

PRACTICE DIRECTION No 1 OF 2021

For the purpose of this Practice Direction, the civil jurisdiction of the Magistrates Court of Western Australia relates to cases commenced under the *Magistrates Court (Civil Procedure) Act 2004*, however, does not include applications:

1. for restraining orders under the *Restraining Orders Act 1997*; and
2. for extraordinary driver's licences under the *Road Traffic (Authorisation to Drive) Act (and related legislation)*.

Electronic lodgment in the civil jurisdiction of the Magistrates Court is mandatory from 1 March, 2021. This includes lodgment of documents on matters commenced prior to this date.


The *Magistrates Court (Civil Proceedings) Rules 2005* and the *Magistrates Court (Minor Case Procedure) Rules 2005*, prescribe that documents must be filed in the civil jurisdiction of the Magistrates Court using the Electronic Case Management System (ECMS) except in limited circumstances.

The Court's ECMS is the electronic case management system for managing proceedings in all Western Australian courts and tribunals, and is available through the eLodgment system on the eCourts Portal. The eCourts Portal can be used by the legal profession, government agencies, organisations, and self-represented litigants.

Proceedings in the Court's civil jurisdiction are commenced by lodging originating documents on the eCourts Portal. Once commenced, other documents can also be lodged using the ECMS. Lodgment fees are paid online and all court orders and listings can be accessed electronically by parties to the proceedings.

Inability to eLodge:

If you are unable to use the ECMS, you may apply for an exemption to electronic lodgment. The application should be in the form of an application to the Registrar of the Magistrates Court, and set out the reasons for requesting the exemption.



Steven Heath

Chief Magistrate

Dated:

24/2/2021