

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 19**

DAMAGES

(A claim for damages for a specified amount exceeding \$10,000 and a claim for an unspecified amount or delivery of goods)

INFORMATION FOR THE CLAIMANT

Making a claim

A claim must be commenced as a general procedure.

**See Fact Sheets
No 1 Understanding the Magistrates Court**

Commencing a General Procedure claim

Complete and lodge **Form 3**.

Your claim must not exceed \$75,000

**See Fact Sheets
No 1 Understanding the Magistrates Court
No 2 How to commence a general procedure claim**

Can I claim for other expenses?

Your claim may include a sum for:

- a) towing and storage fees incurred;
- b) reasonable cost of renting alternative property while the property was under repair; and
- c) any other incidental expenses.

Serving a document

The court can arrange service of your claim by a bailiff. Bailiffs are officers of the Court who are located throughout the state. You must prepay the service fee.

Alternatively you can make arrangements to serve the claim yourself.

**See Fact Sheet
No 8 Serving a Court document**

Defendants admits to the amount of the claim

Admission to the amount claimed
You will receive a "Notice of admission of claim" from the Court with details of the defendants offer to pay in full or by instalments.

If you do accept the offer, you should contact the defendant and provide details of where the payments are to be made.

If you do not accept the offer you may proceed to enforce the total judgment debt.

Defendant admits to liability but disputes amount claimed.

**See Fact Sheet
No 23 Enforcing a Judgment**

You will receive from the court a copy of the response received from the defendant admitting liability but disputing the amount that should be awarded for the claim.

The Registrar will then list the case for a pre-trial conference and notify all parties in writing.

**See Fact Sheet
No 12 Pre-Trial Conference Minor Case
No 13 Pre-Trial Conference General Procedure**

Claim defended by the defendant

The claimant must request a Registrar to list the case for a pre-trial conference within 14 days after the claimant receives from the Court a copy of the response for an intention to defend the claim. **Form 28**

**See Fact Sheets:
No 13 Pre-Trial conference – General Procedure**

No response to the claim by the defendant

A Registrar may enter default judgment for an unspecified amount or when the amount specified exceeds \$10,000. **Form 13**

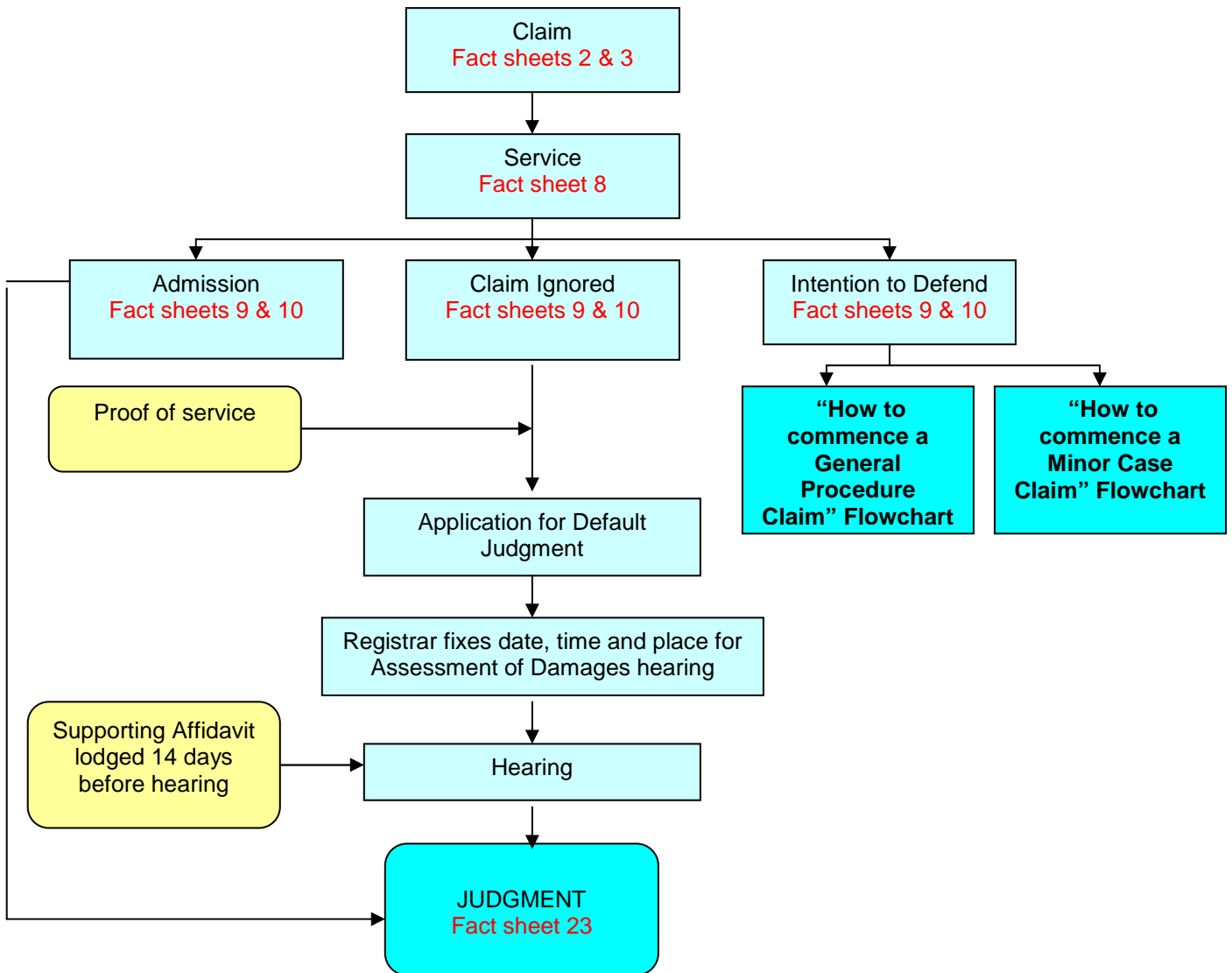
The Registrar must list the application for a hearing before the Court to assess the amount of damages.

A supporting affidavit must be lodged and served at least 14 days before the hearing.

Role of the Court

The court will assess the damages, and judgment will be given for that amount as determined by the Court.

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This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.