



## STANDARD ORDERS MADE AT DIRECTIONS HEARINGS IN STRATA TITLES MATTERS

1.
  - (a) *(if the strata company is not the applicant or respondent)* On or before [specified date usually in 7 days] the applicant must give a copy of the application, the supporting documents and this order to [the strata company].
  - (b) *(if the strata company is the applicant)* On or before [specified date usually in 7 days] the applicant must give a copy of the application, the supporting documents and this order to the persons referred to in s 79(2) of the *Strata Titles Act 1985 (WA)* (Notified person/s).
  - (c) *(if service has been or is to be effected upon the strata company as a respondent or in accordance with (a))* On or before [specified date usually in a further 7 days] [the strata company] must give a copy of the application, the supporting documents and this order to the persons referred to in s 79(2) of the *Strata Titles Act 1985 (WA)* (Notified person/s).
2. On or before [specified date usually in a further 3 days] [the strata company] must provide to the Tribunal:
  - (a) a copy of the strata roll;
  - (b) a declaration of service in accordance with this order.
3. On or before [specified date usually in 14 days] the respondent/s must file with the Tribunal and give to the applicant any response to the application that it wishes the Tribunal to take into account in its determination of the proceedings;
4. Within 7 days of receipt of this order, a Notified person may either:
  - (a) file a written submission which the Notified person wishes the Tribunal to take into account in its determination of the proceedings, on the basis that the Notified Person will thereafter take no further part in the proceedings; or,
  - (b) notify the Tribunal in writing, with a copy to the applicant/s and respondent/s, that the Notified person wishes to be joined in the proceedings as an applicant or respondent, in order to participate fully in the proceedings.

5. On or before [specified date usually in a further 21 days]:
  - (a) the applicant/s may:
    - (i) inspect any submissions filed by any Notified Person in the Tribunal and at that applicant's expense obtain copies;
    - (ii) file with the Tribunal and give to the respondent/s a written reply to the response of the respondent/s and to the submission of any Notified Person identifying the document or documents to which it replies;
  - (b) the respondent/s may:
    - (i) inspect any submissions filed in the Tribunal and at that respondent's expense obtain copies;
    - (ii) file with the Tribunal and give to the applicant/s a written response to the submission of any Notified Person/s and any reply to any such submission, identifying the document or documents to which it responds.
6. The Tribunal shall thereafter review the matter and issue such further directions as it may consider necessary to enable the proceedings to be determined, including listing the matter for final hearing, referring it to mediation or compulsory conference, or directing that the proceedings be determined entirely on the documents. If any Notified Person has given notice that that Notified Person wishes to be joined as a party to the proceedings, or if for any other reason the Tribunal considers it desirable, the matter shall be listed for a further directions hearing.

#### **Further directions on application for joinder**

7. [Named Notified Person/s] is/are joined as applicant/s/respondent/s in the proceeding [the additional applicant/s/respondent/s].
8. On or before [specified date usually in 14 days] the additional applicant/s/respondent/s:
  - (a) shall inspect any documents filed by the parties and Notified Persons with the Tribunal, and at that additional applicant's/respondent's expense obtain copies; and
  - (b) file with the Tribunal and give to all parties a submission in support of/opposition to the application.
9. On or before [specified date usually in a further 14 days] [the applicant/s/respondent/s] may file with the Tribunal and serve on all other parties any submission in response to the submissions of the additional applicant/s/respondent/s.

### **Mediation or compulsory conference**

11. The matter is referred to [mediation/compulsory conference] to commence at [... ..] on [... ..] for a duration [... ..] hours/day(s).
12. At least two days before the [mediation/compulsory conference] the parties must exchange any documents to be relied on which have not already been provided.

### **Determination on documents**

13. On completion of the timetable for filing documents and subject to any further order the matter is to be determined entirely on the documents pursuant to s 60(2) of the *State Administrative Tribunal Act 2004* (WA).

### **Final hearing**

14. The matter is listed for a final hearing to commence at [... ..] on [... ..] for a duration [... ..] hours/day(s).

### **Final hearing – witness statements**

15. If any party proposes to give evidence or call any witness including any expert to give evidence at the hearing, it must no less than 14 days before the hearing date file with the Tribunal a signed statement of the witness' evidence and give a copy of the statement to the other parties.
16. If a party does not wish to cross-examine a witness whose witness statement has been given to the party, it must advise the Tribunal and the party that gave the witness statement at least two days before the hearing. Where that occurs, the witness does not need to attend the hearing, unless required to do so by the Tribunal.
17. At least 7 days before the hearing any experts in each field on whose evidence the parties propose to rely shall confer with each other in the absence of the parties and their representatives and at least 5 days before the hearing shall file with the Tribunal a joint statement of all matters agreed between them, matters not agreed and the reasons for any disagreement.
18. Subject to any further order the evidence of expert witnesses in each field must be given concurrently at the hearing. They will be:
  - (a) called to give evidence together;
  - (b) asked questions by the Tribunal;
  - (c) given an opportunity by the Tribunal to ask each other any questions which they consider might assist the Tribunal; and
  - (d) asked questions by the parties or their representatives.

*[Adopted by the Rules Committee on 12 February 2008]*