Western Australia

District Court of Western Australia Act 1969

District Court Rules 2005

Western Australia

District Court Rules 2005

Contents

Part 1 — Preliminary

1. Citation 1
2. Commencement 1
3. Terms used 1
3A. Forms under *Restraining Orders Act 1997* 3
4. File and serve document, meaning of 3
5. Application of these rules 4
6. *Rules of the Supreme Court 1971*, application of 4

Part 2 — Administrative matters

Division 1 — Registry matters

7. Electronic transmission of signatures and Court's seal 6

Division 2 — Registrars' jurisdiction

8. Registrars' general jurisdiction 6
9. Legally qualified registrar may be ordered to take account etc. 7
10. Registrar may be required to calculate interest etc. 8
11. Registrars' matters, when may be listed before judge 8
12. Registrar may refer matter to judge 9
13. Registrars' powers to obtain evidence etc. 9
14. Registrars' office taken to be judges' chambers 9

Division 3 — Appeals from registrars

15. Appeal lies from registrar to judge 10
16. Directions hearing for appeals from registrars 10

Part 3 — Filing and service of documents

Division 2 — Filing documents using ECMS

20. Some documents may be filed by using ECMS 12

Division 3 — Serving documents

21. Service of documents 15
21A. Service of documents by Court 15

Division 4 — Miscellaneous

22A. RSC Order 9A rule 2 and Order 12 rule 2 modified: form of memorandum of appearance 16
22B. RSC Order 10 rule 16 modified: originating summons 17
22. Summonses for matters in chambers 17
23A. Affidavits, form of 17
23B. RSC Order 58 rule 14 modified: form of originating summons 17
23C. Enforcement of order under another Act giving jurisdiction 18

Part 4 — Case management

Division 1 — Preliminary

23. Terms used 19
24. Meaning of case management direction 19
25. Enforcement order, meaning of 22

Division 2 — Case management generally

26. Court may make case management directions etc. 22
27. Case management hearing, registrar may hold 23

Division 3 — Case management of cases commenced by writ

Subdivision 1 — Preliminary

28. Application 23
29. Various RSC provisions do not apply 23
31. Case management hearing, holding of 23
32. Case management hearing, conduct of 24
33. Case management directions etc. may be made in other proceedings 25
34. Duties of parties at case management hearing etc. 25

Subdivision 2 — Mediations

35. Mediations 26
35AA. Settlement at mediations 27
35A. Mediation may serve as pre-trial conference 28

Subdivision 3 — Entry for trial, and ancillary matters

36. Legal practitioner to notify client of legal costs 29
37. Entering a case for trial 30
38. Plaintiff failing to enter case for trial, consequences 30
38A. After entry for trial, no interlocutory application without leave 31
38B. Countermanding entry for trial 32

Subdivision 4 — Pre-trial conference, and ancillary matters

39. Pre-trial conference, preliminary matters 33
40. Pre-trial conference 33
41. Ancillary matters for pre-trial conferences 35

Subdivision 5A — Settlement of cases

42A. Offers of compromise 36

Subdivision 5 — Listing conference

42. Listing conference, orders for purpose of 37
43. Listing conference 38

Subdivision 6 — Inactive cases

43A. Term used: Inactive Cases List 40
44. Effect of non-compliance with Notice of Default 40
44A. Cases inactive for 12 months deemed inactive 40
44B. Registrar may issue summons to show cause 40
44C. Springing order that case be put on Inactive Cases List 41
44D. Parties to be notified of case being on Inactive Cases List and to advise clients 41
44E. Consequences of case being on Inactive Cases List 42
44F. Removing cases from Inactive Cases List 42
44G. Certain inactive cases taken to have been dismissed 43

Part 4A — Documents to be filed, served or delivered before trial

45A. Application 44
45B. Term used: trial date 44
45C. Particulars of damages 44
45D. Building and engineering contracts, actions involving claims under 45
45E. Index of expert witness reports 46
45F. Papers for judge 47
45G. Reception of plans etc. in evidence 48
45H. Outline of submissions 48
45I. List of witnesses 50

Part 5 — Obtaining evidence

Division 1 — Discovery
46. RSC Order 26 modified in actions commenced by writ 51
Division 2 — Interrogatories
47. RSC Order 27 modified 51
Division 3 — Medical examination
47A. RSC Order 28 modified 52

Part 5A — Expert evidence

47B. Terms used 54
47C. RSC Order 36A does not apply 54
47D. General procedural matters 55
47E. Expert medical evidence in personal injury cases 55
47F. Other expert evidence 57
47G. Derogation of privilege 58
47H. Enforcing this Part 58
47I. Court may limit expert evidence 59

Part 5BA — Subpoenas

48AA. RSC Order 36B rules 1 and 2 modified: subpoena must not require both attendance and production 60
48AB. RSC Order 36B rule 3 modified: form of subpoena 60
48AC. RSC Order 36B rule 5A modified: form of subpoena 61

48AD. RSC Order 36B rule 6 modified: compliance with subpoena 61
48AE. Subpoenas to produce not addressed to health professionals 62
48AF. Subpoenas to produce addressed to health professionals 62
48AG. RSC Order 36B rule 10 modified: disposal of documents and things produced 62
48AH. RSC Order 36B rule 11 modified: losses and expenses incurred in compliance 63
48AI. Documents produced not to be disclosed 63

Part 5B — Applications before trial

48A. Amending pleadings, RSC Order 21 modified 65
48B. Interlocutory applications after listing for trial 65

Part 6 — Appeals to the Court

49. Terms used 67
50. Appeal, nature of 67
51A. Time for appealing 68
51. Commencement of appeals 68
52. Primary court to supply records when given notice 70
53. Appeal, responding to 72
55. Directions hearing 73
56A. Dismissing appeals for want of prosecution 74
56. New grounds of appeal etc. only with leave 74
57. Court's powers as to appeals 74
58A. Orders in appeals, applying for 75
58B. Consenting to orders 76
58. Discontinuance 76
59. Costs 77
60. Final orders on appeal 78
61A. Return of security for costs deposit 78

Part 7 — Hearings and trials

61. Outline of submissions etc. for certain hearings 80

Part 8 — *Civil Judgments Enforcement Act 2004* rules

62. Terms used 81

63. Applications etc. that may be dealt with by a registrar 81
64. Registrar's decision, review of 82

Part 9 — *Misuse of Drugs Act 1981* rules

65. Terms used 83
66. Applications, how they are to be made 83
67. Respondent's rights and obligations 84
68. Court may order parties to be added 84
69. Deponents to attend for cross examination 84
70. Evidentiary matters 84

Part 10A — *Prohibited Behaviour Orders Act 2010* rules

71A. Terms used 86
71B. Application under Act s. 5, how to make 86
71C. Application under Act s. 21, how to make 88
71D. Responding to applications 88
71E. Corrected PBO, registrar's duties as to 88

Part 10 — Miscellaneous

71F. Term used: court record 89
71. Access to records and things (registry) 89
72. Access to records and things (eCourts Portal of Western Australia) 91

Part 11 — Transitional and savings provisions

73. Terms used 93
74. Cases to which former rules apply 93
75. Outline of submissions for certain hearings 93

Schedule 1 — Forms

1AA. Memorandum of appearance (r. 22A) 94
1A. Affidavit (r. 23A) 96
1B. Originating summons (r. 23B) 98
1C. Notification of contact and service information (r. 23C) 101

1.	Entry for trial (r. 37)	103
2.	Notice of default (entry for trial) (r. 38)	106
3.	Outline of submissions (r. 45H, 61)	107
4A.	Subpoena to attend to give evidence (r. 48AB)	108
4B.	Subpoena notice — evidence (r. 48AB)	110
4C.	Subpoena to produce documents (r. 48AB)	112
4D.	Subpoena notice and declaration — documents or things (r. 48AG)	115
4E.	Subpoena notice and declaration — documents or things (r. 48AG)	120
4.	*Prohibited Behaviour Orders Act 2010* s. 5 application (r. 71B)	125
5.	*Prohibited Behaviour Orders Act 2010* s. 21 application (r. 71C)	126
6.	Appeal notice (r. 51(1))	127
6A.	Appeal notice (Registrar's decision) (r. 15(3))	130
7.	Service certificate (r. 51(7))	132
8A.	Appeal notice (WCIMA appeal) (r. 51(4A))	134
8.	Notice of respondent's intention (r. 53)	137
9.	Application in an appeal (r. 58A)	140
10.	Consent notice (r. 58B)	141
11.	Discontinuance notice (r. 58)	142

Notes

Compilation table 143

Defined terms

District Court of Western Australia Act 1969

District Court Rules 2005

Part 1 — Preliminary

1. Citation

These rules are the *District Court Rules 2005*.

2. Commencement

These rules come into operation on 30 May 2005.

3. Terms used

In these rules, unless the contrary intention appears —

address for service has a meaning affected by rule 17;

audio link has the meaning given to that term by the *Evidence Act 1906* section 120;

case means any proceeding in the Court involving or in connection with the Court's civil or appellate jurisdiction, irrespective of how it was commenced;

department means the department of the Public Service that principally assists the Minister in the administration of the Act;

ECMS means the electronic case management system for the management of proceedings in Western Australian courts and tribunals;

file a document, means to file it at the relevant registry together with any fee required to be paid under the *District Court (Fees) Regulations 2002*;

file and serve has the meaning given by rule 4;

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

Form, if followed by a number, means the form of that number in Schedule 1;

health information has the meaning given in the *Health Services Act 2016* section 213;

health professional has the meaning given in the *Civil Liability Act 2002* section 5PA;

judge means a District Court judge;

lay registrar means a registrar who is not a legally qualified registrar;

legally qualified registrar means a registrar who is or has been a lawyer;

personal injuries action means an action in which a claim is made in respect of —

(a) a person's personal injuries (including any illness suffered by him or her and any impairment of his or her physical or mental condition); or

(b) a person's death;

record means any thing or process —

(a) on or by which information is recorded or stored; or

(b) by means of which a meaning can be conveyed by any means in a visible or recoverable form,

whether or not the use or assistance of some electronic, electrical, mechanical, chemical or other device or process is required to recover or convey the information or meaning;

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

registry means a registry of the Court;

relevant registry to a case, means the registry of the Court where the documents relating to the case are being held;

RSC means the *Rules of the Supreme Court 1971*;

rules of court means these rules and, where applicable, the RSC;

serve means to serve in accordance with rule 21;

settle a case, includes to compromise the case;

video link has the meaning given to that term by the *Evidence Act 1906* section 120;

working day means a day other than a Saturday, a Sunday, or a public holiday throughout the State.

[Rule 3 amended: Gazette 26 Jul 2013 p. 3409; 16 Mar 2018 p. 919; 7 Sep 2018 p. 3183; 31 Dec 2019 p. 4676; SL 2022/108 r. 4; SL 2023/209 r. 4.]

3A. Forms under *Restraining Orders Act 1997*

(1) For the purposes of the *Restraining Orders Act 1997*, the forms set out in the *Magistrates Court (Civil Proceedings) Rules 2005* Schedule 1, as in force on 25 November 2017, are prescribed (with any necessary changes) in relation to the matters specified in those forms.

(2) Where a form is in parts, then only those parts of the form that are relevant, taking into account the part heading, need be used for a particular copy of the form, or for a particular purpose.

[Rule 3A inserted: Gazette 2 Feb 2018 p. 317.]

4. File and serve document, meaning of

If these rules require a person to file and serve a document, then unless these rules expressly provide otherwise, the person must —

(a) file the document within any time limit for doing so; and

(b) after filing the document, serve it on the other party or parties within 5 working days after the date on which it is filed.

5. Application of these rules

(1) These rules apply to and in respect of every case other than a case —

(a) that was commenced by writ before 30 May 2005; and

(b) in which an appearance was entered before 30 May 2005.

(2) If a case is one to which these rules do not apply by virtue of subrule (1) —

(a) the *District Court Rules 1996* [1] apply to and in respect of it, despite rule 72; and

(b) the Court may at any time order that these rules apply to and in respect of it, despite subrule (1).

(3) If an order is made under subrule (2)(b) in respect of a case, then, subject to the order, the *District Court Rules 1996* [1] cease to apply to and in respect of the case.

(4) Despite subrules (1) and (2), Part 8 applies to and in respect of any case in which there is a judgment, as that term is defined in the *Civil Judgments Enforcement Act 2004*, that may be enforced under that Act.

[Rule 5 inserted: Gazette 23 Dec 2005 p. 6271.]

6. *Rules of the Supreme Court 1971*, application of

(1) The RSC apply to and in respect of any case in the Court.

(2) For the purposes of subrule (1) —

(a) a reference in the RSC to "the Court" is to be taken as being a reference to the District Court, unless the context requires otherwise; and

(ba) a reference in the RSC to "case manager" is to be taken as being a reference to a legally qualified registrar, unless the context requires otherwise; and

(bb) a reference in the RSC to a case management direction under Order 4A is to be taken as being a reference to a case management direction made under Part 4 of these rules; and

(b) a reference in the RSC to the RSC (whether "these Rules" or other words are used) is to be taken as including a reference to these rules, unless the context requires otherwise.

(3) If there is a conflict or inconsistency between these rules and the RSC, these rules prevail.

[Rule 6 amended: Gazette 17 Jun 2011 p. 2159; 26 Jul 2013 p. 3409; 7 Sep 2018 p. 3183.]

Part 2 — Administrative matters

Division 1 — Registry matters

7. Electronic transmission of signatures and Court's seal

(1) If the Court issues a document in an electronic form that bears a facsimile of the Court's seal, the sealed document as it appears electronically, or as it appears when printed on paper, is to be taken to have the same effect as if the Court's seal had been lawfully applied to it by hand by an officer of the Court.

(2) If the Court issues a document in an electronic form that bears either a typed signature or a facsimile signature of a District Court judge, registrar or other officer of the Court, the document as it appears electronically, or as it appears when printed on paper, is to be taken to have the same effect as if the signature had been lawfully applied to it by the judge, registrar or other officer of the Court.

[Rule 7 amended: Gazette 21 Jun 2016 p. 2201-2.]

Division 2 — Registrars' jurisdiction

8. Registrars' general jurisdiction

(1) A legally qualified registrar may deal with any proceedings that a judge may deal with in chambers other than —

(a) proceedings involving a review of the taxation of costs; and

(b) proceedings in relation to an originating summons that raises for determination —

(i) a question of law; or

(ii) a question as to the construction of a statute or document; or

(iii) a question arising out of an interest in land; or

(iv) a question arising out of or connected with a contract between a vendor and purchaser of land;

and

(c) proceedings claiming an injunction or other order under the *Supreme Court Act 1935* section 25(9); and

(d) proceedings that under rules of court are to be dealt with by a judge; and

(e) proceedings that the Chief Judge directs are to be dealt with by a judge.

(2) A lay registrar may do any of the following —

(a) conduct a case management hearing under Part 4 and make any order that may be made at such a hearing;

(b) conduct a pre-trial conference under Part 4 and make any order that may be made at such a conference;

(c) conduct a listing conference under Part 4 and make any order that may be made at such a conference;

(d) during the conduct of a pre-trial conference or a listing conference, settle, sign and seal an order under the RSC Order 43 rule 16;

(e) at times other than during the conduct of a pre-trial conference or a listing conference, settle, sign and seal an order under the RSC Order 43 rule 16 if the solicitors for the parties to proceedings have, under that rule, filed a written consent to the making of the order.

[Rule 8 amended: Gazette 31 Jul 2007 p. 3808.]

9. Legally qualified registrar may be ordered to take account etc.

(1) If in any proceedings the Court orders that an account be taken or that an inquiry be made, it may order that it be done by a legally qualified registrar.

(2) When or after making an order under subrule (1) the Court may give orders or directions to assist the registrar.

(3) While a registrar is taking an account or making an inquiry, a party may apply at any time, without a summons, to have the proceedings dealt with by a judge in which case the registrar must adjourn the proceedings accordingly.

[Rule 9 amended: Gazette 31 Jul 2007 p. 3808.]

10. Registrar may be required to calculate interest etc.

(1) A judge may direct that the calculation of any interest, or the apportionment of any fund, for the purposes of a judgment be done and certified by a legally qualified registrar on the judgment.

(2) The certificate of a registrar has effect according to its tenor without any further order of the Court.

[Rule 10 amended: Gazette 31 Jul 2007 p. 3808.]

11. Registrars' matters, when may be listed before judge

Proceedings that may be dealt with by a registrar are not to be listed before a judge except —

(a) as provided for in rule 9(3); or

(b) on the reference of a registrar under rule 12; or

(c) on an appeal to a judge under rule 15; or

(d) in the case of a case management hearing, pre-trial conference, or a listing conference, under Part 4, on the order of a judge; or

(e) in the case of an application in an action or matter that is made after the action or matter is listed for trial; or

(f) with leave from a judge.

12. Registrar may refer matter to judge

(1) A registrar may refer any proceedings before him or her to a judge who may deal with them or refer them back with or without directions.

(2) Pending the determination of the proceedings the registrar may make an interim order.

13. Registrars' powers to obtain evidence etc.

For the purpose of any proceedings that are to be dealt with by a legally qualified registrar, the registrar may —

(a) summons a person to appear before him or her to give evidence orally; and

(b) summons a person to appear before him or her to produce a document or other thing; and

(c) examine a person, either orally or by written interrogatories; and

(d) issue advertisements.

[Rule 13 amended: Gazette 31 Jul 2007 p. 3808.]

14. Registrars' office taken to be judges' chambers

(1) Any place where a legally qualified registrar sits is to be taken to be a judge's chambers for the purpose of any proceedings which under rules of court may be dealt with by a registrar.

(2) Subject to rule 8, for the purpose of proceedings before a registrar, a reference in rules of court to the Court includes a reference to a registrar.

[Rule 14 amended: Gazette 31 Jul 2007 p. 3808-9.]

Division 3 — Appeals from registrars

15. Appeal lies from registrar to judge

(1) If a party is dissatisfied with a decision of a registrar the party may appeal to a judge.

(2) The appeal must be commenced within 10 days after the date of the decision or such longer period as a judge or legally qualified registrar may allow.

(3) The appeal must be commenced by filing and serving a notice in the form of Form 6A, stating the following —

(a) the order or direction appealed against;

(b) the order or directions sought on the appeal.

(4) There must be at least 7 clear days between service of the notice and the date for the hearing of the appeal, unless otherwise ordered.

(4a) On receiving notice from the Court of the date of the hearing of the appeal, a party who appeals under this rule must serve notice of the hearing date on each other party within 5 days after the date on which the party received that notice from the Court.

(5) The appeal does not operate as a stay of proceedings unless a judge or legally qualified registrar orders otherwise.

(6) The appeal is to be by way of a new hearing of the matter that was before the registrar.

[Rule 15 amended: Gazette 31 Jul 2007 p. 3809; 18 Nov 2011 p. 4811; SL 2023/209 r. 5.]

16. Directions hearing for appeals from registrars

(1) Not less than 7 days after an appeal is commenced, a legally qualified registrar may summons the parties to the appeal to a directions hearing before a legally qualified registrar.

(2) At the directions hearing the registrar may make any order or direction that in his or her opinion will or may facilitate the appeal being conducted efficiently, economically and expeditiously, including —

(a) directions as to how the material necessary to determine the appeal is to be presented; and

(b) directions setting the date, time and length of time for the hearing of the appeal.

(3) At the directions hearing the registrar, with the consent of the parties, may make an order that concludes the appeal.

[Rule 16 amended: Gazette 31 Jul 2007 p. 3809.]

Part 3 — Filing and service of documents

[Heading amended: Gazette 31 Jul 2007 p. 3809.]

[Division 1 (r. 17, 18) deleted: Gazette 31 Jul 2007 p. 3809.]

Division 2 — Filing documents using ECMS

[Heading inserted: Gazette 16 Mar 2018 p. 919; amended: Gazette 31 Dec 2019 p. 4676; SL 2023/209 r. 6.]

*[**19.** Deleted: SL 2023/209 r. 7.]*

20. Some documents may be filed by using ECMS

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

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

(a) the legal practitioner must be a registered user; and

(b) the document must be filed electronically unless —

(i) the ECMS 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 legal practitioner given permission under subrule (1B) to file it otherwise than by using the ECMS.

(1B) A registrar, for any good reason and without a formal application or request, may permit a legal practitioner to file a document otherwise than by using the ECMS.

(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) If the rules of court require a document to be signed by a person who is not, or who is not acting on behalf of, the person filing it, the document cannot be filed electronically unless it is an affidavit.

(3) If the rules of court require a document, before it is filed, to be signed by or on behalf of the person filing it and the document is being filed electronically —

(a) the document need not be signed by that person; and

(b) the person filing the document electronically must ensure that the electronic version of the document, instead of showing a signature at any place where a signature is required, states the name of the person whose signature is required at the place.

(4) A person who files an affidavit electronically must either file an electronic version of it that includes the signatures on it or —

(a) file an electronic version of it that does not include the signatures on it; and

(b) ensure that the electronic version, instead of showing a signature at any place where a signature appears in the paper version, states the name of the person whose signature it is; and

(c) also file an undertaking that the person —

(i) has possession of the paper version signed according to law; and

(ii) will retain the paper version subject to any order of the Court.

(5) A document filed electronically is taken to have been filed on the day and at the time recorded by the ECMS.

(6) A document that is presented to the Court for filing electronically but not in accordance with the requirements of the ECMS and this rule is to be taken —

(a) not to have been filed; and

(b) not to be part of the Court's record.

(7A) If a party files a document electronically but does so in error, the Court may, with the consent of the party, remove the document from the Court record.

(7B) The RSC Order 67 applies, subject to subrule (7C).

(7C) A reference in the RSC Order 67 rule 5(1) to a registrar refusing to file a document is to be taken as including a reference to the Court removing from the Court record a document filed electronically.

(7) A person who files a document electronically must have the original paper version of the document with him or her at any conference or hearing in the course of the case concerned.

(8) The Court may at any time, on the application of a party or on its own initiative, order a person who has filed a document electronically to file the paper version of the document.

[Rule 20 amended: Gazette 31 Dec 2013 p. 6549; 16 Mar 2018 p. 919-20; 31 Dec 2019 p. 4676; SL 2022/108 r. 6.]

Division 3 — Serving documents

21. Service of documents

[(1) deleted]

(2) A document cannot be served by email under the RSC Order 72 if under rule 20(2) it cannot be filed electronically.

(3) Rule 20(3) and (4), with any necessary changes, apply to a document being served by email in the same way as they apply to a document being filed electronically.

[(4), (5) deleted]

(6) Subject to the RSC Order 9, this rule does not prevent a person from consenting to being served in a manner other than in accordance with the rules of court.

[Rule 21 amended: Gazette 23 Dec 2005 p. 6271; 31 Jul 2007 p. 3809; 31 Dec 2013 p. 6550.]

21A. Service of documents by Court

(1) The service of a document on a person by the Court must be by one of the methods in the Table to this rule.

(2) A document that is served by the Court by a method in the Table to this rule is to be taken to have been served at the time stated opposite the method in the Table, unless the contrary is proved.

Table

No.	How a document may be served on a person	When the document is to be taken to have been served
1.	By posting it to the person's address.	When it would be delivered to the address in the ordinary course of post.

No.	How a document may be served on a person	When the document is to be taken to have been served
2.	By putting it in a pigeonhole at the Court that is used by the person's legal practitioner.	On the next working day after it is put in the pigeonhole.
3.	If the person has provided a fax number under the RSC Order 71A, by sending it by fax to that number.	If the fax is sent before 4.00 p.m. on a working day, on that day. Otherwise, on the next working day after the fax is sent.
4.	If the person has provided an email address under the RSC Order 71A, by emailing it (whether or not as an attachment) to that address.	If the email is sent before 4.00 p.m. on a working day, on that day. Otherwise, on the next working day after the email is sent.
5.	If the person has provided an email address under the RSC Order 71A, by putting it in an electronic mailbox maintained by the Court and sending the person an email at that address that says it is in the mailbox.	On the next working day after the email is sent.

[Rule 21A inserted: Gazette 23 Dec 2005 p. 6271-2; amended: Gazette 31 Jul 2007 p. 3809; SL 2022/108 r. 6.]

Division 4 — Miscellaneous

22A. RSC Order 9A rule 2 and Order 12 rule 2 modified: form of memorandum of appearance

(1) The RSC Order 9A rule 2 and Order 12 rule 2 apply, subject to this rule.

(2) A memorandum of appearance filed in the Court must be in the form of Form 1AA.

(3) Notice of an interested non-party may be made on the same form.

[Rule 22A inserted: Gazette 31 Dec 2013 p. 6550.]

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.

[Rule 22B inserted: SL 2025/148 r. 4.]

*[**22C.** Deleted: SL 2025/148 r. 5.]*

22. Summonses for matters in chambers

(1) Before filing a summons to be dealt with in chambers the parties to the summons must, in good faith, attempt to resolve as many of the issues giving rise to the summons as possible.

(2) A person filing a summons to be dealt with in chambers must include in the summons or file with the summons —

(a) a certificate that the parties to the summons have conferred about the issues giving rise to the summons and have not resolved them; or

(b) a certificate that the parties to the summons have not conferred about the issues giving rise to the summons and the reasons why they have not conferred.

[Rule 22 amended: Gazette 31 Jul 2007 p. 3810.]

23A. Affidavits, form of

An affidavit filed in the Court may be in the form of Form 1A.

[Rule 23A inserted: Gazette 17 Jun 2011 p. 2153.]

23B. RSC Order 58 rule 14 modified: form of originating summons

(1) The RSC Order 58 rule 14 applies, subject to this rule.

(2) An originating summons filed in the Court may be in the form of Form 1B.

(3) A defendant served with an originating summons must file a Form 1AA (Memorandum of appearance) in relation to the summons on or before the hearing date specified on the summons.

(4) The defendant must serve the Form 1AA as soon as practicable after filing it.

[Rule 23B inserted: Gazette 31 Dec 2013 p. 6550; amended: SL 2025/148 r. 6.]

23C. Enforcement of order under another Act giving jurisdiction

(1) This rule applies to an order that may, under another written law —

(a) be filed with the Court; and

(b) be enforced as if it were an order of the Court.

(2) A party filing the order must also file a Form 1C (Notification of contact and service information) together with the order.

(3) If a party against whom the order is made makes an interlocutory application in relation to the order, that party must file a Form 1C (Notification of contact and service information) together with the application.

(4) The party referred to in subrule (3) must serve the Form 1C as soon as practicable after filing it.

[Rule 23C inserted: Gazette 31 Dec 2013 p. 6551.]

Part 4 — Case management

Division 1 — Preliminary

23. Terms used

In this Part, unless the contrary intention appears —

case management direction is defined by rule 24;

enforcement order is defined by rule 25;

mediator means a legally qualified registrar, or another person, agreed by the parties and approved by the Court.

[Rule 23 amended: Gazette 31 Jul 2007 p. 3810; 31 Dec 2013 p. 6551.]

24. Meaning of case management direction

(1) A case management direction is any procedural direction that in the Court's opinion it is just to make in a case to facilitate the case being conducted and concluded efficiently, economically and expeditiously.

(2) Without limiting subrule (1), a case management direction may —

(a) dispense with all or any or any further pleadings;

(b) direct that specified pleadings be filed;

(c) dispense with any interlocutory proceedings;

(d) as to the hearing of any interlocutory application —

(i) direct the parties to confer in order to identify the issues between them and resolve as many as possible before the hearing and to identify the issues to be heard;

(ii) direct the parties to file and exchange memoranda before the hearing in order to identify the issues to be heard;

(iii) give directions as to the use of videotapes, films, computers and other technology at the hearing;

(iv) give directions for the speedier and more effective recording of evidence at the hearing;

(e) direct some or all of the parties to confer on a "without prejudice" basis in order to settle the case or, failing settlement, to resolve as many of the issues between them as possible and to identify the issues to be tried and, as to the conference —

(i) direct that it be conducted by a mediator; but not, unless the parties consent, a mediator who is not a registrar and whom a party would become liable to remunerate;

(ii) give directions for the purpose of rule 35(7);

(iii) if good cause is shown, direct that it operates as a stay of proceedings;

(iv) give any other directions that are necessary;

(f) direct that experts, whose reports have been exchanged, confer on a "without prejudice" basis in order to identify the differences between them and to resolve as many as possible;

(g) as to —

(i) the hearing of any interlocutory application; or

(ii) any conference directed under paragraph (d)(i), (e) or (f),

direct that it be conducted, and any evidence in relation to it be provided, by email or by an audio link or a video link;

(ga) direct that a party file and serve a concise statement of the issues of fact or law that the party contends will need to be determined at trial;

(gb) direct that a party file and serve a chronology of events relevant to the party's case;

(gc) dispense with a requirement to file and serve a document under Part 4A, or alter the day on or by which a party must comply with such a requirement;

(h) direct the mode by which particular facts may be proved at trial;

(i) direct that evidence of any particular fact, to be specified in the direction, shall be given at the trial by statement on oath of information and belief, or by production of documents or entries in books or by copies of documents or entries or otherwise as the Court may direct;

(j) direct a party to serve on the other parties, at such times as shall be directed, a signed written statement of the proposed evidence in chief of each witness to be called by that party;

(k) direct that a signed written statement referred to in paragraph (j) or any part of it stand as the evidence in chief of the witness;

[(l), (m) deleted]

(n) direct a legal practitioner for a party to give the party written notice of any or all of the legal costs and disbursements referred to in rule 36(1);

(o) direct a party or the legal practitioner for a party to attend certain proceedings specified in the direction;

(p) in special circumstances direct that an application by a party made under this Division operate as a stay of proceedings;

(q) in exceptional circumstances or if not to do so would frustrate the appeal, direct that an appeal against a decision made under this Part operate as a stay of proceedings;

(r) direct that an application for an adjournment of any proceeding be supported by affidavits of specified people;

(s) give directions to assist the convenience of the parties or witnesses;

(t) give directions as to the manner in which the parties shall defray the costs of giving effect to any case management direction;

(u) direct that a specified case management direction be complied with by a set date.

(3) A case management direction shall not order the attachment or committal of a person.

(4) A case management direction is not enforceable by a writ of attachment or an order of committal.

[Rule 24 amended: Gazette 31 Jul 2007 p. 3810; SL 2022/108 r. 6; SL 2023/209 r. 8.]

25. Enforcement order, meaning of

An enforcement order is —

(a) an order as to the payment of costs;

(b) an order as to the payment of costs of the parties on an indemnity basis, to be fixed in a manner specified in the order, and payable within 14 days after the order;

(c) a self-executing order for judgment, striking out pleadings, or otherwise;

(d) an order under the RSC Order 66 rule 5.

Division 2 — Case management generally

26. Court may make case management directions etc.

At any time in a case the Court, on its own initiative after notifying the parties, or when hearing a summons for directions or any other application in a case, may review the progress of the case and may make any order that may be made under rule 32(2).

27. Case management hearing, registrar may hold

(1) At any time before the trial or the hearing of a case, a registrar may summons the parties to a case management hearing.

(2) Rules 32 to 35 apply to and in respect of the case management hearing.

[Rule 27 amended: Gazette 31 Jul 2007 p. 3810.]

Division 3 — Case management of cases commenced by writ

Subdivision 1 — Preliminary

[Heading inserted: Gazette 31 Jul 2007 p. 3811.]

28. Application

This Division applies only to a case that is an action commenced by writ.

29. Various RSC provisions do not apply

These provisions of the RSC do not apply to a case —

Order 4A

Order 33

Order 59 rule 9

Order 60A rule 2

[Rule 29 inserted: Gazette 17 Jun 2011 p. 2159; amended: Gazette 7 Sep 2018 p. 3184.]

*[**30.** Deleted: Gazette 26 Jul 2013 p. 3411.]*

31. Case management hearing, holding of

(1) In this rule —

appearance means a memorandum of appearance.

(2) This rule does not limit rule 27.

(3) When the first appearance is filed in a case, a registrar may summons the parties to the case to attend a case management hearing before a registrar.

(4) The date for the case management hearing must be at least 14 days after the date the summons is issued.

(5) If after the first appearance is filed and before the date for the case management hearing another party files an appearance, the registrar must summons the party to attend the case management hearing for which a summons has been issued under subrule (3), despite subrule (4).

(6) The case management hearing may be held even if, at the time of the hearing, not all parties to the case have been served with the writ or have filed appearances.

[Rule 31 amended: Gazette 31 Jul 2007 p. 3811.]

32. Case management hearing, conduct of

(1) At a case management hearing a registrar must review the documents on the Court file and inquire into these matters —

(a) the complexity of the case;

(b) the need for interlocutory proceedings;

[(c) deleted]

(d) whether rule 38(1) should not apply to the case;

(e) the readiness of the parties for trial.

(2) At a case management hearing, either on the oral application of a party or, after notifying the parties, on the registrar's own initiative, a registrar may —

[(a) deleted]

(b) order that any of the rules in this Division do not apply to the case;

(c) make, amend or cancel any interlocutory order;

(d) make, amend or cancel any case management direction;

(e) make, amend or cancel any enforcement order;

(f) order that the case be managed by a judge.

(3) A registrar may adjourn the case management hearing from time to time.

[Rule 32 amended: Gazette 26 Jul 2013 p. 3411.]

33. Case management directions etc. may be made in other proceedings

(1) Without limiting rule 32, a direction or order referred to in rule 32(2) may be made, amended or cancelled —

(a) at any time while a case management hearing is adjourned, or after a case management hearing, on the application of a party made by summons with a supporting affidavit; or

(b) at the hearing of a summons for —

(i) an interlocutory order; or

(ii) third party directions issued under the RSC Order 19 rule 4.

(2) An application made under subrule (1)(a) must specify any direction or order referred to in rule 32(2) that the party wants.

34. Duties of parties at case management hearing etc.

(1) At a case management hearing or at the hearing of an application made under rule 33(1)(a), the parties and their legal practitioners must give any information and produce any documents that the Court reasonably requires other than information or documents that are privileged.

(2) As far as is practicable a party must give another party at least 2 clear days' notice of any direction or order referred to in rule 32(2) that the party wants made, whether at a case

management hearing or otherwise, and that is not stated in a written application.

[Rule 34 amended: SL 2022/108 r. 6.]

Subdivision 2 — Mediations

[Heading inserted: Gazette 31 Jul 2007 p. 3811.]

35. Mediations

(1) This rule applies if the Court makes a case management direction that directs any parties to confer with a mediator.

(2) The direction does not operate as a stay of proceedings unless the Court orders otherwise.

(3) Unless the Court has specified a time and place for the conference, the parties must take any steps necessary and obey any relevant case management directions to ensure that it takes place without delay.

(4) Unless a registrar or a judge orders or directs otherwise, a party must attend the conference in person or, if the party is a body corporate, by an agent who is authorised by the body to conduct settlement negotiations and to settle the case.

(5) Each party's costs of and incidental to the conference shall be the party's costs in the cause, unless the Court orders, or the parties agree, otherwise.

(6) The remuneration and expenses of a mediator who is not a registrar are to be paid by the parties in equal shares, unless the Court orders, or the parties agree, otherwise.

(7) Within 2 weeks after the conclusion of the conference, the party ordered by the Court to do so must file a report signed by or on behalf of the parties concerned —

(a) confirming that the conference took place as directed; and

(b) recording the substance of any resolution or narrowing of the differences between the parties achieved as a result of the conference.

(8) The mediator —

(a) must not, unless the parties agree, report to the Court about the conference;

(b) whether or not the parties agree, may report to the Court any failure by a party to cooperate in the conference.

(9) A report made under subrule (8)(b) must not be disclosed to the trial judge except for the purposes of determining any question as to costs or as to the remuneration and expenses of a mediator.

(10) Rule 41, other than subrule (3), applies to the conference as if any reference in it to a pre-trial conference were a reference to the conference.

[Rule 35 amended: Gazette 23 Dec 2005 p. 6272; SL 2023/209 r. 9.]

35AA. Settlement at mediations

(1A) For the purposes of this rule, the RSC Order 42 rule 8 does not apply.

(1) At the conference the parties must, in good faith, attempt to settle the case or, failing settlement, resolve as many of the issues between them as possible and identify the issues to be tried.

(2) Evidence of anything said or any admission made in the course of the conference is not admissible at the trial of the case.

(3) Subrule (2) does not apply —

(a) to the hearing of an application for costs arising out of the conference; or

(b) to anything said or any admission made that all parties at the conference, in an agreement recorded in writing by the mediator, agree is admissible at the trial of the case.

(4) Subrules (5) and (6) apply if the mediator presiding at the conference is a legally qualified registrar.

(5) If the parties at the conference agree to settle the case, then unless otherwise ordered —

(a) each party or the party's legal practitioner on the record must sign and file and serve a written consent to the making of an order giving effect to the settlement; and

(b) the registrar must enter judgment, or make final orders, unless a judge's approval of the judgment or orders is required.

(6) If the parties at the conference do not agree to settle the case but agree to otherwise resolve some of the issues between them, then the registrar may make orders giving effect to that mediated outcome.

(7) The registrar must not make orders under subrule (6) unless satisfied that each party consents to the making of the orders.

[Rule 35AA inserted: Gazette 31 Dec 2013 p. 6551; amended: SL 2023/209 r. 10.]

35A. Mediation may serve as pre-trial conference

(1) If, pursuant to a case management direction, the parties to a case have conferred with a mediator, the Court may order that there is not to be a pre-trial conference in the case.

(2) An order under subrule (1) may be made —

(a) at the conference with the mediator, if the mediator is a legally qualified registrar;

(b) after the conference with the mediator;

(c) before or after the case is entered for trial;

(d) even if notice of a pre-trial conference has been given under rule 39;

(e) on the application of a party or, after notifying the parties, on the Court's own initiative.

(3) If the Court makes an order under subrule (1), rules 40(5), (6) and (7), 41 and 42 apply as if the conference with the mediator had occurred at, or as ordered in, a pre-trial conference.

[Rule 35A inserted: Gazette 23 Dec 2005 p. 6272-3; amended: Gazette 31 Jul 2007 p. 3811.]

Subdivision 3 — Entry for trial, and ancillary matters

[Heading inserted: Gazette 31 Jul 2007 p. 3811.]

36. Legal practitioner to notify client of legal costs

(1) Unless otherwise ordered, a legal practitioner for a party to a case must not enter the case for trial unless the legal practitioner has given the party written notice of —

(a) the approximate legal costs and disbursements of the party up to and including giving the notice;

(b) the estimated future legal costs and disbursements of the party up to but not including the trial;

(c) the estimated length of the trial and the legal costs and disbursements associated with it;

(d) the estimated legal costs and disbursements that the party would have to pay to another party if the party were to lose the case.

(2) Within 14 days after the date on which a party is served with a Form 1 (Entry for trial), the legal practitioner for the party must give the party written notice of the legal costs and disbursements referred to in subrule (1).

[Rule 36 amended: SL 2022/108 r. 6.]

37. Entering a case for trial

(1) Unless otherwise ordered, the plaintiff must enter the case for trial within 120 days after the date on which a defence (or if there is more than one defendant, the first defence) is filed.

(2) Subrule (1) does not affect Part 5A.

(3) To enter a case for trial the plaintiff must file and serve a Form 1 (Entry for trial) which must state the dates, within 40 days after the date of the form, when the parties are not available to attend a pre-trial conference.

(4) For the purposes of completing Form 1 —

(a) the plaintiff, at least 14 days before the date on which the plaintiff intends to enter the case for trial, must ask each other party to tell the plaintiff on which dates, within 40 days after that date, the party will not be available to attend a pre-trial conference; and

(b) a party that does not advise the plaintiff within 7 days after the plaintiff's request of the dates on which that party will not be available to attend a pre-trial conference is to be taken to be available on any date.

(5) The Court may, in a particular case, direct that a form other than Form 1 be used to enter the case for trial.

[Rule 37 amended: Gazette 31 Jul 2007 p. 3811; 26 Jul 2013 p. 3411; 31 Dec 2013 p. 6552; 7 Sep 2018 p. 3184.]

38. Plaintiff failing to enter case for trial, consequences

(1) If the plaintiff does not enter the case for trial in accordance with rule 37(1), the relevant registry must send each party a Form 2 (Notice of default (entry for trial)).

(2) After receiving a Form 2 —

(a) the plaintiff must, on or before the date specified in the form (which must be at least 14 days after the date of the form), enter the case for trial; and

(b) a party, other than the plaintiff, may enter the case for trial even if the case is taken to be inactive under rule 44 or 44A.

(3) Rule 37(3), with any necessary changes, applies if a party other than the plaintiff enters the case for trial.

(4) If a party other than the plaintiff enters the case for trial, then, for the purposes of completing Form 1, all other parties (including the plaintiff) are to be taken to be available to attend a pre-trial conference on any date unless notice to the contrary is filed prior to when the date of the pre-trial conference is set.

(5) If under subrule (2) a case is entered for trial at a time when, by virtue of the Form 2 sent to the parties and rule 44 the case is inactive, the case ceases to be inactive.

(6) Subrules (2) and (5) do not prevent the plaintiff from entering the case for trial notwithstanding that the case is inactive under rule 44.

[Rule 38 amended: Gazette 17 Jun 2011 p. 2159; 26 Jul 2013 p. 3411-12.]

38A. After entry for trial, no interlocutory application without leave

(1) After a case is entered for trial, no party, without the Court's leave, can apply —

(a) to file further pleadings; or

(b) to join or substitute parties; or

(c) for particulars, interrogatories, discovery, inspection, or the disclosure or non-disclosure of expert evidence; or

(d) to have evidence taken before a special examiner or on commission.

(2) Subrule (1) does not limit the power of the judge at the trial to make orders for or in relation to any of the matters referred to in that subrule.

[Rule 38A inserted: Gazette 7 Sep 2018 p. 3184.]

38B. Countermanding entry for trial

(1) Within 14 days after the date on which a party enters a case for trial under rule 37 or 38, any other party may apply for an order countermanding the entry for trial.

(2) An application under subrule (1) must be made by filing and serving a summons and a supporting affidavit on the party who entered the case for trial at least 2 clear days before hearing of the summons.

(3) If any party to the summons is represented by a legal practitioner, the legal practitioner, or another legal practitioner who is conversant with the case, must personally attend the hearing of the summons and must not send a clerk to attend.

(4) On an application made under this rule, the Court —

(a) may countermand the entry;

(b) may allow the entry to stand;

(c) may direct that the entry take effect upon the happening of certain events or on a date set by the Court;

(d) may make any other order or give any other direction it thinks proper.

(5) The costs of an application made under this rule are costs in the cause, unless the Court orders otherwise.

(6) A party who does not make a successful application under subrule (1) is taken to be ready for trial.

[Rule 38B inserted: Gazette 7 Sep 2018 p. 3184-5; amended: SL 2022/108 r. 6.]

Subdivision 4 — Pre-trial conference, and ancillary matters

[Heading inserted: Gazette 31 Jul 2007 p. 3811.]

39. Pre-trial conference, preliminary matters

(1) When a case is entered for trial the relevant registry must give each party notice of the date, time and place of the pre-trial conference, unless an order has been made under rule 35A.

(2) A pre-trial conference must be held before a registrar unless a judge or legally qualified registrar has ordered otherwise.

[Rule 39 amended: Gazette 23 Dec 2005 p. 6273; 31 Jul 2007 p. 3811.]

40. Pre-trial conference

(1) Unless a registrar or a judge orders or directs otherwise, a party must attend a pre-trial conference in person or, if the party is a body corporate, by an agent who is authorised by the body to conduct settlement negotiations and to settle the case.

(2) If at a pre-trial conference the presiding officer is satisfied that a party is not ready for trial, the officer may adjourn the conference and make, amend or cancel any direction or order referred to in rule 32(2).

(3) At a pre-trial conference the parties must, in good faith, attempt to settle the case or, failing settlement, to resolve as many of the issues between them as possible and to identify the issues to be tried.

(4) At a pre-trial conference the presiding officer may either —

(a) mediate between the parties; or

(b) order the parties to attend before a mediator, arbitrator or other person who provides alternative dispute resolution services (but not, unless the parties consent, a person whom a party would become liable to remunerate),

in order to settle the case or, failing settlement, to resolve as many of the issues between them as possible and to identify the issues to be tried.

(4a) The presiding officer need not act under subrule (4) if, pursuant to a case management direction, the parties have conferred with a mediator.

(5) If the mediation referred to in subrule (4) or (4a) has not resulted in the settlement of the case, the presiding officer must either —

(a) order the parties to attend a listing conference and make any orders under rule 42 that are needed; or

(b) list the case for trial if satisfied about the matters in subrule (6).

(6) The presiding officer must not list a case for trial under subrule (5) unless satisfied —

(a) that the legal practitioners who will appear at trial for the parties have all been fully briefed and that all parties have been advised by their legal practitioners about their prospects at trial; and

(b) that all parties have made reasonable efforts to agree on —

(i) facts that are not the subject of real controversy;

(ii) the tender of any expert's report without the need for the expert to be called;

and

(c) that a reliable estimate has been made as to the probable length of the trial; and

(d) that no useful purpose would be served by ordering the parties to attend a listing conference and making any order under rule 42.

(7) At a pre-trial conference the presiding officer may make orders as to costs including, if a case is settled, orders as to costs reserved and the costs of interrogatories.

(8) The presiding officer may adjourn a pre-trial conference from time to time.

[Rule 40 amended: Gazette 23 Dec 2005 p. 6273; SL 2022/108 r. 6; SL 2023/209 r. 11.]

41. Ancillary matters for pre-trial conferences

(1A) For the purposes of this rule, the RSC Order 42 rule 8 does not apply.

(1) Evidence of anything said or any admission made in the course of a pre-trial conference is not admissible at the trial of the case.

(2) Subrule (1) does not apply —

(a) to the hearing of an application for costs arising out of a pre-trial conference; or

(b) to anything said or any admission made that all parties at the conference, in an agreement recorded in writing by the presiding officer, agree is admissible at the trial.

(3) If the parties at a pre-trial conference agree to settle the case, then unless otherwise ordered —

(a) each party or the party's legal practitioner on the record must sign and file and serve a written consent to the making of an order giving effect to the settlement; and

(b) the presiding officer must enter judgment, or make final orders, unless a judge's approval of the judgment or orders is required.

(3A) Subrules (3B) and (3C) apply if the presiding officer —

(a) is a legally qualified registrar; and

(b) mediates between the parties as described in rule 40(4)(a).

(3B) If the parties at the pre-trial conference agree to settle the case, then unless otherwise ordered —

(a) each party or the party's legal practitioner on the record must sign and file and serve a written consent to the making of an order giving effect to the settlement; and

(b) the presiding officer must enter judgment, or make final orders, unless a judge's approval of the judgment or orders is required.

(3C) If the parties at the pre-trial conference do not agree to settle the case but agree to otherwise resolve some of the issues between them, then the presiding officer may make orders giving effect to that mediated outcome.

(3D) The presiding officer must not make orders under subrule (3C) unless satisfied that each party consents to the making of the orders.

(4) The presiding officer, whether or not the parties agree, may report to the Court any failure by a party to cooperate in the pre-trial conference.

[Rule 41 amended: Gazette 31 Jul 2007 p. 3812; 31 Dec 2013 p. 6552; SL 2022/108 r. 6; SL 2023/209 r. 12.]

Subdivision 5A — Settlement of cases

[Heading inserted: Gazette 31 Dec 2013 p. 6552.]

42A. Offers of compromise

(1) The RSC Order 24A applies, subject to subrule (2).

(2) The RSC Order 24A rule 10(4) and (5A) do not apply to a case.

(3) Subrule (4) applies if —

(a) an offer is made by a plaintiff; and

(b) the offer is not accepted by the defendant; and

(c) the plaintiff obtains judgment on the claim to which the offer relates; and

(d) the judgment is no less favourable to the plaintiff than the terms of the offer.

(4) Unless the Court otherwise orders, the plaintiff is entitled to an order against the defendant for —

(a) the plaintiff's costs in respect of the claim from the date on which the offer was made, taxed as between a law practice and its client; and

(b) the plaintiff's costs incurred before that date, taxed on a party and party basis.

[Rule 42A inserted: Gazette 31 Dec 2013 p. 6552; amended: SL 2021/208 r. 4.]

Subdivision 5 — Listing conference

[Heading inserted: Gazette 31 Jul 2007 p. 3812.]

42. Listing conference, orders for purpose of

(1) If under rule 40(5)(a) the presiding officer orders the parties to attend a listing conference, then, either at the request of the parties or, after notifying the parties, on the officer's own initiative, the officer may —

[(a), (b) deleted]

(c) order the parties to exchange, within such period as the officer orders, any medical report, expert medical evidence or other expert evidence that has not already been exchanged under Part 5A;

(d) make, amend or cancel any case management direction;

(e) make, amend or cancel any enforcement order;

(f) order that the case be managed by a judge.

[(2) deleted]

[Rule 42 amended: Gazette 31 Jul 2007 p. 3812; 7 Sep 2018 p. 3185; SL 2021/208 r. 5.]

43. Listing conference

(1) A listing conference must be held before a registrar unless a registrar or a judge has ordered otherwise.

(2) A listing conference must be attended by the legal practitioner who will appear at trial for a party or that person's instructing legal practitioner.

(3) Unless otherwise ordered, at least 2 clear days before a listing conference the legal practitioner who will appear at trial for a party must file a certificate as to —

(a) the estimated length of the trial; and

(b) the number of witnesses that the party intends to call; and

(c) whether there are any special circumstances affecting the date or time when any particular witness can be called; and

(d) whether any particular witness will be attending from a long distance or from outside the State; and

(e) whether an interpreter will be needed; and

(f) whether an audio link or a video link will be needed; and

(g) whether the use of any technology would allow the trial to be conducted more efficiently, economically or expeditiously; and

(h) whether there is any matter known to the legal practitioner that is likely to interfere with the trial being conducted efficiently, economically and expeditiously; and

(i) the fact that the parties have made reasonable efforts to reach agreement on —

(i) facts that are not the subject of real controversy; and

(ii) the tender of experts' reports (if any) without the need for the experts to be called.

[(3a) deleted]

(3A) Unless otherwise ordered, at least 2 clear days before a listing conference the legal practitioner who will appear at trial for a party must file a certificate —

(a) certifying that the legal practitioner has reviewed the pleadings and is satisfied that they adequately define all the issues of fact or law that the party contends will need to be determined at trial; or

(b) if the legal practitioner is not satisfied as to the matter referred to in paragraph (a) — setting out the pleadings issues in respect of which the legal practitioner is not satisfied.

(4) At a listing conference the presiding officer must list the case for trial only if any order or direction previously made has been complied with or, if not, if appropriate orders in default have been made.

(5) At a listing conference the presiding officer may make orders as to costs including, if a case is settled, orders as to costs reserved and the costs of interrogatories.

(6) The presiding officer may adjourn a listing conference from time to time.

[Rule 43 amended: Gazette 31 Jul 2007 p. 3812; SL 2022/108 r. 6; SL 2023/209 r. 13.]

Subdivision 6 — Inactive cases

[Heading inserted: Gazette 31 Jul 2007 p. 3812.]

43A. Term used: Inactive Cases List

In this Subdivision —

Inactive Cases List means a list of inactive cases kept by the Court under rule 44D.

[Rule 43A inserted: Gazette 17 Jun 2011 p. 2159.]

44. Effect of non-compliance with Notice of Default

If a plaintiff does not comply with rule 38(2)(a), the case is taken to be inactive.

[Rule 44 inserted: Gazette 26 Jul 2013 p. 3412.]

44A. Cases inactive for 12 months deemed inactive

If no document is filed in a case for 12 months by any party to the case, the case is taken to be inactive unless the Court orders otherwise.

[Rule 44A inserted: Gazette 17 Jun 2011 p. 2160.]

44B. Registrar may issue summons to show cause

(1) A registrar may at any time summons the parties to a case to attend a hearing before a registrar to show cause why the case should not be put on the Inactive Cases List.

(2) The hearing date for the summons must be at least 7 days after the date on which it is issued.

(3) The issue of the summons does not prevent any party to the case from filing any document in the case.

(4) At the hearing the registrar may order that the case be put on the Inactive Cases List if not satisfied that the case is being

conducted in a timely way, having regard to the requirements of these rules and the circumstances of the case.

(5) An order may be made under subrule (4) in the absence of any party.

[Rule 44B inserted: Gazette 17 Jun 2011 p. 2160.]

44C. Springing order that case be put on Inactive Cases List

(1) A judge or registrar making an interlocutory order or case management direction in a case may include an order that unless the interlocutory order or direction is complied with by a date stated in the order or direction, the case is taken to be inactive.

(2) Unless countermanded by a judge or registrar before it has effect, the order has effect according to its terms.

[Rule 44C inserted: Gazette 17 Jun 2011 p. 2160.]

44D. Parties to be notified of case being on Inactive Cases List and to advise clients

(1) When a case is taken to be inactive under rule 44 or 44A, or an order is made under rule 44B(4), or an order made under rule 44C(1) takes effect, the Principal Registrar must —

(a) put the case on the Inactive Cases List; and

(b) give all parties to the case written notice that the case is on the Inactive Cases List and of the effect of rules 44E and 44G.

(2) If under subrule (1) a practitioner for a party is notified, the practitioner must, as soon as practicable, notify the party of —

(a) the fact that the case is on the Inactive Cases List and why; and

(b) the effect of rules 44E and 44G.

[Rule 44D inserted: Gazette 17 Jun 2011 p. 2160-1; amended: Gazette 26 Jul 2013 p. 3413.]

44E. Consequences of case being on Inactive Cases List

If a case is on the Inactive Cases List, only these documents can be filed in the case —

(aa) a Form 1AA (Memorandum of appearance);

(a) a Form 1 (Entry for trial);

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

(b) a consent order finalising the case;

(c) a summons for an order under rule 44F(3);

(d) a summons for an order dismissing the case for want of prosecution;

(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;

(e) any document that relates to a document listed above.

[Rule 44E inserted: Gazette 17 Jun 2011 p. 2161; amended: Gazette 26 Jul 2013 p. 3413; SL 2025/148 r. 7.]

44F. Removing cases from Inactive Cases List

(1) If a Form 1 (Entry for trial), or a consent order finalising the case, is filed in a case on the Inactive Cases List, the case is taken to have been taken off the list.

(2) Any party to a case on the Inactive Cases List may apply to the Court for an order that the case be taken off the Inactive Cases List.

(3) The Court may order a case be taken off the Inactive Cases List if satisfied the case will be conducted in a timely way or for any other good reason.

(4) An order that a case be taken off the Inactive Cases List may include any conditions necessary to ensure the case is conducted in a timely way.

[Rule 44F inserted: Gazette 17 Jun 2011 p. 2161.]

44G. Certain inactive cases taken to have been dismissed

(1) A case that is on the Inactive Cases List for 6 continuous months is taken to have been dismissed for want of prosecution.

(2) If a case is dismissed under subrule (1), the Principal Registrar must give all parties to the case written notice of the fact.

(3) If under subrule (2) a practitioner for a party is notified, the practitioner must, as soon as practicable, send a copy of the notice to the party.

(4) If a case is dismissed under subrule (1), any party to it may apply to the Court for, and the Court may make, any order needed as a consequence of the dismissal.

(5) The Court may, in exceptional circumstances and on such terms as it thinks just, set aside the dismissal of a case under subrule (1).

(6) For the purposes of subrule (5) it does not matter that the case was dismissed before the commencement of that subrule.

[Rule 44G inserted: Gazette 17 Jun 2011 p. 2161-2; amended: Gazette 31 Dec 2013 p. 6552-3.]

*[**45.** Deleted: Gazette 17 Jun 2011 p. 2162.]*

Part 4A — Documents to be filed, served or delivered before trial

[Heading inserted: Gazette 31 Jul 2007 p. 3812.]

45A. Application

This Part applies only to a case that is an action commenced by writ.

[Rule 45A inserted: Gazette 31 Jul 2007 p. 3812.]

45B. Term used: trial date

In this Part —

trial date of a case means the day on which the trial of the case is listed to start.

[Rule 45B inserted: Gazette 31 Jul 2007 p. 3812.]

45C. Particulars of damages

(1) This rule applies to any party to a case who claims damages in the case.

(2) The party must file and serve particulars of damages within 60 days after the day the defence (or if there is more than one defendant, the first defence) is filed.

(3) If the case is a personal injuries action, the particulars of damages must set out in detail the amount of money claimed for any of the following, the justification for claiming it, and how it is calculated —

(a) loss of earning capacity —

(i) past; and

(ii) future;

(b) loss of superannuation due to —

(i) past loss of earning capacity; and

(ii) future loss of earning capacity;

(c) special damages;

(d) past gratuitous services;

(e) interest on past loss and expenditure;

(f) future need —

(i) for medical services; and

(ii) for nursing and other care and assistance services, whether paid or gratuitous; and

(iii) for appliances, and modifications to equipment and environment;

(g) any other discrete item of damages.

(4) If the case is not a personal injuries action, the particulars of damages must set out in detail any amount of money claimed, the justification for claiming it, and how it is calculated.

[Rule 45C inserted: Gazette 31 Jul 2007 p. 3813.]

45D. Building and engineering contracts, actions involving claims under

(1) In this rule —

Scott Schedule means a statement of the issues of fact and law that the plaintiff contends will need to be determined at trial.

(2) This rule applies to a case in which a claim is made under a building or engineering contract.

(3) The plaintiff must apply to the Court for a direction as to whether the plaintiff is to lodge a Scott Schedule.

(4) The application must be made within 75 days after the day the defence (or if there is more than one defendant, the first defence) is filed.

[Rule 45D inserted: Gazette 31 Jul 2007 p. 3813.]

45E. Index of expert witness reports

(1) In this rule —

report of an expert witness includes the notes of a treating medical practitioner.

(2) This rule applies if under rule 40(5)(a) the presiding officer orders the parties to attend a listing conference.

(3) A party must file and serve an index of the reports of any expert witness that the party intends to tender as evidence at trial and must do so —

(a) at least 14 days before the day of the listing conference, if the party is the plaintiff; and

(b) at least 7 days before the day of the listing conference, in the case of any other party.

(4A) If a party has filed an index under subrule (3) and —

(a) the party receives a written notification from an expert witness that the witness has changed his or her view expressed in a report included in the index; or

(b) the party has changed his or her intention as to any report of an expert witness from that set out in the index,

the party must file and serve an amended index of the reports of any expert witness that the party intends to tender as evidence at trial and must do so —

(c) in the case of a change of view, within 7 days of receiving the notification; or

(d) in the case of a change of intention, immediately after the change of intention and in any event at least 14 days before the commencement of the trial.

(4B) If a party has filed an index under subrule (3) and subsequently obtains a further report of any expert witness that the party intends to tender as evidence at trial, the party must, at least 2 months before the commencement of the trial, file and serve

an amended index of the reports of any expert witness that the party intends to tender as evidence at trial.

(4) At any time before the 21 day period preceding the trial date, a party served with an index (***A***) may serve the party who served the index (***B***) with a notice requiring information as to the qualifications and experience of an expert witness whose report is listed in the index.

(5) On A serving B with a notice, B must provide the information within 7 days.

(6) Except with the leave of the Court, a party cannot tender the report of an expert witness as evidence unless the party has complied with this rule in relation to that report.

[Rule 45E inserted: Gazette 31 Jul 2007 p. 3814; amended: Gazette 18 Nov 2011 p. 4811-12; SL 2021/208 r. 6.]

45F. Papers for judge

(1) At least 42 days before the trial date, the plaintiff must file and serve the papers for the judge comprising —

(a) the pleadings, and any affidavits ordered to stand as pleadings, with any amendments to them incorporated and the dates of those amendments; and

(b) the particulars of damages filed and served under rule 45C; and

(c) any request or order for particulars that has been made together with the particulars given; and

(d) any order for directions made under the RSC Order 19 rule 4.

(2) If the pleadings are amended after the plaintiff has filed and served the papers referred to in subrule (1), the plaintiff must file and serve the whole of the pleadings as amended unless the Court orders otherwise.

[Rule 45F inserted: Gazette 31 Jul 2007 p. 3814.]

45G. Reception of plans etc. in evidence

(1) The RSC Order 36 rule 4 does not apply to a case.

(2) Unless before or at the trial the Court otherwise orders, no plan, photograph or model shall be receivable in evidence at the trial in a case unless at least 28 days before the trial the parties, other than the party who intends to produce it, are given the opportunity to inspect it and to agree to its admission without further proof.

[Rule 45G inserted: Gazette 10 Dec 2010 p. 6265.]

45H. Outline of submissions

(1A) The RSC Order 34 rule 1A does not apply to a case.

(1) A party must file and serve the "Outline of submissions" —

(a) 42 days before the trial date, if the party is the plaintiff; or

(b) 28 days before the trial date, in the case of any other party.

(2) The Outline of submissions consists of a Form 3 to which is attached —

(a) a document titled "Submissions"; and

(b) a document titled "Legal authorities"; and

(c) if the party wants the Court to make orders, a document titled "List of orders wanted"; and

(d) if the party chooses, a document titled "Draft chronology".

(3) The document titled "Submissions" —

(a) must contain the contentions of law or fact the party intends to make at the trial, expressed so as to convey

the substance of them clearly and as succinctly as possible; and

(b) must set out the contentions in numbered paragraphs; and

(c) must refer to each principal legal authority on which the party relies in support of the contention, and each relevant page or paragraph in that authority; and

(d) must not be more than 10 pages long; and

(e) must be signed by the person who prepared it.

(4) The document titled "Legal authorities" —

(a) must list, and number consecutively, each principal legal authority to which the Court is referred, under these headings in this order —

(i) "Written laws";

(ii) "Judgments";

(iii) "Legal texts";

and

(b) must mark with an asterisk any legal authority from which it is intended to read any text to the Court at the hearing; and

(c) for each written law listed, include its short title, its jurisdiction and each relevant rule or provision of it; and

[Example:

Written laws:

*1. *Interpretation Act 1984* (WA) s. 5 "under"; s. 61.

2. *Acts Interpretation Act 1901* (Cth) s. 22(1).]

(d) for each judgment listed, include —

(i) first, its citation in an authorised law report (if any) and any page of it on which is a relevant passage; and

(ii) second, its media neutral citation (if any);

[Example:

Judgments:

*3. Ward v The Queen (2000) 23 WAR 254 at 274; [2000] WASCA 413 at [106].

4. Talbot v Lane (1994) 14 WAR 120.]

and

(e) for each authoritative legal text listed, refer to the edition concerned and to each relevant passage.

(5) The document titled "List of orders wanted" must set out the orders that the party wants the Court to make.

(6) The document titled "Draft chronology" must state succinctly in numbered paragraphs arranged in date order the date and facts of each event that is material to the case.

[Rule 45H inserted: Gazette 31 Jul 2007 p. 3816-17; amended: Gazette 10 Dec 2010 p. 6265; 31 Dec 2013 p. 6553; 7 Sep 2018 p. 3185.]

45I. List of witnesses

(1) At least 7 days before the trial date for a case, a party to the case must file and serve a document listing, in the order in which they will be called, each witness that the party intends to call to give evidence and stating —

(a) any special circumstances that affect the date or time when the witness can be called; and

(b) any directions that the Court has made in relation to the taking of evidence from the witness by audio link or video link.

(2) Except with the leave of the Court, a party cannot call a witness at a trial unless the party has complied with this rule in relation to that witness.

[Rule 45I inserted: Gazette 31 Jul 2007 p. 3817.]

Part 5 — Obtaining evidence

Division 1 — Discovery

46. RSC Order 26 modified in actions commenced by writ

(1) The RSC Order 26 applies to an action commenced by writ, subject to this rule.

(2) Subject to any order made by the Court, each party to the action must give each other party discovery of all documents that are or have been in the party's possession, custody or power relating to any matter in question in the action.

(2a) If a plaintiff in a personal injuries action is required under subrule (2) to give discovery of income tax returns, the plaintiff must discover the returns lodged by the plaintiff for, at least —

(a) the financial year during which the incident pleaded as the cause of the personal injuries occurred; and

(b) each of the 2 preceding financial years.

(3) With the consent of each other party to the action, discovery may be by way of an informal list, but otherwise shall be by way of affidavit served on the other parties.

(4) Discovery must be given by all parties within 60 days after a defence (or if there is more than one defendant, the first defence) is filed.

(5) The RSC Order 26 rule 8(1) applies as if the reference to 7 days were amended to 14 days.

[Rule 46 amended: Gazette 31 Jul 2007 p. 3817.]

Division 2 — Interrogatories

47. RSC Order 27 modified

(1) The RSC Order 27 applies, subject to this rule.

(2) Leave of the Court to serve notice on a party is not required under the RSC Order 27 rule 1(1) if the party consents to being served without the leave of the Court.

(3) Leave of the Court to serve notice on a party is not required under the RSC Order 27 rule 1(1) if the action is a personal injuries action and —

(a) the notice is served within 75 days after the party files a defence; and

(b) the interrogatories specified in the notice relate to —

(i) the occurrence of the incident pleaded as the cause of the personal injuries; or

(ii) the defendant's system for preventing incidents of the type alleged to have occurred; or

(iii) the plaintiff 's medical history in the 5 years prior to the incident; or

(iv) the symptoms and treatment of the personal injuries pleaded; or

(v) the plaintiff 's employment history in the 5 years prior to the accident.

(4) A party applying for leave under the RSC Order 27 rule 1 to serve interrogatories must —

(a) file and serve with the application a minute of the proposed interrogatories; and

(b) make the application at least 7 days before it is heard.

Division 3 — Medical examination

[Heading inserted: Gazette 31 Dec 2013 p. 6553.]

47A. RSC Order 28 modified

(1) The RSC Order 28 applies, subject to this rule.

(2) For the purposes of subrule (1), a reference in the RSC Order 28 rule 1 to a "medical practitioner" or a "medical adviser" is to be taken as being a reference to a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, or a substantially similar law of another jurisdiction, in any of the following health professions —

(a) dental;

(b) medical;

(c) occupational therapy;

(d) optometry;

(e) physiotherapy;

(f) psychology.

[Rule 47A inserted: Gazette 31 Dec 2013 p. 6553.]

Part 5A — Expert evidence

[Heading inserted: Gazette 7 Sep 2018 p. 3185.]

47B. Terms used

In this Part —

expert medical evidence means the evidence of a medical expert on medical matters;

medical expert means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in any of these health professions —

(a) dental;

(b) medical;

(c) occupational therapy;

(d) optometry;

(e) physiotherapy;

(f) psychology;

medical report means a written report containing expert medical evidence;

personal injury case means a case in which a claim is made in respect of —

(a) a person's personal injuries (including any illness or impairment of physical or mental condition); or

(b) a person's death.

[Rule 47B inserted: Gazette 7 Sep 2018 p. 3185-6.]

47C. RSC Order 36A does not apply

The RSC Order 36A does not apply to a case.

[Rule 47C inserted: Gazette 7 Sep 2018 p. 3186.]

47D. General procedural matters

(1) Any application made under this Part before trial must be made by summons.

(2) A direction given under this Part may be revoked or varied by a subsequent direction given at or before the trial in the case.

[Rule 47D inserted: Gazette 7 Sep 2018 p. 3186.]

47E. Expert medical evidence in personal injury cases

(1) This rule applies to expert medical evidence in personal injury cases.

(2) Nothing in this rule requires evidence to be disclosed to a defendant who has not entered an appearance.

(3) A direction given under this rule may apply to only a part of a medical report or expert medical evidence.

(4) Unless the Court directs otherwise, a party must serve on the other parties, in accordance with this rule, a copy of each medical report the substance of which the party intends to rely on at the trial.

(5) Each copy referred to in subrule (4) must be served —

(a) if the medical report is in existence before the case is entered for trial —

(i) if the report will be relied on by the party entering the case for trial — before the case is entered for trial; or

(ii) if the report will be relied on by another party — before the time for applying under rule 38B for an order countermanding the entry for trial expires, or any later time that may be fixed by an order made on any such application;

or

(b) if the medical report comes into existence after the case is entered for trial — as soon as practicable thereafter.

(6) If a party applies for a direction under subrule (4) —

(a) an affidavit supporting the application is not required; and

(b) the Court may inspect the medical report the subject of the application without disclosing its contents to any other party.

(7) If the Court gives a direction under subrule (4), it may direct that, in lieu of serving a copy of any medical report, the substance of all or any expert medical evidence that a party intends to rely on at the trial be disclosed in writing to such other parties and within such period as the Court specifies.

(8) Except with the Court's leave, or pursuant to a direction of the Court, or where all other parties agree, expert medical evidence cannot be adduced at a trial unless —

(a) a copy of a medical report containing the substance of the evidence has been served in accordance with subrules (4) and (5); or

(b) the substance of that evidence has been disclosed in writing to all other parties within the time limited by a direction given under subrule (7) or, if no such direction has been given, a reasonable time before the trial; or

(c) the Court has permitted the evidence to be given by affidavit.

(9) Without limiting the Court's powers under this rule, the Court may give a direction under subrule (4) or (7) or give leave under subrule (8) if a medical report contains —

(a) statements by the party against whose interest the evidence is to be led; or

(b) hearsay evidence as to the manner in which a personal injury was sustained; or

(c) other evidence that would not be admissible at the trial.

[Rule 47E inserted: Gazette 7 Sep 2018 p. 3186-8.]

47F. Other expert evidence

(1) This rule applies to expert evidence other than expert medical evidence in personal injury cases.

(2) A direction given under this rule may apply to only a part of the report or evidence of an expert.

(3) Expert evidence cannot be adduced at a trial except with the leave of the Court unless —

(a) the party seeking to adduce the evidence has, before the time that applies under subrule (4), applied to the Court to determine whether a direction should be given under this rule and has complied with any direction given on the application; or

(b) all parties consent to it being adduced; or

(c) the Court has permitted the evidence to be given by affidavit.

(4) For the purposes of subrule (3)(a), the time is —

(a) in the case of the party who entered the case for trial — when the case is entered for trial; and

(b) in the case of any other party — when the time for applying under rule 38B for an order countermanding the entry for trial expires, or any later time that may be fixed by order made on such an application.

(5) On an application made under this rule, the Court may direct —

(a) that a copy of an expert witness's report, the substance of which a party intends to rely on at the trial, be served on such other parties and within such period as the Court may specify; or

(b) the substance of all or any expert evidence that a party intends to adduce at the trial be disclosed in writing to such other parties and within such period as the Court may specify.

(6) The author of a report containing expert evidence must certify in the report to having read and complied with the practice direction made by the Court for the purposes of this subrule.

(7) If a report has not been certified as required by subrule (6), it is not admissible at trial, except with the Court's leave.

[Rule 47F inserted: Gazette 7 Sep 2018 p. 3188-9; amended: SL 2021/208 r. 7.]

47G. Derogation of privilege

If under rule 47E or 47F a party is required or directed to disclose any expert evidence, the party cannot, after the time fixed for disclosure by the rule or direction (as the case may be) expires, object on the ground of privilege (within the meaning of the *Evidence Act 1906* section 32A) to the evidence being disclosed.

[Rule 47G inserted: Gazette 7 Sep 2018 p. 3189.]

47H. Enforcing this Part

(1) Rules 47E(8) and 47F(3) do not affect the enforcement under any other provisions of these rules of a direction given under this Part.

(2) A direction given under this Part is not enforceable by a writ of attachment or an order of committal.

[Rule 47H inserted: Gazette 7 Sep 2018 p. 3189; amended: SL 2021/208 r. 8.]

47I. Court may limit expert evidence

Before or at the trial in a case, the Court may, by a direction, limit the number of medical experts or other experts who may be called as witnesses at the trial.

[Rule 47I inserted: Gazette 7 Sep 2018 p. 3189.]

Part 5BA — Subpoenas

[Heading inserted: Gazette 26 Jul 2013 p. 3413.]

48AA. RSC Order 36B rules 1 and 2 modified: subpoena must not require both attendance and production

(1A) The RSC Order 36B rule 1(1) applies as if the definition of ***Registry*** were deleted and replaced by the definition of ***Registry*** in rule 3 of these rules.

(1) The RSC Order 36B rule 1(1) applies as if, in the definition of ***subpoena***, paragraph (c) were deleted.

(2) The RSC Order 36B rule 2(1) applies as if paragraph (c) were deleted.

(3) This rule does not apply to a subpoena for which leave to serve the subpoena in New Zealand is to be sought pursuant to the RSC Order 39A.

[Rule 48AA inserted: Gazette 26 Jul 2013 p. 3413; amended: Gazette 7 Sep 2018 p. 3189.]

48AB. RSC Order 36B rule 3 modified: form of subpoena

(1) The RSC Order 36B rule 3(1) and (1A) do not apply to a case.

(2) A subpoena to attend to give evidence must —

(a) be in the form of Form 4A; and

(b) have attached to it a notice in the form of Form 4B.

(3) A subpoena to produce must be in the form of Form 4C.

(4) This rule does not apply to a subpoena for which leave to serve the subpoena in New Zealand is to be sought pursuant to the RSC Order 39A.

[Rule 48AB inserted: Gazette 26 Jul 2013 p. 3413-14; amended: Gazette 7 Sep 2018 p. 3189.]

48AC. RSC Order 36B rule 5A modified: form of subpoena

(1) The RSC Order 36B rule 5A applies subject to this rule.

(2) An issuing party must, as soon as practicable after giving a notice under the RSC Order 36B rule 5A(2) and (3)to the addressee —

(a) file a copy of the notice; and

(b) serve a copy of the notice on each other party.

[Rule 48AC inserted: Gazette 26 Jul 2013 p. 3414; amended: Gazette 7 Sep 2018 p. 3190.]

48AD. RSC Order 36B rule 6 modified: compliance with subpoena

(1) The RSC Order 36B rule 6(5A) and (7)(b) do not apply to a case.

(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) A person may comply with the RSC Order 36B rule 6(4)(b) by delivering or sending an electronic version of a document to the Registry using the ECMS.

(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.

[Rule 48AD inserted: SL 2023/209 r. 14; amended: SL 2024/6 r. 4.]

48AE. Subpoenas to produce not addressed to health professionals

(1) This rule applies to a subpoena to produce other than a subpoena to which rule 48AF applies.

(2) Unless the Court otherwise directs under the RSC Order 36B rule 9, a document produced in response to a subpoena may —

(a) be inspected by a party; and

(b) with the approval of a registrar, be copied by a party.

[Rule 48AE inserted: Gazette 26 Jul 2013 p. 3414-5; amended: Gazette 7 Sep 2018 p. 3190.]

48AF. Subpoenas to produce addressed to health professionals

(1) This rule applies to a subpoena to produce —

(a) issued in a personal injuries action; and

(b) addressed to a health professional, a hospital, or a person that manages the records of a health professional; and

(c) in response to which a document produced comprises the health information of the plaintiff.

(2) Unless the Court otherwise directs under the RSC Order 36B rule 9, a document produced in response to a subpoena may —

(a) be inspected and copied by the plaintiff; and

(b) after 7 days from the date for production specified in the subpoena, be inspected and, with the approval of a registrar, copied by each other party.

[Rule 48AF inserted: Gazette 26 Jul 2013 p. 3415; amended: Gazette 7 Sep 2018 p. 3190; SL 2023/209 r. 15.]

48AG. RSC Order 36B rule 10 modified: disposal of documents and things produced

(1) The RSC Order 36B rule 10 applies subject to —

(a) this rule; and

(b) the RSC Order 34 rule 14.

(2) The RSC Order 36B rule 10 applies as if subrule (3) were replaced by subrule (3) of this rule.

(3) The issuing party must attach to the front of a subpoena to produce to be served on the addressee —

(a) if the action is a personal injuries action and the addressee is a health professional, a hospital, or a person that manages the records of a health professional, a notice and declaration in the form of Form 4D; and

(b) otherwise, a notice and declaration in the form of Form 4E.

[Rule 48AG inserted: Gazette 26 Jul 2013 p. 3415-16.]

48AH. RSC Order 36B rule 11 modified: losses and expenses incurred in compliance

(1) The RSC Order 36B rule 11 applies, subject to this rule.

(2) Unless the Court orders, or the issuing party and the addressee agree, otherwise, when serving a subpoena to produce, the issuing party must pay to the addressee the amount of $80 for any loss or expense incurred in complying with it.

(3) This rule does not —

(a) affect the Court's power to make an order under the RSC Order 36B rule 11(1); or

(b) limit the amount that may be fixed under the RSC Order 36B rule 11(2).

[Rule 48AH inserted: Gazette 26 Jul 2013 p. 3416.]

48AI. Documents produced not to be disclosed

(1) This rule applies to a document produced —

(a) in response to a subpoena; or

(b) by a registrar under the RSC Order 36B rule 13.

(2) Except with the leave of the Court, a party must not disclose or use the document, or any information contained in the document, otherwise than for the purposes of the conduct of the proceedings in respect of which the subpoena was issued or the document was required under the RSC Order 36B rule 13(1), as the case may be.

(3) Subrule (2) does not apply to a document that has been received into evidence.

[Rule 48AI inserted: SL 2023/209 r. 16.]

Part 5B — Applications before trial

[Heading inserted: Gazette 10 Dec 2010 p. 6265.]

48A. Amending pleadings, RSC Order 21 modified

(1) The RSC Order 21 applies, subject to this rule.

[(2A), (2B) deleted]

(2) A party to a case cannot amend any of its pleadings, without the Court's leave, after whichever of the following happens first —

(a) a certificate is tendered under rule 43(3A)(a) in the case on behalf of any party; or

(b) the case is listed for trial.

(3) An application for leave to amend a pleading must be accompanied by an affidavit of the party making the application, or the legal practitioner representing the party, that sets out the facts —

(a) that have arisen since the time expired for amending a pleading without the Court's leave; and

(b) that ground the party's or the legal practitioner's argument that the amendment is necessary.

[(4) deleted]

[Rule 48A inserted: Gazette 31 Jul 2007 p. 3818; amended: Gazette 10 Dec 2010 p. 6265; 7 Sep 2018 p. 3190-1; SL 2022/108 r. 6; SL 2023/209 r. 17; SL 2025/148 r. 8.]

48B. Interlocutory applications after listing for trial

(1A) This rule does not apply to an interlocutory application to amend pleadings.

(1) If an application for an interlocutory order is filed after a case is listed for trial, the application must be accompanied by an affidavit of the party making the application or the legal practitioner representing the party.

(2) The affidavit is to set out the facts that ground the party's or the legal practitioner's argument that the order is necessary.

(3) Unless justice requires otherwise, the Court will not grant an application referred to in subrule (1) if to do so would necessitate adjourning the trial.

[Rule 48B inserted: Gazette 31 Jul 2007 p. 3818-19; amended: Gazette 7 Sep 2018 p. 3191; SL 2022/108 r. 6.]

Part 6 — Appeals to the Court

49. Terms used

In this Part, unless the contrary intention appears —

appealable decision means an award, a determination, a finding, a judgment or any other decision, that by virtue of a written law may be the subject of an appeal to the Court but not a decision of a registrar;

primary court in relation to an appealable decision, means the court, tribunal, person or body that made the decision;

WCIMA appeal means an appeal under the *Workers Compensation and Injury Management Act 2023* section 391(1).

[Rule 49 amended: Gazette 18 Nov 2011 p. 4812; SL 2024/80 r. 4.]

50. Appeal, nature of

(1) An appeal to the Court must be by way of a reconsideration of the evidence that was before the primary court unless the parties agree otherwise.

(2) At the hearing of an appeal a party must not adduce evidence that was not adduced in the primary court except with the leave of the Court.

(3) The Court is not to grant such leave unless satisfied there are special grounds for doing so.

(4) This rule is subject to the written law that provides for the appeal to be made to the Court.

[Rule 50 amended: Gazette 10 Dec 2010 p. 6266.]

51A. Time for appealing

Unless another written law provides otherwise, an appeal to the Court against an appealable decision must be commenced within 21 days after the date of the decision.

[Rule 51A inserted: Gazette 17 Jun 2011 p. 2162.]

51. Commencement of appeals

(1) To —

(a) commence an appeal (other than a WCIMA appeal) to the Court against an appealable decision; or

(b) apply for an extension of time within which to commence such an appeal,

the appellant must file these documents —

(c) a Form 6 (Appeal notice) that sets out the grounds for the appeal in accordance with subrule (3);

(d) any document required by subrule (2).

(2) If Form 6 says an extension of time within which to commence the appeal is needed, the form must be filed with an affidavit by the applicant or the applicant's legal practitioner or both explaining why the appeal was not commenced within time.

(3) The grounds of appeal in a notice of appeal must not merely allege that an appealable decision is against the weight of the evidence or that it is wrong in law, they must specify the particulars relied on to demonstrate that the decision is against the weight of the evidence and the specific reasons why it is wrong in law.

(4A) To —

(a) commence a WCIMA appeal to the Court against an appealable decision; and

(b) make an application for leave under the *Workers Compensation and Injury Management Act 2023* section 391(1),

the appellant must file a Form 8A (Appeal notice (WCIMA appeal)) that sets out the matters referred to in subrule (4B).

(4B) In Form 8A the appellant must state —

(a) the question of law the subject of the appeal; and

(b) the error alleged to have been made by the arbitrator; and

(c) the decision that the appellant claims should be made in relation to that question of law.

(4) Subject to the RSC Order 72 rule 4, an appeal notice or an appeal notice (WCIMA appeal) must be served on the respondent either personally or, if the respondent is in a prison, by sending it to the superintendent of the prison by ordinary prepaid post.

(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).

(5) If an appeal is made under the *Criminal Injuries Compensation Act 2003* Part 7 —

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

(a) the appeal notice and any other document filed in the appeal must be served on —

(i) the Chief Assessor of Criminal Injuries Compensation appointed under that Act; and

(ii) the State Solicitor's Office, on behalf of the chief executive officer of the department of the Public Service that principally assists the Minister in the administration of that Act;

and

(b) service of any document on the Chief Assessor of Criminal Injuries Compensation or the State Solicitor's Office under paragraph (a) may be effected by ordinary prepaid post.

(6) When an appeal notice or an appeal notice (WCIMA appeal) is served on a respondent, it must have attached to it a Form 8 (Notice of respondent's intention).

(7) As soon as practicable after complying with any requirement for service under this rule the appellant must file a Form 7 (Service certificate).

[Rule 51 amended: Gazette 10 Dec 2010 p. 6266; 17 Jun 2011 p. 2162-3; 18 Nov 2011 p. 4812-13; SL 2022/108 r. 6; SL 2024/80 r. 5; SL 2025/148 r. 9.]

52. Primary court to supply records when given notice

(1) In this rule —

primary court case means the action, case, matter or proceedings in the primary court in which the appealable decision was made.

(2) As soon as practicable after an appeal notice or an appeal notice (WCIMA appeal) is filed in respect of an appealable decision, a legally qualified registrar must give the primary court concerned a copy of it.

(3) As soon as practicable after being given the copy of the appeal notice or an appeal notice (WCIMA appeal), the primary court must give the Court a copy of the following documents —

(a) any record that has been filed or filed with the primary court as required by law and that forms part of the court's record of the primary court case;

(b) any record admitted as evidence in the primary court case together with a list of them and the exhibit numbers given to them by the primary court;

(c) any record tendered in the primary court case but not admitted as evidence in the case together with a list of them and any numbers given to them by the primary court;

(d) the transcript of the proceedings in the primary court case or the notes made by the judicial officer who presided at the proceedings;

(e) the primary court's decision in the primary court case and any written reasons given for it;

(f) any other record held by the primary court that is or may be relevant to the appeal.

(4) Any copy of a document given by the primary court to the Court need not be certified by the primary court.

(5) If any of the documents given to the Court contains information to which access by any person is or should be restricted, the primary court must advise the Court.

(6) A legally qualified registrar may —

(a) request a primary court to comply with subrule (3) by a date set by the registrar;

(b) decide any question that arises about what must be sent to the Court under subrule (3).

(7) The documents given to the Court form part of the District Court's record.

[Rule 52 amended: Gazette 31 Jul 2007 p. 3819; 17 Jun 2011 p. 2163; 18 Nov 2011 p. 4813.]

53. Appeal, responding to

(1) On being served with an appeal notice or an appeal notice (WCIMA appeal), a respondent may file a Form 8 (Notice of respondent's intention).

(2) If the respondent files a Form 8, it must be filed within 21 days after the date on which the respondent is served with the appeal notice or an appeal notice (WCIMA appeal).

(3) If a respondent intends to seek to uphold the appealable decision on grounds other than those relied on by the primary court that made it, or to vary the decision, or to cross-appeal, the respondent must include in the Form 8 the grounds for doing so.

(4) The Notice of respondent's intention must —

(a) if the respondent seeks to uphold the appealable decision on grounds other than those relied on by the primary court that made it, state the grounds for doing so;

(b) if the respondent seeks to vary the appealable decision, state the grounds for doing so;

(c) if the respondent is cross-appealing —

(i) set out the particulars of the appealable decision or that part of it to which the cross-appeal relates; and

(ii) state the grounds of the cross-appeal.

(5) Rule 51(3) applies to the grounds of a cross-appeal as it does to the grounds of an appeal.

(6) If a respondent does not file a Form 8 within the 21 days or any extension of that period ordered by the Court, the respondent is not entitled to take part or be heard in the appeal and is not a party to the appeal for the purposes of these rules.

[Rule 53 amended: Gazette 31 Jul 2007 p. 3819; 10 Dec 2010 p. 6266; 17 Jun 2011 p. 2163; 18 Nov 2011 p. 4813-14; 26 Jul 2013 p. 3416.]

*[**54.** Deleted: Gazette 17 Jun 2011 p. 2164.]*

55. Directions hearing

(1) The appellant and each respondent that has filed a Form 8 (Notice of respondent's intention) in an appeal must attend a directions hearing on the date specified in the appeal notice or an appeal notice (WCIMA appeal).

(2) At the directions hearing a legally qualified registrar may grant leave under the *Workers Compensation and Injury Management Act 2023* section 391(1).

(3) At the directions hearing a legally qualified registrar may make any order or direction that in his or her opinion will or may facilitate the appeal being conducted efficiently, economically and expeditiously, including —

(aa) granting leave under the *Workers Compensation and Injury Management Act 2023* section 391(6) or making an order under section 392(1) of that Act; and

(a) an order giving leave under rule 56; and

(b) directions as to how the material necessary to determine the appeal is to be presented; and

(c) directions as to the preparation of appeal books, including directions as to the inclusion of some or all of a certified copy of the transcript of the proceedings in the primary court, or of a certified copy of the notes of such proceedings taken by the presiding official; and

(d) directions fixing a timetable for interlocutory applications; and

(e) directions setting the date, time and length of time for the hearing of the appeal; and

(f) any order under rule 57, other than under paragraphs (h) or (j) of that rule.

[Rule 55 amended: Gazette 31 Jul 2007 p. 3819; 17 Jun 2011 p. 2164; 18 Nov 2011 p. 4814; SL 2024/80 r. 6.]

56A. Dismissing appeals for want of prosecution

If the fee payable under the *District Court (Fees) Regulations 2002* for the allocation of a hearing date for an appeal is not paid within 14 days after the date on which the hearing date is set —

(a) the Court will not hear the appeal on that hearing date; and

(b) the parties to the appeal must attend a directions hearing before a registrar on the date of that hearing date; and

(c) the registrar may dismiss the appeal for want of prosecution.

[Rule 56A inserted: Gazette 17 Jun 2011 p. 2164; amended: SL 2025/148 r. 10.]

56. New grounds of appeal etc. only with leave

Except with the leave of the Court, a party to an appeal is not entitled to seek any relief or rely on any ground that is not set out in the notice of appeal or the answer, as the case may be.

57. Court's powers as to appeals

(1) This rule is subject to the written law that provides for the appeal to be made to the Court.

(2) Before or during the hearing of an appeal, the Court, on application or, after notifying the parties, on its own initiative, and on any terms needed, may —

(a) order a stay of execution of any appealable decision against which an appeal (other than a WCIMA appeal) has been, or the Court is satisfied will be, commenced;

(b) order the notice of appeal or an answer, or any part of it, to be struck out;

(c) order the appeal to be conducted at a different registry;

(d) order the appeal be heard at a different place;

(e) order 2 or more appeals to be consolidated;

(f) order the notice of appeal or an answer to be served on a person who is not a party to the appeal;

(g) order substituted service of any document;

(h) give leave under rule 50(2);

(i) give leave under rule 56;

(j) make orders as to the admission or otherwise of evidence in an affidavit;

(k) give leave or make an order under rule 58;

(l) dismiss an appeal for want of prosecution;

(m) adjourn the hearing of the appeal;

(n) adjourn the appeal to a further direction hearing before a Registrar under rule 55.

(3) Before or during the hearing of a WCIMA appeal, the Court may —

(a) grant leave under the *Workers Compensation and Injury Management Act 2023* section 391(1); or

(b) grant leave under section 391(6) or make an order under section 392(1) of that Act.

[Rule 57 amended: Gazette 18 Nov 2011 p. 4814; 26 Jul 2013 p. 3417; SL 2024/80 r. 7.]

58A. Orders in appeals, applying for

(1) At any time before an appeal is concluded, a party to an appeal may apply for an order in the appeal or an order amending or cancelling an order in the appeal in —

(a) a Form 8A (Appeal notice (WCIMA appeal)); or

(b) a Form 8 (Notice of respondent's intention); or

(c) a Form 9 (Application in an appeal).

(2) A party making an application under subrule (1) must file, and serve on each other party, together with the form by which the application is made —

(a) an affidavit by the applicant or the applicant's legal practitioner or both explaining why the interim order is wanted; and

(b) a document setting out the proposed order,

unless —

(c) these rules provide otherwise; or

(d) another written law provides otherwise; or

(e) a judge or legally qualified registrar orders otherwise.

[Rule 58A inserted: Gazette 17 Jun 2011 p. 2164-5; amended: Gazette 18 Nov 2011 p. 4815; SL 2022/108 r. 6.]

58B. Consenting to orders

The parties to an appeal may consent to an order being made by the court by filing a Form 10 (Consent notice).

[Rule 58B inserted: Gazette 17 Jun 2011 p. 2165.]

58. Discontinuance

(1) Unless subrule (3) applies, if no respondent has filed an answer that seeks to vary the appealable decision or cross-appeals, the appellant, without the Court's leave, may discontinue an appeal at any time before it is heard.

(2) Unless subrule (3) applies, if a respondent has filed an answer that seeks to vary the appealable decision or cross-appeals, then at any time before it is heard —

(a) the appellant may discontinue the appeal with the consent of the respondent; and

(b) the respondent may discontinue the application to vary, or the cross-appeal, with the consent of the appellant.

(3) An appeal commenced by, or an answer filed by, a person under a disability may only be discontinued with the leave of the Court which may make any consequential order needed, including an order as to costs and the disposal of money paid to the Court as security for costs.

(4) A party wishing to discontinue must file and serve a Form 11 (Discontinuance notice) together with any consent of another party required by subrule (2).

(5) In the case of a discontinuance under subrule (1), the appellant must pay the respondent's costs to the date of discontinuance unless the parties agree otherwise.

(6) In the case of a discontinuance under subrule (2), unless the parties agree, or the Court orders, otherwise —

(a) if the appellant discontinues, the appellant must pay the respondent's costs to the date of discontinuance;

(b) if the respondent discontinues, the respondent must pay the appellant's costs to the date of discontinuance.

(7) Unless subrule (3) or rule 61A applies, money paid to the Court as security for costs is to be disposed of in accordance with a filed written agreement of the parties or, in the absence of an agreement, an order of the Court.

(8) If the parties cannot agree the amount of costs, they are to be taxed.

[Rule 58 amended: Gazette 17 Jun 2011 p. 2165; 31 Dec 2013 p. 6554.]

59. Costs

(1) The awarding of the costs of and incidental to an appeal is in the discretion of the Court.

(2) On determining an appeal the Court may fix the amount of costs but otherwise they are to be taxed in accordance with the *Legal Profession Uniform Law Application Act 2022* section 141.

(3) On determining an appeal, the Court may make any order as to any money paid to the Court as security for costs that is just having regard to any order made as to costs.

(4) If the Court does not make an order under subrule (3), a legally qualified registrar may make such an order at any time.

[Rule 59 amended: Gazette 31 Jul 2007 p. 3819; 10 Dec 2010 p. 6266; 7 Sep 2018 p. 3191; SL 2022/108 r. 5.]

60. Final orders on appeal

(1) A legally qualified registrar must settle any order made on determining an appeal.

(2) A legally qualified registrar must send a copy of any order made on determining an appeal to the primary court registrar together with a copy of the judgment given on appeal and the reasons for it.

[Rule 60 amended: Gazette 31 Jul 2007 p. 3819.]

61A. Return of security for costs deposit

(1) In this rule —

concluded, in relation to an appeal, means decided, dismissed or discontinued;

former security for costs provision means —

(a) rule 51(5) or 53(6) of these rules as in force before the day on which the *District Court Amendment Rules 2010* rules 9 and 10 came into operation; or

(b) the repealed *District Court Rules 1996* Order 8 rule 6 or 10; or

(c) the repealed *District Court (Appeal) Rules 1977* rule 7 or 11;

security for costs deposit means an amount paid by a party to the Court as security for the costs of an appeal.

(2) This rule applies to a security for costs deposit paid under —

(a) an order of the Court; or

(b) a former security for costs provision.

(3) The Court must return the security for costs deposit to the party who paid the deposit if —

(a) the appeal to which the deposit relates —

(i) has not concluded, but no action has been taken on the appeal for 12 months; or

(ii) has concluded, and within 12 months after the day on which the appeal concluded the Court made no order, and the parties did not file a written agreement, as to the disposal of the deposit (whether under these rules, the repealed *District Court Rules 1996* or the repealed *District Court (Appeal) Rules 1977*);

and

(b) no claim has been made on the deposit.

[Rule 61A inserted: SL 2020/18 r. 4.]

Part 7 — Hearings and trials

61. Outline of submissions etc. for certain hearings

[(1) deleted]

(2) This rule applies to the following hearings —

(a) the hearing of an application that a judge or a registrar has ordered to be subject to this rule because it involves complex or difficult issues;

(b) unless in a particular case the Court orders otherwise —

(i) a special appointment in judge's or registrar's chambers;

(ii) the hearing of an appeal from a registrar of the Court;

(iii) the hearing of an appeal to the Court;

(iv) the hearing of an application made under the *Prohibited Behaviour Orders Act 2010* section 5.

(3) A judge or a registrar may make an order under subrule (2)(a) on his or her own initiative, or on an application by a party.

(4) At least 7 clear working days before the date of the hearing, each party must file and immediately serve a list of all documents, including any affidavits, on which the party intends to rely or to which the party intends to refer at the hearing.

(5) At least 2 clear working days before the date of the hearing, each party must file and immediately serve an Outline of submissions as described in rule 45H(2) to (6) and the reference in rule 45H(3)(a) to the trial is to be read as a reference to the hearing.

[Rule 61 amended: Gazette 31 Jul 2007 p. 3819-20; 17 Jun 2011 p. 2153.]

Part 8 — *Civil Judgments Enforcement Act 2004* rules

62. Terms used

In this Part, unless the contrary intention appears —

Act means the *Civil Judgments Enforcement Act 2004*;

section means a section of the Act.

63. Applications etc. that may be dealt with by a registrar

(1) Each of the following applications and requests, if made to the Court, may be dealt with by a registrar —

(a) an application made under a section listed in the Table to this subrule;

(b) an application for an order under section 10, 15(5)(a) or 20(3);

(c) an application for leave under section 13(1)(a).

Table

s. 15(1)	s. 41(2)	s. 59(1)
s. 27	s. 42(1)	s. 69(2)
s. 28	s. 49(1)	s. 95(1)
s. 32	s. 55(2)	s. 101(1)
s. 33	s. 56(1)	s. 102(2)
s. 35(1)	s. 58(1)	s. 103(2)

(2) A registrar who is dealing with an application or request may exercise any power conferred by the Act on the Court in respect of the application.

(3) A registrar may conduct a means inquiry under section 30 and for that purpose exercise any power in section 30 or 31.

[Rule 63 amended: SL 2025/148 r. 11.]

64. Registrar's decision, review of

For the purposes of section 9, Part 2 Division 3 of these rules, with any necessary changes, applies for the purpose of any review of a registrar's decision under the Act.

Part 9 — *Misuse of Drugs Act 1981* rules

65. Terms used

In this Part, unless the contrary intention appears —

Act means the *Misuse of Drugs Act 1981*;

application means an application under section 28(3)(b);

claimant has the same meaning as in section 28(2);

DPP means the Director of Public Prosecutions for the State;

respondent means —

(a) in the case of an application made by a claimant, the DPP;

(b) in the case of an application made by any other person, any claimant;

section means a section of the Act.

66. Applications, how they are to be made

(1) An application to the Court under section 28(3)(b) must be made by filing and serving a notice of motion.

(2) The notice of motion must set out clearly and concisely the grounds on which the application is made and must include the applicant's address for service.

(3) When, or within 7 days after, the notice of motion is filed, the applicant must file and serve an affidavit setting out the facts relied on to support the application.

(4) The notice of motion must be made returnable before a judge in open court on a date, set by the Court, that is at least 21 days after the date on which the notice is filed unless —

(a) the respondent consents in writing to an earlier hearing and the consent is filed with the notice; or

(b) the Court orders the notice to be heard earlier.

(5) A respondent who is a police officer may be served by serving the DPP.

67. Respondent's rights and obligations

(1) A respondent is entitled to be heard on the application.

(2) A respondent who intends to be heard on an application must file and serve a notice of intention to appear that includes the respondent's address for service.

(3) A respondent who has complied with subrule (2) may file an affidavit in reply to any affidavit filed in support of the application, and must serve any such affidavit in reply.

68. Court may order parties to be added

If at any time during proceedings on an application it appears to the Court that a person who is not a party to the proceedings has an interest in the property concerned, the Court on the application of a party (which may be made ex parte) or on its own initiative may order the person to be made a party.

69. Deponents to attend for cross examination

(1) If the Court so orders or another party so requests, a party that has filed an affidavit in connection with an application must ensure that the person who made the affidavit attends the hearing of the application in order to be cross examined.

(2) If the person who made the affidavit does not attend, his or her affidavit is inadmissible except with the leave of the Court.

70. Evidentiary matters

(1) If a party to an application has been convicted after pleading guilty —

(a) any statement of a witness that complies with *Criminal Procedure Act 2004* Schedule 3 clause 4 and that has been disclosed under section 42 or 95 of that Act; and

(b) any recording of a witness's evidence that has been made in accordance with Schedule 3 clause 6 of that Act and that has been disclosed under section 42 or 95 of that Act,

in the prosecution of the party is admissible at the hearing of the application.

(2) If a party to an application has been convicted after trial, the transcript of the oral evidence, and any other evidence, admitted at the trial is admissible at the hearing of the application.

(3) With the leave of the Court, the evidence referred to in subrule (2) may be supplemented by oral evidence at the hearing or by an affidavit admitted in evidence at the hearing.

Part 10A — *Prohibited Behaviour Orders Act 2010* rules

[Heading inserted: Gazette 17 Jun 2011 p. 2154.]

71A. Terms used

(1) In this Part, unless the contrary intention appears —

Act means the *Prohibited Behaviour Orders Act 2010*;

section means a section of the Act.

(2) If a term used in this Part is defined in the Act, it has the same meaning in this Part as it has in the Act, unless the contrary intention appears.

[Rule 71A inserted: Gazette 17 Jun 2011 p. 2154.]

71B. Application under Act s. 5, how to make

(1) Before making an application under section 5 for a PBO, the prosecutor must —

(a) complete a Form 4 in accordance with subrule (2); and

(b) submit the original and 2 copies of the completed Form 4 to a registry; and

(c) after the registry returns those documents bearing the hearing details and the Court's seal, retain them until the application is made under subrule (3).

(2) An application for a PBO must state the following —

(a) the constraints the applicant wants the Court to specify in the PBO under section 10;

(b) the period of the PBO the applicant wants the Court to specify in the PBO under section 12.

(3) To make an application under section 5 for a PBO, the prosecutor must —

(a) give the original of a sealed Form 4, completed in accordance with this rule, to the judge presiding at the

hearing at which the accused person (the ***respondent***) is to be sentenced; and

(b) give a copy of that document to the respondent personally at that hearing.

(4) As soon as practicable after an application made under section 5 is adjourned, a registrar must give the respondent a copy of it in accordance with section 33.

(5) Within 14 days after the date on which an application for a PBO is made, the applicant must file and serve an affidavit in support of the application.

(6) Unless the Court permits otherwise, the supporting affidavit must state the following —

(a) details of the respondent's convictions of relevant offences on which the applicant relies to allege the respondent is a person described in section 8(2)(a);

(b) if any such conviction is of a relevant offence that is not a prescribed offence, the material facts of the offence;

(c) details of the matters listed in section 9(3)(a), (c), (e) and (f);

(d) any other facts on which the applicant intends to rely in support of the application.

(7) Unless the Court permits otherwise, the supporting affidavit must refer to and have attached to it each of these documents —

(a) the respondent's criminal record;

(b) any order referred to in section 9(3)(d) that is in force against the respondent;

(c) any order listed in section 10(7) that is in force against the respondent.

[Rule 71B inserted: Gazette 17 Jun 2011 p. 2154-5.]

71C. Application under Act s. 21, how to make

To make an application under section 21 to vary or cancel a PBO, a person must file the original and 2 copies of —

(a) a completed Form 5; and

(b) an affidavit in support of the application.

[Rule 71C inserted: Gazette 17 Jun 2011 p. 2155.]

71D. Responding to applications

(1) The respondent to an application made under section 5 or 21 may file an affidavit in response to the affidavit filed in support of the application.

(2) Any such affidavit must be —

(a) filed within 21 days after the date on which the respondent is served with the affidavit filed in support of the application; and

(b) served on the applicant at least 5 clear days before the hearing of the application.

[Rule 71D inserted: Gazette 17 Jun 2011 p. 2155.]

71E. Corrected PBO, registrar's duties as to

If a PBO is corrected under section 25, a registrar must cause a copy of the corrected PBO to be given —

(a) to each party to the PBO proceedings; and

(b) to the Commissioner of Police.

[Rule 71E inserted: Gazette 17 Jun 2011 p. 2155.]

Part 10 — Miscellaneous

71F. Term used: court record

In this Part —

court record in respect of a case, means —

(a) any record or thing held by the Court in respect of the case; and

(b) the transcript of proceedings in the case before the Court.

[Rule 71F inserted: Gazette 31 Dec 2013 p. 6554-5.]

71. Access to records and things (registry)

(1) This rule does not apply to searches for, and inspections of, Court documents and information using the website called the eCourts Portal of Western Australia.

(1A) Any person is entitled, on payment of the prescribed fee, to search for, inspect and receive a copy of any of the following Court documents or information in a case —

(a) the identity of the parties to a case;

(b) the identity of the parties' legal practitioners;

(c) the date on which the case commenced;

(d) the date and time of a hearing in the case;

(e) a writ and the statement of claim (if any) endorsed on it under the RSC Order 6 rule 3;

(f) an index of documents filed in a registry;

(g) a judgment or order of the Court.

(1B) Subrule (1A) does not apply in relation to any document filed, or any judgment or order made, in any proceedings under the *Surveillance Devices Act 1998*.

(2) An application made under subrule (3), (5) or (6) must be in writing and set out the grounds of the application.

(2a) After receiving an application made under subrule (3), (5) or (6) the Court may, in writing, direct the applicant to provide additional information in the form of an affidavit.

(2b) The Court is not required to deal with an application if the applicant fails to comply with a direction under subrule (2a).

(3) A person may apply to the Court for an order that prohibits or restricts access to, or the publication or possession of, all or any part of the court record in respect of a case by a person or class of persons.

(4) A party to a case is entitled, at no charge, to inspect and obtain a copy of any part of the court record in respect of the case other than the transcript.

(5) A party to a case whose access to any part of the court record in respect of the case is restricted may apply to the Court for permission to inspect or obtain a copy of it.

(6) A person who is not a party to a case may apply to the Court for permission to inspect or obtain a copy of all or a part of the court record not referred to in subrule (1A) in respect of the case.

(7) The Court may grant an application made under subrule (5) or (6) if satisfied —

(a) the applicant has sufficient cause to inspect or obtain the record in question; and

(b) that access to or possession of the record by the applicant would be lawful.

(8) An order made on an application made under subrule (5) or (6) may include —

(a) an order that the applicant pay or make arrangements to pay the cost of supplying any copy of a court record;

(b) conditions on which the applicant may inspect or obtain a copy of court record.

(9) The Court may determine the cost of making and supplying a copy of a court record.

(10) This rule does not entitle a person to search, inspect or obtain information, including a copy of any part of a document that contains information, that the person is prevented by a written law, an order made under a written law, or an order of a court from possessing.

[Rule 71 amended: Gazette 31 Jul 2007 p. 3820; 10 Dec 2010 p. 6266-7; 31 Dec 2013 p. 6555; 16 Mar 2018 p. 921; 7 Sep 2018 p. 3191; SL 2022/108 r. 6.]

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

(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) A registered user is entitled to search for, and inspect electronic copies of, any of the following Court documents or information in a case, whether or not the registered user is a party to the case —

(a) the identity of the parties to a case;

(b) the identity of the parties' legal practitioners;

(c) the date on which the case commenced;

(d) the date and time of a hearing in the case;

(e) an index of documents filed in a registry.

(3) A registered user who is a party to the case is entitled to search for, and inspect electronic copies of, any of the following Court documents or information in that case —

(a) documents filed electronically;

(b) judgments or orders made by the Court.

(4) This rule does not entitle a person to search, inspect or obtain information, including a copy of any part of a document that contains information, that the person is prevented by a written law, an order made under a written law or an order of a court from possessing.

[Rule 72 inserted: Gazette 31 Dec 2013 p. 6555-6; amended: Gazette 16 Mar 2018 p. 921; SL 2022/108 r. 6.]

Part 11 — Transitional and savings provisions

[Heading inserted: Gazette 31 Jul 2007 p. 3820.]

73. Terms used

In this Part —

commencement means the coming into operation of the *District Court Amendment Rules 2007*;

former rules means the *District Court Rules 2005* as enacted before being amended by the *District Court Amendment Rules 2007*.

[Rule 73 inserted: Gazette 31 Jul 2007 p. 3820.]

74. Cases to which former rules apply

If immediately before the commencement a case is listed for trial or the trial of a case is being conducted, then the former rules apply to and in respect of the case.

[Rule 74 inserted: Gazette 31 Jul 2007 p. 3820.]

75. Outline of submissions for certain hearings

If immediately before the commencement —

(a) a judge or a registrar has ordered under rule 61(2) that a hearing of an application is to be subject to rule 61; and

(b) the hearing has not been held but is due to be held within 7 days,

then rule 61(1), (5) and (6) of the former rules applies to and in respect of the hearing.

[Rule 75 inserted: Gazette 31 Jul 2007 p. 3821.]

Schedule 1 — Forms

[r. 3]

1AA. Memorandum of appearance (r. 22A)

District Court of Western Australia Held at Perth [1]		Action No: **Memorandum of appearance**
Parties		Plaintiff Defendant
Enter an appearance for the *Defendant/Third party/ *delete inapplicable or add further party title		
Date of filing		
Disclosure pursuant to RSC Order 9A		
Identity of any person who is an interested non-party (If applicable: see *Rules of the Supreme Court 1971* Order 9A rule 2 and *District Court Rules 2005* rule 22A(3))		
Service and contact details		
Geographical address of party (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 party or legal practitioner	Party/ legal practitioner	Date of signing:

Note to Form 1AA —

1. If not held at Perth, state the location of the relevant registry.

[Form 1AA inserted: Gazette 26 Jul 2013 p. 3417-18; amended: Gazette 31 Dec 2013 p. 6556; SL 2022/108 r. 6; SL 2025/148 r. 12.]

[Form 1AB deleted: Gazette 7 Sep 2018 p. 3191.]

1A. Affidavit (r. 23A)

District Court of Western Australia Held at Perth [1A]		Appeal No: **Affidavit** [1]
Parties		
Person making affidavit		
Date of filing		
Date made		
Purpose [2]		
Filed by	[*Party*]	
Index [3]	Contents	Page
	1. Affidavit of Vincent van Gogh *2. Attachment VVG 1–M J Citizen's birth certificate* *3. Attachment VVG 2–Letter from J Smith to T Jones dated 3 March 1999*	*1* *7* *8*

Page 1 [4]

I, [*name, address and occupation of person making the affidavit*], [*insert words of oath or affirmation in accordance with the* Oaths, Affidavits and Statutory Declarations Act 2005] as follows —

1. [*insert content of affidavit in numbered paragraphs*]
2.

This affidavit is [*sworn/affirmed*] by [*name of person making the affidavit*] in the presence of an authorised witness at [*place*] on [*date*].

[*Signature of person making the affidavit*]

[*Signature of authorised witness*]
Authorised witness
[*Name of authorised witness*]
[*Qualification of authorised witness*] [5]

Notes to Form 1A —

1A. If not held at Perth, state the location of the relevant registry.

1. The affidavit must comply with the RSC Order 37.

2. Example: To support summons by plaintiff dated 1 May 2010 for summary judgment.
3. The index must comply with the RSC Order 37 rule 2(7). Form 1A contains in italics an example of an index.
4. Page 1 must be on a separate sheet of paper from the above.
5. The *Oaths, Affidavits and Statutory Declarations Act 2005* Part 3 sets out the requirements for affidavits and who are authorised witnesses for affidavits.

[Form 1A inserted: Gazette 17 Jun 2011 p. 2156; amended: Gazette 26 Jul 2013 p. 3420.]

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)	

Form 1B

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.

[Form 1B inserted: SL 2025/148 r. 13.]

1C. Notification of contact and service information (r. 23C)

District Court of Western Australia Held at Perth [1]		Application No:
		Notification of contact and service information
Parties	Applicant Respondent	
Date of filing		
Service and contact details		
Geographical address of applicant (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)		

Form 1C

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 applicant or legal practitioner	Party/ legal practitioner	Date of signing:

Note to Form 1C —

1. If not held at Perth, state the location of the relevant registry.

[Form 1C inserted: Gazette 31 Dec 2013 p. 6558-9; amended: SL 2022/108 r. 6; SL 2025/148 r. 14.]

1. Entry for trial (r. 37)

District Court of Western Australia Held at Perth [1]		Action No:
		Entry for trial
Matter	[*Names of all parties*]	
Date of filing		
Certificate	The [*party*] certifies that — • each party has given discovery to, and permitted inspection by, each other party; • all requests for answers to interrogatories have been answered or validly objected to (delete if inapplicable); • each party has complied with all case management directions and orders made by the Court; • the [*party*] does not require any other interlocutory orders to be made; • the [*party*] has complied with Part 5A; • the [*party*] has complied with the *District Court Rules 2005* rule 36(1); • the [*party*] has complied with the *District Court Rules 2005* rule 45C; • the [*party*] has complied with the *District Court Rules 2005* rule 45D (delete if inapplicable).	
Entry for trial	The [*party*] enters this matter for trial.	
Has the requirement to attend a pre-trial conference		

been dispensed with? [2]				
Unavailable dates	The parties are not available for a pre-trial conference on these dates:			
Date of pre-trial conference / directions hearing / listing conference [3]	Date: Time: Place: District Court Building, 500 Hay Street, Perth [1]			
Information about the pre-trial conference	All parties are required to attend the pre-trial conference in person accompanied by their respective legal practitioners . Where a party is a body corporate it must attend by an agent who is authorised by the body corporate to conduct settlement negotiations and settle the case. At the pre-trial conference, the parties must, in good faith, attempt to settle the case or, failing settlement, to resolve as many of the issues between them as possible and to identify the issues to be tried. If the action is settled before the pre-trial conference please immediately notify the Court that this has occurred.			
Contact details of party or legal practitioner	Name			
	Firm			
	Address			
	Phone		Fax	
	Email			
	Reference			
			Date of signing:	

Signature of person making this certification	Name of person making this certification	

Notes to Form 1 —

1. If not held at Perth, state the location of the relevant registry.
2. If it has, specify the date of the order.
3. The Court will complete this row when the entry for trial notice is filed. If a listing conference or directions hearing has already been allocated, insert this information into the hearing details.

[Form 1 inserted: Gazette 31 Dec 2013 p. 6560-1; amended: Gazette 7 Sep 2018 p. 3191; SL 2022/108 r. 6.]

Form 2

2. Notice of default (entry for trial) (r. 38)

District Court of Western Australia Held at Perth [1]		Action No: **Notice of default (entry for trial)**
Matter	[*Names of all parties*]	
Notice to all parties	**The plaintiff has not entered this action for trial as required.** **Unless the plaintiff enters this action for trial on or before [*date*], this action will become inactive.** **Despite the above, any party other than the plaintiff may now enter this action for trial, and may do so even if the action has become inactive.**	
Seal of Court		Date:

Note to Form 2 —

1. If not held at Perth, state the location of the relevant registry.

[Form 2 amended: Gazette 26 Jul 2013 p. 3421.]

3. Outline of submissions (r. 45H, 61)

District Court of Western Australia Held at Perth [1]		Action No: **Outline of submissions**
Matter	[*Names of all parties*]	
Party filing outline	[*Name of party filing outline and whether plaintiff or defendant, appellant or respondent*]	
Date of filing		
Notice *Delete if inapplicable	Attached to this form are these documents in this order — • Submissions; and • Legal authorities; and • *List of orders wanted; and • *Draft chronology.	
Signature of party or legal practitioner	..... Party/[*Party's*] legal practitioner	Date:

Note to Form 3 —

1. If not held at Perth, state the location of the relevant registry.

[Form 3 inserted: Gazette 31 Jul 2007 p. 3822; amended: Gazette 26 Jul 2013 p. 3422; SL 2022/108 r. 6.]

Form 4A

4A. Subpoena to attend to give evidence (r. 48AB)

<table>
<tr><td colspan="3">District Court of Western Australia
Held at Perth [1]</td><td colspan="3">Action No:
Subpoena to attend to give evidence</td></tr>
<tr><td>Parties</td><td colspan="5">Plaintiff
Defendant</td></tr>
<tr><td>To:
[Full name and address of addressee]</td><td colspan="5"></td></tr>
<tr><td>Warning</td><td colspan="5">Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.</td></tr>
<tr><td>Notes</td><td colspan="5">Please read the information in the Notice to addressee (Form 4B) which accompanies this subpoena.</td></tr>
<tr><td>Date of issue</td><td></td><td colspan="2">Last date for service</td><td colspan="2"></td></tr>
<tr><td>Order</td><td colspan="5">You are ordered to attend to give evidence on the date, and at the time and place, specified below unless you receive notice in writing of a later date or time from the issuing party, in which case the later date or time is substituted:
Date:
Time:
Place:

You must continue to attend from day-to-day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.</td></tr>
<tr><td>Issuing details</td><td colspan="3">Issued at the request of [name of party], whose service details are:</td><td colspan="2">Seal of the Court</td></tr>
</table>

Note to Form 4A —

1. If not held at Perth, state the location of the relevant registry.

[Form 4A inserted: Gazette 26 Jul 2013 p. 3422-3.]

4B. Subpoena notice — evidence (r. 48AB)

District Court of Western Australia Held at Perth [1]	Action No: **Subpoena notice — evidence**
Parties	Plaintiff Defendant

Notice to addressee

Contempt of court — arrest

1. Attached to this notice is a subpoena issued by the District Court of Western Australia, requiring you to attend Court to give evidence. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

2. Note 1 does not limit any power of the Court, under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who fails to attend in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

Last day of service

3. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

4. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Conduct money

5. You need not comply with it unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

Losses or expenses incurred in compliance

6. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

Note to Form 4B —

1. If not held at Perth, state the location of the relevant registry.

[Form 4B inserted: Gazette 26 Jul 2013 p. 3423-5.]

4C. Subpoena to produce documents (r. 48AB)

<table>
<tr><td colspan="2">District Court of Western Australia
Held at Perth [1]</td><td colspan="3">Action No:
Subpoena to produce</td></tr>
<tr><td>Parties</td><td colspan="4">Plaintiff
Defendant</td></tr>
<tr><td>To:
[Full name and address of addressee]</td><td colspan="4"></td></tr>
<tr><td>Warning</td><td colspan="4">Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.</td></tr>
<tr><td>Notes</td><td colspan="4">Please read the information in the Notice to addressee (Form 4D or Form 4E as applicable) which accompanies this subpoena.</td></tr>
<tr><td>Date of issue</td><td></td><td>Last date for service</td><td colspan="2"></td></tr>
<tr><td>Date of production</td><td colspan="4">The date applies unless you receive notice in writing of a later date or time from the issuing party, in which case the later date or time is substituted.</td></tr>
<tr><td>Order</td><td colspan="4">You must comply with this subpoena —
(a) by attending to produce 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 on the date of production:
Place: District Court of Western Australia
500 Hay Street
Perth, Western Australia [2]
OR</td></tr>
</table>

	(b) 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 registrar at the address below, so that they are received not less than 2 clear days before the date of production: The Registrar District Court of Western Australia 500 Hay Street PERTH WA 6000 [2] 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.	
Schedule [If insufficient space attach list]	The documents or things you must produce are as follows:	
Issuing details	Issued at the request of [*name of party*], whose service details are:	Seal of the Court

Notes to Form 4C —
1. If not held at Perth, state the location of the relevant registry.

2. If the documents or things are to be produced to a registry other than at Perth, state the address of the relevant registry.

[Form 4C inserted: Gazette 26 Jul 2013 p. 3425-6; amended: SL 2024/6 r. 5.]

4D. Subpoena notice and declaration — documents or things (r. 48AG)

District Court of Western Australia Held at Perth [1]	Action No: **Subpoena notice — documents or things**
Parties	Plaintiff Defendant

Notice to addressee

(To a health professional, hospital or person that manages the records of a health professional)

Contempt of court — arrest

1. Attached to this notice is a subpoena issued by the District Court of Western Australia, requiring you to produce documents (or things) as described to the Court on or before the date indicated (the return date). Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

2. Note 1 does not limit any power of the Court, under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who fails to attend in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

Attached declaration in relation to copies

3. At the same time as complying with the subpoena, you are also required to complete the declaration at the end of this notice and attach it to the subpoena or copy of the subpoena that accompanies the documents or things produced to the Court under the subpoena.

Last day for service

4. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

5. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

6. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Compliance with subpoena

7. Instead of attending to produce the subpoena or a copy of it and the documents or things, you may comply with the 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.

Production of copy instead of original

8. Unless the subpoena specifically requires production of the original of a document, you may comply with the subpoena by producing a copy of the document.

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.

Production of a number of documents or things

10. If you produce more than one document or thing, you must, if requested by the registrar, produce a list of the documents or things produced.

Inspection and copying

11. Unless the Court otherwise orders, the following will apply to the documents and things produced —

(a) the plaintiff will be permitted to inspect and copy the subpoenaed documents as soon as they are received by the Court; and

(b) the other parties will be permitted to inspect the documents at any time after 7 days from the date on which production is due under the subpoena and, with the approval of a registrar, copy the documents.

[12. deleted]

Objections

13. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Principal Registrar in writing of your objection and of the grounds of your objection.

14. If your objection relates to timeframes and/or access, any dispute may be resolved by way of correspondence with a registrar.

15. If your objection raises substantive issues concerning the ambit of the subpoena, for example claims of privilege, these will be referred for determination by the Court.

16. You have the right to apply to the Court —

    (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and

    (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing to which the subpoena applies.

Losses or expenses incurred in compliance [2]

17. When you were served with the subpoena, you also received the amount of $80 for your reasonable losses or expenses incurred in complying with the subpoena. The receipt of this amount does not affect your right to apply to the Court for a higher amount to be fixed. If you wish to claim that your reasonable costs of compliance are higher than $80, you should make a claim in writing to the issuing party. If you are not able to resolve your claim with the issuing party, you should send a copy of your claim and any other relevant correspondence to the Principal Registrar. The Principal Registrar will make arrangements for your claim to be assessed by the Court.

District Court of Western Australia Held at Perth [1]	Action No: **Subpoena declaration**
Parties	Plaintiff Defendant

Declaration by addressee

You are required to:

- Tick the relevant option below.
- If originals are to be returned, provide your address as appropriate.
- Sign and date the declaration.
- Attach the declaration to the subpoena or copy of the subpoena that accompanies the documents produced to the Court under the subpoena.

If you declare that the material you produce is copies of documents, the Court may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address specified by you in the declaration below. Unless the Court otherwise directs, these documents will be returned to you after the expiry of 28 days from the date on which production is due under the subpoena.

❒ **All** of the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court may destroy the copies once they are no longer required, without further notice to me.

❒ **Some or all** of the material I am providing to the Court in compliance with the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

.....

.....

.....
[*Signature of addressee*]

.....
[*Name of addressee*]

.....
[*Date*]

Notes to Form 4D —

1. If not held at Perth, state the location of the relevant registry.
2. If *District Court Rules 2005* rule 48AH(2) does not apply because the Court has ordered, or the issuing party and the addressee have agreed, otherwise, item 17 must be amended to reflect the order or agreement.

[Form 4D inserted: Gazette 26 Jul 2013 p. 3427-31; amended: SL 2023/209 r. 18; SL 2024/6 r. 6.]

4E. Subpoena notice and declaration — documents or things (r. 48AG)

District Court of Western Australia Held at Perth [1]	Action No: **Subpoena notice — documents or things**
Parties	Plaintiff Defendant

Notice to addressee

(Other than a health professional, hospital or person that manages the records of a health professional)

Contempt of court — arrest

1. Attached to this notice is a subpoena issued by the District Court of Western Australia, requiring you to produce documents (or things) as described to the Court on or before the date indicated (the return date). Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.

2. Note 1 does not limit any power of the Court, under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who fails to attend in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

Attached declaration in relation to copies

3. At the same time as complying with the subpoena, you are also required to complete the declaration at the end of this notice and attach it to the subpoena or copy of the subpoena that accompanies the documents produced to the Court under the subpoena.

Last day for service

4. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

Informal service

5. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

6. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Compliance with subpoena

7. Instead of attending to produce the subpoena or a copy of it and the documents or things, you may comply with the 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.

Production of copy instead of original

8. Unless the subpoena specifically requires production of the original of a document, you may comply with the subpoena by producing a copy of the document.

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.

Production of a number of documents or things

10. If you produce more than one document or thing, you must, if requested by the registrar, produce a list of the documents or things produced.

Inspection and copying

11. Unless the Court otherwise orders (for example, if an objection is made), the following will apply to the documents and things produced —

(a) all parties to the action are permitted to inspect the documents and things immediately upon production; and

(b) all parties to the action are permitted, with the approval of a registrar, to copy the documents.

[12. deleted]

Objections

13. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Principal Registrar in writing of your objection and of the grounds of your objection.

14. If your objection relates to timeframes and/or access, any dispute may be resolved by way of correspondence with a registrar.

15. If your objection raises substantive issues concerning the ambit of the subpoena, for example claims of privilege, these will be referred for determination by the Court.

16. You have the right to apply to the Court —

(a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and

(b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing to which the subpoena applies.

Losses or expenses incurred in compliance [2]

17. When you were served with the subpoena, you also received the amount of $80 for your reasonable losses or expenses incurred in complying with the subpoena. The receipt of this amount does not affect your right to apply to the Court for a higher amount to be fixed. If you wish to claim that your reasonable costs of compliance are higher than $80, you should make a claim in writing to the issuing party. If you are not able to resolve your claim with the issuing party, you should send a copy of your claim and any other relevant correspondence to the Principal Registrar. The Principal Registrar will make arrangements for your claim to be assessed by the Court.

District Court of Western Australia	Action No:
Held at Perth [1]	**Subpoena declaration**

Parties	Plaintiff
	Defendant

Declaration by addressee

You are required to:

- Tick the relevant option below.
- If originals are to be returned, provide your address as appropriate.
- Sign and date the declaration.
- Attach the declaration to the subpoena or copy of the subpoena that accompanies the documents produced to the Court under the subpoena.

If you declare that the material you produce is copies of documents, the Court may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address specified by you in the declaration below. Unless the Court otherwise directs, these documents will be returned to you at the expiry of 28 days from the date on which production is due under the subpoena.

❒ **All** of the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court may destroy the copies once they are no longer required, without further notice to me.

❒ **Some or all** of the material I am providing to the Court in compliance with the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

.....

.....

.....
[*Signature of addressee*]

.....
[*Name of addressee*]

.....
[*Date*]

Notes to Form 4E —

1. If not held at Perth, state the location of the relevant registry.
2. If *District Court Rules 2005* rule 48AH(2) does not apply because the Court has ordered, or the issuing party and the addressee have agreed, otherwise, item 17 must be amended to reflect the order or agreement.

[Form 4E inserted: Gazette 26 Jul 2013 p. 3431-5; amended: SL 2023/209 r. 19; SL 2024/6 r. 7.]

4. *Prohibited Behaviour Orders Act 2010* s. 5 application (r. 71B)

District Court of Western Australia Held at Perth [1A] *Prohibited Behaviour Orders Act 2010* s. 5		Action No: **Application for prohibited behaviour order.** **Hearing notice**
Applicant		
Respondent		
Date of filing		
Application	The applicant applies under the *Prohibited Behaviour Orders Act 2010* section 5 for a prohibited behaviour order (PBO) against the respondent.	
Proposed PBO	The applicant applies for the following constraints in the PBO against the respondent — 1. The applicant applies for the PBO for a period of [*state period*]. [1]	
Signature of applicant or legal practitioner	Applicant/Applicant's legal practitioner	Date:
Hearing details [2]	This application will be heard at this date, time and place — Date: Time: Place:	Court seal:

Notes to Form 4 —

1A. If not held at Perth, state the location of the relevant registry.

1. The period stated here must comply with the *Prohibited Behaviour Orders Act 2010* s. 12.

2. The Court will complete this row when the application is submitted.

[Form 4 inserted: Gazette 17 Jun 2011 p. 2156-7; amended: Gazette 26 Jul 2013 p. 3435-6; SL 2022/108 r. 6.]

5. *Prohibited Behaviour Orders Act 2010* s. 21 application (r. 71C)

District Court of Western Australia Held at Perth [1A] *Prohibited Behaviour Orders Act 2010* s. 21		Action No: **Application to vary or cancel prohibited behaviour order. Hearing notice**
PBO's details	Date made: Constrained person:	
Applicant		
Respondent		
Date of filing		
Application	The applicant applies under the *Prohibited Behaviour Orders Act 2010* section 21 to [1] vary/cancel the above PBO (prohibited behaviour order).	
Variation(s) wanted [2]	1.	
Grounds for application [3]	1.	
Signature of applicant or legal practitioner	Applicant/Applicant's legal practitioner	Date:
Hearing details [4]	This application will be heard at this date, time and place — Date: Time: Place:	Court seal:

Notes to Form 5 —

1A. If not held at Perth, state the location of the relevant registry.

1. Delete the inapplicable.

2. Omit this row if the application is to cancel a PBO.

3. Set out the grounds in numbered paragraphs.

4. The Court will complete this row when the application is filed.

[Form 5 inserted: Gazette 17 Jun 2011 p. 2157; amended: Gazette 26 Jul 2013 p. 3436; SL 2022/108 r. 6.]

6. Appeal notice (r. 51(1))

District Court of Western Australia Held at Perth [1]		Appeal No: **Appeal notice**
Parties		Appellant Respondent
Primary court's decision		
Primary court Case number Parties Date of decision Judicial officer		
Decision details [2]		
Appeal details		
Notice of appeal	The appellant appeals to the District Court against the above decision.	
Grounds of appeal [3]	1.	
Acts that allows appeal [4]		section:
Notice to the respondent [5]	If you want to take part in this appeal you must file a Form 8 (attached) under the *District Court Rules 2005* within 21 days after the date on which you are served with this notice and serve it on the appellant. If you file a Form 8 you must attend a directions hearing at the time and place stated below.	
Last date for appealing	Last date: Is an extension of time needed? Yes/No	
Date of filing		

Form 6

Directions hearing [6]	Date: Time: Place:	
Appellant's service details		
Geographical address of appellant (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 appellant or legal practitioner	Appellant/Appellant's legal practitioner	Date:

Notes to Form 6 —

1. If not held at Perth, state the location of the relevant registry.
2. Examples:
   - Judgment against the defendant for $40 000.
   - Dismissal of claim to recover possession of real property.
3. Set out the grounds in numbered paragraphs.
4. State the short title of the Act under which the appeal is being made.
5. A copy of Form 8 (Notice of respondent's intention) must be attached to this form when it is served on the respondent.
6. The Court will complete this row when the appeal notice is filed.

[Form 6 inserted: Gazette 26 Jul 2013 p. 3437-9; amended: SL 2022/108 r. 6; SL 2025/148 r. 15.]

Form 6A

6A. Appeal notice (Registrar's decision) (r. 15(3))

District Court of Western Australia Held at Perth [1]			No: **Notice of appeal from decision of Registrar**
Parties	Plaintiff Defendant		
Name of party appealing			
Name of Registrar			
Date of decision			
Last date for appealing [2]	Last date: Is an extension of time needed? Yes/No		
Orders or directions appealed against	1. 2. 3.		
Orders sought on appeal	1. 2. 3.		
Date of notice		Date of filing	
For Mention Appeal hearing [3]	Date: Place:	Time:	
Signature of party appealing or legal practitioner	Party appealing/legal practitioner		Date:
Contact details of party	Name		
	Firm		

appealing or legal practitioner	Address			
	Phone		Fax	
	Email			
	Reference			

Notes to Form No. 6A —

1. If not held at Perth, state the location of the relevant registry.
2. The date being the 10th day after the date of the decision appealed against. See r. 15(2).
3. The Court will complete this row when the appeal notice is filed.

[Form 6A inserted: SL 2023/209 r. 20; amended: SL 2025/148 r. 16.]

Form 7

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.

[Form 7 inserted: SL 2025/148 r. 17.]

8A. Appeal notice (WCIMA appeal) (r. 51(4A))

District Court of Western Australia Held at Perth [1]		Appeal No: **Appeal notice (WCIMA appeal)**
Parties		Appellant Respondent
Primary court's decision		
Primary court Case number Parties Date of decision Arbitrator	Workers Compensation Arbitration Service	
Decision details [2]		
Appeal details		
Notice of appeal	The appellant applies for leave to appeal to the District Court against the above decision.	
Act that allows appeal	*Workers Compensation and Injury Management Act 2023* (***WCIMA***) section 391.	
Question of law [3]		
Amount in issue [4]		
Grounds of appeal [5]	1.	
Decision sought [6]	1.	
Leave	The appellant applies for leave to appeal under WCIMA section 391 on the ground that: [7]	
Other orders	The appellant also seeks orders that: [8]	

Notice to the respondent [9]	If you want to take part in this appeal you must file a Form 8 (attached) under the *District Court Rules 2005* within 21 days after the date on which you are served with this notice and serve it on the appellant. If you file a Form 8 you must attend a directions hearing at the time and place stated below.
Last date for appealing	Last date:
Date of filing	
Directions hearing [10]	Date: Time: Place:
Appellant's details for service	
Geographical address of appellant (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)	

Form 8A

Fax number (Optional — if provided, may be used for service of documents)		
Telephone number		
Reference		
Signature of appellant or legal practitioner	Appellant/Appellant's legal practitioner	Date:

Notes to Form 8A —

1. If not held at Perth, state the location of the relevant registry.
2. Examples:
   - Determination of liability in favour of the respondent.
   - Dismissal of application seeking determination of liability.
   - Orders for cessation/reduction of weekly payments.
   - Orders for recovery of payments made.
3. Specify question(s) of law the subject of the appeal.
4. This is the amount that will be used to determine whether leave is able to be granted under WCIMA section 391.
5. Set out the grounds in numbered paragraphs.
6. See rule 51(4B)(c).
7. Specify subsection(s) under which the application is made. The grounds for leave should be in numbered paragraphs.
8. For example, to adduce fresh or further evidence under WCIMA section 391(6) or a stay under section 392(1).
9. A copy of Form 8 (Notice of respondent's intention) must be attached to this form when it is served on the respondent.
10. The Court will complete this row when the appeal notice (WCIMA appeal) is filed.

[Form 8A inserted: Gazette 26 Jul 2013 p. 3440-2; amended: SL 2022/108 r. 6; SL 2023/209 r. 21; SL 2025/148 r. 18.]

8. Notice of respondent's intention (r. 53)

District Court of Western Australia Held at Perth [1]		Appeal No: **Notice of respondent's intention**
Parties		Appellant Respondent
Notice [Tick one box]	☐ [2]	The respondent intends to take part in this appeal.
	☐ [3]	The respondent does not intend to take part in this appeal and will accept any order made by the Court in the appeal other than as to costs.
Grounds for upholding	☐	The respondent will argue the primary court's decision should be upheld on the grounds relied on by the primary court in its decision.
Other grounds for upholding [4]	☐	The respondent will argue the primary court's decision should be upheld on the following grounds, not relied on by the primary court in its decision: 1.
Variation [4]	☐	The respondent applies for the primary court's decision to be varied as follows — 1.
	☐	The respondent will argue the primary court's decision should be varied on the following grounds: 1.
Cross-appeal [4]	☐	The respondent also appeals against the primary court's decision and will rely on the following grounds: 1.
Other orders	The respondent also seeks order that: [5]	

Form 8

Last date for appealing [6]	Last date: Is an extension of time needed? Yes/No
Date of filing	
Respondent's details for service	
Geographical address of respondent (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 respondent or legal practitioner	Respondent/Respondent's legal practitioner	Date:

Notes to Form 8 —

1. If not held at Perth, state the relevant registry.
2. If this box is ticked, complete one or more of the next 5 rows and the respondent's details for service.
3. If this box is ticked, ignore the next 5 rows and complete the respondent's details for service.
4. Set out the grounds in numbered paragraphs.
5. For possible orders see rule 57(2).
6. Complete this only if the respondent also appeals against the primary court's decision.

[Form 8 inserted: Gazette 26 Jul 2013 p. 3442-5; amended: SL 2022/108 r. 6; SL 2025/148 r. 19.]

9. Application in an appeal (r. 58A)

District Court of Western Australia Held at Perth [1A]		Appeal No: **Application in an appeal**
Parties		Appellant Respondent
Date of filing		
Applicant	Appellant/Respondent	
Application [1]	The applicant applies for —	
Conference between parties [Tick one box]	☐ The parties to this application have conferred about the issues giving rise to this application and have not resolved them. ☐ The parties to this application have not conferred about the issues giving rise to this application because — [2]	
Signature of applicant or legal practitioner	Applicant/Applicant's legal practitioner	Date:

Notes to Form 9 —

1A. If not held at Perth, state the relevant registry.

1. State —
   - the order or orders sought; and
   - the written law and provision under which the application is made.

2. State the reasons why the parties have not conferred.

[Form 9 inserted: Gazette 17 Jun 2011 p. 2167-8; amended: Gazette 26 Jul 2013 p. 3445; SL 2022/108 r. 6.]

10. Consent notice (r. 58B)

District Court of Western Australia Held at Perth [1]	Appeal No: **Consent notice**	
Parties	Appellant Respondent	
Date of filing		
Consent	We consent to the following order being made —	
Signature of appellant or legal practitioner	Appellant/Appellant's legal practitioner	Date:
Signature of respondent or legal practitioner	Respondent/Respondent's legal practitioner	Date:

Note to Form 10 —

1. If not held at Perth, state the relevant registry.

[Form 10 inserted: Gazette 17 Jun 2011 p. 2168; amended: Gazette 26 Jul 2013 p. 3445-6; SL 2022/108 r. 6.]

11. Discontinuance notice (r. 58)

District Court of Western Australia Held at Perth [1]	Appeal No: **Discontinuance notice**	
Parties	Appellant Respondent	
Date of filing		
Notice	The appellant discontinues this appeal.	
Signature of appellant or legal practitioner	Appellant/Appellant's legal practitioner	Date:

Note to Form 11 —

1. If not held at Perth, state the relevant registry.

[Form 11 inserted: Gazette 17 Jun 2011 p. 2168; amended: Gazette 26 Jul 2013 p. 3446; SL 2022/108 r. 6.]

Notes

This is a compilation of the *District Court Rules 2005* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
District Court Rules 2005	27 May 2005 p. 2335-92	30 May 2005 (see r. 2)
District Court Amendment Rules 2005	23 Dec 2005 p. 6270-3	1 Jan 2006 (see r. 2)
District Court Amendment Rules 2007	31 Jul 2007 p. 3807-22	31 Jul 2007
District Court Amendment Rules 2010	10 Dec 2010 p. 6264-8	r. 1 and 2: 10 Dec 2010 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jan 2011 (see r. 2(b))
District Court Amendment Rules 2011	17 Jun 2011 p. 2153-8	r. 1 and 2: 17 Jun 2011 (see r. 2(a)); Rules other than r. 1 and 2: 18 Jun 2011 (see r. 2(b))
District Court Amendment Rules (No. 2) 2011	17 Jun 2011 p. 2158-68	r. 1 and 2: 17 Jun 2011 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
Reprint 1: The *District Court Rules 2005* as at 19 Aug 2011 (includes amendments listed above)		
District Court Amendment Rules (No. 3) 2011	18 Nov 2011 p. 4811-18	r. 1 and 2: 18 Nov 2011 (see r. 2(a)); Rules other than r. 1, 2, 6-8, 9(1) and (2), 10-12, 13(3)-(7): 19 Nov 2011 (see r. 2(c)); r. 6-8, 9(1) and (2), 10-12 and 13(3)-(7): 1 Dec 2011 (see r. 2(b) and *Gazette* 8 Nov 2011 p. 4673)
District Court Amendment Rules 2013	26 Jul 2013 p. 3407-47	r. 1 and 2: 26 Jul 2013 (see r. 2(a)); Rules other than r. 1 and 2: 19 Aug 2013 (see r. 2(b))

Citation	Published	Commencement
Reprint 2: The *District Court Rules 2005* as at 6 Dec 2013 (includes amendments listed above)		
District Court Amendment Rules (No. 2) 2013	31 Dec 2013 p. 6549-62	r. 1 and 2: 31 Dec 2013 (see r. 2(a)); Rules other than r. 1 and 2: 20 Jan 2014 (see r. 2(b))
District Court Amendment Rules (No. 2) 2016	21 Jun 2016 p. 2201-2	r. 1 and 2: 21 Jun 2016 (see r. 2(a)); Rules other than r. 1 and 2: 22 Jun 2016 (see r. 2(b))
District Court Amendment Rules (No. 3) 2017	2 Feb 2018 p. 316-17	r. 1 and 2: 2 Feb 2018 (see r. 2(a)); Rules other than r. 1 and 2: 3 Feb 2018 (see r. 2(b))
District Court Amendment Rules 2018	16 Mar 2018 p. 918-21	r. 1 and 2: 16 Mar 2018 (see r. 2(a)); Rules other than r. 1 and 2: 22 Mar 2018 (see r. 2(b))
District Court Amendment Rules (No. 2) 2018	7 Sep 2018 p. 3183-91	r. 1 and 2: 7 Sep 2018 (see r. 2(a)); Rules other than r. 1 and 2: 21 Sep 2018 (see r. 2(b))
District Court Amendment Rules (No. 2) 2019	31 Dec 2019 p 4675-6	r. 1 and 2: 31 Dec 2019 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jan 2020 (see r. 2(b))
District Court Amendment Rules 2020	SL 2020/18 24 Mar 2020	r. 1 and 2: 24 Mar 2020 (see r. 2(a)); Rules other than r. 1 and 2: 25 Mar 2020 (see r. 2(b))
District Court Amendment Rules 2021	SL 2021/208 10 Dec 2021	r. 1 and 2: 10 Dec 2021 (see r. 2(a)); Rules other than r. 1 and 2: 11 Dec 2021 (see r. 2(b))
District Court Amendment Rules 2022	SL 2022/108 24 Jun 2022	r. 1 and 2: 24 Jun 2022 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jul 2022 (see r. 2(b) and SL 2022/113 cl. 2)

Citation	Published	Commencement
District Court Amendment Rules 2023	SL 2023/209 21 Dec 2023	r. 1 and 2: 21 Dec 2023 (see r. 2(a)); Rules other than r. 1 and 2: 15 Jan 2024 (see r. 2(b))
District Court Amendment Rules (No. 2) 2024	SL 2024/6 25 Jan 2024	r. 1 and 2: 25 Jan 2024 (see r. 2(a)); Rules other than r. 1 and 2: 26 Jan 2024 (see r. 2(b))
District Court Amendment Rules 2024	SL 2024/80 22 May 2024	r. 1 and 2: 22 May 2024 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jul 2024 (see r. 2(b))
District Court Amendment Rules 2025	SL 2025/148 19 Aug 2025	r. 1 and 2: 19 Aug 2025 (see r. 2(a)); Rules other than r. 1 and 2: 20 Aug 2025 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
A	45E(4)
Act	62, 65, 71A(1)
address for service	3
appealable decision	49
appearance	31(1)
application	65
audio link	3
B	45E(4)
case	3
case management direction	23
claimant	65
commencement	73
concluded	61A(1)
court record	71F
department	3
DPP	65
ECMS	3
enforcement order	23
expert medical evidence	47B
file	3
file and serve	3
file electronically	3
Form	3
former rules	73
former security for costs provision	61A(1)
health information	3
health professional	3
Inactive Cases List	43A
lay registrar	3
legally qualified registrar	3
mediator	23
medical expert	47B
medical report	47B
personal injuries action	3
personal injury case	47B
primary court	49
primary court case	52(1)
record	3
registered user	3

registry 3
relevant registry 3
report ..... 45E(1)
respondent ..... 65, 71B(3)
RSC 3
rules of court 3
Scott Schedule ..... 45D(1)
section ..... 62, 65, 71A(1)
security for costs deposit ..... 61A(1)
serve 3
settle 3
trial date 45B
udge 3
video link 3
WCIMA ..... Sch. 1 cl. 8A
WCIMA appeal 49
working day 3

© State of Western Australia 2025.
This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
Attribute work as: © State of Western Australia 2025.
By Authority: GEOFF O. LAWN, Government Printer