

LEGAL AFFAIRS — SUPREME COURT RULES AMENDMENT (COURT OF APPEAL) RULES 2021

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

I refer to the *Supreme Court Rules Amendment (Court of Appeal) Rules 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;
- (f) if no to (e), why not; and
- (g) why was the date of 3 May 2021 selected for commencement?

Hon Matthew Swinbourn replied:

Rules of the Supreme Court of Western Australia (Court) are made by the Court pursuant to the Supreme Court Act 1935 (WA) and are not delegated legislation made by Government. Nevertheless, the Court was asked if it would provide the information requested by the honourable member. The Court has kindly provided the following:

- (a) These amendments facilitated the introduction of electronic filing in the Court's Court of Appeal Division.
- (b) The Court introduced e-filing in the civil jurisdiction in 2018. There was extensive consultation with the legal profession through the Western Australia Bar Association and the Law Society of Western Australia at that time, and information/education sessions in relation to e-filing were held at the Court. The Court of Appeal Committee has been consulted during the drafting of these Amendment Rules, which was then followed by consultation with all the judicial officers of the Court.
- (c) No.
- (d)–(f) Not applicable.
- (g) The technical developments were a necessary precursor to the implementation of electronic filing in the Court of Appeal were completed in early 2021.

3 May 2021 was selected for commencement in order to give sufficient notice to the legal profession of the impending change given the completion of the technical developments.