



# Criminal Procedure Amendment (Brief of Evidence) Regulation 2003

under the

Criminal Procedure Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The objects of this Regulation are to:

- (a) prescribe summary proceedings relating to offences for which penalty notices may be issued (other than offences set out in Schedule 2 to the *Criminal Procedure Regulation 2000*) as proceedings in which a prosecutor is not required to serve a brief of evidence relating to the prosecution case, and
- (b) update references to existing provisions of the *Criminal Procedure Act 1986* in the *Criminal Procedure Regulation 2000*, as a consequence of the renumbering of those provisions by the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001*, and
- (c) make other amendments consequential on the commencement of the *Justices Legislation Repeal and Amendment Act 2001* and the *Crimes (Local Courts Appeal and Review) Act 2001*.

This Regulation is made under the *Criminal Procedure Act 1986*, including section 187 and section 4 (the general regulation-making power).

## **2003 No 386**

Clause 1 Criminal Procedure Amendment (Brief of Evidence) Regulation 2003

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# **Criminal Procedure Amendment (Brief of Evidence) Regulation 2003**

under the

Criminal Procedure Act 1986

### **1 Name of Regulation**

This Regulation is the *Criminal Procedure Amendment (Brief of Evidence) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 7 July 2003.

### **3 Amendment of Criminal Procedure Regulation 2000**

The *Criminal Procedure Regulation 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 4 Offences not within jurisdiction of District Court**

Omit “section 11”. Insert instead “section 46”.

**[2] Clause 7 Listing for mention following committal for trial**

Omit the clause.

**[3] Clause 8 Transcript**

Omit “Part 5A of the *Justices Act 1902*” from clause 8 (1) (b).

Insert instead “Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[4] Clause 8 (3)**

Omit the subclause. Insert instead:

- (3) The Director must take information received under this clause into account in fixing any date for the hearing or mention of the matter before the Supreme Court or the District Court.

**[5] Clause 11A Penalty notice offences**

Omit “section 164” from clause 11A (1). Insert instead “section 336”.

**[6] Clause 11A (2)**

Omit “section 165”. Insert instead “section 337”.

**[7] Clause 11D Circle sentencing intervention program**

Omit “Part 9”. Insert instead “Part 4 of Chapter 7”.

**[8] Clause 12 Prescribed form of words**

Omit “section 25 (1) (b)”. Insert instead “section 265 (1) (b)”.

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Schedule 1 Amendments

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### [9] Clause 12A

Insert after clause 12:

#### **12A Offences for which briefs of evidence not required**

For the purposes of section 187 (5) of the Act, proceedings for offences for which a penalty notice may be issued (other than offences set out in Schedule 2) are prescribed as proceedings of a kind in which a prosecutor is not required to serve a brief of evidence.

### [10] Clause 13 Form and manner of election and withdrawal of election

Omit “section 26 (2) (a)” from clause 13 (1).

Insert instead “section 266 (2) (a)”.

### [11] Clause 13 (2)

Omit “section 26 (2) (b)”. Insert instead “section 266 (2) (b)”.

### [12] Clause 14 Notice of intention to adduce evidence of substantial mental impairment

Omit “section 49 (1)”. Insert instead “section 151 (1)”.

### [13] Clause 15 Compellability of spouses to give evidence in certain proceedings

Omit “section 104 (5) (b)”. Insert instead “section 279 (5) (b)”.

### [14] Clause 16 Depositions by persons dangerously ill

Omit “section 111 (2)”. Insert instead “section 284 (2)”.

### [15] Clause 17 Certificate by Attorney General or DPP that no further proceedings to be taken

Omit “section 127 (1)”. Insert instead “section 44 (1)”.

### [16] Schedule 1 Forms

Omit “section 49” wherever occurring in Form 2.

Insert instead “section 151”.

**[17] Schedule 1, Form 3**

Omit “section 104” wherever occurring.

Insert instead “section 279”.

**[18] Schedule 1, Form 4**

Omit “section 111” wherever occurring. Insert instead “section 284”.

**[19] Schedule 1, Form 5**

Omit “section 127”. Insert instead “section 44”.

**[20] Schedule 3 Circle sentencing intervention program**

Omit “section 176” from the definition of *offender* in clause 1.

Insert instead “section 348”.

**[21] Schedule 3, clause 9 (d), note**

Omit “Section 174 (1)”. Insert instead “Section 346 (1)”.