



CHILDREN COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION NO. 1 OF 1997

Form of complaint; form of warrants; form of copies of court orders to young person; form and procedure for breaches of certain court orders; and form and procedure for enforcement of unpaid fines costs and forfeiture under the *Young Offenders Act 1994*

Date: 28/10/97

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Commencement

1. This practice direction supersedes Practice Direction No. 1 of 1996 and commenced 28 October 1997.

Form of complaint

2. Unless there is good reason for not doing so, the Court will only accept complaints made on a Children's Court Arrest Complaint (form no. C1.CC) or a Children's Court Notice to Attend Court Complaint (form no. C2.CC).

Form of warrants

3. A young person remanded and held for all or part of that remand in a detention centre or prison will be held on a Remand Warrant (form 24).

4. A young person held in a detention centre following an order for detention under the *Young Offenders Act 1994* will be held on a Children's Court Detention Warrant (form no. W2.CC). A young person held in a prison following an order for imprisonment under the Sentencing Act 1995 will be held on a Warrant of Commitment (form no. 5). In conjunction with the warrant of commitment, a request for transcript of the sentencing remarks must be made (using form no. 5A).

5. When the Court orders that a bench warrant issue for the arrest of a young person for failing to attend court in accordance with a bail undertaking, for failure to comply with a Notice to Attend Court, for failure to obey a summons, following an order from the Court revoking bail, or following the breach of a Conditional Release Order, an Arrest Warrant (form 2) will be used.

6. When the Court orders that a bench warrant issue for the arrest of a responsible adult for failing to attend court in accordance with an order of the Court, a Children's Court Bench Warrant to Apprehend responsible adult (form no. W4.CC) will be used.
7. When the Court orders that a warrant of commitment issue pursuant to section 65C of the *Young Offenders Act 1994*, a Children's Court Warrant of Commitment for Detention or Imprisonment of Young Person (form no. W5.CC) will be used.

Form of copies of court order to young person

8. When the Court makes an order under the *Young Offenders Act 1994* and provides the young person and the responsible adult with a written copy of the Court's order pursuant to section 59 of that Act a form O1.CC, O2.CC, O3.CC, O4.CC, O5.CC, O6.CC, O7.CC, O8.CC, or O9.CC will be used. When none of these forms are appropriate an extract of the Court order will suffice.

When the Court makes an order under the Sentencing Act 1995 and provides the young person and the responsible adult with a written copy of the Court's order pursuant to section 59 of the *Young Offenders Act 1994* a copy of form 10, form 14 or form 15 will be used. When none of these forms are appropriate an extract of the Court order will suffice.

When the Court makes an order for community work in lieu of a fine pursuant to section 65A (2) of the *Young Offenders Act*, a form 010.CC is to be completed, a copy provided to the young person and their responsible adult and a copy forwarded to the local Juvenile Community Based Services officer.

Form and procedure for breaches of Good Behaviour Bond, Youth Community Based Orders, Intensive Youth Supervision Orders or Conditional Release Orders

9. When breach action is initiated for failure to comply with a Good Behaviour Bond, Youth Community Based Order, an Intensive Youth Supervision Order, or a Conditional Release Order, the following procedure will be used.
 - (a) A Notice to Attend Court (form no. N1.CC) will be issued in order to require the attendance of the young person to answer the allegation/s of the breach.

- (b) In this instance, the production, in court, of a copy of the Notice to Attend Court does not constitute the laying of a new complaint.
- (c) When the matter is heard, the original complaint/s on which the order was made will be brought up in court and any substitute order or record of hearing will be made on those complaint/s.

Form and practice for breaches of responsible adult bonds

- 10. When a responsible adult has entered into a bond to give security for the good behaviour of a young person pursuant to section 70 of the *Young Offenders Act 1994* and that young person commits a further offence within the period of the bond, a Justices Act summons will be issued to require the attendance of the responsible adult.
- 11. When the matter is heard, the original complaint/s on which the Bond was ordered against the responsible adult will be brought before the court and any forfeiture, substitute order or record of hearing will be made on those complaint/s.

Form and procedure for enforcement unpaid fines, costs and forfeiture

- 12. When the court orders a young person to pay court costs or a fine pursuant to sections 57 or 71 of the *Young Offenders Act 1994* or when that person must forfeit a recognisance and has defaulted in making all or part of any payment or forfeiture, and that person is under the age of 18 years, enforcement action will be initiated in the following manner.
 - (a) A form N1.CC (Notice to Attend Court) will issue pursuant to section 65 (3)(b) of the *Young Offenders Act 1994*.
 - (b) In this instance, the production in court of a copy of the Notice to Attend Court does not constitute the laying of a new complaint.

Dated this 28 October 1997

**PRESIDENT
CHILDREN'S COURT OF
WESTERN AUSTRALIA**