



DISTRICT COURT  
OF WESTERN  
AUSTRALIA  
500 Hay Street  
PERTH WA 6000  
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## **NOTICE TO PRACTITIONERS – UPDATES TO CIRCULARS**

The Court has today amended and reissued three of its Circular to Practitioners, each of which is now available on the Court's website: [www.districtcourt.wa.gov.au](http://www.districtcourt.wa.gov.au).

### **Circular to Practitioners CIV 2008/3 – Subpoenas**

The Court has amended this Circular to Practitioners to reflect a new practice of fixing the amount of the fees payable pursuant to RSC O36B r 11 to a witness on whom an early return subpoena is served. The amount is \$80. The revised usual orders are attached. The fixing of the amount is without prejudice to the right of the witness to apply to the Court for a higher amount to be fixed. If in a particular case a party considers that the Court should not adopt this approach, the party should set out the reasons for this position being taken in short written submissions accompanying the application.

The reason for this practice is that the Court considers that most recipients of early return subpoenas will find it uneconomic to make a claim for their costs, and so do not make a claim.

The Court consulted with the profession before adopting this new practice.

### **Circular to Practitioners CIV 2007/1, Case Management Circular to Practitioners CIV 2008/2, Commercial List**

These two Circulars to Practitioners contain a description of the District Court's approach to case management. Both have been amended to reflect the decision in *AON Risk Services Australia Ltd v Australian National University* (2009) 258 ALR 14.

**Michael Gething  
Principal Registrar**

11 November 2009

## USUAL ORDERS – EARLY RETURN SUBPOENAS

**UPON THE APPLICATION of the [party type] (“Applicant”) by summons dated [dated] (“Summons”) and UPON HEARING [name] for the Applicant IT IS ORDERED that:**

1. the documents required to be produced pursuant the subpoena addressed to [name of witness] and annexed to the Summons be produced to the District Court Registry, Ground Floor, District Court Building, 500 Hay Street Perth on [date] at 10.00am;
2. the last date for service of the subpoena[s] in paragraph 1 is not less than 21 days prior to the return date;
3. the subpoenaed documents be returned to the witness within 28 days of production;
4. the parties be at liberty to inspect the subpoenaed documents and, with the approval of a Registrar, copy the documents;
5. the Applicant pay the reasonable costs of the witness of production of the documents fixed at \$80 to be tendered with the subpoena, without prejudice to the right of the witness to apply to the Court for a higher amount to be fixed and to any agreement to the contrary between the applicant and the witness;
6. the Applicant do serve the witness with a copy of this order at the same time as service of the subpoena;
7. within 7 days of the date of this order, the Applicant do serve each other party with a copy of this order and a copy of any subpoena referred to in paragraph 1;
8. the costs of the application, including any costs payable pursuant to paragraph 5, be costs in the cause;
9. each party other than the Applicant have liberty to apply in relation to these orders, that liberty to be exercised within 7 days of service of this order.

BY THE COURT

REGISTRAR