
JUSTICE

JU301*

District Court of Western Australia Act 1969

District Court Amendment Rules 2005

Made by the District Court Judges.

1. CitationThese rules are the *District Court Amendment Rules 2005*.**2. Commencement**

These rules come into operation on 1 January 2006.

3. The rules amendedThe amendments in these rules are to the *District Court Rules 2005**.

[* Published in Gazette 27 May 2005, p. 2335-92.]

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 lawyer.	On the next working day after it is put in the pigeonhole.
3.	If the person has provided a fax number under rule 18, 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 rule 18, 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 rule 18, 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.

7. Rule 35 amended

After rule 35(9) the following subrule is inserted —

“

- (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.

”.

8. Rule 35A inserted

After rule 35 the following rule is inserted —

“

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 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.

”.

9. Rule 39 amended

Rule 39(1) is amended by inserting after “conference” —
 “ , unless an order has been made under rule 35A ”.

10. Rule 40 amended

- (1) After rule 40(4) the following subrule is inserted —

“

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

”.

- (2) Rule 40(5) is amended as follows:

- (a) by inserting after “subrule (4)” —

“ or (4a) ”;

- (b) by deleting “does not result” and inserting instead —

“ has not resulted ”.

11. Rule 73 repealed

Rule 73 is repealed.

Dated: 20/12/2005.

Judges’ signatures:

A. KENNEDY. (J)

P. J. WILLIAMS. (J)

P. J. HEALY. (J)

H. J. WISBEY. (J)

P. D. MARTINO. (J)

M. D. F. O’SULLIVAN. (J)

R. A. MAZZA. (J)

P. R. EATON. (J)

J. CRISFORD. (J)

V. J. FRENCH. (J)

P. M. McCANN. (J)

S. M. DEANE. (J)

W. G. GROVES. (J)

R. A. MACKNAY. (J)

M. A. YEATS. (J)

H. H. JACKSON. (J)