



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

### **Practice Direction 11 of 2020**

## **Transfer of multi-day regional magistrate trials for young people in custody to Perth Children's Court**

The Children's Court of Western Australia has reviewed court practices and procedures where a young person is in custody and faces a multi-day trial in a regional Children's Court before a magistrate. The reason for this Practice Direction is that regional police lock-ups are unsuitable for detaining young people overnight during multi-day trials. The intention of the Practice Direction is to avoid young people being remanded in custody overnight in police lock-ups during trial, and unnecessary transport of young people between Banksia Hill Detention Centre and regional courts during multi-day trials.

### **Commencement**

1. This Practice Direction commences on 1 December 2020 and applies to all Children's Courts presided over by a magistrate in Western Australia.

### **Transfer of multi-day trials in regional Children's Courts for young people in custody**

2. When a young person under the age of 18 years who is in custody pleads not guilty to charges in a regional Children's Court in the magistrates' jurisdiction, that Court is to manage the pre-trial appearances of the young person to the point where trial dates are ready to be listed.
3. At the appearance where a trial date would usually be listed, if the trial is expected to take less than a day and the young person is likely to be in custody on the trial date, the trial is to be listed to be heard in the regional Children's Court.
4. In considering whether the matter can be concluded in less than a day the Court should take into account local practices for transfer of young people from Banksia Hill Detention Centre and their likely arrival time. The Court should also have regard to when the matter would need to

conclude to allow for the return of the young person to the detention centre, if that may be necessary.

5. If the trial is expected to take more than a day, the not guilty and any related charges should be adjourned to the next magistrates' trial call over list in the Perth Children's Court (which sits fortnightly on Tuesdays).
6. When the matter comes on in Perth Children's Court the Director of Public Prosecutions will assume conduct of the prosecution and the presiding judicial officer will decide whether the matter should be listed for a trial in the Perth Children's Court in accordance with this Practice Direction.
7. If the trial is listed in the Perth Children's Court, the presiding judicial officer will make orders for witnesses to give evidence via video link from the regional location or other place.
8. The trial and any consequential hearings will be heard in the Perth Children's Court.



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Judge Hylton Quail

**President of the Children's Court of Western Australia**

24 November 2020