

## Civil claims

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

If someone owes you money you can ask a court to help you get this back.

### Where can I get help with recovering money someone owes me?

If someone claims that another person or business owes them money and they haven't been able to resolve it between themselves, the person who is wanting to be repaid the money can ask a court to assist. This person is known as a 'claimant' or 'civil litigant'.

### What if someone owes me \$15,000 or less?

If someone is seeking to recover \$15,000 or less they file a **Civil Claim Form** at the Magistrates Court. You can download the Self Help form to begin this process yourself.

There are no legal costs for a minor civil claim because parties must represent themselves. However, a party may request Court permission to have legal representation in special circumstances. For example if the other party is a solicitor or you have an intellectual disability.

The Magistrate may award the successful party compensation for nominal witness fees, expenses etc. The Court can only award legal costs to a successful party if a lawyer has been engaged by a party and (in rare circumstances) the lawyer has represented that party at trial. The Court does not generally make orders compensating a self-represented party for the time spent on preparing the claim or conducting the trial.

### What if someone owes me between \$15,001 and \$50,000?

If someone is wanting to recover between \$15,000 and \$50,000 then they file a **Civil Claim** at the Magistrates Court.

The court will deal with disputes of more than \$50,000 if everyone involved agrees.

### What if someone owes me more than \$50,000?

The Supreme Court will consider cases where more than \$50,000 is being sought by a claimant.

The person or business who the claimants says owes the money must file a **Notice of Appearance** within 7 days showing that they intend to defend the claim. If they fail to do this a default judgment may be made.

The judge can also direct parties to attend mediation if they believe there is a possibility the case can be resolved without the need for a hearing. There is a fee for each mediation conference and this is shared equally between the parties.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.