

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL PROCEEDINGS
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 Sheets:

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 can be lodged through the website www.magistratescourt.wa.gov.au in Online Forms if you have a credit card.

The form and the fee schedule are available from the Magistrates Court website and can be lodged at any Magistrates Court registry.

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.

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

Defendants admits to the amount of the claim

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

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.

Claim defended by the defendant

See Fact Sheet:
No. 23 - Enforcing a Judgment

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.

No response to the claim by the defendant

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

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 and the fee schedule are available from the Magistrates Court website: www.magistratescourt.wa.gov.au.

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

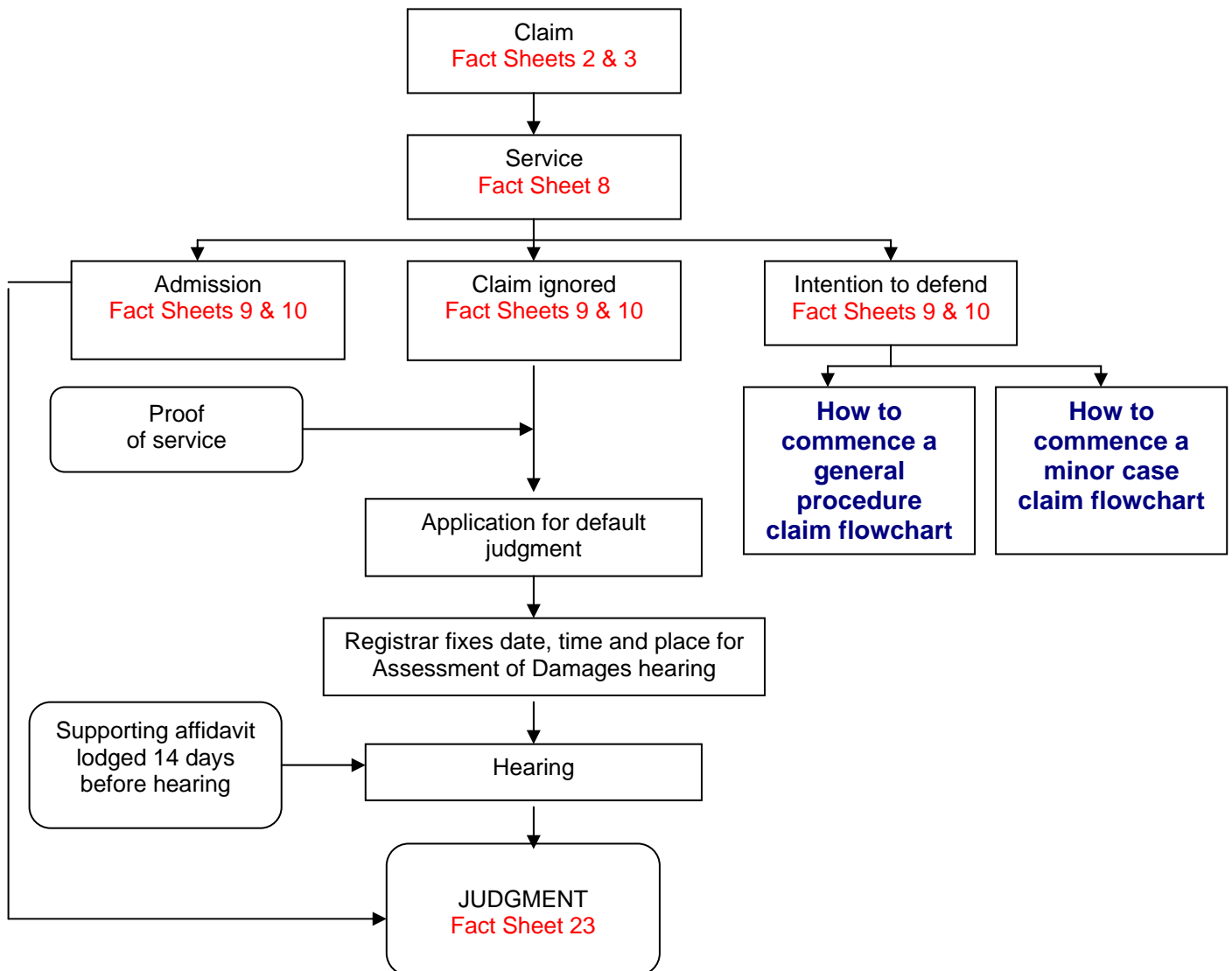
A **Form 2** – General Affidavit must be lodged at least 14 days before the hearing.

This form is available from the Magistrates Court website: www.magistratescourt.wa.gov.au.

Role of the Court

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

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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.