

## **PRACTICE DIRECTION 6 OF 2020**

### **DISCLOSURE/COMMITTAL HEARINGS FOR PERTH METROPOLITAN AREA**

- 1 The following procedure applies in the Perth metropolitan area.
- 2 Where an accused elects a disclosure/committal hearing, the matter will be adjourned for 10 weeks to the existing court location. It is intended that during this period police will complete the brief and serve it on both The Office of the Director of Public Prosecutions and Defence. For the purposes of clarity it is intended to describe this appearance as a Police Committal Mention (PCM).
- 3 On the return date of the PCM if police prosecutions and defence confirm that all disclosure, other than any outstanding drug analyst certificates and final forensic reports, has been completed and served on the DPP and Defence then the matter will be remanded to Central Law Courts in 6 weeks. For purposes of clarity this will continue to be referred to as a disclosure/committal mention.
- 4 In order to reduce costs and inconvenience represented accused may, where both police prosecutions and defence agree that paragraph 3 would apply, adjourn to the disclosure/committal mention by consent using the form attached to this Practice Direction. A scanned copy of the completed application signed by counsel for the accused and prosecution must be lodged with the relevant court no later than 4pm on the day prior to the scheduled hearing. The original should be retained by police prosecutions to be produced to the Court if required. Where there are summary matters relevant to the indictable matters which have been listed on the same day, these may also be adjourned to the agreed date but unrelated matters must remain in the original court. The parties should ensure that all bail requirements are in order.

- 5 If paragraph 3 would not apply then the matter cannot be adjourned by consent and the matter will be remanded to a further PCM at the existing court location to enable the disclosure requirements to be completed. The presiding Magistrates will expect to receive an explanation as to why the requirements have not been completed and information as to when the requirements will be completed.
- 6 Practice Direction 1 of 2017 is revoked.

Dated the 19<sup>th</sup> day of August 2020

A handwritten signature in blue ink, appearing to read 'S A Heath', written in a cursive style.

S A Heath  
Chief Magistrate

<b>MAGISTRATES COURT OF WESTERN AUSTRALIA</b>  <b>APPLICATION TO ADJOURN DISCLOSURE/COMMITTAL HEARING (POLICE) BY CONSENT</b>	<b>Court Number</b>	
	<b>Magistrates Court at</b>	
	<b>Date Lodged</b>	
<b>Accused's Details</b>	<b>Prosecution v</b> <hr/> <b>Full Name</b>	
<b>Application</b>	Both the Prosecution and Defence consent to the disclosure/committal hearing currently listed on  <hr/> being adjourned to  <hr/> (6 weeks) at Central Law Courts, 501 Hay Street, Perth.	
	Both the Prosecution and Defence consent to any other related charges against the accused which are listed on that day being adjourned to the same date.	
	The Prosecution agree that if the accused is on bail it is not necessary for her/him to attend and that the matter should be adjourned on the basis that the accused is absent for reasonable cause.  The Prosecution confirm that all disclosure materials other than Drug Analyst Certificates and Final Forensic Reports have been served on both the DPP and Defence.	
<b>Parties' Signatures</b>	<b>Prosecuting Counsel Name Contact Number</b>	
	<b>Defence Counsel/Solicitor Name Contact Number</b>	