



Australian Capital Territory

Court Procedures Amendment Rules 2019 (No 3)

Subordinate Law SL2019-30

We, the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 13 December 2019.

HELEN MURRELL

Chief Justice

MICHAEL ELKAIM

Judge

GLENN THEAKSTON

Acting Chief Magistrate

PETER MORRISON

Magistrate



Australian Capital Territory

Court Procedures Amendment Rules 2019 (No 3)

Subordinate Law SL2019-30

made under the

[Court Procedures Act 2004](#)

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2019 (No 3)*.

2 Commencement

These rules commence on 1 January 2020.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

These rules amend the *Court Procedures Rules 2006*.

4 New division 4.2.1AA

after division 4.2.1, insert

Division 4.2.1AA Magistrates Court criminal proceedings—first appearance

4302 When not necessary for court to read charges to defendant

- (1) This rule applies to a defendant in a criminal proceeding if—
 - (a) the defendant was served with a summons under the *Magistrates Court Act 1930*, section 41 (Service of summons) and the information to which it relates; or
 - (b) the defendant was served with a court attendance notice under the *Magistrates Court Act 1930*, section 41B (Commencing criminal proceeding by court attendance notice); or
 - (c) the court is satisfied the defendant has otherwise received a written copy of an information laid against the defendant.
- (2) It is not necessary for the court to read the information laid against the defendant to the defendant at the defendant's first appearance before the court.

4303 Represented defendant may enter plea or consent to summary disposal of proceeding

- (1) A defendant represented by a legal practitioner in a criminal proceeding may—
 - (a) enter a plea to an information by filing in the court a plea in writing—
 - (i) signed by the defendant; and
 - (ii) witnessed and certified by the legal practitioner; and
 - (b) consent to summary disposal of the proceeding by filing in the court a consent in writing—
 - (i) signed by the defendant; and
 - (ii) witnessed by the legal practitioner.

Note See approved form 4.16 (Plea to information or consent to disposal of proceeding summarily).

- (2) The certification under subrule (1) (a) (ii) must certify that—
 - (a) the defendant read or was made aware of the contents of the information; and
 - (b) the defendant was made aware of the effect of entering the plea, including that entering a plea of guilty to an offence in the information is a binding and unequivocal admission of guilt to each element of the offence; and
 - (c) the defendant signed the plea after being made aware of the matters mentioned in paragraphs (a) and (b).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 19 December 2019.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2019