

Local Court Act
PRACTICE DIRECTION

**APPLICATION UNDER THE
*DE FACTO RELATIONSHIP ACT***

This practice direction is issued pursuant to section 21 of the *Local Court Act*. It rescinds the practice direction dated 22 August 1996 and will apply from the date of this practice direction.

Background

Section 4 of the *De Facto Relationships Act* provides that-
"Jurisdiction to make orders and declarations and grant other relief under this Part is vested in-
(a) the Supreme Court; and
(b) subject to section 5, the Local Court".

Section 5 provides that the Local Court does not have jurisdiction to declare any title or right in respect of, or adjust any interest in, property of a value or amount which exceeds the jurisdictional limit within the meaning of the Local Court Act, unless the parties have consented in writing.

The Local Court Rule 5.06 provides that a "proceeding is commenced by filing a Statement of Claim".

Procedure

Proceeding in the Local Court for orders, declarations and other relief under Part 2 of the *De Facto Relationships Act* are to be commenced by filing a Statement of Claim.

The Statement of Claim is to be served on the defendant and a defence filed in accordance with the Local Court Rules.

On the filing of a Notice of Defence, the Court shall fix a date for a conciliation conference and notify the parties in accordance with Rule 32.01. The procedures and powers set out in the Local Court Order 32 similarly apply.

**HUGH BRADLEY
CHIEF MAGISTRATE**

2 December 1998