



**DISTRICT COURT OF WESTERN AUSTRALIA
NOTICE TO PRACTITIONERS**

Judges' Criminal List Pilot Program 2022

From January 2022, the Court will adopt a Judges' Criminal List (**JCL**) on a trial basis. The objects of the JCL are to:

- (1) To ensure that non-trial criminal matters are listed as soon as practicable; and
- (2) To endeavour to have an offender who breaches a non-custodial order dealt with by the judge who imposed the order.

Matters to be dealt with at a JCL

Breach of non-custodial orders (metropolitan committal)

Where an offender is committed by the Magistrates Court for breach of a non-custodial order, the breach will be brought to the attention of the judge who made the order with a view to it being listed in that judge's next JCL, the object being to deal with the breach as soon as possible after committal.

Within 14 days of a breach by summary offending being committed, the Office of the Director of Public Prosecutions (**ODPP**) must lodge the Statement of Material Facts for the breach offences with the Court.

The existing practice of Community Corrections Services (**CCS**) preparing a Statement of Breach Facts and providing that with the committal materials will continue for breaches by non-compliance with conditions. For breaches by reoffending CCS will provide a "Response to Current Order" report containing the same information as is set out in the equivalent section in a Statement of Breach Facts within 14 days of committal.

For both breaches by non-compliance and breaches by reoffending, CCS officers will be requested to provide any other information they consider relevant for the resentencing of the offender. This report will be ordered by the Magistrate at the time of committal.

If the breach arises from commission of an indictable offence the breach will be dealt with by the judge undertaking the sentencing hearing for that indictable offence (as presently occurs).

Where the breach arises from non-compliance or summary offending, on electronic receipt of the committal, the Court will ascertain whether the judge who imposed the order is available to deal with the breach. If the judge who imposed the order is not available, then

the breach hearing will remain in the Sentence Mention List (SML) to be listed before a sentencing judge.

Where the judge who imposed the order is available to deal with the breach, the registry will liaise with the judge and defence counsel with a view to list the breach hearing as soon as practicable after the committal. If defence counsel is unknown the breach hearing will be listed based upon the availability of the judge and the offender advised accordingly.

Breach of non-custodial orders (circuit committal)

The above practice for listing breach of non-custodial orders made in the metropolitan region will apply for breaches of non-custodial orders made at circuit hearings.

Guilty pleas at trial

Where an accused is committed for trial and pleads guilty on the day of trial, the judge who takes the plea will sentence the offender.

If the sentencing hearing cannot proceed that day and must be adjourned (in order to allow time for amended facts to be agreed, or for reports), the sentencing will be adjourned to the judge's next JCL, or another day and time in the judge's discretion.

If sentencing submissions are heard the same day, but the court reserves its decision, the matter will be adjourned to a JCL, or another day and time in the judge's discretion.

Sentence after trial

Where an accused is sentenced after trial, and the sentencing is not carried out immediately, the sentencing hearing will generally be adjourned to the judge's next JCL, or another day and time in the judge's discretion.

Bail applications

Where the judge hears a bail application that is not concluded due to a bail report being ordered or is adjourned for any other reason, the judge will retain carriage of the application, adjourning it to their next JCL or another day and time in the Judge's discretion.

Trial of issues

Where an accused pleads guilty before a judge and a short trial of issues matter arises the judge will retain carriage of the matter adjourning it to the next JCL or another convenient time. If the trial of issues requires a longer listing, then the matter will be listed to another date for hearing before the same judge.

Dated 6 December 2021



Her Honour Judge Julie Wager
Chief Judge of the District Court