
JUSTICE

JM301*

Supreme Court Act 1935

Supreme Court Amendment Rules (No. 4) 1999

Made by the Judges of the Supreme Court.

1. Citation

These rules may be cited as the *Supreme Court Amendment Rules (No. 4) 1999*.

2. Commencement

These rules come into operation on the day on which the *Surveillance Devices Act 1998* comes into operation.

3. Rules amended

The amendments in these rules are to the *Rules of the Supreme Court 1971**.

[* Reprinted as at 21 November 1994.

For amendments to 11 October 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 296-7 and Gazette 16 July 1999.]

4. Order 81H inserted

After Order 81G the following Order is inserted —

“

Order 81H**Proceedings under the *Surveillance Devices Act 1998*****1. Interpretation**

In this Order —

“**the Act**” means the *Surveillance Devices Act 1998*.

2. Application for warrant

- (1) An application under the Act for a warrant, other than an application under section 16 of the Act, is to be made by originating motion and accompanied by an affidavit in support.
- (2) In the case of a warrant under section 16 of the Act, the applicant is to file an originating motion in respect of the warrant when he or she forwards to the Court the documents referred to in section 17 of the Act.

3. Reports to Judges

A report to a Judge under section 21 or 30 of the Act is to be —

- (a) sworn as an affidavit in accordance with these Rules; and
- (b) filed with an originating motion.

4. Application for order allowing publication or communication in the public interest

An application for an order under section 31 of the Act is to be made by originating motion and accompanied by an affidavit in support.

5. Identification of persons in documents

In a document filed in a proceeding under the Act a person may be referred to by —

- (a) the person's initials; or
- (b) a numerical reference identifying the law enforcement agency of which the applicant in the proceeding is a member or officer and the year in which the proceeding was commenced.

6. Practice Directions

- (1) The Chief Justice may from time to time issue Practice Directions —
 - (a) to facilitate compliance with the confidentiality requirements of the Act; and
 - (b) as to the practice and procedure applicable in proceedings under the Act.
- (2) All parties to proceedings under the Act must comply with any such Practice Directions.

5. Order 83A amended

Order 83A(2) is amended by inserting the following paragraphs after paragraph (b) —

“

(c) proceedings under the *Surveillance Devices Act 1998*;

(ca) proceedings under the *Witness Protection (Western Australia) Act 1996*;

”.

Dated: 19 November 1999.

Chief Justice's signature—

DAVID K. MALCOLM, A.C.

Judges' signatures—

G. A. KENNEDY.

W. P. PIDGEON.

D. A. IPP.

D. C. HEENAN.

M. J. MURRAY.

A. J. TEMPLEMAN.

R. J. M. ANDERSON.

N. J. OWEN.

G. P. MILLER.

K. WHITE.