

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL PROCEEDINGS
FACT SHEET 8**

**SERVING A COURT DOCUMENT
INFORMATION FOR CLAIMANT AND DEFENDANT**

This fact sheet provides information on how documents may be served.

Unless personal service is required under the Magistrates Court (Civil Proceedings) Rules 2005 or ordered by the Court, a document must be served by delivering it, or sending it by pre-paid post to the residential or business address for service or if no address for service has been provided, to the party's usual or last known place of residence or principal or last known place of business, as the case may be.

Bailiff Service

The Court can arrange for a bailiff to serve your claim. Bailiffs are officers of the Court who are located throughout the State. You must prepay the service fee.

Alternatively you can make arrangements to serve the claim yourself.

What are the most common methods of personal service on an individual?

Personal service of a document on an individual can be by:

- Handing the document to the individual or, if the individual is a person under a legal disability, to the individual's parent, guardian or litigation guardian
- If the individual or the individual's parent, guardian or litigation guardian does not accept the document, put the document down in his or her presence and advise him or her of the nature of the document
- Hand the document to a person who is authorised, in writing, to receive documents on behalf of the individual
- Hand the document to someone at the person's usual or last known place of residence or business who is believed, on reasonable grounds, to have reached 18 years of age or
- Hand the document to a lawyer who is acting for the individual.

What other methods of service individual where personal service is not required?

By delivering it or sending it by pre-paid post, to an individual's residential or principal place of business address for service.

Serving a corporation

Hand the document to a person who, on reasonable grounds, is believed to be director of the corporation who resides in Australia.

Hand the document to a lawyer who is representing the corporation.

Serving a strata title company

The *Strata Titles Act 1985* (section 125) provides that service may be effected by leaving the claim with the Chairman or Secretary of the strata company, with any member of the council or with every proprietor of a lot.

Serving an incorporated association

The Associations Incorporation Act provides that service may be effected upon an incorporated association (eg. sporting club) by:

- Serving the process, notice or other document, personally or by post, on a member of the committee of the association
- Leaving the process, notice or other document at the address of a member of the committee of the association, with any person apparently over the age of 16 years or
- Leaving the process, notice or other document at, or by sending it by post to, the address for service (if any) last notified to the Commissioner.

Note: an incorporated association may lodge notice of an address for service of any process with the Commissioner.

How do I provide proof of service?

Before you can make application for a default judgment you will need to provide the Court with proof that your claim has been served.

Where a bailiff has served your claim, you will receive a certificate of service from the bailiff. Where you choose to serve a claim or document yourself, the person serving the claim or document must complete an affidavit of service (**Form 11**), which is available from any registry of the Magistrates Court or on the website www.magistratescourt.wa.gov.au

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.