

PART A – Court registry copy

REGISTRY AT:

**MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
MINOR CASE CLAIM
FORM 4**

Case number:

Date lodged:

Claimant	Name:
	Address:
	Postcode:

Defendant	Name:
	Address:
Postcode:	

See PART C for information

CLAIMANT'S ADDRESS FOR SERVICE

Tick [✓] appropriate box and insert address details below:

Residential or principal place of business address:
 Registered office address:

METHOD OF SERVICE
Tick [✓] appropriate box Claimant Bailiff

CONTACT DETAILS

Telephone:		Claimant ref	
E-mail:		Fax:	

Amount of claim:	
Court filing fee:	
Service fee:	
Travelling fee:	
Total claimed:	
Re-issue / /	
Total claimed:	
Re-issue / /	
Extra fees:	

The claimant elects to have this case heard and determined under Part 4 of the *Magistrates Court (Civil Proceedings) Act 2004* as a Minor Case.

Signature:
claimant

Court Seal

DESCRIPTION OF CLAIM: is as follows (or attached)

Case No of 20.....

FEES PAID

LODGEMENT OF CLAIM

\$ Rec No Date..... /...../20

LODGEMENT OF COUNTER/THIRD PARTY CLAIM

\$ Rec No Date..... /...../20

\$ Rec No Date..... /...../20

\$ Rec No Date..... /...../20

APPLICATIONS

\$ Rec No Date..... /...../20

\$ Rec No Date..... /...../20

\$ Rec No Date..... /...../20

ASSESSMENT OF COSTS

\$ Rec No Date..... /...../20

OTHER

\$ Rec No Date..... /...../20

\$ Rec No Date..... /...../20

\$ Rec No Date..... /...../20

PART B – Claimant’s copy

REGISTRY AT:

**MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
MINOR CASE CLAIM
FORM 4**

Case number:

Date lodged:

Claimant	Name:
	Address:
	Postcode:

Defendant	Name:
	Address:
Postcode:	

See PART C for information

CLAIMANT’S ADDRESS FOR SERVICE			
<i>Tick [✓] appropriate box and insert address details below:</i>			
<input type="checkbox"/>	Residential or principal place of business address:		
<input type="checkbox"/>	Registered office address:		
METHOD OF SERVICE			
<i>Tick [✓] appropriate box</i> <input type="checkbox"/> Claimant <input type="checkbox"/> Bailiff			
CONTACT DETAILS			
Telephone:		Claimant ref	
E-mail:		Fax:	

Amount of claim:	
Court filing fee:	
Service fee:	
Travelling fee:	
Total claimed:	
Re-issue / /	
Total claimed:	
Re-issue / /	
Extra fees:	

The claimant elects to have this case heard and determined under Part 4 of the *Magistrates Court (Civil Proceedings) Act 2004* as a Minor Case.

Signature: claimant

Court Seal

DESCRIPTION OF CLAIM: is as follows (or attached)

PART C – INFORMATION FOR CLAIMANT

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 the Department of Justice website at www.magistratescourt.wa.gov.au

CLAIMANT	<ul style="list-style-type: none">Your full name or the name of your company or business.
DEFENDANT	<ul style="list-style-type: none">The full name or the name of the company or business you are issuing the claim against.
METHOD OF SERVICE	<ul style="list-style-type: none">You may choose to have the claim served by a bailiff (fees will apply) or you may choose to serve the claim yourself. If you elect to serve the claim yourself you should obtain information from a registry of the Magistrates Court as to the methods to serve a claim.
SUMMARY OF CLAIM	<ul style="list-style-type: none">If claiming monetary relief then you must state the value of your claim. The court 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.
STATEMENT OF CLAIM	<ul style="list-style-type: none">If the defendant has given notice of intention to defend your claim, you will be given notice by the Court along with a copy of the defendant's response and statement of defence if lodged at the same time as the defendant's response.If you did not lodge and serve a statement of claim at the time you lodged your claim and you are given notice by the Court that the defendant intends to defend your claim, you must within 14 days of receipt of the notice of intention to defend, to lodge and serve a statement of claim.The defendant must, within 14 days after you have lodged and served a statement of claim, lodge and serve a statement of defence.The defendant at this time must lodge and serve any counterclaim or third party claim. You must within 14 days of receipt of the counterclaim (if any) lodge a response.A Registrar must within 14 days after the defendant lodges and serves a statement of defence list the case for a pre-trial conference.
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 defendant 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 a party to serve documents by email or fax, an email address or fax number may be provided in addition to the above.
CONTACT DETAILS	<ul style="list-style-type: none">It is suggested that you include a contact telephone number, which will allow the defendant or court to contact you if the need arises.
LEGAL REPRESENTATION	<ul style="list-style-type: none">As you have elected that the case be dealt with under the Minor Cases Procedure, lawyers are not allowed to represent you before the court, unless the court gives leave.

PART D – Defendant’s service copy

REGISTRY AT:

**MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
MINOR CASE CLAIM
FORM 4**

Case number:

Date lodged:

Claimant	Name:
	Address:
	Postcode:

Defendant	Name:
	Address:
Postcode:	

See PART E for information

CLAIMANT’S ADDRESS FOR SERVICE
Tick [✓] appropriate box and insert address details below:
 Residential or principal place of business address:
 Registered office address:

METHOD OF SERVICE
Tick [✓] appropriate box Claimant Bailiff

CONTACT DETAILS

Telephone:		Claimant ref	
E-mail		Fax:	

Amount of claim:	
Court filing fee:	
Service fee:	
Travelling fee:	
Total claimed:	
Re-issue / /	
Total claimed:	
Re-issue / /	
Extra fees:	

The claimant elects to have this case heard and determined under Part 4 of the *Magistrates Court (Civil Proceedings) Act 2004* as a Minor Case.

Signature:
claimant

Court Seal

DESCRIPTION OF CLAIM: is as follows (or attached)

PART E – INFORMATION FOR DEFENDANT

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.

- You must complete and lodge a response to this claim within 14 days of service of the claim on you, unless your address for service is outside Western Australia, in which case you have 21 days. Failure to do so may result in the claimant obtaining a default judgment against you.
- The Court must give a copy of your response to the other party.
- The following responses are available to you within a period of 14 days of the service of the claim, unless your address for service is outside Western Australia, in which case the period is 21 days.

PAYING THE CLAIM	<ul style="list-style-type: none"> • If you elect to pay the claim in full, the payment must be made direct to the claimant.
IF YOU ADMIT THE CLAIM AND ARE UNABLE TO PAY IN FULL	<ul style="list-style-type: none"> • You should complete an admission of the claim in the relevant section of Part F of the forms you have been served with. • You may wish to contact the claimant to confirm acceptance of your offer to pay by instalments. • The Court will notify the claimant of your admission and it is the decision of the claimant as to whether your offer to pay by instalments is accepted. • If the claimant does not accept your admission to pay by instalments they may proceed to enforce payment against you without further notice. • All instalment payments made must be paid direct to the claimant. • If you admit liability for an un-liquidated claim but do not agree with the relevant amount you may apply to the Court to determine that amount. Complete Part F
IF YOU ADMIT TO PART OF THE CLAIM	<ul style="list-style-type: none"> • You may wish to contact the claimant to see whether a settlement can be arranged by consent. If you reach agreement, you should both complete a memorandum of consent order form and send it to the court registry. • If you cannot reach agreement to settle the claim, you should complete Part F. • This form must then be lodged at the registry of the Magistrates Court from where this claim was issued within the prescribed time.
IF YOU RESPOND BY: GIVING INTENTION TO DEFEND THE CLAIM; or LODGING A COUNTERCLAIM OR THIRD PARTY CLAIM	<ul style="list-style-type: none"> • If you have responded by giving notice of intention to defend and you were served with the claimant's statement of claim with the claim, you must within 14 days of receipt of the statement of claim lodge and serve on the claimant a statement of your defence, with your response under Part F. • The Court will give notice of your intention to defend the claim and a copy of your response to the claimant. • If you wish to make a counterclaim or a third party claim, you must lodge either a Form No 8 or a Form No 9. Both a counterclaim and third party claim must be lodged and served with your statement of defence. A fee is payable for lodging a counterclaim or third party claim. Failure to respond to the claim within the prescribed time may result in the claimant obtaining a default judgment against you. • If you wish to make an application for the proceedings in the case to be conducted at another place in the state of Western Australia you must complete the relevant information in Part F. • If the claimant did not lodge and serve a statement of claim with their originating claim the claimant must, within 14 days of receipt of your notice of intention to defend, lodge and serve a statement of claim. • You must, within 14 days of receipt of the statement of claim, lodge and serve a statement of defence. <p>A Registrar must within 14 days after you lodge and serve a statement of defence list the case for a pre-trial conference.</p>
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 a party to serve documents by email or fax an email address or fax number may be provided in addition to the above.
CONTACT DETAILS	<ul style="list-style-type: none"> • It is suggested that you include a contact telephone number, which will allow the claimant or court to contact you if the need arises.
LEGAL REPRESENTATION	<ul style="list-style-type: none"> • As the claimant has elected that the case be dealt with under the Minor Cases Procedure, lawyers are not allowed to represent you before the court, unless the court gives leave.

PART F – Defendant's response

REGISTRY AT:

MAGISTRATES COURT of WESTERN AUSTRALIA (CIVIL JURISDICTION) MINOR CASE CLAIM FORM 4

Case number: Date lodged:

Claimant Name: Address: Postcode:

Defendant Name: Address: Postcode:

15A – RESPONSE TO A MINOR CASE CLAIM

ADMISSION OF MINOR CASE CLAIM

I (full name of defendant)

Tick [✓] appropriate box

- Admit to the total of amount claimed and I offer to pay the amount admitted: By way of instalments of \$ per week commencing on (date); OR In full on or before (date)

Un-Liquidated Claim only

- Admit liability and make application to the Court to determine the amount that should be awarded for the claim.

Signature of defendant Date

INTENTION TO DEFEND MINOR CASE CLAIM

I (full name of defendant)

Intention to defend Tick [✓] appropriate box I intend to defend the full amount of this claim. I admit liability for part of the claim made and intend to defend the balance of the claim. I offer the sum of \$ as full satisfaction of the claim. (See below for application for change of venue)

Application for change of venue I wish to make application to the Court for the case to be conducted at another place within the State of Western Australia. Name of place: (See over the page for application)

Signature of defendant Date

Address for service

Contact details Telephone: Defendant ref: Fax: E mail:

REGISTRY AT:

**MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
MINOR CASE CLAIM
FORM 4**

Case number:

Date lodged:

Claimant	Name:
	Address:
	Postcode:

Defendant	Name:
	Address:
	Postcode:

PART G – APPLICATION FOR CHANGE OF VENUE

The defendant makes application to the Court for an order that the proceedings in this case be conducted at the registry of the Court.

AFFIDAVIT IN SUPPORT OF APPLICATION

I
Of
(full name and address) (occupation)
*(*delete as applicable)*
having been duly sworn*/affirmed* say the following:

SWORN*/AFFIRMED*
at this day of 20
in the presence of
Registrar/Justice of the Peace/other authorised witness
Deponent

This application will be determined at Magistrates Court held at
on day the day of 20

Unless the court orders otherwise, the attendance of the parties is not required for this application.
In the event attendance is required, the Court will give the parties notice.
If you have been served with an application you must, at least three working days before the hearing of the application, lodge and serve a response to the application stating whether you consent or object to the order sought in this application. Unless you consent to the order sought in this application, you must lodge an affidavit supporting your response.