



Magistrates Court of Western Australia Civil Jurisdiction

Fact Sheet 3 – How to commence a Minor Case Claim

What is a minor case claim?

A claim where the value of the claim or the relief claimed **does not exceed \$10,000**.

Can a lawyer represent me?

Parties are **not entitled** to be represented before the Court, unless all parties agree or the Court is satisfied that none of the parties will be unfairly disadvantaged as a result.

How do I issue a minor case claim?

Complete and lodge a **Form 4** and pay the prescribed fee.

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

The court's objective when dealing with a minor case is to bring the parties to an acceptable settlement.

All proceedings are to be held in private unless the Court orders otherwise. Relatives and friends of a party may be present at the trial proceeding unless the Court orders otherwise.

Completing a Form 4

Claimant

Your name, the name of your company, or business name if you are a sole trader or trading as a partnership.

Defendant

The name and address of the person, company or business name if the defendant is a sole trader or trading as a partnership, that you are commencing the claim against.

A document lodged in relation to your claim must contain a residential or registered office address for service.

If you are not aware of the correct description or registered office address of the corporation, you can do a search by visiting Australian Securities & Investments Commission (ASIC) Perth Service Centre between 9am and 5pm (excluding public holidays) at:

ASIC

Level 1/11 Mounts Bay Road

PERTH WA 6000

Telephone: 1300 300 630

asic.gov.au

You may have to pay fees depending on the type of search.

Address for service of a corporation

Must be the registered office address of the corporation.

There are different kinds of service requirements for other types of organisations and certain individuals. Information is available from any court registry.

Method of Service

In most cases, a claim must be served personally on the Defendant. The court can arrange service of your claim by a bailiff. Bailiffs are officers of the court and are located throughout the State. You must pre-pay the service fee.

Alternatively you can make arrangements to serve the claim yourself.

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

Description of claim

These are the details of the claim that you are making against the defendant.

Amount of claim

The amount of money that you are claiming from the defendant must be included in your description of claim. You can also include a claim for interest.

Small business or non-profit association

If you are a small business or a non-profit association, you must complete a declaration form, to qualify to have your lodgment fee reduced.

The *Magistrates Court (Fees) Regulations 2005* defines a small business or a non-profit association as:

- an individual or individuals in partnership who wholly own and operate a business that has less than 20 full-time equivalent employees and partners;
- a corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees; or
- a non-profit association is a society club, institution or body that is not for the purpose of trading or financial profit for its members.

How do I lodge my minor case form?

Claims must be lodged electronically using the Courts Electronic Case Management System (ECMS), the [eCourts Portal](#), and will be lodged at the court registry you select during lodgment.

What happens after my claim is lodged and served on the defendant?

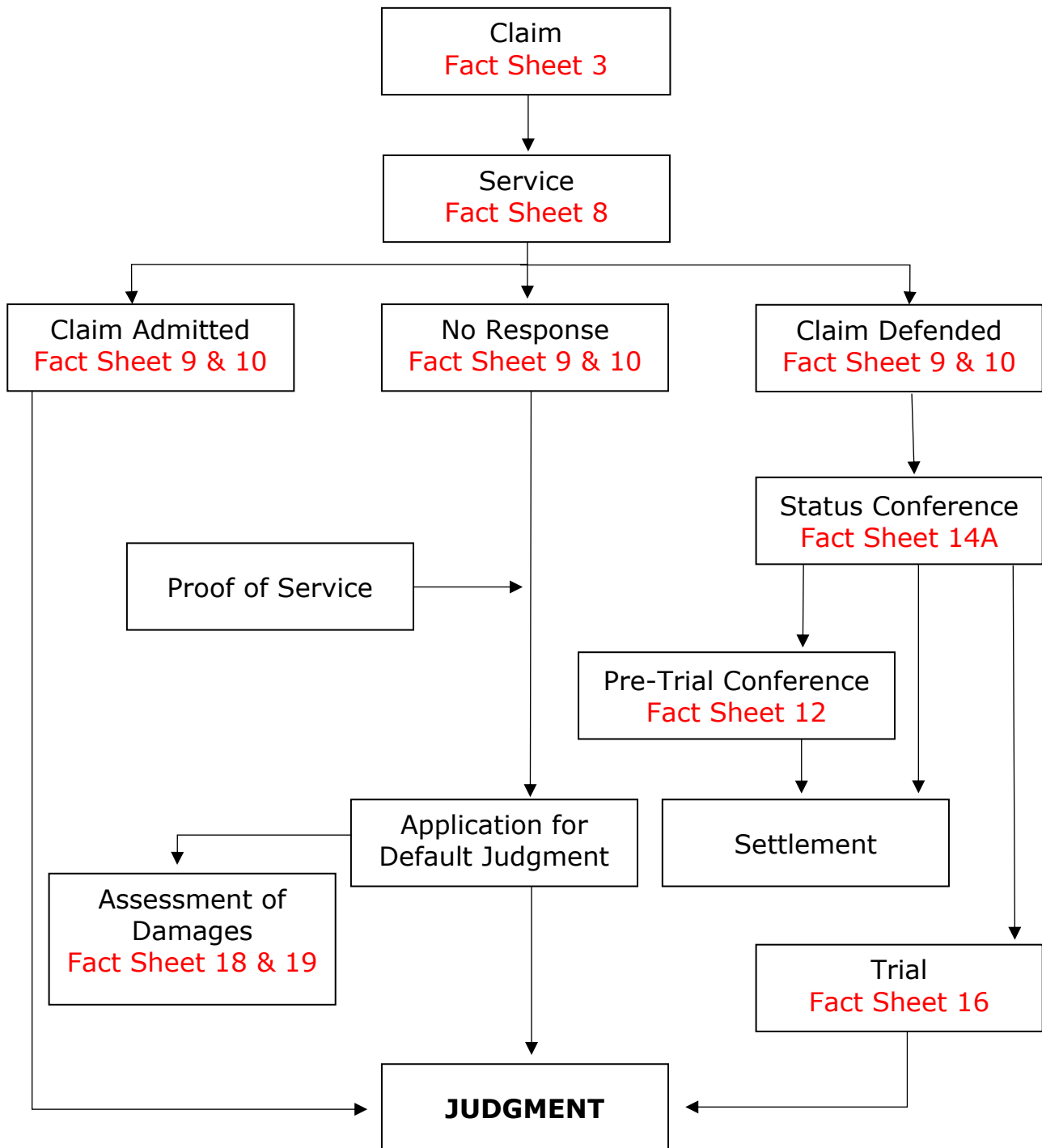
From the date that the defendant is served with the claim, they have a period of 14 days if service is within Western Australia or 21 days if service is within another State or Territory of Australia.

You cannot take any further steps until the defendant's time to respond has expired.

What happens next depends on how the defendant responds to the claim:

- Admission to claim;
- Notice of intention to defend; or
- No response is lodged.

Minor Cases Procedure



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.