

CRIMINAL PROCEDURE AMENDMENT REGULATIONS (NO. 2) 2022

826. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Criminal Procedure Amendment Regulations (No. 2) 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to , what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The eCourts Portal of Western Australia (eCourts Portal) was implemented by the Department of Justice (the Department) to enable users to register and facilitate the filing and lodgment of court documents. Previously, in the criminal jurisdiction of the Magistrates Court, if an accused person was served with a prescribed Form 5 – Court Hearing Notice (CHN), they could record a written guilty or not guilty plea on the CHN and return it to the court for the magistrate to consider on the hearing date. This could only be done either by post or in person to the court, at least three days prior to the hearing date. These amendments allow for an accused person to record a written plea on the CHN electronically, through the eCourts Portal, in line with other documents that can already be provided through this means. The option to record a plea electronically is not mandatory, it is at the accused person's discretion as to whether they facilitate the process via this means in lieu of the pre-existing options.

Lodgment of the plea through the eCourts Portal is immediate and diminishes the risk of the endorsed CHN being potentially lost or delayed in the post, or not being received and/or processed by the court prior to the hearing date. The amendments assist the Department to meet demand, make the process of lodging a written plea more efficient and accessible, and support the ongoing modernisation of the Department.
- (b) Consultation occurred with the Chief Magistrate, and the Magistrates Court and Tribunals Directorate of the Department.
- (c) Each person consulted during the drafting exercise was able to provide feedback, comments and suggestions. No concerns were raised.
- (d) None to note.
- (e)–(f) Not applicable.