

1A. Affidavit (r. 23A)

District Court of Western Australia		Appeal No / <del>Action No</del> : 1 of 2017
Held at <del>Perth</del> <sup>1A</sup> Bunbury		AFFIDAVIT <sup>1</sup>
Parties	Andrew Laughton *Appellant/Plaintiff Sharyl Marsh and James Marsh *Respondent/Defendant	*delete inapplicable and/or add full party details
Person making affidavit	Andrew Laughton	
Date of filing		
Date made		
Purpose <sup>2</sup>	To explain the delay in appealing the decision handed down by the Magistrates court on 17 August 2016 and to ask for an extention of time.	
Filed by	[Party] Andrew Laughton	
Index <sup>3</sup>	Contents	Page
	1. <i>Affidavit of Andrew Laughton to support an extention of time to file an appeal.</i>	2

**FILED**  
23 JAN 2017  
REGISTRY OFFICE  
DISTRICT COURT  
BUNBURY

*[Handwritten signature]* N.F.  
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Notes to Form 1A —

- 1A. If not held at Perth, state the location of the relevant registry.
1. The affidavit must comply with the RSC Order 37.
2. Example: To support summons by plaintiff dated 1 May 2010 for summary judgment.
3. The index must comply with the RSC Order 37 rule 2(7). Form 1A contains in italics an example of an index.
4. Page 1 must be on a separate sheet of paper from the above.
5. The *Oaths, Affidavits and Statutory Declarations Act 2005* Part 3 sets out the requirements for affidavits and who are authorised witnesses for affidavits.

I, Andrew Laughton, of no fixed address, Electrician, in affirmation in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005] as follows —

1. The following is a list of relevant dates, and reasons for the delays.
2. 17<sup>th</sup> August 2016 Hearing and decision.
3. 19<sup>th</sup> August Returned hire car and flew back to Port Lincoln, arriving late at night.
  - 3.1. At this point, as a direct result of this retaining wall drama, I was homeless, unemployed, no income and in lots of dept. I was under a lot of stress and suffering from depression.
4. 26<sup>th</sup> August Received form to request copy of transcript from court.
5. 29<sup>th</sup> August Sent filled in form to request copy of transcript.
6. 8<sup>th</sup> September 21 day deadline for submitting appeal.
  - 6.1. The Magistrates court list of documents, as shown on this web page, [http://www.magistratescourt.wa.gov.au/M/magistrates\\_court\\_civil\\_proceedin\\_gs\\_rules\\_2005\\_forms.aspx?uid=6287-2246-1169-2684](http://www.magistratescourt.wa.gov.au/M/magistrates_court_civil_proceedin_gs_rules_2005_forms.aspx?uid=6287-2246-1169-2684), does not contain any form specific to appealing decisions.
  - 6.2. Instead I used a general form of affidavit, and submitted it to appeal the decision as I had not heard from the court about the transcript, and this was the deadline.
7. 9<sup>th</sup> September Received an email from the Bunbury Magistrates court containing the last few pages of the transcript that had the decision itself. I thought at this point in time that I had already appealed the decision and that this information came too late to be included.
8. 24 November Asked the court for a number of documents that I did not have access to prior to the hearing.
9. 12 December I asked the court for an indication about how long it would take to get a reply about my appeal against the decision.
  - 9.1. I received a reply that same day telling me that the form I submitted on the 8<sup>th</sup> Sept had not been accepted, and that I needed to appeal to the District Court instead of the Magistrates court.
  - 9.2. As the Magistrates decision contained a number of errors in both law and fact, I thought it prudent to include these in any updated appeal, and I tried to get documents that I had no access to earlier, both from the court and the defence.
10. 15 December I tried to submit an appeal using a form from the District courts web site. Unfortunately this was rejected for a couple of minor reasons.
11. 20 December. After a delay partly caused by the Albany court not being able to accept or sign this document, I had it signed by a JP and resubmitted the appeal form.
12. 22 December. Received more information from Bunbury court about filing the appeal.



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13. 23 & 24 December. Requested cheaper transcripts and application fees. I did not know this was possible prior to 22 December.
14. 25 December to 4 January. I do not know what days the court takes off, so I delayed submitting this affidavit in the hope that I would get a response from the court.
15. 4 January 2017. I have not heard anything back from the court so I am submitting this request as it is, in case I miss any deadlines.

16. This affidavit is <sup>D. A.L.</sup> [sworn/affirmed] by Andrew Laughton in the presence of an authorised witness at [Albany] on [4 January 2017].

[Signature of person making the affidavit]



[Signature of authorised witness]



Authorised witness

**John Charles BATES**

[Name of authorised witness]

Justice of the Peace

[Qualification of authorised witness]<sup>5</sup>

No. 28933

4. 1.

2017

S.

A.L.