

Western Australia

## **Small Claims Tribunals Regulations 1975**

---

As at 01 Jan 2004

Version 01-p0-02

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



## Small Claims Tribunals Regulations 1975

---

### CONTENTS

---

1.	Citation	1
1A.	Interpretation	1
2.	Forms <sup>2</sup>	
3.	Fees	2
3A.	Fixed amount	2
4.	Appointment of agent	2
5.	Transfer of proceedings	3
6.	Costs	3
	<b>Schedule</b>	<b>4</b>
	<b>Notes</b>	
	Compilation table	11



## Small Claims Tribunals Regulations 1975

### 1. Citation

These regulations may be cited as the *Small Claims Tribunals Regulations 1975*<sup>1</sup>.

[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 Welfare<sup>2</sup> 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 .....	9
other persons .....	27
For certifying under section 22(3)(a) of the Act a copy of an order .....	13
On an application for a rehearing under section 34(2) of the Act .....	27

*[Regulation 3 inserted in Gazette 30 Jun 1989 p.1973; amended in Gazette 1 Aug 1990 p.3658; 13 Dec 1991 p.6172; 14 Aug 1992 p.4010; 30 Dec 2003 p. 5717.]*

**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 ....., this .....day 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)

I .....the Claimant in  
Claim No. ....lodged 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.



**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**

- <sup>1</sup> This is a compilation of the *Small Claims Tribunals Regulations 1975* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Small Claims Tribunals Act Regulations 1975</i>	7 Mar 1975 p. 844-7	7 Mar 1975
	12 Aug 1977 p. 2668	12 Aug 1977
	17 Nov 1978 p. 4320	1 Jan 1979
<i>Small Claims Tribunals Amendment Regulations 1981</i>	28 Aug 1981 p. 3589	1 September 1981 (see r. 2)
<i>Small Claims Tribunals Amendment Regulations (No. 2) 1981</i>	18 Dec 1981 p. 5248	1 January 1982 (see r. 2)
<i>Small Claims Tribunals Amendment Regulations 1983</i>	16 Dec 1983 p. 4896	1 January 1984 (see r. 2)
<i>Small Claims Tribunals Amendment Regulations 1984</i>	28 Sep 1984 p. 3194-5	28 Sep 1984 (see r. 3 and <i>Gazette</i> 28 Sep 1984 p. 3154)
<i>Small Claims Tribunals Amendment Regulations 1986</i>	13 Jun 1986 p. 1997	1 Jul 1986 (see r. 2)
<i>Small Claims Tribunals Amendment Regulations 1989</i>	30 Jun 1989 p. 1973	1 Jul 1989 (see r. 2)
<i>Small Claims Tribunals Act Amendment Regulations (No. 2) 1989</i>	27 Oct 1989 p. 3914	27 Oct 1989
<i>Small Claims Tribunals Amendment Regulations 1990</i>	1 Aug 1990 p. 3658	1 Aug 1990
<i>Small Claims Tribunals Amendment Regulations 1991</i>	12 Apr 1991 p. 1604-5	12 Apr 1991
<i>Small Claims Tribunals Amendment Regulations (No. 2) 1991</i>	13 Dec 1991 p. 6172	13 Dec 1991
<i>Small Claims Tribunals Amendment Regulations 1992</i>	14 Aug 1992 p. 4010	14 Aug 1992

---

Citation	Gazettal	Commencement
<i>Small Claims Tribunals Amendment Regulations (No. 2) 1992</i>	27 Nov 1992 p. 5738-9	27 Nov 1992
<i>Small Claims Tribunals Amendment Regulations 2003</i>	30 Dec 2003 p. 5717	1 Jan 2004 (see r. 2)

<sup>2</sup> Now see Department of Family and Children’s Services.

<sup>3</sup> The *Courts Legislation Amendment and Repeal Act 2004* Pt. 3 reads as follows:

“

### Part 3 — *Small Claims Tribunals Act 1974* repealed

#### 13. Transitional provisions

- (1) In this section —  
“**commencement**” means the commencement of this Part.
- (2) If immediately before commencement a small claim is pending before a Small Claims Tribunal, then on commencement the small claim is to be taken to be an action within the civil jurisdiction of the Magistrates Court and may be heard and determined accordingly subject to the *Magistrates Court (Civil Proceedings) Act 2004*.
- (3) If immediately before commencement an order made by a Small Claims Tribunal is in force under the *Small Claims Tribunals Act 1974*, then on commencement the order is taken to be an order made by the Magistrates Court and has effect accordingly.
- (4) The repeal of the *Small Claims Tribunals Act 1974* does not prevent an application or order being made under the *Suitors’ Fund Act 1964* in relation to a claim that was before a Small Claims Tribunal before commencement.
- (5) On commencement and for the purposes of subsection (4) the Magistrates Court has jurisdiction to make any order under the *Suitors’ Fund Act 1964* that a Small Claims Tribunal would have had jurisdiction to make under that Act immediately before commencement.
- (6) A reference in a written law or book, document or writing to a Small Claims Tribunal is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court.

”.



