

LEGAL AFFAIRS — MAGISTRATES COURT (CIVIL PROCEEDINGS) AMENDMENT RULES (NO. 3) 2021

94. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Magistrates Court (Civil Proceedings) Amendment Rules (No.3) 2021*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the rules;
- (b) who was consulted prior to these amendment rules being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment rules addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) In 2020, the Family Violence Legislation Reform (COVID-19 Response) Act 2020 (FVLR Act) was introduced. Part 5, section 31 of the FVLR Act amended section 9 of the Restraining Orders Act 1997 (RO Act), to allow for rules of the court to make provisions on how hearings under the RO Act can be fixed. As part of the movement to a fully electronic court process, the Department of Justice identified a number of rules that required a registrar to manually list a court hearing, when certain applications were made to the court.

As a result of this, the Magistrates Court made amendments to allow for parties to lodge documents electronically, as well as allowing certain hearings under the RO Act to be listed through the Court's Electronic Case Management System (ECMS), rather than requiring a registrar to manually list all hearings. These amendments, changes and new processes were implemented to improve court efficiency around the listing and notification of certain court hearings in restraining order matters, while also still giving the ability for persons who cannot use the ECMS to provide documents, and have their matters listed, manually.
- (b) As these were Rules of Court amendments, the Chief Magistrate was consulted, and provided approval, prior to any amendments being sought. Consultation throughout the project took place with the Chief Magistrate, the Director Magistrates Court and Tribunals and Executive Management from the Magistrates Court (regional and metropolitan).
- (c) Each person consulted during the drafting exercise was able to provide feedback, comments and suggestions. Any suggestions raised were discussed, and taken into consideration when the instrument was being drafted. No concerns were raised during this process.
- (d)–(f) Not applicable.