Western Australia

Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2026

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Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2026

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Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2026

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2026*.

2. Commencement

These rules come into operation as follows —

(a) rules 1 and 2 — on the day on which these rules are published on the WA legislation website;

(b) the rest of the rules — on the day after that day.

3. Rules amended

These rules amend the *Magistrates Court (Civil Proceedings) Rules 2005*.

4. Rule 124 amended

In rule 124(1) in the Table insert in alphabetical order:

Tobacco and Other Products Control Act 2006	s. 120C(1), (6).

5. Rule 127 amended

In rule 127(1A) in the Table insert in alphabetical order:

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Tobacco and Other Products Control Act 2006	s. 120C(1), (6).

6. Rule 128 amended

In rule 128(1):

(a) in paragraph (b) delete "52N(1)." and insert:

52N(1); or

(b) after paragraph (b) insert:

(c) the *Tobacco and Other Products Control Act 2006* section 120C(1) or (6).

7. Part 21 Division 2A inserted

After Part 21 Division 2 insert:

Division 2A — *Tobacco and Other Products Control Act 2006*

132A. Term used: application

In this Division —

application means an application made under the *Tobacco and Other Products Control Act 2006* section 120C(1) or (6).

132B. Lodgment of applications

(1) An application must be lodged together with a supporting affidavit.

(2) When the application and supporting affidavit are lodged, 2 copies must also be lodged.

(3) When the application and supporting affidavit are lodged, a registrar must —

(a) list the application for a directions hearing on the earliest convenient date; and

(b) insert the directions hearing details on the application; and

(c) return 2 copies of the application and supporting affidavit to the applicant.

132C. Application of rules including rules for serving documents

(1) Unless the conferring Act provides otherwise, rule 29 and Parts 13 to 19 (other than Part 16A) apply, with any necessary modifications, to an application.

(2) The service requirements in Part 17 and rule 126 apply in addition to the service requirements provided for in the *Tobacco and Other Products Control Act 2006* section 120C(3), (7) and (8), as the case requires.

132D. Dealing with applications

(1) At a directions hearing, the magistrate may make orders as to the procedure to be followed by each party and the Court in order to ensure the application is dealt with justly.

(2) Without limiting subrule (1), the Court may, at or after the first directions hearing, list the application for hearing by a magistrate if —

(a) an application is opposed; or

(b) the Court considers that a hearing is necessary to determine the matter.

132E. Leave to be heard

(1) The Court may, on the application of a party or another person having an interest in the application or on its own initiative, grant leave to be heard in an application to a person who is not a party to the application.

(2) The Court may grant the leave on conditions and may revoke the leave at any time.

132F. Court to provide copies of orders

(1) This rule applies if the Court —

(a) makes a long-term closure order under the *Tobacco and Other Products Control Act 2006* section 120C(1); or

(b) varies or revokes a long-term closure order under the *Tobacco and Other Products Control Act 2006* section 120C(6).

(2) As soon as practicable after making, varying or revoking the order, the Court must give a copy of the order to the chief executive officer of the department of the Public Service principally assisting in the administration of the *Tobacco and Other Products Control Act 2006*.

Date: 21 May 2026
Mr STEVEN HEATH, Chief Magistrate
Magistrates Court in Perth

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