

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 5**

STATEMENT OF CLAIM

This fact sheet provides general information for the claimant on how to complete a statement of claim.

What is a Statement of Claim?

A statement of claims helps narrow the issues in dispute and reveals your case.

A statement of claim is lodged when the case is defended.

When do I lodge and serve my statement of claim?

You may lodge and serve your statement of claim together with your claim or within 14 days after a pre-trial conference if ordered by a Registrar to lodge and serve a statement of claim on the other party. An original and two copies of the relevant statement of claim must be lodged at the registry of the court where the claim was commenced, plus extra copies if there is more than one defendant if not represented by a lawyer.

What information should be in my statement of claim?

Minor Cases Procedure – Form 20, 20A & 20B

Your statement of claim must contain the following:

1. A summary of the facts relevant to your claim

It is important that you restrict your statement of claim to the facts that are relevant to proving your claim against the defendant.

The facts should be set out in date order based on how each allegation of fact will be proved.

You must not include allegations of a general nature, just details of where and when relevant events happened.

2. What remedy or relief you want

The amount or remedy you are seeking as per your claim.

General Procedure Claim – Form 19, 19A & 19B

Your statement of claim must state the following:

1. A summary of the facts relevant to the claim

It is important that you restrict your statement of claim to the facts that are relevant to proving your claim against the defendant.

The facts should be set out in date order based on how each allegation of fact will be proved.

You must not include allegations of a general nature, just details of where and when relevant events happened.

2. The legal basis of the claim

This is the area of law you are relying on to support your claim. For example: breach of a contract.

It may be necessary for you to obtain legal advice.

3. The basic contentions of the party

If you are aware why the defendant has filed a notice of intention to defend, you must outline the facts in your statement of claim.

4. The remedy of relief claimed

The amount or remedy you are seeking as per your claim.

5. If the amount of the claim has been reduced in order to bring the claim within the jurisdictional limit, a statement to that effect.

The defendant may make an application to the Court to give judgment against you without a trial.

What happens if I do not lodge and serve my

What should I do if I am having trouble completing my statement of claim?

If you have any doubts over completing your statement of claim, then you must seek legal advice.

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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.