

IN THE DISTRICT COURT )  
OF WESTERN AUSTRALIA )  
HELD AT PERTH )

No of

B E T W E E N

[NAME]

Plaintiff

-and-

[NAME]

Defendant

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**MINUTE OF PROPOSED CONSENT ORDERS**

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Date of document:

Date of filing:

Filed on behalf of:

Prepared by:

Address:

Telephone:

Facsimile:

Email:

Reference:

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**PURSUANT TO RSC ORDER 43 RULE 16 the parties consent to the following orders:**

- 1.
- 2.
- 3.
- 4.

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Plaintiff's Counsel/Solicitor

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Defendant's Counsel/Solicitor

**Reasons** [if required under 10.3.3]: The parties seek the above orders to be made by consent because [insert reason].

*Service and Execution of Process Act 1992*

**NOTICE TO WITNESS**

**PLEASE READ THIS NOTICE AND THE ATTACHED DOCUMENT VERY CAREFULLY**

**IF YOU HAVE ANY TROUBLE UNDERSTANDING THEM YOU SHOULD GET LEGAL ADVICE AS SOON AS POSSIBLE**

Attached to this notice is a subpoena ("the attached subpoena") that is a subpoena for the purposes of Part 3 of the *Service and Execution of Process Act 1992* issued by the District Court of Western Australia.

Service of the attached subpoena outside Western Australia is authorised by the *Service and Execution of Process Act 1992*.

**(A) YOUR RIGHTS**

You may be able to apply to a court or authority to set aside or obtain other relief in respect of the attached subpoena. If you would like to make an application, you should get legal advice as soon as possible.

**(B) YOUR OBLIGATIONS**

You must obey the attached subpoena if:

- (a) at the time of service or at some reasonable time before [date for production] you were offered or given either:
  - (i) enough money to meet your reasonable expenses in obeying it, including any travel and accommodation costs; or
  - (ii) a combination of money, travel tickets and vouchers to meet those expenses;and
- (b) either:
  - (i) you received the attached subpoena at least 21 days before [date for production / attendance]; or
  - (ii) you received the attached subpoena less than 21 days before [date for production / attendance] and you received with the attached subpoena a copy of an order made by the District Court of Western Australia permitting the attached subpoena to be served less than 21 days before [date for production / attendance].

If the attached subpoena only requires production of documents or things, you may comply with the attached subpoena by delivering the documents or things at least 24 hours before [date for production] to the Registrar of the District Court of Western Australia.

**THIS IS MOST IMPORTANT**

If you are subject to a restriction on your movements that you might breach if you comply with the attached subpoena, there are some additional actions you must take for your own protection.

## FORMS – CIVIL (FC)FC 2 – NOTICE TO WITNESS (OUTSIDE JURISDICTION) (CPC 4)

The restriction on you could be imposed as:

- (a) conditions of bail; or
- (b) conditional release from prison; or
- (c) conditions of probation; or
- (d) home or periodic detention; or
- (e) a community service order, community-based order, attendance order or work and development order; or
- (f) some other restriction on your movements imposed by law or by order of a court.

If you are under a restriction of this kind, you must, as soon as practicable after you receive the attached subpoena, inform your supervisor of the service of the attached subpoena. If you are on bail, and your bail is subject to a condition that you report periodically, your supervisor is the police officer or correction service officer you report to.

If you are not on bail, or if you are on bail but are not required to report periodically, your supervisor is the person who supervises your compliance with an order or restriction.

Also, you must as soon as practicable, inform the District Court of Western Australia and [person/s at whose request the subpoena was issued] of the restriction to which you are subject.

You must take all reasonable steps to have the restriction varied so that you can comply with the attached subpoena.

If the restriction is not varied, you must inform the District Court of Western Australia and [person/s at whose request the subpoena was issued] either:

- (a) of the steps you took to have the restriction or obligation varied, and that the restriction or obligation has not been varied; or
- (b) that the law does not permit that variation, whichever is the case.

District Court action number: CIV ..... / .....

Date of subpoena / O 36B r13 request: .....  
*[strike through as appropriate]*

Addressee of Subpoena / Request: .....  
*[strike through as appropriate]*

Date for production: .....

Name of person signing acknowledgment: .....

Firm name: .....

Contact Details (Phone) .....

Party acting for: Plaintiff / Defendant / .....

If materials produced under Subpoena:

Is this a personal injuries action (within the meaning of DCR 48AF)? YES / NO

Does the material comprise the health information of the plaintiff: YES / NO

**Acknowledgement**

I acknowledge that the non-disclosure obligations in Rule 48AI of the *District Court Rules 2005* apply.

SIGNED: .....

DATE: .....

Office use only

APPROVAL TO ACCESS DOCUMENTS: YES / NO

Registrar / Delegated Officer: Date: .....

.....

District Court action number: CIV ..... / .....

Date of subpoena / O 36B r13 request: .....  
*[strike through as appropriate]*

Addressee of Subpoena / Request: .....  
*[strike through as appropriate]*

Date for production: .....

Name of person signing acknowledgment: .....

Firm name: .....

Contact Details (Phone) .....

Party acting for: Plaintiff / Defendant / .....

**Undertaking and acknowledgement**

1. I am a Certified Legal Practitioner.
2. I acknowledge receipt of documents and/or things produced pursuant to the Subpoena on ..... (date).
3. I hereby undertake to keep in my custody or possession the above named documents and to return those documents to the Registry in the condition and order provided to me by ..... am/pm on .....(date).
4. I acknowledge that the non-disclosure obligations in Rule 48AI of the District Court Rules 2005 apply.

Office use only

<p><b>Approval to remove and copy</b></p> <p>Registrar / Delegated                  Officer:.....</p> <p>Date: .....</p>	<p><b>All documents returned</b></p> <p>Received by: .....</p> <p>Date returned: .....</p>
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**Action:** District Court of Western Australia No. ....of 20.....

**Plaintiff:** .....

**Defendant:** .....

**Applicant:**

Full name .....

Address .....

[If relevant party is a business / entity]

Position held by applicant .....

**Application**

This is an application for review by a Judge of the decision of Registrar ..... made on ..... [date] by which the Registrar [describe the decision made under reg 8 of the *District Court (Fees) Regulations 2002*]

.....

I /we seek the following decision to be made on review [describe the outcome/s you seek]:<sup>1</sup>

.....

.....

**Supporting information / material (if applicable)<sup>2</sup>**

I /we request that the following is taken into account in the review:

.....

.....

.....

I /we attach the following documents in support of the application (if applicable):

.....

.....

.....

Signature of applicant: .....

Date: .....

<sup>1</sup> NOTE: On review, the decision is made afresh.

<sup>2</sup> NOTE: The applicant does not need to show that the decision made was in error, and may provide any additional information that is relevant to the decision.