



Children's Court of Western Australia

Practice Direction 7 of 2021

Application for a declaration that s 189(2) of the *Young Offenders Act 1994* applies

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*.
- 1.2 This Practice Direction has effect from 28 September 2021.

2. Form

An application made under s 189(3) of the Act is to be made using the relevant form - Application for a declaration that s 189(2) of the *Young Offenders Act* applies (www.childrenscourt.wa.gov.au – Forms).

3. Timing of application

An application to the Court as referred to in paragraph 2, should be made prior to the sentencing of a young offender.

4. Affidavit

- 4.1 An application to the Court as referred to in paragraph 2 is to be supported by an affidavit.
- 4.2 The affidavit in support of an application must include:
 - (a) details of the special circumstances to be relied on by the applicant; and
 - (b) a list of pending charges, if any.
- 4.3 The applicant must serve a copy of the application (and accompanying affidavit) on the Director of Public Prosecutions (or Police Prosecutions when filed in a regional court) and Youth Justice,

Department of Justice, as soon as practicable after it is lodged with the Court but not later than 7 days before the hearing date.

5. 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

5 October 2021