

Criminal Procedure Amendment Rules 2023

SL 2023/20

Made by the judges of the Supreme Court.

1. Citation

These rules are the *Criminal Procedure Amendment Rules 2023*.

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 39 amended

- (1) Before rule 39(1) insert:

- (1A) In this rule —

produce electronically, in relation to a record or thing, means to provide the record or thing, in a format approved by the court, to the court —

- (a) by saving it to a CD-ROM, DVD or USB device and —
 - (i) providing the CD-ROM, DVD or USB device to the court in person; or
 - (ii) sending the CD-ROM, DVD or USB device to the court by post or courier;
- or
- (b) by other electronic means approved by a registrar.

- (2) Delete rule 39(2) and insert:

- (2) The witness may produce the record or thing —

- (a) if the original record or thing is in electronic form — by producing it electronically; or
- (b) otherwise — by providing it to the court in person or sending it to the court by post or courier.

(3) After rule 39(5) insert:

- (5A) If the summons requires the production of a record and does not require that the original record be produced, the witness may comply with subrule (2) or (4)(b) by producing a copy of the record (whether in electronic form or otherwise).

(4) In rule 39(6) delete “a registrar” and insert:

a court officer

5. Schedule 1 Form 10 amended

In Schedule 1 Form 10:

- (a) delete:

| | |
|---|--|
| Command | You are commanded to produce the records or things described below at the place, and on or before the date and time specified below. |
| Time and place to produce record or thing | Date: _____ Time: _____ Court: _____ Place: _____ |
| Records or things to be produced | You must produce to the court the following: <i>[Describe in reasonable detail each record or thing to be produced; on an attachment if necessary.]</i> |

and insert:

| | |
|----------------------------------|---|
| Command | You are commanded to produce the records or things described below on or before the date and at or before the time specified below. |
| Time to produce record or thing | Date: _____ Time: _____ Court: _____ |
| Records or things to be produced | You must produce to the court the following: <i>[List the records or things and whether the original of any record is required. If insufficient space, attach list.]</i> |

- (b) after the last row insert:

| |
|--------------|
| Notes |
|--------------|

| | |
|--|--|
| Production of copy of record instead of original record | Unless this summons states that the original of a record is required, you may produce a copy of it instead. |
|--|--|

Date: 13 January 2023.

The Hon. Chief Justice Peter Quinlan
Chief Justice of Western Australia
Supreme Court of Western Australia.
