



## Magistrates Court of Western Australia Civil Jurisdiction

### Fact Sheet 19 – Assessment of Damages (A claim for damages for a specified amount exceeding \$10,000 but not more than \$75,000 and a claim for an unspecified amount or delivery of goods)

*Information for the Claimant*

#### **Making a claim**

A claim must be commenced as a **general procedure**.

**See Fact Sheet: No. 1 Understanding Civil Proceedings**

#### **Commencing a General Procedure claim**

Complete and lodge **Form 3 – General Procedure Claim** and pay the prescribed fee.

Your General Procedure claim **must not exceed \$75,000**.

This claim **must be lodged electronically** using the Courts Electronic Case Management System (ECMS) [eCourts Portal](#).

This the fee schedule is available from the Magistrates Court website.

**See Fact Sheets:**

**No. 1 - Understanding Civil Proceedings**

**No. 2 - How to Commence a General Procedure Claim**

## Can I claim for other expenses?

Your claim may include a sum for:

- towing and storage fees incurred
- reasonable cost of renting alternative property while the property was under repair and
- any other incidental expenses.

## Serving a document

The Court can arrange service of your claim by a bailiff. Bailiffs are officers of the Court who are located throughout the State. You must prepay the service fee.

The fee schedule is available from the Magistrates Court website:

[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

Alternatively, you can make arrangements to serve the claim yourself.

**See Fact Sheet: No. 8 - Serving a Court Document**

## Defendant admits the amount of the claim

You will receive a '**Notice of Admission of Claim**' from the Court with details of the defendant's offer to pay in full or by instalments.

If you **do** accept the offer, **you should contact the defendant** and provide details of where the payments are to be made.

If you **do not** accept the offer you may proceed to enforce the total judgment debt.

**See Fact Sheet: No. 23 – Enforcing a Judgment**

## Claim defended by the Defendant

The claimant must request a Registrar to list the case for a **pre-trial conference** within 14 days after the claimant receives from the Court a copy of the response for an **intention to defend the claim**.

Complete and lodge a **Form 28 – Request for a Pre- Trial Conference**.

This form is available from the Magistrates Court website:

[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

**See Fact Sheet: No. 13 - Pre-trial Conference General Procedure**

## No response to the claim by the defendant

A Registrar may, in the absence of the parties give a **default judgment** for an unspecified amount in a claim exceeding **\$10,000** but not more than **\$75,000**.

Complete and lodge **Form 13 – Application for Default Judgment**.

This form is available from the Magistrates Court website:

[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

The Registrar must list the application for a hearing before the Court to assess the amount of damages.

A **Form 2 – General Affidavit** must be lodged at least **14 days** before the hearing.

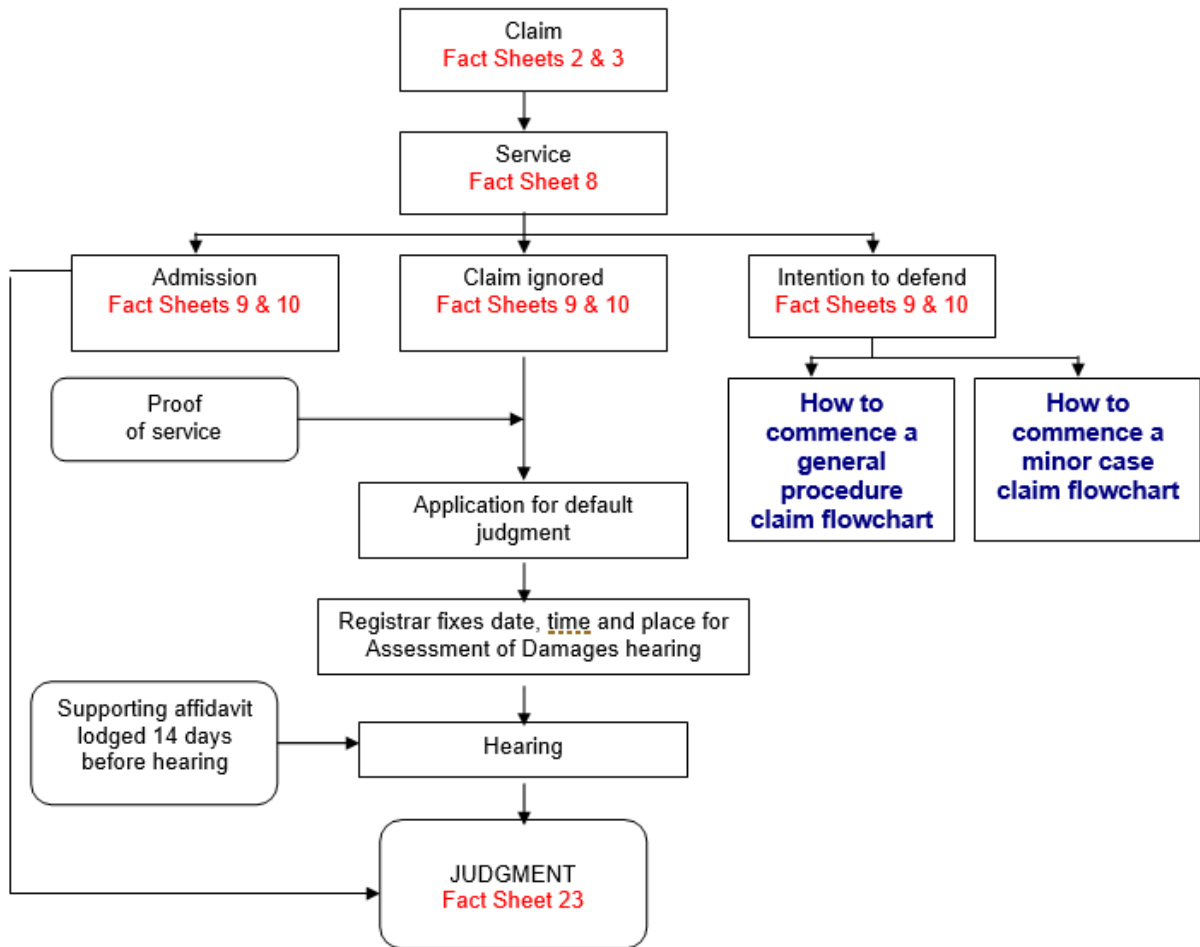
This form is available from the Magistrates Court website:

[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

## Role of the Court

The Court will assess the amount of the damages to be awarded in the judgment previously given by the Registrar.

## **FLOWCHART**



**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.