



Children's Court of Western Australia

Practice Direction 6 of 2023

Late Addition Cut Off Times

1. Application of Practice Direction

- 1.1. This Practice Direction applies to the appearance of a young person, in a Children's Court anywhere in Western Australia, who has been charged and held in police custody.
- 1.2. This Practice Direction has effect from 13 November 2023. Magistrates Court Information Bulletin No 12 of 2020 ceases to apply in the Children's Court after 10 November 2023.

2. Refused bail or not released on bail

A young person who is arrested and is refused bail or is not released on bail, must be brought before a Children's Court as soon as is practicable in accordance with [s 5\(1\)\(b\) of the *Bail Act 1982*](#).

3. Late addition cut off times

- 3.1. It is desirable that listing practices and late addition cut off times be consistent across all Children's Courts in Western Australia.
- 3.2. Because of the unsuitability of regional police lockups to hold children overnight, late addition cut off times need to be as late and flexible as possible to ensure bail can be considered by a magistrate.

4. Forms

- 4.1. A prosecution notice (or other approved form), which relates to a young person to whom paragraph 2 applies, must be lodged with the court by 3pm.

4.2. A prosecution notice must be lodged by means of the Electronic Case Management System.

5. Appearance following lodgment

5.1. Following lodgment of a prosecution notice or form in accordance with paragraph 4, the young person is to appear before a Children's Court magistrate by 4pm, unless a later time is approved by the Court.

5.2. In a regional court location if there is no available magistrate, inquiries should be made as to whether a magistrate at another court within the same region is available to hear the matter. The hearing may be conducted by video or audio link.

5.3. If there is no available magistrate in the same region to hear the matter, it should be referred immediately to the Perth Children's Court for hearing. The hearing may be conducted by video or audio link.

6. Flexibility

Flexibility and discretion should be applied at all Children's Court locations, particularly regionally, for urgent listing requests received after 3pm. If a magistrate is available to hear the matter it should be listed before the Court.



Judge Hylton Quail

President

Children's Court of Western Australia

27 October 2023