

PROCEDURE GUIDE

CRIMINAL INJURIES COMPENSATION APPEALS

1. Appellant

- 1.1 To commence an Appeal against a decision of a Criminal Injuries Compensation Assessor ('Assessor') the Appellant needs to file at the District Court Registry an appeal notice (Attachment A). The person who commences the appeal is referred to as the 'Appellant'. The other party is referred to as the 'Respondent'. Where a victim appeals against an award because he or she believes it is too low, the offender should be named as the 'Respondent'. Where an offender believes the award is too high, the victim should be named as the 'Respondent'. The Assessor should never be named as the 'Respondent'.
- 1.2 The Appellant will need to pay the prescribed fee for filing the Notice of Appeal, which is \$720.00 for an individual or \$1,863.00 for a corporation. The filing fee is reduced to \$100 for eligible individuals, those being:
- (a) the holder of a health care card, a health benefit card, a pensioner concession card or a Commonwealth seniors card;
 - (b) an individual who holds any other card issued by Centrelink or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions; or
 - (c) an individual who is in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in the Social Security Act 1991 (Commonwealth) section 23(1); or
 - (d) an individual who is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
 - (e) an individual who has been granted legal aid under the Legal Aid Commission Act 1976 or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or
 - (f) an individual who the Court or a registrar has directed is an eligible individual under regulation 8A(1).

To apply for eligibility under Regulation 8A(1)(b), a party needs to file a "Form 2 – Application to Reduce Fee" and lodge it with the District Court registry where it will then be assessed by a Registrar.

- 1.3 Any person under the age of 18 is not required to pay any fees.
- 1.4 The Court will insert into the appeal notice the date and time for an initial hearing, called a 'Directions Hearing'. This hearing is before a Registrar.
- 1.5 The Court will keep 1 copy of the Notice of Appeal and return 2 stamped (sealed) copies to the Appellant. The Directions Hearing will be about 6 weeks after the date on which the appeal is commenced. This includes a time interval to allow the Appellant time to serve the appeal papers on the Respondent and for the Respondent to take legal advice in relation to the Appeal. It also allows time for the Court to obtain the file from the Assessor.

- 1.6 When the Appellant serves the appeal notice on the Respondent, the Appellant must attach to it a Form 8 notice of respondent's intention (Attachment C): 2005 (DCR) r 51(6).
- 1.7 The *District Court Rules 2005* provide that the appeal notice is to be personally served on the Respondent: DCR r 51(4).
- 1.8 The Appellant must also serve a copy of the application on the Criminal Injuries Compensation Assessor and the State Solicitor's Office: 2005 DCR r 51(5). These copies may be sent by ordinary pre-paid post to as follows:

Criminal Injuries Compensation Assessor

Level 12
26 St Georges Terrace
PERTH WA 6000

Postal Address:
GPO Box F317
PERTH WA 6814

State Solicitors Office

David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000

- 1.8 If the Respondent is in a prison, the appeal notice may be served by sending it to the superintendent of the prison by ordinary pre-paid post. If the Respondent is in prison, the relevant address can be obtained from the [Western Australian Department of Corrective Services website](#).
- 1.9 Appellants may find it convenient or indeed necessary to use a professional process server to serve the appeal notice.
- 1.10.1 If an Appellant cannot find an address for the Respondent, the Appellant can apply to the Court for an order allowing service in some other way, for example, by advertisement or by post on a third party. The process to obtain orders of this type is set out in the Procedure Guide (see section 4).
- 1.11 As soon as practicable after serving the Respondent the Appellant must file a service certificate (Attachment B). This can be posted to the Court at:

District Court of Western Australia
500 Hay Street
PERTH WA 6000

It may also be emailed to the Court at districtcourt@justice.wa.gov.au

2. Respondent

- 2.1 The appeal notice will specify when the directions hearing has been listed for in the appeal. A Respondent should make every effort to attend the directions hearing as a failure to attend may result in orders being made in relation to the appeal in their absence.
- 2.2 A Respondent who does not wish to contest the appeal may tick the appropriate box in the notice of respondent's intention served with the appeal notice identifying that he or she does not wish to contest the appeal. This notice should then be signed, filed, and served.
- 2.3 A Respondent who wishes to contest the appeal must complete the appropriate sections of the notice of respondent's intention (Form 8) served with the appeal notice. The notice should then be signed, filed, and served. A blank template and worked example of a completed notice of respondent's intention is at Attachment C.
- 2.4 The notice must be filed with the court either by personally attending the Registry or by posting or emailing as set out in paragraph 1.11 above.
- 2.5 The notice must also be served on the Appellant, which can be done by posting or emailing it to the address for service in the appeal notice.
- 2.6 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.

3. Initial Directions Hearing (For Mention Appeal)

- 3.1 On the day of the direction hearing set out in the appeal notice, the parties should attend the District Court at least 15 minutes prior to the scheduled starting time for the hearing. For hearings held in Perth in the District Court Building, the Courtroom number will be displayed on the screens on the right-hand side of the foyer as you enter the building. The directions hearing will appear as 'For Mention Appeals' on the display screens. Look for the appeal number.
- 3.2 At the directions hearing, the Registrar will review the appeal to check whether it is ready to proceed to the final hearing. This will include checking the material which has been sent to the Court by the Assessor. The Registrar will make any orders that are necessary to get the appeal in order for the formal hearing. If required, a further directions hearing will be listed.
- 3.3 If the appeal is ready to be listed for a final hearing, the Registrar will set a date and time for the final hearing before a Judge.
- 3.4 The Registrar will usually make an order that, by a certain date, the Appellant file and serve a book of the documents he or she would like the Judge to consider (including any new material that was not before the Assessor).

- 3.5 If the appeal cannot be listed at the direction hearing, the Registrar may make any orders required and list the Appeal for a further directions hearing.

4. General matters applicable to all parties

- 4.1 If a party requires the Court to make an order before the hearing of the appeal the party will need to file and serve a Form 9 application. For example, this would be used where:
- (a) the Appellant cannot locate the Respondent and requires the Court to make an order for substituted service; or
 - (b) the Appellant needs leave to appeal out of time.
- 4.2 The application is the form of Attachment D. The party making the application will also need to file and serve an affidavit (Attachment G) setting out the facts which the party making the application would like to bring to the Court's attention to support its application for the orders sought.
- 4.3 The party making the application will need to file 3 copies of each document with the Court. The Court will write in the hearing date and time, keep one copy and return the other 2 to the party.
- 4.4 The Court will generally list the application for hearing at the directions hearing in the Appeal.
- 4.5 The party making the application will need to serve a copy of the Form 9 (with the Court hearing date inserted), together with the affidavit in support of the application, on the other parties, except in the case of an application for substituted service.
- 4.6 If a party wishes to change their address for service, they will need to file a Form 5AA Notice of Change of service details or address (Attachment H).

5. Hearing of the appeal

- 5.1 If a party wishes to file any written submissions for the Judge to consider prior to the hearing, the submissions should be filed and served at least 7 clear working days prior to the date of the hearing: 2005 DCR r 61.
- 5.2 The parties should attend the District Court at least 15 minutes prior to the scheduled starting time for the appeal. For appeals held in Perth in the District Court Building, the Courtroom number will be displayed on the screens on the right-hand side of the foyer as you enter the building.
- 5.3 Upon entering the Courtroom, if the Court is already in session, the protocol is to make a short bow towards the Judge.
- 5.4 If the Court is not in session, the party should approach the staff member sitting in front of the Judge's bench. This person is known as the 'Associate'. The party should identify themselves to the Associate.

- 5.5 When the Judge enters the Court and the Associate announces the case, the protocol is to stand and make a short bow to the Judge. This protocol also applies when the Court is adjourning.
- 5.6 The Judge should be addressed as 'Your Honour'.
- 5.7 Typically, the Appellant will be asked to address the Court first and then the Respondent.
- 5.8 The Judge decides the application afresh based on all the evidence presented to the Assessor, and any other evidence or information the Judge may decide to receive.
- 5.9 The Judge will either determine the appeal at the hearing and give reasons there and then or adjourn and provide written reasons for the decision. If this occurs, a further hearing will be listed for the Judge to hand down the decision. The parties will be notified when the decision has been written and the further hearing listed. Typically, the Judge will take between 1 and 3 months to consider the appeal and provide written reasons.

6. Further Enquiries

- 6.1 For any further enquiries please contact the Court on 9425 2128.
- 6.2 Court staff can:
- Provide Court forms;
 - Provide information about Court practice and procedure;
 - Provide information about when a hearing is listed;
 - Provide information about Court fees; and
 - Provide contact information of other agencies that may assist a litigant.
- 6.3 Court staff cannot:
- Provide legal advice;
 - Complete forms for a person;
 - Tell a litigant what to write on a form; or
 - Tell a litigant what to say in Court.

7. Forms

Attachment	Blank pro forma	Worked example
A	Appeal notice	Appeal notice – CIC example
B	Service certificate	Service certificate - CIC example
C	Notice of respondent's intention	Notice of respondent's intention - CIC example
D	Application in an appeal	Application in an appeal – CIC example
E	Consent notice	Consent notice – CIC example
F	Discontinuance notice	Discontinuance notice - CIC

		example
G	Affidavit	Affidavit – CIC example
H	5AA. Notice of change of representation, service details or address	5AA. Notice of change of representation, service details or address - example
I	Form 2 Application to reduce Fee	

Attachment A – Appeal Notice

6. Appeal notice (r. 51(1))

District Court of Western Australia		Appeal No:
Held at Perth ¹		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 <i>District Court Rules 2005</i> 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		
Directions hearing ⁶	Date: Time: Place:	

<p>Geographical address of appellant</p> <p>(Must be provided unless otherwise ordered by the Court: see <i>Rules of the Supreme Court 1971</i> Order 71A rule 2 and <i>District Court Rules 2005</i> rule 22C)</p>		
<p>Name of lawyer</p> <p>(If one has been appointed)</p>		
<p>Postal address for service of documents</p> <p>(Must be provided)</p>		
<p>Email address</p> <p>(Optional — if provided, may be used for service of documents)</p>		
<p>Fax number</p> <p>(Optional — if provided, may be used for service of documents)</p>		
<p>Telephone number</p>		
<p>Reference</p>		
<p>Signature of appellant or lawyer</p>	<p>Appellant/Appellant's lawyer</p>	<p>Date:</p>

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.

Attachment A – Appeal Notice (Worked Example)

District Court of Western Australia Held at Perth		Appeal No:
		APPEAL NOTICE
Parties	Jane Smith	Appellant
	Michael Citizen	Respondent
PRIMARY COURT’S DECISION		
Primary court	Office of Criminal Injuries Compensation	
Case number	MCJ 234/2010	
Parties	Jane Smith (Appellant) & Michael Citizen (Respondent)	
Date of decision	1 February 2011	
Judicial officer	Chief Assessor	
Decision details	Decision to make an aware of criminal injuries compensation assessed at \$45,000	
APPEAL DETAILS		
Notice of appeal	The appellant appeals to the District Court against the above decision.	
Grounds of appeal	1. The assessor failed to give sufficient weight to my evidence of psychological trauma	
Acts that allow appeal	<i>Criminal Injuries Compensation Act 2003 (WA)</i> Section: 55	
Notice to the respondent	If you want to take part in this appeal, you must file a Form 8 (attached) under the <i>District Court Rules 2005</i> 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: 22 February 2011 Is an extension of time needed? No	
Date of filing	19 February 2011	

Directions hearing	Date:	
	Time:	
	Place:	
APPELLANT'S SERVICE DETAILS		
Geographical address of appellant (Must be provided unless otherwise ordered by the Court: see <i>Rules of the Supreme Court 1971</i> Order 71A rule 2 and <i>District Court Rules 2005</i> rule 22C)	123 Fake Street, PERTH WA 6000	
Name of lawyer (If one has been appointed)		
Postal address for service of documents (Must be provided)	123 Fake Street, PERTH WA 6000	
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	08 9000 0000	
Reference		
Signature of appellant or lawyer	Jane Smith Appellant/Appellant's lawyer	Date: 19 February 2011

Attachment B – Service Certificate

7. Service certificate (r. 51(7))

District Court of Western Australia		Appeal No:
Held at Perth ^{1A}		SERVICE CERTIFICATE
Parties	Appellant	
	Respondent	
Date of filing		
Certificate ¹	<p>I certify that on [date] at [place] [name of server] served the respondent personally with these documents —</p> <ul style="list-style-type: none"> ● a copy of an appeal notice dated [date]/appeal notice (WCIMA appeal) dated [date]²; ● a copy of every other document that was filed with the appeal notice; ● a copy of Form 8 (Notice of respondent's intention). <p>I undertake to file an affidavit of service if the Court requires me to.</p>	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:

Note to Form 7 —

1A. If not held at Perth, state the location of the relevant registry.

1. If the documents were posted 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.

2. Strike out whichever is inapplicable.

Attachment B – Service Certificate (Worked Example)

District Court of Western Australia		Appeal No: 123 of 2011
Held at Perth		SERVICE CERTIFICATE
Parties	Jane Smith	Appellant
	Michael Citizen	Respondent
Date of filing	25 February 2011	
Certificate	<p>I certify that on 24 February 2011 Joanne Grey, a receptionist employed by the appellant's lawyers, sent a copy of the following documents by ordinary prepaid post to the respondent care of the superintendent of Karnet Prison Farm:</p> <ul style="list-style-type: none"> ● A copy of an appeal notice dated 22 February 2011; ● a copy of every other document that was filed with the appeal notice; ● a copy of Form 8 (Notice of respondent's intention). <p>I undertake to file an affidavit of service if the Court requires me to.</p>	
Signature of appellant or lawyer	Jane Smith Appellant/Appellant's lawyer	Date: 25 February 2011

Attachment C – Notice of Respondent’s Intention

8. Notice of respondent’s intention (r. 53)

District Court of Western Australia		Appeal No:	
Held at Perth ¹		NOTICE OF RESPONDENT’S INTENTION	
Parties		Appellant	
		Respondent	
Notice [Tick one box]	<input type="checkbox"/> ² The respondent intends to take part in this appeal.		
	<input type="checkbox"/> 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	<input type="checkbox"/> 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	<input type="checkbox"/> 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	<input type="checkbox"/> The respondent applies for the primary court’s decision to be varied as follows — 1.		
	<input type="checkbox"/> The respondent will argue the primary court’s decision should be varied on the following grounds: 1.		
Cross-appeal ⁴	<input type="checkbox"/> 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		
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 <i>Rules of the Supreme Court 1971</i> Order 71A rule 2 and <i>District Court Rules 2005</i> rule 22C)		
Name of lawyer (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 lawyer	Respondent/Respondent's lawyer	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.

Attachment C – Notice of Respondent’s Intention (Worked Example)

District Court of Western Australia		Appeal No: 123 of 2011	
Held at Perth		NOTICE OF RESPONDENT’S INTENTION	
Parties	Jane Smith		Appellant
	Michael Citizen		Respondent
Notice [Tick one box]	<input checked="" type="checkbox"/>	The respondent intends to take part in this appeal.	
	<input type="checkbox"/>	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	<input type="checkbox"/>	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	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	The respondent applies for the primary court’s decision to be varied as follows — 1.	
	<input type="checkbox"/>	The respondent will argue the primary court’s decision should be varied on the following grounds: 1.	
Cross-appeal	<input checked="" type="checkbox"/>	The respondent also appeals against the primary court’s decision and will rely on the following grounds: 1. The award of compensation was manifestly excessive	
Other orders	The respondent also seeks order that:		
Last date for appealing	Last date: 4 April 2011 Is an extension of time needed? No		
Date of filing	3 April 2011		

RESPONDENT'S DETAILS FOR SERVICE		
Geographical address of respondent (Must be provided unless otherwise ordered by the Court: see <i>Rules of the Supreme Court 1971</i> Order 71A rule 2 and <i>District Court Rules 2005</i> rule 22C)	Karnet Prison Farm PO Box 22, SERPENTINE WA 6125	
Name of lawyer (If one has been appointed)		
Postal address for service of documents (Must be provided)	Karnet Prison Farm PO Box 22, SERPENTINE WA 6125	
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 lawyer	Michael Citizen Respondent/Respondent's lawyer	Date: 3 April 2011

Attachment D – Application in an Appeal

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 —	
Conferral between the parties [Tick one box]	<input type="checkbox"/> The parties to this application have conferred about the issues giving rise to this application and have not resolved them. <input type="checkbox"/> The parties to this application have not conferred about the issues giving rise to this application because — ²	
Signature of applicant or lawyer	Applicant/Applicant's lawyer	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.

Attachment D – Application in an Appeal (Worked Example)

District Court of Western Australia Held at Perth		Appeal No:
		APPLICATION IN AN APPEAL
Parties	Jane Smith	Appellant
	Michael Citizen	Respondent
Date of filing	1 March 2011	
Applicant	Jane Smith (Appellant)	
Application	<p>The applicant applies for —</p> <p>1. An order that the time within which the appellant may commence this appeal be extended to 25 April 2011.</p> <p>This application is made pursuant to <i>Criminal Injuries Compensation Act 2003 (WA)</i> Section 55(4)</p>	
Conferral between the parties [Tick one box]	<input type="checkbox"/> The parties to this application have conferred about the issues giving rise to this application and have not resolved them. <input checked="" type="checkbox"/> The parties to this application have not conferred about the issues giving rise to this application because —	
Signature of applicant or lawyer	Jane Smith Applicant/Applicant's lawyer	Date: 1 March 2011

Attachment E – Consent Notice

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 lawyer	Appellant/Appellant's lawyer	Date:	
Signature of respondent or lawyer	Respondent/Respondent's lawyer	Date:	

Note to Form 10 —

1. If not held at Perth, state the relevant registry.

Attachment E – Consent Notice (Worked Example)

District Court of Western Australia Held at Perth ¹		Appeal No: 123 of 2011
CONSENT NOTICE		
Parties	Jane Smith	Appellant
	Michael Citizen	Respondent
Date of filing	11 March 2011	
Consent	<p>We consent to the following order being made —</p> <ol style="list-style-type: none"> 1. The directions hearing listed for 3 March 2011 at 10:30am be adjourned to a date not earlier than 3 April 2011. 2. The appellant have leave to file and serve a substituted Appeal Notice in terms of the minute dated 3 March 2011 filed with this consent 	
Signature of appellant or lawyer	Jane Smith Appellant/Appellant's lawyer	Date: 9 March 2011
Signature of respondent or lawyer	Michael Citizen Respondent/Respondent's lawyer	Date: 10 March 2011

Attachment F – Discontinuance Notice

District Court of Western Australia Held at Perth ¹		Appeal No:
		DISCONTINUANCE NOTICE
Parties	<p style="text-align: right;">Appellant</p> <p style="text-align: right;">Respondent</p>	
Date of filing		
Notice	The appellant discontinues this appeal.	
Signature of appellant or lawyer	Appellant/Appellant's lawyer	Date:

Note to Form 11 —

1. If not held at Perth, state the relevant registry.

Attachment F – Discontinuance Notice (Worked Example)

District Court of Western Australia Held at Perth ¹		Appeal No:
		DISCONTINUANCE NOTICE
Parties	Jane Smith Appellant Michael Citizen Respondent	
Date of filing	12 March 2011	
Notice	The appellant discontinues this appeal.	
Signature of appellant or lawyer	Jane Smith Appellant/Appellant's lawyer	Date: 12 March 2011

Attachment G – Affidavit

1A. Affidavit (r. 23A)

District Court of Western Australia		Appeal No:
Held at Perth ^{1A}		AFFIDAVIT ¹
Parties	<p style="text-align: right;">*Appellant</p> <p style="text-align: right;">*Respondent</p> <p style="text-align: center;">*delete inapplicable and/or add full party details</p>	
Person making affidavit		
Date of filing		
Date made		
Purpose ²		
Filed by	[Party]	
Index ³	Contents	Page
	1.	1
	2.	

Page 1

⁴

1. *[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 — [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

Attachment G – Affidavit (Worked Example)

District Court of Western Australia		Appeal No: 123 of 2011	
Held at Perth ^{1A}		AFFIDAVIT	
Parties	Jane Smith		Appellant
	Michael Citizen		Respondent
Person making affidavit	Jane Smith		
Date of filing	3 March 2011		
Date made	3 March 2011		
Purpose ²	To support the application dated 3 March 2011 for an extension of the time within which to appeal		
Filed by	Appellant		
Index ³	Contents	Page	
	1. <i>Affidavit of Vincent van Gogh</i>	1	
	2. <i>Attachment VVG 1–M J Citizen’s birth certificate</i>	7	
	3. <i>Attachment VVG 2–Letter from J Smith to T Jones dated 3 March 1999</i>	8	

Page 1

I, Jane Smith of 123 Fake Street PERTH WA 6000, accountant being duly sworn MAKE OATH AND SAY as follows –

1. I am the appellant in this appeal
2. I have brought this appeal because I believe that the award of compensation by the assessor was inadequate in that the assessor did not place sufficient weigh on my ongoing psychological symptoms in setting the amount of the compensation.
3. After receiving the assessor’s decision, I instructed my lawyers to write to my psychiatrist Dr Erica Green to obtain from her a report elaborating on some of the issues set out in her report dated 30 June 2010 which was considered by the assessor. The request was made on 25 January 2011.
- 4 My lawyers did not receive Dr Green’s report until 2 March 2011.

Now produced and shown to me and marked “JS1” is a true copy of Dr Green’s report dated 28 February 2011.

5. I was not able to make a decision to appeal until I received Dr Green’s report. On reading her report, I saw that there was a basis for an appeal, and so I commenced the appeal.

This affidavit is sworn by Jane Smith
in the presence of an authorised witness
at Rockingham on 3 March 2011

J. Smith

E Chew

[Signature of authorised witness]

Edward Chew
Justice of the Peace

Attachment H - Notice of change of representation, service details or address

5AA. Notice of change of representation, service details or address (O. 8 r. 5A; O. 71A r. 5(2)(aa))

District Court of Western Australia		No:	
		Notice of change of representation, service details or address	
Parties	Plaintiff/Applicant/Appellant ¹		
	Defendant/Respondent ¹		
Party filing notice	Plaintiff/Applicant/Appellant ² Defendant/Respondent ² Third Party ²		
Date of filing			
CURRENT ADDRESS AND SERVICE DETAILS			
Geographical address of party ³			
Postal address for service of documents ⁴			
Telephone number ⁵		Fax number ⁶	
Email address ⁶			
Reference ⁷			
CHANGE OF REPRESENTATION - IF APPLICABLE			
Change in representation ⁸	<input type="radio"/> I intend to act in person <input type="radio"/> I have changed lawyers		
Name of new lawyer ⁹			
Address where new lawyer conducts business ¹⁰			
New lawyer's postal address ¹⁰			
Signature of party or lawyer	Party/Party's Lawyer	Date:	

Notes to Form No. 5AA —

1. Add full party details.
2. Delete inapplicable. Add other party designation if required.
3. Must be provided unless otherwise ordered by the Court. See Order 71A r. 2 and 3A.
4. Must be provided - to be lawyer's postal address if party is legally represented.
5. Must be provided - to be lawyer's telephone number if party is legally represented.
6. Optional - if provided, may be used for service of documents.
7. Optional.
8. Tick relevant box. If changing lawyers complete new lawyer's contact details below.
9. Must be provided if a new lawyer has been appointed.
10. Must be provided if a new lawyer has been appointed. Write "as above" if the same as the party's postal address for service of documents.

Attachment H – Notice of change of representation, service details or address (Worked Example)

**5AA. Notice of change of representation, service details or address
(O. 8 r. 5A; O. 71A r. 5(2)(aa))**

District Court of Western Australia		No: APP 123 of 2011	
		Notice of change of representation, service details or address	
Parties	Jane Smith		Appellant
	Michael Citizen		Respondent
Party filing notice	Appellant		
Date of filing	3 March 2011		
CURRENT ADDRESS AND SERVICE DETAILS			
Geographical address of party	456 Faker Road, PERTH WA 6000		
Postal address for service of documents	456 Faker Road, PERTH WA 6000		
Telephone number	08 9000 0000	Fax number	
Email address			
Reference			
CHANGE OF REPRESENTATION - IF APPLICABLE			
Change in representation	<input type="radio"/> I intend to act in person <input type="radio"/> I have changed lawyers		
Name of new lawyer			
Address where new lawyer conducts business			
New lawyer's postal address			
<i>J Smith</i> Signature of party or lawyer	Appellant Party/Party's Lawyer		Date: 3 March 2011

Attachment I - Form 2 Application to reduce Fee

Form 2 Application to reduce fee			
In the District Court of Western Australia		No. of 2	
Plaintiff/Appellant*: (*strike out word that is not applicable)			
Defendant/Respondent*: (*strike out word that is not applicable)			
Fee type for which request is made			
<input type="checkbox"/> Application fee	<input type="checkbox"/> Hearing fee	<input type="checkbox"/> Transcription fee	<input type="checkbox"/> Other (please describe below)
Concession Card Holder <input type="checkbox"/> Yes <input type="checkbox"/> No		Pension Concession Card No:	
		Health Care Card No:	
Grant of Legal Aid under a legal aid scheme or service <input type="checkbox"/> Yes <input type="checkbox"/> No			
Applicant Details:	Full name:		
	Please indicate your party type: <input type="checkbox"/> Individual <input type="checkbox"/> Entity		
	Address:		
	Date of birth:		
If you are applying for a fee reduction because of financial hardship or in the interests of justice, please give supporting reasons for your request (attach a separate page if required). <u>If the reasons include financial hardship you must complete the information on the following pages.</u>			
I certify that the above information and disclosures in this form are true and correct.			

<i>Applicant's Signature</i>		<i>Dated:</i>	
*Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under District Court (Fees) Regulations 2002 regulation 8B(1).			
COURT SEAL			
FINANCIAL DETAILS: APPLICANT WHO IS AN INDIVIDUAL			
If the reasons for application include financial hardship, the following sections of the form must be provided by the applicant if the applicant is an individual.			
Occupation:			
Employer:			
Employer's Address:			
Marital Status:	<input type="checkbox"/> single	<input type="checkbox"/> married	<input type="checkbox"/> partner
	<input type="checkbox"/> de facto	<input type="checkbox"/> separated	
Dependants:	<input type="checkbox"/> dependant wife/husband/partner/de facto		
	____(number of) dependant children		
INCOME AND FINANCIAL ASSET DETAILS			
Income / financial assets (net)	Self	Partner	Total
Wage / salary / benefit	\$	\$	\$
Money in financial institution	\$	\$	\$
Cash	\$	\$	\$
Income from investments	\$	\$	\$
Other income	\$	\$	\$
Money loaned and to be repaid	\$	\$	\$
Total	\$	\$	\$
EXPENDITURE DETAILS			
Rent / board	\$	\$	\$
Mortgage payment	\$	\$	\$
Maintenance for dependants	\$	\$	\$
Food	\$	\$	\$
Utilities (gas / electricity)	\$	\$	\$
Telephone	\$	\$	\$

Water		\$	\$	\$	
Rates and taxes		\$	\$	\$	
Court orders		\$	\$	\$	
Credit card/s		\$	\$	\$	
Other debts (provide details)		\$	\$	\$	
TOTAL		\$	\$	\$	
TOTAL INCOME		\$	TOTAL EXPENDITURE	\$	
ASSETS				VALUE	
House or other property (provide addresses)				\$	
Motor Vehicles (car, utility, motorcycle, truck etc.)	1	Year: Make: Model: Registration Number:		\$	
	2	Year: Make: Model: Registration Number:		\$	
Other assets (provide details)				\$	
TOTAL ASSET VALUE				\$	
HOME CONTENTS (please complete appropriate box where applicable)					
Television	DVD Player	Computers	Other electronic devices	Dishwasher	Microwave
\$	\$	\$	\$	\$	\$
Furniture	Collection of coins, stamps etc.	Other collectables	Other assets	Interests in business or company	
\$	\$	\$	\$	\$	
LIABILITIES				TOTAL	
Mortgage to:				\$	

Other to:		\$
Time to pay Order:		\$
TOTAL LIABILITIES		\$
FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL		
If the reasons for application include hardship, the following sections of the form must be provided by the applicant if the applicant is an entity.		
Income		\$
Assets		\$
Liabilities		\$
TOTAL		\$