



SUPREME COURT OF WESTERN AUSTRALIA

NOTICE TO PRACTITIONERS

Notice of changes to the Rules of the Supreme Court:

The *Supreme Court Amendment Rules (No 2) 2020* were published in the Government Gazette on 18 December 2020.

In particular, practitioners should be aware of the following changes to the *Rules of the Supreme Court 1971*.

- As it is now mandatory to file an originating summons electronically, O 58 r 14(4), O 59 r 4(2) and (3), and O 75 r 3(1) have been amended to reflect that copies are no longer required to be filed.
- Subrules (1AA) – (1AC) have been inserted into O 69 r 2. Of particular note, subrule (1AA) requires that the textual content of a document, including endnotes, footnotes and quotations, must be at least the size of 12 point Times New Roman (the same requirement as already in place in the Court of Appeal).
- O 69 r 2(1)(d) has been amended to allow a 30mm rather than 40mm margin width in Court forms for consistency with the templates available for electronic download, and the general standard across the profession.
- There have been substantial amendments to O 70. Previously, any person the subject of a guardianship or administration order, whatever the nature of that order, was defined as a 'represented person' under O 70 r 1, with the consequence under O 70 r 2 that they were unable to bring or defend proceedings, other than by a next friend or guardian *ad litem*. It may have been unfair that a person who was capable of making decisions in relation to litigation could lose the power to make those decisions. The amendments ensure that a person is not deemed to be unable to conduct proceedings where a guardianship or administration order is made for a limited and/or specific reason unrelated to the making of litigation decisions.
- In *Family Provisions Act 1972* matters, a copy of the will of the testator may now either be delivered to the Principal Registrar or filed electronically, pursuant to O 75 r 3(1).

Notice of changes to the Consolidated Practice Directions:

The Supreme Court of Western Australia produces a consolidated document for use by the legal community and members of the public as a guide on practice and procedure in the Court.

The following amendments have been made to Practice Direction 1.2.2 (Filing of documents) effective from 18 December 2020:

- Paragraphs [3A] and [3B] have been inserted in Practice Direction 1.2.2, which have particular relevance to multi-party matters.
- Paragraph [3A] provides that when presenting an original document for filing electronically, the presenting party must enter into the eCourts portal the full names and addresses of every individual or entity to be named as a party (either plaintiff or defendant), regardless of the number. This amendment is to confirm that this is not a role for the Court.
- Paragraph [3B] confirms that party entering information into the eCourts portal is responsible for the accuracy of the information entered. It is not the responsibility of the Court to check for accuracy.
- Paragraphs [3A] and [3B] apply to General Division Civil and, pursuant to [48] and [55] to general division and single judge appeals.

The revised consolidated document may be accessed via this link:
https://www.supremecourt.wa.gov.au/C/consolidated_practice_directions.aspx

Practitioners can also receive automatic notification of updates by registering for the subscription service on the Supreme Court of Western Australia website.

Dated 18 December 2020.

A handwritten signature in blue ink, appearing to read 'Larissa Strk', is shown within a light blue rectangular box.

Principal Registrar Larissa Strk