



## **Magistrates Court of Western Australia**

### **Civil Jurisdiction**

### **Fact Sheet 52 – Trial Books**

*This fact sheet provides general information for parties on how to complete and lodge a trial book in a Minor Case, General Procedure or Residential Tenancy Matter.*

#### **What is a trial book?**

A trial book is a bundle of documents containing a party's evidence in support of their claim or defence. It contains an index and copies of all relevant documents that will be relied upon at the trial hearing.

The purpose of a trial book is to assist the Magistrate, court staff, parties and witnesses can easily access evidence throughout the trial.

#### **When do I have to lodge a trial book?**

A trial book may only be lodged upon an order being made by the Court or a registrar.

An order will usually be made upon the matter being listed for a trial hearing and will set out timeframes for compliance by each party.

#### **What are the typical trial book orders?**

"The parties are to confer and agree on a set of documents and the Claimant is to lodge and serve the trial book":

This order requires the parties to discuss all documents relevant to the case and agree on a bundle of documents which all parties will rely upon at the trial. The Claimant must prepare the trial book, lodge it with the court and serve it on the other party.

“The parties are to each lodge with the Court and serve on the other party a trial book”:

This order requires the parties to prepare their own trial book and lodge it with the court and serve it on the other party. No discussion between the parties is required.

## **How do I prepare a trial book?**

A trial book is prepared by using a **Form 1 – Notice of Heading and Conclusion (Trial Book)** as the cover page and attaching each document to the **Form 1**. All the attached documents must be clear and legible, single sided, and each page numbered. The **Form 1** must include a list in index form of the attached documents which provides a brief description of the document, its date (if available) and its allocated page number.

In a Residential Tenancy matter the documents must be arranged in the same order as the claim items listed in the applicant’s application.

The **Form 1** can be downloaded from the Magistrates Court website [www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au) or a copy is available from any Magistrates Court registry.

## **What if I need to amend or add documents to my trial book?**

You cannot tender into evidence a document that was not contained in your **Form 1**, unless you have leave of the court.

You must seek leave (permission) to lodge and serve any amended trial book outside the timeframe stipulated in the orders by lodging via the [eCourts](#)

[Portal](#) a **Form 23 – Application** along with a **Form 2 – General Form of Affidavit**.

Any additional documents must continue in the list of the index from the previously lodged trial book. For example, if the first trial book had 11 documents listed in the index, the additional trial book will start the index with document number 12. You are not required to resubmit all previous documents.

### **How do I lodge a trial book?**

Your trial book must be lodged electronically using the Courts Electronic Case Management System (ECMS) [eCourts Portal](#), unless you have an exemption.

You will need to upload your trial book as one document containing all attachments and lodge it via the [eCourts Portal](#) as a “Trial Book”. Upon your trial book being accepted for lodgement by the court, a sealed copy will be issued to you for service.

There is no lodgement fee.

### **How do I serve a trial book?**

A trial book must be served by ordinary service, unless the court orders otherwise. This means you need to send a sealed copy of it by ordinary pre-paid post to the other party’s listed postal address for service (and preferably also to the party’s listed email address).

While the trial book will be viewable to the other party on the [eCourts Portal](#), you are still required to serve them with a sealed copy.

For further information regarding the ordinary service requirements of the trial book, please see **Factsheet No. 8 – Serving a Court Document**.

### **What happens if a party fails to lodge and serve a trial book?**

If a party fails to lodge and serve the trial book as ordered or fails to lodge and serve the trial book by the date specified in the order, that party will be in breach of the court order and the trial may proceed in the absence of their trial book.

Unless a party has leave of the court, they may not be able to tender any documents as evidence at the trial if they have not lodged and served the trial book in accordance with the court order.

**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.



**MAGISTRATES COURT of WESTERN AUSTRALIA  
(CIVIL JURISDICTION)  
GENERAL FORM OF HEADING AND CONCLUSION  
FORM 1**

Registry: <input style="width: 40px;" type="text"/> Phone: <input style="width: 40px;" type="text"/> Fax: <input style="width: 40px;" type="text"/>	Case number: <input style="width: 40px;" type="text"/>
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<b>Claimant</b>	<input style="width: 70%;" type="text"/>
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<b>Defendant</b>	<input style="width: 70%;" type="text"/>
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**The following is a list of the documents relating to the matters in question in this case that might be tendered in evidence at trial.**

*[Provide a list, in a convenient order, of the documents (or bundles of documents if the same nature, such as invoices) in your possession, custody or power that you might tender at trial, with a short description of each document or bundle to identify it.]:*

Document Number	Document Description	Page Number
1	Registration of papers for my vehicle	1-2
2	Aerial photographs of intersection	3
3	Photographs of my vehicle at scene of collision	4-10
4	Police report dated 3 January 2021	11-13
5	Towing invoice from Towing WA dated 5 February 2021	14-18
6	Hire Care invoice from WA Care Hires PTY LTD	19-20
7	Claimants work roster for January 2021	21-24

*Tick [✓] appropriate box*

Lodged by	<input type="checkbox"/> Claimant or claimant's lawyer <input type="checkbox"/> Defendant or defendant's lawyer <input type="checkbox"/> Other <input style="width: 40px;" type="text"/>			
Address for service	<input style="width: 90%;" type="text"/>			
Contact details	Telephone: <input style="width: 40px;" type="text"/>	Lawyer's ref: <input style="width: 40px;" type="text"/>	Fax: <input style="width: 40px;" type="text"/>	E mail: <input style="width: 40px;" type="text"/>