

Tips for going to court on a civil law matter

This factsheet has information on what a civil law matter is and some practical tips for when you are going to court on a civil law matter.

What is a civil law matter?

A civil law matter is generally any matter that is not a criminal or family matter. Some examples of civil law matters dealt with in the Magistrates Court of Western Australia are:

- » A claim for debt or damages up to \$75,000. For example, damage to your car from a car crash.
- » A consumer or trader claim over the sale, supply or hire of goods or services up to \$75,000.
- » Residential tenancies claims to enforce conditions of a residential tenancy agreement or claim monies under the agreement, up to \$10,000.
- » Claims for the recovery of real estate up to \$75,000.

Who's who in these cases?

In civil law cases in the Magistrates Court, the “claimant” is the person who starts the case and the “defendant” is the person against whom the case is made.



What are some tips for going to court on a civil law matter?

Going to court can be stressful, so here are some tips for going to court on a civil law matter.

- » It is important to get legal advice before you go to court and make sure you have a good claim or defence.
- » Try not to let your emotions get in the way of sorting out your dispute. Weigh up whether it is worth your time and effort to go to court, especially if it is about a small amount of money.
- » Make sure you lodge the correct form and fill out all the paperwork correctly.
- » If you are the one starting the claim, work out whether your business should be the claimant instead of you personally. You should also make sure the defendant is a legal entity, and that they are correctly named. For example, their ACN number must be included.
- » Be on time and be ready to stay the whole day.
- » Do not argue with the magistrate!

How can I be prepared to go to court?

Being prepared to go to court is very important.

You should work out how you are going to prove what you need to and narrow the issues in dispute as best you can.

You should also make sure you have arranged for your witnesses to come to court.

Sometimes your witnesses will not come to court by choice. In this case, you may need to go to court to get a legal document called a “summons” to get them to come to court.

Remember that you may have to pay costs for professionals to attend.

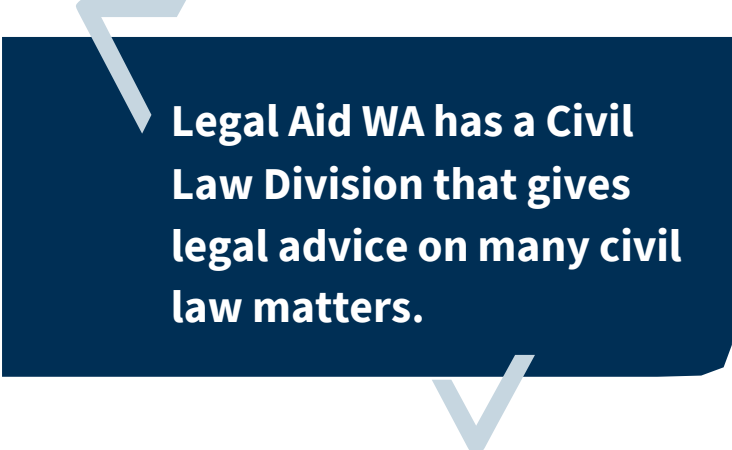
You should have your documents organised in a way you can easily find what you need. Bring extra copies for the magistrate and other parties.

It is important to also check with court registry if you need to use technology in court.

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Legal Aid WA has a Civil Law Division that gives legal advice on many civil law matters.

How can Legal Aid WA help?

Legal Aid WA has a Civil Law Division that gives legal advice on many civil law matters.

The Legal Aid WA website also has legal information, self-help guides and videos on many civil law issues.