and Community Services Act 2004*; and
  - (f) any expert report, the substance of which the applicant intends to rely on at the trial.
- 2.2 Unless directed otherwise, the applicant is to include in the trial bundle any material filed by the other parties, including any response filed during the proceedings.
- 2.3 The trial bundle is to be:
- (a) indexed;
  - (b) divided into sections corresponding to paragraphs 2.1 (a) – (f), and paragraph 2.2, above;
  - (c) paginated; and
  - (d) presented in lever arch files.
- 2.4 A copy of the trial bundle is to be provided to each other party and, where appointed, the separate representative.

### **3. Directions**

- 3.1 The Court may direct that a respondent or child representative file a separate trial bundle.
- 3.2 The Court may make directions as to the filing of trial bundles in respect of an application initiated by a party other than the Department of Communities.

- 3.3 The Court may dispense with or vary a requirement of this Practice Direction if the Court considers it appropriate to do so, having regard to factors which may include the following (alone or in combination):
- (a) the volume of material lodged in the proceedings;
  - (b) the number of parties and whether they are represented at trial; and
  - (c) the requirements of s 145 of the *Children and Community Services Act*.



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Judge Hylton Quail  
**President**  
**Children's Court of Western Australia**

9 June 2023