



## Magistrates Court of Western Australia

### Practice Direction Number 1 of 2024

#### Disclosure Committal Hearings

1. Practice Direction 6 of 2020 is revoked from 1 January 2025.
2. The Practice Direction applies when a Magistrates Court in the Perth metropolitan area adjourns a charge which must be tried on indictment to a disclosure/committal hearing pursuant to section 41(4) of the *Criminal Procedure Act 2004*.
3. When a court adjourns a charge which must be tried on indictment to a disclosure/committal hearing pursuant to section 41 (4) of the *Criminal Procedure Act 2004* (CPA) that court will make standard case management order pursuant to section 138(3) of the CPA on the person who commenced the prosecution to:
  - (i) Serve disclosure to the accused in compliance with section 42 (5) of the CPA within 10 weeks of the date of the order and;
  - (ii) Give the Prosecutor who is authorised to commence the prosecution in a superior court (ordinarily the Director of Public Prosecutions for Western Australia) that material disclosed to the accused within 10 weeks of the date of the order and will adjourn the subject charge(s) to the next available disclosure/committal hearing date at Perth Magistrates Court 16 weeks after the date of making its order.
4. Where an Accused wishes to negotiate with Police, this should be done prior to the election for disclosure/committal hearing. Once that election is made, any negotiations should be with the Office of the Director of Public Prosecutions or other Prosecuting Agency after service of the disclosure materials.
5. Where a Police Committal Mention has been ordered prior to 1 January 2025, the procedure outlined in Practice Direction 6 of 2020 will continue as if it had not been revoked.

Dated: 1st day of November 2024

A handwritten signature in blue ink, appearing to read 'Steven Heath'.

Steven Heath  
Chief Magistrate