



NORTHERN TERRITORY OF AUSTRALIA

Regulations 2001, No. 26*

Rules of Court under the *Local Court Act*

I, HUGH BURTON BRADLEY, the Chief Magistrate of the Local Court of the Northern Territory of Australia, in pursuance of section 21 of the *Local Court Act*, make the following rules.

Dated 20 March 2001.

H. BRADLEY
Chief Magistrate

* Notified in the *Northern Territory Government Gazette* on 30 May 2001.

AMENDMENTS OF LOCAL COURT RULES

1. Principal Rules

The Local Court Rules are in these Rules referred to as the Principal Rules.

2. Content and form

Rule 3.05 of the Principal Rules is amended by omitting subrule (1) and substituting the following:

"(1) A document (including a form) to be used in the Court is to be prepared in accordance with subrules (2), (3) and (4) but strict compliance with those subrules is not required and substantial compliance, or the compliance that the circumstances require, is sufficient."

3. Repeal and substitution

Rule 5.05 of the Principal Rules is repealed and the following substituted:

"5.05 Names of parties

"(1) A person who commences a proceeding by filing a statement of claim is the party called the plaintiff and the person against whom the proceeding is commenced is the party called the defendant.

"(2) A person who commences a proceeding by filing an originating application or other application is the party called the applicant and the person against whom the application brought is the party called the respondent."

4. How proceeding commenced

Rule 5.06 of the Principal Rules is amended by omitting "Part 7" and substituting "Division 1 of Part 7 or an originating application under Division 2 of Part 7".

5. Heading to Part 7

The heading to Part 7 of the Principal Rules is amended by omitting "STATEMENT OF CLAIM" and substituting "COMMENCEMENT OF PROCEEDING".

6. New Division heading

The Principal Rules are amended by inserting before rule 7.01 in Part 7 the following:

"Division 1 – Statement of claim"

7. New Division

The Principal Rules are amended by inserting after rule 7.06 in Part 7 the following:

"Division 2 – Originating application

"7.07 Commencing proceeding by originating application

- "(1) If a person commences a proceeding in respect of which –
- (a) it is inappropriate to file a statement of claim; and
 - (b) no commencement procedure is otherwise prescribed by these Rules or by or under an Act,

the person must commence the proceeding by filing an originating application in accordance with this Division.

"(2) An originating application is to be filed in the Registry of the Office of the Court at a proper venue as specified in rule 5.01.

"(3) When the office of the Court is closed, an originating application is to be taken to have been filed if –

- (a) the applicant produces the originating application to a magistrate or Registrar;
- (b) the applicant gives to the magistrate or Registrar –
 - (i) an undertaking that the originating application will be filed in the office on the day the office is next open; and
 - (ii) any other undertaking the magistrate or Registrar requires; and
- (c) the magistrate or Registrar initials the originating application.

"7.08 Form of originating application between parties

"(1) An originating application by which an applicant commences a proceeding against a respondent is to be in accordance with Form 7C and is to –

- (a) state the full name of the applicant and an address for service of documents on the applicant;
- (b) if the applicant acts in a representative capacity – state the capacity in which the applicant acts;

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- (c) state the name and address of the respondent;
- (d) if the applicant is represented by a legal practitioner –
 - (i) state the name of the legal practitioner and his or her firm, the business address in Australia and the telephone, facsimile and reference numbers of the legal practitioner; and
 - (ii) if the legal practitioner is the agent of another legal practitioner – state the name, firm, business address and the telephone, facsimile and reference numbers of the principal;
- (e) contain a brief statement of the order or relief applied for;
- (f) if the application arises by or under an Act – identify the specific provision relied on;
- (g) set out sufficient particulars to support the application; and
- (h) be accompanied by a supporting affidavit if required.

"(2) In addition to the business address of a legal practitioner or principal referred to in subrule (1)(d), an originating application between parties may state the practitioner's or principal's postal address.

"7.09 Service of originating application between parties

"Unless the Court orders otherwise, the applicant must serve personally on each respondent –

- (a) an originating application between parties;
- (b) the supporting affidavit (if any); and
- (c) a notice of intention to appear, in accordance with Form 7D.

"7.10 Time for service of originating application between parties

"(1) An originating application between parties is valid for service for 12 months after the date on which it is filed.

"(2) If an originating application between parties has not been served on the respondent, the Court may order that the validity be extended for a period of not more than 12 months from the day of the order.

"(3) An application for an extension under subrule (2) is to be made on or before the day on which an originating application between parties ceases to be valid and no order for an extension is to be made after it ceases to be valid.

"(4) Subject to subrules (2) and (3), the Court may make further orders extending the validity of an originating application between parties.

"7.11 Filing and form of notice of intention to appear

"(1) A respondent served with an originating application between parties must, not later than 28 days after being served, file and serve on the applicant a notice of intention to appear.

"(2) A notice of intention to appear is to be in accordance with Form 7D and is to –

- (a) state the full name of the respondent and an address for service of documents on the respondent;
- (b) if the respondent acts in a representative capacity – state the capacity in which the respondent acts;
- (c) if the respondent is represented by a legal practitioner –
 - (i) state the name of the legal practitioner and his or her firm, the business address in Australia and the telephone, facsimile and reference numbers of the legal practitioner; and
 - (ii) if the legal practitioner is the agent of another legal practitioner – state the name, firm, business address and the telephone, facsimile and reference numbers of the principal; and
- (d) contain a statement of the respondent's intention to appear before the Court in the proceeding.

"(3) In addition to the business address of a legal practitioner or principal referred to in subrule (2)(c), a notice of intention to appear may state the practitioner's or principal's postal address.

"(4) If a respondent who is served with an originating application between parties does not comply with subrule (1), the applicant may apply for an order for default judgment under Part 11.

"7.12 Conciliation conference

"(1) When a notice of intention to appear is filed, a Registrar must fix a date, time and place for a conciliation conference and must give all parties notice of the conference in accordance with Form 32A.

"(2) At a conciliation conference in respect of an originating application between parties –

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- (a) the parties must attend in accordance with rule 32.02;
- (b) the Court may conduct the conciliation conference as it thinks fit; and
- (c) the Court may make the orders it considers appropriate.

"7.13 Originating application if no respondent

"(1) An originating application by which an applicant commences a proceeding to which there is no other party is to be in accordance with Form 7E and is to –

- (a) state the full name of the applicant and an address for service of documents on the applicant;
- (b) if the applicant is represented by a legal practitioner –
 - (i) state the name of the legal practitioner and his or her firm, the business address in Australia and the telephone, facsimile and reference numbers of the legal practitioner; and
 - (ii) if the legal practitioner is the agent of another legal practitioner – state the name, firm, business address and the telephone, facsimile and reference numbers of the principal;
- (c) contain a brief statement of the order or relief applied for;
- (d) if the application arises by or under an Act – identify the specific provision relied on;
- (e) set out sufficient particulars to support the application; and
- (f) be accompanied by a supporting affidavit if required.

"(2) In addition to the business address of a legal practitioner or principal referred to in subrule (1)(b), an originating application may state the practitioner's or principal's postal address.

"(3) An applicant must file 2 copies of an originating application and a Registrar must fix a date, time and place for a hearing and mark them on the application.

"7.14 Hearing of originating application in proceeding with no respondent

"(1) The Court may conduct the hearing in respect of an originating application as the Court thinks fit and may make the orders it considers appropriate.

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"(2) At the hearing, the Court may order that a copy of the originating application and any other document relevant to the application be served on a person who appears to the Court to have a sufficient interest in the determination of the application."

8. When party may apply for order

Rule 11.01 of the Principal Rules is amended by inserting after paragraph (a) the following:

"(aa) where a respondent fails, within 28 days of being served with an originating application between parties, to file a notice of intention to appear;"

9. Affidavit or declaration required

Rule 11.02 of the Principal Rules is amended –

- (a) by omitting from paragraph (a) "filed; or" and substituting "filed;"; and
- (b) by inserting after paragraph (a) the following:

"(aa) in the case of an originating application between parties –

- (i) an affidavit or declaration of service if not previously filed; and
- (ii) an affidavit verifying the particulars set out in the originating application; or"

10. Application for issue of warrant of execution

Rule 43.01 of the Principal Rules is amended by adding at the end the following:

"(4) The bailiff's fee referred to in subrule (3)(f) is not to exceed the fee specified under the Local Court Regulations as the relevant fee payable in respect of the warrant of execution applied for."

11. Costs of prior execution

Rule 43.02 of the Principal Rules is amended by omitting "costs, fees and expenses incurred" and substituting "costs and fees".

12. Payment into Court

Rule 43.05 of the Principal Rules is amended by omitting subrules (2) and (3) and substituting the following:

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"(2) A bailiff to whom section 33(1) of the *Commercial and Private Agents Licensing Act* applies may retain from the money raised under a warrant of execution the amount specified in the warrant as the bailiff's fee for executing the warrant.

"(3) After money is paid into the Court under subrule (1), a Registrar must –

- (a) pay to the judgment creditor the amount then owing to him or her on the judgment debt or the amount paid into the Court, whichever is the lesser;
- (b) if the warrant was executed by a private bailiff to whom section 33(1A) of the *Commercial and Private Agents Licensing Act* applies – pay to the bailiff, in accordance with that section, the fees to which the bailiff is entitled; and
- (c) return the remaining money (if any) to the judgment debtor."

13. Schedule 1

Schedule 1 to the Principal Rules is amended –

- (a) by inserting in Form 7A after "ADDITIONAL LEGAL COSTS." the following:

"IF JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.";

- (b) by inserting in Form 7A in the note about how to contact Aboriginal Legal Aid "Katherine 89721133, Nhulunbuy 89871300" after "Alice Springs 89522933";

- (c) by inserting in Form 7B after "ADDITIONAL LEGAL COSTS." the following:

"IF JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.";

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- (d) by inserting in Form 7B in the note about how to contact Aboriginal Legal Aid "Katherine 89721133, Nhulunbuy 89871300" after "Alice Springs 89522933";
- (e) by inserting after Form 7B the following:

"FORM 7C

Rule 7.08(1)

ORIGINATING APPLICATION BETWEEN PARTIES

IN THE LOCAL COURT
AT [*VENUE*]

Claim No.

BETWEEN

[*FULL NAME*]

Applicant

and

[*FULL NAME*]

Respondent

TO THE COURT

The applicant applies to the Court for the following orders or relief:

[*brief statement of orders or relief applied for*]

* The applicant relies on [*identify specific provision of legislation*]

The facts, matters and circumstances supporting this application are:

[*sufficient particulars to support the application*]

[*signature of applicant
or legal practitioner*]

TO THE RESPONDENT

This proceeding has been commenced against you by the applicant who has applied to the Court for the order or relief referred to above.

IF YOU INTEND TO APPEAR before the Court in respect of this proceeding **YOU MUST, NOT LATER THAN 28 DAYS** after being served with this originating application –

- (a) file with a Registrar of the Local Court at [*venue*] a notice of intention to appear; and

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- (b) serve a copy of the notice on the applicant.

After you have filed a notice to appear, the Court will fix a date, time and place for a **CONCILIATION CONFERENCE** and will send you and the applicant a notice containing the necessary information about the conference.

IF YOU DO NOT file and serve a notice of intention to appear, the applicant may **OBTAIN JUDGMENT AGAINST YOU** without further notice.

Filed:

Registrar

Do not ignore this notice. If you do not understand this notice or need help contact a Registrar of the Local Court, a legal practitioner or your local legal aid office.

1. This originating application was filed –
*by the applicant in person.
*for the applicant by [*name of applicant's legal practitioner*] of [*name of firm*], legal practitioner(s), of [*business address in Australia including telephone, facsimile and reference numbers. If the legal practitioner is the agent of another legal practitioner, also insert the name of the principal's firm and business address including telephone, facsimile and reference numbers.*]
 2. The address of the applicant is –
 3. The address for service of the applicant is – [*If the applicant acts in person, the address in 2. If the applicant is represented by a legal practitioner – the address in 1.*]
 4. The address of the respondent is –
- * Delete if inapplicable.

WHAT TO DO WHEN YOU GET AN ORIGINATING APPLICATION

The person called the applicant has commenced a proceeding against you in the Court.

YOU MUST, NOT LATER THAN 28 DAYS after being served with this application, fill out the accompanying notice headed "NOTICE OF INTENTION TO APPEAR", file the notice with a Registrar at the Court, and serve a copy on the applicant. The Court will then fix a date, time and place for a conciliation

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conference and will send you and the applicant a notice containing the necessary information about the conference. If you do not file a notice of intention to appear, the Court may make a judgment against you without further notice.

Warning: IF JUDGMENT IS ENTERED AGAINST YOU AND THE COURT HAS ORDERED YOU TO PAY AN AMOUNT OF MONEY TO THE APPLICANT, THAT AMOUNT CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.

If you do not understand what you have to do or need help contact:

- . A legal practitioner – look under "solicitors" in the Yellow pages.
- . Law Society of the Northern Territory – they will refer you to a legal practitioner who can help with your particular matter (Phone: 89815104)
- . Northern Territory Legal Aid Commission (Phone: Darwin 89993000, Alice Springs 89515377, Katherine 89738704)
- . Aboriginal Legal Aid (Phone: Darwin 89815266, Alice Springs 89522933, Katherine 89721133, Nhulunbuy 89871300)
- . A Registrar of the Court.

AFFIDAVIT OF SERVICE

IN THE LOCAL COURT
AT [VENUE]

Claim No.

BETWEEN

[FULL NAME]

Applicant

and

[FULL NAME]

Respondent

NAME OF DEPONENT:

DATE SWORN:

I,

(full name)

of

(address)

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say on oath

I did at _____ on _____
(time) (day) (month) (year)

serve the respondent
(full name of respondent)

with this originating application by delivering a true copy of the originating application to the respondent at

(address)

I identified the respondent as follows:

Sworn at _____ on _____
(place) (date)

before me

Justice of the Peace/Commissioner for Oaths

**Commissioner for Affidavits or Declarations or Notary Public (for service under Service and Execution of Process Act 1992 (Cwlth))*

** Delete if inapplicable.*

Filed by —

Address:

Telephone:

Fax:

FORM 7D

Rules 7.09(b) and 7.11(2)

NOTICE OF INTENTION TO APPEAR

IN THE LOCAL COURT
AT [VENUE]

Claim No.

BETWEEN

[FULL NAME]

Applicant

and

Local Court Rules

[FULL NAME]

Respondent

TO THE APPLICANT
AND TO THE COURT

[Full name of respondent] gives notice of the respondent's intention to appear before the Court in this proceeding.

[signature of respondent
or legal practitioner]

Filed:

-
1. This notice was filed –
*by the respondent in person.
*for the respondent by [name of respondent's legal practitioner] of [name of firm], legal practitioner(s) of [business address in Australia including telephone, facsimile and reference numbers. If the legal practitioner is the agent of another legal practitioner, also insert the name of the principal's firm and business address including telephone, facsimile and reference numbers.]
 2. The address of the respondent is –
 3. The address for service of the respondent is – [If the respondent acts in person, the address in 2. If the respondent is represented by a legal practitioner – the address in 1.]

* Delete if inapplicable.

FORM 7E

Rule 7.13(1)

ORIGINATING APPLICATION

IN THE LOCAL COURT
AT [VENUE]

Claim No.

[APPLICANT'S FULL NAME]

Applicant

TO THE COURT

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The applicant applies to the Court for the following orders or relief:

[*brief statement of orders or relief applied for*]

* The applicant relies on [*identify specific provision of legislation*]

The facts, matters and circumstances supporting this application are:

[*sufficient particulars to support the application*]

[*signature of applicant
or legal practitioner*]

The application will be heard by the Court at [*address of Court*] at a.m./p.m.
on or as soon afterwards as the business of the Court
allows.

Filed:

Registrar

1. This originating application was filed –
*by the applicant in person.
*for the applicant by [*name of applicant's legal practitioner*] of [*name of firm*], legal practitioner(s), of [*business address in Australia including telephone, facsimile and reference numbers. If the legal practitioner is the agent of another legal practitioner, also insert the name of the principal's firm and business address including telephone, facsimile and reference numbers.*]
2. The address of the applicant is –
3. The address for service of the applicant is – [*If the applicant acts in person, the address in 2. If the applicant is represented by a legal practitioner – the address in 1.*]

* Delete if inapplicable.

_____";

(f) by omitting from Form 11A "statement of claim." and substituting the following:

"statement of claim.

*The respondent failed to file a notice of intention to appear within 28 days after service on the respondent of the originating application between parties.";

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- (g) by omitting from Form 11A "Registrar";
- (h) by omitting from Form 13A "Registrar" (second occurring);
- (i) by inserting after "legal aid office." in Form 13A the following:

"Warning: IF JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.";

- (j) by omitting from Form 13B "Registrar" (second occurring);
- (k) by inserting at the end of Form 13B the following:

"Warning: IF JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.";

- (l) by omitting from Form 13C "Registrar" (second occurring);
- (m) by inserting at the end of Form 13C the following:

"Warning: IF JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.";

- (n) by omitting Form 32A and substituting the following:

"FORM 32A

Rules 7.12(1) and 32.01(1)

NOTICE OF CONCILIATION CONFERENCE

[Heading as in originating process]

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A conciliation conference has been listed to take place at the Court at [address of Court] at a.m./p.m. on _____ or as soon afterwards as the business of the Court allows.

All parties must attend the conciliation conference.

An individual must attend the conference personally and be prepared to discuss all issues. An officer or employee of a corporation must be authorised by the corporation to attend the conference and to settle the matter if possible. A partner of a firm must have the unfettered written authority of all the other partners to attend the conference and to settle the matter if possible.

Attendance at the conference on behalf of the Territory must be by an employee (as defined in the *Public Sector Employment and Management Act*) of the Agency for which the Territory is conducting the proceeding who is authorised in writing by the Chief Executive Officer of that Agency to attend the conference and to settle the matter if possible.

A person attending the conference may be accompanied by a legal representative.

If a plaintiff or applicant fails to attend, the Court may strike out the claim or originating application. If a defendant fails to attend, the Court may give the plaintiff leave to proceed as if a notice of defence had not been filed or may make other orders it considers appropriate. If a respondent fails to attend, the Court may make the orders it considers appropriate. A party who is unable to attend should contact a Registrar of the Local Court. A Registrar may give you leave to attend by teleconferencing. The Court may dispense with the requirement of attendance in person (either physically or by teleconferencing) in special circumstances.

Dated:

Registrar

Do not ignore this notice. If you do not understand this notice or need help contact a Registrar of the Local Court, a legal practitioner or your local legal aid office.

_____";

- (o) by omitting from paragraph (c) (first occurring) of Form 37A "practitioner" and substituting "practitioner or, unless the Court orders otherwise, by an articulated clerk";
- (p) by omitting from paragraph (b) (third occurring) of Form 37A "firm;" and substituting "firm; or";
- (q) by omitting paragraph (c) (second occurring) and paragraph (d) of Form 37A and substituting the following:

"(c) by some other person.";

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- (r) by omitting from paragraph (c) (first occurring) of Form 37C "practitioner" and substituting "practitioner or, unless the Court orders otherwise, by an articulated clerk";
- (s) by omitting from paragraph (b) (third occurring) of Form 37C "firm;" and substituting "firm; or";
- (t) by omitting paragraph (c) (second occurring) and paragraph (d) of Form 37C and substituting the following:
"(c) by some other person.";
- (u) by omitting Form 44A and substituting the following:

"FORM 44A

Rule 44.02(2)

WARRANT OF SEIZURE AND SALE

[Heading as in originating process]

TO THE BAILIFF

On [e.g. 27 October 1997], the Local Court ordered –

*[*name of judgment debtor*], the judgment debtor, to pay \$ to [*name of judgment creditor*], the judgment creditor, together with costs of \$.

*[*name of judgment debtor*], the judgment debtor, to pay costs of \$ to [*name of judgment creditor*], the judgment creditor.

YOU ARE AUTHORISED to enforce the order by seizing and selling property of the judgment debtor sufficient to pay the money owing to the judgment creditor in respect of the order and for that purpose **YOU ARE AUTHORISED** to enter and remain on premises (whether land or a building) you believe on reasonable grounds to be owned or occupied by the judgment debtor.

*The property of the judgment debtor includes land described as follows:

[description of land]

The amount of \$ is now payable by the judgment debtor to the judgment creditor, made up as follows:

*1. \$, being \$ exclusive of costs and \$ for costs;

*1. \$ for costs;

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- *2. \$ _____, being interest at _____ % per annum, the rate for the time being fixed in accordance with law, on \$[*amount owing, exclusive of costs*] from the date of the order;
- 3. \$ _____, being interest at _____ % per annum, the rate for the time being fixed in accordance with law, on \$[*amount of costs*] from [*applicable date*];
- 4. \$ _____, being the practitioner's costs and filing fee in respect of the issue of this warrant;
- 5. \$ _____, being the bailiff's fee for executing this warrant.

The daily rate of interest now accruing on the amount owing is \$[*daily rate*]. (*if applicable*)

From the proceeds raised by the sale of the judgment debtor's property you must pay into the Local Court all the money owing in respect of the order unless you are a private bailiff to whom section 33(1) of the *Commercial and Private Agents Licensing Act* applies, in which case you may retain the amount specified in this warrant as the bailiff's fee for executing the warrant.

Immediately after you have performed all your obligations under this warrant you must endorse on the warrant a statement of the date, time and place you executed the warrant and the results of the execution, including how the proceeds of the sale are to be distributed.

If you attempt to execute under this warrant but are unable to do so, you must endorse on the warrant a statement of the dates, times, places and results of those attempts.

Issued:

BY THE COURT

Registrar

Issued at the request of the judgment creditor.

The last-known address of the judgment debtor is [*address*].

(*Add the following if address is different.*) The address of the place where it is believed that property of the judgment debtor may be found is [*address*].

* Delete if inapplicable and re-number as required;

_____;

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(v) by inserting in Form 47B before "** Delete if inapplicable." the following:

"NOTE TO JUDGMENT DEBTOR: If you do not attend at the Court as directed by this summons, the Court may issue a warrant for *your arrest/the arrest of an officer of the corporation*. If the Court is required to postpone its business on the date fixed for the hearing of this application, the Court will hear the application on the date it next sits at the address stated above and you must contact a Registrar of the Local Court nearest to you for the new date fixed for the hearing.

NOTE TO JUDGMENT CREDITOR: If the Court is required to postpone its business on the date fixed for the hearing of this application, you may contact a Registrar of the Local Court nearest to you for the new date fixed for the hearing. You are not required to serve another summons on the judgment debtor.";

(w) by omitting from Form 47F "TO ALL" and substituting "TO *THE BAILIFF *ALL";

(x) by adding at the end of Form 47F "** Delete if inapplicable."; and

(y) by inserting in Form 50E after "** Delete if inapplicable." the following:

"NOTE TO JUDGMENT DEBTOR: To prove your statutory declaration of financial circumstances and for the Court to fully examine your ability to pay the money owing, you must bring to the hearing documents such as pay slips, tax returns, bank account statements and passbooks, rent slips, statement of unemployment/sickness/disability benefits or any other document which may be of assistance to the Court. If you do not bring these documents, the Court may adjourn the hearing and order you to produce them."

14. Further amendments

The Principal Rules are amended as set out in the Schedule.

SCHEDULE

Rule 14

Provision	Amendment	
	omit	substitute
Rule 1.09		
– definition of "party"	"plaintiff, the defendant"	"plaintiff, defendant, applicant, respondent"

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Rule 4.07(1)	"5"	"14"
Rule 6.05(c)	"section 220 of that Law"	"the requirements of that Law relating to the service of documents on a company"
Rule 14.04(2)	"(c)" (second occurring)	"(d)"
Rule 14.07(1)(a)	"or expenses in respect of that property incurred"	"in respect of that property claimed"
Rule 18.08(1)	"made by"	"made under Part 25 by"
Rule 24.06	"(1) Where"	"Where"
Rule 25.04(1)(a)	"and, and in any case,"	"but"
Rule 35.04	"Schedule 2"	"the Schedule to the Local Court Regulations"
Schedule 1		
Forms 5B, 8A and 8B	"Registrar" (first occurring)	
Form 14A	"and expenses"	
Form 38B	"Registrar"	
Form 44B	"and expenses"	
