

**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 for a General Procedure Claim.

What is a statement of claim?

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

If you have lodged a Minor Case Claim, you are not required to complete a Statement of Claim. Instead, your Minor Case Claim must contain a description of claim.

When do I file my statement of claim?

If you have lodged a General Procedure Claim, you may lodge and serve your statement of claim together with your claim or within 14 days of receipt of notice of intention to defend by defendant. An original and copies for every party to the matter, of the relevant statement of claim must be lodged at the registry of the court where the claim was commenced.

What information should be in my statement of claim?

General Procedure Claim and Statement of Defence with Counterclaim– [Form 19, 19B & 68](#)

Your statement of claim must state the following:

1. Material 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. Any necessary particulars of the claim.

Particulars are the precise details of your allegation. For example, if your claim is that you supplied goods to the other party, the particulars might be the invoice numbers, date of supply and amount of each invoice. This information is important so the parties and the Court know exactly how your case is made up.

3. 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.

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?

If the **claimant has lodged and served an originating claim, but has not yet been served with a statement of defence or a statement of defence with counterclaim**, they may apply for an early pre-trial conference where both parties consent. The request must be lodged at the court registry where the claim has commenced, by completing and lodging a **Form 28 – Request for Pre-Trial Conference** and a **Form 49 – Memorandum of Consent Order**. The claimant must pay the hearing fee as prescribed by the *Magistrates Court (Fees) Regulations 2005*.

If the **claimant has been served with a statement of defence**, they must within 14 days of service, request the registrar to list the case for a pre-trial conference and pay the hearing fee as prescribed by the *Magistrates Court (Fees) Regulations 2005*.

If the **claimant has been served with a statement of defence with counterclaim**, the claimant must lodge a statement of defence to the counterclaim. Within 14 days after lodging a statement of defence to the counterclaim, they must request the registrar to list the case for a pre-trial conference and pay the hearing fee as prescribed by the *Magistrates Court (Fees) Regulations 2005*.

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 where the claim has commenced, by completing and lodging a **Form 28 – Request for Pre-Trial Conference**.

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.