

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 1**

UNDERSTANDING CIVIL PROCEEDINGS

The Magistrates Court has a civil jurisdiction to deal with the following:

- A monetary claim for debt or damages
- A consumer/trader claim
- A residential tenancies claim
- A claim for recovery of real (real estate) property

Parties are encouraged to try to reach an agreement or settlement before making a claim through the court.

There is no guarantee that monies will be recovered through the court process and failure to successfully prove a claim, could result in the award of costs to the other party.

Parties involved in a claim

Claimant

This is the party who starts the claim.

They may be an individual person(s), corporation or association who is owed money for a debt or damages, or a consumer or a trader.

Defendant

This is the party against whom the claim is made.

They may be an individual person(s), corporation or association against whom a claim for debt or damages is made, or a consumer or a trader.

General procedure claim

Deals with claims for debt or damages up to \$75,000.

In this jurisdiction a lawyer can represent you. However, if the amount being claimed is for \$10,000 or less you may only recover allowable costs as prescribed under the *Magistrates Court (Civil Proceedings) Act 2004* unless the Court orders otherwise.

Proceedings are formal. If the claim is disputed and you proceed to trial, there will be a requirement for you to attend either or all of the following:

- pre-trial conference;
- status conference; and
- mediation conference.

See Fact Sheet:

No. 2 - How to Commence a General Procedure Claim

Minor Case Claim

Deals with claims for debt or damages up to \$10,000.

If you make a claim under this procedure a lawyer cannot represent either party, unless the court grants permission, due to special circumstances.

Proceedings are less formal than a general procedure claim. When the defendant lodges a notice of intention to defend containing its description of defence, the case will be automatically listed for a status conference. At the status conference, the court will attempt to bring the parties to a settlement.

See Fact Sheet:

No. 3 - How to Commence a Minor Case Claim

Consumer/ trader claims

This is a claim between a consumer and a trader where a dispute has arisen over the sale, supply or hire of goods or services up to \$75,000.

Either a consumer or trader may start a general procedure or minor case consumer/trader claim.

See Fact Sheet:

No. 4 - Consumer/ Trader Claim.

Residential tenancy applications

This is an application where either an owner or a tenant, who is a party to a residential tenancy agreement, wants to enforce certain conditions of the agreement or to claim monies under the agreement which do not exceed \$10,000.

For more information on how to proceed with a residential tenancy application, please contact the:

Department of Commerce.
219 St Georges Terrace
PERTH WA 6000
Website: www.docep.wa.gov.au
General Advice Line: 1300 304 054

Recovery of real (real estate) property

This is a claim by a property owner to recover possession of real property, which is not subject to an agreement under the *Residential Tenancies Act 1987*, where the amount of gross annual rental value is less than \$75,000.

For example, commercial property or people in illegal occupation.

Role of registry staff

It is important to note that court staff cannot give legal advice, as they are not qualified to do so. Court staff will assist wherever possible with procedural advice.

You should seek legal advice if you are in doubt about whether or not to start a civil claim.

Further information

There are a number of easy-to-read fact sheets available at all Magistrates Court registries and on the Magistrates Court website at:

www.magistratescourt.wa.gov.au

REGISTRIES OF THE MAGISTRATES COURT

Perth

Magistrates Court Central Law Courts 501 Hay Street Perth WA 6000 Telephone: 9425 2222	Magistrates Court Quasi-Judicial Central Law Courts 501 Hay Street Perth WA 6000 Telephone: 9425 2222
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Metropolitan locations

Armadale Magistrates Court 109 Jull Street ARMADALE WA 6112 Telephone: 9399 0700	Fremantle Magistrates Court 8 Holdsworth Street FREMANTLE WA 6160 Telephone: 9431 0300
Joondalup Magistrates Court 21 Reid Promenade JOONDALUP WA 6027 Telephone: 9400 0700	Mandurah Magistrates Court 333 Pinjarra Road MANDURAH WA 6210 Telephone: 9583 1100
Midland Magistrates Court 24 Spring Park Road MIDLAND WA 6056 Telephone: 9250 0200	Rockingham Magistrates Court Whitfield Street ROCKINGHAM WA 6168 Telephone: 9527 6433

Country locations

Albany Magistrates Court Telephone: 9841 1222	Broome Magistrates Court Telephone: 9192 1137
Bunbury Magistrates Court Telephone: 9722 0443	Busselton Magistrates Court Telephone: 9752 1066
Carnarvon Magistrates Court Telephone: 9941 1082	Collie Magistrates Court Telephone: 9734 2061
Derby Magistrates Court Telephone: 9191 1406	Esperance Magistrates Court Telephone: 9071 2444
Geraldton Magistrates Court Telephone: 9921 3722	Kalgoorlie Magistrates Court Telephone: 9093 5300
Karratha Magistrates Court Telephone: 9185 2922	Kununurra Magistrates Court Telephone: 9168 1011
Manjimup Magistrates Court Telephone: 9771 1316	Merredin Magistrates Court Telephone: 9041 1064
Moora Magistrates Court Telephone: 9651 1407	Narrogin Magistrates Court Telephone: 9881 1722
Northam Magistrates Court Telephone: 9622 1035	Roebourne Magistrates Court Telephone: 9182 1281
South Hedland Magistrates Court Telephone: 9172 9300	

Office Hours

Monday to Friday - 8.30am to 4.30pm

Please note some country locations are open between 9am – 4pm and are closed between 1pm – 2pm.

Legal Advice

You may want to obtain legal advice from a private lawyer. Otherwise, there are a number of organisations, including those below, which may provide legal advice at a minimal cost:

Legal Aid Commission of Western Australia

Perth	32 St Georges Terrace	9261 6222
Fremantle	10 William Street	9336 9100
Midland	Landgate Building, The Avenue	9274 3327
Albany	43-47 Duke Street	9892 9700
Bunbury	141 Victoria Street	9721 2277
Broome	15-17 Dampier Terrace	9195 5888
Geraldton	273 Foreshore Drive	9921 0200
Kalgoorlie	120 Egan Street	9025 1300
Kununurra	98 Konkerberry Drive	9166 5800
South Hedland	28-32 Throssell Road	9172 3733

Law Society of Western Australia

Level 4, 89 St Georges Tce, Perth 9322 7877

Citizens Advice Bureau of Western Australia

25 Barrack Street, Perth 9221 5711

Consumer Credit Legal Service

Level 1, 231 Adelaide Tce, Perth 9221 7066

Sussex Street Community Law Service

29 Sussex Street, East Victoria Park 6253 9500

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.