

TYPES OF CLAIM

See 4.3.1 and 4.4.1.

Statements of claim and summonses must include information about the main type of claim that you are making. This information is collected for statistical purposes only and will not impact on how your proceedings will be dealt with by the court. The tables in this section list the descriptions of the type of claim that you should include in the 'type of claim' section of the statement of claim or summons.

Types of claim are generally based on the subject matter of the proceedings rather than the type of relief you are seeking. If there is more than one type of claim that might be applied to your proceedings, select the type of claim that is most applicable, or the type of claim that applies to the main part of your claim.

The notes beside the descriptions of the types of claim have been provided to assist you to select the most appropriate type of claim, and to assist you in determining whether the proceedings should be commenced in a particular division or list of a court.

If there is no type of claim listed that matches your claim, leave this field blank and it will be completed by the court.

Some types of claim must be commenced by either a statement of claim or a summons. See UCPR 6.3 for proceedings where a statement of claim is required and UCPR 6.4 for proceedings where a summons is required. If you nominate a division or list on your statement of claim or summons this will have an impact on how your case proceeds; special rules and practice notes may apply.

- **Table 6.1** lists types of claim that apply to proceedings that are filed in the Supreme Court. This table also shows which types of claim are appropriate to be entered in a specified division or list. The specialist lists in the Supreme Court and the criterion for whether they are appropriate for particular types of claims is set out in UCPR Part 45 Division 1.

Table 6.2 lists types of claim that apply to proceedings that are filed in the Court of Appeal. If the appeal is from the Supreme Court or District Court, include the type of claim included in the originating process in the Supreme Court or District Court proceedings. If the appeal is from another court or tribunal, include one of the listed types of claim.

Table 6.3 lists types of claim that may apply to proceedings that are filed in the District Court. Where proceedings with a main type of claim of a certain type are entered in (ie. assigned to) specific specialist lists in the District Court, this is indicated in the notes beside the description. The specialist lists in the District Court and the criterion for whether they are appropriate for particular types of claims is set out in UCPR Part 45 Division 2. The maximum claim for money that can be determined by the District Court is \$750,000, although the District Court can determine any motor vehicle or work injury claims irrespective of the amount that is claimed or is likely to be awarded.

There are other restrictions on the types of matters that the District Court can determine including restrictions as to the value of the subject of the proceedings. These restrictions are set out in the *District Court Act 1973* Part 3 Divisions 2 and 8. Restrictions may apply to certain types of proceedings that can be brought or to what relief the District Court can provide even though they are listed in Table 6.3.

Table 6.4 lists types of claim that apply to Local Court proceedings whether they are filed in the General or Small Claims Division.

If the value of a claim exceeds \$10,000 it should be filed in the General Division of the Local Court; claims for \$10,000 or less should be filed in the Small Claims Division. The maximum claim for money that can be determined in the Local Court is \$60,000.

If your claim is for more than this amount or is likely to be for more than this amount you

should file your claim in the District or Supreme Court.

Some types of proceedings relating to neighbourhood disputes are filed in the Local Court but are not governed by the UCPR and the approved civil forms are not applicable; these proceedings include applications relating to fences, noise abatement and trees. These types of proceedings are commenced by an application. For further information regarding these types of applications see www.localcourt.lawlink.nsw.gov.au.

The Local Court also has jurisdiction to deal with some industrial relation matters. These applications are governed by the regulations and rules of the Industrial Relations Commission.

Categorisation of types of claim

Types of claim are grouped into the following broad categories. Not every category will apply to each court. Some categories apply to proceedings that are more appropriately brought in a specialist tribunal or court not governed by the UCPR.

- Administrative Law - relating to decisions or duties of public officers or bodies. These applications are generally entered in the Supreme Court, Administrative Law List. The Administrative Decisions Tribunal has some jurisdiction in this category.
- Applications under specific Commonwealth Acts - where these applications can be made is governed by the relevant legislation and rules of court. See UCPR Schedule 8 Part 2 for those applications that are assigned to a specific division (and lists) in the Supreme Court. Some types of applications made under commonwealth legislation have their own nature of claim assigned to them; if a more specific nature of claim exists in the table below you should select it rather than the generic nature of claim.
- Applications under specific State laws - where these applications can be made is governed by the relevant legislation and rules of court. See UCPR Schedule 8 Part 1 for those applications that are assigned to a specific division (and list) in the Supreme Court, and UCPR Schedule 9 Part 1 for those applications that are assigned to a specific list in the District Court. Some types of applications made under state law have their own nature of claim assigned to them; if a more specific nature of claim exists in the table below you should select it rather than the generic nature of claim.
- Children, Family and De facto relationships - this category includes applications under the *Property (Relationships) Act 1984* by a de-facto partner which can be brought in the District Court (Property Relationships List) or the Supreme Court (Equity Division) depending on the value of the amount in dispute - see *District Court Act 1973* s. 134.
- Applications for the adoption of children are made to the Adoptions List in the Equity Division of the Supreme Court. Many proceedings in this category relating to divorce or parenting of children can only be brought in the Family Court of Australia or the Federal Magistrates Court. The Local Court has limited jurisdiction to deal with some Family Court proceedings. See *the Family Court Act 1975* (Cth) and the Family Court Rules 2004. Applications relating to guardianship of persons who may be incapable of managing their own affairs and in relation to their estates are made to the Protective list in the Equity Division of the Supreme Court.
- Corporations Law - generally these proceedings are entered in the Corporations List in the Equity Division of the Supreme Court. Special rules apply to Corporations Law proceedings and the approved UCPR forms may not always be applicable. See the Supreme Court (Corporations) Rules 1999. The Federal Court also has jurisdiction to deal with these types of proceedings.
- Employment and workplace relationships - In New South Wales most proceedings in this category (such as industrial disputes and for unfair dismissal) are brought in the Industrial Relations Commission or before the Chief Industrial Magistrate of the Local Court. See s. 382 of the *Industrial Relations Act 1996* for the jurisdiction of the Chief Industrial Magistrate. Proceedings under the *Industrial Relations Act 1996* are governed by the regulations and rules of the Industrial Relations Commission. The jurisdiction of

the Industrial Relations Commission has been restricted by Commonwealth workplace legislation.

- Intellectual Property- relating to legal rights of authors, performers, artists and inventors and the protections of patents, trademarks and copyright. Some of these proceedings can be commenced in the Equity Division of the Supreme Court, however the Federal Court also has jurisdiction to deal with many of these types of proceedings.
- Mercantile Law - relating to commercial transactions. Most proceedings relating to the breach of a contract and to recover debts fall into this category. The amount being claimed will determine the court that the statement of claim should be filed in. Complex proceedings may be entered in the Commercial Lists of the District or Supreme Court.
- Real Property - this category includes claims for possession of land (entered in the Possession List of the Common Law Division of the Supreme Court), as well as other applications relating to land that are generally assigned to the Equity Division of the Supreme Court. The Consumer Trader & Tenancy Tribunal has jurisdiction to deal with certain applications regarding home building, tenancy, strata schemes and retirement villages - see www.fairtrading.nsw.gov.au/cttt. The Administrative Decisions Tribunal has jurisdiction to deal with certain applications involving commercial leases.
- Regulation of Professions - most proceedings relating to the regulation of professions are made to specialist tribunals such as the Administrative Decisions Tribunal, and are not governed by the UCPR.
- Resource Management & Planning - most proceedings in this category are filed in the Land and Environment Court.
- Torts - actions brought to recover loss or damage from a wrongful act, other than a breach of contract. The wrongful act may have been deliberate or a result of negligence.
- Trusts and Succession - this category includes applications for grants of probate or other grants of representation in relation to the estate of deceased persons (these are entered in the Probate List in the Equity Division of the Supreme Court), as well as applications relating to the construction of wills and as to the administration of estates. These proceedings are usually brought in the Equity Division of the Supreme Court, although the District Court can determine some applications under the *Family Provisions Act* (see *District Court Act 1973 s. 134*).
- Workers Compensation -the NSW Courts have limited jurisdiction to consider workers compensation proceedings. Most applications for workers compensation are made to the Workers Compensation Commission.

Table 6.1 Types of claim applicable to Supreme Court proceedings

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Administrative Law List	<p>This List is in the Common Law Division.</p> <p>It deals with applications for review of decisions of government, public officials and administrative tribunals such as the Administrative Decisions Tribunal.</p> <p>Practice Note SC CL 3 applies to this List.</p>	<ul style="list-style-type: none"> • Appeal – Administrative Decisions Tribunal • Prerogative writ – employment related • Prerogative writ – other • Stated Case • Other (Administrative Law List)
Admiralty List	<p>This List is in the Equity Division.</p> <p>It deals with maritime and shipping disputes.</p> <p>Practice Note SC Eq 2 applies to this List.</p>	<ul style="list-style-type: none"> • Cargo damage • Caveat against arrest (Admiralty List) • Caveat against release of property (Admiralty List) • Money claim against ship • Money claim against owner • Money claim (Admiralty List) • Ownership of vessel • Personal injury/death (other than collision) • Possession of vessel • Ship collision • Ship collision (personal injury/death) • Ship collision (property damage) • Other (Admiralty List)
Adoptions List	<p>This List is in the Equity Division.</p> <p>It deals with applications under the <i>Adoptions Act 2000</i>. These include applications for adoption orders, declarations of the validity of foreign adoptions and requests for information under the Act.</p>	<ul style="list-style-type: none"> • Intention to oppose (Adoptions List) • Prescribed information (Adoptions List) • Revocation (Adoptions List) • Summons for adoption • Other (Adoptions List)
Certificates List	<p>This List is in the Common Law Division.</p> <p>It deals with applications for registration of judgments from other courts.</p>	<ul style="list-style-type: none"> • Adjudication certificate • Australian Registered judgment <p>Within this List, selection of a claim type may not yet be required.</p>

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Commercial Arbitration List	<p>This List is in the Equity Division.</p> <p>It deals with disputes arising in the context of arbitral proceedings in which the Court has jurisdiction, whether by virtue of the Commercial Arbitration Act 2010, the provision of an arbitration agreement or otherwise. It provides parties with a quick and effective mechanism for resolving disputes in relation to arbitration agreements or which may arise in the context or out of arbitral proceedings.</p> <p>Practice Note SC Eq 9 applies to this List.</p>	<ul style="list-style-type: none"> • Commercial arbitration appeal • Enforcement of arbitration clauses • Enforcement of awards (commercial arbitration) • Jurisdiction determination (commercial arbitration) • Other (Commercial Arbitration List)
Commercial List	<p>This List is in the Equity Division.</p> <p>It deals with cases arising out of transactions in trade or commerce.</p> <p>Practice Note SC Eq 3 applies to this List.</p>	<ul style="list-style-type: none"> • Banking • Claims under Contracts Review Act 1980 • Commercial contractual disputes • Commercially misleading conduct • Guarantee • Insurance • Sale of business • Shipping/carriage of goods • Other (Commercial List)

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Common Law General List	<p>This List is in the Common Law Division.</p> <p>It comprises all civil cases that are commenced by a statement of claim or a summons and which are not covered by the specialised lists of the Common Law Division. It includes money claims, personal injury claims, claims for possession (excluding land), breach of contract, personal property damage, malicious prosecution, and claims under the <i>Compensation to Relatives Act 1897</i>.</p> <p>Practice Note SC CL 5 applies to this List.</p>	<ul style="list-style-type: none"> • Appeal – Local Court • Appeal – other court • Appeal – costs assessment • Compensation to relatives • Contempt of court • Contractual dispute (Common Law) • Crime (Serious Sex Offenders) Act • Cross-vesting application • Extension of limitation period • False imprisonment • Legal Profession Act – appoint receiver • Malicious prosecution • Money claim – Common Law • Nuisance • Parliamentary Electorates and Elections Act - Court of Disputed Returns • Personal injury – industrial • Personal injury – motor vehicle • Personal injury – occupiers' liability • Personal injury – professional negligence (not medical/legal negligence) • Personal injury – other • Personal property – damage (not arising from negligence) • Preliminary discovery • Professional negligence (not personal injury or medical/legal negligence) • Service and Execution of Process Act 1992 (Cth) • Stated case – criminal • Trespass • Transfer from District Court • Other – Judge (Common Law) • Other – Registrar (Common Law)

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Corporations List	<p>This List is in the Equity Division.</p> <p>It deals with matters relating to the <i>Corporations Act 2001</i> (Cth), the <i>Australian Securities and Investments Commission Act 2001</i> (Cth), the <i>Cross-Border Insolvency Act 2008</i> (Cth) or the <i>Supreme Court (Corporations) Rules 1999</i> and any proceedings or applications relating to other incorporated bodies such as co-operatives and incorporated associations.</p> <p>Practice Note SC Eq 4 applies to this List. Note that statutory demand cases and matters wholly within the powers of the Registrar (see Schedule 1 of the Practice Note) should be commenced in the Corporations Registrar's List (see below).</p>	<p>Section numbers refer to the <i>Corporations Act 2001</i>.</p> <ul style="list-style-type: none"> • Appeal from liquidator's / administrator's decision, s 1321 • Appointment of provisional liquidator, s 472 • Directors' duties, ss 180-183 • Insolvent trading, s 588G • Judicial advice to liquidator, s 479(3) / s 511 • Leave to commence derivative action, s 237 • Oppressive conduct, s 233 • Schemes of arrangement • Uncommercial or voidable transactions, s 588FF • Validating order, s 468 • Winding up – other ground, s 461 • Other (Corporations List Judge)
Corporations Registrar's List	<p>This List is in the Equity Division.</p> <p>It deals with statutory demand cases and other Corporations Law matters that fall wholly within the power of the Corporations Registrar.</p> <p>Practice Note SC Eq 4 applies to this List. Paragraph 11 (and Schedule 1) of the Practice Note describes the matters that may be commenced in the Corporations Registrar's List.</p>	<p>Section numbers refer to the <i>Corporations Act 2001</i>.</p> <ul style="list-style-type: none"> • Examination, s 596A or s 596B • Leave to proceed against a company in liquidation, s 471B / s 500(2) • Reinstate company, s 601AH • Set aside creditor's statutory demand, s 459G • Winding up in insolvency, s 459A • Other (Corporations List Registrar)
Defamation List	<p>This List is in the Common Law Division.</p> <p>It deals with allegations that publication of a statement has harmed a person's reputation. (The capacity for a company to claim for defamation is very limited.)</p> <p>Practice Note SC CL 4 applies to this List.</p>	<ul style="list-style-type: none"> • Defamation

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Equity General List (Family Provision)	<p>This List is in the Equity Division.</p> <p>It deals with all applications under the <i>Family Provision Act 1982</i> or Chapter 3 of the <i>Succession Act 2006</i>.</p> <p>Practice Note SC Eq 7 applies to this List.</p>	<ul style="list-style-type: none"> • Family Provision Act
Equity General List (other than Family Provision cases)	<p>This List is in the Equity Division.</p> <p>It deals with all cases principally seeking equitable relief that are not covered by the specialised lists of the Equity Division.</p> <p>Practice Note SC Eq 1 applies to this List.</p>	<ul style="list-style-type: none"> • Appointment of a receiver (other than corporations) • Breach of contract (employment-related) • Breach of contract (not employment-related) • Caveat (not Probate) • Contempt of court • Conveyancing Act • Copyright • Declaration (single remedy) • Estates • Freezing order (single remedy) • Judicial advice • Land (Equity claim) • Money claim (Equity claim) • Parens patriae • Partnership • Patent • Personal property (Equity) • Preliminary discovery • Property (Relationships) Act • Search orders • Specific performance (contracts) • Specific Strata title/management performance (real property) • Trade mark • Trust/trustees • Other (Equity General List)

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Mutual Recognition List	<p>This List is in the Common Law Division.</p> <p>It deals with applications for admission as a legal practitioner in NSW under the applications under the <i>Mutual Recognition Act 1992</i> and the <i>Trans-Tasman Mutual Recognition Act 1997</i>.</p> <p>Practice Note SC Gen 8 applies to this List.</p>	<ul style="list-style-type: none"> • Mutual Recognition Act • Mutual recognition – trans Tasman <p>Within this List, selection of a claim type may not yet be required.</p>
Other Common Law Division case types	<p>These cases are commenced in the Common Law Division by documents other than a statement of claim or a summons.</p> <p>This group includes applications for orders for production of documents to tribunals, applications requesting service of documents by foreign courts, and other non-contentious Common Law matters that are not covered by specialised lists.</p>	<ul style="list-style-type: none"> • Production order • Request for service • Other (non-contentious) – Common Law
Possession List	<p>This List is in the Common Law Division.</p> <p>It deals with all proceedings for the recovery of possession of land.</p> <p>Practice Note SC CL 6 applies to this List.</p>	<ul style="list-style-type: none"> • Possession of land – only • Possession of land – with other claims

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
<p>Probate List</p> <p>This List is for contested probate cases only.</p>	<p>This List is in the Equity Division.</p> <p>It deals with disputes involving wills or the estates of deceased persons.</p> <p>Practice note SC Eq 1 applies to this List.</p>	<p>Section numbers refer to the <i>Succession Act 2001</i>.</p> <ul style="list-style-type: none"> • Administration • Administration with will annexed • File and pass accounts • File and pass accounts (commission) • Judicial advice • Passing of accounts – old matter • Probate • Removal of caveat (Probate) • Revocation • Special letters of administration • S 8 application • S 10 application • S 27 application • Other (Probate contentious matter)
<p>Probate (Uncontested) List</p> <p>This List is for probate cases that are not expected to become contested.</p>	<p>This List is in the Equity Division.</p> <p>It deals with applications for probate where no contentious issues or opposition is expected.</p> <p>The cases are commenced by a Summons for Probate.</p>	<p>The Summons for Probate is subsequently categorised as a summons for:</p> <ul style="list-style-type: none"> • Administration • Administration with will annexed • Probate • Reseal • Special letters of administration <p>Further detail of the type of grant (eg 'cessate grant' or 'grant of double probate') can be identified as a qualifier <i>after inserting the main nature of claim</i>.</p>

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Proceeds of Crime List	<p>This List is in the Common Law Division.</p> <p>It deals with applications for restraining proceeds of crime and criminal assets and issuing examination orders under the <i>Confiscation of Proceeds of Crime Act 1989</i>, <i>Criminal Assets Recovery Act 1990</i>, <i>Proceeds of Crime Act 1987 (Commonwealth)</i>, and the <i>Customs Act 1901 (Commonwealth)</i>.</p> <p>Practice Note SC CL 10 applies to this List.</p>	<ul style="list-style-type: none"> • Criminal assets recovery – NSW legislation • Criminal assets recovery – C’lth legislation
Professional Negligence List	<p>This List is in the Common Law Division.</p> <p>It deals with claims against medical practitioners, allied health professionals (such as dentists, chemists and physiotherapists), hospitals, solicitors and barristers. Specialisation in the List allows parties to focus on the real issues under dispute in these types of claims.</p> <p>Practice Note SC CL 7 applies to this List.</p>	<ul style="list-style-type: none"> • Professional negligence – legal • Professional negligence - medical
Protective List	<p>This List is in the Equity Division.</p> <p>It deals with applications concerning management of the affairs of people who are deemed incapable of looking after their property or themselves. The List also deals with appeals from the Guardianship Tribunal of NSW, applications by the Protective Commissioner for advice regarding the administration of estates, and applications regarding missing persons’ estates.</p>	<p>At this stage the applications are categorised by the method of application:</p> <ul style="list-style-type: none"> • Summons • Notice of motion • Other

Supreme Court List or case type	List description	Types of Claim applicable to this Supreme Court List
Revenue List	<p>This List is in the Equity Division.</p> <p>It deals with taxation disputes. The cases will be proceedings in which the Commissioner of Taxation or a person holding an equivalent office in a jurisdiction outside Australia is a party; proceedings in which the Chief Commissioner of State Revenue or a person holding an equivalent office outside New South Wales is a party; or proceedings in which an issue has arisen in relation to a law under which any of the above exercise functions.</p> <p>Practice note SC Eq 10 applies to this List.</p>	<ul style="list-style-type: none"> • Income tax • GST • Land tax • Payroll tax • Stamp duty • Other (Revenue List)
Technology And Construction List	<p>This List is in the Equity Division.</p> <p>It deals with cases involving complex technological issues and disputes arising out of building or engineering contracts are allocated to this List.</p> <p>Practice Note SC Eq 3 applies to this List.</p>	<ul style="list-style-type: none"> • Building disputes • Insurance disputes • Technology disputes (intellectual property) • Technology disputes (other) • Other (Technology & Construction List)

Table 6.2 Types of claim applicable to Court of Appeal proceedings

If the appeal is from the Supreme Court or District Court, include the type of claim included in the originating process in the Supreme Court or District Court proceedings.

If the appeal is from another court or tribunal, include one of the following types of claim.

Types of claim applicable to Court of Appeal proceedings

Commercial - Building Construction - Guarantee - Trade Practices - Fair Trading

Contract - Interpretation - Review - Joint Venture - Franchise Agreement

Corporations - Interpretation - Directors' Duties - Share Transactions

Damages - Excessive - Inadequate

Family Provision - Distribution of Estate - Intestacy

Government and Related Employee - Disciplinary - Promotional

Insurance - Indemnity - Contribution - Subrogation

Land - Acquisition - Valuation - Possession - Trespass

Liability - Contributory Negligence

Local Environmental Plan - Building Approval - Restrictions - Use of Land

Personal Injuries - Motor Vehicle Accident - Workplace Incident - Footpath - Occupier's Liability - Civil Liability Act

Procedure - Fairness - Natural Justice - Bias

Professional Conduct - Legal - Medical

Professional Negligence - Legal - Medical

Property (Relationships) - De Facto - Division of Assets - Adjustment of Interests

Real Property - Title - Lease - Easement - Right of Way - Caveat - Specific Performance

Retail Lease

Statutory Interpretation

Wills - Probate - Succession

Workers Compensation

Table 6.3 Types of claim applicable to District Court proceedings

Types of claim applicable to District Court proceedings	Notes
Children, Family and De Facto Relationships - Property Division -De Facto Relationships -Contested division	An application for an adjustment of the interests of a domestic (de facto) relationship (other than by consent) pursuant to Part 3 of the <i>Property (Relationships) Act 1984</i> . These applications are entered in the Property Relationships List.
Children, Family and De Facto Relationships - Appeals	An application under s. 91 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (appealing a decision of the Children's Court for the care of children). These applications are entered in the Child Care List.
Mercantile Law - Sale of Goods and Services	A claim for money for goods you have sold and delivered to a customer or for services you have provided to a customer. Complex proceedings may be entered in the Commercial List.
Mercantile Law - Consumer Protection & Trade Practices	A claim by a 'consumer' relating to or arising out of product safety and product information, and/or against a manufacturer and/or importer of defective goods and/or relating to unfair practices by a product or service provider including 'misleading and deceptive' conduct. The District Court has restricted jurisdiction to determine some of these types of matters.
Mercantile Law - Building Disputes	<p>A claim relating to or arising out of:</p> <ul style="list-style-type: none"> • the design, carrying out, supervision or inspection of any building or engineering work, or <p>the performance by any building or engineering expert of any other services with respect to any building or engineering work, or</p> <ul style="list-style-type: none"> • any certificate, advice or information given or withheld with respect to any building or engineering work, or • the <i>Building and Construction Industry Security of Payment Act 1999</i>. <p>These matters are usually entered in the Construction List.</p>

Types of claim applicable to District Court proceedings	Notes
Mercantile Law -Partnership Disputes	A claim relating to or arising out of a partnership, brought by one or more members of the partnership against another or other members of the partnership. The jurisdiction of the District Court to deal with these matters maybe restricted - see <i>District Court Act 1973</i> s. 41 (1)(c). Complex proceedings may be entered in the Commercial List.
Mercantile Law - Mortgages & Other Securities	A claim arising from or relating to a mortgage or other form of security including recovering moneys lent or in arrears. The District Court jurisdiction in respect to the foreclosure or redemption of a mortgage or the enforcing of any charge or lien is limited to where the amount owing in respect of the mortgage, charge or lien does not exceed \$20,000 - <i>District Court Act 1973</i> s. 143 (1)(a). Complex proceedings may be entered in the Commercial List.
Mercantile Law - Consumer Credit	A claim to recover a loan to a customer (eg credit card or credit advance) that has either not been repaid or is an arrears. Complex proceedings may be entered in the Commercial List.
Mercantile Law - Principal & Agent Issues	A claim arising from or relating to a dispute between a principal and an agent including disputes as to commission. Complex proceedings may be entered in the Commercial List.
Mercantile Law - Bailment	A claim arising from or relating to ownership of goods. Complex proceedings may be entered in the Commercial List.
Mercantile Law - Insurance Disputes	A claim arising from or relating to a contract of insurance either brought by the insurer or the insured party. Complex proceedings may be entered in the Commercial List.
Mercantile Law - Statutory Obligation of Debt Recovery - Income Tax Assessment Act	A claim for assessed tax brought by the Commissioner of Taxation.
Mercantile Law - Statutory Obligation of Debt Recovery - Land tax	A claim for assessed land tax brought by the Commissioner of State Revenue.
Mercantile Law - Statutory Obligation of Debt Recovery - Stamp duty	A claim for unpaid stamp duty brought by the Commissioner of State Revenue.
Mercantile Law - Other	Any other claim for money arising out of a commercial transaction or contract that does not have a specific associated type of claim. Complex proceedings may be entered in the Commercial List.

Types of claim applicable to District Court proceedings	Notes
Employment & Workplace Relations - Employment Relationships/Contracts	A claim arising from or relating to a contract of employment either brought by the employee or the employer.
Employment & Workplace Relations - Unfair Employment Practices	A claim arising from or relating to employment brought by the employee alleging unfair employment practices.
Employment & Workplace Relations - Termination of Employment	A claim arising from or relating to employment brought by the employee relating to the termination of his or her employment.
Employment & Workplace Relations - Other	A claim arising from or relating to employment brought by the employee or the employer, other than one relating to the contract, employment practices or termination of employment.
Real Property - Possessory Title	A claim arising from or relating to the possession of land. The District Court jurisdiction in respect to claims for land is limited by the <i>District Court Act 1973</i> ss. 48,133 and 134.
Real Property - Freehold Title	A claim arising from or related to the ownership of freehold land. The District Court jurisdiction in respect to claims for land is limited by the <i>District Court Act 1973</i> ss. 48, 133 and 134.
Real Property - Leasehold Title - Rent due	A claim to recover unpaid rent (and related expenses) from a tenant or by a tenant disputing the amounts claimed by the landlord. Complex proceedings may be entered in the Commercial List.
Real Property - Leasehold Title - Bond and security	A claim arising from or related to a bond or security provided by a tenant to a landlord, other than a claim against that bond relating to damage to the property. Complex proceedings may be entered in the Commercial List.
Real Property - Leasehold Title - Damage to property	A claim by a landlord relating to damage to lease property. Complex proceedings may be entered in the Commercial List.
Real Property - Leasehold Title - Interpretation of lease	A claim arising from or related to the interpretation of a lease for land (but not principally related to the bond or for recovery of money for rent arrears or damage to the property). The District Court jurisdiction in respect to claims seeking the specific performance, rectification, delivery up or cancellation of any agreement for the lease of any property is limited to where the value of the lease does not exceed \$20,000 - <i>District Court Act 1973</i> s. 134(1)(b). Complex proceedings may be entered in the Commercial List.

Types of claim applicable to District Court proceedings	Notes
Real Property - Strata Title	A claim arising from or related to a dispute as to ownership or other rights of a strata-title property. The District Court's jurisdiction regarding these types of proceedings is very limited. See <i>District Court Act 1973</i> Part 3 Divisions 2 and 8.
Real Property - Easements & Covenants	A claim arising from or related to a dispute as to easements or covenants affecting real property. The District Court's jurisdiction regarding these types of proceedings is very limited. See <i>District Court Act 1973</i> Part 3 Divisions 2 and 8.
Real Property - Other	A claim arising from or related to real property not otherwise specified as a type of claim related to real property. The District Court's jurisdiction regarding these types of proceedings is very limited. See <i>District Court Act 1973</i> Part 3 Divisions 2 and 8. Complex proceedings may be entered in the Commercial List.
Torts - Trespass - Trespass to land	A claim arising from the defendant unlawfully entering onto or interfering with your land.
Torts - Trespass - Nuisance	A claim arising from the defendant disturbing your use and enjoyment of land.
Torts - Trespass - Trespass to Goods	A claim arising from the defendant unlawfully interfering with your goods.
Torts - Trespass - Conversion	A claim arising from the defendant unlawfully stealing moving, transferring, discarding, hiding, vandalizing, or destroying your goods so as to deprive you of the ownership of those goods.
Torts - Trespass - Detinue	A claim arising from the defendant unlawfully detaining your goods.
Torts - Trespass - Trespass to person	A claim arising from the defendant unlawfully interfering with yourself.
Torts - Trespass - Assault	A claim arising from the defendant unlawfully causing apprehension of immediate harm or contact to yourself.
Torts - Trespass - Battery	A claim arising from the defendant unlawfully causing immediate harm or contact to yourself.
Torts - Trespass - False imprisonment	A claim arising from the defendant unlawfully detaining or confining you.

Types of claim applicable to District Court proceedings	Notes
Torts - Trespass - Other	A claim arising from the defendant unlawfully doing something that interferes with you, your goods or land that does not fall into one of the other categories of trespass.
Torts - Negligence - Personal Injury	A claim arising from the defendant negligently doing something that caused you to suffer personal injury (other than as a result of a motor vehicle accident or as the result of an accident in the course of your employment, or where the only injury suffered was nervous shock)
Torts - Negligence - Motor Vehicle Accident	A claim for injuries to yourself arising from a motor vehicle accident.
Torts - Negligence - Industrial Accident	A claim for injuries to yourself arising during the course of your employment.
Torts - Negligence - Nervous Shock	A claim for nervous shock to yourself arising from the defendant negligently doing something. Nervous shock is often claimed when a defendant has negligently caused an injury to someone else which impacts upon you.
Torts - Negligence - Public Liability	A claim against a government or other public authority for personal injury caused by the negligence of that authority. This type of claim would include personal injury claims against Local Councils.
Torts - Negligence - Other	A claim arising from the defendant negligently doing something that caused you to suffer some loss other than as a result of a personal injury, and where the negligence does not relate to a professional service provided to you by the defendant.
Torts - Professional Negligence - Legal Profession	A claim against a lawyer (barrister or solicitor) arising from a breach of a duty of care or a contractual obligation in the provision of professional services. These matters are usually entered into the Professional Negligence List.
Torts - Professional Negligence - Medical Profession	A claim against a medical practitioner or health professional (including dentists, chemists and physiotherapists) arising from a breach of a duty of care or a contractual obligation in the provision of professional services. These matters are usually entered into the Professional Negligence List.
Torts - Professional Negligence - Financial Services Industry	A claim against an accountant or other financial professional arising from a breach of a duty of care in the provision of professional services.

Types of claim applicable to District Court proceedings	Notes
Torts - Professional Negligence - Other	A claim against a person holding professional qualifications (other than medical, financial, or legal) arising from a breach of a duty of care in the provision of professional services.
Torts - Other - Defamation	A claim arising from the publication of a statement that harms your reputation. These matters are entered into the Defamation List.
Torts - Other - Deceit	A claim arising from a dishonest statement made by the defendant that caused you to suffer loss or damage.
Torts - Other - Passing Off	A claim arising from a dishonest representation that the defendant's goods or services are your goods or services or associated with you, and consequently damaging your 'good-will'.
Torts - Other - Other	A claim arising from a civil wrong other than of a type that can otherwise be categorised.
Workers Compensation - Other	<p>The jurisdiction conferred on the District Court by operation of the <i>Compensation Court Repeal Act 2002</i> is the following jurisdiction:</p> <ul style="list-style-type: none"> • to examine, hear and determine all coal miner matters (within the meaning of the <i>Workplace Injury Management and Workers Compensation Act 1998</i>) except matters arising under Part 5 of the <i>Workers Compensation Act 1987</i>, • to make determinations under s. 216A of the <i>Police Act 1990</i>, s. 21 of the <i>Police Regulation (Superannuation) Act 1906</i>, s. 29 of the <i>Sporting Injuries Insurance Act 1978</i> and ss. 16 and 30 of the <i>Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987</i>, • to determine appeals under s. 81 of the <i>Compensation (Dust Diseases) Act 1942</i>. <p>Many of these proceedings are assigned to the Coal Miners' Workers Compensation List. See District Court Rules 1973 Part 24D.</p>
Applications Under Specific Commonwealth Acts - <i>Income Tax Assessment Act 1936</i>	An application pursuant to a provision of the <i>Income Tax Assessment Act 1936</i> .
Applications Under Specific Commonwealth Acts - Other	An application pursuant to a provision of a Commonwealth Act other than the <i>Income Tax Assessment Act 1936</i> .
Applications Under Specific State Laws - criminal injuries compensation	An application to review a decision or order of the Victims Compensation Tribunal. These applications are entered in the Special Statutory Compensation List.

Types of claim applicable to District Court proceedings	Notes
Trusts & Succession - Family Provision/TFM	An application by an 'eligible person' for provision or additional provision from the estate of a deceased person. These are entered in the Property Relationships List.

Table 6.4 Types of claim applicable to Local Court proceedings

Types of claim applicable to Local Court proceedings	Notes
Mercantile Law – Building Disputes	<p>A claim relating to or arising out of:</p> <ul style="list-style-type: none"> • the design, carrying out, supervision or inspection of any building or engineering work, or the performance by any building or engineering expert of any other services with respect to any building or engineering work, or • any certificate, advice or information given or withheld with respect to any building or engineering work, or • the <i>Building and Construction Industry Security of Payment Act 1999</i>.
Mercantile Law – Consumer Credit	A claim to recover a loan to a customer (eg credit card or credit advance) that has either not been repaid or is in arrears.
Mercantile Law – Insurance Disputes	A claim arising from or relating to a contract of insurance either brought by the insurer or the insured party.
Mercantile Law - Other - Money lent	A claim to recover a loan that has either not been repaid at all or has not been fully repaid, including for arrears of a credit advance.
Mercantile Law - Other	Any other claim for money arising out of a commercial transaction or contract that does not have a specific associated type of claim.
Mercantile Law - Other - Rent due and owing	A claim to recover unpaid rent (and related expenses) from a tenant.
Mercantile Law - Sale of Goods and Services - Goods sold and delivered	A claim for money for goods you have sold and delivered to a customer.
Mercantile Law - Sale of Goods and Services - Work done	A claim for money for services you have provided to a customer.
Mercantile Law – Statutory Obligation of Debt Recovery – Land Tax	A claim for assessed land tax brought by the Commissioner of State Revenue.

Mercantile Law – Statutory Obligation of Debt Recovery – Stamp	A claim for unpaid stamp duty brought by the Commissioner of State Revenue.
Mercantile Law – Statutory Obligation of Debt Recovery – Strata Levies	A claim by an Owners Corporation relating to, or arising out of, unpaid strata levies by an owner of a strata property.
Real Property - Leasehold Title - Rent due	A claim to recover unpaid rent (and related expenses) from a tenant or by a tenant disputing the amounts claimed by the landlord.
Real Property - Other	A claim arising from or related to real property not otherwise specified as a type of claim related to real property.
Torts - Negligence - Motor Vehicle Accident	A claim for injuries to yourself arising from a motor vehicle accident.
Torts - Negligence - Motor Vehicle Accident - Driver	A claim for money to repair damage to your car (or other motor vehicle) and other related expenses resulting from a motor vehicle accident, where the defendant is the driver of the vehicle that you claim caused the accident.
Torts - Negligence - Motor Vehicle Accident - Vicarious Liability	A claim for money to repair damage to your car (or other motor vehicle) and other related expenses resulting from a motor vehicle accident where the defendant was not the driver of the vehicle causing the accident.
Torts - Negligence - Motor Vehicle Accident - Write Off	A claim for money to repair damage to your car (or other motor vehicle) and other related expenses resulting from a motor vehicle accident where your car or vehicle has been 'written off' and where the defendant is the driver of the vehicle that you claimed caused the accident.
Torts - Negligence - Other	A claim arising from the defendant negligently doing something that caused you to suffer some loss other than as a result of a personal injury, and where the negligence does not relate to a professional service provided to you by the defendant.
Unpaid Council Rates	A claim by a Council to recover unpaid rates from a land owner.