



SUPREME COURT OF WESTERN AUSTRALIA

PROBATE OFFICE

PLEASE READ THIS IMPORTANT INFORMATION ABOUT REQUISITIONS

What is a requisition?

The Court has considered your application for a grant and believes it to be defective in some way or that further evidence is required on some aspect of it. A Registrar has issued the attached requisition/s under the *Non-Contentious Probate Rules 1967 (NCPR)*.

The Registrar will not make a grant of probate or administration until you satisfactorily answer all requisition/s.

How to answer a requisition...

You must answer the requisition by setting out the required information in an affidavit unless the requisition says that you may answer it by letter. You cannot answer a requisition by way of a statutory declaration. The probate FAQs on the Court's website shows the format for affidavits and allows you to download an affidavit template. The address is www.supremecourt.wa.gov.au. You should then go to the Probate link on the left hand side of the page.

Any further affidavit that you file must deal with the subject matter of the requisition only. Do not repeat previous information provided in a previous affidavit. You will not be able to purchase such an affidavit and legal advice from a solicitor should be sought if you are unable to prepare an affidavit.

Any affidavit must comply with the provisions of the *Supreme Court Rules* (particularly Order 37 and Order 69) and the *NCPR*. If you are not sure what those requirements are, you should obtain legal advice. Copies of the *NCPR* (and any other legislation) may be purchased from the State Law Publisher at 10 William Street, Perth or you can view this information by visiting their website at www.slp.wa.gov.au/legislation/statues.

What to do if you not understand the requisition or know how to answer it...

Please do **not** telephone the Probate Office for assistance if you do not understand the requisition or know how to answer it. Probate Office staff are prohibited from providing legal advice and cannot assist you to answer the requisition. This also forbids the pre-examination or correction of documents by staff at the counter, or the provision of advice to

applicants for this purpose. You may not discuss the requisition with the Registrar who issued the requisition.

The Supreme Court website and the FAQs in the probate section may assist you in understanding and answering the requisition.

If you still do not understand the requisition or know how to answer it, you should seek the advice of a lawyer experienced in probate matters. Probate Office staff are not permitted to recommend individual solicitors. For legal assistance or help to find a lawyer, you should contact:

- Law Society of WA referral scheme 9324 8600 or visit their website www.lawsocietywa.asn.au;
- A Community Legal Centre as listed on their website at www.communitylaw.net

Do not ask for legal advice from a non-qualified person, as the most likely result will be a waste of your time and the Courts. Only a qualified lawyer or a trustee company may act as your agent in relation to your application, or charge you to prepare documents for it.

The requisition may suggest that you obtain legal advice. If it does, you should not ignore that: the Registrar will have had a particular reason in each case to suggest it.

How to obtain copies of documents...

If you need to seek legal advice and you have not kept copies of your documents, then you will need to obtain copies from the Court:

- The fee for photocopying is \$1.50 per page;
- The documentation includes the Affidavit, Motion and Death Certificate, plus all of the pages in the Will. Please allow for these fees when forwarding any postal remittance;
- Telephone the Probate Office on 9421 5152 and advise the day and time you intend to collect your copies, which will be prepared in advance;
- Applicants need to personally attend the Probate Office to pay for and collect the copies of documents. If an applicant is not able to personally attend, then an Applicant may remit the requisite photocopying fees by mail to allow postage of the copies, or instruct a legal representative to attend on his/her behalf.