



Children's Court of Western Australia

Information Note and Interim Directions **(s 37 of the *Children's Court of Western Australia Act 1988*)**

Young Persons Remanded in Custody at Unit 18 Casuarina Prison

Due to ongoing problems with Unit 18 video links, difficulties in lawyers seeing their clients and because of unacceptably lengthy lockdown hours for detainees in the Unit, the following directions will apply until further notice.

1. With immediate effect every detainee in Unit 18 who is to appear in a metropolitan Children's Court must appear in person unless the presiding judicial officer authorises a video link after hearing from the parties.
2. Paragraph 1 applies to all future court appearances for detainees in Unit 18 until further notice.
3. The President's Case Management and Bail List will be expanded to include young persons who have been refused bail and are in custody at Unit 18. Paragraphs 4 to 9 below apply to such matters.
4. If a young person who has been refused bail is moved to Unit 18 from Banksia Hill Detention Centre, the registry at Perth Children's Court must be notified immediately by Youth Justice. The young person will be listed to appear before the President or a judge between 7 and 14 days later with notification to the parties, Youth Justice, any responsible adult and the Department of Communities (if the young person is in State care).
5. Youth Justice must lodge a detention management report with the Court by 4pm on the day before the listed appearance.

6. If a child is released from custody or moved back to Banksia Hill Detention Centre before the young person comes before the Court, Youth Justice must advise the Court immediately and the matter will be removed from the list.
7. Counsel for a young person will be given priority access to see them in the Perth Children's Court Detention Centre from 9am on the day of appearance and before they appear before the Court.
8. At the hearing, the Court will hear from the parties, Youth Justice, and any responsible adult about the reasons why the child remains in custody and consider whether it is necessary to expedite the charges or make any other desirable case management orders.
9. Pursuant to s 14 of the *Bail Act 1982*, the Court will also hear or list for hearing any written or verbal application for bail review that may be brought by a party and consider whether it is necessary to order further reports or make other orders.
10. Paragraphs 1 and 2 above do not apply to regional Children's Courts. Paragraphs 3 to 9 above apply to all young persons who are remanded in custody at Unit 18 (refused bail) including those appearing in regional Children's Courts.
11. These directions do not apply to young people who are serving a sentence of detention and are detained in Unit 18, unless they have outstanding court charges on which bail is refused.



Judge Hylton Quail

President of the Children's Court of Western Australia

23 September 2022