

JU301*

Criminal Procedure Act 2004
Juries Act 1957
Criminal Appeals Act 2004
Sentencing Act 1995

Criminal Procedure Amendment Rules 2010

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Criminal Procedure Amendment Rules 2010*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Rules amended

These rules amend the *Criminal Procedure Rules 2005*.

4. Rule 51 amended

- (1) Before rule 51(1) insert:

- (1A) In this rule —

media manager, of a court, means the person who, on behalf of the court, manages its relations with media organisations;

media organisation means an organisation that disseminates news or information to the public through the press or by means of radio, television or the internet.

- (2) In rule 51(1) delete “a registrar” and insert:

the court

- (3) Delete rule 51(2) and (3) and insert:

- (2A) The application —
- (a) may be made orally to the court’s media manager if —
 - (i) it is made by a person employed by a media organisation; and
 - (ii) the court, on a written application made under this rule by another such person, has already granted leave to that other person to inspect or obtain a copy of the record the subject of the application;but
 - (b) otherwise must be made in writing to the court and must set out the grounds of the application.
- (2B) The applicant need not give notice of the application to any party to the case unless an order is made under subrule (4)(b).
- (2) On an oral application made under subrule (2A)(a), the court’s media manager —
- (a) may grant the application if satisfied the court has already granted leave to another person who is employed by a media organisation to inspect or obtain a copy of the record the subject of the application; but
 - (b) otherwise must refuse the application.
- (3A) If under subrule (2)(a) the court’s media manager grants an oral application, the application must be granted on the same terms and subject to the same conditions (if any) that were imposed by the court when it gave leave to the other person employed by a media organisation.
- (3) A person whose oral application is refused under subrule (2)(b) may make a written application under subrule (2A)(b).
- (4A) A judge or a registrar may deal with a written application.
- (4B) A judge may refer a written application to a registrar.
- (4C) A registrar may refer a written application to a judge.
- (4) In rule 51(4) delete “A registrar —” and insert:

A judge or a registrar dealing with a written application —

- (5) In rule 51(5) delete the passage that begins with “a registrar,” and ends with “copy.” and insert:

a judge or a registrar dealing with a written application, if satisfied the applicant has sufficient cause to be granted leave, may grant the application.

- (6) After rule 51(5) insert:

(6A) A judge or a registrar may grant an application subject to conditions.

(6B) If a person, pursuant to leave granted under this rule, wants to obtain a copy of a record, the person must pay, or make arrangements to pay, the cost of the court supplying the copy, unless the court orders otherwise.

Dated: 17 December 2010.

Judges’ signatures:

W. S. MARTIN

RALPH SIMMONDS

M. J. MURRAY

P. D. BLAXELL

C. J. McLURE

MICHAEL J. BUSS

C. PULLIN

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ERIC M. HEENAN

D. W. NEWNES

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ROBERT MAZZA

CAROLYN JENKINS

J. ALLANSON
