

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 4**

CONSUMER/TRADER CLAIM

INFORMATION FOR CONSUMERS AND TRADERS

**What is a
consumer/trader claim?**

A claim that arises out of a contract for the supply of goods and services and claims one or more of the following:

- the performance of work, or the provision of services;
- the payment, or relief from payment; or
- the return or replacement of goods

Who is a consumer?

You are a consumer if you are a natural person and have hired or bought the goods or services for private use.

You are not a consumer if you have purchased or hired goods or services for resale or to let, hire or use in connection with any business transaction.

Who is a trader?

A trader is a person who carries out a business of supplying goods or providing services, or who regularly holds themselves out as ready to supply goods or to provide service of a similar nature.

The providers of professional services (e.g. lawyers, doctors, dentists) are also regarded as traders.

Making a claim

A consumer/trader claim may be commenced as a General Procedure Claim (Consumer/Trader) form 7 or Minor Cases Claim form 6

Starting a minor cases claim

Complete and lodge **Form 6**.

Your claim must not exceed \$10,000 and you must be prepared to proceed without legal representation.

See Fact Sheet:

No. 4 How to start a minor case claim.

No. 9 When a claim has been served (information for the claimant).

No. 10 When served with a claim (information for the defendant).

Starting a general procedure claim

Complete and lodge **Form 7**.

Your claim must not exceed \$50,000.

Legal representation is allowed, however if your claim is for \$7,500 or less and you did not elect to have the claim dealt with as a minor case, you will have to pay all your legal costs even if you win.

See fact sheet:

No. 3 How to start a general procedure claim.

No. 9 When a claim has been served (information for the claimant).

No. 10 When served with a claim (information for the defendant).

Lodging your claim

You must lodge the claim form 6 or 7 at a magistrate's court civil registry and pay the prescribed fee.

Upon lodgment of you claim, the court registry will list the case for a listing conference and serve the other party with a copy of your claim by pre-post.

See fact sheet:

No. 8 Serving a court document.

No. Listing conference.

What remedies or orders can the court make?

The court may grant the following remedies or orders:

- order the refund your money;
- order compensation to be paid to you;
- make a work order;
- order payment, or relief from payment;
- award the cost of having work performed by another contractor; or
- order the return or replacement of the goods.

If a person disobeys an order, a party can apply for an enforcement of order under the *Civil Judgments Enforcement Act 2004*.

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.