

MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 4

CONSUMER/TRADER CLAIM
INFORMATION FOR CONSUMERS AND TRADERS

What is a consumer/trader claim?

A claim that arises out of a contract for the supply of goods and services and claims one or more of the following:

- the performance of work, or the provision of services;
- the payment, or relief from payment; or
- the return or replacement of goods.

Who is a consumer?

You are a consumer if you are a natural person and have hired or bought the goods or services for private use.

You are not a consumer if you have purchased or hired goods or services for resale or to let, hire or use in connection with any business transaction.

Who is a trader?

A trader is a person who carries out a business of supplying goods or providing services, or who regularly holds themselves out as ready to supply goods or to provide service of a similar nature.

The providers of professional services (for example, lawyers, doctors, dentists) are also regarded as traders.

Making a claim

A consumer/trader claim may be started as a general procedure or minor cases claim.

Starting a minor cases claim

Complete and lodge **Form 6**.

This claim can be lodged through the website www.magistratescourt.wa.gov.au in Online Forms if you have a credit card. This form is also available on the Magistrates Court website.

Your claim must not exceed \$10,000 and you must be prepared to proceed without legal representation.

See Fact Sheet:

No. 3 - How to Commence a Minor Case Claim

No. 9 - When a claim has been served (Information for the claimant).

No. 10 - When served with a claim (Information for the defendant).

Starting a general procedure claim

Complete and lodge **Form 7**.

This claim can be lodged through the website www.magistratescourt.wa.gov.au in Online Forms if you have a credit card. This form is also available on the Magistrates Court website.

Your claim must not exceed \$75,000.

Legal representation is allowed, however if your claim is for \$10,000 or less and you did not elect to have the claim dealt with as a minor case, you will have to pay all your legal costs even if you win unless the Court orders otherwise.

See fact sheet:

No. 2 - How to Commence a General Procedure claim.

No. 9 - When a claim has been served (Information for the claimant).

No. 10 - When served with a claim (Information for the defendant).

Lodging your claim

You must lodge the claim **Form 6 or 7** at a Magistrate's Court Civil Registry and pay the prescribed fee. Alternatively these claims can be lodged through the website www.magistratescourt.wa.gov.au in Online Forms if you have a credit card.

What remedies or orders can the court make?

The court may grant the following remedies or orders:

- order the performance of work;
- order the payment of an amount of money;
- order the return of goods;
- order the provision of services;
- order the relief from payment of an amount of money; or
- order the replacement of goods.

If a person disobeys an order, a party can apply for an enforcement of order under the *Civil Judgments Enforcement Act 2004*.

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.