



CIRCULAR TO PRACTITIONERS – USUAL ORDERS
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CP - USUAL ORDERS

Summary: For ease of reference, the Court's 'usual orders' are set out below. Each set of orders has a reference which corresponds with the applicable CP.¹

GENERAL

CPG 4 AND PDC 9 – ANONYMISING PARTY NAMES

UOG 4.1 Anonymising a party's name

1. The (plaintiff/defendant's) name be anonymised and the (plaintiff/defendant) continue the proceedings under a pseudonym approved by the court.
2. All court documents filed in the proceedings shall refer to the (plaintiff/defendant) by a pseudonym.
3. [This order to be made by a judge only] Until further order, a non-party to the action is prohibited from searching for, inspecting, or receiving copies of any Court document or information in relation to the case constituted by or relation to;
 - (a) the commencement of proceedings;
 - (b) any document in connection with the proceedings, or any application in the proceedings;
 - (c) any interlocutory proceeding;
 - (d) the trial of the proceedings.
4. [This order to be made by a judge only] Any reasons for decision in the proceeding shall be published using the pseudonyms approved by the court for the party and redacting references in the reasons which may lead to identification of the party.

¹ For example, an order relevant to a CP - Civil (CPC) will be given a Usual Order – Civil (UOC) reference, with the first number corresponding to the number of the relevant CPC. So orders relevant to CPC 1 will be UOG 1.1, 1.2 etc.

CIVIL

PREAMBLES

The correct preamble for the most common types of orders are:

UOC 0.1 Chamber Summons / Notice of Motion

UPON THE APPLICATION of the [party] by chamber summons / notice of motion filed [date] and UPON HEARING [Mr / Ms Name] for the [party] and [Mr / Ms Name] for the [party] it is ordered that:

UOC 0.2 Summons for Directions

THIS ACTION having been listed for directions and UPON HEARING [Mr / Ms Name] for the plaintiff and [Mr / Ms Name] for the defendant IT IS ORDERED that:

UOC 0.3 For Mention Appeals (directions on appeals)

THIS APPEAL having come on for directions IT IS ORDERED that:

CPC 1 - CASE MANAGEMENT GENERALLY -BEFORE ENTRY FOR TRIAL

UOC 1.1 Leave to issue and serve out of jurisdiction

1. The [applicant/intended plaintiff] has leave to issue a writ of summons against the [respondent/intended defendant] and to serve notice of the writ on the [respondent/intended defendant] at [address] or elsewhere in [country].
2. The [respondent/intended defendant] has [number] days after service to file a memorandum of appearance in the action commenced by the writ of summons.
3. The costs of the application be the [applicant's / plaintiff's] in the cause in the action commenced by the writ of summons.

UOC 1.2 Substituted service²

1.2 A Post , email or messaging application

1. Sending a copy of this order and a copy of the writ of summons issued in this action [by prepaid priority mail OR attached to an email] addressed to [name] at [postal or email address] OR attached to a message sent via [SMS or messaging application] to [number or messaging application address] shall be good and sufficient service of the writ of summons on the defendant.
2. The time limited in the writ of summons for filing a memorandum of appearance is extended to [number] days after the date of [postage or the email or message being sent].

² Note: not applicable to means inquiries under Civil Judgments Enforcement Act 2004: see Civil Judgments Enforcement Regulations 2005, reg 88.

1.2 B Agent

1. Personal service of this order and a copy of the writ of summons issued in this action upon [name] of [address] shall be good and sufficient service of the writ of summons on the defendant.
2. The time limited in the writ of summons for filing a memorandum of appearance is extended to [number] days after the date of service.

1.2 C Advertisement

1. Publication of a notice [number of times] in the form of the schedule hereto in the [newspaper] shall be good and sufficient service of the writ of summons on the defendant.
2. The defendant has [number] days after the date of publication of the notice within which to file a memorandum of appearance.

SCHEDULE

TO: [Defendant]

TAKE NOTICE that Action [number] of [year] has been commenced against you in the District Court of Western Australia at Perth Western Australia by [plaintiff] of [address] for

[claim]

AND that it has been ordered that service of the writ in the action be effected on you by this notice.

If you wish to defend the action you must, within [number] days after the date of publication of this notice, file a memorandum of appearance at the District Court Registry at 500 Hay Street, Perth Western Australia.

If you fail to file a memorandum of appearance, judgment may be entered against you.

UOC 1.3 Setting aside default judgment

1. The judgment entered against the defendant on [date] is set aside.
2. The time limited for the defendant to [file a memorandum of appearance / file a defence] is extended to [date].

UOC 1.4 Pleadings

1. By [date] the plaintiff must file and serve any statement of claim.
2. By [date] the defendant must file and serve any defence and any counterclaim.
3. By [date] the plaintiff must file and serve any reply and any defence to counterclaim.
4. By [date] the plaintiff [and the defendant if there is a counter claim] must serve on each other party particulars of damages.

UOC 1.5 Discovery (or further discovery) and inspection

1. By [date] each party must make and serve on each other party:

- (a) a list of the documents which are or have been in that party's possession, custody or power relating to any matter in question in the action;
 - (b) *[if formal discovery required]* an affidavit verifying the list in paragraph (a).
2. *[If inspection copies ordered]* By [date] each party must serve on each other party a legible photocopy (or PDF image) of each document referred to in Part 1A of the list in paragraph (a), which is not the subject of an objection as set out Part 1B of the list, the cost of provision of which is to be in the cause.
3. *[If inspection copies not ordered]* A party must complete their inspection of documents discovered by another party within 10 working days following the date on which it was served with that party's list of discoverable documents.

[For limited discovery orders, see: UOC 3.1 – 3.4.]

UOC 1.6 Default

1. In the event of default by any party for 3 days in complying with any paragraph of these orders, the party in default must either:
 - (a) file and serve a consent order adjusting the timetable set out in this order; or
 - (b) request the court to list the action for a directions hearing.

UOC 1.7 Extensions of time

1. The time by which the plaintiff must [enter the action for trial] is extended to [date], and the case management timetable is adjusted accordingly.
2. The time by which the [party] must comply with paragraph[number/s] of the orders made on [date] is extended to [new date].

UOC 1.8 Consolidation of actions

1. Action [number / year] is consolidated with Action [number / year] and:
 - (a) Action [number / year] is the lead action and the consolidated proceedings be carried on as one action ('consolidated action');
 - (b) the plaintiff in Action [number / year] has carriage of the consolidated action;
 - (c) the [party] in Action [number / year] is the [first] [party] in the consolidated action;
 - (d) the [party] in Action [number / year] is the [second] [party] in the consolidated action.
2. The statement of claim filed in Action [number / year] stands as the statement of claim in the consolidated action *[if necessary]*: and by [date] the plaintiff must file any [amended] statement of claim in the consolidated action].
3. Within [days] [each of] the defendant[s] must file and serve a defence and any counterclaim in the consolidated action.
4. There is liberty to apply.

UOC 1.9 Actions heard together

1. Action [number / year] and Action [number / year] are to remain as separate proceedings but be heard and determined together, and the evidence in one proceeding shall be evidence in the other proceeding.

UOC 1.10 Third party proceedings

1. The defendant has leave to issue a Third Party Notice directed to [name of proposed third party].
2. By [insert date], the defendant must serve on the Third Party:
 - (a) the Third Party Notice;
 - (b) a copy of this order;
 - (c) a copy of the current pleadings in the action [if appropriate]; and
 - (d) a statement of claim in the third party proceedings [if appropriate].
3. The third party proceedings are listed for a directions hearing on [insert date] at [insert time].
4. There is liberty to any party, including the plaintiff, to apply for an earlier directions hearing.

UOC 1.11 Third party directions

1. The third party is at liberty to appear at the trial of the action, and take such part as the judge shall direct and be bound by the result of the trial.
2. The question of the liability of the third party to indemnify or make contribution to the defendant be tried at or immediately after the trial of the action as the judge shall direct.
3. By [date] the defendant must file and serve a statement of claim in the third party proceedings.
4. By [date] the third party must file and serve any defence in the third party proceedings.
5. By [date], the defendant and the third party must each make and serve on each other party:
 - (a) a list of the documents which are or have been in their possession, custody or power relating to any matter in question in the third party proceedings; and
 - (b) [if required] an affidavit verifying that list.
6. The costs be in the cause in the action and in the third party proceedings.

UOC 1.12 Chamber summons / special appointment

1. The [party]'s application for [describe primary orders sought – eg security for costs] dated [date of application] is listed for a special appointment before a registrar:
 - (a) on [date] OR

- (b) not before [date - after last affidavit is due] having regard to the following combined unavailable dates: [parties to insert on consent order]
2. By [date] the [respondent party] file and serve any affidavit in opposition to the application.
3. By [date] the [applicant party] file and serve any affidavit in response.
4. *[If required]* The time by which the action must be entered for trial is extended to [14 days after the date of the special appointment] and the case management timetable is adjusted accordingly.

UOC 1.13 Further and better particulars

1.13A – In the absence of written request

1. By [date] the [party] must file and serve particulars of paragraph/s [number/s] of the [pleading].

1.13B – Response to request

1. *[Where a request has been made]* By [date] the [party] must respond to the request for particulars made by the [requesting party] by [notice/letter] dated [date].

1.13C – Answers to request

1. By [date] the [party] must file and serve answers to [paragraph/s] of the request for particulars made by the [requesting party] by [notice/letter] dated [date].

UOC 1.14 Interrogatories

1. The [party] has leave to issue interrogatories to the [party] in terms of the [party's] minute of proposed interrogatories filed on [date].
2. Within [number] days of the date of service of this order on the [party] OR by [date], the [party] must:
 - (a) make and file a statement verified by affidavit *[for corporations: of named officer]* in answer to the interrogatories administered by the [party] by notice dated [date]; and
 - (b) serve a copy on the [party].

UOC 1.15 Medical examinations / reports

1. By [date], [each of] the defendant[s] must each serve on the plaintiff any notice requiring the plaintiff to submit him/herself for examination by a medical practitioner.
2. By [date], [each of] the defendant[s] must serve on the plaintiff a copy of each medical report (within the meaning of DCR r 47B) the substance of which the defendant will rely on at the mediation conference.

CPC 2 – CASE MANAGEMENT GENERALLY - AFTER ENTRY FOR TRIAL

UOC 2.1 Program to listing conference

1. [The mediation is terminated and] the action is listed for a listing conference on [date] at [time].
2. By no later than 2 clear days before the listing conference, each party must file and serve:
 - (a) certificates complying with DCR r 43(3) and r 43(3A); and
 - (b) any outstanding index of expert reports.

UOC 2.2 Listing for trial

1. [Number] days are allocated for a trial of the action, and the trial is listed to be heard on [dates].
2. [Subject to an application under reg 6(2) of the District Court (fees) Regulations 2002 being granted] The plaintiff is to pay the trial hearing fee by 4pm on [date] absent which, the trial dates [shall/may] be vacated.
3. The action is listed for a [special] directions hearing before a [Judge / Registrar] on [date].

UOC 2.3 Exchange of indexes – documents to be tendered

1. By [date for filing submissions, under DCR 45H or as varied] the plaintiff must serve on each other party:
 - (a) an index of the documents the plaintiff intends to tender at trial; and
 - (b) [*if inspection has not occurred*] written notice of where the documents may be inspected.
2. By [date for filing submissions, under DCR 45H or as varied] the [party/ies other than plaintiff] must provide to each other party:
 - (a) an index of the documents the [party] intends to tender at trial; and
 - (b) [*if inspection has not been directed*] written notice of where the documents may be inspected.
3. Within 5 days of being served with an index pursuant to paragraphs [1] and [2], each party will advise each other party in writing:
 - (a) which of the indexed documents may be tendered by consent; and
 - (b) as to the remaining documents:
 - (i) the reason that consent to tender is withheld; and
 - (ii) whether the authenticity of any indexed document is disputed.

UOC 2.4 Common trial bundle

1. No later than 14 days prior to the commencement of the trial, each party other than the plaintiff must deliver to the plaintiff any document, not included in the plaintiff's index

under paragraph [1], which the party intends to tender at trial. In the case of each such document:

- (a) a clear, legible copy of any such document must be delivered in any event; and
 - (b) if the party is in the possession of the original document, then it must also be delivered.
2. No later than 5 business days prior to the commencement of the trial, the plaintiff must:
- (a) file a bundle of clear, legible copies of documents to be tendered at the trial by the parties ('common bundle'), which bundle must be:
 - (i) indexed, such as to identify which party will tender each document [and – if not all - which documents are to be tendered by consent]; and
 - (ii) paginated and presented in lever arch files; and
 - (b) deliver a copy of the common bundle to each other party.
3. The plaintiff must have ready for production at the commencement of the trial:
- (a) a copy of the common bundle for the exclusive use of witnesses in the course of their examination; and
 - (b) a further bundle containing each document in the common bundle, similarly indexed and paginated, in the following form:
 - (i) the original document; and
 - (ii) in the absence of any original document, a clear legible copy thereof.

UOC 2.5 Individual trial bundles

1. No later than 5 days prior to the date fixed for the commencement of the trial, each party is to file a bundle of materials for use by the trial judge comprising:
 - (a) any chronology [*if ordered / included*]; and
 - (b) [*unless a common bundle is ordered: see UOC 2.5*] a bundle of the documents to be tendered by the party at trial.
2. The bundle of materials in paragraph [4] which:
 - (a) comprises the documents identified in, and divided into sections corresponding with, paragraphs [4(a) to (b)] above; and
 - (b) is paginated, indexed and presented in lever arch files.
3. The party must have ready for production at the commencement of the trial:
 - (a) a copy of the party's trial bundle for the exclusive use of witnesses in the course of their examination; and
 - (b) a further bundle containing each document in the party's trial bundle, similarly indexed and paginated, in the following form:
 - (i) the original document; and

- (ii) in the absence of any original document, a clear legible copy thereof.

UOC 2.6 Trial of a preliminary issue

1. The [party] and [party] proceed to a trial of a preliminary issue.
2. The preliminary issue is: [insert].
3. The [party] has carriage of the preliminary issue.
4. [Number] days are allocated for a trial of the preliminary issue, and the trial is listed to be heard on [dates].
5. [Subject to an application under reg 6(2) of the District Court (fees) Regulations 2002 being granted] The [plaintiff] is to pay the hearing fee by 4pm on [date] absent which, the trial dates [shall/may] be vacated.
6. *[If not filed with the application for a trial of the preliminary issue]* By [date] the [parties] must confer and produce:
 - (a) a statement of agreed facts; and
 - (b) a bundle of documents to be tendered by consent at the trial of the preliminary issue ('common bundle').
7. By [date] each party must file written submissions in relation to the preliminary issue.
8. The [party with carriage] must:
 - (a) by no later than [date] file with the court, and provide a copy to each other party, papers for the judge which:
 - (i) comprises the documents identified in paragraph [7] above; and
 - (ii) indexed, paginated and presented in lever arch files; and
 - (b) bring to the trial of the preliminary issue a further bundle containing each document in the common bundle, similarly indexed and paginated, in the following form:
 - (i) the original document; and
 - (ii) in the absence of any original document, a clear legible copy thereof.
9. Until the determination of the preliminary issue, all further proceedings in the [action / proceeding] are stayed.
10. *[If appropriate]* The action is adjourned to a directions hearing on [date – usually first available Trial List Judge chambers following date set for papers for the judge].

UOC 2.7 Assessment of damages

1. The damages payable by the defendant/s to the plaintiff pursuant to the judgment entered herein on [date] be assessed by a [judge in court / registrar in chambers].
2. *[If by judge]* [Number] days are allocated for a trial of the assessment of damages, and the trial is listed on [date].
3. *[If by hearing before a registrar]* The issue of the assessment of damages is to be heard in chambers on [date].

4. By [date] the plaintiff must pay the hearing fee, absent which the trial dates shall be vacated.
[Insert as appropriate:]
5. The evidence adduced at the [hearing / trial] of the assessment of damages be by way of affidavit.
6. By no later than [number] days prior to the date of the [hearing / trial] the plaintiff must:
 - (a) serve on the defendant a copy of this order together with notice of the appointment for the hearing; and
 - (b) file and serve on the defendant any affidavit upon which the plaintiff intends to rely in the hearing.
7. By no later than [number] days prior to the date of the hearing, the defendant must file and serve on the plaintiff any affidavit upon which the defendant intends to rely in the hearing.
8. By no later than [number] days prior to the hearing, either party may by notice in writing to the other require the attendance of the deponent of any affidavit for the purpose of cross-examination at the hearing.
9. The parties have liberty to apply [with # days notice].

CPC 3 – LIMITED DISCOVERY

UOC 3.1 Specific Discovery

1. By [date], the [party] must:
 - (a) make an affidavit, to be sworn or affirmed by [name / office holder]:
 - (i) stating whether the documents or any documents within the [class or classes] of documents described in the schedule are or have at any time been in that party's possession, custody or power;
 - (ii) in each case where a document is part of such a class of documents, identifying each document; and
 - (iii) if a document is no longer in [his/her/its] possession, stating what has become of the document; and
 - (b) serve a copy of the list and the affidavit on [the/each] other party

UOC 3.2 Discovery - limited by issues

1. By [date], each party must make a list of the documents which are or have been in their possession, custody or power relating to the following issues:
 - (a) [insert];
 - (b) [insert]; and
 - (c) [insert]

and, by the same date, make an affidavit verifying that list and serve a copy of each on the other party.

2. The parties are otherwise excused from providing further discovery until further order.
3. Prior to the date on which dates are allocated (or provisionally allocated) for a trial of the action, the parties have liberty to apply for further discovery orders.

UOC 3.3 Discovery - exclusion

1. Subject to paragraph [2] hereof, the [party] is at liberty not to discover documents falling within the following classes:
 - (a) [insert];
 - (b) [insert]; and
 - (c) [insert].
2. If the [party] intends to rely at trial on a document that is within the scope of paragraph [1], then that party must discover the document prior to the date on which the action is entered for trial, otherwise the document may not be tendered at trial without the leave of the Court.

CPC 5 – EXPERT EVIDENCE

UOC 5.1 Leave to adduce, exchange

1. Subject to DCR r 45E(6), the [party] has leave to adduce expert evidence at the trial of the action.
2. By [date], the [party] must:
 - (a) serve on each other party a copy of the report of any expert witness, the substance of which the party intends to rely on at the trial;
 - or
 - (b) disclose in writing to each other party the substance of any expert evidence that the party intends to adduce at the trial.
3. By [date] each party must file and serve:
 - a) an index of the reports of any expert witness that the party intends to tender as evidence at trial in accordance with DCR r 45E(3);
 - b) an updated index of the reports of any expert witness that the party intends to tender as evidence at trial in accordance with DCR rule 45E(4A)-(4B).

UOC 5.2 Expert conferral

1. The experts named in the table below, [in the presence of the parties' solicitors and/or in the presence of a registrar], shall meet and confer on a 'without prejudice basis' for the purposes of:
 - (a) identifying the issues on which each has been called to give an expert opinion;
 - and

- (b) in relation to each issue:
 - (i) identifying any differences between them and the reasons for those differences; and
 - (ii) resolving as many of those differences as possible.

Name	Party calling

- 2. Within [number] days of the conferral being held the solicitors for the parties do file and serve:
 - (a) a notice confirming that the conference was held as ordered; and
 - (b) a joint report of the experts, signed by each of them:
 - (i) recording the substance of the issues on which they agree;
 - (ii) recording the substance of the issues on which they disagree, and the reasons that they remain apart on those issues.

CPC 6 – PRE-TRIAL CONFERENCES

UOC 6.1 Program to a listing conference

See UOC 2.1 above.

UOC 6.2 Negotiated outcomes – orders by consent

See UOC 7.5 below.

CPC 7 - MEDIATIONS

UOC 7.1 General mediation orders

- 1. The parties must attend a without prejudice mediation conference [select below]
 - (a) before a Registrar on [insert date] OR
 - (b) before a Registrar on a date to be fixed by the Court taking into account the following unavailable dates of the parties: [insert unavailable dates] OR
 - (c) presided over by [name of mediator] ('mediator').
- 2. Subject to (a) [and (b) – *if granted*] below, each party must attend the mediation conference in person or, if the party is a body corporate, by an agent who is authorised by the body corporate to conduct settlement negotiations and to settle the case.
 - (a) Where the settlement negotiations are to be conducted on behalf of a party by its insurer, a representative of the insurer with authority to conduct settlement negotiations and to settle the case must attend the mediation conference, in which case the attendance of the insured party is dispensed with.

- (b) Personal attendance by a representative of the [party's] insurer is excused on the basis the representative be available by telephone for the duration of the mediation conference.
- 3. No later than 7 days before the mediation conference, the lawyer for each party must comply with DCR r 36 (notice as to costs).
- 4. Any application to adjourn the mediation conference, including by the parties filing a memorandum of proposed consent orders, must be made not later than 2 clear days before the date on which it is listed.
- 5. Unless otherwise ordered at the mediation conference, the costs of each party of and incidental to the mediation conference be in the cause.
- 6. The action be listed for a directions hearing on [date – *usually not earlier than 14 days after the date of the mediation conference*].
- 7. [*If appropriate, and if prior to entry for trial*] Unless otherwise ordered, on entering the action for trial, the requirement on the parties to attend a pre-trial conference be waived, and the action be listed for a listing conference.

UOC 7.2 Materials for mediation

- 1. No later than [7] days before the mediation conference, the plaintiff [and any plaintiff by counter claim, if applicable] must serve on each other party and send to the [Registrar / mediator] presiding at the mediation, a bundle marked 'Confidential - For the Purposes of Mediation Only' containing the following:
 - (a) a without prejudice paper, setting out a summary of the plaintiff's position on the issues, and the merits of those issues, raised by the claim;
 - (b) a schedule of damages complying with DCR rule 45C(3); and
 - (c) a book of documents containing a copy of any document that would be useful for the [Registrar/mediator] to have to facilitate the mediation.
- 2. No later than [3] days before the mediation conference, each defendant must each serve each other party and send to the [Registrar / mediator] presiding at the mediation, a bundle marked 'Confidential for the Purposes of Mediation Only' containing the following:
 - (a) a without prejudice paper, setting out a summary of the defendant's position on the issues, and the merits of those issues, raised by the claim;
 - (b) a schedule responding to the damages claimed, and the calculations set out, in the plaintiff's particulars of damage filed [on [date] / in accordance with paragraph [#] above]; and
 - (c) a book of documents containing a copy of any document that would be useful for the [Registrar/mediator] to have to facilitate the mediation (other than any document contained in the book of documents served by the plaintiff in accordance with paragraph [#] above).
- 3. Subject to any further order, if any party does not comply with paragraph [1] and [2] above, the Court may vacate the mediation conference and list the action for a directions hearing to make consequential orders including as to costs thrown away.

UOC 7.3 Medical examinations / reports

3. By [date], [each of] the defendant[s] must each serve on the plaintiff any notice requiring the plaintiff to submit him/herself for examination by a medical practitioner.
4. By [date], [each of] the defendant[s] must serve on the plaintiff a copy of each medical report (within the meaning of DCR r 47B) the substance of which the defendant will rely on at the mediation conference.

UOC 7.4 Mediated outcomes – orders by consent

Settlement with judgment

1. There is judgment in favour of the plaintiff against the defendant in the amount of \$[insert].
2. The action is dismissed.

Where the parties need to execute a deed and/or file consent orders

3. The action is adjourned to a directions hearing on [date] at [time].

Where approval of compromise is required

4. By no later than [date] the plaintiff do file and serve an application for leave to compromise the plaintiff's claim.

CPC 8 - LEAVE TO COMPROMISE CLAIMS BY PERSONS UNDER A DISABILITY

UOC 8.1 Leave to compromise – judgment / compromise sum

1. The plaintiff has leave to compromise [his/her] claim against the defendant [*for action: as alleged in the statement of claim – OR - for originating summons: describe and define 'Claim'*]:
 - a) for the sum of \$[insert] [*if originating summons – ('Compromise Sum')*], [inclusive of OR plus] trustee and fund management fees of [insert]; and
 - b) otherwise on the terms set out in this order.
2. [*If current action*] Judgment is entered for the plaintiff against the defendant in the sum of \$[insert] ('Judgment Sum').
3. Within 14 days of the date of service of this order, the defendant must pay to [*select as appropriate*]:
 - a) the plaintiff's [insert] the sum of \$[insert] in respect of past gratuitous services provided to the plaintiff and special damages paid by [insert], which is included in the [Judgment Sum / Compromise Sum];
 - b) Centrelink, in part payment of the Judgment Sum, the sum of [insert] [or the amount of any Notice of Recovery issued under s 1184 of the *Social Security Act 1991* (Cth)];
 - c) Medicare Australia, by way of indemnity in addition to the Judgment Sum:

- i) the sum of \$[insert] pursuant to the Notice of Charge issued in relation to the plaintiff dated [date]; OR
 - ii) any amount owing as is notified deemed payable pursuant to the provisions of the *Health and Other Services (Compensation Act) 1985* (Cth); and
 - d) the Public Trustee [or other court approved private trustee] ('Court Trustee') the unpaid balance of the [Judgment Sum / Compromise Sum] ('Court Compensation Trust') to be invested and administered on behalf of the plaintiff [*if infant*: until s/he attains the age of 18 years].
4. [*If originating summons*] Upon compliance with paragraph [3], the defendant is discharged from any further liability to the applicant in relation to the Claim.
 5. The defendant pay the plaintiff's costs of the application.

UOC 8.2 Leave to compromise – confidential deed

1. The plaintiff has leave to compromise [his/her] claim against the defendant [*for claim*: as alleged in the statement of claim - *OR, for originating summons*: describe and define 'Claim'] on the terms set out in the confidential [if not executed: draft] Deed of Settlement and Release ('Deed') annexed to the affidavit of [insert] filed [insert] and otherwise on the terms of this order.
2. [*If Deed not executed*] Within 7 days after the date of service of this order, the parties execute the Deed.
3. There is liberty to apply with respect to the defendant's payment obligations under the Deed.
4. [Subject to the terms of the Deed] Upon payment of all monies as set out in the Deed:
 - a) [*if originating summons*] the defendant is discharged from any further liability to the applicant in relation to the Claim; or
 - b) [*if action commenced*] the parties must file a Memorandum of Consent Orders dismissing the action with no order as to costs.
5. The Public Trustee [or other court approved private trustee] ('Trustee') is appointed the trustee of all money payable to the plaintiff pursuant to the Deed ('Trust'), to be invested and administered on behalf of the plaintiff [*if infant*: until s/he attains the age of 18 years].

UOC 8.3 Court Compensation Trust

6. The Trustee is empowered at its discretion to apply, from time to time, the whole or any part of the income of the Trust and, if considered necessary the capital thereof, for the maintenance, welfare and advancement of the plaintiff, or otherwise for the benefit of the plaintiff.
7. [*If the trustee is the Public Trustee*] Investment of the Trust is not limited to the Common Fund.
8. [*If applicable*] The Trustee is authorised to apply part of the capital of the Trust by way of a superannuation fund contribution on behalf of the plaintiff.

9. There is liberty to apply in respect of the Trust.

UOC 8.4 Restricted access to documents

10. Unless otherwise ordered, pursuant to rule 71(3) of the District Court Rules 2005 (WA), access to the following documents on the court record is restricted to the plaintiff and [his/her] legal representatives [*select as applicable*]:
 - a) [opinion of plaintiff's counsel];
 - b) [specified documents];
 - c) [affidavit of plaintiff's solicitor];
 - d) [affidavit of plaintiff's next friend];
 - e) [affidavit of representative of private trustee]; and
 - f) [Deed].

PDC 9 - APPLICATIONS IN ABUSE CLAIMS

UOC 9.1 Application under the Limitation Act, s 91(2) and s 92 (PDC 9.2)

1. By 4.00 pm on [date], the respondent file and serve any affidavits in response to the application.
2. By 4.00 pm on [date], the applicant file and serve written submissions and a list of authorities.
3. By 4.00 pm on [date], the respondent file and serve written submissions and a list of authorities.
4. The originating summons be listed for a hearing before a judge on a date to be fixed after [date].
5. By 4.00 pm on [date], the applicant advise the Court in writing of the parties' combined unavailable dates.
6. There be liberty to the parties to apply.
7. The costs of and incidental to the application be in the cause in any action commenced.

UOC 9.2 Anonymising a party's name and restricting access to the court record

[See UOG 4.1 above]

CPC 10 – COMMERCIAL LIST

UOC 10.1 Consolidated case management directions (CP 10.2.2)

Pleadings

1. By [date] the plaintiff must file and serve any statement of claim.
2. By [date] the defendant must file and serve any defence and any counterclaim.
3. By [date] the plaintiff must file and serve any reply and any defence to counterclaim.

4. By [date] the plaintiff [and the defendant if there is a counter claim] must serve on each other party particulars of damages.

Discovery

5. By [date] each party must make and serve on each other party:
 - (a) a list of the documents which are or have been in that party's possession, custody or power relating to any matter in question in the action;
 - (b) [if formal discovery required] an affidavit verifying the list in paragraph (a).
6. [If inspection copies ordered] By [date] each party must serve on each other party a legible photocopy (or PDF image) of each document referred to in Part 1A of the list in paragraph (a), which is not the subject of an objection as set out Part 1B of the list, the cost of provision of which is to be in the cause.
7. [If inspection copies not ordered] A party must complete their inspection of documents discovered by another party within 10 working days following the date on which it was served with that party's list of discoverable documents.

Mediation conference

8. The parties must attend a without prejudice mediation conference [select below]
 - (a) before a Registrar on [insert date] OR
 - (b) before a Registrar on a date to be fixed by the Court taking into account the following unavailable dates of the parties: [insert unavailable dates] OR
 - (c) presided over by [name of mediator] ('mediator').
9. Subject to (a) [and (b) – if granted] below, each party must attend the mediation conference in person or, if the party is a body corporate, by an agent who is authorised by the body corporate to conduct settlement negotiations and to settle the case.
 - (a) Where the settlement negotiations are to be conducted on behalf of a party by its insurer, a representative of the insurer with authority to conduct settlement negotiations and to settle the case must attend the mediation conference, in which case the attendance of the insured party is dispensed with.
 - (b) Personal attendance by a representative of the [party's] insurer is excused on the basis the representative be available by telephone for the duration of the mediation conference.
10. No later than 7 days before the mediation conference, the lawyer for each party must comply with DCR r 36 (notice as to costs).
11. No later than [3] days before the mediation conference, each party must serve on each other party and send to the [Registrar / mediator] presiding at the mediation, a bundle marked 'Confidential for the Purposes of Mediation Only' containing the following:
 - (a) a summary of the party's position on the issues raised by the claim;
 - (b) in the case of the plaintiff (or plaintiff by counterclaim), a schedule of damages in accordance with DCR r 37(3);

- (c) in the case of each defendant (or defendant by counterclaim), if the plaintiff has provided particulars of damage at least 14 days prior, a responsive schedule; and
 - (d) a book of documents containing a copy of any document that would be useful for the [Registrar/mediator] to have to facilitate the mediation.
12. If any party does not comply with paragraph [11] the mediation conference may be vacated and, in that event, will be listed for a directions hearing to make consequential orders including as to any costs thrown away.
 13. Any application to adjourn the mediation conference, including by the parties filing a memorandum of proposed consent orders, must be made not later than 2 clear days before the date on which it is listed.
 14. Unless otherwise ordered at the mediation conference, the costs of each party of and incidental to the mediation conference be in the cause.

Ongoing case management

15. *[If appropriate, and if prior to entry for trial]* Unless otherwise ordered, on entering the action for trial, the requirement on the parties to attend a pre-trial conference be waived, and the action be listed for [a listing conference OR a directions hearing] on [date].
16. Without limiting paragraph [12] hereof, in the event of default by any party for 3 days in complying with any paragraph of these orders, the party in default must either:
 - (a) file and serve a consent order adjusting the timetable set out in this order; or
 - (b) request the court to list the action for a directions hearing.

CPC 11 – BUILDING AND ENGINEERING CONTRACT CLAIMS ('SCOTT SCHEDULES')

UOC 11.1 Scott Schedule

1. By not later than [date], the plaintiff must serve on the defendant [by email] a draft schedule in the form of [Schedule [A, B, C, D, E or F as appropriate – as set out in FC 4], or in the form attached to this application] ('Scott Schedule') relating to the claims in paragraphs [XX] and [YY] of the statement of claim dated [insert].
2. By no later than [insert date], the defendant must:
 - (a) complete columns 5 and 6 [or other columns as the case may be] of the Scott Schedule; and
 - (b) serve the duly completed Scott Schedule on the plaintiff [by email].
3. By no later than [date], the Plaintiff must either:
 - (a) file and serve the Scott Schedule as completed pursuant to paragraph 2 above; or
 - (b) file and serve memorandum:
 - (i) identifying that the parties have conferred in relation to the form of the Scott Schedule, and the outstanding issues between them;
 - (ii) annexing the latest drafts of the Scott Schedule; and

- (iii) requesting that the action be listed for a directions hearing.

CPC 14 – ABUSE CLAIMS LIST

UOC 14.1 Initial directions

Pseudonym

1. The plaintiff's name be anonymised and the plaintiff be known in the action as [insert] (pseudonym).
2. All court documents filed in the action shall refer to the plaintiff by the pseudonym.

Pleadings

3. By [date] the plaintiff must file and serve any statement of claim.
4. By [date] the defendant must file and serve any defence.
5. By [date] the plaintiff must serve on each other party particulars of damages.

Discovery

6. By [date] each party must make and serve on each other party:
 - (a) a list of the documents which are or have been in that party's possession, custody or power relating to any matter in question in the action;
 - (b) *[if formal discovery required]* an affidavit verifying the list in paragraph (a).
7. *[If inspection copies ordered]* By [date] each party must serve on each other party a legible photocopy (or PDF image) of each document referred to in Part 1A of the list in paragraph (a), which is not the subject of an objection as set out Part 1B of the list, the cost of provision of which is to be in the cause.
8. *[If inspection copies not ordered]* A party must complete their inspection of documents discovered by another party within 10 working days following the date on which it was served with that party's list of discoverable documents.

Mediation conference

9. The parties must attend a without prejudice mediation conference [select below]
 - (a) before a Registrar on [insert date] OR
 - (b) before a Registrar on a date to be fixed by the Court taking into account the following unavailable dates of the parties: [insert unavailable dates] OR
 - (c) presided over by [name of mediator] ('mediator').
10. Subject to (a) [and (b) – *if granted*] below, each party must attend the mediation conference in person or, if the party is a body corporate, by an agent who is authorised by the body corporate to conduct settlement negotiations and to settle the case.
 - (a) Where the settlement negotiations are to be conducted on behalf of a party by its insurer, a representative of the insurer with authority to conduct settlement negotiations and to settle the case must attend the mediation conference, in which case the attendance of the insured party is dispensed with.

- (b) Personal attendance by a representative of the [party's] insurer is excused on the basis the representative be available by telephone for the duration of the mediation conference.
11. No later than 7 days before the mediation conference, the lawyer for each party must comply with DCR r 36 (notice as to costs).
 12. No later than [3] days before the mediation conference, each party must serve on each other party and send to the [Registrar / mediator] presiding at the mediation, a bundle marked 'Confidential for the Purposes of Mediation Only' containing the following:
 - (a) in the case of the plaintiff (or plaintiff by counterclaim), a schedule of damages in accordance with DCR r 37(3);
 - (b) in the case of each defendant (or defendant by counterclaim), if the plaintiff has provided particulars of damage at least 14 days prior, a responsive schedule; and
 - (c) a book of documents containing a copy of any document that would be useful for the [Registrar/mediator] to have to facilitate the mediation.
 13. If any party does not comply with paragraph [12] the mediation conference may be vacated and, in that event, will be listed for a directions hearing to make consequential orders including as to any costs thrown away.
 14. Any application to adjourn the mediation conference, including by the parties filing a memorandum of proposed consent orders, must be made not later than 2 clear days before the date on which it is listed.
 15. Unless otherwise ordered at the mediation conference, the costs of each party of and incidental to the mediation conference be in the cause.

Ongoing case management

16. Without limiting paragraph [13] hereof, in the event of default by any party for 3 days in complying with any paragraph of these orders, the party in default must either:
 - (a) file and serve a consent order adjusting the timetable set out in this order; or
 - (b) request the court to list the action for a directions hearing.

CPC 15 - FEES

UOC 15.1 Payment of trial hearing fee deferred

1. Pursuant to reg 6(2) of the *District Court (Fees) Regulations 2002* (WA), the payment of the listing fee and any additional daily hearing fees in this matter is deferred until the earlier of the following:
 - (a) judgment being handed down following a trial of the action;
 - (b) the allocated trial dates being vacated;
 - (c) the Court being advised of the finalisation of the action; or
 - (d) 12 months from the date of this order.

UOC 15.2 Payment of a fee (other than trial hearing fee) deferred

1. Pursuant to reg 6(2) of the District Court (Fees) Regulations 2002 (WA) (Regulations), the payment of the fee described in [Item # of Sch 1 of the Regulations] is deferred until [specify date] OR [until the earlier of the following]:

[as appropriate]

- a) [the application being determined] OR [judgment being handed down following a trial of the action];
- b) the Court being advised of the finalisation of the action; or
- c) [period] from the date of this order.

16 – COSTS AND TAXATION OF COSTS

UOC 16.1 Costs

1. The [party's] costs of [today / the hearing on (date) / the application / preparing the (document)] be in the cause [in the action/appeal/application] [if applicable: and in the third-party proceedings / counterclaim].
or
2. The costs of [today / the hearing on (date) / the application / preparing the (document)] [if applicable: and any costs thrown away] are the [party's] in any event.
or
3. The costs of [today / the hearing on (date) / the application / preparing the (document)] are reserved.
or
4. The parties bear their own costs of [today / the hearing on (date) / the application].
or
5. There is no order as to costs.

UOC 16.2 Security for costs

1. By [date] OR within [number] days of the service of this order on [party], the [party] must give security for the [party's] costs of the action in the amount of \$[insert] by [payment of that amount into court].
2. Until the [party] has complied with paragraph [1], all further proceedings in the action are stayed.

CRIMINAL

CPM 1 – GENERAL MATTERS - REGISTRARS' JURISDICTION AND BAIL

UOM 1.1 Bail variation

1. Subject to paragraph [2], bail is varied as follows [*insert as appropriate*]:
 - d)
 - e)
 - f)
2. The variation in paragraph [1] does not take effect unless, within [number] days of this order:
 - a) [*if appropriate*] the surety re-signs the surety undertaking and is re-approved; and
 - b) the accused re-signs the bail undertaking.