



**SUPREME COURT OF WESTERN AUSTRALIA  
NOTICE TO PRACTITIONERS:**

**SUPREME COURT AMENDMENT RULES 2024**

The *Supreme Court Amendment Rules 2024* (the **Amendment Rules**) were published on the WA legislation website on 26 March 2024. The Amendment Rules amend the *Rules of the Supreme Court 1971*. The substantive provisions will come into operation on Tuesday 9 April 2024.

Service outside jurisdiction

The primary purpose of the amendments is to implement the *Harmonised Court Rules on Service out of Australia* (the **Harmonised Rules**) adopted by the Council of Chief Justices' Rules Harmonisation Committee.

The Amendment Rules replace Order 10 with a new Order 10 titled 'Service outside jurisdiction' which incorporates the Harmonised Rules. Rule 5 allows for an originating process to be served outside Australia in a broad range of matters without leave of the Court.

A new form, Form 5AB, must be served along with an originating process on a person outside Australia which informs the person of, *inter alia*, the person's right to apply for an order setting aside the originating process or dismissing or staying the proceeding.

The rules relating to service through foreign and diplomatic channels have also been updated to reflect the Court's current practice and to be expressed more clearly. These rules are contained in Order 10 div 4.

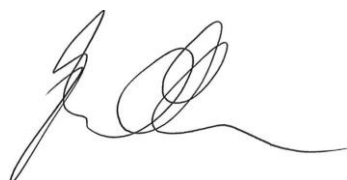
#### Notice of intention to abide

The Amendment Rules provide for a new Form 8 titled 'Notice of intention to abide' in Schedule 2. The Notice can be filed in addition to a Memorandum of appearance (Form 6) by a party that does not intend to take an active part in proceedings but wishes to abide by the decision of the Court.

#### Affidavit volume

Order 37 rule 2(11) has been amended to increase the size of affidavits that can be filed electronically. An electronic file, consisting of an affidavit and its attachments, up to 200 megabytes (approximately 1500 pages), can be filed via the Court's electronic case management system without leave of the Court.

Dated 19 March 2024.

A handwritten signature in black ink, appearing to be 'P. Quinlan', written in a cursive style.

The Hon Justice Peter Quinlan  
Chief Justice of Western Australia