

Recovering a debt through the Magistrates Court

The Magistrates Court of Western Australia deals with claims for debt and damages up to \$75,000.

Minor case claims - debt or damages up to \$10,000

General procedure claims - debt or damages up to \$75,000

Note: With a claim for \$10,000 or less you can choose to make either a minor case claim or a general procedure claim.

If you decide to make a claim in the Magistrates Court, you will need to:

- complete the **application form** available from the Magistrate Court website
- lodge your completed form with the court
- pay the relevant **fee**.

TIP: Small businesses that employ fewer than 20 full-time equivalent employees or partners can apply to have their lodgement fee reduced.

If you are making a claim you will be referred to as the 'claimant'. The person(s) you are making a claim against will be referred to as the 'defendant'.

Before proceeding with a claim make sure you:

- know the amount you want to claim
- the date on which you provided the goods and/or services
- the reason why the defendant owes you money
- the correct name and address of the defendant.

Minor case claims

The process for minor case claims is as follows:

- Claimant lodges a claim with the Magistrates Court.
- A copy of the claim is served on the defendant.
- The defendant has 14 days from the date of being served to decide whether to defend the claim. The claimant cannot proceed with the claim until this period has expired.
- The defendant may decide to admit to the claim and pay the debt, ignore the claim or defend the claim. If the claim is ignored you can make application to the court for judgement.
- If the claim is defended, the court registrar will list a pre-trial conference within 14 days of receiving notice from the defendant.

A pre-trial conference will bring together both parties and attempt to reach a settlement. If no settlement is reached, the case may be referred for another pre-trial conference or proceed to be heard before a magistrate.

Note: General procedure claims follow a similar process but can be more complicated if the claim is defended. The Magistrates Court website has more information about **minor case** and **general procedure** claims.



Legal representation

If you are making a minor case claim you cannot be represented by a lawyer unless all parties agree or the court grants special permission.

For general procedure claims you can be represented by a lawyer. If your claim is for \$10,000 or less, and you elect not to have it dealt with as a minor case, you will have to pay all your legal costs even if you win, unless the court orders otherwise.

Debts exceeding \$75,000

For claims of more than \$75,000 you will need to apply to the:

- District Court for debt or damages up to \$750,000
- Supreme Court for debt over \$750,000.

More information

- Read the Magistrates Court [fact sheets](#)
- You may want to seek [legal advice](#)