



FAMILY COURT OF WESTERN AUSTRALIA

## Information Note to Practitioners

### General Lists

Notwithstanding Case Management Guideline 12.1, from 6 September 2021 the following procedure will apply to applications seeking property orders only:

- All such applications, including applications seeking interim orders, will be listed before a Registrar in the Registrars Duty List for procedural directions
- The application will be listed as soon as practicable after 42 days from the date of filing
- At the procedural hearing, the Registrar conducting the Registrars Duty List will also make directions regarding the listing of any interim applications before a Magistrate
- CMG 25 (requests for abridgement of time) will still apply, and if a listing is given on a request for an urgent hearing, the application may be listed before a Magistrate in a General List
- The requirement to confer on a without prejudice basis, and file a Form NP11 Certificate, applies equally when interim financial orders are sought in a Form 1A Response, notwithstanding no interim financial orders were sought in the initiating Form 1 Application.

### Readiness Hearings

Practitioners' attention is directed to Case Management Guideline 26. If a variation to a Readiness Hearing listing date is requested, such request must be made in writing, with the consent of both parties, and must set out:

- (a) the reason/s why it is sought the Readiness Hearing be vacated;
- (b) if the request is made within 21 days of the Readiness Hearing date, the reason for the late request; and
- (c) a proposed 'not before' date for the adjourned Readiness Hearing, by which time the parties will have complied with the orders previously made to file their trial material.

Practitioners should not simply request "the next available Readiness Hearing" if a variation is sought.

Case Management Guideline 26.1 indicates that parties are to be given at least 8 weeks' notice of the date of the Readiness Hearing. The Court endeavours to give at least 12 weeks' notice when a Readiness Hearing is allocated. Practitioners are urged to ensure all necessary enquiries are made as soon as notice of the date of the Readiness Hearing is received, in particular in relation to, for example, the availability of valuations or Single Expert Witness reports.

A subsequent request to vary a Readiness Hearing date is likely to be declined, with the parties and their solicitors being required to attend the hearing to provide an explanation for their failure to comply with Court orders and file their trial material. Parties and their solicitors should also be prepared to make submissions as to why the matter should not be removed from the Defended List, and/or a finalisation order made, or the applications dismissed.

**PRINCIPAL REGISTRAR FORREST**

**18 JUNE 2021**