



Magistrates Court of Western Australia

Civil Jurisdiction

Fact Sheet 5 – 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.

The relevant statement of claim must be lodged electronically using the Courts Electronic Case Management System (ECMS) [eCourts Portal](#) .

What information should be in my statement of claim?

Your statement of claim must contain the following:

In a minor case claim

Form 20 - Statement of Minor Case Claim

Form 20A – Statement of Minor Case Counterclaim

Form 20B – Statement of Minor Case Third Party Claim

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.

In a general procedure claim

Form 19 – Statement of General Procedure Claim

Form 19A – Statement of General Procedure Counterclaim

Form 19B – Statement of General Procedure Third Party Claim

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. 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 claim.

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.

5. 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.

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 should 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 lodgment 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 an application to the court to give judgment against you without a trial.

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

The request must be lodged electronically using the Courts Electronic Case Management System (ECMS) [eCourts Portal](#) with the prescribed filing fee.

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.