

— PART 1 —

JUSTICE

JU301*

Criminal Procedure Act 2004

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	