



Criminal Procedure Amendment Regulations (No. 2) 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Procedure Amendment Regulations (No. 2) 2018*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Criminal Procedure Regulations 2005*.

4. Regulation 13AA inserted

After regulation 13 insert:

13AA. Applications under *Bail Act 1982* section 54

- (1) A person wanting to make an application under the *Bail Act 1982* section 54(2)(b) must make the application by lodging a Form 5A.
- (2) The application may, but does not have to be, supported by an affidavit.

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5. Regulation 14 amended

- (1) In regulation 14(1) delete “an application” and insert:

an application, other than an application under the *Bail Act 1982* section 54(2)(b),

- (2) Delete regulation 14(2) and insert:

(2) A person wanting to make the application must make the application by lodging a Form 6.

- (3) Delete regulation 14(4) and (5).

Note: The heading to amended regulation 14 is to read:

Other applications under this Subdivision

6. Regulation 14A inserted

After regulation 14 insert:

14A. Procedure for applications under Subdivision

- (1) An application under this Subdivision must be served on each party in accordance with the CPA Schedule 2 clause 2 or 3.
- (2) The application must be heard in court and not in chambers.

7. Regulation 15 amended

In regulation 15 delete “regulation” and insert:

regulations 13AA(1),

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8. Schedule 1 Form 5A inserted

In Schedule 1 after Form 5 insert:

5A. Application under *Bail Act 1982* s. 54 (r. 13AA)

Court number		Application in relation to varying or revoking bail under the <i>Bail Act 1982</i> s. 54(2)(b) <i>Criminal Procedure Regulations 2005</i>
Court location		
Date lodged		
Case <i>(Names of all parties)</i>		
Applicant <i>(Name of the party applying)</i>	Name	
	Address	
	Telephone No.	
Application details	The applicant applies under the <i>Bail Act 1982</i> s. 54 in relation to the abovementioned party(ies) due to a breach of the following condition(s):	
	<input type="checkbox"/> Not to be in the company of a particular person	<input type="checkbox"/> Report to a Community Corrections Officer
	<input type="checkbox"/> Not to go within a specified distance of a specified place or person (not to approach or enter)	<input type="checkbox"/> Obey direction of a Community Corrections Officer
	<input type="checkbox"/> Not to make contact with a particular person	<input type="checkbox"/> Comply with home detention
	<input type="checkbox"/> Attend drug and alcohol testing	<input type="checkbox"/> Comply with curfew
	<input type="checkbox"/> Attend drug and alcohol counselling	<input type="checkbox"/> Report to Police
	<input type="checkbox"/> Undertake a mental health assessment	<input type="checkbox"/> Reside at a particular address
	<input type="checkbox"/> Undertake a physical health examination	<input type="checkbox"/> Surrender passport
	<input type="checkbox"/> Attend / reside at a specialist treatment centre	<input type="checkbox"/> Not to consume a specified / illicit / prohibited substance(s)
	<input type="checkbox"/> Attend other counselling / programmes as specified	<input type="checkbox"/> Other:
Description of breach		
Signature of applicant or lawyer	Applicant / applicant's lawyer	Date

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HEARING DETAILS				
This application will be heard on:				
Date and time	Date		Time	9 am or as soon after as possible
Place				
Service details	On	I served a copy of the application referred to above in the following manner:		
	Method of service:			
	Person served:			
	Name of server:			
	Signature:			

9. *Criminal Procedure Amendment Regulations 2018 repealed*

The *Criminal Procedure Amendment Regulations 2018* are repealed.

N. HAGLEY, Clerk of the Executive Council.