

JU301*

Magistrates Court Act 2004

Magistrates Court (General) Amendment Rules (No. 2) 2014

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules (No. 2) 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 *Magistrates Court (General) Rules 2005*.

4. Part 5 Division 1 heading inserted

At the beginning of Part 5 insert:

Division 1 — Requests under Act s. 33(3) or (7)

5. Part 5 Division 2 heading inserted

After rule 37 insert:

Division 2 — Applications under Act s. 33(4) or (8)

6. Part 5 Division 3 inserted

After rule 39 insert:

Division 3 — Transcripts and exhibits for media organisations under Act s. 33(9)(b)

40A. Terms used

In this Division —

application means an application under rule 40B;

exhibit has the meaning given in rule 40B(b);

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;

relevant record, in relation to an application, means a transcript or exhibit the subject of the application;

transcript has the meaning given in rule 40B(a).

40B. Media organisation may apply for transcript or exhibit

For the purposes of section 33(9)(b) of the Act, a media organisation may apply to the court for leave to inspect or obtain a copy of —

- (a) the record, or the certified transcript of the record, of any proceedings in the case (a *transcript*); or
- (b) any other document (including in an electronic form) tendered in evidence in the case (an *exhibit*).

40C. Making applications

- (1) An application must be made by lodging a Form 1.
- (2) The relevant media organisation need not give notice of the application to any party to the case unless an order is made under rule 40E(2)(a).

40D. Who may deal with applications

- (1) When the application is lodged, a registrar must refer it to a magistrate unless subrule (2) applies.
- (2) A registrar may, without hearing the relevant media organisation, grant an application if —
 - (a) the relevant record was the subject of a previous application in the case; and
 - (b) the application was granted by a magistrate.

- (3) A magistrate to whom an application is referred under subrule (1) may, in chambers —
 - (a) without hearing the relevant media organisation, grant the application; or
 - (b) order a registrar to list the application for hearing by a magistrate.

40E. Dealing with applications

- (1) A magistrate or registrar dealing with an application may deal with the application even though no party to the case has been served with it.
- (2) A magistrate dealing with an application may —
 - (a) order the relevant media organisation to serve any other person, specified in the order, with the application and a notice in an approved form entitling the person to be heard on the application; and
 - (b) deal with the application accordingly.
- (3) A magistrate dealing with an application may grant or refuse it.
- (4) A magistrate dealing with an application, if satisfied the relevant media organisation has sufficient cause to be granted leave, may grant the application subject to —
 - (a) any order made under the CPA section 171; and
 - (b) any information contained in a pre-sentence report ordered under the *Sentencing Act 1995* section 20 indicating that it would be inappropriate to grant the application; and
 - (c) any other order or written law that prohibits or restricts the publication or possession of the relevant record.

40F. Court's power to publish unaffected

This Division does not prevent the court from publishing, on its own initiative, all or any part of the proceedings in a case to any person, and in any manner, it thinks fit.

7. Part 5 Division 4 heading inserted

Before rule 40 insert:

**Division 4 — Information generally under Act
s. 33(9)(b)**

8. Rule 41 amended

In rule 41(1) delete “rule 38 or 39” and insert:

rule 38, 39 or 40B

9. Rule 48 amended

In rule 48(2)(c) delete “Commissioner of Police” and insert:

relevant prosecuting authority

10. Rule 49A amended

In rule 49A(2)(c) delete “Sheriff” and insert:

relevant prosecuting authority

11. Rule 49 amended

In rule 49(2)(c) delete “Commissioner of Police” and insert:

relevant prosecuting authority

12. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Suburbs and registries

[r. 44]

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Alexander Heights	Joondalup	Maddington	Armadale
Alfred Cove	Fremantle	Madeley	Joondalup
Alkimos	Joondalup	Madora	Mandurah
Anketell	Rockingham	Mahogany Creek	Midland
Applecross	Perth	Maida Vale	Midland
Araluen	Armadale	Malaga	Midland
Ardross	Perth	Malmalling	Midland
Armadale	Armadale	Mandogalup	Rockingham
Ascot	Perth	Mandurah	Mandurah
Ashby	Joondalup	Manning	Perth
Ashendon	Armadale	Marangaroo	Joondalup

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Ashfield	Midland	Mardella	Armadale
Attadale	Fremantle	Mariginiup	Joondalup
Atwell	Fremantle	Marmion	Joondalup
Aubin Grove	Armadale	Marsurup	Mandurah
Aveley	Midland	Martin	Armadale
Bailup	Midland	Maylands	Perth
Balcatta	Perth	Meadow Springs	Mandurah
Baldivis	Rockingham	Medina	Rockingham
Balga	Perth	Melaleuca	Joondalup
Ballajura	Midland	Melville	Fremantle
Banjup	Rockingham	Menora	Perth
Banksia	Mandurah	Merriwa	Joondalup
Banksia Grove	Joondalup	Middle Swan	Midland
Barragup	Mandurah	Midland	Midland
Baskerville	Midland	Midvale	Midland
Bassendean	Midland	Millendon	Midland
Bateman	Fremantle	Mindarie	Joondalup
Bayswater	Perth	Mirrabooka	Perth
Beaconsfield	Fremantle	Morley	Perth
Beckenham	Perth	Mosman Park	Perth
Bedford	Perth	Mount Helena	Midland
Bedfordale	Armadale	Mt Claremont	Perth
Beechboro	Midland	Mt Hawthorn	Perth
Beechina	Midland	Mt Lawley	Perth
Beeliar	Fremantle	Mt Nasura	Armadale
Beldon	Joondalup	Mt Pleasant	Perth
Belhus	Midland	Mt Richon	Armadale
Bellevue	Midland	Mullaloo	Joondalup
Belmont	Perth	Mundaring	Midland
Bentley	Perth	Mundijong	Armadale
Bertram	Rockingham	Munster	Fremantle
Bibra Lake	Fremantle	Murdoch	Fremantle
Bickley	Midland	Myaree	Fremantle
Bicton	Fremantle	Myora	Mandurah
Booragoon	Fremantle	Nanbeelup	Mandurah
Bouvard	Mandurah	Naval Base	Rockingham
Boya	Midland	Nedlands	Perth

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Brabham	Midland	Neerabup	Joondalup
Brentwood	Fremantle	Newburn	Midland
Brigadoon	Midland	Nirimba	Mandurah
Brookdale	Armadale	Nollamara	Perth
Bull Creek	Fremantle	Noranda	Perth
Bullsbrook	Midland	North Beach	Perth
Burns Beach	Joondalup	North Coogee	Fremantle
Burrendah	Fremantle	North Dandalup	Mandurah
Burswood	Perth	North Fremantle	Fremantle
Butler	Joondalup	North Lake	Fremantle
Byford	Armadale	North Perth	Perth
Calista	Rockingham	North Shore	Joondalup
Camillo (formerly Westfield)	Armadale	North Yunderup	Mandurah
Canning Mills	Armadale	Northbridge	Perth
Canning Vale	Armadale	Nowergup	Joondalup
Cannington	Perth	O'Connor	Fremantle
Carabooda	Joondalup	Oakford	Armadale
Cardup	Armadale	Oakley	Mandurah
Carilla	Midland	Ocean Reef	Joondalup
Carine	Perth	Oldbury	Armadale
Carlisle	Perth	Orange Grove	Armadale
Carmel	Midland	Orelia	Rockingham
Carramar	Joondalup	Osborne Park	Perth
Casuarina	Rockingham	Padbury	Joondalup
Caversham	Midland	Palmyra	Fremantle
Challenger	Rockingham	Parkerville	Midland
Champion Lakes	Armadale	Parkwood	Fremantle
Chidlow	Midland	Parmelia	Rockingham
Chittering	Midland	Paulls Valley	Midland
Churchlands	Perth	Pearsall	Joondalup
City Beach	Perth	Peel Estate	Rockingham
Claremont	Perth	Peppermint Grove	Fremantle
Clarkson	Joondalup	Peron	Rockingham
Cloverdale	Perth	Perth Airport	Perth
Como	Perth	Perth City	Perth
Connolly	Joondalup	Piara Waters	Armadale

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Coodanup	Mandurah	Pickering Brook	Midland
Coogee	Fremantle	Piesse Brook	Midland
Coolbellup	Fremantle	Pinjar	Joondalup
Coolbinia	Perth	Pinjarra	Mandurah
Cooloongup	Rockingham	Point Gray	Mandurah
Cottesloe	Perth	Port Kennedy	Rockingham
Craigie	Joondalup	Postans	Rockingham
Crawley	Perth	Pyrton	Midland
Cullacabardee	Midland	Queens Park	Perth
Currambine	Joondalup	Quinns Rock	Joondalup
Daglish	Perth	Ravenswood	Mandurah
Dalkeith	Perth	Red Hill	Midland
Darch	Joondalup	Redcliffe	Perth
Darling Downs	Armadale	Reservoir	Midland
Darlington	Midland	Ridgewood	Joondalup
Davis Park	Fremantle	Ridley Park	Mandurah
Dawesville	Mandurah	Riverton	Perth
Dayton	Midland	Rivervale	Perth
Dianella	Perth	Rockingham	Rockingham
Doubleview	Perth	Roleystone	Armadale
Dudley Park	Mandurah	Rottnest Island	Fremantle
Duncraig	Joondalup	Rossmoyne	Perth
Dwellingup	Mandurah	Safety Bay	Rockingham
East Cannington	Perth	Sale	Mandurah
East Fremantle	Fremantle	Salter Point	Perth
East Perth	Perth	Samson	Fremantle
East Rockingham	Rockingham	San Remo	Mandurah
East Victoria Park	Perth	Sawyers Valley	Midland
Eden Hill	Midland	Scarborough	Perth
Edgewater	Joondalup	Seaforth	Armadale
Eglinton	Joondalup	Secret Harbour	Rockingham
Ellenbrook	Midland	Serpentine	Armadale
Ellis	Fremantle	Seville Grove	Armadale
Embleton	Perth	Shelley	Perth
Erskine	Mandurah	Shenton Park	Perth
Fairbridge	Mandurah	Shoalwater	Rockingham
Ferndale	Perth	Silver Sands	Mandurah

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Floreat	Perth	Sinagra	Joondalup
Forrestdale	Armadale	Singleton	Mandurah
Forrestfield	Midland	Sorrento	Joondalup
Fremantle	Fremantle	South Beach	Fremantle
Furnissdale	Mandurah	South Coogee	Fremantle
Gidgegannup	Midland	South Fremantle	Fremantle
Girrawheen	Joondalup	South Guildford	Midland
Glen Forrest	Midland	South Lake	Fremantle
Glendalough	Perth	South Perth	Perth
Gleneagle	Armadale	South Yunderup	Mandurah
Glengarry	Joondalup	Southern River	Armadale
Gnangara	Joondalup	Southwell	Fremantle
Golden Bay	Mandurah	Spearwood	Fremantle
Golden Bay	Rockingham	St Andrews	Joondalup
Gooseberry Hill	Midland	St James	Perth
Gorrie	Midland	Stakehill	Mandurah
Gosnells	Armadale	Stirling	Perth
Graylands	Perth	Stoneville	Midland
Greenfields	Mandurah	Stratton	Midland
Greenmount	Midland	Subiaco	Perth
Greenwood	Joondalup	Success	Fremantle
Guildford	Midland	Swan View	Midland
Gwelup	Perth	Swanbourne	Perth
Hacketts Gully	Midland	Tamala Park	Joondalup
Halls Head	Mandurah	Tapping	Joondalup
Hamersley	Perth	The Lakes	Midland
Hamilton Hill	Fremantle	The Spectacles	Rockingham
Hammond Park	Fremantle	The Vines	Midland
Harrisdale	Armadale	Thompson Lake	Fremantle
Haynes	Armadale	Thornlie	Armadale
Hazelmere	Midland	Trigg	Perth
Heathridge	Joondalup	Tuart Hill	Perth
Helena Valley	Midland	Two Rocks	Joondalup
Henderson	Fremantle	Upper Swan	Midland
Henley Brook	Midland	Victoria Park	Perth
Herdsmen	Perth	Viveash	Midland
Herne Hill	Midland	Waikiki	Rockingham

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
High Wycombe	Midland	Walliston	Midland
Highgate	Perth	Wandi	Rockingham
Hilbert	Armadale	Wangara	Joondalup
Hillarys	Joondalup	Wannanup	Mandurah
Hillman	Rockingham	Wanneroo	Joondalup
Hilton	Fremantle	Warnbro	Rockingham
Hocking	Joondalup	Warwick	Joondalup
Hope Valley	Rockingham	Waterford	Perth
Hopeland	Rockingham	Watermans Bay	Perth
Hovea	Midland	Wattle Grove	Midland
Huntingdale	Armadale	Wattleup	Fremantle
Iluka	Joondalup	Wellard	Rockingham
Inglewood	Perth	Welshpool	Perth
Innaloo	Perth	Wembley	Perth
Jandabup	Joondalup	Wembley Downs	Perth
Jandakot	Fremantle	West Leederville	Perth
Jane Brook	Midland	West Perth	Perth
Jarrahdale	Armadale	West Pinjarra	Mandurah
Jindalee	Joondalup	West Swan	Midland
Jolimont	Perth	Westfield	Armadale
Joondalup	Joondalup	Westminster	Perth
Joondanna	Perth	Wexcombe	Midland
Kalamunda	Midland	Whitby	Armadale
Kallaroo	Joondalup	White Gum Valley	Fremantle
Karawara	Perth	Whiteman	Midland
Kardinya	Fremantle	Whitfords	Joondalup
Karnup	Rockingham	Whittaker	Mandurah
Karragullen	Armadale	Willagee	Fremantle
Karrakatta	Perth	Willetton	Perth
Karrakup	Armadale	Wilson	Perth
Karrinyup	Perth	Winthrop	Fremantle
Kelmscott	Armadale	Woodbridge	Midland
Kensington	Perth	Woodlands	Perth
Kenwick	Perth	Woodman Point	Fremantle
Kewdale	Perth	Woodvale	Joondalup
Keysbrook	Armadale	Wooroloo	Midland
Kiara	Midland	Wungong	Armadale

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Kings Park	Perth	Yanchep	Joondalup
Kingsley	Joondalup	Yangebup	Fremantle
Kinross	Joondalup	Yokine	Perth
Koondoola	Joondalup		
Koongamia	Midland		
Kwinana	Rockingham		
Kwinana Beach	Rockingham		
Kwinana Town Centre	Rockingham		
Lakelands	Mandurah		
Landsdale	Joondalup		
Langford	Fremantle		
Lathlain	Perth		
Leda	Rockingham		
Leederville	Perth		
Leeming	Fremantle		
Leighton	Fremantle		
Lesmurdie	Midland		
Lexia	Midland		
Lockridge	Midland		
Lynwood	Fremantle		

13. Schedule 2 Form 1 amended

- (1) In the heading to Schedule 2 Form 1 delete “(r. 37)” and insert:

(r. 37 and 42C)

- (2) In Schedule 2 Form 1:

- (a) delete “s. 33(3), (7)” and insert:

s. 33(3), (7) and (9)

- (b) delete “because the case is a criminal case and I am a person referred to in the *Magistrates Court Act 2004* s. 33(7), namely —” and insert:

on the following grounds —

(c) after the row that ends “[give details].” insert:

Media organisation [Delete if not applicable.]	I represent the following media organisation:
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Dated: 7 March 2014.

Magistrates’ signatures:

STEVEN HEATH, Chief Magistrate.

ELIZABETH WOODS, Deputy Chief Magistrate.

LEANNE ATKINS, Magistrate.

DENIS TEMBY, Magistrate.