



CHILDREN COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION NO. 3 OF 2000

Procedures for Deferred Bench Warrant Program

Date: 25/10/2000

Children's Court of Western Australia

Practice Direction No 3 of 2000

Procedures for Deferred Bench Warrant Program

Commencement

1. This Practice Direction will take effect as from 1 November 2000 or at such date as shall be fixed and apply only to the following Children's Courts:
Fremantle, Midland, Joondalup, Perth and Rockingham.

Objective

2. The intent of this program is to allow the Children's Court judiciary the discretion to adjourn a matter following a defendant's failure to attend to the next immediate Children's Court sitting (usually the following week) and the need for an efficient resolution to the high number of juveniles remanded in custody.

The Application

1. Following the non-attendance of a defendant the Court may issue a *Deferred Bench Warrant Notice* as an alternative to the immediate issue of a Bench Warrant. In Perth Children's Court the matter will, in the ordinary course, be listed to a date seven (7) working days hence. In the

Children's Courts at Fremantle, Joondalup, Midland and Rockingham the matter will, in the ordinary course, be listed on the date of the next Children's Court sitting. The bail originally set is thereby extended to that date.

2. The Judicial Support Officer will result the matter as DBWT and show the next appearance date (immediate next court sitting date).
3. The *Deferred Bench Warrant Notice* will be forwarded to the Manager, Court Services, or, if at a metropolitan court, to the Juvenile Justice Officer in attendance. At this juncture the Manager, Court Services, will decide whether the defendant is a case for a Juvenile Justice Officer or Rangeview Remand Centre Liaison Team to pursue. The Manager will then forward the *Deferred Bench Warrant Notice* to the appropriate office.
6. In the ensuing days prior to the court date the delegated officer shall make every effort to contact the defendant and serve a copy of the *Deferred Bench Warrant Notice* accordingly.

7. The responsible officer shall ensure that the service copy of the *Deferred Bench Warrant Notice* is duly completed and returned to Court Services **before 10.00am on the day prior** to the new adjournment date. This shall also include those *Deferred Bench Warrant Notices* unable to be served.
8. If the defendant fails to appear on the court date given following the issue of the *Deferred Bench Warrant Notice* then a Bench Warrant **shall issue** in the absence of exceptional circumstances.
9. The Manager, Court Services (Juvenile Justice), shall maintain a record keeping system to ensure statistics are available.
10. Refer to CHIPS Bulletin No 15 of 2000 for details on the resulting process for *Deferred Bench Warrant Notices*.

Judge Valerie French
PRESIDENT

Dated this 25 day of October 2000