

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 21**

APPLICATIONS

This fact sheet is intended to help people who do not have legal representation in preparing applications for hearing with or without an appearance by the parties.

What is an application?

An application is a request to the Court to make an order or do anything within its power.

Making an application?

Complete and lodge **Form 23** and pay the prescribed fee.

An application must be supported by an affidavit.
Form 2.

An original application and two copies are to be lodged at the court registry where the claim was commenced.

When do I need to attend?

Depending on the orders being requested, the Court will direct whether the application will require the attendance of the parties.

Non-attendance on application

If a party does not attend the hearing, the Court may make an order in the absence of that party, which could be in the terms of the application.

Application not requiring attendance

Example: In the instance where the claimant wishes to amend the defendant's name.

Application requiring attendance

Example: Where a claimant or defendant makes application for summary judgment.

Response to an Application

A party who has been served with an application must, at least 3 working days before the hearing lodge and serve a response to the application stating whether they consent or object to the each order. **Form 24 Response to Application.**

Unless the party consents to every order being sought, an affidavit supporting the response and any related application must be lodged. **Form 2 Affidavit.**

Serving an application

The court can arrange service of your application and supporting affidavit by a bailiff. Bailiffs are officers of the

Proof of service

Court who are located throughout the state. You must prepay the service fee.

Alternatively you can make arrangements to serve the application and supporting affidavit yourself. The application and supporting affidavit must served at least 10 days before the hearing of the application.

**See Fact Sheet
No 8 Serving a Court document**

If you have requested the Court to arrange for a bailiff to serve the application and supporting affidavit, the Bailiff will complete a *certificate of service* and send it to you.

If you serve the application and supporting affidavit yourself, you will need to complete an *affidavit of service*. This proves that the application and supporting affidavit was served.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.