

## **Criminal Procedure Amendment Rules (No. 3) 2011**

Made by the Judges of the Supreme Court.

**1. Citation**

These rules are the *Criminal Procedure Amendment Rules (No. 3) 2011*.

**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 25A inserted**

At the end of Part 7 Division 1 insert:

**25A. Consenting to orders and directions**

- (1) This rule does not apply to an appeal, or an application for leave to appeal, made under the *Criminal Appeals Act 2004*.
- (2) The parties to a case may consent to the making of an order or direction in the case by lodging one or more documents that —
  - (a) set out the order or direction sought; and
  - (b) evidence each party's consent to the making of the order or direction.
- (3) A party may lodge a document under subrule (2) by fax or electronically in accordance with any practice direction made for the purposes of this rule.

- (4) A document lodged by fax or electronically is to be taken to have been lodged —
  - (a) if the whole document is received before 4.00 p.m. on a day when the court's registry is open for business, on that day;
  - (b) otherwise, on the next day when the court's registry is open for business.
- (5) If one or more documents are lodged under subrule (2), a judge or registrar, if satisfied that it is appropriate to make the order or direction, may make the order or direction —
  - (a) in the absence of an application for the order or direction; and
  - (b) without hearing the parties.
- (6) A registrar cannot make an order or direction under subrule (5) that would finally determine a prosecution.

Dated: 21 October 2011.

Judges' signatures:

Chief Justice MARTIN

Justice BEECH

Justice MURRAY

Justice NEWNES

Justice McKECHNIE

Justice MARTIN

Justice McLURE

Justice MURPHY

Justice PULLIN

Justice HALL

Justice HEENAN

Justice MAZZA

Justice Le MIERE

Justice CORBOY

Justice JENKINS

Justice ALLANSON

Justice SIMMONDS

Justice EDELMAN

Justice BUSS