

Form 3.47 Small Claims Court—originating application

Court Procedures Rules 2006

(see r 3737 (Small Claims Court—originating application etc))

In the Small Claims Court of the Australian Capital Territory

Application No of (year) (*Court to complete*)

(*name*)
Applicant

(*name*)
Respondent

To the Registrar:

General declaration

I make the following application in the Small Claims Court. The required information about myself, the respondent and the application is set out below and in the attachment.

Applicant

(*if the applicant is an individual*)

Full name:

*[Home/Business] address:

(*if the applicant is a corporation*)

Name of body:

*[Australian Company Number/Australian Registered Body Number]:

Filed for the applicant by:

(*the applicant's address for service and telephone number (if any) or, if the applicant is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor*)

Address of *[registered office/public officer]:
(if the applicant is represented by another person)

Representative's full name:

Representative's address:

How may the applicant be contacted?

Address for service of documents

(set out applicant's address for service in the ACT)

*Telephone No:

(if represented by a solicitor the following information may be given)

*Document exchange box no:

*Fax:

*Email address:

Respondent

(if the respondent is an individual)

Respondent's name:

Respondent's *[home/business] address:

(if the respondent is a corporation)

Name of body:

*[Australian Company Number/Australian Registered Body Number]:

Address of *[registered office/public officer]:

Previous attempts to resolve dispute

*The applicant and the respondent have attempted to resolve their dispute in the following way:

*The applicant and the respondent have made no previous attempts to resolve their dispute.

Date:

(signature of applicant or applicant's representative)

(name of applicant or applicant's representative)

**omit if, or whichever is, inapplicable*

Attachment A Debt application

What is a debt application?

- A 'debt application' is an application to recover a debt.
- You can also recover interest owing on the debt.

Grounds of application:

(set out briefly the grounds of the application)

Details of the amounts claimed are as follows:

Fee for commencing proceedings: \$

Amount of debt claimed: \$

*Interest under a contractual agreement is claimed.

*Interest to be decided by the Small Claims Court is claimed.

(if interest is claimed)

Particulars of interest claimed are as follows:

- period(s) for which interest is claimed:
- amount(s) for which interest is claimed: \$
- rate(s) at which interest is claimed:
- total interest accrued to date: \$

Total: \$

Date:

(signature of applicant or applicant's representative)

(name of applicant or applicant's representative)

**omit if, or whichever is, inapplicable*

Attachment B Goods application

What is a goods application?

- A 'goods application' is an application dealing with the provision of goods or services.
- You can make a goods application for the recovery of the value of goods or services, for the recovery of goods, for the provision of services or for damages caused by the detention of goods.

Grounds of application:

(set out briefly the grounds of the application)

*Details of any goods to be recovered or services to be provided are as follows:

(set out details of goods or services)

*Details of any damages claimed are as follows:

(set out details of damages claimed)

Details of the amounts claimed are as follows:

Fee for commencing proceedings: \$

(if any other amount is claimed)

Amount claimed: \$

*Interest under a contractual agreement is claimed.

*Interest to be decided by the Small Claims Court is claimed.

(if interest is claimed)

Particulars of interest claimed are as follows:

- period(s) for which interest is claimed:
- amount(s) for which interest is claimed: \$
- rate(s) at which interest is claimed:
- total interest accrued to date: \$

Total: \$

Date:

(signature of applicant or applicant's representative)

(name of applicant or applicant's representative)

**omit if, or whichever is, inapplicable*

Attachment C Damages application

What is a damages application?

- A ‘damages application’ is an application to recover damages caused by someone else’s actions.

Grounds of application:

(set out briefly the grounds of the application)

Details of damages claimed are as follows:

(set out the damages claimed)

Fee for commencing proceedings: \$

Total: \$

Date:

(signature of applicant or applicant’s representative)

(name of applicant or applicant’s representative)

**omit if, or whichever is, inapplicable*

Attachment D Nuisance application

What is a nuisance?

- A ‘nuisance’ is an interference with your land, or with your enjoyment of your land.

Example

an overflow from a neighbour’s burst sewerage pipe onto your land

- You can apply for particular orders to deal with the interference.

Example

an order requiring the neighbour to repair the burst pipe

- You can also apply for monetary damages.

Example

compensation for the cost of cleaning up the overflow

Grounds of application:

(set out briefly the grounds of the application)

Relief sought:

(set out the relief sought)

Fee for commencing proceedings: \$

Total: \$

Date:

(signature of applicant or applicant’s representative)

(name of applicant or applicant’s representative)

**omit if, or whichever is, inapplicable*

Attachment E Trespass application

What is a trespass?

- A ‘trespass’ is an unauthorised, uninvited entry onto your land.
- If a person remains on your land after being told to leave the person is also trespassing.
- You can apply for particular orders to deal with a trespass.

Example

an order requiring a squatter to leave your land

- You can also recover monetary damages.

Example

compensation for damage caused by the squatter

Grounds of application:

(set out briefly the grounds of the application)

Relief sought:

(set out the relief sought)

Fee for commencing proceedings: \$

Total: \$

Date:

(signature of applicant or applicant’s representative)

(name of applicant or applicant’s representative)

**omit if, or whichever is, inapplicable*

Attachment F Debt declaration

What is a debt declaration?

- A ‘debt declaration’ is an order of the Small Claims Court declaring the amount, or a maximum amount, you owe to someone else.
- It could also be an order of the Court declaring you are not indebted to the other person at all.

Grounds of application:

(set out briefly the grounds of the application)

Fee for commencing proceedings: \$

The respondent has issued the applicant with a written demand for payment of the following debt: \$

*The applicant is not indebted to the respondent.

*The applicant is indebted to the respondent in the amount of: \$

*The applicant is not indebted to the respondent in an amount exceeding the amount of: \$

Date:

(signature of applicant or applicant’s representative)

(name of applicant or applicant’s representative)

**omit if, or whichever is, inapplicable*