

REGISTRY AT:	MAGISTRATES COURT of WESTERN AUSTRALIA (CIVIL JURISDICTION) FORM 8A - CONSUMER/TRADER COUNTERCLAIM MINOR CASE	Case number: Date lodged:
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Claimant (In original claim) <input type="checkbox"/> Consumer <input type="checkbox"/> Trader (full trading name)	Name: _____ Address: _____ Postcode: _____
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Defendant (In original claim) <input type="checkbox"/> Consumer <input type="checkbox"/> Trader (full trading name)	Name: _____ Address: _____ Postcode: _____
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See Part E for information

REMEDY OR RELIEF SOUGHT <input type="checkbox"/> tick [<input checked="" type="checkbox"/>] <i>appropriate box</i>	
<input type="checkbox"/> The performance of work	<input type="checkbox"/> The provision of services
<input type="checkbox"/> The payment of an amount of money	<input type="checkbox"/> The relief from payment of an amount of money
<input type="checkbox"/> The return of goods	<input type="checkbox"/> 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: _____	Amount of claim \$
On _____ day the _____ day of _____ 20_____	Court fee \$
at _____ am/pm.	Total amount of claim \$

DEFENDANT'S ADDRESS FOR SERVICE
<i>Tick [<input checked="" type="checkbox"/>] appropriate box and insert address details below:</i>
<input type="checkbox"/> Residential or principal place of business address:
<input type="checkbox"/> Registered Office address:

Court Seal

Contact details	Telephone: _____	Claimant ref _____	
	Email: _____	Fax: _____	

Signature of defendant	
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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. For legal advice you should see a lawyer

Procedural fact sheets are available at www.magistratescourt.wa.gov.au as well as at any Magistrates Court Registry.

CONSUMER/TRADER CLAIM	<ul style="list-style-type: none">• 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 <u>natural person</u> who has hired or bought goods or services for private use.
DETAILS OF COUNTERCLAIM	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• It is necessary for you to sign each copy of the claim form within this package.
ADDRESS FOR SERVICE	<ul style="list-style-type: none">• This is the address to which the court and the claimant will send/serve documents and notices on you.• 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 service of documents electronically (where personal service is not required), an email address 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	<ul style="list-style-type: none">• It is suggested that you include a contact number where possible. This will allow the claimant or court to contact you if the need arises.
INITIAL APPEARANCE AT A LISTING CONFERENCE	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Under Minor Cases Procedure, lawyers are not allowed to represent you before the Court, unless the Court gives leave.

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Court Seal

Contact details	Telephone: _____	Claimant ref _____	
	Email: _____	Fax: _____	

Signature of defendant	
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DETAILS OF COUNTERCLAIM (Give full details and attach additional sheets if needed)

PART E – INFORMATION FOR CLAIMANT (In original claim)

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