

PRACTICE DIRECTION 1 OF 2019

PRIVATE PROSECUTIONS

For the purposes of this Practice Direction a Private Prosecution is a prosecution sought to be commenced by a person other than:

1. A person authorised in accordance with section 20 of the Criminal Procedure Act 2004 (WA) to commence a prosecution;
2. A member of the Australian Federal Police; or
3. A person acting in accordance with their powers and functions as an employee of a Commonwealth Government agency.

In light of the limited circumstances under which a Private Prosecutions can be commenced in Western Australia, the following procedure is to be adopted.

1. Private Prosecutions may not be lodged electronically;
2. In any Private Prosecution the Prosecution Notice must be presented to a Registry of the Court in hard copy.
3. The Prosecution Notice will not be accepted for lodgement at the time of presentation.
4. A Registrar will consult a Magistrate for assistance to ensure the Prosecution Notice is valid on its face, complies with the Criminal Procedure Act 2004 (WA) and alleges only an offence which can properly be brought by way of Private Prosecution.
5. If the Registrar accepts the Prosecution Notice for lodgement on payment of the appropriate fee a hearing date will be allocated and service copies provided.
6. Where the Private Prosecution validly alleges the commission of a Commonwealth offence the matter will, where practicable, be listed on a date where other Commonwealth matters are listed and the Court will advise the Commonwealth Director of Public Prosecutions that it has done so.
7. If the Registrar rejects the Prosecution Notice Section 17 of the Magistrates Court Act 2004 (WA) applies.



Steven Heath
Chief Magistrate

Dated the 2nd day of July 2019