

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

Criminal Procedure Amendment Rules 2014

Made by Judges of the Supreme Court.

1. Citation

These rules are the *Criminal Procedure Amendment Rules 2014*.

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 44 amended

- (1) Delete rule 44(3) and (4) and insert:

- (3) The court must —

- (a) make details of the request available —
 - (i) to any court of summary jurisdiction in which the offender has indicated there are pending charges against the offender; and
 - (ii) to the DPP;
- and

- (b) make available, or request the registrar of the relevant court of summary jurisdiction to make available, to the DPP a copy of the prosecution notices for the pending charges to which the request relates.

- (4) If requested by the clerk of arraigns, the registrar of the court of summary jurisdiction must —

- (a) make available to the sentencing court the original prosecution notices that relate to pending charges against that offender in the court of summary jurisdiction; and

- (b) make available to the DPP a copy of those prosecution notices.
- (2) In rule 44(8) delete “send back” and insert:

make available
- (3) In rule 44(9)(b) delete “send back” and insert:

make available
- (4) At the end of rule 44 insert:
- (10) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 12(1) —
 - (a) an original prosecution notice is made available under this rule to a court if an electronic version of the prosecution notice is made available to that court by means of the electronic system for the management of proceedings in Western Australian courts; and
 - (b) a copy of a prosecution notice is made available under this rule to the DPP if an electronic version of the prosecution notice —
 - (i) is made available to the DPP by means of the electronic system for the management of proceedings in Western Australian courts; or
 - (ii) sent by email to the DPP at an email address provided by the DPP.
- (11) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 13(1), a reference in this rule to an original prosecution notice includes a printed copy of the electronic version of the prosecution notice stored in the electronic system for the management of proceedings in Western Australian courts.

5. Schedule 1 amended

In Schedule 1 Form 27 delete “Registrar” and insert:

Supreme Court judge/Registrar

Dated: 12 December 2014.

Judges' signatures:

Chief Justice MARTIN

Justice McKECHNIE

Justice HEENAN

Justice JENKINS

Justice SIMMONDS

Justice BEECH

Justice NEWNES

Justice CHANEY

Justice MARTIN

Justice MURPHY

Justice HALL

Justice MAZZA

Justice CORBOY

Justice PRITCHARD

Justice ALLANSON

Justice EDELMAN

Justice MITCHELL
