



## **Children's Court of Western Australia**

### **Practice Direction 6 of 2022** **Application under s 189(3) of the** ***Young Offenders Act 1994***

#### **1. Application of Practice Direction**

- 1.1 This Practice Direction applies to an application made under s 189(3) of the *Young Offenders Act 1994* which relates to a conviction or convictions for a young person, recorded by a court on an earlier occasion.
- 1.2 This Practice Direction replaces Practice Direction 7 of 2021 and has effect from 31 October 2022.

#### **2. Form**

An application made under s 189(3) of the Act is to be made using the relevant form – Section 189(3) Application ([www.childrenscourt.wa.gov.au](http://www.childrenscourt.wa.gov.au) – Forms).

#### **3. Timing of application**

- 3.1 If an application, referred to in paragraph 2, will be relevant to an upcoming sentencing for an applicant it should be lodged at least 7 days prior to the listed sentencing date.
- 3.2 Other applications may be lodged at any time.
- 3.3 The applicant must serve a copy of the application (and accompanying affidavit) on the Director of Public Prosecutions and Youth Justice Services, Department of Justice, as soon as practicable after it is lodged

with the Court but not later than 7 days before the hearing date for the application.

#### **4. Affidavit**

- 4.1 An application, as referred to in paragraph 2, is to be supported by an affidavit.
- 4.2 The affidavit in support of an application must:
- (a) address the reasons for the application including why time should be abridged;
  - (b) identify and explain the special circumstances to be relied on by the applicant; and
  - (c) include a list of pending charges, if any.

#### **5. Listing of application**

Where appropriate, an application referred to in paragraph 2 will be heard at the same time as a sentencing hearing involving the applicant.

#### **6. Directions**

The Court may dispense with a requirement of this practice direction if:

- (a) the urgency of the application requires; or
- (b) for any other reasons the Court considers it appropriate to do so.



Judge Hylton Quail

**President**

**Children's Court of Western Australia**

26 October 2022