Western Australia

District Court of Western Australia Act 1969

District Court Amendment Rules 2025

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District Court Amendment Rules 2025

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District Court of Western Australia Act 1969

District Court Amendment Rules 2025

Made by the judges of the District Court.

1. Citation

These rules are the *District Court Amendment Rules 2025*.

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 22B inserted

After rule 22A insert:

22B. RSC Order 10 rule 16 modified: originating summons

The RSC Order 10 rule 16 applies as if the reference to the Supreme Court were a reference to the District Court.

5. Rule 22C deleted

Delete rule 22C.

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6. Rule 23B amended

(1) In rule 23B(3) delete "The respondent to" and insert:

A defendant served with

(2) In rule 23B(4) delete "respondent" and insert:

defendant

7. Rule 44E amended

In rule 44E:

(a) after paragraph (a) insert:

(ab) a Form 5AA in the RSC Schedule 2 (Notice of change of representation, service details or address);

(b) after paragraph (d) insert:

(da) an application to prohibit or restrict access, publication or possession under rule 71(3);

(db) an application to restrict access under the RSC Order 67B rule 5;

8. Rule 48A amended

In rule 48A(2)(a) delete "rule 43(3a)" and insert:

rule 43(3A)(a)

9. Rule 51 amended

(1) In rule 51(4) delete "An" and insert:

Subject to the RSC Order 72 rule 4, an

(2) After rule 51(4) insert:

(4C) Unless otherwise ordered, subrule (4) does not apply to an appeal against a decision made in a hearing fixed under the *Restraining Orders Act 1997* section 26(2).

(3) In rule 51(5):

(a) before paragraph (a) insert:

(aa) the appeal notice must be served on the respondent under subrule (4) unless the Court orders otherwise; and

(b) in paragraph (a) delete "notice of appeal," and insert:

appeal notice

(c) in paragraph (b) delete "the documents" and insert:

any document on the Chief Assessor of Criminal Injuries Compensation or the State Solicitor's Office under paragraph (a)

(4) In rule 51(7) delete "serving the respondent" and insert:

complying with any requirement for service under this rule

10. Rule 56A amended

In rule 56A delete "or waived".

11. Rule 63 amended

In rule 63(1) in the Table insert in numerical order:

s. 69(2)

12. Schedule 1 Form 1AA amended

In Schedule 1 Form 1AA delete "rule 2 and *District Court Rules 2005* rule 22C)" and insert:

rules 2 and 3A)

13. Schedule 1 Form 1B replaced

Delete Schedule 1 Form 1B and insert:

1B. Originating summons (r. 23B)

District Court of Western Australia Held at Perth [1]	Application No:
	Originating summons

Parties	Plaintiff Defendant
Date of filing	
Act or rule that allows the application [2]	
Summons	
You, [*defendant*] of [*defendant's address*], are required to attend before the Court on the date set out in this summons for the hearing of an application that: 1. 2. 3. 4. 5.	
Hearing date [3]	Date: Time: Place: District Court Building, 500 Hay Street, Perth [1]
Notice to the defendant	If you do not attend before the Court on the date set out in this summons, the Court may make such orders as it considers just and expedient in your absence. If you wish to be heard on this application, you must file a Form 1AA (Memorandum of appearance) under the *District Court Rules 2005* before, or on, the date set out in this summons.

Plaintiff's contact and service details	
Geographical address of plaintiff (Must be provided unless otherwise ordered by the Court: see *Rules of the Supreme Court 1971* Order 71A rules 2 and 3A)	
Name of legal practitioner (If one has been appointed)	
Postal address for service of documents (Must be provided)	
Email address (Optional — if provided, may be used for service of documents)	
Fax number (Optional — if provided, may be used for service of documents)	
Telephone number	
Reference	

Signature of plaintiff or legal practitioner	Plaintiff/legal practitioner	Date of signing:

Notes to Form 1B —

1. If not held at Perth, state the location of the relevant registry.
2. State the name of the Act or rules and section or rule number under which the application is being made.
3. The Court will complete this row when the originating summons is filed.

14. Schedule 1 Form 1C amended

In Schedule 1 Form 1C delete "rule 2 and *District Court Rules 2005* rule 22C)" and insert:

rules 2 and 3A)

15. Schedule 1 Form 6 amended

In Schedule 1 Form 6 delete "rule 2 and *District Court Rules 2005* rule 22C)" and insert:

rules 2 and 3A)

16. Schedule 1 Form 6A amended

In Schedule 1 Form 6A:

(a) after the row relating to Date of notice insert:

For Mention Appeal hearing [3]	Date: Place:	Time:

(b) delete "Signature of party appealing or lawyer" and insert:

Signature of party appealing or legal practitioner

(c) delete "appealing/Lawyer" and insert:

appealing/legal practitioner

(d) delete "Contact details of party appealing or lawyer" and insert:

Contact details of party appealing or legal practitioner

(e) after note 2 insert:

3. The Court will complete this row when the appeal notice is filed.

17. Schedule 1 Form 7 replaced

Delete Schedule 1 Form 7 and insert:

7. Service certificate (r. 51(7))

District Court of Western Australia Held at Perth [1]	Appeal No: **Service certificate**

Parties	Appellant Respondent
Date of filing	
Certificate [2]	I certify that on [*date*] at [*place*] [*name of server*] served [*party name*] personally with these documents —

	• a copy of an appeal notice dated [*date*]/appeal notice (WCIMA appeal) dated [*date*]; • a copy of every other document that was filed with the appeal notice; • a copy of Form 8 (Notice of respondent's intention); • other documents as set out in the Schedule below [3]. I undertake to file an affidavit of service if the Court requires me to.	
Schedule [If insufficient space attach list]		
Signature of appellant or legal practitioner	Appellant/Appellant's legal practitioner	Date:

Notes to Form 7 —

1. If not held at Perth, state the location of the relevant registry.
2. If:
   - the documents were served by substituted service, modify this certificate to say the method of service;
   - the documents were served on the respondent by posting them to the superintendent of the prison in which the respondent is imprisoned, modify this certificate to say when they were posted and to which prison;

- the documents were served on the Chief Assessor of Criminal Injuries Compensation or the State Solicitor's Office, modify this certificate to say the method of service.

3. Strike out whichever are inapplicable.

18. Schedule 1 Form 8A amended

In Schedule 1 Form 8A delete "rule 2 and *District Court Rules 2005* rule 22C)" and insert:

rules 2 and 3A)

19. Schedule 1 Form 8 amended

In Schedule 1 Form 8 delete "rule 2 and *District Court Rules 2005* rule 22C)" and insert:

rules 2 and 3A)

Date: 15 August 2025

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

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