



Western Australia

District Court of Western Australia Act 1969

District Court Amendment Rules (No. 2) 2024

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District Court Amendment Rules (No. 2) 2024

Made by the judges of the District Court.

1. Citation

These rules are the *District Court Amendment Rules (No. 2) 2024*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published on the WA legislation website;
- (b) the rest of the rules — on the day after that day.

3. Rules amended

These rules amend the *District Court Rules 2005*.

4. Rule 48AD amended

- (1) After rule 48AD(1) insert:

- (1A) A person cannot comply with the RSC Order 36B rule 6(4) by attending to produce a copy of an electronic version of a document, or delivering or sending an electronic version of a document to the Registry, on a USB device or other physical medium unless the Court orders or directs otherwise.

(2) In rule 48AD(2) after “comply with” insert:

the

(3) Delete rule 48AD(3) and insert:

(3) An electronic version of a document must be in an electronic format —

- (a) set out in a practice direction made by the Court for the purposes of this subrule; or
- (b) as otherwise directed by the Court.

5. Schedule 1 Form 4C amended

In Schedule 1 Form 4C after “PERTH WA 6000” insert:

	OR
	(c) by delivering or sending this subpoena (or a copy of it), the completed declaration (Form 4D or Form 4E as applicable) and the documents or things specified in the Schedule below to the Registry using the ECMS, so that they are received not less than 2 clear days before the date of production.

6. Schedule 1 Form 4D amended

(1) In Schedule 1 Form 4D delete “**Production of subpoena or copy of it and documents or things by delivery or post**” and insert:

Compliance with subpoena

- (2) In Schedule 1 Form 4D item 7 delete the passage that begins with “subpoena by” and ends with “time.” and insert:

subpoena by —

- (a) delivering or sending the subpoena or a copy of it and the documents or things to the registrar at the address specified in the subpoena for the purpose, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time; or
- (b) delivering or sending the subpoena or a copy of it and the documents or things to the registry using the ECMS, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.

- (3) Delete Schedule 1 Form 4D item 9 and insert:

9. The copy of a document may be a photocopy.

9A. The electronic version of a copy of a document may be produced —

- (a) if the Court orders or directs that the copy may be produced on a USB device or other physical medium —
 - (i) on that medium; and
 - (ii) in a format set out in a practice direction made by the Court for the purposes of the *District Court Rules 2005* rule 48AD(3) or as otherwise directed by the Court;
- or
- (b) if the copy is produced by delivering or sending it to the registry using the ECMS — in a format set out in a practice direction made by the Court for the purposes of the *District*

Court Rules 2005 rule 48AD(3) or as otherwise directed by the Court.

7. Schedule 1 Form 4E amended

- (1) In Schedule 1 Form 4E delete “**Production of subpoena or copy of it and documents or things by delivery or post**” and insert:

Compliance with subpoena

- (2) In Schedule 1 Form 4E item 7 delete the passage that begins with “subpoena by” and ends with “time.” and insert:

subpoena by —

- (a) delivering or sending the subpoena or a copy of it and the documents or things to the registrar at the address specified in the subpoena for the purpose, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time; or
- (b) delivering or sending the subpoena or a copy of it and the documents or things to the registry using the ECMS, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
- (3) Delete Schedule 1 Form 4E item 9 and insert:
9. The copy of a document may be a photocopy.

9A. The electronic version of a copy of a document may be produced —

- (a) if the Court orders or directs that the copy may be produced on a USB device or other physical medium —
 - (i) on that medium; and
 - (ii) in a format set out in a practice direction made by the Court for the purposes of the *District Court Rules 2005* rule 48AD(3) or as otherwise directed by the Court;

or

- (b) if the copy is produced by delivering or sending it to the registry using the ECMS — in a format set out in a practice direction made by the Court for the purposes of the *District Court Rules 2005* rule 48AD(3) or as otherwise directed by the Court.

Date: 24 January 2024

Her Honour Judge JULIE ANNE WAGER
Chief Judge of the District Court
District Court of Western Australia