

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 5**

STATEMENT OF CLAIM

This fact sheet provides general information for the claimant on how to complete a statement of claim.

What is a statement of claim?

A statement of claims helps narrow the issues in dispute and reveals your case.

A statement of claim is lodged when the case is defended.

When do I file my statement of claim?

Unless you have lodged and served your statement of claim together with your original claim you must within 14 days of receiving a response that indicates an Intention to Defend, lodge and serve a statement of claim on the other party. An original and two copies of the relevant statement of claim must be lodged at the registry of the court where the claim was commenced, plus extra copies if there is more than one defendant if not represented by a lawyer.

What information should be in my statement of claim?

Minor Case Claim – Form 20, 20A & 20B

Your statement of claim must contain the following:

1. A summary of the facts relevant to your claim.

It is important that you restrict your statement of claim to the facts that are relevant to proving your claim against the defendant.

The facts should be set out in date order and based on how each allegation of fact will be proved.

You must not include allegations of a general nature, just details of where and when relevant events happened.

2. What remedy or relief you want.

The amount or remedy you are seeking as per your claim.

General Procedure Claim – Form 19, 19A & 19B

Your statement of claim must state the following:

1 .A summary of the facts relevant to the claim.

It is important that you restrict your statement of claim to the facts that are relevant to proving your claim against the defendant.

The facts should be set out in date order and based on how each allegation of fact will be proved.

You must not include allegations of a general nature, just details of where and when relevant events happened.

2. The legal basis of the claim.

This is the area of law you are relying on to support your claim. For example, breach of a contract.

It may be necessary for you to obtain legal advice.

3. The basic contentions of the party.

If you are aware why the defendant has filed a notice of intention to defend, you must outline the facts in your statement of claim.

4. The remedy of relief claimed.

The amount or remedy you are seeking as per your claim.

If the amount of the claim has been reduced in order to bring the claim within the jurisdictional limit, a statement to that effect and the amount by which the claim has been reduced must be included.

5. If the amount of the claim has been reduced in order to bring the claim within the jurisdictional limit, a statement to that effect.

What happens if I do not file my statement of claim?

The defendant may make an application to the Court to give judgment against you without a trial.

What should I do if I am having trouble completing my statement of claim?

If you have any doubts over completing your statement of claim, then you must seek legal advice.

What happens next?

When the statement of defence has been lodged and served and the case relates to the **minor cases procedure**, the registrar on lodgement must set a date, time and place for a compulsory pre-trial conference and advise all parties within 14 days.

If the case relates to a **general procedure claim**, you must within 14 days of receiving a Statement of Defence request the registrar to list the case for pre-trial conference within 14 days.

Failure to do so could result in the defendant making application to the court to give judgment against you without a trial.

The request must be lodged at the court registry with the prescribed filing fee. Complete and lodge **Form 28**.

All forms are available on the Magistrates Court website: www.magistratescourt.wa.gov.au.

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.