

## PROCEDURE GUIDE FOR MAGISTRATE COURT APPEALS

### 1. Appellant

- 1.1 To commence an Appeal against a decision of a Magistrate the Appellant needs to lodge at the District Court Registry 3 copies of the appeal notice (Attachment 1). The person who commences the appeal is referred to as the “Appellant”. The other party is referred to as the “Respondent”.
- 1.2 The Appellant will need to pay the prescribed fee for the filing the Notice of Appeal, which is \$720.00 for an individual or \$1863.00 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 time interval is 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 jurisdiction in which the original decision was made.
- 1.6 When the Appellant serves the appeal notice on the Respondent, the Appellant must attach to it a notice of respondent’s intention (Attachment 3): 2005 DCR r51(6).

- 1.7 The District Court rules provide that the appeal notice is to be personally served on the Respondent: 2005 DCR r51(4).
- 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.
- 1.9 Appellants may find it convenient or indeed necessary to use a professional process server to serve the appeal notice.
- 1.10 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 2). 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](mailto: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 this 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. The notice should then be signed, filed and served.
- 2.3 A Respondent who wishes to contest the must complete the appropriate sections of the notice of respondent's intention served with the appeal notice. The notice should then be signed, filed, and served.
- 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.
- 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.

## **3. Initial Directions Hearing**

- 3.1 At the directions hearing, the Registrar will review the appeal to check whether it is ready to proceed to final hearing. This will include checking the material which has been sent to the Court by the Magistrates' Court. 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.
- 3.2 If the appeal is ready to be listed for a final hearing, the Registrar will set a date and time for the final hearing.
- 3.3 If the appeal cannot be listed at the Mention, the Registrar 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; or
  - (c) a party wishes to have the Court rely on additional evidence from that relied on by the Magistrate.
- 4.2 The application is the form of Attachment 4. The party making the application will also need to file and serve an affidavit (Attachment 8) 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 8).

#### **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.
- 5.5 The Judge should be addressed as "Your Honour".
- 5.6 Typically, the Appellant will be asked to address the Court first and then the Respondent.
- 5.7 The hearing before the Judge is a reconsideration of the evidence before the Magistrate. A party is not allowed to adduce evidence that was not before the Magistrates Court unless the party has obtained the leave of the Court. The Court is not to grant leave unless there are exceptional circumstances: *Magistrates Court (Civil Proceedings) Act 2004 (WA)*, s40(5).
- 5.8 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

<b>Attachment</b>	<b>Blank pro forma</b>	<b>Worked example</b>
1	Appeal notice	Appeal notice - example
2	Service certificate	Service certificate - example
3	Notice of respondent's intention	Notice of respondent's intention - example
4	Application in an appeal	Application in an appeal - example
5	Consent notice	Consent notice - example
6	Discontinuance notice	Discontinuance notice - example
7	Affidavit	Affidavit - example
8	5AA. Notice of change of representation, service details or address	5AA. Notice of change of representation, service details or address - example
9	Form 2 Fee Waiver	

**Attachment 1****District Court Rules 2005 (WA) Form 6 Appeal Notice (r. 51 (l))**

District Court of Western Australia		Appeal No:
		<b>Appeal Notice</b>
Parties	Appellant Respondent	
<b>Primary court's decision</b>		
Primary court Case number Parties Date of decision Judicial officer		
Decision details <sup>i</sup>		
<b>Appeal details</b>		
Notice of appeal	The appellant appeals to the District Court against the above decision	
Grounds of appeal <sup>ii</sup>	1.	
Acts that allows appeal <sup>iii</sup>	Section:	
Notice to the respondent <sup>iv</sup>	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	
Directions hearing <sup>v</sup>	Date:	Time: Place:
<b>Appellant's details for service <sup>vi</sup></b>		
Name Street Address Telephone Email Address Reference No.	Fax No:	
Signature of appellant or lawyer	Appellant/ Appellant's lawyer	Date:

**Note to Form 6 -**

1. Examples:
  - Judgment against defendant for \$40,000
  - Dismissal of claim to recover possession of real property.
2. Set out the grounds in numbered paragraphs.
3. State the short title of the Act under which the appeal is being made.  
A copy of Form 8 (Notice of respondent's intention) must be attached to this form when it is served on the respondent.
4. The court will complete this row when the appeal notice is filed.
5. If the appellant is represented by a lawyer, the appellant's details below must be the lawyer's. If the appellant is self-represented, the details must be the appellant's personal details.

**District Court Rules 2005 (WA) Form 6 Appeal Notice (r. 51 (l)) Magistrates Court  
general claim example**

District Court of Western Australia		Appeal No:
		<b>Appeal Notice</b>
Parties	<b>Michael Citizen</b>	Appellant
	<b>Jane Smith</b>	Respondent
<b>Primary court's decision</b>		
Primary court	Magistrates Court - Joondalup	
Case number	MCJ 234/ 2010	
Parties	Jane Smith (Plaintiff) Michael Citizen (Defendant)	
Date of decision	1 February 2011	
Judicial officer	Magistrate Black	
Decision details	<b>Judgment against defendant for \$40,000</b>	
<b>Appeal details</b>		
Notice of appeal	The appellant appeals to the District Court against the above decision	
Grounds of appeal	<ol style="list-style-type: none"> <li>1. The Magistrate erred in finding that the amount of \$40,000 advanced by the respondent to the appellant was a loan.</li> <li>2. In actual fact, the amount was an investment in the restaurant business known as the Lazy Cray. It was only to be repaid if the business sold.</li> <li>3. The Magistrate did not take into account the share certificates tendered by the appellant as evidence that the money was for an investment and not a loan.</li> </ol>	
Acts that allows appeal	<i>Magistrates Court (Civil Proceedings) Act 2004 (WA)</i> section: 40	
Notice to the respondent	<p>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.</p> <p>If you file a Form 8 you must attend a directions hearing at the time and place stated below.</p>	
Last date for appealing	Last date: 22 February 2011 Is an extension of time needed? No	
Directions hearing	Date:	Time: Place:
<b>Appellant's details for service</b>		
Name	Michael Citizen	
Street Address	123 Rockhampton Drive, Safety Bay, WA, 6169	
Telephone	9426 2793	Fax No: n/a
Email Address	michael.citizen@iientcom.au	
Reference No.		
Signature of appellant or lawyer	Appellant/ Appellant's lawyer	Date: 22 February 2011

**District Court Rules 2005 (WA) Form 7 Service certificate (r. 51(7))**  
**Magistrates Court general claim example**

District Court of Western Australia		Appeal No:
		<b>Service certificate</b>
Parties	Appellant Respondent	
Certificate <sup>vi</sup>	<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"> <li>• A copy of an appeal notice dated [date];</li> <li>• A copy of every other document that was filed with the appeal notice;</li> <li>• A copy of Form 8 (Notice of respondent's intention).</li> </ul> <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 -**

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 what prison.

**District Court Rules 2005 (WA) Form 7 Service certificate (r. 51(7)) Magistrates Court general claim example**

District Court of Western Australia		Appeal No: 123 of 2011
		<b>Service certificate</b>
Parties	<b>Michael Citizen</b>	Appellant
	<b>Jane Smith</b>	Respondent
Certificate	<p>I certify that on 24 February 2011 at Rockingham Billy Elliot served the respondent personally with these documents—</p> <ul style="list-style-type: none"> <li>• A copy of an appeal notice dated 22 February 2011;</li> <li>• A copy of every other document that was filed with the appeal notice;</li> <li>• A copy of Form 8 (Notice of respondent’s intention).</li> </ul> <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:

**District Court Rules 2005 (WA) Form 8 Notice of Respondent's intention (r.53)**  
**Magistrates Court general claim example**

District Court of Western Australia		Appeal No:
<b>Notice of respondent's intention</b>		
Parties	Appellant Respondent	
Notice [Tick one box]	<input type="checkbox"/> <sup>vi</sup> The respondent intends to take part in this appeal. <input type="checkbox"/> <sup>vi</sup> 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 <sup>vi</sup>	<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 <sup>3</sup>	<input type="checkbox"/> The respondent applies for the primary court's decision to be varied as follows—  The respondent will argue the primary court's decision should be varied on the following grounds –  1.	
Cross-appeal <sup>3</sup>	<input type="checkbox"/> The respondent also appeals against the primary court's decision and will rely on the following grounds –  1.	
Last date for appealing <sup>vi</sup>	Last date: Is an extension of time needed? Yes/No	
<b>Respondent's details for service <sup>vi</sup></b>		
Name Street Address Telephone Email address Reference No.	Fax No:	
Signature of respondent or lawyer	Respondent / Respondent's lawyer	Date:

## Notes to Form 8

1. <sup>vi</sup> If this box is ticked, complete one or more of the next 5 rows and the respondent's details for service.
2. <sup>vi</sup> If this box is ticked, ignore the next 5 rows and complete the respondent's details for service.
3. <sup>vi</sup> Set out the grounds in numbered paragraphs.
4. <sup>vi</sup> Complete this only if the respondent also appeals against the primary court's decision.
5. <sup>vi</sup> If the respondent is represented by a lawyer, the respondent's details below must be the lawyer's. If the respondent is self-represented, the details must be the respondent's personal details.

**Attachment 3 – Worked Example****District Court Rules 2005 (WA) Form 8 Notice of Respondent's intention (r.53) Magistrates Court general claim example**

District Court of Western Australia		Appeal No:
		<b>Notice of respondent's intention</b>
Parties	<b>Michael Citizen</b>	Appellant
	<b>Jane Smith</b>	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 checked="" 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 checked="" 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 – <ol style="list-style-type: none"> <li>1. The Magistrate was wrong in not finding that the share certificates tendered by the appellant were fraudulent and that the respondent's signature on them was forged.</li> </ol>	
Variation	<input checked="" type="checkbox"/> The respondent applies for the primary court's decision to be varied as follows— <ol style="list-style-type: none"> <li>1. The amount of the judgment be \$65,000.</li> </ol> <p>The respondent will argue the primary court's decision should be varied on the following grounds –</p> <ol style="list-style-type: none"> <li>1. The magistrate was wrong in finding that a the \$25,000 advanced to the appellant by the respondent on 12 July 2009 was a capital contribution to the business and not a loan.</li> <li>2. The Magistrate was wrong in accepting the evidence of Henrietta Smith that the \$25,000 was an investment not a loan.</li> <li>3. The Magistrate erred in not placing weight on the emails between the parties in June 2009 about the basis for advancing the \$25,000.</li> </ol>	
Cross-appeal	<input checked="" type="checkbox"/> The respondent also appeals against the primary court's decision and will rely on the following grounds – <ol style="list-style-type: none"> <li>1. See the grounds set out in the variation row.</li> </ol>	
Last date for appealing	Last date: 4 April 2011 Is an extension of time needed? No	

<b>Respondent's details for service</b>		
Name	Cheet and Robb, Lawyers	
Street Address	123 Newcastle Street, Northbridge, WA, 6003.	
Telephone	9313 7333	Fax No: 9313 7444
Email address	<a href="mailto:admin@cheetrobb.com.au">admin@cheetrobb.com.au</a>	
Reference No.	AR 12345	
Signature of respondent or lawyer	Respondent's lawyer	Date:

**Attachment 4****District Court Rules 2005 (WA) Form 9 Application in an appeal (r 58A)**

District Court of Western Australia		Appeal No:
		<b>Application in an appeal</b>
Parties	Appellant Respondent	
Applicant		
Application <sup>vi</sup>	The applicant applies for –	
Conference between 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 – vi	
Signature of applicant or lawyer	Applicant/ Applicant's lawyer	Date:

## Notes to Form 9 -

State –

1

- 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.

**District Court Rules 2005 (WA) Form 9 Application in an appeal (r 58A)**  
**Magistrates Court general example**

District Court of Western Australia		Appeal No: 234 of 2011
		<b>Application in an appeal</b>
Parties	<b>Rodney Smith</b>	Appellant
	<b>Annabel Jones</b>	Respondent
Applicant	Annabel Jones (Respondent)	
Application	<p>The applicant applies for –</p> <ol style="list-style-type: none"> <li>1. An order that this application be heard by telephone.</li> <li>2. An order that the respondent have leave to participate in the hearing of the appeal by video link to a secure location.</li> </ol> <p>This application is made pursuant to <i>Magistrates Court (Civil Proceedings) Act 2004 (WA) s 40(4)(b)</i>.</p>	
Conference between 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 any form of communication between the parties has, in the past, inflamed the issues between them and never been the subject of a fruitful conversation.	
Signature of applicant or lawyer	<i>Annabel Jones</i>  Respondent	Date: 1 March 2011

***District Court Rules 2005 (WA) Form 10 Consent Notice (r. 58 B)***

District Court of Western Australia		Appeal No:
		<b>Consent notice</b>
Parties	Appellant Respondent	
Consent	We consent to the following orders being made –	
Signature of appellant or lawyer	Appellant / Appellant’s lawyer	Date:
Signature of respondent or lawyer	Respondent / Respondent’s lawyer	Date:

**District Court Rules 2005 (WA) Form 10 Consent Notice (r. 58 B)**

**Magistrates Court general example**

District Court of Western Australia		Appeal No:
		<b>Consent notice</b>
Parties	<p><b>Michael Citizen</b> Appellant</p> <p><b>Jane Smith</b> Respondent</p>	
Consent	<p>We consent to the following orders being made –</p> <ol style="list-style-type: none"> <li>1. The directions hearing listed for 3 March 2011 at 10.30am be adjourned to a date not earlier than 3 April 2011.</li> <li>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 notice.</li> </ol>	
Signature of appellant or lawyer	Appellant / Appellant’s lawyer	Date:
Signature of respondent or lawyer	Respondent / Respondent’s lawyer	Date:

**District Court Rules 2005 (WA) Form 11 Discontinuance Notice (r.58)**

District Court of Western Australia		Appeal No:
		<b>Discontinuance notice</b>
Parties	Appellant Respondent	
Notice	The appellant discontinues this appeal.	
Signature of appellant or lawyer	Appellant / Appellant's lawyer	Date:

*District Court Rules 2005 (WA) Form 11 Discontinuance Notice (r.58)***Magistrates Court general claim example**

District Court of Western Australia		Appeal No: 123 of 2011
		<b>Discontinuance notice</b>
Parties	<b>Michael Citizen</b>	Appellant
	<b>Jane Smith</b>	Respondent
Notice	The appellant discontinues this appeal.	
Signature of appellant or lawyer	Appellant / Appellant's lawyer	Date: 12 March 2011

**District Court Rules 2005 (WA) Form 1A. Affidavit (r.23A)**

District Court of Western Australia		Appeal No:
		<b>Affidavit</b> <sup>vi</sup>
Parties		
Person making affidavit		
Date made		
Purpose <sup>vi</sup>		
Filed by	[Party]	
Index <sup>vi</sup>	Contents	Page
	1. <i>Affidavit of Vincent van Gogh</i>	1
	2. <i>Attachment VVG 1-MJ 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<sup>vi</sup>

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 –

1. [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]<sup>vi</sup>

The affidavit must comply with RSC Order 37.

1. Example: To support summons by plaintiff dated 1 May 2010 for summary judgment.
2. The index must comply with RSC Order 37 rule 2(7). Form 1A contains in italics an example of an index.
3. Page 1 must be on a separate sheet of paper from the above.
4. The *Oaths, Affidavits and Statutory Declarations Act 2005* Part 3 sets out the requirements for affidavit and who are authorised witnesses for affidavits.

**District Court Rules 2005 (WA) Form 1A. Affidavit (r.23A)**  
**Magistrates Court general claim example**

District Court of Western Australia		Appeal No:
		<b>Affidavit</b>
Parties	<b>Michael Citizen</b>	Appellant
	<b>Jane Smith</b>	Respondent
Person making affidavit	Michael Citizen	
Date made	3 March 2011	
Purpose	<b>To support application dated 3 March 2011 for leave to adduce further evidence at the hearing of the appeal.</b>	
Filed by	Appellant	
Index	Contents	Page
	4. Affidavit of Michael Citizen	1
	5. Attachment “MC1” - Email Jane Smith to Mary Citizen, 2 June 2009	3
	6. Attachment “MC2” - Email Mary Citizen to Jane Smith 3 June 2009	4

**Attachment 8****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:	
		<b>Notice of change of representation, service details or address</b>	
Parties	Plaintiff/Applicant/Appellant <sup>1</sup>		
	Defendant/Respondent <sup>1</sup>		
Party filing notice	Plaintiff/Applicant/Appellant <sup>2</sup>		
	Defendant/Respondent <sup>2</sup> Third Party <sup>2</sup>		
Date of filing			
<b>CURRENT ADDRESS AND SERVICE DETAILS</b>			
Geographical address of party <sup>3</sup>			
Postal address for service of documents <sup>4</sup>			
Telephone number <sup>5</sup>		Fax number <sup>6</sup>	
Email address <sup>6</sup>			
Reference <sup>7</sup>			
<b>CHANGE OF REPRESENTATION - IF APPLICABLE</b>			
Change in representation <sup>8</sup>	<input type="radio"/> I intend to act in person <input type="radio"/> I have changed lawyers		
Name of new lawyer <sup>9</sup>			
Address where new lawyer conducts business <sup>10</sup>			
New lawyer's postal address <sup>10</sup>			
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 8 – 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	
		<b>Notice of change of representation, service details or address</b>	
Parties	<b>Jane Smith</b>		Appellant
	<b>Michael Citizen</b>		Respondent
Party filing notice	Appellant		
Date of filing	3 March 2011		
<b>CURRENT ADDRESS AND SERVICE DETAILS</b>			
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			
<b>CHANGE OF REPRESENTATION - IF APPLICABLE</b>			
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/ <del>Party's Lawyer</del>	Date:	3 March 2011

## DISTRICT COURT (FEES) REGULATIONS 2002

<b>Form 2</b>			
<b>Application to reduce fee</b>			
In the District Court of Western Australia		No.        of 2	
<b>Plaintiff/Appellant*:</b> (*strike out word that is not applicable)			
<b>Defendant/Respondent*:</b> (*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			
<b>Applicant Details:</b>	<b>Full name:</b>		
	<b>Please indicate your party type:</b>  <input type="checkbox"/> Individual <input type="checkbox"/> Entity		
	<b>Address:</b>		
	<b>Date of birth:</b>		
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>			
<b>I certify that the above information and disclosures in this form are true and correct.</b>			
<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.

<b>Occupation:</b>	
<b>Employer:</b>	
<b>Employer's Address:</b>	
<b>Marital Status:</b>	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> partner <input type="checkbox"/> de facto <input type="checkbox"/> separated

<b>Dependants:</b>	<input type="checkbox"/> dependant wife/husband/partner/de facto  ____ (number of) dependent children
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### 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	\$	\$	\$
<b>Total</b>	\$	\$	\$

### 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)		\$	\$	\$	
<b>TOTAL</b>		\$	\$	\$	
<b>TOTAL INCOME</b>		\$	<b>TOTAL EXPENDITURE</b>	\$	
<b>ASSETS</b>				<b>VALUE</b>	
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)				\$	
<b>TOTAL ASSET VALUE</b>				\$	
<b>HOME CONTENTS</b> (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	
\$	\$	\$	\$	\$	
<b>LIABILITIES</b>				<b>TOTAL</b>	
Mortgage to:				\$	
Other to:				\$	
Time to pay Order:				\$	

<b>TOTAL LIABILITIES</b>		\$
<b>FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL</b>		
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		\$
<b>TOTAL</b>		\$