

PRACTICE DIRECTION 4 OF 2020

1. Consent Adjournments

Where an Accused is not in custody and Prosecution and Defence agree that a matter can be adjourned by consent the Court will agree to the adjournment and where necessary extend bail without the need for the accused or Defence to appear provided that a Magistrate has not previously ordered that there is to be no further consent adjournment.

To apply for an adjournment by consent the Defence is to complete and sign the application to adjourn by consent in the form attached to this Practice Direction and email it to the Prosecution for signature. The Prosecution is then to sign and email the completed form to the Registry with a copy to the Defence.

The Prosecution is to advise the Registry of the Court in accordance with the preceding paragraph no later than 4pm on the day prior to the appearance. In this case there is no need for Prosecution to appear in person but they must be available to appear by audio link should the presiding Magistrate require.

The Court will accept a completed application on the day of hearing but the Prosecution will be required to appear in person. In this case it is for Prosecution and Defence to arrange any exchange of copies of the application.

It is the responsibility of the Defence to ensure that any bail conditions are in order and to advise the Prosecution. The Prosecution is to then confirm that any bail conditions are in order and that any surety is a continuing one when consenting to the adjournment.

Practice Direction 6 of 2020 will apply to Police Committal matters and Practice Direction 5 of 2020 will apply to matters in the DPP Disclosure Committal List.

2. Pre Sentence Reports

With the consent of the presiding Magistrate Pre Sentence Reports including Home Detention Reports and Victim Mediation Reports will be provided electronically to Defence Counsel and Prosecutors. Any party seeking a copy of a report should apply by email to the Registry including an undertaking not to use it for any purpose other than the sentencing or application to which it relates, not to provide a copy to anyone and to destroy all hard and electronic copies upon completion of the sentencing or application.

Dated the 19th day of August 2020



S A Heath
Chief Magistrate

MAGISTRATES COURT OF WESTERN AUSTRALIA APPLICATION TO ADJOURN HEARING BY CONSENT		Court Number	
		Magistrates Court at	
		Date Lodged	
Accused's Details	Prosecution v _____ <p style="text-align: center;">Full Name</p>		
Application	Both the Prosecution and Defence consent to the hearing currently listed on _____ being adjourned to _____. _____		
	The Prosecution agree that it is not necessary for the accused to attend and that the matter should be adjourned on the basis that the accused is absent for reasonable cause.		
Parties' Signatures	Prosecuting Counsel Name Contact Number		
	Defence Counsel/Solicitor Name Contact Number		