
JUSTICE

JU301

District Court of Western Australia Act 1969

District Court Amendment Rules 2018

Made by the Judges of the District Court.

1. CitationThese rules are the *District Court Amendment Rules 2018*.

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 22 March 2018.

3. Rules amended

These rules amend the *District Court Rules 2005*.

4. Rule 3 amended

In rule 3 insert in alphabetical order:

EDS has the meaning given in the RSC Order 1 rule 4(1);

file electronically, in relation to a document, means file an electronic version of the document under rule 20 by using the EDS;

registered user means a person who is authorised to file documents electronically;

5. Part 3 Division 2 heading replaced

Delete the heading to Part 3 Division 2 and insert:

Division 2 — Filing documents by fax or by using EDS**6. Rule 19 amended**

In rule 19(1) delete “rule,” and insert:

rule and rule 20(1A),

7. Rule 20 amended

(1) Delete rule 20(1) and insert:

(1) Subject to the requirements of the EDS and this rule, a person who is a registered user may file a document electronically by filing an electronic version of it using the EDS.

(1A) If a document is to be filed by a lawyer on behalf of a client —

- (a) the lawyer must be a registered user; and

- (b) the document must be filed electronically unless —
 - (i) the EDS is unavailable for use or does not permit the document to be presented for filing electronically; or
 - (ii) the rules of court state that the document cannot be filed electronically; or
 - (iii) the document is filed for the purposes of an urgent application made outside office hours; or
 - (iv) the document is filed by a lawyer given permission under subrule (1B) to file it otherwise than by using the EDS.
- (1B) A registrar, for any good reason and without a formal application or request, may permit a lawyer to file a document otherwise than by using the EDS.
- (1C) If a document is not required to be filed electronically, whether by the operation of subrule (1B) or otherwise, the document may be presented to the relevant registry for filing —
 - (a) by emailing it to the published email address for that registry; or
 - (b) by delivering it; or
 - (c) by posting it; or
 - (d) subject to rule 19, by faxing it.
- (2) Delete rule 20(5) and (6) and insert:
 - (5) A document filed electronically is taken to have been filed on the day and at the time recorded by the EDS.
 - (6) A document that is presented to the Court for filing electronically but not in accordance with the requirements of the EDS and this rule is to be taken —
 - (a) not to have been filed; and
 - (b) not to be part of the Court’s record.
- (3) In rule 20(7A) delete “at the registry”.
- (4) In rule 20(7C) delete “electronically by means of the Court’s website.” and insert:

electronically.

Note: The heading to amended rule 20 is to read:

Some documents may be filed by using EDS

8. Rule 71 amended

In rule 71(1) delete “Court’s website.” and insert:

website called the eCourts Portal of Western Australia.

9. Rule 72 amended

(1) Delete rule 72(1) and insert:

(1) This rule applies to searches for, and inspections of, Court documents and information using the website called the eCourts Portal of Western Australia.

(2) Delete rule 72(3)(a) and insert:

(a) documents filed electronically;

Note: The heading to amended rule 72 is to read:

Access to records and things (eCourts Portal of Western Australia)

His Honour KEVIN FREDERICK SLEIGHT
Chief Judge of the District Court
District Court of Western Australia.

Date: 9 March 2018.