

# Max Owens & Co

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Your Ref:

13 February 2018

**VIA EMAIL ONLY:** [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)

Andrew Laughton  
11B Keble Heights  
COLLEGE GROVE WA 6230

Dear Andrew,

**RE: Appeal**

Thank you for yours of 22 January 2018.

Rule 56 says "Except with the leave of the Court, a party to an appeal is not entitled to seek any relief or rely on any ground that is not set out in the notice of appeal, or the answer, as the case may be".

I've previously expressed a view that you should rely on what you are left with after Registrar Melville's decision.

However, if you want to rely on new grounds, you'll have to seek leave of the Court. As to how you get your application on, I **enclose** a copy of rule 58A.

You'll need to let the Court know of your available dates.

A Minute of Proposed Amended Grounds is a document in which you set out your proposed amended grounds.

Regards,

  
Per: Max Owens

Enc: Rule 58A

- (b) order the notice of appeal or an answer, or any part of it, to be struck out;
- (c) order the appeal to be conducted at a different registry;
- (d) order the appeal be heard at a different place;
- (e) order 2 or more appeals to be consolidated;
- (f) order the notice of appeal or an answer to be served on a person who is not a party to the appeal;
- (g) order substituted service of any document;
- (h) give leave under rule 50(2);
- (i) give leave under rule 56;
- (j) make orders as to the admission or otherwise of evidence in an affidavit;
- (k) give leave or make an order under rule 58;
- (l) dismiss an appeal for want of prosecution;
- (m) adjourn the hearing of the appeal;
- (n) adjourn the appeal to a further direction hearing before a Registrar under rule 55.

[subr (2) am Gaz 220 of 18 November 2011 p 4814 r 11, opn 1 Dec 2011]

- (3) Before or during the hearing of a WCIMA appeal, the Court may—
- (a) grant leave under the Workers' Compensation and Injury Management Act 1981 section 247(1); or
  - (b) grant leave under section 247(6) or make an order under section 250(1) of that Act.

[subr (3) insrt Gaz 220 of 18 November 2011 p 4814 r 11, opn 1 Dec 2011]

### **[16,323A] Orders in appeals, applying for**

**58A** (1) At any time before an appeal is concluded, a party to an appeal may apply for an order in the appeal or an order amending or cancelling an order in the appeal in—

- (a) a Form 8A (Appeal notice (WCIMA appeal)); or
- (b) a Form 8 (Notice of respondent's intention); or
- (c) a Form 9 (Application in an appeal).

[subr (1) subst Gaz 220 of 18 November 2011 p 4815 r 12, opn 1 Dec 2011]

(2) A party making an application under subrule (1) must file, and serve on each other party, together with the form by which the application is made—

- (a) an affidavit by the applicant or the applicant's lawyer or both explaining why the interim order is wanted; and
- (b) a document setting out the proposed order,

unless—

- (c) these rules provide otherwise; or
- (d) another written law provides otherwise; or
- (e) a judge or legally qualified registrar orders otherwise.

[subr (2) am Gaz 220 of 18 November 2011 p 4815 r 12, opn 1 Dec 2011]

[r 58A insrt Gaz 97 of 17 June 2011 p 2158, opn 1 July 2011; am Gaz 220 of 18 November 2011 p 4815 r 12, opn 1 Dec 2011]

### **[16,323B] Consenting to orders**

**58B** The parties to an appeal may consent to an order being made by the court by filing a Form 10 (Consent notice).

[r 58B insrt Gaz 97 of 17 June 2011 p 2158, opn 1 July 2011]

### **[16,323] Discontinuance**

**58** (1) Unless subrule (3) applies, if no respondent has filed an answer that seeks to vary the appealable decision or cross-appeals, the appellant, without the Court's leave, may discontinue an appeal at any time before it is heard.