

19 May 2026

Chief Magistrate Heath  
Chief Magistrates Chambers  
Magistrate Court of Western Australia  
501 Hay Street  
PERTH WA 6000

By email: [cmo@justice.wa.gov.au](mailto:cmo@justice.wa.gov.au)

Dear Chief Magistrate

## **MAGISTRATES COURT OPERATIONAL ISSUES**

Thank you for your longstanding engagement with the Law Society on issues relevant to your Court's jurisdiction.

Over recent months, our Committees have considered a number of issues affecting the Magistrates Court's civil and criminal jurisdictions. The Law Society would welcome the opportunity to discuss these with you, and explore potential solutions. I would therefore like to invite you to meet with the Law Society's Executive and representatives of our Criminal Law, Courts and Country Practitioners Committees, at a convenient time.

The three main issues are as follows.

### **1. Audio and video link arrangements in the Perth Magistrates Court**

Members have expressed concerns regarding the current audio and video link arrangements for procedural hearings in the Perth Magistrates Court. Practitioners in metropolitan and country areas have reported inconsistent approaches between registries and individual Magistrates to applications to appear by video or telephone.

Regional registries generally permit metropolitan practitioners to appear by audio simply by emailing the registry with contact details. This approach is efficient, predictable, and workable. By contrast, regional practitioners seeking to appear in Perth courts face a significantly more onerous and time-consuming process, despite the procedural nature of the appearances involved.

Regional practitioners have reported that they have been encouraged by Perth-based Magistrates to brief Perth-based lawyers to appear in metropolitan matters. This approach presents practical and financial difficulties. For privately funded clients, briefing another practitioner even for a simple procedural appearance can be disproportionately costly, as the Perth practitioner must familiarise themselves with the matter before appearing. For legally aided clients, the issue is even more complex, as the lawyer holding the grant is ordinarily expected to appear personally.

We acknowledge that lengthy court lists are a particular factor in the operation of the Magistrates Court. Our members report that these issues do not arise as often in the Supreme and District Courts and the Family Court of Western Australia. For regional practitioners these applications are routinely granted in the other Courts, providing a consistent and accessible system for procedural appearances.

## **2. Delays in listing criminal trials**

Members acting for the prosecution and the defence have experienced ongoing delays in listing criminal trials. These difficulties have resulted in delays that adversely affect the efficient administration of justice, including prolonged periods of uncertainty for victims of crime and increasing the risks that accused persons remain in custody longer than necessary.

At present, if an accused enters a plea of not guilty to a charge between May and October of any given year, the accused runs the real risk of having that charge adjourned to the “Super Trial Allocation Day” (Super TAD) lists in the second week of October. This delay is undesirable for many reasons, including the impact on accused persons who may be denied their liberty for longer than necessary, and the effect on victims of crime who face anxiety and uncertainty while proceedings remain on foot.

The regular call over list generally comprises anywhere between 10 and 20 matters to be listed for trial. During the Super TAD lists, there is often a police officer with authority to negotiate the resolution of charges. This approach often leads to matters being resolved following constructive negotiations between the parties.

Ideally, the matters in the present list could be resolved without the delay of waiting for the Super TAD lists. Potentially, this could be achieved either by doubling the number of regular callover lists, or by introducing further case management through such as an early resolution list with prosecutors available and authorised to negotiate matters.

## **3. Delays in the delivery of civil judgments**

Our members and other legal practitioners have raised anecdotal concerns about delays between final hearing and the delivery of reserved decisions in Western Australian courts including the Magistrates Court. The extent of the issue is not presently clear to the Law Society (if the issue extends beyond a few examples) or whether the Law Society could advocate for solutions that may assist a quicker turnaround on reserved decisions.

The Law Society understands that the Magistrates Court operates internal targets for the delivery of decisions following a final hearing. For both criminal and civil matters in the Magistrates Court, the Law Society respectfully requests information regarding:

- (a) the number of matters currently exceeding internal targets;
- (b) the average period by which those matters exceed target time frames; and
- (c) whether any decisions have been outstanding for more than 12 months beyond the targets, and if so, their duration.

We would like to better understand the underlying causes of these issues and to discuss possible ways the Law Society can assist the Magistrates Court. We can provide you with further details and specific examples of these issues in an agenda closer to a meeting date.

I would be grateful if your Chambers could contact Ms Sue Langmair (Personal Assistant to the CEO and President) by email to [slangmair@lawsocietywa.asn.au](mailto:slangmair@lawsocietywa.asn.au) or by telephone on 9324 8605 to arrange a convenient time. We would be happy to host the meeting at our offices or meet with you at the Magistrates Court.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Judy McLean', with a stylized initial 'J'.

Judy McLean  
**President**