



Information Sheet – Magistrates Court of WA

When an adult accused has been charged with an offence by WA Police Force (Police) the matter will be listed in the Magistrates Court. This usually occurs within 48 hours of the charges being laid. The Magistrates Court hears ‘summary’ or ‘simple’ offences. Charges heard in the Magistrates Court are usually prosecuted by the Police. The Magistrate can consider bail conditions at any appearance of the accused.

First Hearing

When an accused attends the Magistrates Court for the first time the Magistrate may consider bail conditions. For example, that the accused does not make contact with the witness. The accused does not have to enter a plea of guilty or not guilty at this time. The accused is advised to seek legal representation if they have not already done so. The matter is then remanded for a Mention.

Mention

An accused person may attend a number of Mentions before being remanded to the next stage of the court process. At a Mention, the Magistrate will review the case.

Trial Allocation

The Magistrate confirms that all parties are ready to proceed to Trial and if so, a date will be set.

Trial

The Trial is the date where all of the evidence is presented to the court by witnesses and a decision is made on whether or not the accused is guilty or not guilty.

After all evidence is heard, the Magistrate will consider a verdict. If the verdict is guilty the Magistrate may sentence the accused immediately, or may remand the matter to a later date for sentencing.

If the Magistrate considers there is some doubt of guilt, the accused is acquitted and the court process is finished.

Sentencing

The matter will progress to Sentencing if an accused enters a plea of guilty or is found guilty by the Magistrate. The accused can enter a plea of guilty and be sentenced at any stage of the court process.

A Victim Impact Statement can be submitted at this stage. Both the Police Prosecutor and Defence Lawyer may make submissions to the Magistrate as to their positions regarding Sentencing.

The Magistrate will take all the information into consideration when passing sentence.