

JU301*

District Court of Western Australia Act 1969

District Court Amendment Rules 2004

Made by the District Court Judges.

1. Citation

These rules are the *District Court Amendment Rules 2004*.

2. The rules amended

The amendments in these rules are to the *District Court Rules 1996**.

[* Reprinted as at 3 November 2000.
For amendments to 17 November 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 82.*]

3. Order 1B inserted

After Order 1A the following Order is inserted —

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Order 1B — Electronic transactions by and with the Court

1. Certain documents may be lodged electronically

- (1) This rule does not apply to lodging a document by fax.
- (2) The Principal Registrar is to publish a website address for the Court.
- (3) Subject to the requirements of the Court's website and this rule, a person may lodge a document electronically by lodging an electronic version of it by means of the Court's website.

- (4) If these rules of court or the *Rules of the Supreme Court 1971* require a document to be signed by a person who is not, or who is not acting on behalf of, the person lodging it, the document cannot be lodged electronically unless it is an affidavit.
- (5) If these rules of court or the *Rules of the Supreme Court 1971* require a document, before it is lodged, to be signed by or on behalf of the person lodging it and the document is being lodged electronically —
 - (a) the document need not be signed by that person; and
 - (b) the person lodging 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.
- (6) A person who lodges an affidavit electronically must —
 - (a) ensure that the electronic version of it, 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
 - (b) lodge 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.
- (7) A document lodged electronically at a registry is to be taken to have been lodged —
 - (a) if the whole document is received before 4.00 pm on a day when the registry is open for business, on that day;
 - (b) otherwise, on the next day when the registry is open for business.
- (8) A document that is sent electronically to a registry but not in accordance with the requirements of the Court's website and this rule is to be taken not to have been lodged at the registry.
- (9) The Court may at any time, on the application of a party or on its own initiative, order a person who has lodged a document electronically to lodge the paper version of the document.

2. Court's seal applied electronically, effect of

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, unless there is evidence that the document was not issued by the Court.

Dated: 14 December 2004.

Judges' signatures:

A. KENNEDY

P. J. HEALY

J. CRISFORD

H. J. WISBEY

A. D. FENBURY

V. J. FRENCH

P. D. MARTINO

P. J. WILLIAMS

C. J. O'BRIEN

M. D. F. O'SULLIVAN

S. M. DEANE

P. D. BLAXELL

W. G. GROVES

R. A. MAZZA

P. M. NISBET

R. A. MACKNAY

J. A. CHANEY

M. A. YEATS

D. J. REYNOLDS

P. R. EATON