Part A – Court registry copy

REGISTRY AT:	MAGISTRATES COURT of WESTERN AUSTRALIA MAGISTRATES COURT (CIVIL PROCEEDINGS) ACT 2004 CONSUMER/TRADER COUNTERCLAIM MINOR CASE FORM 8A	Case number: Date lodged:

CLAIMANT In original claim ☐ Consumer ☐ Trader (full trading name)	Name:	
	Address:	Postcode:

DEFENDANT In original claim ☐ Consumer ☐ Trader (full trading name)	Name:	
	Address:	Postcode:

See Part E for information

REMEDY OR RELIEF SOUGHT ☐ *tick [✓] appropriate box*	
☐ The performance of work	☐ The provision of services
☐ The payment of an amount of money	☐ The relief from payment of an amount of money
☐ The return of goods	☐ The replacement of goods

NOTICE OF HEARING	FINANCIAL DETAILS	
TAKE NOTICE that this counterclaim has been set down for a listing conference in the Magistrates Court held at: on day the day of 20 am/pm.	Amount of claim Court fee **Total amount of claim**	**$** **$** **$**

DEFENDANT'S ADDRESS FOR SERVICE
Tick [✓] appropriate box and insert address details below: ☐ Residential or principal place of business address: ☐ Registered Office address:

Court Seal

Contact details	Tel:		Claimant ref	
	E-mail:		Fax:	
Signature of defendant				

DETAILS OF COUNTERCLAIM **(Give full details and attach additional sheets if needed)**

Part B – Defendant's copy

REGISTRY AT:	MAGISTRATES COURT of WESTERN AUSTRALIA MAGISTRATES COURT (CIVIL PROCEEDINGS) ACT 2004 CONSUMER/TRADER COUNTERCLAIM MINOR CASE FORM 8A	Case number: Date lodged:

CLAIMANT In original claim ☐ Consumer ☐ Trader (full trading name)	Name:	
	Address:	Postcode:

DEFENDANT In original claim ☐ Consumer ☐ Trader (full trading name)	Name:	
	Address:	Postcode:

See Part C for information

REMEDY OR RELIEF SOUGHT ☐ *tick [✓] appropriate box*	
☐ The performance of work	☐ The provision of services
☐ The payment of an amount of money	☐ The relief from payment of an amount of money
☐ The return of goods	☐ The replacement of goods

NOTICE OF HEARING	FINANCIAL DETAILS	
TAKE NOTICE that this counterclaim has been set down for a listing conference in the Magistrates Court held at: on day the day of 20 am/pm.	Amount of claim Court fee **Total amount of claim**	**$** **$** **$**

DEFENDANT'S ADDRESS FOR SERVICE
Tick [✓] appropriate box and insert address details below: ☐ Residential or principal place of business address: ☐ Registered Office address:

Court Seal

Contact details	Tel:		Claimant ref	
	E-mail:		Fax:	
Signature of defendant				

DETAILS OF COUNTERCLAIM **(Give full details and attach additional sheets if needed)**

PART C – INFORMATION FOR DEFENDANT (In original claim)

PLEASE READ THIS FORM THOROUGHLY

The following information is a guide only. A fact sheet containing detailed information on court procedures is available from any Magistrates Court Registry or at www.magistratescourt.wa.gov.au

For legal advice you should see a lawyer.

CONSUMER/TRADER CLAIM	• A consumer/trader counterclaim is a claim that arises out of a contract for the supply of goods or the provision of services between a consumer and a trader. • You are a trader if you supply goods or services as part of your business. • You are a consumer if you are a natural person who has hired or bought goods or services for private use.
DETAILS OF COUNTERCLAIM	• A description of the dispute between the consumer and the trader (e.g. date of transaction, date when problem arose and details of the transaction or problem).
RELIEF REQUIRED	• If claiming monetary relief then you must state the value of your claim. The court registry will assess the fees applicable for the issue of the claim. This will be added to your claim amount to reveal a total amount of claim.
SIGNATURE	• It is necessary for you to sign each copy of the claim form within this package.
ADDRESS FOR SERVICE	• This is the address to which the Court and the defendant will send/serve documents and notices. • A document lodged in relation to a case must contain a residential or business address for service or in the case of a corporation, registered office or principal place of business. • To enable a party to serve documents by email or fax, an email address or fax number may be provided in addition to the above. • If a party wishes to change their address for service they must lodge a Form 54 with the court and serve a copy of it on the other parties.
CONTACT DETAILS	• It is suggested that you include a contact telephone number where possible. This will allow the defendant or Court to contact you if the need arises.
INITIAL APPEARANCE AT A LISTING CONFERENCE	• A party must attend a listing conference in person. • At a listing conference the Court may direct that the parties immediately attend a pre-trial conference before a Registrar. • If the claim cannot be settled, the Court will list the case for trial.
HOW TO PREPARE FOR TRIAL	• Bring all documents, such as contracts, quotes, receipts, cheque books or letters and any other information or material you think will help answer the claim. Promotional material or photographs may be helpful. • If you have witnesses who can help you state your claim, you should arrange for them to attend the hearing. • If you think you will need an interpreter you must immediately advise the court of the language and dialect you require. Give your name, case number and the date of the hearing.
LEGAL REPRESENTATION	• Under the Minor Cases Procedure, lawyers are not allowed to represent you before the Court, unless the Court gives leave.

Part D – Claimant's service copy

REGISTRY AT:	MAGISTRATES COURT of WESTERN AUSTRALIA MAGISTRATES COURT (CIVIL PROCEEDINGS) ACT 2004 CONSUMER/TRADER COUNTERCLAIM MINOR CASE FORM 8A	Case number: Date lodged:

CLAIMANT In original claim ☐ Consumer ☐ Trader (full trading name)	Name:	
	Address:	Postcode:

DEFENDANT In original claim ☐ Consumer ☐ Trader (full trading name)	Name:	
	Address:	Postcode:

See Part E for information

REMEDY OR RELIEF SOUGHT ☐ *tick [✓] appropriate box*	
☐ The performance of work	☐ The provision of services
☐ The payment of an amount of money	☐ The relief from payment of an amount of money
☐ The return of goods	☐ The replacement of goods

NOTICE OF HEARING	FINANCIAL DETAILS	
TAKE NOTICE that this counterclaim has been set down for a listing conference in the Magistrates Court held at: on day the day of 20 am/pm.	Amount of claim Court fee **Total amount of claim**	**$** **$** **$**

DEFENDANT'S ADDRESS FOR SERVICE	
Tick [✓] appropriate box and insert address details below: ☐ Residential or principal place of business address: ☐ Registered Office address:	Court Seal

Contact details	Tel:		Claimant ref	
	E-mail:		Fax:	
Signature of defendant				

DETAILS OF COUNTERCLAIM **(Give full details and attach additional sheets if needed)**

PART E – INFORMATION FOR CLAIMANT (In original claim)

PLEASE READ THIS FORM THOROUGHLY

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CONSUMER/TRADER CLAIM	o A consumer/trader claim is a claim that arises out of a contract for the supply of goods or the provision of services between a consumer and a trader. o You are a trader if you supply goods or services as part of your business. o You are a consumer if you are a natural person who has hired or bought goods or services for private use.
INITIAL APPEARANCE AT A LISTING CONFERENCE	o A party must attend a listing conference in person. o At a listing conference the Court may direct that the parties immediately attend a pre-trial conference before a Registrar. o If the claim cannot be settled, the Court will list the case for trial.
HOW TO PREPARE FOR TRIAL	• Bring all documents, such as contracts, quotes, receipts, cheque books or letters and any other information or material you think will help answer the claim. Promotional material or photographs may be helpful. • If you have witnesses who can help you state your claim, you should arrange for them to attend the hearing. • If you think you will need an interpreter you must immediately advise the Court of the language and dialect you require. Give your name, case number and the date of the hearing.
LEGAL REPRESENTATION	• Under the Minor Cases Procedure, lawyers are not allowed to represent you before the Court, unless the Court gives leave.
ADDRESS FOR SERVICE	• This is the address to which the Court and the claimant will send/serve documents and notices. • A document lodged in relation to a case must contain a residential or business address for service or in the case of a corporation, registered office or principal place of business. • To enable a party to serve documents by email or fax, an email address or fax number may be provided in addition to the above. • If a party wishes to change their address for service they must lodge a Form 54 with the court and serve a copy of it on the other parties.