



Children's Court of Western Australia

Practice Direction 1 of 2026

Request for Access to a Court Record

1. Application of Practice Direction

- 1.1. This Practice Direction applies to requests for access to court records relating to a proceeding in the Children's Court of Western Australia (**Children's Court**).
- 1.2. For the purposes of this Practice Direction:
 - a) **court record** has the same meaning given by s 51A(1) of the *Children's Court of Western Australia Act 1988* (**Children's Court Act**); and
 - b) **young person** has the same meaning given by the *Young Offenders Act 1994* (**Young Offenders Act**).
- 1.3. This Practice Direction does not apply to:
 - a) a request for access to a court record made to a presiding judicial officer during a court proceeding; or
 - b) a request for access to court records or information on the eCourts Criminal Portal, except to the extent provided for in the Practice Directions listed at 1.4.
- 1.4. This Practice Direction is to be read alongside:
 - a) Practice Direction 2 of 2026: *Juvenile Criminal Information on the eCourts Criminal Portal*; and
 - b) Practice Direction 3 of 2026: *Access to Daily Court Lists*.
- 1.5. Practice Direction 3 of 2024 is revoked and replaced by this Practice Direction.
- 1.6. This Practice Direction has effect from 10 April 2026.

2. Access to a court record

- 2.1. For the purposes of this Practice Direction, **access to a court record** means the ability to inspect or obtain a copy of any document that is part of the court record.
- 2.2. The court may give a person access to a court record where the person:
 - a) makes a request to access a court record (a **Court Record Request**);
 - b) is authorised to access court records under s 51A of the Children’s Court Act (an **Authorised Person**).
 - c) pays the applicable fee for the provision of the court record; and
 - d) agrees to comply with any conditions on access that the court may impose.
- 2.3. For clarity, access to a court record does not include an authority to provide or disclose a court record to another person or court (an **Authority to Release**).
- 2.4. A person seeking Authority to Release must apply for leave of the Court under s 51A(5) of the Children’s Court Act in accordance with the procedures of this Practice Direction.
- 2.5. Unless the court considers otherwise appropriate, a court record will be provided electronically by email.

3. Court Record Request

- 3.1. Subject to paragraph 8, a Court Record Request must be made by completing the ‘Request for access to a court record’ form and submitting it to the registry of the relevant Children’s Court.
- 3.2. For the purposes of this Practice Direction the **relevant Children’s Court** is:
 - a) the court where the matter relating to the record was heard; or
 - b) if that court is unknown, the Perth Children’s Court; or
 - c) as otherwise directed in this Practice Direction.
- 3.3. When completing a Court Record Request, the person making the request (the **Requestor**) must provide:
 - a) identifying and contact details;
 - b) details of the case relating to the record sought;

- c) a description of the court record sought;
- d) their connection to the case;
- e) if applicable, information required for seeking Authority to Release; and
- f) any further information required by the court.

3.4. Having regard to the information provided, the court will approve or refuse the Court Record Request by determining:

- a) whether the Requestor is an Authorised Person; and
- b) if applicable, whether an Authority to Release should be granted.

3.5. The court may request further information before determining a Court Record Request.

4. Authorised Person

4.1. An Authorised Person includes:

- a) a person who is listed as entitled to access court records relating to criminal proceedings under s 51A(3);
- b) a person who is entitled to access court records relating to civil proceedings under s 51A(4); or
- c) a person who has been granted authority to access court records by leave of the court under s 51A(5) (**Discretionary Authority**).

4.2. The court will determine whether to grant a person Discretionary Authority in accordance with paragraph 6.

5. Authority to Release

5.1. A Requestor seeking Authority to Release must specify in the Court Record Request:

- a) the proposed recipient of the court record; and
- b) the purpose of the proposed release.

5.2. Where a court record is sought for use in proceedings in another court, the Court Record Request may be made by a party to the proceedings or the other court, provided that:

- a) the intention to make the request was raised in the other court;
- b) the other court indicated that such a request would be appropriate; and

c) the young person has given informed consent for the release.

5.3. Subject to 5.2, the court will determine whether to grant an Authority to Release in accordance with paragraph 6. In doing so, the court may consider it preferable for the proposed recipient to make the request directly.

6. Considerations for granting leave

6.1. In determining whether a Requestor should be granted leave under s 51A(5) of the Children's Court Act, the court may consider a range of factors, including but not limited to:

- a) the nature and sensitivity of the court record sought;
- b) the purpose for which access is being requested;
- c) whether the young person to whom the court record relates objects or consents to the Court Record Request;
- d) if the record is sought for use in a current proceeding involving the young person, whether the young person's authorised legal practitioner objects or consents to the Court Record Request;
- e) the best interests of any affected child;
- f) the interests of any affected victim of crime;
- g) whether granting the Court Record Request may place an undue burden on the court;
- h) any relevant public interest considerations;
- i) the principles of juvenile justice;
- j) the principles of open justice, having regard to the confidentiality provisions of any applicable legislation; and
- k) any other factor the court considers relevant.

6.2. Subject paragraph 8, a Court Record Request seeking leave under s 51A(5) must be submitted or referred to the registry of the Perth Children's Court.

7. Specialist Reports

7.1. Diagnostic and psychological reports (**Specialist Reports**) may include:

- a) reports ordered by the court in accordance with s 47 of the Young Offenders Act;
or
- b) reports otherwise received into evidence in proceedings before the court.

7.2. Subject to paragraph 8, all Court Record Requests for Specialist Reports must be submitted to, or referred to, the Perth Children’s Court as the relevant Children’s Court for such requests.

7.3. For clarity, this Practice Direction does not apply in the circumstances prescribed by paragraph 14 of Practice Direction 4 of 2023: *Criminal Proceedings*.

8. Records relating to current proceedings

8.1. Unless the court determines otherwise, where charges relating to the court record are still before the Children’s Court, any request for access must be referred to the presiding judicial officer for consideration.

8.2. For the avoidance of doubt, and where practicable, such requests should be made to the presiding judicial officer in open court.

9. Sentencing Record Document

9.1. This paragraph applies where a Court Record Request relates to a court-generated sentencing record document (**Court Sentencing Record**).

9.2. A Court Sentencing Record may be accessed by a legal practitioner authorised to act for, or otherwise engaged by, the young person, provided that:

- a) the young person has given their consent; and
- b) the legal practitioner completes and submits the ‘Request for court sentencing record’ form to the registry of the relevant Children’s Court.

10. Applicable Fees

10.1. Upon approval of a Court Record Request, the court will provide access to the court record once the applicable fee prescribed under the *Children’s Court (Fees) Regulations 2005* has been paid.

10.2. A Requestor seeking a reduction of the applicable fee should attach the relevant application form to the Court Record Request.

11. Conditions of access

11.1. Where the court grants leave under s 51A(5), the court may impose any conditions on access it considers appropriate in the circumstances.

11.2. For example, and without limitation, the court may:

- a) approve a Court Record Request subject to editing, de-identification or redaction of the record; or
- b) require either the Requestor or originating agency of the court record to edit, de-identify or redact the court record.

12. Urgent access

12.1. The court may dispense with any requirement of this Practice Direction, when necessary, due to:

- a) the urgency of the request; or
- b) the need to comply with relevant provisions of the Children's Court Act or the Young Offenders Act.

13. Lawful use of court records

13.1. A person accessing a court record must use it only in accordance with all applicable confidentiality, publication and disclosure laws, including but not limited to:

- a) s 35, s 36, s 36AA and s 51A of the Children's Court Act;
- b) s 17, s 189 and s 190 of the Young Offenders Act; and
- c) pt 10 of the Children and Community Services Act 2004.

13.2. For clarity, lawful use may include:

- a) use by a legal practitioner for the conduct of proceedings in which they are authorised to act for a party; and
- b) disclosure of information in the course of the lawful duties as permitted under:
 - i. s 36 and s 36AA of the Children's Court Act; or
 - ii. s 17 of the Young Offender's Act.

13.3. A person accessing a court record must ensure that it is:

- a) securely stored, whether electronic or printed;

- b) not shown, copied, or circulated except as permitted under applicable legislation or direction of the court; and
- c) deleted or securely destroyed:
 - i. when it is no longer required for the purpose for which the Court Record Request was approved; or
 - ii. as otherwise directed by the court.

13.4. Unauthorised access, use or disclosure of a court record may constitute an offence or professional misconduct.



Judge Hylton Quail

President of the Children's Court of Western Australia

10 April 2026