



Children's Court of Western Australia

Practice Direction 4 of 2015

ACCESS TO DETENTION FACILITY

Explanatory Comments

1. The Children's Court of Western Australia, at Perth (the Court), is located in the building at 160 Pier Street, Perth, Western Australia 6000 (the Court building).
2. There is a detention facility in the Court Building to hold and care for children who have entered the Court on remand in custody, and also children who are required to be held in custody immediately after their charge(s) is dealt with.
3. Children the subject of proceedings in the Court are compelled to attend the Court. That may be by reason of refusal of bail, a warrant, a bring-up order, summons or notice to attend. Such children have no real choice at all on whether they appear or not.
4. The Court is an independent body required to conduct proceedings impartially and according to law.
5. It is both necessary and desirable for children to attend the Court when they are required to do so. Accordingly, it is desirable for children to feel confident that when they attend the Court that they will not be dealt with in the Court Building and the detention facility for anything other than the charge(s) for which they are required to appear and any other outstanding charge(s).
6. Further to paragraph 5, it is also both necessary and desirable that when children attend the Court, and particularly for a trial, that nothing is done or said to them which has the potential to adversely impact on their capacity to properly instruct and participate in their Court proceedings.
7. Having regard to the combination of paragraphs 1 to 6 inclusive, it is desirable, and particularly during the course of a trial, that the detention facility in the Court Building not be used by any officer of Police, investigative officer of the Department of Corrective Services (DCS), or any other person acting on the instructions of such an officer, to interview or speak with a child.

Practice Direction

1. Practice Direction 3 of 2015 is revoked and replaced by this Practice Direction.
2. Until further Practice Direction, only the following persons may access the detention facility in the Court Building to interview or speak with a child in custody:
 - (i) Department of the Attorney General Registry Officers; and
 - (ii) Youth Justice Division of DCS Court Officers and Case Workers; and
 - (iii) Officers of the Metropolitan Youth Bail Service; and
 - (iv) Department for Child Protection and Family Support Officers and Case Workers; and
 - (v) Persons attached to the LINKS program; and
 - (vi) Legal Advisers; and
 - (vii) Employees of the Office of the Director of Public Prosecutions for the purpose of speaking to State witnesses; and
 - (viii) Any officer of the Child Witness Service or the Victim Support Service; and
 - (ix) Any person in the company of, or at the request of, any person described in any of paragraphs (i) to (vi) inclusive for the purpose of the person speaking with a child about arrangements concerning the child's rehabilitation, care or support; and
 - (x) Any person authorised by a Judicial Officer of the Court.

Dated this 7th day of August 2015

JUDGE D J REYNOLDS

PRESIDENT OF THE CHILDREN'S COURT OF WESTERN AUSTRALIA