

Western Australia

**Small Claims Tribunals
Regulations 1975**

Reprinted as at 23 July 1999

Western Australia

Small Claims Tribunals Regulations 1975

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Schedule

Notes

Western Australia

Small Claims Tribunals Act 1974

Small Claims Tribunals Regulations 1975

1. Citation

These regulations may be cited as the *Small Claims Tribunals Regulations 1975*¹.

[Regulation 1 amended in Gazette 27 October 1989 p.3914.]

1A. Interpretation

In these regulations —

“financially disadvantaged person” means a person who produces, or in respect of whom there is produced, to an officer of the Tribunal authorized in that behalf, evidence to the satisfaction of that officer showing that the person holds —

- (a) a Health Care Card;
- (b) a Health Benefit Card;
- (c) a Pensioner Health Benefit Card;
- (d) a Veteran Health Benefit Card;
- (e) a War Widow Concession Fare Certificate, issued by the Department of Social Security or the Department of Veterans' Affairs of the Government of the Commonwealth —
- (f) a Rates Concession Card, issued by the Department for Community Welfare² in this State; or

r. 2

- (g) an entitlement to the Special Rate of Pension granted under Schedule 2 of the *Repatriation Act 1920* (as amended) of the Commonwealth.

[Regulation 1A inserted in Gazette 16 December 1983 p.4896.]

2. Forms

The Forms set out in the Schedule to these regulations are prescribed for the respective purposes stated therein but in each case a form to the like effect may be used.

3. Fees

The following fees are prescribed —

	\$
For filing a small claim —	
financially disadvantaged person	7
other persons	21
For certifying under section 22(3)(a) of the Act a copy of an order	10
On an application for a rehearing under section 34(2) of the Act	21

[Regulation 3 inserted in Gazette 30 June 1989 p.1973; amended in Gazette 1 August 1990 p.3658; 13 December 1991 p.6172; 14 August 1992 p.4010.]

3A. Fixed amount

For the purposes of paragraphs (a), (b), (c) and (d) of the definition of “small claim” in section 4(1) of the Act, the “fixed amount” is prescribed as \$6 000.

[Regulation 3A inserted in Gazette 12 April 1991 p.1605.]

4. Appointment of agent

A party to a proceeding before a Small Claims Tribunal who wishes to be represented by an agent shall lodge with the

registrar, before the hearing of the proceeding, a statement in writing which —

- (a) specifies the proceeding;
- (b) sets out the reasons why the party wishes to be represented by an agent;
- (c) sets out the name and occupation of the proposed agent; and
- (d) states that the proposed agent has sufficient knowledge of the issue in dispute and is vested with sufficient authority to bind the party.

5. Transfer of proceedings

Upon an order being made under section 17A of the Act to transfer proceedings to another court the registrar shall forward a copy of the claim and a copy of the order, both certified by the registrar as true copies, to the appropriate officer of the court to which the proceedings are to be transferred.

[Regulation 5 inserted in Gazette 28 September 1984 p.3194.]

6. Costs

An order for costs under section 35(2) of the Act shall not exceed \$100.

[Regulation 6 inserted in Gazette 28 September 1984 p.3194.]

Schedule

Schedule

Form 1

SCTForm 1

WESTERN AUSTRALIA
Small Claims Tribunals
Act 1974
(Section 24)
CLAIM FORM

Claim No.
Date Filed
Fee \$
Receipt No.
Officer

I/WE, the claimant(s) named below, give notice that
I/WE wish to refer this claim to a Small Claims Tribunal.
I/WE tender the application fee with this claim.

PLEASE PRINT OR WRITE CLEARLY

1. PERSON(S) MAKING CLAIM [CLAIMANT(S)]
Mr/Mrs/Ms/Miss
Family Name
Given Names
Address
Postcode
Telephone Number: (H) (W)

2. TRADER AGAINST WHOM THE CLAIM IS MADE. [RESPONDENT]
Full Trading Name
Address
Postcode
TRADER No. 22 (if any)
Full Trading Name
Address
Postcode

3. Date of transaction or when problem arose

4. What remedy (Order(s)) are you seeking?

Refund \$

Compensation \$

Relief from Payment
\$

Cost of having work
performed by another
contractor \$

Other (please state) \$

Total of claim \$
(Must be less than \$6 000)

5. Has the matter been dealt with by the Ministry of Consumer Affairs?

Yes

No

If Yes, please quote file number

6. Was the purchase/hiring of goods/supply of services for your own Private use.

Yes

No

7. Has any legal action been taken by either you or the trader

Yes

No

If Yes, please give details including the name of the court.

8. Please give full details of your claim (attach additional sheets if needed).

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

9. Signature of Claimant(s).....

.....

Date

A copy of this Claim Form will be sent to the other party.

Schedule

Form 2

Small Claims Tribunals Act 1974
(Section 23)

**NOTICE TO REGISTRAR THAT AN ORDER HAS NOT BEEN
COMPLIED WITH**

To Registrar,
Registry of Small Claims Tribunals,
Willmar House,
600 Murray Street,
West Perth, 6005.

(Claimant)

V

(Respondent)

Claim (brief details): —

On the day of, 19,
an order was made by the Small Claims Tribunal at
whereby it was ordered (brief details): —

I hereby give notice that the order in question has not been complied with
except as follows

Dated at, thisday of, 19

Signature of Party
Address
.....
.....

Form 3

Small Claims Tribunals Act 1974
(Section 27)

NOTICE OF WITHDRAWAL

To Registrar,
Registry of Small Claims Tribunals,
Willmar House,
600 Murray Street,
West Perth, 6005.

..... (Claimant)

V

..... (Respondent)

Ithe Claimant in
Claim No.lodge with the Small Claims Tribunal, hereby
withdraw this claim against the Respondent.

Signed:

Date:

Schedule

Form 4

Small Claims Tribunals Act 1974
(Section 34)

APPLICATION FOR REHEARING

To Registrar,
Registry of Small Claims Tribunals,
Willmar House,
600 Murray Street,
West Perth, 6005.

CLAIMANT (Name and address)

V

RESPONDENT (Name and address)

.....

.....

The above claim having been heard in my absence on the
day, 19, I hereby make application for a rehearing
of

the claim on the following grounds:

(a)*

Dated at this day of
....., 19

.....
Signature of Applicant

(a)* Set out in full detail the reason for the applicant's failure to present his
case to the Tribunal and where possible supported with documents to
support those reasons.

Form 5

Small Claims Tribunals Act 1974
(Section 17)

Claim No. of 19 .

BETWEEN:

Claimant

and

Respondent

CERTIFICATE BY REGISTRAR

..... (name of party) having been served with a summons issued by the Local Court at which relates to the same issue in dispute as an issue in dispute before this Tribunal, I hereby certify that the claimant lodged a claim against the respondent with respect to that issue in dispute in the Small Claims Tribunal at on the day of 19 .

The particulars of the issue in dispute in the claim are:

*On the day of 19 the Small Claims Tribunal made the following order with respect to the claim:

This certificate was issued by me on the day of 19 .

.....
REGISTRAR

*Delete if no order has been made.

NOTE:

- (1) This certificate may be filed free of charge in the office at the Local Court from which the summons was issued.
- (2) A party filing this certificate must return the attached Form 6 to the Registrar of Small Claims Tribunals.

Schedule

Form 6

Small Claims Tribunals Act 1974

(Section 17)

NOTICE

TO: THE REGISTRAR OF
SMALL CLAIMS TRIBUNALS

Take notice that on the day of
19 I filed the certificate attached to this form in the Local Court at

.....
Dated this day of 19 .

.....
Claimant Respondent

*[Schedule amended in Gazette 28 September 1984 pp.3194-5;
27 November 1992 pp.5738-9.]*



Notes

¹ This reprint is a compilation as at 23 July 1999 of the *Small Claims Tribunals Regulations 1975* and includes the amendments referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Small Claims Tribunals Act Regulations 1975</i>	7 March 1975 pp.844-7	7 March 1975	
	12 August 1977 p.2668	12 August 1977	
	17 November 1978 p.4320	1 January 1979	
<i>Small Claims Tribunals Amendment Regulations 1981</i>	28 August 1981 p.3589	1 September 1981 (see regulation 2)	
<i>Small Claims Tribunals Amendment Regulations (No. 2) 1981</i>	18 December 1981 p.5248	1 January 1982 (see regulation 2)	
<i>Small Claims Tribunals Amendment Regulations 1983</i>	16 December 1983 p.4896	1 January 1984 (see regulation 2)	
<i>Small Claims Tribunals Amendment Regulations 1984</i>	28 September 1984 pp.3194-5	28 September 1984 (see regulation 3 and <i>Gazette</i> 28 September 1984, p.3154)	
<i>Small Claims Tribunals Amendment Regulations 1986</i>	13 June 1986 p.1997	1 July 1986 (see regulation 2)	
<i>Small Claims Tribunals Amendment Regulations 1989</i>	30 June 1989 p.1973	1 July 1989 (see regulation 2)	
<i>Small Claims Tribunals Act Amendment Regulations (No. 2) 1989</i>	27 October 1989 p.3914	27 October 1989	
<i>Small Claims Tribunals Amendment Regulations 1990</i>	1 August 1990 p.3658	1 August 1990	

Small Claims Tribunals Regulations 1975

Citation	Gazettal	Commencement	Miscellaneous
<i>Small Claims Tribunals Amendment Regulations 1991</i>	12 April 1991 pp.1604-5	12 April 1991	
<i>Small Claims Tribunals Amendment Regulations (No. 2) 1991</i>	13 December 1991 p.6172	13 December 1991	
<i>Small Claims Tribunals Amendment Regulations 1992</i>	14 August 1992 p.4010	14 August 1992	
<i>Small Claims Tribunals Amendment Regulations (No. 2) 1992</i>	27 November 1992 pp.5738-9	27 November 1992	

² Now see Department of Family and Children's Services.