

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 2**

HOW TO START A GENERAL PROCEDURE CLAIM

INFORMATION FOR THE CLAIMANTS

What is a General Procedure Claim?

A claim where the value of the claim or the relief claimed does not exceed \$75,000,

How do I issue a General Procedure Claim?

Complete and lodge Form 3, and pay the prescribed fee.

Consumer/trader General Procedure

If your claim is a consumer/trader claim you will need to complete a Form 7 General Procedure Claim (Consumer/Trader).

Can a lawyer represent me?

Parties are entitled to be represented by a lawyer. However, if your claim is for \$10,000 or less and you did not elect to have the claim dealt with as a minor case claim you will have to pay all your legal costs even if you win.

Completing your Form 3 or Form 7

Claimant

Your name or the name of your company or business.

Defendant

The name and address of the person, company or business you are commencing the claim against.

Address for service

A document lodged in relation to your claim must contain a residential, or business address for service, or if the party lodging the document is represented by a lawyer, the address for service must be the principal place of business of the lawyer, or the lawyer's number (if any) at a document exchange approved by the Chief Magistrate.

Address for service of a company

If the corporation is not represented by a lawyer, it must be the registered office, or principal place of business address of the corporation.

There are different kinds of service requirements for other types of organisations and certain individuals. Information is available from any Court Registry.

If the corporation is not represented by a lawyer, it must be the registered office, or principle place of business address of the corporation.

If you are not aware of the correct description, registered office, or principle place of business address of the corporation you can do a search by visiting ASIC's Perth Service Centre between 9am and 5pm (excluding public holidays) at:

Level 3
66 St George's Terrace
PERTH (near London Court)
Telephone (08) 9261 4200
Fax (08) 9261 4210

You may have to pay fees, depending on the type of search.

Method of Service

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

Description of Claim

These are the details of the claim that you are making against the defendant.

Amount of Claim

The amount of money that you are claiming from the defendant, must be included in your description of claim, you can also include a claim for interest.

See fact sheet:
No 7 claiming Interest

Small Business or Non-Profit Association

If you are a small business or a non-profit association you must complete a statutory declaration form, to qualify to have your lodgement fee reduced.

The Magistrates Court (Fees) Regulations 2005 defines a small business or a non-profit association as:

- An individual or individuals in partnership who wholly own and operate a business that has less than 20 full-time equivalent employees and partners;
- A corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees.

- A non-profit association is a society club, institution or body that is not for the purpose of trading or financial profit for its members.

Signature

You are required to sign each copy of the claim form.

Contact Details

Providing these details will assist the court and defendant to contact you if the need arises.

Where do I lodge my General Procedure Claim form?

You may lodge your claim at any court registry within the state.

However any party may make an application to the Court for a change of venue. If the Court is satisfied it would be more convenient, or fair, to the parties if the whole or part of the proceedings in a case were conducted at another place in the state, the Court may order accordingly.

What happens after my claim is lodged and served on the defendant?

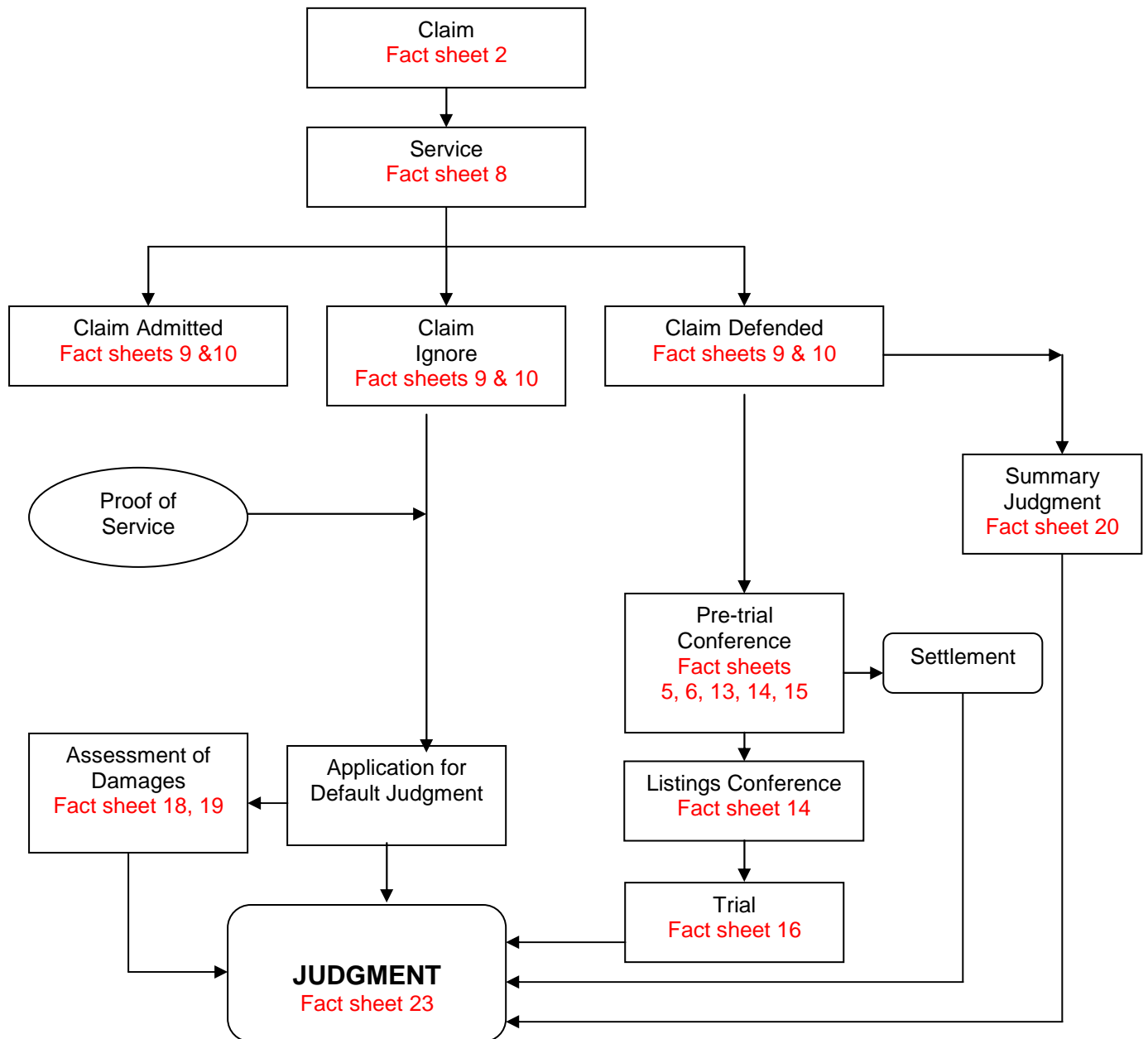
From the date that the defendant is served with the claim they have a period of time to respond (normally 14 days).

You cannot do anything until the defendant's time to respond has expired.

What happens next depends on how the defendant responds to the claim:

- Admission to claim
- Notice of intention to defend
- Claim ignored

General Procedure Claim Flowchart



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.