



Magistrates Court Appeal Kit



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Introduction

An appeal is a review of a decision to convict you or give you a sentence on grounds that the decision was wrong according to the law. This kit is a guide to help people who want to appeal against a decision by a magistrate in a Magistrates Court about a criminal charge. To be successful you need to show grounds of appeal that are accepted by the law. Ask a lawyer whether you have any grounds to appeal.

Definitions and terms

Term	Definition
Affidavit	An affidavit is a statement of facts sworn or affirmed in front of a JP or an experienced lawyer.
Appeal	An appeal is a review of a decision by the Supreme Court on the basis that the decision maker made an error or there was a miscarriage of justice.
Appellant	The person who is appealing a decision.
Directions hearing	A hearing at the Supreme Court where pre-hearing issues are resolved.
Error of law	An error of law is where the magistrate made a mistake about the law.
Expedited	An expedited appeal is one where there has been an application for the appeal to be heard on an urgent basis for good reasons.
Leave	Leave to appeal means permission to appeal. An appeal will be granted leave if it has a reasonable prospect of being successful.
Legal Aid	Legal Aid WA assesses applications for a grant of legal aid to help with different types of legal matters. To apply for legal aid for an appeal, you should fill out a legal aid application form and either mail it to the Legal Aid office or put your name down to see Legal Aid at the prison. A decision will then be made to grant or refuse aid for your appeal. If you are refused aid, you have a right to ask for reconsideration. If you are refused aid after reconsideration, you have a right to ask that the Review Committee consider your application.
Outline	An outline is the written plan of your appeal argument and a list of all the cases and legislation that you are relying on for your argument.
Respondent	The respondent is the other side in your appeal. The respondent is the person named on the prosecution notice as the prosecutor represented by a lawyer from the State or Commonwealth Director of Public Prosecutions (DPP) or the State Solicitor's office.
Supreme Court Registry	The Supreme Court Registry receives documents filed in an appeal and schedules appeals for hearing.
Surety	A person who signs an undertaking to forfeit money if you fail to attend court.
Transcript	Transcript is the typed written record of what happened in court.

Forms required

If you are considering or pursuing an appeal against a criminal conviction or sentence or decision from the Magistrates Court, you will need to access certain forms.

There are copies of the forms you need under **Forms** at the end of this kit (see page 14). They are:

- Request for copy of court record (for prosecution notice/s and transcript)
- Fee applications for the Magistrates Court – forms 1A, 1B, 1C
- Appeal notice
- Affidavit
- Service certificate
- Application in an appeal
- Discontinuance notice
- Outline

You can access electronic versions of many of the appeal forms directly from the **Supreme Court website**: www.supremecourt.wa.gov.au. Click on the heading **Forms and Fees**. Then click on the heading **General Division Criminal Forms** and see under **Criminal Procedure Rules 2005 – Single Judge Appeal**.

To start an appeal

To start an appeal you need to file an **appeal notice** at the Supreme Court. An appeal notice form is in the back of this kit. There is information in this kit about what to include in an appeal notice.

Time limit

You must file your appeal notice at the Supreme Court **within 28 days** of the date you got your sentence. Even if you do not have all the documents you need you should make sure you get your appeal notice to the Supreme Court within the 28-day time limit.

If you miss this date, you must ask the Supreme Court for permission to extend the time to appeal. It is up to the Court whether to extend the time for starting an appeal. The longer the delay the harder it is to get an extension. You can apply for an extension of time by filing an Affidavit with the appeal notice.

Costs

If you lose your appeal, the Supreme Court can order you to pay the other side's legal costs.

Steps involved in an appeal

- To start an appeal, you need to file an appeal notice at the Supreme Court.
- You also need to provide the Supreme Court with a certified copy of the prosecution notice/s and the transcript from the Magistrates Court.
- Every document you file at the court must also be served on the solicitor for the respondent (the State or Commonwealth DPP or the State Solicitor's Office).
- If you are outside the 28-day time limit for appealing, then you also need to file an affidavit explaining why you are late.

- If you are seeking bail, then you need to file an application in an appeal and an affidavit in support of your request for bail.
- The Supreme Court will consider whether to grant leave (permission) to appeal.
- In some cases, the Supreme Court will consider leave to appeal and the appeal itself at the same time.
- If leave is granted but the appeal is not considered at the same time, the Supreme Court will give you directions about what else needs to be done before the final hearing of the appeal, such as providing an outline of the appeal (written submissions in support of the appeal).

Getting help with an appeal

You may be eligible for a **grant of legal aid** to get help with your appeal from a lawyer. You can apply for a grant of legal aid by attending at your nearest Legal Aid office (see under **Contacts** in this kit for office locations) or by contacting Legal Aid on 1300 650 579 to obtain an application form. If you are in prison, make an appointment to see Legal Aid at the prison. Legal Aid goes to Hakea, Casuarina, Acacia and Bandyup each week. Other prisons are visited upon request. You should contact Legal Aid as soon as possible after you are sentenced because of the time limit for starting an appeal. Put down the reasons you want to appeal in the application form.

Grounds of appeal

Grounds of appeal are the **reasons** for appealing. They are the reasons why a conviction or sentence was wrong. It is not enough for you to say that the decision was unfair. To win your appeal you need to show a ground of appeal that is accepted by the law. This could be that the magistrate in your case made an error about the **law** or an error about a **fact** or imposed a sentence that was excessive. If a lawyer represented you in court for the decision you are appealing, you should ask the lawyer if there are any grounds of appeal.

Examples of grounds of appeal against conviction

1. The magistrate arrived at a decision **without proper evidence** to support it.
2. The magistrate **wrongly took into account evidence that should not have been considered** such as hearsay evidence (where a witness gives evidence about something, which he or she did not personally see or hear, but which someone else told them).
3. The magistrate **failed to give proper reasons** for their decision. Magistrates must give reasons so that people can understand how they came to their decision.
4. The magistrate **failed to exclude** something you said to the police when you were intimidated or threatened or under pressure (so what you said was involuntary).
5. The magistrate **wrongly failed to exclude evidence obtained unlawfully or unfairly**. The magistrate should exclude evidence when the unfairness of the evidence is greater than the need to allow the evidence to be given to show what happened.
6. The magistrate **wrongly stopped evidence** being given. For example, if the magistrate decided not to hear certain evidence that would have been relevant to your defence.
7. The magistrate did not properly decide some **procedural matter** such as refusing an adjournment and that decision prevented you being able to present all the relevant evidence.
8. **Fresh evidence has become available** since the conviction and if the magistrate had heard the evidence he or she would have acquitted you. Fresh evidence is evidence that did not exist, was not known about, or was not disclosed or available at the time of the hearing.

Examples of grounds of appeal against sentence

1. The sentence was individually or in total **too long** compared with sentences imposed on other people for similar offences committed in similar circumstances. i.e. the individual sentence was manifestly excessive or the total sentence for several offences was disproportionate to the total criminality, having regard to the sentencing standards indicated by other decisions of the Supreme Court.
2. The magistrate **overlooked or made a mistake** about something to do with the facts or your personal circumstances that affected the sentence you were given.
3. The magistrate **did not properly consider** factors like one of the following:
 - The time spent in remand custody before sentence;
 - A plea of guilty at an early opportunity;
 - The sentence received by your co-offender ("parity" of sentence).
4. The magistrate **did not consider other sentences** which were reasonably open such as an Intensive Supervision Order or a fine.
5. The magistrate did not order that you be eligible for **parole** where this should have been done.

Research

If you want to look up the law to see if you have grounds of appeal, you firstly need to work out what the legal issues were in your case.

Write to the transcript clerk in the Magistrates Court and ask for a copy of the transcript of your case. This is the typed written record of what was said. A request form for the transcript is at the back of this kit. You should read through the transcript to see what issues came up and look at the magistrate's reasons for the conviction and sentence.

The criminal law in Western Australia is made up of legislation and cases. Work out the key words that relate to the issues.

You need to find the **legislation** that relates to your key words. Legislation is a written law from Parliament such as the *Misuse of Drugs Act 1981*. There is information about how to access WA legislation under

You need to find the **cases** that relate to your key words. Cases are the previous decisions by courts on legal issues.

Start with having a look in the index of a general textbook for your key words. Read the pages in the book that relate to the key words and note any legislation or cases.

Legislation

Legislation includes Acts, such as the *Criminal Code* or *Road Traffic Act* as well as subsidiary legislation which are regulations or rules associated with an Act, such as the *Firearms Regulations*.

The State Law Publisher (SLP) is the official publisher of Western Australian legislation and statutory information. The Parliamentary Counsel's Office hosts a website that stores current copies of all legislation that may be accessed at no cost: www.legislation.wa.gov.au. Alternatively, you may access legislation in hard copy from the SLP but you are likely to be charged a fee. The SLP is located at Dumas House, 2 Havelock Street, West Perth and may be contacted on (08) 6552 6000.

If you access legislation via the website, you need to select **Acts** or **Subsidiary legislation** and then **in force**. Then select the starting alpha letter of the name of the Act or Subsidiary legislation, for

example **C** for **Criminal Code**, and navigate to that legislation in the alphabetical list. If you click on the link to the legislation you want you can then select to view the Act in PDF, Word or HTML.

Cases

The Magistrates Court is at the lowest level of the court system. More serious cases are heard in the District Court, and the most serious are heard in the Supreme Court. Lower courts must follow decisions by higher courts. Cases are an important part of legal research because they show the law on an issue. You need to find cases that deal with the same issue that you are researching. Cases may be available in law reports or on computer. Each case has a specific name and 'citation' that is used to identify the case. A citation is a description of where the case can be found. For example, the citation for the case of *Mathews v The Queen* has a citation of (2001) 24 WAR 438. This citation refers to Volume 24 of the West Australian Reports at page 438. You should find out if a case you have found has been followed or rejected in later cases.

Appeal Notice

To start your appeal, you need to prepare and file an appeal notice. The form is in the appendix at the back of the kit. You may complete the appeal notice form by writing in capital letters in a blue or black ballpoint pen. Ensure you write neatly, as the Supreme Court may refuse to accept your appeal notice if they are unable to read your writing.

Parties to the appeal

- Put your full name before the word appellant and underline your surname.
- Put the name of the person who is the investigating officer on the prosecution notice down as the respondent (if there is more than one prosecution notice then put down the name of each investigating officer as first respondent, second respondent etc.).

Primary court's decision

- Put down the Magistrates Court at the location where your case was (e.g. Perth, Midland etc.).
- Put down the number or numbers of the prosecution notice/s.
- Put down the name/s of the investigating officer/s listed on the prosecution notice/s and your name as the parties.
- Put down the date of the decision you are appealing against.
- Put down the name of the magistrate who made the decision.

Decision details

- Put down the offences that you were convicted of.
- Put down the sentences imposed.
- Put down any other orders made.

Appeal details

- Tick the relevant box as to whether your appeal relates to an appeal against conviction, sentence or other order.
- Put down your grounds of appeal. If there is not enough space in the box provided to write down all of your grounds of appeal, then type up the grounds of appeal on a separate piece of paper and attach it to the appeal notice.
- Put down the last date for appealing which is 28 days from the date you got your sentence.

- If an extension of time is needed, circle “yes”.
- If you are not legally represented, circle “no”.
- If you are applying for legal aid, circle “yes”.

Appellant's details for service

- Put in your name and address (i.e. if you are in prison, the name of the prison).
- Sign and date the appeal notice.

Prosecution notice/s and transcript

Fill in the *Request for Court Documents* form in the appendix at the back of the kit and send it to the Magistrates Court where you appeared, to request:

- Certified copies of your prosecution notices.
- A copy of your transcript.

Please see the section below about fees relating to requesting documents.

If you cannot get the prosecution notice and the transcript before the 28-day time limit is up, you should still send your appeal notice to the Supreme Court within the time limit and notify the Court that you are seeking the prosecution notices and transcript.

If you get a letter from the Supreme Court telling you to provide the prosecution notices and transcript by a certain date you must comply with this. Contact the Supreme Court if you are having difficulty getting the prosecution notices and transcript within the required time.

Fees for requesting documents from the Magistrates Court

There are fees associated with obtaining documents required for lodging an appeal. These fees are set out in Division 1 of the *Magistrates Court (Fees) Regulations 2005* (WA). They can also be located on the Magistrates Court website (www.magistratescourt.wa.gov.au).

The following table outlines the fees payable for some of the documents you may request from the Court:

Process/Document	Individual/Eligible Entity	Entity	Eligible Individual
Prosecution Notice only	\$130.50	\$130.50	\$39.10
Certifying that a document is a true copy	\$25.90	\$25.90	\$7.75
Copy of transcript or notes of evidence for each page or part of a page:			
- Provided within 1 day after the day the fee is paid	\$ 24.90 plus \$10.25 per page	\$24.90 plus \$20.50 per page	\$7.45 plus \$3.05 per page
- Provided within 4 days after the day the fee is paid	\$24.90 plus \$8.85 per page	\$24.90 plus \$17.90 per page	\$7.45 plus \$2.65 per page
- Provided within 7 days after the day the fee is paid	\$24.90 plus \$8.85 per page	\$24.90 plus \$17.00 per page	\$7.45 plus \$2.55 per page

Fees for eligible individuals

Eligible individuals pay a reduced rate for fees prescribed by the Magistrates Court for documents and processes they provide.

An ‘eligible individual’, means:

- An individual who is the holder of a Centrelink health care card; health benefit card; pensioner concession card; a Commonwealth seniors health card; or
- An individual who holds any other card issued by Centrelink or Department of Veterans’ Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions;
- An individual who is in receipt of a youth training allowance; AUSTUDY allowance; benefits from ABSTUDY Scheme;
- An individual who has been granted legal aid;
- An individual the Court has directed is an eligible individual under regulation 9B(1)(b) of the *Magistrates Court (Fees) Regulations 2005* (WA).

Recognition as ‘eligible individual’

Under Reg 9B of the *Magistrates Court (Fees) Regulations*, the Court has the power to direct that someone is an ‘eligible individual’ where they do not meet the requirements prescribed by Reg 8 of those regulations.

There is no fee charged in respect of this application.

The application must be in a **form approved by the Chief Magistrate** and needs to specify the matter in respect of which the individual is seeking to pay the eligible individual fee.

The Court or the registrar may direct that a person is an eligible individual if satisfied that they are required to only pay the eligible individual fee due **to financial hardship or interests of justice** or both.

There are three approved forms. These can be found with the Forms at the end of this kit.

- Approved form 1A – Concession card holders
- Approved form 1B – Financial Hardship
- Approved form 1C – In the Interests of Justice

If you are the holder of a concession listed on Page 13 or have a grant of legal aid, you must complete Form 1A for the Court to direct that you are eligible for the reduced fee.

If you are not the holder of a concession or have not been granted legal aid, but believe you should be eligible for a reduced fee due to financial hardship or it is in the interests of justice, you must complete Form 1B or Form 1C or both.

Payment of fees

Where there is a fee for a document you require, there are several ways to make payment:

Online Forms

- Payment may be made this way if you have a Master Card or Visa credit card.

Mail

- Credit Card (Master Card or Visa) - Credit Card Authority Form can be located on the Magistrate Courts Website.
- Cheque/Bank Cheque – payable to ‘Magistrates Court of WA’

- Money Order
- When sending payment via mail you must ensure you mail to the correct Registry location.

In Person

- Cash, EFTPOS, Credit Card, Cheque, Bank Cheque and Money Orders are accepted in person.
- Cheques must be payable to 'Magistrates Court of WA'

Affidavit in support of extension of time

If you are outside the 28-day period from the date of your sentence, you will need to apply to the Supreme Court for an extension of time to appeal by completing an affidavit.

An affidavit is a formal statement of the facts that support an application to the court. An affidavit in support of an application for an extension of time to appeal must set out the facts that are relevant to the court's decision to grant an extension of time.

Any affidavit must be sworn before a Justice of the Peace or an experienced lawyer.

Use the affidavit at the back of this kit as a model for your own. You may neatly print your details on the front page of the affidavit, however, the body of the affidavit should be typed. You may use as many pages as you need to set out all the information you believe is important for the court to consider.

Cover

The top part of the cover page of the affidavit should be completed in the same way as in the appeal notice. Complete the index on the cover page.

Introductory words

On the next page, type the following:

"I (*type in your full name*) of (*type in your full address – if you are in prison, type in the address of the Prison*) in the State of Western Australia, (*type in your occupation*), being duly sworn make oath and say as follows (or alternatively 'do sincerely declare and affirm'):" For example:

"I, Joseph Bloggs of 32 Passmore Road, Mt Lawley in the State of Western Australia, plumber, being duly sworn make oath and say as follows:"

State the facts in paragraphs

You must type out the facts in paragraphs. Each paragraph must be numbered. You must explain why you were late in filing your appeal notice. The affidavit must be truthful.

If there is a document that you wish to refer to then you can annex that document to the affidavit, and you need to refer to it in one of the paragraphs of the affidavit. For example: "Annexed hereto and marked with the letter "A" is a copy of the document (and describe the document)." At the top of the page of the annexure, write the letter "A".

You need to put the page numbers for the affidavit and each annexure in the index at the front of your affidavit.

Signing the affidavit

You must sign the affidavit in the presence of a Justice of the Peace or a lawyer with at least two years' experience.

Both you and the witness must sign the bottom of each page of the affidavit, and the 'swearing clause' at the end. The Justice of the Peace or the experienced lawyer must fill out the details in the swearing or affirming clause. You sign next to the clause. The Justice of the Peace or experienced lawyer will let you know exactly where you must sign. The Justice of the Peace or experienced lawyer must also sign each annexure.

Bail, urgent appeals and additional evidence – application in an appeal

If you are in custody **only** because of the decision you are appealing you can apply for **bail** while your appeal is pending. You can apply for bail at the same time as filing your appeal notice. To apply for bail, you must file an application in an appeal and an affidavit in support.

If there are good reasons for your appeal to be heard on an **urgent basis**, you can request this at the same time as filing your appeal notice. To make this request you must file an application in an appeal and an affidavit in support.

If you would like the Court to consider **additional evidence** as part of your appeal then you need to file an application in an appeal and an affidavit attaching the additional evidence or explaining the relevance of additional evidence contained in the affidavit of another person (such as a witness you were not aware of before). You should get legal advice about this.

The application in an appeal form and affidavit can be found at the back of this kit.

Application in an appeal form

- Where the form has "No." at the top of the page write the court SJA number you were given when you filed the appeal notice (if you do not have the number of the appeal just leave this blank);
- In the parties' section put down the name/s of the investigating officer/s listed on the prosecution notice/s and your name;
- In the orders sought write 'bail pending the appeal'; and
- In the box entitled conference between the parties tick the parties have not conferred and explain why such as 'due to being in prison'.

Affidavit in support of application in an appeal

Your affidavit should include some brief information that supports your application. For example if your application is for bail, you may wish to include your grounds for appeal, how long you have been in custody, your personal circumstances including your address, any dependants you have, any employment you have and if you have a surety.

Filing and service of application and affidavit

You must file and serve the application in an appeal and supporting affidavit, which can be done at the same time as you file and serve the appeal notice. Information about how to file your documents is below.

Hearing of application in an appeal

Your application in an appeal will be heard before a single Judge of the Supreme Court. The Judge will consider the information in your supporting affidavit and appeal notice. You will be allowed to tell the Judge more information at the hearing of your application.

Filing your documents

Your appeal notice, the prosecution notice/s and transcript, any affidavit in support of an application for an extension of time and any application in an appeal and supporting affidavit must be filed at the Supreme Court.

You may file these documents:

- by email to central.office@justice.wa.gov.au
- in person at the address listed under **Contacts** in this kit
- by post to the address listed under **Contacts** in this kit
- by fax to **9421 5353**

Keep a copy of the documents for your reference. Always keep copies of everything you send.

Serving your documents

Every document that you file must also be served on the solicitor for the respondent.

If the charge the subject of the appeal was an **indictable State offence** (one that could have been dealt with in the District Court such as a burglary charge) then you must serve your documents on the **State Director of Public Prosecutions** (State DPP). If the charge was a **simple State offence** (one that could only be dealt with in a Magistrates Court such as driving under the influence of alcohol) then you must serve your documents on the **State Solicitor's Office**.

If the charge related to a **federal offence** such as social security fraud, then your appeal documents must be served on the **Commonwealth Director of Public Prosecutions** (Commonwealth DPP).

You must serve your documents **in person, unless you are in prison, in which case you may serve them by post**. The addresses for the State DPP, State Solicitors' Office and Commonwealth DPP are under **Contacts** in this kit.

Service certificate

After you have served the documents you need to prepare and file a **service certificate**. This form is in the appendix at the back of the kit. You can write in the details on this form by neatly printing them in capital letters in a blue or black ballpoint pen.

The service certificate must be filed at the Supreme Court. The options for doing this are noted under Filing your documents, above.

Withdrawing your appeal

If you change your mind and decide not to go ahead with your appeal you should file a **discontinuance notice** at the Supreme Court. Once you have filed this notice your appeal is finalised, and you cannot start it again later.

The form for the discontinuance notice is in the appendix at the back of this kit. You can complete the details by writing them neatly in capital letters in a blue or black ballpoint pen.

A copy of your discontinuance notice must be served on the solicitor for the respondent, being the relevant Director of Public Prosecutions or State Solicitor's Office.

Leave to appeal

The Judge may decide the issue of leave to appeal on the basis of the documents that you have filed. If leave is granted then the Court will send you the order granting leave with directions as to what you are to do next.

Sometimes the question of leave to appeal is referred to the final hearing of the appeal and considered at the same time as the appeal.

Outline

This information explains how to prepare a written outline which sets out the points you want to make in relation to your appeal and lists any cases or legislation that you want to refer to. These should be typed.

The format of an outline is set out in the appendix at the back of this kit. The first part of the outline is your **submissions** where you put down what your main points are for each ground of appeal. Doing this also helps you to prepare how you will present your case to the Supreme Court on the day of your appeal.

In the outline you may set out the factors established in previous cases which support your appeal, the names of these cases and the citation for each (e.g. *Bunning v Cross* (1978) 141 CLR 54).

All of the cases and legislation that you refer to in your submissions must be listed under the heading “**authorities**”.

The outline must be provided to the Supreme Court Registry and to the solicitor for the respondent (the relevant Director of Public Prosecutions or State Solicitor) **at least four working days prior to the appeal hearing**.

The solicitors for the respondent will send you their outline in response, so it is a useful process to make sure both you and the respondent know what will be argued on the day of the appeal. If it is the day before the hearing and you still have not received a copy of the respondent's outline, telephone their office and ask them to fax you a copy. If you still have not received a copy before the start of the hearing, ask the Judge politely at the beginning of the appeal if you may have the appeal “stood down” for a few minutes while you read the respondent's outline. Then you have some idea of what the respondent is going to say before you start to talk about your points.

Appeal hearing

Generally, the judge will ask you to have your say first. This is when you can tell the Judge exactly what your grounds of appeal are and refer to any legislation or previous cases that support your arguments.

Then the lawyer for the respondent will give the judge a response indicating whether they believe your appeal should succeed and setting out any arguments against what you have said.

The judge may ask you questions concerning your appeal and will invite you to answer or comment on the arguments made by the lawyer for the respondent. Don't worry if the judge interrupts you to ask questions. Just try and answer them as best as you can and remember to call the judge “Your Honour.”

The judge might decide to hand down his decision straight away or could “reserve” (postpone) the decision to a future date.

In deciding, the judge may dismiss the appeal, allow the appeal, set aside the Magistrates Court decision, substitute a decision, order the case be sent back to the Magistrates Court with directions, make an order as to costs or make other orders.

If you lose the appeal, the judge may order you to pay the legal costs of the respondent.

If you lose the appeal, you may make a further appeal to the Court of Appeal from this decision. To do this you would need to show that the Judge that heard your first appeal was wrong in dismissing your appeal.

A further appeal must be made within 21 days after the Judge dismissed your first appeal. If you wish to do this, you may find the **District and Supreme Court Appeal Kit** helpful. This kit can be obtained by contacting Legal Aid WA or from the Legal Aid WA website.

Court etiquette

Be on time – The time should be written on your court papers. If you are not sure ring the court and check. If you are late for court or do not come at all things might happen in your absence.

Dress neatly – Take off any sunglasses or hats. You will not be allowed into court in a singlet or without shoes.

No mobile phones, food or drink – Turn off all mobile phones and any other electronic devices before entering the court. Do not take any food or drink into court.

Court room behaviour – When entering and leaving the courtroom it is customary to bow towards the judge. Stand up when the judge enters and leaves the courtroom. Stand up when you are being spoken to or when you wish to speak, otherwise remain quietly seated. Address the judge as “Your Honour”.

Contacts

Metropolitan Magistrates Courts

**Central Law Courts –
Perth Magistrates Court**
501 Hay Street, Perth WA 6000
Telephone: 9425 2222

Armadale Magistrates Court
109 Jull Street,
Armadale WA 6112
Telephone: 9399 0700

Fremantle Magistrates Court
8 Holdsworth Street
Fremantle WA 6962
Telephone: 9431 0300

Joondalup Magistrates Court
21 Reid Promenade
Joondalup WA 6027
Telephone: 9400 0700

Mandurah Magistrates Court
333 Pinjarra Road
Mandurah WA 6210
Telephone: 9583 1100

Midland Magistrates Court
24 Spring Park Road
Midland WA 6056
Telephone: 9250 0200

Rockingham Magistrates Court
15-17 Whitfield Street
Rockingham WA 6188
Telephone: 9527 6433

Regional Magistrates Courts

Albany Magistrates Court

184 Stirling Terrace
Albany WA 6330
Telephone: (08) 9845 5200

Broome Magistrates Court

Hammersley Street
Broome WA 6725
Telephone: (08) 9192 1137

Bunbury Magistrates Court

3 Stephen Street
Bunbury WA 6230
Telephone: (08) 9781 4200

Busselton Magistrates Court

12 Stanley St
Busselton WA 6280
Telephone: (08) 97549666

Carnarvon Magistrates Court

Robinson Street
Carnarvon WA 6701
Telephone: (08) 9941 5500

Collie Magistrates Court

Wittenoom Street
Collie WA 6225
Telephone: (08) 9734 2061

Derby Magistrates Court

Loch Street
Derby WA 6728
Telephone: (08) 9191 1406

Esperance Magistrates Court

Dempster Street,
Esperance WA 6450
Telephone: (08) 9071 2444

South Hedland Magistrates Court

Hawke Place
South Hedland WA 6722
Telephone: (08) 9172 9300

Roebourne Magistrates Court

Hampton Street
Roebourne WA 6718
Telephone: (08) 9182 1281

Katanning Magistrates Court

Clive Street
Katanning WA 6317
Telephone: (08) 9821 1177

Kununurra Magistrates Court

Coolibah Drive
Kununurra WA 6743
Telephone: (08) 9168 1011

Manjimup Magistrates Court

Mount Street
Manjimup WA 6258
Telephone: (08) 9771 1316

Merredin Magistrates Court

20 Mitchell Street
Merredin WA 6415
Telephone: (08) 9041 5266

Moora Magistrates Court

Dandaragon Street
Moora WA 6510
Telephone: (08) 9651 1407

Narrogin Magistrates Court

Fortune Street
Narrogin WA 6312
Telephone: (08) 9881 1722

Northam Magistrates Court

118 Wellington Street
Northam WA 6401
Telephone: (08) 9622 1035

Geraldton Magistrates Court

Marine Terrace
Geraldton WA 6530
Telephone: (08) 9921 3722

Kalgoorlie Magistrates Court

Brookman Street
Kalgoorlie WA 6430
Telephone: (08) 9093 5300

Karratha Magistrates Court

Balmoral Street
Karratha WA 6714
Telephone: (08) 9185 2922

Other addresses

Supreme Court Registry

Level 11, David Malcolm Justice Centre
28 Barrack Street
Perth WA 6000

Phone: (08) 9421 5333

Fax: (08) 9421 5353

Email: central.office@justice.wa.gov.au

State Director of Public Prosecutions

55 St George's Terrace
PERTH WA 6000

Phone: (08) 9425 3999

Fax: (08) 9425 3600

Email: dpp@dpp.wa.gov.au

Commonwealth Director of Public Prosecutions

Level 1
226 Adelaide Terrace
Perth WA 6000

Phone: (08) 9264 7264

Fax: (08) 6208 3213

Email: perth@cdpp.gov.au

State Solicitor's Office

David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000

Phone: (08) 9264 1888

Fax: (08) 9264 1440

Email: sso@sso.wa.gov.au

Postal address:

Commonwealth DPP
GPO Box B92
PERTH WA 6001

Legal Aid WA

www.legalaid.wa.gov.au

Telephone Infoline: 1300 650 579 (General Enquiries) Open Monday to Friday 9.00 am to 4.00 pm (Australian Western Standard Time) except public holidays.

Translating and Interpreting Service: 131 450

National Relay Service (for hearing and speech impaired): 133 677

Perth Office

32 St Georges Terrace
Perth, WA 6000
1300 650 579
(08) 9261 6222

Southwest Office

7th Floor, Bunbury Tower,
61 Victoria Street
Bunbury, WA 6230
(08) 9721 2277

West Kimberley Office

Upper Level, Woody's Arcade,
15-17 Dampier Terrace,
Broome, WA 6725
(08) 9195 5888

Great Southern Office

Unit 3, 43-47 Duke Street,
Albany, WA 6330
(08) 9892 9700

Goldfields Office

Suite 3, 120 Egan Street,
Kalgoorlie, WA 6430
(08) 9025 1300

Pilbara Office

28-32 Throssell Road,
South Hedland, WA 6722
(08) 9172 3733

East Kimberley Office

98 Konkerberry Drive,
Kununurra, WA 6743
(08) 9166 5800

Midwest & Gascoyne Office

Unit 8, The Boardwalk,
273 Foreshore Drive,
Geraldton, WA 6530
(08) 9921 0200

Indian Ocean Office

Administration Building,
20 Jalan Pantai, Christmas Island,
Indian Ocean, WA 6798
(08) 9164 7529

Forms – copies to use

The forms that you need to pursue an appeal against a decision of the Magistrates Court are included in the following pages. They are:

- Request for copy of court record (for prosecution notice/s and transcript)
- Fee applications for the Magistrates Court – forms 1A, 1B, 1C
- Appeal notice
- Affidavit
- Service certificate
- Application in an appeal
- Discontinuance notice
- Outline

You can access electronic versions of many of the appeal forms directly from the **Supreme Court website**: www.supremecourt.wa.gov.au. Click on the heading **Forms and Fees**. Then click on the heading **General Division Criminal Forms** and see under **Criminal Procedure Rules 2005 – Single Judge Appeal**.

MAGISTRATES COURT OF WESTERN AUSTRALIA
REQUEST TO INSPECT OR OBTAIN COPY OF A
COURT RECORD

Magistrates Court Act 2004 s. 33(3), (7)

Magistrates Court (General) Rules 2005 - Form 1

Magistrates Court at			
Date Lodged			
Fee Paid		Receipt No.	

Applicant	Full name			
	Address			
	Telephone		Fax	
	Email address			

Case details	Case No.		Civil / Criminal
	Parties		

Records wanted	
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Application by a party <i>[delete if not applicable]</i>	I am a party to the above case and I would like: <input type="checkbox"/> to inspect; <input type="checkbox"/> to obtain a copy of; the above records.
---	---

Application by non-party <i>[tick one box]</i>	I am not a party to the above case. I would like- <input type="checkbox"/> to inspect; <input type="checkbox"/> to obtain a copy of; the above documents because the case is a criminal case and I am the person referred to in the <i>Magistrates Court Act 2004, s33(7), namely –</i> [give details]
---	---

Signature of person making the request		Date
--	--	------

REQUEST TO INSPECT OR OBTAIN COPY OF A COURT RECORD (page 2)

REQUEST FOR COPY OF COURT DOCUMENT	Document required	Prosecution Notice/Other
	Certification required	Yes/No
	Date of hearing	
	Last court appearance	
	Description of charges	
For fees associated with this request, refer to the Magistrates Court (Fees) Regulations 2005.		

REQUEST FOR TRANSCRIPT	Date of hearing required			
	Magistrate's name			
	Solicitor for Prosecution			
	Solicitor for Accused			
	Section of transcript required	<input type="checkbox"/> Entire <input type="checkbox"/> Reasons for Decision <input type="checkbox"/> Evidence of <input type="checkbox"/> Other		
	Transcript required format	<input type="checkbox"/> Paper <input type="checkbox"/> Email		
	Electronic available formats	<input type="checkbox"/> Microsoft Word 2003 <input type="checkbox"/> Adobe PDF		
It is requested the transcript be provided within the following number of days after the day on which the fee is paid				
<input type="checkbox"/> 1 day	<input type="checkbox"/> 2 days	<input type="checkbox"/> 4 days	<input type="checkbox"/> 7 days	<input type="checkbox"/> 14 days
When requesting a transcript an estimated cost deposit of 75% is payable before the request can be processed. Once you have been notified your transcript is ready, it is to be collected WITHIN 14 DAYS				
Signature of Applicant				

Court Use Only	IDENTIFICATION		APPROVAL		ICMS ORDERING	
	ID Type / sighted		Approved (Y/N)		Date Requested	
	ID No.		Assessed By		Request No.	
	Court Officer		Reason for Refusal		Requestor	
	Date		Date		Date Returned	

Approved:	Not Approved:
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FEE APPLICATION APPROVED FORM 1A – CONCESSION CARD HOLDER

WESTERN AUSTRALIA REG, 9B OF THE MAGISTRATES COURT (FEES) REGULATIONS 2005 Application to Change Fee Concession Card Holders and people under 18 Approved Form 1A	MAGISTRATES COURT LOCATION: Court Ref Number:
--	--

This form is used to apply for a change to a fee payable in the Magistrates Court. You can apply to have a fee reduced, postpone the payment of a fee, or have a fee you have already paid fully or partially refunded.

Applicant Details:	Full Name:	
	Please indicate your relationship to the matter: <input type="checkbox"/> Applicant <input type="checkbox"/> Respondent <input type="checkbox"/> Other Please indicate your party type: <input type="checkbox"/> Individual <input type="checkbox"/> Person other than an Individual	
	Address:	
I am applying for the fee to be:		
<input type="checkbox"/> Reduced <input type="checkbox"/> Refunded		
Full Fee Amount: \$ _____		
Fee type for which request is made:		
<input type="checkbox"/> Application fee <input type="checkbox"/> Hearing fee <input type="checkbox"/> Transcription fee <input type="checkbox"/> Other (please describe below)		

Reason for Fee Concession (complete the section relevant to your situation)

Under 18 years old If you are under 18 years old when you apply to a Magistrates Court, you are not required to pay fees. Attach proof of your age to this application. <input type="checkbox"/> I am under 18 years old. Date of Birth: _____ (DD/MM/YYYY)
Concession Card Holder <input type="checkbox"/> Pensioner Concession Card <input type="checkbox"/> Commonwealth Seniors Health Card <input type="checkbox"/> Health Care Card <input type="checkbox"/> Health Benefit Card <input type="checkbox"/> AUSTUDY <input type="checkbox"/> ABSTUDY <input type="checkbox"/> Other Card Number: _____
Grant of Legal Aid under a legal aid scheme or service Name of service (If known) _____

Declaration

☐ I declare that the information I have provided is true and correct. I understand it is an offence to provide false or misleading information to the Magistrates Court.

Signature _____ Date _____

Office Use Only

Outcome _____
Signature _____ Date _____
<input type="checkbox"/> Proof of age / concession card confirmed

FEE APPLICATION APPROVED FORM 1B – FINANCIAL HARDSHIP

<p>WESTERN AUSTRALIA</p> <p>REG, 9B OF THE MAGISTRATES COURT (FEES) REGULATIONS 2005</p> <p>Application to Change Fee</p> <p>Financial Hardship</p> <p>Approved Form 1B</p>	<p>MAGISTRATES COURT</p> <p>LOCATION:</p> <p>Court Ref Number:</p>
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This form is used to apply for a change to a fee payable in the Magistrates Court. You can apply to have a fee reduced, postpone the payment of a fee, or have a fee you have already paid fully or partially refunded.

Applicant Details:	Full Name:	
	Please indicate your relationship to the matter: <input type="checkbox"/> Applicant <input type="checkbox"/> Respondent <input type="checkbox"/> Other Please indicate your party type: <input type="checkbox"/> Individual <input type="checkbox"/> Person other than an Individual	
	Address:	
I am applying for the fee to be: <input type="checkbox"/> Reduced <input type="checkbox"/> Refunded		
Full Fee Amount: \$ _____		
Fee type for which request is made: <input type="checkbox"/> Application fee <input type="checkbox"/> Hearing fee <input type="checkbox"/> Transcription fee <input type="checkbox"/> Other (please describe below)		

Details of your circumstances

Occupation: _____

Employer: _____

Dependents: ☐ Partner ☐ Children Number of Children _____

Supporting reasons (attach a separate page if required)

Date	Time	Location	Weather	Temperature	Humidity	Wind Speed	Wind Direction	Notes
2023-10-27	08:00	Forest	Clear	15°C	60%	5 km/h	SE	Birds singing
2023-10-27	12:00	Field	Partly Cloudy	22°C	75%	10 km/h	SW	Insects active
2023-10-27	18:00	Park	Clear	18°C	65%	8 km/h	NW	Leaves rustling
2023-10-28	06:00	Mountain	Foggy	10°C	80%	3 km/h	E	Mist rising
2023-10-28	10:00	Lake	Clear	20°C	70%	12 km/h	S	Ripples on water
2023-10-28	14:00	Desert	Sunny	28°C	40%	15 km/h	W	Shadows long
2023-10-28	20:00	City	Clear	16°C	55%	7 km/h	NE	City lights on
2023-10-29	07:00	Beach	Partly Cloudy	21°C	78%	9 km/h	SE	Seagulls flying
2023-10-29	11:00	Forest	Rainy	14°C	90%	6 km/h	SW	Rain falling
2023-10-29	16:00	Park	Clear	19°C	68%	11 km/h	NW	Children playing
2023-10-29	21:00	Mountain	Clear	12°C	50%	4 km/h	E	Stars visible
2023-10-30	09:00	Lake	Partly Cloudy	23°C	72%	13 km/h	S	Boats on water
2023-10-30	13:00	Desert	Sunny	30°C	35%	18 km/h	W	Heat shimmering
2023-10-30	19:00	City	Clear	17°C	58%	8 km/h	NE	Traffic lights on
2023-10-30	22:00	Beach	Clear	18°C	62%	7 km/h	SE	Moon rising
202								

WESTERN AUSTRALIA REG, 9B OF THE MAGISTRATES COURT (FEES) REGULATIONS 2005 Application to Change Fee Financial Hardship Approved Form 1B	MAGISTRATES COURT LOCATION: Court Ref Number:
---	--

Income Details

Type of Income	Self (per fortnight)	Partner (per fortnight)
Wage/salary (after tax)	\$	\$
Government pension, benefit or allowance (provide details)	\$	\$
Income from investments	\$	\$
Other income	\$	\$
Total Income	\$	\$

Details of living expenses

My living expenses (including living expenses of my dependents that are normally paid by me), calculated fortnightly, are as follows:

Types of household expenses	Amount per fortnight
Rent	\$
Mortgage repayments	\$
Other loan/credit card payments	\$
Maintenance for dependents	\$
Food	\$
Utilities (gas/electricity/water/rates)	\$
Telephone and internet	\$
Healthcare	\$
Insurance (home and contents)	\$
Insurance (motor vehicle)	\$
Insurance (health)	\$
Superannuation	\$
Other	\$
Total expenses	\$

WESTERN AUSTRALIA REG, 9B OF THE MAGISTRATES COURT (FEES) REGULATIONS 2005 Application to Change Fee Financial Hardship Approved Form 1B	MAGISTRATES COURT LOCATION: Court Ref Number:
---	--

Details of assets

Types of asset	Value
Bank accounts	\$
Houses or other properties	\$
Motor vehicles	\$
Home contents	\$
Other (please specify)	\$
Total assets	\$

Details of debts

Types of debt	Amount
Amount owing on mortgage	\$
Amount owing on other loans	\$
Amount owing on credit card	\$
Other (please specify)	\$
Total debts	\$

Declaration

☐ I declare that the information I have provided is true and correct. I understand it is an offence to provide false or misleading information to the Magistrates Court.

Signature _____ Date _____

Office Use Only

Outcome _____ Signature _____ Date _____

FEE APPLICATION APPROVED FORM 1C – IN THE INTERESTS OF JUSTICE

WESTERN AUSTRALIA REG, 9B OF THE MAGISTRATES COURT (FEES) REGULATIONS 2005 Application to Change Fee Interests of Justice Approved Form 1C	MAGISTRATES COURT LOCATION: Court Ref Number:
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This form is used to apply for a change to a fee payable in the Magistrates Court. You can apply to have a fee reduced, postpone the payment of a fee, or have a fee you have already paid fully or partially refunded.

Applicant Details:	Full Name:	
	Please indicate your relationship to the matter: <input type="checkbox"/> Applicant <input type="checkbox"/> Respondent <input type="checkbox"/> Other Please indicate your party type: <input type="checkbox"/> Individual <input type="checkbox"/> Person other than an Individual	
	Address:	
I am applying for the fee to be: <input type="checkbox"/> Reduced <input type="checkbox"/> Refunded		
Full Fee Amount: \$ _____ Fee type for which request is made: <input type="checkbox"/> Application fee <input type="checkbox"/> Hearing fee <input type="checkbox"/> Transcription fee <input type="checkbox"/> Other (please describe below)		

Reason for Fee Concession

Describe why the payment of the fee should be reduced, refunded or postponed in the interests of justice, for example the right or obligation affecting the community (further information may be attached if required).
--

Declaration

☐ I declare that the information I have provided is true and correct. I understand it is an offence to provide false or misleading information to the Magistrates Court.

Signature _____ **Date** _____

Office Use Only

Outcome _____
Signature _____ Date _____

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		Appeal notice
Parties to the appeal	(Appellant's full name, underlining the family name) <div style="text-align: right;">Appellant</div> (Respondent's full name) <div style="text-align: right;">Respondent</div>	
Primary court's decision		
Primary Court Prosecution Notice No. Parties Date of decision Magistrate or justices of the peace who made decision	at	
Decision details¹		
Conviction recorded ² Sentence imposed ³ Other orders made ⁴ Decision made ⁵		
Appeal details		
Notice of appeal [Tick one or more boxes]	<input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above conviction. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above sentence. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above order made as a result of a conviction or acquittal. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above decision ⁵ .	
Grounds of appeal ⁶	1. 2.	
Notice to the respondent	If you want to take part in this appeal you must lodge a Form 22 under the <i>Criminal Procedure Rules 2005</i> within 7 days after you are served with this notice and serve it on the appellant.	
Last date for appealing ⁷	Last date: Is an extension of time needed? Yes/No	

Legal representation	Is the appellant legally represented in this appeal? Yes/No	Is the appellant applying for legal aid? Yes/No
Appellant's details for service⁸		
Name		
Street address		
Telephone no.		Fax no.
Email address		
Reference No.		
Signature of appellant Appellant	Date:

Notes to the modified Form 20 —

1. This form is to be used to initiate an appeal from a magistrate's decision in a criminal matter. It may also be used in other prescribed circumstances.
2. Describe the offence. E.g. Dangerous driving causing death. If there is more than one conviction, number each conviction, sentence and order.
3. State the sentence. E.g. 'Imprisonment for 18 months with a parole eligibility order cumulative on the sentence for robbery'.
4. State any other order made as a result of a conviction. E.g. disqualified from holding or obtaining a driver's licence for 4 years.
5. Complete these details if the appeal is against a decision other than a conviction or sentence or other order made as a result of a conviction. (See the *Criminal Appeals Act 2004* s. 6 "decision"). Describe the decision. E.g. 'Decision to declare the appellant a drug trafficker'.
6. Set out the grounds in numbered paragraphs. The grounds of appeal must state shortly why the appellant says that the magistrate or decision maker erred. If the form is completed by hand and there is insufficient space to insert the grounds of appeal, attach a separate page containing the grounds of appeal.
7. An appeal must be commenced within 28 days after the decision which is being appealed, unless the Supreme Court otherwise orders. If the accused was sentenced on a different date from which he or she was found guilty, time runs from the date of sentencing.
8. If the appellant is represented by a lawyer, the appellant's details below must be the lawyer's details. If the appellant is self-represented, the details must be the appellant's personal details. A street address is essential. A post office box or email address by themselves will not be accepted. However, all formal correspondence from the court or a respondent will be mailed to the street address unless a postal address is also inserted.

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		Appeal notice
Parties to the appeal	(Appellant's full name, underlining the family name) <div style="text-align: right;">Appellant</div> (Respondent's full name) <div style="text-align: right;">Respondent</div>	
Primary court's decision		
Primary Court Prosecution Notice No. Parties Date of decision Magistrate or justices of the peace who made decision	<div style="text-align: center;">at</div>	
Decision details¹		
Conviction recorded ² Sentence imposed ³ Other orders made ⁴ Decision made ⁵		
Appeal details		
Notice of appeal [Tick one or more boxes]	<input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above conviction. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above sentence. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above order made as a result of a conviction or acquittal. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above decision ⁵ .	
Grounds of appeal ⁶	1. 2.	
Notice to the respondent	If you want to take part in this appeal you must lodge a Form 22 under the <i>Criminal Procedure Rules 2005</i> within 7 days after you are served with this notice and serve it on the appellant.	
Last date for appealing ⁷	Last date: Is an extension of time needed? Yes/No	

Legal representation	Is the appellant legally represented in this appeal? Yes/No	Is the appellant applying for legal aid? Yes/No
Appellant's details for service⁸		
Name		
Street address		
Telephone no.		Fax no.
Email address		
Reference No.		
Signature of appellant Appellant	Date:

Notes to the modified Form 20 —

1. This form is to be used to initiate an appeal from a magistrate's decision in a criminal matter. It may also be used in other prescribed circumstances.
2. Describe the offence. E.g. Dangerous driving causing death. If there is more than one conviction, number each conviction, sentence and order.
3. State the sentence. E.g. 'Imprisonment for 18 months with a parole eligibility order cumulative on the sentence for robbery'.
4. State any other order made as a result of a conviction. E.g. disqualified from holding or obtaining a driver's licence for 4 years.
5. Complete these details if the appeal is against a decision other than a conviction or sentence or other order made as a result of a conviction. (See the *Criminal Appeals Act 2004* s. 6 "decision"). Describe the decision. E.g. 'Decision to declare the appellant a drug trafficker'.
6. Set out the grounds in numbered paragraphs. The grounds of appeal must state shortly why the appellant says that the magistrate or decision maker erred. If the form is completed by hand and there is insufficient space to insert the grounds of appeal, attach a separate page containing the grounds of appeal.
7. An appeal must be commenced within 28 days after the decision which is being appealed, unless the Supreme Court otherwise orders. If the accused was sentenced on a different date from which he or she was found guilty, time runs from the date of sentencing.
8. If the appellant is represented by a lawyer, the appellant's details below must be the lawyer's details. If the appellant is self-represented, the details must be the appellant's personal details. A street address is essential. A post office box or email address by themselves will not be accepted. However, all formal correspondence from the court or a respondent will be mailed to the street address unless a postal address is also inserted.

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		Appeal notice
Parties to the appeal	(Appellant's full name, underlining the family name) <div style="text-align: right;">Appellant</div> (Respondent's full name) <div style="text-align: right;">Respondent</div>	
Primary court's decision		
Primary Court Prosecution Notice No. Parties Date of decision Magistrate or justices of the peace who made decision	at	
Decision details¹		
Conviction recorded ² Sentence imposed ³ Other orders made ⁴ Decision made ⁵		
Appeal details		
Notice of appeal [Tick one or more boxes]	<input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above conviction. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above sentence. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above order made as a result of a conviction or acquittal. <input type="checkbox"/> The appellant applies to the Court for leave to appeal against the above decision ⁵ .	
Grounds of appeal ⁶	1. 2.	
Notice to the respondent	If you want to take part in this appeal you must lodge a Form 22 under the <i>Criminal Procedure Rules 2005</i> within 7 days after you are served with this notice and serve it on the appellant.	
Last date for appealing⁷	Last date: Is an extension of time needed? Yes/No	

Legal representation	Is the appellant legally represented in this appeal? Yes/No
	Is the appellant applying for legal aid? Yes/No
Appellant's details for service⁸	
Name	
Street address	
Telephone no.	Fax no.
Email address	
Reference No.	
Signature of appellant	Date:
..... Appellant	

Notes to the modified Form 20 —

1. This form is to be used to initiate an appeal from a magistrate's decision in a criminal matter. It may also be used in other prescribed circumstances.
2. Describe the offence. E.g. Dangerous driving causing death. If there is more than one conviction, number each conviction, sentence and order.
3. State the sentence. E.g. 'Imprisonment for 18 months with a parole eligibility order cumulative on the sentence for robbery'.
4. State any other order made as a result of a conviction. E.g. disqualified from holding or obtaining a driver's licence for 4 years.
5. Complete these details if the appeal is against a decision other than a conviction or sentence or other order made as a result of a conviction. (See the *Criminal Appeals Act 2004* s. 6 "decision"). Describe the decision. E.g. 'Decision to declare the appellant a drug trafficker'.
6. Set out the grounds in numbered paragraphs. The grounds of appeal must state shortly why the appellant says that the magistrate or decision maker erred. If the form is completed by hand and there is insufficient space to insert the grounds of appeal, attach a separate page containing the grounds of appeal.
7. An appeal must be commenced within 28 days after the decision which is being appealed, unless the Supreme Court otherwise orders. If the accused was sentenced on a different date from which he or she was found guilty, time runs from the date of sentencing.
8. If the appellant is represented by a lawyer, the appellant's details below must be the lawyer's details. If the appellant is self-represented, the details must be the appellant's personal details. A street address is essential. A post office box or email address by themselves will not be accepted. However, all formal correspondence from the court or a respondent will be mailed to the street address unless a postal address is also inserted.

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		AFFIDAVIT
Parties to the Appeal	<i>(Appellant's full name, underlining the family name)</i> <div style="text-align: right;">Appellant</div> <div style="text-align: right;">Respondent</div>	
Person making affidavit	<i>(Name of the person making the affidavit)</i>	
Date Made	<i>(Date the affidavit was sworn)</i>	
Purpose	<i>(Reason you are preparing the affidavit)</i>	
Filed by	Appellant	
Index	<div style="display: flex; justify-content: space-between;"> Contents Page </div> <div style="margin-top: 10px;"> 1. Affidavit of </div> <div style="margin-top: 100px;"> <i>List the affidavit and annexures, describing each one. Number the pages of the affidavit and annexures and put the page of each document in the index.</i> </div>	
Appellant's details for service		
Name Street Address Telephone no Email address Reference No.	<div style="text-align: right;">Fax No</div>	

I, _____ of _____ in the State of Western
Australia, _____ being duly sworn MAKE OATH AND SAY AS
FOLLOWS:

1.

2.

3.

4.

SWORN by the above named _____)
Deponent at _____)
in the State of Western Australia _____)
this _____)
day of _____ 20 _____)
before me : _____)

Justice of the Peace / Experienced Legal Practitioner

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		SERVICE CERTIFICATE
Parties to the appeal	<div>Appellant</div> <div>Respondent</div>	
Certificate	<p>I certify that on ^[date] at ^[place] ^[name of server] served the respondent personally with —</p> <ul style="list-style-type: none"> • a copy of an appeal notice dated ^[date] ; and • a copy of every other document that was lodged with the appeal notice. <p>I undertake to lodge an affidavit of service if the Court requires me to.</p>	
Signature of Appellant	<div>.....</div> <div>Appellant</div>	Date:

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		APPLICATION IN AN APPEAL
Parties to the appeal	<div style="text-align: right;">Appellant</div> <div style="text-align: right;">Respondent</div>	
Applicant	Appellant/Respondent	
Application¹	The Applicant applies for —	
Conference between parties [Tick one box]	<input type="checkbox"/> The parties to this application have conferred about the issues giving rise to this application and have not resolved them. <input type="checkbox"/> The parties to this application have not conferred about the issues giving rise to this application because ²	
Signature of applicant Applicant	Date:

Notes to Form 23 —

1. State:
 - the order or orders sought; and
 - the written law and provision under which the application is made.
2. State the reasons why the parties have not conferred.

NB This document may be completed by writing in capital letters with a blue or black ballpoint pen.

Supreme Court of Western Australia <i>Criminal Appeals Act 2004 Part 2</i>		No:
		DISCONTINUANCE NOTICE
Parties to the appeal	Appellant	
	Respondent	
Notice	The appellant discontinues this appeal.	
Signature of appellant	Date:
	Appellant	

Supreme Court of Western Australia <i>Criminal Appeals Act 2004</i> Part 2		No:
		OUTLINE
Parties to the appeal		
	Appellant	
	Respondent	
Appellant's details for service		
Name		
Street address		
Telephone no.	(08)	Fax no. (08)
Email address		
Reference no.		

OUTLINE OF SUBMISSIONS

LIST OF AUTHORITIES